

Intervention Orders - What you need to know

In Victoria, there are two types of Intervention Orders intended to protect people from the poor behaviour of another, whether it be violence, threats, or even harassment.

- 1 A Family Violence Intervention Order can be made under the Family Violence Protection Act 2008(Vic) and is intended to help protect you from a family member who is violent to you.
- 2 A personal safety intervention order helps to protect you from someone other than a family member who makes you feel unsafe. For example, this could include a neighbour, former friend or former work colleague. These Orders are made under the Personal Safety Intervention Orders Act 2010 (Vic).

When should an Intervention Order be sought?

A Family Violence Intervention Order should be sought when a person has experienced family violence at the hands of a family member. Family violence is given a broad meaning under the Act and can include:

- 1 physical or sexual abuse;
- 2 emotional or psychological abuse;
- 3 economic abuse;
- 4 threats or threatening behaviour;
- 5 coercive behaviour;
- 6 other methods of controlling or dominating a family member to feel fear for the safety of themselves or another, or
- 7 behaviour that causes a child to hear, witness or be exposed to the effects of any of the abovementioned behaviours.

If you have experienced harassment or threats from another person who is not a family member, a Personal Safety Intervention Order may be more appropriate and can be sought when a person has experienced, at the hands of a non-family member, any of the following:

- 1 assault;
- 2 sexual assault;
- 3 harassment;
- 4 stalking;
- 5 property damage or interference, or

6 making serious threats.

If a person has experienced any of the above behaviours, and even more so if they are fearful that these behaviours will continue, they should consult the Police and consider applying for an Intervention Order.

An Intervention Order can impose various conditions on the person it is against. Still, generally speaking, it states that the person must not commit family violence or prohibited behaviours or go within 5 meters of the other person. If these conditions are breached, the Police can charge the person for contravening the Intervention Order.

Do I need to apply for the Intervention Order, or will the Police?

In some circumstances, the Police may apply for an Intervention Order on your behalf, especially if the Application involves criminal charges.

On other occasions, you may need to apply for the Intervention Order yourself. If this does occur, Ballarat Lawyers can assist you with the Application and guide you through the process.

How do I apply for an Intervention Order?

An Application for an Intervention Order can be made by filling out a form available at your local Magistrates Court. Alternatively, you can contact Ballarat Lawyers to discuss the matter and how best to proceed.

What happens next?

Once the Application has been made, it will generally be brought before a Magistrate on the same day. The Magistrate will consider your grounds for the Application. If they agree that an Intervention Order may be appropriate, they will allow the Application and arrange to serve it on the person you seek an Intervention Order against.

You will have to come back to Court once the other party has been served so that the Magistrate can hear whether that person will agree to the Intervention Order or whether a trial needs to be held regarding the facts of the matter and the grounds for the Application.

If you are applying for an Intervention Order or you are the respondent and have been served with another person's Application for an Intervention Order against you, please get in touch with us at 5303 0281 or familylaw@ballaratlawyers.com.au.

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