



DOMESTIC VIOLENCE IN INTIMATE RELATIONSHIPS

"I've been going out with Aaron for 3 months, but it's getting really creepy. He won't let me see my friends. He pins me against the wall and yells at me."

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Aaron's behaviour is considered as domestic violence under the **Domestic and Family Violence Protection Act 2012 (Qld)** ("The Act").

WHAT IS DOMESTIC VIOLENCE?

Domestic and family violence is **abusive or violent behaviour** used by one person to control, intimidate or dominate another person in personal relationships. The relationships include, intimate and family relationships, or informal care relationships.

An intimate personal relationship could be a relationship between a husband and wife, same-sex or heterosexual couple, defacto partners, and even people who have divorced or broken up.

Domestic and family violence also includes emotional and psychological harm and abuse.

IS AARON'S BEHAVIOUR AGAINST THE LAW?

By preventing his girlfriend from seeing her friends, Aaron's behaviour may be regarded as **emotional and psychological abuse** which is a form of domestic violence. Depending on the circumstance, this behaviour could also amount to a criminal offence under the **Criminal Code Act 1899 (Qld)**:

- Threatening to harm someone to prevent or hinder that person from doing something they are legally entitled to, is a criminal offence.
- Threatening someone could carry a **prison sentence of up to 5 years**. Yelling and pinning his girlfriend against the wall could amount to an **assault** under the Criminal Code.
- Hitting, striking or applying physical force to a person without their consent is an assault.
- It is also an assault to threaten to apply force to a person (for example by yelling at them in a threatening way and causing them to be fearful of physical harm).
- A common assault could carry a **prison sentence of up to 3 years**.

Please turn the page for more information



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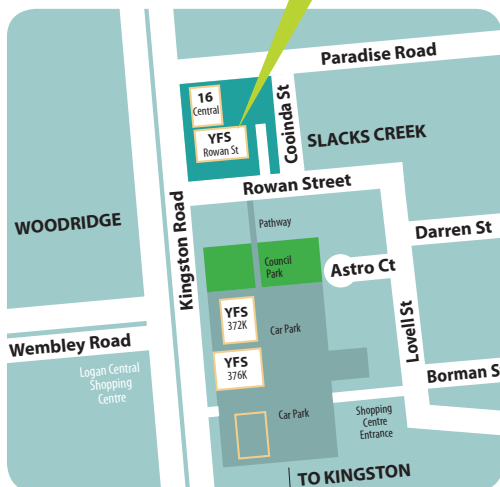


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HOW CAN PEOPLE PROTECT THEMSELVES FROM DOMESTIC AND FAMILY VIOLENCE?

The Act aims to protect people from domestic and family violence.

A person who is a victim in a violent relationship can apply to the Court for a **Domestic Violence Order** to prevent the respondent (the perpetrator) from contacting or harming them.

The **Order** can be either a:

- Protection order (the order made by a court when a final decision is made); or
- Temporary protection order (an order made by a court before a final decision about whether a protection order should be put in place).

The Act gives police immediate powers to respond to domestic and family violence. Police have the power to immediately issue a **protection notice** to protect a victim of domestic violence with or without the victim's consent.

WHO CAN APPLY FOR A DOMESTIC VIOLENCE ORDER?

An application for a Domestic Violence Order may be made by the person affected by the violence, an authorised person for the victim (including a friend or relative), a police officer, a legal guardian under another Act, or a party to a child protection proceeding in the Children's Court.

Breaching a Domestic Violence Order is a criminal offence. As a result of some recent changes to the law, domestic violence offenders may receive greater punishments and longer prison sentences from the Courts for breaching a Domestic Violence Order.

Courts will also treat an offence of domestic violence as an **aggravating factor** which increases the seriousness of the offence and could lead to more serious penalties.

WANT MORE INFORMATION?

There are support services available to both victims and perpetrators of domestic violence.

**Contact YFS Legal on (07) 3826 1500
or email us at legal@yfs.org.au
www.yfs.org.au/yfs-legal/**



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