

Family Violence Evidentiary Requirements

Judicial Evidence

A *Family Law Act 1975* injunction against the sponsor for assault or some other form of violence against the applicant or member of either the applicant or sponsor's family unit.

OR

A final court order against the sponsor for assault or some other form of violence against the applicant or member of either the applicant or sponsor's family unit; such as an apprehended domestic violence order (NSW), intervention order (Victoria), a protection order (Queensland and ACT), a restraining order (South Australia, Western Australia and Northern Territory) and a restraint order (Tasmania);

Please Note: *interim* court orders alone will not usually suffice, and are only acceptable in extremely limited circumstances.

OR

A conviction or finding of guilt by a court against the sponsor for assault or some other form of violence against the applicant or member of either the applicant or sponsor's family unit.

Non-Judicial Evidence

A court recognised joint undertaking between the applicant and their sponsor.

OR

One statutory declaration (preferably using *Form 1410 - Statutory declaration for family violence claim*) by the applicant;

PLUS

At least **two** forms of acceptable evidence, as specified in *Instrument IMMI12/116*. The instrument specifies which evidence is acceptable. Please note that the two pieces of evidence must be *different* types of evidence. The acceptable types of evidence are listed below.

Type of Evidence	The evidence must include the following detail
<p>Medical report, hospital report, discharge summary or statutory declaration that is made by either a person who is:</p> <ul style="list-style-type: none"> registered as a medical practitioner and is performing the duties of a medical practitioner, or registered as a nurse within the meaning of section 3 of the <i>Health Insurance Act 1973</i> and is performing the duties of a registered nurse. 	<ul style="list-style-type: none"> Identifies the alleged victim, and Details the physical injuries or treatment for mental health that is consistent with the claimed family violence.
<p>Either a report, record of assault, witness statement or statutory declaration that is made by:</p> <ul style="list-style-type: none"> a police officer of a State or Territory 	<ul style="list-style-type: none"> Identifies the alleged victim, and Identifies the alleged perpetrator, and Details an incident/s of family violence.

<ul style="list-style-type: none"> • a police officer of the Australian Federal Police <p>OR</p> <p>A witness statement that is made by someone other than the alleged victim to a police officer during the course of a police investigation.</p>	
<p>Report or statutory declaration made by an officer of:</p> <ul style="list-style-type: none"> • a child welfare authority, or • a child protection authority of a State or Territory. 	<ul style="list-style-type: none"> • Details fears for the dependent child's safety due to family violence within the household, and • Identifies the alleged perpetrator.
<p>Letter or assessment report made by:</p> <ul style="list-style-type: none"> • a women's refuge, or • family/domestic violence crisis centre <p>on the organisation's letterhead.</p>	<ul style="list-style-type: none"> • States that the alleged victim has made a claim of family violence, and • States whether the alleged victim was subject to family violence, and • Identifies the alleged perpetrator, and details any evidence used to form the opinion.
<p>Statutory declaration made by:</p> <ul style="list-style-type: none"> • a member of the Australian Association of Social Workers, or • a person who is eligible to be a member of that Association <p>who has provided counselling or assistance to the alleged victim while performing the duties of a social worker</p>	<ul style="list-style-type: none"> • States in their opinion the alleged victim was subject to family violence, and • Details the reasons for the opinion, and • Identifies the alleged perpetrator.
<p>Statutory declaration made by a registered psychologist in a State or Territory who has treated the alleged victim while performing the duties of a psychologist.</p>	<ul style="list-style-type: none"> • States in their opinion the alleged victim was subject to family violence, and • Details the reasons for the opinion, and • Identifies the alleged perpetrator.
<p>Statutory declaration made by a family consultant appointed under the <i>Family Law Act 1975</i> or a family relationship counsellor who works at a Family Relationship Centre listed on the Australian Government Family Relationships website.</p>	<ul style="list-style-type: none"> • States that the alleged victim has been treated or counselled, by the family consultant or family relationship counsellor, and • States that in their opinion the alleged victim was subject to family violence, and • Details the reasons for the opinion, and • Identifies the alleged perpetrator.
<p>Statutory declaration or a letter on the school's letterhead made by a school counsellor or school principal in their professional capacity.</p>	<ul style="list-style-type: none"> • States that they have made, or been made aware of, observations that are consistent with the alleged victim's claims that they were subject to family violence, and • Identifies the alleged perpetrator, and • Provides details of those observations.