



Its time to talk – It's Time to Talk Conference



Delivered by DVLO Officers
Senior Constable JORDAN - Bankstown LAC (19/5/15) &
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AVO's:

TWO TYPES:

- **NON URGENT** – also known as 'Application'
- **URGENT** – also known as 'Provisional' later as 'Interim'



AVO'S – (NON-URGENT) WHEN DO POLICE NEED TO APPLY?

Police **MUST** make an application for an AVO (non-urgent) if the investigating police suspect or believe:

- (i) a **DV offence**, or an **intimidation/stalking** offence has, is being or is imminent or likely to be committed; or
- (ii) an offence of **Child and Young person abuse** has, is being or is imminent or likely to be committed; or
- (iii) **proceedings** for the above offences have been commenced.

AVO'S – (URGENT) WHEN DO POLICE NEED TO APPLY?

Police **MUST** apply for a Provisional Order for an AVO (URGENT) if the investigating police suspect or believe:

- (i) a DV offence, or a intimidation/stalking offence has, is being or is imminent or likely to be committed; or
- (ii) an offence of Child and Young person abuse has, is being or is imminent or likely to be committed; or
- (iii) proceedings for the above offences have been commenced.

AND

An officer has good reason to believe an order needs to be made immediately to ensure the safety and protection of the victim or to prevent substantial damage to any property of the victim.

AVO MANDATORY ORDERS:

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1. a) The defendant must not assault, molest, harass, threaten or otherwise interfere with the protected person(s) or a person with whom the protected person(s) has/have a domestic relationship.
- b) The defendant must not engage in any other conduct that intimidates the protected person(s) or a person with whom the protected person(s) has/have a domestic relationship.
- c) The defendant must not stalk the protected person(s) or a person with whom the protected person(s) has/have a domestic relationship.

THE MANDATORY ORDERS ARE IDENTICAL IN EVERY AVO APPLICATION OR PROVISIONAL ORDER. THESE ARE THE MINIMUM CONDITIONS THAT WILL BE PLACED UPON A DEFENDANT.

MANDATORY ORDERS COVERS ANYONE THE VICTIM HAS A DOMESTIC RELATIONSHIP WITH – EVEN WHEN THEY ARE NOT LISTED ON THE AVO.

AVO Additional Orders:

POLICE MAY ALSO APPLY FOR ADDITIONAL ORDERS IF FURTHER PROTECTION OF THE VICTIM IS REQUIRED.

ADDITIONAL ORDERS: (tick applicable boxes)

2. The defendant must not reside at the premises at which the protected person(s) may from time to time reside, or other specified premises:

3. The defendant must not enter the premises at which the protected person(s) may from time to time reside or work, or other specified premises:

4. The defendant must not go within of the premises at which the protected person(s) may from time to time reside or work, other specified premises:

5. The defendant must not approach or contact the protected person(s) by any means whatsoever except through the defendant's legal representative or as agreed in writing or as permitted by an order or directions under the Family Law Act 1975, as to counselling, conciliation, or mediation.

6. The defendant must not approach or contact the protected person(s) by any means whatsoever except through the defendant's legal representative or as authorised by a current parenting order under the Family Law Act 1975.

7. The defendant must not approach or contact the protected person(s) by any means whatsoever, except through the defendant's legal representative.

8. The defendant must surrender all firearms and related licences to Police.

9. The defendant must not approach the school or other premises at which the protected person(s) may from time to time attend for the purposes of education or child care or other specified premises:

10. The defendant must not approach the protected person(s) or any such premises or place at which the protected person(s) from time to time reside or work within twelve (12) hours of consuming intoxicating liquor or illicit drugs.

11. The defendant must not destroy or deliberately damage or interfere with the property of the protected person(s)

Police issued ADVO's:

- As of May 27, 2014 there have been amendments made to the Crimes (Domestic & Personal Violence) Act 2007 to include:
 1. Police will have enhanced powers to **direct and detain defendants** at a police station or other location for the purpose of making an application and service of a Provisional order.
 2. Senior police officers (Sgt and above) will have the **power to determine applications** for provisional ADVOS.

Direction and Detention:

- **Purpose of directions & detention:**

These powers are to control the defendants movements in order to apply for and serve a provisional ADVO. This will assist in ensuring the safety of the PINOP before, during and after the application process.

- **When would we use our direction and detention powers?**

It is expected that they will be utilised when police suspect or believe that a DV offence has occurred or that one is imminent, but do not have sufficient grounds to commence criminal proceedings.

Directions:

Police will have 6 alternative options to choose from in directing defendants:

1. To remain at the scene.
2. To remain at another place where police locate the defendant.
3. To go to another place that has been agreed to and remain there.
4. To go to a police station and remain there.
- 5. To accompany a police officer to a police station and remain there.**
6. To accompany a police officer to another place that has been agreed to and remain there **or** accompany a police officer to another place for the purpose of receiving medical attention and remain there.

Detention:

- **Refusal or failure to comply with a direction:** is not an offence but does trigger the power to **detain the defendant**.
- The defendant can then be detained at a police station and placed in the dock.
- **Duration of detention:** a defendant can be detained for a maximum of **two hours** excluding reasonable travel time to the police station or other location.

ANCILLARY PROPERTY RECOVERY ORDERS

- **What is an Ancillary Property Recovery Order?**
- An Ancillary Property Recovery Order (APRO) is
- an order directing the occupier of premises to
- allow a person to access the premises to remove
- personal property.

When can an APRO be made?

- An Ancillary Property Recovery Order can only
- be made at the time that a Court or an
- authorised officer makes an apprehended
- domestic violence order (AVO).

What type of property can an APRO be made for?

- An Ancillary Property Recovery Order may be
- made where a person leaves personal effects
- such as clothing, toiletries and other essential
- personal or work items at the premises that they have left.

What if a person does not comply with an APRO?

- An Ancillary Property Recovery Order does
- not authorise anybody to forcibly enter
- premises and recover property. It is an
- offence if a person does not comply with the
- order or obstructs a person who is attempting
- to comply with an order. The maximum
- penalty is \$5,500.

ANY QUESTIONS

