



PD570

INTERIM INTERVENTION ORDER

*Intervention Orders (Prevention of Abuse) Act 2009
Division 2 – Police Orders*

S A P O L /

Application AP No: /

Date: / /

Domestic Non Domestic

If 'Domestic' is selected, this order is a

Nationally Recognised Domestic Violence Order

DEFENDANT DETAILS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Family Name	Given Name(s)	M/F	Age	Date of Birth
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	1. Relationship to Protected Person	2. Relationship to Protected Person	3. Relationship to Protected Person		
PROTECTED PERSON(S) DETAILS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Family Name	Given Name(s)	M/F	Age	Date of Birth
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	2. Family Name	Given Name(s)	M/F	Age	Date of Birth
	3. Family Name	Given Name(s)	M/F	Age	Date of Birth
	<input type="checkbox"/> This Order protects not only the protected persons listed above but also protected person(s) listed on PD570B.				
The DEFENDANT must NOT:					
PART A – TERMS OF THE ORDER	<input type="checkbox"/>	1. assault, threaten, harass or intimidate the protected person(s)			
	<input type="checkbox"/>	2. follow or keep the protected person(s) under surveillance including tracking by GPS or otherwise			
	<input type="checkbox"/>	3. be within _____ metres of the protected person(s) unless permitted by other conditions of this order			
	<input type="checkbox"/>	4. contact or communicate with the protected person(s) either directly, or indirectly 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 defendant is a party to proceedings or a witness; b) through a solicitor or police; 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, or at a mediation; e) in accordance with a Parenting Plan under s63C of the Family Law Act 1975 consented to by the protected person after this order; notwithstanding the other terms of this order, contact is permitted by SMS and/or email, or _____ to facilitate access to child(ren) and to exchange information as to the welfare of the child/ren			
	<input type="checkbox"/>	4(f) _____			
	<input type="checkbox"/>	5. enter or remain within _____ metres of any boundary of where the protected person(s) stays, resides or works			
	<input type="checkbox"/>	6. damage or interfere with the premises where the protected person(s) stays, resides or works			
	<input type="checkbox"/>	7. damage or take possession of personal property belonging to the protected person(s) and the following specified property: _____			
	<input type="checkbox"/>	8. enter or be within _____ metres of the boundary of the following location(s): _____			
	<input type="checkbox"/>	9. enter or be within _____ metres of the boundary of any education or care facility attended by the protected person(s) and/or including specifically the following: _____			
	<input type="checkbox"/>	10. be in possession of the following weapon(s) or article(s): _____			
	<input type="checkbox"/>	11. publish on the internet or by any electronic means any material about the protected person(s)			
<input type="checkbox"/>	12. cause, allow or encourage another person to do anything forbidden by this order				
The DEFENDANT:					
<input type="checkbox"/>	13. (other) must/must not: _____				
The DEFENDANT is:					
<input type="checkbox"/>	14. 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				
The DEFENDANT must:					
<input type="checkbox"/>	15. vacate the premises at _____ forthwith upon service of this order and not return to those premises unless this term is varied or dismissed by the court. (OFFICER OF POLICE APPROVAL REQUIRED)				
The DEFENDANT:					
<input type="checkbox"/>	16. Any firearm, ammunition or part of a firearm, in the possession of the defendant and any licence or permit held by the defendant authorising possession of a firearm, ammunition or part of a firearm must be surrendered to the Registrar of Firearms forthwith				
<input type="checkbox"/>	17. For so long as this intervention order remains in force, any licence or permit held by the defendant authorising possession of a firearm, ammunition or part of a firearm is suspended and the defendant is disqualified from holding or obtaining a licence or permit authorising possession of a firearm, ammunition or part of a firearm. The defendant is prohibited from possessing a firearm, ammunition or part of a firearm in the course of his or her employment.				

INFORMATION ABOUT A POLICE INTERIM INTERVENTION ORDER

PURPOSE OF THE POLICE INTERIM INTERVENTION ORDER

A Police Interim Intervention Order prohibits a person (the defendant) from behaving in a particular manner towards a protected person (or persons). As well as acting as a restraint on the behaviour of the defendant, the order can also direct the defendant to comply with certain directions. These are called the terms of the order. The purpose of an intervention order is to provide protection to a person who has been or is at risk of being subjected to an act of abuse from the defendant, including a child who may have subjected to or witnessed an act of abuse.

FEATURES OF THE POLICE INTERIM INTERVENTION ORDER

The Police Interim Intervention Order is treated by the court as an application for an intervention order and is a summons for the defendant to attend a Magistrates Court or a Youth Court at the time, date and place set out in the order.

DURATION OF THE POLICE INTERIM INTERVENTION ORDER

There is no specified end date for a Police Interim Intervention Order. The Police Interim Intervention Order will remain in force from the time it is served on the defendant until the court hearing and possibly longer. At the court hearing, the Magistrate will decide whether to allow the Police Interim Intervention Order to continue, or substitute it with a court interim order, or issue a final order, or dismiss (revoke) the order.

CONSEQUENCES OF CONTRAVENING THE POLICE INTERIM INTERVENTION ORDER

If the defendant disobeys the Police Interim Intervention Order, they commit a criminal offence commonly referred to as a breach of intervention order. Police may arrest a person who is suspected of contravening an intervention order. The maximum penalty for this offence is imprisonment for up to 2 years or for repeated breaches, imprisonment up to 4 years.

A protected person **cannot** give the defendant permission to disobey the order. Even if a protected person agrees to the defendant disobeying the order, the defendant can still be charged with breaching the order.

CONSEQUENCES OF NOT ATTENDING COURT

If the defendant does not attend court at the time and date set out in the Police Interim Intervention Order, the Magistrate may still make an intervention order against the defendant even if neither the defendant nor the protected person is at the court.

FAMILY LAW ACT OR STATE CHILD PROTECTION ORDERS

Police will need to see any relevant Family Law Court Order or any other order or agreement which may be relevant to children. The police will want this information to help determine if the Police Interim Intervention Order should include the children as protected persons. If children are included, the Police Interim Intervention Order should not be inconsistent with the Family Law Court Order or other relevant order or agreement.

LEGAL ADVICE

The defendant has the right to obtain legal advice and it is advisable to seek this advice before the court date set out in the Police Interim Intervention Order. The **Legal Services Commission of South Australia** can provide legal advice to defendants and protected persons on the **Legal Help Line: 1300 366 424** between 9am – 4.30pm weekdays Monday to Friday.

NATIONAL OPERATION OF SOME INTERVENTION ORDERS

Laws governing intervention orders across Australia changed on the 25 November 2017 which means any order issued on or after that date, for reasons of domestic violence, will operate everywhere in Australia. This means that a defendant must comply with the Police Interim Intervention Order in all states and territories, not just South Australia.

QUESTIONS FREQUENTLY ASKED ABOUT THE POLICE INTERIM INTERVENTION ORDER

WHY DO POLICE ISSUE AN INTERIM INTERVENTION ORDER?

People have the right to feel safe. Police will act to protect those they believe are at risk of harm from violence. They may issue a Police Interim Intervention Order to protect a person from another person who they suspect may perpetuate acts of abuse. The decision to issue the Police Interim Intervention Order is made by the police.

WHY ARE CHILDREN INCLUDED ON THE ORDER?

Violence is often directed towards children, but even when violence is not directed toward children, it can have major and long lasting damaging effects on their development and well-being. The Police Interim Intervention Order can apply to children if police believe they are at risk of harm. This doesn't mean the police think people do not care for their children, but police act to ensure that the children remain safe. Any conditions on the Police Interim Intervention Order relating to children will apply while the Police Interim Intervention Order is current. These conditions can be reviewed at court and a Magistrate will decide whether any changes are needed.

Where police believe that children are not safe, they are also required to notify the Department for Child Protection.

THE POLICE INTERIM INTERVENTION ORDER SAYS THE DEFENDANT IS EXCLUDED FROM THE HOUSE – WHAT DOES THIS MEAN?

People have the right to be safe in their home. Police will exclude a defendant from a residence if they believe the safety of others is at risk because of the defendant's behaviour and exclusion of the defendant from the residence will help keep people safe. Where police have nominated exclusion from the residence as a term of the order, the defendant must leave and not return whilst the order is current. However, police may include a term in the order to allow the defendant to attend *in the company of police and at a time organised by police* to retrieve specific personal property. Remember, this decision will be considered by a Magistrate on the date the defendant has been summonsed to appear at court, as set out in the Order.

WHAT IF THE DEFENDANT DOESN'T WANT TO LEAVE?

The defendant must leave the residence if it is a term imposed on the Police Interim Intervention Order. If the defendant refuses to leave or returns they disobey a term of the order, and he /she will be committing a criminal offence and the police can arrest them.

WHERE WILL THE DEFENDANT STAY UNTIL COURT?

If the defendant has nowhere to stay, police will provide contact details for agencies which may be able to assist with emergency accommodation.

WHAT HAPPENS NEXT?

The Police Interim Intervention Order is also a summons for the defendant to appear at court at a particular time and date. It is important for the defendant to attend court as set out in the order. This is the opportunity for a defendant to agree to, request changes to, or dispute an order. At court, the Magistrate will decide whether to allow the Police Interim Intervention Order to continue, or replace it with a court-issued Intervention Order. The Magistrate may continue the conditions already in place or may amend them, as they deem appropriate. A Magistrate may also cancel (revoke) a Police Interim Intervention Order.

WHAT IF THE ONE OF THE PARTIES LATER WANTS TO VARY THE TERMS OF THE ORDER OR HAVE IT CANCELLED?

A protected person may apply at any time to vary or revoke an order however they must be able to satisfy the court that there has been a change in circumstances such that they no longer need protection from the defendant. If police issued or applied for the original order, a protected person can go back to police to assist them with an application to vary or revoke. Police will not support a protected person's application if they believe the person is still at risk of harm.

Once a final Intervention Order has been made by the court, the defendant will not be able to apply to have any of the terms of the order changed, or the order revoked, until at least **12 months** after the date of issue of the Intervention Order. The defendant must apply direct to the court for any variation or revocation after this time.