Standard terms of consent about communicating with an officer of the Department of Community Services.

Background

1. Rules 18 and 31 of the NSW Law Society Professional Conduct and Practice Rules prevent any lawyer who is not representing the Director-General or the Minister for Community Services, from conferring with or interviewing a Departmental officer except with the prior consent of the lawyer acting for the Director-General or Minister.

2. These guidelines will apply except where:

   - a contrary position has been expressly stated by the Director-General (or delegate) in writing, or
   - the lawyer representing the Director-General or Minister has given an express written direction that no communication in a particular care matter should be with nominated Departmental officers.

3. Nothing in these Guidelines restricts the ability of a lawyer to make representations on behalf of the lawyer's client to the Minister for Community Services – either directly or through a member of Parliament.

4. In this Guideline, reference to a "Department officer" permits contact with only the relevant Manager Casework who has the day to day carriage of the matter.

5. It is noted that a Court Liaison Officer will not be involved in all care applications.

OTHER THAN AS SET OUT IN CLAUSES 6-8 ALL COMMUNICATION IS TO BE BETWEEN THE RESPECTIVE LEGAL REPRESENTATIVES. CONSENT IS GIVEN TO A LAWYER CONTACTING A DEPARTMENT OFFICER IN THE FOLLOWING LIMITED CIRCUMSTANCES:

6. Where the Lawyer represents a child or young person who is in the care of, or under the parental responsibility of the Minister or Director-General:

   - the Lawyer may make arrangements with a Departmental officer:
     - to speak with the child/young person or
     - for the child/young person to attend appointments relevant to the case.

7. Where the Lawyer represents any party in the proceedings such lawyer may contact a Departmental officer:

   - to implement or facilitate an existing assessment or contact order or arrangement,
   - to make arrangements for transitional aspects to follow the cessation of the care order.

8. And where there is a Court Liaison Officer and the Departmental Legal Representative is in the precincts of the court but not immediately able to confer but the Court Liaison Officer is:

   - the Lawyer may exchange information relevant to the hearing or proceeding with the Court Liaison Officer.