

Act 1993 No. 6

**CRIMES (REGISTRATION OF INTERSTATE RESTRAINT
ORDERS) AMENDMENT BILL 1993**

NEWSOUTHWALES



EXPLANATORYNOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Crimes Act 1900 to provide for the registration and enforcement in New South Wales of restraint orders (i.e. orders in the nature of apprehended violence orders) made under the laws of other States or Territories. Once registered, such an order will have the same effect as, and be enforced as if it were, an apprehended violence order made under Part 15A of the Crimes Act 1900.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedule of amendments to the Crimes Act 1900.

SCHEDULE1—AMENDMENTS

Schedule 1 (2) inserts definitions relating to the new provisions for the registration and enforcement of interstate restraint orders. Such an order is defined as an order made by a court of another State or a Territory that has been made to prevent a person from acting in a manner specified in section 562B of the Act (i.e. committing a personal violence offence against another person or from harassing or molesting the other person).

Schedule 1 (4) inserts a new Division in Part 15A to provide for the registration and enforcement of interstate restraint orders. The new Division contains the following proposed sections:

- Proposed section 562S provides for the application to the clerk of the appropriate court (i.e. a Local Court or a Children's Court, depending on the age of the person against whom the interstate restraint order has been made) for the registration of such an order

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- Proposed section 562T requires the clerk to register the order or to refer it to a Magistrate or Children’s Magistrate for adaptation or modification. If the order is referred, the Magistrate may vary the period during which the order is to have effect in New South Wales or make such other adaptations or modifications as the Magistrate considers necessary for the effective operation of the order in New South Wales. The order as adapted or modified must then be registered by the clerk. The clerk is required to provide the Commissioner of Police with a copy of the registered order. However, the person against whom the order has been made is not to be notified of the registration unless the person who applied for registration consents to such notice being served.
- Proposed section 562U provides that a registered interstate restraint order has the same effect, and may be enforced against a person, as if it were an apprehended violence order made under Part 15A.
- Proposed section 562V enables a “prescribed person” (e.g. the person who applied for the registration of the interstate restraint order or the person against whom it has been made) to apply to the appropriate court for variation of the order as it applies in New South Wales, for the extension or reduction of the period it has effect in New South Wales or for the revocation of the registration of the order.

Schedule 1 (5) provides that the proposed amendments extend to an interstate restraint order made before the commencement of the proposed Act.

Schedule 1 (1) and (3) are consequential amendments.
