

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

**ORDER AND SUMMONS – NON-ASSOCIATION AND/OR PLACE RESTRICTION
ORDER AND SUMMONS (SHOW CAUSE)**

[MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

Remarks

- (a) The Court has heard an Application and is satisfied that an Interim Order should be made in the following terms. The grounds on which the order was sought are set out in the Originating Application and supporting Affidavit filed by the Applicant which accompany this order.
- (b) The Court is satisfied on an interim basis that:
 - i. in the two years immediately preceding the laying of the Information on [date] the Respondent had been convicted of an indictable offence namely, [particulars offence].
 - ii. it is reasonably necessary to make an order to ensure that the Respondent does not commit any further indictable offences.

- (c) The Court is satisfied that an Interim Order should be made under section 80 of the *Criminal Procedure Act 1921*.

Order

Date of Order: [date]

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

1. An Interim Place Restriction Order be issued against the Respondent under section 80(2) of the *Criminal Procedure Act 1921* in the following terms:
- a. the term of the Interim Place Restriction Order is until the conclusion of the hearing to which the Respondent is summoned herein.
- b. The Respondent must not frequent or visit [address]. provision for multiple must not be specified locations except in certain circumstances – see *Criminal Procedure Act 1921* s 79(3)-(4)
- except in the following manner: [exceptions, including times or circumstances]
2. An Interim Non-Association Order be issued against the Respondent under section 80(2) of the *Criminal Procedure Act 1921*:
- a. the term of the Interim Non-Association Order is until the conclusion of the hearing to which the Respondent is summoned herein.
- b. the Respondent must not be in the company of [full name]. provision for multiple must not be close family except in certain circumstances – see *Criminal Procedure Act 1921* s 79(1)-(2)
- except in the following manner: [exceptions, including times or circumstances]
- c. the Respondent must not communicate with [full name]. provision for multiple must not be close family except in certain circumstances – see *Criminal Procedure Act 1921* s 79(1)-(2)
- except in the following manner [exceptions, including times or circumstances].
3. A Summons be issued to the Respondent to appear before the Court at the next hearing to show cause why the interim order should not be confirmed.
4. [other orders].

To the Respondent: WARNING

You are summoned to attend before the Court at the date and time set out at the top of this document to show cause why the Interim Order should not be confirmed.

The Court will hear the Application, or make orders for the hearing of the Application, for confirmation of the Interim Order at the hearing.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an Affidavit within 14 days after service of this order and summons.

If you do not appear at the hearing or on any day to which this matter is adjourned:

- you may be in contempt of court and liable to **imprisonment and/or a fine**
- the Court may proceed in your absence and orders may be made against you **finally determining** this proceeding without further warning.

If you disobey this interim order, you will be liable to a **term of imprisonment** not exceeding 6 months for a first offence or 2 years for a subsequent offence.

Accompanying Documents

Accompanying this Interim Order and Summons is a:

- Multilingual Notice mandatory
- Originating Application and Supporting Affidavit mandatory
- Notice to Respondent Served Interstate mandatory when address of party to be served is interstate
- Notice to Respondent Served in New Zealand mandatory when address of party to be served is in NZ
- Notice to Respondent Served outside Australia mandatory when address of party to be served is overseas & not in NZ
- if applicable [*identify additional documents*]

Service

- Pursuant to section 81(1) of the Criminal Procedure Act 1921 this order must be served on the Respondent personally and is not binding on them until it has been so served.
- The Court has ordered that the Respondent be served by [*details of substituted service*] and this order is not binding on them until it has been so served.

Authentication

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Signature of Court Officer
[*title and name*]