

If you are in immediate danger, please call the police on triple zero (000)

The police have power to make an application for an intervention order for your protection. You can discuss how and whether they will do this at your local police station. You may also make an application for an intervention order on your own behalf (or on behalf of another adult with the leave of the court).

You can apply for a personal safety intervention order at the Magistrates' Court. An application is not an order. You can talk to a registrar about applying for an intervention order. If you fear for your children's safety, you can include them in your application. The court will not share information marked with an \* with the respondent.

Here is some information that may help you fill-in the application form.

## Applying for a Personal Safety Intervention Order

There are 2 ways you can make an application:

- By completing this form, signing a Declaration of Truth and coming to court to give evidence before a magistrate or judicial registrar about why you need an order; or
- By completing this form and swearing or affirming an Affidavit and having both documents witnessed by someone who is authorised to witness the document.

Once you have completed this form and either a Declaration of Truth or an Affidavit, you will need to give it to your local court. You can email the signed form to your local court or go there and give the form to a registrar.

Once you have submitted this form, you will need to meet with the registrar to talk about your application. You may then need to go before a magistrate or judicial registrar to proceed with your application.

If you swear or affirm an Affidavit, you must still come to court but you may not need to give evidence at the first hearing.

## What is a Personal Safety Intervention Order?

A Personal Safety Intervention Order (PSIO) is a court order to protect a person, their children and their property from another person's behaviour.

Personal safety intervention orders may be known as restraining or apprehended violence orders in other states and territories.

If you need an intervention order, you are the **affected person**. If you are applying for an intervention order on behalf of an affected person, you are the **applicant**.

## Party types

**Affected person:** The person(s) who is seeking protection for themselves or their property.

**Applicant:** The person who is seeking the intervention order. The applicant can be the affected person, a parent or guardian, a police officer, or other person with a legal authority, or written consent of the affected person.

**Respondent:** The person who has had an application for an intervention order made against them.

**Children:** By law, a child is aged 17 and under. Children can be named as an affected person when they have witnessed or have experienced violence against them.

## Contacting the court

Contact your local court to make an appointment or speak to a court registrar about getting an intervention order.

[www.mcv.vic.gov.au/going-court/find-court](http://www.mcv.vic.gov.au/going-court/find-court)

# EXAMPLES OF PROHIBITED BEHAVIOUR

Behaviour	Examples
<b>Assault</b>	<ul style="list-style-type: none"> <li>• Hitting, punching, pushing, pulling, kicking, choking</li> <li>• Sexual assault, including pressuring someone into sexual acts, rape</li> </ul>
<b>Property damage</b>	<ul style="list-style-type: none"> <li>• Breaking or damaging a person's property or belongings, including jointly owned property or belongings</li> <li>• Threatening to damage, destroy or interfere with someone's property</li> </ul>
<b>Harassment</b>	<ul style="list-style-type: none"> <li>• Intimidating, bullying, frightening</li> <li>• Making someone fear for their safety</li> <li>• Taunting someone about their racial identity, sexuality or gender identity</li> <li>• Sending abusive or insulting messages via phone, email or social media</li> <li>• Sexual harassment – unwelcome behaviour of a sexual nature</li> </ul>
<b>Threats</b>	<ul style="list-style-type: none"> <li>• To harm people (including themselves), property, or pets</li> <li>• To disclose someone's sexuality or gender identity</li> <li>• To post or send images held on a phone or device</li> </ul>
<b>Stalking</b>	<p>A person may be stalking you if they believe, or intend to cause you physical or mental harm by or ought to understand that the behaviour will cause you physical or mental harm or apprehension or fear by:</p> <ul style="list-style-type: none"> <li>• following or watching you</li> <li>• going to your home, work or any other place you regularly visit</li> <li>• contacting you in any way, including by post, telephone, text message or email</li> <li>• putting information online about you or pretending to be you online</li> <li>• tracing your use of the internet, email or other electronic communications</li> <li>• making you fear for the safety of another person.</li> </ul>

## Hearing types

**Application:** An application is not an order. It describes what is alleged to have occurred and why the order is needed to protect the affected person/s. You can also ask the court to make an order for your protection straight away.

When you make an application, you will need to come to court and tell the court why you need an order for your protection. You will need to give this evidence in court unless the police are making the application.

**Interim intervention order:** An interim order is a temporary order made by a magistrate/judicial registrar until the court can hear more evidence about your application and decide about the need for a final order.

The order is only effective when it is served on the respondent.

**Final order:** A final order is a longer-term order made if a magistrate finds a person is in need of further protection. A final order can be made at any court hearing, as long as the application has been served on the respondent.

**Mention hearing:** A court hearing when the magistrate will ask you or your lawyer about your case. The magistrate will also speak with the respondent, the respondent's lawyer, or the police (if they are involved). If your case is not finished (eg if there is no agreement for an order, and you want to continue with your application for an order), the magistrate may set a date for another hearing.

**Direction hearing:** A hearing may be held to work out if there is any agreement to a final order being made and if not, who should give evidence before the court to assist the court to decide whether an order is necessary for future protection.

**Contested hearing:** Where magistrate hears all the evidence and will make a decision about the need for a final order for future protection from the respondent

# INFORMATION FOR APPLICATION FOR A PERSONAL SAFETY INTERVENTION ORDER

*Personal Safety Intervention Orders  
Act 2010*

## Section A - Applicant

If you are seeking protection for yourself and not for any other person you must complete Section A. You do not need to complete Section B.

If you are seeking protection for another person, or person/s in your care you must also complete Section B.

If you are applying on behalf of your child/children or child/children in your care, please also complete Section C.

If you are a **child between 14 and 18 years old**, you may need the court's permission to apply for an intervention order. A court registrar will contact you to discuss your application. Children under 14 years old cannot apply for an intervention order through the Magistrates' Court.

**Family name**

**Given name**

<input type="text"/>	<input type="text"/>
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**Date of Birth**

**Gender**

<input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Self-described:
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**Address details**

**Do you want to keep your address private?**

Yes  No  Not sure

Your address does not have to appear on court documents. Tick 'Yes' to keep your address private or select 'Not sure' to talk to a registrar.

**Does the respondent know this address?**

Yes  No  Not sure

**What are the best and safest ways to contact you?**

Telephone: <input type="text"/>	Email: <input type="text"/>
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**How do you know the respondent?**

**How long have you known the respondent?**

<input type="text"/>	<input type="text"/>
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**Are you Aboriginal and/or Torres Strait Islander?**

Yes  No  Aboriginal  Torres Strait Islander  Both Aboriginal and Torres Strait Islander  
 Prefer not to answer

**Do you have a disability or need additional support at court? If so, please tell us what support you need.**

Yes  No  Prefer not to answer

If yes, please describe your support needs

**Do you need an interpreter in court?**

Yes  No  Not sure Language:

## Section B – Affected person

You must complete this section if you are applying on behalf of someone else. If you are applying on your own behalf, you do not need to complete this section – go to Section C.

Family name

Given name

Date of Birth

Gender

Male  Female  Self-described:

Address details

Do you want to keep the affected person's address private?

Yes  No  Not sure

The affected person's address does not have to appear on court documents. Tick 'Yes' to keep the affected person's address private – it will not appear on court documents. Select 'Not sure' to talk to a registrar about keeping the Affected person's address private.

Does the respondent know this address?

Yes  No  Not sure

What are the best and safest ways to contact the affected person?

Telephone:

Email:

Your relationship with the affected person is:

- An adult (18 and over) with the written consent of the affected person
- A parent of a child who is applying for an order for that child
- A person with the written consent of a parent of the child
- A person who seeks to make an application for another person with permission of the court (leave of the court)
- The guardian of an affected person
- Other – Describe how do you know the affected person.

You may need the court's permission (leave of the court) to apply for an intervention order if:

- you are seeking to apply on behalf of a child and you are not the parent or guardian, or
- you are between 14 and 18 years of age.

Does the affected person consent to you seeking an order on their behalf?

Yes  No  Not applicable

Please specify

**If the affected person has a guardian, does the guardian consent to the making of the final order?**

Yes  No  Not applicable

Please specify

Please attach documentary evidence showing you are the guardian of the affected person (e.g. power of attorney or an order from the Victorian Civil and Administrative Tribunal).

**How does the affected person know the respondent?**

**How long has the affected person known the respondent**

**Does the affected person identify as Aboriginal and/or Torres Strait Islander?**

Yes  No  Aboriginal  Torres Strait Islander  Both Aboriginal and Torres Strait Islander  
 Prefer not to answer

**Does the affected person have a disability or need additional support at court if attending?  
If so, please tell us what support is needed.**

Yes  No  Prefer not to answer

If yes, please describe additional support you need

**Does the affected person need an interpreter in court?**

Yes  No  Not sure

Language:

## Section C - Children's details

Do you have any children in your care or any children living in the house with you?

- No – go to the next page
- Yes – I want to include them on the intervention order (complete child details below)
- Yes – I do not want to include them on the intervention order (go to next page)

Child's name	Date of birth	Gender	Address of child, if different to applicant	Include on intervention order?
		<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Self-described:		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Self-described:		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Self-described:		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Self-described:		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Self-described:		<input type="checkbox"/> Yes <input type="checkbox"/> No

Are any of the children Aboriginal and/or Torres Strait Islander?

- Yes  No  Aboriginal  Torres Strait Islander  Both Aboriginal and Torres Strait Islander  
 Prefer not to answer

## Section D - Respondent

Name of person the affected person/s want protection from

Date of birth (or approximate age)

Gender

<input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Self-described:
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**Current home address**

This address will be used to serve the respondent with court documents. Please advise court staff of important details for service.

**Work address**

**What is the best way to contact the respondent?**

Telephone:	Email:
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**Does the respondent need an interpreter at court?**

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure	Language:
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**Is the respondent Aboriginal and/or Torres Strait Islander?**

Yes  No  Aboriginal  Torres Strait Islander  Both Aboriginal and Torres Strait Islander  
 Not sure

**Do you know if the respondent has a gun, access to guns, a firearms licence, or any weapons?**

Yes  No  Not sure

**If the respondent has a gun or access to a gun or weapon, where are they located?**

**Do you know if the respondent has any disabilities or needs additional support at court?**

Yes – please specify  No  Not sure  
If yes, please describe additional support needed:

## Section E - History of stalking, prohibited behaviour, physical or mental harm

To apply for an intervention order, you need to describe what has happened to you. We understand this may be difficult. Please answer the questions below as well as you can.

It is important you include approximate dates and times with the allegations if you can. Providing a near to, or “on or about” time or date is okay if you can’t remember the exact day and times.

You can talk to a registrar before you make your application. They can help you with this part. It is important you try to explain the incidents as best you can. You can also bring to court any copies or screenshots of social media, text messages or emails that support your application.

### Has the respondent behaved in a manner that:

Has made you or the affected person fear for their safety or the safety of others?

This can include threatening harm to people, including themselves, pets or property.

Is intimidating, threatening or bullying?

This can include sending abusive or insulting messages by phone, email or social media.

Is physically or sexually abusive?

This can include physical assault or sexual assault, rape or pressuring you to do sexual acts.

Is emotionally or psychologically abusive?

This can include repeated name calling or taunts about racial, sexual or gender identity, threats to disclose personal information or threatening to send images held on a phone or device.

### Has the respondent:

Assaulted or threatened to assault you or another person?

Caused someone physical or mental harm by following them in-person or online, watching them or going to their home, workplace or place they regularly visit?

Put information online about someone or pretended to be someone?

Damaged someone’s property or threatened to do so?

Caused, or threatened to cause the death of, or injury to, an animal to control, dominate or coerce someone?

Caused a child to be exposed to any of these behaviours?

**Describe the incidents in detail. What happened? When did this happen? How did it affect you or the affected person?**

You can add more details about what has happened on additional paper if you need to.

## History of stalking, prohibited behaviour, physical or mental harm (cont.)

**Have there been other incidents by the respondent in the past?**

Yes  No

You may want to keep a list of incidents to support your application for a final intervention order. You may also have copies of emails, text messages or other material you want to show to the court.

**What happened? When and where did it occur? (please start with the most recent incident)**

You can add more details about what has happened on additional paper if you need to and attach any copies of emails or text messages or other material you wish to show the court.

**Do you think the respondent will continue to behave this way?**

Yes  No  Not sure

If Yes or Not sure, please explain why

**If you are including children on your application, have they been subject to the same or similar behaviour?**

Yes  No

If yes, please provide more information

## Section F - Mediation

Mediation can help you resolve non-violent personal disputes without coming to court.

The **Dispute Settlement Centre of Victoria (DSCV)** provides a free mediation service. Unlike formal court, DSCV proceedings gives you more control of the outcome and allows you to develop practical and workable solutions. The court can direct you to attend mediation if it is appropriate in your circumstances.

For further information about mediation visit [www.disputes.vic.gov.au](http://www.disputes.vic.gov.au)

**Would you be interested in speaking to someone about mediation?**

Yes  No  Unsure

**Have you attempted to resolve your dispute with the respondent through mediation?**

Yes  No

**If an intervention order is made, would you still like to be able to participate in mediation?**

Yes  No  Unsure

## Section G - Police

**Did the police attend after any incidents, or have they been reported to the police?**

Yes  No – proceed to the next page

**If yes, give name of person who reported it to the police and the date it was reported**

**Do you know the name of the police officer who attended the incident or who it was reported to, and which police station they work at?**

Yes  No

**Name/Rank of officer**

**Police Station**

**Has the respondent been charged with a criminal offence in relation to this incident?**

Yes  No  Unsure

**If yes, what has the respondent been charged with?**

*(Please specify or describe charges if you know them)*

**Have police taken other action?**

*(Please specify or describe action taken by police that you know about)*

## Section H - Related Intervention Orders

You can ask the registrar to look up the details of previous applications/orders that have been made to protect you or have been made against you. If there is a Personal Safety or Family Violence Intervention Order protecting you or the Affected Person which is relevant to this proceeding, please tell the court about it and bring a copy of it to court.

**Is this the first time the affected person has applied for an intervention order against the respondent in Victoria or any other state or territory?**

Yes  No – provide details of previous application/order

**Court location**

**Date**

**Court Reference Number**

**Was an intervention order made?**

Yes  No  Not sure

**Has the respondent applied for an intervention order against the affected person in Victoria or any other state or territory?**

No  Yes – provide details  Not sure

**Court location**

**Date**

**Court Reference Number**

**Was an intervention order made?**

Yes  No  Not sure

## Section I - Types of protection on a Personal Safety Intervention Order

The court can make an interim order to protect you or the affected person and your property until it makes a decision about your application for a final order.

You may choose as many conditions as necessary to protect the safety of you or the affected person. The magistrate or judicial registrar will then decide which of these conditions should be included on the intervention order.

If there is something you do not want the respondent to do which is not covered in the list below, you should discuss this with the court registrar, and note it in the box provided.

### I want the respondent to be prevented from:

- Stalking you or the affected person(s)
- Committing prohibited behaviour toward you/ the affected person(s)
- Attempting to locate, follow you / the affected person(s) or keep them under surveillance
- Publishing on the internet, by email or other electronic communication any material about the you/ the affected person(s)
- Contacting or communicating with the you/ the affected person(s) by any means
- Approaching or remaining within \_\_\_\_\_ metres of a you/ the affected person(s)
- Going to or remaining within \_\_\_\_\_ metres of \_\_\_\_\_ or any place where you/ the affected person(s) lives, works or attends school or childcare
- Getting another person to do anything the respondent must not do under this order

### Other conditions on the order that you would like the court to make

## Section J - Weapons

### Does the respondent have any firearms or a firearms authority?

- Yes  No  Not sure

### Does the respondent have a weapons approval or exemption?

- Yes  No  Not sure

## DECLARATION OF TRUTH

You may complete the declaration of truth for the court to process your application or you may make an application on oath or affirmation by affidavit. This is a requirement under s.13(1)(c) of the Personal Safety Intervention Orders Act 2010

### Did anyone help you fill out this form?

Yes – please specify who helped you below  No

Name

Organisation

### Declaration

I \_\_\_\_\_

Born on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ make this declaration of truth and say that the contents of my application are true and correct to the best of my knowledge and belief.

I understand that it is an offence to knowingly make a false statement in a declaration of truth punishable by 600 penalty units or 5 years imprisonment or both under section 13(4)(c) of the *Personal Safety Intervention Order Act 2010*.

Signed

Name

Date

### Further Information – please read.

If you sign the declaration of truth you must come to court after you have made your application to give evidence in support of your application. You can appear in person at court or online to give evidence.

**or**

If you swear or affirm an affidavit you must still come to court in person or appear online as the magistrate/judicial registrar conducting the hearing may ask you to give further evidence in support of your application.