

## **Appendix A**

### **Glossary**

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## Glossary

<b>Aggrieved family member</b>	The family member whose person or property is the subject of the complaint for an intervention order.
<b>Aggrieved person</b>	For the purposes of this report, the aggrieved person refers to the person / people who are to be protected if the complaint for an intervention order is granted.
<b>Application refused</b>	The Court refused the application (i.e. the Court refused to grant an intervention order or to order that an existing intervention order be extended, varied or revoked). An application for an intervention order is refused where there is insufficient evidence to support the making of an order.
<b>Application struck out</b>	The Court struck out the application. An application is struck out by the Court due to the non appearance of the aggrieved person / complainant at Court for the final determination of the application.
<b>Application withdrawn</b>	The application is withdrawn by the aggrieved person / complainant. An application will be withdrawn upon the aggrieved person requesting that the application not proceed.
<b>Assault</b>	<p>Assault means the direct or indirect application of force by a person to the body of, or to the clothing or equipment worn by, another person where the application of force is without lawful excuse, and with intent to inflict or being reckless as to the infliction of bodily injury, pain, discomfort, damage, insult or deprivation of liberty, and results in the infliction of any such consequence (whether or not the consequence inflicted is the consequence intended or foreseen).<sup>21</sup></p> <p>For the purpose of the legislative definition of assault, application of force includes application of heat, light, electric current or any other form of energy and application of matter is in solid, liquid or gaseous form.<sup>22</sup></p>
<b>Child</b>	A person who is under the age of 18 years.

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<sup>21</sup> Source: *Section 31(2) of the Crimes Act 1958*

<sup>22</sup> Source: *Section 31(3) of the Crimes Act 1958*

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## Glossary, continued

<b>Complaint</b>	Reference to complaint means complaint for an intervention order finalised in the Magistrates' and Children's Court of Victoria.
<b>Complaint and summons</b>	<p>A document issued by a Court Registrar and served on the defendant, detailing the:</p> <ul style="list-style-type: none"> <li>▪ Grounds upon which a complaint for an intervention order is being made;</li> <li>▪ The location of the Court where the complaint will be heard;</li> <li>▪ The time and date that the complaint will be heard; and</li> <li>▪ The orders that have been sought.</li> </ul>
<b>Complaint and warrant to arrest</b>	A document issued by a court registrar or magistrate authorising the police to arrest the defendant and bring him / her before the court for the hearing of the complaint for an intervention order.
<b>Complaint finalised</b>	A complaint for an intervention order may be finalised by an intervention order being made, or by the complaint being refused, struck out, withdrawn or revoked. Reference to a complaint means a finalised complaint.
<b>Domestic partner</b>	<p>Domestic partner of a person means an adult person to whom the person is not married, but with whom the person is in a relationship as a couple, where one or each of them provides personal or financial commitment, and support of a domestic nature for the material benefit of the other, irrespective of their genders, and whether or not they are living under the same roof.</p> <p>The definition does not include a person who provides domestic support and personal care to the person for a fee or reward, or on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation).<sup>23</sup></p>

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<sup>23</sup> Source: *Section 3(1) of the Crimes (Family Violence) Act 1987*

## Glossary, continued

**Domestic partner, continued** In determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the *Property Law Act* 1958 as may be relevant in a particular case.<sup>24</sup>

A person is not a domestic partner of another person only because they are co-tenants.<sup>25</sup>

**Elapsed time** The number of days between a complaint for an intervention order being made and finalised.

**Interim intervention order** A temporary intervention order.

**Intervention order** An intervention order is an order made by a magistrate that restricts a person's (the defendant's) behaviour in relation to another person (the aggrieved family member).

The purpose of an intervention order is to protect the safety of the aggrieved family member(s).

**Parent** Parent of a child includes a guardian of the child or a person with whom the child normally or regularly resides.

**Property** In relation to an aggrieved family member, property includes:

- Property of any person situated in premises in which the aggrieved family member lives or works; and
- Property of any person that is being used by the aggrieved family member.

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<sup>24</sup> Source: Section 3(3)(b) of the *Crimes (Family Violence) Act* 1987

<sup>25</sup> Source: Section 3(3)(b) of the *Crimes (Family Violence) Act* 1987

## Glossary, continued

<b>Relative</b>	<p>Relative of a person includes:</p> <ul style="list-style-type: none"> <li>▪ Father, mother, grandfather, grandmother, step-father, step-mother, father-in-law or mother-in-law of the person; or</li> <li>▪ A son, daughter, grandson, granddaughter, step-son, step-daughter, son-in-law or daughter-in-law of the person; or</li> <li>▪ A brother, sister, half-brother, half-sister, brother-in-law or sister-in-law of the person; or</li> <li>▪ An uncle, aunt, uncle-in-law or aunt-in-law of the person; or</li> <li>▪ A nephew or niece of the person; or</li> <li>▪ A cousin of the person; and</li> <li>▪ In the case of domestic partners, a person who would be such a relative if the domestic partners were married to each other.</li> </ul>
<b>Spouse</b>	<p>Spouse of a person means the person to whom a person is or was married.</p>
<b>Stalking behaviour</b>	<p>A person (the offender) stalks another person (the victim) if the offender engages in a course of conduct that includes any of the following:</p> <ul style="list-style-type: none"> <li>▪ Following the victim or any other person;</li> <li>▪ Telephoning, sending electronic messages to, or otherwise contacting, the victim or any other person;</li> <li>▪ Publish on the internet or by email or other electronic communication to any person a statement or other material: <ul style="list-style-type: none"> <li>▪ relating to the victim or any other person, or</li> <li>▪ purporting to relate to, or originate from, the victim or any other person.</li> </ul> </li> <li>▪ Causing an unauthorised computer function in a computer owned or used by the victim;</li> <li>▪ Tracing the victim's or any other person's use of the internet or email or other electronic communications;</li> <li>▪ Entering or loitering outside or near the victim's or any other person's place of residence or business or any other place frequented by the victim or the other person;</li> </ul>

**Stalking behaviour,  
continued**

- Interfering with property in the victim's or any other person's possession (whether or not the offender has an interest in the property);
- Giving offensive material to the victim or any other person or leaving it where it will be found by, given to, or brought to the attention of, the victim or the other person;
- Keeping the victim or any other person under surveillance;
- Acting in any other way that could reasonably be expected to arouse apprehension or fear in the victim for his or her own safety or that of any other person –

With the intention of causing physical or mental harm to the victim, or of arousing apprehension or fear in the victim for his or her own safety or that of any other person, and the course of conduct engaged in actually did have that result.

**Victim of stalking**

A victim of stalking is a person who the Court is satisfied, on the balance of probabilities, has been stalked by another person.

Of the persons who made a complaint for an intervention order under the stalking provisions of the *Crimes Act 1958*, many disputes arose out of the following types of relationships:

- Employer / employee / co-workers;
- Former partner and current partner of a third person;
- Neighbourhood disputes;
- Share-house and landlord / tenant.