

Violence restraining orders – information



This information sheet may help you if you are thinking of applying for a violence restraining order (VRO).

If you want to apply for a VRO in the Children's Court to protect a child from personal violence or you are a respondent to this sort of application, see the videos and fact sheets on the Legal Aid WA website.

See the Legal Aid WA information sheets: Misconduct restraining orders and Family violence restraining orders for information on other types of restraining orders. If you are a respondent to a restraining order application see the information sheet: Responding to a restraining order.

If you are applying for the order you are called "the applicant" or the "person seeking to be protected".

The person who you want the order against is called "the respondent" or if a restraining order is made, the "person who is bound".

What is a violence restraining order?

A violence restraining order (VRO) is a court order designed to stop future acts of personal violence by one person against another person they are **not** in a family relationship with.

It tells the offender to stay away from you and/or to stop behaving in certain ways towards you. The order can be worded to suit your situation.

Note: A restraining order cannot be made against a child less than 10 years of age.

What is personal violence?

Personal violence means one of the following acts that a person commits against another person they are **not** in a family relationship with:

- assaulting or causing injury
- kidnapping
- depriving the liberty of the person
- threatening to do any of the above
- stalking.

Even if the person gets someone else to do these sorts of things against the person to be protected they will be taken to have committed personal violence.

Who can apply for a violence restraining order?

An application can be made by:

- any person seeking to be protected, or their guardian, if they have one
- the parent or guardian of a child or a child welfare officer (eg, a Department of Communities, Child Protection and Family Support case manager) for a child or young person under 18 years of age, or
- a police officer for any child or adult.

How can I get a VRO?

If possible get legal advice before you make your application.

An application for a VRO can be made:

- To the Children's Court if the respondent is a child or young person under 18.
- To the Magistrates Court if both the applicant and the respondent are adults.
- To the Magistrates Court or the Children's Court of WA if the person seeking to be protected is a child or young person under 18, against an adult respondent.
- Through a police officer who may apply for you by telephone. They usually only do this

where doing it yourself is either not practical or the situation is urgent.

In some circumstances the court may also extend an order to cover a person named in the order in addition to the person protected by the order, eg a parent who seeks to have their child covered by their order.

Ask at your nearest courthouse for the application form or, if there is no courthouse in your area, ask at the nearest police station. The application form can also be downloaded from the Magistrates Court of WA website.

You can apply in person, or by making an online application through an approved legal service provider. To find an approved legal service provider contact Victims of Crime, Department of Justice by calling (08) 9425 2973 during business hours. Your local [community legal centre](#) may also be able to assist you but please note some can only help with family violence restraining orders. You can also contact **Legal Aid WA's Infoline on 1300 650 579** for information and referral.

See the **Legal Aid WA information sheet: Restraining orders – court process** for more information.

Other ways to get a VRO

If a person is convicted of certain violent personal offences in a criminal court, that court can automatically make a lifelong VRO against an adult or a child unless the victim does not want it.

What do I have to show to get a VRO?

To get a VRO you must be able to show the court that:

- the respondent has committed personal violence and is likely in the future to commit personal violence against you, or
- you have reasonable grounds to apprehend they will commit personal violence against you.

The court also has to think it is appropriate in the circumstances to make a VRO.

What conditions can be included in a VRO?

A VRO can have conditions which stop the person bound from doing certain things such as:

- being on or near your home or place of work

- being on or near a certain place
 - coming within a certain distance of you
 - contacting or trying to contact you in any way, including texting, ringing, emailing or writing—even through other people
 - contacting you in certain circumstances or in a particular way
 - stalking you
 - stopping you from using personal property you need
 - getting another person to do any of the things above to you
- being in possession of firearms, ammunition or a firearms licence.

A VRO may also inform the person bound/respondent that certain behaviour and activities are unlawful, that is, they may break a criminal law.

Normally a VRO prevents the respondent from having or getting a gun or a licence for a gun. Also, if a respondent already has a gun and/or a gun licence, they must give it up to the police if the VRO prohibits them from having one.

If the court is not going to order that the respondent must give up their gun they should tell you.

What is a breach of a VRO?

A VRO will prevent the person bound from doing certain things.

You should read the order carefully to know what behaviour is restricted.

If the person bound does something that the VRO says they can't do, they are "breaching" the order.

For example, if a VRO says the person bound is not allowed to communicate with you, the person bound must not:

- visit you
- call you on the phone
- send SMS or text messages to you
- send emails to you
- send letters to you
- send presents to you
- send messages to you, even through friends or family.

You should report any breaches of a VRO to the police.

Is a VRO a criminal charge?

A VRO itself is not a criminal charge. Notice of a VRO does not go on the person bound's criminal record.

However, if a person bound by a VRO breaches that order, they may be charged with the criminal offence of breaching a VRO. A conviction for breach of a VRO will go on their criminal record.

Breaches of a VRO can result in fines of up to \$10,000 or imprisonment for up to two years or both.

How long does a VRO last?

An interim VRO stays in force until it is cancelled, dismissed or becomes final.

Unless varied or cancelled, a final VRO against an adult usually lasts for two years, and up to six months against a child or young person. You can ask for an order against an adult to be longer if you prove it is necessary, or it can be shorter.

Criminal courts can also make lifelong VROs in some circumstances.

How does a VRO affect access to the person bound's property?

A VRO may have conditions that mean the person bound **cannot** go to where they live (for example, in a shared house context) and/or work (if the VRO is between work colleagues) to get their property. If they do they may breach the VRO.

The court may make an order that removes the person bound from where they normally live or work, for example, if the person protected works with them. If this happens the court must make an order about how the person bound can get their personal property. Usually the order will state that the person bound can go back to the house/workplace on one occasion only, and in the presence of a police officer, to collect essential personal items.

If it is a condition of the order, the person bound may recover property in accordance with the procedures set out in the *Restraining Order Regulations 1997* (WA) and in the presence of a

police officer at a time and date convenient to the person protected. The police will try to contact you and arrange a time convenient to you for the person bound to collect their property in the presence of a police officer.

What if I want property back from the person bound?

You should not initiate contact if it is prohibited under the VRO. If, as the person protected, you have moved out of the place where you normally live or are not allowed to go to your workplace and still have property there, you may ask the court to include a condition on the VRO saying you can go back to that house or work place to get your personal property in the presence of a police officer.

If an interim VRO has already been made and the court has not made an order allowing you to collect your property, you can apply to the court for a variation of the VRO to include such an order.

How can I get the person bound's property back to them?

You should not initiate contact if it is prohibited under the VRO. The return of property may be covered by a condition of the VRO. You can contact the police and arrange for the goods to be given back to the person bound.

For other situations where you are required to take steps before you can dispose of goods left with you see the **Legal Aid WA webpage: Abandoned goods** or the information sheet **Disposal of uncollected goods**

Where can I get more information?

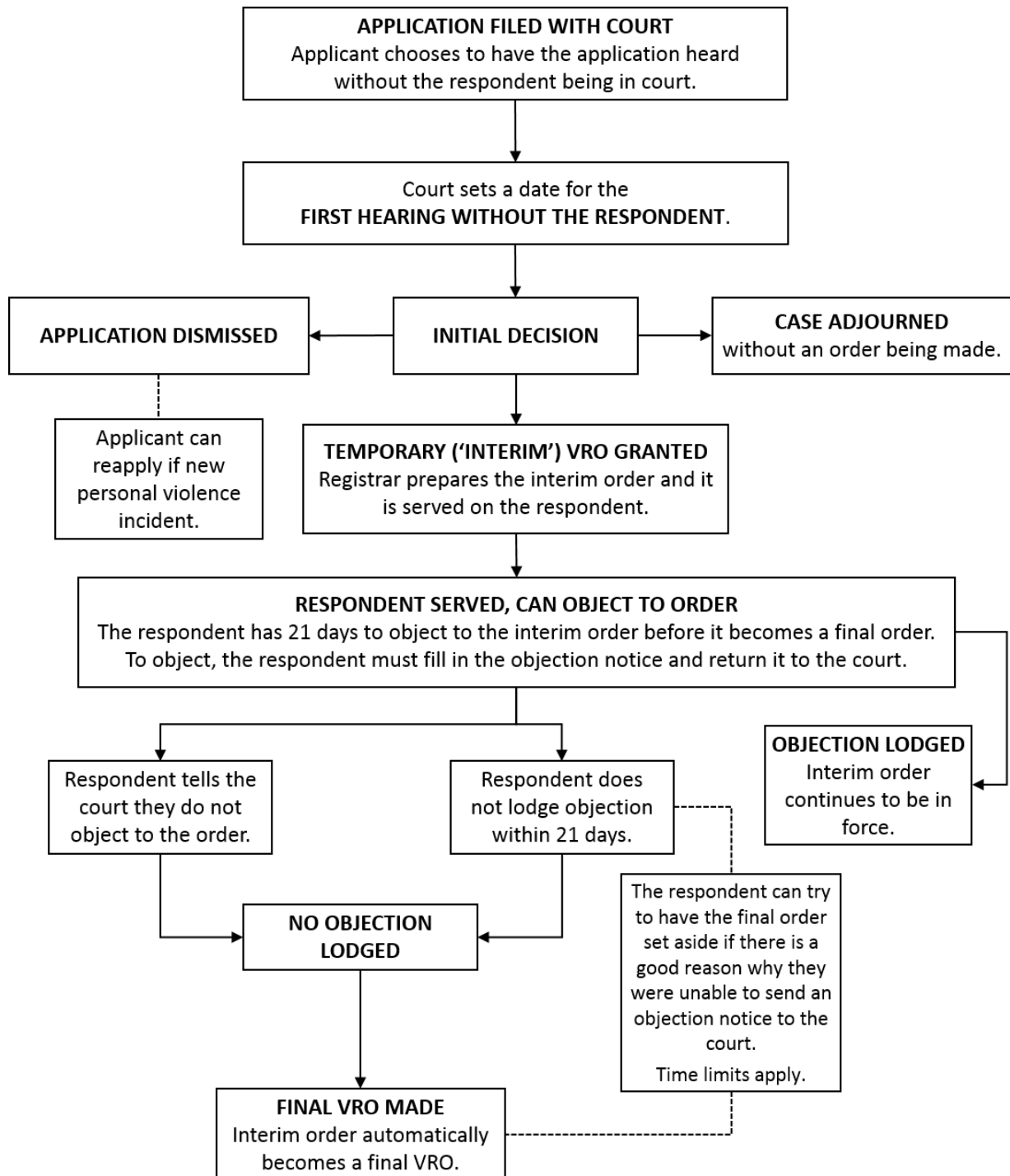
- Contact **Legal Aid WA's Infoline** on **1300 650 579** for information and referral, or to be sent a copy of information sheets or fact sheets on restraining orders that may assist. You can also pick up a copy from your nearest Legal Aid WA office.
- Police support is available from your local police station on **131 444**.
- Go to the [Magistrates Court of WA](#) website or any registry to get copies of any forms needed.

Flow charts of the court process

1. Violence restraining order – application heard in the absence of the respondent

Procedure for VROs

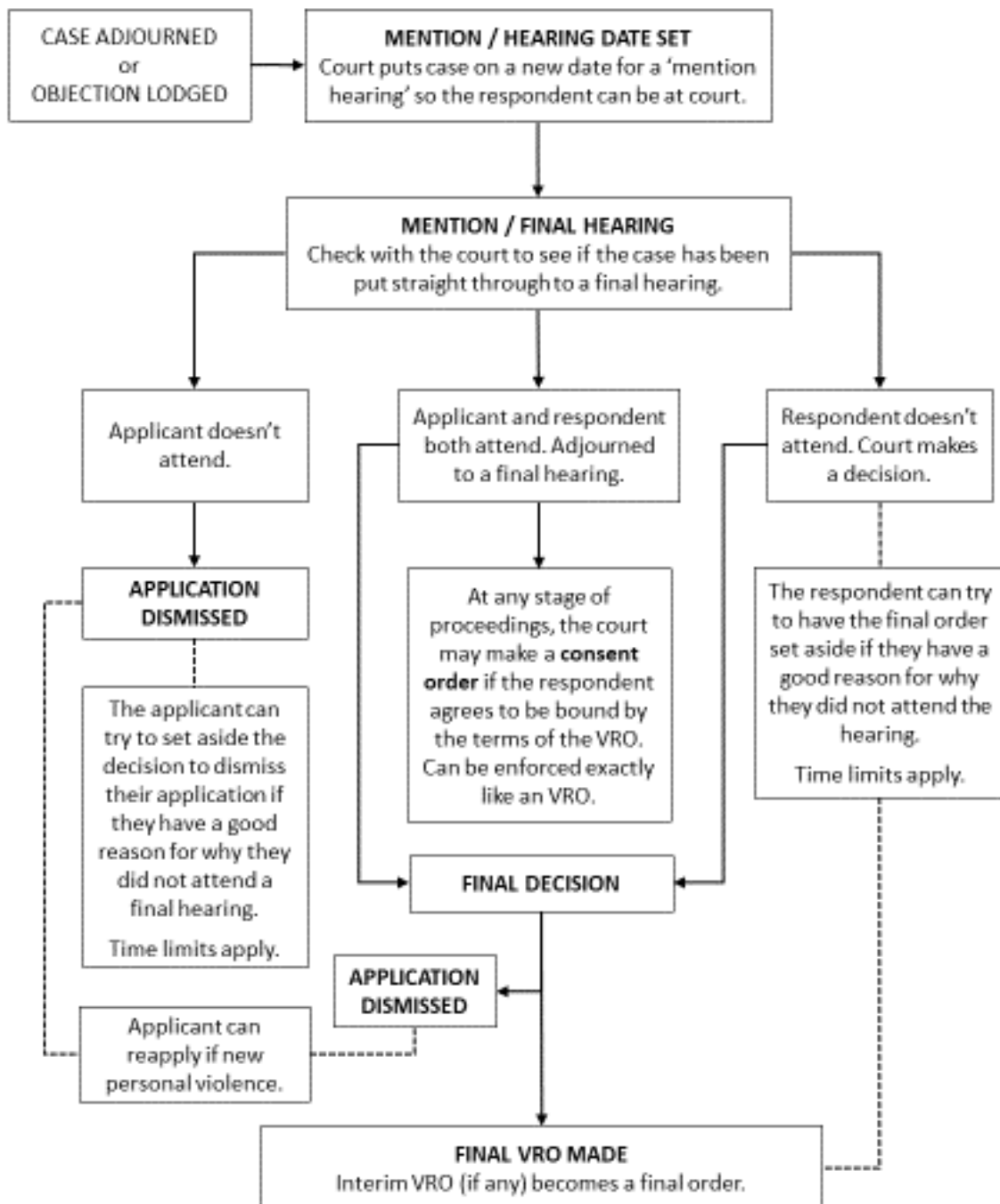
Application heard in the absence of the respondent



2. Violence restraining order – adjourned/contested application

Procedure for adjourned / contested applications

Application is adjourned, or respondent objects to interim VRO becoming a final order



Legal Aid WA Offices

TELEPHONE INFOLINE: 1300 650 579 (General Enquiries)
Infoline open Monday to Friday 9.00 am to 4.00 pm
(Australian Western Standard Time) except public holidays

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National Relay Service (for hearing and speech impaired) 133 677

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Southwest Regional Office

7th Floor, Bunbury Tower, 61 Victoria Street, Bunbury, WA 6230
(08) 9721 2277

Great Southern Regional Office

Unit 3, 43-47 Duke Street, Albany, WA 6330
(08) 9892 9700

Goldfields Regional Office

Suite 3, 120 Egan Street, Kalgoorlie, WA 6430
(08) 9025 1300

Midwest & Gascoyne Regional Office

Unit 8, The Boardwalk, 273 Foreshore Drive, Geraldton, WA 6530
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Pilbara Regional Office

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West Kimberley Regional Office

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(08) 9195 5888

East Kimberley Regional Office

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Indian Ocean Office

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This information contains a summary of the law and is correct at the date of publication. It is not legal advice. You should always seek legal advice about your individual situation. Any services referred to which are not operated by Legal Aid Western Australia are not endorsed or approved by Legal Aid Western Australia.

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