



ALS

Aboriginal Legal Service (NSW/ACT) Limited

Receiving an AVO

- Information for people who have an AVO taken out against them -

WHAT IS AN AVO?

AVO's are orders that a court makes to protect people who fear for their safety.

An AVO is not a criminal charge. It is an order stopping a person from doing things that make another person afraid.

If you have an AVO against you, you must obey the AVO.

CAN AN AVO INCLUDE MY KIDS?

Yes. An AVO can include your kids.

Having an AVO against you may affect your ability to spend time with your kids. It is possible that any existing Family Law Orders or Care and Protection Orders you have for spending time with your kids will be changed or suspended.

If you have kids with the person asking for the AVO, it is very important that you get legal advice. Your lawyer may advise you not to agree to an AVO that includes your kids.

WHAT CONDITIONS CAN BE PUT IN AN AVO?

The conditions of the AVO are the restrictions placed on a person.

If an AVO is made, three conditions apply automatically:

- You must not assault, molest, harass or threaten.
- You must not intimidate.
- You must not stalk.

Other conditions can include:

- Stopping you from approaching a person.
- Stopping you from going near a person after drinking alcohol or taking drugs.
- Stopping you from going near where they live and work.
- Stopping your access to firearms.
- Any other condition which suits the situation.

THERE ARE TWO TYPES OF AVO's:

ADVO

Apprehended Domestic Violence Order

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

This means they are:

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

APVO

Apprehended Personal Violence Order

This is made for all other relationships.

These can include:

- Neighbours
- Stalkers
- People you work with

you got an AVO...

Information for defendants - people who have an AVO taken out against them

HOW IS AN AVO APPLICATION MADE AGAINST ME?

An AVO application is made by the Police or the person who wants protection.

Once an application is made, you will be given a copy of the application. This will tell you when you have to go to court.

DO I HAVE TO GO TO COURT?

Yes. You must go to court. If you do not go to court, an AVO can be made against you, without you being there.

WHAT CAN I DO AT COURT?

At the first date at court, you have two choices:

1. Agree to the AVO

- If you agree, the AVO will start immediately.
- If you agree, you do not need to come back to court unless you breach the AVO.
- You should carefully consider the consequences of agreeing to an AVO especially if you disagree with any of the allegations in the application.

2. Not Agree to the AVO

- If you do not agree that the AVO should be made, the court will set a date for hearing.
- At the hearing you will present reasons and evidence why there should not be an AVO. The person asking for protection will also present evidence.

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 the person. It could be 6 months, 12 months or 2 years. **Most AVO's last for 12 months.**

You must obey the AVO until the period of time ends.

WHAT ARE THE CONSEQUENCES OF AN AVO BEING MADE?

- An AVO is not a criminal offence. You will not get a criminal record if an AVO is made.
- The police will keep a record of the AVO.
- If you have any firearms you must give them to the police. Your licence to own a firearm will be suspended or cancelled.
- You cannot be given a new firearm licence until 10 years after the AVO has ended.
- You may not be able to apply for jobs where a security check is required.

WHAT HAPPENS IF I BREACH THE AVO?

If an AVO is made and you do something you are not allowed to do, you are breaking the AVO.

This is called a breach and it is a criminal offence.

If this happens you may be reported to the police who will investigate and bring you to court.

If you are found guilty you will get a criminal record and you may have to pay a fine or go to jail.

The maximum penalty for breaking an AVO is a fine of \$5,500 and/or up to two years in prison.

Unless the court otherwise orders, a person who is convicted of breaching an AVO must be sentenced to a term of imprisonment if the offence was an act of violence against a person.

www.alsnswact.org.au

Where to Get Help and Information WHEN AN AVO IS BEING MADE AGAINST YOU

Community Legal Centres

Free legal advice. To find your nearest centre

Call 9212 7333

Law Access NSW

For free legal help over the phone

Call 1300 888 529

Aboriginal Legal Service (NSW/ACT), Legal Aid NSW and Legal Aid ACT are NOT AVAILABLE to represent people when an AVO is being made against them, unless there are exceptional circumstances.

Where to Get Help and Information WHEN YOU BREACH THE AVO

Aboriginal Legal Service (NSW/ACT)

ALS represents defendants when they have breached an AVO. For legal assistance

Call 02 8303 6600 or 1800 765 767

Community Legal Centres

Free legal advice. To find your nearest centre

Call 02 9212 7333

Legal Aid NSW

For free legal help over the phone

Call 1300 888 529