



Australian Capital Territory

Protection Orders (Reciprocal Arrangements) Act 1992

A1992-36

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Protection Orders (Reciprocal Arrangements) Act 1992* effective 14 October 1998 to 11 September 2001.

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):

- 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 (Republication) Act 1996*, part 3, division 2 authorised 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 (Republication) Act 1996*, s 14 and s 16). 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.



Australian Capital Territory

PROTECTION ORDERS (RECIPROCAL ARRANGEMENTS) ACT 1992

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

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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*.¹

2.¹ Commencement

(1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

3. Interpretation

In this Act, unless the contrary intention appears—

“Court” means the Magistrates Court;

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“protection order” means—

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

“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 subsection 5 (1) or 9 (1) and includes a registered order varied under paragraph 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) An application under subsection (1) shall—
 - (a) be in a form approved by the Registrar; and
 - (b) be accompanied by the recognised order.
- (3) A reference in paragraph (2) (b) to a recognised order shall be read as 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—

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- (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;
- (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 section 4 or 14 of the *Domestic Violence Act 1986*;

“varied” includes adapted and modified.

7. Variation of registered order

Where a registered order is varied under paragraph 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. Regulations

The Executive may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or

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- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
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NOTES

1. The *Protection Orders (Reciprocal Arrangements) Act 1992* as shown in this reprint comprises Act No. 36, 1992 amended as indicated in the Tables below.
2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

Table of Acts

| Act | Number and year | Date of notification in <i>Gazette</i> | Date of commencement | Application, saving or transitional provisions |
|---|-----------------|--|---|--|
| <i>Protection Orders (Reciprocal Arrangements) Act 1992</i> | 36, 1992 | 8 July 1992 | Ss. 1 and 2: 8 July 1992 Remainder: 3 Aug 1992 (see <i>Gazette</i> 1992, No. S130, p. 2) | |
| <i>Protection Orders (Reciprocal Arrangements) (Amendment) Act 1998</i> | 40, 1998 | 14 Oct 1998 | 14 Oct 1998 | — |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision | How affected |
|----------------|------------------|
| Ss. 3-10 | am. No. 40, 1998 |