



DOMESTIC VIOLENCE IN SAME-SEX RELATIONSHIPS

“When my boyfriend
and I get into a fight we
sometimes hit each other.
This is ok because we’re
both guys, right?”

RESPECT
THE
LEGAL
LINE



Hitting or physically abusing an intimate partner without their consent is considered **domestic violence**. The law is unchanged for **same-sex relationships**.

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 THE BEHAVIOUR AGAINST THE LAW?

If you and your boyfriend hit each other when you fight, one or both of you could be charged with a criminal offence and sent to Court depending on the circumstances.

- Hitting, striking or applying physical force to a person without their consent is an **assault** under the Queensland Criminal Code.
- A common assault could carry a **prison sentence of up to 3 years**.
- If the fight takes part in a public place, or the fight is of such nature to alarm the public in any other place to which the public have access, you could be charged with an offence called **affray**.
- In these circumstances, affray could carry a **prison sentence of up to 1 year**.

If you are charged with assault, you should get legal advice.

Please turn the page for more information



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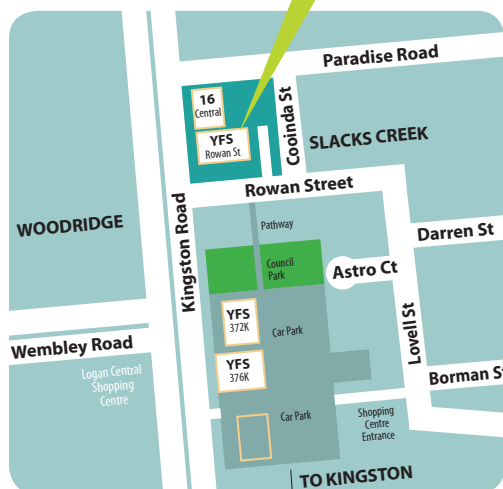


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RESPECT THE LEGAL LINE



WE
ARE
HERE



HOW CAN PEOPLE PROTECT THEMSELVES FROM DOMESTIC AND FAMILY VIOLENCE?

The Act aims to protect people from domestic and family violence. It recognises that people who are lesbian, gay, bisexual, transgender or intersex are also vulnerable to 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.

IS SPECIALISED HELP AVAILABLE TO LGBTI VICTIMS OR PERPETRATORS?

The **LGBTI Legal Service** provides free legal advice and information to people who have legal problems arising from identifying as LGBTI, or who need a solicitor with specific skills, interests and understanding of LGBTI issues.

For more information:

Contact the LGBTI Legal Service by phone on 0401 936 232 or by email at lgbti.legalservice@gmail.com



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