



THE LAW SOCIETY  
OF NEW SOUTH WALES

Direct Line: 9926 0216

30 November 2010

Mr Alan Kirkland  
Chief Executive Officer  
Legal Aid NSW  
PO BOX K847  
HAYMARKET 1238

Dear Mr Kirkland,

**Request for information - Legal Aid NSW policy for representation of children during coronial proceedings**

The Law Society's Juvenile Justice Committee (Committee) has asked that I write to you and request information about the Legal Aid NSW policy with respect to the representation of children in coronial proceedings.

In general, children who apply for legal aid in criminal and care proceedings are granted legal aid and are not required to provide financial verification, nor are they subject to the usual means and merit tests.

In relation to children who are required to appear in coronial proceedings, the same policy determination does not apply. The Committee understands that for children who are either persons of interest or witnesses who may be called to give evidence against their interest pertaining to the death of a person, legal aid is only granted in exceptional circumstances.

In the event that there is a recommendation made by the Coroner to the Director of Public Prosecutions to charge the child, then that child would in all likelihood be eligible for legal aid in the criminal matters. The Committee is of the view that the protections afforded to children through representation by a solicitor in coronial proceedings is the best way to protect their interests and may have a significant impact not only on the decision to charge, but also how those charges are ultimately resolved.

While the Committee understands the legal aid is only available for adults involved in coronial matters in very limited circumstances, children are in a special category.

Would you please clarify the Legal Aid NSW policy with respect to children who are required to appear in coronial proceedings and advise whether there is any likelihood of Legal Aid NSW reviewing this situation.

I look forward to your response.

Yours sincerely,

  
Mary Macken  
President