

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 - removed (because it was repealed or deleted from the law); or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

- 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 3rd reprint since the
 regulations were published. Reprint numbering was implemented as from
 1 January 2003.
- 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

CONTENTS

Part 1 — Preliminar	Part	1 —	Prelin	ninary
---------------------	------	-----	--------	--------

1. 2. 3.	Citation Commencement Forms	1 1 1
	Part 2 — Firearms	
4. 5.	Giving up possession of firearms Dealing with surrendered or seized firearms	2 3
	Part 3 — Practice and procedure	
6. 7. 8. 9. 10. 10A.	Record of telephone application Adjournment of telephone applications Procedure when restraining order made during bail hearing Procedure when restraining order made during other proceedings Service of documents Use of closed circuit television or screening arrangements	4 4 4 5 5 5
	Part 4 — Interstate restraining orders	
11. 12.	Prescribed laws Application for registration of interstate order	8 8

Restraining Orders Regulations 1997

Contents		
	Schedule 1 — Forms	10
	Notes	
	Compilation table	70

page ii Reprint 1



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

Restraining Orders Act 1997

Restraining Orders Regulations 1997

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Restraining Orders Regulations 1997* ¹.

2. Commencement

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

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.

r. 4

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.

page 2 Reprint 1

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

page 4 Reprint 1

- (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
 - 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 —

- (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

page 6 Reprint 1

Part 3

- (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

page 8 Reprint 1

r. 12

(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	25(2)
	Court Copy (front and back)	
	Applicant's Copy	
2	Misconduct restraining order — Application	38(2)
	Court Copy (front and back)	. ,
	Applicant's Copy	
3	Details of family order — Annexure to application	66
	Court Copy	
	Applicant's Copy	
4	Restraining order — Summons	26(3) and 39
-	Court Copy	(0)
	Respondent's Copy	
	Proof of Service Copy (front and back)	
5	Restraining order — Record of telephone application	21(4)
	Magistrate's Copy (front and back)	21(1)
6	Violence Restraining Order	29, 32, 43, 49 and
U	Court Copy	63
	Respondent's Copy (front and back)	0.5
	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)	
7	Telephone Violence Restraining Order	23
,	Court Copy	23
	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)	
8		42 40 and 62
8	Misconduct Restraining Order	43, 49 and 63
	Court Copy Respondent's Copy (front and back)	
	Applicant's Copy (front and back)	
	Proof of Service Copy (front and back)	
9	Proof of Service Copy (front and back)	45(2)
9	Restraining order — Application to vary or cancel	45(2)
	Court Copy (front and back)	
10	Copy for Person Applying to Vary or Cancel (front and back)	47(1) and (2)
10	Restraining order — Summons to vary or cancel	47(1) and (2)
	Court Copy	
	Summonsed Person's Copy	
11	Proof of Service Copy (front and back)	(2)
11	Restraining order made during other proceedings — Record of proceedings	63
12	Court Copy	75(0)
12	Interstate restraining Order — Application to register	75(2)
	Court Copy	
	Applicant for Registration's Copy	
	Police Copy	
ĺ	Interstate Court's Copy	

page 10 Reprint 1

Forms	Schedule 1
i Ullia	ocheuule i

	ing Orders Act 1997 s. 25(2)	Number:	
	e restraining order	Jurisdiction: Court of Petty Session:	s
I	Application	Location:	
Person to be protected	Family name: Other names: Address: street: suburb: Phone nos.: work:	postco	Date of birth:
Applicant [If you, the applicant, are the person to be protected, you do not need to fill in these details]	Are you: the person to be protected a police officer Family name: Other names: Address: street: suburb: Phone nos.: work:	the parent or guardian of a child v the legal guardian of the person w postco	vho is to be protected Date of birth:
		nome.	
Respondent [Fill in as many details as you can.]	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work	postco postco home:	
Grounds for application	Why do you need a violence restraining ord commit a violent personal offence ag behave in a manner that causes the promit a violent personal offence ag Give details of the respondent's behaviour	ainst the person to be protected otected person or the applicant to fear the	
Family orders [If yes, see the Details of family order Annexure.]	Are there any current family orders relating relation to children who may be affected by Are there any current Family Court proceed are being sought?	a restraining order?	□ No □ Unknown □ No □ Unknown
Firearms	Does the respondent have a firearm or firear Does the respondent have access to a firearm		□ No □ Unknown □ No □ Unknown
First hearing	Do you want the respondent to be present at	the first hearing?	□ No
Applicant	Signature:		Date:
Hearing [To by filled in by the court.]	Court: Signature of clerk:	Date:	Time:
Notification [To be filled in by the court]	I certify that on/ at I notified the applicant of the hearing date. Signature of clerk:	am/pm at	Court Copy

	Record of Proceedings					
Date	Attendance Representation		Adjournments	Ī		
	Applicant	Respondent	Applicant	Respondent		
			Orders			
			0.1.0.0			
Judicial Office	er		Date		Time	_
			Clerk's recor	d		Ī
						_
						_
				· · · · · · · · · · · · · · · · · · ·		-

Back of Court Copy

page 12 Reprint 1

Forms	Schedule 1

Restro	aining Orders Act 1997 s. 25(2)	Number:				
Violen	ce restraining order	Jurisdiction:	☐ Court of P	etty Sessio	ons	☐ Children's Court
	Application	Location:		•		
Person to be	Family name:]	Date of birth:
protected	Other names: Address: street:					
	Address: street: suburb:			post	code:	
	Phone nos.: work:	h	ome:	posi	.couc.	
Applicant	Are you: the person to be protected a police officer					o be protected to be protected
	Family name:	inc legal	guardian or th	ic person	WHO 13 to	Date of birth:
	Other names:					
	Address: street:					
	suburb: Phone nos.: work:	h	ome:	post	code:	
		110	onie.			
Respondent	Family name:					Date of birth:
	Other names: Home street:					
	address: suburb:			post	code:	
	Work street:					
	address: suburb:			post	code:	
	Phone nos.: work:	h	ome:			
application	commit a violent personal offence a behave in a manner that causes the commit a violent personal offence a Give details of the respondent's behaviour	protected person against the protec	or the applica		that the	respondent will
Family	Are there any current family orders relating	g to the responde	ent's rights in	☐ Yes	☐ No	☐ Unknown
orders	relation to children who may be affected by					
	Are there any current Family Court procee are being sought?	dings in which s	uch orders	□ Yes	□ No	☐ Unknown
Firearms	Does the respondent have a firearm or firear			☐ Yes	☐ No	☐ Unknown
	Does the respondent have access to a firear	rm at work?		☐ Yes	□ No	☐ Unknown
First hearing	Do you want the respondent to be present a	at the first hearin	g?	☐ Yes	□ No	
Applicant	Signature:					Date:
Hearing	Court:	I	Date:			Time:
	Signature of clerk:					
	Î Where to attend cour	rt	W	∯ ∕hen t	o atte	Î nd court

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

Applicant's Copy

Restrain	ning Orders Act 1997 s. 38(2)	Number:				
Miscondu	ict restraining order	Jurisdiction:	☐ Court of F	etty Sessio	ns	☐ Children's Court
I	Application	Location:				
Person to be	Family name:				I	Date of birth:
protected	Other names: Address: street:					
	suburb:			post	code:	
	Phone nos.: work:	1	home:			
Applicant [If you, the	Are you: the person to be protected a police officer		nt or guardian l guardian of th			
applicant, are the person to be	Family name:					Date of birth:
protected, you do	Other names: Address: street:					
not need to fill in these details]	suburb:			post	code:	
	Phone nos.: work:]	home:	•		
Respondent	Family name:					Date of birth:
[Fill in as many	Other names:					
details as you can.]	Home street:					
	address: suburb: Work street:			post	code:	
	address: suburb:			post	code:	
	Phone nos.: work:	1	home:			
Grounds for application	Why do you need a misconduct restraining of behave in a manner that is intimidatind damage property owned by, or in the behave in a manner that is, or is likely Give details of the respondent's behaviour	g or offensive possession of	to the protected,	ed person person		
Family orders	Are there any current family orders relating			☐ Yes	☐ No	☐ Unknown
[If yes, see the Details of family order Annexure.]	relation to children who may be affected by a Are there any current Family Court proceedi are being sought?			□ Yes	□ No	☐ Unknown
Firearms	Does the respondent have a firearm or firearm	ms licence?		☐ Yes	□ No	☐ Unknown
	Does the respondent have access to a firearm			□ Yes	□ No	☐ Unknown
Applicant	Signature:					Date:
Hearing [To by filled in by	Court:		Date:			Time:
the court.]	Signature of clerk:			·		
Notification [To be filled in by the court]	I certify that on/ at _ I notified the applicant of the hearing date. Signature of clerk:	am/p	m at			Court Copy

page 14 Reprint 1

_	
Forms	Schedule 1

		Re	ecord of Procee	dings		
Date			entation	Adjournments		
	Applicant	Respondent	Applicant	Respondent	-	
			Orders			Π
			0.10.00			_
			-			
Judicial Office	er		Date		Time	_
			Clerk's recor	d		

Back of Court Copy

Restro	aining Orders Act 1997 s. 25(2)	Number:	
	luct restraining order	Jurisdiction: Court of P	etty Sessions
1,11000110	Application		etty Sessions 📑 Cinidien's Court
	Application	Location:	
Person to be	Family name:		Date of birth:
protected	Other names:		Bute of birth.
•	Address: street:		•
	suburb:		postcode:
	Phone nos.: work:	home:	
Applicant	Are you: the person to be protected	d	of a child who is to be protected
	□ a police officer	the legal guardian of th	e person who is to be protected
	Family name:		Date of birth:
	Other names:		
	Address: street:		postcode:
	Phone nos.: work:	home:	postcode.
		nome.	- In accept
Respondent	Family name:		Date of birth:
	Other names: Home street:		
	address: suburb:		postcode:
	Work street:		
	address: suburb:		postcode:
	Phone nos.: work:	home:	
Grounds for application	damage property owned by, or in	dating or offensive to the protected the possession or, the protected p likely to lead to, a breach of the po	ed person person
Family	Are there any current family orders rela	ting to the respondent's rights in	☐ Yes ☐ No ☐ Unknown
orders	relation to children who may be affected	d by a restraining order?	
	Are there any current Family Court produce are being sought?	ceedings in which such orders	☐ Yes ☐ No ☐ Unknown
Firearms	Does the respondent have a firearm or f	irearms licence?	☐ Yes ☐ No ☐ Unknown
	Does the respondent have access to a fir	earm at work?	☐ Yes ☐ No ☐ Unknown
Applicant	Signature:		Date:
Hearing	Court:	Date:	Time:
ricaring			
	Signature of clerk:		
	Where to attend co	urt W	Î Î Vhen to attend court

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

Applicant's Copy

page 16 Reprint 1

					F	orms	Schedule 1
n .		1.1007		Г			
		: Act 1997 s. 66		Number:			
		mily order		Jurisdiction:	☐ Court of I	Petty Sessions	☐ Children's Court
Annex	ure to a	application		Location:			
Parties	Name:						
to the family	Address:	street:					
order or		suburb:			post	code:	
proceedings	Name:						
	Address:	street:					
		suburb:			posto	code:	
Children	Names:						
Cilidren	1.						
	2.						
	3.						
	4.						
	Address:	street:					
		suburb:			posto	code:	
Current	Date order	r was made:			Family Cou	rt matter no.:	
family order		which order was made:			Talling Cou	it matter no	
			ite to the res	nondent's righ	nts in relation	to children:	
	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						
		nily order. If not, fill in					
Current	Court:				Family Cou	rt matter no.:	
proceedings for	Terms of family order being sought which relate to the respondent's rights in relation to children:						
family order		, ,	-	•			
	Are these t	terms of the order being	g opposed?		☐ Yes	□ No	☐ Unknown
			C II				

Court Copy

Date:

Reprint 1 page 17

Applicant

Signature:

Restro	aining Orders Act 1997 s. 66	Number:			
Detai	ls of family order	Jurisdiction:	☐ Court of Petty	Sessions	☐ Children's Court
Annex	cure to application	Location:			
Parties	Name:				
to the family order or proceedings	Address: street: suburb:		postcode	:	
proceedings	Name: Address: street: suburb:		postcode	:	
Children	Names: 1. 2. 3. 4. Address: street:				
	suburb:		postcode		
Current family order	Date order was made: Family Court matter no.: Court by which order was made: Terms of family order which relate to the respondent's rights in relation to children: [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	Court:		Family Court m	atter no.:	
proceedings for family order	Terms of family order being sought w	which relate to the resp	pondent's rights in	relation to	children:
	Are these terms of the order being op	posed?	☐ Yes	□ No	☐ Unknown
Applicant	Signature:				Date:

Applicant's Copy

page 18 Reprint 1

Forms	Schedule 1
roms	Schedule i

Restraining Orders Act 1997 s. 26(3) and 39 Restraining order Summons

Number:		
Jurisdiction:	☐ Court of Petty Sessions	☐ Children's Court
Location:		

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

Respondent	Family name:				
respondent	Other names:				
	Home street:			. 1	
	address: suburb:			postcode:	
	Work street: address: suburb:			postcode:	
	Phone nos.: work	k·	home:	postcode:	
		м.	nome.		
Person to be	Family name:				
protected	Other names:				
Applicant		person to be protected a police officer		dian of a child who	is to be protected ho is to be protected
	Family name:	•		•	•
	Other names:				
Type of order	The application is for	☐ a Violence Restraini	ing Order	a Misconduct Restr	raining Order
Grounds for					
application					
Hearing	Court:		Date	· ·	Time:
	Signature of clerk:		Dun	••	
	Signature of cierk:				

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

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

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

Court Copy

Restraining Orders Act 1997 s. 26(3) and 39	
Restraining order	
Summons	

Number:		
Jurisdiction:	☐ Court of Petty Sessions	☐ Children's Court
Location:		

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

Respondent	Family name:
	Other names:
	Home street:
	address: suburb: postcode:
	Work street:
	address: suburb: postcode:
	Phone nos.: work: home:
Person to be	Family name:
protected	Other names:
Applicant	The applicant is:
	Family name:
	Other names:
Type of order	The application is for $\ \square$ a Violence Restraining Order $\ \square$ a Misconduct Restraining Order
Grounds for application	
Hearing	Court: Date: Time:
U	Signature of clerk:
	Î Î Î Where to attend court When to attend court

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

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

 ${\bf A}$ restraining order may also prohibit you from being in possession of a firearm or a firearms licence.

Respondent's Copy

page 20 Reprint 1

Forms

	orders Act 1997 s. 26(3) and 39 straining order Summons	Number: Jurisdiction: Court of Petty Sessions Children's Court Location:
Respondent Person to be served	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	postcode: postcode: home:
Person to be protected	Family name: Other names:	
Applicant	The applicant is: person to be p a police office Family name: Other names:	
Type of order	The application is for	Restraining Order
Grounds for application		

Date:

Court: Signature of clerk:

Hearing

Proof of Service Copy

Time:

Schedule 1

Certificate of Service		
Person serving summons	Name of person serving summons: I am	
Service	Method 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: I personally served this summons on the respondent I posted this summons to the respondent 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 Restraining Orders Act 1997. Signature: Date:	
	OR	
Summons not served	Name of person attempting to serve summons: I am	
	Attempted method of service:	
	elsewhere the respondent appears to be deliberately avoiding being served with this summons 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

page 22 Reprint 1

Forms	Schedule 1	ı

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

Number:		
Jurisdiction:	Court of Petty Sessions	
Location:		

•	
Authorised	Name:
person	Rank and number/identification:
	Contact phone no: Date of application:
D C	
Reason for	
applying by telephone	I □ am □ am not satisfied that the matter is sufficiently urgent to justify a telephone application.
telephone	I □ am □ am not satisfied that the matter is sufficiently urgent to justify a telephone application.
Person to be	Family name: Date of birth:
protected	Other names:
	Address: street:
	suburb: postcode:
	Phone nos.: work: home:
Applicant	The applicant is: person to be protected parent or guardian of a child who is to be protected
1 Ippirount	□ authorised person □ legal guardian of the person who is to be protected
[If not the	Family name: Date of birth:
person to be	Other names:
protected]	Address: street:
	suburb: postcode:
	Phone nos.: work: home:
Respondent	Family name: Date of birth:
Respondent	Other names:
	Home street:
	address: suburb: postcode:
	Work street:
	address: suburb: postcode:
	Phone nos.: work: home:
	The respondent is is not present
	is is not being detained by a police officer
~	The state of the s
Grounds for	
application	
- "	
Family	Are there any current family orders relating to the respondent's
orders	rights in relation to children who may be affected by a restraining order?
	Are there any current Family Court proceedings in which such
	orders are being sought?
	Details of family order or proceedings
Firearms	Does the respondent have a firearm or a firearms licence?
riteariis	T.
	Does the respondent have access to a firearm at work?

Witnesses	Applicant:		
and summary of			
evidence	Respondent:		
	-		
	Authorised person:		
	ruthorised person.		
	Other people:		
Other notes			
Decision and	I □ am □ am not satisfied that a telephone ord	er should be made.	
order	The terms of the order are:		
Magistrate	Name:		
	Court where Magistrate is based:		
	Magistrate's location when hearing application:		
	Signature:	Date:	Time:

page 24 Reprint 1

ı	orms	Schedule 1	
	-orms	Schedule 1	

Restraining Or	rders Act 1997 s. 29, 32, 43, 49 and 63	Number:	
Res	Violence straining Order	Jurisdiction: Court of Petty Se	ssions
Restrained erson	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	postcode: postcode: home:	Date of birth:
rotected erson	Family name: Other names:		Date of Birth:
Type of order	The order is	an interim order	☐ a final order
Terms of the order			
Order made	Date order made:	Time order made:	
Clerk	Signature:		Date:

Court Copy

		Number:	
Violence Restraining Order		Jurisdiction: Court of Petty Sess Other: Location:	ions
Restrained person Protected person	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work: Family name: Other names:	postcode: postcode: home:	Date of Birth: Date of Birth:
Type of order	The order is	an interim order a a	final order
Terms of the order			
Order made	Date order made:	Time order made:	
Clerk	Signature:		Date:

Respondent's Copy

page 26 Reprint 1

Schedule 1

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 O	orders Act 1997 s. 29, 32, 43, 49 and 63	Number:	
Violence Restraining Order		Jurisdiction:	ons
110	Struming Order	Location:	
Restrained	Family name:		Date of birth:
person	Other names:		Date of biffii.
person	Home street:	l	
	address: suburb:	postcode:	
	Work street:	-	
	address: suburb:	postcode:	
	Phone nos.: work:	home:	
Protected	Family name:		Date of birth:
person	Other names:		
Type of order	The order is	☐ an interim order ☐ a f	inal order
Terms of the order			
Order made	Date order made:	Time order made:	
Clerk	Signature:		Date:

Respondent's Endorsement Copy

page 28 Reprint 1

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:	1
Address: street: suburb: postcod	e:
Will you be represented by a lawyer at the final order hearing?	
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? • having contact with your children? • going to where you work or otherwise prevent you from doing your job? • being in possession of a firearm which is essential for your job? • No	
Signature: Date:	

OR

	Consent			
Family name:		Date of birth:		
Other names:				
Address:	street:			
	suburb: postcode	:		
I do not object to a final order being made on the same terms as this interim order. I understand that this interim order will automatically become				
a final order v	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 Act 1997 s. 29, 32, 43, 49 and 63 Violence Restraining Order		Number:	
		Jurisdiction: Court of Petty Ses	sions
144		Location:	
Restrained	Family name:		Date of birth:
person	Other names:		Date of birtin.
	Home street:		
	address: suburb:	postcode:	
	Work street:		
	address: suburb:	postcode:	
	Phone nos.: work:	home:	
Protected	Family name:		Date of birth:
person	Other names:		
Type of order	The order is	☐ an interim order ☐ a	final order
Terms of			
the			
order			
order			
Order made	Date order made:	Time order made:	
Clerk	Signature:		Date:

Applicant's Copy

page 30 Reprint 1

Schedule 1

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, your 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 Act 1997 s. 29, 32, 43, 49 and 63		Number:	Number:		
Violence Restraining Order		Jurisdiction: Court of Petty Sessions Children's Court			
Itto	or anning Order	Location:			
n	In		In		
Restrained	Family name:		Date of birth:		
person	Other names: Home street:				
	address: suburb:	postcode:			
	Work street:	postcode.			
	address: suburb:	postcode:			
	Phone nos.: work:	home:			
Protected	Family name:		Date of birth:		
person	Other names:		Date of birth.		
Type of order	The order is	an interim order a	final order		
Terms of the order					
Order made	Date order made:	Time order made:			
Clerk	Signature:	,	Date:		

Police Copy (for Central Warrant Bureau)

page 32 Reprint 1

Forms	Schedule 1

Certificate of Service				
Person serving order	Name of person serving order: I am			
Service	Method of service: personal oral by post Place where order served: Date of service: Time of service:	□ substituted service		
Person served	Name: Date of birth:			
[If possible to obtain]	Signature:			
Certificate	I certify that on the day and at the time and place set out above I personally served this order on the respondent I orally served this order on the respondent I posted this order to the respondent I took the steps directed by the court to effect substituted service of in accordance with Division 2 of Part 6 of the Restraining Orders Act 1997, also certify that the respondent appeared to understand what was said. Signature:			

Back of Police Copy

	Violence Straining Order	Number: Jurisdiction: Court of Petty Sessions Other: Location:	☐ Children's Court
Restrained person	Family name: Other names:	Date	e of birth:
Person to be served	Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	postcode: postcode: home:	
Protected person	Family name: Other names:	Da	te of birth:
Type of order	The order is	☐ an interim order ☐ 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)

page 34 Reprint 1

Forms	Schedule 1

Certificate of Service				
Person serving order	☐ a prison officer Pris	nk, number and station:son:erk Date of authorisation:		
Service	Method of service: personal Place where order served: Date of service:	oral by post Time of service:	□ substituted service	
Person served [If possible to	Name: Date of birth:			
obtain] Certificate	I certify that on the day and at the time and place set out above:			

Back of Proof of Service Copy

Restraining Orders Act 1997 s. 23			Number:		
	ephone Violence	Jurisdiction where order is registered Court of Petty Ses	ssions		
Res	straining Order	Location:			
Restrained person	Family name: Other names:		Date of birth:		
	Home street: address: suburb:	postcode:			
	Work street: address: suburb: Phone nos.: work:	postcode:			
Protected person	Family name: Other names:		Date of birth:		
Type of order	The order is	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	This order ☐ is correct ☐ is not co	prrect and is to be amended as shown	above		
by Magistrate	Signature:		Date:		

Court Copy

page 36 Reprint 1

Forme	Schodula	1

Tele	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	Number: Jurisdiction where order is registered Court of Petty Sess Location: postcode: postcode: home:	ions Children's Court Date of birth:
Protected person	Family name: Other names:		Date of birth:
Type of order	The order is	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 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 than 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

page 38 Reprint 1

Forms	Schedule 1
FULLIS	ochequie i

Restre	aining Orders Act 1997 s. 23	Number:	
	ephone Violence straining Order	Jurisdiction where order is registered Court of Petty Sessions	☐ Children's Court
Res	Straining Order	Location:	
Restrained person	Family name: Other names: Home street: address: suburb: Work street:	postcode:	te of birth:
	address: suburb: Phone nos.: work:	postcode: home:	
Protected person	Family name: Other names:	Da	ate of birth:
Type of order	The order is	☐ an interim order	
Terms of the order			
Order made	Date order made:	Time order made:	
Authorised	Name:		
person	Rank and number/identification:		
	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:				
suburb:		post	code:	
Will you be represented by a lawyer at the final order hearing?	☐ Yes	□ 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? 	☐ Yes	□ No		
 having contact with your children? 	☐ Yes	□ No		
 going to where you work or otherwise prevent you from doing your job? 	☐ Yes	□ No		
being in possession of a firearm which is essential for your job?	☐ Yes	□ No		
Signature:		Date:	•	

OR

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

Back of Respondent's Endorsement Copy

page 40 Reprint 1

Forms	Schedule 1	
FORMS	Schedule i	

Tele	Phone Violence Straining Order Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	Number: Jurisdiction where order is registered Court of Petty Ses Location: postcode: postcode: home:	Date of birth:
Protected person	Family name: Other names:		Date of birth:
Type of order	The order is	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

page 42 Reprint 1

Forms	Schedule 1	
FORMS	Schedule i	

Restro	nining Orders Act 1997 s. 23	Number:	
	phone Violence training Order	Jurisdiction where order is registered Court of Petty Sess Location:	sions
Restrained person	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	postcode: postcode: home:	Date of birth:
Protected person	Family name: Other names:		Date of birth:
Type of order	The order is	an interim order	
Terms of the order			
Order made	Date order made:	Time order made:	
Authorised	Name:		
person	Rank and number/identification:		
	Signature:		Date:

Police Copy (for Central Warrant Bureau)

Certificate of Service				
Person serving order	Name of person serving order: I am			
Service	Method of service: personal oral by post Place where order served: Date of service: Time of service:	substituted service		
Person served	Name: Date of birth:			
[If possible to obtain]	Signature:			
Certificate	I certify that on the day and at the time and place set out above I personally served this order on the respondent I orally served this order on the respondent I posted this order to the respondent 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 Restraining Orders Act 1997, 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

page 44 Reprint 1

Forme	Schodula 1

Restra	ining Orders Act 1997 s. 23	Number:	
Tele	phone Violence training Order	Jurisdiction where order is registered Court of Petty Sess Location:	ions
Restrained person Person to be served	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	postcode: postcode:	Date of birth:
Protected person	Family name: Other names:		Date of birth:
Type of order	The order is	an interim order	
Terms of the order			
Order made	Date order made:	Time order made:	
Authorised person	Name: Rank and number/identification:		_
	Signature:		Date:

Proof of Service Copy (to be returned to court)

Certificate of Service				
Person serving order	Name of person serving order: I am			
Service	Method of service: personal oral by post Place where order served: Date of service: Time of service:	substituted service		
Person served	Name: Date of birth:			
[If possible to obtain]	Signature:			
Certificate	I certify that on the day and at the time and place set out above: I personally served this order on the respondent I orally served this order on the respondent I posted this order to the respondent 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 Restraining Orders Act 1997, 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

page 46 Reprint 1

Forms	Schedule 1
FULLIS	Schedule i

Restraining Orders Act 1997 s. 43, 49 and 63 Misconduct Restraining Order		Number:	Number:		
		Jurisdiction Location:	: Court of Petty Sess		
Restrained person	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:		postcode: postcode:	Date of birth:	
Protected person	Family name: Other names:			Date of birth:	
Ferms of the order					
Order made	Date order made:		Time order made:		
Clerk	Signature:			Date:	

Court Copy

Restraining Orders Act 1997 s. 43, 49 and 63 Misconduct Restraining Order Restrained person Family name: Other names: Home street: address: suburb:		Number: Jurisdiction:		
Protected person	Work street: address: suburb: Phone nos.: work: Family name: Other names:	hom	postcode: ne:	Date of birth:
Terms of the order		- Inc.		
Order made	Date order made:	Tim	ne order made:	
Clerk	Signature:		- 	Date:

Respondent's Copy

page 48 Reprint 1

Schedule 1

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 Act 1997 s. 43, 49 and 63		Number:		
Misconduct Restraining Order		Jurisdiction: Court of Petty Sessions Children's Court		
Ne	straining Order	Location:		
Restrained	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	hom	postcode: postcode:	Date of birth:
Protected person	Family name: Other names:			Date of birth:
Terms of the corder				
Order made	Date order made:	Tim	ne order made:	
Clerk	Signature:			Date:

Applicant's Copy

page 50 Reprint 1

Schedule 1

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

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 Act 1997 s. 43, 49 and 63		Number:			
_	Misconduct	Jurisdiction: Court of Petty Sessions Children's Court			
Re	straining Order	Location:			
Restrained	Family name:]1	Date of birth:	
person	Other names:				
	Home street:				
	address: suburb:		postcode:		
	Work street:				
	address: suburb:		postcode:		
	Phone nos.: work:	hom	ne:		
Protected	Family name:			Date of birth:	
person	Other names:				
Ferms of the order					
Order made	Date order made:	Tin	ne order made:		
Clerk	Signature:			Date:	

Police Copy (for Central Warrant Bureau)

page 52 Reprint 1

Forms Sc	:he	dul	le 1
----------	-----	-----	------

Certificate of Service					
Person serving order	Name of person serving order: I am				
Service	Method of service: personal oral by p Place where order served: Date of service: Time of service:	ost 🗆 subs	stituted service		
Person served	Name:				
[If possible to obtain]	Date of birth: Signature:				
Certificate	I certify that on the day and at the time and place set out above I personally served this order on the respondent I orally served this order on the respondent I posted this order to the respondent I posted this order to the respondent 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 Restraining Orders Act 1997, 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 Act 1997 s. 43, 49 and 63		Number:		
	Misconduct	Jurisdiction: Court of Petty Sessions Children's Court Other:		
Res	training Order	Location:		
Restrained person Person to be served	Family name: Other names: Home street: address: suburb: Work street: address: suburb: Phone nos.: work:	postcode: postcode:	Date of birth:	
Protected person	Family name: Other names:		Date of birth:	
Terms of the order				
Order made	Date order made:	Time order made:		
Clerk	Signature:		Date:	

Proof of Service Copy (to be returned to court)

page 54 Reprint 1

edu	le 1	
	edu	edule 1

Certificate of Service					
Person serving order	Name of person serving order: I am				
Service	Method of service: oral oral Place where order served: Date of service: Time of service	y F · · ·	□ substituted service		
Person served	Name:				
[If possible to obtain]	Date of birth: Signature:				
Certificate	I certify that on the day and at the time and place set out above:				

Back of Proof of Service Copy

Pastra	ining Orders Act 1997 s. 45	Number:	1		
	training order	Jurisdiction: Court of Petty Sessions Children's Court			
	on to vary or cancel	······································			
Аррисац	on to vary or cancer	Location:			
Person	Family name:				
applying to vary or	Other names:				
cancel	Address: street: suburb:	monton dos			
	Phone nos.: work:	postcode:			
	Are you:	the parent or guardian of a protect the legal guardian of the protect			
Restraining	Type of order:	Order Misconduct Restraining Orde	er		
order	Date order was made:	Restraining Order no:			
	Restrained person:				
	Protected person:				
Substantial changes [Only fill this in if the application is being made by the restrained person]	If you are the restrained person, what circum	stances have substantially changed since the	order was made?		
Variation or cancellation	Do you want the order to be				
Grounds for variation or cancellation	Why do you want the restraining order varied	d or cancelled?			
Hearing	Court:	Date:	Time:		
[To be filled in by the court]	Signature of clerk:	l l	ı		
Notification [To be filled in by the court]	I certify that on/_ / at am/pm at				

Court Copy

page 56 Reprint 1

					F	orms	Schedule 1
Record of Proceedings							
Date	Atten	idance	Repres	sentation		Adjournme	nts
	Applicant	Respondent	Applicant	Respondent		,	
				0.1			
				Orders			
Judicial C	Officer		Date		Time		
	Clerk's record						
				ICIK SICCOIC			
						İ	

Back of Court Copy

Restraining Orders Act 1997 s. 45 Restraining order		Number:			
		Jurisdiction:	☐ Court of Petty Sessions	☐ Children's Court	
Applica	tion to vary or cancel	Location:			
Person	Family name:				
applying to vary or	Other names:				
cancel	Address: street: suburb:		postcode:		
	Phone nos.: work: Are you: the protected person a police officer the restrained person	□ tl	home: ne parent or guardian of a pro ne legal guardian of the protec		
Restraining	Type of order:	g Order	Misconduct Restraining Ord	der	
order	Date order was made: Restraining Order no:				
Restrained person:					
	Protected person:				
Substantial changes	If you are the restrained person, what circu	imstances nave s	ubstantially changed since the	e order was made?	
Variation or cancellation	Do you want the order to be a call of amended, what do you want changed?	nncelled	□ amended		
Grounds for variation or cancellation	Why do you want the restraining order var	ried or cancelled	?		
Hearing	Court:		Date:	Time:	
Trouring	Signature of clerk:		<u> </u>	L	

 $\label{eq:first-problem} \hat{\mathbb{I}}$ Where to attend court

Î Î When to attend court

Copy for Person Applying to Vary or Cancel

page 58 Reprint 1

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:	☐ Court of Petty Sessions	☐ 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		Parent or guardian of a protected child	
summonsed	□ Restrained Person □	8 8 8	
	Family name:		Date of birth:
	Other names:		
	Home street:		
	address: suburb:	postcod	e:
	Work street:	_	
	address: suburb:	postcod	e:
	Phone nos.: work:	home:	
Restraining	☐ Violence Restraining Order	Date order made:	
order	☐ Misconduct Restraining Order	Date order served:	
	Restrained person:		
	Protected person:		
Application	An application has been made for the restrain cancelled amended The amendments sought are as follows:	ing order to be:	
Grounds for application			
Applicant	Signature:		Date:
Hearing [To be filled in by	Court:	Date:	Time:
the court]	Signature of clerk:		

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

Court Copy

page 60 Reprint 1

Forms Schedule 1	Forms	Schedule 1
------------------	-------	------------

Restraining Orders Act 1997 s. 47
Restraining order
Summons to vary or cancel

Number:		
Jurisdiction:	☐ Court of Petty Sessions	☐ 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	□ Protected person	□ P	arent or guardia	an of a protected ch	ild
summonsed	□ Restrained Person		egal guardian o	of the protected pers	son
	Family name:				Date of birth:
	Other names:				
	Home street:				
	address: suburb:			post	code:
	Work street:				
	address: suburb:			post	code:
	Phone nos.: work:		home:		
Restraining	☐ Violence Restraining Order		Da	ate order made:	
order	☐ Misconduct Restraining Order		Da	ate order served:	
	Restrained person:				
	Protected person:				
Application Grounds for	An application has been made for the		g order to be:		
application Applicant	Signature:				Date:
Hearing	Court:			Date:	Time:
ricaring	Signature of clerk:				
	û				û

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

Where to attend court

Summonsed Person's Copy

When to attend court

Restraining Orders Act 1997 s. 47			
Restraining order			
Summons to vary or cancel			

Number:		
Jurisdiction:	☐ Court of Petty Sessions	☐ 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	☐ Protected person		rdian of a protected of		
summonsed	□ Restrained Person	Legal guardia	in of the protected pe	erson	
Person	Family name: Other names:			Date of birth:	
to be served	Home street: address: suburb: Work street: address: suburb:		pos	stcode:	
	Phone nos.: work:	home	<u>;</u> :		
Restraining	☐ Violence Restraining Order		Date order made:		
order	☐ Misconduct Restraining Order		Date order served:		
	Restrained person:				
	Protected person:				
Application	An application has been made for the reconstruction amended The amendments sought are as follows:	ning order to be	:		
Grounds for application					
Applicant	Signature:			Date:	
Hearing	Court:		Date:	Time:	
	Signature of clerk:				

Proof of Service Copy

page 62 Reprint 1

Forms	Schedule 1

	Certificate of Service
Person serving summons	Name of person serving summons: I am
Service	Method of service: personal by post 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: I personally served this summons on the respondent I posted this summons to the respondent 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 Restraining Orders Act 1997. Signature: Date:
	OR
Summons not served	Name of person attempting to serve summons: I am
	the respondent appears to be deliberately avoiding being served with this summons other [give details]:

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

	aining Orders Act 1997 s. 63 Number:		
	Jurisdiction: Court of Petty Sessions	s 🗆 C	hildren's Court
during	other proceedings Location:		
Recor	rd of proceedings		
Application	Order made:	у	
Person to be	Family name	Date	of birth:
protected	Other names:		
	Address: street: suburb: postco	ada.	
	Phone nos.: work: home:	ide:	
	Role in proceeding in which restraining order was made:		
	applicant/complainant respondent/defendant		
	□ other witness □ other		
Person to be	Family name:	Dat	e of birth:
restrained	Other names: Home street:		
	address: suburb: postco	ode:	
	Work street:		
	address: suburb: postco	ode:	
	Phone nos.: work home: Role in proceeding in which restraining order was made:		
	applicant/complainant respondent/defendant		
	□ other witness □ other		
Grounds on which order applied for or considered			
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?	□ No	
	Are there any current Family Court proceedings in which such	□ No	
	orders are being sought?		
	Details of family order or proceedings		
Firearms	Does the person to be restrained have a firearm or a firearms licence?	□ No	
1 nourms	Does the person to be restrained have a meant of a meants nechec: Does the person to be restrained have access to a firearm at work? Tes	□ No	
Witness	Person to be protected:		
and summary of evidence	a disortio de procede.		
	Person to be restrained:		
	Other people:		

page 64 Reprint 1

		Forms	Schedule 1
Other notes			
Terms of the order			
Order made	Date order made:	Time order made:	
Clerk	Signature:		Date:

Court Copy

р .	uining Orders Act 1997 s. 75	NTL	
	9	Number:	
	te restraining order	Jurisdiction: Court of Petty Sessions	
Appli	cation to register	Location:	
Protected	Family name:		Date of birth:
person	Other names:		Date of birth.
	Address: street: suburb:	postcoo	la.
	Phone nos.: work:	home:	ic.
Applicant	Are you: the protected person a police officer	the parent or guardian of the legal guardian of the	
[If you, the	Family name:	ine legal guardian of the	Date of birth:
applicant, are the protected person, you do not need to fill in these details]	Other names:		•
	Address: street: suburb:	postcoo	le:
	Phone nos.: work:	home:	
Restrained	Family name:		Date of birth:
_	Other names:		
[Fill in as many details as you	Home street: address: suburb:	postcode:	
can]	Work street: address: suburb:	postcode:	
	Phone nos.: work:	home:	
Interstate	State where order was made:		
order	Court in which order was made:		
	Date order was made:	Order/matter no.:	
Notice	I do do not want notice of the	e registration of this order given to the re	strained person.
Applicant	Signature:		Date:
Registered	Date of registration:	Time of registration	on:
[To be filled in by	Signature of clerk:	Date:	
Notification [To be filled in by the court]	I certify that on//_ at I notified the applicant that the order had be Signature of clerk:	am/pm at en registered.	

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

Court Copy

page 66 Reprint 1

Forms	Schedule 1
FORMS	Schedule i

	straining Orders Act 1997 s. 75	Number:	
Interst	ate restraining order	Jurisdiction: Court of Petty Session	ns
App	lication to register	Location:	
Protected	Family name:		Date of birth:
person	Other names:		
	Address: street: suburb: Phone nos.: work:	po home:	ostcode:
Applicant	Are you: the protected person a police officer		ian of a protected child of the protected person
	Family name: Other names:		Date of birth:
	Address: street: suburb:	ро	ostcode:
	Phone nos.: work:	home:	
Restrained person	Family name: Other names:		Date of birth:
person	Home street: address: suburb:	postcode:	
	Work street: address: suburb:	postcode:	
	Phone nos.: work:	home:	
Interstate	State where order was made:		
order	Court in which order was made:		
	Date order was made:	Order/matter no.:	
Notice	I □ do □ do not want notice of the	e registration of this order given to	the restrained person.
Applicant	Signature:		Date:
Registered	Date of registration:	Time of regis	stration:
	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

Res	straining Orders Act 1997 s. 75	Number:	
Interst	ate restraining order	Jurisdiction: Court of Petty Sessions	
App	lication to register	Location:	
Protected	Family name:		Date of birth:
person	Other names:		
	Address: street: suburb: Phone nos.: work:	posto	ode:
Applicant	Are you: ☐ the protected person ☐ a police officer	☐ the parent or guardian ☐ the legal guardian of the legal guardi	he protected person
	Family name: Other names:		Date of birth:
	Address: street: suburb:	posto	code:
	Phone nos.: work:	home:	
Restrained	Family name:		Date of birth:
person	Other names:		
	Home street: address: suburb:	postcode:	
	Work street: address: suburb:	postcode:	
	Phone nos.: work:	home:	
Interstate			
order	Court in which order was made:		
	Date order was made:	Order/matter no.:	
Notice	I ☐ do ☐ do not want notice of th	e registration of this order given to the	restrained person.
Applicant	Signature:		Date:
Registered	Date of registration:	Time of registra	tion:
	Signature of clerk:	Date:	

Notification to the Commissioner of Police

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

Police Copy (for Central Warrant Bureau)

page 68 Reprint 1

Forms	Schedule 1

Res	straining Orders Act 1997 s. 75	Number:		
	ate restraining order	Jurisdiction: Court of Petty S	essions	
App	lication to register	Location:		
Protected	Family name:		Date of birth:	
person	Other names:			
	Address: street:			
	suburb: Phone nos.: work:	home:	postcode:	
Applicant			☐ the parent or guardian of a protected child ☐ the legal guardian of the protected person	
	Family name:	inc logar game	Date of birth:	
	Other names:			
	Address: street:			
	suburb:		postcode:	
	Phone nos.: work:	home:		
Restrained	Family name:		Date of birth:	
person	Other names:			
	Home street:			
	address: suburb: Work street:	postcode:		
	address: suburb:	postcode:		
	Phone nos.: work:			
Interstate	State where order was made:			
order	Court in which order was made:			
	Date order was made:	Order/matter	no.:	
Notice	I ☐ do ☐ do not want notice of th	e registration of this order give	n to the restrained person.	
			F	
Applicant	Signature:		Date:	
Registered	Date of registration:	Time of	registration:	
	Signature of clerk:	Date:		

Notification to the Registrar or Clerk

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

Interstate Court's Copy

[Schedule 1 (Correction in Gazette 16 Sep 1997 p. 5235); amended in Gazette 8 Jan 2002 p. 33.]

Notes

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
Restraining Orders Regulations 1997	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)
Restraining Orders Amendment Regulations 1998	27 Mar 1998 p. 1714	27 Mar 1998
Restraining Orders Amendment Regulations (No. 2) 2001	8 Jan 2002 p. 32-3	8 Jan 2002

Reprint 1: The *Restraining Orders Regulations 1997* as at 13 Feb 2004 (includes amendments listed above)