



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref: CrimDHrg1587659

2 October 2018

Commissioner Michael Fuller APM  
Commissioner of Police  
NSW Police Force  
Locked Bag 5102  
Parramatta NSW 2124

Dear Commissioner,

### **Apprehended Domestic Violence Orders compliance checks**

I write to you in relation to the attached flyer, which we understand is being provided by police to Aboriginal Client and Community Support Officers for distribution to domestic violence defendants.

The flyer states that police will be checking that the conditions of Apprehended Domestic Violence Orders (ADVO) are complied with, and that this could involve police attending the defendant's or person in need of protection's (PINOP) home to make sure there are no breaches of the ADVO.

We acknowledge the work police are doing to reduce the rate of domestic violence in the community. It is our understanding that there is a divergence of approaches between Police Area Commands in this regard.

We understand that the ADVO compliance check initiative commenced on 1 May 2017. The initiative raises concerns in relation to the presumption of innocence (particularly where no charge has been laid), and the legality of compliance checks on ADVOs.

We would appreciate receiving further information regarding the compliance checks and the attached flyer, including:

- the policy behind the initiative;
- whether all Police Area Commands are required to undertake the compliance checks;
- how it is determined which defendants and/or PINOPs are to be given the flyer, and
- the legislative or common law power that permits the police to undertake ADVO compliance checks.

We would be happy to discuss this matter further.

THE LAW SOCIETY OF NEW SOUTH WALES

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The contact person for this matter is Ms Rachel Geare, Senior Policy Lawyer, who can be contacted on \_\_\_\_\_ or at [rachel.geare@lawsociety.com.au](mailto:rachel.geare@lawsociety.com.au).

Yours sincerely,

A handwritten signature in black ink that reads "Doug Humphreys". The signature is written in a cursive, slightly slanted style.

Doug Humphreys OAM

**President**

Encl.

CC Mr Andrew Cappie-Wood

**PLEASE READ**



**NSW Police Force**

The New South Wales Police Force takes Domestic and Family Violence seriously. Whether you have been served an Apprehended Domestic Violence Order as a defendant or you are a person in need of protection you should be made aware of the following;

1. Police will be checking that the conditions of Apprehended Domestic Order's are complied with.
2. This could involve police attending your home to make sure there are no breaches of the Apprehended Domestic Violence Oder.
3. **If** breaches are detected the offender will be charged.
4. This action is an initiative of the NSW Police Force.

**DOMESTIC VIOLENCE IS  
A CRIME**

**In an Emergency CALL  
000**

**New South Wales Police**

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously