

IS EMOTIONAL ABUSE 'DOMESTIC VIOLENCE'?

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In Queensland, 'emotional, psychological and economic abuse' constitutes Domestic Violence and, therefore, can be the basis for a Domestic Violence Order (DVO). So, what are some examples of this?

The Domestic & Family Violence Protection Act 2012 (Qld) provides a non-exhaustive list of examples that might constitute this type of behaviour.

Emotional or psychological abuse:

Some examples include:

- following a person when the person is out in public, including by vehicle or on foot;
- remaining outside a person's residence or place of work;
- repeatedly contacting a person by telephone, SMS message, email or social networking site without the person's consent;
- repeated derogatory taunts, including racial taunts;
- threatening to disclose a person's sexual orientation to the person's friends or family without the person's consent;
- threatening to withhold a person's medication;
- preventing a person from making or keeping connections with the person's family, friends or culture, including cultural or spiritual ceremonies or practices, or preventing the person from expressing the person's cultural identity.

Economic abuse:

Economic abuse means behaviour by a person (the first person) that is coercive, deceptive and unreasonably controls another person (the second person), without the second person's consent –

a) In a way that denies the second person the economic or financial autonomy the second person would have had but for that behaviour; or

b) By withholding or threatening to withhold the financial support necessary for meeting the reasonable living expenses of the second person or a child, if the second person or the child is entirely or predominantly dependent on the first person for financial support to meet those living expenses.

Some examples include:

- coercing a person to relinquish control over assets and income;
- removing or keeping a person's property without the person's consent, or threatening to do so;

- disposing of property owned by a person, or owned jointly with a person, against the person's wishes and without lawful excuse;
- without lawful excuse, preventing a person from having access to joint financial assets for the purposes of meeting normal household expenses;
- preventing a person from seeking or keeping employment;
- coercing a person to claim social security payments;
- coercing a person to sign a power of attorney that would enable the person's finances to be managed by another person;
- coercing a person to sign a contract for the purchase of goods or services;
- coercing a person to sign a contract for the provision of finance, a loan or credit;
- coercing a person to sign a contract of guarantee;
- coercing a person to sign any legal document for the establishment or operation of a business.

Domestic Violence laws are different in each State of Australia. 'Domestic Violence' in Queensland has a wide definition and includes much more behaviour than what has been listed in this article. Such behaviour is serious and unacceptable and action can be taken to stop it. If you have concerns about a situation you are in, call us for advice.