

Differences between a Family Violence Restraining Order (FVRO) and a Violence Restraining Order (VRO) - A Fact Sheet

What is family violence?

Family violence is:

- Violence, or a threat of violence, by a person towards a family member of the person; or
- Any other behaviour by the person that coerces or controls the family member or causes the family member to be fearful.

If you are the victim you can apply for a Family Violence Restraining Order (FVRO).

Who are family members?

Family members are people who are/were:

- In a family relationship;
- Married to each other;
- In a de facto relationship with each other;
- Related to each other;
- Children who ordinarily reside, or resided, with the other person, regularly reside or stay, or resided or stayed, with the other person; or
- In an intimate personal relationship with each other.

What behaviour can be considered as family violence?

Some of the behaviours are:

- An assault against the family member;
- A sexual assault or other sexually abusive behaviour against the family member;
- Stalking or cyber-stalking the family member;
- Repeated derogatory remarks against the family member;
- Damaging or destroying property of the family member;
- Causing death or injury to an animal that is the property of the family member;
- Unreasonably denying the family member financial independence;
- Unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or a child of the member, at a time when the member is entirely or predominantly dependent on the other person for financial support;

- Preventing the family member from making or keeping connections with the member's family, friends or culture;
- Kidnapping, or depriving the liberty of the family member, or any other person with whom the member has a family relationship;
- Distributing an intimate image of the family member without the family member's consent, or threatening to distribute the image; or
- Causing any family member who is a child to be exposed to behaviour referred to in this section.

Note: This is not a comprehensive list. Any act of a family member which causes you to fear for your safety is an act of family violence.

What if the person gets another person to commit an act of family violence?

When person "A" asks or gets another person "B" to commit family violence, then person "A" is considered to have also committed family violence.

What is personal violence?

Personal violence means one of the following actions of a person against another person with whom they are not in a family relationship.

What are acts of personal violence?

- Assaulting or causing personal injury to the person;
- Kidnapping, or depriving the liberty of, the person;
- Threatening to commit any act described in the above paragraphs against the person;
- Stalking the person;
- Exposing a child to family violence; or
- If the person who commits the act has an imagined personal relationship with the person against whom the act is committed.

Note: This is not a comprehensive list. Any act of a person who is not a family member which causes you to fear for your safety is an act of personal violence.

Need Advice? Call Citizens Advice Bureau on **(08) 9221 5711**, or visit **www.cabwa.com.au**



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What is "an imagined personal relationship"?

An imagined personal relationship means a relationship where one person claims to have, or have had an intimate personal relationship with another person but that other person disagrees with that claim.

What if a person gets another person to commit acts of personal violence against another?

If a person "A" gets another person "B" to commit personal violence, then person "A" is taken to have also committed the personal violence.

What is the meaning of the word "exposed to" in the above which states "causing any family member who is a child to be exposed to behaviour referred to in this section"?

A child is exposed to family violence or personal violence if the child sees or hears the violence or otherwise experiences the effects of the violence.

What are some examples of "exposure to family or personal violence"?

A child is exposed to family violence or personal violence when the child:

- Overhears threats of death or personal injury to a person;
- Sees or hears an assault of a person;
- Comforts or gives assistance to a person who has been assaulted;
- Cleans up a site after property damage; or
- Is present when police or ambulance officers attend an incident involving the violence.

What is the difference between family violence and personal violence?

Family violence are acts of violence, or a threat of violence by a person towards a family member, while personal violence is acts of violence, or a threat of violence against another person with whom he or she is not in a family relationship.

How can I protect myself if I fear for my safety?

If you are in a family relationship with the person who causes you to fear for your safety, you can apply for a Family Violence Restraining Order (FVRO).

If you are not in a family relationship with a person who causes you to fear for your safety then you can apply for a Violence Restraining Order (VRO).

Who are the parties to the proceedings?

The person who fears for their safety is referred to as the Protected Person or the Applicant and the person against whom an application is made is referred to as the Bound Person or the Respondent.

In which Court can I make an application for an FVRO?

You can make an application for a FVRO in the following Courts:

- Magistrates Court;
- Children's Court if the protected person and/or the bound person are/is under the age of 18; or
- Family Court in limited circumstances.

Get legal advice on which is the appropriate court to file your application. Refer to our fact sheet on eLodgment of court documents.

In which Court can I make an application for a VRO?

You can make an application for a VRO in the following Courts:

- Magistrates Court;
- Children's Court if the protected person and/or the bound person is/are under the age of 18.

Get legal advice on which is the appropriate court to file your application. Refer to our fact sheet on eLodgment of court documents.

Is there a fee for applying for a FVRO or VRO?

There is no filing fee.

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