**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Practice Direction 2 of 2022 is rescinded.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:

|  |  |  |
| --- | --- | --- |
|  | 1 | 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 |
|  |  | 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:

 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.