

Personal Safety Intervention Orders Act 2010 – Mandatory Considerations Checklist

Items in the checklist tagged **red** in the left hand column are mandatory

Existing family violence intervention order	
A.	Are the affected person and respondent subject to an existing family violence intervention order? ss36, 62
	<p>If interim family violence intervention order, court may make an interim personal safety order if satisfied of grounds in s35. Go to B.</p> <p>If final family violence intervention order, court may not make a final personal safety order unless it revokes the family violence intervention order. Go to B</p> <p>If no, go to B</p>
Consider possibility of mediation	
B.	Has the court considered whether it appropriate to give a mediation direction? – s26
	<p>If have given a mediation direction, court must consider including conditions in the personal safety order that will not prevent mediation occurring – s66. Go to C</p> <p>If no, go to C</p>
Firearms or weapons	
C.	Does the respondent have a firearms authority or weapons exemption or approval? s68
	<p>If yes, may include condition suspending it. Go to D</p> <p>If no, go to D</p>
Exclusion from residence	
D.	Is the respondent an adult or a child?
	<p>If adult, go to E</p> <p>If child, go to F</p>
E.	If respondent excluded, court must ask respondent for address – s70
	Go to G
F.	Consider all circumstances, including criteria in s71(2) <ul style="list-style-type: none"> • Can only exclude child if will have appropriate accommodation, care and supervision – s71(3) • If exclusion order made: <ul style="list-style-type: none"> ◦ Inform registrar (registrar must notify DHS) – s71(5) ◦ Ask respondent for address – s70
	Go to G
Students	
G.	Is the respondent a student?
	<p>If yes, go to H</p> <p>If no, go to I</p>
H.	Consider whether conditions in order may prevent the respondent attending the school at which the respondent is a student, or wishes to become a student – s74(1) <ul style="list-style-type: none"> • Court may request report from Dept of Education and Early Childhood Development – s75 • Court may order registrar to serve copy of order on principal of the school – s175
Addressing inconsistencies with other orders	
I.	Is the order may be inconsistent with a child protection order ?
	If yes , inform registrar to notify Secretary to the Dept of Human Services – s130
J.	Is the order inconsistent with a home detention order?
	If yes , inform registrar to notify Secretary to Dept of Justice – s131