

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 4.15 PM

PROSTITUTION ACT 2000

PROSTITUTION (RESTRAINING ORDERS) REGULATIONS 2000

Prostitution Act 2000

Prostitution (Restraining Orders) Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Prostitution (Restraining Orders) Regulations 2000.*

2. Commencement

These regulations come into operation on the day on which the *Prostitution Act 2000* comes into operation.

3. Forms

- (1) The forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.
- (2) It is sufficient compliance with the Act if a form substantially in compliance with the prescribed form is used.

4. Affidavit

An affidavit accompanying an application for leave to apply to vary or cancel a restraining order is to be sworn before a justice.

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5. Orders under section 37

- (1) When a court makes a restraining order under section 37 of the Act the court is to make a written record of the proceedings in the prescribed form and cause the form to be placed on the court records.
- (2) For the purposes of section 42 of the Act, when a court makes a restraining order under section 37 of the Act, the order is taken to have been made on the application of the Commissioner of Police.

6. Service of applications

- (1) A person making an application under section 38 of the Act for a restraining order must cause a copy of the application to be served on the person sought to be restrained.
- (2) A person making an application under section 42 of the Act to vary or cancel a restraining order must cause a copy of the application to be served on
 - (a) if the application is made by a police officer, the restrained person; or
 - (b) if the application is made by the restrained person, the person on whose application the restraining order was made.
- (3) Part 6 Division 2 of the *Restraining Orders Act 1997* applies in relation to the service of an application relating to a restraining order under the Act as if it were a summons relating to a restraining order under the *Restraining Orders Act 1997*.

7. Service of restraining orders

Part 6 Division 2 of the *Restraining Orders Act 1997* applies in relation to the service of a restraining order under the Act as if it were a restraining order under the *Restraining Orders Act 1997*.

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8. Notification

Part 6 Division 2 of the *Restraining Orders Act 1997* applies in relation to the notification of a matter under the Act as if it were the notification of a matter under the *Restraining Orders Act 1997*.

Schedule 1 Forms

Schedule 1 — Forms

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	Court copy (front and back)	
	Copy for person applying to vary or cancel	
	Other party's copy	

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Forms	Schedule 1

Prostitution Act 2000		Number	
Application for a prostitution restraining		Jurisdiction 🗖 Cou	rt of Petty Sessions
		🗖 Chil	dren's Court
prostiti	_	Location	
	order		
Applicant	Name		on behalf of
	the Commissioner of Police		
	Regimental no.		
	Police station/division		
	Phone no.		
_			-
Person to be			Date of birth
restrained	Other names		
(Fill in as many	Home street		
details as	address suburb		postcode
known)	Work location		
	Address street		
	I		postcode
	Phone nos. work home		
Cuerra da for	I man and that the management of h		
	I suspect that the person to b has committed an of		
application		ffence in a public place n offence in a public place	
	Offence	in offence in a public plac	
	Public place		
	r ublic place		
Directions	Date Given by (name &	regimental no)	Given at (place)
given under	Date Given by (name &	regimental no.)	Orven at (place)
s. 26 of Act			
5. 20 01 1100			
Applicant	Signature		Date
	L		
Hearing (To by filled in	Court	Date	Time
by the court)	Signature of clerk		

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Court copy

Schedule 1 Forms

	Record of Proceedings				
Date	Attendance		Represe	entation	Adjournments
	Applicant	Person to be	Applicant	Person to be	
		restrained		restrained	

	Orders	
Judicial Officer	Date	Time
Clerk's record		

Clerk's record		

Back of court copy

_	<u> </u>
Forms	Schedule 1

App	ostitution Act 2000 Dication for a ution restraining order		t of Petty Sessions dren's Court
Applicant	Name the Commissioner of Police Regimental no. Police station/division Phone no.		on behalf of
Person to be restrained (Fill in as many details as known)	Other names Home street address suburb Work location Address street Suburb Phone nos. work I suspect that the person to b has committed an o	F home	Date of birth
Directions given under s. 26 of Act Applicant	D intends to commit a Offence Public place Date Given by (name & Signature	· · ·	Given at (place) Date
Hearing (To by filled in by the court)	Court Signature of clerk	Date	Time

Applicant's copy

Schedule 1 Forms

Арг	Stitution Act 2000 plication for a ution restraining order Name the Commissioner of Police Regimental no.		rt of Petty Sessions dren's Court on behalf of
	Police station/division Phone no.		
Person to be restrained	Other names		Date of birth
(Fill in as many details as known)	Home street address suburb Work location Address street Suburb		postcode
	Phone nos. work	home	postcode
Grounds for application		e restrained — ffence in a public place n offence in a public plac	ce
Directions given under s. 26 of Act	Date Given by (name &	regimental no.)	Given at (place)
Applicant	Signature		Date
Hearing (To by filled in by the court)	Court Signature of clerk	Date	Time

Forms Schedule 1

An application for a restraining order has been made against you. The details of the application are set out above.

You are required to attend a court hearing on this matter at the place and time set out above. 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 or doing certain things, or impose restrictions on the places where you may go and the things that you may do.

Copy for person to be restrained

Schedule 1 Forms

Арр	stitution Act 2000 Dication for a ution restraining order		t of Petty Sessions Iren's Court
Applicant	Name the Commissioner of Police Regimental no. Police station/division Phone no.		on behalf of
Person to be restrained (Fill in as many details as known) Grounds for application	Other names Home street address suburb Work location Address street Suburb Phone nos. work I suspect that the person to b has committed an o	p home	Date of birth oostcode e
Directions given under s. 26 of Act Applicant	Date Given by (name &	regimental no.)	Given at (place)
Hearing (To by filled in by the court)	Court Signature of clerk	Date	Time

Proof of service copy

Forms Schedule 1

Certificate of service			
Officer	Name		
serving	Regimental no.		
application	Police station/division		
	_		
Service	Method of service	personal	by post
	Place where order serv	red	
	Date of service	Ti	me of service
Person	Name		
served	Address street		
	Suburb		postcode
(If possible to obtain)	Signature		
Certificate			e and place set out above
			cation on the person to be restrained
		• • •	paid registered post to the person to
	be restrained at the address set out above		
	in accordance with the	Prostitution (R	Restraining Orders)
	Regulations 2000.		
	Signature		Date

Back of proof of service copy

Schedule 1 Forms

Prostitution Act 2000	Number
Prostitution restraining	Jurisdiction Court of Petty Sessions Children's Court
order under s. 39	□ Other
Record of proceedings	Location

 Application
 Order made
 □
 by the court of its own motion

 □
 at request of ______

Person to be	Family nan	ne		Date of
restrained	Other names			birth
	Home	street		
(Fill in as many details as	address	suburb	postcode	
known)	Work	location		
	Address	street		
		Suburb	postcode	
	Phone nos.	work	home	

Grounds for order	Offence s. 5 — seeking prostitution in public place s. 6 — seeking client in public place prescribed offence 				
	Place offence occurred				
	Date of offence				
	Grounds on which court considers offender is likely to commit a similar offence				

Forms Schedule 1

Witnesses and summary of evidence	Police
	Person to be restrained
	Other witnesses

Other	
notes	

Schedule 1 Forms

	-	
Terms of		
the order		
Order	Date order made	Time order made
made		

Clerk /	Date
Registrar	

Court copy

F	
Forms	Schedule 1

Prostitution Act 2000		Number		
Prostitution restraining order		Jurisdiction	 Court of Petty Sessions Children's Court Other 	
			Location	
Restrained	Family nan	ne	 	Date of
person	Other name	es		birth
	Home address	street suburb		postcode
	Work	street		postecut
	Address			postcode
	Phone nos.			home
Terms of the order				
Order made	Date		 Time	

Clerk/	Signature	Date
Registrar		

Court copy

Schedule 1 Forms

Pro	ostitution Act 2000]	Number		
Prostitution restraining order		Jurisdiction		 Court of Petty Sessions Children's Court Other 	
]	Location		
		_			
Restrained	Family name			Γ	Date of
	0.1			1	• .1

Restrained	Family name			Date of
person	Other name	s		birth
	Home	street		
	address	suburb	postcoc	le
	Work	street		
	Address	suburb	postcoc	le
	Phone nos.	work	home	

Terms of		
the order		
Order made	Date	Time

Clerk/	Signature	Date
Registrar		

Restrained person's copy

Forms Schedule 1

IMPORTANT INFORMATION

Prostitution restraining order

A restraining order has been made against you on the terms set out on the front of this order. It will take effect when it is served on you 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, it expires 1 year after it was served on you.

If, in the future, there is a substantial change in the circumstances which led to the order being made you may apply to the court for leave to apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the clerk of the court.

Penalty It is an offence to breach this restraining order. If you do, you may be arrested and will face a penalty of up to \$5 000.

Back of restrained person's copy

Schedule 1 Forms

Prostitution Act 2000	Number
Prostitution restraining order	Jurisdiction Court of Petty Sessions Children's Court Other
	Location

Restrained	Family name			Date of
person	Other names			birth
	Home	street		
	address	suburb	postcoo	le
	Work	street		
	Address	suburb	postcoo	le
	Phone nos.	work	home	

Terms of		
the order		
-	_	I
Order mede	Data	Time

Order made	Date	Time	
Clerk/	Signature		Date
Registrar			

Police copy

Forms Schedule 1

Certificate of service				
Officer	Name			
serving	Regimental no.			
order	Police station/division			
Service	Method of service			
	Place where order served			
	Date of service Time of service			
Person	Name			
served	Address street			
	Suburb postcode			
(If possible to obtain)	Signature			
obtaili)				
Certificate	I certify that on the day and at the time and place set out above			
	□ I personally served this order on the restrained person			
	□ I orally served this order on the restrained person			
	□ I took the steps directed by the court to effect substituted service			
	of this order on the restrained person			
	in accordance with the <i>Prostitution (Restraining Orders)</i>			
	Regulations 2000, and in the case of oral service I also certify that the			
	restrained person appeared to understand what was said.			
	Signature Date			

Back of police copy

Schedule 1 Forms

Prostitution Act 2000 Prostitution restraining order	Number Jurisdiction □ Court of Petty Sessions □ Children's Court □ Other
	Location
Restrained Family name	Date of

Restrained	Family name		Date of	
person	Other names			birth
	Home	street		
	address	suburb	postcoo	le
	Work	street		
	Address	suburb	postcoo	le
	Phone nos.	work	home	

Terms of			
the order			
Order made	Date	Time	

	•	
Clerk/	Signature	Date
Registrar	-	

Proof of service copy

Forms Schedule 1

Certificate of service				
Officer	Name			
serving	Regimental no.			
order	Police station/division			
Service	Method of service personal oral substituted			
	Place where order served			
	Date of service Time of service			
Person	Name			
served	Address street			
	Suburb postcode			
(If possible to obtain)	Signature			
obtain)				
Certificate	I certify that on the day and at the time and place set out above			
continue	□ I personally served this order on the restrained person			
	 I orally served this order on the restrained person 			
	□ I took the steps directed by the court to effect substituted service			
	of this order on the restrained person			
	in accordance with the <i>Prostitution (Restraining Orders)</i>			
	Regulations 2000, and in the case of oral service I also certify that the			
	restrained person appeared to understand what was said.			
	Signature Date			

Back of proof of service copy

Schedule 1 Forms

Appli to apply	ostitution Act 2000 cation for leave to vary or cancel tution restraining order	Number Jurisdiction Court of Petty Sessions Children's Court Location
Restrained person	Family name Other names Address street Suburb Phone nos. work	postcode home
Restraining order	Date order was made Restraining Order no.	
Substantial changes	What circumstances have su made?	ibstantially changed since the order was
	Do you want the order to be If varied, what do you want	
Grounds for variation or cancellation	Why do you want the restra	ining order varied or cancelled?
Person applying for leave	Signature	Date
Hearing (To be filled in by the court)	Court Signature of clerk	Date Time

Court copy

Forms Schedule 1

	Record of Proceedings					
Date	Atten	dance	Representation		Adjournments	
	Applicant	Person to be	Applicant	Person to be		
		restrained		restrained		

	Orders	
Judicial Officer	Date	Time
	2 410	1
	Clerk's record	

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Back of court copy

Schedule 1 Forms

Appli to apply	estitution Act 2000 cation for leave to vary or cancel tution restraining order		Court of Children	Petty Sessions 's Court
Restrained person	Family name Other names Address street Suburb Phone nos. work	h	postco ome	de
Restraining order	Date order was made Restraining Order no.			
Substantial changes	What circumstances have substantially changed since the order was made?			
	r Do you want the order to be □ cancelled □ varied If varied, what do you want changed?			
Grounds for variation or cancellation	Why do you want the restrain	ning order varied o	or cancelled	d?
Person applying for leave	Signature		Ι	Date
Hearing (To be filled in by the court)	Court		Date	Time
	Signature of clerk			

Restrained person's copy

Forms Schedule 1

IMPORTANT INFORMATION

Application for leave to apply to vary or cancel

As the restrained person, before you are allowed to apply to vary or cancel the restraining order you must apply for leave to make that application.

When you file your application for leave you must also file an affidavit setting out all the facts that you know about that are material to the application — this includes all the facts that may go against your application as well as the ones that support it. If you do not do this the court may reject your application.

At the hearing of the application for leave you must convince the court that there has been a substantial change in the relevant circumstances since the restraining order was made. If the court is not satisfied that there has been a substantial change of circumstances your application for leave will be dismissed

If the court is satisfied that there has been a substantial change of circumstances it will order you to serve a copy of this application on the person who originally applied for the restraining order (this will usually be the Commissioner of Police). That person will then be able to attend court to oppose your application for leave if he or she wishes to do so.

If the court grants you leave, you must then lodge an application to vary or cancel the restraining order.

If you do not attend the hearing of your application for leave, your application may be dismissed.

Back of restrained person's copy

Schedule 1 Forms

		n must not l ordered by			
_	ostitution Act 2000 cation for leave	Number Jurisdiction			
to apply	to vary or cancel tution restraining order	Location	Children	n's Court	
Restrained person	Family name Other names Address street	Other names			
	Suburb Phone nos. work		postco home	ode	
Restraining order	Date order was made Restraining Order no.				
Substantial changes	What circumstances have substantially changed since the order was made?				
	Do you want the order to be a cancelled varied varied If varied, what do you want changed?				
Grounds for variation or cancellation					
Person applying for leave	Signature			Date	
Hearing (To be filled in	Court		Date	Time	
by the court)	Signature of clerk		R	espondent's copy	

|--|

Appli to apply	appli		een sei	rved on the	
a prosu	order				
Restrained person	Family name Other names Address street Suburb postcode Phone nos. work				
Restraining order	Date order was made Restraining Order no.				
Substantial changes	What circumstances have substantially changed since the order was made?				
	riation or Do you want the order to be cancelled If varied acellation If varied, what do you want changed?				
Grounds for variation or cancellation	Why do you want the restrai	ning order varied o	or cancelle	ed?	
Person applying for leave	Signature			Date	
Hearing	Court		Date	Time	
by the court)	Signature of clerk				

Proof of service copy

Schedule 1 Forms

Certificate of service				
Person serving application	Name Home street address suburb	postcode		
Service	Method of service	1 🗖 by post		
	Date of service	Time of service		
Person served (If possible to obtain)	Name Regimental no. Police station/division Signature			
Certificate	 I certify that on the day and at the time and place set out above I personally served this application on the person named above I sent this application by prepaid registered post to the person named above at the police station/division referred to above in accordance with the <i>Prostitution (Restraining Orders)</i> <i>Regulations 2000.</i> Signature 			

Back of proof of service copy

Forms	Schedule 1
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for leave a prosti	Prostitution Act 2000 t in support of application to apply to vary or cancel itution restraining order	Number Jurisdiction Court of Petty Sessions Children's Court Location	
Person making affidavit	Family name Other names Home street address suburb	Date of birth	
Affidavit NOTE You must set out <u>ALL</u> the relevant circumstances — this includes things that may go against your application as well as those that support it. (Add extra pages if required)	I make oath and swear that since the res relevant circumstances have changed as 1. 2. 3. 4. 5. 6.		
Sworn before a Justice of the Peace	Signature Justice of the Peace Signature Name	Date	

Schedule 1 Forms

Applic cance	stitution Act 2000 cation to vary or el a prostitution raining order	Number Jurisdiction Location	Court of Children	Petty Sessions 's Court	
Applicant	 Police officer nominated by the Commissioner of Police Name Regimental no. Police station/division Phone no. Restrained person 				
Restrained person	Family name Other names Address street Suburb Phone nos. work		postc home	code	
order Leave	Date order was made Restraining Order no. Date leave to apply to vary was granted (if application is by restrained person)				
	r Do you want the order to be □ cancelled □ varied If varied, what do you want changed?				
Grounds for variation or cancellation					
Signature of applicant				Date	
Hearing (To be filled in by the court)	Court Signature of clerk		Date	Time	

Court copy

Forms Schedule 1

	Record of Proceedings				
Date	Atten	dance	Represe	Representation	
	Applicant	Person to be	Applicant	Person to be	
		restrained		restrained	

	Orders	
Judicial Officer	Date	Time
	Clerk's record	

Back of court copy

Schedule 1 Forms

Applio cance	stitution Act 2000 cation to vary or el a prostitution raining order	Number Jurisdiction Location	Court of Children	Petty Sessions 's Court
Applicant	 Police officer nominated Name Regimental no. Police station/division Phone no. Restrained person 	•	ioner of Poli	ce
Restrained person	Family name Other names Address street Suburb Phone nos. work		post home	code
Restraining order Leave	Date order was made Restraining Order no. Date leave to apply to vary v (if application is by restrained person			
	Do you want the order to be If varied, what do you want		□ varied	
Grounds for variation or cancellation	Why do you want the restrai	ning order to be	varied or ca	ncelled?
Signature of applicant				Date
Hearing (To be filled in	Court		Date	Time
by the court)	Signature of clerk			

Copy for person applying to vary or cancel

			Forms	Schedule 1
Applie cance	estitution Act 2000 Cation to vary or el a prostitution raining order	Number Jurisdiction Location	□ Court of P □ Children's	•
Applicant	 Police officer nominated by Name Regimental no. Police station/division Phone no. Restrained person 	•	ioner of Police	;
Restrained person	Family name Other names Address street Suburb Phone nos. work		postco	ode
Restraining order Leave	Date order was made Restraining Order no. Date leave to apply to vary w (if application is by restrained perso			
	Do you want the order to be If varied, what do you want o		□ varied	
Grounds for variation or cancellation	Why do you want the restrain	ning order to be	varied or canc	elled?

Prostitution (Restraining Orders) Regulations 2000

Schedule 1	Forms		

Signature of applicant			Date
(To be filled in	Court	Date	Time
by the court)	Signature of clerk		

Other party's copy

By Command of the Administrator,

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

By Authority: JOHN A. STRIJK, Government Printer.

