

Family Court Practice Note

By Josephine Stone

The Family Court of Australia has now issued a new Practice Note concerning witness payments to Regulation 8 welfare officers. The Court retains the services of welfare officers who are appointed under the provisions of Regulation 8 of the Family Law Regulations. From time to time Family Reports which cannot conveniently be prepared by Court councillors are assigned to Regulation 8 officers. These officers are not employees of the court, but undertake the preparation of reports on a fee-for-service basis. They receive a fixed fee in respect of their professional time spent in preparing the report.

In the event that a Regulation 8 officer is called as a witness and the trial judge certifies that such attendance is necessary, the cost of travel and where appropriate other cost of overnight accommodation, will be met by the court. In addition, a small fee will be paid for the first half-day of attendance at court to give evidence and a further fee will be paid at a higher rate for each half-day thereafter.

Subject to certification, those costs will be met whether or not the officer is actually required to give evidence. Certification as to the need for the officer to attend may be made before, during or after the trial. Where such certification is to be sought, it is the responsibility of the party requiring the attendance of the Regulation 8 officer to meet the reasonable costs pending certification.

In the absence of certification, the party at whose request the officer attended will be liable for the relevant cost.

Where the matter is legally aided, the solicitor should seek an extension to the grant of aid in order to cover the cost of the Regulation 8 officer. In all such cases practitioners should ensure that certification from the court is sought.

WARRANTS OF SEIZURE AND SALE

Advance of Sheriff's Fees

As from Monday 29 November 1993 all warrants of seizure and sale filed in the Supreme Court registry must be accompanied by a separate cheque payable to "The Sheriff" for an amount of \$50.00 (Fifty Dollars). (This is additional to the filing fee that is being paid at the moment). This amount will be deposited in the Sheriff's Trust Account and after the warrant has been satisfied or the matter has been settled, an account will then be sent to the relevant practitioner and any balance remaining will be refunded.

This does not preclude the Sheriff from requesting any additional funds, when and if necessary, pursuant to the said regulation.

Please comply with this request to enable your documents to be accepted at the registry for filing.

Colin LaPorte
Sheriff

Notice Concerning State Square - Supreme Court Basement Public Car Park

As part of the upgrading of security arrangements for the Darwin Supreme Court from Monday 15 November 1993 entry will only be possible to the basement car park from within the building to authorised security card holders. Authorised card holders include Supreme Court officers but do not include practitioners who have purchased security cards to gain access to the library. Existing library access will not be affected.

Current arrangements for gaining entry to the basement car park via the roller door (Esplanade entrance) will continue. Entry to the public car park from within the building can be gained by contacting one of the following:

- Security Officer
- Sheriff's Officer
- Registry Officer

Security card holders are reminded that under no circumstances are cards to be lent to any other person.

Alan Dawson
Chief Executive Officer

FAMILY LAW COUNCIL SEEKS PUBLIC COMMENT

Should Children Authorise Own Medical Procedures?

Children deemed competent should be able to authorise their own medical procedures according to a Family Law Council discussion paper released for public comment today.

Under existing law, medical intervention without parental authorisation is treated as assault.

The discussion paper, "Sterilisation and other medical procedures on children", also recommends a review of the legislation and courts which govern such procedures.

Currently, authorisation for such medical procedures can be decided by any court in Australia. In response to a recent High Court decision which held that, in lieu of State or Territory legislation, sterilisation must be authorised by the Family court, the discussion paper calls for clarification of jurisdictional control.

"The Council has examined all aspects of the law governing all medical procedures conducted on children, particularly sterilisation," said Mr John Faulks, Chairman, Family Law Council.

"It is now seeking public comment, with a view to making recommendations to the Government on legislative reform."

Copies of the discussion paper can be obtained by contacting (06) 250 6677. The deadline for public comment is 28 February 1994.

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