

Intervention Orders Prevention of Abuse Act 2009 Quick Find Chart

The State Government is providing better protection for people subjected to domestic and personal abuse. New laws that come into effect on Friday, 9 December will introduce Intervention Orders which aim to protect people not only from violence, but also threatening and controlling behaviour. These new laws will also broaden the range of people who can be protected by Intervention Orders.

The Intervention Orders (Prevention of Abuse) Act 2009 (IO Act) reforms the previous system of domestic and personal violence restraining orders. The commencement of these laws completes the Government's promised review of the rape, sexual assault and domestic violence laws.

The new laws are likely to be used mostly to protect people against domestic abuse. However these laws also cover personal abuse, whether it takes place in a domestic relationship or not.

Restraining orders are replaced with Intervention Orders. Intervention Orders can be used to protect people from abuse by restricting what the defendant (the perpetrator of the abuse) does, as well as by requiring the defendant to work towards rehabilitation.

Terminology Changes

OLD	NEW
Domestic Violence Act 1994	Intervention Orders (Prevention of Abuse) Act 2009
Restraining Order	Intervention Order
Violence	Abuse
Perpetrator	Defendant
Victim	Protected person



Quick Find Chart

Colour Code
New provision/significant change
Minor change
No change

OLD		NEW	CHANGE
Purpose, preamble, definitions			
1	Short title	1	New provision/ significant change
3	Interpretation	3	Minor change
	Application of Act outside State	4	New provision/ significant change
	Objects of Act	5	New provision/ significant change
Grounds and conditions, principles for intervention			
4	Grounds for making domestic violence restraining orders (intervention orders)	6	New provision/ significant change
	Persons for whose protection intervention order may be issued	7	New provision/ significant change
	Meaning of abuse—domestic and non domestic	8	New provision/ significant change
18	Priority for intervention against domestic abuse	9	No change
	Principles for intervention against abuse	10	New provision/ significant change
6	Factors to be considered by Court		No change

Terms of Intervention Orders			
	Ongoing effect of intervention order	11	New provision/ significant change
5	Terms of intervention orders	12 general	Minor change
		13 intervention programs	New provision/ significant change
10 Firearms orders		14 firearms	Minor change
		15 date after which defendant may apply for variation or revocation	New provision/ significant change
		16 Inconsistent Family Law Act or Children's Protection Act orders	New provision/ significant change
Police Orders			
	Explanation for defendant and protected persons	17	New provision/ significant change
	Interim intervention order issued by police	18	New provision/ significant change
	Revocation of interim intervention order by Commissioner of Police	19	New provision/ significant change

Court Orders				
7	Complaints		20 Application to Court for intervention order	Minor change
8	Complaints by telephone		21 Application to Court for intervention order	
9	Issue of domestic violence restraining order in absence of defendant		22 Adjournments	
13	Notification of making etc of domestic violence restraining orders		23 Determination of application for intervention order	
16	Complaints or applications by or on behalf of child			
Associated Orders				
10A	Problem gambling family protection orders	24		No change
	Tenancy order	25		New provision/significant change
Service of orders				
11	Service	Special police powers	34 Powers facilitating service of intervention order	Minor change
Variation or revocation of orders				
12	Variation or revocation of domestic violence restraining order	Revocation of police issued order	19 Revocation of interim intervention order by Commissioner of Police	Minor change
		Variation or revocation of order	26 Intervention orders	Minor change
			27 Problem gambling orders	Minor change

Offences and enforcement			
15 Offence to contravene or fail to comply with domestic violence restraining order	Offences	Division 1 Offences 31 Contravention of intervention order 32 Landlord not to allow access to excluded defendant 33 Publication of report about proceedings or orders	Minor change
	Special police powers	35 Powers following service of intervention order 36 Power to arrest and detain for contravention of intervention order 37 Power to search for weapons and articles required to be surrendered by intervention order	Minor change
	Disclosure of information	38 Disclosure to police of information relevant to locating defendant	New provision/ significant change
Evidentiary matters			
17 Burden of proof		28 Burden of proof	No change
		29 Special arrangements for evidence and cross examination	New provision/ significant change
Foreign intervention orders			
14 Registration of foreign domestic violence restraining orders		30 Registration of foreign intervention order	Minor change

Miscellaneous			
		39 Delegation by intervention program manager	New provision/significant change
		40 Dealing with items surrendered under intervention order	New provision/significant change
		41 Evidentiary provision	New provision/significant change
		42 Regulations	New provision/significant change
Related amendments, repeal and transitional provisions			
19 Relation to Summary Procedure Act		Schedule 1 Part 11 Amendment of Summary Procedure Act 1921	New provision/significant change

What overrides what?

It is important that parties associated with the application for an Intervention Order provide to SAPOL and the Court information relating to existing orders such as Family Court Orders, Child Protection Orders or current Intervention Orders. Provisions within the legislation provide that the Intervention Order overrides certain orders which are detailed below:

Intervention Order	Overrides	Child Protection Order	Section 16 (2)
Family Court Order	Overrides	Intervention	Section 16 (1)
Child Protection Order	Invalid to the extent of any consistency of	Intervention Order	Section 16 (2)