



VICTORIAN BAR



MEDIA RELEASE

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LIV and Vic Bar condemn attack on lawyers' integrity

The Law Institute of Victoria and the Victorian Bar are deeply concerned by recent comments by the Minister for Families and Children Jenny Mikakos that lawyers acting for children detained in the Grevillea Unit of Barwon Prison had placed their own concerns ahead of their clients' best interests.

LIV president Belinda Wilson and Victorian Bar president Jennifer Batrouney QC said they were disappointed the Minister had called the lawyers' professionalism into question, when the Court of Appeal had specifically commended the legal teams "for their exemplary discharge of their professional duties".

The lawyers had successfully argued in the Court of Appeal that orders made to implement the Minister's decision to establish a section of Barwon Prison as a youth detention centre were invalid.

The Court of Appeal judgment praised the professionalism of the lawyers, and stated that "the quality of the material filed was quite remarkable, given the tight deadlines which had to be imposed," at a time of year when they could be expected to be on leave.

Following the ruling, Minister Mikakos publicly criticised the lawyers' role in the proceedings, implying in an ABC interview and in a Twitter exchange that they had acted unethically and unprofessionally.

Ms Batrouney said the Minister's criticism of the lawyers was unfounded and inappropriate. "The legal profession is bound by a strong ethical code, breach of which entails serious professional consequences."

"These lawyers represented some of the most vulnerable members of our community, children who are incarcerated. The lawyers were acting on the instructions of their clients in accordance with the law."

The Minister's questioning of the lawyers' professionalism also challenged the role of the courts in upholding the rule of law, Ms Wilson pointed out.

"Lawyers play a key role in preserving the separation of powers and the rule of law by invoking the jurisdiction of the courts to ensure that ministers and public officials exercise their power within legal limits," she said.

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