



CHILDREN COURT OF WESTERN AUSTRALIA

PRACTICE DIRECTION NO. 1 OF 1998

Procedure and forms to be adopted when dealing with applications under section 334 (9) of the *Health Act 1911*.

Date: 27/11/98

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Practice Direction No. 1 of 1998

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Commencement

1. This Practice Direction will take effect immediately.

Procedure

1. Applications under section 334(9) of the *Health Act 1911* are to be known as "Health Act applications".
2. Health Act applications are to be treated as urgent and listed before the next sitting of the Children's Court.
3. At the direction of the President, Health Act applications are to be heard and determined in chambers and not in court.

Records

1. Health Act applications are to be numbered and prefixed with the jurisdiction and Court Location codes and entered into a separate manual index. For example, an application lodged in the Fremantle Court would be numbered as follows: C FR 3/98. The index is to be kept in a safe place.

2. A separate range of numbers from those used for normal Children's Court matters must be used for Health Act applications.
3. Health Act applications are not to be entered into the CHIPS computer system. This is important to ensure that court officers do not disclose details or any particulars of an application to persons other than the applicant.
4. The magistrate's order recorded on the application is to be considered as the original order. Where the application is approved, two copies of the extracted order are to be signed by the judicial officer making the order. One copy is to be given to the applicant and the other is to be filed. The second copy may be given to the applicant on demand.
5. Health Act applications are to be filed separately from the Children's Court complaints and applications. The application and associated papers must be placed in an envelope, the application number written on it, the envelope sealed and then filed. Files must be kept in a safe place.

Records in Country Registries

1. After three months has elapsed from the date of determination, all documentation relating to a Health Act application must be forwarded to the Perth Children's Court.
2. No information or copies of documents regarding the application may be given to any person other than the applicant within the three-month period when the records are retained at the place of application. Applicants requiring information or copies of documents after three months from determination of the Health Act application should be referred to the Perth Children's Court.

Disclosure of Information

1. No confirmation that a Health Act application has been made to the Children's Court should be made to any person.
2. Information and copies of documents relating to a Health Act application may only be provided to the applicant.

Forms

14. The application form and extract of order forms are appended to this Practice Direction.

Dated this 27th day of November 1998

Judge A.D. Fenbury

**PRESIDENT
CHILDREN'S COURT OF
WESTERN AUSTRALIA**