

15.5/83

SUPREME COURT OF VICTORIA

WEBB v JOHNS

Beach J

7 December 1982 — [1983] VicRp 70; [1983] 1 VR 739; (1982) 8 Fam LN N12**CHILDREN'S COURT – CARE AND PROTECTION APPLICATION – CHILD REMANDED IN CUSTODY – WHETHER SUPREME COURT HAS JURISDICTION TO INTERFERE WITH THE HEARING OF THE APPLICATION.**

Whilst the child was a ward of the Supreme Court, the Children's Protection Society removed the child to the Royal Children's Hospital and a care and protection application was issued, returnable before the Children's Court. The application was adjourned for 2 weeks and it was ordered that the child remain in the custody of the Registrar of the Royal Children's Hospital. Before the application came on for hearing, application was made in the Supreme Court for an order directing that the Children's Court proceedings be not further prosecuted.

BEACH J: refused this application, expressing the view that once the Children's Court was seized of a care and protection application, the Supreme Court had no jurisdiction to interfere with the hearing of that application. His Honour indicated that in respect of future cases where a care and protection application is issued in respect of a ward of the Supreme Court, that that Court be immediately notified "so that in appropriate cases the existing custody order can be reconsidered." Beach J also expressed the view that the provisions of s32(4) of the *Community Welfare Services Act 1970* and s22 of the *Children's Court Act 1973* require the Children's Court to have evidence (where a child is placed otherwise than in a Reception or Remand Centre) that the person in whose care the child is placed, is a respectable person. Further, that such person should be referred to by name, not by title.
