

To be inserted by Court

Case Number:

Date Filed:

FDN:

## ORDER FOR FINAL VARIATION OR REVOCATION OF INTERVENTION OR PROBLEM GAMBLING ORDER

**[NATIONALLY RECOGNISED DOMESTIC VIOLENCE ORDER]**

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA  
CRIMINAL JURISDICTION

**Order Identifier:**

**[FULL NAME]**  
Applicant

v

**[FULL NAME]**  
Respondent

<b>Respondent</b>	<small>Full name</small>	<small>Date of birth</small>
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<b>Protected Person(s)</b>	<small>Full name</small>	<small>Date of birth</small>
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**Introduction**

**Hearing**

Hearing Location: *[suburb]*

*[Hearing date]*

*[Presiding Officer]*

**Appearances**

*[Applicant Appearance Information]*

*[Respondent Appearance Information]*

**Remarks**

The Court is satisfied that:

- (a) The Police, the Respondent and each person protected by the order have had a reasonable opportunity to be heard on the matter.
- (b) It has had regard to the same matters as it is required to have regard to in considering whether or not to make an Intervention Order and considering the terms of an Intervention Order.
- (c) mandatory if removing firearms terms The Respondent has never been guilty of violent or intimidatory conduct and needs to have a firearm for purposes related to earning a livelihood.
- (d) mandatory if Order made under section 68R of the Family Law Act 1975 The Court has made an Intervention Order being a Family Violence Order within the meaning of section 4(1) of the *Family Law Act 1975* (Cth).
- (e) mandatory if Order made under section 68R of the Family Law Act 1975 In making orders under section 68R of the *Family Law Act 1975* (Cth), the Court has had regard to the purposes of Division 11 of the *Family Law Act 1975* (Cth) as stated in section 68N of that Act and to whether spending time with both parents is in the best interests of the child[ren] described below.
- (f) mandatory if Order made under section 68R of the Family Law Act 1975 The Court is satisfied that it is appropriate to [vary/discharge/suspend] the [order/Injunction] described below because a person has been exposed, or is likely to be exposed, to family violence as a result of the operation of that order or Injunction.
- (g) mandatory if Order made under section 68R of the Family Law Act 1975 to revive, vary, discharge or suspend a Parenting Order or Recovery Order as mentioned in section 68R(1)(a) or section 68R(1)(b) The Court is satisfied it has before it material that was not before the Court that made the [order/Injunction] under the *Family Law Act 1975* (Cth).

## Order

**Date of Order:** [date]

### Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

1. Pursuant to section 26 of the *Intervention Orders (Prevention of Abuse) Act 2009*, the *Final Intervention Order* made on [date] be varied so that the conditions are as set out below.
2. Pursuant to section 27 of the *Intervention Orders (Prevention of Abuse) Act 2009*, the *Problem Gambling Family Protection Order* made on [date] be varied so that the conditions are as set out below.
3. Pursuant to section 29P of the *Intervention Orders (Prevention of Abuse) Act 2009*, the *Recognised Domestic Violence Order* made in [State/Territory] on [date] [reference number] for the protection of [protected persons] be varied so that the conditions are as set out below.
4. The entire:
- [Final Intervention/Problem Gambling Family Protection] Order made on [date]
  - Recognised Domestic Violence Order made in [State/Territory] on [date] [reference number] be revoked.
5. default selected if 'section 68R Order' selected above – only available if jurisdiction Magistrates Court or Youth Court Family Law Act 1975 section 69J  
The: provision for multiple
- Parenting Order made on [date] by [Judicial Officer]
  - Recovery Order made on [date] by [Judicial Officer]
  - Injunction granted on [date] by [Judicial Officer]
  - Undertaking given on [date] by [Judicial Officer]
  - Registered Parenting Plan registered on [date] by [Judicial Officer]
  - Recognisance entered into on [date] by [name]

in the [Family Court/Federal Circuit Court] in [proceeding number] is:

- revived with effect [forthwith/from [date]]
- varied with effect [forthwith/from [date]] as follows: [details]
- discharged with effect [forthwith/from [date]]
- suspended [forthwith/from [date]] until [further order/date]

6. [other orders].

### Conditions of Intervention Order

**[This order is declared to address a domestic violence concern]**

#### General

1. The Subject must not assault, threaten, harass or intimidate the protected person[s].
2. The Subject must not damage or interfere with the premises where the protected person[s] stay[s], reside[s] or work[s].
3. The Subject must not damage or take possession of personal property belonging to the protected person[s] and the following specified property: [*personal property*].
4. The Subject must not be in possession of the following weapon[s] or article[s]: [*weapon/article*].

#### Firearms

5. default selected Any firearm (e.g. guns), ammunition or part of a firearm in the possession of the Subject and any licence or permit held by the Subject authorising possession of a firearm, ammunition or part of a firearm must be surrendered (handed in) immediately to the Registrar of Firearms.
6. default selected For so long as this Order remains in force, any licence or permit held by the Subject authorising possession of a firearm (e.g. guns), ammunition or part of a firearm is suspended and the Subject is disqualified from holding or obtaining a licence or permit authorising possession of a firearm, ammunition or part of a firearm. The Subject is prohibited from possessing a firearm, ammunition or part of a firearm in the course of his or her employment.

#### Contact

7. The Subject must not contact or communicate with the protected person[s] either directly or in any way (including telephone, SMS messages, in writing, email or any other social media etc)

#### **BUT contact is permitted:**

- a. at any court or tribunal hearing where the Subject is a party to the proceeding or a witness;
  - b. through a solicitor or a police officer;
  - c. in accordance with an order of a court exercising jurisdiction under the *Family Law Act 1975*
  - d. at a family dispute resolution conference or family counselling under the *Family Law Act 1975*, a family conference under the *Young Offenders Act 1993*, a family group conference convened under section 22 of the *Children and Young People (Safety) Act 2017* or at a mediation;
  - e. in accordance with a Parenting Plan under section 63C of the *Family Law Act 1975* consented to by the protected person after this Order;
  - f. by SMS [*and email*] [*and other means of communication*] to facilitate access to child[ren] and to exchange information as to their welfare;
  - g. [*other*].
8. The Subject must vacate the premises at [*address*] forthwith upon service of this Order and not return to those premises unless this term is varied or removed by the Court.
9. The Subject is permitted to attend at the protected person[s] residence once in the presence of and at a time organised by a police officer to collect personal property not affected by this Order.
10. The Subject must not publish on the internet or by any electronic means any material about the protected person[s].

#### Vicinity

- 11. The Subject must not follow or keep the protected person[s] under surveillance including tracking by GPS or otherwise.
- 12. The Subject must not go or stay within *[number]* metres of the protected person[s] unless permitted by other conditions of this Order.
- 13. The Subject must not go or stay within *[number]* metres of any boundary of where the protected person[s] stay[s], reside[s] or work[s].
- 14. The Subject must not go or stay within *[number]* metres of the boundary of the following location[s]: *[address]* provision for multiple
- 15. The Subject must not go or stay within *[number]* metres of the boundary of any education or care facility attended by the protected person[s] including specifically the following: *[address]* provision for multiple

**Other conditions**

- 16. The Subject must not cause, allow or encourage another person to do anything forbidden by this Order.
- 17. only available if jurisdiction 'Magistrates Court' The Subject must contact the Intervention Program Manager at 8204 8815 within 2 business days and make and attend an appointment for assessment, and if assessed as suitable undertake any intervention program as ordered by the Court.
- 18. The Subject must surrender *[description of weapons or articles]* to *[person or authority]* by *[date]*.
- 19. The Subject must return *[description of personal property]* to *[name of protected person]* by *[date]*.
- 20. The Subject must allow *[name of protected person]* to *[recover/have access to/make use of]* *[description of personal property]* and allow the person to be accompanied by *[a police officer/other specified person]* while doing so.
- 21. provision for multiple *[other conditions]*

**Conditions of Problem Gambling Family Protection Order**

- 1. The Respondent must undertake and satisfactorily complete a program of *[counselling/rehabilitation/special education]*, namely *[details]*.
- 2. The Respondent must not:
  - a. take part in gambling activities
  - b. attend at premises where gambling activities may be undertaken
- 3. The Respondent must not attend at *[description of premises/location, address]*.
- 4. The Respondent must not be on premises, namely *[description of premises, address]*, except under the following conditions:
  - *[description of conditions]*.
- 5. The Respondent must not contact, harass, threaten or intimidate the following family member[s], namely *[full name]*.
- 6. The Respondent must not approach *[full name]* at their place of residence or work, or any other person at the place of work or residence, except under the following conditions:
  - *[description of conditions]*.
- 7. The Respondent must immediately close *[account number, details]*.
- 8. The Respondent must immediately return *[personal property/money]*, namely *[description of personal property/dollar amount]* to *[full name]*.
- 9. The Respondent must immediately allow *[full name]* to have access or make use of personal property, namely *[description of personal property/dollar amount]*.
- 10. The Respondent must not take possession of personal property, including money namely *[details]* reasonably needed by *[full name]*.

- 11. The Respondent must immediately make arrangements for the family member[s], namely *[full name(s)]* to be *[paid/have access to]* money of the Respondent in the hands of, or owing to the Respondent from, a third party, namely *[description]*.
- 12. *[other conditions]*.

**To the Respondent: WARNING**

- Contravention of an intervention order is a criminal offence which can be punished by a term of imprisonment or detention.
- If this is a Nationally Recognised Domestic Violence Order it applies and is enforceable in all Australian States and Territories.
- If this is not a Nationally Recognised Domestic Violence Order, upon registration, this order is enforceable in other Australian States and Territories.
- You cannot apply to the Court to vary or revoke this order for 12 months or such longer period as the Court may have ordered.

**Authentication**

.....  
Signature of Court Officer  
*[title and name]*