

# Safe at Home

## Controlling Family Violence

### Police Family Violence Orders and Family Violence Orders

Sep 2015

The *Family Violence Act 2004* uses two types of orders to protect adult and child victims of family violence - **Police Family Violence Orders** and **Family Violence Orders**. These Orders restrain and manage the behaviour of the person to whom they apply.

Assistance and advice about such Orders is available from the *Safe at Home Court Support and Liaison Service* and from **Legal Aid** (telephone the Family Violence Response and Referral Line on 1800 633 937 for referral to these services.)

#### Police Family Violence Orders (PFVOs)

A PFVO is a protective Order issued by authorised police officers following a family violence incident. These Orders are issued when the risk of further family violence is assessed to be low to medium and where such an Order is considered necessary to protect the safety, wellbeing and interests of adult and child victims.

- It is in force from the time of service and may be issued for up to 12 months.
- It can place conditions on a person who police are satisfied has committed, or is likely to commit, family violence. These conditions are designed to provide police with the flexibility to make Orders to suit various circumstances, and may allow offenders and victims to continue living together.

- For the period it is in force, a PFVO suspends permits and licences for firearms held by the offender, and prohibits them from applying for, or being granted, any firearms licences or permits.
- A person who is protected by a PFVO has an obligation to inform the police issuing the Order of any relevant Family Court Order/s and, if police are aware of them, must be taken into account. If the police officer issuing the PFVO is not made aware of these, it does not make the PFVO invalid.
- A police officer of the rank of inspector or above may vary a PFVO where the victim and the offender consent to the variation; and if, following an investigation, it is found the proposed variation does not adversely affect the safety and interests of any affected adult and/or children.
- PFVOs cannot be revoked by police. An application must be made to the court.

#### Family Violence Orders (FVOs)

- An FVO, or Interim FVO, may only be issued by a magistrate or judge.
- FVO applications may be made by police, an adult or child affected by family violence and any other person permitted to do so by the Court.

- Police will make an application for an FVO when an assessment of risk and safety has been made and the risk of further family violence is assessed as high.
- An application for an FVO is to include information about relevant Family Court Order(s), but is not invalid if the court is not informed of these.
- If a court is satisfied a person has committed family violence and may commit it again, an FVO may be granted.
- An FVO may include conditions considered necessary to prevent family violence or protect the victims named. The safety and interests of the adult and child victims named in the Order are of paramount importance.
- An FVO remains in force for the period specified in the Order.
- Applications may be made to the court to vary (change), extend or revoke (remove) an FVO.
- Similar Orders made in other states may be registered in Tasmania.

### Breaches of PFVOs or FVOs

Breaching a PFVO or FVO is a criminal offence. Serious penalties such as imprisonment and fines can apply. A person can be arrested and charged with breaching a PFVO or an FVO even if they had the consent of the person protected by the Order.

For example, if the person protected by a PFVO or FVO asks their ex-partner to move back in at a time when a PFVO or FVO forbids this, then:

- the ex-partner can be charged with breaching the Order, and
- the person protected by the Order can also be charged with a serious offence regarding the breach.

Organisation/Name	Services	Contact details or sites
<b>EMERGENCY</b>	<b>Ask for police</b>	<b>000</b>
<b>Safe at home</b>	Information sheets	<a href="http://www.safeathome.tas.gov.au">www.safeathome.tas.gov.au</a>
<b>Safe at home</b>	Family Violence Response and Referral Line	Ph: 1800 633 937

## Safe at Home

**Phone:** (03) 6165 4988

**Email:** [safeathome@justice.tas.gov.au](mailto:safeathome@justice.tas.gov.au)

**Web:** [www.safeathome.tas.gov.au](http://www.safeathome.tas.gov.au)



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