Magistrates Court (Civil Proceedings) Act 2004

Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2022

SL 2022/188

Made by the Magistrates Court in accordance with the *Magistrates Court Act 2004* section 39.

1. Citation

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2022*.

2. Commencement

These rules come into operation as follows —

(a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;

(b) the rest of the rules — on 19 November 2022.

3. Rules amended

These rules amend the *Magistrates Court (Civil Proceedings) Rules 2005*.

4. Schedule 1 amended

(1) In Schedule 1 Form 1:

(a) delete:

Applicant [*If not the person seeking to be protected*]	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:	postcode:	
	Phone nos.: work: home:	mobile:	
Person seeking to be protected (victim of offence if s. 13A applies)	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:	postcode:	
	Phone nos.: work: home:	mobile:	
Respondent [*Fill in as many details as you can*] (Offender if s. 13A applies)	Family name:		Date of birth:
	Other names:		
	Home address: street: suburb:	postcode:	
	Work address: street: suburb:	postcode:	
	Phone nos.: work: home:	mobile:	

and insert:

Applicant [*If not the person seeking to be protected*]	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work: home: mobile:		
	Email:		
Person seeking to be protected (victim of offence if s. 13A applies)	Family name:		Date of birth:
	Other names:		
	Address: street: suburb:		postcode:
	Phone nos.: work: home: mobile:		
	Email:		
Respondent [*Fill in as many details as you can*] (Offender if s. 13A applies)	Family name:		Date of birth:
	Other names:		
	Home address: street: suburb:		postcode:
	Work address: street: suburb:		postcode:
	Phone nos.: work: home: mobile:		
	Email:		

(b)   in the row relating to Firearms delete "or firearms licence?" and insert:

item or firearms authorisation?

(c)   in the row relating to Firearms after "access to a firearm" insert:

item

(2)   In Schedule 1 Form 2:

    (a)   in Part A delete:

Person who is bound by this order	Family name:	Date of birth:
	Other names:	
	Home address: street: suburb:	postcode:
	Work address: street: suburb:	postcode:
	Phone nos.: work: home: mobile:	

and insert:

Person who is bound by this order	Family name:	Date of birth:
	Other names:	
	Home address: street: suburb:	postcode:
	Work address: street: suburb:	postcode:
	Phone nos.: work: home: mobile:	
	Email:	

(b)   in Part C in the section headed "**Objection**" after the row relating to "Address" insert:

Email:

(c)   in Part C in the section headed "**Objection**" after "of a firearm" insert:

item

(d)   in Part C in the section headed "**Consent**" after the row relating to "Address" insert:

Email:

(3)   In Schedule 1 Form 5:

      (a)   delete:

Applicant [*If not the person seeking to be protected*]	Family name:			Date of birth:
	Other names:			
	Address: street:			
	suburb:		postcode:	
	Phone nos.: work:	home:	mobile:	
Person seeking to be protected (victim of offence if s. 13A applies)	Family name:			Date of birth:
	Other names:			
	Address: street:			
	suburb:		postcode:	
	Phone nos.: work:	home:	mobile:	
Respondent [*Fill in as many details as you can*] (Offender if s. 13A applies)	Family name:			Date of birth:
	Other names:			
	Home address: street:			
	suburb:		postcode:	
	Work address: street:			
	suburb:		postcode:	
	Phone nos.: work:	home:	mobile:	

and insert:

Applicant [*If not the person seeking to be protected*]	Family name:			Date of birth:
	Other names:			
	Address: street:			
	suburb:		postcode:	
	Phone nos.: work:	home:	mobile:	
	Email:			
Person seeking to be protected (victim of offence if s. 13A applies)	Family name:			Date of birth:
	Other names:			
	Address: street:			
	suburb:		postcode:	
	Phone nos.: work:	home:	mobile:	
	Email:			
Respondent [*Fill in as many details as you can*] (Offender if s. 13A applies)	Family name:			Date of birth:
	Other names:			
	Home address: street:			
	suburb:		postcode:	
	Work address: street:			
	suburb:		postcode:	
	Phone nos.: work:	home:	mobile:	
	Email:			

(b)   in the row relating to Firearms delete "or firearms licence?" and insert:

item or firearms authorisation?

(c)   in the row relating to Firearms after "access to a firearm" insert:

item

(4)   In Schedule 1 Form 6:

(a)   in Part A delete:

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: mobile:		

and insert:

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: mobile:		
	Email:		

(b)   in Part C in the section headed "**Objection**" after the row relating to "Address" insert:

Email:

(c)   in Part C in the section headed "**Objection**" after "of a firearm" insert:

item

(d)   in Part C in the section headed "**Consent**" after the row relating to "Address" insert:

Email:

(5)   In Schedule 1 Form 8:

(a)   delete:

Applicant	Family name:	Date of birth:

[*If not the person seeking to be protected*]	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	

Person seeking to be protected	Family name:	Date of birth:
	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	

Respondent [*Fill in as many details as you can*]	Family name:	Date of birth:
	Other names:	
	Home address: street:	
	suburb: postcode:	
	Work address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	

and insert:

Applicant [*If not the person seeking to be protected*]	Family name:	Date of birth:
	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	
	Email:	

Person seeking to be protected	Family name:	Date of birth:
	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	
	Email:	

Respondent [*Fill in as many details as you can*]	Family name:	Date of birth:
	Other names:	
	Home address: street:	
	suburb: postcode:	
	Work address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	
	Email:	

      (b)   in the row relating to Firearms delete "or firearms licence?" and insert:

           item or firearms authorisation?

      (c)   in the row relating to Firearms after "access to a firearm" insert:

           item

  (6)   In Schedule 1 Form 10:

      (a)   in Part A delete:

Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home address:	street: suburb:	postcode:
	Work address:	street: suburb:	postcode:
	Phone nos.: work:	home:	mobile:

and insert:

Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home address:	street: suburb:	postcode:
	Work address:	street: suburb:	postcode:
	Phone nos.: work:	home:	mobile:
	Email:		

(b)   in Part B delete:

Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home address:	street: suburb:	postcode:
	Work address:	street: suburb:	postcode:
	Phone nos.: work:	home:	mobile:

and insert:

Person who is bound by this order	Family name:		Date of birth:
	Other names:		
	Home address:	street: suburb:	postcode:
	Work address:	street: suburb:	postcode:
	Phone nos.: work:	home:	mobile:
	Email:		

(c)   in Part D in the section headed "**Objection**" after the row relating to "Address" insert:

Email:

(d)   in Part D in the section headed "**Objection**" after "of a firearm" insert:

item

(e)   in Part D in the section headed "**Consent**" after the row relating to "Address" insert:

Email:

(7) In Schedule 1 Form 11:

(a) delete:

Applicant [*If not the person seeking to be protected*]	The applicant is: ❏ person seeking to be protected ❏ parent or guardian of a child who is seeking to be protected ❏ a child welfare officer on behalf of a child who is seeking to be protected ❏ authorised person ❏ legal guardian of the person who is seeking to be protected	
	Family name:	Date of birth:
	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	
Person seeking to be protected	Family name:	Date of birth:
	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	
Respondent	Family name:	Date of birth:
	Other names:	
	Home street:	
	address: suburb: postcode:	
	Work street:	
	address: suburb: postcode:	
	Phone nos.: work: home: mobile:	
	The respondent ❏ is ❏ is not present ❏ is ❏ is not being detained by a police officer	

and insert:

Applicant [*If not the person seeking to be protected*]	The applicant is: ❏ person seeking to be protected ❏ parent or guardian of a child who is seeking to be protected ❏ a child welfare officer on behalf of a child who is seeking to be protected ❏ authorised person ❏ legal guardian of the person who is seeking to be protected	
	Family name:	Date of birth:
	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	
	Email:	
Person seeking to be protected	Family name:	Date of birth:
	Other names:	
	Address: street:	
	suburb: postcode:	
	Phone nos.: work: home: mobile:	
	Email:	
Respondent	Family name:	Date of birth:
	Other names:	
	Home street:	
	address: suburb: postcode:	
	Work street:	
	address: suburb: postcode:	
	Phone nos.: work: home: mobile:	
	Email:	
	The respondent ❏ is ❏ is not present ❏ is ❏ is not being detained by a police officer	

(b)   in the row relating to Firearms delete "or a firearms licence?"
       and insert:

       item or a firearms authorisation?

(c)   in the row relating to Firearms after "access to a firearm"
       insert:

       item

(8)   In Schedule 1 Form 14:

       (a)   delete:

Person protected by the order	Family name:		Date of birth:
	Other names:		
	Address: street: suburb: postcode:		
	Phone nos.: work: home: mobile:		
	Role in proceeding in which restraining order was made: ❑ applicant/prosecutor ❑ victim ❑ respondent/accused ❑ other witness ❑ other _____		

Person who is bound by the restraining order	Family name:		Date of birth:
	Other names:		
	Home street: address: suburb: postcode:		
	Work street: address: suburb: postcode:		
	Phone nos.: work: home: mobile:		
	Role in proceeding in which restraining order was made: ❑ respondent/accused ❑ other witness ❑ other _____		

       and insert:

Person protected by the order	Family name:		Date of birth:
	Other names:		
	Address: street: suburb: postcode:		
	Phone nos.: work: home: mobile:		
	Email:		
	Role in proceeding in which restraining order was made: ❑ applicant/prosecutor ❑ victim ❑ respondent/accused ❑ other witness ❑ other _____		

Person who is bound by the restraining order	Family name:		Date of birth:
	Other names:		
	Home street: address: suburb: postcode:		
	Work street: address: suburb: postcode:		
	Phone nos.: work: home: mobile:		
	Email:		
	Role in proceeding in which restraining order was made: ❑ respondent/accused ❑ other witness ❑ other _____		

(b) in the row relating to Firearms delete "or a firearms licence?" and insert:

item or a firearms authorisation?

(c) in the row relating to Firearms after "access to a firearm" insert:

item

(9) In Schedule 1 Form 16:

(a) in Part A delete

Respondent	Family name:			Date of birth
	Other names:			
	Home address:	street:		
		suburb:		postcode:
	Work address:	street:		
		suburb:		postcode:
	Phone nos.: work:		home:	mobile:

and insert:

Respondent	Family name:			Date of birth
	Other names:			
	Home address:	street:		
		suburb:		postcode:
	Work address:	street:		
		suburb:		postcode:
	Phone nos.: work:		home:	mobile:
	Email:			

(b) in Part A delete "**firearm, a firearms licence,**" and insert:

firearm item, a firearms authorisation,

Mr STEVEN HEATH, Chief Magistrate
Magistrates Court in Perth.

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