

# How do I get a domestic violence protection order?

## *Your legal options explained*

If you are experiencing domestic violence in a relationship, a domestic violence order can help stop the violence.

### What are my legal rights?

Everyone has the right to live without fear of violence or abuse. The *Domestic and Family Violence Protection Act 2012* was created to give people legal protection from violent relationships. If you are experiencing violence in a relationship you can:

- apply for a domestic violence order to help stop the violence
- apply for an urgent temporary protection order
- ask the police to press charges against the person being violent.

### Who can apply for a domestic violence order?

You can apply for a domestic violence order if you are experiencing violence in a relationship. Relationships covered by the law include:

- an intimate personal relationship (married, de facto, registered relationship, engaged, couple)
- a family relationship (a parent, or former parent, of a child aged over 18, or your relatives who are over 18)
- an informal care relationship (where one person is dependent on the other person for help in an activity of daily living like dressing and cooking for them).

### What is domestic and family violence?

Domestic violence behaviour includes when another person you are in a relationship with:

- is physically or sexually abusive to you, or
- is emotionally or psychologically abusive to you, or
- is economically abusive to you, or
- is threatening, or
- is coercive, or
- in any other way controls or dominates you and causes you to fear for your safety or wellbeing or that of someone else.



Examples of this type of behaviour include:

- injuring you or threatening to injure you – punching, strangling you, grabbing your throat, pushing, slapping, pulling your hair or twisting your arms
- repeatedly calling, SMS texting or emailing you, or contacting you on your social networking site without your consent
- damaging (or threatening to damage) your property, eg punching holes in the walls or breaking plates
- stalking or following you or remaining outside your house or place of work
- monitoring you (unauthorised surveillance) including reading your text messages, your email account, your internet browser history, your social networking site
- putting you down or making racial taunts
- holding you against your will
- forcing you to engage in sexual activities without your consent
- getting someone else to injure, intimidate, harass or threaten you, or damage your property
- threatening to commit suicide or self-harm to scare you
- threatening you with the death or harm of another person
- threatening to withdraw their care of you if you don't do something
- coercing you to give them your social security payments
- forcing you to sign a power of attorney to them against your will so that they manage your finances
- threatening to disclose your sexual orientation to your friends or family without your consent
- preventing you from making or keeping connections with your family, friends or culture, including cultural or spiritual ceremonies or practices.



## What can a domestic violence order do?

A domestic violence order puts limits on the behaviour of the person who is being violent towards you (the respondent). They must be well behaved towards you and anyone else named in the order. Once an order has been made, it is illegal for them to breach the order and they can't own a weapon or have a weapons licence.

## How do I apply?

You can apply for a domestic violence order at a magistrates court or get a police officer, lawyer or someone you trust to apply for you. You should get legal advice before applying for a domestic violence order.

## What happens when I apply?

### For urgent applications

If you believe your safety is at risk, and the normal application process won't protect you quickly enough, you can make an application for an urgent temporary protection order. You'll go to court soon after you apply and it will be done before the respondent is told about your application. You will be given another date when you and the respondent will have to go to court to tell the magistrate about your situation. If you have a lawyer, they may be able to go to this court hearing for you.

### For non-urgent applications

After you've submitted your application, you will be given a date to go to court. The date and a copy of your application will be given to the respondent. The respondent can choose to agree to a domestic violence order being made, oppose your application or ask for another court date to give them time to get legal advice. If they disagree, another court date will be made for a hearing.

## What if the order is broken?

You should call the police immediately if the respondent breaks the conditions of the domestic violence order. The police will investigate and if it can be proved the order was broken, the respondent will be charged with breaching the domestic violence order, which is a criminal offence. They could also be charged with other criminal offences depending on the circumstances. It will help the police if you have proof the order was broken, like recordings of abusive telephone

messages, diary entries you made about the violence and the names of family, friends and neighbours who witnessed the behaviour.

## How can Legal Aid help me?

Legal Aid provides free legal information, referrals and advice for Queenslanders. You can access this service by calling 1300 65 11 88 (local call cost from a landline anywhere in Queensland). Legal Aid Queensland has specialist lawyers who can help. The lawyers can help you get a domestic violence order and represent you in court if you are eligible for legal aid.

You can ask the domestic violence duty lawyer to help you at court with legal advice and in some cases representation. In some courts a domestic violence prevention worker can help you to apply for a domestic violence order.

## How do I apply for legal aid?

You need to complete an application form, which you can get from our offices throughout Queensland or from our website [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au). Your application is more likely to succeed if you get legal advice before you apply.

## Is your help confidential?

Yes. Our services are confidential and we are committed to protecting our clients' privacy. We will not provide your personal information or details about your legal problem to anyone, unless we are legally required to.

## Do you need extra help accessing our services?

We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. To have this publication explained in your language, please phone the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask them to connect you to Legal Aid Queensland on 1800 998 980.



If you are deaf or have a hearing or speech impairment you can contact us using the National Relay Service. Visit [www.relayservice.gov.au](http://www.relayservice.gov.au) and ask for 1800 998 980. These are free services.

## Your local Legal Aid Queensland office:

### BRISBANE

44 Herschel St, 4000

### BUNDABERG

3rd Floor, WIN Tower,  
Cnr Quay & Barolin Sts, 4670

### CABOOLTURE

Ground Floor, Kingsgate  
42 King St, 4510

### CAIRNS

Level 2, Cairns Square Complex,  
42-52 Abbott St, 4870

### INALA

Level 1, Inala Commonwealth  
Offices, 20 Wirraway Pde, 4077

### IPSWICH

Level 7, 117 Brisbane St, 4305

### MACKAY

Ground Floor,  
17 Brisbane St, 4740

### MAROOCHYDORE

Ground Floor, M1 Building  
1 Duporth Ave, 4558

### MOUNT ISA

6 Miles St, 4825

### ROCKHAMPTON

Ground Floor, 35 Fitzroy St, 4700

### SOUTHPORT

Level 2, 7 Bay St, 4215

### TOOWOOMBA

1st Floor, 154 Hume St, 4350

### TOWNSVILLE

Level 4, Northern Securities  
Building, 22 Walker St, 4810

### WOODRIDGE

1st Floor, Woodridge Place,  
Cnr Ewing Rd & Carmody St, 4114

For more information  
about our services visit  
[legalaid.qld.gov.au](http://legalaid.qld.gov.au)

or phone **1300 65 11 88** or **1300 650 143**  
(Aboriginal and Torres Strait Islander Information Line)

