

# Family violence &#8211; overview

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

The law seeks to support the safety, mental well-being and interests of people affected by family violence, including children who see, hear or are exposed to the effects of violence and abuse.

## What is family violence?

The legal definition of family violence covers forms of violence that may exist in the context of a significant relationship. Family violence therefore includes the following when committed against a partner, spouse, ex-partner or ex-spouse:

- assault, including sexual assault
- threats
- coercion
- intimidation
- verbal abuse
- abduction
- stalking, or
- bullying.

The law recognises that damage to property may be a form of family violence. It is family violence if a partner, spouse, ex-partner or ex-spouse directly or indirectly damages property owned by you, jointly owned with you, or property owned by a child affected by the family violence.

The following is also family violence when they are done, or are attempted to be done, by a partner, spouse, ex-partner or ex-spouse:

- economic abuse – that is, where one person controls another's access to money or resources which creates financial dependency
- emotional abuse – that can include anything from verbal abuse and constant criticism to intimidation, manipulation, and refusal to ever be pleased, it can also include physical abuse of someone else or a pet
- intimidation, and
- breaching any existing orders relating to family violence.

## What does the law say about family violence?

The law says that family violence is a serious crime. The [Family Violence Act 2004](#) was made to improve the safety of people experiencing violence or abuse and to make it easier for government services to respond effectively. The law seeks to support the safety, mental well-being and interests of people affected by family violence, including children who see, hear or are exposed to the effects of violence and abuse towards their parents

## What legal options are available if I am experiencing family violence?

If you or someone you know is experiencing family violence and are at immediate risk of harm phone Police on Triple Zero (000).

Police officers in Tasmania are trained in how to respond to family violence. Additionally, there are dedicated Family Violence Units whose members are able to provide a range of services to support victims in crisis situations and improve their safety.

A Police officer may make a Police Family Violence Order (PFVO) against someone if the officer is satisfied that the person has committed, or is likely to commit, family violence. You may also apply to a Court to make a Family Violence Order (FVO).

## What is a Family Violence Order (FVO) or Police Family Violence Order (PFVO)?

Both FVOs and PFVOs tell someone not to do certain things, especially not to commit family violence. If someone breaks an Order, they can be charged with another criminal offence. The Order has specific conditions which may include things like not allowing someone to be in certain places at certain times, to surrender any firearms, ammunition or any other weapons, or how to make contact with particular people. PFVOs are usually made for a year, but can be revoked, changed, or replaced with an FVO. FVOs last for as long as the Court considers necessary, or until an order is made extending, changing or revoking the FVO.

If you want to know more about FVOs please call Tasmania Legal Aid on 1300 366 611 between 9am and 5pm Monday to Friday.

## What if I am not in Tasmania?

If you have a FVO that was issued after 25th November 2017, it automatically applies all over Australia. You do not have to apply to register your DVO in another State or Territory of Australia for it to be enforceable.

If your FVO was issued before 25th November 2017, you can have that order declared as nationally recognised. This means it will apply in all Australian States and Territories. Go to the [Magistrates Court of Tasmania](#) for more information on the National Domestic Violence Scheme.

## Where can I find out more information about support services?

- [1800Respect](#) – 1800 737 732 (24 hours 7 days)
- [Family Violence Counselling and Support Service \(DHHS\)](#) – 1800 608 122 (9am – midnight weekdays; 4pm – midnight weekends & public holidays)
- [Relationships Australia](#)

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.