

Authorised Version No. 001
**Children's Court (Family Violence
Protection) Rules 2018**

S.R. No. 169/2018

Authorised Version as at
3 December 2018

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Protection) Rules 2018**

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3 December 2018

The President of the Children's Court together with
2 Magistrates for that Court jointly make the following
Rules:

Order 1—Preliminary

Introductory Note

These Rules are Rules of the Children's Court as to proceedings
under the **Family Violence Protection Act 2008**.

Related Rules

These Rules are in many respects uniform with the Children's
Court (Personal Safety Intervention Orders) Rules 2011¹
("the Personal Safety Intervention Orders Rules"). Many of
the Orders and Rules are drafted in the same terms as the
Personal Safety Intervention Orders Rules, except so far
as minor variations are required to accord with the **Family
Violence Protection Act 2008**.

If the Personal Safety Intervention Orders Rules include
an Order or a Rule that is not included in these Rules, there
is a gap in the numbering of these Rules in order to maintain
consistent numbering for the other Orders and Rules.

Part 1—General

1.01 Object

The object of these Rules is to make rules of
procedure for proceedings in the Children's
Court under the **Family Violence Protection
Act 2008**.

1.02 Authorising provisions

These Rules are made under section 210 of the **Family Violence Protection Act 2008** and all other enabling powers.

1.03 Commencement

These Rules come into operation on 3 December 2018.

1.04 Revocations

The following Rules are **revoked**—

- (a) the Children's Court (Family Violence Protection) Rules 2008²;
- (b) the Children's Court (Family Violence Protection) (Amendment No. 1) Rules 2011³.

Part 2—Interpretation

1.05 Definitions

In these Rules, unless the context or subject matter otherwise requires—

barrister has the same meaning as it has in the Legal Profession Uniform Law (Victoria);

Court means—

- (a) the Family Division of the Children's Court; or
- (b) the Neighbourhood Justice Division of the Children's Court;

proceeding, unless the contrary intention appears, means—

- (a) any matter in the Court commenced by application under the **Family Violence Protection Act 2008**; or

(b) any matter in the Court—

- (i) that was commenced by application under the **Personal Safety Intervention Orders Act 2010**; and
- (ii) in respect of which a Court has made a determination under section 176E(2)(b) of the **Family Violence Protection Act 2008**;

risk assessment means a summary relating to an affected family member's or a protected person's risk of family violence;

solicitor has the same meaning as it has in the Legal Profession Uniform Law (Victoria) and includes an incorporated legal practice as defined in that Law;

the Act means the **Family Violence Protection Act 2008**.

Part 3—Application of Rules

1.07 Application

(1) These Rules apply to—

- (a) every proceeding commenced under the Act in the Court on or after 3 December 2018, other than a proceeding in respect of which a determination has been made under section 136(2)(b) of the **Personal Safety Intervention Orders Act 2010**; and
- (b) every proceeding commenced under the **Personal Safety Intervention Orders Act 2010** in respect of which a determination has been made under section 176E(2)(b) of the Act.

- (2) These Rules apply, so far as applicable and with any necessary modification, to every appeal commenced under Division 9 of Part 4 of the Act on or after 3 December 2018.

Note

There is currently no Rule 1.06 or 1.08.

Part 4—Miscellaneous

1.09 Legal representation

- (1) Subject to the Act and the **Children, Youth and Families Act 2005**, a party may appear in person or with legal representation.
- (2) If a party obtains legal representation—
- (a) the representative must as soon as practicable notify the Court that the representative represents that party; and
 - (b) the representative must inform the Court as soon as practicable if the representative ceases to represent the party.
- (3) A notification to the Court under subrule (2)(a) must—
- (a) specify whether the legal representative is a solicitor or a barrister; and
 - (b) provide the legal representative's address, telephone number, fax number and email address.

1.10 Filing of documents

Except where otherwise provided by these Rules or unless the Court otherwise orders, a document is filed by being lodged with the registrar in the office of the Court at the proper venue of the Court.

Note

Proper venue is defined in section 3(1) of the **Children, Youth and Families Act 2005**.

1.11 Seal of the Court

- (1) The principal registrar and every registrar must each have in the registrar's custody a stamp in a design that is as near as practicable the same as the design of the seal of the Court with the addition of, in the case of—
 - (a) the principal registrar, the words "Principal Registrar";
 - (b) a registrar, the word "Registrar".
- (2) Marking a document or a copy of a document with a stamp referred to in subrule (1) is sufficient compliance with any requirements of these Rules or an order of the Court that the document or copy be sealed with the seal of the Court.

Order 2—Non-compliance with the Rules

2.01 Effect of non-compliance

- (1) A failure to comply with these Rules is an irregularity and does not render a proceeding or a step taken, or any document or order therein, a nullity.
- (2) If there has been a failure to comply with these Rules, the Court may exercise its powers under these Rules to allow amendments and to make orders dealing with the proceeding generally.

2.02 Dispensing with compliance

Subject to the Act, the Court may dispense with compliance with any of the requirements of these Rules, either before or after the occasion for compliance arises.

Order 3—Time and documents

3.01 Court may fix time

If no time is fixed by the Act or these Rules for doing any act in a proceeding, the Court may fix a time.

3.02 Content and form of documents

- (1) The Court may require any document in a proceeding to be prepared in any manner it thinks fit.
- (2) If a document for use in the Court is not prepared in accordance with these Rules or any order of the Court—
 - (a) the registrar may refuse to accept it for filing without the direction of the Court; or
 - (b) the Court may order that the party responsible is not entitled to rely on it in any manner in the proceeding until a document which is properly prepared is filed.

3.03 Registrar refusing to accept documents

- (1) A registrar may refuse to accept a document if the registrar considers that the form or contents of the document show that the document, if accepted, would be an abuse of the process of the Court.
- (2) The Court may direct the registrar to accept a document for filing.

3.04 Scandalous matter

If a document for use in the Court contains scandalous, irrelevant or otherwise oppressive matter, the Court may order—

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Order 3—Time and documents

- (a) that the offending matter be deleted; or
- (b) if the document has been filed, that it be taken off the file.

Order 4—Process in the Court

Part 1—Police protection before court

4.01 Application to extend direction or detention

For the purposes of an application under section 19 or 20 of the Act, the following particulars are prescribed—

- (a) the name, rank, number and station of the police officer making the application;
- (b) the name, date of birth and gender of the person who has been directed or detained;
- (c) the name, rank, number and station of the police officer who issued the direction;
- (d) the time, date and place that the direction was issued;
- (e) the grounds for issuing the direction;
- (f) if the person has been detained—
 - (i) whether the person refused or failed to comply with the direction; and
 - (ii) the time and date that the person was apprehended and detained;
- (g) the location of the person who has been directed or detained;
- (h) the time and date of making the application;
- (i) the duration of the direction or detention at the time of making the application;
- (j) the proposed period of the extension;
- (k) the grounds for making the application.

Part 2—Applications for family violence intervention orders

4.02 Application for a family violence intervention order

- (1) For the purposes of an application for a family violence intervention order under section 43 or 44 of the Act, the following information is prescribed—
 - (a) the name of the applicant;
 - (b) the capacity in which the applicant applies;
 - (c) the name and date of birth of each affected family member;
 - (d) if the applicant is not the affected family member or a police officer—
 - (i) whether the affected family member consents to the making of the application; or
 - (ii) if the affected family member is a child, whether a parent of the child consents to the making of the application; or
 - (iii) if the affected family member has a guardian, whether the guardian consents to the making of the application;
 - (e) whether the applicant requires leave of the Court to make the application;
 - (f) the name, date of birth and address of the respondent;
 - (g) the relationship between the respondent and the affected family member;
 - (h) the reasons for seeking the order;
 - (i) the nature of the family violence alleged;
 - (j) the conditions on the order sought;

- (k) whether a warrant is sought for the arrest of the respondent;
 - (l) details of any relevant Family Law Act order or child protection order, or any current application for a relevant Family Law Act order or child protection order;
 - (m) details of any previous application or order made, or family violence safety notice issued under the Act;
 - (n) whether the respondent holds—
 - (i) a firearms authority; or
 - (ii) a weapons approval; or
 - (iii) a weapons exemption;
 - (o) whether an affected family member or the respondent has a disability;
 - (p) whether an affected family member or the respondent is of Aboriginal or Torres Strait Islander descent.
- (2) If the applicant seeks a warrant for the respondent's arrest, the application must set out the reasons why a warrant is sought.

4.03 Application for associated final order

- (1) An application for an associated final order under section 76 of the Act must include the following—
- (a) the name of the applicant;
 - (b) the capacity in which the applicant applies;
 - (c) the names of the parties to the application for the original family violence intervention order, or the original order (as the case requires);

- (d) the court reference number for the original application, or the date of the final order (as the case requires);
 - (e) the reasons for seeking the order;
 - (f) the conditions of the order sought;
 - (g) details of any relevant Family Law Act order or child protection order, or any current application for a relevant Family Law Act order or child protection order.
- (2) If the application is for an associated final order against an additional respondent, the application must also—
- (a) give the name, date of birth and address of the additional respondent; and
 - (b) set out how the additional respondent is an associate of the respondent; and
 - (c) if the applicant is not the protected person or a police officer, state—
 - (i) whether the protected person consents to the making of the application; or
 - (ii) if the protected person is a child, whether a parent of the child consents to the making of the application; or
 - (iii) if the protected person has a guardian, whether the guardian consents to the making of the application.
- (3) If the application is for an associated final order to protect an additional applicant, the application must also—
- (a) state the name and date of birth of each additional applicant; and
 - (b) set out how each additional applicant is an associate of the protected person; and

- (c) if the applicant for the associated final order is not the additional applicant or a police officer—
 - (i) whether the additional applicant consents to the making of the application; or
 - (ii) if the additional applicant is a child, whether a parent of the child consents to the making of the application; or
 - (iii) if the additional applicant has a guardian, whether the guardian consents to the making of the application.

4.04 Application for variation, revocation or extension of a family violence intervention order

- (1) For the purposes of sections 100 and 106 of the Act, an application for a variation, revocation or extension of a family violence intervention order must include the following particulars—
 - (a) the names of the parties to the proceeding in which the order was made;
 - (b) the name of the applicant for the variation, revocation or extension;
 - (c) the capacity in which the applicant applies;
 - (d) if the applicant is not the protected person or a police officer—
 - (i) whether the protected person consents to the making of the application; or
 - (ii) if the protected person is a child, whether a parent of the child consents to the making of the application; or
 - (iii) if the protected person has a guardian, whether the guardian consents to the making of the application;

- (e) whether the applicant requires leave of the Court to make the application;
 - (f) the date of making the family violence intervention order;
 - (g) whether any other persons have become family members of the respondent since the family violence intervention order was made;
 - (h) the reasons for seeking a variation, revocation or extension;
 - (i) details of any relevant Family Law Act order or child protection order, or any current application for a relevant Family Law Act order or child protection order;
 - (j) if the application is for a variation, the conditions of the variation sought;
 - (k) if the application is for an extension, the duration of the extension sought.
- (2) If the respondent applies for the variation or revocation of the family violence intervention order, the application must also set out any change in circumstances since the family violence intervention order was made.

4.05 Form of consent

- (1) This Rule applies if a person—
- (a) is required under section 45 or 75 of the Act to give written consent to the making of an application for a family violence intervention order; or
 - (b) is required under section 108 of the Act to give written consent to the making of an application to vary, revoke or extend a family violence intervention order.

- (2) The consent must include the following particulars—
 - (a) the name, address, date of birth, occupation and gender of the person who will make the application;
 - (b) the name, address, date of birth, occupation and gender of the person providing the consent;
 - (c) if the person providing the consent is not the affected family member or protected person, that person's relationship to the affected family member or protected person;
 - (d) a description of the application.
- (3) A consent under subrule (2) must be filed with the Court.

Part 3—Miscellaneous

4.06 Request for further and better particulars of application

- (1) A party may only seek further and better particulars of an application with leave of the Court.
- (2) If the Court decides to grant leave, the Court—
 - (a) must fix a time for the further and better particulars to be provided; and
 - (b) may give directions it considers appropriate for seeking and providing particulars, including—
 - (i) limiting the particulars that may be sought; and

- (ii) directing how particulars are to be provided.

Example

The Court may direct that a party provide particulars in the form of a letter, or by affidavit.

4.07 Withdrawal of applications

- (1) An application under the Act may be withdrawn only with the leave of the Court.
- (2) A party seeking to withdraw an application must—
 - (a) file a written notice of withdrawal, to be served on the respondent by the registrar; or
 - (b) if the person attends Court, make an oral application to the Court.

Order 5—Service and related matters

Part 1—Giving of documents by Court

5.01 Process if Court required to give documents to a person

Subject to section 201 of the Act or unless the Court otherwise orders or directs, if under the Act or these Rules, the Court is required to give any written notice or other document to any person, the Court may do so—

- (a) by handing the document to the person; or
- (b) by leaving the document at the address of the person; or
- (c) by posting the document to the person at that person's address; or
- (d) if a person has a facility for the reception of documents by facsimile transmission, by transmitting the document to that facility; or
- (e) if the person is a respondent who has provided an email address under section 85(1) of the Act, by sending the document to that email address; or

Note

Section 85 of the Act allows a respondent who has been excluded from a residence to give an email address as an address for service. This only applies to documents not requiring personal service.

- (f) if any other party has provided an email address, by sending the document to that email address.

Note

See also Part 12 of the Act, which deals with service.

Part 2—Matters relating to service

5.02 Certificate of service

- (1) For the purposes of section 203 of the Act, a certificate of service must—
 - (a) include a statement about the date, time and place the document was served; and
 - (b) include a statement about the manner of service; and
 - (c) specify each document served; and
 - (d) indicate whether the certificate has been made on oath, by affidavit or is certified.
- (2) A certificate of service must be filed as soon as practicable after service of the document to which it relates.

5.03 Inability to serve

- (1) For the purposes of section 204 of the Act, the certificate must—
 - (a) be made on oath or by affidavit, or certified; and
 - (b) include the following particulars—
 - (i) if the person completing the certificate is a police officer, the police officer's name, rank and station;
 - (ii) if the person completing the certificate is an appropriate registrar, the appropriate registrar's name and the location of the Court;
 - (iii) the reasons it has not been possible to serve the document, including details of attempts to locate or serve the person;

- (iv) the means that the person completing the certificate believes could be used to bring the document to be served to the person's attention, and the reasons for that belief; and
- (c) specify each document that was to be served.
- (2) For the purposes of subrule (1)(a), the certificate may be certified only if it is completed by a police officer or an appropriate registrar.

5.04 Certificates may be filed by facsimile or other electronic communication

A certificate completed under Rule 5.02 or 5.03 may be filed with the registrar by facsimile transmission or other electronic communication.

Order 6—Stay of proceeding

6.01 Stay of proceeding

If a proceeding is scandalous, frivolous or vexatious or is otherwise an abuse of the process of the Court, the Court may, on the application of a respondent, stay the proceeding.

6.02 Striking out proceeding

The Court may order that the whole or part of an application in a proceeding be struck out or amended if the proceeding—

- (a) is scandalous, frivolous or vexatious; or
- (b) may prejudice, embarrass or delay the fair hearing of the proceeding; or
- (c) is otherwise an abuse of the process of the Court.

Order 7—Affidavits

7.01 Form of affidavit

- (1) An affidavit must be made in the first person.
- (2) An affidavit must state the place of residence of the deponent and the deponent's occupation or, if the deponent has none, the deponent's description.
- (3) Despite subrule (2), an affidavit does not have to state the deponent's place of residence if the deponent believes that it would jeopardise the deponent's safety to do so.
- (4) An affidavit must be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct portion of the subject.
- (5) Every affidavit must be signed by the deponent, except as provided by Rule 7.02(1), and the jurat must be completed and signed by the person before whom it is sworn or affirmed.
- (6) Each page of an affidavit must be signed by the person before whom it is sworn or affirmed.
- (7) The first page of an affidavit must be headed immediately beneath the title of the proceeding with the name of the deponent and the date of swearing or affirming.
- (8) An affidavit must on the outside identify the party on whose behalf it is filed and state the name of the deponent and the date of swearing or affirming.

7.02 Affidavit by illiterate, blind or incapacitated person

- (1) If it appears to the person before whom an affidavit is sworn that the deponent is illiterate, blind, physically incapacitated or cognitively impaired the person must certify in or below the jurat that—

- (a) the person read the affidavit in the deponent's presence to the deponent;
and
 - (b) the deponent seemed to the person to understand it.
- (2) If an affidavit is made by an illiterate, blind, physically incapacitated or cognitively impaired deponent and a certificate in accordance with subrule (1) does not appear on the affidavit, it may not be used in evidence unless the Court is satisfied that the affidavit was read to the deponent.

7.03 Content of affidavit

In an application in a proceeding an affidavit may contain a statement of fact based on information and belief if the grounds are set out in the affidavit.

7.04 Affidavit by 2 or more deponents

If an affidavit is made by 2 or more deponents, the names of the persons making the affidavit must be inserted in the jurat, except that, if the affidavit is sworn by both or all the deponents at one time before the same person, it is sufficient to state that it is sworn by "each of the abovenamed" deponents.

7.05 Alterations

Any interlineation, erasure or other alteration in the jurat or body of an affidavit must be initialled by the person before whom it is sworn.

7.06 Annexures and exhibits

- (1) A document referred to in an affidavit must not be annexed to the affidavit but may be referred to as an exhibit.

- (2) An exhibit to an affidavit must be identified by a separate certificate annexed to it bearing the same title as the affidavit and signed by the person before whom the affidavit is sworn.

7.07 Irregularity

Despite any irregularity in form an affidavit may—

- (a) unless the Court otherwise orders, be filed; and
- (b) with the leave of the Court, be used in evidence.

7.08 Filing and service of affidavits

- (1) An affidavit must be filed.
- (2) The affidavit must be served on the following persons—
 - (a) the applicant or respondent (as the case requires);
 - (b) an adult affected family member or protected person;
 - (c) if the application to which the proceeding relates was made with the consent of a parent or guardian, that parent or guardian;
 - (d) if the affected family member or protected person is a child and the Court has given leave for that child to be legally represented, that child's legal representative.
- (3) An affidavit must not be served on a child (other than a child who is an applicant or respondent) without leave of the Court.
- (4) An affidavit must be served in a manner set out in Rule 5.01(b), (c) or (d).

7.09 Service of affidavits if party is unrepresented

The registrar must serve an affidavit on a party who does not have legal representation.

7.10 Affidavit sworn before party

A party must not use in evidence on the party's behalf an affidavit sworn before—

- (a) a party; or
- (b) an employee of a party.

Order 8—Expert evidence

8.01 Statement or report of expert to be filed

- (1) A party who intends at the hearing to adduce the evidence of a person as an expert witness must, at least 5 working days before the date of the hearing at which the evidence is intended to be adduced, file—
 - (a) a statement in accordance with subrule (2);
or
 - (b) a copy of a report in accordance with subrule (3).
- (2) The statement must—
 - (a) give the name and professional address of the witness, unless the witness believes that disclosing the witness' address would jeopardise the witness' safety; and
 - (b) describe the qualifications to give evidence as an expert; and
 - (c) give the substance of the evidence it is proposed to adduce from the witness as an expert.
- (3) The report must—
 - (a) give the name of the witness; and
 - (b) describe the qualifications to give evidence as an expert.
- (4) A party who has not filed a statement or a copy of a report under subrule (1) must not adduce any evidence from a witness as an expert at the hearing of a proceeding unless—
 - (a) the Court grants leave; or
 - (b) the other parties consent; or

- (c) the evidence is adduced in cross-examination.

8.02 Service of statement or report

- (1) A statement or copy of a report must be served on the following persons—
 - (a) the applicant or respondent (as the case requires);
 - (b) an adult affected family member or protected person;
 - (c) if the application to which the proceeding relates was made with the consent of a parent or guardian, that parent or guardian.
- (2) A statement or copy of a report must not be served on a child (other than a child who is an applicant or respondent) without leave of the Court.
- (3) A statement or copy of a report must be served in a manner set out in Rule 5.01(c), (d) or (e).

8.03 Service of statement or report on unrepresented party

The registrar must serve a statement or copy of a report on a party who does not have legal representation.

8.04 Putting statement or report filed by other party in evidence

A party to a proceeding may put in evidence a statement or copy of a report filed by another party in accordance with Rule 8.01.

Order 9—Hearings

9.01 Order of hearing

The Court may give directions as to the order of evidence and generally as to the conduct of the hearing of a proceeding.

9.02 No addresses

Unless the Court otherwise orders, no opening or closing addresses may be made at the hearing of any proceeding.

9.03 Absence of party

- (1) If, when the hearing of a proceeding is called on, any party is absent, the Court may—
 - (a) proceed with the hearing; or
 - (b) strike out or dismiss the application; or
 - (c) adjourn the hearing; or
 - (d) make any other order which the Court considers appropriate.
- (2) If the absent party is a respondent who has failed to appear on bail, the Court may also issue a warrant for the arrest of the respondent.

9.04 Alternative arrangements for giving evidence

- (1) This Rule applies if a party wishes to use alternative arrangements for giving evidence referred to in section 69(1)(a) or (b) of the Act.
- (2) A party may apply to use alternative arrangements for giving evidence by notifying the Court in writing before the hearing.
- (3) A notification under subrule (2) must set out—
 - (a) the reason the witness needs alternative arrangements for giving evidence; and
 - (b) the alternative arrangements sought.

- (4) Despite subrule (2), if the party has not notified the Court, the Court may direct that alternative arrangements be made if they are available on the day of hearing at that venue of the Court.

Order 10—Orders and related matters

10.01 Certified extracts

- (1) A certified extract from the Court record of any order is sufficient for any purpose for which an order is required.
- (2) The Court may order, on its own motion or on the application of a party, that a certified extract must not include information that would jeopardise the safety of a party or any other person.

10.02 Form of written explanation of interim family violence order

A written notice under section 57(2A) or 57A(4) of the Act must be in Form 1AA.

10.03 Form of written explanation of final family violence order

A written notice under section 96(3) or 96A(4) of the Act must be in Form 1AB.

Order 11—Venue and transfer of proceedings

11.01 Venue of Court

- (1) An application under the Act must be made by filing the application at the proper venue of the Court.
- (2) Filing may be effected by—
 - (a) filing in the office of the Court at that venue;
or
 - (b) facsimile transmission or other electronic communication to the Children's Court of Victoria After Hours Service in the case of an application made under section 20 or 44 of the Act.

Note

Proper venue is defined in section 3(1) of the **Children, Youth and Families Act 2005**.

11.02 Place of hearing of application

- (1) A proceeding under the Act must be heard at the venue of the Court stated on the application, unless the Court orders otherwise.
- (2) The Court may adjourn the hearing of a proceeding to another venue of the Court if it is satisfied that the interests of justice so require.
- (3) In making a decision under subrule (2), the Court must have regard to the matters listed under paragraph (d) of the definition of *proper venue* in the **Children, Youth and Families Act 2005**.

Order 12—Rehearings

12.01 Application for rehearing

- (1) A respondent may make an application for rehearing under section 122 of the Act by filing the application at the venue of the Court where the order sought to be set aside was made.
- (2) The registrar must—
 - (a) list the application for hearing; and
 - (b) serve a copy of the application and affidavit in support on the other parties to the proceeding.
- (3) If the application for rehearing is struck out because the applicant failed to appear at the time fixed for hearing of the application, any further application for rehearing is taken to be an application for leave to reapply under section 122(4) of the Act.

12.02 Form of application

An application under Rule 12.01 must be in accordance with Form 1.

12.03 Rehearing date

If the Court sets aside an order the proceeding must be reheard on a date fixed by the Court.

Order 13—Appeals

13.01 Form of notice of appeal

For the purposes of section 116 of the Act, a notice of appeal must be in accordance with Form 2.

Note

See section 115 of the Act for the court to which the appeal must be made.

13.02 Stay of relevant decision

- (1) An application under section 117 of the Act to stay the operation of a relevant decision must be filed.
- (2) The registrar may serve an application under section 117 of the Act to stay the operation of a relevant decision on the following persons—
 - (a) the other parties to the proceeding in which the relevant decision was made;
 - (b) if the appeal relates to a family violence intervention order for a protected person who is a child—
 - (i) if the application for the order was made with the consent of a parent, that parent;
 - (ii) if a parent of the child did not consent to the order, a parent of the child (other than the respondent) with whom the child normally or regularly resides;
 - (c) if the appeal relates to a family violence intervention order for a protected person who has a guardian, the guardian.
- (3) If there are exceptional circumstances, the Court may grant a stay without serving the application on any other person.

Order 14—Miscellaneous

14.01 Risk assessments

A risk assessment is confidential and must not be—

- (a) used in evidence in any proceeding; or
- (b) disclosed to the respondent or an associate of the respondent to the proceeding to which the risk assessment relates.

14.02 General power of amendment

For the purpose of determining the real question in issue between the parties to any proceeding, or of correcting any defect or error in any proceeding, or of avoiding multiplicity of proceedings, the Court may at any stage order that any document (including an application) in a proceeding be amended or that any party have leave to amend any document in the proceeding.

14.03 Directions

At any stage of a proceeding the Court may give any direction for the conduct of the proceeding which it thinks conducive to its effective, complete, prompt and economical determination.

Order 15—Procedure under the Vexatious Proceedings Act 2014

Part 1—Interpretation

15.01 Definitions

An expression used in the **Vexatious Proceedings Act 2014** has the same meaning in this Order as it has in that Act.

Part 2—Applications and notices

15.02 Applications for leave to apply for extended litigation restraint orders that relate to intervention order legislation

- (1) An application under section 18(1) of the **Vexatious Proceedings Act 2014** by a person referred to in section 18(1)(b) or (c) of that Act for leave to apply for an extended litigation restraint order that relates to intervention order legislation must be in Form 3.
- (2) An application referred to in this Rule—
 - (a) must be supported by an affidavit; and
 - (b) must be made without notice to any person unless the Court orders otherwise.

15.03 Applications for extended litigation restraint orders that relate to intervention order legislation

- (1) An application under section 18(1) of the **Vexatious Proceedings Act 2014** for an extended litigation restraint order that relates to intervention order legislation must be in Form 4.
- (2) An application referred to in this Rule must be supported by an affidavit.

- (3) In addition, a copy of the order granting leave to apply for the extended litigation restraint order must be attached to the application.

**15.04 Applications for acting in concert orders—
intervention order legislation**

- (1) An application under section 34 of the **Vexatious Proceedings Act 2014** for an acting in concert order must be in Form 5.
- (2) An application referred to in this Rule must be supported by an affidavit.

**15.05 Application for leave to proceed under extended
litigation restraint order that relates to intervention
order legislation**

An application under section 52(2) of the **Vexatious Proceedings Act 2014** by a person subject to an extended litigation restraint order for leave to commence or continue a proceeding must be—

- (a) in Form 6, in the case of an application to continue a proceeding in the Court; and
- (b) in Form 7, in any other case.

**15.06 Application for leave to proceed under general
litigation restraint order**

An application under section 54 of the **Vexatious Proceedings Act 2014** by a person subject to a general litigation restraint order for leave to commence or continue a proceeding that relates to intervention order legislation must be—

- (a) in Form 8, in the case of an application to continue a proceeding; and
- (b) in Form 9, in the case of an application to commence a proceeding.

15.07 Notice of applications

- (1) Notice required to be given by a direction of the Court under section 61(2) of the **Vexatious Proceedings Act 2014** must be in Form 10.
- (2) The notice must be accompanied by a copy of every order made or direction given by the Court in the application to which the notice relates.

Note

Further requirements are stated in section 61(4) of the **Vexatious Proceedings Act 2014**.

15.08 Application for leave to apply for variation or revocation of extended litigation restraint order that relates to intervention order legislation

An application under section 65(2) of the **Vexatious Proceedings Act 2014**, by a person subject to an extended litigation restraint order that relates to intervention order legislation, for leave to apply to vary or revoke the order must be in Form 11.

15.09 Application to vary or revoke extended litigation restraint order that relates to intervention order legislation

- (1) An application under section 65(2) of the **Vexatious Proceedings Act 2014**, by a person subject to an extended litigation restraint order that relates to intervention order legislation, to vary or revoke the order must be in Form 12.
- (2) In addition, a copy of the order granting leave to apply to vary or revoke the extended litigation restraint order must be attached to the application.

15.10 Notice of application to vary or revoke litigation restraint order

- (1) Notice required to be given by a direction of the Court under section 68(2) of the **Vexatious Proceedings Act 2014** must be in Form 13.

- (2) The notice must be accompanied by a copy of every order made or direction given by the Court in the application to which the notice relates and in the preceding leave application.

Note

Further requirements are stated in section 68(4) of the **Vexatious Proceedings Act 2014**.

Part 3—Provisions applying to applications

15.11 Application of Part

This Part applies to an application that is made under any of the following sections of the **Vexatious Proceedings Act 2014**—

- (a) section 18(1);
- (b) section 34 in the case where the application relates to a person who is acting in concert with a person who is subject to an extended litigation restraint order that relates to intervention order legislation.

15.12 Service of applications

- (1) The applicant must serve a copy of the application and a copy of any affidavit in support on every person to whom notice of the application is to be given unless otherwise provided by these Rules.
- (2) The application must be served within a reasonable time before the day for hearing named in the application, and in no case later than 2 p.m. on the previous day, or where the office of the Court was closed on the day before the day for hearing, not later than 2 p.m. on the day the office was last open.

15.13 Day for hearing

- (1) If an application has not been served a registrar may, at the request of the party who filed it, amend the application on or before the day for hearing named in the application to name another day.
- (2) The application may be amended—
 - (a) by a magistrate; or
 - (b) by a judicial registrar; or
 - (c) by a registrar.
- (3) An application must not be amended under this Rule more than once.

15.14 Adjournment

- (1) Subject to section 530 of the **Children, Youth and Families Act 2005**, the Court may adjourn the hearing of an application on such terms as it thinks fit.
- (2) The Court constituted by a registrar—
 - (a) may by consent order that the hearing of an application be adjourned to a particular date or for a particular time or generally, and reserve the costs of the adjournment; and
 - (b) must record the adjournment and any reservation of the costs by indorsement on the court file.
- (3) If the hearing of an application is adjourned under paragraph (2), the Court may thereafter, whether the costs of the adjournment were reserved or not, make an order in relation to the costs of or occasioned by the adjournment as it thinks fit.

15.15 Absence of party to application

- (1) If any person to whom an application is addressed fails to attend, the Court may hear the application if satisfied that the application was duly served.
- (2) If on an application the applicant fails to attend, the Court may dismiss the application or make such other order as it thinks fit.

Form 1AA—Explanation of interim family violence intervention order

Rule 10.02

EXPLANATION OF INTERIM FAMILY VIOLENCE INTERVENTION ORDER

What is an interim order?

1. An interim order is a temporary family violence intervention order made by the Magistrates' Court or the Children's Court to protect a person from family violence until the court can decide whether to make a final order. An interim order prevents a respondent from behaving in certain ways, or requires the respondent to do certain things, stated on the order.
2. An interim order is a civil order, and making an interim order does not necessarily mean that an offence has been committed. However contravention of an interim order is an offence punishable by imprisonment or a fine or both. See item 8.

Who are the parties to an interim order?

3. The "affected family member" is the person who needs the protection of the order. After an interim order is made, an "affected family member" is called a "protected person".
4. The "applicant" is the person who applies for the family violence intervention order. The applicant may be the affected family member, or the applicant could be another person, such as a police officer. Section 45 of the **Family Violence Protection Act 2008** lists the people who can apply for a family violence intervention order.
5. The "respondent" is the person against whom an application for a family violence intervention order or an order has been made.
6. The respondent, the applicant and the adult protected person(s) will be given copies of the interim order. This is called being "served" with the order.

What happens if the respondent disobeys an interim order?

7. The respondent must obey all of the conditions listed in the order at all times.
8. If the respondent disobeys or "breaches" a condition in the order this means the respondent has "contravened" the order. In Victoria a contravention of an interim order is an offence punishable by 2 years imprisonment or a fine of 240 penalty units or both. In some circumstances, a higher penalty of 5 years imprisonment or a fine of 600 penalty units or both may apply. For example, where—

Children's Court (Family Violence Protection) Rules 2018
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Form 1AA—Explanation of interim family violence intervention order

- (a) the respondent contravenes the order 3 or more times within a 28 day period; or
- (b) the respondent contravenes the order intending to cause harm or fear for safety, or knowing that the conduct will probably cause harm or fear for safety.

What if the protected person gives permission to contravene the order?

- 9. In Victoria a person cannot permit another person to contravene an order of the court. This means that, even if the protected person allows a respondent to disobey the order, the respondent would still commit an offence.
- 10. It is not a defence that the protected person consented to the behaviour that contravened an interim order.

How long does an interim order last?

- 11. An interim order ends when one of the following occurs—
 - (a) the court makes a final order;
 - (b) the court makes a final order and it is served on the respondent;
 - (c) the court refuses to make a final order;
 - (d) the court revokes the interim order;
 - (e) the application for the family violence intervention order is withdrawn.

When does the court make a decision about the final order?

- 12. The respondent, the protected person and any other parties (for example, the police) will be notified of the next court date when served with the application for the family violence intervention order and the interim order.
- 13. The court may make a final order on the next court date if—
 - (a) the parties agree to a final order being made by the court;
 - (b) the parties do not oppose the making of a final order; or
 - (c) the respondent does not attend court and the court is satisfied that the respondent has been served with a copy of the application for a family violence intervention order and the court is satisfied the evidence supports the making of a final order.
- 14. The conditions of the final order may be the same or different to those included in the interim order, family violence safety notice or application for a family violence intervention order.

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Form 1AA—Explanation of interim family violence intervention order

15. The final order may protect children who have been subjected to family violence by the respondent even if those children are not referred to in a family violence safety notice or an application for a family violence intervention order.
16. If either party, or both parties, oppose the court making a final order, the court will fix a new court date ("a contested hearing date") and the interim order will continue until that date. On this later date the parties and all their witnesses can come to court to give their evidence to the magistrate.
17. Special rules apply if the respondent wants to ask questions or challenge the evidence of protected witnesses, such as the affected family member or a child (called "cross-examination"). Section 70 of the **Family Violence Protection Act 2008** lists other people who are protected witnesses. To cross-examine a protected witness, the respondent will need to have a lawyer at court. It is important to get legal advice about this. See the end of this notice for information about how to arrange legal advice.
18. After the magistrate has heard relevant evidence from the parties, the magistrate will decide whether to make a final order and, if so, what conditions should be included in the final order and how long the final order will last.

Can the interim order be varied?

19. Yes. The protected person, respondent or applicant, for example, can apply to have the interim order changed. Section 108 of the **Family Violence Protection Act 2008** lists the people who can apply to have the interim order changed.
20. If the respondent wants the interim order changed, the respondent cannot apply without the leave of the court. The magistrate must be satisfied there has been a change in circumstances since the interim order was made and that the change may justify a change to the interim order before granting leave.
21. An application may also be made to change an interim order to a court in any other State or a Territory that has enacted the corresponding DVO recognition laws. See item 26.

What if there is a Family Law Act order?

22. If there is a Family Law Act order in force, the magistrate who made the interim order may have changed or suspended the Family Law Act order if it was inconsistent with the interim order. The magistrate may have also revived the Family Law Act order. The purpose of the change, suspension or revival of the Family Law Act order is to prevent the respondent from committing family violence against a protected person (including preventing a child hearing or witnessing violence).

23. If the magistrate has made an interim order that affects a Family Law Act order, that order will continue until the return date of the interim order or for 21 days, whichever is sooner.
24. Speak to a lawyer about how any Family Law Act order and your interim order interact.

What if there is an order made under the Children, Youth and Families Act 2005?

25. The interim order applies despite any child protection order made by the Children's Court. Speak to a lawyer about how any child protection order and your interim order interact.

Can an interim order be enforced in another State or a Territory?

26. Yes. Under the **National Domestic Violence Order Scheme Act 2016**, a Victorian interim order may be enforced against the respondent in any other State or a Territory that has enacted a corresponding DVO recognition law. These States and Territories have enacted corresponding DVO recognition law: Victoria, Tasmania, New South Wales, Australian Capital Territory, Queensland, Northern Territory, Western Australia and South Australia.

Contacts

Legal advice

Victoria Legal Aid provides free legal advice and referrals.

Website: www.legalaids.vic.gov.au

Federation of Community Legal Centres may have a centre close to you that can provide advice.

Website: www.communitylaw.org.au

Women's Legal Service Victoria provides free legal advice by telephone concerning family violence and family law.

Website: www.womenslegal.org.au

Key support services

Safe Steps Family Violence Response Centre provides crisis support and referrals for women experiencing family violence.

Website: www.safesteps.org.au

inTouch Multicultural Centre Against Family Violence provides support for immigrant women who are victims of family violence.

Website: www.intouch.org.au

Elizabeth Morgan House Aboriginal Women's Service provides crisis accommodation and support for Aboriginal women and spouses of Aboriginal men.

Website: www.emhaws.org.au

The following support services are available to help men who use violence towards their families—

No to Violence incorporating the Men's Referral Service

Website: www.ntvmrs.org.au

The Men's Referral Service is a statewide service which provides free and independent advice about what men can do. This anonymous and confidential service can provide suggestions about where to go for more assistance.

Salvation Army Crisis Service

Website: www.salvationarmy.org.au

The Crisis Service is a statewide service available by telephone for people in need of support. The service provides information, advocacy, referrals for accommodation, material aids and links to counselling and other support services.

Local courts and police may have other local referral information for support services in your area.

Form 1AB—Explanation of final family violence intervention order

Rule 10.03

EXPLANATION OF FINAL FAMILY VIOLENCE INTERVENTION ORDER

What is a final family violence intervention order?

1. A final family violence intervention order is an order made by the Magistrates' Court or the Children's Court to protect a person from family violence. A final order prevents a respondent from behaving in certain ways, or requires the respondent to do certain things, stated on the order.
2. A final order is a civil order, and making a final order does not necessarily mean that an offence has been committed. However contravention of a final order is an offence punishable by imprisonment or a fine or both. See item 8.

Who are the parties to a final family violence intervention order?

3. The "affected family member" is the person who needs the protection of the order. After a final order is made, an "affected family member" is called a "protected person".
4. The "applicant" is the person who applies for the family violence intervention order. The applicant may be the affected family member, or the applicant could be another person, such as a police officer. Section 45 of the **Family Violence Protection Act 2008** lists the people who can apply for a family violence intervention order.
5. The "respondent" is the person against whom an application for a family violence intervention order or an order has been made.
6. The respondent, the applicant and the adult protected person(s) will be given copies of the final order. This is called being "served" with the order.

What happens if the respondent disobeys a final family violence intervention order?

7. The respondent must obey all of the conditions listed in the order at all times.
8. If the respondent disobeys or "breaches" a condition in the order this means the respondent has "contravened" the order. In Victoria a contravention of an order is an offence punishable by 2 years imprisonment or a fine of 240 penalty units or both. In some circumstances, a higher penalty of 5 years imprisonment or a fine of 600 penalty units or both may apply. For example, where—

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- (a) the respondent contravenes the order 3 or more times within a 28 day period; or
- (b) the respondent contravenes the order intending to cause harm or fear for safety, or knowing that the conduct will probably cause harm or fear for safety.

What if the protected person gives permission to contravene the order?

- 9. In Victoria a person cannot permit another person to contravene an order of the court. This means that, even if the protected person allows a respondent to disobey the order, the respondent would still commit an offence.
- 10. It is not a defence that the protected person consented to the behaviour that contravened a final order.

How long does a final order last?

- 11. A final order lasts for the period the court specifies in the order. If the order says it will last "until further order" it lasts until it is revoked by the court or set aside on appeal.
- 12. The court can extend a final order but this requires a further application to the court. The magistrate may order an extension if the magistrate is satisfied the respondent is likely to commit family violence against the protected person if the duration of the final order is not extended.
- 13. An application may also be made to extend a final order to a court in any other State or a Territory that has enacted a corresponding DVO recognition law. See item 34.
- 14. A protected person should seek legal advice before the final order ends about whether to apply for an extension.

Can a final family violence intervention order be varied or revoked?

- 15. Yes. The protected person, respondent or applicant, for example, can apply to have the final order varied or revoked. Section 108 of the **Family Violence Protection Act 2008** lists the people who can apply to have the final order varied or revoked.
- 16. If the respondent wants the final order varied or revoked, the respondent cannot apply without the leave of the court. The magistrate must be satisfied there has been a change in circumstances since the final order was made and that the change may justify varying or revoking the final order before granting leave.
- 17. An application may also be made to vary or revoke a final order to a court in any other State or a Territory that has enacted a corresponding DVO recognition law. See item 34.

What if there is a Family Law Act order?

18. If there is a Family Law Act order in force, the magistrate who made the final order may have changed or suspended the Family Law Act order if it was inconsistent with the final order. The magistrate may have also revived the Family Law Act order. The purpose of the change, suspension or revival of the Family Law Act order is to prevent the respondent from committing family violence against a protected person (including preventing a child hearing or witnessing violence).
19. Speak to a lawyer about how any Family Law Act order and your final order interact.

What if there is an order made under the Children, Youth and Families Act 2005?

20. The final order applies despite any child protection order made by the Children's Court. Speak to a lawyer about how any child protection order and your final order interact.

Does the final order prohibit contact between the respondent and a child?

21. If the protected person or respondent is a parent of a child, the court may have included a condition in the final order preventing the respondent from living with, spending time with or communicating with the child.
22. The court must include this condition in a final order if the magistrate decides that it may risk the safety of the child or the protected person if the child were allowed to live with, spend time with or communicate with the respondent.

If contact is not prohibited, does the final order include conditions about arrangements for contact between the respondent and a child?

23. The court may have included a condition in the final order for the making of arrangements about the child living with, spending time with or communicating with the respondent ("children's arrangements").
24. This condition requires that any children's arrangements (including arrangements for the handover of a child) must be agreed in writing, unless the condition allows another method. The condition must also set out how children's arrangements are to be negotiated in order to maximise the safety of the protected person.

Firearms and weapons

25. A respondent to a final order is a prohibited person under the **Firearms Act 1996** and the **Control of Weapons Act 1990** while subject to the order and for a period of 5 years after being subject to the order.

26. It is an offence for a prohibited person to possess, use or carry a firearm, a silencer or any other prescribed item under the **Firearms Act 1996**.
27. A weapons exemption under the **Control of Weapons Act 1990** cannot be granted to a prohibited person and, if the exemption applies to a class of persons, does not apply to a prohibited person. A prohibited person cannot be granted a weapons approval, and it is an offence for an employer to employ a prohibited person to carry out duties for which a weapons approval is required.
28. Being subject to a final order may also have consequences for a respondent's access to firearms and weapons and associated licences, permits or authorities in other States or Territories.

Effect of firearms or weapons condition

29. If the respondent holds a firearms licence or a weapons approval, or a weapons exemption applies to the respondent, the final order may have included a specific condition cancelling the respondent's firearms licence, or revoking the weapons approval or exemption ("a firearms or weapons condition").
30. If the court has included a firearms or weapons condition in a final order, the respondent cannot make an application under the **Firearms Act 1996** to be deemed not to be a prohibited person.
31. If the court has included a firearms or weapons condition in a final order, the respondent can apply, with leave of the court, for a revocation or variation of the final order to remove the firearms or weapons condition. An application for revocation or variation of a final order must be made while the order is in force. A final order cannot be revoked or varied to remove a firearms or weapons condition after the order has expired.
32. If the court has not included a firearms or weapons condition in a final order, or has varied the final order to remove a firearms or weapons condition, the respondent can apply under the **Firearms Act 1996** to be deemed not to be a prohibited person.
33. Other States and Territories may recognise a firearms or weapons condition included in a final order. If so, this will have consequences for a respondent's access to firearms and weapons licences, permits or authorities in those States and Territories.

Can a final order be enforced in another State or a Territory?

34. Yes. Under the **National Domestic Violence Order Scheme Act 2016**, a Victorian final order may be enforced against the respondent in any other State or a Territory that has enacted a corresponding DVO recognition law. These States or Territories have enacted a corresponding DVO recognition law: Victoria, Tasmania, New South

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Wales, Australian Capital Territory, Queensland, Northern Territory,
Western Australia and South Australia.

Can a final order be enforced in New Zealand?

35. Yes. A Victorian final order may be enforced in New Zealand if registered. If it is registered, the final order may be enforced under the law of New Zealand relating to protection from family or domestic violence.
36. If a protected person wishes to be protected by a Victorian final order in New Zealand they should contact the local court in that jurisdiction about what to do to register the order.
37. Respondents travelling to New Zealand should check with the local court to see if a Victorian final order has been registered in that jurisdiction.

Contacts

Legal advice

Victoria Legal Aid provides free legal advice and referrals.

Website: www.legalaid.vic.gov.au

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Website: www.communitylaw.org.au

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Website: www.womenslegal.org.au

Key support services

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Website: www.safesteps.org.au

inTouch Multicultural Centre Against Family Violence provides support for immigrant women who are victims of family violence.

Website: www.intouch.org.au

Elizabeth Morgan House Aboriginal Women's Service provides crisis accommodation and support for Aboriginal women and spouses of Aboriginal men.

Website: www.emhaws.org.au

The following support services are available to help men who use violence towards their families—

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Website: www.ntvmrs.org.au

The Men's Referral Service is a statewide service which provides free and independent advice about what men can do. This anonymous and confidential service can provide suggestions about where to go for more assistance.

Salvation Army Crisis Service

Website: www.salvationarmy.org.au

The Crisis Service is a statewide service available by telephone for people in need of support. The service provides information, advocacy, referrals for accommodation, material aids and links to counselling and other support services.

Local courts and police may have other local referral information for support services in your area.

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Form 1—Application for rehearing

Form 1—Application for rehearing

Rule 12.02

In the Children's Court at: *[specify venue]*

Case No:

Applicant: *[full name of applicant for rehearing]*

Applicant's address:

Respondent: *[full name of respondent to this application]*

Respondent's address:

Protected person or person protected by the order:

Address:

APPLICATION FOR REHEARING

Details of the application you would like reheard

I (the applicant) am the Respondent to an application for a family violence intervention order.

The application was made at *[specify court location]* on *[date]*.

The application came to my attention on *[date]*.

Have you previously applied for a rehearing of this application? Yes*/No*

Note: If you failed to attend at the time fixed for the hearing of the application and the application was struck out by the Court, you will require leave of the Court to make another application.

Reasons for applying for rehearing

My reason for seeking a rehearing of the application is:

- ☐ I was not personally served with the application; or
- ☐ the application was not brought to my attention by an order for alternative service or substituted service prior to the making of the final order; or
- ☐ there are exceptional circumstances and a rehearing is fair and just.

These circumstances are: *[briefly state the reasons why you did not attend the hearing of the application]*

Children's Court (Family Violence Protection) Rules 2018
S.R. No. 169/2018
Form 1—Application for rehearing

Affidavit

I [*full name*] make oath*/affirm and say* that the contents of my application are true and correct to the best of my knowledge.

Note: Under section 141 of the **Evidence (Miscellaneous Provisions) Act 1958** a person who makes an affidavit knowing the contents of the affidavit to be false may be punished for the offence of perjury.

SWORN/AFFIRMED at: [*place*]

ON: [*date*]

.....

[*signature of person making the affidavit*]

BEFORE ME:.....

Name:

Title:

Address:

A person authorised under section 123C(1) of the **Evidence (Miscellaneous Provisions) Act 1958** to take an affidavit.

*delete if inapplicable

Form 2—Notice of Appeal

Rule 13.01

In the Children's Court at: *[specify venue]*

Appeal No:

Case No:

Appellant's name:

Appellant's address for service:

Name and address of Appellant's solicitor:

Respondent's name:

Respondent's address:

NOTICE OF APPEAL

TO

The Registrar of the Children's Court at:

The Prothonotary* *[If the appeal is to the trial Division of the Supreme Court] at:*

OR

The Registrar of the County Court* at:

The abovenamed respondent

Details of the proceeding appealed

Venue of the Children's Court from which proceeding is appealed:

Date order made:

Nature of proceeding:

[Please attach copy of order to this Form]

Grounds of appeal

[Briefly state the grounds for the appeal]

Children's Court (Family Violence Protection) Rules 2018
S.R. No. 169/2018
Form 2—Notice of Appeal

The Appellant requests the Registrar*/Prothonotary* to list the appeal

Details of the appeal:

The appeal is to be heard by the County Court*/Supreme Court* sitting at:

Date of appeal:

Time of appeal:

Notice of appeal filed at:

Date:

Signature of Appellant:

Signature of Prothonotary*/Registrar*:

*delete if inapplicable

Dated:

Form 3—Application for leave to apply for extended litigation restraint order

Rule 15.02

**[heading as in Form 5A of the Magistrates' Court General Civil Procedure Rules 2010]/*[heading in accordance with Rule 27.02 of those Rules]*

APPLICATION FOR LEAVE TO APPLY FOR EXTENDED LITIGATION RESTRAINT ORDER

(Section 18(1) of the **Vexatious Proceedings Act 2014**)

I, *[name]*, apply under section 18(1) of the **Vexatious Proceedings Act 2014** for leave to apply for an extended litigation restraint order.

In accordance with section 18(3) of that Act, I contend that there is merit in the application and that the making of the application would not be an abuse of process on the basis of the following grounds: *[set out the grounds in numbered paragraphs]*.

ORDERS SOUGHT

The applicant seeks—

1. leave to apply for an extended litigation restraint order;
2. *[set out any other orders sought]*.

ACCOMPANYING AFFIDAVIT

This application is accompanied by an affidavit in support of the order(s) sought in the application.

FILED *[insert date]*.

This application was filed—

- *(a) by the applicant in person.
- *(b) for the applicant by *[name or firm of Australian legal practitioner]*, Australian legal practitioner, of *[business address of Australian legal practitioner]*.
- *(c) for the applicant by *[name or firm of Australian legal practitioner]*, Australian legal practitioner, of *[business address of Australian legal practitioner]* as agent for *[name or firm of principal Australian legal practitioner]*, Australian legal practitioner, of *[business address of principal]*.

Children's Court (Family Violence Protection) Rules 2018

S.R. No. 169/2018

Form 3—Application for leave to apply for extended litigation restraint order

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 4—Application for extended litigation restraint order

Rule 15.03

**[heading as in Form 5A of the Magistrates' Court General Civil Procedure
Rules 2010]/*[heading in accordance with Rule 27.02 of those Rules]*

APPLICATION FOR EXTENDED LITIGATION RESTRAINT ORDER

(Section 18(1) of the **Vexatious Proceedings Act 2014**)

I, *[name]*, apply for an extended litigation restraint order under section 18(1) of the **Vexatious Proceedings Act 2014**.

Leave was granted to me to apply by order of *[insert name of Court]* on *[insert date]*. Attached to this application is a copy of that order.

I contend that the order should be made on the following grounds: *[set out the grounds in numbered paragraphs]*.

ORDERS SOUGHT

The applicant seeks—

1. an extended litigation restraint order;
2. *[set out any other orders sought]*.

SUMMONS

To: *[identify each party or other person to whom the application is addressed and state address of each person not a party]*.

You are summoned to attend before the Court on the hearing of the application for the orders sought.

The application will be heard in the Children's Court of Victoria at *[insert venue]* on *[insert date]* at *[insert time]* a.m. [or p.m.] or so soon afterwards as the business of the Court allows.

ACCOMPANYING AFFIDAVIT

This application is accompanied by an affidavit in support of the order(s) sought in the application.

FILED *[insert date]*.

This application was filed—

- *(a) by the applicant in person.
- *(b) for the applicant by *[name or firm of Australian legal practitioner]*, Australian legal practitioner, of *[business address of Australian legal practitioner]*.

Children's Court (Family Violence Protection) Rules 2018
S.R. No. 169/2018
Form 4—Application for extended litigation restraint order

*(c) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*] as agent for [*name or firm of principal Australian legal practitioner*], Australian legal practitioner, of [*business address of principal*].

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 5—Application for acting in concert order

Rule 15.04

**[heading as in Form 5A of the Magistrates' Court General Civil Procedure Rules 2010]/*[heading in accordance with Rule 27.02 of those Rules]*

APPLICATION FOR ACTING IN CONCERT ORDER

(Section 34 of the **Vexatious Proceedings Act 2014**)

I, *[name]*, am a person referred to in section *34(a)/*34(b) of the **Vexatious Proceedings Act 2014** and apply under that section for an acting in concert order.

I contend that the order should be made on the following grounds: *[set out the grounds in numbered paragraphs]*.

ORDERS SOUGHT

The applicant seeks—

1. an acting in concert order;
2. *[set out any other orders sought]*.

SUMMONS

To: *[identify each party or other person to whom the application is addressed and state address of each person not a party]*.

You are summoned to attend before the Court on the hearing of the application for the orders sought.

The application will be heard in the Children's Court of Victoria at *[insert venue]* on *[insert date]* at *[insert time]* a.m. [or p.m.] or so soon afterwards as the business of the Court allows.

ACCOMPANYING AFFIDAVIT

This application is accompanied by an affidavit in support of the order(s) sought in the application.

FILED *[insert date]*.

This application was filed—

- *(a) by the applicant in person.
- *(b) for the applicant by *[name or firm of Australian legal practitioner]*, Australian legal practitioner, of *[business address of Australian legal practitioner]*.

Children's Court (Family Violence Protection) Rules 2018
S.R. No. 169/2018
Form 5—Application for acting in concert order

*(c) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*] as agent for [*name or firm of principal Australian legal practitioner*], Australian legal practitioner, of [*business address of principal*].

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 6—Application for leave to continue proceeding by person subject to extended litigation restraint order

Rule 15.05

**[heading as in Form 5A of the Magistrates' Court General Civil Procedure
Rules 2010]/*[heading in accordance with Rule 27.02 of those Rules]*

APPLICATION FOR LEAVE TO CONTINUE PROCEEDING BY PERSON SUBJECT TO EXTENDED LITIGATION RESTRAINT ORDER

(Section 52(2) of the **Vexatious Proceedings Act 2014**)

I, *[name]*, a person subject to an extended litigation restraint order that relates to intervention order legislation *[identify the relevant order]*, apply under section 52(2) of the **Vexatious Proceedings Act 2014** for leave to continue a proceeding to which the order relates.

In accordance with section 53 of that Act, I contend that the proceeding is not a vexatious proceeding and that there are reasonable grounds for the proceeding, namely that: *[set out the grounds in numbered paragraphs]*.

ORDERS SOUGHT

The applicant seeks—

1. leave to continue this proceeding;
2. *[set out any other orders sought]*.

ACCOMPANYING AFFIDAVIT

This application is accompanied by an affidavit disclosing the details required under section 56 of the **Vexatious Proceedings Act 2014** as follows—

- (a) details of each application for leave to proceed made by the applicant;
- (b) details of each application for leave to commence or continue a proceeding made by the applicant under section 21 of the **Supreme Court Act 1986**, as in force immediately before its repeal;
- (c) details of each interlocutory application made or proceeding commenced or conducted by the applicant—
 - (i) that is a vexatious application or a vexatious proceeding (as defined in the Act); or

Children's Court (Family Violence Protection) Rules 2018

S.R. No. 169/2018

Form 6—Application for leave to continue proceeding by person subject to
extended litigation restraint order

- (ii) which has been stayed or dismissed on the basis of being made, commenced or conducted without merit;
- (d) an explanation as to how the application for leave to proceed is materially different to each application referred to in paragraph (a), (b) or (c) (if any);
- (e) all other facts material to the application, whether in support of or adverse to the application, which are known to the applicant.

FILED [*insert date*].

This application was filed—

- *(a) by the applicant in person.
- *(b) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*].
- *(c) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*] as agent for [*name or firm of principal Australian legal practitioner*], Australian legal practitioner, of [*business address of principal*].

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 7—Application for leave to commence proceeding by person subject to extended litigation restraint order

Rule 15.05

IN THE CHILDREN'S COURT
OF VICTORIA

20 No.

AT

IN THE MATTER of an application under section 52(2) of the **Vexatious
Proceedings Act 2014**

APPLICATION FOR LEAVE TO COMMENCE PROCEEDING BY PERSON SUBJECT TO EXTENDED LITIGATION RESTRAINT ORDER

I, [*name*], a person subject to an extended litigation restraint order that relates to intervention order legislation [*identify the relevant order*], apply under section 52(2) of the **Vexatious Proceedings Act 2014** for leave to commence a proceeding to which the order relates.

In accordance with section 53 of that Act, I contend that the proceeding is not a vexatious proceeding and that there are reasonable grounds for the proceeding, namely that: [*set out the grounds in numbered paragraphs*].

ORDERS SOUGHT

The applicant seeks—

1. leave to commence a proceeding, namely, [*set out full details of proceeding for which leave is sought, including the names and addresses of all proposed parties*];
2. [*set out any other orders sought*].

ACCOMPANYING AFFIDAVIT

This application is accompanied by an affidavit disclosing the details required under section 56 of the **Vexatious Proceedings Act 2014** as follows—

- (a) details of each application for leave to proceed made by the applicant;
- (b) details of each application for leave to commence or continue a proceeding made by the applicant under section 21 of the **Supreme Court Act 1986**, as in force immediately before its repeal;

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Form 7—Application for leave to commence proceeding by person subject to
extended litigation restraint order

- (c) details of each interlocutory application made or proceeding commenced or conducted by the applicant—
 - (i) that is a vexatious application or a vexatious proceeding (as defined in the Act); or
 - (ii) which has been stayed or dismissed on the basis of being made, commenced or conducted without merit;
- (d) an explanation as to how the application for leave to proceed is materially different to each application referred to in paragraph (a), (b) or (c) (if any);
- (e) all other facts material to the application, whether in support of or adverse to the application, which are known to the applicant.

FILED [*insert date*].

This application was filed—

- *(a) by the applicant in person.
- *(b) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*].
- *(c) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*] as agent for [*name or firm of principal Australian legal practitioner*], Australian legal practitioner, of [*business address of principal*].

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 8—Application for leave to continue proceeding by person subject to general litigation restraint order

Rule 15.06

**[heading as in Form 5A of the Magistrates' Court General Civil Procedure
Rules 2010]/*[heading in accordance with Rule 27.02 of those Rules]*

APPLICATION FOR LEAVE TO CONTINUE PROCEEDING BY PERSON SUBJECT TO GENERAL LITIGATION RESTRAINT ORDER

(Section 54 of the **Vexatious Proceedings Act 2014**)

I, *[name]*, a person subject to a general litigation restraint order *[identify
the relevant order]*, apply under section 54 of the **Vexatious Proceedings
Act 2014** for leave to continue **this proceeding/*a proceeding*, namely
[identify relevant proceeding].

In accordance with section 55 of that Act, I contend that **this proceeding/
the proceeding is not a vexatious proceeding and that there are reasonable
grounds for the proceeding, namely that: *[set out the grounds in numbered
paragraphs]*.

ORDERS SOUGHT

The applicant seeks—

1. leave to continue **this proceeding/*a proceeding*, namely
[identify the proceeding];
2. *[set out any other orders sought]*.

ACCOMPANYING AFFIDAVIT

This application is accompanied by an affidavit disclosing the details
required under section 56 of the **Vexatious Proceedings Act 2014** as
follows—

- (a) details of each application for leave to proceed made by the
applicant;
- (b) details of each application for leave to commence or continue
a proceeding made by the applicant under section 21 of the
Supreme Court Act 1986, as in force immediately before its
repeal;
- (c) details of each interlocutory application made or proceeding
commenced or conducted by the applicant—
 - (i) that is a vexatious application or a vexatious proceeding
(as defined in the Act); or

Children's Court (Family Violence Protection) Rules 2018

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Form 8—Application for leave to continue proceeding by person subject to
general litigation restraint order

- (ii) which has been stayed or dismissed on the basis of being made, commenced or conducted without merit;
- (d) an explanation as to how the application for leave to proceed is materially different to each application referred to in paragraph (a), (b) or (c) (if any);
- (e) all other facts material to the application, whether in support of or adverse to the application, which are known to the applicant.

FILED [*insert date*].

This application was filed—

- *(a) by the applicant in person.
- *(b) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*].
- *(c) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*] as agent for [*name or firm of principal Australian legal practitioner*], Australian legal practitioner, of [*business address of principal*].

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

**Form 9—Application for leave to commence
proceeding by person subject to general
litigation restraint order**

Rule 15.06

IN THE CHILDREN'S COURT
OF VICTORIA

20 No.

AT

IN THE MATTER of an application under section 54 of the **Vexatious
Proceedings Act 2014**

**APPLICATION FOR LEAVE TO COMMENCE PROCEEDING
BY PERSON SUBJECT TO GENERAL LITIGATION
RESTRAINT ORDER**

I, *[name]*, a person subject to a general litigation restraint order *[identify
the relevant order]*, apply under section 54 of the **Vexatious Proceedings
Act 2014** for leave to commence a proceeding.

In accordance with section 55 of that Act, I contend that the proposed
proceeding would not be a vexatious proceeding and that there are reasonable
grounds for the proposed proceeding, namely that: *[set out the grounds in
numbered paragraphs]*.

ORDERS SOUGHT

The applicant seeks—

1. leave to commence a proceeding, namely, *[set out full details
of proposed proceeding for which leave is sought, including the
names and addresses of all proposed parties]*;
2. *[set out any other orders sought]*.

ACCOMPANYING AFFIDAVIT

This application is accompanied by an affidavit disclosing the details
required under section 56 of the **Vexatious Proceedings Act 2014** as
follows—

- (a) details of each application for leave to proceed made by the
applicant;
- (b) details of each application for leave to commence or continue
a proceeding made by the applicant under section 21 of the
Supreme Court Act 1986, as in force immediately before its
repeal;

Children's Court (Family Violence Protection) Rules 2018

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Form 9—Application for leave to commence proceeding by person subject to
general litigation restraint order

- (c) details of each interlocutory application made or proceeding commenced or conducted by the applicant—
 - (i) that is a vexatious application or a vexatious proceeding (as defined in the Act); or
 - (ii) which has been stayed or dismissed on the basis of being made, commenced or conducted without merit;
- (d) an explanation as to how the application for leave to proceed is materially different to each application referred to in paragraph (a), (b) or (c) (if any);
- (e) all other facts material to the application, whether in support of or adverse to the application, which are known to the applicant.

FILED [*insert date*].

This application was filed—

- *(a) by the applicant in person.
- *(b) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*].
- *(c) for the applicant by [*name or firm of Australian legal practitioner*], Australian legal practitioner, of [*business address of Australian legal practitioner*] as agent for [*name or firm of principal Australian legal practitioner*], Australian legal practitioner, of [*business address of principal*].

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 10—Notice of application for leave to proceed

Rule 15.07

[heading as in form used in application]

NOTICE OF APPLICATION FOR LEAVE TO PROCEED

(Section 61 of the **Vexatious Proceedings Act 2014**)

TO:

- (a) the Attorney-General;
- (b) *[name of person to be given notice of the application in accordance with the Court's direction, and if more than one, list separately]*.

TAKE NOTICE that *[name]* of *[address]*, a person subject to a general litigation order or an extended litigation restraint order that relates to intervention order legislation *[identify the relevant order]*, has made an application to the Court for leave to proceed as follows: *[describe the relief sought in the application]*.

Under section *60/*61(2) of the **Vexatious Proceedings Act 2014**, the Court has directed that notice of the application for leave to proceed be given to you.

This notice is accompanied by a copy of the application for leave to proceed and by a copy of every order made or direction given by the Court in the application to which this notice relates.

You are entitled to make submissions in relation to the application.

Date:

Any Questions?

If you have any questions, please contact the registrar at the Children's Court of Victoria *[venue]*, Tel: *[insert telephone number]*, Hours: 9 a.m. to 4:30 p.m. each business day.

*delete if inapplicable

Form 11—Application for leave to apply to vary or revoke extended litigation restraint order

Rule 15.08

**[heading as in Form 5A of the Magistrates' Court General Civil Procedure
Rules 2010]/*[heading in accordance with Rule 27.02 of those Rules]*

APPLICATION FOR LEAVE TO APPLY TO VARY OR REVOKE EXTENDED LITIGATION RESTRAINT ORDER

(Section 65(2) of the **Vexatious Proceedings Act 2014**)

I, *[name]*, a person subject to an extended litigation restraint order that relates to intervention order legislation *[identify the relevant order]* apply for leave to apply to **vary/*revoke* that order under section 65(2) of the **Vexatious Proceedings Act 2014**.

I contend that leave to apply should be given to **vary* the order/**revoke* the order on the following grounds: *[set out the grounds in numbered paragraphs]*.

ORDERS SOUGHT

The applicant seeks leave to apply for—

- *1. variation of the order in the following manner [specify variation of order sought];*
- *1. the revocation of the order;*
- 2. [set out any other orders sought].*

FILED *[insert date]*.

This application was filed—

- *(a) by the applicant in person.*
- *(b) for the applicant by [name or firm of Australian legal practitioner], Australian legal practitioner, of [business address of Australian legal practitioner].*
- *(c) for the applicant by [name or firm of Australian legal practitioner], Australian legal practitioner, of [business address of Australian legal practitioner] as agent for [name or firm of principal Australian legal practitioner], Australian legal practitioner, of [business address of principal].*

Children's Court (Family Violence Protection) Rules 2018
S.R. No. 169/2018
Form 11—Application for leave to apply to vary or revoke extended
litigation restraint order

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 12—Application to vary or revoke extended litigation restraint order

Rule 15.09

**[heading as in Form 5A of the Magistrates' Court General Civil Procedure Rules 2010]/*[heading in accordance with Rule 27.02 of those Rules]*

APPLICATION TO VARY OR REVOKE EXTENDED LITIGATION RESTRAINT ORDER

(Section 65(2) of the **Vexatious Proceedings Act 2014**)

I, *[name]*, a person subject to an extended litigation restraint order that relates to intervention order legislation *[identify the relevant order]* apply to **vary/*revoke* that order under section 65(2) of the **Vexatious Proceedings Act 2014**.

Leave was granted to me to apply to **vary/*revoke* that order by order of *[insert name of Court]* on *[insert date]*. Attached to this application is a copy of that order.

I contend that the order should be **varied* in the manner set out below/
**revoked* on the following grounds: *[set out the grounds in numbered paragraphs]*.

ORDERS SOUGHT

The applicant seeks—

- *1.* variation of the order in the following manner *[specify variation of order sought]*;
- *1.* revocation of the order;
2. *[set out any other orders sought]*.

FILED *[insert date]*.

This application was filed—

- *(a)* by the applicant in person.
- *(b)* for the applicant by *[name or firm of Australian legal practitioner]*, Australian legal practitioner, of *[business address of Australian legal practitioner]*.
- *(c)* for the applicant by *[name or firm of Australian legal practitioner]*, Australian legal practitioner, of *[business address of Australian legal practitioner]* as agent for *[name or firm of principal Australian legal practitioner]*, Australian legal practitioner, of *[business address of principal]*.

Children's Court (Family Violence Protection) Rules 2018

S.R. No. 169/2018

Form 12—Application to vary or revoke extended litigation restraint order

The address of the applicant is:

The address for service of the applicant is:

Date:

Signed

*delete if inapplicable

Form 13—Notice of application to vary or revoke extended litigation restraint order

Rule 15.10

*[heading as used in application for leave to vary or
revoke litigation restraint order]*

NOTICE OF APPLICATION TO VARY OR REVOKE EXTENDED LITIGATION RESTRAINT ORDER

(Section 68 of the **Vexatious Proceedings Act 2014**)

TO:

- (a) the Attorney-General;
- (b) *[name of person to be given notice of the application in
accordance with the Court's direction, and if more than
one, list separately].*

TAKE NOTICE that *[name]* of *[address]*, a person subject to an extended litigation restraint order, has made an application to the Court to *vary the extended litigation restraint order in the following manner *[describe variation sought]*/*revoke the litigation restraint order.

Under section 68(2) of the **Vexatious Proceedings Act 2014**, the Court has directed that notice of the application for *variation/*revocation be given to you.

This notice is accompanied by a copy of the application for *variation/*revocation and by a copy of every order made or direction given by the Court in the application for *variation/*revocation and in the preceding leave application.

You are entitled to make submissions in relation to the application for *variation/*revocation.

Date:

Any Questions?

If you have any questions, please contact the registrar at the Children's Court of Victoria *[venue]*, Tel: *[insert telephone number]*, Hours: 9 a.m. to 4:30 p.m. each business day.

*delete if inapplicable

Dated: 18 October 2018

KIM M. W. PARKINSON,
Acting President, Children's Court of Victoria

JENNIFER BOWLES,
Magistrate, Children's Court of Victoria

GAIL HUBBLE,
Magistrate, Children's Court of Victoria

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Children's Court (Family Violence Protection) Rules 2018, S.R. No. 169/2018 were made on 18 October 2018 by the President of the Children's Court together with 2 Magistrates for that Court jointly under section 210 of the **Family Violence Protection Act 2008**, No. 52/2008 and came into operation on 3 December 2018: rule 1.03.

The Children's Court (Family Violence Protection) Rules 2018 will sunset 10 years after the day of making on 18 October 2028 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Children's Court (Family Violence Protection) Rules 2018 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Introductory Note: S.R. No. 94/2011.

² Rule 1.04(a): S.R. No. 156/2008 as amended by S.R. No. 93/2011.

³ Rule 1.04(b): S.R. No. 93/2011.