



Guide to completing an application for a protection order

This guide is to help you complete the Application for a Protection Order ([Form DV1](#)). The application form requests a lot of information but this guide explains what sections you need to fill in.

If you need an interpreter to assist you to get legal help please call the Translating and Interpreting Service on 13 14 50. The Service will organise an interpreter in your language and will connect you to [Legal Aid Queensland](#).

Amharic

ሀገራዊ የሆነ ለርዳታ ለማግኘት ለስተርጓሚ ለጎዲረዳዎ ከፈለጉ ለባዘዎ ለትርጉም ለስተርጓሚ ለገልግሎት በስልክ 13 14 50 ይደውሉ። ለገልግሎቱ በፈሰዎ ቋንቋ ለስተርጓሚ በማቀናጀት ከኩዊንስላንድ ሀገራዊ የሆነ ለርዳታ ጋር ያገናኙዎታል።

Arabic

إذا كنت بحاجة لمترجم شفهي لمساعدتك على الحصول على مساعدة قانونية اتصل بخدمة الترجمة التحريرية والشفهية على الرقم 13 14 50. وسوف تقوم هذه الخدمة بالترتيب لمترجم بلغتك وسوف يصلونك بهيئة المساعدة القانونية في كوينزلاند (Legal Aid Queensland).

Bosnian

Ako vam treba asistencija prevodioca da biste dobili pravnu pomoć, molimo nazovite Službu za prevodenje i tumačenje na 13 14 50. Služba će obezbijediti prevodioca za vaš jezik i spojice vas sa Legal Aid Queensland.

Chinese Simplified

如果你需要口译员协助你获得法律援助，请致电翻译和口译服务(电话：13 14 50)。该服务将安排说你的语言的口译员，并为你接通昆士兰法律援助。

Croatian

Ako trebate tumača da vam pomogne pri dobivanju pravne pomoći nazovite Telefonsku Službu Tumača na tel. 13 14 50. Ta služba će organizirati tumača na Hrvatskom jeziku i spojiti vas s pravnom službom Legal Aid Queensland.

Hindi

यदि कानूनी सहायता प्राप्त करने में आपकी मदद के लिए आपको किसी दुभाषिए की आवश्यकता हो तो कृपया अनुवाद एवं दुभाषिया सेवा (Translating and Interpreting Service) को 13 14 50 पर फोन करें। सर्विस (सेवा) आपकी भाषा में दुभाषिए का प्रबंध करेगी और आपको नीगल ऐड क्विन्सलैंड (Legal Aid Queensland) के साथ कनेक्ट करेगी।

Japanese

法的援助を得る助けとなる通訳が必要な場合は、電話13 14 50の翻訳・通訳サービスに電話をして下さい。本サービスが日本語の通訳を手配して、Legal Aid Queenslandにおつなぎします。

Kirundi

Niwaba ukeneye umusemuzi kugira ngo agufashe kuronka imfashanyo zijanye n'ivy'ubutungane, hamagara inomeru 13 14 50. Bazoca bakuronderera umusemuzi mu rurimi rwawe kandi bazoca baguhamagarira abatanga imfashanyo zijanye n'ivy'ubutungane muri Queensland.

Russian

Если вам для получения юридической помощи необходимы услуги переводчика, обратитесь в Службу письменных и устных переводов (Translating and Interpreting Service) по номеру 13 14 50. Вам организуют переводчика на ваш язык и соединят со Службой юридической помощи штата Квинсленд.

Samoan

Afai e te manaomia se faamatalaupu e fesoasoani i a oe ia maua mai se fesoasoani faaletulafono, faamolemole valaau le Auaunaga o Faaliliuupu ma Faamatalaupu i le 13 14 50. O le a faatulaga e le auaunaga se faamatalaupu i lau gagana ma o le a faafesootai loa oe i le Legal Aid Queensland (Fesoasoani Faaletulafono i Kuiniselani).

Serbian

Ako vam je potreban prevodioca da vam pomogne da dobiјete pravnu pomoć, nazovite prevodilačku službu na 13 14 50. Prevodilačka služba ће вам обезбедити prevodioca na vašem jeziku i poveзати вас sa službom за pravnu pomoć u Kвинсленду.

Swahili

Kama unahitaji mkalimani ili kukusaidia kupata usaidizi wa kisheria tafadhali pigia Huduma ya Utafsiri na Ukalimani kwenye 13 14 50. Huduma hiyo itapanga mkalimani wa lugha yako na itakupatishana na Legal Aid Queensland.

Spanish

Si necesita un intérprete que lo asista para obtener ayuda legal, sírvase llamar al Servicio de traducción e interpretación (Translating Interpreting Service) al teléfono 13 14 50. El Servicio le organizará un intérprete en su idioma y lo conectará con la asistencia legal de Queensland (Legal Aid Queensland).

Tagalog

Kung kailangan mo ng interpreter para matulungan kang makakuha ng legal na tulong, pakitawagan ang Serbisyo ng Tagasalinwika sa 13 14 50. Ang Serbisyo ang magsasayaos ng interpreter sa wikang Tagalog at ikokonekta ka sa Legal Aid Queensland.

Thai

หากท่านต้องการความช่วยเหลือท่านในการขอความช่วยเหลือ เหลือด้านกฎหมาย โปรดโทรศัพท์ไปที่บริการแปลและคำม 13 14 50 บริการนี้จะจัดหาล่ามภาษาไทยให้ท่าน และจะต่อสายไปที่สำนักงานทึเกิล เลด ควินสแลนคี่ให้ท่านด้วย

Tigrinya

እብ ሕጋዊ መዳይ ናይ ተርጓሚያ ኣገዝ ለጎተደሊኹም፡ገገኹም ናብ ለገልግሎት ትርጉም (ትሰ) (Translating Interpreting Service) ብቁጽረ ስልኪ 13 14 50 ደውሉ። እቲ ትካል ተርጓሚያ ብምድላው ናብ እብ ኩንግስላንድ ዘሎ እብ መዳይ ሕጊ ገተኣጋገዝ ትካል (ሊገል ሊ.ዲ.ዲ) ከሩኸበኩም።

Vietnamese

Nếu quý vị cần người thông dịch để nhận trợ giúp về pháp lý, vui lòng gọi Dịch vụ Thông Phiên dịch theo số 13 14 50. Dịch vụ này sẽ sắp xếp người phiên dịch theo ngôn ngữ của quý vị và sẽ kết nối với Cơ quan Trợ giúp Pháp lý Queensland.

You can apply for a protection order yourself or get a police officer, solicitor or authorised person (for example, a friend, relative, or community/welfare worker) to apply for you.

The application form may be completed in one of two ways:

1. Fill out the [application form on-line](#) on the Queensland Courts website using the interactive PDF version and then print 4 copies or
2. Print one copy of the application form and hand write on the form or obtain a copy of the application form from the registry at your [local Magistrates Court](#).

If there is not enough space on the application form and you would like to provide more information, you may do this on a separate sheet of paper and attach it to your application form.

Meaning of terms in the application form for a protection order

An ***aggrieved*** – the person who needs protection

A ***respondent*** – the person you apply to be protected from

applicant – the person applying for a protection order – this can be the aggrieved or another person who can apply on the aggrieved’s behalf (see ‘Who can apply for a protection order’ below)

temporary protection order – an order made in the period before a court decides whether to make a protection order

protection order – an order made by a court imposing conditions on the respondent (see “When can a court make a protection order?” below)

domestic violence order – a protection order or a temporary protection order

grounds for a protection order – reasons for the application for a protection order

A child, relative or associate ***named*** on the protection order – a person also covered by the protection order

serve – to deliver or give the application or order to the respondent

Who can apply for a protection order?

An application for a protection order can be made by –

1. an aggrieved
2. a person authorised by the aggrieved
3. a police officer
4. a person acting under another Act for the aggrieved (for example, a guardian for a personal matter for the aggrieved under the [Guardianship and Administration Act 2000](#)) or
5. a party to a child protection proceeding (only in an application to the Childrens Court).

When can a court make a protection order?

A court may make a protection order if

1. a relevant relationship exists between the aggrieved and the respondent and
2. the respondent has committed domestic violence against the aggrieved and
3. the protection order is necessary or desirable to protect the aggrieved from domestic violence.

Section 1: Aggrieved’s details

The person you are seeking an order against (the respondent) must be served with a copy of your application form. You do not have to serve the respondent yourself. Court registry staff will give a copy to the Queensland Police Service and they will ensure the respondent is served with your application.

If you do not want the respondent to know your home address, do not provide these details on the application form. You may provide an address where court documents can be sent, for example a post office box or your solicitor's address. Alternatively, you may complete a separate "Aggrieved Details Form" and attach it to your application. This will not be provided to the respondent.

If you think you will require an interpreter for the court proceedings, make sure you select "Yes" to the question "Does the aggrieved require an interpreter?" and write the language and/or dialect. This will ensure the Magistrate is aware that you require an interpreter and may make an order for the registrar to organise one for you.

If you are under 18 years of age, all documents (applications and orders) must also be provided to a parent. A parent is your mother or father or someone with parental responsibility for you.

Section 2: Respondent's details

The respondent is the person against whom a domestic violence order is made. You are asking the court to make an order that the respondent must be of good behaviour towards you and not commit domestic violence, as well as other conditions you need.

If you would like to name more than one respondent, you must complete a separate application for each respondent.

If the respondent is under 18 years of age, all documents (applications and orders) must also be provided to a parent. A parent is the respondent's mother or father or someone with parental responsibility for them.

Section 3: Applicant's details

If you are the aggrieved in this application and provided your details at section 1, you do not have to complete this section. You will only need to complete this section if you are:

- 1. An authorised person for an aggrieved**

This means an adult asked in writing by the aggrieved to appear on behalf of the aggrieved. If the aggrieved cannot sign an authority, for example if they have a physical disability preventing them from being able to sign, the person can still be an authorised person if the court believes they are authorised by the aggrieved to appear on their behalf.

- 2. A person acting under another Act for the aggrieved**

Examples of persons acting under another Act include

- A guardian for a personal matter of the aggrieved under the *Guardianship and Administration Act 2000*
- An attorney for a personal matter of the aggrieved under an enduring power of attorney under the [Powers of Attorney Act 1998](#).

- 3. A police officer**

- 4. A party to a child protection proceeding** (only in an application to the Children's Court).

Section 4: Temporary protection order

The court may give you a temporary protection order for the period up until your protection order application is heard. You can ask for a temporary protection order before the respondent has been served with a copy of the application. If you do this, you have to show the court that there are reasons why it is necessary or

desirable for you or a named person to be protected from domestic violence by a temporary protection order before the respondent is served with a copy of the application. Where you have requested a temporary protection order to be made before the respondent is served, you may attend court either on the same day you filed your application or as soon as possible. This will depend on each court location and the availability of a magistrate.

Section 5: Relationship between the aggrieved and the respondent

For a court to make a protection order there must be a relevant relationship between you and the respondent. If you do not have a relevant relationship, you cannot apply for a protection order and you should seek legal advice about other options you may have.

A relevant relationship is:

1. an intimate personal relationship
2. a family relationship or
3. an informal care relationship.

Intimate Personal Relationship	Spousal Relationship	<ul style="list-style-type: none"> ▪ De facto ▪ Former spouse ▪ Parent of a child of the respondent ▪ Former parent of a child of the respondent ▪ Married
	Engagement relationship	Two persons are engaged to be married or were engaged to be married, including a betrothal under cultural or religions tradition
	Couple Relationship	Two persons have or had a relationship as a couple. In deciding whether a couple relationship exists, a court may have regard to the following: <ul style="list-style-type: none"> ▪ the degree of trust; ▪ the level of each person's dependence; ▪ the length of time the relationship has existed or did exist; ▪ the frequency of contact; and ▪ the degree of intimacy.
Family relationship	Exists between two persons if one of them is or was the relative of the other	A relative of a person is someone who is ordinarily understood to be or to have been connected to the person by blood or marriage. A relative of an aggrieved is also a person who is regarded as a relative. This incorporates people who may have a wider concept of a relative e.g. Aboriginal and Torres Strait Islander people or people with particular religious beliefs. Children under 18 years of age cannot be named as a respondent or aggrieved under the family relationship.
Informal care relationship	Exists between two persons if one of them is or was dependent on the other person for help in an activity of daily living (e.g. dressing or personal grooming, preparing meals)	An informal care relationship does not exist between a child and a parent of a child; or where there is a commercial arrangement (e.g. a nurse).

Section 6: Grounds for a protection order

It must be shown that domestic violence has occurred before a protection order can be made.

What is domestic violence?

Domestic violence means behaviour towards another, where the two people are in a relevant relationship, that

- is physically or sexually abusive
- is emotionally or psychologically abusive
- is economically abusive
- is threatening
- is coercive or
- in any other way controls or dominates the person and causes the person to fear for their safety or wellbeing or that of someone else.

Domestic violence includes (but is not limited to) the following behaviour—

- causing personal injury to a person or threatening to do so
- coercing a person to engage in sexual activity or attempting to do so
- damaging a person's property or threatening to do so
- depriving a person of the person's liberty or threatening to do so
- threatening a person with the death or injury of the person, a child of the person, or someone else
- threatening to commit suicide or self-harm so as to torment, intimidate or frighten the person to whom the behaviour is directed
- causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the person to whom the behaviour is directed, so as to control, dominate or coerce the person
- unauthorised surveillance of a person
- unlawfully stalking a person.

You must show why a protection order is necessary or desirable to protect you and include specific examples of behaviour by the respondent.

Section 7: Children of the aggrieved or children who usually live with the aggrieved

A child of the aggrieved or a child who usually lives with you may also be protected by a domestic violence order. A child who usually lives with the aggrieved means a child who spends time at the residence of the aggrieved on a regular or on-going basis.

The respondent will receive a copy of your application. If you do not want the respondent to know the address details of the child, please provide an address where court documents can be sent, for example a post office box, or provide the details on a separate piece of paper and attach it to your application.

You must show why it is necessary for the child to be named on the order. If the court orders the child to be named on the order, the respondent must be of good behaviour towards the child, not commit associated domestic violence towards the child and not expose the child to domestic violence.

Section 8: Relatives or associates you would like to be named on the order

Your relatives or associates may also be protected by a domestic violence order.

Who is a relative?

A *relative* of a person is someone who is ordinarily understood to be or to have been connected to the person by blood or marriage. A relative of an aggrieved is also a person who is regarded as a relative. This incorporates people who may have a wider concept of a relative e.g. Aboriginal and Torres Strait Islander people or people with particular religious beliefs.

Who is an associate?

An *associate* means either of the following persons if it is reasonable to regard the person as an associate –

- a) a person who the aggrieved regards as an associate or
- b) a person who regards himself or herself as an associate.

Examples of people who could be associates of the aggrieved include

- a person who is the current spouse or partner of the aggrieved
- a person who works at the same place as the aggrieved
- a person who lives at the same place as the aggrieved or
- a person who provides support or assistance to the aggrieved.

The respondent will receive a copy of your application. If you do not want the respondent to know the address details of your relative or associate, please provide an address where court documents can be sent, for example a post office box or provide the details on a separate piece of paper and attach it to your application.

You must show why it is necessary or desirable to protect your relative or associate from associated domestic violence. If the court orders the relative or associate to be a named person on the order, the respondent must be of good behaviour towards the named person and not commit associated domestic violence against the named person.

Section 9: Weapons

Under the [Weapons Act 1990](#), if a protection order is made against a person, that person's weapons licence is revoked. This means that the respondent cannot possess a weapon or a weapons licence if a protection order is made. If a temporary protection order is made against a person, that person's weapons licence is suspended while the temporary order is in force.

A weapon includes a firearm, martial arts weapon or knuckle-duster. It also includes anything that the respondent has used or threatened to use in committing an act of domestic violence against the aggrieved such as a cross bow, a spear gun, a dog or a baseball bat.

Section 10: Details of any other orders

If a court has made any other order that involves you and the respondent, for example a Family Court Order or another domestic violence order, attach a copy of the order or orders to your application.

If there is a current protection order application that involves you (the aggrieved) and the respondent and has not been decided by the court, attach a copy of that application. This includes where a respondent has filed an application for a protection order against you. These applications are called *cross-applications*.

Section 11: Conditions sought in the order

All protection orders contain two compulsory conditions saying that:

1. the respondent must be of good behaviour towards the aggrieved and must not commit domestic violence and
2. the respondent must be of good behaviour towards any named person and not commit associated domestic violence against the named person.

As well as these compulsory conditions a court can order other condition/s to protect you from further domestic violence. For example, the court may order the respondent to leave the family home, to not contact you, and/or to keep away from the places you live or work. If you want the court to consider other conditions, select “yes” in section 11. Read through the particular conditions from A) to H) and select which conditions you would like. You can apply for any condition that you feel is necessary for your protection, or the protection of your children, or associates/relatives. You must provide reasons as to why these other conditions are necessary or desirable to protect you or your children, or associates/relatives.

Section 12: Statutory declaration

A statutory declaration is a statement signed by you and declared to be true and correct in front of a witness. You can be charged with a criminal offence if you include information you know is not true.

An authorised witness must sign (witness) your statutory declaration.

An authorised witness can be Justice of the Peace, Commissioner for Declaration or a Solicitor.

Safety form

Queensland Courts Service is committed to providing a safe environment in the courthouse. However if you feel that extra actions are required to ensure your safety you may complete the safety form and file it with your application. If at any time during the court process your safety concerns change you may complete another safety form and file it at the registry counter.

The safety form will not form part of your application. The form will be kept on your court file and used by registry staff, domestic violence prevention workers and police prosecutors to assist you at your court appearance.

The safety form may be obtained from a Magistrates Court or downloaded from the Queensland Courts website.

Filing the application

You may file the application at any Magistrates Court in Queensland. You do not have to pay a filing fee. When you file the application you will be given a court date when you are next to go to court. You may appear by yourself or with legal representation. There may be circumstances where a police prosecutor will assist you in the court room. You should contact your local police station well before the court date if you think this is required.

For more information about how to apply for a protection order including information about the law, what orders can be made and the court process, you may obtain a copy or download the electronic version of the booklet “How to apply for a protection order (domestic violence)” from [Legal Aid Queensland](#).

Victim Assist Queensland

Victim Assist Queensland is a unit of the Department of Justice & Attorney-General responsible for providing information, referrals to support and financial assistance to victims of violent crime.

If you have been injured in an act of personal violence, including indictable acts of domestic or family violence, Victim Assist may be able to refund money spent, or cover the cost of:

- » Medical treatment
- » Counselling
- » Safety and security needs
- » Loss of earnings
- » Other injury recovery costs

To contact Victim Assist for more information about how they may be able to help you, call 1300 546 587 (Business hours – excluding Public holidays). You can also email victimassist@justice.qld.gov.au, or complete an [online request](#) for more information by visiting www.qld.gov.au/victims.