



FAMILY COURT OF WESTERN AUSTRALIA

PRACTICE DIRECTION

(No. 1 of 2015)

USE OF FAMILY COURT DOCUMENTS IN THE CHILDREN'S COURT

Preamble

Proceedings in the Family Court of Western Australia ("FCWA") are sometimes concurrent with, or followed by, protection order proceedings in the Children's Court of Western Australia ("CCWA") under the *Children and Community Services Act 2004* with respect to the same child.

Until now, evidence filed in, or documents produced for the FCWA proceedings could not be used in the CCWA without leave being granted by FCWA.

It is in the best interests of children for there to be a proper and efficient exchange of documentation between the FCWA and CCWA in such circumstances.

Practice Direction

1. Where protection order proceedings have been commenced in the CCWA involving the same child as proceedings in the FCWA, leave is not required from the FCWA for the following documents to be provided as evidence in the CCWA:
 - (a) affidavits;
 - (b) reports of Single Expert witnesses; and
 - (c) family reports and other documents prepared by a Family Consultant that form part of the record of the FCWA.
2. If subpoenaed documents have been received by the FCWA Registry and protection proceedings involving the same child are commenced in the CCWA, then upon request, the Registry of the FCWA shall forward a copy of the subpoena and the subpoenaed documents to the Registry of the CCWA and the Registry of the FCWA shall inform the Respondent to the subpoena accordingly.

3. This practice direction:
- (a) is subject to any order of the FCWA;
 - (b) does not impact on the question of admissibility into evidence in the CCWA proceedings of any material referred to in paragraph 1; and
 - (c) is effective immediately.

STEPHEN THACKRAY
CHIEF JUDGE
FAMILY COURT OF WESTERN AUSTRALIA
11 February 2015

NOTE: References in this Practice Direction to FCWA are to be read as also applying to Family Law Magistrates of the Magistrates Court of Western Australia