



# DOMESTIC VIOLENCE IS A CRIME

POLICE & COMMUNITY BOOKLET





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# INTRODUCTION



This booklet aims to assist victims of domestic violence by explaining what domestic violence is, what happens when police are called to an incident and the associated legal processes.

If you need any additional information or support, please contact the Domestic Violence Liaison Officer (DVLO) at your local police station (see page 15 for contact details).

# WHAT IS DOMESTIC VIOLENCE?

In cases of domestic violence, victims know the person who is causing them harm. Victims and offenders often live in the same household and love one another. This distinctive situation can make it harder for victims to report incidents of domestic violence.

## Definition of a domestic relationship

Under the NSW Police definition, you have a domestic relationship with:

- ➡ a person you are or have been married to
- ➡ a person you have or have had a de facto relationship with
- ➡ a person who is or has been a relative
- ➡ a person with whom you have or had an intimate personal relationship (does not have to be a sexual relationship)
- ➡ a person who is living or has lived in the same household (including tenant or boarder)
- ➡ a relationship involving dependence on the ongoing paid or unpaid care of a person.

# COMMON DOMESTIC VIOLENCE OFFENCES

- ➔ Assaults (can be a threat of an assault)
- ➔ Malicious damage (destroying your property)
- ➔ Maliciously damaging property with the intent to injure a person
- ➔ Stalking
- ➔ Intimidation
- ➔ Communication offences such as harassment via repeated phone calls or text messages
- ➔ Cruelty to animals
- ➔ Driving offences
- ➔ Sexual offences
- ➔ Indecent assault
- ➔ The breach of an Apprehended Violence Order (AVO).

The breach of an AVO is a serious offence. In order to investigate the offence, police will obtain statements from the victim and any witnesses. Any report regarding the breach of an AVO needs to be made within six months of the breach.

# VICTIMS OF DOMESTIC VIOLENCE

NSW Police define victims of crime in the following way:

**Primary victim** - someone who has suffered physical harm, emotional trauma and/or personal or property loss resulting from a criminal offence.

**Secondary victim** - someone who has witnessed a crime or is concerned for those who are victims and might be adversely affected by the experience, for example, a child witnessing a domestic violence incident.

# VICTIM RIGHTS IN DOMESTIC VIOLENCE



The Charter of Victims Rights adopted by the NSW government recognises the following rights of victims of domestic violence:

- ➔ To be treated with courtesy and compassion
- ➔ To be informed by police, prosecutors and officers of the court, health services and social services of the remedies available
- ➔ To have access to medical and counselling services and welfare, health and legal services
- ➔ To be advised of charges laid or given reasons for charges not being laid
- ➔ To be advised of the withdrawal of a charge
- ➔ To be protected from unnecessary contact with the accused person during the course of the court proceedings
- ➔ To have their need for protection placed before any bail authority
- ➔ In most cases, to have residential addresses and telephone numbers withheld
- ➔ To be advised of any special bail conditions designed to protect the victim or their family
- ➔ To be relieved from attending preliminary hearings or committal hearings unless the court directs otherwise
- ➔ In cases of sexual assault or other personal violence, to have the Prosecutor make known to the court the full effect of the crime upon the victim
- ➔ To be able to request notification of the offender's impending release, or escape from custody.

# WHAT IS AN APPREHENDED VIOLENCE ORDER?

An Apprehended Violence Order (AVO) is an order made by the court to protect you from violence, threats and harassment from a spouse, de facto partner, ex partner, family member, carer or person living in the same household.

An AVO restricts the behaviour of the person you fear (called the defendant) by placing conditions on their behaviour.

**These conditions place restrictions such as:**

- ➡ Not to assault, harass, threaten, stalk or intimidate you
- ➡ Not to enter, remain on or access any premises where you live or work
- ➡ Not to contact you directly or through a third party
- ➡ Not to approach you.

There are also special conditions relating to family law orders that may already be in place.

Police can apply for an Interim AVO or a Telephone Interim Order (TIO) if you need urgent protection.

# HOW TO GET AN APPREHENDED VIOLENCE ORDER

## Telephone Interim Orders

Police may take out a Telephone Interim Order (TIO) if they believe the order will help protect you from suffering personal violence.

## Interim Apprehended Violence Orders

Interim Apprehended Violence Orders or IAVOs are made by magistrates at court. These orders are either made during business hours, instead of a TIO, or to protect you between court dates.

## Complaint and Summons

Complaint and Summons are the terms used to describe an application for an Apprehended Violence Order. The Complaint and Summons is not an enforceable document. It contains the circumstances for the complaint (the reason why you need an AVO), the summons (the time, date and location of court) and a list of the conditions that you would like to enforce.

### Is the order enforceable?

All orders must be served on the defendant to become enforceable. If the defendant was present at court and the order states that the defendant was present, then the order is automatically enforceable.

If you wish to take out an AVO you will need to do the following:

- ➡ Make an appointment with the Chamber Registrar (appointments can take approximately one week)
- ➡ Provide a clear and detailed description of the incident and/or the situation.

If you are concerned for your immediate safety you can let the Chamber Registrar know you want an Interim AVO.

# APPLYING FOR AN APPREHENDED VIOLENCE ORDER



You can speak to the police or you can make an appointment with the Chamber Registrar at your local court to apply for an AVO.

Your application is sent to the police station closest to the defendant (the person you fear) for service where the defendant will receive notice about the application and the court date.

The first court date is called a **mention**. On this day any one of the following might happen:

- (a) Final order may be granted as long as the defendant was served (even if the defendant is not in court)
- (b) The matter may be **adjourned** (put off until another date) for further mention if the defendant was not served
- (c) The defendant may disagree with the application. The matter will then go to a **hearing** so you may have to attend court several times.

An **interim order** may be granted to give you protection until the hearing.

At a hearing, the magistrate hears your evidence and the defendant's evidence. The magistrate needs to decide if you hold reasonable fear of further domestic violence.

The order may be granted or the application may be dismissed. If the application is dismissed, an appeal can be made to the district court.

# WHAT IS SEXUAL ASSAULT?

Sexual assault is a general term that is used to describe a number of sexual crimes including sexual abuse, indecent assault, incest, rape, molestation and child sexual assault. A sexual assault is when a person forces you to have sexual contact **of any kind** against your will.

Marriage, de facto and intimate relationships do not give one partner the right to force the other into any sexual activity. If you are sexually assaulted, the other person may be arrested and charged.

## CONSENT

If a person wants to have sexual contact with you, they must have your consent. Consent means that you have agreed to sexual contact without pressure. You have the right to change your mind.

Sexual offences are more likely to be committed by someone you know such as partners, family members and friends.

# WHAT TO DO IF YOU HAVE BEEN SEXUALLY ASSAULTED

It is important that you report the incident to Police as soon as possible.

Forensic substances are important evidence. Although it may cause discomfort, it is vital for the collection of evidence that you do not shower or clean your teeth. If you want to change your clothing, preserve the clothes and do not wash them.

A police officer will assist you and take you to a hospital for medical attention and counselling. A forensic examination will occur with your consent.

A statement will be taken by police so the offender can be arrested.

You can see your own doctor or a specially trained doctor through a sexual assault service based at NSW hospitals or call the NSW Rape Crisis Centre on **1800 424 017**.

# WHO TO CONTACT FOR HELP

## POLICE

If you decide to report an incident to Police, you can attend your local police station or call the Police to attend to your location.

Report the incident as soon as possible. Please be aware that if the incident involved violence, threats of violence or you wish for Police to take out an AVO on your behalf, a statement must be supplied by you at the same time.

For further information after you have reported the incident, please note the following Police contacts:

- ➔ The Officer in Charge – that is the officer that you reported the incident to
- ➔ The Domestic Violence Liaison Officer - particularly in relation to AVOs or for information and referrals in relation to counselling, accommodation, victim support and services or general domestic violence information and support.

## IN AN EMERGENCY CALL '000'



## LOCAL POLICE STATIONS

Listed below are the local police stations in the City of Sydney Local Government Area. Each of the stations are open 24 hours a day, 7 days a week. When you call, you can ask for the Domestic Violence Liaison Officer.

### **City Central**

9265 6499  
192 Day Street  
Sydney

### **Glebe**

9552 8099  
1-3 Talfourd Street  
Glebe

### **Kings Cross**

8356 0099  
1-15 Elizabeth Bay Road  
Kings Cross

### **Newtown**

9550 8199  
222 Australia Street  
Newtown

### **Redfern**

8303 5199  
Tower 1, 1 Lawson Street  
Redfern

### **Surry Hills**

9265 4144  
Level 3, 151 Goulburn Street  
Surry Hills

### **The Rocks**

8220 6399  
132 George Street  
The Rocks

## LOCAL COURT

If you wish to take out an AVO on your own or you wish to get some free legal advice you can contact:

### **Downing Centre Local Court**

9287 7911

143 -147 Liverpool Street

Sydney

(Corner of Liverpool St  
and Elizabeth St)

Monday to Friday

9.30am – 4.00pm

### **Newtown Local Court**

9577 4000

222 Australia Street

Newtown

Monday to Friday

9.30am – 4.30pm

### **Balmain Local Court**

9577 4200

368 Darling Street

Balmain

Monday to Friday

9.00am – 4.00pm

(closed between 1.00pm – 2.00pm)

# VICTIM TELEPHONE SUPPORT

## **DoCS Domestic Violence Line**

1800 65 64 63 (24-hour statewide free call)

DoCS Domestic Violence Line is a counselling and referral service for persons escaping violence from a partner or ex partner. It also provides information on AVOs.

## **Violence Against Women Confidential Hotline**

1800 200 526 (24-hour statewide free call)

Provides information about domestic violence and counselling services and offers information about other organisations that can assist with ongoing help or support.

## **NSW Rape Crisis Centre**

1800 424 017 (24-hour statewide free call)

The Rape Crisis Centre provides counselling and information services, and a telephone crisis, support and referral service.

## **Victims of Crime Bureau**

1800 633 063 (24-hour statewide free call)

Victims of Crime Bureau services provide confidential emotional support and information on your rights as a victim.

## **Salvation Army Care Line**

9331 6000 (24 hours)

The Salvos Care Line is a telephone counselling and information service.

## **Salvation Army Youth Line**

9360 3000 (24 hours)

The Salvation Army Youth Line is a counselling and information service for young persons. It is also a service which parents can call to get help for their child who is experiencing difficulty.

## VICTIM TELEPHONE SUPPORT

(continued)

### **Lifeline Counselling**

131 114 (24 hours)

Lifeline provides telephone counselling, information and emergency relief.

### **Women's Information and Referral Service/ Law Access NSW**

1800 817 227

Monday – Friday, 9.00am – 5.00pm

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

Free and confidential phone service with information and details on organisations and services for women.

### **Homeless Persons Information Centre**

1800 234 566

7 days, 9.00am – 10.00pm, statewide free call

HPIC is a telephone information and referral service for persons who are homeless, or at risk of homelessness.

# WOMEN'S LEGAL SUPPORT

## **Domestic Violence Court Assistance Scheme, operated by Redfern Legal Centre**

9698 7277

Monday to Thursday 9.00am – 9.00pm

Friday 9.00am – 5.00pm

[www.rlc.org.au](http://www.rlc.org.au)

Redfern Legal Centre operates the women's support room at the Downing Centre Local Court. This room is for women who are waiting for a matter to be heard at court.

Redfern Legal Centre offers confidential, free advice to people who live or work in Sydney and who are not able to afford a lawyer.

The legal centre assists women by providing:

- ➔ information on AVOs and domestic violence
- ➔ information on what happens at court
- ➔ a legal representative (when requested)
- ➔ someone to be with you in court
- ➔ referral to appropriate services
- ➔ someone to meet you at the Downing Centre for support on a Wednesday.

## **Domestic Violence Advocacy Service (DVAS)**

Sydney metropolitan 9637 3741

Monday, Tuesday, Thursday and Friday

9.30am – 12.30pm and 1.30pm – 4.30pm

Wednesday 9.30am – 12.30pm

[www.dvas.org.au](http://www.dvas.org.au)

DVAS is a specialist legal service for women who are experiencing domestic violence.



## WOMEN'S LEGAL SUPPORT

(continued)

### **Inner City Legal Centre (ICLC)**

9332 1966

Monday 10.00am – 6.00pm

Tuesday to Thursday 10.00am – 8.00pm

Friday 10.00am – 5.00pm

### **Women's Legal Services NSW**

Sydney metro number – 9749 5533

Monday to Friday 9.30am to 12.30pm

and 1.30pm – 4.30pm

Wednesday 9.30am – 12.30pm

### **Legal Aid**

9219 5000

Monday to Friday 9.00am – 5.00pm

### **Law Access**

1300 888 529

Monday to Friday 9.00am – 5.00pm

# MULTICULTURAL SERVICES

## **Immigrant Women's Speakout**

9635 8022

[www.speakout.org.au](http://www.speakout.org.au)

For telephone information, support and referral.

## **First Light Care**

9211 9988

[www.firstlightcare.org.au](http://www.firstlightcare.org.au)

Family counselling for the Australian Chinese community.

## **Sydney Multicultural Community Services**

9663 3922

[www.sydneymcs.org.au](http://www.sydneymcs.org.au)

## **Australian Chinese Community Association of NSW**

9281 1377

## **Muslim Women's Association**

9750 6916

## **Transcultural Family Services, Centacare Redfern/Waterloo**

9310 1322

Chinese, Vietnamese and bilingual counselling.

## **The Shop Women's and Girl's Centre**

9699 9036

Monday 9.00am – 4.00pm

Tuesday to Friday 9.00am – 1.00pm

# ABORIGINAL AND TORRES STRAIT ISLANDER SERVICES

## **Aboriginal Medical Service (AMS)**

9319 5823

## **Wirringa Baiya Aboriginal Women's Legal Centre**

1800 686 587

## **Indigenous Women's Legal Contact Line**

1800 639 784

[www.womenslegalnsw.asn.au](http://www.womenslegalnsw.asn.au)

# OTHER SUPPORT SERVICES



## HOUSING AND REFUGES

If you need temporary living arrangements, the following services can assist you and your family.

### **Homeless Persons Information Centre**

1800 234 566 (statewide free call)

7 days, 9.00am – 10.00pm

Provides information regarding services available and makes referrals to accommodation services.

### **NSW Department of Housing**

1800 629 212 (24-hour statewide free call)

### **DoCS Domestic Violence Line**

1800 656 463 (24-hour statewide free call)

A counselling and referral service for persons escaping violence from a partner or ex partner.

### **Domestic Violence Advocacy Service**

9637 3741

Monday to Friday 9.30am – 12.30pm

and 1.30pm – 4.30pm

Wednesday 9.30am – 12.30pm

Informs women of their legal rights and how to access the available services.

[www.dvas.org.au](http://www.dvas.org.au)

### **Women and Girls' Emergency Centre**

9360 5388

Monday to Friday 9.30am – 4.30pm

Telephone service and drop in centre for women and their children. Referrals, counselling and links to other support services.

## FINANCIAL SUPPORT

### **Centrelink**

Information, appointments and opening hours – 131 021

Multilingual information line – 131 202

Customer relations – 1800 050 004 (free call)

Sydney locations

Darlinghurst: 137–153 Crown Street, Darlinghurst

Redfern: Corner of George and Redfern Streets, Redfern

### **Asylum Seekers Centre**

9361 5606

Monday to Thursday 9.00am – 5.00pm

# CHILDREN IN DOMESTIC VIOLENCE SITUATIONS

Domestic violence is an inter-generational cycle. Research suggests that if a child grows up observing parents using violence to solve disagreements, they are more likely to use violence in their personal relationships as adults.

Services are available if a child is at risk of abuse in any form (physical, emotional, sexual) or neglect. Please contact the Department of Community Services (DoCS) or your local Police immediately.

## **DoCS Helpline**

1800 066 777 (24-hour statewide free call)

DoCS provide a range of services which include information, advice and referrals.

## **Kids Helpline**

1800 551 800 (24-hour statewide free call)

The Kids Helpline provides a confidential and anonymous telephone and online counselling services specifically for young persons between 5 and 18 years old.

[www.kidshelpline.com.au](http://www.kidshelpline.com.au)

## **Legal Aid Hotline for Under 18s**

1800 101 810

Monday to Friday 9.00am – midnight

Weekends, 24 hours

# DOMESTIC VIOLENCE IN SAME SEX RELATIONSHIPS

Domestic violence does occur within same sex relationships. There are additional services available for same sex domestic violence advice and referral.

**Inner City Legal Centre (ICLC), Lesbian and Gay Legal Rights Service**

9332 1966

Monday to Thursday 10.00am – 6.00pm

Friday 10.00am – 5.00pm

[www.iclc.org.au](http://www.iclc.org.au)

Statewide Community Legal Centre for gay/lesbian and transgender issues.

**ACON's Lesbian and Gay Anti-Violence Project**

1800 063 060 or 9206 2066

Monday to Friday 10.00am – 6.00pm

[www.ssdv.acon.org.au](http://www.ssdv.acon.org.au)

# MEN'S LEGAL SUPPORT

## **Inner City Legal Centre (ICLC)**

9332 1966

Monday to Thursday 10.00am – 6.00pm

Friday 10.00am – 5.00pm

[www.iclc.org.au](http://www.iclc.org.au)

Information and support for men.







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**NSW Police**  
[www.police.nsw.gov.au](http://www.police.nsw.gov.au)