



Western Australia

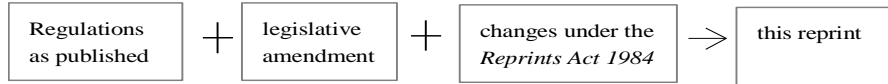
Restraining Orders Act 1997

# **Restraining Orders Regulations 1997**

**Reprint 1: The regulations as at 13 February 2004**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.





Western Australia

## Restraining Orders Regulations 1997

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Reprinted under the  
*Reprints Act 1984* as  
at 13 February 2004

Western Australia

Restraining Orders Act 1997

## Restraining Orders Regulations 1997

### Part 1 — Preliminary

#### 1. Citation

These regulations may be cited as the *Restraining Orders Regulations 1997*<sup>1</sup>.

#### 2. Commencement

These regulations come into operation on the day on which the *Restraining Orders Act 1997* comes into operation<sup>1</sup>.

#### 3. Forms

- (1) The forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.
- (2) A reference in these regulations to a Form followed by a designation is a reference to the form so designated in Schedule 1.
- (3) It is sufficient compliance with the Act if a form substantially in compliance with the prescribed Form is used.

## **Part 2 — Firearms**

### **4. Giving up possession of firearms**

- (1) This regulation applies when a restraining order which requires the person bound by the order to give up possession of a firearm or a firearms licence is served on a restrained person who is in possession of a firearm or a firearms licence.
- (2) If the order is personally or orally served on the restrained person by a police officer and at the time the order is served the restrained person is physically in possession of the firearm or firearms licence the restrained person must immediately give the firearm or firearms licence to the police officer.
- (3) Subject to subregulation (5), if the order is personally or orally served on the restrained person by a police officer and at the time the order is served the firearm or firearms licence is at a place to which the police officer can reasonably accompany the person, the restrained person must —
  - (a) immediately go with the police officer to that place; and
  - (b) once there, immediately give the firearm or firearms licence to the police officer.
- (4) Subject to subregulation (5), in any other case the restrained person must give the firearm or firearms licence to the police officer in charge of the police station nearest to where the firearm or firearms licence is located as soon as is reasonably practicable and in any event within 24 hours of the order being served.
- (5) If a firearm in respect of which a restrained person holds a firearms licence is in the actual physical possession of a co-licensee of that firearm, the restrained person —
  - (a) must comply with subregulation (3) or (4), as the case requires, in respect of the firearms licence; but
  - (b) need not comply with subregulation (3) or (4), as the case requires, in respect of that firearm.



**5. Dealing with surrendered or seized firearms**

- (1) A firearm or firearms licence given to a police officer under section 14 of the Act, or seized under section 15 of the Act, is to be held in safe custody by the Commissioner of Police until —
  - (a) the restraining order ceases to be in force;
  - (b) it is reclaimed by a co-licensee; or
  - (c) it may otherwise lawfully be disposed of.
- (2) Before returning a firearm or firearms licence the Commissioner of Police must have regard to section 20 of the *Firearms Act 1973*.
- (3) If a firearm which is being held by the Commissioner has not been reclaimed within 1 month after the restraining order ceases to be in force, the Commissioner may regard the restrained person and any co-licensee as an owner who cannot be found for the purposes of section 33 of the *Firearms Act 1973*.
- (4) If a firearms licence which is being held by the Commissioner is not reclaimed within one month after the restraining order ceases to be in force, the Commissioner may regard the restrained person as having requested, under section 20(4) of the *Firearms Act 1973*, that the firearms licence be cancelled.
- (5) Where the Commissioner is holding a firearm under subregulation (1), regulation 11(2) and (3) of the *Firearms Regulations 1974* apply.

### **Part 3 — Practice and procedure**

**6. Record of telephone application**

The written record required to be made under section 21(4) of the Act is to be made in the form of Form 5.

**7. Adjournment of telephone applications**

- (1) If the hearing of a telephone application is adjourned the clerk is to ensure that the adjourned hearing is listed —
  - (a) if the respondent is a child, in the Children’s Court; or
  - (b) otherwise, in a court of petty sessions,  
nearest to the applicant’s usual place of residence.
- (2) If the court referred to in subregulation (1) is not the court where the magistrate hearing the telephone application is based, the magistrate is to transfer the matter to the court referred to in subregulation (1).

**8. Procedure when restraining order made during bail hearing**

- (1) This regulation applies when a judicial officer sitting other than as a court makes a restraining order under section 63 of the Act in the course of considering a case for bail.
- (2) The judicial officer is to —
  - (a) make a written record of the proceedings in the form of Form 11; and
  - (b) cause the record to be forwarded to the court in which the restrained person is bailed to appear.
- (3) The judicial officer may cause the record to be forwarded to the court personally, by ordinary prepaid post or by fax.
- (4) If the record is forwarded by fax the judicial officer must —
  - (a) as soon as practicable, and in any event not later than the end of the next business day, confirm with the court that the record has been received; and

- (b) as soon as practicable forward the original record to the court by ordinary prepaid post.
- (5) For the purposes of section 10(1) of the Act a reference to the court is to be read as a reference to the court in which the restrained person is bailed to appear.

**9. Procedure when restraining order made during other proceedings**

- (1) This regulation applies to —
  - (a) a court of petty sessions;
  - (b) the Children’s Court when constituted so as not to include a Judge of that court; and
  - (c) any other court when constituted so as not to include a Judge of that court.
- (2) When a court to which this regulation applies makes a restraining order under section 63 of the Act the court is to make a written record of the proceedings in the form of Form 11 cause the record to be placed on the court records.

**10. Service of documents**

- (1) Personal or oral service of a restraining order is to be effected by the clerk, a police officer, a prison officer (as defined in the *Prisons Act 1981*) or a person authorised by the clerk.
- (2) When a document is given by the clerk to a police officer, prison officer or other authorised person for service, the officer or other person is to take all reasonable steps to serve that document in the manner directed by the clerk.

*[Regulation 10 amended in Gazette 8 Jan 2002 p. 33.]*

**10A. Use of closed circuit television or screening arrangements**

- (1) If a court hearing a matter relating to a restraining order is of the opinion that, if special arrangements are not made, a party to the matter or a witness would be likely —

**r. 10A**

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- (a) to be unable to give evidence, or to give evidence satisfactorily; or
- (b) to suffer severe emotional trauma or be unnecessarily intimidated or distressed,

the court may make such arrangements as it thinks fit, using closed circuit television or screens, one-way glass or other suitable shielding devices, to reduce the likelihood of that circumstance occurring.

- (2) When considering whether to make arrangements under subregulation (1) in respect of a person the court may have regard to —
  - (a) the person's age;
  - (b) the person's cultural background;
  - (c) any physical disability or mental impairment (as defined in the *Criminal Law (Mentally Impaired Defendants) Act 1996*) of the person;
  - (d) the relationship of the person to any other person involved in the proceedings;
  - (e) the effect on the person of the presence of another person;
  - (f) the nature of the subject-matter of the proceedings; and
  - (g) the expressed views of the person;
  - (h) any other factor the court considers relevant.
- (3) When making arrangements under subregulation (1) the court must ensure that —
  - (a) the judicial officer and all parties to the matter (or their counsel, if any) are able to see, hear and speak to each witness while he or she is giving evidence;
  - (b) each party to the matter has the means of communicating with his or her counsel at all times; and

- (c) if a person takes part in the proceedings from outside the court room the person is able to see, hear and speak to the judicial officer at all times.
- (4) The court may make arrangements under subregulation (1) —
  - (a) on the application of a party to the matter, at the request of a witness, or of its own motion; and
  - (b) at any stage of proceedings.
- (5) Whenever a matter relating to a violence restraining order comes before a court, the court must consider whether it ought to make arrangements under subregulation (1).
- (6) If a court considers that arrangements ought to be made under subregulation (1) but the necessary facilities are not available, the court may transfer the matter to another court where those facilities are available if to do so is practicable and will not unfairly prejudice any party to the matter.

*[Regulation 10A inserted in Gazette 27 Mar 1998 p. 1714.]*

## **Part 4 — Interstate restraining orders**

### **11. Prescribed laws**

For the purposes of the definition of interstate order in section 74 of the Act the following laws are prescribed in respect of the following States and Territories —

- (a) Victoria — *Crimes (Family Violence) Act 1987*, section 4;
- (b) New South Wales — *Crimes Act 1900*, section 562B;
- (c) South Australia —  
*Summary Procedure Act 1921*, Division 7 of Part 4; and  
*Domestic Violence Act 1994*, section 4;
- (d) Tasmania — *Justices Act 1959*, section 106B;
- (e) Queensland —  
*Domestic Violence (Family Protection) Act 1989*, Division 1 of Part 2;  
*Peace and Good Behaviour Act 1982*, section 4;
- (f) Northern Territory — *Domestic Violence Act 1992*, section 4;
- (g) Australian Capital Territory —  
*Magistrates Courts Act 1930* sections 197 and 206C; and *Domestic Violence Act 1986*, sections 4 and 14.

### **12. Application for registration of interstate order**

An application for registration of an interstate order is to be made in the form of the Form 12 and is to be accompanied by —

- (a) the original interstate order or a copy certified to be a true copy by an officer of the court in which it was made; and

- (b) such evidence of effective service of the interstate order on the person bound by it as the clerk considers appropriate.

**Schedule 1  
Forms**

[Reg. 3]

**Forms for the *Restraining Orders Act 1997***

Form	Title	Section
1	Violence restraining order — Application Court Copy (front and back) Applicant's Copy	25(2)
2	Misconduct restraining order — Application Court Copy (front and back) Applicant's Copy	38(2)
3	Details of family order — Annexure to application Court Copy Applicant's Copy	66
4	Restraining order — Summons Court Copy Respondent's Copy Proof of Service Copy (front and back)	26(3) and 39
5	Restraining order — Record of telephone application Magistrate's Copy (front and back)	21(4)
6	Violence Restraining Order Court Copy Respondent's Copy (front and back) Respondent's Endorsement Copy (front and back) Applicant's Copy (front and back) Police Copy (front and back) Proof of Service Copy (front and back)	29, 32, 43, 49 and 63
7	Telephone Violence Restraining Order Court Copy Respondent's Copy (front and back) Respondent's Endorsement Copy (front and back) Applicant's Copy (front and back) Police Copy (front and back) Proof of Service Copy (front and back)	23
8	Misconduct Restraining Order Court Copy Respondent's Copy (front and back) Applicant's Copy (front and back) Police Copy (front and back) Proof of Service Copy (front and back)	43, 49 and 63
9	Restraining order — Application to vary or cancel Court Copy (front and back) Copy for Person Applying to Vary or Cancel (front and back)	45(2)
10	Restraining order — Summons to vary or cancel Court Copy Summoned Person's Copy Proof of Service Copy (front and back)	47(1) and (2)
11	Restraining order made during other proceedings — Record of proceedings Court Copy	63
12	Interstate restraining Order — Application to register Court Copy Applicant for Registration's Copy Police Copy Interstate Court's Copy	75(2)



*Restraining Orders Act 1997 s. 25(2)*

**Violence restraining order  
Application**

Number:
Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court
Location:

Person to be protected	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work:		home:
Applicant [If you, the applicant, are the person to be protected, you do not need to fill in these details]	Are you: <input type="checkbox"/> the person to be protected <input type="checkbox"/> the parent or guardian of a child who is to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is to be protected		
	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
Phone nos.: work:		home:	
Respondent [Fill in as many details as you can.]	Family name:		Date of birth:
	Other names:		
	Home street: address: suburb:		postcode:
	Work street: address: suburb:		postcode:
	Phone nos.: work		home:
Grounds for application	Why do you need a violence restraining order? Because the respondent is likely to: <input type="checkbox"/> commit a violent personal offence against the person to be protected <input type="checkbox"/> behave in a manner that causes the protected person or the applicant to fear that the respondent will commit a violent personal offence against the protected person Give details of the respondent's behaviour		
Family orders [If yes, see the Details of family order Annexure.]	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	Signature:		Date:
Hearing [To be filled in by the court.]	Court:	Date:	Time:
	Signature of clerk:		
Notification [To be filled in by the court]	I certify that on __/__/____ at _____ am/pm at _____		
	I notified the applicant of the hearing date. Signature of clerk:		

Court Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

Record of Proceedings					
Date	Attendance		Representation		Adjournments
	Applicant	Respondent	Applicant	Respondent	

Orders		
_____ Judicial Officer	_____ Date	_____ Time

Clerk's record		

Back of Court Copy



# Restraining Orders Regulations 1997

## Schedule 1 Forms

<i>Restraining Orders Act 1997 s. 38(2)</i> <b>Misconduct restraining order Application</b>		Number:	
		Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court	
		Location:	

Person to be protected	Family name:	Date of birth:	
	Other names:		
	Address: street: _____		
	suburb: _____	postcode: _____	
	Phone nos.: work: _____	home: _____	

Applicant [If you, the applicant, are the person to be protected, you do not need to fill in these details]	Are you: <input type="checkbox"/> the person to be protected <input type="checkbox"/> the parent or guardian of a child who is to be protected		
	<input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is to be protected		
	Family name:	Date of birth:	
	Other names:		
	Address: street: _____		
	suburb: _____	postcode: _____	
	Phone nos.: work: _____	home: _____	

Respondent [Fill in as many details as you can.]	Family name:	Date of birth:	
	Other names:		
	Home street: _____		
	address: suburb: _____	postcode: _____	
	Work street: _____		
	address: suburb: _____	postcode: _____	
	Phone nos.: work: _____	home: _____	

Grounds for application	Why do you need a misconduct restraining order? Because the respondent is likely to:		
	<input type="checkbox"/> behave in a manner that is intimidating or offensive to the protected person <input type="checkbox"/> damage property owned by, or in the possession of, the protected person <input type="checkbox"/> behave in a manner that is, or is likely to lead to, a breach of the peace Give details of the respondent's behaviour		

Family orders [If yes, see the Details of family order Annexure.]	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

Applicant	Signature: _____		Date: _____
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Hearing [To be filled in by the court.]	Court: _____	Date: _____	Time: _____
	Signature of clerk: _____		

Notification [To be filled in by the court]	I certify that on ___/___/___ at _____ am/pm at _____		
	I notified the applicant of the hearing date. Signature of clerk: _____		

Court Copy

Record of Proceedings					
Date	Attendance		Representation		Adjournments
	Applicant	Respondent	Applicant	Respondent	

Orders		
_____	_____	_____
Judicial Officer	Date	Time

Clerk's record		

Back of Court Copy

**Schedule 1 Forms**

Restraining Orders Act 1997 s. 25(2)		Number:	
<b>Misconduct restraining order Application</b>		Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court	
		Location:	
Person to be protected	Family name:		Date of birth:
	Other names:		
	Address: street:		postcode:
	suburb:		
Phone nos.: work:		home:	
Applicant	Are you: <input type="checkbox"/> the person to be protected <input type="checkbox"/> the parent or guardian of a child who is to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is to be protected		
	Family name:		Date of birth:
	Other names:		
	Address: street:		postcode:
	suburb:		
Phone nos.: work:		home:	
Respondent	Family name:		Date of birth:
	Other names:		
	Home street:		postcode:
	address: suburb:		
	Work street:		postcode:
	address: suburb:		
Phone nos.: work:		home:	
Grounds for application	Why do you need a violence restraining order? Because the respondent is likely to: <input type="checkbox"/> behave in a manner that is intimidating or offensive to the protected person <input type="checkbox"/> damage property owned by, or in the possession or, the protected person <input type="checkbox"/> behave in a manner that is, or is likely to lead to, a breach of the peace Give details of the respondent's behaviour		
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
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	Court:	Date:	Time:
	Signature of clerk:		

↑  
**Where to attend court**

↑                      ↑                      ↑  
**When to attend court**

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

Applicant's Copy

Restraining Orders Act 1997 s. 66 <b>Details of family order Annexure to application</b>		Number: _____	
		Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court	
		Location: _____	
Parties to the family order or proceedings	Name: _____		
	Address: street: _____		
	suburb: _____                                postcode: _____		
	Name: _____		
Children	Address: street: _____		
	suburb: _____                                postcode: _____		
	Names:		
	1. _____ 2. _____ 3. _____ 4. _____		
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: [If the person 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 to be protected) is aware of them.]		
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: _____

Court Copy

Schedule 1 Forms

<i>Restraining Orders Act 1997 s. 66</i> <b>Details of family order Annexure to application</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court Location: _____	
Parties to the family order or proceedings	Name: _____		
	Address: street: _____ suburb: _____ postcode: _____		
Children	Name: _____		
	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: [If the person 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 to be protected) is aware of them.]		
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: _____

Applicant's Copy







<i>Restraining Orders Act 1997 s. 26(3) and 39</i> <b>Restraining order Summons</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court Location: _____	
<b>Respondent Person to be served</b>	Family name: _____		
	Other names: _____		
	Home    street: _____		
	address:    suburb: _____    postcode: _____		
	Work    street: _____		
address:    suburb: _____    postcode: _____			
Phone nos.:    work: _____    home: _____			
Person to be protected	Family name: _____		
	Other names: _____		
Applicant	The applicant is: <input type="checkbox"/> person to be protected <input type="checkbox"/> parent or guardian of a child who is to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is to be protected		
	Family name: _____		
	Other names: _____		
Type of order	The application is for <input type="checkbox"/> a Violence Restraining Order <input type="checkbox"/> a Misconduct Restraining Order		
Grounds for application			
Hearing	Court: _____	Date: _____	Time: _____
	Signature of clerk: _____		

Proof of Service Copy

**Schedule 1 Forms**

<b>Certificate of Service</b>	
Person serving summons	Name of person serving summons: I am <input type="checkbox"/> the clerk 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 clerk 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>[If possible to obtain]</small>	Name: Date of birth: Signature: _____
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 respondent <input type="checkbox"/> I posted this summons to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this summons on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> . Signature: _____ Date: _____

**OR**

Summons not served	Name of person attempting to serve summons: I am <input type="checkbox"/> the clerk 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 clerk 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 respondent does not appear to live or work at the addresses given and cannot be found elsewhere <input type="checkbox"/> the respondent 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.**

Back of Proof of Service Copy

*Restraining Orders Act 1997 s. 21(4)*  
**Restraining order  
 Record of telephone  
 application**

Number:
Jurisdiction: Court of Petty Sessions
Location:

Authorised person	Name:
	Rank and number/identification:
	Contact phone no: _____ Date of application:

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.
----------------------------------	--

Person to be protected	Family name:	Date of birth:
	Other names:	
	Address: street: _____ suburb: _____ postcode:	
	Phone nos.: work: _____ home: _____	

Applicant <small>(If not the person to be protected)</small>	The applicant is: <input type="checkbox"/> person to be protected <input type="checkbox"/> parent or guardian of a child who is to be protected <input type="checkbox"/> authorised person <input type="checkbox"/> legal guardian of the person who is to be protected	
	Family name:	Date of birth:
	Other names:	
	Address: street: _____ suburb: _____ postcode:	
	Phone nos.: work: _____ home: _____	

Respondent	Family name:	Date of birth:
	Other names:	
	Home street: _____ address: suburb: _____ postcode:	
	Work street: _____ address: suburb: _____ postcode:	
	Phone nos.: work: _____ home: _____	
	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	

Grounds for application	
-------------------------	--

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

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

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Witnesses and summary of evidence	Applicant:  Respondent:  Authorised person:  Other people:
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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:

Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63

**Violence  
Restraining Order**

Number:	
Jurisdiction:	<input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____
Location:	

Restrained person	Family name:	Date of birth:
	Other names:	
	Home street:	
	address: suburb:	postcode:
	Work street:	
	address: suburb:	postcode:
	Phone nos.: work:	home:

Protected person	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
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Terms of the order	
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Order made	Date order made:	Time order made:
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Clerk	Signature:	Date:
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Court Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63</i> <b>Violence Restraining Order</b>		Number: _____	
Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____		Location: _____	
Restrained person	Family name: _____		Date of Birth: _____
	Other names: _____		
	Home street: _____		
	address: suburb: _____		postcode: _____
	Work street: _____		
address: suburb: _____		postcode: _____	
Phone nos.: work: _____		home: _____	
Protected person	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 the order			
Order made	Date order made: _____		Time order made: _____
Clerk	Signature: _____		Date: _____

Respondent's Copy



**IMPORTANT INFORMATION**

**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. You must comply with this order until the end of the duration period set out in the order.

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

**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 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.

Because the order was made without you being in court 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 if no period is specified for 2 years, 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 interim order you may be arrested and will face a penalty of up to \$6,000 or imprisonment for 18 months.

**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 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, 2 years after this final order was served on you; 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, there is a substantial change in the circumstances which led to the order being made you may apply to the court 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 a violence restraining order. If you breach this final order you may be arrested and will face a penalty of up to \$6,000 or imprisonment for 18 months.

Back of Respondent's Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63</i> <b>Violence Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		
	address: suburb: _____		postcode: _____
	Work street: _____		
address: suburb: _____		postcode: _____	
Phone nos.: work: _____		home: _____	
Protected person	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 the order			
Order made	Date order made: _____		Time order made: _____
Clerk	Signature: _____		Date: _____

Respondent's Endorsement Copy

**IMPORTANT INFORMATION**

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.

**Remember 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.**

Objection	
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**

Consent	
Family name:	Date of birth:
Other names:	
Address: street:	postcode:
suburb:	
I do not object to a final order being made on the same terms as this interim order. I understand that this interim order will automatically become a final order which will stay in force for the period specified in the order, or if no period is specified for 2 years, from the date on which this interim order was served on me.	
Signature:	Date:

Back of Respondent's Endorsement Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63</i> <b>Violence Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
<b>Restrained person</b>	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		
	address: suburb: _____		postcode: _____
	Work street: _____		
address: suburb: _____		postcode: _____	
Phone nos.: work: _____		home: _____	
<b>Protected person</b>	Family name: _____		Date of birth: _____
	Other names: _____		
<b>Type of order</b>	The order is <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order <input type="checkbox"/> a final order		
<b>Terms of the order</b>			
<b>Order made</b>	Date order made: _____		Time order made: _____
<b>Clerk</b>	Signature: _____		Date: _____

Applicant's Copy

**IMPORTANT INFORMATION**

**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 respondent. The respondent must comply with this order until the end of the duration period set out in the order.

**Penalty:** It is an offence to breach a violence restraining order. If the respondent breaches the order he or she may be arrested and will face a penalty of up to \$2,000 or imprisonment for 6 months.

**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 respondent and it will remain in force until a final order is made or a court decides not to make a final order. The respondent must comply with this order at all times while it is in force.

Because the order was made without the respondent being in court he or she has 21 days within which to object to the order before it becomes a final order.

If the respondent does object you will need to attend a final order hearing. At that hearing the court will consider anything you and the respondent 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 respondent does object, this interim order will remain in force until the final order hearing.

If the respondent does not object this order will automatically become a final order which remains in force for the period specified in the order, or if no period is specified for 2 years, from the date this interim order was served on the respondent. You will then not need to attend a final order hearing.

**Penalty:** It is an offence to breach a violence restraining order. If the respondent breaches this interim order he or she may be arrested and will face a penalty of up to \$6,000 or imprisonment for 18 months.

**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 respondent and it will remain in force until it expires or is varied or cancelled by a court. The respondent 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, 2 years after this final order was served on the respondent;
- if it was a telephone order which became a final order because the respondent did not object, 3 months (or any shorter time specified in the order) after the telephone order was served on the respondent.

If, in the future, you want the order varied or cancelled you may apply to the court. The respondent may also apply to have the order varied or cancelled but only if the court is satisfied that there has been a substantial change in the circumstances which led to the order being made. 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 a violence restraining order. If the respondent breaches this final order he or she may be arrested and will face a penalty of up to \$6,000 or imprisonment for 18 months.

Back of Applicant's Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63</i> <b>Violence Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		
	address: suburb: _____ postcode: _____		
Work street: _____			Date of birth: _____
address: suburb: _____ postcode: _____			
Phone nos.: work: _____ home: _____			
Protected person	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 the order			
Order made	Date order made: _____		Time order made: _____
Clerk	Signature: _____		Date: _____

Police Copy (for Central Warrant Bureau)

Certificate of Service	
Person serving order	Name of person serving order: I am <input type="checkbox"/> the clerk 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 clerk 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>[If possible to obtain]</small>	Name: Date of birth: Signature:
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 respondent <input type="checkbox"/> I orally served this order on the respondent <input type="checkbox"/> I posted this order to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> , and in the case of oral service I also certify that the respondent appeared to understand what was said. Signature: _____ Date: _____

Back of Police Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63</i> <b>Violence Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
<b>Person to be served</b>	Restrained person	Family name: _____	Date of birth: _____
	Other names: _____		
	Home street: _____		
	address: suburb: _____ postcode: _____		
	Work street: _____		
address: suburb: _____ postcode: _____			
Phone nos.: work: _____ home: _____			
Protected person		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 the order			
Order made		Date order made: _____	Time order made: _____
Clerk		Signature: _____	Date: _____

Proof of Service Copy (to be returned to court)



Certificate of Service	
Person serving order	Name of person serving order: I am <input type="checkbox"/> the clerk 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 clerk      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  [If possible to obtain]	Name: _____ Date of birth: _____ Signature: _____
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 respondent <input type="checkbox"/> I orally served this order on the respondent <input type="checkbox"/> I posted this order to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> , and in the case of oral service I also certify that the respondent appeared to understand what was said. Signature: _____                      Date: _____

Back of Proof of Service Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone Violence Restraining Order</b>		Number: _____ Jurisdiction where order is registered <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		
Work street: _____		postcode: _____	
address: suburb: _____			
Phone nos.: work: _____		home: _____	
Protected person	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		
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 above		
	Signature: _____	Date: _____	

Court Copy

<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone Violence Restraining Order</b>		Number: _____ Jurisdiction where order is registered <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		postcode: _____
Protected person	Family name: _____		Date of birth: _____
	Other names: _____		
	Work street: _____		postcode: _____
	address: suburb: _____		postcode: _____
Phone nos.: work: _____ home: _____			
Type of order    The order is <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: _____

Respondent's Copy

**IMPORTANT INFORMATION**

**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. You must comply with this order until the end of the duration period set out in the order.

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

**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. The order will remain in force for 3 months, unless before then 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.

Because the order was made without you being in court 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 3 months, or any shorter period specified in the order, 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 interim order you may be arrested and will face a penalty of up to \$6,000 or imprisonment for 18 months.

Back of Respondent's Copy

<p><i>Restraining Orders Act 1997 s. 23</i></p> <p><b>Telephone Violence Restraining Order</b></p>		Number: _____	
		Jurisdiction where order is registered <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court	
		Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		
	Work street: _____		postcode: _____
address: suburb: _____			
Phone nos.: work: _____		home: _____	
Protected person	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		
Terms of the order			
Order made	Date order made: _____		Time order made: _____
Authorised person	Name: _____		
	Rank and number/identification: _____		
	Signature: _____		Date: _____

Respondent's Endorsement Copy

**Schedule 1 Forms**

**IMPORTANT INFORMATION**

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.

**Remember 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.**

Objection	
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**

Consent	
Family name:	Date of birth:
Other names:	
Address: street:	postcode:
suburb:	
I do not object to a final order being made on the same terms as this interim order. I understand that this interim order will automatically become a final order which will stay in force for 3 months, or any shorter time specified in the order, from the date on which this interim order was served on me.	
Signature:	Date:

Back of Respondent's Endorsement Copy

<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone Violence Restraining Order</b>		Number: _____ Jurisdiction where order is registered <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court Location: _____	
Restrained person	Family name: _____	Date of birth: _____	
	Other names: _____		
	Home street: _____ address: suburb: _____ postcode: _____		
	Work street: _____ address: suburb: _____ postcode: _____		
Phone nos.: work: _____ home: _____			
Protected person	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		
Terms of the order			
Order made	Date order made: _____	Time order made: _____	
Authorised person	Name: _____		
	Rank and number/identification: _____		
	Signature: _____	Date: _____	

Applicant's Copy

**IMPORTANT INFORMATION**

**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 respondent. The respondent must comply with this order until the end of the duration period set out in the order.

**Penalty:** It is an offence to breach a violence restraining order. If the respondent breaches the order he or she may be arrested and will face a penalty of up to \$2,000 or imprisonment for 6 months

**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 respondent. The order will remain in force for 3 months, unless before then a final order is made or a court decides not to make a final order. The respondent must comply with this order at all times while it is in force.

Because the order was made without the respondent being in court he or she has 21 days within which to object to the order before it becomes a final order

If the respondent does object you will need to attend a final order hearing. At that hearing the court will consider anything you and the respondent want to say before deciding whether to make a 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 respondent does object, this interim order will remain in force for 3 months (or any shorter period specified in the order) or until the final order hearing if that is first.

If the respondent does not object this order will automatically become a final order which remains in force for 3 months, or any shorter period specified in the order, from the date this interim order was served on the respondent or any shorter period 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 respondent breaches this interim order he or she may be arrested and will face a penalty of up to \$6,000 or imprisonment for 18 months.

Back of Applicant's Copy



<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone Violence Restraining Order</b>		Number: _____	
		Jurisdiction where order is registered <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court	
		Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		
	Work street: _____		postcode: _____
address: suburb: _____			
Phone nos.: work: _____		home: _____	
Protected person	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		
Terms of the order			
Order made	Date order made: _____	Time order made: _____	
Authorised person	Name: _____		
	Rank and number/identification: _____		
	Signature: _____		Date: _____

Police Copy (for Central Warrant Bureau)

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<b>Certificate of Service</b>	
Person serving order	Name of person serving order: I am <input type="checkbox"/> the clerk 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 clerk 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  [If possible to obtain]	Name: Date of birth: Signature:
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 respondent <input type="checkbox"/> I orally served this order on the respondent <input type="checkbox"/> I posted this order to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> , and in the case of oral service I also certify that the respondent appeared to understand what was said. Signature: _____ Date: _____

Back of Police Copy

<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone Violence Restraining Order</b>		Number: _____ Jurisdiction where order is registered <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court Location: _____	
<b>Restrained person Person to be served</b>	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		
	Work street: _____		postcode: _____
address: suburb: _____			
Phone nos.: work: _____		home: _____	
<b>Protected person</b>	Family name: _____		Date of birth: _____
	Other names: _____		
<b>Type of order</b>	The order is <input type="checkbox"/> for 72 hours or less <input type="checkbox"/> an interim order		
<b>Terms of the order</b>			
<b>Order made</b>	Date order made: _____		Time order made: _____
<b>Authorised person</b>	Name: _____		
	Rank and number/identification: _____		
	Signature: _____		Date: _____

Proof of Service Copy (to be returned to court)

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<b>Certificate of Service</b>	
Person serving order	Name of person serving order: I am <input type="checkbox"/> the clerk 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 clerk 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  [If possible to obtain]	Name: Date of birth: Signature:
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 respondent <input type="checkbox"/> I orally served this order on the respondent <input type="checkbox"/> I posted this order to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> , and in the case of oral service I also certify that the respondent appeared to understand what was said. Signature: _____ Date: _____

Back of Proof of Service Copy

<i>Restraining Orders Act 1997 s. 43, 49 and 63</i> <b>Misconduct Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		
Work street: _____		postcode: _____	
address: suburb: _____			
Phone nos.:          work: _____		home: _____	
Protected person	Family name: _____		Date of birth: _____
	Other names: _____		
Terms of the order			
Order made	Date order made: _____	Time order made: _____	
Clerk	Signature: _____	Date: _____	

Court Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 43, 49 and 63</i> <b>Misconduct Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
<b>Restrained person</b>	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		
	address: suburb: _____		postcode: _____
	Work street: _____		
address: suburb: _____		postcode: _____	
Phone nos.: work: _____		home: _____	
<b>Protected person</b>	Family name: _____		Date of birth: _____
	Other names: _____		
<b>Terms of the order</b>			
<b>Order made</b>	Date order made: _____	Time order made: _____	
<b>Clerk</b>	Signature: _____		Date: _____

Respondent's Copy

**IMPORTANT INFORMATION**

**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 came into force when it was 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 the order expires 12 months 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 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 a misconduct restraining order. If you breach this order you may be arrested and will face a penalty of up to \$1,000.

Back of Respondent's Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

*Restraining Orders Act 1997 s. 43, 49 and 63*

**Misconduct  
Restraining Order**

Number: _____	
Jurisdiction:	<input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____
Location: _____	

<b>Restrained person</b>	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street:	_____	
	address: suburb:	_____	postcode: _____
	Work street:	_____	
	address: suburb:	_____	postcode: _____
	Phone nos.:	work: _____	home: _____

<b>Protected person</b>	Family name: _____		Date of birth: _____
	Other names: _____		

<b>Terms of the order</b>	
---------------------------	--

Order made	Date order made: _____	Time order made: _____
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<b>Clerk</b>	Signature: _____	Date: _____
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Applicant's Copy



**IMPORTANT INFORMATION**

**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 will come into force when it is served on the respondent and it will remain in force until it expires or is varied or cancelled by a court. The respondent 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 is served on the respondent.

If, in the future, you want the order varied or cancelled you may apply to the court. The respondent may also apply to have the order varied or cancelled but only if the court is satisfied that there has been a substantial change in the circumstances which led to the order being made. 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 a misconduct restraining order. If the respondent breaches this order he or she may be arrested and will face a penalty of up to \$1,000.

Back of Applicant's Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 43, 49 and 63</i> <b>Misconduct Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
Restrained person	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		
	address: suburb: _____ postcode: _____		
Work street: _____			Date of birth: _____
address: suburb: _____ postcode: _____			
Phone nos.: work: _____ home: _____			
Protected person	Family name: _____		Date of birth: _____
	Other names: _____		
Terms of the order			
Order made	Date order made: _____	Time order made: _____	
Clerk	Signature: _____		Date: _____

Police Copy (for Central Warrant Bureau)

Certificate of Service	
Person serving order	Name of person serving order: I am <input type="checkbox"/> the clerk 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 clerk      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>[If possible to obtain]</small>	Name: _____ Date of birth: _____ Signature: _____
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 respondent <input type="checkbox"/> I orally served this order on the respondent <input type="checkbox"/> I posted this order to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> , and in the case of oral service I also certify that the respondent appeared to understand what was said. Signature: _____      Date: _____

Back of Police Copy

**Restraining Orders Regulations 1997**

**Schedule 1 Forms**

<i>Restraining Orders Act 1997 s. 43, 49 and 63</i> <b>Misconduct Restraining Order</b>		Number: _____ Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court <input type="checkbox"/> Other: _____ Location: _____	
<b>Restrained person Person to be served</b>	Family name: _____		Date of birth: _____
	Other names: _____		
	Home street: _____		postcode: _____
	address: suburb: _____		
	Work street: _____		postcode: _____
address: suburb: _____			
Phone nos.:    work: _____		home: _____	
<b>Protected person</b>	Family name: _____		Date of birth: _____
	Other names: _____		
<b>Terms of the order</b>			
<b>Order made</b>	Date order made: _____		Time order made: _____
<b>Clerk</b>	Signature: _____		Date: _____

Proof of Service Copy (to be returned to court)

Certificate of Service	
Person serving order	Name of person serving order: I am <input type="checkbox"/> the clerk 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 clerk 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>[If possible to obtain]</small>	Name: Date of birth: Signature:
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 respondent <input type="checkbox"/> I orally served this order on the respondent <input type="checkbox"/> I posted this order to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> , and in the case of oral service I also certify that the respondent appeared to understand what was said. Signature: _____ Date: _____

Back of Proof of Service Copy



<b>Record of Proceedings</b>					
Date	Attendance		Representation		Adjournments
	Applicant	Respondent	Applicant	Respondent	

<b>Orders</b>		
_____	_____	_____
Judicial Officer	Date	Time

<b>Clerk's record</b>		

Back of Court Copy





**IMPORTANT INFORMATION**

**Application by the protected person**

If you are the protected person (or someone acting on behalf of the protected person) 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 court will summons the respondent 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 restrained person**

If you are the restrained person 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 protected person will not attend this hearing. At this hearing you will have the opportunity to convince the court that there has been a substantial change in the relevant circumstances since the restraining order was made.

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

If the court is not satisfied that there has been a substantial change of circumstances your application to vary or cancel the restraining order will be dismissed.

If the court is satisfied that there has been a substantial change of circumstances the court will set a date for a further hearing and will summons the protected person (or a person acting on behalf of the protected person) to attend. At that hearing the court will decide whether or not to vary or cancel the restraining order.

Again, if you do not attend the hearing, your application may be dismissed.

Back of Copy for Person Applying to Vary or Cancel



Restraining Orders Act 1997 s. 47

**Restraining order  
Summons to vary or cancel**

Number:
Jurisdiction: <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court
Location:

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.

Person summonsed	<input type="checkbox"/> Protected person	<input type="checkbox"/> Parent or guardian of a protected child	
	<input type="checkbox"/> Restrained Person	<input type="checkbox"/> Legal guardian of the protected person	
	Family name:		
	Other names:		
	Home street:		
	address: suburb: postcode:		
Work street:			
address: suburb: postcode:			
Phone nos.: work: home:			
Restraining order	<input type="checkbox"/> Violence Restraining Order	Date order made:	
	<input type="checkbox"/> Misconduct Restraining Order	Date order served:	
	Restrained person:		
	Protected person:		
Application	An application has been made for the restraining order to be: <input type="checkbox"/> cancelled <input type="checkbox"/> amended The amendments sought are as follows:		
Grounds for application			
Applicant	Signature:	Date:	
Hearing	Court:	Date:	Time:
	Signature of clerk:		

↑  
**Where to attend court**

↑ ↑  
**When to attend court**

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

Summonsed Person's Copy



Certificate of Service	
Person serving summons	Name of person serving summons: I am <input type="checkbox"/> the clerk 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 clerk 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  [If possible to obtain]	Name: Date of birth: Signature:
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 respondent <input type="checkbox"/> I posted this summons to the respondent <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this summons on the respondent in accordance with Division 2 of Part 6 of the <i>Restraining Orders Act 1997</i> . Signature: _____ Date: _____

**OR**

Summons not served	Name of person attempting to serve summons: I am <input type="checkbox"/> the clerk 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 clerk 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 respondent does not appear to live or work at the addresses given and cannot be found elsewhere <input type="checkbox"/> the respondent 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.**

Back of Proof of Service Copy



Other notes		
Terms of the order		
Order made	Date order made:	Time order made:
Clerk	Signature:	Date:

Court Copy





*Restraining Orders Act 1997 s. 75*  
**Interstate restraining order  
 Application to register**

Number:
Jurisdiction: Court of Petty Sessions
Location:

Protected person	Family name:	Date of birth:
	Other names:	
	Address: street: suburb: postcode:	
	Phone nos.: work: home:	

Applicant	Are you: <input type="checkbox"/> the protected person <input type="checkbox"/> the parent or guardian of a protected child <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the protected person	
	Family name:	Date of birth:
	Other names:	
	Address: street: suburb: postcode:	
	Phone nos.: work: home:	

Restrained person	Family name:	Date of birth:
	Other names:	
	Home street: address: suburb: postcode:	
	Work street: address: suburb: postcode:	
	Phone nos.: work: home:	

Interstate order	State where order was made:
	Court in which order was made:
	Date order was made: Order/matter no.:

Notice	I <input type="checkbox"/> do <input type="checkbox"/> do not want notice of the registration of this order given to the restrained person.
--------	---

Applicant	Signature:	Date:
-----------	------------	-------

Registered	Date of registration:	Time of registration:
	Signature of clerk:	Date:

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

Applicant for Registration's Copy





## Notes

- <sup>1</sup> This reprint is a compilation as at 13 February 2004 of the *Restraining Orders Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Restraining Orders Regulations 1997</i>	12 Sep 1997 p. 5079-146 (correction 16 Sep 19697 p. 5235)	15 Sep 1997 (see r. 2 and <i>Gazette</i> 12 Sep 1997 p. 5149)
<i>Restraining Orders Amendment Regulations 1998</i>	27 Mar 1998 p. 1714	27 Mar 1998
<i>Restraining Orders Amendment Regulations (No. 2) 2001</i>	8 Jan 2002 p. 32-3	8 Jan 2002
<b>Reprint 1: The <i>Restraining Orders Regulations 1997</i> as at 13 Feb 2004</b> (includes amendments listed above)		