

## Useful Contacts:

Safe Steps Family Violence Response Centre : 24 hour 1800 015 188

Darebin Intervention Order Service: (03) 9484 7753

Heidelberg Magistrates' Court : (03) 8488 6700

Victoria Legal Aid: 1300 792 387

Women's Legal Service: (03) 8622 0600

Berry Street: Northern Region (03) 9450 4700

Elizabeth Morgan House Aboriginal Women's Services: (03) 9482 5744

InTouch Multicultural Centre Against Family Violence: 1800 755 988

Australian Muslim Women's Centre for Human Rights:(03) 9481 3000

Domestic Violence Resource Centre Victoria: (03) 9486 9866

Victims of Crime Helpline: 1800 819 817

Family Court of Australia: [www.familycourt.gov.au](http://www.familycourt.gov.au)

Victorian Law Institute referral service: [www.liv.asn.au/referral](http://www.liv.asn.au/referral)

1800RESPECT - National sexual assault and family violence counselling line

## For more information telephone:

Darebin Community Legal Centre

279 Spring St, Reservoir 3073

Phone 9484 7753 Monday - Thursday

9.30am - 1.00pm and 2 - 4.30pm

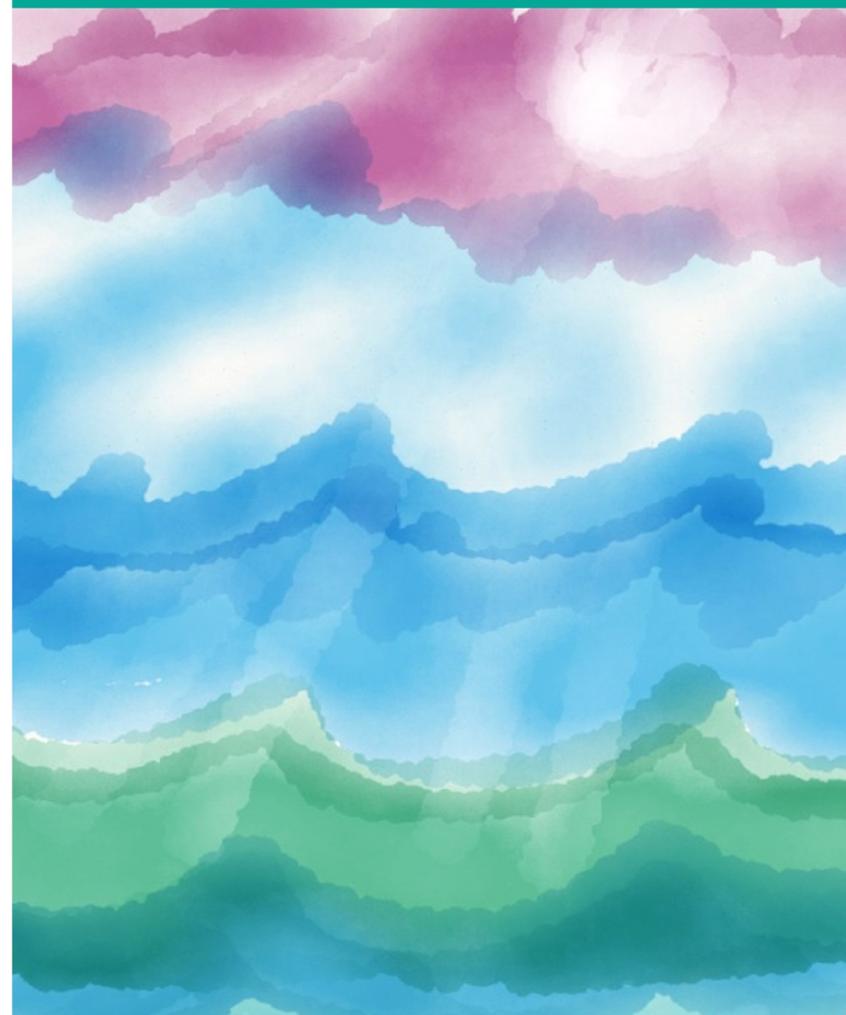


Prepared by Darebin Community Legal Centre 2018

## Family Violence Intervention Orders

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## I have an intervention order WHAT NEXT?



## Once you have an intervention order

### Changing a tenancy agreement

If you are renting your home with the Respondent, and the interim or final order states that he or she cannot be at the premises, you can request that the landlord or agent remove the Respondent's name from the tenancy agreement.

If the landlord/ agent will not cooperate, you can contact the Tenants Union of Victoria, phone 9411 1444 for assistance.

If the landlord or agent still won't cooperate, you can seek an order to change the Tenancy Agreement from the Victorian Civil and Administrative Tribunal (VCAT), phone 9628 9800.

VCAT provides a Koori and Family Violence Support Worker, phone 9628 9856.

You can also access information on the VCAT website: [www.vcat.vic.gov.au/resources/renting-and-intervention-orders-changing-your-tenancy-agreement](http://www.vcat.vic.gov.au/resources/renting-and-intervention-orders-changing-your-tenancy-agreement) and the "Family Violence Protection Tenancy Kit" at [www.tuv.org.au/family-violence-protection](http://www.tuv.org.au/family-violence-protection)

### Changing the locks

If the Respondent has been excluded from the home by the interim or final order, you can change the locks on the property.

If you are renting, you need to inform the agent or landlord and give them a copy of the order and a copy of the new keys.

You may be eligible for financial assistance to help with the cost of changing the locks from the Victims of Crime Assistance Tribunal.

For urgent assistance with immediate safety needs contact Berry Street, the Applicant Practitioner at Heidelberg Magistrates' Court, the Victim Support Agency or Darebin Community Legal Centre—see contact numbers on the last page of this booklet.

## Family Law

### Arrangements for children

**If your children live with you and there are no Family Court orders in place** when the final intervention order is made, you (the protected person) do not have to consent to child arrangements at this stage.

**If the intervention order does not allow the Respondent to contact and communicate with you**, usually the Court will include an exception that allows the Respondent to contact you by letter, text or email **only for the purpose of child arrangements**. You may reach your own agreement with the Respondent about child contact, but usually that agreement **must be in writing** and it is recommended you get legal advice about this.

### Family dispute resolution (mediation)

Mediation is a formal meeting between you and the other party in the presence of a neutral third person who can help you discuss arrangements about children and family property. Accredited family dispute resolution services are available at a number of organisations including: Relationships Australia (1300 364 277), Family Relationships Centres (1800 050 321), Catholic Care (9827 5500), Lifeworks (1300 543396) and Family Mediation Centres (1800 639 523). More information is available at [www.familyrelationship.gov.au](http://www.familyrelationship.gov.au).

The Family Law Courts require you to attempt mediation before making an application in relation to children's issues. However, **if you have experienced family violence and you do not feel safe or comfortable about participating in mediation, you may be excused from this requirement. Discuss this with a lawyer.**

**If you are considering mediation with the Respondent**, there are a number of safety measures that can be provided: separate waiting rooms, separate arrival and departure times, separate rooms for the mediation and having a support person present. It may be a good idea to discuss any potential mediation with a family violence worker. There is additional information and resources available on the Domestic Violence Resource Centre Victoria website ([www.thelookout.org.au](http://www.thelookout.org.au)).

## What if the Respondent breaches the intervention order?

If the Respondent makes prohibited contact with you after the order has been served, you should contact your local police station to report the breach. Record the names of any police officers you speak with.

You should write down and keep the dates, times and other details of the breaches. Make sure you keep copies of texts, emails and Facebook messages in a safe place as well as photos of injuries, property damage and medical reports.

It is a good idea to carry a copy of your order with you so you can show it to police quickly in an emergency.

Police will only charge the Respondent for a breach if they think there is evidence which proves ‘beyond reasonable doubt’ that the breach happened.

In circumstances where it is your word against the Respondent’s, it is helpful to police if you can remember details such as what the Respondent was wearing when you saw him or her, what sort of car he or she was driving, its registration number etc.

If you report the matter to police but do not feel adequate action is being taken, you can make a complaint. Ask to speak to the Family Violence Liaison Officer at your local police station.

Breaching an interim or final intervention order is a criminal offence. If the Respondent is found guilty he or she may be imprisoned for up to 2 years and receive significant fines.

If the breach is an offence under the Crimes Act, such as sexual assault, police can also charge the respondent with a further criminal offence.

## VOCAT financial assistance and counselling

The Victims of Crime Assistance Tribunal (VOCAT) provides the opportunity for victims of crime, including some victims of family violence, to receive funds to help recovery and improve safety.

- You may be eligible to receive financial assistance for:
  - A number of counselling sessions
  - Safety related measures, for example changing locks, installing security doors, deadlocks, motion lights
  - ‘Special financial assistance’ for example something specific, such as a training course, to assist your recovery
  - Medical expenses
  - Loss of earnings
  - Loss or damage to clothing
- **An application to VOCAT must be made within 2 years of the date the matter was first reported to the police.** In limited circumstances, VOCAT may consider an application made outside the two year limit. Alternatively VOCAT may also make an award to a family violence victim who did not report the crime to police.
- Keep receipts for money you spend making your home safer or getting treatment for physical or psychological injuries you received as a consequence of family violence. VOCAT may reimburse you and/or make an award for likely future expenses.

## Varying, extending or revoking your order

### Variation - changing your order

If your circumstances change you can apply to the Court to vary your final order. For instance, you may find that you need an order that gives more protection or one that allows for some increased contact. If you want the Court to vary the order, contact the Registrar at the Court and explain the change of circumstances.

If you and the Respondent agree that you want to see each other or make changes to current arrangements **before you do so it is very important that the Court varies the order. Do not just ignore the order as this may cause problems later.**

If the Respondent wishes to vary the order they must seek leave (permission) of the Court. The matter will be listed for a hearing and you (the protected person) will be advised.

### Extension - making your order longer

If your intervention order is about to expire and there have been breaches and/or you reasonably believe family violence is likely to happen again once the order expires, you can apply to the Court for an extension of the order.

**If you want to extend your order you should contact the Court at least 4 to 6 weeks before the order expires.**

The application for extension will be listed for hearing and the Respondent will be notified of the hearing date.

If the Respondent doesn't agree with extending the order, your application will go through the same stages of hearing as an application for an intervention order. Eventually it may go to a contested hearing where the Magistrate will hear evidence from both sides and then decide whether to extend the order.

### Revocation - removing an order

If you as a **protected person want to have an intervention order removed**, you must make an application to the Court. The Respondent will be notified and may attend the hearing.

The Court will take into account the reasons you want the order removed, as well as your safety and that of any children.

The Court may decide to vary the order by removing some of the conditions, rather than revoking it entirely.

**If the Respondent wants to apply to have an intervention order revoked**, they must first seek leave (permission) from the Court. The Respondent will have to satisfy a Magistrate that since the intervention order was made, circumstances have changed that may justify revocation. If the Respondent is allowed to make the application, you will be notified and asked to attend the hearing on the date provided.

### Expiry

An intervention order ends on the date specified in the order. If there has been no application to extend the order it will simply end. Neither you nor the Respondent need to attend the Court.

Applications to vary, extend or revoke orders may be in person at the Heidelberg Magistrates' Court during open hours 9.00am—4.30pm. Appointments are not required, however check with the Registry on 8488 6700 about availability between 1.00pm and 2.00pm.