

Information to assist both victims and perpetrators of domestic violence.

Queensland Police Service

The Queensland Police Service recognises domestic violence is a serious problem within the community and is committed to providing an appropriate, effective and professional police response in order for the people of Queensland to feel safe from such violence and for victims to receive the maximum protection under the law. Domestic violence is not the sole responsibility of the Queensland Police Service. All organisations, both government and non-government, have an important part to play in response to, and in the prevention of, domestic violence in the community. A coordinated response to domestic violence is one such way both government and non-government organisations can work together to address domestic violence in the community. The Queensland Police Service is committed to working in partnership with the people of Queensland in order to enhance the safety and security of the community.

What is the purpose of this brochure?

The purpose of this brochure is to provide relevant information to assist both victims and perpetrators of domestic violence.

The information will assist a domestic violence victim make an informed choice on how to best deal with their situation and advise them of the protection available under the *Domestic and Family Violence Protection Act*. For the perpetrator, this information will assist them to understand that domestic violence behaviour is unacceptable and the extent to which the

Domestic and Family Violence Protection Act can be applied to stop them continuing such behaviour.

Should you require any further information that has not been covered in this brochure, please contact the Domestic Violence Liaison Officer at your local police station.

The following questions are answered in this brochure:

- What is domestic violence
- Cycle of violence
- The law
- Common terms
- What is a domestic violence order
- Who can be protected by a domestic violence order
- Who can take action against further domestic violence
- What actions can police take
- What happens when a respondent is released from a watchhouse
- Does a respondent have to go to court
- Does the aggrieved have to present their own application to a court for a domestic violence order
- When an application for a domestic violence order is being heard by a court, is the court an 'open' or 'closed' court
- What conditions are placed on a domestic violence order

- Can additional conditions be placed on a domestic violence order
- What happens if the respondent breaches any of the conditions
- Why have a domestic violence order
- What about legal advice for respondent
- What about domestic violence orders issued in other Australian States/Territories and New Zealand
- What help is available
- Where can I receive help

■ What is Domestic Violence

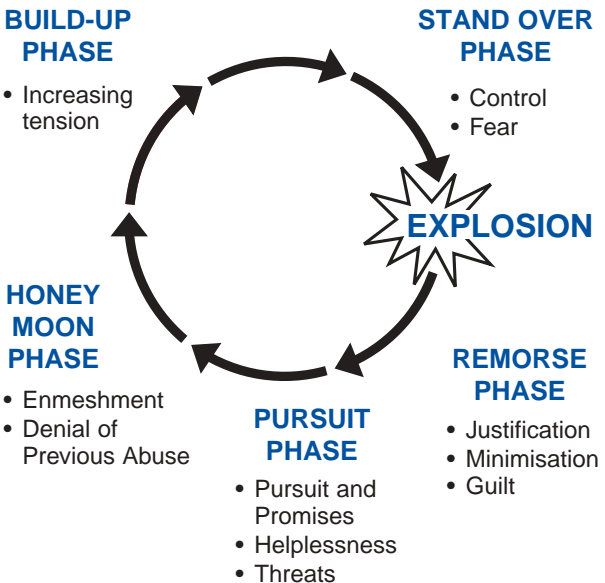
Domestic Violence occurs where one partner in a relationship uses his or her violent and/or abusive behaviour in order to control and dominate the other partner. The behaviour can include any one or more following:

- Physical abuse (eg. punch in face)
- Damage to property (eg. television smashed)
- Sexual abuse (eg. rape)
- Verbal abuse (eg. constant 'put downs')
- Financial abuse (eg. unrealistic expectations from limited budget)
- Harassment or intimidation (eg. repeatedly making telephone calls)
- or the threat of any of the above.

No person has the right to use violent and/or abusive behaviour in order to control another individual.

Cycle of Violence

In many, but not all, abusive relationships there is a cycle of violence. This cycle varies, but generally rotates between relative calm and an explosion of abuse. Recognising this cycle can often be an enlightening experience for many people. Whatever your circumstances, if you are in a domestic violence situation, call your local police station and have a police officer visit you or, alternatively, make arrangements to meet at a safe location with a police officer. Remember, violence includes controlling behaviours such as intimidation, harassment, verbal and emotional abuse, not just physical abuse.



The Law

Police use a large number of legislative authorities each day in their policing duties when responding to incidents. The *Domestic*

and Family Violence Protection Act is the primary legislative authority used by police in response to domestic violence incidents. Other legislative authorities, such as The Criminal Code, *Weapons Act* and *Police Powers & Responsibilities Act*, can also be utilised by police in relation to domestic violence incidents if certain circumstances exist. Under the *Domestic and Family Violence Protection Act* and *Police Powers and Responsibilities Act*, police have certain responsibilities and powers that they apply to domestic violence incidents.

■ Common Terms

- The domestic violence **victim** is referred to as the **Aggrieved**.
- The domestic violence **perpetrator** is referred to as the **Respondent**.
- A person who the **Aggrieved** regards as a relative (eg. child and/or parent of the aggrieved spouse) is referred to as a **Relative**.
- A person who the **Aggrieved** regards as an associate (eg. a person who works at the same place as the aggrieved) is referred to as an **Associate**.
- A **Relative** and/or an **Associate** named on a Domestic Violence Order is referred to as a **named person**.
- A **Domestic Violence Order** means either a **Protection Order**, **Temporary Protection Order** or **Registered Interstate Order** that is made by a court for the benefit of the **Aggrieved** against the **Respondent**.

What is a Domestic Violence Order?

A Domestic Violence Order is a Court Order which:

- tells the respondent that their behaviour is unacceptable; and
- places restrictions on the behaviour of the respondent by listing a number of conditions with which they must comply.

Who can be protected by a Domestic Violence Order?

In order for police to take action under the provisions of the *Domestic and Family Violence Protection Act*, the violent and/or abusive behaviour must be between people who are in a relationship defined by the Act.

A '**domestic relationship**' means -

- A spousal relationship
- An intimate personal relationship
- A family relationship
- An informal care relationship

What is a 'Spousal relationship?'

- either 1 of a male or female who are or have been married to each other; or,
- either 1 of the biological parents of a child, whether or not they are or have been married or are residing or have resided together; or

- either 1 or 2 persons, whether of the same or the opposite sex, who are residing or have resided together as a couple. Two persons are a couple if they reside together in a relationship that is normally considered by the community to indicate that they are a couple, and the relationship is one formed on the basis of intimacy, trust and personal commitment and does not include, for example, a relationship where 2 persons are merely co-tenants.

■ What is an 'intimate personal relationship?'

An intimate personal relationship exists between 2 persons if they are or were.

- engaged to be married including a betrothal under cultural or religious tradition
- in an established dating relationship where the actions of one affected the life of the other.

■ What is a 'family relationship?'

A family relationship exists between 2 adult persons if

- they are related by blood or marriage.
- they are accepted by others as a relative.
- they consider themselves as a relative.

What is an 'informal care relationship'?

An informal care relationship exists if one person is or was dependant on another person for help with day-to-day living activities and the help given is needed because of a disability, illness or impairment.

Informal care relationships cannot exist between a parent and a child. A relationship where a nurse or paid carer provides a personal care service is not an informal care relationship.

Relatives and/or Associates of the Aggrieved can also be protected by the Domestic Violence Order. In order for them to be protected, they must be named on the Domestic Violence Order.

Who can take action against further Domestic Violence?

The *Domestic and Family Violence Protection Act* gives the following people the authority to make an application for a Domestic Violence Order on behalf of an aggrieved:

- a police officer; or
- an authorised person (eg. friend or support person) authorised by the aggrieved spouse in writing; or
- the aggrieved
- a person acting under another Act for the aggrieved.

What actions can Police take?

Police have a number of responsibilities and powers under the *Domestic and Family Violence Protection Act* and *Police Powers and Responsibilities Act*. For example, these powers include the authority to:

- enter a place (with force if necessary) to investigate a domestic violence incident;
- detain a respondent and take them to a watchhouse for a maximum of four hours;
- make application for a Domestic Violence Order on behalf of an aggrieved;
- demand the name and address of any person involved in a domestic violence incident, including witnesses;

What happens when a Respondent is released from a Watchhouse?

When a respondent is released from a watchhouse, they are given:

- a copy of the application for the Domestic Violence Order; and
- a list of conditions, on which they are released, which remain in force until the court has heard the application.

A respondent must obey those conditions. Breaking them can result in the respondent being arrested and held in custody on a criminal charge.

■ Does a Respondent have to go to Court?

Yes, so the Court can decide whether or not to make a Domestic Violence Order against the respondent. A Court can still make a Domestic Violence Order against a respondent if he/she does not appear.

The respondent will be given a date to appear in Court when they are released from the watchhouse or served with a summons.

A DOMESTIC VIOLENCE ORDER ALONE DOES NOT GIVE A RESPONDENT A CRIMINAL RECORD

■ Does the Aggrieved have to present their own application to a court for a Domestic Violence Order?

When it is a Police initiated application, the police prosecutor will present the application to the Court. For applications made by an Aggrieved or an Authorised Person, they can request a police prosecutor to present their application to the Court.

■ When an Application for a Domestic Violence Order is being heard by a court, is the court an 'Open' or 'Closed' court?

When an application for a Domestic Violence Order is heard by a Court, the Court is CLOSED. This means only those persons involved in

the application and their legal representatives are in the Court at that time. An Aggrieved can have a friend and/or Court Assistance Worker in the Court to support them. The general public are excluded from the Court.

■ What conditions are placed on a Domestic Violence Order?

The two mandatory conditions of a Domestic Violence Order are that the respondent spouse must:

- be of good behaviour;
- not commit domestic violence;

The respondent is also prohibited from

- possessing any weapons for the duration of the order; and
- from possessing a weapons licence for the duration of the order.

■ Can additional conditions be placed on a Domestic Violence Order

Yes. If necessary, the Court can also make other conditions the Respondent must comply with in order to protect the Aggrieved. For example, the Court may impose a condition that the Respondent not make contact with the Aggrieved.

■ What happens if the Respondent breaches any of the conditions?

If a Respondent breaches any of the conditions on a Domestic Violence Order, the Aggrieved should immediately contact the Police and make a complaint. The Police have a duty to record such complaint and to investigate the matter. If sufficient evidence is obtained during the investigation, the police can charge the Respondent with breaching the Domestic Violence Order.

For an Aggrieved to make a complaint, police can attend the Aggrieved's residence. If this is a problem because of the Respondent, the Aggrieved can visit a Police Station or arrange to meet Police at a location that suits them.

Police may need the Aggrieved to go to Court to prove the breach. Do not be concerned by this as the Police will assist you.

BREACHING THE CONDITIONS OF A DOMESTIC VIOLENCE ORDER IS A CRIMINAL OFFENCE

■ Why have a Domestic Violence Order?

A Domestic Violence Order will provide the Aggrieved and their Relatives and Associates (if named on the Order) with protection from further violence, abuse, harassment or threats.

Domestic Violence Orders give a clear message to a Respondent that they **MUST**:

- take responsibility for the violence; and
- know that their behaviour is unacceptable.

What about legal advice for Respondents?

If Respondents want legal representation for Domestic Violence Applications, they should see their solicitor or contact their local legal aid office.

If a Respondent is charged with breaching a Domestic Violence Order, they can see a duty solicitor who is available at the court on the day they must appear. This advice is free. Alternatively, they can see their own solicitor or contact their local legal aid office before their appearance.

What about Domestic Violence Orders issued in other Australian States/Territories and New Zealand?

A Domestic Violence Order which was taken out in New Zealand or another Australian State or Territory can be registered in Queensland by attending your local Court House. The order may need to be modified to give you the greatest protection within the *Domestic and Family Violence Protection Act*. The clerk of the court will notify police of the existence of your order. If you move interstate from Queensland inquire at your local police station or Court House about registering your Queensland Domestic Violence Order.

What help is available?

Help is available for both the Aggrieved and the Respondent involved in Domestic Violence situations. All police stations have a support

/referral agency Register that lists the local support services that can offer assistance.

Acknowledging they have a problem with domestic violence is the first step a Respondent needs to take in order to solve their problem.

Only a Respondent can end domestic violence. A Respondent can control their own behaviour.

Where can I receive help?

For information and referral to services for people affected by domestic violence contact the agencies listed below:

***Contact any Police Station or
in an Emergency dial 000***

Domestic Violence Telephone Service

Freecall 1 800 811 811 (Toll free 24 hours - Telephone Call NOT recorded on telephone account)

This Service can provide contact details of the **11 Regional Domestic Violence Services** throughout Queensland (Brisbane, Caboolture, Cairns, Emerald, Gold Coast, Ipswich, Logan City, Mackay, Roma, Toowoomba and Townsville).

Men's Info Line

1800 600 636 (Mon-Fri 9am-5pm)

TTY

Freecall - 1800 812 225 (Toll free 24 hours)

Translating and Interpreting Service

131 450

Aboriginal and Torres Strait Islander Women's Legal & Advocacy Service

(07) 3844 2450

Centacare

(07) 3252 4371

Kids Help Line

1800 55 1800

Lifeline (Counselling Service)

131 114

Relationships Australia

(07) 3831 2005

Crisis Care

1800 177 135

Victims Of Crime Association

1300 733 777

Immigrant Women's Support Service

(07) 3846 3490

Women's Info Link

1800 177 577 (Toll free)

Women's Legal Service

(07) 3392 0670 or 1800 677 278 (Toll free)

Legal Aid Queensland

1300 651 188

Al-Anon Family Groups

07 3229 2501

Alcoholics Anonymous

07 3255 9962

Salvo Care Line (The Salvation Army)

07 3831 9016 (Brisbane)

or 1300 363 622 (Outside Brisbane)

Queensland Police Service Website (Domestic Violence)

<http://www.police.qld.gov.au/pr/program/dv/index.htm>

Local Police Station

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Local Groups/Agencies

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**Queensland Police Service
Vision Statement**

We are determined to be a professional police service, dedicated to excellence and committed to working in partnership with the people of Queensland to enhance the safety and security of our community.

