

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – INTERVENTION ORDER / PROBLEM GAMBLING ORDER / TENANCY ORDER OR ATTACHMENT ORDER

[NATIONALLY RECOGNISED DOMESTIC VIOLENCE ORDER]

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

Order Identifier:

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Person against whom intervention order made ('the Subject')	<small>Full name</small>	<small>Date of birth</small>
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Protected Person(s)	<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

- 1. default selected if Intervention Order
The Court having been satisfied that it is reasonable to suspect that the Respondent will, without intervention commit an act of abuse against the protected person[s] and the issuing of the order is appropriate in the circumstances.

2. default selected if Problem Gambling Protection Order
The Court having been satisfied that a Final Intervention Order has been made against the Respondent and there is reasonable apprehension of harm to family members because of problem gambling and the issuing of this order is appropriate in the circumstances.
3. default selected if Tenancy Order
The Court having been satisfied that an Intervention Order has been made against the Respondent and the order prohibits the Respondent from being on premises at which a protected person resides, and the Respondent and protected person previously reside together on the premises and the premises are subject to a Tenancy Agreement to which the Respondent is a party.
4. mandatory if conditions 5 or 6 deselected below
The Court having been satisfied that the Respondent has never been found guilty of violent or intimidatory conduct and needs to have a firearm for purposes related to earning a livelihood.
5. mandatory if Order made under section 68R of the Family Law Act 1975 (Cth)
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).
6. mandatory if order made under section 68R of the Family Law Act 1975 (Cth)
In making the orders under section 68R of the *Family Law Act 1975* (Cth), the Court has had regard to the purposes of Division 11 of that Act 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.
7. mandatory if Order made under section 68R of the Family Law Act 1975 (Cth)
The Court is satisfied that it is appropriate to [vary/discharge/suspend] the [order/injunction] made under the *Family Law Act 1975* (Cth) 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.
8. mandatory if Order made under section 68R of the Family Law Act 1975 (Cth)
In making an order 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:

1. default selected if 'addressing domestic violence concern' selected
Pursuant to section 15A of the *Intervention Orders (Prevention of Abuse) Act 2009*, this order is declared to address a domestic violence concern.
2. Pursuant to section 23 of the *Intervention Orders (Prevention of Abuse) Act 2009*, the interim Intervention Order against the Respondent for the protection of [protected person[s]] is:
- confirmed in its present terms.
 - confirmed by consent of the Respondent without admission of the facts.
 - substituted by the issue a final Intervention Order in the attached terms.
 - discharged and the application for and intervention order is dismissed.
3. default selected if 'section 68R Order' selected
only available if jurisdiction Magistrates Court or Youth Court Family Law Act 1975 s 69J
provision for multiple
Pursuant to section 68R of the *Family Law Act 1975* (Cth), the:
- Parenting Order made on [date] by [title and name of Judicial Officer]
 - Recovery Order made on [date] by [title and name of Judicial Officer]
 - Injunction granted on [date] by [title and name of Judicial Officer]
 - Undertaking given on [date] by [title and name of Judicial Officer]

- Registered Parenting Plan registered on [date] by [title and name of Judicial Officer]
- Recognisance entered into on [date] by [name]

in the [Court] in [proceeding number] is:

- revived with effect [forthwith/from [date]]
- discharged with effect [forthwith/from [date]]
- suspended with effect [forthwith/from [date]] until [further Order/date]
- varied with effect [forthwith/from [date]] as follows: [details]
4. default selected if 'Problem Gambling Order' selected
Pursuant to section 24 of the *Intervention Orders (Prevention of Abuse) Act 2009*, a Problem Gambling Protection Order be issued against the Respondent for the benefit of the Respondent's [family members/specified family members, namely, [name[s]]].
5. default selected if 'Interim Attachment Order' selected
Pursuant to section 24 of the *Intervention Orders (Prevention of Abuse) Act 2009*, that money owing or accruing by [third person] to the Respondent or of the Respondent in the hands of [third person] (including money in an ADI account) be retained until further Court Order.
6. default selected if 'Final Attachment Order' selected
Pursuant to section 24 of the *Intervention Orders (Prevention of Abuse) Act 2009*, that money owing or accruing to the Respondent from [third person] or of the Respondent in the hands of [third person] (including money in an ADI account) be paid
- to satisfy a debt owed by the Respondent, namely [description]
- for the benefit of the Respondent's family members, namely [name[s]]
7. Pursuant to section 24 of the *Intervention Orders (Prevention of Abuse) Act 2009*, [name] may retain from the money subject to this order a reasonable sum, namely [\$] as compensation for their expenses in complying with the order.
8. default selected if 'Tenancy Order' selected
Pursuant to section 25 of the *Intervention Orders (Prevention of Abuse) Act 2009*
- (a) The interest of the assignor [name] in the tenancy at the premises at [address] is assigned to the assignee, namely [name] on [date] and from [date] [assignee] is substituted from the [assignor] as tenant under the Tenancy Agreement.
- (b) The assignor remains responsible for the liabilities that accrued before the date of the assignee and the assignee is liable to indemnify the assignor for the liabilities incurred by the assignor for liabilities incurred by the assignor the landlord because of a breach of the Tenancy Agreement by the assignee.
- (c) The security bond will continue to be held as security for the proper performance by the assignee of obligations under the Tenancy Agreement.
- (d) [name] agrees to be bound by and comply with the obligations under the Tenancy Agreement.
- (e) [name] will accept the responsibilities of membership of the Registered Housing Cooperative.
9. [other].

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 Subject must undertake and satisfactorily complete a program of [*counselling/rehabilitation/special education*], namely [*details*].
2. The Subject must not:
- a. take part in gambling activities
 - b. attend at premises where gambling activities may be undertaken
3. The Subject must not attend at [*description of premises/location, address*].
4. The Subject must not be on premises, namely [*description of premises, address*], except under the following conditions:
- [*description of conditions*].
5. The Subject must not contact, harass, threaten or intimidate the following family member[s], namely [*full name*].
6. The Subject 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 Subject must immediately close [*account number, details*].
8. The Subject must immediately return [*personal property/money*], namely [*description of personal property/dollar amount*] to [*full name*].
9. The Subject must immediately allow [*full name*] to have access or make use of personal property, namely [*description of personal property/dollar amount*].
10. The Subject must not take possession of personal property, including money namely [*details*] reasonably needed by [*full name*].
11. The Subject must immediately make arrangements for the family member[s], namely [*full name(s)*] to be [*paid/have access to*] money of the Subject in the hands of, or owing to the Subject from, a third party, namely [*description*].
12. [*other conditions*].

Service of this Order

Service of this order on the Respondent is

- not required because this order confirms an interim intervention order (section 23(4))
- deemed to have been made because the respondent was present when this order was made (section 23(5a)(c))
- required to be made.

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 also 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.

Next box only displayed in problem gambling attachment order made

To the Interested Party: WARNING

- You have money owing or accruing to the Respondent or of the Respondent in your hands and it has been ordered that this money be paid:
 - to satisfy a debt owed by the Respondent, namely [*description*].
 - for the benefit of the Respondent's family members, namely [*name[s]*].
- If you do not comply with this order, you will become personally liable for payment to the beneficiaries of the amount unpaid in breach of the order.
- If you are an employer of the Respondent, you will be guilty of an offence if you, because of the order:
 - dismiss the employee,
 - injure the employee in employment, or
 - alter the employee's position to the employee's prejudice.Maximum penalty is [*\$10,000/\$2,500*].
- Compensation for expenses incurred by you in complying with this order may be ordered by the Court.

Authentication

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Signature of Court Officer
[*title and name*]