



Apprehended Violence Orders

Some of the most commonly asked questions about Apprehended Violence Orders are discussed on this page.

1. What types of Apprehended Violence Orders are there?

There are two types of Apprehended Violence Orders; an Apprehended Domestic Violence Order and an Apprehended Personal Violence Order. We shall refer to these as Apprehended Violence Orders (AVOs).

AVOs are Orders that a Court makes to protect people. AVOs protect people by ordering Defendants not to do specific things. An AVO lists a number of things that the Defendant must not do, for example, not molesting, harassing or otherwise interfering with a person in need of protection (PINOP), not stalking the PINOP, not attending the PINOP's home or sometimes being restrained from going within a certain radius of the PINOP's home or the address of where the PINOP works.

2. What is an Apprehended Violence Order (AVO)?

AVO's are Orders that a Court makes to protect people. AVO's protect people by ordering Defendants not to do specific things. An AVO lists a number of things that the Defendant must not do.

3. What happens if a defendant disobeys an AVO?

It is a crime to disobey an AVO. If the Defendant disobeys any of the orders in the AVO, the Defendant may be arrested, charged and imprisoned.

4. Can the AVO be changed or cancelled?

An individual can apply to a Court to change the Orders in the AVO, extend the period of the AVO or cancel the AVO. The Application can be made to a Court by either the person in need of protection, the Defendant or a Police Officer.

5. Can the defendant appeal against the AVO?

AVO's are generally heard in the Local Court and a Defendant has the right to appeal to the District Court against an AVO being made. Any Appeal must occur within twenty eight (28) days of the original orders being set down.

6. How does the system work?

Generally, when a complaint is sworn for an AVO the Defendant will be served with a copy of the complaint. At the first return date at the Local Court the Defendant may:-

- (a) Consent to the Orders being sought on or without admissions basis;



- (b) Decline to agree to an Order being made, however may give an Undertaking to the Court (which is not an Order); or
- (c) Seek to have the matter listed for a Hearing to show cause why the Orders should be made.

At the first return date of the AVO if the matter is adjourned or listed for a Hearing to show cause why the Orders should be made, Interim Orders may be made pending the Hearing for further mentioning of the matter.

If the matter is listed for a Hearing to show cause why the Orders should be made the matter will proceed like any other Hearing. Evidence may be called by both sides. The Magistrate will then make a determination as to whether on the balance of probabilities it is appropriate to make an Order in favour of the PINOP."

If you would like further information, or require assistance, please contact us on (02) 4731 5899 or send us an email by clicking on the 'Contact Us' page on our website.