

Western Australia

## **Restraining Orders Regulations 1997**

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## Restraining Orders Regulations 1997

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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>.

#### 2A. Interpretation

In these regulations —

“**approved**” means approved in writing by the Chief Executive Officer of the department of the Public Service principally assisting the Minister in the administration of the Act;

“**form**” followed by a designation means the form of that designation in Schedule 1;

“**proceedings under the Act**” means —

- (a) the hearing of an application; or
- (b) proceedings for an offence against the Act;

“**restrained person**”, in relation to a restraining order, means the person who is bound by the order.

*[Regulation 2A inserted in Gazette 26 Nov 2004 p. 5259-60.]*

**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) Where a form is in parts, then only those parts of the form that are relevant, taking into account the part heading, need be used for a particular copy of the form, or for a particular purpose.
- (3) It is sufficient compliance with the Act if a form substantially in compliance with the prescribed Form is used.

*[Regulation 3 amended in Gazette 26 Nov 2004 p. 5260.]*

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## Part 2 — Firearms and other weapons

*[Heading amended in Gazette 26 Nov 2004 p. 5260.]*

### 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 62E 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.

*[Regulation 5 amended in Gazette 26 Nov 2004 p. 5260.]*



**5A. Dealing with firearms seized under section 62B(2)(c) of the Act**

A firearm seized under section 62B(2)(c) of the Act is to be dealt with in the same manner as a firearm seized under section 24(2) of the *Firearms Act 1973*.

*[Regulation 5A inserted in Gazette 26 Nov 2004 p. 5261.]*

**5B. Dealing with other weapons seized under section 62B(2)(c) of the Act**

A weapon, other than a firearm, seized under section 62B(2)(c) of the Act is to be dealt with under sections 15, 16, 17 and 18 of the *Weapons Act 1999* in the same manner as a weapon seized under that Act.

*[Regulation 5B inserted in Gazette 26 Nov 2004 p. 5261.]*

### **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 7.

*[Regulation 6 amended in Gazette 26 Nov 2004 p. 5261.]*

#### **6A. Application to correct minor error in restraining orders — section 49A of the Act**

- (1) An application to the court under section 49A of the Act for an order correcting a restraining order is to be made in the form approved.
- (2) Subject to subregulation (3), an application under subregulation (1) is to be heard in the absence of the other party to the order.
- (3) If the court hearing an application so orders, the hearing is to be adjourned and notice of the application is to be given to the other party to the order.
- (4) Where an order is made under subregulation (3), the clerk is to ensure that the other party to the restraining order is given notice of the application, and is to fix a hearing and summons both parties to the hearing.
- (5) A copy of a restraining order corrected under section 49A of the Act is to be —
  - (a) served on the person who is bound by the restraining order;
  - (b) delivered to —
    - (i) the person protected by the order; or
    - (ii) the parent or guardian of that person, if the parent or guardian made the application for the restraining order on behalf of that person;
  - (c) delivered to the Commissioner of Police; and
  - (d) placed on the court's records.

- (6) The correction of restraining order under section 49A of the Act does not affect the time when the restraining order came into force or the duration of the restraining order.

*[Regulation 6A inserted in Gazette 26 Nov 2004 p. 5261-2.]*

**6B. Order that child be allowed to give oral evidence — section 53A of the Act**

- (1) A party to a restraining order, or a person charged with an offence against the Act, may apply to the court for an order that a child be allowed to give oral evidence at any proceedings under the Act specified in the application.
- (2) An application referred to in subregulation (1) is to be made at least 14 days before the proceedings.
- (3) An application referred to in subregulation (1) is to be made in the form approved.
- (4) If an application referred to in subregulation (1) is made, the clerk is to give notice of the application to all other parties to the proceedings.

*[Regulation 6B inserted in Gazette 26 Nov 2004 p. 5262-3.]*

**6C. Attendance at hearings**

- (1) For the avoidance of doubt, a person is not to be taken to have failed to attend a hearing if the person is represented at the hearing by —
- (a) a legal practitioner; or
  - (b) a police officer, who made the application on behalf of the person, or who is conducting proceedings on the person's behalf under section 62G of the Act.
- (2) Subregulation (1) does not apply if the person has failed to attend a hearing —
- (a) after being summonsed; or

**r. 6D**

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- (b) where, in the opinion of the court, the hearing cannot take place without the physical presence of the person.

*[Regulation 6C inserted in Gazette 26 Nov 2004 p. 5263.]*

**6D. Certificate to the effect that the person who is bound by a restraining order was present in court when the order was made — section 55(3a) of the Act**

Where a person bound by a restraining order is present in court when the order is made, the clerk of the court is to certify that this was so, in the form approved.

*[Regulation 6D inserted in Gazette 26 Nov 2004 p. 5264.]*

**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.

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*[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
  - (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. *Repealed in Gazette 26 Nov 2004 p.5264.*]

**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.



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## Part 5 — General

*[Heading inserted in Gazette 26 Nov 2004 p. 5264.]*

### 13. **Property that may be recovered when restraining order made — section 13(5) of the Act**

For the purposes of section 13(5) of the Act, property that may be recovered by a person from a place specified in a violence restraining order may include any, or all, of the following —

- (a) property that is used by the person to earn income;
- (b) personal property of a child of the person;
- (c) property that is wholly, or partly, the property of the person and that is used for, or by, a child of the person;
- (d) property that the other party to the restraining order has agreed that the person may recover.

*[Regulation 13 inserted in Gazette 26 Nov 2004 p. 5264.]*

### 14. **Procedures for recovering property under terms of a violence restraining order — section 13(5)(b) of the Act**

- (1) For the purposes of section 13(5)(b) of the Act, the procedures set out in this regulation are the procedures in accordance with which property specified in a violence restraining order is to be recovered from a place specified in that order.
- (2) Subject to subregulation (4), the person seeking to recover the property is to negotiate a mutually convenient time for the recovery of the property with a person who has lawful access to the property.
- (3) Subject to subregulation (4), if agreement as to the recovery of the property is reached, the person seeking to recover the property is to recover the property in accordance with that agreement.
- (4) If the person seeking to recover the property is unable to negotiate a mutually convenient time for the recovery of the

property, or to carry out an agreement reached as to the recovery of the property, due to the terms of the violence restraining order, or for any other reason, the person wishing to recover the property may seek the assistance of a police officer.

*[Regulation 14 inserted in Gazette 26 Nov 2004 p. 5265.]*

**15. Exchange of information — section 70A of the Act**

For the purposes of section 70A of the Act, the following information about a person protected by a violence restraining order, or a child affected by such an order, is prescribed information —

- (a) the name, address, telephone number, age and ethnicity and other details of —
  - (i) the person or child;
  - (ii) a person who is bound by the violence restraining order; or
  - (iii) an offender or alleged offender responsible for, or involved in, any offence relevant to the granting of the violence restraining order;
- (b) a description of any offence relevant to the granting of the violence restraining order and an abridged description of the circumstances of its commission;
- (c) any information about the grounds on which the violence restraining order was granted;
- (d) the name, rank and any other relevant identifying information of any police officer in charge of investigating any offence relevant to the granting of the violence restraining order;
- (e) the police station or office where information is held —
  - (i) about the investigation of any offence relevant to the granting of the violence restraining order or the breach of that order; or

- (ii) about the grounds on which the order was granted;
- (f) the status of the investigation and prosecution of any offence relevant to the granting of the violence restraining order by a police officer.

*[Regulation 15 inserted in Gazette 26 Nov 2004 p. 5265-6.]*

**Schedule 1 — Forms**

[r. 3]

**Table of forms**

**Forms about violence restraining orders**

<b>Form</b>		<b>Provisions of Act</b>
1	Application for violence restraining order	Section 25
2	Part A — Violence restraining order Part B — Information to be on the copy of order given to the person who is bound by the order Part C — Information to be on the respondent's endorsed copy Part D — Information to be on the copy of the order given to the person protected by the order Part E — Information to be on the proof of service copy Part F — Details of family order	Sections 29, 32, 43, 49, 63 and 66
3	Part A — Section 63A violence restraining order Part B — Information to be on the copy of the order given to the person who is bound by the order Part C — Information to be on the copy of the order given to the person protected by the order	Section 63A

**Forms about misconduct restraining orders**

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

**Forms about telephone orders**

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

**Forms**

**Forms about variation and cancellation of orders**

Form		Provisions of Act
8	Part A — Application to vary or cancel a restraining order Part B — Information to be on the copy of the application given to the applicant	Section 45
9	Part A — Summons to vary or cancel restraining order Part B — Information to be on the proof of service copy	Section 47

**Forms for police orders**

Form		Provisions of Act
10	Police order Part A — Police order Part B — Information to be on the proof of service copy Part C — Information to be on copy of police order given to the person bound by a police order Part D — Information to be on copy of police order given to a person protected by a police order	Part 2 Division 3A

**Other forms**

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





Forms

Form 2 — Violence restraining order  
Part B — Information to be on the copy of order given to the person who is bound by the order

**IMPORTANT INFORMATION  
FOR PERSON BOUND BY THIS ORDER**

**If the order is for 72 hours or less**

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

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

Counselling and support services may be of assistance to you.

**If the order is an interim order**

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

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

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

If you do not object to this order being made final you should fill in the "Consent" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which remains in force for the period specified in the order, or 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 order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

**If the order is a final order**

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

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

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

If there is no duration specified in the order the order expires:

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

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

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

**Affidavit evidence may be provided on request**

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

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



Forms

Form 2 — Violence restraining order  
 Part C — Information to be on the respondent's endorsed copy of the order

**IMPORTANT INFORMATION  
 FOR THE PERSON WHO IS BOUND BY THIS ORDER**

For interim orders only

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

**OR**

Consent	
Order Restraining Order No.:	Court of Issue:
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:

**Forms**

Form 2 — Violence restraining order  
 Part D — Information to be on the copy of the order given to the person protected by the order

**IMPORTANT INFORMATION  
 FOR THE PERSON PROTECTED BY THIS ORDER**

<b>If the order is for 72 hours or less</b>	
<p>A violence restraining order has been made to protect you for 72 hours or less on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order. The person who is bound by this order must comply with this order until the end of the duration period set out in the order.</p> <p><b>Penalty:</b> It is an offence to breach a violence restraining order. If the person bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.</p>	
<b>If the order is an interim order</b>	
<p>An interim violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until a final order is made or a court decides not to make a final order. The person who is bound by this order must comply with this order at all times while it is in force.</p> <p>The person who is bound by this order has 21 days within which to object to the order before it becomes a final order.</p> <p>If the person who is bound by this order does object you will need to attend a final order hearing. At that hearing the court will consider anything you and the person who is bound by this order want to say before deciding whether to make a final restraining order. The court will let you know if a final order hearing is to be held and where and when you need to attend. Even if the person who is bound by this order does object, this interim order will remain in force until the final order hearing.</p> <p>If the person who is bound by this order does not object this order will automatically become a final order which remains in force for the period specified in the order, or if no period is specified for 2 years, from the date this interim order was served on the person bound by this order. You will then not need to attend a final order hearing.</p> <p><b>Penalty:</b> It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.</p> <p>Counselling and support services may be of assistance to you.</p>	
<b>If the order is a final order</b>	
<p>A final violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the person who is bound by this order, or at a later time, if this is specified on the front of this order, and it will remain in force until it expires or is varied or cancelled by a court. The person who is bound by this order must comply with this order at all times while it is in force.</p> <p>If there is a duration specified in the order the order expires at the end of the specified period.</p> <p>If there is no duration specified in the order the order expires:</p> <ul style="list-style-type: none"> <li>• if it was made at a final order hearing, 2 years after this final order comes into force;</li> <li>• if it was a telephone order which became a final order because the person who is bound by the order did not object, 3 months (or any shorter time specified in the order) after the telephone order was served on the person who is bound by the order.</li> </ul> <p>If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the clerk of the court.</p> <p><b>Penalty:</b> It is an offence to breach a violence restraining order. If the person who is bound by this order breaches this order he or she may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.</p> <p>Counselling and support services may be of assistance to you.</p>	
<b>Affidavit evidence may be provided on request</b>	
	<p>If you, or the person bound by this order, request a copy of any affidavit received in evidence in relation to this order the clerk of courts where the application for the order was made is to provide a copy of the affidavit to the person who made the request.</p>
<b>THIS ORDER COMES INTO FORCE IMMEDIATELY IF THE PERSON WHO IS BOUND BY THE ORDER WAS PRESENT IN COURT WHEN IT WAS MADE</b>	

Forms

Form 2 — Violence restraining order  
Part E — Information to be on the proof of service copy

<b>Certificate of Service</b>	
Restraining order No: _____ Court of issue: _____	
Person serving order	Name of person serving order: I am <input type="checkbox"/> the clerk of the court <input type="checkbox"/> a police officer      Name and other identifying information: _____ <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 [Person who is bound by the order]	Name: _____ Date of birth: _____ Signature: ..... (If possible to obtain)
Certificate	I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this order on the person who is bound by the order <input type="checkbox"/> I orally served this order on the person who is bound by this order <input type="checkbox"/> I posted this order to the person who is bound by this order <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this order on the person who is bound by this order in accordance with Part 6 Division 2 of the <i>Restraining Orders Act 1997</i> .  In the case of oral service, I also certify that I gave the person who is bound by this order the information required by section 55(5) of the <i>Restraining Orders Act 1997</i> and that he or she appeared to understand what was said. Signature: _____      Date: _____

**Forms**

Form 2 — Violence restraining order  
Part F — Details of family order

<i>Restraining Orders Act 1997 s. 66</i> <b>Details of family order</b> <b>Annexure to application</b>		Number:
		Jurisdiction:
		Location:
Parties to the family order or proceedings	Name:	
	Address: street: suburb: postcode:	
	Name:	
	Address: street: suburb: postcode:	
Children	Names:	
	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 seeking to be protected by the restraining order is a party to the family order, attach a copy of the family order. If not, fill in the details as far as you (or the person seeking to be protected) 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:



**Forms**

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Form 3 — Section 63A violence restraining order  
Part B — Information to be on the copy of the order given to the person who is bound  
by the order

**IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER**

**Section 63A violence restraining order**

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

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

Counselling and support services may be of assistance to you.

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

Forms

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Form 3 — Section 63A violence restraining order  
Part C — Information to be on the copy of the order given to the person protected by the order

**IMPORTANT INFORMATION  
FOR THE PERSON WHO IS PROTECTED BY THIS ORDER**

**Section 63A violence restraining order**

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

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

Counselling and support services may be of assistance to you.

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

**Forms**

**Form 4 — Application for misconduct restraining order**

<p style="font-size: small;">Restraining Orders Act 1997 s. 38(2)</p> <p style="font-size: large; font-weight: bold; margin: 0;">Misconduct restraining order Application</p>		Number: _____	
		Jurisdiction: _____	
		Location: _____	
Person seeking to be protected	Family name: _____		Date of birth: _____
	Other names: _____		
	Address: street: _____		
	suburb: _____ postcode: _____		
Phone nos.: work: _____ home: _____			
Applicant [[If not the person seeking to be protected]	Are you: <input type="checkbox"/> the person seeking to be protected <input type="checkbox"/> the parent or guardian of a child who is seeking to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person who is seeking 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 a person seeking to be protected; <input type="checkbox"/> damage property owned by, or in the possession of, the person seeking to be protected; or <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.		
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 [To be filled in by the court.]	Court: _____		Date: _____
	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: _____		



Forms

Form 5 — Misconduct restraining order  
Part A — Misconduct restraining order

<i>Restraining Orders Act 1997 s. 43, 49 and 63</i> <b>Misconduct Restraining Order</b>		Number:
		Jurisdiction:
		Location:
Person who is bound by this order	Family name:	Date of birth:
	Other names:	
	Home street:	
	address: suburb: postcode:	
	Work street:	
address: suburb: postcode:		
Phone nos.:	work:	home:
Person protected	Family name:	Date of birth:
	Other names:	
Terms of the order		
Order made	Date order made:	Time order made:
Clerk	Signature:	Date:

**Forms**

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Form 5 — Misconduct restraining order  
Part B — Information to be on the copy of the order given to the person who is bound  
by the order

**IMPORTANT INFORMATION  
FOR THE PERSON WHO IS BOUND BY THIS ORDER**

**Misconduct Restraining Order**

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

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

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

If, in the future, you want the order varied or cancelled you may apply to the court. The person who is bound by this order may also apply to have the order varied or cancelled. If you would like more information about doing this you should consult your lawyer or the 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 on conviction will face a penalty of up to \$1 000.

Counselling and support services may be of assistance to you.

**Affidavit evidence may be provided on request**

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

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

Forms

Form 5 — Misconduct restraining order  
Part C — Information to be on the copy of the order given to the person protected  
by the order

**IMPORTANT INFORMATION  
FOR THE PERSON PROTECTED BY THE ORDER**

**Misconduct Restraining Order**

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

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

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

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

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

Counselling and support services may be of assistance to you.

**Affidavit evidence may be provided on request**

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

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



Forms

Form 6 — Telephone order  
Part A — Court copy of telephone order

<i>Restraining Orders Act 1997 s. 23</i> <b>Telephone Violence Restraining Order</b>		Number:
		Jurisdiction:
		Location:
Person who is bound by this order	Family name:	Date of birth:
	Other names:	
	Home street: address: suburb: postcode:	
	Work street: address: suburb: postcode:	
Phone nos.: work: home:		
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:

Forms

Form 6 — Telephone order  
Part B — Copy of the order given to the person who is bound by the order

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

Forms

Form 6 — Telephone order  
Part C — Information to be on the copy of the order to be given to the person who is bound by the order

**IMPORTANT INFORMATION  
FOR PERSON WHO IS BOUND BY THIS ORDER**

**If the order is for 72 hours or less**

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

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

Counselling and support services may be of assistance to you.

**If the order is an interim order**

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

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

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

If you do not object to this order being made final you should fill in the "Consent" section on the back of the other copy of this order and return it to the court within 21 days from the date this order was served on you. You will then not need to attend a final order hearing and the order will automatically become a final order which remains in force for the period specified in the order, or 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 order you may be arrested and on conviction will face a penalty of up to \$6 000 or imprisonment for 2 years, or both.

**Affidavit evidence may be provided on request**

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

**Forms**

Form 6 — Telephone order  
 Part D — Information to be on the respondent's endorsed copy

**IMPORTANT INFORMATION  
 FOR THE PERSON WHO IS BOUND BY THIS ORDER**

For interim orders only

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

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

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

**OR**

Consent			
Order	Restraining Order No.:	Court of Issue:	
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:	



Forms

Form 6 — Telephone order  
 Part E — Information to be on the copy of the order given to the person protected  
 by the order

**IMPORTANT INFORMATION  
 FOR PERSON PROTECTED BY THIS ORDER**

**If the order is for 72 hours or less**

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

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

**If the order is an interim order**

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

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

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

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

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

Counselling and support services may be of assistance to you.

**Affidavit evidence may be provided on request**

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



Forms

Form 7 — Restraining order record of telephone application

*Restraining Orders Act 1997 s. 21(4)*

**Restraining order  
Record of telephone  
application**

Number:
Jurisdiction:
Location:

Authorised person	Name:	
	Rank and number/identification:	
	Contact phone no: <span style="float: right;">Date of application:</span>	
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 seeking to be protected	Family name:	Date of birth:
	Other names:	
	Address: street: suburb: <span style="float: right;">postcode:</span>	
	Phone nos.: work: <span style="float: right;">home:</span>	
Applicant  [If not the person seeking to be protected]	The applicant is: <input type="checkbox"/> person seeking to be protected <input type="checkbox"/> parent or guardian of a child who is seeking to be protected <input type="checkbox"/> a child welfare officer on behalf of a child who is seeking to be protected <input type="checkbox"/> authorised person <input type="checkbox"/> legal guardian of the person who is seeking to be protected	
	Family name:	Date of birth:
	Other names:	
	Address: street: suburb: <span style="float: right;">postcode:</span>	
	Phone nos.: work: <span style="float: right;">home:</span>	
Respondent	Family name:	Date of birth:
	Other names:	
	Home street: address: suburb: <span style="float: right;">postcode:</span>	
	Work street: address: suburb: <span style="float: right;">postcode:</span>	
	Phone nos.: work: <span style="float: right;">home:</span>	
	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	

**Forms**

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Witnesses and summary of evidence	Applicant:  Respondent:  Authorised person:  Other people:
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Other notes	
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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:
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Magistrate	Name:		
	Court where Magistrate is based:		
	Magistrate's location when hearing application:		
	Signature:	Date:	Time:

Forms

Form 8 — Application to vary or cancel a restraining order  
Part A — Application to vary or cancel a restraining order

<i>Restraining Orders Act 1997 s. 45</i> <b>Restraining order</b> <b>Application to vary or cancel</b>		Number: Jurisdiction: Location:
Person applying to vary or cancel	Family name:	
	Other names:	
	Address: street:	
	suburb:	postcode:
	Phone nos.: work:	home:
Are you:	<input type="checkbox"/> the person protected by the order <input type="checkbox"/> the parent or guardian of a child protected by the order <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of the person protected by the order <input type="checkbox"/> the person bound by the order	
Restraining order	Type of order:	<input type="checkbox"/> Violence Restraining Order <input type="checkbox"/> Misconduct Restraining Order
	Date order was made:	Restraining order no:
	Person who is bound by the order:	Person who is protected by the order:
Grounds for leave to continue this application <small>[Only fill this in if the application is being made by the person bound by the order]</small>	If you are the person bound by the restraining order, on what grounds do you seek leave to continue the application?	
Variation or cancellation	Do you want the restraining order to be <input type="checkbox"/> cancelled <input type="checkbox"/> varied If varied, what do you want changed?	
Grounds for variation or cancellation	Why do you want the restraining order varied or cancelled?	
Hearing <small>[To be filled in by the court]</small>	Court: Date: Time:	
Notification <small>[To be filled in by the court]</small>	I certify that on ___/___/___ at ___ am/pm at _____ I notified the person applying to vary or cancel of the hearing date. Signature of clerk:	

**Forms**

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Form 8 — Application to vary or cancel a restraining order  
Part B — Information to be on the copy of the application to be given to the applicant

**IMPORTANT INFORMATION  
FOR THE APPLICANT**

**Application by the person protected by the restraining order**

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

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

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

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

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

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

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

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

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

**Application to extend duration of order**

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

Forms

Form 9 — Summons to vary or cancel restraining order  
Part A — Summons to vary or cancel restraining order

<p><i>Restraining Orders Act 1997 s. 47</i></p> <p><b>Restraining order</b></p> <p><b>Summons to vary or cancel</b></p>
---

Number:
Jurisdiction:
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"/> Person protected by the order <input type="checkbox"/> Parent or guardian of a child protected by the order <input type="checkbox"/> Person bound by the order <input type="checkbox"/> Legal guardian of a person protected by the order <input type="checkbox"/> Child Welfare Officer on behalf of a child protected by the order		
	Family name:		Date of birth:
	Other names:		
	Home street:	address: suburb:	postcode:
	Work street:	address: suburb:	postcode:
Phone nos.: work: home:			
Restraining order	<input type="checkbox"/> Violence Restraining Order <input type="checkbox"/> Misconduct Restraining Order		Date order made:
	Person bound by the order:		Date order served:
	Person protected by the order:		
Application	An application has been made for the restraining order to be: <input type="checkbox"/> cancelled <input type="checkbox"/> varied The variations sought to the order are as follows:		
Grounds for application			
Hearing [To be filled in by the court]	Court:	Date:	Time:
	Signature of clerk:		

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

**Forms**

Form 9 — Summons to vary or cancel restraining order  
Part B — Information to be on the proof of service copy

<b>Certificate of Service</b>	
Restraining order No: _____ Court of issue: _____	
Person serving summons	Name of person serving summons: I am <input type="checkbox"/> the 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: _____
	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 [Person bound, or person protected by the order]	Name: _____ Date of birth: _____ Signature:..... [If possible to obtain]
	Certificate I certify that on the day and at the time and place set out above: <input type="checkbox"/> I personally served this summons on the person to be summonsed <input type="checkbox"/> I posted this summons to the person to be summonsed <input type="checkbox"/> I took the steps directed by the court to effect substituted service of this summons on the person to be summonsed in accordance with Part 6 Division 2 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 person to be summonsed does not appear to live or work at the addresses given and cannot be found elsewhere <input type="checkbox"/> the person to be summonsed appears to be deliberately avoiding being served with this summons <input type="checkbox"/> other [give details]
	Signature: _____ Date: _____

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



Forms

Form 10 — Police order  
Part A — Police order

*Restraining Orders Act 1997 Part 2 Division 3A.*

**Police Order**

Person who is bound by this order	Family name:	Date of birth:	
	Other names:		
	Home street:	address: suburb:	postcode:
	Work street:	address: suburb:	postcode:
	Phone nos.:	work:	home: mobile:
Person protected	Family name:	Date of birth:	
	Other names:		
Type of order	This order is a <input type="checkbox"/> 24 hour police order		
	<input type="checkbox"/> 72 hour police order		
Terms of the order			
Order made	Date order made:	Time order made:	
Order expires	This order will expire at am/pm on the day of		20
Issuing police officer	Name and other identifying information:		
	Signature:		

**Forms**

Form 10 — Police order  
Part B — Information to be on the proof of service copy

<b>Certificate of Service</b>							
Person served (Person who is bound by the order)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">Name:</td><td style="border: none;"></td></tr> <tr><td style="padding: 2px;">Date of birth:</td><td style="border: none;"></td></tr> <tr><td style="padding: 2px;">Signature:</td><td style="border: none;"></td></tr> </table>	Name:		Date of birth:		Signature:	
Name:							
Date of birth:							
Signature:							
Consent for 72 hour police order	<p><b>Order for the protection of an adult</b></p> <p>I, ..... Date of birth .....</p> <p>(name of person protected by the police order) consent to the making of this 72 hour police order.</p> <p>Signature .....</p> <hr/> <p><b>Order for the protection of a child</b></p> <p>I, .....the parent/ guardian* of the child to be protected by this police order consent to the making of this order.</p> <p>Signature .....</p> <p><b>OR</b></p> <p><input type="checkbox"/> a child welfare officer * consents to the making of this order.</p> <p>Name and other identifying information .....</p> <p><i>*Delete as applicable</i></p>						
Details of Service	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="2" style="padding: 2px;">Place where order served:</td></tr> <tr><td style="width: 60%; padding: 2px;">Date of service:</td><td style="padding: 2px;">Time of service:</td></tr> </table>	Place where order served:		Date of service:	Time of service:		
Place where order served:							
Date of service:	Time of service:						
Officer servicing order	<p>Name and other identifying information:</p> <p>I certify that on the day and at the time and place set out above:</p> <p><input type="checkbox"/> I personally served this order on the person bound by this order</p> <p><input type="checkbox"/> I gave the explanation required by section 30E(3) of the <i>Restraining Orders Act 1997</i> to the person bound by this order and the person protected by this order</p> <p>Signature:</p> <p>Date:</p>						

Forms

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Form 10 — Police order  
Part C — Information to be on the copy of order given to the person bound  
by a police order

**PERSON BOUND BY THIS ORDER  
IMPORTANT INFORMATION**

This is a police order which has been made against you.  
In this police order you are referred to as the person who is bound by this order.  
This police order came into force when it was served on you.  
You must comply with the terms of this order until it expires.  
The date and time of expiry are written on the front of this order.  
The terms of this police order are written on the front of this order. You should read the terms carefully so that you are aware of the restraints that have been imposed on you — this means that you are not to do certain things.  
This police order has been issued to —

- ensure that a person is protected from acts of family and domestic violence;
- prevent behaviour that could reasonably be expected to cause fear that a person will have committed against them an act of family and domestic violence; or
- ensure that children are not exposed to acts of domestic violence.

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

Counselling and support services may be of assistance to you.

**Forms**

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Form 10 — Police order

Part D — Information to be on the copy of a police order given to a person protected by a police order

**IMPORTANT INFORMATION  
FOR PERSON PROTECTED BY A POLICE ORDER**

This is a police order which has been made for your benefit.  
In this police order you are referred to as the person protected.  
This police order came into force when it was served on the person who is bound by the order.  
The person bound by this order must comply with the terms of this order until it expires.  
The date and time of expiry are written on the front of this order.  
The terms of this police order are written on the front of this order. You should read the terms carefully so that you are aware of the restraints that have been imposed to protect you.  
This police order has been issued to —

- ensure that a person is protected from acts of family and domestic violence;
- prevent behaviour that could reasonably be expected to cause fear that a person will have committed against them an act of family and domestic violence; or
- ensure that children are not exposed to acts of domestic violence.

The person bound by this order commits an offence if he or she fails to comply with this order.

You must not —

- invite or encourage the person bound by this order to breach this order; or
- by your actions cause the person bound by this order to breach the order.

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

Counselling and support services may be of assistance to you.

Forms

Form 11 — Restraining order made during other proceedings — record of proceedings

<i>Restraining Orders Act 1997 s. 63</i> <b>Restraining order made during other proceedings</b> <b>Record of proceedings</b>		Number: _____ Jurisdiction: _____ Location: _____
Application	Order made: <input type="checkbox"/> by Court of its own motion <input type="checkbox"/> on an application or request by _____	
Person protected by the order	Family name: _____	Date of birth: _____
	Other names: _____	
	Address: street: _____	
	suburb: _____ postcode: _____	
	Phone nos.: work: _____ home: _____	
Role in proceeding in which restraining order was made:		
<input type="checkbox"/> applicant/complainant <input type="checkbox"/> respondent/defendant <input type="checkbox"/> other witness <input type="checkbox"/> other _____		
Person who is bound by the restraining order	Family name: _____	Date of birth: _____
	Other names: _____	
	Home street: _____	
	address: suburb: _____ postcode: _____	
	Work street: _____	
address: suburb: _____ postcode: _____		
Phone nos.: work _____ home: _____		
Role in proceeding in which restraining order was made:		
<input type="checkbox"/> applicant/complainant <input type="checkbox"/> respondent/defendant <input type="checkbox"/> other witness <input type="checkbox"/> other _____		
Grounds on which order applied for or considered		
Family orders	Are there any current family orders relating to the person who is bound by the restraining order's rights in relation to children who may be affected by a restraining order? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Are there any current Family Court proceedings in which such orders are being sought? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Details of family order or proceedings: _____	
Firearms	Does the person who is bound by the restraining order have a firearm or a firearms licence? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Does the person who is bound by the restraining order have access to a firearm at work? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Witness and summary of evidence	Person protected by the restraining order: _____	
	Person who is bound by the restraining order: _____	
	Other people: _____	
Other notes		

**Forms**

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

Forms

Form 12 — Application to register an interstate restraining order  
Part A — Application to register an interstate restraining order

*Restraining Orders Act 1997 s. 75*

**Interstate restraining order  
Application to register**

Number:
Jurisdiction:
Location:

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

Applicant <small>[If not the person seeking to be protected]</small>	Are you: <input type="checkbox"/> the person to be protected <input type="checkbox"/> the parent or guardian of a child to be protected <input type="checkbox"/> a police officer <input type="checkbox"/> the legal guardian of a person to be protected	
	Family name:	Date of birth:
	Other names:	
	Address: street: suburb: postcode:	
	Phone nos.: work: home:	

Person who is to be bound by this order <small>[Fill in as many details as you can]</small>	Family name:	Date of birth:
	Other names:	
	Home address: street: suburb: postcode:	
	Work address: street: 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 person who is to be bound by this order
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Applicant	Signature:	Date:
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Registered <small>[To be filled in by the court]</small>	Date of registration:	Time of registration:
	Signature of clerk:	Date:

Notification <small>[To be filled in by the court]</small>	I certify that on ___/___/___ at ___ am/pm at _____ I notified the applicant that the order had been registered.
	Signature of clerk:

**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 person who is to be bound by the order.**

**Forms**

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Form 12— Application to register an interstate restraining order  
Part B — Information to be on the copy of the application given to the applicant

Notification to applicant

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

Form 12— Application to register an interstate restraining order  
Part C— Information to be on the copy of the application given to  
the Commissioner of Police

Notification to the Commissioner of Police

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

Form 12 — Application to register an interstate restraining order  
Part D — Information to be on the copy of the application given to the interstate court  
where the relevant interstate order was made

Notification to the Registrar 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.



Forms

Form 13 — Restraining order — summons  
Part A — Restraining order — summons

<p><i>Restraining Orders Act 1997 s. 26(3) and 39</i></p> <p><b>Restraining order Summons</b></p>
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Number:
Jurisdiction:
Location:

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

Respondent	Family name:		
	Other names:		
	Home street: address: suburb: postcode:		
	Work street: address: suburb: postcode:		
	Phone nos.: work: home:		
Person seeking to be protected	Family name:		
	Other names:		
Applicant [If not the person seeking to be protected]	The applicant is: <ul style="list-style-type: none"> <li><input type="checkbox"/> person seeking to be protected</li> <li><input type="checkbox"/> parent or guardian of a child who is seeking to be protected</li> <li><input type="checkbox"/> a police officer</li> <li><input type="checkbox"/> the legal guardian of a person seeking to be protected</li> </ul>		
	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:		

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

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

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



Forms

Form 14 — Application to have decision under section 42 of the Act set aside

<i>Restraining Orders Act 1997 Section 43A.</i> <b>Application to set aside                  decision under section 42 of                  the Restraining Orders                  Act 1997</b>		Number:	
		Jurisdiction:	
		Location:	
Applicant's details	Name:		Date of birth:
	Address:		
	Phone nos.:	work:	home: mobile
Respondent's details	Name:		
Date of decision			
Date of application	This application is <b>made</b> within 21 days from the date that I first became aware of/ was served with a copy of the order  This application is <b>not made</b> within 21 days from the date that I first became aware of/ was served with a copy of the order		
Application	I apply for the following orders —  Leave be granted to proceed with this application out of time. The decision and orders made in this matter on the date above be set aside.		
Grounds for application	I rely on the following grounds in support of this application. (Outline grounds, if insufficient space please attach further information.)		
Signature of applicant and date			
Notice of court hearing	Court:		
	Address:		
	Date and time of hearing:		

**Forms**

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*[Schedule 1 inserted in Gazette 26 Nov 2004 p. 5267-304.]*

**Notes**

- <sup>1</sup> This is a compilation 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**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<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 Restraining Orders Regulations 1997 as at 13 Feb 2004</b> (includes amendments listed above)		
<i>Restraining Orders Amendment Regulations 2004</i>	26 Nov 2004 p. 5257-305	1 Dec 2004 (see r. 2)