



FAMILY COURT OF WESTERN AUSTRALIA

PRACTICE DIRECTION

No. 2 of 2011

SUBPOENAS TO SERVICE PROVIDERS

Evidence provided by some service providers is inadmissible in family law proceedings in circumstances prescribed by relevant legislation.

To reduce the number of subpoenas issued by the Court that may be the subject of objection, the following Practice Direction is now made, effective 1 January 2012.

A subpoena directed against:

- (a) a family dispute resolution practitioner;
- (b) a family counsellor; or
- (c) employees of Anglicare, Centrecare or Relationships Australia,

will not be issued unless the subpoena is accompanied by a letter certifying that reasonable efforts have been made to discuss with the person against whom the subpoena is directed (or their manager or supervisor):

- (i) the possible consequences of compliance with the subpoena, including the impact on the family or children involved;
- (ii) any objection that may be taken to the subpoena;
- (iii) the costs that would be sought to comply with the subpoena; and
- (iv) alternative means by which the evidence might be provided.

This Practice Direction applies only to subpoenas sought to be directed against a person in their professional capacity.

A handwritten signature in black ink, appearing to read 'S E Thackray'.

**S E THACKRAY
CHIEF JUDGE**

FAMILY COURT OF WESTERN AUSTRALIA

20 December 2011

NOTE. The initial point of contact with Anglicare should be General Manager, Separation Services; Centrecare should be The Director and Relationships Australia should be Director, Operations.