Domestic & Family Violence

NSW POLICE FORCE IS COMMITTED TO THE PROTECTION OF VICTIMS OF DOMESTIC & FAMILY VIOLENCE AND WILL ARREST PEOPLE WHO COMMIT DOMESTIC & FAMILY VIOLENCE OFFENCES.

Domestic & Family Violence is a shameful crime that erodes the safety, security and happiness of too many families across NSW.

What is Domestic & Family Violence?

A Domestic & Family violence offence means a personal violence offence committed by a person against another person with whom the person who commits the offence has or has had a domestic relationship.

Domestic & Family Violence involves patterns of behaviour that include: physical and or sexual assault, verbal abuse and insults, social isolation, economic deprivation, emotional abuse, threats and intimidation, harassment and stalking. Generally speaking victims of Domestic & Family Violence are usually female, while perpetrators are male. This does not however preclude domestic violence occurring within same sex or other domestic relationships.

It is not limited to criminal assault. It includes fear and intimidation experienced by many people, mainly women and children, because of actions by someone close to them.

The person who commits an act of Domestic & Family Violence may be a:

- **spouse**
- **partner or ex-partner**
- **de facto**
- **family member**
- **carer or person living in the same household**

No person has the right to do any of these things to you. There are no excuses for Domestic & Family Violence.

What can be done?

New South Wales law gives police and the courts the power to provide you with immediate protection, at any time, day or night. If you feel threatened or are worried about your family's safety **call Triple Zero (000).**

Police can arrest and charge the person who is violent or threatening towards you, or damages your property. They can make an application on your behalf for an Apprehended Domestic Violence Order (ADVO) to protect you from future threats and/or violence. Children and victims of Domestic & Family Violence have the right to live safely in their homes.

An ADVO is an order made by the court to protect you from future harm. This order can include an Exclusion Order which prohibits the abusive person from returning to the home. The ADVO restricts the behaviour of the person you fear – this person is referred to as the defendant.

Visit **www.police.nsw.gov.au** for further information on Domestic & Family Violence.

CRIME STOPPERS 1 800 333 000
www.crimestoppers.com.au

Police, Fire, Ambulance
Triple Zero (000)
In an emergency

Crime Stoppers
1800 333 000
Report crime anonymously

NSW Police Force

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Apprehended Domestic Violence Orders

What is an Apprehended Violence Order (AVO)?

An AVO is an order to protect you from violence, threats and harassment. There are two sorts of AVO's, Apprehended Domestic Violence Orders (ADVO's) and Apprehended Personal Violence Orders (APVO's).

An ADVO is an order made by the court to protect you from violence, threats and harassment from a spouse, de facto partner, ex partner, family member, carer or person living in the same household. APVO's are orders made by the court to protect you from violence, threats and harassment from anyone you are not in a domestic or family relationship with.

This fact sheet explains ADVO's only.

If you fear for your safety you can report your fears and experience of domestic violence to the police and police officers can apply for an ADVO on your behalf. Police Officers **MUST** apply for an ADVO if they suspect or believe that a domestic violence offence, child abuse offence or stalking/intimidation offence has been committed or is likely to be committed against you.

The ADVO restricts the behaviour of the person you fear (called the defendant) by placing conditions on the ADVO. These conditions can be:

- Not to assault, harass, threaten, stalk or intimidate you,
- Not to enter, remain on or access any premises you occupy or work in,
- Not to contact you directly or through a third party.

Other conditions can be included if necessary. The Court and NSW Police Force keep a record of the ADVO made by the Court and the conditions imposed.

It is important to keep a copy of your ADVO with you at all times. If the defendant does not obey the conditions in the ADVO, it is called a breach. Call the police if the defendant breaches any of the conditions of the ADVO. The police will investigate the breach and charge the defendant with a breach of the ADVO if there is enough evidence.

Only the court can change ADVO's. Make sure the conditions of the ADVO suit your particular circumstances. You or the police can apply to the court to change or delete the conditions or extend the ADVO before its expiry date, if you still fear the defendant.

Urgent Protection

A provisional order (or temporary) ADVO can be applied for if you need urgent protection. Police can apply for a provisional order for your immediate protection through an authorised Justice 24 hrs a day. It restricts a person's behaviour in order to protect you for a short time, until the matter can be heard in court.

Do ADVO's give defendants a criminal record?

No. The ADVO does not give the defendant a criminal record. The ADVO is recorded on the police computer system with an expiry date. A defendant who breaches the ADVO and is found guilty of that offence at court can be given a criminal record.

Do you need to go to court?

Yes. You need to go to court so that a Magistrate can decide whether to make the ADVO.

Will the defendant be told that an ADVO has been applied for?

Yes. In some circumstances police may be required to contact the defendant to make further inquiries. After police make the application, a summons will be issued from the court directing the defendant to go to court on a particular day to answer the complaint. Police will give the summons together with a copy of the complaint to the defendant.

Will the ADVO protect my children?

Children are affected by Domestic & Family Violence and should be protected. Your children can be included on your ADVO or a separate application can be made for your children.

A police officer is the only person who can apply for an Apprehended Violence Order for a child under 16 years. Anyone over 16 years of age can apply for an Apprehended Violence Order on his or her own behalf.

An ADVO can state that the defendant should not approach the children. However if a Family Law Parenting Order or Injunction is in place which allows the defendant contact with the children, this can override the conditions on an ADVO.

If there is a Family Law Order giving the defendant access to the children and you believe they are not safe, you need to see a Solicitor or contact the Family Law Court for advice.

Your day at court

The date you have to attend court is on the ADVO application. You may have questions about what happens at court and what you have to do. For assistance, contact the Domestic Violence Liaison Officer at your nearest police station who will be able to assist and direct you to other services.

For information you can also contact the Local Court, you will be attending. Most local courts also have a Domestic Violence Court Assistance service that will provide you with information and assistance on the day you go to court.

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How to report Domestic & Family Violence?

If you are in immediate danger call Triple Zero (000). When you call Triple Zero (000) an operator will ask you what service you require. Simply say 'Police', when you have been connected stay on the line and provide as much information to the operator as possible. If you're calling from a fixed phone and you need to leave for safety reasons, leave the phone off the hook.

Where there is no immediate danger and you would like to seek help or advice, contact your local police station. If you do not wish to speak to police in the first instance, then call the DoCS Domestic Violence Line , 24 hours a day, 7 days a week on 1800 656 463.

It is important when you speak to police you inform them of what has happened and explain any fears you may have. Tell the police if you think the person has possession of or access to a firearm or other weapons.

If you witness or have information relating to a Domestic & Family Violence incident, call Triple Zero (000) in an emergency. For non emergencies contact local police or Crime Stoppers on 1800 333 000. Crime Stoppers is a 24 hour service that allows you to report crime anonymously.

Support Services

NSW Police Force has over 100 dedicated Domestic Violence Liaison Officers (DVLO), who are specialists in dealing with Domestic and Family Violence issues.

Domestic Violence Liaison Officers can:

- Make sure you get the right information about the legal process relating to ADVOs
- Explain your rights and answer your questions
- Attend court with you
- Put you in touch with specialised local services as you require

Contacts 24 hours, 7 days a week

DoCS Domestic Violence Line
- Phone 1800 656 463 (toll free)
- TTY 1800 671 442*
- www.community.nsw.gov.au

Victims Support Line
- Sydney metro (02) 9374 3000
- Phone NSW 1800 633 063 (toll free)
- TTY 9374 3175*
- www.lawlink.nsw.gov.au

NSW Rape Crisis Centre
- Phone 1800 424 017
- www.nswrapecrisis.com.au

Women's Health Centres
- www.whnsw.asn.au

DoCS Helpline
- Phone 132 111
- TTY 1800 212 936*

Law Access NSW (9am – 5pm Mon to Fri)
- Phone 1300 888 529
- www.lawaccess.nsw.gov.au

*TTY (for callers with a hearing impairment).

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