Western Australia

Restraining Orders Amendment Act 2013

Western Australia

Restraining Orders Amendment Act 2013

Contents

‑Part 1 — Preliminary

1. Short title 2

2. Commencement 2

Part 2 — *Restraining Orders Act 1997* amended

3. Act amended 2

4. Section 25 amended 2

5. Section 64 amended 2

Part 3 — *Children’s Court of Western Australia Act 1988* amended

6. Act amended 2

7. Section 20 amended 2

Western Australia

Restraining Orders Amendment Act 2013

No. 14 of 2013

An Act to amend the *Restraining Orders Act 1997* and to make consequential amendments to the *Children’s Court of Western Australia Act 1988*.

[Assented to 4 October 2013]

The Parliament of Western Australia enacts as follows:

## Part 1 — Preliminary

##### 1. Short title

This is the *Restraining Orders Amendment Act 2013*.

##### 2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

## Part 2 — *Restraining Orders Act 1997* amended

##### 3. Act amended

This Part amends the *Restraining Orders Act 1997*.

##### 4. Section 25 amended

Delete section 25(3) and insert:

(3) An application for a violence restraining order made in person is to be made in the prescribed form to —

(a) if the respondent is a child, the Children’s Court; or

(b) if the respondent is not a child and the person seeking to be protected is a child, the Children’s Court or the Magistrates Court; or

(c) otherwise, the Magistrates Court.

##### 5. Section 64 amended

Delete section 64(3) and (4) and insert:

(3) If the decision was made by the Children’s Court when constituted so as not to consist of or include a Judge, the appeal is to be made in accordance with the *Children’s Court of Western Australia Act 1988* section 41.

(4) If the decision was made by the Children’s Court when constituted so as to consist of or include a Judge, the appeal is to be made in accordance with the *Children’s Court of Western Australia Act 1988* section 42A.

## Part 3 — *Children’s Court of Western Australia Act 1988* amended

##### 6. Act amended

This Part amended the *Children’s Court of Western Australia Act 1988*.

##### 7. Section 20 amended

(1) Delete section 20(1)(c).

(2) After section 20(1) insert:

(2A) Subject to this Act and the *Restraining Orders Act 1997* section 52, the Court has jurisdiction to hear and determine all applications made to the Court with respect to a child under the *Restraining Orders Act 1997*.

(3) In section 20(2) delete “subsection (1).” and insert:

subsections (1) and (2A).

dline