
JUSTICE

JU301

Restraining Orders Act 1997

**Restraining Orders Amendment
Regulations 2020**

SL 2020/63

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Restraining Orders Amendment Regulations 2020*.

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. Regulations amended

These regulations amend the *Restraining Orders Regulations 1997*.

4. Regulation 9B inserted

After regulation 9A insert:

9B. Procedure for effecting substituted service of FVRO without court order (Act s. 60(1A)(b) and (2)(b))

- (1) In this regulation —
senior officer means a police officer who is, or is acting as, a sergeant or an officer above the rank of sergeant.
- (2) For the purposes of section 60(1A)(b) of the Act, the following steps are prescribed for a person attempting

to serve an FVRO who has failed to achieve personal service (the *latest attempt*) —

- (a) the person must ensure that at least 2 unsuccessful attempts, in addition to the latest attempt, have been made to achieve personal service of the FVRO;
 - (b) the person must obtain a senior officer's approval of service of the FVRO by substituted service.
- (3) Subregulation (2)(a) does not apply if a state of emergency declaration is in force under the *Emergency Management Act 2005* section 56.
- (4) A senior officer who approves substituted service of an FVRO under subregulation (2)(b) must keep a record of —
- (a) any unsuccessful attempts to serve the FVRO; and
 - (b) the senior officer's approval of service of the FVRO by substituted service.
- (5) For the purposes of section 60(2)(b) of the Act, an FVRO is served by substituted service if the person serving it effects oral service in accordance with section 55(5) to (7) of the Act.

R. NEILSON, Clerk of the Executive Council.