



What will a Domestic Violence Protection Order (DVO) mean for you?

- A domestic violence protection order (DVO) refers to either a protection order or a temporary protection order.
- The purpose of a protection order is to remove the violence from a relationship by placing restraints on the respondents behaviour.
- A Basic Order or Order in the Mandatory Terms states that the respondent must be of good behaviour towards you and any named persons on the order.
- Additional conditions can be sought when applying for an order such as: not to come to your residence or workplace and not to contact you.
- A DVO usually lasts for five years and can be registered in any state or Territory of Australia as well as New Zealand.
- A DVO does not give the respondent a criminal record. It is a civil matter, however if the respondent breaches the order then it becomes a criminal matter.
- If there are children from a relationship with the respondent a DVO will not stop them from having contact with the children. All conditions sought will have a child contact exception which means that a respondent may not have contact with the aggrieved etc except for the purpose of child visitation as per a Family Law Court Order or written agreement. Therefore, it is helpful to have child contact arrangements formalised.
- If a respondent is breaching their order it is important to call the Police-the purpose of an order is to stop the violent behaviour and keep you and any other named persons safe.
- Even if you have a DVO in place it is still important to develop a safety plan.



Remember...

- **Your safety** and the safety of others is **important**. You have the right to feel safe in your own home.
- **The abuse is NOT your fault and there is no excuse for it.** The person who commits the acts makes a choice to behave that way.
- **You are not alone** and there are people to help you.
- **You can** ask Centrelink about income support.

Helpful Numbers



Cairns Regional Domestic Violence Service

4033 6100

DV Connect

(24 hrs and access to safe accommodation)

1800 811 811

Womens Centre FNQ

4051 9366 Cairns

4091 5100 Atherton

Warringu Women's Shelter

4033 1900

NQ Women's Legal Service

1800 244 504

4033 5825

Cairns Community Legal Centre Inc.

4031 7688



Legal Aid Queensland

1300 651 188

Funded by Child Safety, Youth and Women



Cairns
Regional
**Domestic
Violence
Service**



The Court Process.

Information for the Aggrieved.



Cairns Regional Domestic Violence Service



Suite 2 Lvl 2 88 Abbott Street Cairns 4870
Shop 3/159 Walsh Street Mareeba 4880
Shop 1 4-14 Mill Street Mossman 4873



4033 6100 Cairns Service
4092 3290 Mareeba Service
4098 1974 Mossman Service



www.dvcairns.org

What is Domestic and Family Violence?



Domestic 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 recognized as committing domestic violence.

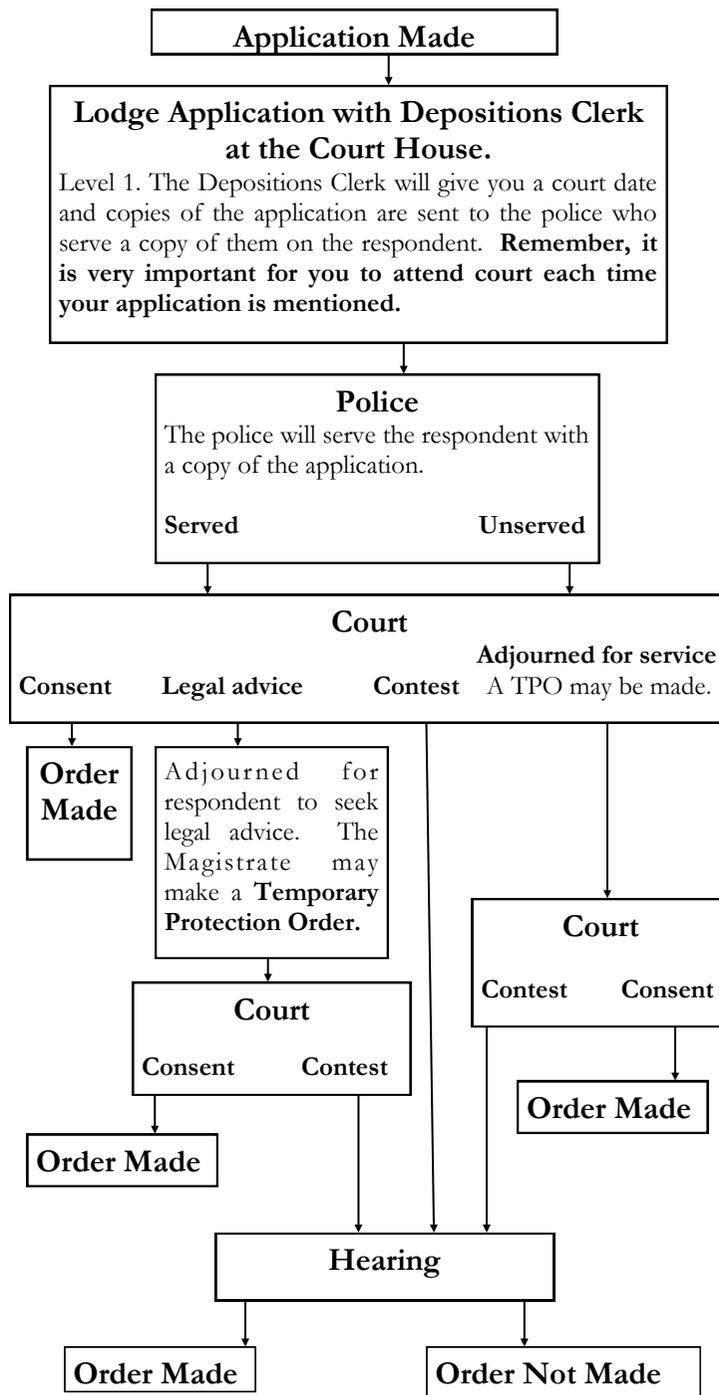
You can apply for a protection order yourself this is referred to as a **Private application**. Or...
 The police have a duty to investigate any report of domestic violence and to apply for an order if they believe it is needed. They do not need your consent to do this. This is referred to as a **police application**.



What to expect in Court.

- There is a safe room for female aggrieved at the courthouse where you can wait for your matter to be heard in safety. Feel free to ask any of the workers from the Domestic Violence Service or Police where it is located.
- When you enter the courtroom, you should be seated at the table closest to the doors and between the Police Prosecutor and the Court Support worker. Feel free to ask the support worker any questions you may have.
- The respondent will be at another table on the other side of the room.
- When you enter the courtroom please ensure that you take off any sunglasses, hats or caps you may be wearing and switch off your mobile phone.
- Address any questions or issues you may have through the Police Prosecutor. Speak directly to the Magistrate only when they speak directly to you. Address the Magistrate as 'Your Honour'. You may be asked to stand when speaking.

Domestic Violence Protection Order Process



Terms and Abbreviations you may need to know:

- **Domestic Violence Protection Order**- A court order to stop domestic and family violence.
- **The Aggrieved person** - The victim.
- **The Respondent person** - The abuser.
- **UTPO - Urgent Temporary Protection Order**- may be granted if the Magistrate considers that there is a substantial risk or threat of physical harm or to life of the aggrieved.
- **TPO - Temporary Protection Order**- may be granted if the Magistrate feels that the aggrieved is at risk of physical abuse or serious property damage and the matter needs to be adjourned. A TPO provides protection from when the respondent is served until the next court date.
- **Service/Served** - The respondent must be given a copy of your application or order as well as a summons. This will be done by the Police.
- **Mention**-This is the date your matter goes to court. The Magistrate will want to know on this day what is happening with your protection order application. It is **not** a hearing.
- **Adjournment** - The matter will return to court at a later date. It is essential that you attend court each time your matter is mentioned otherwise it may be struck out.
- **Consent** - Respondent agrees to the order being made.
- **Consent Without Admissions** - Respondent agrees to the order being made but not what is contained in the application.
- **Contests** - Respondent disagrees and wishes to proceed to a hearing.
- **Hearing** -At the hearing the Magistrate will listen to evidence from you and the respondent and any other relevant witnesses, and then makes a decision about whether a protection order should be made.