



FAMILY COURT OF WESTERN AUSTRALIA

PRACTICE DIRECTION

(No. 1 of 2014)

The information sharing protocols between the Family Court of Western Australia and the Department for Child Protection and Family Support (“the Department”) provide an important mechanism for gathering evidence in child-related proceedings.

The Department provides documents to the Court by orders pursuant to s 69ZW of the *Family Law Act 1975* (Cth) and s 202K of the *Family Court Act 1997* (WA). The Department may also provide a written response to a Form 4 (Notice of Child Abuse or Family Violence) that may summarise its involvement with the family and the outcome of its investigations.

The Department should not be required to produce documents that have already been produced in proceedings or may be produced by means other than subpoena.

Effective from 24 March 2014, a request to issue a subpoena against the Department will be granted only with permission of a Judge, Magistrate or Registrar.

Permission is to be sought by:

- (i) written request, setting out the documents and information already received from the Department, the precise documents sought, the relevance of those documents and a copy of the subpoena; or
- (ii) oral application in open court, at which time the matters set out in (i) above are to be addressed.

Leave will generally not be granted for the issue of a subpoena:

- (i) seeking production of the Department’s entire file; or
- (ii) for documents that may be obtained pursuant to s 69ZW of the *Family Law Act 1975* (Cth) or s 202K of the *Family Court Act 1997* (WA).

**STEPHEN THACKRAY
CHIEF JUDGE
FAMILY COURT OF WESTERN AUSTRALIA
13 March 2014**