

South Australia

Intervention Orders (Prevention of Abuse) Regulations 2011

under the *Intervention Orders (Prevention of Abuse) Act 2009*

Contents

- 1 Short title
- 3 Interpretation
- 4 Foreign intervention order
- 4A Prescribed amount
- 4B Prescribed details
- 5 Transitional—foreign restraining orders registered under the Summary Procedure Act 1921

Legislative history

1—Short title

These regulations may be cited as the *Intervention Orders (Prevention of Abuse) Regulations 2011*.

3—Interpretation

In these regulations—

Act means the *Intervention Orders (Prevention of Abuse) Act 2009*.

4—Foreign intervention order

- (1) For the purposes of the definition of **foreign intervention order** in section 3 of the Act, each of the following orders or notices under the law of another State, a Territory of the Commonwealth or New Zealand is declared to be a foreign intervention order:
 - (a) a protection order under the *Domestic Violence and Protection Orders Act 2008* of the Australian Capital Territory;
 - (b) an apprehended violence order under the *Crimes (Domestic and Personal Violence) Act 2007* of New South Wales;
 - (c) an order under section 87 of the *Children, Young Persons, and Their Families Act 1989* of New Zealand;
 - (d) a protection order under the *Domestic Violence Act 1995* of New Zealand;
 - (e) a restraining order under the *Harassment Act 1997* of New Zealand;
 - (f) a domestic violence order under the *Domestic and Family Violence Act* of the Northern Territory;
 - (g) a personal violence restraining order under Part IVA of the *Justices Act* of the Northern Territory;

- (h) a restraining order under section 359F of the *Criminal Code* of Queensland;
 - (i) a domestic violence order under the *Domestic and Family Violence Protection Act 2012* of Queensland;
 - (j) a police family violence order, family violence order or interim family violence order under the *Family Violence Act 2004* of Tasmania;
 - (k) a restraint order, interim restraint order or telephone interim restraint order under Part XA of the *Justices Act 1959* of Tasmania;
 - (l) a family violence intervention order or a family violence safety notice under the *Family Violence Protection Act 2008* of Victoria;
 - (m) a personal safety intervention order under the *Personal Safety Intervention Orders Act 2010* of Victoria;
 - (n) a restraining order or police order under the *Restraining Orders Act 1997* of Western Australia.
- (2) In this regulation, a reference to an order or notice of a particular type under the law of another State, a Territory of the Commonwealth or New Zealand is a reference to the orders, notices or other types of requirements encompassed by the equivalent reference in that law.

4A—Prescribed amount

For the purposes of sections 13(4)(b) and 31(2a)(a) of the Act, the prescribed amount is \$1 300.

4B—Prescribed details

- (1) For the purposes of sections 18(6)(b)(i), 18(9), 21(10)(b)(i), 21(11), 23(7)(b)(i), 23(8), 26(9)(b)(i), 26(10)(a) and 30(6) of the Act, the prescribed details of an order issued against a defendant are such of the following details as are specified in the order:
- (a) the name of the defendant;
 - (b) the date of birth of the defendant;
 - (c) the address of the defendant or the most recent address of the defendant;
 - (d) the AP number and court file number;
 - (e) the name of the protected person;
 - (f) the date of birth of the protected person;
 - (g) the prohibitions and requirements imposed by the order;
 - (h) *if the order was issued in relation to an act of domestic abuse—that fact;*
 - (i) if the order is an interim order—that fact;
 - (j) the date on which—
 - (i) in the case of prescribed details for the purposes of section 26(9)(b)(i) or (10)(a) of the Act—the variation of the order was made; or
 - (ii) in any other case—the order was made;
 - (k) whether the order has been served on the defendant.

Note—

Paragraph (h) had not come into operation at the date of the publication of this version.

- (2) For the purposes of section 24(5)(b)(i) of the Act, the prescribed details of an order issued against a defendant are such of the following details as are specified in the order:
- (a) the name of the defendant;
 - (b) the date of birth of the defendant;
 - (c) the address of the defendant or the most recent address of the defendant;
 - (d) the prohibitions and requirements imposed by the order (including, if the order bars the defendant from attending at particular premises, the address of those premises);
 - (e) if the order includes an attachment order—that fact and the terms of the attachment order;
 - (f) the date on which the order was made;
 - (g) whether the order has been served on the defendant.

5—Transitional—foreign restraining orders registered under the Summary Procedure Act 1921

A foreign restraining order registered under the *Summary Procedure Act 1921* immediately before the commencement of clause 38 of Schedule 1 of the Act other than an order that was made under a provision of the law of another State or a Territory of the Commonwealth or New Zealand corresponding to section 99AA (Paedophile restraining orders) or section 99AAC (Child protection restraining orders) of the *Summary Procedure Act 1921* is declared to be an order to which clause 38(2) of Schedule 1 of the Act applies.

Legislative history

Notes

- In this version provisions that are uncommenced appear in italics.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Intervention Orders (Prevention of Abuse) Regulations 2011* revoked the following:

Domestic Violence Regulations 2006

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2011	223	<i>Gazette 20.10.2011 p4274</i>	9.12.2011: r 2
2012	205	<i>Gazette 6.9.2012 p4376</i>	17.9.2012: r 2
2015	236	<i>Gazette 19.11.2015 p4985</i>	1.12.2015 except new r 4B(1)(h) (as inserted by r 4)—1.3.2016: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>17.9.2012</i>
r 4		
r 4(1)	varied by 205/2012 r 4	17.9.2012
r 4A	inserted by 236/2015 r 4	1.12.2015
r 4B	inserted by 236/2015 r 4	1.12.2015—except (1)(h)—1.3.2016
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>17.9.2012</i>

Historical versions

17.9.2012

