



## DOMESTIC VIOLENCE

This sheet is intended to provide **general legal information** about the law in Queensland. **This information is not legal advice.** If you have a particular

legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

### What is Domestic and Family Violence?

Domestic and family violence is about people in certain relationships being treated badly. There are laws to protect people who are victims of domestic and family violence.

The law defines **domestic violence** very broadly - you don't have to be physically harmed to be a victim of domestic violence. Domestic and family violence can include a person:

- **hurting someone- physically, emotionally or psychologically** - such as by hitting them, grabbing hold of them, criticising them, or making them feel useless or worthless
- **controlling them** - including by stopping them seeing friends and family; stopping them getting a job; not letting them access money or things they own; following or repeatedly texting them (like stalking someone); monitoring where they are going or who they are with
- **threatening them** or someone or something they care about (like a pet) - even threatening to harm or kill themselves, or threatening to tell others about their sexual orientation if the other person doesn't do what they want.

### What relationships are covered?

The laws apply to people who are:

- married, have been married, are engaged, are a couple, or have been a couple (including same sex couples)
- family members or relatives - related either by blood, marriage, or cultural connections
- helping to care for other people who need help with things like meals, shopping, getting dressed (this doesn't include parents and their children under 18).

### How do Domestic and Family Violence laws apply to young people?

#### *Young people within the family*

Orders relating to domestic violence between family members or relatives can only be made where both the victim and the person using the violence are 18 and over. This means young people under 18 cannot get Domestic Violence Orders against their family members and family members cannot get Domestic Violence Orders against children who are under 18.

If you feel unsafe in your family, you can contact one of the agencies under the 'Who Can Help'

Child Safety on 13 74 68, or the police. Child Safety or the police may decide that it is not safe for you to live at home and may apply to the court for you to be taken into care for a while.

However, if a young person does something to a family member which is against the law, such as physically hurting their parent, or damaging their property, then the parent can call the police and have their child charged with breaking the law.

#### *Young people as partners*

Domestic violence laws apply to all couples, regardless of the age of the parties. The law includes couples where either one or both partners are under 18 (but remember it is unlawful for any person to have sex with someone under 16, see 'Sex' factsheet). In deciding if you are a couple the police and court will want to know:

- **how dependent you are on each other**
- **how committed you are to each other (do you live together, do you share money and possessions)**
- **how long you have been together**
- **how often you are with each other**
- **are you in a sexual relationship**
- **whether the relationship is exclusive**

If you are experiencing domestic violence in your relationship and either of you were under 16 when the relationship started, you should talk to a lawyer because there are legal issues for young people in relationships under 16: See the "Who Can Help" list below and "Sex" Fact Sheet.

### What action can the police take when someone under 18 is in a couple relationship and there is domestic violence?

Police can:

- Give a person they believe has committed domestic violence a Police Protection Notice (PPN) to stop the person doing more harm once the police leave (for example, the notice could ban the person from the house for up to 24 hours).
- Where they have already given a PPN, also take the person who is committing domestic violence to a police station and hold them for 4 hours (or 8 hours if they are drunk/under the influence of drugs).
- Go to court and ask for a Protection Order for up to 5 years.

Police can decide to do these things even if the victim does not want anything to happen

**and**

if the police think that there has been domestic violence

**and either –**

- someone is in danger of being injured by another person; **or**
- there is likely to be damage to property.

The police should only take a young person under 18 into custody for domestic violence:

- when they have no alternatives

- and for as short a time as possible
- and must tell a parent.

If the young person is on an order under Child Safety the police must let Child Safety know. Young people must be held separately from any adults being held in custody at the same place.

If a young person is banned from their home for 24 hours, the police officer must–

- arrange temporary accommodation for the young person; **and**
- transport, or arrange for the transport of, the young person to the accommodation.

If the ‘domestic violence’ is also a crime (for example, stalking, or assault), then the Police can arrest and charge the person with that offence **as well as** taking action under domestic violence laws. For example, if one parent hits another parent, then the police can charge the violent parent **and** issue a police protection notice banning them from the home for 24 hours.

### What can the courts do?

A Magistrate can make a Domestic Violence Order against a person if they decide that an Order is needed to protect a person from domestic violence. For someone under 18, this is only where young people are in, or have been in, a “couple” or “informal care” relationship.

The Court can make Orders to keep the person away and stop them committing domestic violence (including making them leave the house and live somewhere else). The Order can stay in place for up to 5 years.

If an Order is made to protect one of your parents and you are under 18 and living at home, the Order can name you as someone protected by the Order. This can happen even if you did not ask to be protected, and do not want to be named. The order may include no contact with the person against whom the order is made.

### What conditions can be put on Domestic Violence Orders (including Police Protection Notices)?

All Domestic Violence Orders **MUST** include the condition that the person:

- be of good behaviour, and
- not commit domestic violence towards the other person

The Order can also include conditions, like:

- not to contact a particular person or people (including their children)
- to stay away from certain places (for example, school, home, or work)
- or any other conditions that the courts believe are necessary or desirable to protect the victim.

### What happens if someone breaches a Domestic Violence Order (including Police Protection Notices)?

It is a criminal offence to breach (break the conditions) of a Domestic Violence Order (including Police Protection Notice) and the person can be charged and be punished by the

court. Punishment can include being sent to detention or jail.

### Who can help?

Youth Advocacy Centre (YAC) **3356 1002**

[www.yac.net.au](http://www.yac.net.au)

Hub Community Legal **3372 7677**

[www.hubcommunity.org.au](http://www.hubcommunity.org.au)

Logan Youth & Family Legal Service **3826 1500**

[www.yfs.org.au](http://www.yfs.org.au)

Legal Aid Queensland **1300 651 188**

[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

Youth Legal Advice Hotline **1800 527 527**

(Monday - Thursday 8am - 9pm; Friday 8am - Sunday 5pm)

Aboriginal & Torres Strait Islander Legal Service **3025**

**3888 or (free call) 1800 012 255** (24hrs 7 days a week) [www.atsils.org.au](http://www.atsils.org.au)

Translating & Interpreting Services (24hrs) **131 450**

Community Legal Centres (CLCs) see

[www.naccl.org.au](http://www.naccl.org.au) for your nearest CLC

This sheet was last reviewed and updated in October 2023. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.