



QUEENSLAND DOMESTIC VIOLENCE ORDERS (DVO)

Defining Domestic Violence: Domestic violence encompasses a range of harmful behaviours, including physical, emotional, psychological, sexual, or financial abuse. It occurs within relationships, involving current or former partners, as well as family members, such as parents, siblings, or in-laws.

What is a Domestic Violence Order (DVO)? A Domestic Violence Order (DVO) serves as a legal mechanism issued by Queensland Courts to prevent the occurrence of threats or acts of domestic violence.

Key Parties Involved in a DVO:

- **Applicant:** The individual initiating the DVO process, which may include the aggrieved party, Queensland Police, or concerned family members.
- **Aggrieved:** Refers to the individual for whom the DVO is intended to provide protection.
- **Respondent:** The party against whom the DVO is issued, the person who is subject to its conditions.

Eligibility for Applying for a DVO: Any person who perceives themselves as a victim of domestic violence has the right to apply for a DVO in Queensland. While the Queensland Police Service often acts as the primary applicant, individuals may also seek a DVO on behalf of themselves or others, such as a family member in distress.

Conditions and Protections Offered by DVOs: DVOs establish a framework of protection for the aggrieved party through specified conditions that the respondent must adhere to. These conditions need to be strictly adhered to by the respondent and if breached, can result in criminal charges for contravening a domestic violence order (CDVO). Basic conditions typically include maintaining good behaviour and refraining from committing acts of domestic violence. Additionally, specific rules may be outlined to ensure the safety and well-being of the aggrieved party, such as not going within 50 metres of the person's house/work, or not contacting the person except for the purposes of discussing the children, etc.

The process of applying for a Domestic Violence Order: Securing a DVO involves several steps. One can report instances of domestic violence to the Queensland Police Service, who may facilitate the application process. Alternatively, individuals can seek assistance from organizations like us, the Central Queensland Community Legal Centre,

or download the necessary forms from the QLD Courts website and file them at their local court registry. If the Applicant is the Queensland Police Service (QPS) and you are the Aggrieved party, the QPS will serve the Respondent with a copy of the application. Additionally, the Respondent will receive a Police Protection Notice (PPN), which provides immediate protection to you as the aggrieved until the first court appearance.

If you, as an individual, are the Applicant (not the QPS), you will need to complete a Domestic Violence Order Application and submit it to your local court registry. Subsequently, the Respondent will be formally served with a copy of the application, and both parties will be summoned to appear in court on the specified date (note: the respondent is not obliged to attend court and may allow the matter to be decided in their absence).

During the court proceedings, the Respondent may opt to accept the Domestic Violence Order, either on a 'without admissions basis' or contest the application. Contesting an order can be based on various factors, including disputing the existence of a relevant family relationship, challenging allegations of domestic violence, or arguing against the necessity or desirability of the order. If the Respondent decides to contest the order, the Magistrate may grant a Temporary Protection Order (TPO) to provide interim protection to the aggrieved party while the legal process unfolds. To obtain a TPO, the Magistrate only needs to be convinced on the balance of probabilities that a relevant relationship exists and that domestic violence has occurred, without the need to consider the necessity or desirability of the order.

If the Respondent contests any of the three considerations mentioned earlier, the case may proceed to trial. During the trial, all parties will provide both written (affidavit) and verbal (oral) evidence, and the Magistrate will carefully consider the evidence before making a judgment. It is likely prudent to seek the assistance and advice of a Solicitor before attempting to complete an affidavit. It's worth noting that in some cases, the Queensland Police Service (QPS) may initiate applications for Domestic Violence Orders even if the aggrieved party does not desire the order. In such instances, the aggrieved party still retains the right to contest the making of the order.

What to Do if You Are the Aggrieved Party:

1. **Ensure Your Safety:** Your safety is paramount. If you're in immediate danger, contact emergency services right away.
2. **Seek Support:** Reach out to trusted friends, family members, or support organizations that can provide emotional support and guidance.
3. **Document Incidents:** Keep records of any incidents of domestic violence, including dates, times, and descriptions of what occurred. This documentation may be crucial if you decide to pursue legal action.
4. **Consider Legal Options:** You may choose to apply for a Domestic Violence Order (DVO) to seek legal protection from the perpetrator. Seek advice from QPS, legal professionals, or domestic violence support services to understand your options.

5. **Attend Court Proceedings:** If you proceed with a DVO application, attend all court hearings as required and provide any necessary evidence to support your case.

What to Do if You Are the Respondent:

1. **Comply with Legal Requirements:** If served with a Domestic Violence Order (DVO) application, ensure that you understand the conditions and restrictions outlined in the order.
2. **Seek Legal Advice:** Consider seeking legal advice from a qualified professional to understand your rights and options, especially if you intend to contest the DVO. DVO orders prevent gun ownership, sometimes the ability to obtain blue cards and explosives licences (which are now required in many mining roles).
3. **Gather Evidence:** Collect any evidence or documentation that may support your case, such as witness statements, communication records, or evidence refuting the allegations.
4. **Prepare for Court:** If contesting the DVO, be prepared to present your case in court. This may involve providing oral and written evidence to support your position.
5. **Comply with Court Orders:** Regardless of the outcome, comply with any court orders issued, including conditions outlined in the DVO, to avoid legal consequences.



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Disclaimer: The information contained in this handout is general information only current as at May 2024. Whilst every effort has been made to make it accurate the law is constantly changing. This handout should not be used as a substitute for legal advice.