



Factsheet 1

Domestic Violence Law & Practice in Queensland

Legislation

- + *Domestic and Family Violence Protection Act 2012 (Qld)*
- + *Domestic and Family Violence Protection Regulations 2012 (Qld)*
- + *Domestic and Family Violence Protection Rules 2014 (Qld)*

Who can apply for a protection order?

- + Aggrieved
- + Authorised person for aggrieved or person acting under another Act for the aggrieved
- + Police officer

A court may make or vary a protection order on its own initiative:

- + If the Court convicts a person of a domestic violence offence or
- + In a Children's Court child protection proceeding¹

What is “domestic violence”?

- + Behaviour that:
 - Is physically or sexually abusive
 - Is emotionally or psychologically abusive
 - Is economically abusive
 - Is threatening
 - Is coercive or
 - In any other way controls or dominates or causes fear for safety²

What is a “relevant relationship”?³

- + An intimate personal relationship;⁴
 - A spousal relationship or
 - An engagement relationship or
 - A couple relationship
- + Or a family relationship⁵
- + Or an informal care relationship⁶

Procedure

- + Application form is [DVI](#)
- + Application must be personally served on the respondent by police
- + Applicant may have an application listed before service occurs, to seek a temporary protection order.

What is “necessary or desirable” to protect an aggrieved?

The Court must consider:

- + The principles of the Act⁷ and
- + Any past failure by the respondent to comply with a previous order including intervention orders

In *MDE v MLG & QPS*⁸ the court assessed necessity or desirability:

- + The risk of future domestic violence between the parties in absence of any order
- + The need to protect the aggrieved from that domestic violence in the absence of any order.
- + Whether imposing a protection order is necessary or desirable to protect the aggrieved from domestic violence

When can the Court make a final protection order?

If satisfied:

- + A relevant relationship exists;
- + Domestic violence has been committed; and
- + The order is necessary or desirable to protect the aggrieved.

When can the Court make a temporary protection order?

If the Court is satisfied that:

- + A relevant relationship exists; and
- + The respondent has committed domestic violence against the aggrieved.⁹

These requirements may vary where:

- + A temporary protection order is sought before service;¹⁰
- + the parties consent to the making or variation of an order;¹¹ or
- + the respondent is a child.¹²

Duration

A protection order continues in force

- + Until the day stated by the Court in the order, or
- + For 5 years if no date is stated¹³

What is included in an order?

Conditions¹⁴

- + Good behaviour and not committing domestic violence in relation to the aggrieved, any named adult person and any named child
- + Additional conditions may also be included
- + Court must consider whether to impose an ouster condition¹⁵

Intervention orders¹⁶

- + Require that the respondent attend an approved intervention program or counselling
- + Can only be made with the agreement of the respondent

Variations

- + Temporary and final orders may be varied to alter, add or remove conditions (or the term of a final order) using form [DV4](#)

Costs

- + Each party bears their own costs unless the court awards costs¹⁷

Resources

- + Domestic violence capacity building for CLCs webinar – *Domestic violence law and practice in Queensland*: <https://communitylegalqld.org.au/clc-staff/staff-training-and-cle/webinars/dv-capacity-building/dv-law-practice>
- + Domestic violence capacity building for CLCs factsheets <https://communitylegalqld.org.au/clc-staff/staff-training-and-cle/webinars/dv-capacity-building-for-clcs>

- 1 *Domestic and Family Violence Protection Act 2012*, s 42-43.
- 2 *Domestic and Family Violence Protection Act 2012*, s 8.
- 3 *Domestic and Family Violence Protection Act 2012*, s 13.
- 4 *Domestic and Family Violence Protection Act 2012*, s 14-16.
- 5 *Domestic and Family Violence Protection Act 2012*, s 19.
- 6 *Domestic and Family Violence Protection Act 2012*, s 20.
- 7 *Domestic and Family Violence Protection Act 2012*, s 4.
- 8 *MDE v MLG & Queensland Police Service* [2015] QDC 151, per Morzone QC DCJ at [55].
- 9 *Domestic and Family Violence Protection Act 2012*, s 45.
- 10 *Domestic and Family Violence Protection Act 2012*, s 47.
- 11 *Domestic and Family Violence Protection Act 2012*, s 37(1)(b) or (c), and s 45(1)(b), s 51.
- 12 *Domestic and Family Violence Protection Act 2012*, s 51. See ss 37 or 45 for requirements.
- 13 *Domestic and Family Violence Protection Act 2012*, s 97.
- 14 *Domestic and Family Violence Protection Act 2012*, ss 56 to 67.
- 15 *Domestic and Family Violence Protection Act 2012*, s 63-65.
- 16 *Domestic and Family Violence Protection Act 2012*, Division 6 Part 3.
- 17 *Domestic and Family Violence Protection Act 2012*, s 157.