

Prostitution Act 2000

Prostitution (Restraining Orders) Regulations 2000

Western Australia

Prostitution (Restraining Orders) Regulations 2000

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Western Australia

Prostitution Act 2000

Prostitution (Restraining Orders) Regulations 2000

1. Citation

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

2. Commencement

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

3. Forms

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

4. Affidavit

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

5. Orders under section 37

(1) When a court makes a restraining order under section 37 of the Act the court is to make a written record of the proceedings in the prescribed form and cause the form to be placed on the court records.

(2) For the purposes of section 42 of the Act, when a court makes a restraining order under section 37 of the Act, the order is taken to have been made on the application of the Commissioner of Police.

6. Service of applications

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

7. Service of restraining orders

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

8. Notification

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

[r. 3]

Form	Title	Section
1	Application for prostitution restraining order	38
	Court copy (front and back)	
	Applicant's copy	
	Copy for person to be restrained	
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	Court copy (front and back)	
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	order	
6	Application to vary or cancel a prostitution	42
	restraining order	
	Court copy (front and back)	
	Copy for person applying to vary or cancel	
	Other party's copy	

Pro	estitution Act 2000	Number			
	olication for a	Jurisdiction			
prostit	prostitution restraining				
	order				
	I				
Applicant	Name		on behalf of		
	the Commissioner of Po	olice			
	Regimental no.				
	Police station/division				
	Phone no.				
Person to be			Date of birth		
restrained	Other names				
(Fill in as many	Home street				
details as	address suburb		postcode		
known)	Work location				
	Address street				
	Suburb		postcode		
	Phone nos. work home				
Grounds for	I suspect that the person	to be restrained —			
application	☐ has committed	an offence in a public	place		
	intends to com	mit an offence in a pu	blic place		
	Offence				
	Public place				
Directions	Date Given by (nan	ne & regimental no.)	Given at (place)		
given under					
s. 26 of Act					
	l l				
Applicant	Signature		Date		
			<u> </u>		
Hearing	Court	Date	Time		
(To by filled in	Ciamatuma of magistus:				
by the court)	Signature of registrar				

Court copy

				Forms	Schedule 1
		Decore	d of Proceedin	ναε	
Date	Atter	ndance	Repres	entation	Adjournments
Buile	Applicant	Person to be restrained	Applicant	Person to be restrained	rajournitonio
			Orders		
Judicial	Officer		Date	Time	
		C	lerk's record		
Back o	f court copy				

page 5

Pro	ostitution	Act 2000		Numbe	er		
App	Application for a prostitution restraining			Jurisdiction			
prostit		~	3	Locati	on		
	orde	er					
	ls r						1 1 10 0
Applicant	Name		-1:			C	on behalf of
		missioner of Po	olice				
	Regimer						
		ation/division					
	Phone no	0.					
Person to be						Da	ate of birth
restrained	Other na	mes					
(Fill in as many	Home	street					
details as	address	suburb				postco	ode
known)	Work location						
	Address	street					
		Suburb				postco	ode
	Phone nos. work home						
Grounds for		that the persor					
application		has committed					
		intends to com	mit an o	offence	in a public pla	ice	
	Offence						
	Public p	lace					
Directions	Date	Given by (nan	ne & re	gimenta	ıl no.)	Given	at (place)
given under							
s. 26 of Act							
Applicant	Signatur	e					Date
Hearing	Court				Date		Time
(To by filled in	Cionatas	a of maniature			<u> </u>		1
by the court)	Signature of registrar						

Applicant's copy

_	
Forms	Schedule 1

Prostitution Act 2000 Application for a prostitution restraining order

Number	
Jurisdiction	☐ Magistrates Court☐ Children's Court
Location	

	orde	er		Location		
Applicant	Name					on behalf of
	the Com	missioner of Police	•			
	Regimen	tal no.				
	Police sta	ation/division				
	Phone no).				
Person to be	Family n	ame				Date of birth
restrained	Other na	mes				
(T) 11 :	Home	street				
(Fill in as many details as	address	suburb			po	stcode
known)	Work	location				
ŕ	Address	street				
		Suburb			po	stcode
	Phone no	os. work		1	nome	
Grounds for	I suspect	that the person to	be r	estrained —		
application		has committed an o	offe	nce in a public	place	
		intends to commit	an o	ffence in a pub	lic place	
	Offence					
	Public pl	ace				
Directions	Date	Given by (name &	z re	gimental no.)	G	iven at (place)
given under						

Directions	Date	Given by (name & regimental no.)	Given at (place)
given under			
s. 26 of Act			

oplicant Signature	Date
--------------------	------

Hearing (To by filled in	Court	Date	Time
	Signature of registrar		

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

You are required to attend a court hearing on this matter at the place and time set out above. If you do not attend the court hearing a restraining order may be made against you in your absence.

A restraining order may prohibit you from going to certain places or doing certain things, or impose restrictions on the places where you may go and the things that you may do.

Copy for person to be restrained

_	
Forms	Schedule 1

Application for a prostitution restraining order

Number	
Jurisdiction	☐ Magistrates Court☐ Children's Court
Location	

Applicant	Name			on behalf of	
rppiicant		missioner of Police		on benuit of	
	Regimen				
		ation/division			
	Phone no				
Person to be	Family n	ame		Date of birth	
restrained	Other nai				
	Home	street		l	
(Fill in as many details as	address	suburb		postcode	
known)	Work	location		•	
,	Address	street			
		Suburb		postcode	
	Phone no	os. work	home		
Grounds for	I suspect	that the person to be re-	strained —		
application		has committed an offend	ce in a public place		
	i	intends to commit an of	fence in a public pl	ace	
	Offence				
	Public pl	ace			
Directions	Date	Given by (name & regi	imental no.)	Given at (place)	
given under					
s. 26 of Act					
Applicant	Signature	e		Date	
Hearing	Court		Date	Time	
(To by filled in			Duic	1 mile	
by the court)	Signature of registrar				

Proof of service copy

	Certific:	ate of service	
Officer	Name		
serving	Regimental no.		
application	Police station/division		
Service	Method of service	personal	☐ by post
	Place where order served		
	Date of service	Time o	of service
Person	Name		
served	Address street		
	Suburb		postcode
(If possible to obtain)	Signature		
obtaiii)	<u> </u>		
Certificate	I certify that on the day and	at the time and	d place set out above
certificate			n on the person to be restrained
			registered post to the person to
	be restrained at the	* 1 1	
	in accordance with the <i>Pros</i>	stitution (Restro	aining Orders)
	Regulations 2000.	,	,
	Signature		Date

Back of proof of service copy

				Forms	Schedule 1
Prostit ord	Prostitution Act 2000 Prostitution restraining order under s. 39 Record of proceedings			☐ Magistrate ☐ Children's ☐ Other	Court
Record	d of pro	ceedings	Location		
Application	Order made	by the co	ourt of its own mo	otion	
Person to be					Date of
	Other name				birth
(Fill in as many details as known)	Home address	street suburb		postco	ode
	Work Address	location street Suburb		postco	nde
	Phone nos.			home	, 400
Grounds for order	Place offen Date of offe	s. 6 — seeking prescribed of ce occurred ence	ng prostitution in ng client in publi ffence siders offender i	c place	nmit a similar

Forms Schedule 1 Witnesses Police and summary of evidence Person to be restrained Other witnesses Other notes

		Forms	Schedule 1
Terms of the order			
Order made	Date order made	Time order made	
Registrar			Date

Court copy

Pro	ostitution Ac	t 2000	Numbe	er			
P	Prostitut	ion			☐ Magistra	ates (Court
					☐ Children		
rest	raining	oraer			☐ Other		
			Locati				
			Locati	OII			
Restrained	Family nan	ne					Date of
person	Other name						birth
	Home	street					
	address				no	stco	de
		street				5000	
	Address				no	stco	de
Phone nos. work					home	5000	
	1 110114 11001	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
Terms of							
the order							
Order made	Date		T	ime			
_	Ia.				11:		
Registrar	Signature					Date	

Court copy

				Forms	Schedule 1
Pro	ostitution Ac	et 2000	Number		
P	Prostitut	ion	Jurisdiction	☐ Magistrates	Court
	raining			☐ Children's	Court
1050		oraci		Other	
			Location		
					-
Restrained	Family nar				Date of
person	Other nam				birth
	Home address	street suburb		postc	ode
	Work	street		posic	ouc
	Address			postc	ode
	Phone nos.			home	
	•				
Terms of					
the order					

Restrained person's copy

Date

Order made Date

Signature

Registrar

Time

IMPORTANT INFORMATION

Prostitution restraining order

A restraining order has been made against you on the terms set out on the front of this order. It will take effect when it is served on you and it will remain in force until it expires or is varied or cancelled by a court. You must comply with this order at all times while it is in force.

If there is a duration specified in the order, the order expires at the end of the specified period. If there is no duration specified in the order, it expires 1 year after it was served on you.

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

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

Back of restrained person's copy

				Forms	Schedule 1
p_{ν}	ostitution Ac	rt 2000	Number		
Prostitution restraining order Number					
Restrained person	Family nam Other nam Home				Date of birth
	address Work Address Phone nos			posto posto	
Terms of the order		WOIK			

Police copy

Date

Order made Date

Signature

Registrar

Time

	Certificate of se	rvice			
Officer	Name				
serving	Regimental no.				
order	Police station/division				
Service	Method of service ☐ personal	□ oral □ substituted			
	Place where order served				
	Date of service	Time of service			
Person	Name				
served	Address street				
ac :11 .	Suburb	postcode			
(If possible to obtain)	Signature				
obtain)					
Certificate	I certify that on the day and at the ti	me and place set out above			
	☐ I personally served this order on the restrained person				
	☐ I orally served this order on the restrained person				
	☐ I took the steps directed by the court to effect substituted service				
	of this order on the restrain				
	in accordance with the Prostitution	(Restraining Orders)			
	Regulations 2000, and in the case of	f oral service I also certify that the			
	restrained person appeared to under				
	Signature	Date			

Back of police copy

				Forms	Schedule 1
Pr	ostitution Act	2000	Number		
]	Prostituti	on		☐ Magistrates☐ Children's	Court Court
res	training (oruer		Other	
			Location		
	In 11				
Restrained	Family nam				Date of
person	Other name				birth
		street suburb			
		street		postc	ode
	Address			postc	ode
	Phone nos.			home	ouc
	I Hone nos.	WOIK		попіс	
Terms of the order					
Order made	Date		Time		
Cluci mauc			1 11110		

Proof of service copy

Date

Registrar

Signature

	Certificate of service						
_							
Officer	Name						
serving	Regimental no.						
order	Police station/division	n					
Service	Method of service	□ personal	□ oral	☐ substituted			
	Place where order ser	ved					
	Date of service	Tim	e of service				
Person	Name						
served	Address street						
	Suburb		postco	de			
(If possible to obtain)	Signature						
obtain)							
Certificate	I certify that on the da	av and at the time	and place set o	ut above			
Certificate		served this order of					
		ed this order on the					
				substituted service			
		on the restrained p		substituted service			
				wa)			
		in accordance with the <i>Prostitution (Restraining Orders)</i> Regulations 2000, and in the case of oral service I also certify that the					
	restrained person app						
	Signature	cared to understar	iu wiiai was sai	Date			
	Signature			Date			

Back of proof of service copy

Forms	Schedule 1

Application for leave to apply to vary or cancel a prostitution restraining			Number Jurisdiction Location	☐ Court o☐ Childre	f Petty Sessions n's Court
	order				
Restrained person				postc	ode
Restraining order	Date order w				
Substantial changes	What circum made?	nstances have su	bstantially chang	ged since the	e order was
		t the order to be at do you want		□ varied	
Grounds for variation or cancellation	Why do you	want the restrai	ning order varied	d or cancell	ed?
Person applying for leave	Signature				Date
Hearing (To be filled in by the court)	Court			Date	Time

Court copy

Signature of registrar

		Recor	d of Proceeding	ıgs			
Date		ndance	Repres	entation	Adjournments		
	Applicant	Person to be	Applicant	Person to be			
		restrained		restrained			
			Orders				
 Indicial	Officer		Date	Time			
- Date Tille							
	Clerk's record						
		C	ierk s record				
		C.	ierk s record				

Clerk's record					

Back of court copy

Forms	Schedule 1

Pro	stitution Act	2000	Number		
	cation fo			☐ Court of I☐ Children's	Petty Sessions s Court
	•	or cancel	Location		
a prosti	tution re	straining			
	order				
Restrained	Family nam	e			
person	Other names	S			
	Address	street			
		Suburb		postcoc	le
	Phone nos.	work		home	
0	Date order v				
order	Restraining	Order no.			
Substantial changes	made?	nstances have sui	ostantially chang	ed since the c	order was
		t the order to be nat do you want o		□ varied	
	T 1			11 1	
Grounds for variation or cancellation	Why do you	want the restrain	ning order varied	or cancelled	?
Person applying for leave	Signature			D	rate
	1				
Hearing (To be filled in	Court			Date	Time
by the court)	Signature of	registrar			

Restrained person's copy

IMPORTANT INFORMATION

Application for leave to apply to vary or cancel

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

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

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

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

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

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

Back of restrained person's copy

Forms

This form must not be served until service is ordered by the Court

Pro	ostitution Act	2000	Number			
Appli	ication fo	r leave	Jurisdiction	☐ Court of Petty Sessions☐ Children's Court		
to apply	to vary	or cancel	T	L Children's Court		
	·	straining	Location			
	order					
Restrained	Family name	e				
person	Other names					
1	Address	street				
		Suburb		postcode		
	Phone nos.	work		home		
	•					
Restraining	Date order v	vas made				
order	Restraining	Order no.				
Substantial	What circum	nstances have sul	bstantially chang	ged since the order was		
changes	made?		, ,			
Ö						
17	D	4 41	الممالية مسمما	☐ varied		
		t the order to be		□ varied		
cancellation	iii varied, wr	nat do you want o	cnanged?			
Cuanada C	Why do year	wont the nectucin	nina andan wasia	d an agnagliad?		
	wny do you	want the restrain	ning order varied	or cancelled?		
variation or						
cancellation						
D	G:t			D :		
Person	Signature			Date		
applying for						
leave	I			i		

This form must not be served until service is ordered by the Court

Application for leave
to apply to vary or cancel
a prostitution restraining
order

ns

Hearing	Court	Date	Time
(To be filled in			
by the court)	Signature of registrar		

Respondent's copy

This form must not be lodged until application has been served on the Respondent

Pro	ostitution Act 2000	Number
Annli	ication for leave	Jurisdiction
		☐ Children's Court
to apply to vary or cancel		Location
a prosti	tution restraining	
-	order	
	oraci	
D	p 9	
Restrained	Family name	
person	Other names	
	Address street	
	Suburb	postcode
	Phone nos. work	home
Restraining	Date order was made	
order	Restraining Order no.	
Substantial	What circumstances have su	ibstantially changed since the order was
changes	made?	-
Variation on	Do you want the order to be	☐ cancelled ☐ varied
	If varied, what do you want	
cancenation	II varied, what do you want	changed?
	I	
C1C	William I a server and the	
	why do you want the restrain	ining order varied or cancelled?
variation or		
cancellation		

This form must not be lodged until application has been served on the Respondent

Pro	ostitution Act 2000	Number			
Application for leave to apply to vary or cancel a prostitution restraining order		Jurisdiction	☐ Court of Petty Session ☐ Children's Court		
		Location			
Person applying for leave	Signature			Dat	e
Hearing (To be filled in	Court		Date		Time
by the court)	Signature of registrar				

Proof of service copy

Forms	Schedule 1

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

Back of proof of service copy

Prostitution Act 2000 Number Affidavit in support of application Jurisdiction ☐ Magistrates Court for leave to apply to vary or cancel ☐ Children's Court a prostitution restraining order Location Person Family name Date of birth making Other names affidavit Home street address suburb postcode **Affidavit** I make oath and swear that since the restraining order was made the relevant circumstances have changed as follows — NOTE You must set out ALL the relevant circumstances — this includes things that may go against your application as well as those that support it. 4. (Add extra pages if required) 5. 6. Signature Sworn

Forms Schedule 1

Prostitution Act 2000		Number			
Application to vary or		Jurisdiction	■ Magistrat		
cancel a prostitution			☐ Children'	s Court	
restraining order			Location		
	8				
Applicant	☐ Police office	er nominated	by the Commissi	ioner of Polic	e
	Name		•		
	Regime	ental no.			
		station/divisio	 n		
	Phone		11		
	☐ Restrained	person			
Restrained	Family name				
person	Other names				
1		reet			
	Sı	uburb		postc	ode
	Phone nos. w	ork		home	
Restraining	Date order wa				
order	Restraining Order no.				
-	Date leave to apply to vary was granted				
Leave	(if application is by restrained person)				
Variation or	Do wou wont	the order to be		□ varied	
Variation or Do you want the order to be ☐ cancelled ☐ varied cancellation If varied, what do you want changed?					
Cancenation	The variet, what do you want changed:				
	Why do you v	vant the restra	ining order to be	varied or can	celled?
variation or					
cancellation	n				
Signature of					Date
applicant					

	Forms Schedule 1
Prostitution Act 2000	Number
Application to vary or	Jurisdiction
cancel a prostitution	☐ Children's Court
-	Location
restraining order	

Hearing (To be filled in by the court) Court Date Time Signature of registrar

Court copy

		Record	d of Proceeding	ngs	
Date	Atter	ndance	Repres	entation	Adjournments
	Applicant	Person to be	Applicant	Person to be	
		restrained	• •	restrained	
		l l			
			Orders		
			Olders		
Judicial	Officer		Date	Time	
Clerk's record					
			51001u		
			<u>-</u>		

Back of court copy

Forms	Schedule 1
Forms	SCHANIIA

Prostitution Act 2000 Application to vary or cancel a prostitution restraining order

Applicant

Number	
Jurisdiction	☐ Magistrates Court☐ Children's Court
Location	

	Name			
	Regimental no.			
	Police station/division			
	Phone no.			
	☐ Restrained person			
Restrained	Family name			
person	Other names			
	Address street			
	Suburb	postcode		
	Phone nos. work	home		
	Date order was made			
order	Restraining Order no.			
	Date leave to apply to vary was granted			
Leave	(if application is by restrained person)			
	Do you want the order to be cancelled	☐ varied		
cancellation	If varied, what do you want changed?			
C 1.6	Two is a second of the second	. 1 11 10		
	Why do you want the restraining order to be	e varied or cancelled?		
variation or				
cancellation				
	1			

☐ Police officer nominated by the Commissioner of Police

Prostitution (Restraining Orders) Regulations 2000

Copy for person applying to vary or cancel

Forms	Schedule 1
Forms	SCHANIIA

Date

Prostitution Act 2000 Application to vary or cancel a prostitution restraining order

Applicant

Signature of

applicant

Number	
Jurisdiction	☐ Magistrates Court☐ Children's Court
Location	

	Name		
	Regimental no.		
	Police station/division		
	Phone no.		
	☐ Restrained person		
Restrained	Family name		
person	Other names		
	Address street		
	Suburb	postcode	
	Phone nos. work	home	
Restraining	Date order was made		
order	Restraining Order no.		
	Date leave to apply to vary was granted		
Leave	(if application is by restrained person)		
	Do you want the order to be cancelled	☐ varied	
cancellation	If varied, what do you want changed?		
C 1.6	xx 1	. 1 11 10	
	Why do you want the restraining order to be	e varied or cancelled?	
variation or			
cancellation			

☐ Police officer nominated by the Commissioner of Police

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Prostitution (Restraining Orders) Regulations 2000

Forms

Schedule 1 Prostitution Act 2000 Number Application to vary or ☐ Children's Court cancel a prostitution Location restraining order Hearing (To be filled in Court Date Time by the court) Signature of registrar

Other party's copy

[Schedule 1 amended: Gazette 31 Jul 2007 p. 3799.]

Notes

This is a compilation of the *Prostitution (Restraining Orders) Regulations 2000* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
Prostitution (Restraining Orders) Regulations 2000	28 Jul 2000 pp.4067-100	29 Jul 2000 (see regulation 2 and <i>Gazette</i> 28 Jul 2000 p.3987)
Prostitution (Restraining Orders) Amendment Regulations 2007 ²	31 Jul 2007 p. 3799	r. 1 and 2: 31 Jul 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2007 (see r. 2(b))

The amendment in the *Prostitution (Restraining Orders) Amendment Regulations 2007* r. 4(3) is not included as it is not clear what amendment was intended.