

Restraining Orders Amendment Bill 2013

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Western Australia

LEGISLATIVE COUNCIL

Restraining Orders Amendment Bill 2013

A Bill for

An Act to amend the *Restraining Orders Act 1997* and to make consequential amendments to the *Children's Court of Western Australia Act 1988*.

The Parliament of Western Australia enacts as follows:

1

Part 1 — Preliminary

2

1. Short title

3

This is the *Restraining Orders Amendment Act 2013*.

4

2. Commencement

5

This Act comes into operation on the day on which it receives
6 the Royal Assent.

Part 2 — Restraining Orders Act 1997 amended

3. Act amended

This Part amends the *Restraining Orders Act 1997*.

4. Section 25 amended

Delete section 25(3) and insert:

- (3) An application for a violence restraining order made in person is to be made in the prescribed form to —
- (a) if the respondent is a child, the Children's Court; or
 - (b) if the respondent is not a child and the person seeking to be protected is a child, the Children's Court or the Magistrates Court; or
 - (c) otherwise, the Magistrates Court.

5. Section 64 amended

Delete section 64(3) and (4) and insert:

- (3) If the decision was made by the Children's Court when constituted so as not to consist of or include a Judge, the appeal is to be made in accordance with the *Children's Court of Western Australia Act 1988* section 41.
- (4) If the decision was made by the Children's Court when constituted so as to consist of or include a Judge, the appeal is to be made in accordance with the *Children's Court of Western Australia Act 1988* section 42A.

1 **Part 3 — *Children’s Court of Western Australia***
2 ***Act 1988* amended**

3 **6. Act amended**

4 This Part amended the *Children’s Court of Western Australia*
5 *Act 1988*.

6 **7. Section 20 amended**

7 (1) Delete section 20(1)(c).

8 (2) After section 20(1) insert:

9
10 (2A) Subject to this Act and the *Restraining Orders*
11 *Act 1997* section 52, the Court has jurisdiction to hear
12 and determine all applications made to the Court with
13 respect to a child under the *Restraining Orders*
14 *Act 1997*.

15
16 (3) In section 20(2) delete “subsection (1).” and insert:

17
18 subsections (1) and (2A).
19

20
