

# MAGISTRATES COURT OF TASMANIA

## Practice Direction 4 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 2004*, Section 30.

Practice Direction 2 of 2022 is rescinded.

**C J Geason**  
**Chief Magistrate**

**22 December 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 3<sup>rd</sup> person (adult) <name of agreed 3<sup>rd</sup> 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 3<sup>rd</sup> person (adult), <name of agreed 3<sup>rd</sup> 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 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
- 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 Refrain from engaging in any other conduct specified in the order, that constitutes, or may constitute, family violence
- 12 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
- 13 Not apply for any licence or permit under the *Firearms Act 1996*
- 14 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: \_\_\_\_\_

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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 on summary conviction 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.