

## MINUTES OF PROPOSED CONSENT ORDERS

FOR USE IN APPLICATIONS MADE UNDER THE FAMILY VIOLENCE PROTECTION ACT 2008

To be completed by legal representatives (and police representative, if applicable).

**Please note:** Final determination of an application is a decision for the court.

The court may refuse to make an order in the terms agreed to by the parties, if the court believes the order may pose a risk to the safety of one of the parties or a child of the affected family member or respondent (s.78(5)).

In the Magistrates' Court at _____	Case No _____
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Applicant	_____
Applicant's lawyer or police representative	_____
Affected Family Member	_____
Affected Family Member's lawyer	_____
Respondent	_____
Respondent's lawyer	_____
Respondent agrees to receive service documents by email?	<input type="checkbox"/> Yes, email: <input type="checkbox"/> No
<b>Parties must notify the court of any change of address</b>	

<b>The following children may be included as protected person(s) in the order:</b>			
Name	_____	<input type="checkbox"/> M <input type="checkbox"/> F	DOB: _____
Name	_____	<input type="checkbox"/> M <input type="checkbox"/> F	DOB: _____
Name	_____	<input type="checkbox"/> M <input type="checkbox"/> F	DOB: _____
A separate page may be attached where more children are to be included.			

<b>The proposed order is:</b>	
<input type="checkbox"/>	An interim intervention order
<input type="checkbox"/>	A final intervention order
<input type="checkbox"/>	By consent
<input type="checkbox"/>	By consent without admission of what is said in the application

<b>Duration:</b>	
Submissions in relation to the duration of an order may be considered. Final determination is a decision of the court with consideration given to safety of the protected person(s) and risk assessment of the respondent (s.97(2)).	
<input type="checkbox"/>	Interim Order to last until final order served on respondent
<input type="checkbox"/>	Final Order to last until _____
Submissions relating to duration: _____	
_____	

**The respondent is prohibited from:**

- Committing family violence against the protected person(s)  
Note: The Family Violence Protection Act 2008 defines family violence as behaviour by a person towards a family member of that person that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, coercive, or in any other way controls or dominates a family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person. Family Violence includes behaviour that causes a child to hear or witness or otherwise be exposed to the effects of these behaviours
- Intentionally damaging any property of the protected person(s) or threatening to do so
- Attempting to locate, follow the protected person(s) or keep him/her/them under surveillance
- Publishing on the internet, by email or other electronic communication any material about the protected person
- Contacting or communicating with the protected person(s), by any means
- Approaching or remaining within \_\_\_\_\_ metres of a protected person
- Going to or remaining within \_\_\_\_\_ metres of \_\_\_\_\_ or any place where a protected person lives, works or attends school/childcare
- Getting another person to do anything the respondent must not do under this order

**The respondent may:**

- (a) Do anything that is permitted by a Family Law Act order, a child protection order or a written agreement about child arrangements; or
- (b) Negotiate child arrangements by letter, email or text message; or
- (c) Communicate with a protected person through a lawyer or mediator; or
- (d) Arrange and/or participate in counselling or mediation; or
- (e) Go to the home of a protected person in the company of a police officer or a person chosen by the applicant, to collect personal property

**BUT ONLY** if the respondent does not commit family violence while doing so

**It is also agreed:**

- The respondent must arrange to return person property belonging to the protected person(s) within two days of the service of the order
- The respondent must arrange to return jointly owned property within two days of the service of the order
- Any firearms authority held by the respondent to be cancelled. The respondent must hand any firearms in his/her possession to police immediately
- Any weapons approval or weapons exemption help by the respondent to be revoked. The respondent must hand any weapons in his/her possession to police
- The respondent will contact the Men's Referral Service (Ph: 9428 2899 or 1800 065 973) to obtain information about services that may assist him.
- Other:

**Signed by or on behalf of the parties:**

If signed on behalf of a party the court deems any required consent has been obtained

Applicant, lawyer or police representative	_____	Date	_____
Affected Family Member or lawyer	_____	Date	_____
Respondent or lawyer	_____	Date	_____

**Victoria Police declaration:**

- I have obtained oral consent from the **affected family member** to sign this document on their behalf.

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date \_\_\_\_\_