

UNDERSTANDING DOMESTIC VIOLENCE LAWS

14 May 2019

Domestic Violence Laws Queensland

Regardless of cultural background, age, religion or socioeconomic factors, domestic violence can occur in any family in Brisbane. Each state and territory has its own domestic violence legislation. In Queensland, the law was significantly changed in 2012 and further changes were made on 31 May 2017. Domestic violence is now defined to include:

- Physical abuse
- Damage to a person's property
- Emotional abuse
- Economic abuse
- Threatening or coercive behaviour.

A more detailed account as to what constitutes domestic violence can be found in the [Domestic and Family Violence Act 2012](#).

What is a Domestic Violence Application and Who Can Apply?

A Domestic Violence (DV) application offers protection by restricting the behaviour of the abuser. The person who files a DV application is known as the 'aggrieved', while the person whom the order is filed against is named the 'respondent'.

The category of people who can apply for a DVO in Queensland is extremely broad. Generally, anyone who is in a 'relevant relationship' and who believes they have experienced domestic violence as it is defined in the *Domestic and Family Violence Act 2012* may apply for a DVO.

To issue a DVO, the court must be satisfied that:

- The aggrieved and the respondent have a relationship that is relevant to the application
- The respondent has subjected the aggrieved to domestic violence
- The DVO is necessary in order to protect the aggrieved from further acts of violence and abuse.

When applying for a DVO, the aggrieved will be provided with a court date (this is usually referred to as 'the mention' date). The police will then inform the respondent of the DVO application that has been made against them. If both the aggrieved and the respondent appear at the court mention date and agree to the conditions set out in the application, the court can go ahead and issue the DVO.

If the respondent does not agree to the order or fails to attend the mention, the court may grant a temporary protection order. In

some cases, a DVO may be granted in the respondent's absence. If beyond the temporary order the aggrieved still disputes the application, then the court will set a final hearing date. As a result, at the final hearing (about 3-12 months after the temporary order date) the aggrieved and the respondent are permitted to present evidence in support of their case.

If your family has been subjected to domestic violence, you don't have to face legal proceedings on your own. Our lawyers are highly experienced in domestic abuse legislation. We can assist you with:

- Filing or responding to a Domestic Violence Order (DVO)
- Negotiations between parties mentioned in a DVO
- Legal representation in court
- Urgent Application for DVOs and Protection Orders.

Domestic Violence Law FAQs

Q: Are children included in DVOs?

A: Children can be included in a DVO, if the court deems they require protection from violence. Orders can be extended to not only include the aggrieved person's children, but also any child that lives with them (such as step-children).

Q: What are the conditions of a DVO?

A: Every DVO is different and the conditions are determined by the circumstances of the case. However, all domestic violence protection orders come with a set of standard conditions, including:

- The respondent must not commit domestic violence towards the aggrieved, and
- Any children mentioned in the order must not be subjected or exposed to domestic violence.

Two of the most common (but not standard) conditions of a DVO are firstly, a distance restriction on contact. If this condition applies, the respondent must not approach the aggrieved. Secondly, is an 'ouster' order, this requires the respondent to leave the house.

Q: What role do police play in DVOs?

A: The police are often the first to attend a domestic violence incident. If there is reasonable proof that domestic violence has occurred, they can issue a protection notice. This notice includes a standard condition that the respondent must be of good behaviour and must refrain from committing further domestic violence against the aggrieved.

Q: What if a DVO is taken out against me?

A: The following options are available to respondents:

- Agree to the order, or
- Request that the proceedings are delayed so you can seek legal advice, or
- Oppose the order.

You may also choose to do nothing. However, if you fail to attend court or respond to the DVO, it may be made in your absence.

Q: What happens if a DVO is breached?

A: It is a criminal act if a DVO is breached. Respondents can face serious penalties for breaching an order, ranging from prison time to fines. The penalty will be determined by several factors, including the seriousness of the breach and the respondent's criminal history.