



RESTRAINING ORDER CONDITIONS HOW AND WHY TO FOLLOW THEM

This factsheet has information for a person bound by a restraining order. It explains how and why you should follow the conditions of your order.

Types of restraining order

The information in this factsheet is about the conditions in any of these types of restraining order:

- police orders
- interim and final family violence restraining orders (FVROs),
- conduct agreement orders,
- interim and final violence restraining orders (VROs), and
- misconduct restraining orders (MROs).

An interim VRO or FVRO is a temporary order while the court decides if a final order is needed.

Who is the person bound?

The person who has a restraining order made against them is called the 'person bound'.

Who is the protected person?

The person who is protected under a restraining order is called the 'protected person'.

What are restraining order conditions?

Every type of restraining order has conditions, including police orders and interim VROs and interim FVROs.

Conditions are the rules you must follow if you are the person bound under the restraining order. They make it clear what you can or cannot do while you are under the order.

These conditions are written in the restraining order. They might say something like this:

- The person bound cannot go within 100m of the protected person.
- The person bound cannot go within 100m of the protected person's home or place of work.
- The person bound cannot 'phone, text or talk to the protected person, or ask someone else to do this for them.

Know your conditions

Every restraining order has its own conditions that are different from the conditions in any other restraining order.

If you are the person bound, it is important that you know and understand the conditions in your restraining order.

To understand your conditions, you should:

- get a copy of your restraining order (which has the conditions written in it),
- read the conditions, or ask someone to read them out to you,
- get help if you are not sure what any of the conditions mean or how to follow them.

You can get help to understand what a condition means by talking to a lawyer.

Follow your conditions

If you are the person bound, while you are under the order you must follow all the conditions of the order.

This means you should always:

- check your conditions before you do anything,
- if you are not sure if something you do will breach a condition, do not do it.

It does not matter if a restraining order is a police order, an interim order, or a final order. While you are under the order you must follow the conditions of that order.

Even if you think there is a good reason for not following the conditions, you must follow them. For example, if there are cultural reasons for you to speak to the protected person but the conditions of the order say you cannot speak to them, you must not speak to them.

What happens if I don't follow a condition?

If you do not follow a condition of your restraining order, you are 'breaching the order'.

The law says breaching the order is a serious offence. You might be arrested by police and charged with a criminal offence. You might be kept in police lockup before you go to court. The court might not give you bail. If the court finds you guilty, it might send you to prison.

Is it a breach if the protected person agrees to it?

It can be a breach of condition even if the protected person asks or agrees for it to happen. For example, if there is a condition not to go within 100m of the protected person's house, but the protected person asks you to visit them at their house and you do that, it is a breach of the condition.

It can be a breach of condition if you do not try to follow the condition. For example, if there is a

condition not to go within 100m of the protected person, but the protected person comes up to you in the street, if you do not walk away from them straight away, it is a breach of the condition.

Can I say no to an order?

It may be possible to object to a restraining order. This means saying you do not agree with it.

If you get a summons to go to court because someone is asking for a restraining order against you, when you go to court you can tell the court you object to the order being made.

If you have been given an interim FVRO or VRO, you can object to the order before it becomes a final order. You must do this within 21 days from the date you are given the interim order.

You must follow the conditions of the interim order until a decision is made about the final order. You may be able to ask the court to change these conditions while you wait for the decision about the final order.

After a final order is made, in some cases you can ask the court to change the conditions of the order or cancel it.

If you want to object to an order being made, or you want to change or cancel your order, you should get legal advice to see if you have good reasons.

Where can I get more information?

You can get more information on restraining orders on the Legal Aid WA website.

Legal Aid WA contacts: Website + Chat www.legalaid.wa.gov.au
Infoline 1300 650 579, Legal Yarn 1800 319 803.

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