



PASCOE  
CRIMINAL LAW

## **Intervention Orders in Victoria**

# Pascoe Criminal Law:

## Accredited Criminal Law Specialist

**Your freedom, reputation, and future deserve the strongest defence.**

At Pascoe Criminal Law, we deliver just that — expert legal representation from an Accredited Specialist in Criminal Law.

### Why Choose an Accredited Specialist?

When you're facing criminal charges, you need more than a lawyer — you need proven expertise. Our Accredited Specialist has passed one of the legal profession's toughest assessments, ensuring top-tier knowledge, advocacy, and skill for your defence.

### What Sets Pascoe Criminal Law Apart?

**Expert Representation:** Accredited Specialists are proven experts in criminal law — giving your case the precision and confidence it deserves.

**Always Up to Date:** We stay ahead of legal changes through ongoing specialist training and development.

**Efficient, High-Quality Service:** Expect clear guidance, strong support, and a focus on results throughout your case.

**Truly Qualified Advocacy:** Your rights are protected by a dedicated criminal law expert — not just any lawyer.



# What is an Intervention Order?

An intervention order is an Order issued by a Magistrate to protect a person from various forms of proscribed behaviour, including abuse, threats, coercive control, harassment, stalking, and violence (physical or verbal).

Under Victorian law, there are two types of intervention orders:

## 1. Family Violence Intervention Orders

Designed to protect individuals from family members who pose a threat.

## 2. Personal Safety Intervention Orders

Aimed at addressing threats from individuals outside the family context.

Both types of orders are divided into two categories: interim and final.

## What is an Interim Intervention Order?

An interim intervention order is a temporary order issued by the court to provide immediate protection for the applicant. It serves as a short-term safeguard until the court can conduct a full hearing to determine whether a final order is necessary.

### Key Features of an Interim Intervention Order:

#### 1. Urgency:

Granted when there is an immediate risk to the safety or wellbeing of the applicant.

#### 2. Temporary Nature:

Remains in effect until the court can hold a detailed hearing.


#### 3. Low Evidentiary Threshold:

The magistrate must only be satisfied that there is sufficient evidence to warrant temporary protection.

For example, if someone fears imminent harm from a partner or neighbour, they can apply for an interim intervention order, which can be issued quickly to ensure their safety.

## What is a Final Intervention Order?

A final intervention order is a long-term legal measure that comes into effect after a court hearing. Unlike interim orders, final orders are issued based on a thorough examination of evidence and arguments from both parties.



## **Key Features of a Final Intervention Order:**

### **1. Duration:**

Typically lasts 12–24 months, but a Magistrate may grant an indefinite order if deemed necessary.

### **2. Evidence-Based:**

Decided after reviewing all evidence and hearing testimony from both parties.

### **3. Binding Conditions:**

Includes specific conditions, such as prohibiting contact, harassment, or being within a certain distance of the applicant.

## **Differences Between Interim and Final Orders**

### **Purpose**

- Interim Intervention Order: Temporary, urgent protection
- Final Intervention Order: Long-term protection after a hearing

### **Duration**

- Interim Intervention Order: Until the final hearing
- Final Intervention Order: Specified period or indefinite

### **Evidence Requirement**

- Interim Intervention Order: Preliminary evidence of risk
- Final Intervention Order: Full examination of evidence

### **Process**

- Interim Intervention Order: Often granted ex parte
- Final Intervention Order: Can be made ex parte, by consent, or after a contested hearing

### **Conditions**

- Interim Intervention Order: Broad to ensure immediate safety
  - Final Intervention Order: Tailored to long-term circumstances
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# **The Application Process for Intervention Orders in Victoria**

## **1. Filing an Application:**

The applicant lodges an application at the Magistrates' Court, either in person or through legal representation. If police are involved, they may file an application on behalf of the affected family member.

## **2. Mention Hearing:**

The magistrate may issue an interim order if immediate protection is required.

## **3. Serving the Order:**

The respondent must be served with the order, informing them of the conditions and upcoming court date.

## **4. Directions Hearing:**

If the order is disputed, the court schedules a directions hearing to confirm the length of the contested hearing and issues in dispute.

## **5. Final Hearing:**

The court determines whether a final intervention order should be granted.

## **Breaching an Intervention Order**

Breaching either an interim or final intervention order is a serious offence in Victoria. Violations can result in criminal charges, fines, or imprisonment.


Prompt legal advice from a criminal defence lawyer should be obtained when responding to an allegation of breaching an intervention order.

## **Exploring Family Violence Safety Notices**

Under Part 3 of the Family Violence Protection Act 2008 (Vic), police may serve a Family Violence Safety Notice to protect an affected family member before the court determines an application for Family Violence Intervention Order.

## **How Do the Police Decide Whether to Serve a Notice?**

Police assess whether to issue a Family Violence Safety Notice based on:

1. The respondent being an adult with no cognitive impairment.
  2. No conflicting Family Law Act or Child Protection Order in place.
  3. The absence of an existing intervention order.
  4. The necessity to ensure the safety of the affected family member or child.
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## **What Occurs when a Respondent Has been Served?**

Once served, the respondent is required to comply with the conditions of the Family Violence Safety Notice. This may include exclusion from the home or restrictions on contact.

## **What Happens if a Family Violence Safety Notice is Breached?**

Breaching a Family Violence Safety Notice is an offence punishable by up to 2 years imprisonment or 240 penalty units.

## **How Long Does a Family Violence Safety Notice Last?**

A Family Violence Safety Notice remains in force until a Magistrate decides on the Family Violence Intervention Order application, typically within 7 days.

## **Respondent Application to Revoke or Vary an FV IVO**

Under Section 109 of the Family Violence Protection Act 2008 (Vic), a respondent may apply to vary or revoke an interim or final intervention order, but must first seek leave of the Court. Leave is granted only if:

1. A change in circumstances has occurred since the order was made.
2. The change justifies variation or revocation.
3. In the case of an interim order, it is in the interests of justice to determine the application immediately.

## **Application to Vary or Revoke Where Respondent Was Not Aware**

If a respondent was unaware of the case, they may apply within 21 days of the interim order, provided they satisfy the court that granting leave is in the interests of justice.

## **Appeals Against a Final Intervention Order**

A respondent may appeal a final intervention order within 30 days, but an appeal does not stay the operation of the order unless the court grants a stay.

Appeals are heard in the County Court. For a cautionary example, see *OP & County Court of Victoria [2020] VSC 754*, where an appeal resulted in an 18-year order instead of 2 years.





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