

# Apprehended Violence Orders

## Quick Facts

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### What is an Apprehended Violence Order (AVO)?

An Apprehended Violence Order (AVO) is an order that a court or police can make to **protect victims or people fearful of violence** by putting conditions on another individual's movement and/or behaviour. A person seeking an AVO is known as the 'protected person'. The person who the AVO is taken out against is known as the 'defendant'. There are two types of AVOs:

- an Apprehended Domestic Violence Orders (ADVO), and
- an Apprehended Personal Violence Orders (APVO).

### What is an Apprehended Domestic Violence Order (ADVO)?

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An ADVO is the order used when the defendant and protected person are in a domestic relationship. A domestic relationship can include when the parties are married, related, in an intimate relationship (including an ex-partner), are living or were living in the same home.

In an ADVO, children of the protected person are automatically included in the protection order.



### 3 What is an Apprehended Personal Violence Order (APVO)?

An APVO is used in circumstances where the parties are not (and never have been) in a domestic relationship. Another key difference is that a court will usually require the parties to mediate prior to ordering an APVO. By contrast, an ADVO does not require the parties to mediate.

### Why would I apply for an AVO? 4



You can apply for an AVO where you have experienced or have been threatened with violence. You can also apply for an AVO if you have been intimidated, harassed, molested or stalked by someone else. It is also possible to apply for an AVO if your property has been damaged or someone has threatened to damage your property (including threats or actual harm to animals / pets you own). When applying for an AVO, usually it must be shown that you actually fear another person will be violent towards you and that the fear is reasonable. Applying for an AVO is free.

### 5 How do I apply for an AVO?

You can make an AVO application **privately** (by yourself or through a lawyer) **or through the police** who can file an application on your behalf. If you make an application privately, you will usually need to provide statements and/or evidence to support your application which you can then file in court. More information on the process can be found [here](#). If police apply for the order, the police will file the application in court and you will be provided with a date and time to attend court. More information on the process can be found [here](#).

## What are some examples of conditions placed by AVOs?

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An AVO can order a range of conditions on a defendant depending on what the court considers to be 'necessary or desirable' for the protection of the protected person/s. For example, an AVO may provide a geographical restriction, such as the defendant being prohibited from being within 100 metres of the protected person. It may state that the defendant is prohibited from interacting with the protected person on social media, or that the defendant cannot connect with the protected person if they have been drinking or under the influence of drugs.

**Every AVO has three standard conditions** prohibiting the defendant from stalking; intimidating; or assaulting, molesting, harassing, threatening or interfering with the protected person.

## 7 Will having an AVO give me a criminal record?



No, having an AVO against you is not a criminal charge. While it will not be revealed on a national police check, it can impact your ability to obtain or maintain a Working With Children Clearance check. Though an AVO itself is not a criminal charge, **breaching** the conditions of an AVO can result in criminal charges.

## 8 What are the consequences for breaching an AVO?

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Breaching an AVO is a serious offence and results in a criminal conviction. Breaching the conditions of an AVO can result in a fine of \$5,500 and/or up to 2 years in prison.

## 9 Where can I get more information and help?

[Legal Aid NSW](#)

[Family Violence Law Help](#)

[1800RESPECT](#)

[LawAccess NSW: T. 1300 888 529](#)

[Find your local Community Legal Centre](#)

[NSW Police](#)



### Western Sydney University Justice Clinic

For further details on the WSU Justice Clinic, please visit the [website](#).

If you are a WSU student, you may like to contact the [WSU Student Legal Service](#) at [studentlegalservices@westernsydney.edu.au](mailto:studentlegalservices@westernsydney.edu.au) for more guidance.

DISCLAIMER: This fact sheet is intended to be used as a general guide only. You should not rely on this fact sheet without getting legal advice about your own situation.