

## Restraining Orders Amendment Regulations 2012

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Restraining Orders Amendment Regulations 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Restraining Orders Regulations 1997*.

**4. Schedule 1 amended**

- (1) In Schedule 1 under the heading “**Table of forms**” after the item relating to Form 13 insert:

14A.	Application to have final order under section 32(2) of the Act set aside	Section 32(5)
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- (2) Delete Schedule 1 Form 2 Parts A to D and insert:

Form 2 — Violence restraining order

Part A — Violence restraining order

<small>Restraining Orders Act 1997 s. 29, 32, 43, 49 and 63</small> <b>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 <input type="checkbox"/> a final order	

Terms of this order	
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Information about unlawful behaviour and activities	In addition to the terms of this order, the court informs you that the following behaviour and activities are unlawful:
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Order made	Date order made:	Time order made:
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Registrar		Date:
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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 (e.g. 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 —

- (a) if no period is specified and you are not a child, for 2 years; or
- (b) if no period is specified and you are a child, for 6 months,

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 and —
  - (a) you are not a child, 2 years; or
  - (b) you are a child, 6 months,
 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 registrar 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.

**Additional information about conviction for breaching the order**

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, **you will face a penalty that is or includes imprisonment (or, if you are a child, detention)** unless the court decides under section 61(6) of the Act not to impose such a penalty.

**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 registrar of the court 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**

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:			
suburb:		postcode:	
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:			
suburb:		postcode:	

I do not object to a final order being made on the same terms as this interim order. I understand that this interim order will automatically become a final order which will stay in force for the period specified in the order, or —

(a) if no period is specified and I am not a child, for 2 years; or

(b) if no period is specified and I am a child, for 6 months,

from the date on which this interim order was served on me.

Signature:

Date:

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**

**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 —

- (a) if no period is specified and the person bound by the order is not a child, for 2 years; or
- (b) if no period is specified and the person bound by the order is a child, for 6 months,

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.

**If the order is a final order**

A final violence restraining order has been made to protect you on the terms set out on the front of this order. This order will come into force when it is served on the 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:

- if it was made at a final order hearing and —
  - (a) you are not a child, 2 years; or
  - (b) you are a child, 6 months,
 after this final order comes into force; or
- 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.

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 registrar of the court.

**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.

**Additional information about breaching the order**

**Note 1:** If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

**Note 2:** If the person who is bound by this order is convicted of breaching the order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61(6) of the Act not to impose such a penalty.

**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 registrar of the court 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**

- (3) In Schedule 1 Form 3 Part A delete “Signature:”.
- (4) Delete Schedule 1 Form 3 Parts B and C and insert:

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.

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, **you will face a penalty that is or includes imprisonment (or, if you are a child, detention)** unless the court decides under section 61(6) of the Act not to impose such a penalty.

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**

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.

**Note 1:** If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

**Note 2:** If the person who is bound by this order is convicted of breaching this order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61(6) of the Act not

to impose such a penalty.

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**

- (5) In Schedule 1 Form 4 delete “Signature of registrar.” (each occurrence) and insert:

Registrar:

- (6) In Schedule 1 Form 5 Part A delete “Signature:”.

- (7) Delete Schedule 1 Form 5 Parts B and C and insert:

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**

<b>Misconduct Restraining Order</b>
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 registrar of the court. <b>Penalty:</b> 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. <b>Note:</b> If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the <i>Restraining Orders Act 1997</i> section 61B(2)).
Counselling and support services may be of assistance to you.
<b>Affidavit evidence may be provided on request</b>
If you, or the person protected by this order, request a copy of any affidavit received in evidence in relation to this order the registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.
<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>

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**

<b>Misconduct Restraining Order</b>
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 registrar of the court. <b>Penalty:</b> 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. <b>Note:</b> If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the <i>Restraining Orders Act 1997</i> section 61B(3) and (4)).

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 registrar of the court 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**

(8) Delete Schedule 1 Form 6 Parts C, D and E and insert:

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 —

(a) if no period is specified and you are not a child, for 2 years; or

(b) if no period is specified and you are a child, for 6 months,

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.

**Additional information about conviction for breaching the order**

If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**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 registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

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: suburb: postcode:	
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: suburb: postcode:	
I do not object to a final order being made on the same terms as this interim order. I understand that this interim order will automatically become a final order which will stay in force for the period specified in the order, or —	
(a) if no period is specified and I am not a child, for 2 years; or	
(b) if no period is specified and I am a child, for 6 months,	
from the date on which this interim order was served on me.	
Signature:	Date:

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 —

(a) if no period is specified and the person bound by the order is not a child, for 2 years; or

(b) if no period is specified and the person bound by the order is a child, for 6 months, 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.

#### **Additional information about breaching the order**

If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

#### **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 registrar of the court where the application for the order was made is to provide a copy of the affidavit to the person who made the request.

(9) In Schedule 1 Form 8 Part A delete “Signature of registrar:” and insert:

Registrar:

(10) In Schedule 1 Form 9 Part A delete “Signature of registrar:” and insert:

Registrar:

(11) Delete Schedule 1 Form 10 and insert:

Form 10 — Police order

Part A — Police order

*Restraining Orders Act 1997 Part 2 Division 3A*

### **Police Order**

Person who is | Family name:

Date of birth:

bound by this order	Other names:	
	Home street:	
	address: suburb:	postcode:
	Work street:	
Person protected	address: suburb:	postcode:
	Phone nos.:	work: home: mobile:
	Family name:	Date of birth:
	Other names:	
Terms of the order		
Order made	Date order made:	Time order made:
Order expires	This order will expire at a.m./p.m. on the day of 20 [Note that this order cannot remain in force for a period longer than 72 hours after it has been served.]	
Issuing police officer	Name and other identifying information:	
	Signature:	

Form 10 — Police order

Part B — Information to be on the proof of service copy

**Certificate of Service**

Person served [Person who is bound by the order]	Name:	
	Date of birth:	
	Signature:	
Details of Service	Place where order served:	
	Date of service:	Time of service:
Officer servicing order	Name and other identifying information:	
	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 bound by this order. <input type="checkbox"/> I gave the explanation required by the <i>Restraining Orders Act 1997</i> section 30E(3) to the person bound by this order and the person protected by this order.	
	Signature:	
	Date:	

**ISSUING POLICE OFFICER**

**IMPORTANT INFORMATION: ORDERS AGAINST CHILDREN**

Note that the *Restraining Orders Act 1997* section 30D reads as follows:

**30D. Police orders against children**

- (1) A police order cannot impose restraints on a child unless the child is in a family and domestic relationship with the person for whose benefit the order is made.
- (2) A police officer must not make a police order against a child that might affect the care and wellbeing of the child unless the police officer is satisfied that appropriate arrangements have been made for the care and wellbeing of the child.

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.

**Note 1:** If you are convicted of breaching this order, the fact that the person protected by the order aided you in the breach is not a mitigating factor for the purposes of your sentencing (see the *Restraining Orders Act 1997* section 61B(2)).

**Note 2:** If you are convicted of breaching this order and you have been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before your conviction for breaching this order, **you will face a penalty that is or includes imprisonment (or, if you are a child, detention)** unless the court decides under section 61(6) of the Act not to impose such a penalty.

Counselling and support services may be of assistance to you.

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.

**Note 1:** If the person bound by this order breaches it and you aid the person in that breach, you will not commit an offence however the court might decide to vary or cancel the order (see the *Restraining Orders Act 1997* section 61B(3) and (4)).

**Note 2:** If the person who is bound by this order is convicted of breaching this order and the person has been convicted of at least 2 other offences under the *Restraining Orders Act 1997* section 61(1) or (2a) within the period of 2 years before the conviction for breaching this order, the person will face a penalty that is or includes imprisonment (or, if the person is a child, detention) unless the court decides under section 61(6) of the Act not to impose such a penalty.

Counselling and support services may be of assistance to you.

- (12) In Schedule 1 Form 12 Part A delete “Signature of registrar.” (each occurrence) and insert:

Registrar:

- (13) In Schedule 1 Form 13 Part A delete “Signature of registrar.” and insert:

Registrar:

- (14) After Schedule 1 Form 13 insert:

Form 14A — Application to have final order under section 32(2) of the Act set aside

<small>Restraining Orders Act 1997 s. 32(5)</small>		Number:	
<b>Application to set aside final order under the <i>Restraining Orders Act 1997</i> section 32(2)</b>		Jurisdiction:	
		Location:	
Applicant's details	Name:	Date of birth:	
	Address:		
	Phone nos.:	work:	home: mobile:
Respondent's details	Name:		
Details of final order			
Date of application	<input type="checkbox"/> This application <b>is made</b> within 21 days from the date that I was notified that the interim order had become a final order. <input type="checkbox"/> This application <b>is not made</b> within 21 days from the date that I was notified that the interim order had become a final order.		
Application	I apply for the following orders — <input type="checkbox"/> Leave be granted to proceed with this application out of time. <input type="checkbox"/> The final order 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:

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.