

# Stopping abuse and violence

*Information for people who use abusive  
and violent behaviour 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 DVConnect women's and men's line telephone services and domestic and family violence regional services are included in the back of this booklet.

The purpose of this booklet is to:

- provide you with information about domestic and family violence
- help you make an informed decision to seek help and support to stop using abusive and violent behaviour.

For further information, please visit the Department of Communities website at **[www.communityservices.qld.gov.au/violenceprevention](http://www.communityservices.qld.gov.au/violenceprevention)**

**For further copies of this booklet**, please contact the Violence Prevention Team on **3224 4477**.

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## Stopping abuse and violence

If you are at all concerned about your own behaviour or that of someone you know, you can get help. This booklet provides information to people who use abusive or controlling behaviour in their domestic relationships.

A domestic relationship may be a spousal relationship, family relationship, intimate personal relationship or an informal care relationship. These types of relationships are explained in more detail on pages 8 and 9.

### **These behaviours are examples of domestic and family violence.**

- Do you often call the other person names and constantly criticise them?
- Have you used violence, sexual abuse or control to get what you want from the other person?
- Do you take charge of the other person's finances, threatening them if they don't give you their money?
- Have you ever threatened to hit the other person or thrown things at them?
- Have you ever damaged the other person's property?
- Do you follow or call the other person, constantly watch them or wait outside their work or home?
- Do you restrict where the person may go or who they see?

### **What is domestic and family violence?**

Domestic violence is any act of abusive and violent behaviour directed towards a person you are in a domestic relationship with. The examples above and over the page may help you understand what this means.

Domestic and family violence occurs when a person uses abusive and violent behaviour to maintain control of or a position of power over another person.

All too often the person experiencing the abuse and violence feels afraid and unsafe.

If you use abuse and violence in your relationship(s), or are concerned that you do, then you may be using a variety of tactics to maintain control over the other person (in the relationship), for example:

- **physical abuse** such as pushing, shoving, slapping, hitting, punching, biting or pinching
- **threatening** to hurt the other person, their relatives, friends, work colleagues or pets in some way or threatening to harm yourself
- **damaging property** such as furniture, personal belongings or the house in order to frighten and intimidate the other person
- **forcing** the other person to have sex or to take part in sexual acts when they do not want to (this is a criminal offence even if you are in a relationship with the other person) or forcing a person to watch pornographic material is also abusive
- **depriving** the other person of the necessities of life such as food, shelter, medical care and the company of other people such as their family and friends
- **demanding** that they hand over their money, such as their Centrelink payment or wages, or refusing to allow them to have access to joint money
- **threatening** to stop providing care for them — this sometimes happens to people with an illness, disability or impairment who rely on another person (e.g. an informal carer) to care for them
- **criticising**, humiliating and insulting the other person
- **following** the other person in public, by car or on foot, staying outside their house or workplace or repeatedly telephoning their home or workplace without consent (this is called stalking and is a criminal offence).

While there may be a whole range of things that you and the other person disagree about, it is important that these differences are resolved in a way that does not involve violence and abuse. It is important that your behaviour does not cause the other person to feel afraid and unsafe.

## Scenario 1

“I guess I’ve always teased my partner Sarah, who is about 25, about being fat or stupid and called her whatever names I can think of. I used to threaten to slap her if she didn’t do what I asked and because I once gave her a black eye, it usually worked. When I realised I actually liked the feeling of being in control when she was afraid of me, that’s when I knew I needed to do something.

If you are emotionally and/or physically abusing your partner, you are a perpetrator of domestic and family violence and should seek help to stop the abusive behaviour.

**Kelly, 29**

You may use the following reasons as an excuse for your abusive behaviour:

- blaming others
- alcohol
- think you can’t control your anger
- stress at work
- your past; the way you were brought up.

While it may seem easier to do this, it doesn’t fix things. It’s much more effective to focus on what actions YOU can take and what decisions you make now to stop being abusive in your relationship.

No one should have to put up with abuse and violence. You do not have the right to assault, harass or control someone just because you:

- are in a domestic relationship with them
- have done it in the past with no consequence for you personally
- have not been told by someone else to stop.

## Using abusive behaviour is dangerous and never 'OK'

Domestic and family violence is not confined to any particular social, ethnic group or geographic area.

Domestic and family violence is destructive to all those affected including yourself and the person you are being abusive or violent towards. It is also destructive for any children who see, hear, are aware of, or experience your abusive or violent behaviour.

## Help is available

You are not the only person who has a problem with using abusive and violent behaviour. You are not alone. Help is available. It's important that you look for help as soon as you can. Many people who find this help tell us: 'I wish I'd done this long ago'. It takes guts to reach out and make that first call. Many people who do take that first step say things like: 'It's a relief to talk to someone who actually cares.'

Domestic and family violence rarely stops by itself. You may be quite sincere when you promise it will never happen again. Unfortunately, most people who resort to violent and abusive behaviour find that they cannot keep these promises without support and assistance from others.

Admitting that you have used abusive behaviour at times is the first step toward doing something about it.

If someone you are in a domestic relationship with, or your children, are frightened of you, it will take time before they recognise the change in you and begin to feel safe. Lasting changes take time. You may need help to stop the violent and abusive behaviour. Talking to someone can help you sort through these difficulties.

**Only YOU can end the violence. Only YOU can control your own behaviour. You can make the right choices and take responsibility for your actions.**

## What are the consequences?

Using abuse and violence is a choice and experience shows there are likely consequences that may include:

- the breakdown of your relationships
- people you care for, including your children, living in fear of you
- facing the court on a protection order application
- criminal charges
- serious injury or death to yourself, the other person or children
- loss of contact with your children.

## The effects on children

Research shows that children who are involved in domestic and family violence are affected in many ways. They don't need to be physically hurt or even see the violence to be affected. Just hearing the abuse, experiencing the tension or seeing the effects, such as bruises or the people that they love being upset, can have an impact on children. Children react in a variety of ways. They may show signs that the abuse and violence affects them or they may keep these signs and their feelings to themselves.

Some of the ways children of different ages may react include:

- copying the violent and abusive behaviour
- trying to intervene to stop the abuse, which is how some children become injured during incidents of domestic and family violence
- being stunned into a terrified silence
- blaming themselves for the violence
- being frustrated, angry and depressed
- wetting the bed
- being nervous and withdrawn
- displaying psychosomatic illnesses such as unexplained headaches, asthma and stuttering
- running away from home
- attempting suicide
- abusing alcohol and substances
- having difficulties with study or school.

Your behaviour is also teaching children inappropriate messages about relationships and the way to treat people in their family and those they care for. Is that what you want?

## Scenario 2

“I realised that there was a problem when I was asked by Jakob’s teacher if everything was okay at home. The teacher was concerned as Jakob had not been listening in class and she had noticed that Jakob was very aggressive towards her and the other students. It made me wonder just how much my behaviour towards Jakob’s mother was impacting on him and on our father and son relationship”

**Marc, 34**

**You can stop using abusive behaviour. There is someone who can help you make a difference. It’s your call. Phone Mensline on 1800 600 636 between 9 am and 12 midnight any day of the week.**

## Domestic violence and the law

*Queensland’s Domestic and Family Violence Protection Act 1989* protects people in a range of domestic relationships from experiencing further abuse and violence.

### **What are domestic relationships under the Domestic and Family Violence Protection Act 1989?**

The Act defines the following as domestic relationships:

**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, or a relative 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 the 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*.

A perpetrator of domestic and family violence may start using abusive and violent behaviour at any age.

### Scenario 3

“I’ve been going out with Giang for four months now, and everything is pretty good, except for when she flirts with the older guys in Year 11. She reckons she doesn’t say anything to encourage them but I’ve seen the way they look at her. I’ve told her heaps of times not to speak to other guys. I get really jealous and just snap, calling her names and yelling all the time. I have even shoved her against the wall a couple of times. I know she is scared of me, I can see it in her eyes.”

**Ash, 16**

### Scenario 4

“I moved back home two years ago to look after my dad when mum died. Dad is 70 years old and it’s a lot of work to look after him. I always have to get things for him and looking after him stops me from having a social life. I get the angriest about money. To buy a few things for myself, I sometimes make him give me his pension payment on pay days. I know that he needs the money to pay for food and electricity and rent but I get so frustrated. I usually tell him I’ll bash him if he doesn’t give it to me. I don’t mean it, I’d never hurt Dad, I just yell and scream at him.”

**Ric, 42**

Please note:

1. all of these relationships apply whether you are of the same or opposite sex
2. if you are under 18 and you are using abusive behaviour towards somebody you are in a spousal or intimate personal relationship with, then the *Domestic and Family Violence Protection Act 1989* applies to you
3. if you are over 18 and you are using abusive behaviour towards a family member who is under 18 this is a child protection matter, dealt with under the *Child Protection Act 1999*
4. if you are under 18 and the person you are using abusive behaviour towards is a family member or someone who you are caring for, the Act does not apply to you, but your behaviour is still wrong and you could be breaking other laws (e.g. the Criminal Code).

**Threatening someone is abusive. Intimidating someone by damaging property is abusive. There is no excuse for domestic and family violence.**

## **Police can, by law, get involved in domestic and family violence issues.**

The *Domestic and Family Violence Protection Act 1989* gives police power to enter and search a house or any other premises where they suspect an incident of domestic and family violence is occurring or has occurred.

They can take away any weapon that has been used, or threaten to be used, to injure a person or pet. They can stay as long as is necessary for them to be sure that people on the premises are safe.

If the police are called to a domestic violence incident because of your behaviour they can lay criminal charges if it is clear that you have assaulted someone, damaged property or committed other offences.

If they consider it likely that you will be violent or damage property after they leave, they can take you away and hold you at the watch-house for up to four hours, during which time they must lodge an application for a domestic violence order.

## Domestic violence orders can be taken out against you

### What is a domestic violence order?

A domestic violence order refers to either a protection order or a temporary protection order. The safety and protection of the people experiencing the violence and abuse, including any children who are involved, is the most important thing to the court. To keep people safe from future abuse and violence, a court can issue a domestic violence order against an abusive person to stop their violent and abusive behaviour. The court takes Domestic Violence Orders very seriously. Breaching a Domestic Violence Order is a criminal offence.

A domestic relationship does not have to end for a domestic violence order to be granted. The order is to prevent future abuse and violence, not to break up families and/or relationships. However, some people may choose to end the relationship.

### What is meant by the terms 'aggrieved' and 'respondent'?

If a domestic violence order is taken out against you, there are two legal terms that you will probably hear in court and see written on court documents. These are 'aggrieved' and 'respondent'.

The 'aggrieved' is the person who is being abused and needs the order to protect them from future abuse.

The 'respondent' is the person who uses abusive or violent behaviour and who the order is taken out against. Sometimes more than one person may commit an act of domestic violence against the aggrieved.

### Who can apply?

A number of people can apply for a domestic violence order, including:

- the person experiencing the domestic and family violence (the aggrieved)
- **someone else**, for example a solicitor or social worker, can apply on behalf of the aggrieved with the aggrieved's consent

- a **police officer** attending a call out due to an incident of domestic and family violence. The consent of the aggrieved is not required for a police application
- someone acting under another Act for the aggrieved, for example, a **guardian** for a personal matter, or an **administrator** for a financial matter under the *Guardianship and Administration Act 2000*
- the **Adult Guardian** can apply if they believe that the aggrieved needs legal protection but does not have the capacity to apply for a protection order
- someone who is appointed as the **attorney** of the aggrieved under the *Powers of Attorney Act 1998* and who makes the application under the enduring power of attorney.

### What does the domestic violence order say?

Domestic violence orders (sometimes called protection orders) have the following two standard conditions:

1. the respondent (the person who uses abuse or violence) must be of good behaviour towards the aggrieved (the person who needs the order to protect them) and not commit domestic violence
2. if a named person is specified in the order the respondent must be of good behaviour towards the named person and not commit an act of associated domestic violence against the person.

The Magistrate can also specify other conditions such as contact conditions that could order you to not go to or near the home or workplace of the aggrieved or not to harass or intimidate the relatives, friends, work colleagues, neighbours or other associates of the aggrieved.

Under the *Weapons Act 1990*, if a domestic violence order is made against you then you will not be able to possess a weapon or weapons license for the duration of the order.

Domestic violence orders can last for up to two years. In some circumstances the order can be granted for a period longer than two years.

You should ensure you fully understand the meaning and potential consequences of having a domestic violence order against you as you must ensure you obey its conditions. You may wish to seek legal advice to do this.

If you have a domestic violence order that has no contact conditions and you and the aggrieved want to have contact then you will need to apply to the court for a variation to the order to ensure you are not in breach of the order. If you have no contact conditions and you make any kind of contact you may have breached the order and you may have committed a criminal offence.

The court will consider a number of factors, including the safety of the aggrieved before it varies a domestic violence order.

You should ensure you fully understand the meaning and potential consequences for yourself of an order and its conditions. You may wish to seek legal advice to do this.

### **What will happen in court?**

Once a domestic violence order application has been made to the court, a date to appear before the court will be set.

On this day you may appear in court alone, bring a solicitor, or arrange for a solicitor to appear on your behalf. The Magistrate will ask you if you agree to the order being made.

If you and the aggrieved agree to the conditions of the order, the court can make an order containing the terms you have agreed to and you will be given a copy of the order.

The court is closed to the public except when the court decides to open the proceedings to the public or specific persons. The aggrieved may also have legal representation and is also entitled to a support person during the court proceedings such as a case worker, friend or relative.

If the domestic violence application was made by the police, a police prosecutor will represent the aggrieved in court.

## **What will happen if I don't attend court?**

If you don't attend court then the court will either make a domestic violence order in your absence or postpone the matter and set another date and possibly make a temporary protection order. You may also be summoned (called upon) to appear in court if the Magistrate wishes to speak to you.

## **What if I don't agree with the domestic violence order?**

If you don't agree with the domestic violence order or the proposed conditions of the order or if you have not had an opportunity to seek legal advice, you may wish to ask for the matter to be postponed to another date.

The Magistrate may then set a date for the matter to be heard in the future and may make a temporary domestic violence order. This is valid until the court makes a final decision about granting a final protection order.

At the hearing the Magistrate will read the application which describes the abusive behaviour the aggrieved says occurred and hear evidence about this behaviour. The Magistrate will then make a decision about whether or not a domestic violence order will be made.

The decision to grant a domestic violence order is a civil matter not a criminal matter. The Magistrate's decision is made on 'the balance of probabilities' or whether it is more likely than not that the abusive behaviour described in the application happened and that it will happen again. Having a domestic violence order made against you does not mean you have a criminal record.

If you cannot afford a private solicitor, Legal Aid Queensland may be able to help. There are also a number of community legal centres that provide free legal advice.

## **When a domestic violence order is made, do I have a criminal record?**

A domestic violence order does not give you a criminal record unless you breach the conditions of the domestic violence order. If you don't breach the domestic violence order then the court will take no further action against you.

## **What if I disagree with the domestic violence order once it has been made?**

You can appeal the decision of the court regarding the domestic violence order, but you must do this within 28 days.

## **What happens if I do not follow, or breach the conditions of a domestic violence order?**

If you are the respondent in a domestic violence order, it is very important that you follow/obey the conditions of the order. If you break the conditions of the order, the police can charge you with a criminal offence and have the power to arrest you.

It is a criminal offence to breach the conditions of an order under the *Domestic and Family Violence Protection Act 1989*. The police can bring charges and in some circumstances have the power to arrest you.

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 will be given a sentence of imprisonment of up to a maximum of two years.

## **To cancel or change a domestic violence order**

A domestic violence order may be cancelled or changed by the court upon application by you, the aggrieved, a person authorised by the aggrieved, a police officer, or a person acting under another Act. You can obtain a form to change or cancel the order from the court registry.

## **What else can I do that might be helpful?**

A number of agencies in Queensland are now running groups for people who want to stop using abusive and violent behaviours in their relationships. Many people have benefited by attending these groups, developing skills and having the opportunity to talk over their problems with others in similar situations.

If you use abusive or violent behaviours then it's important for you to seek help. The person you are in the relationship with may feel that they or the children involved need help too. It is important that you encourage the other person and children to seek help as well. This brochure contains some phone numbers of services that can assist people who are being abused.

Remember the safety of those you are in domestic relationships with must be your highest priority. There are many agencies that can help you with information and counselling. You can find helpful phone numbers on the back page of this booklet.

### Scenario 5

"I guess I've always had a bit of a temper with Anna and the kids. One day I realised that if I didn't change my behaviour I was going to lose them. I had to stop my aggro behaviour and that meant getting some help. It took time, but I eventually showed Anna, our children and myself that I could do things differently. It's one of the most important things I've ever done in my life"

**Steve, 27**

**Domestic and family violence is about power and control. Please seek help to stop your abusive behaviour and to change the way you behave in your relationships.**

### Help is available

Asking for help is a sign of strength and courage. It takes guts to pick up the phone and ask for help. If you want help you can call **Mensline** (9 am to midnight, 7 days a week) on 1800 600 636 (free call) or **Lifeline** (24 hours, 7 days on 13 11 14) You can talk anonymously and confidentially to a trained professional. There are numbers for help at the back of this book.

Adapted from information contained in the How to deal with domestic violence booklet, Freedom From Fear campaign, Family and Domestic Violence Unit, Government of Western Australia (1998).

## Some helpful services

Remember: do not let anyone's life be placed in danger. In an emergency, call the police on 000 (triple zero) or ask someone else to contact them for you.

### Statewide

**DVConnect** (24 hours, 7 days)  
Womensline 1800 811 811  
(Womensline assists women to obtain refuge accommodation, counselling and referral to other services)

Mensline (9.00am–12.00 midnight, 7 days) 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 3392 3177  
Statewide 1800 442 450

**Adult Guardian**  
Brisbane 3234 0870  
Regional 1300 653 187

**Child Safety After Hours (24 hours)** 1800 177 135  
(for concerns about children)

**Disability Information and Awareness Line (DIAL)**  
Brisbane callers 3224 8444  
Toll free 1800 177 120  
TTY Brisbane callers 3224 8021  
TTY Toll free 1800 010 222

**Elder Abuse Prevention Unit Helpline** 1300 651 192  
(Monday to Friday 9am-5pm)

**Kids Helpline** 1800 55 1800

**Lifeline** 13 11 14  
24 hour Crisis Counselling Line

**Legal Aid Queensland** 1300 651 188

**Public Trustee** 1300 651 591

**Residential Tenancies Tribunal** 1300 366 311

**Seniors Advocacy Information and Legal Service** 3254 0664

**Caxton Legal Services** 3254 1811

**Seniors Enquiry Line** 1300 135 500  
TTY 3250 1928

**Statewide Sexual Assault Helpline** 1800 010 120  
24 hour service

**Women's Legal Service**  
Brisbane 3392 0670  
Regional 1800 677 278

### Regional areas

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

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

## Further information

For more information about domestic and family violence prevention see:

1. *Legislation explained: The Domestic and Family Violence Protection Act 1989*. This booklet explains what the Act means and how it can help you.
2. *Increasing your safety: Information for people who experience abuse and violence in relationships*. This booklet contains information for people who experience domestic and family violence.
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](http://www.communities.qld.gov.au/violenceprevention)**