

# Domestic Violence Orders (National Recognition) Bill 2017

## Contents

<b>Part 1 — Preliminary</b>		
1.	Short title	2
2.	Commencement	2
3.	Object of Act	2
4.	Terms used	2
5.	Local DVO	4
6.	Interstate DVO	5
7.	Registered foreign order	5
8.	General violence order	5
9.	Domestic violence concern	6
10.	Special provisions for foreign orders	6
<b>Part 2 — National Recognition of DVOs</b>		
<b>Division 1 — General Principles</b>		
11.	Recognition of DVOs	8
12.	Variations to DVO	8
13.	Cancellation of recognised DVO	9
14.	Recognised DVO prevails over earlier comparable DVOs	10
15.	Making of new orders	10
<b>Division 2 — Enforcement of recognised DVOs</b>		
16.	Recognised DVOs and variations are enforceable against person bound	11
17.	Properly notified	11
18.	Contravention of enforceable recognised DVO	12
<b>Division 3 — Enforcement of non-local DVOs</b>		
19.	Non-local DVO to be treated as local DVO	12

Contents

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20.	Licences, permits and other authorisations	13
21.	Recognition of disqualification to hold firearms licence	13
22.	Order for costs	14
	<b>Part 3 — Variation and cancellation of recognised non-local DVOs</b>	
23.	Term used: court	15
24.	Power of court to vary or cancel recognised non-local DVOs	15
25.	Application for variation or cancellation of recognised non-local DVO	15
26.	Decision about hearing of application	16
	<b>Part 4 — Exchange of information</b>	
27.	Issuing authorities may obtain DVO information	18
28.	Issuing authorities must provide DVO information	18
29.	Law enforcement agencies may obtain DVO information	18
30.	Information to be provided to law enforcement agencies	18
31.	DVO information obtained from, or provided to, prescribed persons or bodies	19
	<b>Part 5 — Miscellaneous</b>	
32.	Certificate of evidence — notification	20
33.	Regulations	21
	<b>Part 6 — Transitional provisions</b>	
	<b>Division 1 — Preliminary</b>	
34.	Term used: commencement day	22
35.	Enforcement of DVOs under other provisions	22
	<b>Division 2 — DVOs to which scheme applies</b>	
36.	DVOs made in this jurisdiction	22
37.	DVOs made in other jurisdictions	23
	<b>Division 3 — Extension of scheme to older DVOs</b>	
38.	DVOs declared to be recognised DVOs	23
39.	DVOs declared to be recognised in other jurisdictions before commencement day	24

**Division 4 — Power to declare DVO to be recognised**

40.	Power to declare DVO to be recognised	24
41.	Application for order	25
42.	Declarations relating to general violence orders	26

**Part 7 — *Restraining Orders Act 1997* amended**

43.	Act amended	27
44.	Section 3 amended	27
45.	Section 8 amended	27
46.	Sections 74A and 74B inserted	27
74A.	Interstate DVOs under <i>Domestic Violence Orders (National Recognition) Act 2017</i> cannot be registered	27
74B.	Interstate orders registered before commencement of <i>Domestic Violence Orders (National Recognition) Act 2017</i>	28

**Defined terms**



Western Australia

LEGISLATIVE ASSEMBLY

**Domestic Violence Orders (National  
Recognition) Bill 2017**

**A Bill for**

**An Act to give effect to the Western Australian component of a national recognition scheme for domestic violence orders and to make consequential amendments to the *Restraining Orders Act 1997*.**

The Parliament of Western Australia enacts as follows:

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## Part 1 — Preliminary

### 1. Short title

This is the *Domestic Violence Orders (National Recognition) Act 2017*.

### 2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

### 3. Object of Act

This Act establishes, in conjunction with the corresponding laws, a national recognition scheme for DVOs or domestic violence orders.

### 4. Terms used

(1) In this Act —

*cancel* includes revoke;

*corresponding law* means a law of another jurisdiction that —

- (a) contains provisions that substantially correspond with this Act; and
- (b) is prescribed by the regulations to be a corresponding law for the purposes of this Act;

*court*, of another participating jurisdiction, includes a registrar of that court;

*domestic violence concern* — see section 9;

*DVO* means a local DVO, an interstate DVO or a foreign order;

*final DVO* means a DVO that is not an interim DVO;

- 1           **foreign order** means —
- 2           (a) a New Zealand DVO; or
- 3           (b) an order prescribed by the regulations that —
- 4                 (i) substantially corresponds to a local DVO; and
- 5                 (ii) is made under a law of another country;
- 6           **former RO Act** means the *Restraining Orders Act 1997* as in
- 7           force before 1 July 2017;
- 8           **general violence order** — see section 8;
- 9           **interim DVO** means a DVO that is of an interim or provisional
- 10          nature and, to avoid doubt, includes —
- 11          (a) a DVO made by a police officer; or
- 12          (b) a DVO prescribed by the regulations to be an interim
- 13          DVO;
- 14          **interstate DVO** — see section 6;
- 15          **interstate law enforcement agency** means —
- 16          (a) the Police Force of another jurisdiction; or
- 17          (b) any other agency of another jurisdiction responsible for
- 18          the enforcement of DVOs in that jurisdiction;
- 19          **issuing authority** means a court or person with power to make,
- 20          vary or cancel a DVO under the law of a participating
- 21          jurisdiction;
- 22          **issuing jurisdiction**, in relation to a DVO, means the
- 23          jurisdiction in which the DVO is made;
- 24          **jurisdiction** means a State or Territory;
- 25          **local DVO** — see section 5;
- 26          **local law enforcement agency** means the Police Force of this
- 27          jurisdiction;
- 28          **make** includes issue;
- 29          **New Zealand DVO** means an order made under the *Domestic*
- 30          *Violence Act 1995* (New Zealand) or under an Act repealed by
- 31          that Act;

**s. 5**

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- 1            **non-local DVO** means an interstate DVO or a foreign order;
- 2            **participating jurisdiction** means the following jurisdictions —
- 3            (a) this jurisdiction;
- 4            (b) a jurisdiction in which a corresponding law is enacted;
- 5            **person bound** by an order means the person against whom the
- 6            order is made;
- 7            **properly notified** — see section 17;
- 8            **protected person** means a person for whose protection or benefit
- 9            a DVO is made;
- 10           **recognised DVO** — see sections 11 and 38;
- 11           **recognised variation** — see section 12;
- 12           **registered foreign order** — see section 7;
- 13           **vary** a DVO includes the following —
- 14           (a) amend or modify the DVO;
- 15           (b) add further conditions, prohibitions or restrictions to the
- 16           DVO or vary or delete conditions, prohibitions or
- 17           restrictions;
- 18           (c) extend or reduce the period in which the DVO remains
- 19           in force.
- 20           (2) Notes included in this Act do not form part of the Act.
- 21           **5. Local DVO**
- 22           (1) A **local DVO** means —
- 23           (a) a family violence restraining order as defined in the
- 24           *Restraining Orders Act 1997* section 3(1);
- 25           (b) a police order as defined in the *Restraining Orders*
- 26           *Act 1997* section 3(1);
- 27           (c) a violence restraining order made under the former
- 28           RO Act that addresses a domestic violence concern.
- 29           (2) A registered foreign order is not a local DVO.



1 **6. Interstate DVO**

2 (1) An *interstate DVO* means an order prescribed by the regulations  
3 that —

- 4 (a) substantially corresponds to a local DVO; and  
5 (b) is made under a law of another jurisdiction that contains  
6 provisions that substantially correspond to the  
7 *Restraining Orders Act 1997* Part 1B.

8 (2) A registered foreign order is not an interstate DVO.

9 **7. Registered foreign order**

10 A *registered foreign order* means a foreign order that —

- 11 (a) is a foreign restraining order registered under the  
12 *Restraining Orders Act 1997* Part 7A and that  
13 corresponds with an order under Part 1B; or  
14 (b) is registered under a law of another jurisdiction that  
15 contains provisions that substantially correspond to the  
16 *Restraining Orders Act 1997* Part 1B.

17 **8. General violence order**

18 A *general violence order* means any of the following —

- 19 (a) an intervention order under the *Intervention Orders*  
20 *(Prevention of Abuse) Act 2009* (South Australia); or  
21 (b) a violence restraining order made under the former  
22 RO Act Part 2; or  
23 (c) an order prescribed by the regulations that —  
24 (i) substantially corresponds to an order referred to  
25 in paragraph (a) or (b); and  
26 (ii) is made under a law of another jurisdiction that  
27 substantially corresponds to the laws referred to  
28 in those paragraphs.

- 1     **9. Domestic violence concern**
- 2         (1) A violence restraining order made under the former RO Act  
3             Part 2 addresses a ***domestic violence concern*** if —
- 4                 (a) the order was made because the person bound by the  
5                     order had committed an act of family and domestic  
6                     violence as defined in the former RO Act section 6(1);  
7                     or
- 8                 (b) it was feared the person bound by the order would  
9                     commit an act of family and domestic violence as  
10                    defined in the former RO Act section 6(1).
- 11         (2) An intervention order under the *Intervention Orders (Prevention*  
12             *of Abuse) Act 2009* (South Australia) addresses a ***domestic***  
13             ***violence concern*** if the order is made because it is reasonable to  
14             suspect that the person bound by the order will, without  
15             intervention, commit an act of domestic abuse (within the  
16             meaning of that Act).
- 17         (3) A general violence order is taken, for the purpose of this Act, to  
18             be an order that addresses a ***domestic violence concern*** if —
- 19                 (a) it is declared to be an order that addresses a domestic  
20                     violence concern by the issuing authority that makes the  
21                     order; or
- 22                 (b) a court of the jurisdiction in which the order is made  
23                     makes an order declaring the DVO to be a recognised  
24                     DVO in that jurisdiction.
- 25         (4) The regulations may prescribe circumstances in which an order  
26             made in a participating jurisdiction is taken, for the purposes of  
27             this Act, to be an order that addresses a ***domestic violence***  
28             ***concern***.
- 29     **10. Special provisions for foreign orders**
- 30         (1) For the purpose of this Act, a registered foreign order —
- 31             (a) is taken to be made in the jurisdiction in which it is  
32                 registered as a registered foreign order; and

- 1           (b) is taken to be made when it becomes a registered foreign  
2           order in that jurisdiction.
- 3       (2) A registered foreign order is varied or cancelled, for the purpose  
4       of this Act, if its registration as a registered foreign order is  
5       varied or cancelled.
- 6       (3) A power conferred by this Act to vary or cancel a registered  
7       foreign order is a power to vary or cancel registration of the  
8       order as a registered foreign order.

1 **Part 2 — National Recognition of DVOs**

2 **Division 1 — General Principles**

3 **11. Recognition of DVOs**

4 (1) Each of the following DVOs is a *recognised DVO* —

- 5 (a) a local DVO;
- 6 (b) an interstate DVO made in a participating jurisdiction;
- 7 (c) a foreign order that is a registered foreign order in a
- 8 participating jurisdiction.

9 Note for this subsection:

10 Recognition can also extend to DVOs made in jurisdictions that are

11 not, or are not yet, participating jurisdictions. See Part 6.

12 (2) A DVO becomes a recognised DVO when it is made.

13 Note for this subsection:

14 A foreign order is taken to be made when it is registered as a registered

15 foreign order.

16 (3) A DVO is a recognised DVO, subject to this Act, for the period

17 for which it remains in force in the jurisdiction in which it is

18 made.

19 **12. Variations to DVO**

20 (1) A variation to a recognised DVO that is done in this or another

21 jurisdiction is a recognised variation in this jurisdiction in the

22 circumstances provided for by this section.

23 (2) A variation to a local DVO is a recognised variation in this

24 jurisdiction if the variation is done —

- 25 (a) in this jurisdiction by a court or any other person
- 26 authorised to do so under the *Restraining Orders*
- 27 *Act 1997*; or
- 28 (b) in another participating jurisdiction by a court under a
- 29 corresponding law.

- 1 (3) A variation to an interstate DVO or foreign order is a recognised  
2 variation in this jurisdiction if the variation is done —  
3 (a) in the issuing jurisdiction by a court or any other person  
4 authorised to do so under the law of the issuing  
5 jurisdiction; or  
6 (b) in a participating jurisdiction by a court under this Act  
7 or a corresponding law.

8 Note for this subsection:

9 The issuing jurisdiction for a foreign order is the jurisdiction in which  
10 the order is registered.

- 11 (4) A variation is recognised from the time that it is made.

12 **13. Cancellation of recognised DVO**

13 (1) A DVO ceases to be a recognised DVO if the DVO is cancelled  
14 in this or another jurisdiction and that cancellation is recognised  
15 in this jurisdiction.

16 (2) A cancellation of a local DVO is recognised in this jurisdiction  
17 if the cancellation is done —

18 (a) in this jurisdiction by a court under the *Restraining*  
19 *Orders Act 1997*; or

20 (b) in another participating jurisdiction by a court under a  
21 corresponding law.

22 (3) A cancellation of an interstate DVO or foreign order is  
23 recognised in this jurisdiction if the cancellation is done —

24 (a) in the issuing jurisdiction by a court or any other person  
25 authorised to do so under the law of the issuing  
26 jurisdiction; or

27 (b) in a participating jurisdiction by a court under this Act  
28 or a corresponding law.

29 (4) The DVO ceases to be a recognised DVO from the time it is  
30 cancelled.

- 1     **14.     Recognised DVO prevails over earlier comparable DVOs**
- 2         (1) A recognised DVO that is enforceable against a person bound  
3             by the DVO in this jurisdiction (a *new DVO*) supersedes —
- 4                 (a) a comparable recognised DVO made earlier than the  
5                     new DVO; and
- 6                 (b) a comparable local DVO made earlier than the new  
7                     DVO (whether or not the local DVO is a recognised  
8                     DVO).
- 9         (2) The earlier comparable DVO is superseded from the time the  
10             recognised DVO becomes enforceable against the person bound  
11             by the DVO.
- 12         (3) A recognised DVO that is superseded ceases to be a recognised  
13             DVO.
- 14         (4) A local DVO that is superseded is cancelled.
- 15         (5) A DVO is not superseded to the extent that it relates to a  
16             protected person who is not a protected person under the new  
17             DVO.
- 18         (6) Accordingly, a DVO continues to be a recognised DVO, and to  
19             have effect, to the extent that it relates to a person who is not a  
20             protected person under the new DVO.
- 21         (7) A DVO made by a police officer does not supersede a  
22             comparable DVO made by a court (of any jurisdiction).
- 23         (8) A DVO is comparable with another DVO if —
- 24                 (a) the DVOs are made against the same person; and
- 25                 (b) the DVOs are made for the protection of one or more of  
26                     the same protected persons.
- 27     **15.     Making of new orders**
- 28             Nothing in this Act prevents a person from applying for, or an  
29             issuing authority from making, a local DVO even though there  
30             is a recognised DVO in force that applies to the same person.

1                    **Division 2 — Enforcement of recognised DVOs**

2    **16.    Recognised DVOs and variations are enforceable against**  
3    **person bound**

4        (1)    A recognised DVO, or a recognised variation to a recognised  
5        DVO, is enforceable against the person bound by the DVO in  
6        this jurisdiction.

7        (2)    A recognised DVO that is a local DVO becomes enforceable  
8        against the person bound by the DVO in this jurisdiction when  
9        the person is properly notified of the making of the DVO under  
10       the law of this jurisdiction.

11       (3)    A recognised DVO that is a non-local DVO (other than a  
12       foreign order) becomes enforceable against a person in this  
13       jurisdiction when the person is properly notified of the making  
14       of the DVO under the law of the jurisdiction in which the DVO  
15       was made.

16       (4)    A recognised DVO that is a foreign order becomes enforceable  
17       against a person in this jurisdiction from the time it becomes a  
18       recognised DVO.

19       (5)    A recognised variation to a recognised DVO becomes  
20       enforceable against the person in this jurisdiction when the  
21       person is properly notified of the variation under the law of the  
22       jurisdiction in which the variation is done.

23    **17.    Properly notified**

24       (1)    The making of a local DVO is *properly notified* under the law  
25       of this jurisdiction if the DVO is served on the person bound by  
26       the DVO in accordance with the *Restraining Orders Act 1997*.

27       (2)    The making of an interstate DVO is *properly notified* under the  
28       law of the jurisdiction in which it is made in the circumstances  
29       provided for by the corresponding law of that jurisdiction.

30       (3)    A variation to a recognised DVO that is done in this jurisdiction  
31       is *properly notified* under the law of this jurisdiction if the

1 variation is served on the person bound by the recognised DVO  
2 in accordance with the *Restraining Orders Act 1997*.

3 (4) A variation to a recognised DVO that is done in another  
4 jurisdiction is ***properly notified*** under the law of that  
5 jurisdiction in the circumstances provided for by the  
6 corresponding law of that jurisdiction.

7 **18. Contravention of enforceable recognised DVO**

8 (1) A non-local DVO that is a recognised DVO and which is  
9 enforceable against a person in this jurisdiction may be enforced  
10 in this jurisdiction —

11 (a) as if it were a local DVO; and

12 (b) as if the person had been properly notified of the making  
13 of the DVO under the law of this jurisdiction.

14 (2) A recognised variation to a non-local DVO that is a recognised  
15 DVO and which is enforceable in this jurisdiction may be  
16 enforced in this jurisdiction as if it were a variation to a local  
17 DVO.

18 (3) A recognised variation to a recognised DVO made in another  
19 jurisdiction that is enforceable against the person in this  
20 jurisdiction may be enforced as if the person had been properly  
21 notified of the variation under the law of this jurisdiction.

22 (4) This section does not affect any law of this jurisdiction that  
23 requires a territorial nexus to exist between this jurisdiction and  
24 an offence for a person to be guilty of an offence under the law  
25 of this jurisdiction.

26 **Division 3 — Enforcement of non-local DVOs**

27 **19. Non-local DVO to be treated as local DVO**

28 (1) A recognised DVO that is a non-local DVO has the same effect  
29 in this jurisdiction as a local DVO.



1 (2) A prohibition, restriction or condition imposed by a non-local  
2 DVO has the same meaning as it would have in the jurisdiction  
3 in which the DVO was made, but may be enforced in this  
4 jurisdiction as if it were a prohibition, restriction or condition of  
5 a local DVO.

6 **20. Licences, permits and other authorisations**

7 (1) In this section —

8 *authorisation* includes a licence or permit;

9 *grant* includes issue.

10 (2) A law of this jurisdiction (a *relevant law*) that restricts the grant  
11 of an authorisation, or that authorises or requires an  
12 authorisation to be suspended or cancelled, if a person is or has  
13 been subject to a local DVO extends to a person who is or has  
14 been subject to a non-local DVO that is a recognised DVO (as if  
15 the non-local DVO were a local DVO).

16 (3) For the purposes of a relevant law —

17 (a) a non-local DVO that is a final DVO is to be treated in  
18 the same way as a local DVO that is a final DVO; and

19 (b) a non-local DVO that is an interim DVO is to be treated  
20 in the same way as a local DVO that is an interim DVO.

21 **21. Recognition of disqualification to hold firearms licence**

22 (1) In this section —

23 *Commissioner of Police* means the person holding or acting in  
24 the office of Commissioner of Police under the *Police*  
25 *Act 1892*;

26 *local firearms licence* means a licence, permit or other  
27 authorisation under the *Firearms Act 1973*;

28 *non-local firearms licence* means a licence, permit or other  
29 authorisation to possess a firearm (within the meaning of the  
30 *Firearms Act 1973*) issued under the law of another jurisdiction  
31 or country.

**Domestic Violence Orders (National Recognition) Bill 2017**

**Part 2** National Recognition of DVOs

**Division 3** Enforcement of non-local DVOs

**s. 22**

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- 1 (2) If a non-local DVO that is a recognised DVO disqualifies a  
2 person from holding a non-local firearms licence, or type of  
3 non-local firearms licence, the person is also disqualified from  
4 holding a local firearms licence or local firearms licence of the  
5 same type (as the case requires).
- 6 (3) The Commissioner of Police must cancel any local firearms  
7 licence held by a person, or refuse to issue a local firearms  
8 licence to a person, if the person is so disqualified from holding  
9 the firearms licence by a recognised DVO.
- 10 (4) A recognised DVO disqualifies a person from holding a  
11 non-local firearms licence or type of non-local firearms licence  
12 if the DVO expressly —
- 13 (a) disqualifies the person from holding a non-local  
14 firearms licence or type of non-local firearms licence; or
- 15 (b) cancels or requires the person to surrender a non-local  
16 firearms licence or type of non-local firearms licence  
17 held by the person.

18 **22. Order for costs**

- 19 (1) A non-local DVO, to the extent that it requires the payment of  
20 money, cannot be enforced in this jurisdiction.
- 21 (2) The recognition of a DVO made in another jurisdiction does not  
22 confer power on a court or tribunal of this jurisdiction to award  
23 costs in respect of any proceedings relating to the DVO that  
24 occurred in another jurisdiction.
- 25 (3) This section does not prevent a court or tribunal awarding costs  
26 in respect of any proceedings in this jurisdiction relating to the  
27 variation or cancellation of a recognised DVO.

**Part 3 — Variation and cancellation of recognised  
non-local DVOs**

**23. Term used: court**

In this Part —

*court* means a court of this jurisdiction that has power to make local DVOs.

**24. Power of court to vary or cancel recognised non-local DVOs**

- (1) A court may vary or cancel a recognised DVO that is a non-local DVO in accordance with this Part as if the DVO were a local DVO.
- (2) A court cannot vary or cancel a non-local DVO if it is a kind of DVO that cannot be varied or cancelled by a court in the jurisdiction in which the DVO was made.
- (3) A variation to or cancellation of a recognised DVO that is done under this Part is not limited in its operation to this jurisdiction.
- (4) This Part does not apply to the variation or cancellation of a foreign order that is registered as a registered foreign order in this jurisdiction.
- (5) To avoid doubt, if a court varies a recognised DVO that was made in another jurisdiction, the other jurisdiction continues to be treated, for the purpose of this Act, as the jurisdiction in which the DVO was made.

**25. Application for variation or cancellation of recognised non-local DVO**

- (1) An application for the variation or cancellation of a recognised DVO that is a non-local DVO may be made to a court as if it were an application for variation or cancellation of a local DVO by a person who would be able to make the application if the DVO were a local DVO.

**s. 26**

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- 1 (2) An application —  
2 (a) is to be made to a court that would have power to hear  
3 the application if the DVO were a local DVO; and  
4 (b) is to be made in accordance with any requirements that  
5 would apply if the DVO were a local DVO; and  
6 (c) may be dealt with (subject to this Part) as if the DVO  
7 were a local DVO.

8 **26. Decision about hearing of application**

- 9 (1) In this section —  
10 *respondent* to an application for variation or cancellation of a  
11 non-local DVO means —  
12 (a) in the case of an application made by the person bound  
13 by the DVO, the protected person under the DVO; and  
14 (b) in any other case, the person bound by the DVO.
- 15 (2) A court that deals with an application for variation or  
16 cancellation of a non-local DVO may decide to hear the  
17 application or decline to hear the application.
- 18 (3) In making that decision, the court may consider the following  
19 matters (to the extent relevant) —  
20 (a) the jurisdiction in which the person bound by the DVO  
21 and the protected person under the DVO generally  
22 reside or are employed;  
23 (b) any difficulty the respondent to the proceedings may  
24 have in attending the proceedings;  
25 (c) whether there is sufficient information available to the  
26 court in relation to the DVO and the basis on which it  
27 was made;  
28 (d) whether any proceedings are being taken in respect of an  
29 alleged contravention of the DVO and the jurisdiction in  
30 which those proceedings are being taken;

- 1           (e) the practicality of the applicant (if not the person bound  
2           by the DVO) applying for and obtaining a local DVO  
3           against the person with similar prohibitions or  
4           restrictions;
- 5           (f) the impact of the application on children;
- 6           (g) any other matters the court considers relevant.
- 7       (4) Without limiting the court’s power to decline to hear an  
8       application, the court may decline to hear the application if the  
9       court is satisfied that there has been no material change in the  
10      circumstances on which the making of the order was based and  
11      that the application is in the nature of an appeal against the  
12      order.
- 13      (5) For the purpose of exercising its functions under this Part, a  
14      court may have regard to any information that the court  
15      considers relevant about the making or variation of the DVO  
16      that is provided by an issuing authority of another jurisdiction.
- 17      Note for this subsection:
- 18              Part 4 enables the court to obtain information about DVOs from other  
19              jurisdictions.
- 20      (6) A court must refuse to hear an application for variation or  
21      cancellation made by the person during any period in which,  
22      under the law of the issuing jurisdiction for the DVO, the person  
23      is not entitled to apply for the variation or cancellation of the  
24      DVO in the issuing jurisdiction.

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**Part 4 — Exchange of information**

**27. Issuing authorities may obtain DVO information**

An issuing authority of this jurisdiction may obtain information about a DVO from an issuing authority of another jurisdiction, or from a local or interstate law enforcement agency, and use that information for the purpose of exercising its functions under this Act.

**28. Issuing authorities must provide DVO information**

- (1) An issuing authority of this jurisdiction that makes, varies or cancels a DVO must provide to a court of another participating jurisdiction any information about the DVO that the court reasonably requests for the purpose of exercising its functions under a corresponding law.
- (2) An issuing authority of this jurisdiction that makes, varies or cancels a DVO must provide to a local or interstate law enforcement agency any information about the DVO that the law enforcement agency reasonably requests for the purpose of exercising its law enforcement functions.

**29. Law enforcement agencies may obtain DVO information**

A local law enforcement agency may obtain information about a DVO from an issuing authority of this or another jurisdiction, or from an interstate law enforcement agency, and use that information for the purpose of exercising its law enforcement functions.

**30. Information to be provided to law enforcement agencies**

A local law enforcement agency must provide to an interstate law enforcement agency any information it holds about a DVO that the interstate law enforcement agency reasonably requests for the purpose of exercising its law enforcement functions.

- 1   **31.    DVO information obtained from, or provided to, prescribed**  
2    **persons or bodies**
- 3       (1) In this section —
- 4        ***DVO information*** means information about a DVO;
- 5        ***prescribed person or body*** means a person or body prescribed in  
6        the regulations.
- 7       (2) An issuing authority of this jurisdiction or a local law  
8       enforcement agency may for the purposes of exercising its  
9       functions under this Act do any of the following —
- 10       (a) obtain DVO information from a prescribed person or  
11       body;
- 12       (b) use DVO information obtained under paragraph (a);
- 13       (c) provide DVO information to a prescribed person or  
14       body.

1 **Part 5 — Miscellaneous**

2 **32. Certificate of evidence — notification**

3 (1) In this section —

4 *authorised officer* of another jurisdiction means a person  
5 (whether or not designated as an authorised officer) who is  
6 authorised under the law of another jurisdiction to issue a  
7 certificate certifying that the making or variation of a DVO has  
8 been properly notified under the law of that jurisdiction;

9 *authorised officer* of this jurisdiction means —

- 10 (a) a registrar of a court of this jurisdiction; or  
11 (b) a police officer of this jurisdiction of or above the rank  
12 of sergeant; or  
13 (c) a person —  
14 (i) employed or engaged in the department of the  
15 Public Service principally assisting the Minister  
16 in the administration of the *Police Act 1892*; and  
17 (ii) approved by the Commissioner of Police for the  
18 purposes of this definition.

19 (2) An authorised officer of this jurisdiction may issue a certificate  
20 in writing certifying any of the following matters —

- 21 (a) that the making of a local DVO has been properly  
22 notified under the law of this jurisdiction;  
23 (b) that a variation to a DVO that was done in this  
24 jurisdiction has been properly notified under the law of  
25 this jurisdiction.

26 (3) The certificate is admissible in evidence in any proceedings and  
27 is evidence of the matters certified.



- 1 (4) A certificate in writing purporting to be signed by an authorised  
2 officer of another jurisdiction and certifying any of the  
3 following matters is admissible in evidence in any proceedings  
4 and is evidence of the matters certified —  
5 (a) that the making of a DVO in that jurisdiction has been  
6 properly notified under the law of that jurisdiction;  
7 (b) that a variation to a DVO that was done in that  
8 jurisdiction has been properly notified under the law of  
9 that jurisdiction.
- 10 (5) In any document, the words “authorised officer” after a  
11 signature are evidence that the person whose signature it  
12 purports to be is in fact an authorised officer.

13 **33. Regulations**

- 14 The Governor may make regulations prescribing matters —  
15 (a) required or permitted by this Act to be prescribed; or  
16 (b) necessary or convenient to be prescribed for giving  
17 effect to the purposes of this Act.

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## **Part 6 — Transitional provisions**

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### **Division 1 — Preliminary**

3

#### **34. Term used: commencement day**

4

In this Part —

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*commencement day* means the day on which this Part comes into operation.

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#### **35. Enforcement of DVOs under other provisions**

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(1) Subject to subsection (3), this Act does not affect the enforceability in this jurisdiction, otherwise than under this Act, of a local DVO made before the commencement day.

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(2) Subject to subsection (3), this Act does not affect the enforceability in this jurisdiction, otherwise than under this Act, of —

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(a) an interstate DVO registered in this jurisdiction, before the commencement day, under the *Restraining Orders Act 1997* Part 7; or

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(b) a foreign order registered in this jurisdiction, before the commencement day, under the *Restraining Orders Act 1997* Part 7A.

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(3) However, a DVO made in this jurisdiction before the commencement day can be superseded under section 14, on or after the commencement day, by a recognised DVO that is made later.

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### **Division 2 — DVOs to which scheme applies**

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#### **36. DVOs made in this jurisdiction**

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Part 2 applies to any of the following made on or after the commencement day —

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(a) a local DVO made in this jurisdiction;

1 (b) a foreign order taken under section 10(1)(a) to have been  
2 made in this jurisdiction.

3 **37. DVOs made in other jurisdictions**

4 (1) Part 2 applies to a DVO made in another participating  
5 jurisdiction that is a recognised DVO in that jurisdiction under  
6 the corresponding law for that jurisdiction.

7 (2) To avoid doubt, section 11 extends to the following DVOs —

8 (a) an interstate DVO that was made in another  
9 participating jurisdiction before the commencement day  
10 that is a recognised DVO in that jurisdiction;

11 (b) a foreign order that became a registered foreign order in  
12 another participating jurisdiction before the  
13 commencement day that is a recognised DVO in that  
14 jurisdiction.

15 (3) Sections 12 and 13 extend to a variation or cancellation of a  
16 DVO referred to in subsection (2), that was done in a  
17 participating jurisdiction before the commencement day, as if  
18 the DVO were a recognised DVO.

19 (4) However, a non-local DVO, and any variation to a non-local  
20 DVO, does not become enforceable against the person bound by  
21 the DVO in this jurisdiction, under this Act, until the  
22 commencement day (even if the making of the DVO, or  
23 variation, was properly notified before that day).

24 **Division 3 — Extension of scheme to older DVOs**

25 **38. DVOs declared to be recognised DVOs**

26 (1) Each of the following DVOs is also taken to be a recognised  
27 DVO —

28 (a) a DVO that is declared by a court of this jurisdiction to  
29 be a recognised DVO in this jurisdiction under  
30 Division 4;

1 (b) a DVO that is declared by a court of another  
2 participating jurisdiction to be a recognised DVO in that  
3 jurisdiction under a corresponding law.

4 (2) A recognised DVO referred to in subsection (1) becomes  
5 enforceable against the person in this jurisdiction, under this  
6 Act, when the declaration is made (despite section 16).

7 **39. DVOs declared to be recognised in other jurisdictions before**  
8 **commencement day**

9 (1) To avoid doubt, section 38 extends to a DVO declared by a  
10 court of another participating jurisdiction to be a recognised  
11 DVO before the commencement day.

12 (2) Sections 12 and 13 extend to any variation or cancellation of a  
13 DVO referred to in subsection (1), that was done in a  
14 participating jurisdiction before the commencement day, as if  
15 the DVO were a recognised DVO.

16 (3) However, the DVO, and any variation to the DVO, does not  
17 become enforceable against the person in this jurisdiction, under  
18 this Act, until the commencement day.

19 **Division 4 — Power to declare DVO to be recognised**

20 **40. Power to declare DVO to be recognised**

21 (1) A court may, by order, declare a DVO made in any jurisdiction  
22 to be a recognised DVO in this jurisdiction.

23 (2) A declaration may be made in relation to a DVO made in any  
24 jurisdiction that is in force in the issuing jurisdiction and is not a  
25 recognised DVO in this jurisdiction.

26 (3) The jurisdiction in which the DVO was made does not have to  
27 be a participating jurisdiction.

28 (4) A court must make a declaration under this section if an  
29 application for the declaration is made in accordance with this

1 Division, unless the court decides to refuse to make the  
2 declaration in the interests of justice.

3 (5) Without limiting subsection (4), the court may refuse to make  
4 the declaration if the court is not satisfied that the person bound  
5 by the DVO has been properly notified of the making of the  
6 DVO under the law of the jurisdiction in which the DVO was  
7 made.

8 Note for this subsection:

9 Under section 38, the DVO becomes enforceable against the person  
10 when the declaration is made. Notice of the declaration is not to be  
11 served on the person unless the person making the application  
12 consents to service.

13 (6) However, a court cannot declare a general violence order to be a  
14 recognised DVO in this jurisdiction unless the general violence  
15 order was made in this jurisdiction.

16 (7) Notice of a declaration is not to be served on the person bound  
17 by the DVO unless the person who makes the application  
18 consents to service.

19 Note for this subsection:

20 Under section 10, a foreign order is taken to be made in any  
21 jurisdiction in which it is registered as a registered foreign order.  
22 Accordingly, this section extends to registered foreign orders.

23 **41. Application for order**

24 (1) An application for a declaration that a DVO is a recognised  
25 DVO in this jurisdiction may be made by a person who would  
26 be able to make an application for variation of the DVO if the  
27 DVO were a recognised DVO.

28 (2) The application must —

29 (a) be made in a form approved by the court; and

30 (b) be accompanied by any information or evidence the  
31 court requires.

**Domestic Violence Orders (National Recognition) Bill 2017**

**Part 6** Transitional provisions

**Division 4** Power to declare DVO to be recognised

**s. 42**

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1 Note for this subsection:

2 It is only necessary to make an application in one participating  
3 jurisdiction. Under section 38, once a declaration is made in any  
4 participating jurisdiction the DVO will be treated as a recognised DVO  
5 in all participating jurisdictions.

6 (3) Notice of the application is not to be served on the person bound  
7 by the DVO.

8 (4) The application must be determined in the absence of the person  
9 bound by the DVO.

10 **42. Declarations relating to general violence orders**

11 (1) An application for a declaration that a general violence order is  
12 a recognised DVO may be made as if the order were a DVO.

13 (2) Before making the declaration, the court must decide whether  
14 the order addresses a domestic violence concern (and,  
15 accordingly, is a DVO).

16 (3) The court is not to make the declaration unless the court decides  
17 that the order addresses a domestic violence concern.

18 (4) Notice of the application is not to be served on the person bound  
19 by the order.

20 (5) The application must be determined in the absence of the person  
21 bound by the order.

1           **Part 7 — Restraining Orders Act 1997 amended**

2   **43.     Act amended**

3           This Part amends the *Restraining Orders Act 1997*.

4   **44.     Section 3 amended**

5           In section 3 in the definition of *application* delete “this Act;”  
6           and insert:

7  
8                           this Act or the *Domestic Violence Orders (National*  
9                           *Recognition) Act 2017*;

10  
11   **45.     Section 8 amended**

12           After section 8(1)(h) insert:

13  
14                           (ha)   if the order is an FVRO, the effect of the  
15                           *Domestic Violence Orders (National*  
16                           *Recognition) Act 2017*;

17  
18   **46.     Sections 74A and 74B inserted**

19  
20           After section 74 insert:

21   **74A.    Interstate DVOs under *Domestic Violence Orders***  
22           ***(National Recognition) Act 2017* cannot be**  
23           **registered**

- 24           (1)   An application cannot be made under section 75 in  
25           respect of an interstate order that is an interstate DVO  
26           as defined in the *Domestic Violence Orders (National*  
27           *Recognition) Act 2017* section 6.
- 28           (2)   To avoid doubt, subsection (1) applies whether the  
29           interstate DVO was made before, on or after the day on

**s. 46**

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1                      which the *Domestic Violence Orders (National*  
2                      *Recognition) Act 2017* section 46 comes into operation.

3                      **74B. Interstate orders registered before commencement**  
4                      **of *Domestic Violence Orders (National Recognition)***  
5                      ***Act 2017***

6                      (1) This section applies to an interstate order that,  
7                      immediately before the day on which the *Domestic*  
8                      *Violence Orders (National Recognition) Act 2017*  
9                      section 46 comes into operation, is registered under this  
10                      Part.

11                      (2) Unless subsection (4) applies, the registration of the  
12                      order is not affected by the *Domestic Violence Orders*  
13                      *(National Recognition) Act 2017* and this Part  
14                      continues to apply in respect of the order.

15                      (3) The order is not a local DVO for the purposes of the  
16                      *Domestic Violence Orders (National Recognition)*  
17                      *Act 2017*.

18                      (4) If, under the *Domestic Violence Orders (National*  
19                      *Recognition) Act 2017*, the order becomes a recognised  
20                      DVO in Western Australia —

21                      (a) the order ceases to be registered under this Part;  
22                      and

23                      (b) that Act applies to the order in the same way as  
24                      it applies to another recognised DVO that,  
25                      under that Act, is a non-local DVO.  
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## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
authorisation .....	20(1)
authorised officer .....	32(1)
cancel .....	4(1)
commencement day .....	34
Commissioner of Police .....	21(1)
corresponding law .....	4(1)
court .....	4(1), 23
domestic violence concern .....	4(1), 9(1), (2), (3) and (4)
DVO .....	4(1)
DVO information .....	31(1)
final DVO .....	4(1)
foreign order .....	4(1)
former RO Act .....	4(1)
general violence order .....	4(1), 8
grant .....	20(1)
interim DVO .....	4(1)
interstate DVO .....	4(1), 6(1)
interstate law enforcement agency .....	4(1)
issuing authority .....	4(1)
issuing jurisdiction .....	4(1)
jurisdiction .....	4(1)
local DVO .....	4(1), 5(1)
local firearms licence .....	21(1)
local law enforcement agency .....	4(1)
make .....	4(1)
new DVO .....	14(1)
New Zealand DVO .....	4(1)
non-local DVO .....	4(1)
non-local firearms licence .....	21(1)
participating jurisdiction .....	4(1)
person bound .....	4(1)
prescribed person or body .....	31(1)
properly notified .....	4(1), 17(1), (2), (3) and (4)
protected person .....	4(1)
recognised DVO .....	4(1), 11(1)
recognised variation .....	4(1)
registered foreign order .....	4(1), 7

Defined terms

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relevant law .....	20(2)
respondent.....	26(1)
vary .....	4(1)