

WHAT IS DOMESTIC VIOLENCE?

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Domestic Violence (DV) is a widespread problem. It is also widely misunderstood – as most people have a very narrow view of what it covers. Before you start thinking particular behaviour is okay – find out what DV really is!

Domestic Violence Laws in 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 (for more info – see our article [“Is emotional abuse ‘domestic violence’?”](#))
- 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.

Examples of Domestic Violence

Domestic violence matters in Queensland are governed by the *Domestic and Family Violence Protection Act* and includes



4. Depriving a person of the person's liberty or threatening to do so;
5. Threatening a person with the death or injury of the person, a child of the person, or someone else;
6. Threatening to commit suicide or self-harm so as to torment, intimidate or frighten the person to whom the behaviour is directed;
7. Causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the person to whom the behaviour is directed, so as to control, dominate or coerce the person;
8. Unauthorised surveillance of a person; or
9. Unlawfully stalking a person.

The Act provides that children are “exposed” to domestic violence if they see or hear domestic violence or otherwise experience the effects of domestic violence. Some examples of this are:

1. Overhearing threats of physical abuse;
2. Overhearing repeated derogatory taunts, including racial taunts;
3. Experiencing financial stress arising from economic abuse;
4. Seeing or hearing an assault;
5. Comforting or providing assistance to a person who has been physically abused;
6. Observing bruising or other injuries of a person who has been physically abused;
7. Cleaning up a site after the property has been damaged; or
8. Being present at a domestic violence incident that is attended by police officers.

Emotional or psychological abuse is covered in our [linked](#) article. There is a wide range of example behaviours provided in the Act which establish domestic violence

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-

- 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.

Making a DV order

The extensive changes made to the Domestic Violence laws in Queensland came into force in 2017. Some of the changes include:

Minimum 5 year orders instead of the previous 2 years.

Cross applications are now heard at the same time, and

Penalties for breaches increased from 3 years to 5 years.

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

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.

Being subjected to domestic or family violence can be extremely traumatic. No matter what the circumstances of your case are, we can help you and your family feel safe. Our lawyers know each case is different and that domestic violence matters often need to be treated with urgency. To speak with an experienced domestic violence lawyer, [contact](#)