

Exclusion Orders

What is an exclusion order?

An exclusion order is one of the conditions which may be applied for in an application for an Apprehended Domestic Violence Order (ADVO). An exclusion order prohibits the violent person from living in the home of the protected person. This can include the home where both parties are, or have been living. An exclusion order allows you to end a situation of domestic violence, remain in your home and have the violent person not be allowed to return to the home.

Is this something for me?

Before applying for an exclusion order, there are a number of questions you should be asking yourself.

- Would you prefer to stay at home and have the violent person leave?
- Will you feel safe and be safe if you stay at home?
- Will you be fearful because your partner knows where you are living?
- Do you have children and would they be better off remaining at home with you?
- Can you afford to pay the housing costs?

How do I get an exclusion order?

A Magistrate can only make an exclusion order if it is requested in the application for an ADVO.

It's important to discuss this option with a lawyer, court support worker or police officer when applying for an ADVO. If you get an exclusion order, please talk with a court support worker and police officer about what else you might need to feel safe and supported.

The police can also apply for an exclusion order as part of a Telephone Interim Order (TIO) which they can apply for at any time, following a violent incident. A TIO provides you with immediate protection until the matter can go before the court.

Remember to report any breaches of the exclusion order to the police.



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What's relevant to the Court in making an exclusion order?

The Court considers a number of things in deciding whether or not to make an exclusion order. These are:

- The safety and protection of the protected person and any children living at home, if such an order is not made
- Any hardship that may be caused by making or not making the order, particularly to the protected person and any children
- The accommodation needs of all relevant parties, particularly the protected person and any children, and
- Any other relevant matters

Who can I contact for help?

Police/Ambulance 000

Domestic Violence Line 1800 656 463

Sydney Advice Line: (02) 8745 6999

DoCS Helpline

132 111 (TTY 1800 212 936)

Women's Legal Resource Centre

(02) 9749 5533.

Indigenous Women's Contact Line

1800 639 784

Financial Assistance Call Centrelink on 13 2850, or visit your local Centrelink Customer Service Centre

Wirringa Baiya Aboriginal Women's Legal Centre 1800 686 587 or (02) 9569 3847