

Quick Find Chart - Stalking

Navigating the new *Stalking Intervention Orders Act 2008 (Vic)*

	New provision / significant change
	Minor change
	No change

Old		New
Purpose, preamble and definitions		
s1	Purpose	s1
s3	Definitions	s3
CA s21A(2)-(3)	- Stalking	s4
Grounds and conditions		
s7	Who can apply?	s11
s8(1)-(1B), (2)-(3)	Grounds for an interim order	s13(1)-(4)
CA s21A(5)-(7)	Grounds for a final order	s7(1), (4)-(7)
s14	Consent orders	s22
s4(3)	Additional affected persons	s7(3)
ss4(2), 5	Conditions	ss7(2), 8
s5(2)	- Exclusion from the home	s8(2)
s8(1C), (1D)	- Firearms - interim	ss8(1)(g), 9
s5(1)(h)	- Firearms - final	
Duration, variation, revocation and extension		
s8(3)	Duration - Interim order	s13(5)
s6	Duration - Final order	s10
s16	Variation, revocation & extension	ss25-28
Penalties and breaches		
s22, SA s113A	Penalty for breach	s32
s23	Arrest for breach	s33
Appeals		
s20	Appeal by Respondent	s30
s21	Appeal by Applicant	s31
MCA s110	Rehearing	MCA s110
Vexatious Litigation		
SCA s21	Vexatious Litigation	SCA s21
Child protection		
s25	Child protection orders	s51
Procedural issues		
MCA s3, Rule 29.01	Proper venue	MCA s3, Rule 29.01
s9(1)(a)	Summons	s15(1)(a)
ss9-10	Warrant	ss15-16
s8(1), (3), s12	Absence of the respondent at court	s13(2), (5), s18
s11	Service - Applications	s17
s17	Service - Orders	s29

Crimes (Family Violence) Act 1987 (Vic)

Stalking Intervention Orders Act 2008 (Vic)

Crimes (Family Violence) Act 1987 (Vic)	Procedural issues - continued			Stalking Intervention Orders Act 2008 (Vic)
	s15	Explanations (interim and final)	s23	
	s19	Bail	s48	
	s24	Restricted reporting of proceedings involving children	s49	
	s21C	Costs	s50	
	Evidence			
	s13A	Rules of evidence not to apply in certain cases	s20	
	MCA s126	Closed court	MCA s126	
	s21B	Children giving evidence and presence in court	s21	
	Application of Act and Jurisdiction			
	s21A(4) CA	Act not to apply to certain conduct	s5	
	s3A	Jurisdiction	s6	
	Police powers - search and seizure			
	s18AB	Entry and search of premises	s34	
	s8(1E)	Surrender of firearms	s35	
	s18A(1)	Search without warrant	s36	
	-	Warrant to search premises and vehicles	ss37-39	
	s8(1F)-(1J), s18A	Seizure of firearms and effect	ss40-42	

CA = *Crimes Act 1958*

MCA = *Magistrates' Court Act 1989*

Rule = *Magistrates' Court Civil Procedure Rules 1999*

SA = *Sentencing Act 1991*

SCA = *Supreme Court Act 1986*

This Stalking Quick Find Chart is designed to assist judicial officers to navigate the new Stalking Intervention Orders Act 2008 (Vic). It highlights most of the key provisions but does not provide complete coverage of the Act. The Stalking Quick Find Chart has been developed based on the style and structure of a chart dealing with the new Family Violence Protection Act 2008, which was prepared by Women's Legal Service Victoria on behalf of the Department of Justice.

For further information on the Stalking Intervention Orders Act 2008 and, in particular, the limited number of significant changes made by the Act to the previous scheme for stalking intervention orders, refer to the Judicial College of Victoria's 'Brief overview of the Stalking Intervention Orders Act 2008', also available on the Judicial College Website.