

PROTECTION ORDER
DOMESTIC AND FAMILY VIOLENCE PROTECTION ACT 2012
Section 37

Aggrieved:

.....

Named persons:

Relative/s.....

.....

.....

Associate/s:

.....

.....

.....

.....

Child/children:

.....

.....

.....

Being satisfied that a relevant relationship exists between the aggrieved and the respondent; and the respondent has committed domestic violence against the aggrieved; and the protection order is * necessary / * desirable to protect the aggrieved from domestic violence [s37] and the parties * without admissions * consent to the making of the order / * do not oppose the making of the order [s51]

The respondent offender having been convicted of an offence involving domestic violence and being satisfied that, under section 37 of the Act, a protection order could be made against the respondent offender [s42(2)]

Being satisfied that under section 37 of the Act, a protection order could be made against the parent of the child for whom an order is sought in this child protection proceeding and the person who would be named as the aggrieved in the protection order is also a parent of a child for whom an order is sought [s43]

Being satisfied that it is necessary or desirable to protect the relative/s or associate/s from associated domestic violence [s52]

And being further satisfied that it is necessary or desirable to protect the child/children from

* associated domestic violence

* being exposed to domestic violence committed by the respondent [s53]

[NOTE: Court must consider naming a child s.54]

It is also ordered that the Adult Guardian be informed in writing about this order.

- Before making a domestic violence order, I asked -
- * the respondent who is present in court
- * the applicant police officer who is present in court
- * the police officer/service legal officer appearing on behalf of the applicant police officer

Does the respondent have a weapons licence?

.....

Does the respondent possess a weapon?

.....

Does the respondent have access to a weapon as part of the respondent's employment? *(If so, the name and address of the employer and the employment or other arrangements relating to the respondent having access to a weapon)*

.....

.....

Does the respondent have access to a weapon because the respondent is a person mentioned in the Weapons Act, section 2? *(If so, the name and address of the employer and the employment or other arrangements relating to having access to a weapon)* [s80]

.....

.....

Having asked about the matters above, I consider that the following information should be included in this Order : [insert any information obtained from the above inquiry – NOTE: Court must state as much information as it can about the weapons that the respondent possesses (s82(2) – see also PART C of this form]

Weapons that the respondent possesses:

.....

.....

.....

Other information relating to weapons:

.....

.....

IT IS ORDERED: **BY CONSENT**
 WITHOUT ADMISSIONS

(Note: does not apply where Respondent is child s51(2))

STANDARD CONDITIONS

1. The respondent be of good behaviour towards the aggrieved and not commit domestic violence against the aggrieved.

The respondent be of good behaviour towards the named person/s and not commit associated domestic violence against the named person/s.

FURTHER CONDITIONS

Ouster Conditions [s63]

Aggrieved's usual place of residence

AND UPON A CONSIDERATION OF THOSE MATTERS SET OUT SECTION 57 AND IN SUBSECTION (2) OF SECTION 64 OF THE ACT, I CONSIDER IT APPROPRIATE TO MAKE AN OUSTER CONDITION IN RELATION TO THE AGGRIEVED'S USUAL PLACE OF RESIDENCE FOR THE FOLLOWING REASONS: [as recorded – must give reasons. 64(3)]

.....
.....
.....

I REFUSE TO MAKE AN OUSTER CONDITION IN RELATION TO THE AGGRIEVED'S USUAL PLACE OF RESIDENCE FOR THE FOLLOWING REASONS: [as recorded – must give reasons s.64(3)]

.....
.....

The respondent is prohibited
- from remaining at;
- entering or attempting to enter;
- approaching to within.....metres of
the aggrieved's usual place of residence situated at (state address).....

.....
.....

Exceptions: (A), (B), (C), (D), (E).

Respondent is prohibited from remaining at; entering or attempting to enter premises
- or approaching to within.....metres of the premises where the aggrieved
- lives;
- works;
-frequents namely (state name and/or address of place where aggrieved frequents)

.....
.....

Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited
- from remaining at; entering or attempting to enter; approaching to within (distance) of the premises where the named person/s
* lives * works
*frequents namely [state name and/or address of place where named person frequents].

Exceptions: (A), (B), (C), (D), (E).

Follow or Approach Conditions

The respondent is prohibited from following or *approaching *approaching to within metres of the aggrieved when the aggrieved is at any place.

Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited from following or * approaching * approaching to within of the named person/s when the named person/s are at any place.
Exceptions: (A), (B), (C), (D), (E).

Contact Conditions

The respondent is prohibited from contacting or attempting to contact or asking someone else to contact the aggrieved.
Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited from using the internet or any other communication device (including social networking sites) to communicate with, publish pictures of or make comments concerning the aggrieved.
Exceptions: (A), (B), (C), (D), (E).

The respondent must immediately cause to be removed, or remove from any and every networking site any comment, statement or allegation about, or any reference to, or any picture, photo or recording of the aggrieved posted by the respondent, or at the respondent's instigation, or by any associate of the respondent.
Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited from making telephone calls or sending text messages to the aggrieved.
Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited from contacting or attempting to contact or asking someone else to contact the named person/s.
Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibiting from making telephone calls or sending text messages to the named person in this order.
Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited from using the internet or any other communication device (including social networking sites) to communicate with, publish pictures of or make comments concerning the named person/s in this order.
Exceptions: (A), (B), (C), (D), (E).

The respondent must immediately cause to be removed, or remove from any and every networking site any comment, statement or allegation about, or any reference to, or any picture, photo or recording of the named person/s posted by the respondent, or at the respondent's instigation, or by any associate of the respondent.
Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited from attending at or going to within metres of the school or other premises where a child of the aggrieved attends for the purposes of education or child care.
Exceptions: (A), (B), (C), (D), (E).

Locate Conditions

The respondent is prohibited from locating, attempting to locate or asking someone else to locate the aggrieved.

Exceptions: (A), (B), (C), (D), (E).

The respondent is prohibited from locating, attempting to locate or asking someone else to locate the named person/s.

Exceptions: (A), (B), (C), (D), (E).

Return Conditions

The respondent may, without contravening this Order, return to the premises

- in the company of a police officer
- with prior notice to the aggrieved
- at am/pm on the day after the day this Order is served on the respondent. If the respondent returns to the premises under the Order, the respondent must leave the premises no later than am/pm on the same day
- on or before / / 20 .
- within (state period).....

to recover (description of property):

.....

.....

The respondent may, without contravening this Order, continue to remain at the premises

- until / / 20 .
- until am/pm on the day this order is served on the respondent
- until am/pm on the day after the day this order is served on the respondent
- for a period of (state period)..... after the day this order is served on the respondent to remove (description of property):

.....

.....

The *aggrieved *respondent must

- within (state period).....
- on or before (state date and any time limit).....

allow the * respondent *aggrieved to enter the premises situated at (address of place).....

- in the company of a police officer to recover: (description of property).....

.....

.....

The *respondent *aggrieved must

- within (state period).....
- on or before (state date and any time limit).....

return to the aggrieved: (description of property).....

.....

- by delivering the property to *(state name of person or place)*.....
.....

Being satisfied that the aggrieved is pregnant, when the child is born the respondent be of good behaviour towards the child, not commit associated domestic violence against the child and not expose the child to domestic violence.

OTHER
.....
.....

EXCEPTIONS:

(A) This condition does not apply to the extent that it is necessary for the respondent to appear personally before a Court or Tribunal.

(B) This condition does not apply to the extent that it is necessary for the parties to attend an agreed conference, counselling, mediation session, or when having contact with a child as set out in writing, including text messages and email, between the parties or in compliance with an order of a Court, or when having contact with a child authorised by a representative of the Department of Communities (Child Safety).

(C) Except with the written, including text messages and email, consent of the aggrieved. The respondent may without contravening this order contact the aggrieved in writing.

(D) The respondent may without contravening this order make such contact for purposes directly related to parental and contact issues concerning child/children but then only as set out in writing, including text message and email, between the parties; in compliance with an order of a Court or in emergent circumstances

(E) The respondent may without contravening this order attend the place of residence to have contact with child/children as set out in writing, including text message and email, between the parties or in compliance with an order of a Court.

The respondent may without contravening this order attend the place of residence with the written consent of the aggrieved.

DURATION OF ORDER [s96-97]

THIS ORDER SHALL UNTIL FURTHER ORDERED CONTINUE IN FORCE TO AND INCLUDING -

/ / 20

Magistrate Date: / /20