

## 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 spousal relationships, family relationships, intimate personal

The law in Queensland defines domestic violence as:

- WILFUL INJURY to the person
- WILFUL DAMAGE to the person's property
- INTIMIDATION OR HARASSMENT of the other person
- INDECENT BEHAVIOUR towards the other person without consent
- THREATS to commit any of these acts

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) 4041 0066*

*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  
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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**



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# 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 \$3000 or twelve months imprisonment**