

Application to Revoke or Vary a Domestic Violence Order

Administration purposes only

Court file number: Police Domestic Violence Index number:

In the Magistrates Court at:

Please note: a copy of this application will be given to either the respondent or the aggrieved, that is a person other than the person making the application, and to the Police Commissioner.

Applicants details

1. Are you a member of the Queensland Police Service?

Yes go to 5 No If No, please provide the following details

2. Last name: Given name/s:

Are you known by any other names?

Contact address:

If you are a person other than the respondent named in the original order making this application, you should note that 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 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.

3. Do you require an interpreter? No Yes

If Yes, please specify which language:

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.

4. What type of applicant are you?

*The **aggrieved** is the person for whose benefit the domestic violence order was made and the **respondent** is the person against whom the domestic violence order was made. An **authorised person** is an adult authorised by the aggrieved to appear on behalf of the aggrieved. A **person acting under another Act** is a person who is a guardian for a personal matter or an 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 the Powers of Attorney Act 1998 and the person makes the application under the enduring power of attorney.*

Aggrieved in the existing order A person who registered an interstate order A person acting under another Act
 Respondent in the existing order An authorised person

Applicant Police Officer details

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

5. Last name:
- Given name/s:
- Rank:
- Station:
- Registered number:
- Has the aggrieved been advised of this application? No Yes

Existing order details

Obtain this information from the current domestic violence order or from the registered interstate order.

6. Is the existing order:
- A temporary protection order?
 - A protection order?
 - An interstate or New Zealand order?
7. What date was the original order made or registered?
8. What is the name of the court where the order was made or registered?
9. Who is the aggrieved named in the order?
- The **aggrieved** is the person for whose benefit the domestic violence order was made. If the aggrieved has changed their contact details since the order was made, please write them in the box below.*
-
10. Who is the respondent named in the order?
- The **respondent** is the person against whom the domestic violence order was made. If the respondent has changed their contact details since the order was made, please write them in the box below.*
-
- Is there more than one respondent that you want to apply to change or cancel the domestic violence order for?
No Yes If Yes, how many respondents?
- If there is more than one respondent in your application to vary or cancel the domestic violence order, you need to fill in a separate application for each one.

Details of cancellation or change to the order

You can apply to the court to:

- Cancel the existing domestic violence order;
- Add extra conditions to the order;
- Cancel some of the conditions of the order;
- Change some of the conditions of the order; and
- Change the period of time the order is in force.

The court will want to know all of the reasons why you want to change or cancel your domestic violence order. The court will also consider the information in the original order and the findings of the court that made the order. If the application is to cancel the order then before the court cancels the order it will consider the safety of the aggrieved person in the order.

11. Do you want to cancel the existing domestic violence order?

No go to 12

Yes If Yes, please provide the reasons why in the space below.

Why do you want to cancel the existing domestic violence order?

add extra pages if necessary

12. Do you want to add extra conditions on the current domestic violence order?

No go to 13

Yes Please indicate in the space below which conditions you want to add and why you want to add those conditions.

Which conditions do you want to add?

add extra pages if necessary

Why do you want to add these extra conditions?

add extra pages if necessary

13. Do you want to cancel any of the conditions on the current domestic violence order?

No go to 14

Yes Please indicate in the space below which conditions you want to cancel and why you want to cancel those conditions.

Which conditions do you want to cancel?

add extra pages if necessary

Why do you want to cancel these conditions?

add extra pages if necessary

14. Do you want to change any of the existing conditions?

No go to 15

Yes Please indicate in the space below which conditions you want to change and why you want to change those conditions.

Which conditions do you want to change?

add extra pages if necessary

Why do you want to change these conditions?

add extra pages if necessary

15. Do you want to change the period of time the domestic violence order is in force?

No go to 16

Yes Please indicate in the space below how long you would like the domestic violence order to be in force and why you want to change the period of time the domestic violence order is in force.

An application can be made to extend the period of time the domestic violence order is in force, but the application must be made while the domestic violence order is still in force.

How long do you want the domestic violence order to be in force?

add extra pages if necessary

Why do you want to change the period of time the domestic violence order is in force?

add extra pages if necessary

Application about a tenancy

16. 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 apply to vary your domestic violence 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 either the aggrieved or respondent's 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 to vary a domestic violence order, you need to complete and lodge a separate form with the Clerk of the Magistrates Court at the same time that the application is lodged.

Urgent temporary protection order

17. Do you wish to apply for an urgent temporary protection order? No Yes

A court may make an urgent temporary protection order (where the respondent has not been served with a copy of the application and a notification of the hearing) with the changes you have requested, if it appears to the court that the aggrieved or any named persons are in danger of personal injury or that their property is in danger of substantial damage.

Court process

18. Does the aggrieved request that a Police Officer represents 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 a person authorised 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.

If you are the aggrieved, a copy of this application and summons must be served on the respondent. If you are increasing your safety by changing conditions, 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. If, however, you are decreasing the level of safety or cancelling your order, then you will need to arrange service of the papers yourself.

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 *variation/revocation of the above mentioned order.

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:

Before me: (signature of witness)

Witness name: (please print)

**delete whichever is not applicable*

Notification of Hearing

The within application has been set down for hearing before the Magistrates Court at:

Place:

Court No:

Date:

Time:

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

- (a) proceed to hear and determine the matter of the application in your absence; or
- (b) if you are the respondent named in the order and 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.

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/aggrieved with the within NOTIFICATION OF HEARING AND A COPY OF THE APPLICATION by:

*a) delivering the NOTIFICATION OF HEARING AND A COPY OF THE APPLICATION to the *respondent/aggrieved personally at:

.....
(place)

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

.....
(name)

for the *respondent/aggrieved at:
(place)

*the usual place of *business/residence or the place of *business/residence last known to me of the *respondent/aggrieved 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.*

Oath of Service

(for the parent of the aggrieved who is under 16 years of age)

I,
(full name)

of
(address)

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

I served the parent of the aggrieved
(name)

with the within NOTIFICATION OF HEARING AND A COPY OF THE APPLICATION by:

*a) delivering the NOTIFICATION OF HEARING AND A COPY OF THE APPLICATION to the parent of the aggrieved personally at:

.....
(place)

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

.....
(place)

for the parent of the aggrieved at:
(name)

*the usual place of *business/residence or the place of *business/residence last known to me of the parent of the aggrieved 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.*

Oath of Service
(for the parent of the respondent who is under 16 years of age)

I,
(full name)

of
(address)

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

I served the parent of the respondent
(name)

with the within NOTIFICATION OF HEARING AND A COPY OF THE APPLICATION by:

*a) delivering the NOTIFICATION OF HEARING AND A COPY OF THE APPLICATION to the parent of the respondent personally at:

.....
(place)

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

.....
(name)

for the parent of the respondent at:
(place)

*the usual place of *business/residence or the place of *business/residence last known to me of the parent 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: *(place)* Date:

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.*