



## Magistrates Court (Civil Proceedings) Amendment Rules 2017

Made by the Magistrates Court in accordance with the *Magistrates Court Act 2004* section 39.

**1. Citation**

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules 2017*.

**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 1 July 2017.

**3. Rules amended**

These rules amend the *Magistrates Court (Civil Proceedings) Rules 2005*.

**4. Rule 131D inserted**

At the end of Part 21 Division 1 insert:

**131D. Forms under *Restraining Orders Act 1997***

- (1) For the purposes of the *Restraining Orders Act 1997*, the forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.

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- (2) Where a form is in parts, then only those parts of the form that are relevant, taking into account the part heading, need be used for a particular copy of the form, or for a particular purpose.

**5. Schedule 1 inserted**

After rule 138 insert:

**Schedule 1 — Forms prescribed for *Restraining Orders Act 1997***

[r. 131D]

**Table of forms**

**Forms about family violence restraining orders**

Form		Provisions of Act
1	Application for family violence restraining order	Section 24A
2	Part A — Family violence restraining order Part B — Information to be on the copy of order given to the person who is bound by the order Part C — Information to be on the respondent's endorsed copy Part D — Information to be on the copy of the order given to the person protected by the order Part E — Information to be on the proof of service copy Part F — Details of family order	Sections 29, 32, 43, 49 and 63
3	Conduct agreement order Part A — Conduct agreement order Part B — Information to be on the copy of order given to the person who is bound by the order Part C — Information to be on the copy of the order given to the person protected by the order Part D — Information to be on the proof of service copy Part E — Details of family order	Sections 10H, 43
4	Section 63A family violence restraining order Part A — Section 63A family violence restraining order Part B — Information to be on the copy of the order given to the person who is bound by the order Part C — Information to be on the copy of the order given to the person protected by the order	Section 63A

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<b>Form</b>		<b>Provisions of Act</b>
5	Application for violence restraining order	Section 25
6	Part A — Violence restraining order Part B — Information to be on the copy of order given to the person who is bound by the order Part C — Information to be on the respondent's endorsed copy Part D — Information to be on the copy of the order given to the person protected by the order Part E — Information to be on the proof of service copy Part F — Details of family order	Sections 29, 32, 43, 49 and 63
7	Part A — Section 63A violence restraining order Part B — Information to be on the copy of the order given to the person who is bound by the order Part C — Information to be on the copy of the order given to the person protected by the order	Section 63A

**Forms about misconduct restraining orders**

<b>Form</b>		<b>Provisions of Act</b>
8	Application for misconduct restraining order	Section 38
9	Part A — Misconduct restraining order Part B — Information to be on the copy of the order given to the person who is bound by the order Part C — Information to be on the copy of the order given to the person protected by the order Part D — Information to be on the proof of service copy	Part 4 Divisions 1 and 2, sections 49 and 63

**Forms about telephone orders**

<b>Form</b>		<b>Provisions of Act</b>
10	Part A — Telephone order Part B — Court copy of telephone order Part C — Information to be on the copy of the order given to the person who is bound by the order Part D — Information to be on the respondent's endorsed copy Part E — Information to be on the copy of the order given to the person protected by the order Part F — Information to be on the proof of service copy	Section 23
11	Restraining order record of telephone application	Section 21(4)

**Forms about variation and cancellation of orders**

<b>Form</b>		<b>Provisions of Act</b>
12	Part A — Application to vary or cancel a restraining order Part B — Information to be on the copy of the application given to the applicant	Section 45
13	Part A — Summons to vary or cancel restraining order Part B — Information to be on the proof of service copy	Section 47

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<b>Form</b>		<b>Provisions of Act</b>
14	Restraining order made during other proceedings — Record of proceedings	Section 63
15	Part A — Interstate restraining order — Application to register Part B — Information to be on the copy of the application given to the applicant Part C — Information to be on the copy of the application given to the Commissioner of Police Part D — Information to be on the copy of the application given to the interstate court where the interstate order was made	Section 75(2)
16	Part A — Restraining order — Summons Part B — Information to be on the proof of service copy	Sections 26(3) and 39
17	Application to have final order under section 32(2) of the Act set aside	Section 32(5)
18	Application to have decision under section 42 of the Act set aside	Section 43A

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**Form 1 — Application for family violence restraining order**

<p align="center"><i>Restraining Orders Act 1997 s. 24A</i> <b>Family violence restraining order Application</b></p>		Number:	
		Jurisdiction:	
		Location:	
Applicant <i>[If not the person seeking to be protected]</i>	Family name:		Date of birth:
	Other names:		
	Address: street:	postcode:	
	suburb:		
Phone nos.: work:		home:	mobile:
Person seeking to be protected	Family name:		Date of birth:
	Other names:		
	Address: street:	postcode:	
	suburb:		
Phone nos.: work:		home:	mobile:
Respondent <i>[Fill in as many details as you can]</i>	Family name:		Date of birth:
	Other names:		
	Home street:	postcode:	
	suburb:		
	Work street:	postcode:	
	suburb:		
Phone nos.: work:		home:	mobile:
Grounds for application	Give details of the respondent's behaviour.		
Family orders <i>[If yes, see the Details of family order Annexure]</i>	Are there any current family orders relating to the respondent's rights in relation to children who may be affected by a restraining order?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
	Are there any current Family Court proceedings in which such orders are being sought?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
Firearms	Does the respondent have a firearm or firearms licence?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
	Does the respondent have access to a firearm at work?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
First hearing	Do you want the respondent to be present at the first hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant <i>[Not essential if applicant is a police officer]</i>	Signature:		Date:
Hearing <i>[To be filled in by the court]</i>	Court:	Date:	Time:
	Signature of registrar:		
Notification <i>[To be filled in by the court]</i>	I certify that on ___/___/___ at _____ am/pm at _____		
	I notified the applicant of the hearing date. Signature of registrar:		



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**Form 2 — Family violence restraining order****Part B — Information to be on the copy of order given to the person who is bound by the order****IMPORTANT INFORMATION  
FOR PERSON BOUND BY THIS ORDER****If the order is for 72 hours or less**

A family violence restraining order has been made against you for 72 hours or less on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order until the end of the period specified in the order.

**Penalty:** It is an offence to breach a family violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family relationship (e.g. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Counselling, support and/or legal services may be of assistance to you.

**If the order is an interim order**

An interim family violence restraining order has been made against you on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. You must comply with this order at all times while it is in force.

You have an opportunity to object to the order before it becomes a final order.

**If you want to object to this order being made final** you must fill in the "Objection" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final family violence restraining order. The court will let you know where and when the final order hearing will be held.

**If you do not object to this order being made final** you should fill in the "Consent" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which remains in force for the period specified in the order, or —

- (a) if no period is specified and you are not a child, for 2 years from the date this interim order was served on you; or
- (b) if no period is specified and you are a child, for 6 months from the date this interim order was served on you.

If you were in prison at the time the court received your "Consent" form, the order will stay in force while you are in prison and will expire 2 years after the date on which you are released from prison (or longer if specified in the order).

**If you do nothing** and do not fill in and return the other copy of this order within 21 days the court will assume that you do not object and the interim order **will automatically become a final order**.

**Penalty:** It is an offence to breach a family violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****If the order is a final order**

A final family violence restraining order has been made against you on the terms set out on the front of this order.

This order came into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force.

If there is a duration specified in the order, the order expires at the end of the specified period.

If there is no duration specified in the order, the order expires —

- if it was made at a final order hearing and —
  - (a) you are not a child, 2 years after this final order comes into force; or
  - (b) you are a child, 6 months after this final order comes into force;
- or
- if it was a telephone order which became a final order because you did not object, 3 months, or any shorter period specified in the order, after the telephone order was served on you.

If you were in prison at the time this order was made, the order expires —

- in the case of an order made at a final order hearing or an interim order which became the final order, 2 years after the date on which you are released from prison (or longer if specified in the order);
- in the case of a telephone order which became the final order because you did not object, 3 months after the date on which you are released from prison (or shorter if specified in the order).

If, in the future, you want the order varied or cancelled you may apply to the court. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

**Penalty:** It is an offence to breach a family violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Additional information about conviction for breaching the order**

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, you will face a penalty that is or includes imprisonment (or, if you are a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

**Affidavit evidence may be provided on request**

If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF YOU WERE PRESENT IN COURT WHEN IT WAS MADE**



**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 2 — Family violence restraining order****Part C — Information to be on the respondent's endorsed copy of the order****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER**

For interim orders only

**If you want to object to this order being made final** you must fill in the “Objection” section below and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final family violence restraining order. The court will let you know where and when the final order hearing will be held.

**If you do not object to this order being made final** you must fill in the “Consent” section below and return this copy of the order to the court within 21 days of the date it was served on you.

**If you do nothing** and do not fill in and return this copy of the order to the court within 21 days this interim order **will automatically become a final order**.

<b>Objection</b>	
Order	Restraining order no.: _____ Court of issue: _____
Family name:	Date of birth: _____
Other names:	
Address: street:	postcode: _____
	suburb: _____
Will you be represented by a lawyer at the final order hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes: lawyer's name: _____	
lawyer's firm: _____	
How many witnesses (including yourself) do you intend to call? _____	
Does this interim order prevent you from —	
• going to where you normally live?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• having contact with your children?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• going to where you work or otherwise prevent you from doing your job?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• being in possession of a firearm which is essential for your job?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Signature: _____	Date: _____

**OR**

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<b>Consent</b>			
Order	Restraining order no.:	Court of issue:	
Family name:			Date of birth:
Other names:			
Address:        street:			
suburb:		postcode:	
<p>I do not object to a final order being made on the same terms as this interim order.</p> <p>I understand that I will then not need to attend a final order hearing and that this interim order will automatically become a final order which will stay in force for —</p> <p>(a) the period specified in the order; or</p> <p>(b) if no period is specified and I am not a child, for 2 years from the date on which this order was served on me; or</p> <p>(c) if no period is specified and I am a child, for 6 months from the date on which this order was served on me.</p> <p>If I am in prison when the court receives this form, the order will stay in force while I am in prison and for a further 2 years from the date on which I am released from prison (or longer if specified in the order).</p>			
Signature:			Date:

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**Form 2 — Family violence restraining order****Part D — Information to be on the copy of the order given to the person protected by the order****IMPORTANT INFORMATION  
FOR THE PERSON PROTECTED BY THIS ORDER****If the order is for 72 hours or less**

A family violence restraining order has been made to protect you for 72 hours or less on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order. The person who is bound by this order must comply with this order until the end of the period specified in the order.

**Penalty:** It is an offence to breach a family violence restraining order. If the person bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**If the order is an interim order**

An interim family violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. The person who is bound by this order must comply with this order at all times while it is in force.

The person who is bound by this order has 21 days within which to object to the order before it becomes a final order.

**If the person who is bound by this order does object** you will need to attend a final order hearing. At that hearing the court will consider anything you and the person who is bound by this order want to say before deciding whether to make a final restraining order. The court will let you know if a final order hearing is to be held and where and when you need to attend. Even if the person who is bound by this order does object, this interim order will remain in force until the final order hearing.

**If the person who is bound by this order does not object** this order will automatically become a final order which remains in force for the period specified in the order or —

- (a) if no period is specified and the person is not a child, for 2 years from the date on which this order was served on the person; or
- (b) if no period is specified and the person is a child, for 6 months from the date on which this order was served on the person.

If the person was in prison at the time the court received the person's "Consent" form, the order will stay in force while the person is in prison and will expire 2 years after the date on which the person is released from prison (or longer if specified in the order).

You will then not need to attend a final order hearing.

**Penalty:** It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

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<b>If the order is a final order</b>
<p>A final family violence restraining order has been made to protect you on the terms set out on the front of this order.</p> <p>This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. The person who is bound by this order must comply with this order at all times while it is in force.</p> <p>If there is a duration specified in the order, the order expires at the end of the specified period.</p> <p>If there is no duration specified in the order, the order expires —</p> <ul style="list-style-type: none"> <li>• if it was made at a final order hearing and — <ul style="list-style-type: none"> <li>(a) the person is not a child, 2 years after this final order comes into force; or</li> <li>(b) the person is a child, 6 months after this final order comes into force;</li> </ul> </li> <li>or</li> <li>• if it was a telephone order which became a final order because the person did not object, 3 months, or any shorter period specified in the order, after the telephone order was served on the person.</li> </ul> <p>If the person was in prison at the time this order was made, the order expires —</p> <ul style="list-style-type: none"> <li>• in the case of an order made at a final order hearing or an interim order which became the final order, 2 years after the date on which the person is released from prison (or longer if specified in the order);</li> <li>• in the case of a telephone order which became the final order because the person did not object, 3 months after the date on which the person is released from prison (or shorter if specified in the order).</li> </ul> <p>If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the registrar of the court.</p> <p><b>Penalty:</b> It is an offence to breach a family violence restraining order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.</p> <p>Counselling, support and/or legal services may be of assistance to you.</p>
<b>Additional information about breaching the order</b>
<p><b>Note 1:</b> If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the <i>Restraining Orders Act 1997</i> section 61B(3) and (4)).</p> <p><b>Note 2:</b> If the person who is bound by this order is convicted of breaching the order and the person has been convicted of at least 2 other offences under the <i>Restraining Orders Act 1997</i> section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.</p>
<b>Affidavit evidence may be provided on request</b>
<p>If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.</p>
<b>THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE</b>

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**Form 2 — Family violence restraining order**

**Part E — Information to be on the proof of service copy**

<b>Certificate of service</b>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Restraining order no.:</td> </tr> <tr> <td style="padding: 2px;">Court of issue:</td> </tr> </table>	Restraining order no.:	Court of issue:
Restraining order no.:			
Court of issue:			
Person serving order	Name of person serving order: I am <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer      Rank, number and station: _____ <input type="checkbox"/> a prison officer      Prison: _____ <input type="checkbox"/> a person authorised by the registrar      Date of authorisation: _____		
Service	Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where order served:  Date of service: _____      Time of service: _____		
Person served <small>[Person who is bound by the order]</small>	Name: _____ Date of birth: _____  Signature: ..... <p style="text-align: center;">(If possible to obtain)</p>		
Certificate	I certify that on the day and at the time and place set out above — <input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by this order <input type="checkbox"/> I posted this order to the person who is bound by this order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with the <i>Restraining Orders Act 1997</i> Part 6 Division 2.  In the case of oral service, I also certify that I — <ul style="list-style-type: none"> <li>• gave the person who is bound by this order the information required by the <i>Restraining Orders Act 1997</i> section 55(5) and that the person appeared to understand what was said; or</li> <li>• arranged for someone else over the age of 16 years to give the information to the person in accordance with the <i>Restraining Orders Act 1997</i> section 55(5A).</li> </ul> Signature: _____      Date: _____		

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 2 — Family violence restraining order****Part F — Details of family order**

<i>Restraining Orders Act 1997 s. 66</i> <b>Details of family order</b> <b>Annexure to application</b>		Number:	
		Jurisdiction:	
		Location:	
Parties to the family order or proceedings	Name:		
	Address: street: suburb:		postcode:
	Name:		
	Address: street: suburb:		postcode:
Children	Names:		
	1. 2. 3. 4.		
	Address: street: suburb:		postcode:
Current family order	Date order was made:		Family Court matter no.:
	Court by which order was made:		
	Terms of family order which relate to the respondent's rights in relation to children: <i>[If the person seeking to be protected by the restraining order is a party to the family order, attach a copy of the family order. If not, fill in the details as far as you (or the person seeking to be protected) are aware of them.]</i>		
Current proceedings for family order	Court:		Family Court matter no.:
	Terms of family order being sought which relate to the respondent's rights in relation to children:		
	Are these terms of the order being opposed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		
Applicant	Signature:		Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 3 — Conduct agreement order****Part A — Conduct agreement order**

<i>Restraining Orders Act 1997</i> s. 10H and 43 <b>Conduct agreement order</b>		Number: _____	
		Jurisdiction: _____	
		Location: _____	
Person who has agreed to be bound by this order	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		
Work street: _____		postcode: _____	
address: suburb: _____			
Phone nos.: work: _____ home: _____ mobile: _____			
Person protected	Family name: _____		Date of birth: _____
	Other names: _____		
Type of order	This a final order.		
Terms of this order			
Information about unlawful behaviour and activities	In addition to the terms of this order, the court informs you that the following behaviour and activities are unlawful:		
Order made	Date order made: _____		Time order made: _____
Registrar			Date: _____

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**Form 3 — Conduct agreement order****Part B — Information to be on the copy of order given to the person who is bound by the order****IMPORTANT INFORMATION  
FOR PERSON BOUND BY THIS ORDER****Terms of conduct agreement order**

Although you do not admit that you have committed family violence, you have agreed to be bound by a conduct agreement order on the terms set out on the front of this order.

This order came into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force.

If there is a duration specified in the order, the order expires at the end of the specified period.

If there is no duration specified in the order, the order expires —

- if you are not a child, 2 years after this order comes into force; or
- if you are a child, 6 months after this order comes into force.

If you were in prison at the time this order was made, the order will stay in force while you are in prison and will expire 2 years after the date on which you are released from prison (or longer if specified in the order).

If, in the future, you want the order varied or cancelled you may apply to the court. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

**Penalty:** It is an offence to breach a conduct agreement order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Additional information about conviction for breaching the order**

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, you will face a penalty that is or includes imprisonment (or, if you are a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

**Affidavit evidence may be provided on request**

If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF YOU WERE  
PRESENT IN COURT WHEN IT WAS MADE**



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**Form 3 — Conduct agreement order****Part C — Information to be on the copy of the order given to the person protected by the order****IMPORTANT INFORMATION  
FOR THE PERSON PROTECTED BY THIS ORDER**

<b>Terms of conduct agreement order</b>
<p>Although the respondent does not admit to having committed family violence, the respondent has agreed to be bound by a conduct agreement order on the terms set out on the front of this order.</p> <p>This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. The person who is bound by this order must comply with this order at all times while it is in force.</p> <p>If there is a duration specified in the order, the order expires at the end of the specified period.</p> <p>If there is no duration specified in the order, the order expires —</p> <ul style="list-style-type: none"> <li>• if the person bound by this order is not a child, 2 years after this order comes into force; or</li> <li>• if the person bound by this order is a child, 6 months after this order comes into force.</li> </ul> <p>If the person bound by this order was in prison at the time this order was made, the order will stay in force while the person is in prison and will expire 2 years after the date on which the person is released from prison (or longer if specified in the order).</p> <p>If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the registrar of the court.</p> <p><b>Penalty:</b> It is an offence to breach a conduct agreement order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.</p> <p>Counselling, support and/or legal services may be of assistance to you.</p>
<b>Additional information about breaching the order</b>
<p><b>Note 1:</b> If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the <i>Restraining Orders Act 1997</i> section 61B(3) and (4)).</p> <p><b>Note 2:</b> If the person who is bound by this order is convicted of breaching the order and the person has been convicted of at least 2 other offences under the <i>Restraining Orders Act 1997</i> section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.</p>
<b>Affidavit evidence may be provided on request</b>
<p>If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.</p>
<b>THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE</b>

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 3 — Conduct agreement order****Part D — Information to be on the proof of service copy**

<b>Certificate of service</b>	
Conduct agreement order no.:	
Court of issue:	
Person serving order	Name of person serving order: I am: <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____
Service	Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where order served:  Date of service: _____ Time of service: _____
Person served <i>[Person who is bound by the order]</i>	Name: _____ Date of birth: _____  Signature: ..... (If possible to obtain)
Certificate	I certify that on the day and at the time and place set out above — <input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by this order <input type="checkbox"/> I posted this order to the person who is bound by this order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with the <i>Restraining Orders Act 1997</i> Part 6 Division 2.  In the case of oral service, I also certify that I — <ul style="list-style-type: none"> <li>• gave the person who is bound by this order the information required by the <i>Restraining Orders Act 1997</i> section 55(5) and that the person appeared to understand what was said; or</li> <li>• arranged for someone else over the age of 16 to give the information to the person in accordance with the <i>Restraining Orders Act 1997</i> section 55(5A).</li> </ul> Signature: _____ Date: _____

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 3 — Conduct agreement order**

**Part E — Details of family order**

<i>Restraining Orders Act 1997 s. 66</i> <b>Details of family order</b> <b>Annexure to application</b>		Number:	
		Jurisdiction:	
		Location:	
Parties to the family order or proceedings	Name:		
	Address: street: _____ suburb: _____ postcode: _____		
	Name:		
	Address: street: _____ suburb: _____ postcode: _____		
Children	Names:		
	1. 2. 3. 4.		
	Address: street: _____ suburb: _____ postcode: _____		
Current family order	Date order was made:		Family Court matter no.:
	Court by which order was made:		
Terms of family order which relate to the respondent's rights in relation to children: <i>[If the person seeking to be protected by the conduct agreement order is a party to the family order, attach a copy of the family order. If not, fill in the details as far as you (or the person seeking to be protected) are aware of them.]</i>			
Current proceedings for family order	Court:		Family Court matter no.:
	Terms of family order being sought which relate to the respondent's rights in relation to children:		
Are these terms of the order being opposed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
Applicant	Signature:		Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 4 — Section 63A family violence restraining order****Part A — Section 63A family violence restraining order**

<i>Restraining Orders Act 1997 s. 63A</i> <b>Section 63A family violence restraining order</b>		Number:	
		Jurisdiction:	
		Location:	
Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home street:		postcode:
	address: suburb:		
	Work street:		postcode:
address: suburb:			
Phone nos.: work:		home:	mobile:
Person protected	Family name:		Date of birth:
	Other names:		
Lifelong order	This order remains in force for the period of the life of the person who is bound by this order.		
Terms of this order			
Order made	Date order made:		Time order made:
Registrar			Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 4 — Section 63A family violence restraining order****Part B — Information to be on the copy of the order given to the person who is bound by the order****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER****Section 63A family violence restraining order**

A family violence restraining order has been made against you under the *Restraining Orders Act 1997* section 63A. The order is in the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order for the rest of your life.

**Penalty:** It is an offence to breach a family violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family relationship (e.g. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, you will face a penalty that is or includes imprisonment (or, if you are a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

Counselling, support and/or legal services may be of assistance to you.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE  
PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN  
COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 4 — Section 63A family violence restraining order****Part C — Information to be on the copy of the order given to the person protected by the order****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS PROTECTED BY THIS ORDER****Section 63A family violence restraining order**

A family violence restraining order has been made to protect you under the *Restraining Orders Act 1997* section 63A. The order is in the terms set out on the front of this order. This order came into force when it was served on the person who is bound by the order, or at a later time if this is specified on the front of this order. The person who is bound by this order must comply with this order for the rest of the person's life.

**Penalty:** It is an offence to breach a family violence restraining order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

**Note 1:** If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

**Note 2:** If the person who is bound by this order is convicted of breaching this order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

Counselling, support and/or legal services may be of assistance to you.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE  
PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN  
COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 5 — Application for violence restraining order**

<i>Restraining Orders Act 1997 s. 25</i> <b>Violence restraining order Application</b>		Number:	
		Jurisdiction:	
		Location:	
Applicant <i>[If not the person seeking to be protected]</i>	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work:	home:	mobile:
Person seeking to be protected	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work:	home:	mobile:
Respondent <i>[Fill in as many details as you can]</i>	Family name:		Date of birth:
	Other names:		
	Home street: address: suburb:		postcode:
	Work street: address: suburb:		postcode:
	Phone nos.: work:	home:	mobile:
Grounds for application	Give details of the respondent's behaviour.		
Firearms	Does the respondent have a firearm or firearms licence?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
	Does the respondent have access to a firearm at work?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
First hearing	Do you want the respondent to be present at the first hearing?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Applicant <i>[Not essential if applicant is a police officer]</i>	Signature:		Date:
Hearing <i>[To be filled in by the court]</i>	Court:	Date:	Time:
	Signature of registrar:		
Notification <i>[To be filled in by the court]</i>	I certify that on ___/___/___ at ___ am/pm at _____		
	I notified the applicant of the hearing date.		
	Signature of registrar:		

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 6 — Violence restraining order****Part A — Violence restraining order**

<i>Restraining Orders Act 1997</i> s. 29, 32, 43, 49 and 63 <b>Violence restraining order</b>		Number:	
		Jurisdiction:	
		Location:	
Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home street:		postcode:
	address: suburb:		
Work street:		postcode:	
address: suburb:			
Phone nos.: work:		home:	mobile:
Applicant for the order <i>[If not the person to be protected]</i>	Family name:		Date of birth:
	Other names:		
Person protected	Family name:		Date of birth:
	Other names:		
Type of order	The order is <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order <input type="checkbox"/> a final order		
Terms of this order			
Information about unlawful behaviour and activities	In addition to the terms of this order, the court informs you that the following behaviour and activities are unlawful —		
Order made	Date order made:	Time order made:	
Registrar			Date:



**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 6 — Violence restraining order****Part B — Information to be on the copy of order given to the person who is bound by the order****IMPORTANT INFORMATION  
FOR PERSON BOUND BY THIS ORDER****If the order is for 72 hours or less**

A violence restraining order has been made against you for 72 hours or less on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order until the end of the period specified in the order.

**Penalty:** It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family relationship (e.g. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Counselling, support and/or legal services may be of assistance to you.

**If the order is an interim order**

An interim violence restraining order has been made against you on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. You must comply with this order at all times while it is in force.

You have an opportunity to object to the order before it becomes a final order.

**If you want to object to this order being made final** you must fill in the "Objection" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final violence restraining order. The court will let you know where and when the final order hearing will be held.

**If you do not object to this order being made final** you should fill in the "Consent" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which remains in force for the period specified in the order or —

- (a) if no period is specified and you are not a child, for 2 years from the date this interim order was served on you; or
- (b) if no period is specified and you are a child, for 6 months from the date this interim order was served on you.

**If you do nothing** and do not fill in and return the other copy of this order within 21 days the court will assume that you do not object and the interim order will automatically become a final order.

**Penalty:** It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****If the order is a final order**

A final violence restraining order has been made against you on the terms set out on the front of this order.

This order came into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force.

If there is a duration specified in the order, the order expires at the end of the specified period.

If there is no duration specified in the order, the order expires —

- if it was made at a final order hearing and —
  - (a) you are not a child, 2 years after this final order comes into force; or
  - (b) you are a child, 6 months after this final order comes into force;
- or
- if it was a telephone order which became a final order because you did not object, 3 months, or any shorter period specified in the order, after the telephone order was served on you.

If, in the future, you want the order varied or cancelled you may apply to the court. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

**Penalty:** It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Additional information about conviction for breaching the order**

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, you will face a penalty that is or includes imprisonment (or, if you are a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

**Affidavit evidence may be provided on request**

If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF YOU WERE  
PRESENT IN COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 6 — Violence restraining order****Part C — Information to be on the respondent's endorsed copy of the order****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER**

For interim orders only

**If you want to object to this order being made final** you must fill in the “Objection” section below and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final violence restraining order. The court will let you know where and when the final order hearing will be held.

**If you do not object to this order being made final** you must fill in the “Consent” section below and return this copy of the order to the court within 21 days of the date it was served on you.

**If you do nothing and do not fill in and return this copy of the order to the court within 21 days, this interim order will automatically become a final order.**

<b>Objection</b>			
Order	Restraining order no.:	Court of issue:	
Family name:			Date of birth:
Other names:			
Address: street: _____			
suburb: _____		postcode: _____	
Will you be represented by a lawyer at the final order hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes: lawyer's name: _____			
lawyer's firm: _____			
How many witnesses (including yourself) do you intend to call? _____			
Does this interim order prevent you from —			
• going to where you normally live?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
• going to where you work or otherwise prevent you from doing your job?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
• being in possession of a firearm which is essential for your job?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Signature: _____			Date: _____

**OR**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5**

<b>Consent</b>			
Order	Restraining order no.:	Court of issue:	
Family name:			Date of birth:
Other names:			
Address: street:			
suburb:		postcode:	
I do not object to a final order being made on the same terms as this interim order.			
I understand that I will then not need to attend a final order hearing and that this interim order will automatically become a final order which will stay in force for the period specified in the order or —			
(a) if no period is specified and I am not a child, for 2 years from the date on which this interim order was served on me; or			
(b) if no period is specified and I am a child, for 6 months from the date on which this interim order was served on me.			
Signature:			Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 6 — Violence restraining order****Part D — Information to be on the copy of the order given to the person protected by the order****IMPORTANT INFORMATION  
FOR THE PERSON PROTECTED BY THIS ORDER****If the order is for 72 hours or less**

A violence restraining order has been made to protect you for 72 hours or less on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order. The person who is bound by this order must comply with this order until the end of the period specified in the order.

**Penalty:** It is an offence to breach a violence restraining order. If the person bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**If the order is an interim order**

An interim violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. The person who is bound by this order must comply with this order at all times while it is in force. The person who is bound by this order has 21 days within which to object to the order before it becomes a final order.

**If the person who is bound by this order does object** you will need to attend a final order hearing. At that hearing the court will consider anything you and the person who is bound by this order want to say before deciding whether to make a final restraining order. The court will let you know if a final order hearing is to be held and where and when you need to attend. Even if the person who is bound by this order does object, this interim order will remain in force until the final order hearing.

**If the person who is bound by this order does not object** this order will automatically become a final order which remains in force for the period specified in the order or —

- (a) if no period is specified and the person bound by the order is not a child, for 2 years from the date this interim order was served on the person bound by this order. You will then not need to attend a final order hearing; or
- (b) if no period is specified and the person bound by the order is a child, for 6 months from the date this interim order was served on the person bound by this order. You will then not need to attend a final order hearing.

**Penalty:** It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****If the order is a final order**

A final violence restraining order has been made to protect you on the terms set out on the front of this order.

This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. The person who is bound by this order must comply with this order at all times while it is in force.

If there is a duration specified in the order, the order expires at the end of the specified period.

If there is no duration specified in the order, the order expires —

- if it was made at a final order hearing and —
  - (a) you are not a child, 2 years after this final order comes into force; or
  - (b) you are a child, 6 months after this final order comes into force;
- or
- if it was a telephone order which became a final order because the person who is bound by the order did not object, 3 months (or any shorter time specified in the order) after the telephone order was served on the person who is bound by the order.

If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

**Penalty:** It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Additional information about breaching the order**

**Note 1:** If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

**Note 2:** If the person who is bound by this order is convicted of breaching the order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

**Affidavit evidence may be provided on request**

If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 6 — Violence restraining order**

**Part E — Information to be on the proof of service copy**

**Certificate of service**

Restraining order no.:  
Court of issue:

	Name of person serving order:	
Person serving order	I am:	
	<input type="checkbox"/> the registrar of the court	
	<input type="checkbox"/> a police officer	Rank, number and station: _____
	<input type="checkbox"/> a prison officer	Prison: _____
	<input type="checkbox"/> a person authorised by the registrar	Date of authorisation: _____
Service	Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service	
	Place where order served:	
	Date of service:	Time of service:
Person served <small>[Person who is bound by the order]</small>	Name:	
	Date of birth:	
	Signature: ..... (If possible to obtain)	
Certificate	I certify that on the day and at the time and place set out above:	
	<input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by this order <input type="checkbox"/> I posted this order to the person who is bound by this order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with the <i>Restraining Orders Act 1997</i> Part 6 Division 2.	
	In the case of oral service, I also certify that I — <ul style="list-style-type: none"> <li>• gave the person who is bound by this order the information required by the <i>Restraining Orders Act 1997</i> section 55(5) and that the person appeared to understand what was said; or</li> <li>• arranged for someone else over the age of 16 years to give the information to the person in accordance with the <i>Restraining Orders Act 1997</i> section 55(5A).</li> </ul>	
	Signature:	Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 7 — Section 63A violence restraining order****Part A — Section 63A violence restraining order**

<i>Restraining Orders Act 1997 s. 63A</i>		Number:	
<b>Section 63A violence restraining order</b>		Jurisdiction:	
		Location:	
Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home street:		postcode:
	address: suburb:		
	Work street:		postcode:
address: suburb:			
Phone nos.: work:		home:	mobile:
Person protected	Family name:		Date of birth:
	Other names:		
Lifelong order	This order remains in force for the period of the life of the person who is bound by this order.		
Terms of this order			
Order made	Date order made:		Time order made:
Registrar			Date:



**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 7 — Section 63A violence restraining order****Part B — Information to be on the copy of the order given to the person who is bound by the order****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER****Section 63A violence restraining order**

A violence restraining order has been made against you under the *Restraining Orders Act 1997* section 63A. The order is in the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order for the rest of your life.

**Penalty:** It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family relationship (e.g. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, you will face a penalty that is or includes imprisonment (or, if you are a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

Counselling, support and/or legal services may be of assistance to you.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF YOU WERE  
PRESENT IN COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 7 — Section 63A violence restraining order****Part C — Information to be on the copy of the order given to the person protected by the order****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS PROTECTED BY THIS ORDER****Section 63A violence restraining order**

A violence restraining order has been made to protect you under the *Restraining Orders Act 1997* section 63A. The order is in the terms set out on the front of this order. This order came into force when it was served on the person who is bound by the order, or at a later time, if this is specified on the front of this order. The person who is bound by this order must comply with this order for the rest of the person's life.

**Penalty:** It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

**Note 1:** If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

**Note 2:** If the person who is bound by this order is convicted of breaching this order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61A(6) of the Act not to impose such a penalty.

Counselling, support and/or legal services may be of assistance to you.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE  
PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN  
COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 8 — Application for misconduct restraining order**

<b>Restraining Orders Act 1997 s. 38(2)</b> <b>Misconduct restraining order</b> <b>Application</b>		Number:	
		Jurisdiction:	
		Location:	
Applicant <i>[If not the person seeking to be protected]</i>	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work:                      home:                      mobile:		
Person seeking to be protected	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work:                      home:                      mobile:		
Respondent <i>[Fill in as many details as you can]</i>	Family name:		Date of birth:
	Other names:		
	Home street: address: suburb:		postcode:
	Work street: address: suburb:		postcode:
Phone nos.: work:                      home:                      mobile:			
Grounds for application	Give details of the respondent's behaviour.		
Firearms	Does the respondent have a firearm or firearms licence?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
	Does the respondent have access to a firearm at work?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Applicant	Signature:		Date:
Hearing <i>[To be filled in by the court]</i>	Court:	Date:	Time:
	Registrar:		
Notification <i>[To be filled in by the court]</i>	I certify that on ___/___/___ at _____ am/pm at _____		
	I notified the applicant of the hearing date.		
Registrar:			

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 9 — Misconduct restraining order****Part A — Misconduct restraining order**

<i>Restraining Orders Act 1997</i> s. 43, 49 and 63		Number:	
<b>Misconduct restraining order</b>		Jurisdiction:	
		Location:	
Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home street:		
	address: suburb:	postcode:	
	Work street:		
address: suburb:		postcode:	
Phone nos.: work:		home:	mobile:
Applicant for order <i>[If not the person to be protected]</i>	Family name:		Date of birth:
	Other names:		
Person protected	Family name:		Date of birth:
	Other names:		
Terms of the order			
Order made	Date order made:	Time order made:	
Registrar			Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 9 — Misconduct restraining order****Part B — Information to be on the copy of the order given to the person who is bound by the order****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER****Misconduct Restraining Order**

A misconduct restraining order has been made against you on the terms set out on the front of this order. This order comes into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force.

If there is a duration specified in the order, the order expires at the end of the specified period.

If there is no duration specified in the order, the order expires 12 months after it comes into force.

If, in the future, you want the order varied or cancelled you may apply to the court. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

**Penalty:** It is an offence to breach a misconduct restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$1 000.

**Note:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

Counselling, support and/or legal services may be of assistance to you.

**Affidavit evidence may be provided on request**

If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF YOU WERE  
PRESENT IN COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 9 — Misconduct restraining order****Part C — Information to be on the copy of the order given to the person protected by the order****IMPORTANT INFORMATION  
FOR THE PERSON PROTECTED BY THE ORDER****Misconduct Restraining Order**

A misconduct restraining order has been made to protect you on the terms set out on the front of this order. This order comes into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. The person who is bound by this order must comply with this order at all times while it is in force.

If there is a duration specified in the order, the order expires at the end of the specified period.

If there is no duration specified in the order, the order expires 12 months after it comes into force.

If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the registrar of the court.

**Penalty:** It is an offence to breach a misconduct restraining order. If the person bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$1 000.

**Note:** If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

Counselling, support and/or legal services may be of assistance to you.

**Affidavit evidence may be provided on request**

If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 9 — Misconduct restraining order  
Part D — Information to be on the proof of service copy**

Certificate of service	
Restraining order no.: _____ Court of issue: _____	
Person serving order	Name of person serving order: I am: <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer      Rank, number and station: _____ <input type="checkbox"/> a prison officer      Prison: _____ <input type="checkbox"/> a person authorised by the registrar      Date of authorisation: _____
Service	Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where order served: _____ Date of service: _____      Time of service: _____
Person served <i>[Person who is bound by the order]</i>	Name: _____ Date of birth: _____ Signature: ..... (If possible to obtain)
Certificate	I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by this order <input type="checkbox"/> I posted this order to the person who is bound by this order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with the <i>Restraining Orders Act 1997</i> Part 6 Division 2.  In the case of oral service, I also certify that I — <ul style="list-style-type: none"> <li>• gave the person who is bound by this order the information required by the <i>Restraining Orders Act 1997</i> section 55(5) and that the person appeared to understand what was said; or</li> <li>• arranged for someone else over the age of 16 years to give the information to the person in accordance with the <i>Restraining Orders Act 1997</i> section 55(5A).</li> </ul> Signature: _____      Date: _____

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5**

**Form 10 — Telephone order**  
**Part A — Court copy of telephone order**

<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone family violence restraining order / Violence restraining order</b>		Number:	
		Jurisdiction:	
		Location:	
Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home street:	address: suburb:	postcode:
	Work street:	address: suburb:	postcode:
Phone nos.: work: home: mobile:			
Protected person	Family name:		Date of birth:
	Other names:		
Type of order	The order is		
	<input type="checkbox"/> a Family Violence Restraining Order <input type="checkbox"/> a Violence Restraining Order <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order		
Terms of the order			
Order made	Date order made:	Time order made:	
Authorised person	Name:		
	Rank and number/identification:		
	Signature:		Date:
Confirmation by Magistrate	This order <input type="checkbox"/> is correct <input type="checkbox"/> is not correct and is to be amended as shown		
	Signature:		Date:



**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 10 — Telephone order****Part B — Copy of the order given to the person who is bound by the order**

<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone family violence restraining order / Violence restraining order</b>		Number:	
		Jurisdiction:	
		Location:	
Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home street:		
	address: suburb:		postcode:
Person protected	Work street:		
	address: suburb:		postcode:
	Phone nos.: work:	home:	mobile:
	Family name:		Date of birth:
Other names:			
Type of order	The order is <input type="checkbox"/> a Family Violence Restraining Order <input type="checkbox"/> a Violence Restraining Order <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order		
Terms of the order			
Order made	Date order made:	Time order made:	
Authorised person	Name:		
	Rank and number/identification:		
	Signature:		Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 10 — Telephone order****Part C — Information to be on the copy of the order to be given to the person who is bound by the order****IMPORTANT INFORMATION  
FOR PERSON WHO IS BOUND BY THIS ORDER****If the order is for 72 hours or less**

A family violence restraining order / violence restraining order has been made against you for 72 hours or less on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order. You must comply with this order until the end of the period specified in the order.

**Penalty:** It is an offence to breach a family violence restraining order / violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both. If you breach the order in the presence of a child with whom you are in a family relationship (e.g. your child, your partner's child or a child who ordinarily resides with you) the court sentencing you will consider this an aggravating factor.

Counselling, support and/or legal services may be of assistance to you.

**If the order is an interim order**

An interim family violence restraining order / violence restraining order has been made against you on the terms set out on the front of this order. This order came into force when it was served on you, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. You must comply with this order at all times while it is in force.

**If you object to this order being made final** you must fill in the "Objection" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. The court will then arrange a final order hearing at which it will consider anything you want to say before deciding whether to make a final family violence restraining order / violence restraining order. The court will let you know where and when the final order hearing will be held.

**If you do not object to this order being made final** you should fill in the "Consent" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which will stay in force for the period specified in the order or —

- (a) if no period is specified and you are not a child, for 2 years from the date on which this order was served on you; or
- (b) if no period is specified and you are a child, for 6 months from the date on which this order was served on you.

If the order is a family violence restraining order and you were in prison at the time the court received your "Consent" form, the order will stay in force while you are in prison and for a further 3 months from the date on which you are released from prison (or shorter if specified in the order).

**If you do nothing** and do not fill in and return the other copy of this order within 21 days the court will assume that you do not object and the interim order **will automatically become a final order**.

**Penalty:** It is an offence to breach a violence restraining order. If you breach this order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**r. 5****Additional information about conviction for breaching the order**

If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Affidavit evidence may be provided on request**

If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 10 — Telephone order****Part D — Information to be on the respondent's endorsed copy****IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER**

For interim orders only

**If you object to this interim order being made final** you must fill in the "Objection" section below and return this copy of the order to the court within 21 days of the date it was served on you.

**If you do not object to this order being made final** you must fill in the "Consent" section below and return this copy of the order to the court within 21 days of the date it was served on you.

**If you do nothing** and do not fill in and return this copy of the order to the court within 21 days this interim order **will automatically become a final order**.

<b>Objection</b>	
Order	Restraining order no.: _____ Court of issue: _____
Family name:	Date of birth: _____
Other names:	
Address: street:	postcode: _____
suburb:	
Will you be represented by a lawyer at the final order hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes: lawyer's name:	
lawyer's firm:	
How many witnesses (including yourself) do you intend to call?	_____
Does this interim order prevent you from —	
• going to where you normally live?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• having contact with your children?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• going to where you work or otherwise prevent you from doing your job?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• being in possession of a firearm which is essential for your job?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Signature: _____	Date: _____

**OR**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5**

<b>Consent</b>			
Order	Restraining order no.:	Court of issue:	
Family name:			Date of birth:
Other names:			
Address: street:			
suburb:			postcode:
<p>I do not object to a final order being made on the same terms as this interim order.</p> <p>I understand that I will then not need to attend a final order hearing and that this interim order will automatically become a final order which will stay in force for —</p> <p>(a) the period specified in the order; or</p> <p>(b) if no period is specified and I am not a child, for 2 years from the date on which this order was served on me; or</p> <p>(c) if no period is specified and I am a child, for 6 months from the date on which this order was served on me.</p> <p>If the order is a family violence restraining order and I am in prison when the court receives this form, the order will stay in force while I am in prison and for a further 3 months from the date on which I am released from prison (or shorter if specified in the order).</p>			
Signature:			Date:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

r. 5

**Form 10 — Telephone order****Part E — Information to be on the copy of the order given to the person protected by the order****IMPORTANT INFORMATION  
FOR PERSON PROTECTED BY THIS ORDER****If the order is for 72 hours or less**

A family violence restraining order / violence restraining order has been made to protect you for 72 hours or less on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order. The person who is bound by this order must comply with this order until the end of the period specified in the order.

**Penalty:** It is an offence to breach a family violence restraining order / violence restraining order. If the person bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

**If the order is an interim order**

An interim family violence restraining order / violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. The person who is bound by this order must comply with this order at all times while it is in force. The person who is bound by this order has 21 days within which to object to the order before it becomes a final order.

**If the person who is bound by this order does object** you will need to attend a final order hearing. At that hearing the court will consider anything you and the person who is bound by this order want to say before deciding whether to make a final restraining order. The court will let you know if a final order hearing is to be held and where and when you need to attend. Even if the person who is bound by this order does object, this interim order will remain in force until the final order hearing.

**If the person who is bound by this order does not object** this order will automatically become a final order which will stay in force for —

- (a) the period specified in the order; or
- (b) if no period is specified and the person is not a child, for 2 years from the date on which this order was served on the person; or
- (c) if no period is specified and the person is a child, for 6 months from the date on which this order was served on the person.

If the order is a family violence restraining order and the person was in prison at the time the Court received the person's "Consent" form, the order will stay in force while the person is in prison and for a further 3 months from the date on which the person is released from prison (or shorter if specified in the order).

You will then not need to attend a final order hearing.

**Penalty:** It is an offence to breach a family violence restraining order / violence restraining order. If the person who is bound by this order breaches this order the person may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

Counselling, support and/or legal services may be of assistance to you.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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<b>Additional information about breaching the order</b>
If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the <i>Restraining Orders Act 1997</i> section 61B(3) and (4)).
<b>Affidavit evidence may be provided on request</b>
If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 10 — Telephone order****Part F — Information to be on the proof of service copy****Certificate of service**

		Restraining order no.:
		Court of issue:
Person serving order	Name of person serving order:	
	I am: <ul style="list-style-type: none"> <li><input type="checkbox"/> the registrar of the court</li> <li><input type="checkbox"/> a police officer      Rank, number and station: _____</li> <li><input type="checkbox"/> a prison officer      Prison: _____</li> <li><input type="checkbox"/> a person authorised by the registrar      Date of authorisation: _____</li> </ul>	
Service	Method of service: <input type="checkbox"/> personal <input type="checkbox"/> oral <input type="checkbox"/> by post <input type="checkbox"/> substituted service	
	Place where order served:	
	Date of service:	Time of service:
Person served <i>[Person who is bound by the order]</i>	Name:	
	Date of birth:	
	Signature: ..... (If possible to obtain)	
Certificate	I certify that on the day and at the time and place set out above — <ul style="list-style-type: none"> <li><input type="checkbox"/> I personally served this order on the person who is bound by the order</li> <li><input type="checkbox"/> I orally served this order on the person who is bound by this order</li> <li><input type="checkbox"/> I posted this order to the person who is bound by this order</li> <li><input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with the <i>Restraining Orders Act 1997</i> Part 6 Division 2.</li> </ul>	
	In the case of oral service, I also certify that I — <ul style="list-style-type: none"> <li>• gave the person who is bound by this order the information required by the <i>Restraining Orders Act 1997</i> section 55(5) and that the person appeared to understand what was said; or</li> <li>• arranged for someone else over the age of 16 to give the information to the person in accordance with the <i>Restraining Orders Act 1997</i> section 55(5A).</li> </ul>	
	Signature:	Date:



**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 11 — Restraining order record of telephone application**

<i>Restraining Orders Act 1997 s. 21(4)</i> <b>Restraining order Record of telephone application</b>		Number:		
		Jurisdiction:		
		Location:		
Authorised person	Name:			
	Rank and number/identification:			
	Contact phone no.:	Date of application:		
Type of order sought	<input type="checkbox"/> Family violence restraining order <input type="checkbox"/> Violence restraining order			
Reason for applying by telephone	I <input type="checkbox"/> am <input type="checkbox"/> am not satisfied that the matter is sufficiently urgent to justify a telephone application.			
Applicant <i>[If not the person seeking to be protected]</i>	The applicant is:			
	<input type="checkbox"/> person seeking to be protected <input type="checkbox"/> parent or guardian of a child who is seeking to be protected <input type="checkbox"/> a child welfare officer on behalf of a child who is seeking to be protected <input type="checkbox"/> authorised person <input type="checkbox"/> legal guardian of the person who is seeking to be protected			
	Family name:	Date of birth:		
	Other names:			
	Address: street:	postcode:		
	suburb:	mobile:		
	Phone nos.: work:	home:	mobile:	
Person seeking to be protected	Family name:	Date of birth:		
	Other names:			
	Address: street:	postcode:		
		suburb:	mobile:	
		Phone nos.: work:	home:	mobile:
Respondent	Family name:	Date of birth:		
	Other names:			
	Home street:	postcode:		
	address: suburb:	mobile:		
	Work street:	postcode:		
	address: suburb:	mobile:		
	Phone nos.: work:	home:	mobile:	
	The respondent <input type="checkbox"/> is <input type="checkbox"/> is not present <input type="checkbox"/> is <input type="checkbox"/> is not being detained by a police officer			

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5**

Family orders	Are there any current family orders relating to the respondent's rights in relation to children who may be affected by a restraining order? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
	Are there any current Family Court proceedings in which such orders are being sought? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
	Details of family order or proceedings
Firearms	Does the respondent have a firearm or a firearms licence? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
	Does the respondent have access to a firearm at work? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Witnesses and summary of evidence	Applicant:  Respondent:  Authorised person:  Other people:
Other notes	
Decision and order	I <input type="checkbox"/> am <input type="checkbox"/> am not satisfied that a telephone order should be made. The terms of the order are:
Magistrate	Name:
	Court where Magistrate is based:
	Magistrate's location when hearing application:
	Signature:                      Date:                      Time:

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 12 — Application to vary or cancel a restraining order****Part A — Application to vary or cancel a restraining order**

<i>Restraining Orders Act 1997 s. 45</i> <b>Restraining order</b> <b>Application to vary or cancel</b>	Number: Jurisdiction: Location:
Person applying to vary or cancel	Family name:
	Other names:
	Address: street: _____ suburb: _____ postcode: _____
	Phone nos.: work: _____ home: _____ mobile: _____
	Are you: <input type="checkbox"/> the person protected by the order <input type="checkbox"/> the parent or guardian of a child protected by the order <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person protected by the order <input type="checkbox"/> the person bound by the order
Restraining order	Type of order: <input type="checkbox"/> Family Violence Restraining Order <input type="checkbox"/> Violence Restraining Order <input type="checkbox"/> Misconduct Restraining Order
	Date order was made: _____ Restraining order no.: _____
	Person who is bound by the order:
	Person who is protected by the order:
Grounds for leave to continue this application <i>[Only fill this in if the application is being made by the person bound by the order]</i>	If you are the person bound by the restraining order, on what grounds do you seek leave to continue the application?
Variation or cancellation <i>[Please tick one box only.]</i>	<b>Do you want the order to be cancelled and a replacement order to be made?</b> <input type="checkbox"/> Yes Duration of order: An order made under this option will remain in force for a period of 2 years from the date of service of the replacement order if no other period is specified.
	<b>Do you want an additional order, to be read with the original order, which states the variation?</b> <input type="checkbox"/> Yes Duration of order: Unless specified, an order made under this option will not vary the duration of the original order.
	<b>Do you want the order to be cancelled without any further order being made?</b> <input type="checkbox"/> Yes Duration of order: An order cancelled under this option ceases to be in force at the conclusion of the hearing at which it is cancelled.

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Variation sought	What are the specific changes you are seeking?		
Grounds for variation or cancellation	Why do you want the restraining order varied or cancelled?		
If you are the person protected	Do you want this application to cancel the restraining order heard in the absence of the person bound by the order?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Signature	Signature of applicant:		
Hearing	Court:	Date:	Time:
Notification <i>[To be filled in by the court]</i>	I certify that on __/__/__ at ____ am/pm at _____ I notified the person applying to vary or cancel the hearing date.		Signature of Registrar:

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**Form 12 — Application to vary or cancel a restraining order****Part B — Information to be on the copy of the application to be given to the applicant****IMPORTANT INFORMATION  
FOR THE APPLICANT****Application by the person protected by the restraining order**

If you are the person protected by the restraining order (or someone acting on behalf of that person) and you have applied to vary or cancel the order, you must attend a hearing on the date set out on the front of this application. The court will summons the person who is bound by the order who should also attend. At that hearing the court will decide whether or not to vary or cancel the restraining order.

**If you do not attend the hearing, your application may be dismissed.**

**Application by the person who is bound by the restraining order**

If you are the person who is bound by the restraining order and you have applied to vary or cancel a restraining order, you must attend a hearing on the date set out on the front of this application. The person protected by the restraining order will not attend this hearing. At this hearing you will have the opportunity to satisfy the court that you should be granted leave to continue the application. To do this you will need to satisfy the court that one of the following applies —

- (a) you had a reasonable cause not to attend a prior hearing where the restraining order was made (this does not apply in respect of a hearing where you were not present because the person protected by the order chose to have the matter heard in your absence under the *Restraining Orders Act 1997* section 26);
- (b) there is evidence to support a claim that a person protected by the order has persistently invited or encouraged you to breach the order, or by the person's actions has persistently attempted to cause you to breach the order;
- (c) there has been a substantial change in the relevant circumstances since the order was made;
- (d) if this application is made to vary or cancel an interim order, there is evidence to support a claim that the restraints imposed by the order are causing you unnecessary hardship.

**If you do not attend the hearing, your application may be dismissed.**

Your application to vary or cancel the restraining order will be dismissed if you do not satisfy the court that one of the grounds set out above applies.

If the court is satisfied that one of the grounds set out above applies to you then the court will set a date for a further hearing and will summons the person protected by the order to attend. At that hearing the court will decide whether or not to vary or cancel the restraining order.

**If you do not attend the hearing, your application may be dismissed.**

**Application to extend duration of order**

If this application is to vary the restraining order by extending the duration of the order, then, despite anything else in the *Restraining Orders Act 1997*, **THE ORDER WILL NOT EXPIRE** before the application is determined if the person bound by the order has been given a copy of this application.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 13 — Summons to vary or cancel restraining order****Part A — Summons to vary or cancel restraining order**

<i>Restraining Orders Act 1997 s. 47</i> <b>Restraining order</b> <b>Summons to vary or cancel</b>		Number:	
		Jurisdiction:	
		Location:	
<p>An application has been made to vary or cancel the restraining order to which you (or a person of whom you are a parent or guardian) are a party. The details of the application are set out below. You are required to attend a court hearing on this matter at the place and time set out below.</p>			
Person summonsed	<input type="checkbox"/> Person protected by the order <input type="checkbox"/> Parent or guardian of a child protected by the order <input type="checkbox"/> Person bound by the order <input type="checkbox"/> Legal guardian of a person protected by the order <input type="checkbox"/> Child Welfare Officer on behalf of a child protected by the order		
	Family name:		Date of birth:
	Other names:		
	Home street:		postcode:
	address: suburb:		
	Work street:		
address: suburb:		postcode:	
Phone nos.: work: home: mobile:			
Restraining order	<input type="checkbox"/> Family Violence Restraining Order <input type="checkbox"/> Violence Restraining Order <input type="checkbox"/> Misconduct Restraining Order		Date order made:
			Date order served:
	Person bound by the order:		
	Person protected by the order:		
Application	An application has been made for the restraining order to be: <input type="checkbox"/> cancelled <input type="checkbox"/> varied The variations sought to the order are as follows:		
Grounds for application			
Hearing <i>[To be filled in by the court]</i>	Court:		Date:
	Registrar:		

**If you do not attend the court hearing the restraining order may be varied or cancelled in your absence.**

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**Form 13 — Summons to vary or cancel restraining order  
Part B — Information to be on the proof of service copy**

<b>Certificate of service</b>	
	Restraining order no.: _____ Court of issue: _____
Person serving summons	Name of person serving summons: _____ I am: <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer      Rank, number and station: _____ <input type="checkbox"/> a prison officer      Prison: _____ <input type="checkbox"/> a person authorised by the registrar      Date of authorisation: _____
Service	Method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where summons served: _____ _____ Date of service: _____      Time of service: _____
Person served <small>[Person bound, or person protected by the order]</small>	Name: _____ Date of birth: _____ Signature: ..... (If possible to obtain)
Certificate	I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this summons on the person to be summonsed <input type="checkbox"/> I posted this summons to the person to be summonsed <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this summons on the person to be summonsed in accordance with the <i>Restraining Orders Act 1997</i> Part 6 Division 2. Signature: _____      Date: _____

**OR**

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Summons not served	Name of person attempting to serve summons:	
	I am:	
	<input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer      Rank, number and station: _____ <input type="checkbox"/> a prison officer      Prison: _____ <input type="checkbox"/> a person authorised by the registrar      Date of authorisation: _____	
	Attempted method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service	
	Steps taken to attempt service:	
I was unable to serve this summons because:		
<input type="checkbox"/> the person to be summonsed does not appear to live or work at the addresses given and cannot be found elsewhere <input type="checkbox"/> the person to be summonsed appears to be deliberately avoiding being served with this summons <input type="checkbox"/> other <i>[give details]</i>		
Signature:		Date:

**Please return this proof of service copy of the summons to the court before the hearing date, even if you have been unable to serve it.**



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**Form 14 — Restraining order made during other proceedings —  
record of proceedings**

<p><i>Restraining Orders Act 1997 s. 63</i>  <b>Restraining order made during other proceedings</b>  <b>Record of proceedings</b></p>		<p>Proceedings in which order made:</p>	
		<p>Jurisdiction:</p>	
		<p>Location:</p>	
Application	<p>Type of order:</p> <p><input type="checkbox"/> Family Violence Restraining Order</p> <p><input type="checkbox"/> Violence Restraining Order</p> <p>Order made:</p> <p><input type="checkbox"/> by court of its own motion</p> <p><input type="checkbox"/> on an application or request by _____</p> <p>Charges to which order relates: _____</p>		
Person protected by the order	Family name: _____		Date of birth: _____
	Other names: _____		
	Address: street: _____		postcode: _____
	suburb: _____		home: _____
	Phone nos.: work: _____		mobile: _____
<p>Role in proceeding in which restraining order was made:</p> <p><input type="checkbox"/> applicant/prosecutor</p> <p><input type="checkbox"/> victim</p> <p><input type="checkbox"/> respondent/accused</p> <p><input type="checkbox"/> other witness</p> <p><input type="checkbox"/> other _____</p>			
Person who is bound by the restraining order	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		home: _____
	Work street: _____		mobile: _____
address: suburb: _____		home: _____	
Phone nos.: work: _____		mobile: _____	
<p>Role in proceeding in which restraining order was made:</p> <p><input type="checkbox"/> respondent/accused</p> <p><input type="checkbox"/> other witness</p> <p><input type="checkbox"/> other _____</p>			
Grounds on which order applied for or considered	<p>For FVROs: <input type="checkbox"/> conviction for a violent personal offence listed in section 63(4AA)</p> <p><input type="checkbox"/> family member wants to be protected by FVRO</p> <p>For VROs: <i>[specify grounds]</i></p>		

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Family orders	Are there any current family orders relating to the person who is bound by the restraining order's rights in relation to children who may be affected by a restraining order? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Are there any current Family Court proceedings in which such orders are being sought? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Details of family order or proceedings:
Firearms	Does the person who is bound by the restraining order have a firearm or a firearms licence? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Does the person who is bound by the restraining order have access to a firearm at work? <input type="checkbox"/> Yes <input type="checkbox"/> No
Witness and summary of evidence	Person protected by the restraining order:  Person who is bound by the restraining order:  Other people:
Other notes	
Terms of the order	
Order made	Date order made: _____ Time order made: _____
Registrar	Signature: _____ Date: _____

**Magistrates Court (Civil Proceedings) Amendment Rules 2017**

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**Form 15 — Application to register an interstate restraining order**

**Part A — Application to register an interstate restraining order**

<p align="center"><i>Restraining Orders Act 1997 s. 75</i></p> <p align="center"><b>Interstate restraining order</b></p> <p align="center"><b>Application to register</b></p>		Number: Jurisdiction: Location:	
Applicant <i>[If not the person seeking to be protected]</i>	Are you: <input type="checkbox"/> the person to be protected <input type="checkbox"/> the parent or guardian of a child to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of a person to be protected		
	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work:		home:                      mobile:
Person to be protected by the order	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work:		home:                      mobile:
Person who is to be bound by this order <i>[Fill in as many details as you can]</i>	Family name:		Date of birth:
	Other names:		
	Home street: address: suburb:		postcode:
	Work street: address: suburb:		postcode:
	Phone nos.: work:		home:                      mobile:
Interstate Order	State where order was made:		
	Court in which order was made:		
	Date order was made:		Order/matter no.:
	Does the order relate to family violence?		
Notice	I <input type="checkbox"/> do <input type="checkbox"/> do not   want notice of the registration of this order to be given to the person who is bound by this order		
Applicant	Signature:		Date:
Registered <i>[To be filled in by the court]</i>	Date of registration:		Time of registration:
	Registrar:		Date:
Notification <i>[To be filled in by the court]</i>	I certify that on ___/___/___ at ___ am/pm at _____ I notified the applicant that the order had been registered. Registrar:		

**When you lodge this application you must also give the registrar the original interstate order or a copy certified to be a true copy by an officer of the court in which it was made. The registrar may also ask for evidence to show that the interstate order has been served on the person who is to be bound by the order.**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5**

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**Form 15 — Application to register an interstate restraining order****Part B — Information to be on the copy of the application given to the applicant**

Notification to applicant

The interstate restraining order described in this form has been registered in Western Australia. It can now be enforced in this State as if it had been made here.

**Form 15 — Application to register an interstate restraining order****Part C — Information to be on the copy of the application given to the Commissioner of Police**

Notification to the Commissioner of Police

The interstate order described in this form has been registered in Western Australia. A copy of the interstate order is attached.

**Form 15 — Application to register an interstate restraining order****Part D — Information to be on the copy of the application given to the interstate court where the relevant interstate order was made**

Notification to the Registrar

The restraining order described above and made in your court has been registered in Western Australia. If the original order is varied or cancelled please notify the registrar of the court mentioned above.

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 16 — Restraining order — summons****Part A — Restraining order — summons***Restraining Orders Act 1997*  
s. 26(3) and 39**Restraining order  
Summons**

Number:

Jurisdiction:

Location:

An application has been made for a restraining order against you. The details of the application are set out below. You are required to attend a court hearing on this matter at the place and time set out below.

Respondent	Family name:	Date of birth	
	Other names:		
	Home street: address: suburb: postcode:		
	Work street: address: suburb: postcode:		
Phone nos.: work: home: mobile:			
Person seeking to be protected	Family name:	Date of birth	
	Other names:		
Applicant <i>[If not the person seeking to be protected]</i>	The applicant is: <input type="checkbox"/> person seeking to be protected		
	<input type="checkbox"/> parent or guardian of a child who is seeking to be protected		
	<input type="checkbox"/> a police officer		
<input type="checkbox"/> the legal guardian of a person seeking to be protected			
Family name:			
Other names:			
Type of order	The application is for: <input type="checkbox"/> Family Violence Restraining Order		
<input type="checkbox"/> Violence Restraining Order			
<input type="checkbox"/> Misconduct Restraining Order			
Grounds for application			
Hearing	Court:	Date:	Time:
	Registrar:		

**If you do not attend the court hearing a restraining order may be made against you in your absence.**

**A restraining order may prohibit you from going to certain places (such as the home of the person seeking to be protected) and place other restrictions on where you may go and what you may do.**

**A restraining order may also prohibit you from being in possession of a firearm or a firearms licence.**

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**Form 16 — Restraining order — summons****Part B — Information to be on the proof of service copy**

<b>Certificate of service</b>	
Restraining order no.: _____ Court of issue: _____	
Person serving summons	Name of person serving summons: _____ I am: <input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____
Service	Method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service Place where summons served: _____ Date of service: _____ Time of service: _____
Person served <small>[Person bound or person protected by the order]</small>	Name: _____ Date of birth: _____ Signature: ..... (If possible to obtain)
Certificate	I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this summons on the person to be summonsed <input type="checkbox"/> I posted this summons to the person to be summonsed <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this summons on the person to be summonsed in accordance with the <i>Restraining Orders Act 1997</i> Part 6 Division 2. Signature: _____ Date: _____

**OR**

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Summons not served	Name of person attempting to serve summons:	
	I am:	
	<input type="checkbox"/> the registrar of the court <input type="checkbox"/> a police officer Rank, number and station: _____ <input type="checkbox"/> a prison officer Prison: _____ <input type="checkbox"/> a person authorised by the registrar Date of authorisation: _____	
	Attempted method of service: <input type="checkbox"/> personal <input type="checkbox"/> by post <input type="checkbox"/> substituted service	
	Steps taken to attempt service:	
I was unable to serve this summons because:		
<input type="checkbox"/> the person to be summonsed does not appear to live or work at the addresses given and cannot be found elsewhere <input type="checkbox"/> the person to be summonsed appears to be deliberately avoiding being served with this summons <input type="checkbox"/> other [give details]		
Signature: _____		
Date: _____		

**Please return this proof of service copy of the summons to the court before the hearing date, even if you have been unable to serve it.**

**Magistrates Court (Civil Proceedings) Amendment Rules 2017****r. 5****Form 17 — Application to have final order under section 32(2) of the Act set aside**

<p><i>Restraining Orders Act 1997 s. 32(5)</i>  <b>Application to set aside final order under the <i>Restraining Orders Act 1997</i> section 32(2)</b></p>		Number:	
		Jurisdiction:	
		Location:	
Applicant's details	Family name:		Date of birth:
	Other names		
	Home street:		postcode:
	address: suburb:		
Phone nos.: work:		home:	mobile:
Respondent's details	Family name:		Date of birth:
	Other names		
	Home street:		postcode:
	address: suburb:		
Phone nos.: work:		home:	mobile:
Details of final order	<input type="checkbox"/> Family violence restraining order <input type="checkbox"/> Violence restraining order		
Date of application	<input type="checkbox"/> This application <b>is made</b> within 21 days from the date that I was notified that the interim order had become a final order <input type="checkbox"/> This application <b>is not made</b> within 21 days from the date that I was notified that the interim order had become a final order		
Application	I apply for the following orders — <input type="checkbox"/> Leave be granted to proceed with this application out of time <input type="checkbox"/> The final order be set aside		
Grounds for application	I rely on the following grounds in support of this application. [Outline grounds, if insufficient space please attach further information.]		
Signature of applicant			Date
Notice of court hearing	Court:		
	Address:		
	Date and time of hearing:		



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**Form 18 — Application to have decision under section 42 of the Act set aside**

<i>Restraining Orders Act 1997 s. 43A</i> <b>Application to set aside decision under the Restraining Orders Act 1997 section 42</b>		Number:	
		Jurisdiction:	
		Location:	
Applicant's details	Family name:	Date of birth:	
	Other names		
	Home street:		
	address: suburb:	postcode:	
Phone nos.: work:		home:	mobile:
Respondent's details	Family name:	Date of birth:	
	Other names		
	Home street:		
	address: suburb:	postcode:	
Phone nos.: work:		home:	mobile:
Order to which this application relates	<input type="checkbox"/> Family violence restraining order <input type="checkbox"/> Violence restraining order		
Date of decision			
Date of application	<input type="checkbox"/> This application <b>is made</b> within 21 days from the date that I first became aware of/was served with a copy of the order <input type="checkbox"/> This application <b>is not made</b> within 21 days from the date that I first became aware of/was served with a copy of the order		
Application	I apply for the following orders — <input type="checkbox"/> Leave be granted to proceed with this application out of time. <input type="checkbox"/> The decision and orders made in this matter on the date above be set aside.		
Grounds for application	I rely on the following grounds in support of this application. <i>[Outline grounds, if insufficient space please attach further information.]</i>		
Signature of applicant			Date
Notice of court hearing	Court:		
	Address:		
	Date and time of hearing:		

S. HEATH, Chief Magistrate, Magistrates Court in Perth.

Date 16 June 2017.