



# Aboriginal & Torres Strait Islander Women's Legal Services NQ Inc.

## Sexual Violence and Family Violence

### Family Violence

“Family Violence” covers a range of controlling behaviours towards a person who is in a family relationship with you. A family relationship may be an intimate partner or other family and extended family members.

Family violence includes any of these behaviours:

- **Physical Abuse:** punching, pushing, slapping, kicking, using physical force;
- **Sexual Abuse:** forcing you to participate in sexual activities without your consent or “without informed consent”, removing a condom before or during sex without consent;
- **Emotional or Psychological Abuse:** using racial put downs, using insulting names; putting down your family, work, religion, culture or beliefs, stopping you from seeing or keeping connections with family, friends, culture; controlling your appearance; repeatedly calling, text messaging or emailing with unwanted messages.
- **Economic Abuse:** denying, withholding, controlling or misusing money or property or threatening to do so.

### Sexual Violence

Sexual violence can happen in intimate partner relationships from a former partner or family member. This can happen, for example, when your intimate partner or former partner, forces you into sexual activities without your informed consent or by using coercive behaviour.

### “Informed consent”

Informed consent means that you agree to an act freely and voluntarily. To freely agree to something, you have to have the “capacity” to agree.

You cannot give informed consent if your ability to agree is impaired, for example, if you are asleep, unconscious, under the influence of drugs or alcohol, consenting only because you are afraid to say “no” or if you are being threatened with force if you do not agree to an act.

### “Coercive Behaviour”

Coercive behaviour means overpowering, intimidating or manipulating a person to do things they do not want to do.

### Sexual violence and Family Violence

Sexual violence can also be family violence when the sexual violence is committed by an intimate partner, former partner or family member.

Types of sexual violence which often happen in intimate partner relationships and from former partners, include:

- Sexual harassment
- Sending sexual images or comments about a person on line or by text message (“sexting”)
- Rape

Acts of sexual violence are a crime no matter whether the person committing the sexual violence is an intimate partner, a former partner or another person.

Sexual violence should not be treated as less of a crime because the person committing sexual violence is or was an intimate partner.

## If you Experience Sexual Violence in a Family Violence Situation

- If you **need immediate help**, call “000” and ask for police
- Go to a place where you feel safe
- Seek medical treatment from a hospital or a health service provider as soon as possible
- Seek confidential counselling from “1800RESPECT” on 1800 737 732 (24 hour line)
- Talk to a family member, friend, counsellor, or youth worker
- Report the act/s of sexual violence to a police officer, a doctor, counsellor or social worker.

## Medical and Personal Support

### Medical Support

If you have suffered injuries because of the sexual violence, seek medical help as soon as possible, from:

- **The Emergency Department at the Townsville Hospital:** The hospital can provide medical treatment for injuries. It can treat victims of rape and other sexual assault, or treat and document other bodily injuries that happened because of the sexual violence.  
  
If you have been raped or violently assaulted, **seek medical help as soon as possible**. Tell the medical staff about the sexual violence that you have experienced. If you think that your drink was spiked, go the hospital as soon as possible and tell staff that you need to be tested for drink spiking. The hospital can also refer you for counselling support.
- **The Townsville Aboriginal and Torres Strait Islander Health Service (TAIHS):** TAIHS can provide medical support and also refer you to counselling with the Health and Wellbeing service.
- **Your local GP** can provide medical treatment, provide referrals and document your injuries.

### Counselling

If you have experienced sexual violence it is common to feel a range of emotions such as anger, betrayal, rage, trauma, depression, loss of self-worth and emotional distress or you may even feel shame or guilty.

Counselling can help you to work out your feelings and reclaim your sense of self and control over your life again. Some counselling services that can help include:

- **1800RESPECT** has 24 hour counselling services
  - ◇ Phone: 1800 737 732
- **The Women’s Centre** in Aitkenvale, Townsville, has specialist free counselling services and assistance for women who have experienced sexual violence
  - ◇ Phone: (07) 4775 7555
- **Townsville Aboriginal and Torres Strait Islander Health Service (TAIHS)** has free medical services, counselling, and other support services
  - ◇ Phone: (07) 4759 4000

- **Palm Island Community Company (PICC)** on Palm Island provides a range of services for women including the Women's Shelter
  - ◇ Phone: (07) 4791 4010

## **Can I Apply for a Domestic Violence Order?**

Sexual violence against you by your intimate partner, former partner or another family member, is also family violence.

You have a right to apply for a domestic violence order as well as any other actions that you may take to report and protect yourself from the sexual violence.

### ***Purpose of a Domestic Violence Order***

A domestic violence order is an order made by the Court to protect a person who has been a victim / survivor of family violence.

The purpose of the domestic violence order is to provide future protection to a victim / survivor of family violence. It does not punish the offender or offer compensation to you. To have the offender charged, you will need to report the crime to police. A domestic violence order alone will not result in the offender being charged with an offence.

### ***Applying for a Domestic Violence Order***

The Queensland Police Service or another person acting for you may apply for a domestic violence order on your behalf or you can apply for a domestic violence order yourself. Domestic violence applications can be made online.

The following free services can help you to prepare your Domestic Violence application:

- **North Queensland Domestic Violence Resource Service**
  - ◇ Phone: (07) 4721 2888
- **The Aboriginal and Torres Strait Islander Women's Legal Services, NQ Inc**
  - ◇ Free call: 1800 082 600
  - ◇ Phone: (07) 4721 6007
- **Queensland Indigenous Family Violence Legal Services**
  - ◇ Free call: 1800 887 700
  - ◇ Phone: (07) 4764 5171
- **The Aboriginal and Torres Strait Islander Legal Service**
  - ◇ Phone : (07) 4722 5111
- **North Queensland Women's Legal Service**
  - ◇ Free call: 1800 244 504
  - ◇ Phone: (07) 4772 5400

## Conditions on the Domestic Violence Order

You may ask the Court to name your children on the domestic violence order or another person who you believe is at risk of family violence. Other people named on your domestic violence order are referred to as “named persons”.

The domestic violence order will state that the person who has committed family / sexual violence towards you “must be of good behaviour and not commit domestic violence”.

Other conditions that can be made on the domestic violence order include:

- To be of good behaviour and not commit domestic violence towards a named person
- The person is not to contact you (and the named person)
- Not to approach you or the named person
- To leave the place where the person is living with you
- To stop posting and/or remove abusive material from social media platforms
- Not to come to your house, your work or other places such as the children’s school

## Breaches of a Domestic Violence Order

It is a criminal offence to disobey any of the conditions of the domestic violence order.

If a person breaks the conditions of a domestic violence order, this should be reported to the police as soon as possible. The police will investigate and the person can be charged with breaching the domestic violence order and will need to appear before the Court for the criminal offence.

## Personal and Home Security

If you need to move to a safe place urgently, for example a Women’s Shelter:

- **1800RESPECT** for advice, counselling and assistance
  - ◊ Phone: 1800 732 732

If you are worried about your safety or your children’s safety in your home, the North Queensland Domestic Violence Resource Service (NQDVRS) has a range of programs that may help.

Some things that may help to protect you and your children may include secure locks on the doors or camera surveillance at your home. For further information about programs that may assist:

- **North Queensland Domestic Violence Resource Service**
  - ◊ Phone: (07) 4721 2888

## Recovering from Sexual Violence

To assist your recovery from sexual violence you have a right to apply for financial assistance through Victim Assist Queensland (see contact details below).

## Other Legal Issues

A range of other legal problems may happen because of sexual violence where it is also domestic violence. The following are some examples:

- The Department of Child Safety (“Child Safety”) may investigate allegations that the children have been exposed to family violence.
- You may need to sort out Family Law issues if you and your partner separate before or after the sexual violence.
- You may feel unsafe in your own home, or the person who committed sexual violence may have caused damage to the house. You may need legal advice about issues such as how to break your tenancy or what to do about damage to the house.

**You can access free legal advice and other assistance from the following services:**

- **Victim Link Up**
  - ◇ Phone: 1300 546 587
  
- **Victim Assist Queensland**
  - ◇ Phone: 1300 546 587 (Contact one of the legal services below for help to complete a Victim Assist Queensland application)
  
- **The Aboriginal and Torres Strait Islander Women's Legal Services, NQ Inc**
  - ◇ Free call: 1800 082 600
  - ◇ Phone: (07) 4721 6007
  
- **Queensland Indigenous Family Violence Legal Services (Townsville)**
  - ◇ Phone: (07) 4721 0600
  
- **The Aboriginal and Torres Strait Islander Legal Service (Townsville)**
  - ◇ Phone: (07) 4722 5111
  
- **North Queensland Women's Legal Service (Townsville)**
  - ◇ Free call: 1800 244 504
  - ◇ Phone: (07) 4772 5400
  
- **Legal Aid Queensland**
  - ◇ Phone: 1300 65 11 88



**Aboriginal and Torres Strait Islander Women's Legal Services NQ Inc.**

FREECALL 1800 082 600 or (07) 4721 6007

**DISCLAIMER WARNING:** Care has been taken in the preparation of the material in this document; however every person and every family is different. This fact sheet is provided for community educational purposes only. It is not legal advice and it is not a guide to your legal matter. If you have a legal issue, it is recommended that you make an appointment with a lawyer or legal service. Please also note that the law changes constantly and the information in this factsheet is only accurate to **April 2019**. ATSIWLSNQ does not warrant its accuracy beyond that time.