

Personal Safety Intervention Orders Act 2010 – Quick Find Chart

A guide to navigating the new *Personal Safety Intervention Orders Act 2010*.

		New provision / significant change	
		Minor change	
		No change	
Old			New
	Purpose, Preamble and Definitions		
s1	Purpose		s1
s3	Definitions		s3
N/A	• Prohibited behaviour		s5
N/A	• Harassment		s7
s4	• Stalking		s10
	Application of Act and Jurisdiction		
s5	Act not to apply to certain conduct		s11
s6	Jurisdiction		ss103-106
	Mediation		
N/A	Court may give mediation directions		s26
N/A	Court may vary conditions of order to allow mediation		s27
	Mediation certifications – procedure		ss30-32
N/A	Guidelines for mediation assessment and mediation		s34
	Grounds and Conditions		
s11	Who can apply?		s15
s13(1)-(4)	Grounds for an interim order		s35
N/A	- interim order where existing family violence intervention order		s36
s7(1), (4)-(7)	Grounds for a final order		s61
s22	Consent orders		s64
s7(3)	Additional affected persons		s61(3)
s8	Conditions		s67
s8(2)	- Exclusion condition		s67(2)(c), ss70-72
N/A	- Preventing respondent attending school		ss74-75
s8(1)(g)	- Firearms - interim		ss68-69
s9	- Firearms - final		
	Duration, Variation, Revocation and Extension		
s13(5)	Duration - interim order		s43
s10	Duration - final order		ss77-78
ss25-28	Variation, revocation & extension		ss80-90
	Procedural Matters		
MCA s3, Rule 29.01	Proper venue		s12
s15(1)(a)	Summons		s20
ss15-16	Warrant		ss21-22
s13(2), 13(5), s18	Absence of the respondent at court		s37, s44

Stalking Intervention Orders Act 2008 (Vic)

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Procedural Matters - Continued		
s17	Service - applications	s19
s29	Service - orders	ss174-175
s23	Explanations	
s23	- interim	s40
s23	- final	s76
s48	Bail	s23
s49	Restricted reporting of proceedings involving children	ss123-125
s50	Costs	s111
Hearings and Evidence		
N/A	Hearing may relate to more than one application	s45
s24	Concurrent criminal proceedings	s112
s20	Rules of evidence not to apply in certain cases	ss47-49
MCA s126	Closed court	s51
s21	Children giving evidence and presence in court	s49, s107
N/A	Court may make alternative arrangements	s52
N/A	Assessment reports – Children’s Court	ss53-60
Penalties and Breaches		
s32	Penalty for breach	s100
s33	Arrest for breach	s101
Appeals		
s30	Appeal by respondent	ss91-98
s31	Appeal by applicant	
MCA s110	Rehearing	s99
Vexatious Litigation		
SCA s21	Vexatious litigation	ss160-173
Child Protection		
s51	Prevail over child protection orders	ss129-130
Family Violence Intervention Orders		
N/A	Concurrent applications may be heard together	s133
N/A	FVIO prevails over inconsistent PSIO	s134
N/A	Certain applications under FVPA to be heard under PSIO Act where parties not family members	ss135-148
Police Powers - Search and Seizure		
s34	Entry and search of premises	s114
s35	Surrender of firearms	s115
s36	Search without warrant	s116
ss37-39	Warrant to search premises and vehicles	ss117-119
ss40-42	Seizure of firearms and effect	ss120-122

MCA = Magistrates’ Court Act 1989

Rule = Magistrates’ Court Civil Procedure Rules 1999

This Personal Safety Orders Quick Find Chart is designed to assist judicial officers to navigate the new Personal Safety Intervention Orders Act 2010 (Vic). It highlights most of the key provisions but does not provide complete coverage of the Act. For further information on the Personal Safety Intervention Orders Act 2010 refer to the Judicial College of Victoria’s Personal Safety Intervention Orders Bench Book, available on the personal safety practice page on JOIN.