

JU306*

Restraining Orders Act 1997

**Restraining Orders Amendment
Regulations 2007**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Restraining Orders Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Restraining Orders Regulations 1997**.

[* Reprint 2 as at 16 March 2007.]

4. Regulation 7 amended

- (1) Regulation 7(1) is amended by deleting “clerk” and inserting instead —

“
 registrar of the court where the magistrate hearing the
 telephone application is based
 ”.

- (2) Regulation 7(2) is amended by deleting “referred to in” in both places where it occurs and inserting instead —

“ in which the adjourned hearing is to be listed under ”.

5. Regulation 9A inserted

After regulation 9 the following regulation is inserted —

“

9A. Procedure for applying for oral or substituted service

- (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.

”.

6. Schedule 1 amended

- (1) Schedule 1 Form 1 is amended by deleting “of courts” and inserting instead —
- “ of the court ”.
- (2) Schedule 1 Form 2 is amended as follows:
- (a) in Part B by deleting “of courts” and inserting instead —
- “ of the court ”;
- (b) in Part D by deleting “of courts” and inserting instead —
- “ of the court ”.
- (3) Schedule 1 Form 5 is amended as follows:
- (a) in Part B by deleting “of courts” and inserting instead —
- “ of the court ”;
- (b) in Part C by deleting “of courts” and inserting instead —
- “ of the court ”.
- (4) Schedule 1 Form 6 is amended as follows:
- (a) in Part C by deleting “of courts” and inserting instead —
- “ of the court ”;
- (b) in Part E by deleting “of courts” and inserting instead —
- “ of the court ”;
- (c) in Part F by inserting in the box immediately before “Name of person serving order” —
- “ Person serving order ”.

- (5) Schedule 1 Form 11 is amended as follows:
- (a) by deleting “complainant” in both places where it occurs and inserting instead —
“ prosecutor ”;
- (b) by deleting “defendant” in both places where it occurs and inserting instead —
“ accused ”.
- (6) Schedule 1 Form 12 Part D is amended by deleting “or Clerk”.
- 7. Various references to “clerk” changed to “registrar”**
- (1) The regulations are amended by deleting “clerk” in each place where it occurs that is mentioned in the Table to this regulation and inserting instead —
“ registrar ”.

Table

r. 6A(4)	Sch. 1 Form 5 Part C (2 places)
r. 6B(4)	Sch. 1 Form 5 Part D (2 places)
r. 6D	Sch. 1 Form 6 Part C
r. 10(1) (2 places)	Sch. 1 Form 6 Part E
r. 10(2) (2 places)	Sch. 1 Form 6 Part F (2 places)
r. 12(b)	Sch. 1 Form 8 Part A
Sch. 1 Form 1 (3 places)	Sch. 1 Form 9 Part A
Sch. 1 Form 2 Part B (2 places)	Sch. 1 Form 9 Part B (4 places)
Sch. 1 Form 2 Part D (2 places)	Sch. 1 Form 12 Part A (4 places)
Sch. 1 Form 2 Part E (2 places)	Sch. 1 Form 12 Part D
Sch. 1 Form 4 (2 places)	Sch. 1 Form 13 Part A
Sch. 1 Form 5 Part B (2 places)	Sch. 1 Form 13 Part B (4 places)

- (2) The regulations are amended by deleting “Clerk” in each place where it occurs that is mentioned in the Table to this regulation and inserting instead —
“ Registrar ”.

Table

Sch. 1 Form 2 Part A	Sch. 1 Form 5 Part A
Sch. 1 Form 3 Part A	Sch. 1 Form 11

By Command of the Lieutenant-Governor and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.