

JU301

Restraining Orders Act 1997

## **Restraining Orders Amendment Regulations 2017**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Restraining Orders Amendment Regulations 2017*.

### **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) regulation 17 — on the day after that day;
- (c) the rest of the regulations — on the day on which the *Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016* section 14 comes into operation.

### **3. Regulations amended**

These regulations amend the *Restraining Orders Regulations 1997*.

### **4. Regulation 2A amended**

In regulation 2A delete the definition of *approved*.

### **5. Regulation 3 amended**

In regulation 3(3) delete “prescribed form” and insert:

form in Schedule 1

### **6. Regulation 6 deleted**

Delete regulation 6.

### **7. Regulation 6A amended**

Delete regulation 6A(1).

### **8. Regulation 6B amended**

Delete regulation 6B(3).

**9. Regulation 6D amended**

In regulation 6D delete “is to certify that this was so, in the form approved.” and insert:

must, in accordance with any applicable rules of court, certify that this was done.

**10. Regulation 8 amended**

In regulation 8(2)(a) delete “proceedings in the form of Form 11; and” and insert:

proceedings; and

**11. Regulation 9 amended**

In regulation 9(2) delete “in the form of Form 11” and insert:

and

**12. Regulation 9A amended**

(1) Delete regulation 9A(3) and insert:

(3) The application is to specify the previous attempts to serve the restraining order, including any incidents of deliberate avoidance.

(2) In regulation 9A(4) delete “an approved form.” and insert:

accordance with any applicable rules of court.

**13. Regulation 10A amended**

In regulation 10A(5) delete “a violence restraining order” and insert:

an FVRO or VRO

**14. Regulation 12 amended**

In regulation 12 delete “is to be made in the form of the Form 12 and”.

**15. Regulation 13 amended**

In regulation 13:

- (a) delete “section 13(5)” and insert:

sections 10G(5) and 13(5)

- (b) delete “a violence restraining order” and insert:

an FVRO or VRO

Note: The heading to amended regulation 13 is to read:

**Property that may be recovered when FVRO or VRO made  
(Act s. 10G(5) or 13(5))**

**16. Regulation 14 amended**

- (1) In regulation 14(1):

- (a) delete “section 13(5)(b)” and insert:

section 10G(5)(b) or 13(5)(b)

- (b) delete “a violence restraining order” and insert:

an FVRO or VRO

- (2) In regulation 14(4) delete “violence restraining order,” and insert:

FVRO or VRO,

Note: The heading to amended regulation 14 is to read:

**Procedures for recovering property under terms of FVRO or VRO  
(Act s. 10G(5)(b) or 13(5)(b))**

**17. Regulation 14A inserted**

After regulation 14 insert:

**14A. Prescribed persons for disclosure of information  
(s. 70(1A))**

For the purposes of section 70(1A) of the Act, the following persons are prescribed —

- (a) the Commissioner of Police;
- (b) a member of staff of the ACC as defined in the *Australian Crime Commission Act 2002* (Commonwealth).

Note for this regulation: the ACC or Australian Crime Commission established by the *Australian Crime Commission Act 2002*

(Commonwealth) is, pursuant to the *Australian Crime Commission Regulations 2002* regulation 3A, known as the Australian Criminal Intelligence Commission.

**18. Regulation 15 amended**

In regulation 15:

- (a) delete “a violence restraining order,” and insert:  
  
an FVRO or VRO,
- (b) in paragraph (a)(ii) delete “violence restraining order; or” and insert:  
  
FVRO or VRO; or
- (c) in paragraph (a)(iii) delete “violence restraining order;” and insert:  
  
FVRO or VRO;
- (d) in paragraphs (b) and (c) delete “violence restraining order” and insert:  
  
FVRO or VRO
- (e) in paragraph (d) delete “violence restraining order;” and insert:  
  
FVRO or VRO;
- (f) in paragraphs (e)(i) and (f) delete “violence restraining order” and insert:  
  
FVRO or VRO

**19. Schedule 1 amended**

- (1) In Schedule 1 delete the Table of forms and Forms 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14A and 14.
- (2) In Schedule 1 Form 10:
  - (a) in Part A delete “Part 2 Division 3A” and insert:  
  
Part 2A Division 3A
  - (b) in Part B delete “and domestic”;

(c) in Parts C and D delete the 3 bullet points after “This police order has been issued to —” and insert:

- ensure that a person is protected from family violence; or
- prevent behaviour that could reasonably be expected to cause a person to apprehend that family violence will be committed against them; or
- ensure that children are not exposed to family violence.

A child is exposed to family violence if the child sees or hears the violence or otherwise experiences the effects of family violence, for example, cleaning up a site after property damage.

(d) in Parts C and D delete “section 61(6)” and insert:

section 61A(6)

(e) in Parts C and D delete “Counselling and support services may be of assistance to you.” and insert:

Counselling and support services may be of assistance to you.

Any police officer may serve this order.

N. HAGLEY, Clerk of the Executive Council.