***Family Violence Act 2004, Section 20***



**APPLICATION FOR VARIATION OF A FAMILY VIOLENCE ORDER**

**TO INCLUDE ELECTRONIC MONITORING CONDITIONS**

***This application can only be made by a Police Officer - Family Violence Act 2004, Section 16(4)***

1. **APPLICANT**

**Police Officer Details**

|  |  |
| --- | --- |
| **NAME:** |  |
| **STATION:** |  |
| **RANK:** |  | **NUMBER:** |  |

1. **RESPONDENT DETAILS (Person who has allegedly committed family violence)**

 **NAME:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **ADDRESS:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **GENDER:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **DATE OF BIRTH (or approximate age):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Suggested other place/s where the Respondent may be located:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **DETAILS OF ORIGINAL APPLICATION**

|  |  |
| --- | --- |
|  **Number of Original Application**  |  |

**PERSON TO BE PROTECTED**

**NAME:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ADDRESS:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RESPONDENT**

**NAME:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ADDRESS:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **RELEVANT CHANGE IN CIRCUMSTANCES AND REASONS FOR THE ORDER**

Date on which the order currently in place was made: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **4.1** Details of the relevant change in circumstances that have resulted in the making of this application for variation. |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
| **4.2** Any additional reasons for the request for variation of the order. |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

## 5. DETAILS OF VARIATION SOUGHT: ADDITION OF ELECTRONIC MONITORING CONDITIONS

**5.1** **Electronic Monitoring Conditions Sought**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
|

|  |  |
| --- | --- |
|  |  |

 When not in custody, you must submit to being electronically monitored by wearing and not removing, or always carrying, an electronic device which allows –1. the Commissioner of Police; or
2. a police officer, State Service officer, State Service employee or other person, or a person of a class of persons (whether police officers, State Service officers, State Service employees or other persons), authorised by the Commissioner of Police –

to find or monitor your geographical location |
|  |  |
|  |  | [ ]  (a) You must immediately report to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to have the electronic device fitted. |
|  |  |  |
| **OR** |  | [ ]  (b) You must submit to being fitted with your electronic device prior to being released from custody |
|  |  |  |
|  |  | You must not tamper with, damage, cause or allow the device to be damaged, or disable or interfere with any of your electronic monitoring equipment. |
|  |  |  |
|  |  |  You must ensure that your electronic monitoring ankle tracking device is charged and you must not allow your ankle device to go flat at any time. |
|  |  |  |
|  |  |  You must not remove, attempt to remove, or allow to be removed, your electronic monitoring ankle tracking device. |
|  |  |  |
|  |  |  You must ensure that your electronic monitoring equipment is kept safe and secure at all times. |
|  |  |  |
|  |  |  You must comply with all reasonable and lawful directions given to you by a police officer, state service officer, state service employee, or a person authorised by the Commissioner of Police in relation to electronic monitoring. |
|  |  |  |
|  |  |  You must remain contactable via telephone at all times and notify the Tasmania Police radio room (131 444) of any changes to your contact details immediately. |

 |
|  |
|  |

**5.2 Change an existing condition(s) – relevant to addition of electronic monitoring**

 **conditions**

 Please specify the condition that you wish changed and the change requested

|  |
| --- |
|  |
|  |
|  |
|  |
|  |

**6. STATUTORY DECLARATION OF POLICE OFFICER**

I of

 Full name Address

 Occupation

declarethat to the best of my knowledge and belief the information contained in this Application is true.

Signed (Applicant)

Declared at this day of 20

Before me

Signed Justice of the Peace/Commissioner for Declarations

*Court Registry to complete:*

**NOTICE TO RESPONDENT**

To: -

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Name of respondent)*

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Address of respondent)*

An application has been made asking the court to Vary a \*Family Violence Order/\*Police Family Violence Order which concerns you. A copy of the application is attached.

**THE APPLICATION WILL BE HEARD** at the Magistrates Court at

|  |  |
| --- | --- |
|  | 23 - 25 Liverpool Street, Hobart |
|  | 73 Charles Street, Launceston |
|  | 8 Griffith Street, Devonport |
|  | 38 Alexander Street, Burnie  |

On\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at (time) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_am/pm

IF YOU WISH TO DEFEND the application you must attend the hearing at the court on the day set out above. You must also, before the day of the hearing, file with the Clerk of Petty Sessions, and serve the applicant with an Affidavit replying to the claims made about you in the application.

IF YOU DO NOT ATTEND AT COURT, the court may make the orders set out in the application or other similar orders in your absence.

ANY ORDER MADE IN TASMANIA can be registered in another State or Territory without further notice to you and can be enforced against you there.

\*Cross out if inapplicable

**MEMORANDUM OF SERVICE**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

have today served \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

with a sealed copy of this Application to Vary a \*Family Violence Order/\*Police Family Violence Order by delivering it to them personally at:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATED: SIGNED

 NAME:

**NOTICE TO POLICE**

TO: The Commissioner of Police

An application has been made to Vary a \*Family Violence Order/\*Police Family Violence Order.

A copy of the application is attached.

**THE APPLICATION WILL BE HEARD** at the Magistrates Court at

|  |  |
| --- | --- |
|  | 23 - 25 Liverpool Street, Hobart |
|  | 73 Charles Street, Launceston |
|  | 8 Griffith Street, Devonport |
|  | 38 Alexander Street, Burnie  |

On\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at (time) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_am/pm

 IF YOU WISH TO CONTEST the application to Vary a \*Family Violence Order/\*Police Family Violence Order you must attend the hearing.

\*Cross out if inapplicable

**MEMORANDUM OF SERVICE**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

have today served \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

with sealed copies of the application to Vary a \*Family Violence Order/\*Police Family Violence Order, which these documents are true copies, by delivering them to them personally at:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_