

What happens if you fail to obey the conditions of the Domestic Violence Order?

A protection order places limitations on your behavior. You must not commit Domestic Violence against the aggrieved.

Failing to abide by the conditions of a DVO is a criminal offence and is referred to as a breach. Breaches are considered a criminal offence and may result in serious penalties including a maximum jail sentence of three years.

The Domestic and Family Violence Protection Act (2012) states that Domestic Violence includes:

Behavior by a person towards another person with whom they are in a relevant relationship that -

- (a) is physically or sexually abusive; or
- (b) is emotionally or psychologically abusive; or
- (c) is economically abusive; or
- (d) is threatening; or
- (e) is coercive; or
- (f) Willful damage/destruction of property
- (g) in any other way controls or dominates that person and causes that person to fear for that person's safety or wellbeing or that of someone else.

Help Available

SUPPORT: NQDVRs Respondent's Court Worker (Townsville)
Ph: 47212888

DV Connect Men's Line (Qld)
Ph: 1800600636

Men's Line Australi(24hr/7days)
Ph: 1300789978
www.menslineaus.org.au

MENTER: Men's Behaviour Change Program (Townsville)
Ph: 47212888

LEGAL: Legal Aid Queensland
Ph: 47607507

NQDVRs

- ◆ Information and referral
- ◆ AARDVARC program for children
- ◆ Resources
- ◆ Court Support
- ◆ Choosing Safety Upgrades program
- ◆ Men's Behaviour Change Program
- ◆ SAFE Dads Program
- ◆ Community education & Training

TOWNSVILLE OFFICE

PO Box 6061, Townsville QLD 4810
Phone: 07 4721 2888 Fax: 07 4721 1794
nqdvrs@nqdvrs.org.au

1st Floor, Metway Arcade, 390 Flinders Street, Townsville

MOUNT ISA OFFICE

Po Box 502, Mt Isa QLD 4825
Phone: 07 4743 0946 Fax: 07 4743 7999
minqdvrs@nqdvrs.org.au
The Old Court House Building, Isa Street

<http://www.nqdvrs.org.au>

Against Violence #27



Have you been summoned to court for a Domestic Violence Protection Order made against you?

Information that may be helpful

NQDVRs
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**You have been served with a protection order application against you and have been given a court date. What now?
HELP IS AVAILABLE!**

ROLE OF THE RESPONDENT COURT WORKER

When you have been served with a DVO application, you will be given a time and date to appear in court for mention.

When you come to court the respondent worker will explain the options that you have in responding to a Domestic Violence Protection Order (DVO) application. The worker will also offer information and referrals to other agencies regarding legal advice. You are welcome to contact the men's Court Respondent worker at NQDVRS before or after your court day for further assistance.

OPTIONS FOR RESPONDENTS

When you appear in court you can respond to the application against you by either, consenting; consenting without admissions; seeking legal advice; contesting the matter; or by undertaking a voluntary intervention order (VIO).

What exactly does each of the following options mean?

- (1) **Seek legal advice (Adjourn):** This means that the court shall adjourn the matter for you to get legal advice. You may wish to negotiate the period of time the matter is adjourned with the Judicial Registrar or Magistrate. Talking to the respondent worker may help clarify if you need an adjournment.
- (2) **Consent (Agree):** This simply means agreeing to an order being made against you. You can also consent in a second form by Consent without admissions: This means that you agree to an order but do not necessarily agree with the information outlined in the statement from the aggrieved.
- (3) **Consent to A VIO:** If you first agree to consent to an order, you can also additionally participate in a voluntary intervention program. This option may reduce the likelihood of more domestic violence, which is not safe for you. A voluntary intervention order involves attending the MenTER (Men's Behaviour Change Program) and Father's program. The respondent worker can also discuss the process of undertaking a VIO with you.

- (4) **Contesting the matter (Challenging the application):** This means that the matter goes to a hearing where a Magistrate will decide if an order should be made. Both parties will be expected to submit materials for evidence including affidavits and a list of witnesses prior to the date of hearing.

What does a Domestic Violence Protection Order (DVO) mean?

If the court makes a DVO against you, you must be of good behavior and not commit acts of violence towards the aggrieved (person the order is made to protect) or anyone else named in the order. Named persons can include children, relatives or associates of the aggrieved, if you have been violent towards them. An order does not prevent you from spending time with or communicating with your children, except in exceptional circumstances. The aggrieved person can also apply for more specific conditions on the DVO. Such conditions can prevent you from contacting the aggrieved person or from going to their residence or workplace.

It is important for your safety that you comply with your Domestic Violence Order.

Having a DVO against you, will impact upon your ability to possess; be issued with; continue to hold or renew a weapons license.