

Form DV38
MAGISTRATES COURT OF QUEENSLAND

Domestic and Family Violence Protection Act 2012
s.184A(4)(b)&(c)
Domestic and Family Violence Protection Rules 2014
Rule 14AA

APPLICATION FOR SUBSTITUTED SERVICE ORDER

Aggrieved *(Insert Name)*

Respondent *(Insert Name)*

Applicant *(Insert Name)*

TAKE NOTICE that insert **name of person** applies to the Court for the following orders:

*An order of the Court to effect substituted service of **insert name of document** on the Respondent pursuant to Section 184A of the *Domestic and Family Violence Protection Act 2012*.*

This application will be heard by the Court at *(place)*
on: *(date of hearing)* at *(time)* am.

Filed in the *(place)* Registry on *(date)*:

Registrar: *(registrar to sign and seal)*

On the hearing of the application the applicant intends to rely on the following grounds:

- 1. Serving the document other than by personal service is necessary or desirable to protect the aggrieved because: *Attach extra pages if necessary.*

Empty box with horizontal dashed lines for additional grounds.

APPLICATION FOR SUBSTITUTED SERVICE ORDER	Name:
Filed on Behalf of <i>(insert name)</i> :	Address for Service: <i>(applicants address)</i>
<i>Domestic and Family Violence Protection Act 2012.</i>	Phone No*:

**Leave blank if you do not want this information to be given to the other party.*

2. Serving the document other than by personal service is reasonably likely to bring the document to the attention of the respondent because: *Attach extra pages if necessary.*

3. An affidavit of attempted personal service (Form DV39) and draft order (Form DV40) is attached.

Statutory Declaration

The applicant, except if a member of the Queensland Police Service, must sign this application in the presence of a Justice of the Peace, Commissioner for Declarations, a Solicitor or special witness as defined by the *Oaths Act 1867* (if applicable).

I, the applicant, do solemnly and sincerely declare that the contents of this application are true and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

I understand that a person who makes a declaration that the person knows is false in a material particular commits an offence.

I state that: (**delete whichever statements are not applicable*)

- A. This declaration was made in the form of an electronic document.¹
- B. This declaration was electronically signed.²
- C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*.³

Declared by at on /

[insert full name of declarant]

Signed for and at the direction of the declarant by* (*delete if not applicable*)

[insert full name of substitute signatory]*

Signature of declarant / substitute signatory*

x

[Australian legal practitioner/government legal officer/
employee of the Public Trustee, as applicable]⁴
(*delete if not applicable)

In the
presence of

[insert full name of witness]

[insert type of witness]⁵

on

/ /20

[witness's place of employment / employment address /
home address / telephone number / email address / law
practice, as applicable]⁶

Signature of witness

x

For special witnesses or other prescribed persons to complete- Tick as applicable

- I am a special witness or another prescribed person under the *Oaths Act 1867*.
(see sections 12, 16C and 31S of the *Oaths Act 1867*)
- This document was made in the form of an electronic document.⁷
- I electronically signed this document.⁸
- This statutory declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a documentary by audio visual link and have complied with those requirements.⁹

Queensland Police Service Applicant

The applicant, if a member of the Queensland Police Service, must sign this application and provide the details below:

Full Name and
Rank:

Registration
No:

Signature:

Date:

Notes to the respondent

If you do not appear in court a domestic violence order may be made in your absence.
The court may issue a warrant for you to be taken into custody by a police officer and brought before the court if the court believes that it is necessary for you to be heard.

Office Use Only

Court file number (if known) :

YOU ARE NOTIFIED that this application will be heard at the time and place as follows:

Court:

Place:

Date:

Time:

Signature
Clerk of the Court/Queensland Police Service

The footnotes are to assist in the completion of the form and can be deleted once complete.

Explanatory guides relating to making a statutory declaration in Queensland are available
at [Statutory Declaration Forms - Datasets | Publications | Queensland Government](#).

¹ Include this statement if you electronically signed the document or if you physically signed the document over audio visual link and then sent a scanned copy of that document to the witness.

² Include this statement if you or your substitute signatory electronically signed the document using an accepted method under the *Oaths Act 1867*. Do not include this statement if you signed the document on paper.

³ Include this statement if the document was made over audio visual link.

⁴ Substitute signatory to include additional information if directed over audio visual link. A person may be directed by audio visual link to sign a document for a signatory only if the person is: an Australian legal practitioner; or a government legal officer under the Legal Profession Act 2007 (who is an Australian lawyer but not an Australian legal practitioner and witnesses documents in the course of the government work engaged in by the officer); or is an employee of the public trustee (s 31P, *Oaths Act 1867*).

⁵ Insert the witness's capacity that makes them eligible to witness the statutory declaration, including as a special witness under section 16C or part 6A of the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc.

⁶ Legal practitioners who witness this document as a special witness must include their law practice (s 13E, *Oaths Act 1867*). If you are not an Australian legal practitioner or an approved JP or Cdec, at least one of the following must be included on the document: the name of your place of employment, your employment or home address, your telephone number or your email address. If there are concerns about domestic, family or sexual

violence, you should use your discretion and include the information (from the options listed) that minimises the risk of exposing the location of the signatory or other affected persons.

⁷ Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the signatory.

⁸ Tick this box if you electronically signed the document using an accepted method under the *Oaths Act 1867*. Do not tick this box if you signed the document on paper.

⁹ Tick this box if the document was made over audio visual link.