Western Australia

Restraining Orders Amendment Act 2013

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Western Australia

Restraining Orders Amendment Act 2013

No. 14 of 2013

An Act to amend the *Restraining Orders Act 1997* and to make consequential amendments to the *Children’s Court of Western Australia Act 1988*.

 [Assented to 4 October 2013]

The Parliament of Western Australia enacts as follows:

## Part 1 — Preliminary

##### 1. Short title

 This is the *Restraining Orders Amendment Act 2013*.

##### 2. Commencement

 This Act comes into operation on the day on which it receives the Royal Assent.

## Part 2 — *Restraining Orders Act 1997* amended

##### 3. Act amended

 This Part amends the *Restraining Orders Act 1997*.

##### 4. Section 25 amended

 Delete section 25(3) and insert:

 (3) An application for a violence restraining order made in person is to be made in the prescribed form to —

 (a) if the respondent is a child, the Children’s Court; or

 (b) if the respondent is not a child and the person seeking to be protected is a child, the Children’s Court or the Magistrates Court; or

 (c) otherwise, the Magistrates Court.

##### 5. Section 64 amended

 Delete section 64(3) and (4) and insert:

 (3) If the decision was made by the Children’s Court when constituted so as not to consist of or include a Judge, the appeal is to be made in accordance with the *Children’s Court of Western Australia Act 1988* section 41.

 (4) If the decision was made by the Children’s Court when constituted so as to consist of or include a Judge, the appeal is to be made in accordance with the *Children’s Court of Western Australia Act 1988* section 42A.

## Part 3 — *Children’s Court of Western Australia Act 1988* amended

##### 6. Act amended

 This Part amended the *Children’s Court of Western Australia Act 1988*.

##### 7. Section 20 amended

 (1) Delete section 20(1)(c).

 (2) After section 20(1) insert:

 (2A) Subject to this Act and the *Restraining Orders Act 1997* section 52, the Court has jurisdiction to hear and determine all applications made to the Court with respect to a child under the *Restraining Orders Act 1997*.

 (3) In section 20(2) delete “subsection (1).” and insert:

 subsections (1) and (2A).

