



New South Wales

Children's Court Amendment (Service) Rule 2001

under the

Children's Court Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rule under the *Children's Court Act 1987*.

BOB DEBUS, M.P.,

Attorney General

Explanatory note

The object of this Rule is to require the filing of notices of address for service of documents in proceedings under the *Children and Young Persons (Care and Protection) Act 1998* that are heard by the Children's Court.

This Rule is made under section 23 of the *Children's Court Act 1987*.

2001 No 824

Clause 1 Children's Court Amendment (Service) Rule 2001

Children's Court Amendment (Service) Rule 2001

1 Name of Rule

This Rule is the *Children's Court Amendment (Service) Rule 2001*.

2 Amendment of Children's Court Rule 2000

The *Children's Court Rule 2000* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Part 6, Division 6

Insert after clause 30:

Division 6 General

30A Address for service—legal practitioner

- (1) This clause applies to proceedings under the *Children and Young Persons (Care and Protection) Act 1998*.
- (2) A legal practitioner who has not given an address for service is not entitled to be heard by the Court in proceedings to which the clause applies unless the Court orders otherwise.
- (3) A legal practitioner may give an address for service in proceedings to which the clause applies:
 - (a) by filing a notice of address for service in accordance with Form 1 of Schedule 1, or
 - (b) by filing another relevant document that includes an address for service.
- (4) Unless the Court orders otherwise, if a legal practitioner who does not have an address for service files a document in proceedings to which the clause applies, the document must include the legal practitioner's address for service.
- (5) An address for service must be an address in New South Wales.
- (6) A legal practitioner may change the legal practitioner's address for service in the proceedings by filing a notice of address for service in accordance with Form 1 of Schedule 1.
- (7) Unless the Court orders otherwise, a legal practitioner who files a notice of address for service in proceedings under this clause must serve a sealed copy of the notice on each other party to the proceedings.

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Schedule 1 Amendments

- (8) If a legal practitioner notifies an address for service under this clause, leaving a copy of a document at, or sending a copy of a document by post addressed to the person at, that address for service is taken to be good service on the person.
- (9) If a legal practitioner notifies an address for service that is an office that has an exchange box in a document exchange of Australian Document Exchange Pty Limited, in the State, leaving a copy of a document, addressed to that legal practitioner, at that exchange box or at another exchange box for transmission to that exchange box is taken to be good service on the person on a day two days after the copy is left.

[2] Schedule 1

Insert after clause 46:

Schedule 1 Forms

(Clause 30A)

Form 1 Notice of address for service

Children's Court of New South Wales

File number (or
details of
application)

Filed at

Filed on

Hearing date

1 Name

2 Address for
service

- 3 Telephone number
- 4 Fax number
- 5 DX and suburb/town (if applicable)

Name of party for whom legal practitioner acts

The person named in 1 above or his or her legal practitioner can sign this form.

Date

Signature

Print legal practitioner's name (if applicable)