

19 February 2010

His Honour Judge Reynolds
President
Children's Court of Western Australia
160 Pier Street
PERTH WA 6000

Dear Judge

Draft Children's Court Rules 2009

Thank you for the opportunity to provide comment on the draft *Children's Court Rules 2009*.

Having reviewed the draft Rules, the Society provides the following comments:

Draft Rule 13(2) – Minutes of Consent

The draft rule currently reads:

".... unless the Court is satisfied that the order would be better for each relevant child than...."

The Society proposes that the Rules be worded as:

".... unless the Court is satisfied that the order would not be in the best interests of each relevant child."

Draft Rule 27 – Registrar's functions when application made under the Health Act

Draft Rule 27(a) currently provides that a Registrar must list an application that is at least 14 clear days after the date on which an application is lodged.

In light of the nature of the applications, the Society is of the view that these applications should be listed without delay. Any delay may compromise the physical and psychological health of the applicant child.


The Society proposes that the Rule be drafted such that it requires that the Registrar list the application on the earliest convenient date that is no longer than 7 days after the date on which the application is lodged.

Draft Rule 53 – Directions for evidence of children and special witnesses

Draft Rule 53 currently requires an application under section 106S to be made at least 14 days before the hearing date.

The Society proposes that this Rule allow for the time period to be reduced with leave of the Court.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'H. Quail', written in black ink.

Hylton Quail
President