



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref:FLC:EEsh1648536

12 March 2019

Chief Justice William Alstergren QC  
Family Court of Australia  
Lionel Bowen Building  
97-99 Goulburn Street  
Sydney NSW 2000

Dear Chief Justice,

### **Access to subpoena materials in Family Court Registries**

The Law Society of NSW is aware that several Family Court Registries are requiring practitioners to make an appointment in order to access subpoena material. We understand this practice has been introduced in the Parramatta and Sydney Registries among others.

Practitioners have indicated they have been unable to inspect subpoena material at short notice because all appointments spots have been taken.

We are concerned that the practice particularly affects legal practitioners who are located in regional NSW, some distance from the Court where the material is available. The ability for practitioners to inspect subpoena material at short notice enables them to do so in between appearances in other matters. If a regional practitioner finds there is time between Court appearances, or if a matter finishes early, the practitioner's time can be put to good use inspecting documents at the Registry. This makes for the efficient and economical running of matters.

By contrast the need to travel to Court solely to examine subpoena documents causes delay and generates unnecessary costs for the client. The most negatively impacted are regionally based clients whose matters are funded through Legal Aid.

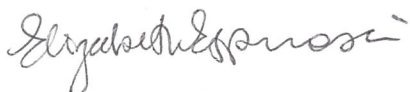
We understand the issue is so serious that some practitioners are resorting to blind-booking appointment times on their Court days as a precautionary measure, which can only serve to exacerbate the access problem.

We emphasise that no complaint has been raised about your Registry staff, indeed our feedback is that they are helpful, efficient and go out of their way to assist regional practitioners in these circumstances.

While recognising the continuing resource constraints experienced in the Family Court jurisdiction, we ask that you raise the issue with Registry staff. Members of our Family Law Committee would be happy to meet with your staff and work towards a practical solution.

Your office can contact Ms Sue Hunt, Principal Policy Lawyer, on (02) 9926 0218 or at [sue.hunt@lawsociety.com.au](mailto:sue.hunt@lawsociety.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Espinosa', written in a cursive style.

Elizabeth Espinosa  
**President**