

# Protection Order Application

## Administration purposes only

Court file number: Police Domestic Violence Index number: Has a temporary order been sought under section 54? Yes 

Please note: a copy of this application will be given to the respondent.

## Aggrieved persons details

The **aggrieved** is the person for whose benefit the domestic violence order is sought.

1. Last name:  Given name/s:

Are you known by any other names? 

Contact address:

  


A copy of this application will be given to the respondent (the person against whom a domestic violence order is sought). If you do not want the respondent to know your home address please give an address where court documents can be sent, for example the postal address of your local domestic violence service or a post office box. Do not disclose the address of anyone you do not want the respondent to be able to contact. If you do not want to disclose your address to the respondent, write it on a separate piece of paper and give it to the court when you lodge the application.

Male  Female Date of birth: Place of birth: Australia  Overseas country  Please specify: 

2. Are you under 16 years of age? No  Yes  If Yes, details of a parent must be provided.

For all aggrieved under 16 years of age, all documents (applications and orders) must also be given to a parent of the aggrieved. A parent is the aggrieved's mother or father or someone else exercising parental responsibility for the aggrieved.

Parent's last name: Parent's given name/s: 

Parent's address:

3. Do you require an interpreter?

No  Yes

*If you have difficulties speaking or writing English you should tell the Magistrate the first time you appear in court. The Magistrate may decide to provide an interpreter for you.*

If Yes, please specify which language:

4. Are you of Aboriginal or Torres Strait Islander origin?

For persons of both Aboriginal and Torres Strait Islander origin, mark both 'Yes' boxes.

No  Yes, Aboriginal  Yes, Torres Strait Islander

5. Are you of Australian South Sea Islander origin?

*(Australian South Sea Islanders are the Australian-born descendants of predominantly Melanesian people who were brought to Queensland between 1863 and 1904. They come from around eighty Pacific Islands but primarily from Vanuatu and the Solomon Islands.)*

No  Yes

### Respondent details

*The respondent means the person against whom a domestic violence order is sought.*

6. Is there more than one respondent to be named in your application for a protection order?

No  Yes

If Yes, how many respondents are there to be named?

*If there is more than one respondent to be named in your application you need to fill in another Protection Order Application form with that respondent's details.*

7. Last name:  Given name/s:

Is the respondent known by any other name?

Current address or any other places where the respondent can be found:

  

Current place of employment:

Known phone numbers:

Home:  Work:

Mobile:  Other:

Vehicle description/model:

Vehicle registration:

Name and location of any place where the respondent may go regularly:

Male  Female

Date of birth:

Place of birth: Australia  Overseas country  Please specify:

**8.** Is the respondent under 16 years of age?

No  Yes  If Yes, details of a parent of the respondent must be provided.

*For all respondents under 16 years of age, all documents (applications and orders) must also be given to a parent of the respondent. A parent is the respondent's mother or father or someone else exercising parental responsibility for the respondent.*

Parent's last name:

Parent's given name/s:

Parent's address:

  

**9.** Does the respondent require an interpreter?

No  Yes

*If you have difficulties speaking or writing English you should tell the Magistrate the first time you appear in court. The Magistrate may decide to provide an interpreter for you.*

If Yes, please specify which language:

**10.** Is the respondent of Aboriginal or Torres Strait Islander origin?

For persons of both Aboriginal and Torres Strait Islander origin, mark both 'Yes' boxes.

No  Yes, Aboriginal  Yes, Torres Strait Islander

**11.** Is the respondent of Australian South Sea Islander origin?

*(Australian South Sea Islanders are the Australian-born descendants of predominantly Melanesian people who were brought to Queensland between 1863 and 1904. They come from around eighty Pacific Islands but primarily from Vanuatu and the Solomon Islands).*

No  Yes

## Relationship of the aggrieved to the respondent

12. What is the relationship of the aggrieved to the respondent? Specify whether it is a spousal relationship, intimate personal relationship, family relationship or an informal care relationship.

*People in domestic relationships can apply for a domestic violence order. Domestic relationships are defined as spousal relationships, intimate personal relationships, family relationships or informal care relationships.*

### Spousal relationship

*A spousal relationship includes those people who are or have been married, people who are the biological parents of a child, or people who are or have resided together as a couple. A spousal relationship includes relationships between people of the same or opposite sex.*

Married

Reside together as a couple

Married/Separated

Have resided together as a couple

Divorced

Biological parents of a child of the relationship

### Intimate personal relationship

*An intimate personal relationship includes those people who are or were engaged to be married to each other, including a betrothal under cultural or religious tradition. It also includes people who are or were previously dating and whose lives have become enmeshed. The circumstances of the relationship including, for example, trust and commitment; the length of time the relationship has existed or did exist; the frequency of contact between the persons; and the level of intimacy between the persons will be considered to decide whether an intimate personal relationship exists. The relationship does not have to be of a sexual nature. It includes relationships between people of the same and opposite sex.*

Engaged/or were engaged

Dating/or have dated

Betrothed/or were betrothed

### Family relationship

*A family relationship includes those people who are relatives by blood or marriage. This includes someone who it is reasonable to regard as a relative. This is considering that for some people the concept of a relative may be wider, such as for Aboriginal people or Torres Strait Islanders, members of certain non-English-speaking background communities and people with particular religious beliefs. Relatives of people in defacto relationships are included. Children under 18 years of age cannot be named as a respondent or an aggrieved under the family relationship.*

Relation to respondent (for example sibling, grandparent, aunt, nephew, adult child 18 years and over, stepchild, parent, cousin)

### Informal care relationship

*An informal care relationship is one where a person is or was dependent on another person (a carer) who helps the person in an activity of daily living. This may include dressing, preparing meals or shopping. The personal care must be required because of a disability, illness or impairment. The help must also be provided in an informal way and not involve the payment of a fee or care provided as part of an arrangement (for example in-home care nurses or Meals on Wheels). A fee does not include a pension or allowance in the carer's own name from the Commonwealth Government.*

## Applicant details

This section applies only if a person other than the aggrieved is making the application. That is, if the person is an authorised person, a Police Officer, or a person acting under another Act for the aggrieved.

### 13. Is the applicant

- An authorised person  go to 14
- A member of the Queensland Police Service  go to 15
- A person acting under another Act  go to 16

### 14. An authorised person

*The following questions will apply only if an authorised person is making the application on behalf of the aggrieved. An **authorised person** is an adult authorised by the aggrieved to appear on behalf of the aggrieved. The authorisation should be in writing. This written authorisation must be given to the court at the hearing. The authorisation may not be in writing where the aggrieved cannot provide written authorisation (for example if the aggrieved has a physical disability).*

Last name:  Given name/s:

Contact address:

  

A copy of this application will be given to the respondent. If you do not want the respondent to know your home address, please give an address where court documents can be sent, for example a post office box. Do not disclose the address of anyone you do not want the respondent to be able to contact.

### 15. A Police Officer

*The following questions will apply only when a Police Officer is making the application.*

Last name:  Given name/s:

Rank:  Station:

Registered number:

Has the aggrieved been advised of this application? No  Yes

Has the application resulted from the detention of the respondent? No  Yes

### 16. A person acting under another Act

*The following questions will apply only if the person applying on behalf of the aggrieved is a guardian for a personal matter or administrator for a financial matter under the Guardianship and Administration Act 2000, the Adult Guardian if the aggrieved does not have the capacity to make the application, or a person who is appointed as the aggrieved's attorney under an enduring power of attorney under the Powers of Attorney Act 1998 and the person makes the application under the enduring power of attorney.*

Last name:  Given name/s:

Contact address:

  

A copy of this application will be given to the respondent. If you do not want the respondent to know your home address, please give an address where court documents can be sent, for example a post office box. Do not disclose the address of anyone you do not want the respondent to be able to contact.

Is the application being made by the Adult Guardian?

Is the application being made by a person acting under an enduring power of attorney?

Is the application being made by a guardian or administrator?

*You must attach proof that you have been appointed this authority to act on behalf of the aggrieved.*

### Adult with impaired capacity

*This question only applies if a person other than the aggrieved is making the application.*

*The purpose of this question is to alert the court, who may inform the Adult Guardian where there is domestic violence involving an adult with impaired capacity. (A person may have impaired capacity as a result of an intellectual disability, acquired brain injury, dementia, mental illness or some other condition).*

**17.** Does the aggrieved or respondent have impaired capacity?

Yes, aggrieved  Yes, respondent

If the aggrieved has impaired capacity, has the Adult Guardian been informed?

No  Yes

If the respondent has impaired capacity, has the Adult Guardian been informed?

No  Yes

### Relative and associate details

*If the respondent has committed an act of domestic violence against your relatives or associates, they can also be named on the domestic violence order. They will be referred to as named persons in the domestic violence order. An example of an **associate** may be a friend, a person who works with you, or a person who belongs to the same club.*

*A copy of this application will be given to the respondent. If you do not want to reveal your relative or associate's address, please give an address where court documents can be sent, for example a post office box. Do not disclose the address of anyone you do not want the respondent to be able to contact.*

*Please note that the Magistrate will want to know the details of when the respondent committed an act of domestic violence against the people that you list here. You must include a description of these incidents at question 19.*

**18.** Children's or other relative's names, addresses and dates of birth/ages:


Associate's names, addresses and dates of birth/ages:


## Basis of application

### 19. What are the reasons for making this application?

*Domestic violence* is defined as any of the following acts a person commits against another person when a domestic relationship exists between the persons:

- *Wilful injury (for example punching, hitting, slapping, shoving, kicking, twisting limbs);*
- *Wilful damage to the other person's property (for example breaking possessions);*
- *Intimidation and harassment (for example constantly following a person; constantly telephoning a person, threatening the withdrawal of care of an aged parent if the parent does not sign over their pension cheque);*
- *Indecent behaviour to the other person without consent (for example forcing a person to engage in sexual behaviour, unwanted sexual contact); and*
- *A threat to commit any of the above acts.*

*Getting someone else to commit any of the above acts is also domestic violence.*

*A court may make a **protection order** against a respondent if the court is satisfied:*

- *That the respondent has committed an act of domestic violence against the aggrieved; and*
- *The respondent is likely to commit an act of domestic violence again; or*
- *If the act of domestic violence was a threat – is likely to carry out the threat.*

*A court may make an **urgent temporary protection order** if it appears that you or any named persons are in danger of personal injury or your property is in danger of substantial damage.*

*You must give examples of when the respondent has committed domestic violence against you (or the aggrieved if you are another person making the application) or any other person you want protected (relatives or associates). Include the most recent incident that occurred.*

*The examples should include:*

- *If possible, the date or approximate date that the incident occurred;*
- *A brief description of what happened;*
- *If you or any other person was injured and what that injury was;*
- *If any property was damaged and if so what damage was done;*
- *If threats were made and what those threats were;*
- *If any weapons were used or threatened to be used (see question 20 for an explanation of a weapon);*
- *Whether the respondent has been breached for previous domestic violence orders that you have made against him or her and if so when those breaches occurred.*



**19B.** *continued*

*Attach extra pages if necessary.*

**19C.** Why do you believe that domestic violence is likely to occur again or a threat is likely to be carried out?

*To obtain a protection order, the court needs to be satisfied from the evidence that domestic violence is likely to occur again.*

*Attach extra pages if necessary.*



## Urgent temporary protection order

25. Do you wish to apply for an urgent temporary protection order?

No  Yes

If you require an urgent **temporary protection order** and the respondent has not been served with a copy of the application and summons, it is necessary to show the court that you or any named persons are in danger of personal injury or your property is in danger of substantial damage.

## Conditions sought in the protection order

All protection orders contain two compulsory conditions which state:

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 in this order and not commit an act of associated domestic violence against the named person.

The court can also include information about the respondent's weapons on the protection order. The order will inform the respondent that all weapons licences have been revoked (or suspended if a temporary protection order is made) and provide information about the surrender of weapons and weapons licences.

As well as these compulsory conditions, a Magistrate can make any condition that restricts the respondent's behaviour towards the aggrieved to protect the aggrieved from further domestic violence. You can apply for any condition that you feel is necessary for your protection, or the protection of your associates/relatives. **Please note that you will need to give reasons for these conditions in the details that you provide at question 19.**

26. Do you wish to include any other conditions in the protection order?

No  go to 27      Yes

The respondent:

- Is not to enter or remain in any place where I am living
- Is not to come within  (specify distance in metres) of any place where I am living
- Is not to approach within  (specify distance in metres) of me
- Is not to enter or remain in any place where I am living except for contact with our child/children as per written agreement or in accordance with a family court order
- Is to vacate the premises where we live or used to live together at (insert address)

  

(The court may allow the respondent to return to the home and recover property. The court may also specify how much time the respondent has to collect that property).

- Is not to come to my work place at (insert address)

  

- Is not to come to any place where I may work

- Is not to approach or remain in any place where my relatives or associates listed in the order are living or staying or working (list names and places)

Is not to be present at or in a place associated with any of my children *(for example child care centre)* (list places)


Is not to contact, try to contact or ask someone else to contact me directly or indirectly  
*(by telephone or any other means of communication)*

Is not to contact, try to contact or ask someone else to contact my relatives or associates listed in the order directly or indirectly  
*(by telephone or any other means of communication)*

Is not to contact, try to contact or ask someone else to contact me directly or indirectly *(by telephone or any other means of communication)* except for contact with our child/children as per written agreement or in accordance with a family court order

Is not to locate or try to locate or ask someone else to locate me or my relatives or associates listed in the order

Is to return my essential personal property listed below


Is to allow me to return to our former home to recover my essential personal property listed below


Please list any other conditions, or exceptions


*Please note that if circumstances change and you want to recommence contact with the respondent you will need to make another application to vary your protection order and remove any conditions that prevent the respondent from having contact with you or approaching you.*

## Application about a tenancy

**27.** Do you wish to make an application under the *Residential Tenancies Act 1994* about the rented premises you share with the respondent?

No  Yes

*At the same time that you make an application for a protection order you can also make an application under the Residential Tenancies Act 1994 for an order about a tenancy. An application can be made to insert your name on the lease as the tenant, remove the respondent's name or your name from the lease or end the lease. If you would like to make an application about a tenancy at the same time that you make an application for a protection order, you need to complete and lodge a separate form with the Clerk of the Magistrates Court at the same time that the protection order application is lodged.*

## Court Process

28. Does the aggrieved request that a Police Officer represent him or her at their court appearances?

No  Yes

*The court process is intended to be straightforward. However, applicants may prefer to engage a solicitor. If the aggrieved is the applicant, a Police Officer may appear and act in court on behalf of the aggrieved. If assistance is being sought, a Police Officer should be contacted at least 7 days before the hearing or as early as possible. If the applicant is an authorised person in writing, the applicant must have at the court hearing the written authority of the aggrieved and must ask the court for its leave to proceed with the application.*

*The application should be lodged with the Magistrates Court where a time and place for the hearing will be allocated.*

*A copy of this application and summons must be served on the respondent. The Clerk of the Court will arrange service of the application and summons by delivering two copies to the Police Officer in charge of the area in which the respondent lives or was last known to reside. The Police Officer will then serve the papers on the respondent.*

**COSTS:** *Costs will not be awarded upon this application unless the court dismisses the application as malicious, deliberately false, frivolous or vexatious and decides to award costs against the applicant.*

## 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, OR A SOLICITOR.

I, the applicant in this application, do solemnly and sincerely declare that the information set out in this application is true and correct to the best of my knowledge and belief

AND I wish to apply for a protection order against the respondent named in this application.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the *Oaths Act 1867*.

Applicant's signature:

Signed at: (city or town)

Date: (signature of witness)

Before me:

Witness name: (please print)

## Summons

To .....

of .....

This application constitutes a summons and you, the respondent, are hereby directed to appear before the Magistrates Court at:

Place: .....

Court No: .....

Date: ..... (for mention)

Time: .....

so that you may be heard on the matter of the making of a protection order.

A copy of the application is attached.

If you fail to appear before the court at the hearing of the application, the court may-

- (a) proceed to hear and determine the matter in your absence; or
- (b) if, in the circumstances of the case, the court believes it appropriate that you be heard, order the issue of a warrant for you to be taken into custody by a Police Officer and brought before the court.

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Clerk of the Court/Justice of the Peace

## Oath of Service

I, .....  
(full name)

of .....  
(address)

in the State of Queensland do \*swear/solemnly and sincerely declare that on the .....  
(date)

I served the within-named respondent with the within SUMMONS AND A COPY OF THE APPLICATION by:

\*a) delivering the SUMMONS AND A COPY OF THE APPLICATION to the respondent personally at:

.....  
(place)

b) leaving a copy of the SUMMONS AND A COPY OF THE APPLICATION with:

.....  
(name)

for the respondent at: .....  
(place)

\*the usual place of \*business/residence or the place of \*business/residence last known to me of the respondent who could not reasonably be found.

Signed and \*sworn/I make this solemn declaration conscientiously believing the same to be true, and by virtue of the *Oaths Act of 1867*.

\_\_\_\_\_  
*Signature*

Taken and declared before me, at: ..... Date: .....  
(place)

\_\_\_\_\_  
*Justice of the Peace*

**NOTE:** If the taking of an oath is objectionable to you and you satisfy the requirements of section 17 of the *Oaths Act 1867*, you may be permitted to make a solemn affirmation.  
*\*delete whichever is not applicable.*

