

PROTOCOL FOR RETURN OF SUBPOENAS FOR PRODUCTION AT WAGGA WAGGA CHILDREN'S COURT

This protocol is adopted from the practice in the Children's Court at Parramatta, Ballina and Lismore.

1. This Protocol is subject to the *Children and Young Persons (Care and Protection) Act 1998* (NSW), the [Children's Court Rule 2000](#) and [Children's Court Practice Note 5](#).
2. Subpoenas for production issued from Wagga Wagga Children's Court may be made returnable from the week commencing 8 October 2019 on Wednesday in the first or third week of the month at 9.30am.
3. The subpoena will be returnable before a Children's Registrar or the Registrar of the Children's Court at Wagga Wagga or his or her legally authorised delegate in the registry office.
4. In the ordinary course, parties are not required to attend the subpoena return date.
5. Where the subpoena has not been served or where no documents have been produced, the issuing party may seek a further return date by mail, fax or email. Where there is no such request received prior to the subpoena return date, no further orders will be made.
6. Consent orders for access will be made where, by 9am on the return date:
 - (a) written notice of service of the subpoena on the producer and all parties to the proceedings in accordance with paragraph 15.9 Practice Note 5¹ is received by the Children's Court by mail, fax, or email, and
 - (b) no notice of application to set aside the subpoena has been received by the Children's Court by mail, fax or email or in person, and
 - (c) no notice of objection to access has been received by the Children's Court by mail, fax or email or in person.
7. Access orders by consent will be made in accordance with the proposed access order endorsed on the subpoena or, if no proposed orders are sought,

¹ Rule 30A (8) The party on whose application a subpoena for production is issued must cause copies of the subpoena to be served not only on the person addressed in the subpoena but also on all of the other parties to the proceedings.

then in accordance with the standard access orders² as outlined in paragraph 15.8 of Practice Note 5.

8. Where notice of application to set aside the subpoena or notice of objection to access has been received, the issue for determination will be listed before the Children's Court for directions.
9. Where a party is not present for the return of subpoena, the party should contact the Registry from 10 am on the return date to confirm the orders made and make the necessary arrangements to obtain access where access orders have been made.
10. For the purposes of this Protocol, notice must be sent to the Children's Court

Email: **local-court-wagga-wagga@justice.nsw.gov.au**

Fax: **0269220921** or

Mail: **53-55 Fitzmaurice Street Wagga Wagga NSW 2650**

² 'The issuing party is to have first access within 3 working days and thereafter access to all parties. Leave is granted to a legal practitioner of a party to uplift documents for 3 working days and photocopy documents that the party proposes to rely on at the hearing or to be forwarded to the Children's Court Clinic or other expert.'