



Australian Capital Territory

# **Protection Orders (Reciprocal Arrangements) Act 1992    No 36**

## **Republication No 1**

Republication date: 14 February 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Protection Orders (Reciprocal Arrangements) Act 1992* as in force on 14 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Protection Orders (Reciprocal Arrangements) Act 1992

## Contents

---

	Page
1 Short title	2
3 Definitions for Act	2
4 Application for registration of recognised order	3
5 Duties of registrar	3
6 Effect of registration	3
7 Variation of registered order	4
8 Revocation of recognised order	4
9 Variation of recognised order	5
10 Notification by interstate court of registration	5
11 Evidence	6
12 Approved forms	6
13 Regulation-making power	6

---

## Contents

---

	Page
<b>Endnotes</b>	
1 About the endnotes	7
2 Abbreviation key	7
3 Legislation history	8
4 Amendment history	8

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Protection Orders (Reciprocal Arrangements) Act 1992

---

An Act to provide reciprocal arrangements with respect to protection orders

---

## 1 Short title

This Act may be cited as the *Protection Orders (Reciprocal Arrangements) Act 1992*.

## 3 Definitions for Act

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

In this Act:

***court*** means the Magistrates Court.

***protection order*** means—

- (a) an order under the *Magistrates Court Act 1930*, section 197 or 206C; or
- (b) an order under the *Domestic Violence Act 1986*, section 4 or 14.

***recognised court*** means—

- (a) when used with the indefinite article—a court in a State, another Territory or New Zealand that may make a recognised order; and
- (b) in relation to a recognised order—the court that made the order.

***recognised order*** means an order, made under a law of a State, another Territory or New Zealand, that has substantially the same effect as a protection order.

***registered order*** means a recognised order registered under section 5 (1) or 9 (1) and includes a registered order varied under section 6 (1) (c).

***registrar*** means the registrar of the court.

#### **4 Application for registration of recognised order**

- (1) A person may apply to the registrar for registration of a recognised order.
- (2) The application must be accompanied by the recognised order.

*Note* If a form is approved under s 12 (Approved forms) for an application, the form must be used.

- (3) A reference in subsection (2) to a recognised order is a reference to the original order or to a copy certified as a true copy by the person to whose custody the original order is entrusted.

#### **5 Duties of registrar**

- (1) On receipt of an application in accordance with section 4, the registrar shall register the recognised order to which the application relates.
- (2) Where a recognised order has been registered under subsection (1), the registrar shall—
  - (a) provide the commissioner of police with a copy of—
    - (i) the application for registration; and
    - (ii) the registered order; and
  - (b) notify the recognised court of the registration.

#### **6 Effect of registration**

- (1) A registered order—
  - (a) has the same effect as a protection order; and
  - (b) may be enforced against a person named in the order as if it were a protection order that had been personally served on the person; and
  - (c) may be varied as if it were a protection order.

- (2) Nothing in the *Domestic Violence Act 1986* is to be taken to affect the entitlement of an original party to apply for a variation of a registered order.

- (3) In this section:

***original party***, in relation to a registered order, means a person who was a party to the proceedings in which the relevant recognised order was made.

***protection order*** means an order under the *Domestic Violence Act 1986*, section 4 or 14.

***varied*** includes adapted and modified.

## **7 Variation of registered order**

Where a registered order is varied under section 6 (1) (c), the registrar shall—

- (a) take such further action with respect to the order as he or she would be required to take if it were a protection order that had been varied; and
- (b) notify the recognised court of the variation.

## **8 Revocation of recognised order**

Where the registrar is notified by a recognised court that a recognised order, in respect of which there is a registered order, has been revoked, the registrar shall cancel the registration of the registered order and shall notify—

- (a) the commissioner of police; and
- (b) the person for whose benefit the recognised order was registered;

of the cancellation.



## **9 Variation of recognised order**

- (1) Where the registrar is notified that a recognised order, in respect of which there is a registered order, has been varied, the registrar shall cancel the registration of the registered order and register the recognised order as varied.
- (2) An order registered under subsection (1) takes effect on the cancellation of the registration of the registered order under that subsection.
- (3) If—
  - (a) before the cancellation of a registered order under subsection (1), that order had not been enforced in respect of a breach of that order; and
  - (b) the action constituting the breach would amount to a breach of the order registered under subsection (1);

the order referred to in paragraph (b) may be enforced as if the breach were a breach of that order.

## **10 Notification by interstate court of registration**

Where—

- (a) a recognised court notifies the court that it has registered a protection order; and
- (b) the court varies or revokes that order;

the court shall—

- (c) notify the recognised court that the order has been varied or revoked; and
- (d) if the order has been varied—provide the recognised court with a copy of that order as varied.

## **11 Evidence**

A registered order is admissible in evidence in any court by the production of a copy of the registered order certified as a true copy by the registrar, and such a copy is evidence of the matters stated in the registered order.

## **12 Approved forms**

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **13 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
num = numbered	sdiv = subdivision
No = number	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced

## Endnotes

3 Legislation history

---

### 3 Legislation history

#### **Protection Orders (Reciprocal Arrangements) Act 1992 No 36**

notified 8 July 1992 (Gaz 1992 No S103)

s 1, s 2 commenced 8 July 1992 (s 2 (1))

remainder commenced 3 August 1992 (s 2 (2) and Gaz 1992 No S130)

as amended by

#### **Protection Orders (Reciprocal Arrangements) (Amendment) Act 1998 No 40**

notified 14 October 1998 (Gaz 1998 No 41)

commenced 14 October (s 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 305**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 305 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

### 4 Amendment history

#### **Commencement**

s 2 am 2001 No 44 amdt 1.3317

#### **Definitions for Act**

s 3 def *interstate court* om 1998 No 40 s 4  
def *interstate order* om 1998 No 40 s 4  
def *recognised court* ins 1998 No 40 s 4  
def *recognised order* ins 1998 No 40 s 4  
def *registered order* am 1998 No 40 sch

#### **Application for registration of recognised order**

s 4 hdg am 1998 No 40 note

s 4 am 1998 No 40 sch; 2001 No 44 amdt 1.3318, amdt 1.3319

#### **Duties of registrar**

s 5 am 1998 No 40 sch

#### **Effect of registration**

s 6 am 1998 No 40 sch

#### **Variation of registered order**

s 7 am 1998 No 40 sch

#### **Revocation of recognised order**

s 8 hdg am 1998 No 40 note

s 8 am 1998 No 40 sch

**Variation of recognised order**

s 9 hdg am 1998 No 40 note

s 9 am 1998 No 40 sch

**Notification by interstate court of registration**

s 10 am 1998 No 40 sch

**Approved forms**

s 12 sub 2001 No 44 amdt 1.3320

**Regulation-making power**

s 13 ins 2001 No 44 amdt 1.3320

Authorised when accessed at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) or in authorised printed form

© Australian Capital Territory 2002