



# LAMONT LAWYERS

## WHAT IS AN AVO ?

An AVO is an Apprehended Violence Order. It is an order which is intended to protect victims of domestic violence. An AVO is not a criminal charge, however often there are associated charges which pertain to the same incident of complaint. An AVO prevents the defendant from behaving in certain ways, such as assaulting, contacting or going near the protected person. Contravening an AVO is a criminal offence.

## WHO APPLIES FOR AN AVO?

An individual can apply for an AVO or the police can make an application on someone else's behalf. This occurs by way of an application to the Local Court.

## WHEN CAN AN AVO BE MADE?

A Magistrate in the Local Court can make an AVO if a defendant consents to the order being made; or, if after a hearing of evidence an AVO is considered necessary for the protection of the person in need of protection. The court must make an AVO order if a defendant has been found guilty of a domestic violence offence.

## WHAT CAN I DO?

As the defendant of an AVO application you can either consent to the AVO being made or you can choose not to consent to the AVO being made. If you consent to the order you do not have to make admissions in respect to any of the allegations. Consenting to an AVO is not a decision to be made without considering the possible consequences of the orders duration and conditions. If you do not agree to an order being made then each

party is to file and serve on the other side a written statement of the evidence upon which they will rely at the future hearing. The court will set a timetable for this to occur. At the AVO hearing each party will have an opportunity to adduce their evidence and cross examine the other side.

Call our criminal law hotline on **1300 365 075**