


Family Violence Restraining Order

Magistrates Court Fremantle
8 Holdsworth Street
Fremantle WA 6160

MC/CIV/FRE/RO/405/2017

Person who is bound by this order	Family Name	Smith	Date of Birth	10/12/1973
	Other Names	Lorraine		
	Home Address	40 Pearl Street		
	Suburb	SORRENTO WA	Home	
	Work Address		Mobile	
	Suburb		Work	
Applicant	Family Name	Smithie	Date of Birth	20/12/1935
	Other Names	George Stanley		
Person Protected	Family Name	erg	Date of Birth	20/12/1935
	Other Names	erth		
Type of Order	The order is: a final order			
Terms of this Order	<p>PART A: ORDERS. EXCEPT AS SET OUT IN PART B YOU MUST NOT:</p> <p>enter upon the street and adjoining road reserve known as ,</p> <p>cause or allow any other person to engage in conduct of the type referred to in any of the preceding paragraphs of this order on your behalf.</p> <p>PART B: YOU WILL NOT BREACH THE ORDERS IN PART A IF YOU:</p> <p>comply with a court order made under the Family Law Act 1975 and Family Court Act 1997, allowing you to live with, spend time with, or communicate with a child or children named in that order,</p> <p>participate in and attend court events in proceedings in which the Person Protected and you are parties or witnesses, and to comply with any order or direction of a Court,</p>			
Information about unlawful behaviour and activities	In addition to the terms of this order, the court informs you that the following behaviour and activities are unlawful:			

Order Made	Date Order Made: 26 June 2017	Time Order Made: 9:30 AM	
Registrar	SH	Date: 26 June 2017	

PERSON BOUND BY THIS ORDER'S COPY

IMPORTANT INFORMATION FOR PERSON BOUND BY THIS ORDER

If the order is for 72 hours or less

A family violence restraining order has been made against you for 72 hours or less on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order.

You must comply with this order until the end of the period specified in the order.

Penalty: It is an offence to breach a family violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family relationship (eg. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Counselling, support and/or legal services may be of assistance to you.

If the order is an interim order

An interim family violence restraining order has been made against you on the terms set out on the front of this order. This order came into force when it was served on you, or a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. You must comply with this order at all times while it is in force.

You have an opportunity to object to the order before it becomes a final order.

If you want to object to this order being made final you must fill in the "Objection" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final family violence restraining order. The court will let you know where and when the final order hearing will be held.

If you do not object to this order being made final you should fill in the "Consent" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which remains in force for the period specified in the order, or

- (a) if no period is specified and you are not a child, for 2 years from the date this interim order was served on you; or
- (b) if no period is specified and you are a child, for 6 months from the date this interim order was served on you.

If you were in prison at the time the court received your "Consent" form, the order will stay in force while you are in prison and will expire 2 years after the date on which you are released from prison (or longer if specified in the order).

If you do nothing and do not fill in and return the other copy of this order within 21 days the court will assume that you do not object and the interim order **will automatically become a final order**.

Penalty: It is an offence to breach a family violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

If the order is a final order

A final family violence restraining order has been made against you on the terms set out on the front of this order.

This order came into force when it was served on you, or a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force.

If there is a duration specified in the order the order expires at the end of the specified period.

If there is no duration specified in the order the order expires:

- if it was made at a final order hearing and –
 - (a) you are not a child, 2 years after this final order comes into force; or
 - (b) you are a child, 6 months after this final order comes into force;
- or
- if it was a telephone order which became a final order because you did not object, 3 months (or any shorter time specified in the order) after the telephone order was served on you.

If you were in prison at the time this order was made, the order expires —

- in the case of an order made at a final order hearing or an interim order which became the final order, 2 years after the date on which you are released from prison (or longer if specified in the order);
- in the case of a telephone order which became the final order because you did not object, 3 months after the date on which you are released from prison (or shorter if specified in the order).

If, in the future, you want the order varied or cancelled you may apply to the court. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

Penalty: It is an offence to breach a family violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

Additional information about conviction for breaching the order

Note 1: If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

Note 2: If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, **you will face a penalty that is or includes imprisonment (or, if you are a child, detention)** unless the court decides under section 61A(6) of the Act not to impose such a penalty.

Affidavit evidence may be provided on request

If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF YOU WERE PRESENT IN COURT
WHEN IT WAS MADE**

SKS TEST

FAMILY VIOLENCE RESTRAINING ORDERS
Section 8, Restraining Orders Act 1997
Information for the Person Bound by the Order

1. The purpose of the order

A Court has made a family violence restraining order against you, which means that you are the 'person bound' by the order'. The order has been made to stop you from committing family violence against the person protected by the order.

If the order protects a child, the order has been made against you to prevent the child from being exposed to family violence. Being around family violence can cause serious harm to children.

2. The terms of the order

The terms of the order are written in the order itself. The order says that you must not be around certain people, go to certain places or do certain things. The order also says how long it lasts for.

It is your responsibility to read the order carefully so that you understand what you are not allowed to do. If you do not understand the order, you should get legal advice or ask a support person to help you (there is a list of contact numbers below).

3. The effect of the order

The order imposes an obligation on you not to do the things specified in the order. The making of the order does not mean that you have committed a criminal offence, but if you breach the order it IS a criminal offence.

Outside Western Australia

This order is enforceable within Western Australia. The order can also be enforced against you if you breach the order in any other State or Territory, if the order has been registered in that State. The protected person may apply for this order to be registered in any State or Territory in Australia. You may not be advised if this occurs.

4. The consequences if you breach the order

If you breach the order, you will commit a criminal offence and face a penalty of \$6000 or imprisonment for 2 years, or both.

If you breach the order in the presence of a child that you are in a family relationship with (for example, your son, niece or a child that normally lives with you), the Court will consider this an "aggravating factor." This may increase the penalty that is imposed on you by the Court.

5. If the protected person encourages or causes a breach of the order

If the protected person invites or encourages you to breach the order, or, if the protected person makes you (or tries to make you) breach the order, they will not commit an offence.

However, if the protected person has persistently invited or encouraged you to breach the order, you can ask the court to change ('vary') or cancel the order.

If this is an interim order, you can ask the Court to vary the order if you have evidence that the order is causing you serious and unnecessary hardship.

6. If you and the protected person wish to have contact with one another

If you and the protected person wish to make contact with each other, or get back together, and the order says you can't, one of you must first ask the Court to vary the order or cancel it altogether. If you contact each other without doing that, you will breach the order.

7. How the order can be changed ('varied') or cancelled

This is an order of the Court. The only way to vary or cancel the order is to apply to the Court. You and the protected person cannot just agree between yourselves to disregard the order.

You or the protected person (as well as police officers, parents and guardians in certain situations) can ask the Court to vary or cancel the order.

**FAMILY VIOLENCE RESTRAINING ORDERS INFORMATION, *Restraining Orders Act 1997* section 8
continued**

8. How the order can be extended

The protected person can ask the Court to vary the order by extending the term of the order. If the protected person wants to do this, they must do it before the current order finishes.

When making a family violence restraining order, the Court can extend the order to protect another person named in the order, as well as the protected person. This extra person then has the same protection as the protected person.

9. Firearms

Unless the Court orders otherwise, a family violence restraining order prohibits the person who is bound from possessing a firearm (i.e. a gun) and firearms license.

If you have a firearm or a firearms license, you must give this to the police within 24 hours of being served with the order. If you do not, the police can take these items from you.

10. Counselling and support services

If you need support, counselling or legal advice you may wish to contact the following agencies:

Legal Aid

<http://www.legalaid.wa.gov.au/>
1300 650 579 or TTY 133 677

Aboriginal Legal Service

<http://www.als.org.au/>
1800 019 900

Aboriginal Family Law Services

<http://www.afls.org.au/>
(08) 9355 1502

Women's Domestic Violence Helpline

(08) 9223 1188 (metro) or 1800 007 339 (outside metro area)

Men's Domestic Violence Helpline

(08) 9223 1199 (metro) or 1800 000 599 (outside metro area)

Crisis Care Unit of The Department of Child Protection

(24 hour service) (08) 9223 1111 (metro) or 1800 199 008 (outside metro area)

Multicultural Women's Advocacy Centre

(08) 9328 1200

Translating and Interpreting Service

13 14 50

It is important that you notify the Court, in writing, as soon as possible of **ANY** change to your contact details. If the court is not able to contact you, the **restraining order may be extended or otherwise varied in your absence.**