



ALS

Aboriginal Legal Service (NSW/ACT) Limited

Getting an AVO

- Information for people in need of protection -

WHAT IS AN AVO?

You may need an AVO to protect you if someone has hurt you, you are scared someone will hurt you, or someone is harassing, intimidating or stalking you.

An AVO is an order made by the court telling a person they must not do certain things that make you fear for your safety.

An AVO is not a criminal charge. It is an order for your future protection and sets out conditions on what the person can and can't do.

WHAT CONDITIONS CAN BE PUT IN AN AVO?

The conditions of an AVO are the restrictions placed on a person. If an AVO is made, three conditions apply automatically:

- Must not assault, molest, harass or threaten.
- Must not intimidate.
- Must not stalk.

Other conditions can include:

- Stopping them from approaching you.
- Stopping them from coming near you after they have been drinking alcohol or taking drugs.
- Stopping them from going near where you live and work.
- Stopping their access to firearms.
- Any other condition which suits the situation.

CAN AN AVO INCLUDE MY KIDS?

Yes. An AVO can include your kids and other members of your family.

CAN WE STILL LIVE TOGETHER?

Yes. You can have an AVO that protects you but still lets you live together. The AVO just stops the person doing the things you are afraid of.

BREACH OF THE AVO

If an AVO is made and the person does something they are not allowed to do, they are breaking the AVO. This is called a breach and it is a criminal offence.

If this happens you should report it to the police who will investigate and bring them to court. If the court finds them guilty they may have to pay a fine or go to jail.



How to get an AVO

Information for people in need of protection

THERE ARE TWO TYPES OF AVO'S

1. Apprehended Domestic Violence Order (ADVO)

This is made when the people involved are in a domestic relationship. This means you are:

- Family
- Married or in a relationship
- In a close personal relationship
- Living in the same house
- Extended family or kin

2. Apprehended Personal Violence Order (APVO)

This is made for all other relationships. These can include:

- Neighbours
- Stalkers
- People you work with

HOW CAN I GET AN AVO?

There are two ways you can get an AVO:

1. The Police can apply for you

A police application can be made when:

- You go to the Police Station **OR**
- After the police have attended an incident **OR**
- You are under 16

You need to give the police as much information as possible. After the police make the application they will give a copy to the person you are afraid of.

The application will tell that person when they have to go to court. You will also have to go to court on that day.

2. You can apply by going to the Local Court

You can make an application at the Local Court by:

- Going to the court office and asking for help.
- You need to fill out an application and give as much information as possible.
- The court will then notify the police who will give a copy to the person you are afraid of.
- The application will tell that person when they have to go to court.
- You will also have to go to court on that day.

INFORMATION TO GIVE WHEN APPLYING FOR AN AVO

- Name and address of the person you want to be protected from.
- How you know the person (eg. husband, family friend).
- How long you have known the person.
- The names of other people you want protected.
- Details of the events that have made you afraid.
- Any property they have damaged.
- Any medical reports or injuries caused by the person you are afraid of.

DO I HAVE TO GO TO COURT?

Yes. You must go to court.

You may see the person you are afraid of at court but you do not have to speak to them. Most courts have a support worker and a safe area for women to wait.

WHAT IF I CHANGE MY MIND?

If you no longer fear for your safety, you can withdraw your application. You may need to give reasons why you want to withdraw.

If the police applied for you, you may not be able to withdraw if your kids are involved or where they believe the person will be violent towards you.

If you do withdraw and the violence happens again you can come back to court and re-apply.

It is a good idea to get advice before withdrawing the application.

HOW LONG DOES AN AVO LAST?

The AVO will last for a period of time decided by the court.

The period of time will depend on what the Court thinks is necessary to protect you. It could be 6 months, 12 months or 2 years. **Most AVO's last for 12 months.**

Before that period ends, you can apply for an extension of the AVO if you still have reasonable fear of that person.

WHERE TO GET HELP AND INFORMATION

Wirringa Baiya Aboriginal Women's Legal Centre

Free legal advice to Aboriginal women
Call 1800 686 587 or (02) 9569 3847

Womens Legal Services

Domestic Violence Advice Line
Call 1800 810 784 or (02) 8745 6999

Community Legal Centres

Free legal advice. To find your nearest centre
Call (02) 9212 7333

Law Access NSW

Free legal help over the phone
Call 1300 888 529

Legal Aid NSW

For free legal help over the phone
Call 1300 888 529

Aboriginal Legal Service (NSW/ACT)

Free information and referral for Aboriginal men, women and children. To find your nearest office
Call 1800 765 767 or 1800 733 233