

The Domestic Violence Protection Order Application

It is important that you read and understand what is being asked for on the domestic violence protection order application. If you foresee any complications with the order you can raise your concerns with the magistrate in court. You may also need to get some legal advice.

The Domestic Violence Protection Order (DVO)

A domestic violence protection order (DVO) refers to either a protection order or a temporary protection order. A DVO can be made by the court and states that you must be of good behaviour towards the person(s) named on the order, and not commit acts of domestic violence. The most important issue to the court is the safety and protection of people experiencing violence or abuse, including any children involved.

There may be additional conditions imposed on the order

You cannot own a weapon or a weapon's license for five years after the beginning of the DVO

The DVO can be registered in any State or Territory of Australia as well as New Zealand

A DVO does not give you a criminal record, however if you breach the order it then becomes a criminal matter

The DVO usually lasts for two years

Only a Magistrate can vary or cancel the DVO. Special considerations may be made by a Magistrate when an application to vary or cancel a DVO is lodged at the court house by you (the respondent) or the person for whose benefit the DVO has been made (the aggrieved).

Are you clear what Domestic Violence and Family Violence is?

Domestic violence and family violence is abusive behaviour used by one person to control and dominate another person within a domestic relationship. Domestic relationships can be intimate personal relationships, family relationships and informal care relationships.

The law in Queensland defines domestic violence as behaviour that is:

- ♦ Physically or Sexually abusive;
- ♦ Emotionally or Psychologically abusive;
- ♦ Economically abusive;
- ♦ Threatening or coercive; or
- ♦ in any other way **controls** or **dominates** another person or causes them to fear for their safety or the safety of someone else.

Even if domestic violence is not committed personally, someone who incites another to commit these acts is recognised themselves as committing domestic violence.

The information set out in this leaflet is intended to be informative only and does not represent a legal advice service. For legal advice and support contact a solicitor or a community legal centre such as:

Cairns Community Legal Centre Inc. (07) 4031 7688

NQ Women's Legal Service Inc. (07) 4772 5400

Legal Aid Queensland 1300 651 188

Cairns Regional Domestic Violence Service

A free and confidential service open to all people of all backgrounds



Phone: (07) 4033 6100

Fax: (07) 4033 5863

Email:



PO Box 12103

Cairns Delivery Centre

Cairns 4870



Funded by Department of Communities, Queensland

Promoting
Healthy Relationships 



Cairns
Regional
**Domestic
Violence
Service**



Information for Respondents to a Domestic Violence Protection Order Application About the Court Process

Cairns Regional Domestic Violence Service



Room 19
600 Bruce Highway
Woree 4868



Ph: (07) 4033 6100



Fax: (07) 4033 5863



Email: office@dvcairns.org

WHAT ARE YOUR OPTIONS AT DOMESTIC AND FAMILY VIOLENCE COURT?

If an application for a Domestic Violence Protection Order has been made against you, you can either:-



A domestic violence protection order is NOT a criminal charge and DOES NOT give you a criminal record, though domestic abuse may be of a criminal nature

however

If you disobey a domestic violence protection order you can be charged with a criminal offence carrying a maximum penalty of \$6000 or 2 years imprisonment