

## 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).  
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