



What conditions can the court impose in Domestic Violence Orders?

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A [Domestic Violence Order](#) (“DVO”) is a document issued by a court which orders a person to stop threats or acts of domestic violence. There are two types of DVOs; a Protection Order and a Temporary Protection Order. In this article, we will look at the conditions set by the court in a DVO and the duration of Protection Orders.

Standard conditions of a Domestic Violence Order

All Domestic Violence Orders contain the following standard conditions:

- the respondent (the person against whom the Order is made) must be of good behaviour towards the aggrieved; and
- the respondent must not commit domestic violence or associated domestic violence against the aggrieved and or named persons.

If a Court does not specifically impose the standard conditions (include them in the Orders), it is still taken to have done so. Therefore, the above standard conditions will **always** be a part of all Domestic Violence Orders.

Additional conditions of a Domestic Violence Order

In addition to the standard conditions, the Court may also impose other conditions which are necessary or desirable to protect the aggrieved, child or named person from domestic violence.

Examples of types of conditions can include:

1. Prohibiting the respondent from approaching, contacting or locating the aggrieved or attempting to do any of these.
2. Prohibiting the respondent from being present at a place associated with a child (for example a school).
3. Requiring the respondent to return property or allowing the aggrieved to recover their property and/or to access their home to recover property.
4. Prohibiting the respondent from using the internet including social networking sites to communicate with, publish pictures of or make adverse comments concerning the aggrieved.

What is an 'ouster condition'?

If you and any child living with you are not able to live safely in your usual place of residence due to the respondent also residing there, the court may impose an ouster condition. This condition essentially 'ousts' the respondent from the aggrieved's usual place of residence.

A usual place of residence is defined in the Act as:

- a place where the respondent has a legal or equitable interest; and
- a place where the aggrieved and respondent live or previously lived together; and
- a place where the aggrieved or named person lives, works or frequents.

A court must give reasons for making, or not making, the ouster conditions.

Your safety and the safety of children is paramount

It is important to note that the principle of paramount importance to the court when considering imposing other conditions must be the safety, protection and wellbeing of people who fear or experience domestic violence, including children.

Duration of Protection Orders

The duration of a Protection Order is usually stated in the order. However, if no date is stated the order will be in force for five years after the day the Protection Order is made.

For example, if the Protection Order was made on 24 May 2020 the order will remain in force until midnight on 24 May 2025. The duration of the Protection Order does not correlate to the severity of the violence.

Previously, Protection Orders were for a period of two years after the order was made. However, this was changed to ensure that people who fear or experience domestic and family violence are protected for as long as needed and that perpetrators are held accountable for their actions. The changes reduce the need for victims to seek extensions for their Protection Orders or new orders after the expiry of their order.

Can a Protection Order be in place for less than five years?

The Court may make an order that a Protection Order is to be in force for a period of less than five years only if the court is satisfied there are reasons for doing so. The Court must provide those reasons when making a Protection Order for less than five years.

Breaching a DVO is a criminal offence

Once a Domestic Violence Order or Protection Order is made, it will usually contain one or more conditions. If a condition is breached, it becomes a criminal offence and severe criminal penalties for the person breaching the Order can apply.

Urgent assistance to keep you safe

If your safety or that of your children is at imminent risk, call [000](tel:000) and, where possible, leave the premises to a safer place.

If you are experiencing domestic violence that puts your safety and/or the safety of your children at risk (physical, emotional or financial), you can contact DV Connect on [1800 811 811](tel:1800811811) for immediate assistance. They operate 24/7.

Hall Payne no longer provides services in family law

If you require assistance with your family law matter, we recommend you contact the relevant Law Society in your State or Territory for a referral:

- **Queensland:** [1300 367 757](tel:1300367757)
- **NSW:** [02 9926 0333](tel:0299260333)
- **Victoria:** [03 9607 9311](tel:0396079311)
- **Tasmania:** [03 6234 4133](tel:0362344133)
- **South Australia:** [08 8229 0200](tel:0882290200)
- **Western Australia:** [08 9324 8600](tel:0893248600)
- **Northern Territory:** [08 8981 5104](tel:0889815104)
- **ACT:** [02 6274 0300](tel:0262740300)

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