

POLICE OR PRIVATE APPLICATION

An application can be brought forward by either the police or a private party.

A private application means that the aggrieved is putting forward an application. In contrast, a police application means that a police officer is responsible for the application, regardless of the interest of either party. This often means that the police have assessed the situation of both parties and have identified that the aggrieved needs protection.

TEMPORARY PROTECTION ORDER (TPO)

A TPO is an order set for a shorter period to protect the aggrieved until a magistrate can decide the application for the full final protection order.

If the aggrieved is in need of protection urgently, the aggrieved or the police can apply for a TPO, which can be considered early by a magistrate.

PROTECTION ORDER

A protection order is essentially a finalised DVO. It is made by a magistrate in court to protect the aggrieved from domestic violence situations. Most protection orders last for five years.

LEGAL AID QLD- 1300 65 11 88

An organisation that provides legal assistance to people who cannot afford a lawyer, ensuring access to justice for all Queenslanders, regardless of their financial situation.

BAYSIDE LEGAL SERVICE - (07) 3162 3282

A non-profit organisation that provides free legal assistance and support to community members experiencing disadvantage or legal issues. They offer legal advice, representation, and education in various areas of law.

ATSILS - (07) 3025 3888

The Aboriginal and Torres Strait Islander Legal Services (ATSILS) are a group of organisations in Australia that provide legal assistance and support to Aboriginal and Torres Strait Islander peoples. They offer culturally sensitive and community-based legal services that reflect the unique needs and circumstances of Indigenous Australians.

WOMEN'S LEGAL SERVICES -1800 957 957

A non-profit community legal centre that provides free legal assistance, advice, and referrals to women in Queensland. The organisation aims to empower women to understand and assert their legal rights, particularly in cases of domestic violence, family law, and sexual assault.



The Centre for Women & Co.
07 3050 3060
Men & Co. Services
07 3439 8640

DVO QUICK HELP GUIDE

WHAT IS A DVO?

A domestic violence order (DVO) is an official document issued by the court to stop threats or acts of domestic violence. It outlines rules that the 'respondent' (the person who has committed domestic violence) must obey. It is designed to keep the 'aggrieved' (the person who has had violence used against them) safe by making it illegal for the respondent to behave in specific ways.

A DVO is a civil court order, so it will not appear on the respondent's criminal history. However, disobeying an order is a criminal offence and will appear on the respondent's criminal record if reported to the police.

INTENTIONS FOR THE ORDER

During the mention of the DVO, the magistrate will ask the respondent what their intentions would be to the application. There are three main answers to consider:

CONSENT/CONSENT WITHOUT ADMISSIONS

Consenting means that the respondent is consenting to taking on the orders of the application. The respondent also has the option to “consent without admissions” which means that they are consenting to the order but are not admitting to what the statements have outlined of them. This will allow the magistrate to finalise the order on the day.

ADJOURNMENT

An adjournment means that the respondent would like to have time to consider the decision and seek legal advice. The magistrate will provide a couple of weeks to discuss with a lawyer if they want to do this. While the matter is adjourned, the court may still apply some conditions on the respondent in the meantime, called a Temporary Protection Order (TPO).

CONTEST

Contesting an order means that the respondent disagrees to the DVO. When the respondent contests the DVO, it is asking for it to go to a hearing. The magistrate will give both parties instructions on what needs to be done, including how to file relevant documents, the review mention dates and the hearing date. It is advised that the respondent speaks with a lawyer before considering contesting, particularly if there is evidence of domestic violence committed by the respondent.

CONDITIONS MEANING

When a court makes a DVO, it sets out specific rules that must be obeyed by the respondent. Every DVO has a standard condition that the respondent must be of good behaviour and not commit domestic violence against the aggrieved or any other person named on the order.

An order can have other conditions that make it illegal for someone to:

- Contact the aggrieved.
- Approach the aggrieved at home or in their workplace.
- Stay in the same home as the aggrieved, even if they both currently share the house or if the house is owned or rented in the respondent's name.
- Approach relatives or friends (if named on the order).
- Go to a child's school or daycare centre (if named on the order).

The Magistrate will apply any conditions that they deem necessary and may adjust the details of each condition as they see fit. A DVO can also affect your weapons or security licence.

NAMED PERSON

A named person is someone that is named on the order other than the aggrieved. This can be a child or a relative.

CROSS APPLICATIONS

A cross application is where both parties apply for DVOs against each other. If you think the other party has made an application against you (or is planning to), tell the court and the court will try to hear both matters together.

VARYING AN ORDER

An application to vary an order can be made to bring the DVO before the court again and to request changes to the DVO. Either the police, respondent or the aggrieved can apply for a variation.