



I NEED HELP NOW

If you or someone you know is in danger and needs immediate protection, **call 000 for the Police immediately.**

Victoria Police take family violence issues very seriously.

If you cannot speak or understand English, tell the first person on the phone what language you do speak.



If you are not in immediate danger, you can visit your local police station to tell them what is happening.

The Police can help out by taking any weapons the family member might have or arresting them if they act violently.

They can also refer you to services that can help you to find new housing if you are not able to return home.

Visit www.police.vic.gov.au to find your local police station.

ABOUT US



Deakin Student Legal Service provides free and confidential legal advice and information for all current Deakin University students.

Even if you are not sure if your problem is a legal one please visit our website. If we are unable to help, we can refer you to someone who can.

Request an appointment at:

eclc.org.au/deakin



Eastern Community Legal Centre
ph: (03) 9285 4822

Burwood Campus



Barwon Community Legal Service
ph: 1300 430 599

Warrnambool Waterfront & Warrnambool Campuses

MORE PLACES FOR HELP & INFORMATION

Domestic Violence Resource Centre Victoria

(03) 9486 9866
www.dvrcv.org.au

National Sexual Assault Domestic Violence Counselling Service

1800 737 732
www.1800respect.org.au

Victoria Legal Aid

Legal Help Advice Line: 1300 792 387
www.legalaid.vic.gov.au

Victoria Police

Emergency: 000

Deakin Student Legal Service is a partnership between Deakin University Student Association (DUSA), Eastern Community Legal Centre and Barwon Community Legal Service.



Deakin Student Legal Service



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FAMILY VIOLENCE INTERVENTION ORDERS

KNOW YOUR RIGHTS!

For free information, referrals and appointments visit:

eclc.org.au/deakin

FAMILY VIOLENCE & INTERVENTION ORDERS

What is Family Violence?

Family Violence occurs when one family member's behaviour makes another family member feel unsafe, threatened, dominated or controlled.

Family violence is not limited to physical violence. The legal definition of family violence includes:

- ◆ Physical abuse
- ◆ Sexual abuse
- ◆ Emotional and psychological abuse
- ◆ Economic and financial abuse
- ◆ Threatening behaviour

The legal definition of family violence also includes if a child sees or is exposed to any of the behaviours above.

A person who has experienced family violence can apply for a **Family Violence Intervention Order** to stop the behaviour from occurring again.

Who is a Family Member?

The definition of a Family Member under the law is also very broad. A Family Member includes:

- ◆ A spouse or domestic partner
- ◆ A person with whom you've had a close, intimate relationship
- ◆ Relatives, including extended family like grandparents, aunts and uncles
- ◆ Children of intimate partners
- ◆ Anyone else who could reasonably be a family member, taking into account the circumstances of the relationship, and the cultural recognition of the relationship.

If someone is threatening you or making you feel unsafe, but they are not a family member, you may need to apply for a **Personal Safety Intervention Order**. The process is quite similar, but you should seek legal advice if you want to apply.



Why should I get an Intervention Order?

An intervention order is a civil order by the Court that puts limits on what a person can do. The aim of the order is to make sure that other family members and children are safe.

At minimum, the intervention order will say that the family member cannot commit family violence, but can also include restrictions like: prevent someone from threatening or committing property damage, prevent any communication with the protected person, prevent any online discussion about the protected person, and to keep a certain distance away from the protected person.

If someone breaches an intervention order, this is a criminal offence and they can be charged by the Police.

HOW DO I APPLY FOR AN INTERVENTION ORDER?

1. Application by Victoria Police or at the Magistrates' Court

You can ask a police officer at a police station to apply on your behalf, or you can apply yourself. To apply yourself, you must book an appointment with your local Magistrates' Court. You will need to fill out an application form giving details about why you are applying and what conditions you would like on the order — you can ask a lawyer for help with this.

2. Interim Order

When you apply, you can ask the Magistrate for an Interim Order which is a temporary order that will protect you until a final decision is made. You will need to give some evidence in front of the Magistrate about why you need the interim order, and the Magistrate will make a decision. Usually the other party won't be at court when you make an application for an interim.

3. First Hearing

The first hearing date is called a "Mention". This date is an opportunity to negotiate with the other party and get legal advice if you haven't already. There are three outcomes from a Mention hearing.

A. Consent Order (Without Admission to Allegations)

The other party agrees to an order being made against them, even if they don't agree with what you say.

However, the legal outcome of a final intervention order is the same.

B. Contest

The parties cannot come to an agreement. A date is booked for a contested hearing (usually after a few months), where people will present evidence and call witnesses. Any interim orders will last until the contested hearing.

Directions Hearing

This is a short, optional hearing to make sure everyone is ready for the contest hearing. Negotiations can still happen here.

C. Undertaking

The other party signs a promise to the Court they won't do certain things and the application is withdrawn.

An undertaking is not enforceable by the Police, but if they break it you can renew your application.

Final Order Made

4. Contested Hearing

No Order Made