



ATSILS
Aboriginal and
Torres Strait Islander
Legal Service (Qld) Ltd

Legal Fact Sheet

Domestic Violence Protection Orders



Are you or one of your family members being affected by Domestic Violence?

Everyone has the right to live without fear of violence or abuse, whether they are a male, female, child or elder. If the violence or abuse is 'domestic violence', the law which applies to it in Queensland is the Domestic and Family Violence Protection Act 2012 ('the Act').

This fact sheet outlines:

- What is domestic violence;
- How to obtain a Domestic Violence Order & what it does;
- How police can assist a person affected by domestic violence;
- Domestic Violence Order breaches.

ATSILS is a non-profit, Aboriginal and Torres Strait Islander community-based organisation with 25 locations across Queensland. We provide innovative and professional legal services covering criminal, civil and family law areas.

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1800 012 255

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1. What is domestic violence?

Domestic violence means abusive or violent behaviour by a person towards another person in a relationship. The behaviour can be one of these things, or a combination of two or more:

- Causing or threatening physical injury to a person, or their loved ones (including children).
- Causing or threatening property damage to a person's property, including their house, car, etc.
- Sexual abuse, including forcing a person to engage in a sexual activity.
- Emotional or psychological abuse which means behaviour that torments, harasses, or is offensive to the other person. This includes excessive unwanted contact of a person.
- Economic abuse, including withholding money or access to a car from a person.
- Threatening to attempt suicide or self-harm in order to frighten or intimidate a person.
- Depriving a person of their personal liberty (including their right to have a job, visit family, taking their phone etc.).
- Unauthorised surveillance, including monitoring, tracking, or stalking a person.
- Coercive behaviour (forcing a person to do or not do something).
- Controlling or dominating another person and causing that person to fear for their own safety or someone else's safety (such as their children).
- Causing or threatening to cause death or injury to an animal.

Asking someone else to do any of these acts to another person is also domestic violence.

The victim of domestic violence is called '**the Aggrieved**' and the perpetrator is called '**the Respondent**'.

Domestic violence orders are available to protect an Aggrieved whose relationship with another individual falls into one of the following three categories:

An intimate personal relationship—

- A couple who are married, engaged, in a de facto relationship, or who have been in this type of relationship but have since separated.
- People who are in a couple relationship.
- People who share a child (including an unborn child).

A family relationship—

- A parent of a child.
- A relative (i.e. aunty or uncle), whether by blood or marriage.
- A former relative.
- A parent, guardian or relative according to Aboriginal or Torres Strait Islander custom.

An informal care relationship—

- Where one person depends on another person for help with daily living like dressing and food.
- A carer for a person.

If a relationship does not fall within one of these three categories, there may be separate options available to protect a person under other Queensland laws, including a **Peace and Good Behaviour Order**.

A person **under 18 years** old:

- Can only be the applicant/aggrieved if they are in, or have been in an intimate personal relationship or an informal care relationship.
- **Cannot** be listed as the Respondent where the Aggrieved has a 'family relationship' with them.
- **Can be named as the Respondent in a** Police Protection Notice or domestic violence order if they are in an intimate personal relationship or informal care relationship with the other person (and can still be charged with a criminal offence if they breach the order).

2. How do I obtain a Domestic Violence Order?

You can personally apply for a domestic violence order (**'the application'**) online at [Applying for a domestic violence order | Queensland Courts](#) at your local Magistrates Court, or you can authorise another person to apply on your behalf, such as an ATSILS lawyer, family member or friend or a support worker. Or you can attend a police station and seek assistance from a police officer.

The application must state that you (**the Aggrieved**) are (or were):

1. In a relationship with the Respondent which falls into one of the three categories listed above;
2. Have suffered domestic violence from the Respondent; and
3. An order is necessary or desirable for your protection.

Once the application is filed with the Magistrates Court, a date will be set for the application to be heard by a Magistrate. The police will notify the Respondent of the date and provide them with a copy of the application. If the Respondent agrees to an order being made, the Court can make the order as sought by the applicant. If the Respondent disagrees with the application, they can appear before the Magistrate on the date of Court and contest the application. The Magistrate will most likely adjourn the matter until another court date when there is sufficient time to hear all the evidence and submissions of both parties ('a hearing'). If the matter is to be adjourned from the first court date, the Court must consider the making of a temporary order TPO for the protection of the aggrieved while the matter is yet to be finalised.

3. What does a Domestic Violence Order do?

A domestic violence order requires the Respondent to be of good behaviour to the Aggrieved and not commit domestic violence. The Respondent is prohibited from asking, organising or encouraging someone else to commit domestic violence against you. It also prohibits the Respondent from having a weapon while the order is in place. A standard order lasts for 5 years. Domestic violence orders may also set out further conditions that the Respondent must comply with. These conditions will vary depending on the circumstances of the Respondent and the Aggrieved, the allegations of domestic violence and the protection sought for the Aggrieved. For example, where the parties have children together, the children may be named on the order, and the Respondent must be of good behaviour to them and not expose the children to domestic violence. Other common conditions on orders can include 'no contact except in relation to the children' or 'no approach within 100m of where Aggrieved lives' or 'no follow or approach', depending on the relevant circumstances.

4. Can a Domestic Violence Order be changed ('varied')?

If there are conditions on the domestic violence order that do not suit the Aggrieved or the Respondent, either party or the police may apply to the Magistrates Court to have the conditions varied. An example is if either party applies to have the domestic violence order extended, or conditions reduced. Be aware that the police will give their opinion to the Court about any application to vary an order, regardless of if it is an application to vary filed by the police or a private application filed by one of the parties.

For example, if there is a condition on the domestic violence order stating that the Respondent cannot contact the Aggrieved (a 'no contact condition'), then the Respondent **must comply** with the conditions on the order or they risk being charged with a criminal offence of breaching the order. To legally change this restriction before the order ends, an application to vary (change) the order would need to be filed in the Court with supporting evidence. To be successful, an application to vary the order would have to outline the reasons why the condition is no longer necessary, what circumstances have changed since the condition was put on the order and how the change is not going to negatively impact on the Aggrieved's safety.

5. What can the police do to assist a person affected by domestic violence?

If the police suspect that domestic violence is occurring in a premise (i.e. a house), they have the power to enter the premises without a warrant and also:

- Seize any item that may have been used to commit the domestic violence; and
- Take the person committing the violence into police custody.

A police officer who takes a person into custody following a domestic violence incident **must** apply for a domestic violence order for the Aggrieved, even if the Aggrieved says that they do not want one. The police officer may also issue a **'Police Protection Notice' (PPN)** against the Respondent. When a PPN gets issued by police, it has the same authority as a court order, and the intention is to give an Aggrieved immediate, legally enforceable protection until the matter goes to Court and a Magistrate decides the application and makes any orders they consider necessary for the ongoing protection of the Aggrieved.

From 1 January 2026, a police officer has the power to issue a **'Police Protection Direction' (PPD)** against Respondent who they consider committed domestic violence (when responding to a domestic violence incident), for the immediate protection of an Aggrieved. The PPD is a new 12-month domestic violence order option that is available to police only in certain circumstances. PPDs may be issued where the police officer considers that it would not be appropriate to bring the matter before a court, but other limitations also apply. One key difference is that police issuing a PPD against a Respondent can do so 'on the spot' **without anyone having to go to Court**. If a PPD is imposed, both the Aggrieved and the Respondent have the option of applying for a police review of the PPD within 28 days after it has been issued or applying to a Magistrates Court for review at any time during the 12 months that the PPD is in force. It is advisable to seek legal advice as soon as possible if you are named as either the Aggrieved or Respondent in a PPD.

Breach of a properly issued PPN or a PPD is a criminal offence in Queensland and could result in a fine or imprisonment.

6. Breach of a Domestic Violence Order

Breaching a domestic violence order is a serious offence which can result in the Respondent being sent to prison in certain circumstances. If the Respondent breaches the domestic violence order, you should contact the police immediately. If the Respondent knew that there was a domestic violence order in place, they can be charged for breaching the domestic violence order. If they did not know that there was a domestic violence order in place, the police will provide them with a copy of it so that they know in future what they can and cannot do.

7. Protection orders made in another State or Territory

Any domestic violence orders made in Queensland on or after 25 November 2017 are automatically recognised and enforceable in all other Australian states and territories under the National Domestic Violence Order Scheme. If you are named as the Aggrieved or Respondent on an order made in Queensland, and you later move interstate, the order still applies to you.

8. What ATSILS can do

ATSILS can help you obtain, vary, or contest a domestic violence order. If you are not sure if a domestic violence order is right for you, or you would like more information about the laws, please do not hesitate to contact our office and we can have a chat with you about it.

9. Obtaining Legal Advice?

ATSILS provides innovative & professional legal services for Aboriginal and Torres Strait Islander people across Queensland.

Freecall 24/7  1800 012 255

We can be contacted toll free on **1800 012 255**, 24 hours a day, 7 days a week. We have 26 offices located across Queensland so you will be put in touch with the closest regional office that is able assist you with your legal needs. In some instances, ATSILS might have a conflict of interest and will not be able to provide you with legal advice. If this is the case, you may wish to try Legal Aid Queensland on their Indigenous Information line on **1300 65 01 43**.

10. State-wide services for counselling and support:

DV Connect (women)	24 hours a day, 7 days a week	1800 811 811
DV Connect (men)	9am to 12 midnight, 7 days per week	1800 600 636
1800 Respect	24 hours a day, 7 days a week	1800 737 732
Brother to Brother	24 hours a day, 7 days a week	1800 435 799
Sexual assault helpline	7.30am to 11.30pm, 7 days per week	1800 010 120

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