



Gordon  
Legal

IT'S PERSONAL

# Family Violence and Intervention Orders

## Identifying Family Violence

Family violence is harmful behaviour by a person that is used to control, threaten, force or dominate an intimate partner or family member through fear. It is never acceptable as a response to conflict or provocation.

It includes:

- physical assault eg. punching, kicking, slapping, choking or using weapons against the victim.
- sexual assault eg. any non-consenting sexual act or behaviour; unwanted or disrespectful sexual touching, rape, forced participation in sexual acts, forced viewing of pornography
- coercion and controlling – eg. threatening to harm the victim or take away the children, pets or property, using intimidation to make a person afraid by using looks, actions or gestures
- psychological and emotional verbal abuse eg. - using words and other strategies to insult, threaten, humiliate or abuse the victim
- making the other parent feel guilty about the children; threatening to take the children away, or to report the partner to child protection authorities
- preventing a partner from making or keeping connections with their family, friends or culture; controlling where their partner goes, who they see or talk to or keeping their partner under surveillance
- economic abuse eg. controlling and withholding access to money or monitoring spending

## Support Services

Support for family violence can be accessed from a range of services, including:

### Victoria Police

If in danger or an emergency call police immediately on 000.

If not an emergency, call or go to your local police station.

See the Victoria Police Website at [www.police.vic.gov.au/location](http://www.police.vic.gov.au/location) for location and contact details.

### Safe Steps Victoria

For 24/7 family violence support services and accommodation, including telephone counselling.

Call 1800 015 188 or email [safesteps@safesteps.org.au](mailto:safesteps@safesteps.org.au)

### 1800 RESPECT

For referrals for family violence support services and accommodation, including telephone counselling.

Call 1800 737 732 or visit [www.1800respect.org.au](http://www.1800respect.org.au) for a directory of local specialist services.

### The Orange Door

A free service for adults, children and young people experiencing family violence offering a range of support services.

Visit [www.orangedoor.vic.gov.au](http://www.orangedoor.vic.gov.au)

### With Respect

With Respect is a LGBTIQ+ family violence service supporting LGBTIQ+ communities and their families who are affected by family violence.

Call 1800 LGBTIQ or visit [www.withrespect.org.au](http://www.withrespect.org.au)

### The Victims Support Agency

The VSA is the primary source of assistance for male victims of family violence.

Call 1800 819 817, 8:00am-11:00pm, 7 days per week

### RTBU Counselling Service Hunterlink

RTBU members have access to free and unlimited 24/7 counselling services for support on a wide range of issues.

Call 1800 554 654 for assistance or visit [www.hunterlink.org.au](http://www.hunterlink.org.au)

## Getting legal help for family violence

If you need immediate protection from family violence, call Victoria Police on 000. The police have power to issue a Family Violence Safety Notice in an emergency and outside of court hours.

It is important to seek legal advice early.

Gordon Legal offers expert advice in relation to intervention orders – whether you are the applicant, respondent or an affected family member in a police application – we can assist you.

Our lawyers, Katrina Webster and Patrick Gordon, joined Gordon Legal in July 2022 having previously worked as criminal law barristers at the Victorian Bar. They have expert knowledge and experience in family violence matters, including intervention orders.

Gordon Legal offers a fee paying service and extends a 15% discount on our usual fees to union members and their families.

We charge a fixed fee, not per hour, so you have certainty about what fees you are likely to incur.

### How to get in touch

Call us on 1800 21 22 23

8.30am-5pm, Monday to Friday.

Or email us at [enquiries@gordonlegal.com.au](mailto:enquiries@gordonlegal.com.au)

and we will be in touch within 24 hours.

[www.gordonlegal.com.au](http://www.gordonlegal.com.au)

## Consequences of breaching an intervention order

It is an offence to breach any condition of an intervention order. Penalties range from substantial fines to terms of imprisonment, depending on the circumstances.

If you have been asked to participate in an interview with police, or are charged with breaching an intervention order, call Gordon Legal immediately before speaking to police.

## Applying for an Intervention Order

You can initiate an application for an intervention order yourself. We recommend contacting Gordon Legal to assist you in this process.

Applications can be made online at the Magistrates' Court using the following link -

[www.mcv.vic.gov.au/intervention-orders/family-violenceintervention-orders/applying-intervention-order-fvio](http://www.mcv.vic.gov.au/intervention-orders/family-violenceintervention-orders/applying-intervention-order-fvio)

If you are unable to apply online contact your nearest Magistrates' Court for assistance [www.mcv.vic.gov.au/going-court/find-court](http://www.mcv.vic.gov.au/going-court/find-court)

## Responding to an Intervention Order

If you are the respondent in an intervention order application, there are numerous options available to you in terms of how you respond.

You can do any of the following:

**Agree to sign an undertaking** (if the applicant agrees). An undertaking is not an intervention order, but rather a promise made by the respondent to the Magistrates' Court that they will not engage in certain types of conduct and obey certain conditions. If an undertaking is signed, the application for the intervention order is formally withdrawn. The applicant, however, holds a right of reinstatement should the undertaking be breached by the respondent. There are no legal consequences for breaching an undertaking, nor is it enforceable by the police.

**Consent to the application for an intervention order, without admission.** This means that the respondent agrees to be bound by a final intervention order (usually of at least 12-months duration). You can either consent to the conditions that are sought by the applicant, or you can attempt to negotiate them before consenting.

**Contest the application.** This means that the respondent does not agree to the making of a final intervention order against them and the Magistrates' Court will make a final determination.

## Court process

There are numerous stages that an intervention order application may be required to proceed through before finalisation. These can include the following:

### Mention hearing

A mention hearing is a preliminary hearing. An appearance at a mention hearing is required to advise the Magistrates' Court, for example, of the status of any negotiations, to finalise an intervention order application, to seek any adjournments that cannot be done without an appearance or to progress your matter to directions hearing stage. Most, if not all, intervention order proceedings will require at least one appearance at a mention hearing.

## Directions hearing

A directions hearing is a preliminary hearing where the issues in dispute are usually discussed in more detail with the presiding magistrate.

An appearance at a directions hearing is required in order to proceed to a contested hearing. If a matter reaches directions hearing stage, the Magistrates' Court will usually require parties to file 'further and better particulars' - a set of materials that explain your case in greater detail.

## Safety Plan

If it is not safe to remain living in your home and you decide to leave, have a safety plan.

Plan a safe place where you, your children and pets can go (eg. a family member, friend, safe neighbour, closest police station, women's refuge, and for pets, the RSPCA or Pets in Peril).

Check your children know to call **000** in an emergency.

### Safety Plan Checklist

#### Financial safety checklist

- Open new bank account in own name
- Freeze redraw on joint mortgage
- Contact lenders, utility services and/or telecommunication services for flexible payment options
- Contact Centrelink for financial assistance that may be available

#### Emergency Contacts

- Immediate Assistance: **000**
- Treating doctor: \_\_\_\_\_
- Counsellor: \_\_\_\_\_
- Police contact: \_\_\_\_\_
- Lawyer: \_\_\_\_\_
- Other contacts: \_\_\_\_\_

## Contested hearing

A contested hearing is where the presiding magistrate hears the evidence in the case, which will involve the parties giving evidence and being cross-examined. The magistrate then decides on whether to grant the application for an intervention order.

### Record Keeping

- Keep a manual or electronic diary of what is happening to you or the children/family violence incidents
- Keep copies of text messages and emails from your ex partner
- Screenshot pages of social media accounts
- Photographs of injuries or damage caused to your home/car can be useful
- Have a recent photo of your ex-partner

### A safety bag

- A bag of important documents and personal belongings, including driver's licence, passports, birth certificate, marriage certificate]
- Copy of intervention order or Court orders regarding children
- Mobile phone and charger
- Spare keys for house and car
- Cash
- Medications and prescriptions
- A change of clothes and toiletries
- Anything essential for your child's wellbeing

### Cyber safety checklist

- Obtain a new pay-as-you go SIM card
- Change PIN and passwords on mobile, email, banking and social media accounts
- Disable 'Find my iPhone' technology and location settings on all Apps
- Delete internet browser history and sign out of your accounts
- Avoid using social media platforms

Call Gordon Legal on 1800 21 22 23 8.30am-5pm, Monday to Friday.

Or email us at [enquiries@gordonlegal.com.au](mailto:enquiries@gordonlegal.com.au) and we will be in touch within 24 hours.

[www.gordonlegal.com.au](http://www.gordonlegal.com.au)

For access to further support services click here  
<https://gordonlegal.com.au/services/family-law/family-violence-support-services/>