



PROTECTION ORDER

In the MAGISTRATES COURT of Queensland at TOWNSVILLE
In the matter of an application for a protection order.

RESPONDENT: Michael James WATTER
AGGRIEVED: Catherine Lee WATTER
APPLICANT: Catherine Lee WATTER

Domestic Violence is defined under the Queensland law as any of the following acts that a person has committed against another person when a domestic relationship exists between the persons - wilful injury, wilful damage to the person's property, intimidation or harassment of the other person, indecent behaviour to the other person without consent, or a threat to commit any of the acts mentioned above. The person committing the domestic violence need not personally commit the act or threaten to commit it.

Associated Domestic Violence is defined under the Queensland law as any of the following acts that a respondent has committed against any relatives or associates of the aggrieved - wilful injury, wilful damage to property of the relative or associate, intimidation or harassment, or a threat to commit any of the acts mentioned above. A person who counsels or procures someone else to commit an act that, if done by the person, would be an act of associated domestic violence is taken to have committed the act.

The Court is satisfied that the respondent has committed an act of domestic violence against the aggrieved and that the respondent is likely to commit an act of domestic violence again or is likely to carry out a threat to commit an act of domestic violence.

IT IS ORDERED BY CONSENT:

- (1) The respondent must be of good behaviour towards the aggrieved and must not commit domestic violence.
- (2) The respondent must be of good behaviour towards any named person in this order and must not commit an act of associated domestic violence against the named person.
- (3) The respondent is prohibited from
 - going to
 - entering or
 - remaining in premises where the
 - aggrieved resides or works

Except when attending any court or tribunal or counselling, arbitration or mediation required by that court or tribunal or when attending legal aid conferencing or other mediation.

Except for the purpose of having contact with a child or children as set out in a written agreement between the parties or as is permitted by an order made under the Family Law Act.

- (4) The respondent is prohibited from having or attempting to have ANY contact (including by any means of communication) either directly or indirectly with the aggrieved

Except when attending any court or tribunal or counselling, arbitration or mediation required by that court or tribunal or when attending legal aid conferencing or other mediation.

Except - by written communication

- through a lawyer
- by written communication through a lawyer

Except for the purpose of having contact with a child or children as set out in a written agreement between the parties or as is permitted by an order made under the Family Law Act.

PROTECTION ORDER

EFFECT OF THIS ORDER ON RESPONDENT'S WEAPONS AND WEAPONS LICENCES:

This order revokes all weapons licences held by the respondent under the Weapons Act 1990 whilst this domestic violence order is in force.

The respondent is required to surrender all weapons licences and weapons possessed to a police officer as soon as practicable, but no later than one day after the court makes the order, or the order is served on the respondent.

The respondent may otherwise surrender any weapons by consigning the weapon to a licensed armourer for sale, or for storage for a period that does not end before the period of this domestic violence order. The respondent must obtain an approved receipt for consignment or storage and give a copy of the receipt to a police officer as soon as practicable, but no later than one day after the court makes the order, or the order is served on the respondent.

If the respondent knowingly fails to surrender licences or weapons in the time specified, the respondent commits an offence against the Act, and will be liable to a penalty of up to 10 penalty units.

The Weapons Act 1990 applies to the respondent for the duration of this domestic violence order despite certain exemptions listed in sub-sections 2(1)(e), 2(1)(g), 2(1)(h), 2(1)(i), 2(1)(l), 2(1)(m), 2(2) and 2(9) of Section 2 of the Weapons Act.

COURT SUPPLIED INFORMATION ABOUT RESPONDENT'S WEAPONS AND WEAPONS LICENCES:

Nil

PERSON/S PROTECTED BY THIS ORDER:

AGGRIEVED : Catherine Lee WATTER

NAMED PERSONS:

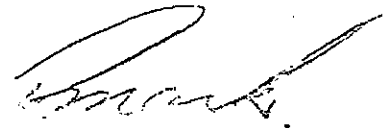
CHILDREN OF AGGRIEVED : Isabella WATTER

DURATION OF THIS ORDER:

THIS ORDER SHALL CONTINUE IN FORCE TO AND INCLUDING 09/11/2012 UNLESS IT IS SOONER VARIED OR REVOKED.

Order made on:

Date: 9/11/2011 by



R MACK
Magistrate

Protection Order Application



Administration purposes only

Court file number:

Police Domestic Violence Index number:

Has a temporary order been sought under section 54? Yes

Please note: a copy of this application will be given to the respondent.

Aggrieved persons details

The aggrieved is the person for whose benefit the domestic violence order is sought.

1. Last name: Given name/s:

Are you known by any other names?

Contact address:

A copy of this application will be given to the respondent (the person against whom a domestic violence order is sought). 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.

Male Female

Date of birth:

Place of birth: Australia Overseas country Please specify:

2. Are you under 16 years of age? No Yes If Yes, details of a parent must be provided.

For all aggrieved under 16 years of age, all documents (applications and orders) must also be given to a parent of the aggrieved. A parent is the aggrieved's mother or father or someone else exercising parental responsibility for the aggrieved.

Parent's last name:

Parent's given name/s:

Parent's address:

3. Do you require an interpreter?

No Yes

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.

If Yes, please specify which language:

4. Are you of Aboriginal or Torres Strait Islander origin?

For persons of both Aboriginal and Torres Strait Islander origin, mark both 'Yes' boxes.

No Yes, Aboriginal Yes, Torres Strait Islander

5. Are you of Australian South Sea Islander origin?

(Australian South Sea Islanders are the Australian-born descendants of predominantly Melanesian people who were brought to Queensland between 1863 and 1904. They come from around eighty Pacific Islands but primarily from Vanuatu and the Solomon Islands.)

No Yes

Respondent details

The respondent means the person against whom a domestic violence order is sought.

6. Is there more than one respondent to be named in your application for a protection order?

No Yes

If Yes, how many respondents are there to be named?

If there is more than one respondent to be named in your application you need to fill in another Protection Order Application form with that respondent's details.

7. Last name:

Given name/s:

Is the respondent known by any other name?

Current address or any other places where the respondent can be found:

Current place of employment:

Known phone numbers:

Home:

Work:

Mobile:

Other:

Vehicle description/model:

Vehicle registration:

Name and location of any place where the respondent may go regularly:

Male Female

Date of birth:

Place of birth: Australia Overseas country Please specify:

8. Is the respondent under 16 years of age?

No Yes If Yes, details of a parent of the respondent must be provided.

For all respondents under 16 years of age, all documents (applications and orders) must also be given to a parent of the respondent. A parent is the respondent's mother or father or someone else exercising parental responsibility for the respondent.

Parent's last name:

Parent's given name/s:

Parent's address:

9. Does the respondent require an interpreter?

No Yes

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.

If Yes, please specify which language:

10. Is the respondent of Aboriginal or Torres Strait Islander origin?

For persons of both Aboriginal and Torres Strait Islander origin, mark both 'Yes' boxes.

No Yes, Aboriginal Yes, Torres Strait Islander

11. Is the respondent of Australian South Sea Islander origin?

(Australian South Sea Islanders are the Australian-born descendants of predominantly Melanesian people who were brought to Queensland between 1863 and 1904. They come from around eighty Pacific Islands but primarily from Vanuatu and the Solomon Islands).

No Yes

Relationship of the aggrieved to the respondent

12. What is the relationship of the aggrieved to the respondent? Specify whether it is a spousal relationship, intimate personal relationship, family relationship or an informal care relationship.

People in domestic relationships can apply for a domestic violence order. Domestic relationships are defined as spousal relationships, intimate personal relationships, family relationships or informal care relationships.

Spousal relationship

A spousal relationship includes those people who are or have been married, people who are the biological parents of a child, or people who are or have resided together as a couple. A spousal relationship includes relationships between people of the same or opposite sex.

Married	<input type="checkbox"/>	Reside together as a couple	<input type="checkbox"/>
Married/Separated	<input checked="" type="checkbox"/>	Have resided together as a couple	<input checked="" type="checkbox"/>
Divorced	<input type="checkbox"/>	Biological parents of a child of the relationship	<input checked="" type="checkbox"/>

Intimate personal relationship

An intimate personal relationship includes those people who are or were engaged to be married to each other, including a betrothal under cultural or religious tradition. It also includes people who are or were previously dating and whose lives have become enmeshed. The circumstances of the relationship including, for example, trust and commitment; the length of time the relationship has existed or did exist; the frequency of contact between the persons; and the level of intimacy between the persons will be considered to decide whether an intimate personal relationship exists. The relationship does not have to be of a sexual nature. It includes relationships between people of the same and opposite sex.

Engaged/or were engaged	<input type="checkbox"/>	Dating/or have dated	<input type="checkbox"/>
Betrothed/or were betrothed	<input type="checkbox"/>		

Family relationship

A family relationship includes those people who are relatives by blood or marriage. This includes someone who it is reasonable to regard as a relative. This is considering that for some people the concept of a relative may be wider, such as for Aboriginal people or Torres Strait Islanders, members of certain non-English-speaking background communities and people with particular religious beliefs. Relatives of people in defacto relationships are included. Children under 18 years of age cannot be named as a respondent or an aggrieved under the family relationship.

Relation to respondent (for example sibling, grandparent, aunt, nephew, adult child 18 years and over, stepchild, parent, cousin)

Informal care relationship

An informal care relationship is one where a person is or was dependent on another person (a carer) who helps the person in an activity of daily living. This may include dressing, preparing meals or shopping. The personal care must be required because of a disability, illness or impairment. The help must also be provided in an informal way and not involve the payment of a fee or care provided as part of an arrangement (for example in-home care nurses or Meals on Wheels). A fee does not include a pension or allowance in the carer's own name from the Commonwealth Government.

Applicant details

This section applies only if a person other than the aggrieved is making the application. That is, if the person is an authorised person, a Police Officer, or a person acting under another Act for the aggrieved.

13. Is the applicant

- An authorised person go to 14
- A member of the Queensland Police Service go to 15
- A person acting under another Act go to 16

14. An authorised person

The following questions will apply only if an authorised person is making the application on behalf of the aggrieved. An authorised person is an adult authorised by the aggrieved to appear on behalf of the aggrieved. The authorisation should be in writing. This written authorisation must be given to the court at the hearing. The authorisation may not be in writing where the aggrieved cannot provide written authorisation (for example if the aggrieved has a physical disability).

Last name: Given name/s:

Contact address:

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 a post office box. Do not disclose the address of anyone you do not want the respondent to be able to contact.

15. A Police Officer

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

Last name: Given name/s:

Rank: Station:

Registered number:

Has the aggrieved been advised of this application? No Yes

Has the application resulted from the detention of the respondent? No Yes

16. A person acting under another Act

The following questions will apply only if the person applying on behalf of the aggrieved is a guardian for a personal matter or 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 an enduring power of attorney under the Powers of Attorney Act 1998 and the person makes the application under the enduring power of attorney.

Last name: Given name/s:

Contact address:

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 a post office box. Do not disclose the address of anyone you do not want the respondent to be able to contact.

Is the application being made by the Adult Guardian?

is the application being made by a person acting under an enduring power of attorney?

Is the application being made by a guardian or administrator?

You must attach proof that you have been appointed this authority to act on behalf of the aggrieved.

Adult with impaired capacity

This question only applies if a person other than the aggrieved is making the application.

The purpose of this question is to alert the court, who may inform the Adult Guardian where there is domestic violence involving an adult with impaired capacity. (A person may have impaired capacity as a result of an intellectual disability, acquired brain injury, dementia, mental illness or some other condition).

17. Does the aggrieved or respondent have impaired capacity?

Yes, aggrieved Yes, respondent

If the aggrieved has impaired capacity, has the Adult Guardian been informed?

No Yes

If the respondent has impaired capacity, has the Adult Guardian been informed?

No Yes

Relative and associate details

If the respondent has committed an act of domestic violence against your relatives or associates, they can also be named on the domestic violence order. They will be referred to as named persons in the domestic violence order. An example of an associate may be a friend, a person who works with you, or a person who belongs to the same club.

A copy of this application will be given to the respondent. If you do not want to reveal your relative or associate's address, please give an address where court documents can be sent, for example a post office box. Do not disclose the address of anyone you do not want the respondent to be able to contact.

Please note that the Magistrate will want to know the details of when the respondent committed an act of domestic violence against the people that you list here. You must include a description of these incidents at question 19.

18. Children's or other relative's names, addresses and dates of birth/ages:

Arthur Doubleday, 1155 Riverway Drive, Rasmussen Qld 4815

Heather Doubleday, 1155 Riverway Drive, Rasmussen Qld 4815

Bronte & Isabella Watter, 1155 Riverway Drive, Rasmussen Qld 4815

Associate's names, addresses and dates of birth/ages:

Basis of application

19. What are the reasons for making this application?

Domestic violence is defined as any of the following acts a person commits against another person when a domestic relationship exists between the persons:

- *Wilful injury (for example punching, hitting, slapping, shoving, kicking, twisting limbs);*
- *Wilful damage to the other person's property (for example breaking possessions);*
- *Intimidation and harassment (for example constantly following a person; constantly telephoning a person, threatening the withdrawal of care of an aged parent if the parent does not sign over their pension cheque);*
- *Indecent behaviour to the other person without consent (for example forcing a person to engage in sexual behaviour, unwanted sexual contact); and*
- *A threat to commit any of the above acts.*

Getting someone else to commit any of the above acts is also domestic violence.

A court may make a protection order against a respondent if the court is satisfied:

- *That the respondent has committed an act of domestic violence against the aggrieved; and*
- *The respondent is likely to commit an act of domestic violence again; or*
- *If the act of domestic violence was a threat – is likely to carry out the threat.*

A court may make an urgent temporary protection order if it appears that you or any named persons are in danger of personal injury or your property is in danger of substantial damage.

You must give examples of when the respondent has committed domestic violence against you (or the aggrieved if you are another person making the application) or any other person you want protected (relatives or associates). Include the most recent incident that occurred.

The examples should include:

- *If possible, the date or approximate date that the incident occurred;*
- *A brief description of what happened;*
- *If you or any other person was injured and what that injury was;*
- *If any property was damaged and if so what damage was done;*
- *If threats were made and what those threats were;*
- *If any weapons were used or threatened to be used (see question 20 for an explanation of a weapon);*
- *Whether the respondent has been breached for previous domestic violence orders that you have made against him or her and if so when those breaches occurred.*

Please give details of the incident/s of domestic violence:

19A. Details of most recent incident: (include dates if possible)

Please see statement attached

Attach extra pages if necessary.

19B. Details of the history of domestic violence: (include dates if possible)

Please see statement attached

This continues over the page...

19B. *continued*

Attach extra pages if necessary.

19C. Why do you believe that domestic violence is likely to occur again or a threat is likely to be carried out?

To obtain a protection order, the court needs to be satisfied from the evidence that domestic violence is likely to occur again.

Please see statement attached

Attach extra pages if necessary.

Weapons

Under the Weapons Act 1990 if a protection order is made against a person, that person's weapons licence/s are revoked. This means that the respondent cannot possess a weapon or a weapons licence if a protection order is made against him or her. If a temporary protection order is made against a person, that person's weapons licence is suspended while the temporary protection order is in force.

20. Does the respondent have access to any weapons?

An example of a weapon is a firearm, martial arts weapon or knuckle-duster. It also includes anything that the respondent has used or threatened to use in committing an act of domestic violence against the aggrieved such as a cross-bow, a spear-gun, a dog or a baseball bat.

No Yes

State the number, type of weapon/s and all possible locations of the weapons (for example if it is at the residence, the location in the residence, or whether the weapon/s may have been given to a relative or associate):

21. Did the respondent use, or threaten you with, a weapon during any incident of domestic violence?

No Yes

If Yes, provide details if not already described at question 19.

22. Has the respondent been issued with a weapons or firearms licence in Queensland or any other state or territory of Australia or any other country?

No Yes Unsure

23. Does the respondent have access to any weapons at his or her place of employment?

If so please give details of the name of the respondent's employer and/or a supervisor's name, if known:

Details of any other orders

24. Has a court made any other orders that involve the aggrieved and the respondent or are there other proceedings that are yet to be decided in another court involving the aggrieved and the respondent? (Please tick)

• Children's court orders current not current

• Qld domestic violence order current not current

• Interstate domestic violence order (including New Zealand) current not current

• Family court orders current not current

• Other orders (please specify)

Please attach copies of these orders.

Urgent temporary protection order

25. Do you wish to apply for an urgent temporary protection order?

No Yes

If you require an urgent temporary protection order and the respondent has not been served with a copy of the application and summons, it is necessary to show the court that you or any named persons are in danger of personal injury or your property is in danger of substantial damage.

Conditions sought in the protection order

All protection orders contain two compulsory conditions which state:

1. The respondent must be of good behaviour towards the aggrieved and must not commit domestic violence; and
2. The respondent must be of good behaviour towards any named person in this order and not commit an act of associated domestic violence against the named person.

The court can also include information about the respondent's weapons on the protection order. The order will inform the respondent that all weapons licences have been revoked (or suspended if a temporary protection order is made) and provide information about the surrender of weapons and weapons licences.

As well as these compulsory conditions, a Magistrate can make any condition that restricts the respondent's behaviour towards the aggrieved to protect the aggrieved from further domestic violence. You can apply for any condition that you feel is necessary for your protection, or the protection of your associates/relatives. Please note that you will need to give reasons for these conditions in the details that you provide at question 19.

26. Do you wish to include any other conditions in the protection order?

No go to 27 Yes

The respondent:

- Is not to enter or remain in any place where I am living
- Is not to come within (specify distance in metres) of any place where I am living
- Is not to approach within (specify distance in metres) of me
- Is not to enter or remain in any place where I am living except for contact with our child/children as per written agreement or in accordance with a family court order
- Is to vacate the premises where we live or used to live together at (insert address)

(The court may allow the respondent to return to the home and recover property. The court may also specify how much time the respondent has to collect that property).

- Is not to come to my work place at (insert address)

- Is not to come to any place where I may work

- Is not to approach or remain in any place where my relatives or associates listed in the order are living or staying or working (list names and places)

Is not to be present at or in a place associated with any of my children (for example child care centre) (list places)

Is not to contact, try to contact or ask someone else to contact me directly or indirectly (by telephone or any other means of communication)

Is not to contact, try to contact or ask someone else to contact my relatives or associates listed in the order directly or indirectly (by telephone or any other means of communication)

Is not to contact, try to contact or ask someone else to contact me directly or indirectly (by telephone or any other means of communication) except for contact with our child/children as per written agreement or in accordance with a family court order

Is not to locate or try to locate or ask someone else to locate me or my relatives or associates listed in the order

Is to return my essential personal property listed below

Is to allow me to return to our former home to recover my essential personal property listed below

clothing and personal items for myself, (clothes, jewellery, birth certificates)
--

Please list any other conditions, or exceptions

Please note that if circumstances change and you want to recommence contact with the respondent you will need to make another application to vary your protection order and remove any conditions that prevent the respondent from having contact with you or approaching you.

Application about a tenancy

27. 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 make an application for a protection 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 the respondent's name or your 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 for a protection order, you need to complete and lodge a separate form with the Clerk of the Magistrates Court at the same time that the protection order application is lodged.

Court Process

28. Does the aggrieved request that a Police Officer represent 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 an authorised person 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.

A copy of this application and summons must be served on the respondent. 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.

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 protection order against the respondent named in this application.

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: [Signature]

Signed at: (city or town) TOWNSVILLE

Date: (signature of witness) 12 OCTOBER 2011

Before me: [Signature] JP (QUAL)

Witness name: (please print) MICHAEL JAMES DUGGAN



Summons

To MICHAEL JAMES WATTER
of 22 OLDENBURG PLACE, KELSO, QLD, 4815

This application constitutes a summons and you, the respondent, are hereby directed to appear before the Magistrates Court at:

Place: TONNSVILLE

Court No: 3

Date: WEDNESDAY, 26TH OCTOBER 2011 (for mention)

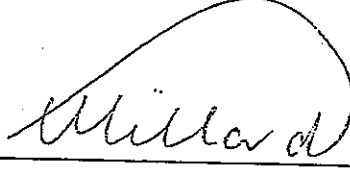
Time: 10:30AM

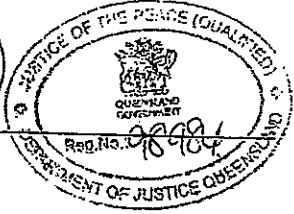
so that you may be heard on the matter of the making of a protection order.

A copy of the application is attached.

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

- (a) proceed to hear and determine the matter in your absence; or
- (b) if, 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 with the within SUMMONS AND A COPY OF THE APPLICATION by:

*a) delivering the SUMMONS AND A COPY OF THE APPLICATION to the respondent personally at:

(place)

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

(name)

for the respondent at: _____
(place)

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

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 within-named parent of the aggrieved with the within SUMMONS AND COPY OF THE APPLICATION by:

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

(place)

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

(name)

for the within-named parent of the aggrieved at: _____
(place)

*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: _____
(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.

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 within-named parent of the respondent with the within SUMMONS AND COPY OF THE APPLICATION by:

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

(place)

b) leaving a copy of the SUMMONS 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.

STATEMENT FOR A DOMESTIC VIOLENCE ORDER

Statement of: Catherine Lee Watter

Date: 11/10/11

I can be contacted at: 1155 Riverway Drive, Rasmussen Qld 4815

Michael James Watter and I have been married since 24 March 2000. We have twins, Bronte and Isabella both aged 4 years. We separated on 14 August 2011. We attempted mediation at the Dispute Resolution Centre but this was not successful. I am now in the process of getting legal assistance for custody and property matters. The girls and I moved out on 21 August 2011 due to domestic violence happening in the home. Michael has used verbal abuse, emotional abuse, financial abuse and wilful damage to frighten and control me. I believe that if I do not have a domestic violence protection order in place Michael may continue his domestic violence.

19A

Saturday 8/10/11. Intimidation and Harassment

Friends of Michael called Steven and Sheree Heilbronn, came to the home of my parents where I am also living. They told my parents personal information about my life. My parents were devastated for me and traumatised by what they were told. My father is 76 years of age and is not in good health. My mother who is 70 years of age and who has recently come out of hospital due to a serious operation, was extremely upset also. Michael and I had discussed this personal matter in confidence when we were married. It related to sexual abuse against me. These friends had also threatened me by text previously on 15/09/11, stating they were going to tell my parents this information. They also said they would send emails to everyone about my personal life and they said they would tell the Department of Communities. I believe that Michael had encouraged them to do this because he has stated that he has every right to tell people about my personal life as it affects him. He stated it would improve his chances of getting custody of the girls.

19B

Mid 2011. Intimidation and Harassment

Michael had been playing sport. He came home and was abusing me by calling me a "rude fucking bitch" for being rude to his friends, Steven and Sheree, and Laura and Juan. He stated I deliberately stayed home with the girls when they sick instead of going to visit his friends.

As well as that he mentioned when we went to Cairns with friends for the weekend. All the way to Cairns Michael was angry and abusive. He was calling me names such as "stupid bitch". He was telling both me and girls that we had to be totally silent on the way up, so that he could make work calls. When we arrived he told me that he had explained to his friends that I was upset with them because of the type of room that had been booked by them. This was a lie. He also told me that I was rude because I did not go to their room drinking and leave the girls alone in our hotel room. I could not do that because I felt it was not keeping the girls safe. I felt degraded and upset and believed it was unfair that I be abused for protecting my children.

Christmas and New Year 2010. Wilful Damage

Michael punched the wall at his work that he owns. I was there at the time. I was sitting at a desk. He started shouting at me and called me a "stupid fucking bitch" and then "dumb bitch" and then he walked just past me and punched the wall right behind my head. There was a large hole in the wall that had to be fixed by a plasterer. ~~Because I was doing~~ the accounts he said he was angry at the explanation I was giving him for the accounting figures for his business. I was terrified when he hit the wall beside me because I thought I would be next.

September 2009 Intimidation and Harassment

I attended Victims of Crime counselling at Relationships Australia and it was due to domestic violence. Michael attended three times, then refused to attend because he stated the counsellor was biased against him. The Counsellor had questioned him about his aggressive behaviour. Michael stated he was not aggressive and told the counsellor that punching a hole in the wall was not aggressive and told the counsellor to get a dictionary. I continued to attend and I am still attending to this date. I felt that Michael was not interested in changing his behaviour.

April 2009. Intimidation and Harassment

We were at Kelso in the house that Michael is now living in and that I had to leave. The girls were sick and he was abusing me and blaming me because he felt it was my fault that they were sick. The girls had been premature at birth and it took about 14 months to identify why they were continually ill due to allergies. Due to his screaming and swearing at me and his physical presence, I ended up locking myself and girls in the main bedroom to keep us all safe.

March 2006. Indecent Behaviour

We were at Rasmussen house-sitting. Michael became angry again. This was about sex. He stated I was not doing my part of the sex act correctly. He was demanding I perform acts on him that I was extremely uncomfortable performing. Michael was walking towards me and I left the bedroom and he followed me and he continued to scream at me while I walked away. I moved to the other end of the house and I ended up in the corner, half naked, while he continued to abuse me. The abuse lasted for about 20 minutes although it seemed much longer. He had come from work and then returned to work. This left me feeling degraded and harassed by Michael.

2002. Intimidation and Harassment

We were at Gordon Park. I was painting a wall in a house I was renovating and we were living in. He came in and abused me because he said I was trying to make him feel lazy because he was watching television while I was working. His face was bright red and he was standing in front of me and as he was yelling spit came out of this mouth at me.

2001. Intimidation and Harassment

We were in Canberra. Michael got angry and was screaming at me because I would not watch him play a cricket game. There was a lot of swearing and he was standing over me and I was hiding in between a chest of drawers and a filing cabinet. I was crying and very distressed at the time and I had my hands up over my head because I was frightened he was going to hit me.

Throughout the Relationship. Intimidation and Harassment

Michael grabbed Isabella and squeezed her in his arms so hard that she was screaming and crying and begging for me to take her. Michael refused to release her. He was punishing her at the time for trying to protect me.

Michael has driven recklessly in his car on numerous occasions. He speeds a lot while we are in the car, and he gets angry. If I asked him to slow down he would drive faster. I am terrified when I drive with him and he does this. I have numerous examples of this type of behaviour. On one occasion I laid the seat back down so that I could not see what was happening and he stated that it would my fault if we had a crash.

Michael constantly put me down and told me I was stupid, that I did not know anything, that I did not do anything right, that I did not have any friends, that I needed to get a life. If I was not doing exactly what he wanted me to do he would say I was not supportive of him. Even though I was working for free in his business doing administration and accounts and was looking after two sick babies, who used to stop breathing, Michael told me I needed to get another job because I was not earning enough money. I did this to make him happy on three occasions and each time I had to resign because Michael felt it impacted on my ability to support him in his business. I could not put up with his controlling behaviour and felt I needed to do what he wanted me to do and leave the jobs to prevent more abuse.

Michael was continually screaming and swearing at me and demeaning me on almost a daily basis during the marriage and prior to the marriage. When the children got a little bit older and tried to beg him to stop he would then turn on them and scream at them also. They have stated they are happy that they have now moved out of the "scary house where Daddy shouted".

19C

I have never stopped Michael from seeing his daughters and he is currently seeing them twice a week. I have also arranged for activities to include Michael. I also ensure that they ring him every night. However, when Michael collects the girls he is often still angry and the children have become hysterical when he is around and starts to show his anger. I fear that he will abuse me also and I am emotionally distressed due to his verbal abuse and emotional abuse. All I want is for him to be kind and not angry but I understand that he will not do this because he uses his anger as a form of power and control to get what he wants. I feel the only way to protect myself and girls is to get some form of domestic violence order so that Michael will stop being so abusive. I would also like to protect my elderly parents who have been subjected to emotional harm.

- The respondent must be of good behaviour towards the aggrieved and must not commit domestic violence; and
- The respondent must be of good behaviour towards any named person in this order and not commit an act of associated domestic violence against the named person.

Arthur Doubleday; Heather Doubleday; Bronte & Isabella Watter.

- Is not to enter or remain in any place where I am living except for contact with our child/children as per written agreement or in accordance with a family court order
- Is not to come to any place where I may work.
- Is not to contact, try to contact or ask someone else to contact me directly or indirectly (by telephone or any other means of communication) except for contact with our child/children as per written agreement or in accordance with a family court order
- Is to allow me to return to our former home in the company of a police officer to recover my essential personal property listed below

I make this solemn declaration by virtue of the provisions of the Oaths Act 1967-1981 that: -

(1) This written statement by me dated 11/10/11 and contained in the forgoing page/s numbered, is true and correct to the best of my knowledge and belief;

and

(2) I make it knowing that, if it were admitted as evidence, I would be liable to Prosecution if I stated in it anything that I know to be false.

Walt

(Aggrieved)

Taken and declared before me at Townsville this 12th October, 2011

Witness:

Maria James
(Justice of the Peace)

MARIA JAMES Justice

