

How to Defend Yourself against an AVO

Have you been served with an AVO? Having an AVO taken out against you can have a significant impact on your lifestyle, and can cause major inconvenience. Unfortunately many AVOs are taken out unnecessarily, either out of malice from private individuals or by overzealous police officers who have no evidence but want to be seen as taking a firm stance in issues of suspected domestic violence.

Although it can be difficult to challenge an AVO once it has been served, there are a number of things you can do to increase your chances of being able to successfully defend yourself against an AVO. Your first step is to get an experienced lawyer who has a proven track record in helping people defend themselves in situations similar to yours.

What is an AVO?

An AVO is an [Apprehended Violence Order](#). It's a court-issued document that prohibits you from coming within a certain distance of or contacting another person (the alleged person in need of protection or PINOP). There are a few different types of AVO that you may be served with, depending on the situation and your relationship with the alleged victim.

An ADVO is an Apprehended Domestic Violence Order and these are taken out in situations where there is a domestic relationship between the alleged victim and the defendant. An ADVO can be taken out by police without the consent of the alleged victim, or they can be requested by the alleged PINOP. ADVOs can be difficult to defend but it is possible in certain circumstances.

An APVO is an Apprehended Personal Violence Order and these come into effect when there is no domestic relationship

between the parties. An APVO may be taken out in the case of neighbours or friends who don't live together but where one feels that they may be at risk of violence or harassment from the other. Unfortunately both ADVOs and APVOs can be misused and taken out unfairly out of malice or spite.

How can I defend myself against an AVO?

If you have been served with an AVO it's important to think about your options carefully. You can choose to accept the AVO, which doesn't mean that you are admitting to any allegations contained within it. Accepting the AVO means that the matter is finalised more quickly, but it also means that you will be required to abide by the terms of the AVO for as long as it is in effect. Although an AVO is not a criminal conviction, you will be prohibited from working in certain occupations and having a [firearms licence](#) if you are the subject of an AVO. You will also be required to restrict your movements and avoid places where the alleged PINOP resides or works.

If you choose to [defend yourself against an AVO](#), you will need to go to court. Most AVO matters have an initial court hearing date where the AVO will be served. If you decide to defend yourself, you will be given a further court date where the matter will be heard.

This is usually around six weeks after your first date to give you time to gather evidence and prepare your case. In the meantime, you may be served with an interim AVO, which is a temporary AVO to last until the matter is finalised.

Before your hearing you will need to gather as much evidence as possible to support your defence. Your lawyer will guide you as to the specific evidence you will need depending on your circumstances. Statements from witnesses and any documentary evidence that can show that the person taking out the AVO is lying, or misleading the court, will be helpful.

AVOs can be cancelled or withdrawn in cases where there is no evidence that the alleged PINOP is at risk of harassment or violence from the defendant. In cases where police may have taken out an AVO on someone else's behalf and the alleged victim hasn't given a statement, or if there is no evidence to support allegations of domestic violence, the AVO may be withdrawn.

If you have been issued with an AVO and want to defend yourself, make sure you speak to an experienced lawyer as soon as possible. Your lawyer will be able to advise you on your best defence and tell you what the possible outcome will be. If you are currently under an AVO it's important that you don't breach the terms until the matter is decided. Breaking an AVO is a criminal offence and it can lead to further legal problems and a criminal conviction.