

Receiving a Personal Safety Intervention Order

What is a Personality Safety Intervention Order?

A **Personal safety intervention order (PSIO)** is a court order which aims to protect a person, their children and their property from physical or mental harm caused by someone who is not a family member. An intervention orders involving a family member is know as a **Family violence intervention order (FVIO)**.

A **Respondent** refers to the individual whom has an interim or final PSIO application or PSIO made against them.

A **protected person** refers to the individual(s) whom are affected by the respondent's conduct and require protection.

There are **two types of PSIOs**:

- **Interim orders** are a short-term order that includes conditions which protects the affected (protected) person until the court hearing where a magistrate makes a decision of the final order based on evidence.
- **Final orders** are long-term legally binding orders that include conditions which you must adhere to.

Breach of both an interim or final order condition is a criminal offence and carries a heavy sentences.

If you have been charged with breaching a PSIO contact us at **1300 892 237**



Behaviours that can lead to a PSIO

Behaviours which may have led to a PSIO being made against you (respondent) include:

- Assault
- Sexual assault
- Serious threats
- Harassment
- Stalking
- Property damage or interference with property



Who can apply for a PSIO against you?

People who can **make an application for a PSIO against you** include:

- Neighbours
- Friends
- Work colleagues
- Employers
- Employees
- Tenants
- Landlords
- Students
- People who know you or strangers
- The Police who may apply on behalf of anyone

Notification of a PSIO application

As a respondent, you will be served with a court document - 'application and summons', which will describe the allegations and set out the date of your court hearing.

If an interim order has been made, the police will provide you with a copy of the order outlining conditions you must follow.

Common conditions of a PSIO

Common conditions include restricting you from:

- Contacting the protected person in any form
 - Being within a certain distance from the protected person
 - Being within a certain distance from the protected person's home, work, school
 - Harassing or threatening the protected person
- Interfering with, or damaging protected person's property

Alternate dispute resolution

Before final orders for a PSIO are made, you may wish to resolve the matter outside the courts. This is done through **mediation**.

Only certain third parties can arrange this to avoid breaching any interim orders which may be in place.

Do not directly contact the protected person yourself or ask a friend or family member to do it for you.

Not all matters can be appropriately dealt with through mediation.

Matters that may not be suitable for mediation include matters where:

- there is a real risk of harm, threat or violence
- mediation may increase unwanted behaviour of the respondent
- where the police have already applied for a PSIO
- where interim orders are in place

Contact us for legal advice before you respond at **1300 892 237**

Responding to an intervention order (PSIO)

You have multiple options when responding to a PSIO

Option 1: Consenting without admissions of allegations

You can agree to the order being made without admitting to the allegations stated in the application. You must still comply with the conditions of the order.

Option 2: Contesting the order

You can argue against the order in its entirety or parts of it (i.e. certain conditions). You will need to attend a mention, directions and final contested hearing, where arguments will be presented and heard.

Option 3: Offer an undertaking

You can offer a formal, written promise to the court to follow outlined conditions. The applicant can agree to it or proceed with the PSIO. It is not a criminal offence to breach an undertaking, but it may act as evidence of a future need of a PSIO.

Option 4: Dispute resolution

You and the affected person can attempt to come to an agreement to resolve the matter outside of court. This can be done through mediation. Only certain third parties can arrange this to avoid breaching any interim orders which may be in place.

Going to court

You should attend your PSIO court hearing. If you do not go to your court hearing, a judicial officer (generally a Magistrate) can make a final intervention order against you without your appearance.

Appeal the decision

If you would like to make an appeal against a final order, it must be filed within 30 days of the decision. You cannot appeal against an interim order.

Appeals can be based on:

- The making of the order
- The conditions of the order

Forty Four Degrees

Contact us at **1300 892 237**. We will provide you with legal advice, fill out the forms and help you appeal the decision.

OR

Step 1: complete a notice to appeal. You can go to your nearest Magistrates' Court to get the form, complete it and file it immediately.

Step 2: the court will transmit the notice of appeal to the relevant court (either County or Supreme Court) and notify the affected person of your application for appeal.

Lodging an application for appeal does not change the order immediately. The current order will be enforced until a court hears the appeal and makes a decision.

The appellate court may

- Confirm the decision (nothing changes)
- Set aside the decision and revoke the PSIO

Vary a condition

You can apply to vary a condition of a final order if your situation changes.

Forty Four Degrees

Contact us at **1300 892 237**. We will provide you with legal advice, fill out the forms and help you vary any conditions.

OR

Step 1: complete a notice to vary form and file it with the court. You can go to the court to get the form, complete it and file it immediately.

Step 2: the court will send a copy of the the application to the protected person and set a date for the hearing.

Lodging an application to vary does not change the order immediately. The current order will be enforced until a court hears the application and makes a decision.

The appellate court may

- Deny the application (nothing changes)
- Vary the conditions and/or make a new order

Process of receiving a PSIO

If an interim order is made, police will give you a copy of it which outlines conditions you must comply with.

Served the application and summons setting out allegations and court hearing

Contact **Forty Four Degrees** at **1300 892 237** for legal advice on how to respond

Dispute resolution

Court Hearing

Unsuccessful or not appropriate

If successful, an application to revoke an interim order can be made so no further court hearings are needed

Offer an undertaking

Consent without admission

Contest the order

Unhappy with final order or final decision?

Appeal a decision or vary a condition

Forty Four Degrees
Contact us at **1300 892 237**. We will provide you with legal advice, fill out the forms and help you appeal the decision or vary a condition.

Step 1: complete a notice to appeal (within 30 days) or vary form.
Step 2: court will set a date for the hearing. The police will notify the affected person of your application for appeal or vary.

Court will decide

Unsuccessful

Successful

Final order and its conditions upheld

PSIO will be revoked

Condition is **varied** and/or **new order made**