

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

**ORDER FOR INTERIM VARIATION OF INTERVENTION ORDER AND
SUMMONS**

[NATIONALLY RECOGNISED DOMESTIC VIOLENCE ORDER]

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

Order Identifier:

**[FULL NAME]
Applicant**

v

**[FULL NAME]
Respondent**

Respondent	<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]

Remarks

The Court is satisfied that:

- (a) it appears that there are grounds for issuing the variation;
- (b) [other matters]

Order

Date of Order: [date]

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

- 1. The *Final Intervention Order* made on [date] be varied on an interim basis pending final determination of the Application pursuant to section 26A of the *Intervention Orders (Prevention of Abuse) Act 2009* so that the conditions are as set out below.
- 2. The Respondent be summoned to appear at [location] on [date] at [time] on the application for a final variation of the intervention order.
- 3. [other orders].

Conditions of Interim 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*]

To the Respondent: WARNING

This interim order will operate until further order.

If you disobey this order:

- you will be liable to [**imprisonment/detention**] not exceeding 2 years and/or a fine not exceeding \$10,000.

- you may be liable to **imprisonment and/or a fine** and any other person who knows of this order and does anything that helps or permits you to disobey this order may be similarly punished.

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.

The Court will hear the Application for a final variation of the final intervention order, or make orders for the hearing of the Application, at the hearing.

If you wish to oppose the Application or make submissions about it, you **must attend the hearing**.

If you do not appear at the hearing or on any day to which this matter is adjourned, the Court may proceed in your absence and orders may be made against you **finally determining** this proceeding without further 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.

A copy of any evidence that was relied on to make the order may be obtained from the Registry.

Authentication

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Signature of Court Officer
[title and name]