



Western Australia

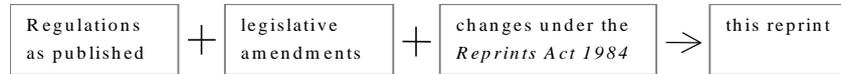
Restraining Orders Act 1997

Restraining Orders Regulations 1997

Reprint 3: The regulations as at 6 July 2012

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Restraining Orders Regulations 1997

CONTENTS

Part 1 — Preliminary

| | | |
|-----|----------------|---|
| 1. | Citation | 1 |
| 2. | Commencement | 1 |
| 2A. | Terms used | 1 |
| 3. | Forms (Sch. 1) | 2 |

Part 2 — Firearms and other weapons

| | | |
|-----|-------------------------------------------------------------------------|---|
| 4. | Giving up possession of firearms | 3 |
| 5. | Dealing with firearms surrendered (Act s. 14) or seized (Act s. 62E) | 4 |
| 5A. | Dealing with firearms seized (Act s. 62B(2)(c)) | 5 |
| 5B. | Dealing with other weapons seized (Act s. 62B(2)(c)) | 5 |

Part 3 — Practice and procedure

| | | |
|-----|--------------------------------------------------------------------------|---|
| 6. | Record of telephone application (Act s. 21(4)) | 6 |
| 6A. | Application to correct minor error in restraining orders (Act s. 49A) | 6 |
| 6B. | Order that child be allowed to give oral evidence (Act s. 53A) | 7 |
| 6C. | Attendance at hearings | 7 |

Contents

| | | |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----|
| 6D. | Certificate to effect that person who is bound by restraining order was present in court when order was made (Act s. 55(3a)) | 8 |
| 7. | Telephone applications, adjournment of | 8 |
| 8. | Procedure when restraining order made during bail hearing (Act s. 63) | 9 |
| 9. | Procedure when restraining order made during other proceedings (Act s. 63) | 9 |
| 9A. | Procedure for applying for oral or substituted service (Act s. 55(2) and 60(1)) | 10 |
| 10. | Service of documents | 10 |
| 10A. | Use of closed circuit television or screening arrangements | 11 |
| Part 4 — Interstate restraining orders | | |
| 12. | Application for registration of interstate order | 13 |
| Part 5 — General | | |
| 13. | Property that may be recovered when restraining order made (Act s. 13(5)) | 14 |
| 14. | Procedures for recovering property under terms of violence restraining order (Act s. 13(5)(b)) | 14 |
| 15. | Exchange of information (Act s. 70A) | 15 |
| 16. | Prescribed countries (Act s. 79A) | 16 |
| Schedule 1 — Forms | | |
| Notes | | |
| | Compilation table | 64 |
| Defined Terms | | |



Reprinted under the
Reprints Act 1984 as
at 6 July 2012

Western Australia

Restraining Orders Act 1997

Restraining Orders Regulations 1997

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Restraining Orders Regulations 1997*¹.

2. Commencement

These regulations come into operation on the day on which the *Restraining Orders Act 1997* comes into operation¹.

2A. Terms used

In these regulations —

approved means approved in writing by the Chief Executive Officer of the department of the Public Service principally assisting the Minister in the administration of the Act;

form followed by a designation means the form of that designation in Schedule 1;

r. 3

proceedings under the Act means —

- (a) the hearing of an application; or
- (b) proceedings for an offence against the Act;

restrained person, in relation to a restraining order, means the person who is bound by the order.

[Regulation 2A inserted in Gazette 26 Nov 2004 p. 5259-60.]

3. Forms (Sch. 1)

- (1) The forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.
- (2) Where a form is in parts, then only those parts of the form that are relevant, taking into account the part heading, need be used for a particular copy of the form, or for a particular purpose.
- (3) It is sufficient compliance with the Act if a form substantially in compliance with the prescribed form is used.

[Regulation 3 amended in Gazette 26 Nov 2004 p. 5260.]

Part 2 — Firearms and other weapons

[Heading amended in Gazette 26 Nov 2004 p. 5260.]

4. Giving up possession of firearms

- (1) This regulation applies when a restraining order which requires the person bound by the order to give up possession of a firearm or a firearms licence is served on a restrained person who is in possession of a firearm or a firearms licence.
- (2) If the order is personally or orally served on the restrained person by a police officer and at the time the order is served the restrained person is physically in possession of the firearm or firearms licence the restrained person must immediately give the firearm or firearms licence to the police officer.
- (3) Subject to subregulation (5), if the order is personally or orally served on the restrained person by a police officer and at the time the order is served the firearm or firearms licence is at a place to which the police officer can reasonably accompany the person, the restrained person must —
 - (a) immediately go with the police officer to that place; and
 - (b) once there, immediately give the firearm or firearms licence to the police officer.
- (4) Subject to subregulation (5), in any other case the restrained person must give the firearm or firearms licence to the police officer in charge of the police station nearest to where the firearm or firearms licence is located as soon as is reasonably practicable and in any event within 24 hours of the order being served.
- (5) If a firearm in respect of which a restrained person holds a firearms licence is in the actual physical possession of a co-licensee of that firearm, the restrained person —
 - (a) must comply with subregulation (3) or (4), as the case requires, in respect of the firearms licence; but

r. 5

- (b) need not comply with subregulation (3) or (4), as the case requires, in respect of that firearm.

5. Dealing with firearms surrendered (Act s. 14) or seized (Act s. 62E)

- (1) A firearm or firearms licence given to a police officer under section 14 of the Act, or seized under section 62E of the Act, is to be held in safe custody by the Commissioner of Police until —
 - (a) the restraining order ceases to be in force; or
 - (b) it is reclaimed by a co-licensee; or
 - (c) it may otherwise lawfully be disposed of.
- (2) Before returning a firearm or firearms licence the Commissioner of Police must have regard to section 20 of the *Firearms Act 1973*.
- (3) If a firearm which is being held by the Commissioner has not been reclaimed within 1 month after the restraining order ceases to be in force, the Commissioner may regard the restrained person and any co-licensee as an owner who cannot be found for the purposes of section 33 of the *Firearms Act 1973*.
- (4) If a firearms licence which is being held by the Commissioner is not reclaimed within one month after the restraining order ceases to be in force, the Commissioner may regard the restrained person as having requested, under section 20(4) of the *Firearms Act 1973*, that the firearms licence be cancelled.
- (5) Where the Commissioner is holding a firearm under subregulation (1), regulation 11(2) and (3) of the *Firearms Regulations 1974* apply.

[Regulation 5 amended in Gazette 26 Nov 2004 p. 5260.]

5A. Dealing with firearms seized (Act s. 62B(2)(c))

A firearm seized under section 62B(2)(c) of the Act is to be dealt with in the same manner as a firearm seized under section 24(2) of the *Firearms Act 1973*.

[Regulation 5A inserted in Gazette 26 Nov 2004 p. 5261.]

5B. Dealing with other weapons seized (Act s. 62B(2)(c))

A weapon, other than a firearm, seized under section 62B(2)(c) of the Act is to be dealt with under sections 15, 16, 17 and 18 of the *Weapons Act 1999* in the same manner as a weapon seized under that Act.

[Regulation 5B inserted in Gazette 26 Nov 2004 p. 5261.]

Part 3 — Practice and procedure

6. Record of telephone application (Act s. 21(4))

The written record required to be made under section 21(4) of the Act is to be made in the form of Form 7.

[Regulation 6 amended in Gazette 26 Nov 2004 p. 5261.]

6A. Application to correct minor error in restraining orders (Act s. 49A)

- (1) An application to the court under section 49A of the Act for an order correcting a restraining order is to be made in the form approved.
- (2) Subject to subregulation (3), an application under subregulation (1) is to be heard in the absence of the other party to the order.
- (3) If the court hearing an application so orders, the hearing is to be adjourned and notice of the application is to be given to the other party to the order.
- (4) Where an order is made under subregulation (3), the registrar is to ensure that the other party to the restraining order is given notice of the application, and is to fix a hearing and summons both parties to the hearing.
- (5) A copy of a restraining order corrected under section 49A of the Act is to be —
 - (a) served on the person who is bound by the restraining order; and
 - (b) delivered to —
 - (i) the person protected by the order; or
 - (ii) the parent or guardian of that person, if the parent or guardian made the application for the restraining order on behalf of that person;and

- (c) delivered to the Commissioner of Police; and
 - (d) placed on the court's records.
- (6) The correction of restraining order under section 49A of the Act does not affect the time when the restraining order came into force or the duration of the restraining order.

[Regulation 6A inserted in Gazette 26 Nov 2004 p. 5261-2; amended in Gazette 31 Jul 2007 p. 3802.]

6B. Order that child be allowed to give oral evidence (Act s. 53A)

- (1) A party to a restraining order, or a person charged with an offence against the Act, may apply to the court for an order that a child be allowed to give oral evidence at any proceedings under the Act specified in the application.
- (2) An application referred to in subregulation (1) is to be made at least 14 days before the proceedings.
- (3) An application referred to in subregulation (1) is to be made in the form approved.
- (4) If an application referred to in subregulation (1) is made, the registrar is to give notice of the application to all other parties to the proceedings.

[Regulation 6B inserted in Gazette 26 Nov 2004 p. 5262-3; amended in Gazette 31 Jul 2007 p. 3802.]

6C. Attendance at hearings

- (1) For the avoidance of doubt, a person is not to be taken to have failed to attend a hearing if the person is represented at the hearing by —
 - (a) a legal practitioner; or
 - (b) a police officer, who made the application on behalf of the person, or who is conducting proceedings on the person's behalf under section 62G of the Act.

r. 6D

- (2) Subregulation (1) does not apply if the person has failed to attend a hearing —
- (a) after being summonsed; or
 - (b) where, in the opinion of the court, the hearing cannot take place without the physical presence of the person.

[Regulation 6C inserted in Gazette 26 Nov 2004 p. 5263.]

6D. Certificate to effect that person who is bound by restraining order was present in court when order was made (Act s. 55(3a))

Where a person bound by a restraining order is present in court when the order is made, the registrar of the court is to certify that this was so, in the form approved.

[Regulation 6D inserted in Gazette 26 Nov 2004 p. 5264; amended in Gazette 31 Jul 2007 p. 3802.]

7. Telephone applications, adjournment of

- (1) If the hearing of a telephone application is adjourned the registrar of the court where the magistrate hearing the telephone application is based is to ensure that the adjourned hearing is listed —
- (a) if the respondent is a child, in the Children’s Court; or
 - (b) otherwise, in the Magistrates Court ²,

nearest to the applicant’s usual place of residence.

- (2) If the court in which the adjourned hearing is to be listed under subregulation (1) is not the court where the magistrate hearing the telephone application is based, the magistrate is to transfer the matter to the court in which the adjourned hearing is to be listed under subregulation (1).

[Regulation 7 amended in Gazette 31 Jul 2007 p. 3800.]

8. Procedure when restraining order made during bail hearing (Act s. 63)

- (1) This regulation applies when a judicial officer sitting other than as a court makes a restraining order under section 63 of the Act in the course of considering a case for bail.
- (2) The judicial officer is to —
 - (a) make a written record of the proceedings in the form of Form 11; and
 - (b) cause the record to be forwarded to the court in which the restrained person is bailed to appear.
- (3) The judicial officer may cause the record to be forwarded to the court personally, by ordinary prepaid post or by fax.
- (4) If the record is forwarded by fax the judicial officer must —
 - (a) as soon as practicable, and in any event not later than the end of the next business day, confirm with the court that the record has been received; and
 - (b) as soon as practicable forward the original record to the court by ordinary prepaid post.
- (5) For the purposes of section 10(1) of the Act a reference to the court is to be read as a reference to the court in which the restrained person is bailed to appear.

9. Procedure when restraining order made during other proceedings (Act s. 63)

- (1) This regulation applies to —
 - (a) the Magistrates Court²; and
 - (b) the Children's Court when constituted so as not to include a judge of that court; and
 - (c) any other court when constituted so as not to include a judge of that court.

r. 9A

- (2) When a court to which this regulation applies makes a restraining order under section 63 of the Act the court is to make a written record of the proceedings in the form of Form 11 cause the record to be placed on the court records.

9A. Procedure for applying for oral or substituted service (Act s. 55(2) and 60(1))

- (1) An application —
- (a) to a registrar for an order authorising oral service of a restraining order under section 55(2) of the Act; or
 - (b) to the court for an order authorising substituted service of a restraining order under section 60(1) of the Act,
- is to be made in accordance with this regulation.
- (2) The application is to be made by a police officer.
- (3) The application is to —
- (a) specify the previous attempts to serve the restraining order, including any incidents of deliberate avoidance; and
 - (b) otherwise be made in an approved form.
- (4) When a police officer effects oral service in accordance with an order under section 55(2) or 60(1) of the Act, the police officer is to notify the court of that service in an approved form.
- (5) After the court has received that notification, the court is to post a copy of the order to the last known residential address of the person against whom the restraining order was sought.

[Regulation 9A inserted in Gazette 31 Jul 2007 p. 3800-1.]

10. Service of documents

- (1) Personal or oral service of a restraining order is to be effected by the registrar, a police officer, a prison officer (as defined in the *Prisons Act 1981*) or a person authorised by the registrar.

- (2) When a document is given by the registrar to a police officer, prison officer or other authorised person for service, the officer or other person is to take all reasonable steps to serve that document in the manner directed by the registrar.

*[Regulation 10 amended in Gazette 8 Jan 2002 p. 33;
31 Jul 2007 p. 3802.]*

10A. Use of closed circuit television or screening arrangements

- (1) If a court hearing a matter relating to a restraining order is of the opinion that, if special arrangements are not made, a party to the matter or a witness would be likely —
- (a) to be unable to give evidence, or to give evidence satisfactorily; or
 - (b) to suffer severe emotional trauma or be unnecessarily intimidated or distressed,

the court may make such arrangements as it thinks fit, using closed circuit television or screens, one-way glass or other suitable shielding devices, to reduce the likelihood of that circumstance occurring.

- (2) When considering whether to make arrangements under subregulation (1) in respect of a person the court may have regard to —
- (a) the person's age; and
 - (b) the person's cultural background; and
 - (c) any physical disability or mental impairment (as defined in the *Criminal Law (Mentally Impaired Accused) Act 1996*³) of the person; and
 - (d) the relationship of the person to any other person involved in the proceedings; and
 - (e) the effect on the person of the presence of another person; and
 - (f) the nature of the subject-matter of the proceedings; and

r. 10A

- (g) the expressed views of the person; and
 - (h) any other factor the court considers relevant.
- (3) When making arrangements under subregulation (1) the court must ensure that —
- (a) the judicial officer and all parties to the matter (or their counsel, if any) are able to see, hear and speak to each witness while he or she is giving evidence; and
 - (b) each party to the matter has the means of communicating with his or her counsel at all times; and
 - (c) if a person takes part in the proceedings from outside the court room the person is able to see, hear and speak to the judicial officer at all times.
- (4) The court may make arrangements under subregulation (1) —
- (a) on the application of a party to the matter, at the request of a witness, or of its own motion; and
 - (b) at any stage of proceedings.
- (5) Whenever a matter relating to a violence restraining order comes before a court, the court must consider whether it ought to make arrangements under subregulation (1).
- (6) If a court considers that arrangements ought to be made under subregulation (1) but the necessary facilities are not available, the court may transfer the matter to another court where those facilities are available if to do so is practicable and will not unfairly prejudice any party to the matter.

[Regulation 10A inserted in Gazette 27 Mar 1998 p. 1714.]

Part 4 — Interstate restraining orders

[11. *Deleted in Gazette 26 Nov 2004 p. 5264.*]

12. Application for registration of interstate order

An application for registration of an interstate order is to be made in the form of the Form 12 and is to be accompanied by —

- (a) the original interstate order or a copy certified to be a true copy by an officer of the court in which it was made; and
- (b) such evidence of effective service of the interstate order on the person bound by it as the registrar considers appropriate.

[*Regulation 12 amended in Gazette 31 Jul 2007 p. 3802.*]

Part 5 — General

[Heading inserted in Gazette 26 Nov 2004 p. 5264.]

13. Property that may be recovered when restraining order made (Act s. 13(5))

For the purposes of section 13(5) of the Act, property that may be recovered by a person from a place specified in a violence restraining order may include any, or all, of the following —

- (a) property that is used by the person to earn income;
- (b) personal property of a child of the person;
- (c) property that is wholly, or partly, the property of the person and that is used for, or by, a child of the person;
- (d) property that the other party to the restraining order has agreed that the person may recover.

[Regulation 13 inserted in Gazette 26 Nov 2004 p. 5264.]

14. Procedures for recovering property under terms of violence restraining order (Act s. 13(5)(b))

- (1) For the purposes of section 13(5)(b) of the Act, the procedures set out in this regulation are the procedures in accordance with which property specified in a violence restraining order is to be recovered from a place specified in that order.
- (2) Subject to subregulation (4), the person seeking to recover the property is to negotiate a mutually convenient time for the recovery of the property with a person who has lawful access to the property.
- (3) Subject to subregulation (4), if agreement as to the recovery of the property is reached, the person seeking to recover the property is to recover the property in accordance with that agreement.
- (4) If the person seeking to recover the property is unable to negotiate a mutually convenient time for the recovery of the

property, or to carry out an agreement reached as to the recovery of the property, due to the terms of the violence restraining order, or for any other reason, the person wishing to recover the property may seek the assistance of a police officer.

[Regulation 14 inserted in Gazette 26 Nov 2004 p. 5265.]

15. Exchange of information (Act s. 70A)

For the purposes of section 70A of the Act, the following information about a person protected by a violence restraining order, or a child affected by such an order, is prescribed information —

- (a) the name, address, telephone number, age and ethnicity and other details of —
 - (i) the person or child; or
 - (ii) a person who is bound by the violence restraining order; or
 - (iii) an offender or alleged offender responsible for, or involved in, any offence relevant to the granting of the violence restraining order;
- (b) a description of any offence relevant to the granting of the violence restraining order and an abridged description of the circumstances of its commission;
- (c) any information about the grounds on which the violence restraining order was granted;
- (d) the name, rank and any other relevant identifying information of any police officer in charge of investigating any offence relevant to the granting of the violence restraining order;
- (e) the police station or office where information is held —
 - (i) about the investigation of any offence relevant to the granting of the violence restraining order or the breach of that order; or

r. 16

- (ii) about the grounds on which the order was granted;
- (f) the status of the investigation and prosecution of any offence relevant to the granting of the violence restraining order by a police officer.

[Regulation 15 inserted in Gazette 26 Nov 2004 p. 5265-6.]

16. Prescribed countries (Act s. 79A)

For the purposes of section 79A of the Act, the following countries are prescribed —

Canada

Ireland

United Kingdom.

[Regulation 16 inserted in Gazette 12 Jan 2010 p. 56.]

Table of forms

Schedule 1 — Forms

[r. 3]

[Heading inserted in Gazette 26 Nov 2004 p. 5267.]

Table of forms

Forms about violence restraining orders

| Form | | Provisions of Act |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1 | Application for violence restraining order | Section 25 |
| 2 | Part A — Violence restraining order Part B — Information to be on the copy of order given to the person who is bound by the order Part C — Information to be on the respondent's endorsed copy Part D — Information to be on the copy of the order given to the person protected by the order Part E — Information to be on the proof of service copy Part F — Details of family order | Sections 29, 32, 43, 49, 63 and 66 |
| 3 | Part A — Section 63A violence restraining order Part B — Information to be on the copy of the order given to the person who is bound by the order Part C — Information to be on the copy of the order given to the person protected by the order | Section 63A |

Forms about misconduct restraining orders

| Form | | Provisions of Act |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 4 | Application for misconduct restraining order | Section 38 |
| 5 | Part A — Misconduct restraining order Part B — Information to be on the copy of the order given to the person who is bound by the order Part C — Information to be on the copy of the order given to the person protected by the order Part D — Information to be on the proof of service copy | Part 4 Divisions 1 and 2, sections 49 and 63 |

Forms about telephone orders

| Form | | Provisions of Act |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 6 | Part A — Telephone order Part B — Court copy of telephone order Part C — Information to be on the copy of the order given to the person who is bound by the order Part D — Information to be on the respondent's endorsed copy Part E — Information to be on the copy of the order given to the person protected by the order Part F — Information to be on the proof of service copy | Section 23 |
| 7 | Restraining order record of telephone application | Section 21(4) |

Restraining Orders Regulations 1997
Schedule 1 Forms

Table of forms

Forms about variation and cancellation of orders

| Form | | Provisions of Act |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 8 | Part A — Application to vary or cancel a restraining order Part B — Information to be on the copy of the application given to the applicant | Section 45 |
| 9 | Part A — Summons to vary or cancel restraining order Part B — Information to be on the proof of service copy | Section 47 |

Forms for police orders

| Form | | Provisions of Act |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 10 | Police order Part A — Police order Part B — Information to be on the proof of service copy Part C — Information to be on copy of police order given to the person bound by a police order Part D — Information to be on copy of police order given to a person protected by a police order | Part 2 Division 3A |

Other forms

| Form | | Provisions of Act |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 11 | Restraining order made during other proceedings — Record of proceedings | Section 63 |
| 12 | Part A — Interstate restraining order — Application to register Part B — Information to be on the copy of the application given to the applicant Part C — Information to be on the copy of the application given to the Commissioner of Police Part D — Information to be on the copy of the application given to the interstate court where the interstate order was made | Section 75(2) |
| 13 | Part A — Restraining order — Summons Part B — Information to be on the proof of service copy | Sections 26(3) and 39 |
| 14A | Application to have final order under section 32(2) of the Act set aside | Section 32(5) |
| 14 | Application to have decision under section 42 of the Act set aside | Section 43A |

[Table of forms inserted in Gazette 26 Nov 2004 p. 5267-8; amended in Gazette 4 May 2012 p. 1848.]

Form 1 — Application for violence restraining order

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <i>Restraining Orders Act 1997 s. 25</i> Violence restraining order Application | | Number: _____ Jurisdiction: _____ Location: _____ | |
| Person seeking to be protected | Family name: _____ Date of birth: _____ Other names: _____ | | |
| | Address: street: _____ suburb: _____ postcode: _____ | | |
| | Phone nos.: work: _____ home: _____ | | |
| | Are you: <input type="checkbox"/> the person seeking to be protected <input type="checkbox"/> the parent or guardian of a child who is the person seeking to be protected <input type="checkbox"/> a child welfare officer on behalf of a child who is seeking to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is seeking to be protected | | |
| Applicant [If not the person seeking to be protected] | Family name: _____ Date of birth: _____ Other names: _____ | | |
| | Address: street: _____ suburb: _____ postcode: _____ | | |
| | Phone nos.: work: _____ home: _____ | | |
| | Are you: <input type="checkbox"/> the person seeking to be protected <input type="checkbox"/> the parent or guardian of a child who is the person seeking to be protected <input type="checkbox"/> a child welfare officer on behalf of a child who is seeking to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is seeking to be protected | | |
| Respondent [Fill in as many details as you can] | Family name: _____ Date of birth: _____ Other names: _____ | | |
| | Home street: _____ address: suburb: _____ postcode: _____ | | |
| | Work street: _____ address: suburb: _____ postcode: _____ | | |
| | Phone nos.: work: _____ home: _____ | | |
| Grounds for application | Why do you need a violence restraining order? To prevent the respondent from — <input type="checkbox"/> committing an act of abuse against the person seeking to be protected; <input type="checkbox"/> behaving in a way that could reasonably be expected to cause fear that a person seeking to be protected will have an act of abuse committed against him or her; <input type="checkbox"/> exposing a child to an act of family and domestic violence; or <input type="checkbox"/> behaving in a way that could reasonably be expected to cause fear that a child will be exposed to an act of family and domestic violence. Give details of the respondent's behaviour. | | |
| Family orders [If yes, see the Details of family order Annexure] | Are there any current family orders relating to the respondent's rights in relation to children who may be affected by a restraining order? | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| | Are there any current Family Court proceedings in which such orders are being sought? | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| Firearms | Does the respondent have a firearm or firearms licence? | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| | Does the respondent have access to a firearm at work? | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| First hearing | Do you want the respondent to be present at the first hearing? | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Applicant [Not essential if applicant is a police officer] | Signature: _____ | | Date: _____ |
| Hearing [To be filled in by the court] | Court: _____ | Date: _____ | Time: _____ |
| | Signature of registrar: _____ | | |
| Notification [To be filled in by the court] | I certify that on ___/___/___ at _____ am/pm at _____ | | |
| | I notified the applicant of the hearing date. Signature of registrar: _____ | | |
| Affidavit evidence may be provided on request | | | |
| If you, or the respondent, request a copy of any affidavit received in evidence in relation to this application the registrar of the court where this application is made is to provide a copy of the affidavit to the person who made the request. | | | |

[Form 1 inserted in Gazette 26 Nov 2004 p. 5269; amended in Gazette 31 Jul 2007 p. 3801 and 3802.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 2

Form 2 — Violence restraining order
 Part A — Violence restraining order

| | | | |
|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------|
| <i>Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63</i> Violence Restraining Order | | Number: _____ Jurisdiction: _____ Location: _____ | |
| Person who is bound by this order | Family name: _____ | Date of birth: _____ | |
| | Other names: _____ | | |
| | Home street: _____ address: _____ suburb: _____ postcode: _____ | | |
| | Work street: _____ address: _____ suburb: _____ postcode: _____ Phone nos.: work: _____ home: _____ | | |
| Person protected | Family name: _____ | Date of birth: _____ | |
| | Other names: _____ | | |
| Type of order | The order is <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order <input type="checkbox"/> a final order | | |
| Terms of this order | | | |
| Information about unlawful behaviour and activities | In addition to the terms of this order, the court informs you that the following behaviour and activities are unlawful: _____ _____ | | |
| Order made | Date order made: _____ | Time order made: _____ | |
| Registrar | _____ | | Date: _____ |

Form 2 — Violence restraining order

Part B — Information to be on the copy of order given to the person who is bound by the order

**IMPORTANT INFORMATION
FOR PERSON BOUND BY THIS ORDER**

If the order is for 72 hours or less

A violence restraining order has been made against you for 72 hours or less on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order until the end of the duration period set out in the order.

Penalty: It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family and domestic relationship (e.g. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Counselling and support services may be of assistance to you.

If the order is an interim order

An interim violence restraining order has been made against you on the terms set out on the front of this order. This order came into force when it was served on you, or a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. You must comply with this order at all times while it is in force.

You have an opportunity to object to the order before it becomes a final order.

If you want to object to this order being made final you must fill in the "Objection" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final violence restraining order. The court will let you know where and when the final order hearing will be held.

If you do not object to this order being made final you should fill in the "Consent" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which remains in force for the period specified in the order, or —

- (a) if no period is specified and you are not a child, for 2 years; or
- (b) if no period is specified and you are a child, for 6 months,

from the date this interim order was served on you.

If you do nothing and do not fill in and return the other copy of this order within 21 days the court will assume that you do not object and the interim order **will automatically become a final order**.

Penalty: It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

If the order is a final order

A final violence restraining order has been made against you on the terms set out on the front of this order.

This order came into force when it was served on you, or a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force.

If there is a duration specified in the order the order expires at the end of the specified period.

If there is no duration specified in the order the order expires:

- if it was made at a final order hearing and —
 - (a) you are not a child, 2 years; or
 - (b) you are a child, 6 months,
 after this final order comes into force; or
- if it was a telephone order which became a final order because you did not object, 3 months, or any shorter period specified in the order, after the telephone order was served on you.

If, in the future, you want the order varied or cancelled you may apply to the court. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

Penalty: It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Form 2

Additional information about conviction for breaching the order

Note 1: If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

Note 2: If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, **you will face a penalty that is or includes imprisonment (or, if you are a child, detention)** unless the court decides under section 61(6) of the Act not to impose such a penalty.

Affidavit evidence may be provided on request

If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF YOU WERE
PRESENT IN COURT WHEN IT WAS MADE**

Form 2 — Violence restraining order

Part C — Information to be on the respondent’s endorsed copy of the order

IMPORTANT INFORMATION

FOR THE PERSON WHO IS BOUND BY THIS ORDER

For interim orders only

If you object to this interim order being made final you must fill in the “Objection” section below and return this copy of the order to the court within 21 days of the date it was served on you.

If you do not object to this order being made final you must fill in the “Consent” section below and return this copy of the order to the court within 21 days of the date it was served on you.

Remember if you do nothing and do not fill in and return this copy of the order to the court within 21 days this interim order will automatically become a final order.

| Objection | |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Order | Restraining Order No.: Court of Issue: |
| Family name: | Date of birth: |
| Other names: | |
| Address: street: suburb: postcode: | |
| Will you be represented by a lawyer at the final order hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes: Lawyer’s name: Lawyer’s firm: | |
| How many witnesses (including yourself) do you intend to call? _____ | |
| Does this interim order prevent you from — | |
| • going to where you normally live? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • having contact with your children? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • going to where you work or otherwise prevent you from doing your job? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • being in possession of a firearm which is essential for your job? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Signature: | Date: |

OR

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 2

| Consent | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------|----------------|
| Order | Restraining Order No.: | Court of Issue: | |
| Family name: | | | Date of birth: |
| Other names: | | | |
| Address: street: | | | |
| suburb: | | postcode: | |
| I do not object to a final order being made on the same terms as this interim order. I understand that this interim order will automatically become a final order which will stay in force for the period specified in the order, or — (a) if no period is specified and I am not a child, for 2 years; or (b) if no period is specified and I am a child, for 6 months, from the date on which this interim order was served on me. | | | |
| Signature: | | | Date: |

Form 2 — Violence restraining order

Part D — Information to be on the copy of the order given to the person protected by the order

**IMPORTANT INFORMATION
FOR THE PERSON PROTECTED BY THIS ORDER**

If the order is for 72 hours or less

A violence restraining order has been made to protect you for 72 hours or less on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order. The person who is bound by this order must comply with this order until the end of the duration period set out in the order.

Penalty: It is an offence to breach a violence restraining order. If the person bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

If the order is an interim order

An interim violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. The person who is bound by this order must comply with this order at all times while it is in force.

The person who is bound by this order has 21 days within which to object to the order before it becomes a final order. If the person who is bound by this order does object you will need to attend a final order hearing. At that hearing the court will consider anything you and the person who is bound by this order want to say before deciding whether to make a final restraining order. The court will let you know if a final order hearing is to be held and where and when you need to attend. Even if the person who is bound by this order does object, this interim order will remain in force until the final order hearing.

If the person who is bound by this order does not object this order will automatically become a final order which remains in force for the period specified in the order, or —

- (a) if no period is specified and the person bound by the order is not a child, for 2 years; or
- (b) if no period is specified and the person bound by the order is a child, for 6 months,

from the date this interim order was served on the person bound by this order. You will then not need to attend a final order hearing.

Penalty: It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling and support services may be of assistance to you.

If the order is a final order

A final violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. The person who is bound by this order must comply with this order at all times while it is in force.

If there is a duration specified in the order the order expires at the end of the specified period.

If there is no duration specified in the order the order expires:

- if it was made at a final order hearing and —
 - (a) you are not a child, 2 years; or
 - (b) you are a child, 6 months,
 after this final order comes into force; or
- if it was a telephone order which became a final order because the person who is bound by the order did not object, 3 months (or any shorter time specified in the order) after the telephone order was served on the person who is bound by the order.

If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

Penalty: It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling and support services may be of assistance to you.

Form 2

Additional information about breaching the order

Note 1: If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

Note 2: If the person who is bound by this order is convicted of breaching the order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61(6) of the Act not to impose such a penalty.

Affidavit evidence may be provided on request

If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE

Form 2 — Violence restraining order
 Part E — Information to be on the proof of service copy

| Certificate of Service | |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Restraining order No.: _____ Court of issue: _____ |
| Person serving order | Name of person serving order: _____ I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer <input type="checkbox"/> a prison officer <input type="checkbox"/> a person authorised by the registrar Name and other identifying information: _____ Prison: _____ Date of authorisation: _____ |
| Service | Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where order served: _____ Date of service: _____ Time of service: _____ |
| Person served [Person who is bound by the order] | Name: _____ Date of birth: _____ Signature: _____ (If possible to obtain) |
| Certificate | I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by this order <input type="checkbox"/> I posted this order to the person who is bound by this order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with Part 6 Division 2 of the <i>Restraining Orders Act 1997</i> . In the case of oral service, I also certify that I gave the person who is bound by this order the information required by section 55(5) of the <i>Restraining Orders Act 1997</i> and that he or she appeared to understand what was said. Signature: _____ Date: _____ |

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 2

Form 2 — Violence restraining order
 Part F — Details of family order

| | | | |
|----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------|
| <small>Restraining Orders Act 1997 s. 66</small> Details of family order Annexure to application | | Number: | |
| | | Jurisdiction: | |
| | | Location: | |
| Parties to the family order or proceedings | Name: | | |
| | Address: street: _____ suburb: _____ postcode: _____ | | |
| | Name: | | |
| | Address: street: _____ suburb: _____ postcode: _____ | | |
| Children | Names: | | |
| | 1. 2. 3. 4. | | |
| | Address: street: _____ suburb: _____ postcode: _____ | | |
| Current family order | Date order was made: _____ | | Family Court matter no.: _____ |
| | Court by which order was made: _____ Terms of family order which relate to the respondent's rights in relation to children: [If the person seeking to be protected by the restraining order is a party to the family order, attach a copy of the family order. If not, fill in the details as far as you (or the person seeking to be protected) is aware of them.] | | |
| Current proceedings for family order | Court: _____ | | Family Court matter no.: _____ |
| | Terms of family order being sought which relate to the respondent's rights in relation to children: Are these terms of the order being opposed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown | | |
| Applicant | Signature: _____ | | Date: _____ |

[Form 2 inserted in Gazette 26 Nov 2004 p. 5270-5; amended in Gazette 31 Jul 2007 p. 3801 and 3802; 4 May 2012 p. 1848-51.]

Form 3 — Section 63A violence restraining order

Part A — Section 63A violence restraining order

Restraining Orders Act 1997 s. 63A
**Section 63A Violence
 Restraining Order**

| |
|---------------|
| Number: |
| Jurisdiction: |
| Location: |

| | | |
|-----------------------------------|----------------------------|----------------|
| Person who is bound by this order | Family name: | Date of birth: |
| | Other names: | |
| | Home street: | |
| | address: suburb: postcode: | |
| | Work street: | |
| address: suburb: postcode: | | |
| Phone nos.: work: home: | | |

| | | |
|------------------|--------------|----------------|
| Person protected | Family name: | Date of birth: |
| | Other names: | |

| | |
|----------------|--------------------------------------------------------------------------------------------------|
| Lifelong order | This order remains in force for the period of the life of the person who is bound by this order. |
|----------------|--------------------------------------------------------------------------------------------------|

| | |
|---------------------|--|
| Terms of this order | |
|---------------------|--|

| | | |
|------------|------------------|------------------|
| Order made | Date order made: | Time order made: |
|------------|------------------|------------------|

| | | |
|-----------|--|-------|
| Registrar | | Date: |
|-----------|--|-------|

Form 3

Form 3 — Section 63A violence restraining order

Part B — Information to be on the copy of the order given to the person who is bound by the order

IMPORTANT INFORMATION
FOR THE PERSON WHO IS BOUND BY THIS ORDER

Section 63A violence restraining order

A violence restraining order has been made against you under section 63A of the *Restraining Orders Act 1997*. The order is in the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order for the rest of your life.

Penalty: It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family and domestic relationship (eg. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Note 1: If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

Note 2: If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, **you will face a penalty that is or includes imprisonment (or, if you are a child, detention)** unless the court decides under section 61(6) of the Act not to impose such a penalty.

Counselling and support services may be of assistance to you.

THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE

Form 3 — Section 63A violence restraining order

Part C — Information to be on the copy of the order given to the person protected by the order

**IMPORTANT INFORMATION
FOR THE PERSON WHO IS PROTECTED BY THIS ORDER**

| Section 63A violence restraining order |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A violence restraining order has been made to protect you under section 63A of the <i>Restraining Orders Act 1997</i>. The order is in the terms set out on the front of this order. This order came into force when it was served on the person who is bound by the order, or at a later time if this is specified on the front of this order. The person who is bound by this order must comply with this order for the rest of his or her life.</p> <p>Penalty: It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.</p> <p>Note 1: If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the <i>Restraining Orders Act 1997</i> section 61B(3) and (4)).</p> <p>Note 2: If the person who is bound by this order is convicted of breaching this order and the person has been convicted of at least 2 other offences under the <i>Restraining Orders Act 1997</i> section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61(6) of the Act not to impose such a penalty.</p> <p>Counselling and support services may be of assistance to you.</p> |
| THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE |

[Form 3 inserted in Gazette 26 Nov 2004 p. 5276-7; amended in Gazette 31 Jul 2007 p. 3802; 4 May 2012 p. 1851-2.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 4

Form 4 — Application for misconduct restraining order

| | | | |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <i>Restraining Orders Act 1997 s. 38(2)</i> Misconduct restraining order Application | | Number: _____ Jurisdiction: _____ Location: _____ | |
| Person seeking to be protected | Family name: _____ | | Date of birth: _____ |
| | Other names: _____ | | |
| | Address: street: _____ | | postcode: _____ |
| | suburb: _____ | | |
| Phone nos.: work: _____ | | home: _____ | |
| Applicant [If not the person seeking to be protected] | Are you: <input type="checkbox"/> the person seeking to be protected <input type="checkbox"/> the parent or guardian of a child who is seeking to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is seeking to be protected | | |
| | Family name: _____ | | Date of birth: _____ |
| | Other names: _____ | | |
| | Address: street: _____ | | postcode: _____ |
| suburb: _____ | | | |
| Phone nos.: work: _____ | | home: _____ | |
| Respondent [Fill in as many details as you can] | Family name: _____ | | Date of birth: _____ |
| | Other names: _____ | | |
| | Home street: _____ | | postcode: _____ |
| | address: suburb: _____ | | |
| Work street: _____ | | postcode: _____ | |
| address: suburb: _____ | | | |
| Phone nos.: work: _____ | | home: _____ | |
| Grounds for application | Why do you need a misconduct restraining order? Because the respondent is likely to: <input type="checkbox"/> behave in a manner that is intimidating or offensive to a person seeking to be protected; <input type="checkbox"/> damage property owned by, or in the possession of, the person seeking to be protected; or <input type="checkbox"/> behave in a manner that is, or is likely to lead to, a breach of the peace. Give details of the respondent's behaviour. | | |
| Firearms | Does the respondent have a firearm or firearms licence? | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| | Does the respondent have access to a firearm at work? | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| Applicant | Signature: _____ | | Date: _____ |
| Hearing [To be filled in by the court] | Court: _____ | Date: _____ | Time: _____ |
| | Registrar: _____ | | |
| Notification [To be filled in by the court] | I certify that on __/__/__ at ____ am/pm at _____ I notified the applicant of the hearing date. Registrar: _____ | | |

[Form 4 inserted in Gazette 26 Nov 2004 p. 5278; amended in Gazette 31 Jul 2007 p. 3802; 4 May 2012 p. 1853.]

Form 5 — Misconduct restraining order

Part A — Misconduct restraining order

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------|------------------------|
| <p style="font-size: small;"><i>Restraining Orders Act 1997 s. 43, 49 and 63</i></p> <p style="font-size: large; font-weight: bold; margin: 0;">Misconduct Restraining Order</p> | | Number: _____ Jurisdiction: _____ Location: _____ | |
| Person who is bound by this order | Family name: _____ | | Date of birth: _____ |
| | Other names: _____ | | |
| | Home street: | suburb: _____ | postcode: _____ |
| | Work street: | suburb: _____ | postcode: _____ |
| | Phone nos.: | work: _____ | home: _____ |
| Person protected | Family name: _____ | | Date of birth: _____ |
| | Other names: _____ | | |
| Terms of the order | | | |
| Order made | Date order made: _____ | | Time order made: _____ |
| Registrar | | | Date: _____ |

Form 5

Form 5 — Misconduct restraining order

Part B — Information to be on the copy of the order given to the person who is bound by the order

**IMPORTANT INFORMATION
FOR THE PERSON WHO IS BOUND BY THIS ORDER**

| Misconduct Restraining Order |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A misconduct restraining order has been made against you on the terms set out on the front of this order. This order comes into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force. If there is a duration specified in the order the order expires at the end of the specified period. If there is no duration specified in the order the order expires 12 months after it comes into force. If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the registrar of the court.</p> <p>Penalty: It is an offence to breach a misconduct restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$1 000.</p> <p>Note: If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the <i>Restraining Orders Act 1997</i> section 61B(2)).</p> <p>Counselling and support services may be of assistance to you.</p> |
| Affidavit evidence may be provided on request |
| <p>If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.</p> |
| THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE |

Form 5 — Misconduct restraining order

Part C — Information to be on the copy of the order given to the person protected by the order

**IMPORTANT INFORMATION
FOR THE PERSON PROTECTED BY THE ORDER**

| |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Misconduct Restraining Order |
| <p>A misconduct restraining order has been made to protect you on the terms set out on the front of this order. This order comes into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. The person who is bound by this order must comply with this order at all times while it is in force.</p> <p>If there is a duration specified in the order the order expires at the end of the specified period.</p> <p>If there is no duration specified in the order the order expires 12 months after it comes into force.</p> <p>If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the registrar of the court.</p> <p>Penalty: It is an offence to breach a misconduct restraining order. If the person bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$1 000.</p> <p>Note: If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the <i>Restraining Orders Act 1997</i> section 61B(3) and (4)).</p> <p>Counselling and support services may be of assistance to you.</p> |
| Affidavit evidence may be provided on request |
| <p>If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.</p> |
| THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE |

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 5

Form 5 — Misconduct restraining order
 Part D — Information to be on the proof of service copy

| Certificate of Service | |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Restraining order No.: _____ Court of issue: _____ | |
| Person serving order | Name of person serving order: _____ I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____ |
| Service | Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where order served: _____ Date of service: _____ Time of service: _____ |
| Person served [Person who is bound by the order] | Name: _____ Date of birth: _____ Signature:..... [If possible to obtain] |
| Certificate | I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by the order <input type="checkbox"/> I posted this order to the person who is bound by the order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by the order in accordance with Part 6 Division 2 of the <i>Restraining Orders Act 1997</i> . In the case of oral service, I also certify that I gave the person who is bound by this order the information required by section 55(5) of the <i>Restraining Orders Act 1997</i> and that he or she appeared to understand what was said. Signature: _____ Date: _____ |

[Form 5 inserted in Gazette 26 Nov 2004 p. 5279-81; amended in Gazette 31 Jul 2007 p. 3801 and 3802; 4 May 2012 p. 1853.]

Form 6 — Telephone order

Part A — Court copy of telephone order

| | | | |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------|------------------|
| <i>Restraining Orders Act 1997 s. 23</i> | | Number: | |
| Telephone Violence Restraining Order | | Jurisdiction: | |
| | | Location: | |
| | | Date of birth: | |
| Person who is bound by this order | Family name: | | Date of birth: |
| | Other names: | | |
| | Home street address: suburb: postcode: | | |
| | Work street address: suburb: postcode: | | |
| | Phone nos.: work: home: | | |
| Protected person | Family name: | | Date of birth: |
| | Other names: | | |
| Type of order | The order is <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order | | |
| Terms of the order | | | |
| Order made | Date order made: | | Time order made: |
| Authorised person | Name: | | |
| | Rank and number/identification: | | |
| | Signature: | | Date: |
| Confirmation by Magistrate | This order <input type="checkbox"/> is correct <input type="checkbox"/> is not correct and is to be amended as shown above | | |
| | Signature: | | Date: |

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 6

Form 6 — Telephone order

Part B — Copy of the order given to the person who is bound by the order

| | | | |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------|
| <i>Restraining Orders Act 1997 s. 23</i> Telephone Violence Restraining Order | | Number: _____ Jurisdiction: _____ Location: _____ | |
| Person who is bound by this order | Family name: _____ | | Date of birth: _____ |
| | Other names: _____ | | |
| | Home street: | _____ | postcode: _____ |
| | Work street: | _____ | postcode: _____ |
| | Phone nos.: | work: _____ | home: _____ |
| Person protected | Family name: _____ | | Date of birth: _____ |
| | Other names: _____ | | |
| Type of order | The order is <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order | | |
| Terms of the order | | | |
| Order made | Date order made: _____ | Time order made: _____ | |
| Authorised person | Name: _____ | | |
| | Rank and number/identification: _____ | | |
| | Signature: _____ | Date: _____ | |

Form 6 — Telephone order

Part C — Information to be on the copy of the order to be given to the person who is bound by the order

**IMPORTANT INFORMATION
FOR PERSON WHO IS BOUND BY THIS ORDER**

If the order is for 72 hours or less

A violence restraining order has been made against you for 72 hours or less on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order until the end of the duration period set out in the order.

Penalty: It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family and domestic relationship (eg. your child, your partner’s child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Counselling and support services may be of assistance to you.

If the order is an interim order

An interim violence restraining order has been made against you on the terms set out on the front of this order. This order came into force when it was served on you, or a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. You must comply with this order at all times while it is in force.

You have an opportunity to object to the order before it becomes a final order.

If you want to object to this order being made final you must fill in the “Objection” section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final violence restraining order. The court will let you know where and when the final order hearing will be held.

If you do not object to this order being made final you should fill in the “Consent” section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which remains in force for the period specified in the order, or —

- (a) if no period is specified and you are not a child, for 2 years; or
 - (b) if no period is specified and you are a child, for 6 months,
- from the date this interim order was served on you.

If you do nothing and do not fill in and return the other copy of this order within 21 days the court will assume that you do not object and the interim order **will automatically become a final order.**

Penalty: It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Form 6

| |
|------------------------------------------------------------------------|
| Additional information about conviction for breaching the order |
|------------------------------------------------------------------------|

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the <i>Restraining Orders Act 1997</i> section 61B(2)). |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| |
|------------------------------------------------------|
| Affidavit evidence may be provided on request |
|------------------------------------------------------|

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Form 6 — Telephone order

Part D — Information to be on the respondent’s endorsed copy

IMPORTANT INFORMATION

FOR THE PERSON WHO IS BOUND BY THIS ORDER

For interim orders only

If you object to this interim order being made final you must fill in the “Objection” section below and return this copy of the order to the court within 21 days of the date it was served on you.

If you do not object to this order being made final you must fill in the “Consent” section below and return this copy of the order to the court within 21 days of the date it was served on you.

Remember if you do nothing and do not fill in and return this copy of the order to the court within 21 days this interim order will automatically become a final order.

| Objection | |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Order | Restraining Order No.: Court of Issue: |
| Family name: | Date of birth: |
| Other names: | |
| Address: street: suburb: postcode: | |
| Will you be represented by a lawyer at the final order hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes: Lawyer’s name: Lawyer’s firm: | |
| How many witnesses (including yourself) do you intend to call? _____ | |
| Does this interim order prevent you from — | |
| • going to where you normally live? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • having contact with your children? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • going to where you work or otherwise prevent you from doing your job? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • being in possession of a firearm which is essential for your job? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Signature: | Date: |

OR

Form 6 — Telephone order

Part E — Information to be on the copy of the order given to the person protected by the order

**IMPORTANT INFORMATION
FOR PERSON PROTECTED BY THIS ORDER**

If the order is for 72 hours or less

A violence restraining order has been made to protect you for 72 hours or less on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order. The person who is bound by this order must comply with this order until the end of the duration period set out in the order.

Penalty: It is an offence to breach a violence restraining order. If the person bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

If the order is an interim order

An interim violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. The person who is bound by this order must comply with this order at all times while it is in force.

The person who is bound by this order has 21 days within which to object to the order before it becomes a final order.

If the person who is bound by this order does object you will need to attend a final order hearing. At that hearing the court will consider anything you and the person who is bound by this order want to say before deciding whether to make a final restraining order. The court will let you know if a final order hearing is to be held and where and when you need to attend. Even if the person who is bound by this order does object, this interim order will remain in force until the final order hearing.

If the person who is bound by this order does not object this order will automatically become a final order which remains in force for the period specified in the order, or —

(a) if no period is specified and the person bound by the order is not a child, for 2 years;
or

(b) if no period is specified and the person bound by the order is a child, for 6 months, from the date this interim order was served on the person bound by this order. You will then not need to attend a final order hearing.

Penalty: It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling and support services may be of assistance to you.

Additional information about breaching the order

If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

Form 6

| |
|------------------------------------------------------|
| Affidavit evidence may be provided on request |
|------------------------------------------------------|

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Form 6 — Telephone order

Part F — Information to be on the proof of service copy

| Certificate of Service | |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Restraining order No.: | |
| Court of issue: | |
| Person serving order | Name of person serving order: I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer <input type="checkbox"/> a prison officer <input type="checkbox"/> a person authorised by the registrar |
| Name and other identifying information: Prison: _____ Date of authorisation: _____ | |
| Service | Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where order served: _____ Date of service: _____ Time of service: _____ |
| Person served [Person who is bound by the order] | Name: _____ Date of birth: _____ Signature:..... [If possible to obtain] |
| Certificate | I certify that on the day and at the time and place set out above <input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by this order <input type="checkbox"/> I posted this order to the person who is bound by this order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with Part 6 Division 2 of the <i>Restraining Orders Act 1997</i> . In the case of oral service, I also certify that I gave the person who is bound by this order the information required by section 55(5) of the <i>Restraining Orders Act 1997</i> and that he or she appeared to understand what was said. Signature: _____ Date: _____ |

[Form 6 inserted in Gazette 26 Nov 2004 p. 5282-7; amended in Gazette 31 Jul 2007 p. 3801 and 3802; 4 May 2012 p. 1854-6.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 7

Form 7 — Restraining order record of telephone application

| | | | |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--|
| <p><i>Restraining Orders Act 1997 s. 21(4)</i></p> <p>Restraining order Record of telephone application</p> | | Number: _____ Jurisdiction: _____ Location: _____ | |
| Authorised person | Name: _____ Rank and number/identification: _____ Contact phone no.: _____ Date of application: _____ | | |
| Reason for applying by telephone | I <input type="checkbox"/> am <input type="checkbox"/> am not satisfied that the matter is sufficiently urgent to justify a telephone application. | | |
| Person seeking to be protected | Family name: _____ Date of birth: _____ Other names: _____ Address: street: _____ suburb: _____ postcode: _____ Phone nos.: work: _____ home: _____ | | |
| Applicant <small>(If not the person seeking to be protected)</small> | The applicant is: <input type="checkbox"/> person seeking to be protected <input type="checkbox"/> parent or guardian of a child who is seeking to be protected <input type="checkbox"/> a child welfare officer on behalf of a child who is seeking to be protected <input type="checkbox"/> authorised person <input type="checkbox"/> legal guardian of the person who is seeking to be protected Family name: _____ Date of birth: _____ Other names: _____ Address: street: _____ suburb: _____ postcode: _____ Phone nos.: work: _____ home: _____ | | |
| Respondent | Family name: _____ Date of birth: _____ Other names: _____ Home street: _____ address: suburb: _____ postcode: _____ Work street: _____ address: suburb: _____ postcode: _____ Phone nos.: work: _____ home: _____ The respondent <input type="checkbox"/> is <input type="checkbox"/> is not present <input type="checkbox"/> is <input type="checkbox"/> is not being detained by a police officer | | |
| Grounds for application | | | |
| Family orders | Are there any current family orders relating to the respondent's rights in relation to children who may be affected by a restraining order? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Are there any current Family Court proceedings in which such orders are being sought? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Details of family order or proceedings | | |
| Firearms | Does the respondent have a firearm or a firearms licence? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Does the respondent have access to a firearm at work? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown | | |

Restraining Orders Regulations 1997

Forms **Schedule 1**

Form 7

| | |
|-----------------------------------|------------------------------------------------------------------------------|
| Witnesses and summary of evidence | Applicant: Respondent: Authorised person: Other people: |
|-----------------------------------|------------------------------------------------------------------------------|

| | |
|-------------|--|
| Other notes | |
|-------------|--|

| | |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Decision and order | I <input type="checkbox"/> am <input type="checkbox"/> am not satisfied that a telephone order should be made. The terms of the order are: |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|

| | | | |
|------------|-------------------------------------------------|-------|-------|
| Magistrate | Name: | | |
| | Court where Magistrate is based: | | |
| | Magistrate's location when hearing application: | | |
| | Signature: | Date: | Time: |

[Form 7 inserted in Gazette 26 Nov 2004 p. 5288-9.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 8

Form 8 — Application to vary or cancel a restraining order

Part A — Application to vary or cancel a restraining order

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <i>Restraining Orders Act 1997 s. 45</i> Restraining order Application to vary or cancel | | Number: Jurisdiction: Location: |
| Person applying to vary or cancel | Family name: | |
| | Other names: | |
| | Address: street: suburb: postcode: | |
| | Phone nos.: work: home: | |
| | Are you: <ul style="list-style-type: none"> <input type="checkbox"/> the person protected by the order <input type="checkbox"/> the parent or guardian of a child protected by the order <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person protected by the order <input type="checkbox"/> the person bound by the order | |
| Restraining order | Type of order: <input type="checkbox"/> Violence Restraining Order <input type="checkbox"/> Misconduct Restraining Order | |
| | Date order was made: | Restraining order no.: |
| | Person who is bound by the order: | |
| Person who is protected by the order: | | |
| Grounds for leave to continue this application <small>[Only fill this in if the application is being made by the person bound by the order]</small> | If you are the person bound by the restraining order, on what grounds do you seek leave to continue the application? | |
| Variation or cancellation | Do you want the restraining order to be <input type="checkbox"/> cancelled <input type="checkbox"/> varied If varied, what do you want changed? | |
| Grounds for variation or cancellation | Why do you want the restraining order varied or cancelled? | |
| Hearing <small>[To be filled in by the court]</small> | Court: Date: Time: | |
| Notification <small>[To be filled in by the court]</small> | I certify that on ___/___/___ at ___ am/pm at I notified the person applying to vary or cancel of the hearing date. Registrar: | |

Form 8 — Application to vary or cancel a restraining order

Part B — Information to be on the copy of the application to be given to the applicant

**IMPORTANT INFORMATION
FOR THE APPLICANT**

Application by the person protected by the restraining order

If you are the person protected by the restraining order (or someone acting on behalf of that person) and you have applied to vary or cancel the order, you must attend a hearing on the date set out on the front of this application. The court will summons the person who is bound by the order who should also attend. At that hearing the court will decide whether or not to vary or cancel the restraining order.

If you do not attend the hearing, your application may be dismissed.

Application by the person who is bound by the restraining order

If you are the person who is bound by the restraining order and you have applied to vary or cancel a restraining order, you must attend a hearing on the date set out on the front of this application. The person protected by the restraining order will not attend this hearing. At this hearing you will have the opportunity to satisfy the court that you should be granted leave to continue the application. To do this you will need to satisfy the court that one of the following applies:

- (i) you had a reasonable cause not to attend a prior hearing where the restraining order was made (this does not apply in respect of a hearing where you were not present because the person protected by the order chose to have the matter heard in your absence under section 26 of the *Restraining Orders Act 1997*);
- (ii) there is evidence to support a claim that a person protected by the order has persistently invited or encouraged you to breach the order, or by his or her actions has persistently attempted to cause you to breach the order;
- (iii) there has been a substantial change in the relevant circumstances since the order was made;
or
- (iv) if this application is made to vary or cancel an interim order, there is evidence to support a claim that the restraints imposed by the order are causing you unnecessary hardship.

If you do not attend the hearing, your application may be dismissed.

Your application to vary or cancel the restraining order will be dismissed if you do not satisfy the court that one of the grounds set out above applies.

If the court is satisfied that one of the grounds set out above applies to you then the court will set a date for a further hearing and will summons the person protected by the order to attend. At that hearing the court will decide whether or not to vary or cancel the restraining order.

If you do not attend the hearing, your application may be dismissed.

Application to extend duration of order

If this application is to vary the restraining order by extending the duration of the order, then, despite anything else in the *Restraining Orders Act 1997*, **THE ORDER WILL NOT EXPIRE** before the application is determined if the person bound by the order has been given a copy of this application.

[Form 8 inserted in Gazette 26 Nov 2004 p. 5290-1; amended in Gazette 31 Jul 2007 p. 3802; 4 May 2012 p. 1856.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 9

Form 9 — Summons to vary or cancel restraining order

Part A — Summons to vary or cancel restraining order

| |
|----------------------------------------------------------------------------------------------------------|
| <i>Restraining Orders Act 1997 s. 47</i> Restraining order Summons to vary or cancel |
|----------------------------------------------------------------------------------------------------------|

| |
|---------------|
| Number: |
| Jurisdiction: |
| Location: |

An application has been made to vary or cancel the restraining order to which you (or a person of whom you are a parent or guardian) are a party. The details of the application are set out below.

You are required to attend a court hearing on this matter at the place and time set out below.

| | | | |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------|
| Person summonsed | <input type="checkbox"/> Person protected by the order <input type="checkbox"/> Parent or guardian of a child protected by the order <input type="checkbox"/> Person bound by the order <input type="checkbox"/> Legal guardian of a person protected by the order <input type="checkbox"/> Child Welfare Officer on behalf of a child protected by the order | | |
| | Family name: | | Date of birth: |
| | Other names: | | |
| | Home street: address: suburb: postcode: | | |
| | Work street: address: suburb: postcode: | | |
| | Phone nos.: work: home: | | |
| Restraining order | <input type="checkbox"/> Violence Restraining Order <input type="checkbox"/> Misconduct Restraining Order | | Date order made: |
| | Person bound by the order: | | Date order served: |
| | Person protected by the order: | | |
| Application | An application has been made for the restraining order to be: <input type="checkbox"/> cancelled <input type="checkbox"/> varied The variations sought to the order are as follows: | | |
| Grounds for application | | | |
| Hearing [To be filled in by the court] | Court: | Date: | Time: |
| | Registrar: | | |

If you do not attend the court hearing the restraining order may be varied or cancelled in your absence.

Form 9 — Summons to vary or cancel restraining order

Part B — Information to be on the proof of service copy

| Certificate of Service | |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Restraining order No.: _____ Court of issue: _____ | |
| Person serving summons | Name of person serving summons: I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____ |
| | Method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where summons served: _____ Date of service: _____ Time of service: _____ |
| Person served [Person bound, or person protected by the order] | Name: _____ Date of birth: _____ Signature:..... [If possible to obtain] |
| | Certificate I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this summons on the person to be summonsed <input type="checkbox"/> I posted this summons to the person to be summonsed <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this summons on the person to be summonsed in accordance with Part 6 Division 2 of the <i>Restraining Orders Act 1997</i> . Signature: _____ Date: _____ |

OR

| | |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summons not served | Name of person attempting to serve summons: I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____ |
| | Attempted method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service Steps taken to attempt service: _____ I was unable to serve this summons because: <input type="checkbox"/> the person to be summonsed does not appear to live or work at the addresses given and cannot be found elsewhere <input type="checkbox"/> the person to be summonsed appears to be deliberately avoiding being served with this summons <input type="checkbox"/> other [give details] Signature: _____ Date: _____ |

Please return this proof of service copy of the summons to the court before the hearing date, even if you have been unable to serve it.

[Form 9 inserted in Gazette 26 Nov 2004 p. 5292-3; amended in Gazette 31 Jul 2007 p. 3802; 4 May 2012 p. 1856.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 10

Form 10 — Police order
Part A — Police order

Restraining Orders Act 1997 Part 2 Division 3A

Police Order

| | | |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Person who is bound by this order | Family name: | Date of birth: |
| | Other names: | |
| | Home street: address: suburb: postcode: | |
| | Work street: address: suburb: postcode: | |
| | Phone nos.: work: home: mobile: | |
| Person protected | Family name: Other names: | Date of birth: |
| | | |
| Terms of the order | | |
| Order made | Date order made: | Time order made: |
| Order expires | This order will expire at a.m./p.m. on the day of 20 [Note that this order cannot remain in force for a period longer than 72 hours after it has been served.] | |
| | | |
| Issuing police officer | Name and other identifying information: | |
| | Signature: | |

Form 10 — Police order

Part B — Information to be on the proof of service copy

| Certificate of Service | | | | | | | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--|--------------------------------------------------------------------|------------------|--------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------|--|-------|--|
| Person served <small>[Person who is bound by the order]</small> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 75%;">Name:</td><td></td></tr> <tr><td>Date of birth:</td><td></td></tr> <tr><td>Signature:</td><td></td></tr> </table> | Name: | | Date of birth: | | Signature: | | | | | | | |
| Name: | | | | | | | | | | | | | |
| Date of birth: | | | | | | | | | | | | | |
| Signature: | | | | | | | | | | | | | |
| Details of Service | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">Place where order served:</td><td></td></tr> <tr><td>Date of service:</td><td>Time of service:</td></tr> </table> | Place where order served: | | Date of service: | Time of service: | | | | | | | | |
| Place where order served: | | | | | | | | | | | | | |
| Date of service: | Time of service: | | | | | | | | | | | | |
| Officer servicing order | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="2">Name and other identifying information:</td></tr> <tr><td colspan="2">I certify that on the day and at the time and place set out above:</td></tr> <tr><td colspan="2"> <input type="checkbox"/> I personally served this order on the person bound by this order. </td></tr> <tr><td colspan="2"> <input type="checkbox"/> I gave the explanation required by the <i>Restraining Orders Act 1997</i> section 30E(3) to the person bound by this order and the person protected by this order. </td></tr> <tr><td colspan="2">Signature:</td></tr> <tr><td colspan="2">Date:</td></tr> </table> | Name and other identifying information: | | I certify that on the day and at the time and place set out above: | | <input type="checkbox"/> I personally served this order on the person bound by this order. | | <input type="checkbox"/> I gave the explanation required by the <i>Restraining Orders Act 1997</i> section 30E(3) to the person bound by this order and the person protected by this order. | | Signature: | | Date: | |
| Name and other identifying information: | | | | | | | | | | | | | |
| I certify that on the day and at the time and place set out above: | | | | | | | | | | | | | |
| <input type="checkbox"/> I personally served this order on the person bound by this order. | | | | | | | | | | | | | |
| <input type="checkbox"/> I gave the explanation required by the <i>Restraining Orders Act 1997</i> section 30E(3) to the person bound by this order and the person protected by this order. | | | | | | | | | | | | | |
| Signature: | | | | | | | | | | | | | |
| Date: | | | | | | | | | | | | | |

ISSUING POLICE OFFICER

IMPORTANT INFORMATION: ORDERS AGAINST CHILDREN

Note that the *Restraining Orders Act 1997* section 30D reads as follows:

30D. Police orders against children

- (1) A police order cannot impose restraints on a child unless the child is in a family and domestic relationship with the person for whose benefit the order is made.
- (2) A police officer must not make a police order against a child that might affect the care and wellbeing of the child unless the police officer is satisfied that appropriate arrangements have been made for the care and wellbeing of the child.

Form 10

Form 10 — Police order

Part C — Information to be on the copy of order given to the person bound by a police order

PERSON BOUND BY THIS ORDER

IMPORTANT INFORMATION

This is a police order which has been made against you.
In this police order you are referred to as the person who is bound by this order.
This police order came into force when it was served on you.
You must comply with the terms of this order until it expires.
The date and time of expiry are written on the front of this order.
The terms of this police order are written on the front of this order. You should read the terms carefully so that you are aware of the restraints that have been imposed on you — this means that you are not to do certain things.
This police order has been issued to —

- ensure that a person is protected from acts of family and domestic violence;
- prevent behaviour that could reasonably be expected to cause fear that a person will have committed against them an act of family and domestic violence; or
- ensure that children are not exposed to acts of domestic violence.

Penalty: It is an offence to breach a police order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family and domestic relationship (eg. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Note 1: If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

Note 2: If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, **you will face a penalty that is or includes imprisonment (or, if you are a child, detention)** unless the court decides under section 61(6) of the Act not to impose such a penalty.

Counselling and support services may be of assistance to you.

Form 10 — Police order

Part D — Information to be on the copy of a police order given to a person protected by a police order

**IMPORTANT INFORMATION
FOR PERSON PROTECTED BY A POLICE ORDER**

This is a police order which has been made for your benefit.
 In this police order you are referred to as the person protected.
 This police order came into force when it was served on the person who is bound by the order.
 The person bound by this order must comply with the terms of this order until it expires.
 The date and time of expiry are written on the front of this order.
 The terms of this police order are written on the front of this order. You should read the terms carefully so that you are aware of the restraints that have been imposed to protect you.
 This police order has been issued to —

- ensure that a person is protected from acts of family and domestic violence;
- prevent behaviour that could reasonably be expected to cause fear that a person will have committed against them an act of family and domestic violence; or
- ensure that children are not exposed to acts of domestic violence.

The person bound by this order commits an offence if he or she fails to comply with this order.

You must not —

- invite or encourage the person bound by this order to breach this order; or
- by your actions cause the person bound by this order to breach the order.

Penalty: It is an offence to breach a police order. If the person bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Note 1: If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

Note 2: If the person who is bound by this order is convicted of breaching this order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61(6) of the Act not to impose such a penalty.

Counselling and support services may be of assistance to you.

[Form 10 inserted in Gazette 4 May 2012 p. 1856-9.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 11

Form 11 — Restraining order made during other proceedings — record of proceedings

| | | |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <i>Restraining Orders Act 1997 s. 63</i> Restraining order made during other proceedings Record of proceedings | | Number: _____ Jurisdiction: _____ Location: _____ |
| Application | Order made: <input type="checkbox"/> by court of its own motion <input type="checkbox"/> on an application or request by _____ | |
| Person protected by the order | Family name: _____ Date of birth: _____ Other names: _____ | |
| | Address: street: _____ suburb: _____ postcode: _____ | |
| | Phone nos.: work: _____ home: _____ | |
| | Role in proceeding in which restraining order was made: <input type="checkbox"/> applicant/prosecutor <input type="checkbox"/> respondent/accused <input type="checkbox"/> other witness <input type="checkbox"/> other _____ | |
| | _____ | |
| Person who is bound by the restraining order | Family name: _____ Date of birth: _____ Other names: _____ | |
| | Home street: _____ address: suburb: _____ postcode: _____ | |
| | Work street: _____ address: suburb: _____ postcode: _____ | |
| | Phone nos.: work: _____ home: _____ | |
| | Role in proceeding in which restraining order was made: <input type="checkbox"/> applicant/prosecutor <input type="checkbox"/> respondent/accused <input type="checkbox"/> other witness <input type="checkbox"/> other _____ | |
| Grounds on which order applied for or considered | _____ _____ _____ | |
| Family orders | Are there any current family orders relating to the person who is bound by the restraining order's rights in relation to children who may be affected by a restraining order? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | Are there any current Family Court proceedings in which such orders are being sought? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | Details of family order or proceedings: _____ _____ | |
| Firearms | Does the person who is bound by the restraining order have a firearm or a firearms licence? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | Does the person who is bound by the restraining order have access to a firearm at work? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Witness and summary of evidence | Person protected by the restraining order: _____ Person who is bound by the restraining order: _____ Other people: _____ | |
| Other notes | _____ _____ _____ | |

| | | |
|--------------------|------------------|------------------|
| Terms of the order | | |
| Order made | Date order made: | Time order made: |
| Registrar | Signature: | Date: |

[Form 11 inserted in Gazette 26 Nov 2004 p. 5298-9; amended in Gazette 31 Jul 2007 p. 3802.]

Form 12 — Application to register an interstate restraining order

Part B — Information to be on the copy of the application given to the applicant

Notification to applicant

The interstate restraining order described in this form has been registered in Western Australia. It can now be enforced in this State as if it had been made here.

Form 12 — Application to register an interstate restraining order

Part C — Information to be on the copy of the application given to
the Commissioner of Police

Notification to the Commissioner of Police

The interstate order described in this form has been registered in Western Australia. A copy of the interstate order is attached.

Form 12 — Application to register an interstate restraining order

Part D — Information to be on the copy of the application given to the interstate court
where the relevant interstate order was made

Notification to the Registrar

The restraining order described above and made in your court has been registered in Western Australia. If the original order is varied or cancelled please notify the registrar of the court mentioned above.

*[Form 12 inserted in Gazette 26 Nov 2004 p. 5300-1; amended in
Gazette 31 Jul 2007 p. 3802; 4 May 2012 p. 1859.]*

Form 13

Form 13 — Restraining order — summons

Part A — Restraining order — summons

Restraining Orders Act 1997 s. 26(3) and 39
**Restraining order
 Summons**

| |
|---------------|
| Number: |
| Jurisdiction: |
| Location: |

An application has been made for a restraining order against you. The details of the application are set out below. You are required to attend a court hearing on this matter at the place and time set out below.

| | | | |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Respondent | Family name: | | |
| | Other names: | | |
| | Home street: address: suburb: postcode: | | |
| | Work street: address: suburb: postcode: | | |
| | Phone nos.: work: home: | | |
| Person seeking to be protected | Family name: | | |
| | Other names: | | |
| Applicant (If not the person seeking to be protected) | The applicant is: <ul style="list-style-type: none"> <input type="checkbox"/> person seeking to be protected <input type="checkbox"/> parent or guardian of a child who is seeking to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of a person seeking to be protected | | |
| | Family name: | | |
| | Other names: | | |
| Type of order | The application is for <input type="checkbox"/> a Violence Restraining Order <input type="checkbox"/> a Misconduct Restraining Order | | |
| Grounds for application | | | |
| Hearing | Court: | Date: | Time: |
| | Registrar: | | |

If you do not attend the court hearing a restraining order may be made against you in your absence.

A restraining order may prohibit you from going to certain places (such as the home of the person seeking to be protected) and place other restrictions on where you may go and what you may do.

A restraining order may also prohibit you from being in possession of a firearm or a firearms licence.

Form 13 — Restraining order — summons

Part B — Information to be on the proof of service copy

| Certificate of Service | |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Person serving summons | Name of person serving summons: I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____ |
| Details of service | Method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where summons served: Date of service: _____ Time of service: _____ |
| Person served <small>[If possible to obtain]</small> | Name: Date of birth: Signature: |
| Certificate | I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this summons on the respondent <input type="checkbox"/> I posted this summons to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this summons on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> . Signature: _____ Date: _____ |

OR

| | |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summons not served | Name of person attempting to serve summons: I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____ Attempted method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service Steps taken to attempt service: I was unable to serve this summons because: <input type="checkbox"/> the respondent does not appear to live or work at the addresses given and cannot be found elsewhere <input type="checkbox"/> the respondent appears to be deliberately avoiding being served with this summons <input type="checkbox"/> other [give details] Signature: _____ Date: _____ |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Please return this proof of service copy of the summons to the court before the hearing date, even if you have been unable to serve it.

[Form 13 inserted in Gazette 26 Nov 2004 p. 5302-3; amended in Gazette 31 Jul 2007 p. 3802; 4 May 2012 p. 1859.]

Restraining Orders Regulations 1997
Schedule 1 Forms

Form 14A

Form 14A — Application to have final order under section 32(2) of the Act set aside

Restraining Orders Act 1997 s. 32(5)
Application to set aside final order under the Restraining Orders Act 1997 section 32(2)

| |
|---------------|
| Number: |
| Jurisdiction: |
| Location: |

| | | |
|---------------------|-------------|---------------------|
| Applicant's details | Name: | Date of birth: |
| | Address: | |
| | Phone nos.: | work: home: mobile: |

| | |
|----------------------|-------|
| Respondent's details | Name: |
| | |

| | |
|------------------------|--|
| Details of final order | |
|------------------------|--|

| | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of application | <input type="checkbox"/> This application is made within 21 days from the date that I was notified that the interim order had become a final order. <input type="checkbox"/> This application is not made within 21 days from the date that I was notified that the interim order had become a final order. |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application | I apply for the following orders — <input type="checkbox"/> Leave be granted to proceed with this application out of time. <input type="checkbox"/> The final order be set aside. |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Grounds for application | I rely on the following grounds in support of this application. (Outline grounds, if insufficient space please attach further information.) |
| Signature of applicant and date | |

| | |
|-------------------------|---------------------------|
| Notice of court hearing | Court: |
| | Address: |
| | Date and time of hearing: |

[Form 14A inserted in Gazette 4 May 2012 p. 1859-60.]

Form 14 — Application to have decision under section 42 of the Act set aside

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|
| <p><i>Restraining Orders Act 1997 s. 43A</i> Application to set aside decision under section 42 of the Restraining Orders Act 1997</p> | | Number: | |
| | | Jurisdiction: | |
| | | Location: | |
| Applicant's details | Name: | | Date of birth: |
| | Address: | | |
| | Phone nos.: | work: | home: mobile: |
| Respondent's details | Name: | | |
| Date of decision | | | |
| Date of application | <input type="checkbox"/> This application is made within 21 days from the date that I first became aware of/was served with a copy of the order <input type="checkbox"/> This application is not made within 21 days from the date that I first became aware of/was served with a copy of the order | | |
| Application | I apply for the following orders — <input type="checkbox"/> Leave be granted to proceed with this application out of time. <input type="checkbox"/> The decision and orders made in this matter on the date above be set aside. | | |
| Grounds for application | I rely on the following grounds in support of this application. (Outline grounds, if insufficient space please attach further information.) | | |
| Signature of applicant and date | | | |
| Notice of court hearing | Court: | | |
| | Address: | | |
| | Date and time of hearing: | | |

[Form 14 inserted in Gazette 26 Nov 2004 p. 5304.]



Notes

- ¹ This reprint is a compilation as at 6 July 2012 of the *Restraining Orders Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <i>Restraining Orders Regulations 1997</i> | 12 Sep 1997 p. 5079-146 (correction 16 Sep 1997 p. 5235) | 15 Sep 1997 (see r. 2 and <i>Gazette</i> 12 Sep 1997 p. 5149) |
| <i>Restraining Orders Amendment Regulations 1998</i> | 27 Mar 1998 p. 1714 | 27 Mar 1998 |
| <i>Restraining Orders Amendment Regulations (No. 2) 2001</i> | 8 Jan 2002 p. 32-3 | 8 Jan 2002 |
| Reprint 1: The Restraining Orders Regulations 1997 as at 13 Feb 2004 (includes amendments listed above) | | |
| <i>Restraining Orders Amendment Regulations 2004</i> | 26 Nov 2004 p. 5257-305 | 1 Dec 2004 (see r. 2) |
| Reprint 2: The Restraining Orders Regulations 1997 as at 16 Mar 2007 (includes amendments listed above) | | |
| <i>Restraining Orders Amendment Regulations 2007</i> | 31 Jul 2007 p. 3800-2 | r. 1 and 2: 31 Jul 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2007 (see r. 2(b)) |
| <i>Restraining Orders Amendment Regulations 2009</i> | 12 Jan 2010 p. 55-6 | r. 1 and 2: 12 Jan 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Jan 2010 (see r. 2(b)) |
| <i>Restraining Orders Amendment Regulations 2012</i> | 4 May 2012 p. 1847-60 | r. 1 and 2: 4 May 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 5 May 2012 (see r. 2(b)) |
| Reprint 3: The Restraining Orders Regulations 1997 as at 6 Jul 2012 (includes amendments listed above) | | |

- ² Under the *Courts Legislation Amendment and Repeal Act 2004* s. 58, a reference in a written law to the court of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the Magistrates Court. This reference was amended under the *Reprints Act 1984* s. 7(5)(a).
- ³ Formerly referred to the *Criminal Law (Mentally Impaired Defendants) Act 1996* the short title of which was changed to the *Criminal Law (Mentally Impaired Accused) Act 1996* by the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 82. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined Term | Provision(s) |
|--------------------------------|---------------------|
| approved..... | 2A |
| form..... | 2A |
| proceedings under the Act..... | 2A |
| restrained person | 2A |