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**JUSTICE**

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JM301

## JUSTICES ACT 1902

**JUSTICES (RESTRAINING ORDERS) AMENDMENT AND REPEAL  
REGULATIONS 1997**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Justices (Restraining Orders) Amendment and Repeal Regulations 1997*.

**Commencement**

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

**Principal Regulations**

3. In these regulations the *Justices Act (Courts of Petty Sessions Fees) Regulations\** are referred to as the principal regulations.

[\* Reprinted as at 28 September 1982.  
For amendments to 29 August 1997 see 1996 Index to Legislation of Western Australia, Table 4, pp. 158-59, and Gazette 7 March 1997.]

**Regulation 2 amended**

4. Regulation 2 of the principal regulations is amended —
- (a) after the regulation designation “2.” by inserting the subregulation designation “(1)”; and
  - (b) by deleting “On” and substituting the following —  
“ Subject to subregulation (2), on ”; and

- (c) by adding the following subregulation —

“

(2) No fee shall be taken on the lodgement under the *Restraining Orders Act 1997* of —

- (a) an application for a violence restraining order;  
or  
(b) an application to vary or cancel a restraining order made by a person referred to in section 45 (1) (a) to (d) of that Act.

”.

### Regulation 3 amended

5. (1) Regulation 3 (1) of the principal regulations is amended —

- (a) in paragraph (c) —

- (i) by inserting after “complainant” the following —

“ or applicant ”; and

- (ii) by inserting after “complaint” the following —

“ or application ”;

and

- (b) by inserting after “recovery from the defendant” the following —

“

or the making of a restraining order and recovery from the respondent

”.

- (2) Regulation 3 (2a) of the principal regulations is amended —

- (a) by inserting after “defendant” in each place where it occurs the following —

“ or respondent ”;

- (b) by inserting after “complaint” in the first, third and fourth places where it occurs the following —

“ or application ”; and

- (c) in paragraph (b) by inserting after “in relation to” the following —

“ the application or ”.

- (3) Regulation 3 (3) of the principal regulations is repealed and the following subregulation is substituted —

“

(3) In the case of a disadvantaged person the Clerk of Petty Sessions —

- (a) shall waive any fees payable in relation to a matter under the *Restraining Orders Act 1997*; and

- (b) may waive, reduce, defer or refund any fees payable or paid in relation to any other matter.

”.

### First Schedule amended

6. Item 1 in the First Schedule to the principal regulations is amended by inserting after “complaint” the following —

“ or application ”.

***Justices (Interstate Restraint Orders) Regulations 1995 repealed***

**7.** The *Justices (Interstate Restraint Orders) Regulations 1995* are repealed.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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