

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

www.governmentgazette.sa.gov.au

PUBLISHED BY AUTHORITY

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ADELAIDE, MONDAY, 14 NOVEMBER 2011

RULES OF COURT
MAGISTRATES COURT OF SOUTH AUSTRALIA
Amendment 38 to the Magistrates Court Rules 1992

PURSUANT to s 49 of the *Magistrates Court Act 1991* and all other enabling powers, we the undersigned do hereby make the following amendments to the **MAGISTRATES COURT RULES 1992**:

This rule amendment takes effect on the day when the *Intervention Orders (Prevention of Abuse) Act 2009* comes into force.

Rules 18 and 18A and forms 28, 29, 30, 31, 34A, 34C, 34D, 36, 37, 38, 39, 40, 41, 42, 44, 45 and 46 are repealed and replaced with the following:

18.00 INTERVENTION ORDERS, FOREIGN RESTRAINING ORDERS AND CONSEQUENTIAL ORDERS UNDER THE *INTERVENTION ORDERS (PREVENTION OF ABUSE) ACT 2009*.

- 18.01 Where a police officer issues an interim intervention order he or she must:
- a. state on the interim intervention order her or his identification and rank, the identification of the police officer of or above the rank of sergeant who authorised the issue of the order (if he or she is not of that rank) and the relevant Apprehension Report (AP) number; and
 - b. record in writing the factual matters that were the grounds for issuing the order and provide a copy of those grounds to the defendant at the time of serving the interim order and as soon as practicable to the Commissioner of Police must give a copy of them to the Principal Registrar together with a copy of the interim intervention order and details of the addresses and date of birth of the protected persons and the defendant, and
 - c. at the first return date at court of the interim intervention order advise the court of any relevant orders or agreements under the *Family Law Act 1975 (Cth)*, *Children's Protection Act 1993 (SA)* and other matters under s 20(3) of the Act, and

- d. arrange for relevant witnesses to be available for oral examination by the court to provide evidence to establish the factual matters that were the grounds for issuing the order or provide affidavit evidence of those factual matters, and
 - e. apply to the court prior to the hearing for any protected person who is available to give evidence to do so by audio visual link or other suitable means and the evidence shall then be heard in accordance with any direction of the court.
- 18.02 Where the Commissioner of Police revokes an interim protection order issued by a police officer he must advise the Principal Registrar prior to the first return date with details of the AP number.
- 18.03 At the first return of an interim intervention order issued by a police officer:
- a. the court will hear evidence about the factual matters that were the grounds for granting the order and must where possible keep an audio visual record of oral evidence so that it can be available to the court in later hearings;
 - b. subject to any order of the court to the contrary, if the defendant contests any factual matter, or the confirmation of the order, any evidence given at the first return will be treated as evidence in chief, and further evidence in chief of the witness(es), cross examination and other evidence on behalf of the applicant or the defendant will be adjourned to a later date to be fixed by the court.
- 18.04 An application for an Intervention Order must comply with form 28.
- 18.05 An affidavit in support of an application for an Intervention Order may comply with form 28A.
- 18.06 An Interim Intervention Order must comply with form 29.
- 18.07 An Intervention Order must comply with form 30.
- 18.08 An application for variation or revocation of an Intervention Order must comply with form 31.
- 18.09 An order of variation or revocation of an Intervention Order must comply with form 31A.
- 18.10 A Problem Gambling Order and any variation of it must comply with form 36.

- 18.11 Notice of a Problem Gambling Attachment Order must comply with form 37.
- 18.12 Notice of intention to assign a Tenancy must comply with form 38.
- 18.13 A Tenancy Order and any variation of it must comply with form 39.
- 18.14 An application to vary or revoke a Problem Gambling Order or Tenancy Order must comply with form 40.
- 18.15 A request to register a Foreign Intervention Order must comply with form 41.
- 18.16 A notice of registration of a Foreign Intervention Order must comply with form 42.
- 18.17 Any Interim Intervention Order, other than an Interim Intervention Order issued by a police officer, or Intervention Order must be served with a multilingual notice in form 43.
- 18.18 An application by a police officer to extend the time of permitted detention under s 35 of the Act must comply with form 44.
- 18.19 A magistrate may accept an application to make an order by telephone or other electronic means and it shall proceed and be recorded as the magistrate directs. The applicant must first establish to the Magistrate why particular urgency exists and why the matter cannot be dealt with by any other method contemplated by the Act. The magistrate must reduce any order made to writing, forward a copy to the applicant and the Principal Registrar as soon as possible and ensure it is entered into the court record on the next business day.
- 18.20 An applicant for an order other than a police officer or a person to be protected must file the proposed application with a request that a magistrate give leave for it to be accepted and the application for leave shall be dealt with in accordance with the directions of the magistrate.
- 18.21 Where the applicant for an intervention order intends to apply for a tenancy order the applicant must seek directions of the court in relation to service of form 38 on the Landlord, the existing tenants and assignees.
- 18.22 Unless the court orders otherwise, where any aspect of an Intervention Order involving domestic abuse is contested, after no more than one adjournment it must be set for a pretrial conference, at which on the first occasion the matter must resolve, or be set for trial.

- 18.23 An applicant for an Intervention Order must investigate whether there are circumstances that may require the court to make special arrangements for the taking of the evidence of a witness and if there are, when the trial date is set, apply to the court to make special arrangements. Where a witness suffers from a physical or mental disability the court may require the applicant to obtain professional advice on how best to facilitate the taking of evidence from the witness and to minimise the witness's embarrassment or distress.
- 18.24 Where a defendant who is not represented by a lawyer contests the granting of an Intervention Order or any of its terms and wishes to ask questions of a person against whom it is alleged he or she has committed or might commit an act of abuse or a relevant child the defendant must submit the proposed questions in writing to the court before the time appointed for the hearing of that evidence. The court may give directions to permit further questions to be submitted as the hearing progresses.
- 18.25 Whenever the court confirms, issues or varies any Intervention Order (including a registered Foreign Intervention Order), the Principal Registrar must fix and advise the applicant of a date for administrative review of the order, which in the instance of a Foreign Intervention Order must be before any date of expiry of the foreign order. If by the date of administrative review the applicant does not apply to vary or revoke the order the Principal Registrar must fix a further date for administrative review.
- 18.26 Where the court varies or revokes an Intervention Order, the order in its varied form or notice of revocation of the order must be served on the defendant personally or in such other manner as may be authorised by the court.
- 18.27 Where the applicant for an Intervention Order is not a police officer and the allegation is not domestic abuse the court at the earliest possible date must provide the opportunity for an assessment as to whether mediation is appropriate in accordance with s 21(4)(a).
- 18A.00 CHILD PROTECTION RESTRAINING ORDERS AND PAEDOPHILE RESTRAINING ORDERS UNDER THE *SUMMARY PROCEEDURE ACT 1921*.

- 18A.01 A complaint for a Restraining Order pursuant to s 99AA shall comply with form 28A.
- 18A.02 A summons to a defendant on a complaint for a Restraining Order pursuant to s 99AA shall comply with form 29A.
- 18A.03 A complaint for a Restraining Order pursuant to s 99AAC shall comply with form 28B.
- 18A.04 A summons to a defendant on a complaint for a Restraining Order pursuant to s 99AC shall comply with form 29B.
- 18A.05 A Restraining Order made ex parte pursuant to ss 99AA and 99C(2) of the Act and summons to a defendant shall comply with form 31A.
- 18A.06 A Restraining Order made ex parte pursuant to ss 99AAC and 99C(2) of the Act and summons to a defendant shall comply with form 31B.
- 18A.07 An application pursuant to s 99F (1) to vary or revoke a restraining order shall comply with form 32.
- 18A.08 A defendant seeking leave to make such an application shall also file an affidavit setting out details of the substantial change in the relevant circumstances since the order was made or last varied. The Registrar shall serve a copy of the application for leave and affidavit on the complainant by pre-paid post directed to the complainant's last known address. Should leave to make an application to vary or revoke a restraining order be granted, the form 32 filed shall be treated as the application to vary the order and served with the affidavit. The hearing of the application shall be adjourned to enable the Registrar to serve a copy of the form 32 on the person or persons for whose benefit the order was made (if they are not the complainant) by pre-post directed to their last known address.
- 18A.09 An application by a complainant or a person for whose benefit the order was made, shall be served by the Registrar on the defendant, the complainant and the person or persons for whose benefit the original order was made (if not the complainant), by pre-paid post directed to their last known address.
- 18A.10 An order varying a Restraining Order shall comply with form 33.

- 18A.11 An order revoking a Restraining Order shall comply with form 34.
- 18A.12 A Restraining Order made after an application by telephone pursuant to s 99AA and 99B of the Act shall comply with form 34B.
- 18A.13 A Restraining Order made after an application by telephone pursuant to ss 99AAC and 99B of the Act shall comply with form 34BA.

Signed on the 16 day of September 2011 by:



Elizabeth Mary Bolton
Chief Magistrate



Paul Marvin Foley
Stipendiary Magistrate



Andrew James Cannon
Deputy Chief Magistrate



Mary-Louise Hribal
Stipendiary Magistrate

Form 28



**APPLICATION
(INTERVENTION ORDER)
Magistrates Court of South Australia**
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009
Section 20

Court Use
Date Filed:

Applicant (Police applicant state rank and number)				
Name	Surname		Given name/s	
	Street		Telephone	Facsimile
Address	City/Town/Suburb		State	Postcode
			Email Address	
Defendant (Police may provide details separately)				
Name	Surname		Given name/s	DOB
				dd/mm/yyyy
Address	Street			
	City/Town/Suburb		State	Postcode
Proposed Protected Person(s)				
Names	Surname		Given name/s	DOB
				dd/mm/yyyy
	Surname		Given name/s	DOB
				dd/mm/yyyy
Surname		Given name/s	DOB	dd/mm/yyyy
Surname		Given name/s	DOB	dd/mm/yyyy
The applicant says that the defendant may commit the following act of abuse: <input type="checkbox"/> domestic abuse <input type="checkbox"/> non-domestic abuse				
The applicant seeks the restraining orders on the attached sheet:				
The applicant will seek a tenancy order: Yes <input type="checkbox"/> No: <input type="checkbox"/> (If yes, please give this information)				
Address of premises		Term of lease		
Name of: the present tenant(s)		the proposed tenant		
Present rent		How much is the bond		
Name of landlord or agent				
Phone number		Email		
The applicant will seek a problem gambling order: Yes <input type="checkbox"/> No: <input type="checkbox"/>				

You must provide details of the following:

Any children who will not be protected persons but who may be affected by the order:

Name	Age	Name	Age
Name	Age	Name	Age

Any relevant Family Law Act order, Children's Protection Act order or agreement or order for the division of property under the *Family Law Act 1975* (Cth), or the *Domestic Partners Property Act 1996* (SA) or a corresponding law of another jurisdiction, any pending application for such an order, and any other legal proceedings between a person proposed to be protected by the order and the defendant, of which the applicant is aware.

..... Date Applicant
---------------	--------------------

Form 28A



**AFFIDAVIT
(INTERVENTION ORDER)
Magistrates Court of South Australia**
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009

Court Use
Date Filed:

Registry				File No	
Applicant					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Solicitor (if any)					
Defendant					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street				
	City/Town/Suburb		State	Postcode	
Other address at which defendant may be found					
Address	Street				
	City/Town/Suburb		State	Postcode	
Details of Application					
1. Relationship of applicant to defendant					
2. Protected persons					
Name	Address (if different to applicant)	Sex	DOB	Relationship to Applicant	
3. Basis of application (tick appropriate box(s))					
It is reasonable to suspect that the defendant will commit an act of abuse against the protected person by:					
<input type="checkbox"/> causing personal injury;					
<input type="checkbox"/> causing damage to property;					
<input type="checkbox"/> other (specify)					
4. Details of conduct of defendant					
4.1 Brief description of background to relationship					

<p>4.2 Circumstances and dates of incidents leading to this application such as assaults and injuries, damage to property, harm to pets, emotional or psychological harm, denial of financial autonomy, threats, intimidation, publishing harmful matters, stalking and other relevant facts, with details of any supporting witnesses, other evidence and any reports to police.</p>
<p>5. Orders already in force</p> <p>If there are any relevant restraining or intervention orders between the protected person(s) and the defendant, give details of the date they were granted, who they affect and the court of issue and file number and any other indentifying file references.</p>
<p>6. Other court actions</p> <p>Give details of any relevant <i>Family Law Act</i> order, <i>Children's Protection Act</i> order or agreement or order for the division of property under the <i>Family Law Act 1975</i> (Cth), or the <i>Domestic Partners Property Act 1996</i> (SA) or a corresponding law of another jurisdiction, any pending application for such an order, and any other legal proceedings between a person proposed to be protected by the order and the defendant, of which the applicant is aware.</p>
<p>7. Other Information</p> <p>Give details of any weapons in the defendant's possession</p> <p>Provide any other relevant information</p>



INTERIM INTERVENTION ORDER and SUMMONS
Magistrates Court of South Australia
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009
 Section 21

This document must be served on the defendant personally				
Brief Number				
Registry			File No	
Address	Street		Telephone	Facsimile
	City/Town/Suburb	State	Postcode	Email Address
Defendant				
Name	Surname	Given name/s		DOB dd/mm/yyyy
Address	Street			
	City/Town/Suburb		State	Postcode
Applicant				
Name	Surname	Given name/s		
Address	Street		Telephone	Facsimile
	City/Town/Suburb	State	Postcode	Email Address
Date order made:				
The Court has heard an application in your absence and is satisfied that there is a reasonable apprehension that you may commit an act of abuse and has made an order against you.				
Intervention order made:				
The defendant must not:				
1	<input type="checkbox"/>	assault, threaten, harass or intimidate the protected person(s).		
2	<input type="checkbox"/>	follow or keep the protected person(s) under surveillance.		
3	<input type="checkbox"/>	be within metres of the protected person(s).		
4	<input type="checkbox"/>	contact or communicate with the protected person(s) either directly or in any way (including phone, letter, cards, SMS, messages, E-mail, Facsimile etc).		
5	<input type="checkbox"/>	enter or remain in the vicinity of the protected person(s) place of residence, place of employment or any other place at which the protected person(s) is staying or working.		
6	<input type="checkbox"/>	damage or interfere with the premises where the protected person(s) is staying, residing or is employed.		
7	<input type="checkbox"/>	damage or take possession of personal property belonging to the protected person(s) and the following specified property:		
8	<input type="checkbox"/>	enter or be in the vicinity of the following locations:		
9	<input type="checkbox"/>	enter or be in the vicinity of any education or care facility attended by the protected person(s) and at the moment the protected person(s) are attending these facilities at		

10 be in possession of the following weapon(s) or article(s):

11 publish on the internet, by E-mail, SMS or other electronic means any material about the protected person(s).

12 cause, allow or encourage another person to do anything forbidden by this order.

13 other:

The defendant is:

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:

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.

16 to contact the nominee of the intervention program manager at phone number _____ and make and attend an appointment for assessment and if assessed as suitable undertake any intervention program that is appropriate for the defendant.

Notwithstanding the other terms of this order contact is permitted:

17 for access to children or at a meeting or hearing ordered by a court exercising jurisdiction under the *Family Law Act 1975* (Cth), the *Children's Protection Act 1993* (SA) at a relevant hearing at the Social Security Appeals Tribunal or a court or tribunal hearing at which both a protected person and the defendant are required to attend.

18 by a solicitor or police

19 other:

Firearms orders (must be made):

20 any firearm in the possession of the defendant and any licence or permit held by the defendant authorising possession of a fire arm must be surrendered to the Registrar of Firearms forthwith.

21 for so long as this intervention order remains in force, any licence or permit held by the defendant authorising possession of a firearm is suspended and the defendant is disqualified from holding or obtaining a licence or permit authorising possession of a firearm including in the course of his or her employment.

22 Other

Hearing details	Registry		Date
	Address		Time am/pm
	Telephone	Facsimile	Email Address

.....
 Date MAGISTRATES COURT

IMPORTANT NOTICE TO DEFENDANT

- **Non-compliance with a served order renders you liable to a term of imprisonment not exceeding 2 years**
- If you do not appear, an order may be made in your absence
- Upon registration, this order is also enforceable in other States and Territories
- A copy of any evidence that was relied on to make the order may be obtained from the Registry

Proof of Service

Name of deponent:

Address of deponent:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between am/pm and am/pm

I certify that I served the attached document on the defendant personally.

Certified this day of 20

Note – include instructions to the police officer serving this order**Note – Form 43 multi lingual notice must be served with this interim order**



INTERVENTION ORDER
Magistrates Court of South Australia
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009
 Section 23

This document must be served on the defendant personally				
Brief Number				
Registry			File No	
Address	Street		Telephone	Facsimile
	City/Town/Suburb	State	Postcode	Email Address
Defendant				
Name	Surname		Given name/s	DOB dd/mm/yyyy
Address	Street			
	City/Town/Suburb	State	Postcode	
Applicant				
Name	Surname		Given name/s	
Address	Street		Telephone	Facsimile
	City/Town/Suburb	State	Postcode	Email Address
Intervention order made:				
<input type="checkbox"/> Confirm interim intervention order (s 23(1)(a)) <input type="checkbox"/> Issue intervention order in substitution for interim intervention order (s 23(1)(b))				
Details of intervention order:				
The defendant must not:				
1 <input type="checkbox"/> assault, threaten, harass or intimidate the protected person(s).				
2 <input type="checkbox"/> follow or keep the protected person(s) under surveillance.				
3 <input type="checkbox"/> be within metres of the protected person(s).				
4 <input type="checkbox"/> contact or communicate with the protected person(s) either directly or in any way (including phone, letter, cards, SMS, messages, E-mail, Facsimile etc).				
5 <input type="checkbox"/> enter or remain in the vicinity of the protected person(s) place of residence, place of employment or any other place at which the protected person(s) is staying or working.				
6 <input type="checkbox"/> damage or interfere with the premises where the protected person(s) is staying, residing or is employed.				
7 <input type="checkbox"/> damage or take possession of personal property belonging to the protected person(s) and the following specified property:				
8 <input type="checkbox"/> enter or be in the vicinity of the following locations:				
9 <input type="checkbox"/> enter or be in the vicinity of any education or care facility attended by the protected person(s) and at the moment the protected person(s) are attending these facilities at				

10 be in possession of the following weapon(s) or article(s):

11 publish on the internet, by E-mail, SMS or other electronic means any material about the protected person(s).

12 cause, allow or encourage another person to do anything forbidden by this order.

13 other:

The defendant is:

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:

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.

16 to contact the nominee of the intervention program manager at phone number _____ and make and attend an appointment for assessment and if assessed as suitable undertake any intervention program that is appropriate for the defendant.

Notwithstanding the other terms of this order contact is permitted:

17 for access to children or at a meeting or hearing ordered by a court exercising jurisdiction under the *Family Law Act 1975* (Cth), the *Children's Protection Act 1993* (SA), at a relevant hearing at the Social Security Appeals Tribunal or a court or tribunal hearing at which both a protected person and the defendant are required to attend.

18 by a solicitor or police

19 other:

Firearms orders (for exceptions see section 14(2)):

20 any firearm in the possession of the defendant and any licence or permit held by the defendant authorising possession of a fire arm must be surrendered to the Registrar of Firearms forthwith.

21 for so long as this intervention order remains in force, any licence or permit held by the defendant authorising possession of a firearm is suspended and the defendant is disqualified from holding or obtaining a licence or permit authorising possession of a firearm including in the course of his or her employment.

22 Other

.....
Date

.....
MAGISTRATES COURT

IMPORTANT NOTICE TO DEFENDANT

- **Non-compliance with a served order renders you liable to a term of imprisonment not exceeding 2 years**
- Upon registration, this order is also enforceable in other States and Territories
- A copy of any evidence that was relied on to make the order may be obtained from the Registry
- You cannot apply to the court to vary this order for 12 months or such longer period as the court may have ordered.

Proof of Service (only required for an order made under s 23(1)(b))

Name of deponent:

Address of deponent:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between am/pm and am/pm

I certify that I served the attached document on the defendant personally.

Certified this day of 20

Note – include instructions to the police officer serving this order**Note – Form 43 multi lingual notice must be served with this order**

Form 31



**APPLICATION FOR VARIATION OR
REVOCATION OF INTERVENTION ORDER**
Magistrates Court of South Australia
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009
 Section 26

Court Use
Date Filed:

This document must be served on the defendant personally

Registry				File No		
Address	Street			Telephone	Facsimile	
	City/Town/Suburb	State	Postcode	Email Address		
Applicant						
Name	Surname			Given name/s		
Address	Street			Telephone	Facsimile	
	City/Town/Suburb	State	Postcode	Email Address		
Defendant						
Name	Surname			Given name/s		DOB dd/mm/yyyy
Address	Street					
	City/Town/Suburb	State	Postcode			
<p>The applicant seeks to have the intervention order made on file number _____ dated _____ :</p> <p><input type="checkbox"/> revoked <input type="checkbox"/> varied</p> <p><input type="checkbox"/> details of variation sought:</p> <p><input type="checkbox"/> a related tenancy order will need to be varied</p> <p><input type="checkbox"/> a related problem gambling order will need to be varied</p>						
Hearing details	Registry			Date		
	Address			Time am/pm		
	Telephone	Facsimile	Email Address			
..... Date		 MAGISTRATES COURT			
IMPORTANT NOTICE TO DEFENDANT AND APPLICANT						
If you do not appear, an order may be made in your absence.						

Proof of Service

Name of deponent:

Address of deponent:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between am/pm and am/pm

I certify that I served the attached document on the defendant personally.

Certified this day of 20



PROBLEM GAMBLING ORDER

Magistrates Court of South Australia

www.courts.sa.gov.au

Intervention Orders (Prevention of Abuse) Act 2009

Section 24 and the Problem Gambling Family Protection Orders Act 2004

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Defendant					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street				
	City/Town/Suburb	State	Postcode		
Applicant					
Name	Surname		Given name/s		
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
<p>An intervention order has been made against the defendant and there is a reasonable apprehension of harm to family members because of problem gambling and this order is appropriate in the circumstances: (note that if this a variation or revocation of an existing order details of that order must be included)</p>					
Interim Attachment Order					
<p>Insert name: _____ (the third party) of _____ has money owing or accruing to the defendant (including money in an ADI account) and it is ordered that this money be retained until further court order.</p>					
<p>..... Date</p>			<p>..... MAGISTRATES COURT</p>		

Proof of Service

Name of deponent:

Address of deponent:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between am/pm and am/pm

I certify that I served the attached document on the defendant personally.

Certified this day of 20

Form 37



NOTICE OF PROBLEM GAMBLING ATTACHMENT ORDER

Magistrates Court of South Australia

www.courts.sa.gov.au

Intervention Orders (Prevention of Abuse) Act 2009

Section 24(3) and the Problem Gambling Family Protection Orders Act 2004

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Defendant					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Applicant					
Name	Surname		Given name/s		
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Third party to whom this order is directed					
Name	Surname		Given name/s		
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
<p>The third party has money owing or accruing to the defendant (including money in an ADI account) and it has been ordered that this money be retained until further court order. At the next hearing date the court will decide whether this money should be paid to satisfy a debt owed by the defendant or otherwise applied as ordered by the court.</p> <ul style="list-style-type: none"> • 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 • Where third party is an employer of the defendant, you will be guilty of an offence if you, because of the order: <ul style="list-style-type: none"> - dismiss the employee, - injure the employee in employment, or - alter the employee's position to the employee's prejudice. <p>Maximum Penalty \$10 000</p> <p>Compensation for expenses incurred by the third party may be ordered by the court.</p>					
Hearing details	Registry			Date	
	Address			Time am/pm	
	Telephone	Facsimile	Email Address		
<p>.....</p> <p>Date</p>			<p>.....</p> <p>MAGISTRATES COURT</p>		



NOTICE OF INTENTION TO ASSIGN TENANCY

Magistrates Court of South Australia

www.courts.sa.gov.au

Intervention Orders (Prevention of Abuse) Act 2009

Section 25

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Defendant					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street				
	City/Town/Suburb	State	Postcode		
Applicant					
Name	Surname		Given name/s		
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Landlord to whom this order is directed					
Name	Surname		Given name/s		
Address	Street				
	City/Town/Suburb	State	Postcode		
Premises					
Address of Premises	Street				
	City/Town/Suburb	State	Postcode		
Tenant	Surname		Given name/s		
Proposed Tenant	Surname		Given name/s		
Rent:			Bond:		
<p>An intervention order has been made against the defendant who has been prohibited from being at the premises and the court has been asked to make an order assigning the defendant's tenancy to (insert name of protected person) in accordance with section 25 of the Act which is attached. You can attend the hearing notified below and be heard as to whether the order should be made. If you do not attend the order may be made in your absence.</p>					
Hearing details	Registry			Date	
	Address			Time am/pm	
	Telephone	Facsimile	Email Address		
Date			MAGISTRATES COURT		

Proof of Service

Name of deponent:

Address of deponent:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between am/pm and am/pm

I certify that I served the attached document on the landlord by the following means.

Certified this day of 20

INTERVENTION ORDERS (PREVENTION OF ABUSE) ACT 2009**25—Tenancy order**

- (1) If—
 - (a) the Court confirms an interim intervention order as an intervention order against a defendant or issues an intervention order against a defendant in substitution for an interim intervention order; and
 - (b) the intervention order prohibits the defendant from being on premises at which a protected person resides; and
 - (c) the defendant and protected person previously resided together on the premises; and
 - (d) the premises are subject to a tenancy agreement to which the defendant is a party,the Court may make an order (a *tenancy order*) that the defendant will be taken to have assigned the defendant's interest in the tenancy agreement to a specified person or persons with the landlord's consent.
- (2) However, a tenancy order may only be made if the Court is satisfied that the assignee consents to the assignment and—
 - (a) in a case where the landlord is a registered housing co-operative—the assignee is eligible for membership of the co-operative and willing to accept the responsibilities of membership; and
 - (b) in a case where the landlord is the South Australian Housing Trust or a subsidiary of the South Australian Housing Trust—the assignee meets the eligibility requirements of the Trust; and
 - (c) in any case—the assignee could reasonably be expected to comply with the obligations under the tenancy agreement,(so that it would be unreasonable for the landlord to withhold consent to the assignment).
- (3) A tenancy order takes effect on the day on which it is made or on such later day as is specified in the order.
- (4) If a tenancy order is made—
 - (a) the effect of the assignment is that the assignee is substituted for the assignor as tenant under the tenancy agreement (but the assignor remains responsible for liabilities that accrued before the date of the assignment); and
 - (b) the assignee is liable to indemnify the assignor for liabilities incurred by the assignor to the landlord because of a breach of the tenancy agreement by the assignee; and
 - (c) an amount paid by the assignor and held by way of security for the performance of obligations under the tenancy agreement will (unless the parties agree to the contrary) continue to be held as security for the proper performance by the assignee of obligations under the tenancy agreement.
- (5) The Registrar must give a copy of a tenancy order to—
 - (a) the protected person; and
 - (b) the defendant; and
 - (c) the landlord; and
 - (d) if the assignee is not the protected person—the assignee; and
 - (e) the Registrar of the Residential Tenancies Tribunal.



TENANCY ORDER
Magistrates Court of South Australia
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009
 Section 25

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Landlord					
Name	Surname		Given name/s		DOB dd/mm/yyyy
Address	Street				
	City/Town/Suburb		State	Postcode	
Premises					
Address of Premises	Street				
	City/Town/Suburb		State	Postcode	
Tenant/ Assignor	Surname		Given name/s		
Assignee	Surname		Given name/s		
Rent			Bond		
<p>An intervention order has been made against the tenants/assignor and the requirements of s 25 have been satisfied so that the court now orders that the interest of the tenants/assignor in the tenancy at the above premises is assigned to the assignee on the date specified and from that date the assignee is substituted for the assignor as tenant under the tenancy agreement, but the assignor remains responsible for liabilities that accrued before the date of assignment and the assignee is liable for all obligations of the assignor and is liable to indemnify the assignor for liabilities incurred by the assignor to the landlord because of a breach of the tenancy agreement by the assignee. The security bond will continue to be held as security for the proper performance by the assignee of obligations under the tenancy agreement.</p> <p>Where it is required the assignee will accept the responsibilities of membership of a registered housing cooperative.</p> <p>The assignee agrees to be bound by and comply with the obligations under the tenancy agreement.</p>					
Specified Date		Rent		Bond	
<p>..... Date</p>			<p>..... MAGISTRATES COURT</p>		
Where this order is made in the absence of the landlord it must be served on the landlord.					

Form 40



APPLICATION TO VARY A PROBLEM GAMBLING ORDER OR TENANCY ORDER
Magistrates Court of South Australia
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009

Court Use
Date Filed:

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Applicant					
Name	Surname		Given name/s		
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Other Party Affected					
Name	Surname		Given name/s		DOB <i>dd/mm/yyyy</i>
Address	Street				
	City/Town/Suburb	State	Postcode		
<p>The applicant wishes to vary or revoke the following:</p> <p><input type="checkbox"/> a tenancy order</p> <p><input type="checkbox"/> a problem gambling order</p>					
File Number			Date of Order		
Order sought					
This application will be listed for directions as to service, parties to be joined, and generally.					
Hearing details	Registry			Date	
	Address			Time am/pm	
	Telephone	Facsimile	Email Address		
..... Date		 MAGISTRATES COURT		

Form 41



REQUEST TO REGISTER FOREIGN INTERVENTION ORDER

Magistrates Court of South Australia

www.courts.sa.gov.au

Intervention Orders (Prevention of Abuse) Act 2009

Section 30

Court Use
Date Filed:

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Defendant					
Name	Surname		Given name/s		DOB
					dd/mm/yyyy
Address	Street				
	City/Town/Suburb	State	Postcode		
Applicant					
Name	Surname		Given name/s		
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	
Date foreign order made:					
A certified copy of the foreign order is attached. Please register the order in the Court.					
..... * Interstate Registrar * Member of the South Australian Police Force * A person for whose benefit the foreign order was made					
*(strike out whichever is not applicable)					

English

Important Information

Form 43

THIS INTERVENTION ORDER PROHIBITS YOU FROM COMMITTING AN ACT OF ABUSE AGAINST THE PROTECTED PERSON(S) NAMED IN THE ORDER.

IT IS AN OFFENCE TO DISOBEY ANY TERM OF AN INTERVENTION ORDER.

THE PENALTY FOR DISOBEYING THE ORDER CAN BE IMPRISONMENT FOR UP TO 2 YEARS.

A PROTECTED PERSON CANNOT GIVE PERMISSION TO DISOBEY THE ORDER.

Legal Advice: call the Legal Services Commission 1300 366 424 9.00 am – 4.30 pm Mon-Fri

Arabic

معلومات هامة

نموذج 43

إن أمر التدخل هذا يمنعكم من اقتراف أي فعل إساءة ضد الشخص/الأشخاص المحميين المذكورين في هذا الأمر.

إن عدم الإنصياع لأي شرط من شروط أمر التدخل هذا يُعد مخالفة قانونية.

قد تصل عقوبة عدم الإنصياع لهذا الأمر إلى السجن لمدة أقصاها سنتان (2).

لا يحق للشخص المحمي أن يسمح بمخالفة هذا الأمر.

المشورة القانونية: إتصل هاتفياً بمفوضية الخدمات القانونية على الرقم: 1300 366 424 من الساعة 9 صباحاً إلى الساعة 4:30 عصراً من الإثنين إلى الجمعة.

Chinese

重要信息

Form 43

本限制令禁止你对限制令所保护的對象作出任何违令行为。

违反限制令中的任何一条规定都被视为违法行为。

违反限制令者可面临高达两年的监禁。

受保护者不能擅自允许受限制者违反有关限制令。

法律咨询: 致电法律服务委员会, 电话号码1300 366 424, 周一至周五晨9:00至午4:30。

Croatian

Važna obavijest

Formular 43

OVA NAREDBA ZA INTERVENCIJU VAS SPREČAVA DA POČINITE AKT ZLOSTAVLJANJA NAD ZAŠTIĆENOM OSOBOM ILI OSOBAMA KOJE SU IMENOVANE U NAREDBI.

NE PRIDRŽAVANJE BILO KOJE ODREDBE OVE NAREDBE ZA INTERVENCIJU SMATRA SE KRIVIČNIM DJELOM.

KAZNA ZA NE PRIDRŽAVANJE NAREDBE MOŽE BITI ZATVORSKI PRITVOR U PERIODU DO DVIJE GODINE.

ZAŠTIĆENA OSOBA NE MOŽE DATI DOZVOLU DA SE ODREDBA MOŽE PREKRŠITI.

Pravni savjet: nazovite Legal Services Commission (Komisija za pravne usluge) na broj 1300 366 424 od 9.00 do 16.30 od ponedjeljka do petka.

Dinka

Lëek Thieikiic

Form 43

YE YÖÖKĒ NĒ YÇÇT-THĪN KEE YĪN PEN BA YAAD LUJI RAAN GĒL TJU RIN NĒ ATHÖR DE YÖÖKIC.

KEE AWÄC BA GUÇÇT DE MĒN CĒ TÄÄU DE YÖÖK NĒ YÇÇT-THĪNIC DHOŊKJU.

WEI TĒ DHOŊĒ YÖÖK KJU KA LĒU BĒ YA MÄNY LÇGUT NĒ RUN KAA 2.

RAAN GĒL KA CĪ LĒU BĪ PÇL BĒ YÖÖK DHOŊKJU.

JİĒĒM NĒ LÖÖŊ:- ÇJL KÇMĪCON DE LOI KE LÖÖŊ 1300 366 424. 9:00 NĒ RIAL- 4.30 THĒĒĪ, NĒ KÖL DE TÖK - KÖL DE DHIĒC.

Greek

Σημαντικές Πληροφορίες

Έντυπο 43

ΑΥΤΗ Η ΔΙΑΤΑΓΗ ΠΑΡΕΜΒΑΣΗΣ ΣΑΣ ΑΠΑΓΟΡΕΥΕΙ ΝΑ ΔΙΑΠΡΑΞΕΤΕ ΜΙΑ ΠΡΑΞΗ ΚΑΚΟΜΕΤΑΧΕΙΡΗΣΗΣ ΚΑΤΑ ΤΟΥ/ΤΩΝ ΠΡΟΣΤΑΤΕΥΟΜΕΝΟΥ/ΠΡΟΣΤΑΤΕΥΟΜΕΝΩΝ ΑΤΟΜΩΝ ΠΟΥ ΟΝΟΜΑΖΟΝΤΑΙ ΣΕ ΑΥΤΗ ΤΗ ΔΙΑΤΑΓΗ.

ΑΝΥΠΑΚΟΗ ΣΕ ΟΠΟΙΟΔΗΠΟΤΕ ΟΡΟ ΜΙΑΣ ΔΙΑΤΑΓΗΣ ΠΑΡΕΜΒΑΣΗΣ ΕΙΝΑΙ ΑΔΙΚΗΜΑ.

Η ΠΟΙΝΗ ΓΙΑ ΑΝΥΠΑΚΟΗ ΣΤΗ ΔΙΑΤΑΓΗ ΜΠΟΡΕΙ ΝΑ ΕΙΝΑΙ ΦΥΛΑΚΙΣΗ ΜΕΧΡΙ ΔΥΟ ΧΡΟΝΙΑ.

ΕΝΑ ΠΡΟΣΤΑΤΕΥΟΜΕΝΟ ΑΤΟΜΟ ΔΕΝ ΜΠΟΡΕΙ ΝΑ ΔΩΣΕΙ ΑΔΕΙΑ ΓΙΑ ΑΝΥΠΑΚΟΗ ΤΗΣ ΔΙΑΤΑΓΗΣ.

Νομικές Συμβουλές: τηλεφωνήστε στην Επιτροπή Νομικών Υπηρεσιών (Legal Services Commission) στο 1300 366 424 9.00 πμ – 4.30 μμ Δευτέρα – Παρασκευή.

Italian

Informazioni importanti

Modulo 43

QUESTO ORDINE D'INTERVENTO LE PROIBISCE DI COMMITTERE UN ATTO ABUSIVO CONTRO LA PERSONA(E) NOMINATA IN QUESTO ORDINE.

È UN REATO CONTRAVVENIRE QUALUNQUE CONDIZIONE DI UN ORDINE D'INTERVENTO.

LA PENA PER CONTRAVVENIRE L'ORDINE PUÒ ESSERE UN PERIODO DI FINO A 2 ANNI IN CARCERE.

LA PERSONA PROTETTA NON PUÒ DARE IL PERMESSO PER CONTRAVVENIRE L'ORDINE.

**Assistenza Legale: chiami la Commissione per i Servizi Legali 1300 366 424
9.00 am – 4.30 pm lunedì a venerdì**

Nepali

महतो पूर्ण सूचना

दफा ४३

यो हस्तछेप कारी आदेश हो जून श्राछ्यादिनु भनेर तोकिए को ब्यक्ति को बिरुध्यमा कुनै पनी नरामो गाली गलोक वा निजको मान हानि हुने क्रिया कलाप बाट रोक लगाएकोहुनेछ

एस किसम को नियम लाई उलंघन गर्न पाईने छैन

यदि नियम भंग गरेको पाईएमा निज लाई २ बर्ष सम्म को कारागार सजाये हुनेछ

उक्त शुरक्ष्या दिए को ब्यक्ति ले यो आदेश को उलंघन गर्न स्वीकृति दिन सक्ने छैन

बिस्तृत कानूनी सल्लाह को लागी : कानूनी शेवा आयोग को फोन नों
१३००१६६४२४ मा सोमबार देखि शुक्रबार सम्म बिहान ९ बजे देखि ४.३० भीत्र सम्पर्क गर्नु होला

Polish

Ważna Informacja

Formularz 43

TEN NAKAZ INTERWENCYJNY ZAKAZUJE CI POPEŁNIENIA AKTU PRZEMOCY WOBEC CHRONIONYCH OSÓB WYMIIENIONYCH W TYM NAKAZIE.

NIEZASTOSOWANIE SIĘ DO KTÓREGOKOLWIEK Z WARUNKÓW NAKAZU INTERWENCYJNEGO JEST PRZESTĘPSTWEM.

KARĄ ZA NIEZASTOSOWANIE SIĘ DO NAKAZU MOŻE BYĆ POZBAWIENIE WOLNOŚCI DO 2 LAT.

CHRONIONA OSOBA NIE MOŻE WYRAZIĆ ZGODY NA NIEZASTOSOWANIE SIĘ DO NAKAZU.

**Porady prawne: zadzwoń do Komisji Usług Prawnych pod numer 1300 366 424
od 09.00 do 16.30 od poniedziałku do piątku**

Serbian

Важне информације

Формулар 43

**ОВАЈ НАЛОГ О ЗАБРАНИ КОНТАКТА ВАС СПРЕЧАВА ДА ВРШИТЕ ЧИН НАСИЉА НАД ЛИЦЕМ/ЛИЦИМА КОЈИ СУ ЗАШТИЋЕНИ И ИМЕНОВАНИ У ОВОМ НАЛОГУ.
УЧИНИТЕТЕ ПРЕКРШАЈ АКО НЕ БУДЕТЕ ПОШТОВАЛИ БИЛО КОЈИ ОД УСЛОВА НАЛОГА О ЗАБРАНИ КОНТАКТА.**

КАЗНА ЗА НЕПОШТОВАЊЕ НАЛОГА МОЖЕ ДА БУДЕ ЗАТВОР ДО ДВЕ ГОДИНЕ.

ЛИЦЕ КОЈЕ ЈЕ ЗАШТИЋЕНО НЕ МОЖЕ ДА ВАМ ОДОБРИ ДА НЕ ПОШТУЈЕТЕ НАЛОГ .

**Правни савет: назовите Комисију за правне услуге (Legal Services Commission)
на број 1300 366 424 од 9.00 – 16.30 часова од понедељка до петка.**

Swahili

Habari muhimu

Form 43

AMRI HII KUKINGA INAKUZUIA WEWE KUFANYA TENDO LA UNYANYASAJI DHIDI YA MTU ANAYELINDWA MWENYE JINA LAKE KWENYE MASHTAKA.

NI KOSA KUSHIDWA KUTII AMRI YOYOTE YA KUKINGA.

HUKUMU YA KUSHIDWA KUTII AMRI INAWeza KUWA KIFUNGO CHA HADI MIAKA 2.

MTU ANAYELIDWA HANA UWEZA WA KUTOA RUHUSA YA KUTOTII AMRI HUSIKA

Ushauri wa Kisheria: Pigia Tume ya Huduma za Kisheria 1300 366 424, 3:00-10:30 Jumatatu-Ijumaa

Vietnamese

Thông Tin Quan Trọng

Mẫu 43

PHÁP LỆNH CAN THIỆP NÀY CẤM QUÝ VỊ CÓ HÀNH ĐỘNG LAM DỤNG ĐỐI VỚI (NHỮNG) NGƯỜI ĐƯỢC BẢO VỆ CÓ TÊN TRONG PHÁP LỆNH NÀY.

KHÔNG TUÂN THỦ BẤT CỨ ĐIỀU KHOẢN NÀO CỦA MỘT PHÁP LỆNH CAN THIỆP LÀ MỘT HÀNH VI PHẠM PHÁP HÌNH PHẠT ĐỐI VỚI HÀNH VI BẤT TUÂN PHÁP LỆNH CÓ THỂ LÀ TÙ Ở TỚI 2 NĂM.

NGƯỜI ĐƯỢC PHÁP LỆNH BẢO VỆ KHÔNG THỂ CHO PHÉP NGƯỜI KHÁC BẤT TUÂN PHÁP LỆNH NÀY.

**Cố Vấn Pháp Lý: hãy gọi điện thoại cho Hội Đồng Các Dịch Vụ Pháp Lý (Legal Services Commission)
1300 366 424 từ 9 giờ 00 sáng đến 4 giờ 30 chiều từ Thứ Hai đến Thứ Sáu.**

Form 44



APPLICATION FOR EXTENSION OF PERIOD OF DETENTION
Magistrates Court of South Australia
www.courts.sa.gov.au
Intervention Orders (Prevention of Abuse) Act 2009
 Section 35(2)

Court Use
Date Filed:

Applicant (state rank and number)			
Name	Surname		Given name/s
Stationed at	Street		Telephone
	City/Town/Suburb	State	Postcode
Facsimile			
Email Address			
Defendant			
Name	Surname		Given name/s
			DOB dd/mm/yyyy
Address	Street		
	City/Town/Suburb	State	Postcode
Details of intervention order:			
Date intervention order made			
AP number			
Person(s) protected			
Time and date of apprehension:			
Time		Date	
Grounds of application:			
Order:			
I am satisfied that it is necessary to detain the defendant to prevent the immediate commission of abuse against a person protected by the order, or to enable measures here specified for the protection of the person specified in the order. I authorise the applicant to detain the person for the following period: (which must not exceed an aggregate of 24 hours):			
Measures specified			
Period of detention			
..... Date	 MAGISTRATES	