

Increasing your safety

*Information for people who
experience abuse and/or violence
in relationships*





About this booklet

Domestic and family violence affects many Queensland communities, families and individuals.

The Department of Communities provides a range of innovative and preventative initiatives to address domestic and family violence in Queensland. This includes community education and awareness raising campaigns, and funding services that support people affected by domestic and family violence, including men, women and children.

Services include regional domestic and family violence services, court support, counselling, telephone counselling and education and research services.

The phone numbers for the domestic and family violence regional services are included in the back of this booklet.

This booklet is for people who experience abuse or violence in a domestic relationship. It provides information on the following:

- information about domestic and family violence
- helpful information on how to increase your safety when you are experiencing abuse and violence in a relationship
- how to apply for a domestic violence order to prevent further abuse and violence from occurring
- contact details for further support.

For further information, please visit the Department of Communities website at www.communityservices.qld.gov.au/violenceprevention

To order additional copies of this booklet, contact the Violence Prevention Team on **3224 4477**.

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Increasing your safety

Information for people who experience abuse or violence in relationships

This brochure has been prepared for people who experience abuse or violence in a domestic relationship. If you are experiencing abuse or violence in a spousal relationship, family relationship, intimate personal relationship or informal care relationship you can apply for a domestic violence order to prevent further abuse and violence from occurring. Further information about these relationships and how to apply for a domestic violence order is covered on page 9.

Abusive and violent people use acts of domestic and family violence to maintain power over you. These acts of abuse or violence often make you feel fearful and unsafe.

What is domestic and family violence?

Domestic and family violence is when one person in a relationship uses abuse or violence to maintain power and control over the other person. This can include physical abuse, damaging property, sexual abuse, financial control, verbal abuse, or threatening to do any of the above. This causes the person being abused to live in fear.

The following behaviours are examples of domestic and family violence:

- **physical abuse** such as pushing, shoving, slapping, hitting, punching, biting or pinching
- **threatening** to hurt you, your relatives, friends, pets or work colleagues in some way
- **damaging property** such as furniture or the house or pets in order to frighten and intimidate you
- **forcing** you to have sex or to take part in sexual acts
- **depriving** you of the necessities of life such as food, shelter, medical care and the company of other people such as your family and friends

- **demanding** that you hand over your Centrelink payment and threatening to stop providing care for you (this often happens to people with an illness, disability or impairment who rely on another person to care for them)
- **criticising**, humiliating and insulting you
- **following** you in public, by car or on foot
- **staying** outside your house or workplace
- **repeatedly** telephoning your home or workplace without your consent
- **doing** similar things which upset you and make you fear for your safety.

If these sorts of things are happening to you, domestic and family violence is a serious problem for you.

Scenario 1 — example of someone experiencing domestic and family violence

“Pat and I had been together for about three months before the violence and abuse began. In the beginning Pat would criticise the way I dressed, how I wore my hair, and even how I spoke. I didn’t recognise this as abuse. I thought Pat was just trying to help me. However things gradually got worse. Pat was criticising my family and friends and did things to make it hard for me to see them.”

Kelly, 26

People who experience this type of abuse or violence can feel very confused and ashamed about their experiences and sometimes blame themselves. The person who is being abusive or violent towards you is to blame for their behaviour. There is nothing you can do to stop the behaviour. They must want to take responsibility for their own behaviour and stop being abusive or violent. While you cannot change their behaviour, you can contact one of the organisations listed in the back of this booklet for support and assistance.

If you are in immediate danger, contact the police on 000 (triple zero) or ask someone else to contact them for you.

It is often difficult to know what to do in response to domestic and family violence but help is available. You do not have to live with abuse and violence. Everyone has a right to feel safe.

Don't wait to seek help

Many people think that the situation will get better and the abuse or violence will stop. In fact, the situation will usually get worse for you. Domestic and family violence rarely stops by itself.

The person who is being abusive and violent towards you may be quite sincere when they promise that it will never happen again. Unfortunately people who use abuse or violence find it very difficult to change their behaviour without professional help.

Children

Children are affected by domestic and family violence even if they have not seen the abuse or violence. Children react in a variety of ways; they may show signs that they are affected by the domestic and family violence, or they may keep these signs and their feelings inside. Some of the ways children may react include:

- copying the abusive or violent behaviour
- trying to intervene to stop the abuse — this is how some children become injured during incidents of domestic and family violence
- being stunned into a terrified silence by what they see
- blaming themselves
- being frustrated, angry and depressed
- wetting the bed
- being nervous and withdrawn
- displaying psychosomatic illnesses including unexplained headaches, asthma and stuttering

- running away from home
- attempting suicide
- abusing alcohol and substances.

Scenario 2 — example of a child being affected by domestic and family violence

“I realised that there was a problem when I was asked by Yoshan’s teacher at school if everything was okay at home. The teacher was concerned as Yoshan had not been listening in class and had noticed that Yoshan was very aggressive towards her and the other students. I didn’t think Yoshan had heard the way his grandfather, who lives with us, was treating me.”

Casey, 34

The abusive or violent person’s behaviour is also teaching children inappropriate messages about the way to treat people in their family, those they care for and those with a disability, illness or impairment.

They may learn that:

- the only way to cope with stress and pressure is through abuse or violence
- using abuse or violence is an appropriate way to solve problems
- it is okay to use abuse or violence to get what you want.

Children need someone to talk to about what is happening in their home. Domestic and family violence regional services listed in the back of this booklet receive funding from the Department of Communities to provide counselling and support to children who are, or have been, exposed to domestic and family violence.

Take action

If you have been hurt, or are afraid that you will be hurt, you should get help straight away.

If you are in danger, call the police on 000 (triple zero) or ask someone else to call them for you.

The police have a duty to investigate complaints of domestic and family violence and to help protect you from further abuse or violence.

There are also a range of support services available. For further information about your options you can ring one of the **DVConnect** domestic and family violence telephone services.

The **womensline** service — **1800 811 811** — is available **24 hours**.

The **mensline** service — **1800 600 636** — is available from **9 am to midnight, 7 days a week**.

If your children are at risk from abuse or violence and you would like to get advice, you can ring **Crisis Care on (07) 3235 9999**, or for regional areas call **1800 177 135, 24 hours a day**.

Helpful information

Keep a diary containing the dates and times when you have been abused. This can assist you if you decide to apply for a domestic violence order. You need to be able to show the court that domestic and family violence has occurred.

Seek medical help if you have been injured. Ask your doctor to record the injuries you have sustained on your medical file. It is also important to report your injuries to the police. If you want to apply for a domestic violence order, you might be able to use these records to assist you in your application.

Seek legal advice about your rights and what options you have. It is better to be prepared and know what you can do. This can include advice on a domestic violence order and matters to do with children and property.

If you are planning on leaving the situation

Remove your name from electricity, gas and telephone accounts, tenancy agreements on property you may be renting and other accounts.

Consider placing a redirection of mail. Remember that your address or personal details can be traced through bank statements if these documents go to the same address as the person who is abusive or violent towards you. Alternative options include opening a new account using a safe address or arranging for a post office box.

You will be in a much better position to sort out your problems and plan for your future when you are safe from abuse and violence. Protecting yourself from threats, insults and being physically hurt is the first step.

Taking action to protect yourself does not have to mean the end of the relationship with the person who is abusive or violent towards you.

Make a safety plan. For information on how to make a safety plan, see the back pages of this booklet.

Scenario 3 — example of making a safety plan

“I was desperate to get away from the violence and didn’t know where to start. I spoke to a worker who talked to me about a safety plan. It really helped me think about what I needed to do and made it easier for me to leave.”

Casey, 34

The role of police

The police have the authority to enter and search the house or any other premises where they suspect domestic and family violence is occurring or has taken place.

They can take away anything that has been used as a weapon to injure or threaten you or someone else. They can also stay on the premises as long as necessary to ensure that people on the premises are safe.

Police can lay criminal charges against the person who is abusive or violent towards you if it is clear to them that you have been assaulted or property has been damaged.

The police can also take the person who is abusive or violent towards you away from any place if they consider that you are in danger from that person. If they suspect that after they leave, the person is likely to be violent to you again or will damage property, they can take them to a watch-house and hold them for up to four hours while they take action to apply for a domestic violence order. This could give you the opportunity to go somewhere safe.

Domestic violence and the law

People in a range of domestic relationships can seek protection under the law by applying for a domestic violence order. This is done through the Magistrates Court. Domestic violence orders are court orders aimed at preventing further abuse or violence from occurring in domestic relationships.

Domestic relationships are defined as:

Spousal relationship — you are, or have been, married or are living together, or you and your partner are the biological parents of a child regardless of whether or not you have lived together.

Family relationship — you are a relative by blood, by marriage including step-parent, half-brother/sister, or mother/father-in-law, or regarded as relatives under cultural or religious grounds.

Intimate personal relationship — you are, or were, engaged to be married, have been ‘promised’ or ‘betrothed’ under a cultural or religious tradition, or are, or were, previously dating and your lives have become enmeshed or involved to the extent that the actions of one of you affect or have affected the actions or life of the other.

Informal care relationship — you are either providing informal care to someone with an illness, disability or impairment, or you are receiving informal care from someone as a result of your illness, disability or impairment. An informal care relationship exists where the care is provided without payment. An informal care relationship is not a relationship where money is paid for care, or where the care is received from an organisation such as Blue Care or Meals on Wheels.

If you receive a carer payment from the Australian Government or are cared for by someone who receives a carer payment, you are covered by the *Domestic and Family Violence Protection Act 1989*.

Scenario 4 — example of domestic and family violence in an informal care relationship

“My friend Sam would come around a couple of times a week to help me with my housework and sometimes do my shopping. I’ve been unwell for the past six months and found it hard to cope. At first Sam’s help was great, however, Sam started to demand that I hand over money, yelled at me and had, on one occasion, pushed me over. My brother John, spoke to a worker who told him that I could apply for a protection order. John helped me with the forms and going to court. I got a protection order and Sam can’t come around anymore and hurt me.”

Ric, 26

Please note:

1. All of these relationships apply whether you are of the same or opposite sex.
2. Children under 18 years cannot be the respondent (the abusive person) or the aggrieved (the person who is being abused) in family relationships or informal care relationships where the care involves a parent or relative. Violence and abuse between children under 18 and their family members is a child protection matter.
3. If you are under 18 and your parent or someone else in your family is being abusive towards you this is a child protection matter and would be dealt with under the *Child Protection Act 1999*. Call **Kids Help Line** on **1800 55 1800**. They can help keep you safe.

What is a domestic violence order?

You can apply for a domestic violence order under the *Domestic and Family Violence Protection Act 1989*. A domestic violence order directs the person who is being abusive and violent towards you to stop this behaviour. A domestic violence order will not give the abusive and violent person a criminal record unless they disobey, or breach, the order.

However, remember that you can also make a complaint to the police and ask them to bring criminal charges against the person.

Domestic violence orders are not necessarily about breaking up relationships. You can have a domestic violence order and still live with the person who is being abusive or violent towards you.

However, your protection and safety is of paramount importance to the court.

Who can apply for a domestic violence order?

- **You** can apply for a domestic violence order.
- **Someone else**, for example, a solicitor or social worker can apply for a domestic violence order on your behalf with your consent. Usually the court prefers your consent in writing, however, if you have difficulty writing, your consent can be given in other ways.
- If the **police** are involved, they can apply for a domestic violence order if they believe it is necessary. The police can apply for an order without your consent.
- Someone acting under another Act for you, for example, a **guardian** for a personal matter, or an **administrator** for a financial matter under the *Guardianship and Administration Act 2000* can apply for an order.
- The **Adult Guardian** can apply if they believe that you do not have the capacity to apply for a protection order.
- Someone appointed as **your attorney** under the *Powers of Attorney Act 1998* and who makes the application under the enduring power of attorney can apply for an order.

Legal support

You do not need representation by a lawyer to apply for a domestic violence order, although you may feel more confident about going to court if you are legally represented.

Court assistance workers employed by community agencies provide court assistance to people applying for domestic violence orders. These workers are located in a number of Magistrates Courts in Queensland. They may be able to assist you with filling out the application form for a domestic violence order and support you in court.

Police prosecutors often help people in court. If you would like the Police prosecutor to help you, you must tick the box at question 28 on the domestic violence order application form.

How do you apply for a domestic violence order?

If the police are not involved:

- you can apply for a domestic violence order at the local Magistrates Court by completing an application form. Alternatively, someone (you have authorised in writing) can also lodge it for you by giving it to the court. Domestic and family violence services may also be able to assist you with applying for an order.
- the Magistrate will set a hearing date and a summons will be served on the person who has been violent towards you to attend court on that date.
- if the person who has been violent towards you agrees to the conditions in the order, you may not need to go to court but you will be advised by the police prosecutor or your lawyer if this is the case.

Domestic violence orders can last for up to two years. In special circumstances, the domestic violence order can be extended for a period longer than two years.

What does it mean by 'aggrieved' and 'respondent'?

The 'aggrieved' is the person who needs the order to protect them (victim).

The 'respondent' is the person who is abusive or violent and who the order is taken out against (perpetrator).

What will happen in court?

Unless you have made other arrangements, you must attend court and the hearing. The court is closed to the public but you are entitled to have someone in court with you to support you when you apply for a domestic violence order. This could be a friend, relative or support worker.

As previously mentioned, the police prosecutor may assist you in court if you request this.

At the hearing, the Magistrate will hear evidence and will make a decision about whether or not an order will be granted. If an order is made, it takes effect once the person who has been abusive or violent to you knows about it. This means that they were either in court when the order was made or told about the conditions of the order by a police officer or been handed a copy of the order by a police officer.

To offer you the full protection intended under the *Domestic and Family Violence Protection Act 1989*, every domestic violence order will contain the following standard conditions:

In making a domestic violence order, the court must impose a condition that the respondent (the person who the order is taken out against):

- **be of good behaviour towards the aggrieved (the person who needs the order to protect them) and not commit domestic violence, and**
- **if a named person is specified in the order — be of good behaviour towards the named person and not commit an act of associated domestic violence against the person.**

The Magistrate can implement many other conditions that you may need for your particular circumstances. For example, that the respondent does not come near your work or home. The application form lists a number of examples and you can include others you may need.

The Magistrate can make special conditions according to your needs, for example, for you to return home to collect belongings.

What if the person who has been violent breaks the order?

If the person breaks the order or any of its conditions, they will breach the order which is a criminal offence under the *Domestic and Family Violence Protection Act 1989*.

Only the police can deal with a breach of a domestic violence order. You should call the police as quickly as possible when a breach occurs. The police can arrest and/or charge the person who has breached the order.

There are penalties for being convicted of breaching a domestic violence order. A person who breaches an order three times in a three-year period can be given a sentence of imprisonment up to a maximum of two years. For one or two convictions, the maximum penalty is 40 penalty units or one year imprisonment.

To change or revoke an order

An order may be revoked (cancelled or varied) by the court upon application by you, the respondent (the person who was violent towards you), a person authorised by you, or a police officer. The court can also change your order without your consent in special circumstances.

Safety plan

One of the things that you can do to help yourself is to have a safety plan for those times when you feel unsafe or at risk of being hurt. The following safety plan is an example of what you can do to prepare for a time when you are in danger and need to leave quickly.

1. Decide who you will call if you feel threatened or in danger. This will probably be the police but could also be a neighbour, relative or friend.
2. Decide where you will go if you need a safe place. You may need to leave the house in a hurry if you think you may be hurt. If you have children, develop a safety plan for them such as working out where they can go that is safe if you are unable to get away. This could be a neighbour or someone else who lives close by.
3. Decide what arrangements you might need to make for your pets if they will be at risk of being harmed. DVConnect can help to arrange emergency accommodation for pets.
4. If possible, save some money for a taxi, bus or train for emergency transportation to a safe place.
5. Keep extra keys to your house and car in a safe place.
6. Make a list of emergency phone numbers.
7. Consider keeping some clothing, medications, important papers, keys and some money with someone you can trust.
8. Practice travelling to the location that you have chosen as a safe place.

Some helpful services

Remember: Do not let anyone's life be placed in danger, especially your own. In an emergency, call the police on 000 or ask someone else to contact them for you.

Statewide

DVConnect

womensline 1800 811 811
(womensline assists women to obtain refuge accommodation, crisis accommodation for pets, counselling and referral to other services)

mensline 1800 600 636
(mensline provides counselling, information and referral to men affected by domestic and family violence)

Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service

Brisbane (07) 3392 3177
Statewide 1800 442 450

Adult Guardian

Brisbane (07) 3234 0870
Regional 1300 653 187

Caxton Legal Service 07 3254 1811

Child Safety After Hours

(24 hours) 1800 177 135
(for concerns about children)

Disability Information and Awareness Line (DIAL)

Brisbane callers (07) 3224 8444
Toll free 1800 177 120
TTY Brisbane callers (07) 3224 8021
TTY Toll free 1800 010 222

Elder Abuse Prevention

Unit Helpline 1300 651 192
(Monday to Friday 9am-5pm)

Kids Helpline 1800 551 800

Legal Aid Queensland 1300 651 188

Lifeline 13 11 14
24 hour Crisis Counselling Line

Public Trustee 1300 651 591

Residential Tenancies Tribunal 1300 366 311

Seniors Advocacy Information and Legal Service 07 3254 0664

Seniors Enquiry Line 1300 135 500
TTY (07) 3250 1928

Statewide Sexual Assault Helpline 1800 010 120
24 hour service

Women's Legal Service

Brisbane (07) 3392 0670
Regional 1800 677 278

Regional areas

Domestic violence regional services provide support, counselling, referral and information to people affected by domestic and family violence.

Brisbane (07) 3217 2544
Cairns (07) 4033 6100
Caboolture (07) 5498 9533
Emerald (07) 4982 4288
Gold Coast (07) 5532 9000
Mackay (07) 4957 3888
Ipswich (07) 3816 3000
Roma (07) 4622 5230
Logan City (07) 3808 5566
Toowoomba (07) 4639 3605
Sunshine Coast (07) 5430 9300
Townsville (07) 4721 2888

Further information

For more information about domestic and family violence prevention see:

1. *Stopping abuse and violence: Information for people who use abusive and violent behaviour in relationships*. This booklet has helpful information for people who use abuse and violence in relationships.
2. *Legislation explained: The Domestic and Family Violence Protection Act 1989*. This booklet explains what the Act means and how it can help you.
3. *Support someone who is experiencing domestic and family violence*. This brochure provides information and tips to people who know someone experiencing domestic and family violence.

To obtain a free booklet please contact:

Violence Prevention Team
Department of Communities
GPO Box 806
BRISBANE Qld 4001

Telephone: 3224 4477

Visit: www.communities.qld.gov.au/violenceprevention