

How can I have an order varied or revoked?

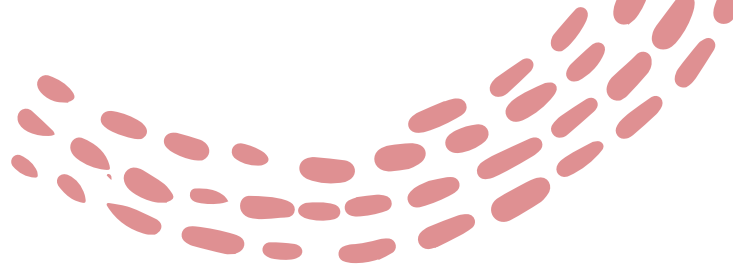
If you are a party to the FVO, you can apply to the Court to vary or revoke the order. You will need to show the Court that there has been a 'significant change in circumstances.'

You can find the application form to vary or revoke an order on the Magistrate's Court website. You can make an application yourself or ask a lawyer for help.

You can ask a police officer of the rank of inspector or above to vary a PFVO. They may agree to do this if both parties to the order consent to the variation and the variation will not negatively affect the safety and interests of the protected person(s).

What happens if someone breaks a FVO?

Breaking an FVO is against the law. Breaking an order is also called 'breaching' an order. **If you breach a FVO you could be fined or imprisoned.**



What does TALS do?

Tasmanian Aboriginal Legal Service ('TALS') is a non-profit, Aboriginal and Torres Strait Islander community-based organisation in Tasmania. TALS provide culturally safe, holistic, and appropriate services that are inclusive and open to all Aboriginal Tasmanians.

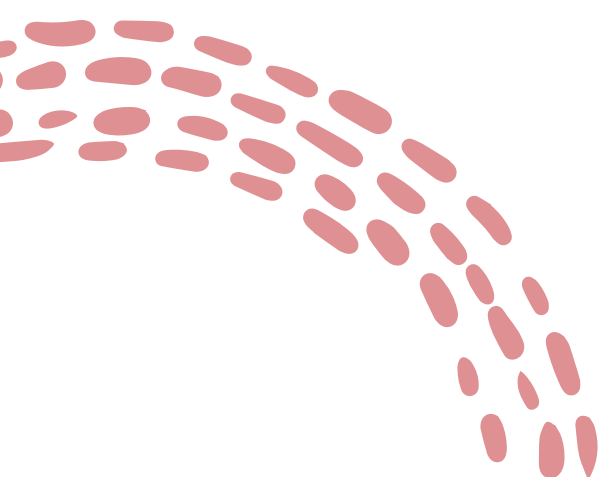
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FAMILY VIOLENCE & FAMILY VIOLENCE ORDERS



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What is family violence?

Family Violence is behaviour where a person coerces, controls, or causes an intimate partner or former partner to be afraid. The abuse can happen in different ways and is not always physical.

Family Violence in Tasmania is governed and defined by the Family Violence Act (2004). It says that family violence is a behaviour occurring between people aged 16 years or older who are married, have been married, or in a significant relationship.

The Act defines family violence as the following types of conduct committed by a person, directly or indirectly, against their current or ex-partner:

- Assault and sexual assault.
- Threats, coercion, intimidation, or verbal abuse.
- Abduction.
- Stalking.
- Attempting or threatening any of the above.

OR any of the following:

- Economic abuse.
- Emotional abuse.
- Breaching a Family Violence Order or a Police Family Violence Order.

What powers do police have?

Police can enter premises without a warrant if they reasonably suspect that family violence has been or is likely to be committed, or at the request of a person who lives on the premises.

When police enter the premises they can search both the people and property. They can seize any object to be used in family violence offending and make arrests.

Police can arrest you without a warrant if they think you may have committed family violence.

Can I get bail if I am charged with a family violence offence?

If you are charged with a family violence offence, you won't be granted bail unless the Court or a police officer is satisfied that your release would not be likely to put the protected person at risk.

Sentencing

When deciding on a sentence for a family violence offence, the Court may consider whether the victim of the offence was pregnant or there was a child present at the time of the offence. The Court must consider any rehabilitation program assessment undertaken by the offender and presented to the Court.

What is a Family Violence Order ('FVO')?

A FVO is made to protect people by ordering the other person to not commit family violence. Orders put conditions on a person's behaviour and can restrict contact between people. Orders can be made for 12 months or however long the Court thinks is necessary.

A police officer of the rank of sergeant or above can make a **Police Family Violence Order ('PFVO')** if they are satisfied a person has committed or is likely to commit a family violence offence.

How is a FVO made?

You can make an application to the Court for a FVO or you can ask the police to make an application for a FVO for you.

FVO application forms can be found on the Magistrates Court of Tasmania website. You can make an application yourself or ask a lawyer for help.

What happens at court?

Going to court can be a slow process and you may need to go to court a few times before the case goes to a hearing.

A hearing is when both sides tell the court their story, and the court makes a final decision. A case will only go to a hearing if the person the order is against disagrees to the order being made.

You can get legal advice about what will happen in court.

