Western Australia

Domestic Violence Orders (National Recognition) Act 2017

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Contents

Part 1 — Preliminary

1. Short title 2
2. Commencement 2
3. Object of Act 2
4. Terms used 2
5. Local DVO 4
6. Interstate DVO 5
7. Registered foreign order 5
8. General violence order 5
9. Domestic violence concern 6
10. Special provisions for foreign orders 7

Part 2 — National Recognition of DVOs

Division 1 — General Principles

11. Recognition of DVOs 8
12. Variations to DVO 8
13. Cancellation of recognised DVO 9
14. Recognised DVO prevails over earlier comparable DVOs 10
15. Making of new orders 11

Division 2 — Enforcement of recognised DVOs

16. Recognised DVOs and variations are enforceable against person bound 11
17. Properly notified 11
18. Contravention of enforceable recognised DVO 12

Division 3 — Enforcement of non-local DVOs

19. Non-local DVO to be treated as local DVO 13
20. Licences, permits and other authorisations 13
21. Recognition of disqualification to hold firearms licence 13
22. Order for costs 14

Part 3 — Variation and cancellation of recognised non-local DVOs

23. Term used: court 16
24. Power of court to vary or cancel recognised non-local DVOs 16
25. Application for variation or cancellation of recognised non-local DVO 16
26. Decision about hearing of application 17

Part 4 — Exchange of information

27. Issuing authorities may obtain DVO information 19
28. Issuing authorities must provide DVO information 19
29. Law enforcement agencies may obtain DVO information 19
30. Information to be provided to law enforcement agencies 19
31. DVO information obtained from, or provided to, prescribed persons or bodies 20

Part 5 — Miscellaneous

32. Certificate of evidence — notification 21
33. Regulations 22
34. Review of Act 22

Part 6 — Transitional provisions

Division 1 — Preliminary

35. Term used: commencement day 23
36. Enforcement of DVOs under other provisions 23

Division 2 — DVOs to which scheme applies

37. DVOs made in this jurisdiction 23
38. DVOs made in other jurisdictions 24

Division 3 — Extension of scheme to older DVOs

39. DVOs declared to be recognised DVOs 24
40. DVOs declared to be recognised in other jurisdictions before commencement day 25

Division 4 — Power to declare DVO to be recognised

41. Power to declare DVO to be recognised 25
42. Application for order 26
43. Declarations relating to general violence orders 27

Part 7 — *Restraining Orders Act 1997* amended

44. Act amended 28
45. Section 3 amended 28
46. Section 8 amended 28
47. Sections 74A and 74B inserted 28

74A. Interstate DVOs under *Domestic Violence Orders (National Recognition) Act 2017* cannot be registered 28
74B. Interstate orders registered before commencement of *Domestic Violence Orders (National Recognition) Act 2017* 29

Notes

Compilation table 30

Defined terms

Western Australia

Domestic Violence Orders (National Recognition) Act 2017

An Act to give effect to the Western Australian component of a national recognition scheme for domestic violence orders and to make consequential amendments to the *Restraining Orders Act 1997*.

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Domestic Violence Orders (National Recognition) Act 2017*.

2. Commencement

This Act comes into operation as follows —

(a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Object of Act

This Act establishes, in conjunction with the corresponding laws, a national recognition scheme for DVOs or domestic violence orders.

4. Terms used

(1) In this Act —

cancel includes revoke;

corresponding law means a law of another jurisdiction that —

(a) contains provisions that substantially correspond with this Act; and

(b) is prescribed by the regulations to be a corresponding law for the purposes of this Act;

court, of another participating jurisdiction, includes a registrar of that court;

domestic violence concern — see section 9;

DVO means a local DVO, an interstate DVO or a foreign order;

final DVO means a DVO that is not an interim DVO;

foreign order means —

(a) a New Zealand DVO; or

(b) an order prescribed by the regulations that —

(i) substantially corresponds to a local DVO; and

(ii) is made under a law of another country;

former RO Act means the *Restraining Orders Act 1997* as in force before 1 July 2017;

general violence order — see section 8;

interim DVO means a DVO that is of an interim or provisional nature and, to avoid doubt, includes —

(a) a DVO made by a police officer; or

(b) a DVO prescribed by the regulations to be an interim DVO;

interstate DVO — see section 6;

interstate law enforcement agency means —

(a) the Police Force of another jurisdiction; or

(b) any other agency of another jurisdiction responsible for the enforcement of DVOs in that jurisdiction;

issuing authority means a court or person with power to make, vary or cancel a DVO under the law of a participating jurisdiction;

issuing jurisdiction, in relation to a DVO, means the jurisdiction in which the DVO is made;

jurisdiction means a State or Territory;

local DVO — see section 5;

local law enforcement agency means the Police Force of this jurisdiction;

make includes issue;

New Zealand DVO means an order made under the *Domestic Violence Act 1995* (New Zealand) or under an Act repealed by that Act;

non-local DVO means an interstate DVO or a foreign order;

participating jurisdiction means the following jurisdictions —

(a) this jurisdiction;

(b) a jurisdiction in which a corresponding law is enacted;

person bound by an order means the person against whom the order is made;

properly notified — see section 17;

protected person means a person for whose protection or benefit a DVO is made;

recognised DVO — see sections 11 and 39;

recognised variation — see section 12;

registered foreign order — see section 7;

vary a DVO includes the following —

(a) amend or modify the DVO;

(b) add further conditions, prohibitions or restrictions to the DVO or vary or delete conditions, prohibitions or restrictions;

(c) extend or reduce the period in which the DVO remains in force.

(2) Notes included in this Act do not form part of the Act.

5. Local DVO

(1) A ***local DVO*** means —

(a) a family violence restraining order as defined in the *Restraining Orders Act 1997* section 3(1);

(b) a police order as defined in the *Restraining Orders Act 1997* section 3(1);

(c) a violence restraining order made under the former RO Act that addresses a domestic violence concern.

(2) A registered foreign order is not a local DVO.

6. Interstate DVO

(1) An ***interstate DVO*** means an order prescribed by the regulations that —

(a) substantially corresponds to a local DVO; and

(b) is made under a law of another jurisdiction that contains provisions that substantially correspond to the *Restraining Orders Act 1997* Part 1B.

(2) A registered foreign order is not an interstate DVO.

7. Registered foreign order

A ***registered foreign order*** means a foreign order that —

(a) is a foreign restraining order registered under the *Restraining Orders Act 1997* Part 7A and that corresponds with an order under Part 1B; or

(b) is registered under a law of another jurisdiction that contains provisions that substantially correspond to the *Restraining Orders Act 1997* Part 1B.

8. General violence order

A ***general violence order*** means any of the following —

(a) an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* (South Australia); or

(b) a violence restraining order made under the former RO Act Part 2; or

(c) an order prescribed by the regulations that —

(i) substantially corresponds to an order referred to in paragraph (a) or (b); and

(ii) is made under a law of another jurisdiction that substantially corresponds to the laws referred to in those paragraphs.

9. Domestic violence concern

(1) A violence restraining order made under the former RO Act Part 2 addresses a ***domestic violence concern*** if —

(a) the order was made because the person bound by the order had committed an act of family and domestic violence as defined in the former RO Act section 6(1); or

(b) it was feared the person bound by the order would commit an act of family and domestic violence as defined in the former RO Act section 6(1).

(2) An intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* (South Australia) addresses a ***domestic violence concern*** if the order is made because it is reasonable to suspect that the person bound by the order will, without intervention, commit an act of domestic abuse (within the meaning of that Act).

(3) A general violence order is taken, for the purpose of this Act, to be an order that addresses a ***domestic violence concern*** if —

(a) it is declared to be an order that addresses a domestic violence concern by the issuing authority that makes the order; or

(b) a court of the jurisdiction in which the order is made makes an order declaring the DVO to be a recognised DVO in that jurisdiction.

(4) The regulations may prescribe circumstances in which an order made in a participating jurisdiction is taken, for the purposes of this Act, to be an order that addresses a ***domestic violence concern***.

10. Special provisions for foreign orders

(1) For the purpose of this Act, a registered foreign order —

(a) is taken to be made in the jurisdiction in which it is registered as a registered foreign order; and

(b) is taken to be made when it becomes a registered foreign order in that jurisdiction.

(2) A registered foreign order is varied or cancelled, for the purpose of this Act, if its registration as a registered foreign order is varied or cancelled.

(3) A power conferred by this Act to vary or cancel a registered foreign order is a power to vary or cancel registration of the order as a registered foreign order.

Part 2 — National Recognition of DVOs

Division 1 — General Principles

11. Recognition of DVOs

(1) Each of the following DVOs is a ***recognised DVO*** —

(a) a local DVO;

(b) an interstate DVO made in a participating jurisdiction;

(c) a foreign order that is a registered foreign order in a participating jurisdiction.

Note for this subsection:

Recognition can also extend to DVOs made in jurisdictions that are not, or are not yet, participating jurisdictions. See Part 6.

(2) A DVO becomes a recognised DVO when it is made.

Note for this subsection:

A foreign order is taken to be made when it is registered as a registered foreign order.

(3) A DVO is a recognised DVO, subject to this Act, for the period for which it remains in force in the jurisdiction in which it is made.

12. Variations to DVO

(1) A variation to a recognised DVO that is done in this or another jurisdiction is a recognised variation in this jurisdiction in the circumstances provided for by this section.

(2) A variation to a local DVO is a recognised variation in this jurisdiction if the variation is done —

(a) in this jurisdiction by a court or any other person authorised to do so under the *Restraining Orders Act 1997*; or

(b) in another participating jurisdiction by a court under a corresponding law.

(3) A variation to an interstate DVO or foreign order is a recognised variation in this jurisdiction if the variation is done —

(a) in the issuing jurisdiction by a court or any other person authorised to do so under the law of the issuing jurisdiction; or

(b) in a participating jurisdiction by a court under this Act or a corresponding law.

Note for this subsection:

The issuing jurisdiction for a foreign order is the jurisdiction in which the order is registered.

(4) A variation is recognised from the time that it is made.

13. Cancellation of recognised DVO

(1) A DVO ceases to be a recognised DVO if the DVO is cancelled in this or another jurisdiction and that cancellation is recognised in this jurisdiction.

(2) A cancellation of a local DVO is recognised in this jurisdiction if the cancellation is done —

(a) in this jurisdiction by a court under the *Restraining Orders Act 1997*; or

(b) in another participating jurisdiction by a court under a corresponding law.

(3) A cancellation of an interstate DVO or foreign order is recognised in this jurisdiction if the cancellation is done —

(a) in the issuing jurisdiction by a court or any other person authorised to do so under the law of the issuing jurisdiction; or

(b) in a participating jurisdiction by a court under this Act or a corresponding law.

(4) The DVO ceases to be a recognised DVO from the time it is cancelled.

14. Recognised DVO prevails over earlier comparable DVOs

(1) A recognised DVO that is enforceable against a person bound by the DVO in this jurisdiction (a ***new DVO***) supersedes —

(a) a comparable recognised DVO made earlier than the new DVO; and

(b) a comparable local DVO made earlier than the new DVO (whether or not the local DVO is a recognised DVO).

(2) The earlier comparable DVO is superseded from the time the recognised DVO becomes enforceable against the person bound by the DVO.

(3) A recognised DVO that is superseded ceases to be a recognised DVO.

(4) A local DVO that is superseded is cancelled.

(5) A DVO is not superseded to the extent that it relates to a protected person who is not a protected person under the new DVO.

(6) Accordingly, a DVO continues to be a recognised DVO, and to have effect, to the extent that it relates to a person who is not a protected person under the new DVO.

(7) A DVO made by a police officer does not supersede a comparable DVO made by a court (of any jurisdiction).

(8) A DVO is comparable with another DVO if —

(a) the DVOs are made against the same person; and

(b) the DVOs are made for the protection of one or more of the same protected persons.

15. Making of new orders

Nothing in this Act prevents a person from applying for, or an issuing authority from making, a local DVO even though there is a recognised DVO in force that applies to the same person.

Division 2 — Enforcement of recognised DVOs

16. Recognised DVOs and variations are enforceable against person bound

(1) A recognised DVO, or a recognised variation to a recognised DVO, is enforceable against the person bound by the DVO in this jurisdiction.

(2) A recognised DVO that is a local DVO becomes enforceable against the person bound by the DVO in this jurisdiction when the person is properly notified of the making of the DVO under the law of this jurisdiction.

(3) A recognised DVO that is a non-local DVO (other than a foreign order) becomes enforceable against a person in this jurisdiction when the person is properly notified of the making of the DVO under the law of the jurisdiction in which the DVO was made.

(4) A recognised DVO that is a foreign order becomes enforceable against a person in this jurisdiction from the time it becomes a recognised DVO.

(5) A recognised variation to a recognised DVO becomes enforceable against the person in this jurisdiction when the person is properly notified of the variation under the law of the jurisdiction in which the variation is done.

17. Properly notified

(1) The making of a local DVO is ***properly notified*** under the law of this jurisdiction if the DVO is served on the person bound by the DVO in accordance with the *Restraining Orders Act 1997*.

(2) The making of an interstate DVO is ***properly notified*** under the law of the jurisdiction in which it is made in the circumstances provided for by the corresponding law of that jurisdiction.

(3) A variation to a recognised DVO that is done in this jurisdiction is ***properly notified*** under the law of this jurisdiction if the variation is served on the person bound by the recognised DVO in accordance with the *Restraining Orders Act 1997*.

(4) A variation to a recognised DVO that is done in another jurisdiction is ***properly notified*** under the law of that jurisdiction in the circumstances provided for by the corresponding law of that jurisdiction.

18. Contravention of enforceable recognised DVO

(1) A non-local DVO that is a recognised DVO and which is enforceable against a person in this jurisdiction may be enforced in this jurisdiction —

(a) as if it were a local DVO; and

(b) as if the person had been properly notified of the making of the DVO under the law of this jurisdiction.

(2) A recognised variation to a non-local DVO that is a recognised DVO and which is enforceable in this jurisdiction may be enforced in this jurisdiction as if it were a variation to a local DVO.

(3) A recognised variation to a recognised DVO made in another jurisdiction that is enforceable against the person in this jurisdiction may be enforced as if the person had been properly notified of the variation under the law of this jurisdiction.

(4) This section does not affect any law of this jurisdiction that requires a territorial nexus to exist between this jurisdiction and an offence for a person to be guilty of an offence under the law of this jurisdiction.

Division 3 — Enforcement of non-local DVOs

19. Non-local DVO to be treated as local DVO

(1) A recognised DVO that is a non-local DVO has the same effect in this jurisdiction as a local DVO.

(2) A prohibition, restriction or condition imposed by a non-local DVO has the same meaning as it would have in the jurisdiction in which the DVO was made, but may be enforced in this jurisdiction as if it were a prohibition, restriction or condition of a local DVO.

20. Licences, permits and other authorisations

(1) In this section —

authorisation includes a licence or permit;

grant includes issue.

(2) A law of this jurisdiction (a ***relevant law***) that restricts the grant of an authorisation, or that authorises or requires an authorisation to be suspended or cancelled, if a person is or has been subject to a local DVO extends to a person who is or has been subject to a non-local DVO that is a recognised DVO (as if the non-local DVO were a local DVO).

(3) For the purposes of a relevant law —

(a) a non-local DVO that is a final DVO is to be treated in the same way as a local DVO that is a final DVO; and

(b) a non-local DVO that is an interim DVO is to be treated in the same way as a local DVO that is an interim DVO.

21. Recognition of disqualification to hold firearms licence

(1) In this section —

Commissioner of Police means the person holding or acting in the officer of Commissioner of Police under the *Police Act 1892*;

local firearms licence means a licence, permit or approval under the *Firearms Act 2024*;

non-local firearms licence means a licence, permit or other authorisation to possess a firearm (as defined in the *Firearms Act 2024* section 6) issued under the law of another jurisdiction or country.

(2) If a non-local DVO that is a recognised DVO disqualifies a person from holding a non-local firearms licence, or type of non-local firearms licence, the person is also disqualified from holding a local firearms licence or local firearms licence of the same type (as the case requires).

(3) The Commissioner of Police must cancel any local firearms licence held by a person, or refuse to issue a local firearms licence to a person, if the person is so disqualified from holding the firearms licence by a recognised DVO.

(4) A recognised DVO disqualifies a person from holding a non-local firearms licence or type of non-local firearms licence if the DVO expressly —

(a) disqualifies the person from holding a non-local firearms licence or type of non-local firearms licence; or

(b) cancels or requires the person to surrender a non-local firearms licence or type of non-local firearms licence held by the person.

[Section 21 amended: No. 23 of 2024 s. 467.]

22. Order for costs

(1) A non-local DVO, to the extent that it requires the payment of money, cannot be enforced in this jurisdiction.

(2) The recognition of a DVO made in another jurisdiction does not confer power on a court or tribunal of this jurisdiction to award costs in respect of any proceedings relating to the DVO that occurred in another jurisdiction.

(3) This section does not prevent a court or tribunal awarding costs in respect of any proceedings in this jurisdiction relating to the variation or cancellation of a recognised DVO.

Part 3 — Variation and cancellation of recognised non-local DVOs

23. Term used: court

In this Part —

court means a court of this jurisdiction that has power to make local DVOs.

24. Power of court to vary or cancel recognised non-local DVOs

(1) A court may vary or cancel a recognised DVO that is a non-local DVO in accordance with this Part as if the DVO were a local DVO.

(2) A court cannot vary or cancel a non-local DVO if it is a kind of DVO that cannot be varied or cancelled by a court in the jurisdiction in which the DVO was made.

(3) A variation to or cancellation of a recognised DVO that is done under this Part is not limited in its operation to this jurisdiction.

(4) This Part does not apply to the variation or cancellation of a foreign order that is registered as a registered foreign order in this jurisdiction.

(5) To avoid doubt, if a court varies a recognised DVO that was made in another jurisdiction, the other jurisdiction continues to be treated, for the purpose of this Act, as the jurisdiction in which the DVO was made.

25. Application for variation or cancellation of recognised non-local DVO

(1) An application for the variation or cancellation of a recognised DVO that is a non-local DVO may be made to a court as if it were an application for variation or cancellation of a local DVO by a person who would be able to make the application if the DVO were a local DVO.

(2) An application —

(a) is to be made to a court that would have power to hear the application if the DVO were a local DVO; and

(b) is to be made in accordance with any requirements that would apply if the DVO were a local DVO; and

(c) may be dealt with (subject to this Part) as if the DVO were a local DVO.

26. Decision about hearing of application

(1) In this section —

respondent to an application for variation or cancellation of a non-local DVO means —

(a) in the case of an application made by the person bound by the DVO, the protected person under the DVO; and

(b) in any other case, the person bound by the DVO.

(2) A court that deals with an application for variation or cancellation of a non-local DVO may decide to hear the application or decline to hear the application.

(3) In making that decision, the court may consider the following matters (to the extent relevant) —

(a) the jurisdiction in which the person bound by the DVO and the protected person under the DVO generally reside or are employed;

(b) any difficulty the respondent to the proceedings may have in attending the proceedings;

(c) whether there is sufficient information available to the court in relation to the DVO and the basis on which it was made;

(d) whether any proceedings are being taken in respect of an alleged contravention of the DVO and the jurisdiction in which those proceedings are being taken;

(e) the practicality of the applicant (if not the person bound by the DVO) applying for and obtaining a local DVO against the person with similar prohibitions or restrictions;

(f) the impact of the application on children;

(g) any other matters the court considers relevant.

(4) Without limiting the court's power to decline to hear an application, the court may decline to hear the application if the court is satisfied that there has been no material change in the circumstances on which the making of the order was based and that the application is in the nature of an appeal against the order.

(5) For the purpose of exercising its functions under this Part, a court may have regard to any information that the court considers relevant about the making or variation of the DVO that is provided by an issuing authority of another jurisdiction.

Note for this subsection:

Part 4 enables the court to obtain information about DVOs from other jurisdictions.

(6) A court must refuse to hear an application for variation or cancellation made by the person during any period in which, under the law of the issuing jurisdiction for the DVO, the person is not entitled to apply for the variation or cancellation of the DVO in the issuing jurisdiction.

Part 4 — Exchange of information

27. Issuing authorities may obtain DVO information

An issuing authority of this jurisdiction may obtain information about a DVO from an issuing authority of another jurisdiction, or from a local or interstate law enforcement agency, and use that information for the purpose of exercising its functions under this Act.

28. Issuing authorities must provide DVO information

(1) An issuing authority of this jurisdiction that makes, varies or cancels a DVO must provide to a court of another participating jurisdiction any information about the DVO that the court reasonably requests for the purpose of exercising its functions under a corresponding law.

(2) An issuing authority of this jurisdiction that makes, varies or cancels a DVO must provide to a local or interstate law enforcement agency any information about the DVO that the law enforcement agency reasonably requests for the purpose of exercising its law enforcement functions.

29. Law enforcement agencies may obtain DVO information

A local law enforcement agency may obtain information about a DVO from an issuing authority of this or another jurisdiction, or from an interstate law enforcement agency, and use that information for the purpose of exercising its law enforcement functions.

30. Information to be provided to law enforcement agencies

A local law enforcement agency must provide to an interstate law enforcement agency any information it holds about a DVO that the interstate law enforcement agency reasonably requests for the purpose of exercising its law enforcement functions.

31. DVO information obtained from, or provided to, prescribed persons or bodies

(1) In this section —

DVO information means information about a DVO;

prescribed person or body means a person or body prescribed in the regulations.

(2) An issuing authority of this jurisdiction or a local law enforcement agency may for the purposes of exercising its functions under this Act do any of the following —

(a) obtain DVO information from a prescribed person or body;

(b) use DVO information obtained under paragraph (a);

(c) provide DVO information to a prescribed person or body.

Part 5 — Miscellaneous

32. Certificate of evidence — notification

(1) In this section —

authorised officer of another jurisdiction means a person (whether or not designated as an authorised officer) who is authorised under the law of another jurisdiction to issue a certificate certifying that the making or variation of a DVO has been properly notified under the law of that jurisdiction;

authorised officer of this jurisdiction means —

(a) a registrar of a court of this jurisdiction; or

(b) a police officer of this jurisdiction of or above the rank of sergeant; or

(c) a person —

(i) employed or engaged in the department of the Public Service principally assisting the Minister in the administration of the *Police Act 1892*; and

(ii) approved by the Commissioner of Police for the purposes of this definition.

(2) An authorised officer of this jurisdiction may issue a certificate in writing certifying any of the following matters —

(a) that the making of a local DVO has been properly notified under the law of this jurisdiction;

(b) that a variation to a DVO that was done in this jurisdiction has been properly notified under the law of this jurisdiction.

(3) The certificate is admissible in evidence in any proceedings and is evidence of the matters certified.

(4) A certificate in writing purporting to be signed by an authorised officer of another jurisdiction and certifying any of the

following matters is admissible in evidence in any proceedings and is evidence of the matters certified —

(a) that the making of a DVO in that jurisdiction has been properly notified under the law of that jurisdiction;

(b) that a variation to a DVO that was done in that jurisdiction has been properly notified under the law of that jurisdiction.

(5) In any document, the words "authorised officer" after a signature are evidence that the person whose signature it purports to be is in fact an authorised officer.

33. Regulations

The Governor may make regulations prescribing matters —

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for giving effect to the purposes of this Act.

34. Review of Act

(1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the 3rd anniversary of the day on which this section comes into operation.

(2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Part 6 — Transitional provisions

Division 1 — Preliminary

35. Term used: commencement day

In this Part —

commencement day means the day on which this Part comes into operation.

36. Enforcement of DVOs under other provisions

(1) Subject to subsection (3), this Act does not affect the enforceability in this jurisdiction, otherwise than under this Act, of a local DVO made before the commencement day.

(2) Subject to subsection (3), this Act does not affect the enforceability in this jurisdiction, otherwise than under this Act, of —

(a) an interstate DVO registered in this jurisdiction, before the commencement day, under the *Restraining Orders Act 1997* Part 7; or

(b) a foreign order registered in this jurisdiction, before the commencement day, under the *Restraining Orders Act 1997* Part 7A.

(3) However, a DVO made in this jurisdiction before the commencement day can be superseded under section 14, on or after the commencement day, by a recognised DVO that is made later.

Division 2 — DVOs to which scheme applies

37. DVOs made in this jurisdiction

Part 2 applies to any of the following made on or after the commencement day —

(a) a local DVO made in this jurisdiction;

(b) a foreign order taken under section 10(1)(a) to have been made in this jurisdiction.

38. DVOs made in other jurisdictions

(1) Part 2 applies to a DVO made in another participating jurisdiction that is a recognised DVO in that jurisdiction under the corresponding law for that jurisdiction.

(2) To avoid doubt, section 11 extends to the following DVOs —

(a) an interstate DVO that was made in another participating jurisdiction before the commencement day that is a recognised DVO in that jurisdiction;

(b) a foreign order that became a registered foreign order in another participating jurisdiction before the commencement day that is a recognised DVO in that jurisdiction.

(3) Sections 12 and 13 extend to a variation or cancellation of a DVO referred to in subsection (2), that was done in a participating jurisdiction before the commencement day, as if the DVO were a recognised DVO.

(4) However, a non-local DVO, and any variation to a non-local DVO, does not become enforceable against the person bound by the DVO in this jurisdiction, under this Act, until the commencement day (even if the making of the DVO, or variation, was properly notified before that day).

Division 3 — Extension of scheme to older DVOs

39. DVOs declared to be recognised DVOs

(1) Each of the following DVOs is also taken to be a recognised DVO —

(a) a DVO that is declared by a court of this jurisdiction to be a recognised DVO in this jurisdiction under Division 4;

(b) a DVO that is declared by a court of another participating jurisdiction to be a recognised DVO in that jurisdiction under a corresponding law.

(2) A recognised DVO referred to in subsection (1) becomes enforceable against the person in this jurisdiction, under this Act, when the declaration is made (despite section 16).

40. DVOs declared to be recognised in other jurisdictions before commencement day

(1) To avoid doubt, section 39 extends to a DVO declared by a court of another participating jurisdiction to be a recognised DVO before the commencement day.

(2) Sections 12 and 13 extend to any variation or cancellation of a DVO referred to in subsection (1), that was done in a participating jurisdiction before the commencement day, as if the DVO were a recognised DVO.

(3) However, the DVO, and any variation to the DVO, does not become enforceable against the person in this jurisdiction, under this Act, until the commencement day.

Division 4 — Power to declare DVO to be recognised

41. Power to declare DVO to be recognised

(1) A court may, by order, declare a DVO made in any jurisdiction to be a recognised DVO in this jurisdiction.

(2) A declaration may be made in relation to a DVO made in any jurisdiction that is in force in the issuing jurisdiction and is not a recognised DVO in this jurisdiction.

(3) The jurisdiction in which the DVO was made does not have to be a participating jurisdiction.

(4) A court must make a declaration under this section if an application for the declaration is made in accordance with this

Division, unless the court decides to refuse to make the declaration in the interests of justice.

(5) Without limiting subsection (4), the court may refuse to make the declaration if the court is not satisfied that the person bound by the DVO has been properly notified of the making of the DVO under the law of the jurisdiction in which the DVO was made.

Note for this subsection:

Under section 39, the DVO becomes enforceable against the person when the declaration is made. Notice of the declaration is not to be served on the person unless the person making the application consents to service.

(6) However, a court cannot declare a general violence order to be a recognised DVO in this jurisdiction unless the general violence order was made in this jurisdiction.

(7) Notice of a declaration is not to be served on the person bound by the DVO unless the person who makes the application consents to service.

Note for this subsection:

Under section 10, a foreign order is taken to be made in any jurisdiction in which it is registered as a registered foreign order. Accordingly, this section extends to registered foreign orders.

42. Application for order

(1) An application for a declaration that a DVO is a recognised DVO in this jurisdiction may be made by a person who would be able to make an application for variation of the DVO if the DVO were a recognised DVO.

(2) The application must —

(a) be made in a form approved by the court; and

(b) be accompanied by any information or evidence the court requires.

Note for this subsection:

It is only necessary to make an application in one participating jurisdiction. Under section 39, once a declaration is made in any participating jurisdiction the DVO will be treated as a recognised DVO in all participating jurisdictions.

(3) Notice of the application is not to be served on the person bound by the DVO.

(4) The application must be determined in the absence of the person bound by the DVO.

43. Declarations relating to general violence orders

(1) An application for a declaration that a general violence order is a recognised DVO may be made as if the order were a DVO.

(2) Before making the declaration, the court must decide whether the order addresses a domestic violence concern (and, accordingly, is a DVO).

(3) The court is not to make the declaration unless the court decides that the order addresses a domestic violence concern.

(4) Notice of the application is not to be served on the person bound by the order.

(5) The application must be determined in the absence of the person bound by the order.

Part 7 — *Restraining Orders Act 1997* amended

44. Act amended

This Part amends the *Restraining Orders Act 1997*.

45. Section 3 amended

In section 3 in the definition of ***application*** delete "this Act;" and insert:

this Act or the *Domestic Violence Orders (National Recognition) Act 2017*;

46. Section 8 amended

After section 8(1)(h) insert:

(ha) if the order is an FVRO, the effect of the *Domestic Violence Orders (National Recognition) Act 2017*;

47. Sections 74A and 74B inserted

After section 74 insert:

74A. Interstate DVOs under *Domestic Violence Orders (National Recognition) Act 2017* cannot be registered

(1) An application cannot be made under section 75 in respect of an interstate order that is an interstate DVO as defined in the *Domestic Violence Orders (National Recognition) Act 2017* section 6.

(2) To avoid doubt, subsection (1) applies whether the interstate DVO was made before, on or after the day on which the *Domestic Violence Orders (National Recognition) Act 2017* section 47 comes into operation.

74B. Interstate orders registered before commencement of *Domestic Violence Orders (National Recognition) Act 2017*

(1) This section applies to an interstate order that, immediately before the day on which the *Domestic Violence Orders (National Recognition) Act 2017* section 47 comes into operation, is registered under this Part.

(2) Unless subsection (4) applies, the registration of the order is not affected by the *Domestic Violence Orders (National Recognition) Act 2017* and this Part continues to apply in respect of the order.

(3) The order is not a local DVO for the purposes of the *Domestic Violence Orders (National Recognition) Act 2017*.

(4) If, under the *Domestic Violence Orders (National Recognition) Act 2017*, the order becomes a recognised DVO in Western Australia —

(a) the order ceases to be registered under this Part; and

(b) that Act applies to the order in the same way as it applies to another recognised DVO that, under that Act, is a non-local DVO.

Notes

This is a compilation of the *Domestic Violence Orders (National Recognition) Act 2017* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Short title	Number and year	Assent	Commencement
Domestic Violence Orders (National Recognition) Act 2017	10 of 2017	8 Nov 2017	s. 1 and 2: 8 Nov 2017 (see s. 2(b)); Act other than s. 1 and 2: 25 Nov 2017 (see s. 2(b) and *Gazette* 24 Nov 2017 p. 5671)
Firearms Act 2024 Pt. 17 Div. 3 Subdiv. 9	23 of 2024	27 Jun 2024	31 Mar 2025 (see s. 2(d) and SL 2024/289 cl. 2)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
authorisation	20(1)
authorised officer	32(1)
cancel	4(1)
commencement day	35
Commissioner of Police	21(1)
corresponding law	4(1)
court	4(1), 23
domestic violence concern	4(1), 9(1), (2), (3) and (4)
DVO	4(1)
DVO information	31(1)
final DVO	4(1)
foreign order	4(1)
former RO Act	4(1)
general violence order	4(1), 8
grant	20(1)
interim DVO	4(1)
interstate DVO	4(1), 6(1)
interstate law enforcement agency	4(1)
issuing authority	4(1)
issuing jurisdiction	4(1)
jurisdiction	4(1)
local DVO	4(1), 5(1)
local firearms licence	21(1)
local law enforcement agency	4(1)
make	4(1)
new DVO	14(1)
New Zealand DVO	4(1)
non-local DVO	4(1)
non-local firearms licence	21(1)
participating jurisdiction	4(1)
person bound	4(1)
prescribed person or body	31(1)
properly notified	4(1), 17(1), (2), (3) and (4)
protected person	4(1)
recognised DVO	4(1), 11(1)
recognised variation	4(1)
registered foreign order	4(1), 7
relevant law	20(2)

respondent ..... 26(1)
vary ..... 4(1)

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