

LEGAL AFFAIRS — MAGISTRATES COURT (CIVIL PROCEEDINGS) AMENDMENT RULES 2022

683. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Magistrates Court (Civil Proceedings) Amendment Rules 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the rules;
- (b) who was consulted prior to these amendment rules being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment rules addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) Various provisions of the *Restraining Orders Act 1997* (RO Act) are relevant to children, particularly children in care. These provisions were not captured by the information recorded in the restraining order application forms prescribed under the Magistrates Court (Civil Proceedings) Rules 2005. Such information is important to ensure that the Court is made aware of the care and protection status of a child involved in a restraining order proceeding. This is because the RO Act sets out the Court procedure based on the status of the child. The changes to the prescribed forms in the *Magistrates Court (Civil Proceedings) Amendment Rules 2022* now capture this information.
- (b) These amendments were undertaken at the request of the President of the Children's Court, and as such, His Honour was consulted throughout drafting. As these were amendments to the Magistrates Court Rules of Court, the Chief Magistrate was consulted, and provided approval, prior to any amendments being sought. Consultation also took place with officers from within the Court and Tribunal Services Division of the Department.
- (c) No.
- (d)–(f) N/A.