

## DOMESTIC VIOLENCE AND AVO ISSUES FOR THOSE AFFECTED BY NATURAL DISASTERS

*This sheet provides information if you have an AVO for your protection and you are affected by recent natural disasters. It has information about AVO issues and will explain your legal rights and options. It also has the contact details of organisations that can help you.*

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

There are two types of AVOs, apprehended domestic violence orders (ADVOs) and apprehended personal violence orders (APVOs). An ADVO protects you from someone you have a domestic relationship with, such as your husband or wife, de facto partner, someone you have an intimate personal relationship with, someone living in the same household as you, your carer or someone you care for, or your relative. APVOs protect you from people you do not have a domestic relationship with, such as a neighbour or work colleague. Throughout this factsheet we will use the term AVOs to refer to ADVOs and APVOs collectively.

### **My AVO has been destroyed or lost. How do I get another copy?**

You can obtain another copy of your AVO from any Local Court. Just go to the Court counter and ask for one. They will need to know which Court made the order and the defendant's name and date of birth.

### **I have an AVO saying the defendant is not to approach me. If I have to go to an evacuation centre the defendant might be there as well. Will the AVO still protect me?**

Sometimes it is unavoidable that you come into contact with the defendant. It would not be a breach of the AVO if the defendant accidentally 'runs into' you. In an emergency, the defendant may not have any other option than to be in the same evacuation centre as you, particularly if you are from a small town. As soon as it becomes safe to do so, the defendant should leave.

All AVOs in NSW include orders 1a, b and c that say the defendant must not assault, threaten, stalk, harass or intimidate you, or destroy or damage any of your property. Even if it is unavoidable that you come into close contact, these orders still protect you and anyone in a domestic relationship with you. If the defendant does not obey those conditions you should

*Warning: This fact sheet only provides information and should not be relied on as legal advice.*

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report it to the police. If you cannot report to the police immediately you should write down what happened or what was said and where and when this took place. It is important to make a report of a breach as soon as possible after the breach. Please see below for further information on how to report a breach.

### **The defendant has breached my AVO. How do I report this to police?**

You can report a breach of your AVO in person at a police station, by telephoning a police station or calling triple 000 in an emergency.

If you go to a police station to report a breach of an AVO, police might record your report in a notebook. You should read this carefully, ask for any amendments to be made if it is incorrect and sign when you are happy with it. This should be recorded in the police computer system and you should request the 'Event Number' and the name of the Officer in Charge ('OIC'). You can also request to make a written statement about what happened and to speak with the Domestic Violence Liaison Officer ('DVLO'), or a female officer if preferred and available. Remember, you can take along a support person (a friend, family member or support worker) with you to the station to report the breach.

In an emergency, dial triple '000'. The details reported on the '000' number are always recorded. If you are out of range, have poor reception or can't unlock a keypad, try using the special emergency service mobile number '112' instead.

If you call your local police station, you can ask to speak to an on-duty officer to report a domestic violence offence. You may also be able to speak with the DVLO. To ensure the breach has been recorded, request the 'Event Number' and name of the OIC. You can also arrange a time to go into the station to make a statement to police or you can ask for an officer to come to see you.

### **I have an AVO that says the defendant is not to contact me. I need to ask the defendant to look after the children while I deal with my insurer, make alternate living arrangements, clean up and repair my property. Are either of us going to get into trouble?**

You cannot get into trouble for contacting the defendant but if the defendant contacts you the defendant would be in breach of the order. If possible, get someone else to call the defendant and make the arrangements so that the defendant is not in breach of the order. If the order prevents any contact with the children, including children named on the order, you will need to make an application to vary the AVO. More info on how to vary an AVO can be found below.

If there needs to be a longer-term change to your AVO, you can ask the police, or apply to a Local Court, to vary the order to remove the 'no contact' condition. You can leave the mandatory orders 1a, b and c on the order so the defendant cannot assault, threaten, stalk, harass or intimidate you, or destroy or damage any of your property and any other relevant orders.

Following a natural disaster, there can often be an increase in domestic violence. If you have an AVO but the defendant still makes you feel unsafe, you can also make an application to vary the AVO by lengthening it or changing the conditions on the order. You may wish to change the order to include conditions about how the defendant can have contact with you or the children,

preventing the defendant from living at or approaching certain locations (such as your home, your work or study place or your children's day care or school) or preventing the defendant from locating you or owning or possessing any firearms or prohibited weapons.

**I have an AVO that includes an order that the defendant not come within 100 metres of my home, and my home address was specified on the order. I have had to leave my home and I am staying with my parents. Can the defendant come near my parent's house?**

Generally, AVO orders in NSW about where the defendant cannot go, protect you at any place you live or work, even if the address is not stated or has changed since the making of the order, unless the order specifically only covers a particular address. For an AVO defendant to be found guilty of a breach of an AVO, it must be shown the defendant "knowingly" contravened a prohibition or restriction in the order. So, if the defendant doesn't know where you are living and approaches that address, the defendant may not be in breach of the order. However, once the defendant is aware of your address, if the defendant approaches the house address again, the defendant would be in breach of the order. It's important to report all breaches to the police even if you are not sure whether the defendant did it knowingly or not.

All AVOs include orders that the defendant not assault, threaten, stalk, harass or intimidate you, or destroy or damage any of your property. The defendant must still not do those things to you and/ or anyone in a domestic relationship with you.

## Where to get help

Domestic Violence Legal Service at Women's Legal Service NSW

Tel: 8745 6999 or 1800 810 784, <https://www.wlsnsw.org.au/>

LawAccess

Tel: 1300 888 529 between 9:00am to 5:00pm Monday to Friday

Community legal centres NSW

There are community legal centres across NSW. Listed below are the legal centres located in areas where fires and floods have recently occurred. You can find your closest legal centre using by visiting: [www.clcnsw.org.au/legal-help-nsw-bushfire-affected-communities](http://www.clcnsw.org.au/legal-help-nsw-bushfire-affected-communities)

- **Shoalcoast Community Legal Centre**  
Office in Nowra, with outreach services to Eden and Ulladulla.  
Phone: **1800 229 529**
- **Illawarra Legal Centre**  
Office in Moruya (near Bateman's Bay), with financial counselling and tenancy services available for people from the Illawarra down to the Victorian border.  
Phone: **4276 1939**
- **Mid North Coast Legal Centre**  
Offices in Port Macquarie and Coffs Harbour.  
Phone: **6580 2111**

- **Elizabeth Evatt Community Legal Centre**  
Office in Katoomba, with outreach services to Bathurst and Lithgow.  
Phone: **1300 363 967**
- **Northern Rivers Community Legal Centre**  
Office in Lismore, with outreach services to Casino, Grafton, Kyogle, Tweed Heads, Murwillumbah, and Pottsville.  
Phone: **6621 1000 or 1800 689 889**

Legal Aid Disaster Response Legal Service NSW

Tel: 1800 801 529

[www.legalaid.nsw.gov.au/get-legal-help/legal-help-for-victims-of-natural-disasters](http://www.legalaid.nsw.gov.au/get-legal-help/legal-help-for-victims-of-natural-disasters).

1800 Respect

Tel: 1800 737 732 (24 hours)

Interpreters – Translating and Interpreting Service (TIS)

Tel: 131 450 (24 hours)

Hearing Impairment – National Relay Service

Tel: 1800 555 630 (TTY service)

Lifeline

Tel: 13 11 14 (24 hours) [www.lifeline.org.au](http://www.lifeline.org.au)

Tel: 13 43 57 Lifeline Bushfire Recovery Helpline

Aboriginal Family Domestic Violence Hotline

Tel: 1800 019 123

Beyond Blue

Tel: 1300 224 636 (24 hours), [www.beyondblue.org.au](http://www.beyondblue.org.au)

Kids Helpline

Tel: 1800 55 1800 (24 hours), [www.kidshelpline.com.au](http://www.kidshelpline.com.au)

NSW Council of Social Service – Bushfire Relief Resource

[www.ncoss.org.au/capacity-building/sector-support/templates-and-resources/bushfire-relief-assistance-resource](http://www.ncoss.org.au/capacity-building/sector-support/templates-and-resources/bushfire-relief-assistance-resource)

Communities and Justice - Bushfire Housing Assistance Service

Tel: 1800 018 444, [www.dcj.nsw.gov.au/families-and-communities/bushfire-housing-assistance-service](http://www.dcj.nsw.gov.au/families-and-communities/bushfire-housing-assistance-service)