



Information Sheet

Family Violence: What Police Do

Freedom from violence is a human right

Everyone has the right to be free of violence or the fear of violence. Everyone wants to feel safe and respected in their family and relationships. Family violence occurs and is considered unacceptable in all communities and cultures. In Australia, family violence is against the law. Victoria Police is here to help people in need and to uphold the law.

What is family violence, what does the law say?

The Victorian *Family Violence Protection Act 2008* defines family violence as behaviour by a family member that creates fear and control over an intimate partner, ex-partner or other family members. These behaviours can include:

- physical assault (e.g. hitting, pushing, burning or choking, rough or neglectful care giving);
- sexual violence (e.g. being forced to perform sexual acts);
- financial abuse (e.g. withholding money, food, medicine, property damage, or dowry related abuse);
- psychological and/or verbal abuse (such as threats, repeated put downs, name calling, sexist, racist, ageist, ableist or homophobic abuse);
- causing a child to hear, see or be aware of violent acts (for example by hearing fights, seeing injuries or damage).

Children are negatively affected by family violence and can be legally protected.

What is a family?

The law defines family broadly to include:

- intimate partners (eg. husband, wife, girlfriend, boyfriend, defactos, same sex partners) and
- ex-partners,
- children, siblings, adult children; or
- a relative or extended family such as a grandparent, father-in-law or mother-in-law, aunt, uncle, blended or cultural family member
- a carer who is like a family member.

If you consider someone to be part of your family and their actions are making you or other family members fearful, ask for advice and help.

If you are hurting your partner or family ask for help. There are some services on the back of this sheet.

How can police help?

Victoria Police will act to protect people hurt by family violence and to prohibit any more violent actions or behaviour from the person who has harmed their partner and/or family.

Police can receive reports of family violence from someone experiencing violence, concerned friends or family or from neighbours or services. Police may also discover family violence when doing other duties or due to a triple zero (000) call.

When police help at a family violence incident, they will ask who lives or stays at the home. They will check everyone is safe. Police will speak to each person on their own. They may speak to children. They will ask what has been happening now and in the past.

They will check if, due to the violence, anyone needs medical attention and take note of any damage. Police will make referrals for each individual.

Police may also ask if anyone has a disability, or any medical or other needs, that they are happy to disclose, that are relevant to safety or the police response.

Police are obliged to ask if anyone, including children, identifies as Aboriginal. Aboriginal people can indicate if they prefer mainstream or Aboriginal services.

Police will make an assessment of risk, considering past family violence and any recorded criminal history. They will identify who is being harmed most (the victim or affected family member) and who is the main person harming others (the primary aggressor or 'other party'). Depending on circumstances, there are a range of actions police can take.



Interpreter Services

24 hrs

131 450

<https://www.tisnational.gov.au>



Relay Service (24 hrs)

For people who are deaf or have a hearing or speech impairment

www.relayservice.gov.au

Help Desk 1800 555 727



In an emergency, call Triple Zero (000)

Safety is the highest priority. If a crime has been committed police will investigate and may pursue charges. However, not all types of family violence are criminal offences. Civil (i.e. non-criminal) actions that police can take are to:

- issue a **family violence safety notice** for immediate protection and/or
- apply to the court for a **family violence intervention order**, or
- change an existing intervention order to increase protection.

What is a family violence intervention order?

A **family violence intervention order** is a legal order issued by a court that aims to protect people from further family violence.

The **family violence safety notice** is like a short term intervention order issued by police that aims to protect people until court.

They both use some technical terms. The person being protected, including any child, is called the '**protected person**'. The person who has used violence is called a '**respondent**' or '**other party**'.

The notice or order can also include an **exclusion condition**, which creates a safety zone around the person needing protection and any children. It prohibits the person who has used family violence from coming near them or the places they go. This may mean the person who has used family violence needs to live somewhere else.

This **exclusion condition** lasts until a court decision or a new **family violence intervention order** is served on the respondent.

On the court day, a Magistrate considers what measures are necessary to provide ongoing protection. The Magistrate will decide if the **exclusion condition** needs to continue.

A **safety notice** or **intervention order** alone does not create a criminal record.

What if the conditions are disobeyed?

The **respondent** is the person who must obey the notice or order. If the **respondent** fully obeys the order, and has not committed any crimes, they will not have a criminal record.

The **respondent** must not commit any form of family violence.

This means:

- no physical or sexual violence,
- no threats to hurt anyone,
- no verbal or written abuse,
- no sending abusive or threatening images,
- no stalking,
- no financial abuse,
- no property damage.

The **exclusion condition** means, the **respondent** is:

- not to go near the protected people, or where they live or work or go to school or child care.
- not to get other people to hurt, threaten, harass, stalk or abuse the protected people in any way.

There may also be conditions limiting communication by telephone, text message, email or social media.

Disobeying any condition is called a **breach** or a **contravention** of the order or notice.

If the **respondent** disobeys any of the conditions on the order, and the police find out, the police may arrest the respondent and criminal charges, criminal record and penalties can result, for example fines or jail.

The **protected person** cannot give the respondent permission to disobey a **safety notice** or **intervention order**. Only the court can change the **intervention order**. The police, not the **protected person**, decide if charges are to occur.

If you don't understand the **intervention order**, or any part of it, ask the police or a legal service.

Please tell police your communication needs. If you have difficulty speaking or understanding English police can seek an interpreter. If you need an interpreter of your gender or that speaks your dialect tell police.

In an emergency call Triple Zero (000)

Why must you attend court?

Your **family violence safety notice** or **family violence intervention order** will have the date of court. You should be there. It is wise to plan to be at court all day.

Before court, it is a good idea to call support services to fully discuss your situation and needs. If you need an interpreter tell police or court so they are booked.

On court day, it is the **respondent's** responsibility to stay away from the **protected people**. There are often areas for **respondents** and **protected people** to sit. At court, there are security officers to help people feel safe.

At court there are free legal services and support services who can explain your rights, options and the court process.

When you arrive, tell the court worker at the counter you are there and if you want the help of a lawyer and other services.

Ask if the court has a **Police Family Violence Court Liaison Officer**, who coordinates with all parties, when Victoria Police have applied for the **family violence intervention order**.

Listen for your name to be called for your hearing. In the court hearing room, sit behind your legal representative. The Magistrate will listen to both legal representatives and may ask you directly what has been happening.

The Magistrate will decide if a **family violence intervention order** is needed to provide protection and prohibit further violent behaviour. The Magistrate will consider what conditions, like the **exclusion condition** are needed and how long the order will last. The Magistrate's decision will replace the **safety notice** or change any existing **intervention order**.

After your hearing, wait at the court for a copy of any new order. Ask the court worker any questions you have about what the new intervention order means for you and your family.

Do you have more questions?

If you have any questions about your order, ask your local police station or a legal service. Police will refer you to support services, which may text or call you, or you can call services yourself.

In an emergency call Triple Zero (000)

More information, support & help

Magistrates' Courts, state court that deals with family violence matters

www.magistratescourt.vic.gov.au

Victoria Legal Aid (Monday-Friday, 8.45am-5.15pm) free advice in a range of languages **1300 792 387**

www.legalaid.vic.gov.au

Women's Legal Service Victoria **8622 0600** (metro) **1800 133 302** (rural) Tuesday & Thursday, 5.30-7.30 pm

www.womenslegal.org.au

Victims of Crime Help Line 8am-11pm (7 days) **1800 819 817**

www.victimsofcrime.vic.gov.au

1800 Respect (24 hours) telephone counselling for victims of family violence **1800 737 732**

www.1800respect.org.au

Sexual Assault Crisis Line (SACL) (24 hours) support services for victims of sexual assault **1800 806 292**

www.sacl.com.au

Housing (24 hours) state wide referral for emergency housing **1800 825 955**

www.housing.vic.gov.au/crisis-and-emergency-contacts

Salvation Army Crisis Service (24 hours) metropolitan emergency housing **1800 627 727**

www.salvationarmy.org.au/en/Find-Us/Victoria/CrisisServices

Safe Steps Family Violence Response Centre (24hours) women's support & referral service **1800 015 188**

www.safesteps.org.au

Men's Referral Service 9am – 9pm, Monday to Friday support & referral for men **1300 766 491**

www.ntvmrs.org.au

MensLine Australia (24 hours) telephone support for men **1300 789 978**

www.mensline.org.au

Technical terms and definitions

Civil action (for family violence)

Legal action to protect rights, a non-criminal measure (e.g. application for an intervention order).

Family violence

Family violence is behaviour by a family member that creates harm, fear and control over an intimate partner or ex-partner, children, or other family members.

It includes physical assault, sexual assault, and emotional, psychological or financial abuse.

Respondent or other party

A person who is legally on notice, or ordered, to stop family violence.

Protected person / victim/ affected family member (AFM)

A person, who is protected from family violence by an **intervention order** or **safety notice**.

Children can be protected people.

Children who are under 18 years can be included on a protected parent's order.

Family Violence Safety Notice (FVSN)

A legal notice issued by police to prohibit family violence until the court hearing.

Family Violence Intervention Order (FVIO)

An order, or written direction, made by the court to prohibit family violence.

Exclusion condition

A condition on the **safety notice** or **intervention order** that bans the **respondent** from coming near the **protected person**, or the places the order lists (e.g. **protected person's** home, work, school or child care).

Served

When the **safety notice** or **intervention order** is legally delivered to the respondent, it is 'served' and must be obeyed.

Contravention or breach

If a **respondent** has disobeyed a condition on a family violence safety notice or **intervention order** this is a 'contravention' or 'breach'.

A contravention should be reported to police as soon as possible and can result in criminal charges.

Arrest

The detention of a person who police reasonably believe has broken a law.

Criminal Charge

When a police investigation has enough evidence, or information, that a person has broken the law, a charge is laid so the person has to come to court

Police Roles

Family Violence Liaison Officer (FVLO)

A police officer who oversees family violence matters in a police area, based at 24 hour station

Family Violence, Court Liaison Officer (FVCLO)

A police officer, at a major Magistrates' Court, who liaises with all parties of a **family violence intervention order** when the application is made by police.

Informant

A police officer who lays a charge.

Investigator or Detective

A police officer who is investigating a report of family violence.

Officer in charge (OIC)

Supervisor, or most senior officer at a police station.

There are police liaison officers dedicated to support the diverse cultures within the community ask at your local police station or see www.police.vic.gov.au

If you have concerns about how police acted, ask to talk with the supervisor at your police station or see 'compliments and complaints' at the www.police.vic.gov.au

In an emergency call Triple Zero (000)