

WESTERN AUSTRALIA

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**JUSTICES AMENDMENT  
ACT 1994**

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**No. 77 of 1994**

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**AN ACT to amend the *Justices Act 1902*.**

*[Assented to 13 December 1994.]*

The Parliament of Western Australia enacts as follows:

**Short title**

1. This Act may be cited as the *Justices Amendment Act 1994*.

### **Commencement**

2. This Act comes into operation on such day as is fixed by proclamation.

### **Principal Act**

3. In this Act the *Justices Act 1902\** is referred to as the principal Act.

[\* *Reprinted as at 1 April 1992.*

*For subsequent amendments see 1993 Index to Legislation of Western Australia, Table 1, pp. 110-11.]*

### **Section 174 amended**

4. Section 174 of the principal Act is amended by inserting after subsection (2) the following subsection —

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(3) If the justices vary or revoke an order that is known to the justices to be registered under a law of another State or a Territory corresponding to section 180, the clerk of petty sessions is to notify the relevant officer of the court in which the order is registered of the terms of the variation or revocation.

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### **Part VIIA inserted**

5. After section 178 of the principal Act the following Part is inserted —

**PART VIIA — RECOGNITION OF INTERSTATE  
RESTRAINT ORDERS**

**Interpretation**

**179.** In this Part —

**“interstate restraint order”** means an order made by a court of another State or Territory under a prescribed law of that State or Territory;

**“registered interstate restraint order”** means an interstate restraint order registered under this Part.

**Registration of interstate restraint order**

**180.** (1) A person may apply in the prescribed manner to a clerk of petty sessions for the registration of an interstate restraint order.

(2) An applicant for registration of an interstate restraint order need not give notice of the application to the person against whom the interstate restraint order was made.

(3) On receipt of an application, the clerk of petty sessions is to register the interstate restraint order.

(4) On registering an interstate restraint order a clerk of petty sessions is to —

- (a) notify the court which made the order of the registration; and
- (b) provide the Commissioner of Police with a copy of the order.

(5) Notice of the registration of an interstate restraint order is not to be served on the person against whom the order has been made unless the person who applied for that registration has given written consent to that service.

### **Effect of registration**

**181.** (1) Subject to this Part, a registered interstate restraint order —

- (a) has the same effect in this State as it has in the State or Territory in which it was made; and
- (b) has that effect as if it were an order of justices made under Part VII and as if the order had been served under section 178.

(2) A breach of a registered interstate restraint order in this State is to be taken for the purposes of imposing a penalty to be a breach of an order under Part VII.

(3) In any proceedings for breach of a registered interstate restraint order in this State no proof is required of the making of the interstate restraint order, of any variation of the interstate restraint order given effect under section 182, or of the service of that interstate restraint order or variation order on the defendant.

### **Variation etc., of registered interstate restraint order in another State or Territory**

**182.** (1) If —

- (a) a registered interstate restraint order is varied or revoked by a court in the State or

Territory in which it was originally made;  
and

- (b) notice of the variation or revocation is given to a clerk of petty sessions by an officer of that court,

that variation or revocation has effect in this State as if the variation or revocation were an order of the justices made under Part VII and the variation order or notice of revocation had been served under section 178.

(2) Where a clerk of petty sessions receives notice of a variation or revocation of a registered interstate restraint order, the clerk of petty sessions is to notify the Commissioner of Police of the variation or revocation.

**Variation etc., by justices of registered interstate restraint order**

**182A.** (1) In this section “**prescribed person**” means —

- (a) a person for whose benefit a registered interstate restraint order has been made;
- (b) a person against whom a registered interstate restraint order has been made;
- (c) a person who applied for the registration of an interstate restraint order; or
- (d) a person whom the justices have granted leave to make an application under this section.

(2) A prescribed person may apply to justices for an order under subsection (3).

(3) On receipt of an application under subsection (2), the justices may do one or more of the following —

- (a) vary a registered interstate restraint order as it applies in this State;
- (b) vary the period during which a registered interstate restraint order has effect in its operation in this State;
- (c) revoke the registration of a registered interstate restraint order.

(4) A registered interstate restraint order is not to be varied or revoked on the application of a person referred to in subsection (1) (a), (c) or (d) unless notice of the application has been served on the person against whom the order has been made.

(5) A registered interstate restraint order is not to be varied or revoked on the application of a person referred to in subsection (1) (b) unless notice of the application has been served on the person for whose benefit the order has been made.

(6) An application by a person referred to in subsection (1) (a), (c) or (d) may be heard and determined in the absence of any person against whom the registered restraint order has been made.

(7) Sections 175 and 178 apply, with necessary modifications, to the variation and revocation of orders, and the service of applications and orders, under this section.

(8) If a registered interstate restraint order is varied under this section —

- (a) the order is to be given effect in accordance with the variation; and
- (b) the order is registered for the period during which the order, as varied, has effect in its operation in this State.

**Transitional**

**182B.** This Part extends to an interstate restraint order made before the commencement of this Part.

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