

# Violence, Harassment or Intimidation

*If a neighbour is causing you distress or fear for your personal safety, you may apply for an apprehended violence order (AVO) from a Local Court.*

An AVO is an order made by a Local Court restricting the behaviour of the person you take the order out against. The purpose of an AVO is to protect you from violence, harassment or intimidation. An AVO usually states that a person cannot assault, harass, threaten, stalk, or intimidate you. Other orders can be included if necessary.

An AVO made where the people involved are not related is called an Apprehended Personal Violence Order (APVO), as opposed to an order made where the people involved are related (this is called an Apprehended Domestic Violence Order). If you seek an AVO against a neighbour, you can either go to the Police or make a private complaint.

If you are making a private complaint, you go to a local court and explain why you want an AVO to a Chamber Registrar. You will be required to swear an oath or make an affirmation about the truth of those reasons. The Chamber Registrar will then issue a summons requiring the defendant (the person you want the order taken out against) to go to court.

## LEGAL AID

Legal aid is not available for an APVO but you can get advice by speaking to the duty solicitor. Duty solicitors are private solicitors who provide a service to Local Courts on behalf of Legal Aid. See [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

## GOING TO COURT

At the hearing of your application, you and any witnesses you have will give evidence and can be questioned by the defendant or his or her solicitor. The defendant and his or her witnesses then give evidence and you or your lawyer (or the police prosecutor, if it is a police complaint) can question them. The Registrar will then make an AVO if either:

- a defendant consents to an AVO being made or
- evidence is heard and it is proved that the person in need of protection in fact fears violence or harassment or some other behaviour by the defendant that justifies an AVO being made and there are reasonable grounds for those fears.

If the court makes an AVO, the Registrar may tell the defendant to pay your costs in bringing the case to court. However, if the AVO is not made, the Registrar may tell you to pay the defendant's costs, but only if the defendant can convince the Registrar that your complaint was frivolous or vexatious.

When an AVO is made, the defendant will have to surrender any firearms he or she may have. If the defendant has a firearms licence, this is automatically revoked for a period of ten years.

## WHAT HAPPENS IF THE DEFENDANT BREACHES THE AVO?

If the defendant does anything the AVO prohibits, the police can then charge the defendant with breaching the AVO. You may have to go back to court if the defendant pleads not guilty, but you will not need a lawyer for this, as you are a witness for the police prosecutor.

## HOW LONG DOES THE AVO LAST?

The AVO will last for the period the court specifies. If the period of time isn't specified, the order lasts for 12 months. Usually it is for two or three years. Before that period ends, you can apply for an extension of time, as long as you still have a reasonable fear of the defendant. If circumstances change between you and the defendant when the AVO is still in force, and you no longer want the defendant's behaviour to be restricted, you can go back to court and change or cancel the AVO. Contact the Chamber Registrar about changing or cancelling an AVO.