

MAGISTRATES COURT OF TASMANIA

Practice Direction 2 of 2022

Police Family Violence Order Form

Pursuant to the Magistrates Court Act 1987 Section 15AA, I Catherine Geason, Chief Magistrate of Tasmania, approve the following form of a Police Family Violence Order, in accordance with the Family Violence Act, Section 30.

Practice Direction 2 of 2012 is rescinded.

C J Geason
Chief Magistrate

10 March 2022



POLICE FAMILY VIOLENCE ORDER

Family Violence Act 2004 Section 14
Domestic Violence Orders (National Recognition) Act 2016
Nationally Recognised Domestic Violence Order

FVMS Number: <#>

To: _____
<Full Name of Person, the Subject of the Order>

Of: _____
<Full Address of Residence of Person, the Subject of the Order>

DOB: _____
<Date of Birth of Person, the Subject of the Order>

TAKE NOTICE THAT on <Date>, <Rank and name of issuing officer> <authorised by the Commissioner of Police [if not rank of sergeant or above]> of <Station where Order was made>, is satisfied that a family violence offence <has been committed/or is likely to be committed> and orders as follows:

That <Full Name of Person, the Subject of the Order> must:

I Not stalk <Full Name of Person to be Protected>

— (see definition of stalking as it appears in the Criminal Code Act 1924, Section 192)

- 2 Not directly or indirectly threaten, abuse or assault <Full Name of Person to be Protected>
- 3 Not be within _____ metres of, or contact <Full Name of Person to be Protected>: directly or indirectly (including by any form of electronic or other communication), except
- (a) ONLY for the purposes of discussing matters arising out of their relationship, including relating to <Full name/s of Affected Children> by:
 - letter or facsimile;
 - e-mail;
 - electronic message;
 - electronic messenger or social media (such as Facebook);
 - telephone;
 - an agreed 3rd person (adult) <name of agreed 3rd person>; and/or
 - (b) to attend counselling, family dispute resolution, mediation or meetings conducted by a Court-appointed expert. Such meetings to be by consent and arranged by:
 - letter or facsimile;
 - e-mail;
 - electronic message;
 - electronic messenger or social media (such as Facebook);
 - telephone;
 - an agreed 3rd person (adult), <name of agreed 3rd person (if applicable)> and/or
 - (c) in accordance with a current contact agreement reached as above or an order of a court of competent jurisdiction relating to <Full name/s of Affected Children>
 - (d) during an appearance in court proceedings involving the parties, or discussions in the court precincts for the purpose of those proceedings and consented to by both parties.
- 4 Not enter the premises at _____ where <Full Name of Person to be Protected> is presently living or any other place where the said person/s may be staying or living from time to time
- 5 Not go within _____metres of the boundary of the premises at _____ or the boundary of any premises where <Full Name of Person to be Protected> may be staying or living from time to time
- 6 Not enter the place of employment of <Full Name of Person to be Protected>, being _____ or any other place at which <Full Name of Person to be Protected> may be working from time to time, save for any bona fide for any bona fide attendance not connected with the applicant
- 7 On or before _____am/pm on the _____day of _____, vacate the premises at _____
- 8 Not damage the premises at _____ or any furniture, household effects or other items which are there
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- 9 Not damage any personal or other property owned or possessed by <Full Name of Person to be Protected>
- 10 Not be within _____metres of <name and address of school and /or child care centre> where <Full name/s of Affected Children> may be present from time to time
- 11 Immediately surrender any firearm, part of any firearm or any ammunition, and any firearm licence or permit in his/her possession to a police station or a police officer
- 12 Not apply for any licence or permit under the *Firearms Act 1996*
- 13 Forfeit and immediately surrender any licence or permit held pursuant to the *Firearms Act 1996* and in the possession of <Full Name of Person, the Subject of the Order> to a police station or police officer. During the period of this Order, <Full Name of Person, the Subject of the Order> must not possess any firearm, part of a firearm or ammunition.

THIS ORDER WILL REMAIN IN FORCE FOR A PERIOD OF 12 MONTHS FROM THE DATE OF SERVICE.

Any licence or permit held by <Full Name of Person, the Subject of the Order> pursuant to the *Firearms Act 1996* is suspended by virtue of Section 14 (15) of the *Family Violence Act 2004* while this Order remains in force.

Date of Issue: _____

Issuing Officer
(Signature, Name and Rank)

WARNING: If you contravene an order under the provisions of the *Family Violence Act 2004* you shall be guilty of an offence and be liable of summary convictions to a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding 12 months for a first offence. Subsequent offences may attract higher penalties.