

Fact Sheet 1

What constitutes DFV in Queensland?

What you need to know

This fact sheet provides legal definitions of domestic and family violence from the **Domestic and Family Violence Protection Act, 2012 Queensland** to support you to understand what constitutes domestic and family violence in Queensland.

Domestic and family violence (DFV) is behaviour used by one person against another in a “relevant relationship”

The violence may be:

- Physical, financial, sexual, emotional or psychological.
- It may also be in the form of threats, control, domination, or anything that causes fear.

A relevant relationship is:

An intimate personal relationship, which includes people:

- Who are or have been legally married.
- Who are or have been living together in a de facto relationship including same-sex relationships.
- Who are the biological parents of a child or anyone else having or exercising parental responsibility for the child (other than the chief executive in a child protection matter).
- Who are in a couple relationship.
- Who are or were engaged to be married, including people who were betrothed or promised to each other under cultural or religious tradition.

A family relationship

- A family relationship exists between two persons if one of them is a relative of the other and the usual social definition of a relative applies (although a relative can also be a former relative). The definition also includes a wider concept of relative that may exist in some communities or cultures, such as the sense of relative as used by Aboriginal people, Torres Strait Islanders, members of certain communities from non English speaking backgrounds or people with particular religious beliefs.

An informal care relationship.

This relationship exists between people if one of them is or was dependent on the other person for help in an activity of daily living. An informal care relationship does not exist between a child and a parent of a child or between two persons where the daily living care is provided as a result of a commercial arrangement.

Examples of informal care relationships include:

Examples of help in an activity of daily living are dressing or personal grooming, meal preparation or shopping.

An example of a commercial arrangement between the person and the arrangement is the relationship between a person and a nurse who visits the person each day to help with bathing and physiotherapy. In this case, the nurse is visiting under a commercial nurse's employer.

A commercial arrangement may exist even if a person does not pay a fee for the help provided under the arrangement. For example, someone may provide voluntary services for an organisation and as a volunteer are subject to the same policies and procedures as paid employees.

An arrangement is not a commercial arrangement because one person receives a pension or allowance, or reimbursement for the purchase price of goods, for the help provided under the arrangement.

Example of what does not constitute DFV:

A person with disability could be assaulted by another person with disability that they live with in a Supported Independent Living setting.

If they do not meet the criteria of being in a "relevant relationship" with one another as defined by the Domestic and Family Violence Protection Act 2012, this would not be considered to be DFV.

Action must be taken in these circumstances in accordance with the relevant state and commonwealth regulations, to report abuse or suspected abuse of people with disability.

