



DOMESTIC VIOLENCE

If you have experienced domestic violence or have safety concerns for you or your children, you may be able to get a Protection Order from a Magistrate to stop your partner (or ex-partner) committing further violence. Domestic violence can occur in all relationships regardless of orientation, culture or socio-economic status. Being abused is not part of a healthy relationship. The law recognises that living free from violence is a human right.

What is domestic violence?

Domestic violence is defined in law and covers a wide range of behaviours, such as:

- **Physical or sexual abuse** including punching, pushing, kicking, weapon attacks, threats or killing a pet, forcing you to have sex (or attempting to do so), or stopping you from leaving your house.
- **Emotional or psychological abuse** including behaviour that torments, intimidates, harasses or is offensive to you, name calling, putdowns, following you, stalking you, repeated contact or preventing you from maintaining connections with family, friends and culture.
- **Economic Abuse** including forcing you to hand over ownership/control of your property or income, selling property without your consent, preventing you access to joint assets/income, not allowing you access to money to cover normal household expenses, preventing you from getting or keeping a job, or coercing you to defraud Centrelink.
- **Threats or coercion to, for example:**
 - “Out you” (publically disclose your sexual orientation)
 - Withhold your medication
 - Kill or injure you, your children, family, friends or pets
 - Commit suicide/self-harm to intimidate or frighten you
- **Any other way to control or dominate you and cause fear for your safety or wellbeing or that of another**, for example, monitoring your texts, emails, social networks, internet history or using a GPS to track you.

How do I apply for a protection order?

If you have experienced domestic violence there are three ways to apply:

1. You can complete an application form and lodge it at the Magistrates Court. You are the **applicant** and the other person the **respondent**. You can represent yourself, ask the **police prosecutor** to speak on your behalf, apply for a Legal Aid lawyer or pay for a lawyer yourself.
2. The police can be the applicant and take out an order for you.
3. You can authorise another person such as a refuge worker, family member or friend to make an application and speak on your behalf.

A protection order versus criminal charges

Protection orders are only intended to protect you against further domestic violence. They are not a criminal charge. Criminal charges may result if the domestic violence is reported to the police and it constitutes a crime or if there is breach of a Protection Order. If the police to take criminal action, this will be dealt with separately from your protection order application.

Who can get a protection order?

You can apply for a protection order if you were in an **intimate personal relationship** which includes:

- Married
- Engaged
- De facto (including same sex couples)
- Biological parents of a child (including parents recognised under Aboriginal tradition and Torres Strait Islander custom) and any other person exercising/ having parental responsibility for the child
- 'Couple relationships' (requires more than just dating)
- Or if the violent person is your **relative** or carer

When can the Magistrates Court make a protection order?

A Magistrate must be satisfied that:

1. A relationship (outlined above) exists; and
2. Domestic violence had been committed against you; and
3. The Protection Order is necessary or desirable to protect you from violence

What sort of conditions can be made in a Protection Order?

A Protection Order will direct the respondent to be of good behaviour and not commit domestic violence. Other conditions to keep you safe may include not coming near you or contacting you. Children or relatives can also be protected if they have been exposed to, or experienced, domestic violence from the respondent. Urgent **Temporary Protection Orders** can also be made, at the time of filing your application.

It is vital to obtain legal advice ASAP, especially if you want to include children on the Protection Order (as this can be difficult), or your partner (ex-partner) applies for a Protection Order against you.

You can find more information in our Separation Booklet at <http://www.wlsq.org.au/resources/legal-toolkit>.

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Legal Advice:

Women's Legal Service at www.wlqs.org.au or 1800 677 278
North QLD Women's Legal Service at www.nqwl.com.au or 1800 244 50
QLD Community Legal Centres at www.qails.org.au
Legal Aid Queensland at www.legalaid.qld.gov.au or 1300 65 11 88

Domestic Violence Assistance:

DV Connect (24hrs/ 7days) 1800 811 811
QLD DV Services at www.qlddomesticviolencelink.org.au
Call 000 for emergencies or Policelink (non-emergency) 131 444 (24/7)
www.police.qld.gov.au/apps/stationlocator/

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