

Someone has applied for a domestic violence protection order against me.

What are my legal options?

If someone has applied for a domestic violence order against you there are four options to consider. You can:

- consent to an order being made. A consent order will only be made if you say you agree with the order in person, through a solicitor or in writing. You might want to agree to an order being made without admitting to the facts. This is called “consenting without admission”.
- ask for the proceedings to be adjourned so you can get legal advice.
- oppose the orders the aggrieved has asked for. If this happens, the court will give the aggrieved a hearing date.
- do nothing (and not attend court).

“You should get legal advice before deciding whether you want to agree or disagree with a domestic violence order being made.”

If you agree to the orders being made, an order can be made by consent when the application goes before the magistrate. The order will usually remain in force for up to two years, or longer if there are special reasons.

If you ask to have the matter adjourned, the magistrate will normally adjourn it for four weeks to allow you time to get legal advice before the next court appearance. The magistrate may issue the aggrieved with a temporary protection order until a further order is made or until the next hearing.

You should get legal advice before deciding whether you want to agree or disagree with the domestic violence order application or before asking for a hearing date.

If a domestic violence order is made, it may affect licences and other cards you hold including weapons’ and security licences.



A copy of the actual domestic violence order application will be delivered to you by the police — read it carefully because it will explain when and where you have to go to court.

Will I get a criminal record?

Not unless you breach the order. You must follow the terms set down in the order. If you don’t and you break the order, the police can charge you with a criminal offence.

What conditions can be made?

A domestic violence order puts limits on your behaviour. You must be well behaved towards the other person and anyone else named in the order. The order can also protect children, relatives, friends or workmates if there has been violence or threats of violence towards them.

The other conditions vary from case to case, but could include things to stop you from:

- approaching the aggrieved’s workplace or home
- going near the aggrieved, their relatives or friends, eg you might have to stay at least 100 metres away
- living in the home you share with the aggrieved
- trying to locate the aggrieved
- having any contact with the aggrieved by telephone except for mediation or counselling
- going to places where the aggrieved’s children frequently visit, like their school or kindy.

You will need to let the magistrate know if you and the aggrieved have parenting orders in place because the domestic violence order could affect them.

Once an order has been made, it is illegal for you to be violent towards the people named in the order, own a weapon or have a weapon's licence or break any of the conditions in the order. A final protection order normally lasts for two years.

What if I disagree with the order being made?

You will have to go to court and tell the magistrate you disagree. The magistrate will then set a hearing date. On the hearing date, you will have to explain why the order shouldn't be made, and both you and the aggrieved will tell your sides of the story under oath and be questioned by the magistrate. You may have to put your side of the story into an affidavit – which is a sworn statement.

Documents can be given to the magistrate, like photographs and doctors' reports, to support your story. You can also bring witnesses. After the magistrate has heard all the evidence they decide if they will issue an order against you.

You should get legal advice before deciding to oppose the order being made.

What is domestic and family violence?

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

- is physically or sexually abusive, or
- is emotionally or psychologically abusive, or
- is economically abusive, or
- is threatening, or
- is coercive, or
- in any other way controls or dominates a person they are in a relationship with and causes them to fear for their safety or wellbeing or that of someone else.

How can Legal Aid help me?

Legal Aid Queensland provides free legal information and advice for Queenslanders. If you want to contest an application for a domestic violence order we may be able to fund a lawyer to represent you in court. This service is

means and merit tested – we will look at what you earn, what you own and if your case has a good chance of success to decide if you are eligible for legal aid. This way we can make sure we are using our funding to help those who are least able to afford a lawyer.

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. 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.

Can you organise an interpreter?

Yes. We can organise for an accredited interpreter to help you. We are committed to making our services accessible to all people who need our services. If you would like information about domestic violence 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. If you have a hearing impairment, please call TTY on (07) 3238 3023. These are free services.



How do I provide feedback or make a complaint?

Your feedback – complaints, compliments and suggestions – is welcome and we take it seriously.

To make a comment about the service you received from Legal Aid Queensland, you can complete our client feedback form. The form is available from your local Legal Aid office and our website.

You can also give us feedback by writing to us at GPO Box 2449, Brisbane, Q 4001, calling 1300 65 11 88 and talking to our staff or emailing complaints@legalaid.qld.gov.au

YOUR LOCAL LEGAL AID OFFICE:

BRISBANE

44 Herschel St, 4000

BUNDABERG

2nd Floor, WIN Tower,
Cnr Quay & Barolin Sts, 4670

CABOOLTURE

Ground Floor, Kingsgate
42 King St, 4510

CAIRNS

Level 2, Cairns Square Complex
Cnr Abbott and Shields Sts, 4870

INALA

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

IPSWICH

97 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

1st Floor, 100 Scarborough St, 4215

TOOWOOMBA

1st Floor, 154 Hume St, 4350

TOWNSVILLE

3rd Floor, Northtown
280 Flinders St, 4810

WOODRIDGE

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

FOR MORE INFORMATION ABOUT OUR SERVICES:

Phone 1300 65 11 88

www.legalaid.qld.gov.au

