

CHILDREN AND COMMUNITY SERVICES ACT 2004

Scope

This practice direction only applies to applications made under the *Children and Community Services Act 2004* ("the Act") which concern a child and/or a party with some immediate past or present connection with the district usually serviced by Court Registries located at Mandurah, Midland, Joondalup, Armadale, Fremantle and Rockingham.

Explanatory Comments

1. Applications and supporting affidavits which fall within the scope of this practice direction are currently being filed in the Registry of the Children's Court of Western Australia ("the Court") at Perth.
2. DCP caseworkers are personally travelling from outer suburban areas covered by this practice direction to file original applications and supporting affidavits.
3. It is a caseworker who usually swears and signs an affidavit in support of an application and usually does so at a place out of the central area of Perth. It would greatly assist caseworkers if they could fax applications and/or sworn affidavits to the Perth office of DCP and for someone from the Perth office to check and then file copies of the applications and supporting affidavits at the Perth Registry of the Court.
4. It is highly desirable that:
 - (i) DCP caseworkers spend as much time as possible directly attending to casework, and
 - (ii) DCP Legal Officers are involved in the preparation of applications and supporting affidavits, and
 - (iii) Court process be kept to a bare minimum, and
 - (iv) there be easy access to the Court by the parties to proceedings.
5. The purpose of this practice direction is to satisfy the objectives set out in paragraph 4 above.
6. This practice direction is an interim measure pending ultimate electronic lodgement of Court documents.

Practice Direction

1. (i) It is not necessary to file the original of an application and/or affidavit covered by this practice direction (copy documentation will suffice), and
(ii) otherwise the requirements and procedures for the filing of documents remain the same.
2. When a copy document is filed pursuant to this practice direction the act of an officer of DCP or any person acting on the instructions of DCP presenting the copy document for filing shall amount to:
 - (i). an undertaking to the Court by the caseworker that the original of the relevant document was used to fax a copy of it to the Legal Practice Services of the DCP, and
 - (ii). an undertaking to the Court by the officer of the DCP who gave instructions for the copy documentation to be filed that it is the or a true copy of the copy documentation received from the caseworker.
3. When a copy document is filed pursuant to this practice direction the relevant applicant must:
 - (i) ensure that the original of the copy document is kept and preserved, and
 - (ii) produce the original of the copy document for inspection:
 1. if directed to do so by the Court within such time as fixed by the Court, and/or
 2. if requested to do so by a party to the application within a reasonable time of such request.
4. This practice direction is effective from and inclusive of Monday, 4 February 2008.

His Honour Judge D J Reynolds
PRESIDENT

Dated this 30th day of January 2008