



Michael Antrum

*Representation of Children in
Legal Proceedings*

The Law Society
of New South Wales



Representation Principles

for

Children's Lawyers

The Law Society of New South Wales
ACN 000 000 699
170 Phillip Street
SYDNEY NSW 2000
DX 362 SYDNEY

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Representation Principles For Children's Lawyers

Endorsement

These Representation Principles for Children's Lawyers were adopted on behalf of the profession by the Council of the Law Society on 19 October 2000.

Acknowledgements

The American Bar Association, *Standards of practice for lawyers who represent children in abuse and neglect cases* (5 February 1996) and Louise Akenson, *Guidelines for Lawyers Acting for Children and Young People in the Children's Court* (August 1999) (A project of The Victoria Law Foundation) have been used in the drafting of these Representation Principles.

Consultation

The Representation Principles for Children's Lawyers are the result of a project conducted by the Children's Legal Issues Committee of the Law Society of New South Wales.

The Representation Principles were produced with the valuable contribution and participation of the members of the 1999 and 2000 Children's Legal Issues Committees (assisted by staff member Sherida Currie); the Australian Law Reform Commission; Inoka Ho; Meredith Wilkie (Human Rights and Equal Opportunity Commission); Dr Judy Cashmore; NAPCAN Australia; Deborah de Fina; Judith Walker and Frith Way.

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A wide range of people and organisations were invited to comment on the Representation Principles and have expressed interest in their development. The Law Society of New South Wales thanks everyone who has been involved with this project.

Comments

The Law Society encourages you to make comments and suggestions for refining and expanding the Representation Principles. Please write to the Legal Officer for the Children's Legal Issues Committee at the Law Society of New South Wales, 170 Phillip Street, Sydney NSW 2000. DX 362 Sydney. Telephone: (02) 9926 0333, Fax: (02) 9231 5809.

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Representation Principles For Children's Lawyers

Introduction

In 1997 the Human Rights and Equal Opportunity Commission, and the Australian Law Reform Commission called on the legal profession to develop guidelines for the legal representation of children and young people. Through the Children's Legal Issues Committee, the Law Society of New South Wales has answered that call.

I hope these principles will help to challenge the dangerous view that the Children's Court is a place for beginners, and that the child client deserves little more than basic competency. These principles set a high standard, and I hope other agencies and professional bodies will use them as a starting point for the standards to be adopted by a lawyer representing a child.

This first edition represents hours of consultation, redrafting, refinement, and more consultation. But there is much more to do. Later editions will hopefully provide more commentary, and more guidance for the lawyer representing children in specific situations. The Children's Legal Issues Committee welcomes your comments and your ideas for the next issue.

In our courts and tribunals, children sometimes tragically have no one to trust. The competent lawyer often represents the final opportunity for a child for the right to be heard. Adherence to these principles will ensure that that last chance is not squandered, and that all children and young people entering our justice system can at least count on their lawyers to do the right thing.

I thank everybody who has been involved with this project, and encourage all people working with children in legal systems to familiarise themselves with these principles.

To the many outstanding children's lawyers out there I hope these principles provide some grounding for your practice, and a springboard for promoting the highest principles of legal professionalism to all practitioners working with children. Please use them.

Michael Antrum

Chair - Children's Legal Issues Committee 2000

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