

DOMESTIC VIOLENCE INFORMATION SHEET



NSW Police Force

Ancillary Property Recovery Orders - APROs:

What is an APRO?

It is an order made by a court or authorised officer that allows the people named as the 'protected person' or 'defendant' in an AVO to recover personal property left at a premises. Example: John is listed as the 'defendant' in an AVO. The conditions of the AVO include that John is not allowed to go within 100m of the family home or contact his partner. John needs his clothes, tools and equipment for his trade and other personal items but is prevented by the AVO from going to the family home to get them. John may apply for an APRO to recover his property.

Will I breach my AVO?

No, if an APRO is granted it will allow the defendant to go to the property to collect their belongings in accordance with the terms of the APRO. This is sometimes done in the company of police or other alternative arrangements recorded in the APRO.

When can I apply for an APRO?

An APRO can be applied for by either party at any time the AVO is before the court but **it must be made before a final AVO is made.**

Generally, an APRO is applied for on the first court date of the AVO. Further detailed information can be found at lawaccess.nsw.gov.au or you can seek assistance from the DVLO or court staff when you go to court. If you have a solicitor they can lodge an APRO for you and will speak to the DVLO or prosecutor on your behalf.

Important: If there are any current family law property orders you **must** notify the court about these when you apply for an APRO.

What property can I get?

You can apply to get your personal belongings such as clothing, jewelry, personal papers and your work tools. If there is a dispute over ownership of property the court may not include any disputed property in the APRO and you may need to get further legal advice. For example - you want the TV but it may be owned by both of you. Unless the other party consents, this property will be in dispute and it is unlikely that a court will include the TV as part of the APRO.

Do I have to let someone in my house to collect their property subject of an APRO?

Yes, if the court has granted an APRO the law says that you must allow access to the premises to the person entitled under the APRO to collect the property at the time arranged. The court may grant access conditional on police being present or nominate another person to collect the property on behalf of the person who wants their property. The person has a right to take property that they own or have a legal right to.

If police are required to be present, you will need to make arrangements in advance with the local police as their availability may be limited.

Note: If you do not allow access you may be committing an offence of 'Contravene Property Recovery Order'.

Where can I get further information?

LawAccess: Ph 1300 888 529

Website: lawaccess.nsw.gov.au