

29 March 2026

Dear Clients

Re: Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Act 2026 (Vic)

The Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Act 2026 (Vic) (the Act) received Royal Assent on 10 February 2026. Also known as the Women's Safety Package, the Act represents the most significant legislative advancement in Victoria's family violence framework since the implementation of the Royal Commission into Family Violence recommendations. It amends several key Victorian statutes, introducing reforms across four principal domains: strengthening Family Violence Intervention Order (FVIO) processes; expanding the definition of family violence; clarifying the stalking offence; and improving procedural protections for vulnerable witnesses.

For Victorian legal practitioners - whether acting in family law, criminal defence, child protection, civil law, or community legal services - the Act raises immediate and significant questions about client protection, respondent rights, strategic litigation approaches, and the management of complex multi-jurisdiction matters. This article examines the major reform areas, and its practical implications for lawyers.

The *Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Act 2026 (Vic)* introduces the most significant reforms to Victoria's family violence framework since the Royal Commission. This article outlines the key changes and their practical implications for practitioners across family law, criminal law, child protection, and community legal practice.

The Act establishes a two-year minimum duration for all final Family Violence Intervention Orders, unless the court is satisfied that a shorter period is appropriate. Final orders must now also run for the full length of any custodial sentence imposed on a respondent, with an additional twelve months extending beyond their release, ensuring continuity of protection during reintegration.

The statutory definition of family violence has been expanded to expressly include stalking, systems abuse, and animal mistreatment. This expansion broadens the evidentiary base available to affected family members and requires practitioners to consider a wider range of conduct when preparing applications or advising respondents.

Courts may now make Family Violence Intervention Orders even where part of the alleged conduct occurred interstate, strengthening protection for individuals relocating from other jurisdictions. The Act also introduces a minimum age of twelve years for child respondents, aligning intervention order processes with criminal responsibility thresholds and requiring careful assessment of capacity and alternative pathways.

Children who are listed on a parent's intervention order will continue to be protected after turning eighteen unless the order is varied or revoked. Service provisions have been improved, including clearer processes for serving respondents who are incarcerated, reducing delays and adjournments.

The Act empowers courts to make interim Personal Safety Intervention Orders on their own motion during criminal and bail proceedings. Criminal practitioners must now anticipate the possibility of an intervention order arising directly from those hearings and advise clients accordingly.

Significant amendments have been made to the stalking offence under section 21A of the *Crimes Act 1958 (Vic)*. The offence structure has been clarified to distinguish intentional, reckless, and objective-fault elements, providing greater certainty for both prosecution and defence. Witness protections, including the use of pre-recorded evidence, have been extended to stalking matters.

The Act strengthens protections for vulnerable witnesses by prohibiting self-represented respondents from directly cross-examining victim-survivors. Courts must now implement alternative arrangements, including the use of intermediaries whose functions have been formally codified. Jury directions for consent-based offences have also been updated to reflect contemporary understandings of communication and coercion.

Practitioners should familiarise themselves with these reforms and consider their impact on litigation strategy, risk assessment, and client advice. The expanded definitions, extended order durations, and enhanced procedural safeguards will influence both interim and final hearings, as well as the management of related criminal matters.

IN SUMMARY CHECKLIST

→	Two-year default minimum term for all final Family Violence Intervention Orders
→	FVIO duration aligned to custodial sentences, plus 12 months post-release
→	Definition of family violence expanded to include stalking, systems abuse and animal mistreatment
→	Courts may make FVIOs where family violence has partly occurred interstate
→	Minimum age of 12 years for child respondents to FVIOs
→	Children on a parent's FVIO retain protection upon turning eighteen
→	Courts may make own-motion interim Personal Safety Intervention Orders (PSIOs) in criminal and bail proceedings
→	Clarified stalking offence under section 21A of the Crimes Act 1958, restructuring intentional, reckless, and objective-fault elements
→	Witness protections (including pre-recorded evidence) extended to stalking cases
→	Improved service provisions for FVIOs, including service on incarcerated respondents
→	New cross-examination protections for self-represented victim-survivors
→	Intermediary functions codified; jury directions updated for consent-based offences

PRACTICAL GUIDELINES FOR PRACTITIONERS

For AFM Representatives

- Gather evidence of systems abuse early (emails, applications, administrative interactions).
- Prepare submissions supporting the two-year minimum and extended duration for imprisoned respondents.

- Consider interstate conduct when drafting affidavits.

For Respondent Practitioners

- Advise clients on extended FVIO duration linked to imprisonment.
- Prepare clients for intermediary-assisted cross-examination processes.
- Address capacity and developmental issues for young respondents.

For Criminal Lawyers

- Anticipate own-motion PSIOs in bail and plea contexts.
- Explain collateral consequences of stalking charges and FVIO breaches.

Quick Reference Checklist

- Does the conduct fall within the expanded definition (stalking, systems abuse, animal harm)?
- Is the respondent in custody, or likely to be? Consider extended FVIO duration.
- Is the AFM or respondent under 18? Apply new age-related provisions.
- Has any part of the conduct occurred interstate?
- Are special witness protections required (pre-recording, intermediaries)?
- Could the court issue an own-motion PSIO during criminal proceedings?

CONCLUSION

The *Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Act 2026 (Vic)* represents an important and long-overdue improvement of Victoria's family violence, stalking, and witness-protection legislative frameworks. The reforms build on the foundations established by the Royal Commission into Family Violence and implement targeted recommendations of the Victorian Law Reform Commission, delivering substantive improvements for victim-survivors in the areas of their engagement with the justice system.



For legal practitioners, the Act requires an updated and detailed understanding of the amended statutory legislation. The transitional provisions must be approached with care, and practitioners will need to engage with several expanded or redefined legal concepts, including systems abuse, the restructured stalking offence, the default two-year minimum term for final FVIOs, and the court's new power to make own-motion PSIOs during criminal and bail proceedings.

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