

Western Australia

Restraining Orders Amendment Act 2013

As at 04 Oct 2013

No. 14 of 2013

Extract from www.slp.wa.gov.au, see that website for further information

Restraining Orders Amendment Act 2013

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — <i>Restraining Orders Act 1997</i> amended		
3.	Act amended	3
4.	Section 25 amended	3
5.	Section 64 amended	3
Part 3 — <i>Children’s Court of Western Australia Act 1988</i> amended		
6.	Act amended	4
7.	Section 20 amended	4

Western Australia

Restraining Orders Amendment Act 2013

No. 14 of 2013

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

[Assented to 4 October 2013]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Restraining Orders Amendment Act 2013*.

2. Commencement

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

Part 2 — *Restraining Orders Act 1997* amended

3. Act amended

This Part amends the *Restraining Orders Act 1997*.

4. Section 25 amended

Delete section 25(3) and insert:

- (3) An application for a violence restraining order made in person is to be made in the prescribed form to —
 - (a) if the respondent is a child, the Children’s Court; or
 - (b) if the respondent is not a child and the person seeking to be protected is a child, the Children’s Court or the Magistrates Court; or
 - (c) otherwise, the Magistrates Court.

5. Section 64 amended

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

- (3) If the decision was made by the Children’s Court when constituted so as not to consist of or include a Judge, the appeal is to be made in accordance with the *Children’s Court of Western Australia Act 1988* section 41.
- (4) If the decision was made by the Children’s Court when constituted so as to consist of or include a Judge, the appeal is to be made in accordance with the *Children’s Court of Western Australia Act 1988* section 42A.

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

6. Act amended

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

7. Section 20 amended

(1) Delete section 20(1)(c).

(2) After section 20(1) insert:

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

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

subsections (1) and (2A).

=====