

(ii) the place where the offence is alleged to have been committed.

**“Protection application”** means an application made to the Court for a finding that a child is in need of protection.

**“Protection order”** means an order referred to in section 85 (1) (a).

**“Protection report”** means a report referred to in Subdivision 2 of Division 8 of Part 2.

**“Protective intervener”** means a person referred to in section 64 (2).

**“Publish”** means —

- (a) insert in a newspaper or other periodical publication; or
- (b) disseminate by broadcast, telecast or cinematograph; or
- (c) otherwise disseminate to the public by any means.

**“Register”** means the register kept under section 28 (1)

**“Relative”**, in relation to a child, means a grandparent, brother, sister, uncle or aunt of the child, whether of the whole blood or half-blood or by marriage, and whether or not the relationship depends on adoption of the child.

**“Remand centre”** means a remand centre established under section 249 (a).

**“Return date”**, in relation to a proceeding, means any date on which the proceeding is listed before the Court.

**“Safe custody”** means placement in accordance with section 69 (7).

**“Search warrant”** means a warrant which authorises the person to whom it is directed—

- (a) to break, enter and search any place where the person named or described in the warrant is suspected to be; and
- (b) to take into safe custody or arrest the person and—
  - (i) bring the person before a bail justice or the Court as soon as practicable to be dealt with according to law; or
  - (ii) release the person on an interim accommodation order in accordance with the endorsement on the warrant.

**“Secure welfare service”** means a community service that has lock-up facilities.

**“Sentencing order”** means any order made by the Criminal Division following a finding of guilt and includes—

- (a) an order convicting the child; and

- (b) an order referred to in paragraph (b), (c) or (d) of section 137 (1); and
- (c) an order for restitution made in accordance with section 191; and
- (d) an order for the payment of compensation made in accordance with section 191.

**“Subordinate instrument”** has the same meaning as in the *Interpretation of Legislation Act 1984*.

**“Supervised custody order”** means an order referred to in section 85 (1) (a) (iv).

**“Supervision order”** means an order referred to in section 85 (1) (a) (ii).

**“Working day”**, in relation to the Court, means a day on which the offices of the Court are open.

**“Youth attendance order”** means an order made under section 170 (1).

**“Youth Parole Board”** means the Youth Parole Board established by section 215 (1).

**“Youth parole officer”** includes an honorary youth parole officer.

**“Youth Residential Board”** means the Youth Residential Board established by section 204 (1).

**“Youth residential centre”** means a youth residential centre established under section 249 (b).

**“Youth residential centre order”** means an order referred to in section 137 (1) (i).

**“Youth supervision order”** means an order referred to in section 137 (1) (g).

**“Youth supervision unit”** means—

- (a) a youth supervision unit established under section 249 (d); or
- (b) a youth supervision unit approved under section 250 (1).

**“Youth training centre”** means a youth training centre established under section 249 (c).

**“Youth training centre order”** means an order referred to in section 137 (1) (j).

(2) If under the *Public Service Act 1974* the name of the Department is changed, the reference in the definition of “Department” in sub-section (1) to the “Department of Community Services” is from the date when the name is changed to be taken to be a reference to the Department by its new name.

(3) If by or under this Act a person is required or permitted to serve a document, the person may serve the document by causing it to be served by another person.

(4) In this Act a reference to an Act of the Commonwealth is, if that Act has been re-enacted or amended, a reference to that Act as re-enacted or amended and in force for the time being.

### **Guardianship**

4. A person (including the Director-General) who has, or under this Act is granted, guardianship of a child, has responsibility for the long-term welfare of the child and has, in relation to the child, all the powers, rights and duties that are, apart from this Act, vested by law or custom in the guardian of a child, other than—

- (a) the right to have the daily care and control of the child; and
- (b) the right and responsibility to make decisions concerning the daily care and control of the child.

### **Custody**

5. A person (including the Director-General) who has, or under this Act is granted, custody of a child has—

- (a) the right to have the daily care and control of the child; and
- (b) the right and responsibility to make decisions concerning the daily care and control of the child.

### **Aboriginal agency**

6. (1) The Governor in Council may, by Order published in the *Government Gazette*, declare an organisation to be an Aboriginal agency.

(2) An organisation may only be declared to be an Aboriginal agency if the Director-General is satisfied—

- (a) that the organisation is managed by Aborigines; and
- (b) that its activities are carried on for the benefit of Aborigines;  
and
- (c) that it has experience in child and family welfare matters.

(3) An Order in Council made under sub-section (1) with respect to an organisation must state that the Director-General is satisfied as to the matters referred to in sub-section (2).

### **Delegation**

7. The Director-General may, by instrument, delegate to any officer or class of officers any function or power of the Director-General under this Act or the regulations, except this power of delegation.

**PART 2—THE CHILDREN’S COURT OF VICTORIA**

**Division 1—Establishment**

**Establishment of the Children’s Court**

8. (1) There shall be a court called “The Children’s Court of Victoria”.

(2) The Court shall consist of the magistrates and the registrars of the Court.

(3) The Court has the following Divisions:

- (a) The Family Division;
- (b) The Criminal Division.

(4) Every proceeding in the Court must be commenced, heard and determined in one of those Divisions.

(5) The Court must not sit as both Divisions at the same time in the same room.

(6) Each Division has such of the powers of the Court as are necessary to enable it to exercise its jurisdiction.

(7) The Court, in either Division, shall be constituted by a magistrate except in the case of any proceeding for which provision is made by any Act for the Court to be constituted by a registrar.

**Where and when Court to be held**

9. (1) The Court is to be held—

- (a) at the places at which the Magistrates’ Court is to be held under section 5 (1) of the *Magistrates’ Court Act* 1989; and
- (b) on such days and at such times as the Governor in Council, by Order published in the *Government Gazette*, directs.

(2) The Court must not be held at any time in the same building as that in which the Magistrates’ Court is at the time sitting unless the Governor in Council, by Order published in the *Government Gazette*, otherwise directs with respect to any particular building.

(3) The Court may, subject to sub-section (2), sit and act at any time and place.

**Magistrate to be in attendance**

10. The Chief Magistrate must make arrangements for a magistrate to attend on the day and at the time and place at which the Court is to be held.

**Assignment of magistrates**

11. (1) The Chief Magistrate may assign any person who is appointed as a magistrate under section 7 of the *Magistrates’ Court Act* 1989 to be a magistrate for the Court, whether exclusively or in addition to any other duties.

(2) In assigning a magistrate to be a magistrate for the Court, the Chief Magistrate must have regard to the experience of the magistrate in matters relating to child welfare.

(3) The Chief Magistrate may at any time revoke the assignment of a magistrate.

(4) Unless his or her assignment is revoked under sub-section (3), a magistrate who is assigned to be a magistrate for the Court continues to be a magistrate for the Court for so long as he or she holds the office of magistrate under the *Magistrates' Court Act 1989*.

(5) A magistrate who is for any period suspended from office under section 11 of the *Magistrates' Court Act 1989* is, for that period and by virtue of that suspension, also suspended from the office of magistrate for the Court.

### **Children's Court Senior Magistrate**

12. (1) There is to be an office of Children's Court Senior Magistrate.

(2) The Governor in Council may appoint a magistrate nominated by the Chief Magistrate to hold the office of Children's Court Senior Magistrate.

(3) The Children's Court Senior Magistrate may, with the approval of the Chief Magistrate, issue directions relating to the practice and procedure of the Court.

### **Magistrates must carry out assigned duties**

13. A magistrate must carry out the duties that are from time to time assigned to him or her by the Chief Magistrate.

### **Protection of magistrates**

14. A magistrate has in the performance of his or her duties as a magistrate for the Court the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties as a Judge.

## **Division 2—Jurisdiction**

### **Jurisdiction of Family Division**

15. The Family Division has jurisdiction to hear and determine an application for—

- (a) an interim accommodation order; or
- (b) a finding that a child is in need of protection; or
- (c) a finding that there is a substantial and presently irreconcilable difference between the person who has custody of a child and the child to such an extent that the care and control of the child are likely to be seriously disrupted; or
- (d) a permanent care order; or

- (e) the variation of an interim accommodation order; or
- (f) the variation or revocation of a supervision order, a custody to third party order, a supervised custody order, a custody to Director-General order or a permanent care order; or
- (g) the extension of a custody to Director-General order or a guardianship to Director-General order; or
- (h) the revocation of a guardianship to Director-General order; or
- (i) an order in respect of a failure to comply with an interim accommodation order, an interim protection order, a supervision order or a supervised custody order; or
- (j) an order regarding the exercise of any right, power or duty vested in a person as joint custodian or guardian of a child.

**Jurisdiction of Criminal Division**

**16. (1) The Criminal Division has jurisdiction—**

- (a) to hear and determine all charges against children for summary offences; and
- (b) subject to section 134, to hear and determine summarily all charges against children for indictable offences, other than homicide; and
- (c) to conduct committal proceedings into all charges against children for indictable offences and either—
  - (i) direct the defendant to be tried and order that the defendant be remanded in custody until trial or grant bail; or
  - (ii) discharge the defendant; and
- (d) to grant or refuse bail to, or extend, vary or revoke the bail of, a child who is charged with an offence; and
- (e) subject to Part 4, to deal with a breach of a sentencing order or variation of a sentencing order.

(2) The Criminal Division has the jurisdiction referred to in sub-section (1) despite anything to the contrary in any other Act.

(3) The jurisdiction given by sub-section (1) is additional to any other jurisdiction given to the Criminal Division by or under this or any other Act.

(4) If before or during the hearing of a charge for an offence it appears to the Children's Court that the defendant is not a child, the Court must discontinue the proceeding and order that it be transferred to the Magistrates' Court and in the meantime it may—

- (a) permit the defendant to go at large; or
- (b) grant the defendant bail conditioned for the appearance of the defendant before the Magistrates' Court at the time and place at which the proceeding is to be heard; or

- (c) remand the defendant in prison or a police gaol or in accordance with section 49 of the *Magistrates' Court Act 1989* until the proceeding is heard by the Magistrates' Court.

### **Court has exclusive jurisdiction**

17. (1) Despite anything to the contrary in any Act, the jurisdiction of the Court in relation to any matter over which it has jurisdiction is exclusive.

(2) The exercise by a court of jurisdiction in relation to any matter in contravention of sub-section (1) does not have the effect that any order made by that court in relation to that matter is invalid.

### **Division 3—Procedure**

#### **Procedural guidelines to be followed by Court**

18. (1) As far as practicable the Court must in any proceeding —
- (a) take steps to ensure that the proceeding is comprehensible to —
    - (i) the child; and
    - (ii) the child's parents; and
    - (iii) all other parties who have a direct interest in the proceeding; and
  - (b) seek to satisfy itself that the child understands the nature and implications of the proceeding and of any order made in the proceeding; and
  - (c) allow —
    - (i) the child; and
    - (ii) in the case of a proceeding in the Family Division, the child's parents and all other parties who have a direct interest in the proceeding —
      - to participate fully in the proceeding; and
  - (d) consider any wishes expressed by the child; and
  - (e) respect the cultural identity and needs of —
    - (i) the child; and
    - (ii) the child's parents and other members of the child's family; and
  - (f) minimise the stigma to the child and his or her family.
- (2) If at any time there are proceedings in both Divisions of the Court relating to the same child, the Court must, unless it otherwise orders, hear and determine the proceeding in the Family Division first.
- (3) If the Court makes an order under sub-section (2), it must state orally the reasons for the order.
- (4) An order made by the Court in a proceeding is not invalidated by, nor liable to be challenged, appealed against, reviewed, quashed or

called in question in any court on account of the failure of the Court to comply with sub-section (3) in the proceeding.

**Proceedings to be heard in open court**

19. (1) Proceedings in the Court are, subject to sub-section (2), to be conducted in open court.

(2) The Court may, on the application of a party or of any other person who has a direct interest in the proceeding or without any such application —

- (a) order that the whole or any part of a proceeding be heard in closed court; or
- (b) order that only persons or classes of persons specified by it may be present during the whole or any part of a proceeding.

(3) Any party to the proceeding and any other interested person has standing to support or oppose an application under sub-section (2).

(4) If an order has been made under this section, the Court must cause a copy of it to be posted on a door of, or in another conspicuous place at, the place at which the Court is being held.

(5) An order posted under this section must not contain any particulars likely to lead to the identification of the child who is a party to the proceeding.

(6) A person must not contravene an order made and posted under this section.

Penalty applying to this sub-section:

- (a) in the case of a person of or above the age of 17 years, 25 penalty units or committal for a term of not more than six months to prison; or
- (b) in the case of a child of or above the age of 15 years, 25 penalty units or detention for a period of not more than six months in a youth training centre; or
- (c) in the case of a child under the age of 15 years, 12 penalty units or detention for a period of not more than three months in a youth residential centre.

**Legal representation**

20. (1) If at any stage —

- (a) in a proceeding in the Family Division, a child is not separately legally represented; or
- (b) in a proceeding in the Criminal Division, a child is not legally represented; or
- (c) in a proceeding in the Family Division, a child's parents are not legally represented; or
- (d) in a proceeding in the Family Division for the making, variation or revocation of a permanent care order, an



applicant for the order or a person who was granted custody and guardianship of a child under the order is not legally represented —

the Court may adjourn the hearing of the proceeding to enable the child or the child's parents or the person referred to in paragraph (d) (as the case requires) to obtain legal representation.

(2) If a child who, in the opinion of the Court, is mature enough to give instructions or express wishes is not, subject to section 83, separately legally represented in a proceeding referred to in section 21 (1) or a child is not legally represented in a proceeding referred to in section 21 (2), the Court must adjourn the hearing of the proceeding to enable the child to obtain legal representation and, subject to sub-section (3), must not resume the hearing unless the child is legally represented.

(3) The Court may resume a hearing that was adjourned by it in accordance with sub-section (2) even though the child is not legally represented if satisfied that the child has had a reasonable opportunity to obtain legal representation and has failed to do so or, in the case of a proceeding in the Family Division, that the child is otherwise represented pursuant to leave granted under sub-section (7).

(4) With the leave of the Court, more than one child in the same proceeding may be represented by the same counsel or solicitor.

(5) The Court may only grant leave under sub-section (4) if satisfied that no conflict of interest will arise.

(6) If after having granted leave under sub-section (4) the Court is satisfied in the course of the proceeding that a conflict of interest has arisen, the Court may withdraw the leave previously granted.

(7) With the leave of the Court, a child may be represented in a proceeding in the Family Division by a person who is not —

- (a) a legal practitioner; or
- (b) a parent of the child.

(8) A person referred to in sub-section (7) who is granted leave to represent a child in a proceeding in the Family Division must act in accordance with any instructions given or wishes expressed by the child so far as it is practicable to do so having regard to the maturity of the child.

(9) Counsel or a solicitor representing a child in any proceeding in the Court must act in accordance with any instructions given or wishes expressed by the child so far as it is practicable to do so having regard to the maturity of the child.

(10) Any process served on a child or the parent of a child requiring the child or parent (as the case requires) to attend the Court in a proceeding referred to in section 21 (1) or 21 (2) must contain or be accompanied by a notice —

- (a) setting out the circumstances in which a child is required to be legally represented; and
- (b) stating the desirability of obtaining legal representation; and
- (c) explaining how legal representation may be obtained.

**Proceedings in which child is required to be legally represented**

**21. (1) A child must be legally represented in the following proceedings in the Family Division:**

- (a) Application for an interim accommodation order;
- (b) Protection application;
- (c) Irreconcilable difference application;
- (d) Application for a permanent care order;
- (e) Application for the variation of an interim accommodation order;
- (f) Application for the variation or revocation of a supervision order, a custody to third party order, a supervised custody order, a custody to Director-General order or a permanent care order;
- (g) Application in respect of a failure to comply with a supervision order, a supervised custody order, an interim protection order or an interim accommodation order;
- (h) Application for the extension of a custody to Director-General order or a guardianship to Director-General order;
- (i) Application for the revocation of a guardianship to Director-General order;
- (j) Application for an order regarding the exercise of any right, power or duty vested in a person as joint custodian or guardian of a child.

**(2) A child must be legally represented in the following proceedings in the Criminal Division:**

- (a) Application for bail if the informant or prosecutor or any person appearing on behalf of the Crown intends to oppose the grant of bail;
- (b) Proceeding under section 24 of the *Bail Act 1977*;
- (c) Hearing of a charge for an offence punishable, in the case of an adult, by imprisonment;
- (d) Review of a monetary penalty imposed by the Court in respect of an offence punishable, in the case of an adult, by imprisonment;
- (e) Application in respect of a breach of an accountable undertaking, bond, probation order, youth supervision order or youth attendance order imposed by the Court in respect

of an offence punishable, in the case of an adult, by imprisonment.

### **Interpreter**

22. If the Court is satisfied that a child, a parent of a child or any other party to a proceeding has a difficulty in communicating in the English language that is sufficient to prevent him or her from understanding, or participating in, the proceeding, it must not hear and determine the proceeding without an interpreter interpreting it.

### **Explanation of and reasons for orders**

23. (1) If the Court makes an order, it must explain the meaning and effect of the order as plainly and simply as possible and in a way which it considers the child, the child's parents and the other parties to the proceeding will understand.

(2) An explanation under sub-section (1) must be given through an interpreter to any person referred to in that sub-section whom the Court considers has a difficulty in communicating in the English language that is sufficient to prevent him or her from understanding the explanation given by the Court.

(3) Immediately after the Court makes an order to which this sub-section applies, the appropriate registrar must provide a written copy of the order in the prescribed form to —

- (a) the child; and
  - (b) if the order is made by the Family Division —
    - (i) unless the Court otherwise orders, the child's parents; and
    - (ii) if the Court so orders, any other person with whom the child is living; and
  - (c) if the order is made by the Criminal Division —
    - (i) unless the Court otherwise orders, the child's parents if the child is under the age of 15 years; or
    - (ii) if the Court so orders, the child's parents if the child is of or above the age of 15 years; and
  - (d) the Director-General, in appropriate cases.
- (4) Sub-section (3) applies to the following orders:
- (a) An interim accommodation order;
  - (b) An interim protection order;
  - (c) A protection order;
  - (d) An order varying a supervision order, a custody to third party order, a supervised custody order or a custody to Director-General order;
  - (e) An order extending a custody to Director-General order or a guardianship to Director-General order;

- (f) A permanent care order;
  - (g) An order granting or refusing bail;
  - (h) A sentencing order;
  - (i) An order made in respect of a breach of a sentencing order.
- (5) If the Family Division makes a final order in a proceeding, it must —
- (a) state in writing the reasons for the order; and
  - (b) cause the statement of reasons to be entered in the register; and
  - (c) unless the Court otherwise orders, cause a copy of the written statement of reasons to be given or sent by post within 21 days after the making of the order to the child, the child's parents and the other parties to the proceeding.
- (6) A person who receives a document under sub-section (3) or (5) may lodge with the Court a statement to the effect that he or she has a difficulty in communicating in the English language that is sufficient to prevent him or her from understanding the document but that he or she could understand it if it were written in another language specified in the statement.
- (7) The Court must, within 1 working day after a person lodges a statement under sub-section (6), cause a copy of the document to be sent by post to a translator for translation into the language specified in the statement.
- (8) The Court must, within 21 days after a person lodges a statement under sub-section (6), cause a copy of the document written in the specified language to be given or sent by post to that person.
- (9) Neither the explanation given of an order nor the statement of reasons for an order is part of the order.
- (10) The explanation given of an order is not part of the reasons for the order.
- (11) An order made by the Court in a proceeding is not invalidated by, nor liable to be challenged, appealed against, reviewed, quashed or called in question in any court on account of the failure of the Court to comply with a provision of this section in the proceeding.

#### **Division 4—Powers**

##### **Court to have powers of Magistrates' Court**

24. (1) The Court has and may exercise in relation to all matters over which it has jurisdiction all the powers and authorities that the Magistrates' Court has in relation to the matters over which it has jurisdiction.

(2) The *Magistrates' Court Act 1989* applies, unless the contrary intention appears in this Act or in any other Act, to the Children's Court and the proceedings of both Divisions of the Court in the same

manner and to the same extent as it applies to the Magistrates' Court and the proceedings of that Court.

(3) In punishing a person for a contempt of court under section 133 or 134 of the *Magistrates' Court Act 1989* (as applied by sub-section (2) of this section) the Court must not order that a person under the age of 17 years be committed to prison but instead be committed to —

- (a) in the case of a child of or above the age of 15 years, a youth training centre; or
- (b) in the case of a child under the age of 15 years, a youth residential centre.

#### **Power to adjourn proceeding**

**25.** (1) Subject to this section, the Court may, on the application of a party to a proceeding or without any such application, adjourn the hearing of the proceeding —

- (a) to such times and places; and
- (b) for such purposes; and
- (c) on such terms as to costs or otherwise—

as it considers necessary or just in the circumstances.

(2) If the Court has adjourned the hearing of a proceeding to a particular time, it may order that the hearing be held or resumed before that time.

(3) The Court may only make an order under sub-section (2) with the consent of all the parties or on the application of a party who has given reasonable notice of the application to the other party or parties.

(4) If the Court has adjourned the hearing of a proceeding to a particular time and, in the case of a proceeding in the Criminal Division, has remanded the child in custody or, in the case of a proceeding in the Family Division, has placed the child in a secure welfare service, it may by order direct that the child be brought before the Court at any time before then in order that the hearing may be held or resumed.

(5) The officer in charge of the remand centre or secure welfare service or other officer in whose custody the child is must obey an order under sub-section (4).

(6) The court must proceed with as much expedition as the requirements of this Act and a proper hearing of the proceeding permit and, in deciding whether and for how long to adjourn a proceeding under this section, the Court must have regard to these requirements.

**Division 5—Restriction on Publication of Proceedings**

**Restriction on publication of proceedings**

26. (1) A person must not publish or cause to be published —
- (a) except with the permission of the Children's Court Senior Magistrate, a report of a proceeding in the Court or of a proceeding in any other court arising out of a proceeding in the Court that contains any particulars likely to lead to the identification of —
    - (i) the particular venue of the Children's Court in which the proceeding was heard; or
    - (ii) a child or other party to the proceeding; or
    - (iii) a witness in the proceeding; or
  - (b) except with the permission of the Children's Court Senior Magistrate, a picture as being or including a picture of a child or other party to, or a witness in, a proceeding referred to in paragraph (a); or
  - (c) except with the permission of the Director-General granted in special circumstances in relation to a child who is the subject of a custody to Director-General order or a guardianship to Director-General order, any matter that contains any particulars likely to lead to the identification of a child as being the subject of an order made by the Court.

**Penalty:**

- (a) In the case of a body corporate—500 penalty units;
  - (b) In any other case—100 penalty units or imprisonment for 2 years.
- (2) The Court in making an order may direct the Director-General not to grant permission under sub-section (1) (c) with respect to the order.

**Division 6—Court Officers**

**Principal registrar, registrars and deputy registrars**

27. (1) There are to be the following officers of the Court:
- (a) A principal registrar appointed subject to the *Public Service Act 1974*;
  - (b) Registrars;
  - (c) Deputy registrars.
- (2) Any person who for the time being holds the office of registrar or deputy registrar of the Magistrates' Court also holds the office of registrar or deputy registrar (as the case requires) of the Children's Court.
- (3) The principal registrar, registrars and deputy registrars have the duties, powers and functions provided by this Act and the regulations.

(4) The principal registrar may, by instrument, delegate to any registrar or class of registrar any function or power of the principal registrar under this Act or the regulations, except this power of delegation.

(5) A deputy registrar may, subject to this Act and the regulations and to any directions of a registrar, exercise any of the powers or perform any of the functions of a registrar.

### **Register**

**28.** (1) The principal registrar must cause a register to be kept of all the orders of the Court and of such other matters as are directed by this Act to be entered in the register.

(2) An order made by the Court must be authenticated by the person who constituted the Court.

(3) Any person may, with the approval of a magistrate and on payment of the prescribed fee, inspect that part of the register that contains the final orders of the Court.

(4) A party to a proceeding or such a party's legal practitioner may inspect without charge that part of the register that relates to that proceeding.

(5) A document purporting to be an extract from the register and purporting to be signed by a registrar who certifies that in his or her opinion the extract is a true extract from the register is admissible in evidence in any proceedings and, in the absence of evidence to the contrary, is proof of the matters appearing in the extract.

### **Process**

**29.** (1) Process may only be issued out of the Court by a registrar, except where otherwise provided by or under this or any other Act.

(2) The principal registrar must, subject to the regulations, keep the original of all process issued out of the Court and must issue or cause to be issued as many copies as are necessary.

(3) Process issued by a registrar may be recalled and cancelled by—

- (a) that registrar; or
- (b) if issued by a registrar, the registrar for the time being at the venue of the Court at which it was issued; or
- (c) if that registrar is dead or has ceased to hold office or cannot be located, a magistrate.

(4) Service of any process issued out of the Court may be proved in any manner in which service of a summons to answer to a charge may be proved under section 35 of the *Magistrates' Court Act 1989*.