

# What is an AVO?

An Apprehended Violence Order (AVO) is a written order made by a court that places restrictions on the behaviour and movements of a person (the Defendant) who has caused another person (the Protected Person) to fear for their safety.

## Who does an AVO protect?

The person protected by the AVO is known as the 'Protected Person'.

An AVO can be customised to suit the circumstances of the Protected Person (for example, the Defendant may be prohibited from contacting or approaching the Protected Person, at home or at work). This will help ensure the best possible protection for them and any other person named as a Protected Person on the AVO.

## There are two types of AVOs

### **Apprehended Domestic Violence Order (ADVO)**

An ADVO applies when the Defendant and Protected Person(s) are in a domestic relationship. For example, married people, de facto couples, people who live in the same household, or family.

### **Apprehended Personal Violence Order (APVO)**

An APVO applies when the Defendant and the Protected Person/s are not related and do not have a domestic or intimate relationship. For example, the Defendant and the Protected Person(s) may be neighbours, customers or clients, friends or work colleagues.

## What are the consequences for the Defendant of an AVO?

A Defendant named in an AVO does not receive a criminal record. That is because an AVO is a civil order, not a criminal conviction.

In some cases, criminal charges might also be made against the Defendant. An AVO can be issued with or without related criminal charges. For example, the Defendant may be charged with assault, property damage, stalking or intimidation charges.

If the Defendant does not follow the restrictions listed in the AVO, that is a breach of the AVO. Any breach of an AVO is a serious criminal offence.

Police will keep details of the AVO on their database so they know if the Defendant is following the restrictions in the AVO.

When an AVO is issued, police will take away (seize) any firearms the Defendant may have. If the Defendant has a firearms licence, it will be automatically cancelled for 10 years.

## Who can apply for an AVO?

The police can apply for an AVO to protect someone. You can also apply for an AVO yourself if another person has made you fear for your safety.

### The Police can apply for an AVO when:

- the police become aware of an incident of violence
- there is a person who has experienced or been threatened with violence who fears for their safety
- the police believe that the violence will continue.

The police have a duty to apply for an AVO in certain circumstances. Only police can apply for an AVO to protect someone under 16.

### Any person over 16 years old can apply for a private AVO.

If you apply for an AVO yourself, this is known as a 'private AVO'.

[Find out more about private AVOs through Law Access NSW.](#)

**Disclaimer:** This factsheet gives general information only. It is not legal advice. If you have a legal problem, always get advice from a lawyer. This information only applies in New South Wales.

Information accurate as of April 2022.

## When do the courts issue the 'Final AVO'?

A Final AVO is issued by the court if the application for an AVO is successful.

- At the final Hearing of the AVO, the Court may make a Final AVO if it decides that:
  - the Protected Person has actual fears for their safety; and
  - there are reasonable grounds for those fears.
- A Final AVO can also be made if the Defendant consents to it.
- The court **must** make a Final AVO if the Defendant is found guilty of charges relating to a "serious offence".
- If the Defendant is found not guilty of the criminal charges, the Court can still make a Final AVO.

## Where to get support:

### South West Sydney Legal Centre

**Phone:** (02) 9601 7777

**Email:** info@swslc.org.au

**Open hours:** Mon - Fri, 9 am - 5 pm

### Free legal advice over the phone:

- Monday, 10 am - 2 pm
- Tuesday, 10 am - 2pm
- Thursday, 10 am - 2 pm

**LawAccess NSW** - Legal assistance and referral over the phone for AVO applicants and defendants. Victims of domestic violence are priority customers for advice: 1300 888 529

**1800 RESPECT** or 1800 737 732 - Counselling, information and referral. Available 24/7.