



**Children's Court
Victoria**

**PRACTICE DIRECTION
NO. 10 OF 2020**

**FAMILY DIVISION – COVID-19 PROTOCOLS
SUBPOENAS AND THE ONLINE INSPECTION OF DOCUMENTS**

This Practice Direction is issued pursuant to Section 592 of the *Children, Youth and Families Act 2005* and Rule 9B(2)(ii) and Rule 9G of the *Children, Youth and Families (Children's Court Family Division) Rules 2017* (the Rules).

PREAMBLE

- A. This Practice Direction introduces further temporary measures necessitated by the COVID-19 pandemic for the management of proceedings in the Family Division of the Children's Court of Victoria (**the Court**).
- B. This Practice Direction applies to Family Division matters listed at Melbourne, Moorabbin or Broadmeadows Children's Court (including regional matters that are being case managed by Melbourne Children's Court).
- C. This Practice Direction outlines the process that applies to the issuing of a witness summons, the listing of a return of a witness summons, the management of objections and the method of inspection of documents produced pursuant to a witness summons, including the online inspection of subpoenaed documents.

DIRECTIONS

Witness Summons to produce

1. A party issuing a witness summons to produce¹, must request that a copy of any document be provided in an electronic form that complies with Rule 9B(2)(b)² of the Rules, unless it is impracticable to do so.
2. An addressee (recipient) of a witness summons to produce must produce a copy of the document or thing identified in the witness summons in an electronic form that complies with Rule 9B(2)(b) of the Rules and produce the document or thing by emailing the electronic copy to the relevant [Children's Court Registry](#), unless it is impracticable to do so.

Where there is no objection to production or inspection

3. Where documents are produced pursuant to a witness summons without objection, the documents will be released for inspection by the legal representatives for the parties on the return date, without the need to appear before a magistrate.
4. The legal representatives for the parties may request to view the subpoenaed material electronically by completing and signing the

¹ Including a witness summons to produce and to give evidence

² Rule 9B(2)(b) of the Rules provides that a copy of a document may be in an electronic form in any of the following formats:

- (i) .doc and .docx—Microsoft Word documents;
- (ii) .pdf—Adobe Acrobat documents;
- (iii) .xls and .xlsx—Microsoft Excel spreadsheets;
- (iv) .jpg—image files;
- (v) .rtf—rich text format;
- (vi) .gif—graphics interchange format;

attached [Request to Inspect Subpoenaed Material Electronically](#). In signing this Request, the legal representative undertakes that they will not copy, print or cause to be distributed any document or thing to which they are granted electronic access, unless otherwise permitted by the Court.

5. Parties who are not legally represented must contact the relevant Children's Court Registry to make an appointment to inspect the subpoenaed material, unless the Court otherwise permits the party to view the subpoenaed material remotely.

Where there is an objection to production or inspection

6. Where there is any objection to production or inspection of a document or thing identified in the witness summons, the objector must notify the Registry in writing of the objection and the grounds of that objection by email to the relevant [Children's Court Registry](#).
7. On receiving notice of any objection, the registrar will list the witness summons for hearing before a magistrate, with the hearing to be conducted remotely, unless otherwise directed by the Court. The objector and parties will be notified of the remote hearing date by the Court.
8. The objector and any other parties directed by the Court to appear at the hearing will be required to file a [remote hearing appearance notice](#) no later than three (3) days prior to the remote hearing regarding the objection. The email address provided in that notice will be used by the Court to send a hearing invitation to join the remote hearing.

9. For information about appearing by audio-visual link, objectors and parties are referred to the [Fact Sheet for Online hearings](#) published on the [Children's Court website](#).

10. If the Court overrules the objection to production or inspection of a document or thing identified in the witness summons, the process for inspection contained in paragraphs 4 and 5 of this Practice Direction will apply.

This Practice Direction commences on 3 August 2020.



Judge Amanda Chambers
President
Children's Court of Victoria
30 July 2020