

Taking out an Apprehended Violence Order (AVO)



International
Students Legal
Service

This Fact Sheet explains what an AVO is and how you can get one if you fear violence, intimidation, harassment or stalking.

What is an AVO?

An Apprehended Violence Order (AVO) is a court order made against a person to protect another person who fears violence, intimidation, harassment or stalking.

The person who the AVO is made against is called the Defendant.

The person who is protected by the AVO is called the PINOP (Person In Need of Protection).

An AVO is not automatically a criminal conviction. However, breaching an AVO is a criminal offence.

Types of AVOs

There are two types of AVOs:

- Apprehended Domestic Violence Order (ADVO) – this applies where there is a domestic relationship, for example:
 - current or former partners
 - family members
 - people living in the same household
 - people who have a child together
- Apprehended Personal Violence Order (APVO) – this applies where there is no domestic relationship, for example:
 - neighbours
 - classmates

- coworkers
- strangers

What an AVO can do

Conditions of an AVO generally require the Defendant not to:

- Assault, threaten, stalk or harass you
- Approach or contact you by phone, text message or social media
- Come near your home, work or study location
- Damage your property
- Try to locate you
- Possess firearms or weapons

The court can also include extra conditions to protect you.

How to Apply for an AVO

You have two main options to get an AVO to protect you:

1. Go to your local Police Station:

You can ask the police to apply for an AVO on your behalf.

If Police believe you have a reasonable fear of violence, intimidation, harassment or stalking, they can make the application for you.

Taking Out an Apprehended Violence Order (AVO)

2. Apply for an AVO yourself:

If the police decide not to apply for an AVO, you can apply yourself.

You can get the Application Forms from your Local Court registry.

It's a good idea to get legal advice first before applying on your own, so you understand the process, risks and what evidence you need.

Retaliatory or Cross-Applications

Sometimes, a person who has an AVO application made against them responds by making their own AVO application against the other person (a cross-application).

This can happen in situations where:

- both people say they are afraid of each other
- there has been an argument or ongoing conflict
- one person is trying to respond to or challenge the original application

For international students, cross-applications can be especially complicated and risky, because both applications may be considered in visa decisions, even if no criminal charges are laid.

If a cross-application AVO is made against you, get legal advice immediately.

A lawyer can help you:

- understand your options
- decide whether to agree to or defend the application
- avoid making decisions that could affect your visa

If You Are on a Temporary Visa

If you apply for an AVO as the protected person, this will not automatically affect your visa.

However, if you are on a dependent visa you will likely need to inform the Department of Home Affairs that:

- your relationship has ended, and
- family violence has occurred.

You may still be able to continue your visa under the family violence provisions. To do this, you will need:

- evidence of your relationship,
- evidence of the violence (such as an ADVO or APVO), and
- the relevant forms required by Home Affairs.

Get legal advice about your specific visa situation to understand your options.

Legal Advice

You can obtain information, advice and assistance from:

3. Redfern Legal Centre

www.rlc.org.au/contact
9698 7277

4. LawAccess NSW

www.lawaccess.nsw.gov.au
1300 888 528

5. Fair Work Ombudsman

www.fairwork.gov.au/contact-us
13 13 94

If you need an interpreter, call 131 450.

This fact sheet is for information only and is not legal advice.