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Family Lawyers



The Family Violence Protection Act 2008

How does this impact on the GLBTI Community?

The Family Violence Protection Act 2008 (the Act) became operative in December 2008. For the first time the definition of "family member" has been extended to include same sex couples, and also importantly provides further protection to children of same sex parents, by allowing the non biological parent the right to apply and obtain an intervention order against the biological parent in circumstances of violence. The Act also provides protection to parties in same sex relationships, by including the action of intentionally revealing or threatening to reveal a party's sexual orientation, as a basis on which an Intervention Order can be obtained.

Extended definition of Family Member

The Act refers to a "family member" as a "person who is, or has been, the relevant person's spouse or domestic partner"; or "a person who has, or has had, an intimate personal relationship with the relevant person".

Further and most importantly, the definition of family member now includes "a child who normally or regularly resides with the relevant person, or has previously resided with the relevant person on a normal or regular basis". This affords non biological parents the ability to protect their children in circumstances of domestic violence.

Definition of "domestic partner"

A 'domestic partner' is defined in the Act as a person who is in a registered relationship pursuant to the Relationships Act 2008, or an "adult to whom the person is not married but with whom the person is in a relationship as a couple where one or each of the persons provides personal or financial commitment and support of a domestic nature for the support of the other person". The Act makes it clear that the gender of the parties is irrelevant as is whether or not the parties reside under the one roof. This obviously extends the definition of domestic partner to ensure that a party is able to obtain an intervention order for an act of violence, or threatened violence, inflicted upon them. It provides broader safety and protection to the community.

What is "family violence"?

Family violence under the Act includes physical or sexual abuse, emotional or psychological abuse, economical abuse, threatening behavior, coercion, or any other behavior which controls or dominates a party and causes them to feel fear for their safety or wellbeing. It includes behavior such as threatening to self harm (or suicide) if the relationship breaks down, refusing to financially assist a party (or freezing funds), threatening to reveal one's sexuality and verbal and emotional abuse. The definition has been extended to acknowledge the changing needs of society and to accurately reflect what constitutes family violence.

What if I am being subjected to family violence?

If you find yourself in a situation where you are being subjected to family violence, then you must immediately seek assistance from the police and a legal representative. For the GLBTI community there are Gay and Lesbian Liaison Officers (GLLO's) with Victoria Police that are sensitive and in touch with issues that the community face. For further information regarding the role of GLLO's within the community, please do to www.police.vic.gov.au and follow the links.

What we can do for you?

Nicholes Family Lawyers we have experience in GLBTI issues and the law, as well as having strong relationships with the GLLO members within Victoria Police. Should you find yourself in the unfortunate position where you require protection or you think you may require protection, please do not hesitate to contact us.

Contact

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