

**CRIMES (REGISTRATION OF INTERSTATE RESTRAINT  
ORDERS) AMENDMENT ACT 1993 No. 6**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Crimes Act 1900 No. 40

SCHEDULE 1—AMENDMENTS

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**CRIMES (REGISTRATION OF INTERSTATE RESTRAINT  
ORDERS) AMENDMENT ACT 1993 No. 6**

NEW SOUTH WALES



**Act No. 6, 1993**

An Act to amend the Crimes Act 1900 to make provision for the registration and enforcement in New South Wales of orders in the nature of apprehended violence orders made under the laws of other States or Territories. [Assented to 14 April 1993]

**The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Crimes (Registration of Interstate Restraint Orders) Amendment Act 1993.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Crimes Act 1900 No. 40**

3. The Crimes Act 1900 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Part 15A, Division 1, heading:

Before section 562A, insert:

**Division 1—Definitions**

(2) Section 562A (**Definitions**):

Insert in alphabetical order:

**“interstate restraint order”** means an order made by a court of another State or Territory that has been made to prevent a person from acting in a manner specified in section 562B;

**“registered interstate restraint order”** means an interstate restraint order registered under Division 3;

**“the appropriate court”**, in relation to an interstate restraint order, means:

(a) a Local Court if the person against whom the order has been made is 18 or more years of age;  
or

(b) the Children’s Court if the person against whom the order has been made is less than 18 years of age,

on the day on which an application is made under Division 3 for the registration of the interstate restraint order.

SCHEDULE 1—AMENDMENTS—*continued*

- (3) Part 15A, Division 2, heading:  
Before section 562B, insert:

**Division 2—Apprehended violence orders generally**

- (4) Part 15A, Division 3:  
After section 562R, insert:

**Division 3—Registration of interstate restraint orders**  
**Application for registration of interstate restraint order**

562S. (1) A person may apply to the clerk of the appropriate court for the registration of an interstate restraint order.

- (2) An application is:
- (a) to be made in a form approved by the clerk of the appropriate court; and
  - (b) to be accompanied by a copy of the interstate restraint order, and
  - (c) to be accompanied by such evidence of effective service of the interstate restraint order on the person against whom it has been made as the clerk considers appropriate.

**Registration of interstate restraint order**

562T. (1) On receipt of an application under section 562S, the clerk of the appropriate court must:

- (a) register the interstate restraint order to which the application relates; or
- (b) refer the interstate restraint order to a Magistrate (or a Children's Magistrate if the appropriate court is the Children's Court) for adaptation or modification.

(2) On the referral of an interstate restraint order, the Magistrate or Children's Magistrate may do either or both of the following:

- (a) vary the period during which the order has effect in its operation in New South Wales;

SCHEDULE 1—AMENDMENTS—*continued*

(b) make such other adaptations or modifications to the order as the Magistrate or Children’s Magistrate considers necessary or desirable for its effective operation in New South Wales.

(3) The clerk of the appropriate court must register an interstate restraint order which has been adapted or modified under subsection (2).

(4) On registering an interstate restraint order, the clerk of the appropriate court must provide the Commissioner of Police with a copy of the registered interstate restraint order.

(5) Notice of the registration of an interstate restraint order is not to be served on the person against whom the order has been made unless the person who applied for that registration has consented to that service.

(6) A registered interstate restraint order is registered for the period during which the order, or the order as adapted or modified, is in force.

**Effect of registration of interstate restraint order**

562U. (1) An interstate restraint order which has been registered under section 562T:

- (a) has the same effect as an order made under Division 2; and
- (b) may be enforced against a person as if it were an order which had been made under Division 2 and as if a copy of the record of the order had been served on that person in accordance with section 562J.

(2) The variation or revocation of an interstate restraint order by a court of the State or Territory in which it was made after the order has been registered under section 562T has no effect in New South Wales.

**Variation etc. of registered interstate restraint orders**

562V. (1) In this section:

“prescribed person” means:

- (a) a person for whose protection a registered interstate restraint order has been made; or
- (b) a person against whom a registered interstate restraint order has been made; or

SCHEDULE 1—AMENDMENTS—*continued*

- (c) a police officer; or
- (d) a person whom the appropriate court in which the interstate restraint order has been registered has granted leave to make an application under this section.

(2) A prescribed person may apply to the appropriate court for one or more of the following:

- (a) the variation of a registered interstate restraint order as it applies in New South Wales;
- (b) the extension or reduction of the period during which a registered interstate restraint order has effect in its operation in New South Wales;
- (c) the revocation of the registration of a registered interstate restraint order.

(3) The appropriate court may determine the application by doing one or more of the following:

- (a) by varying the order as it applies in New South Wales;
- (b) by extending or reducing the period during which the order has effect in its operation in New South. Wales;
- (c) by revoking the registration.

(4) A registered interstate restraint order is not to be varied or revoked on the application of a person referred to in subsection (1) (a), (c) or (d) unless notice of the application has been served on the person against whom the order has been made.

(5) A registered interstate restraint order is not to be varied or revoked on the application of the person against whom the order has been made unless notice of the application has been served on the person for whose protection the order has been made.

(6) Notice of an application is to be served personally or in such other manner as the appropriate court hearing the application directs.

(7) A registered interstate restraint order varied under subsection (3) (a) or (b) is registered for the period during which the order, as varied, has effect in its operation in New South Wales.

SCHEDULE 1—AMENDMENTS—*continued*

- (5) Eleventh Schedule (Savings and transitional provisions):  
After Part 2, insert:

**Part 3—Crimes (Registration of Interstate Restraint  
Orders) Amendment Act 1993**

**Interstate restraint orders**

8. Part 15A, as amended by the Crimes (Registration of Interstate Restraint Orders) Amendment Act 1993, extends to an interstate restraint order (within the meaning of that Part) made before the commencement of that Act.

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*[Minister's second reading speech made in—  
Legislative Council on 18 November 1992  
Legislative Assembly on 11 March 1993]*