**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Practice Direction 2 of 2022 is rescinded.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.