



FAMILY LAW FACTSHEET 8: CONDUCT AGREEMENT ORDER

If you are in immediate danger call the Police on 000

WHAT IS A CONDUCT AGREEMENT ORDER?

If you are a respondent in an FVRO case in Court, you could consider resolving the case by agreeing to a Conduct Agreement Order (CAO), which means you will not have to go to a final order hearing. The CAO will be made with your consent without making any admissions. A CAO is a Court Order that is enforceable by the Police and Courts. This means if the CAO is breached the person can be charged by police and the charges will be heard in Court.

If the parties agree to the terms of the CAO there will not be a final order hearing and there will be no finding or admission of family violence. If the parties do not agree on the terms of the CAO, the case can proceed to a hearing and the Court will decide whether to make an FVRO.

IS A CAO A CRIMINAL CHARGE?

A CAO is not a criminal charge. Police can only lay charges if the Order is breached.

BREACHING A CAO

If a person breaches a CAO it is an offence and the person may be arrested and charged with the offence of breaching an FVRO if there is enough evidence. On conviction the maximum penalty for breaching a CAO is a fine of \$6,000 or 2 years imprisonment. A conviction for breaching a CAO will go on someone's criminal record.

WHAT WILL BE INCLUDED IN A CAO

A CAO can include all restraints and conditions that can be included in an FVRO. It is common for the Respondent to agree to a CAO on the same or similar terms to those on the interim FVRO (if there is one). The CAO can be worded to suit your situation.

WHAT DOES 'WITHOUT ADMISSION' MEAN?

'Without admission' means that a party is not agreeing to any allegations made against them. This means that the party does not agree that there was family violence.

If the respondent agrees to a CAO there is no finding by a Court that family violence happened. The Respondent does not admit to what is alleged in the FVRO application and the Court disregards the evidence provided. The Applicant is afforded the same protection as if the FVRO was granted.

A person may be treated as a repeat offender if they have breached an FVRO or CAO more than once in the last 2 years. If they are a 'third strike' offender, the court must impose a sentence including suspended or immediate imprisonment

A CAO CAN BE MADE AT ANY STAGE DURING FVRO PROCEEDINGS. IT WILL OUTLINE WHAT THE RESPONDENT CAN AND CANNOT DO, USUALLY BASED ON THE TERMS OF THE FVRO APPLIED FOR. YOU SHOULD SEEK LEGAL ADVICE BEFORE AGREEING TO A CAO.

Disclaimer: This factsheet provides general information and is not to be taken as legal advice. Published 2019.

Karratha Office
Phone: 08 9185 5899

South Hedland Office
Phone: 08 9140 1613

Roebourne Office
Phone: 08 6149 2031

Newman Office
Phone: 9175 0148

Person protected: ("Person Protected")
Person bound: ("Person Bound")

The parties in this family violence restraining order matter have come to the following agreement. The Person Protected agrees to settle her/his [delete/strike through the one that does not apply] family violence restraining order application on the basis of the Person Bound consenting to the following Conduct Agreement Order:

The duration of this order is months/ years.

PART A: ORDERS: EXCEPT AS SET OUT IN PART B THE PERSON BOUND MUST NOT:

- (a) be in possession of a firearm, a firearms licence or obtain a firearms licence,
- (b) cause or attempt to cause damage to any property in the possession of the Person Protected,
- (c) except as set out in Part B, communicate or attempt to communicate with the Person Protected by any means whatsoever, including SMS or text messages or any other electronic means,
- (d) harass the Person Protected by any electronic means, including by using the internet and any social network application (such as "Facebook") to depict or refer in any offensive manner to the person Protected,
- (e) enter, remain upon or any other premises where the Person Protected lives, or works, or is educated; or be within metres of the nearest external boundary of those premises,
- (f) enter upon the street and adjoining road reserve known as,
- (g) approach within metres of the Person Protected unless within the grounds of for the purposes of undertaking education,
- (h) approach within..... metres of any property (including vehicles) of, or under the control of, the Person Protected,
- (i) prevent or hinder the Person Protected from using,
- (j) prevent or hinder the Person Protected from attending at in the company of a police officer for the purposes of recovering personal or other property,
- (k) distribute or publish, or threaten to publish, any intimate personal images of the Person Protected,
- (l) monitor the movement or communications of the Protected Person,
- (m) cause or allow any other person to engage in conduct of the type referred to in any of the preceding paragraphs of this agreement for you.

PART B: THE PERSON BOUND WILL NOT BREACH THE ORDERS IN PART A IF SHE/HE [delete/strike through the one that does not apply]:

- (a) communicates with the Person Protected through an Australian legal practitioner as defined in the *Legal Profession Act 2008* (WA) or a person acting under Section 48 of the *Aboriginal Affairs Planning Authority Act 1972* (WA),
- (b) complies with a court order or parenting plan made under the *Family Court Act 1997* (WA) or *Family Law Act 1975* (Cth) allowing the Person Bound to live with, spend time with or communicate with a child or children named in that order or the plan,
- (c) communicates with the Person Protected by email, SMS, text message or by any other written electronic means solely to make arrangements to spend time with, or communicate with any child or children of the Person Protected and the Person Bound,
- (d) participates with the Person Protected in family dispute resolution or family counselling, as defined in the *Family Court Act 1997* (WA) or *Family Law Act 1975* (Cth),
- (e) instructs a process server or bailiff or other person to serve any legal process requiring service on the Person Protected,
- (f) participates in and go to court events in proceedings in which the Person Protected and the Person Bound are parties or witnesses, and to comply with any order or direction of a Court,
- (g) attends in the company of a police officer for the purposes of recovering personal or other property,
- (h) engages in any mediation as directed or ordered by a Court, or other mediation as agreed in writing by the parties and as arranged by a mutually agreed third party.

Signed: _____ Dated: _____

Person Bound:

Signed: _____ Dated: _____

Person Protected:

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