

THE ROLE OF THE RESPONSIBLE ADULT IN CHILDREN'S INTERVIEWS WITH POLICE

I. INTRODUCTION

All the disadvantages that a person faces in police custody are amplified when that person is a child.¹ Aboriginal children, intellectually disabled children, children who have never been in trouble with the police before, and children from backgrounds where English is not the first language are particularly vulnerable.

Many children make admissions to police. These admissions can be made at the time of arrest, at the scene of an offence, and in an ERISP with police.

Sometimes these admissions are the strongest evidence in the prosecution case. It is therefore important that proper advice and appropriate support is given to children when questioned by police.

This article explores one of the prerequisites of the admissibility of children's statements, admissions and confessions to police, which is presence and role of the responsible adult who is present during the interview. It suggests a number of matters that should be considered by advocates in evaluating whether the relevant legislative requirements have been complied with.

II. THE LAW RELATING TO THE ADMISSIBILITY OF CHILDREN'S STATEMENTS TO POLICE

These following provisions relate to the admissibility of a child's interview with police:

¹ H Blagg and M Wilkie *Young People and Police Powers* The Australian Youth Foundation, Sydney, 1995, 115.

- Section 13 *Children (Criminal Proceedings) Act*.
- Part 10A *Crimes Act*, and in particular sections 356C, 356D, 356G, 356M, 356N and 356P.
- The *Crimes (Detention After Arrest) Regulation 1998* (NSW), and in particular regs 4, 20, 21, 22, 25, 26, 27, and 29.
- Sections 90, 138 and 139 *Evidence Act*. (In some cases sections 84 and 85 *Evidence Act* may also be relevant).

These provisions are a checklist for advocates in examining the admissibility of children's statements to police.

In Part VIII of this paper, the relationship between these provisions will be examined. Before that discussion, however, these provisions are examined separately.

III. SECTION 13 CHILDREN (CRIMINAL PROCEEDINGS) ACT

Section 13 *Children (Criminal Proceedings) Act 1987* (NSW) ("section 13") is the specific legislative provision relating to statements made by children to police² and states that:

(1) Any statement, confession, admission or information made or given to a member of the police force by a child who is a party to criminal proceedings shall not be admitted in evidence in those proceedings unless:

² For a brief history of the legislation see John Boersig "The Duty of 'A Responsible Person' Under Section 13 of the *Children (Criminal Proceedings) Act 1987* (NSW)" (2002) 2(2) *Queensland University of Technology Law Journal* 244.

(a) there was present at the place where, and throughout the period of time during which, it was made or given:

(i) a person responsible for the child,

(ii) an adult (other than a member of the police force) who was present with the consent of the person responsible for the child,

(iii) in the case of a child who is of or above the age of 16 years—an adult (other than a member of the police force) who was present with the consent of the child,
or

(iv) a barrister or solicitor of the child's own choosing,
or

(b) the person acting judicially in those proceedings:

(i) is satisfied that there was proper and sufficient reason for the absence of such an adult from the place where, or throughout the period of time during which, the statement, confession, admission or information was made or given, and

(ii) considers that, in the particular circumstances of the case, the statement, confession, admission or information should be admitted in evidence in those proceedings.

There are two notable aspects of the section:

- It deals with *all information* given by a child who is a party to criminal proceedings.

- There remains a discretion to admit evidence if not obtained in compliance with the section.

IV. THE PURPOSES OF SECTION 13

Section 13 establishes the requirement of a responsible adult as a condition of the admissibility of a child's statement to police, but it does not outline the role and function of the responsible adult.

The role and function of the responsible adult can be seen from an examination of the decisions on section 13 and its purposes. These purposes include the following.

1. Recognising children's vulnerability in police custody

There are pressures on children which are intrinsic to being detained by police.³ All children are vulnerable because they tend to lack the maturity, verbal skills and experience to stand up to the questioning process, they have limited confidence and may fail to understand the meaning of questions. Children are more likely to panic, to have a limited ability to foresee the consequences of their actions, and may be more susceptible to psychological pressure.⁴

Another concern is that of police impropriety in their dealings with children. Intimidation is a normal feature of police conduct towards young people. There are other more subtle means by which police can get confessions, such as: pointing out contradictions between suspects and witnesses accounts, pointing

³ H Blagg and M Wilkie *Young People and Police Powers* The Australian Youth Foundation, Sydney, 1995, 115.

⁴ Raymond Chao "Mirandizing Kids: Not as Simple as A-B-C" (2000) 21 *Whittier Law Review* 519, 525.

out contradictions in the suspect's own account, and confronting the suspect with evidence that other than that of a co-defendant or a witness statement.⁵

Section 13 addresses these issues. This is clear from *Dunn*⁶ where Carruthers J stated that:

It goes with out saying, of course, that the presence of an adult in these circumstances is required to ensure that there is no unfairness or unconscionable conduct in the interview so far as the child is concerned.

2. Protecting children from self incrimination

In *R v Williams* Roden J said the following of the precursor to section 13, s 81C *Child Welfare Act 1939* (NSW):

It is based, I believe, upon a proposition that children and young persons require special protection, and by that I mean protection from themselves rather than from any impropriety on the part of the police . . . The *Child Welfare Act* provision, as I understand it, recognises what could be described as a rebuttable presumption that, within the context of the interview by adult police officers in a police station, a child or young person would be likely to be overawed and to feel at a considerable disadvantage.⁷

Similarly, in *R v Cotton*⁸ the construction of section 13 was based on the protection of the accused. Section 13, according to Hunt J, was fundamentally

⁵ H Blagg and M Wilkie *Young People and Police Powers* The Australian Youth Foundation, Sydney, 1995, 117.

⁶ Unreported, Court of Criminal Appeal, 15 April 2002.

⁷ Unreported, Supreme Court of New South Wales, Roden J, 9 August 1982, 7 - 8.

⁸ John Boersig "The Duty of 'A Responsible Person' Under Section 13 of the *Children (Criminal Proceedings) Act 1987* (NSW)" (2002) 2(2) *Queensland University of Technology Law Journal* 244, 249.

aimed at protecting a child from self-incrimination or damage to themselves, which may arise from the provision of information to the police.

3. Recognising children's immaturity

A number of cases have referred to the disadvantages inherent in a child's age and maturity as being relevant as to whether a statement made to police is admissible.⁹

One of these cases is *R v Warren*¹⁰ where Lee J stated that:

No doubt the basis upon which the section was introduced into the Act was that, because a person under eighteen years of age could well be or feel to be at a considerable disadvantage alone in a police station being questioned by mature men, it was desirable that an adult person be present.

V. THE MERE PRESENCE OF A RESPONSIBLE ADULT AT A CHILD'S INTERVIEW IS NOT SUFFICIENT

A number of earlier cases where section 13 has been interpreted focused on the procedural compliance of having an adult present. In these earlier decisions in relation to section 13, it was the presence of the responsible adult, rather than the practical effect of the responsible adult's presence, which was the focus. This view is evident from the following extract from *R v Warren*:

⁹ See *R v Warren* [1982] 2 NSWLR 360; *R v Williams* Unreported, Supreme Court of New South Wales, Roden J, 9 August 1982; *R v Briar and Jones* Unreported, Supreme Court of New South Wales, Finlay J, 8 March 1990; *R v Cotton* (1990) 19 NSWLR 593; *R v Dunn* Unreported, New South Wales Court of Criminal Appeal, 15 April 1992; and *R v H (A Child)* (1996) 85 A Crim R 481.

¹⁰ [1982] 2 NSWLR 360, 367.

... [B]ut the terms in which the section is expressed are clear and they show that the legislature is only intending to bring about the exclusion from evidence of those statements (using the word in the general sense) of an accused which are not made in the presence of an adult as the section requires.¹¹

Since the decision in *R v H (A Child)*¹² the role of the responsible adult has been seen in terms of that person being both a rights adviser to a child and as a person who will assist a child in enforcing those rights.

In *R v H (A Child)* Hidden J made rulings during the course of a Supreme Court trial about the admissibility of admissions made by a child.

Hidden J said:

The primary aim of such a section is to protect children from the disadvantaged position inherent in their age, quite apart from any impropriety on the part of the police. That protective purpose can be met only by an adult who is free, not only to protest against perceived unfairness, but also to advise the child of his or her rights. As the occasion requires, this advice might be a reminder of the right to silence, or an admonition against further participation in the interview in the absence of legal advice. No-one could suggest that a barrister or solicitor, whose presence is envisaged by section 13(1)(a)(iv), could be restrained from tendering advice. Nor should any other adult. Further, within appropriate limits, the adult might assist a timid or inarticulate child to frame his or her answer to the allegation. For example, the child might be reminded of

¹¹ *R v Warren* [1982] 2 NSWLR 360, 367.

¹² (1996) 85 A Crim R 481.

circumstances within the knowledge of both the child and the adult, which bear on the matter.¹³

This was reinforced in *R v Huynh* where Hunt CJ at CL said:

The role of the support person is to act as a check upon possible unfair or oppressive behaviour; to assist a child, particularly one who is timid, inarticulate, immature, or inexperienced in matters of law enforcement, who appears to be out of his or her depth, or in need of advice; and also to provide the comfort that accompanies knowledge that there is an independent person present during the interview. That role cannot be satisfactorily fulfilled if the support person is himself or herself immature, inexperienced, unfamiliar with the English language, or otherwise unsuitable for the task expected, that is, to intervene if any situation of apparent unfairness or oppression arises, and to give appropriate advice if it appears the child needs assistance in understanding his or her rights.¹⁴

VI. THE *CRIMES (DETENTION AFTER ARREST) REGULATION*

Children are included in the definition of vulnerable persons in the *Crimes (Detention After Arrest) Regulation 1998*.

Pursuant to the Regulation, a vulnerable person is entitled to the following:

- Having a support person present during any investigative procedure in which the person is to participate.¹⁵
- The custody manager must as far as is practicable, assist a vulnerable person in exercising the person's rights under Part 10A *Crimes Act*,

¹³ Id at 486.

¹⁴ [2001] NSWSC 115 at paragraph 36.

¹⁵ *Crimes (Detention After Arrest) Regulation 1998* (NSW) reg 21(1).

including any right to make a telephone call to a legal practitioner, support person or other person.¹⁶

- A vulnerable person is entitled to a support person under clause 21 or to consult with a friend, relative, guardian or independent person, but curiously, not to both.¹⁷
- A vulnerable person who is a child cannot waive his or her right to have a support person present.¹⁸

Importantly in relation to the role of the responsible adult, reg 26 states that:

(1) The custody manager is to inform a support person that a support person is not restricted to acting merely as an observer at an interview and may, among other things:

(a) assist and support the person being interviewed,
and

(b) observe whether or not the interview is being
conducted properly and fairly, and

(c) identify communication problems with the person
being interviewed.

VII. RELEVANT PROVISIONS OF THE *EVIDENCE ACT*

The two most applicable *Evidence Act* provisions that are likely to be relevant in relation to the role of the responsible adult are sections 90 and 138.

¹⁶ *Crimes (Detention After Arrest) Regulation 1998* (NSW) reg 20.

¹⁷ *Crimes (Detention After Arrest) Regulation 1998* (NSW) reg 22.

¹⁸ *Crimes (Detention After Arrest) Regulation 1998* (NSW) reg 23.

Section 90 *Evidence Act* states that, in a criminal proceeding, a court may refuse to admit evidence of an admission, or refuse to admit the evidence to prove a particular fact, if the evidence is adduced by the prosecution, and having regard to the circumstances in which the admission was made, it would be unfair to a defendant to use the evidence.

Section 138 *Evidence Act* states that evidence that was obtained improperly or in contravention of an Australian law, or in consequence of an impropriety or of a contravention of an Australian law, is not to be admitted unless the desirability of admitting the evidence outweighs the undesirability of admitting evidence that has been obtained in the way in which the evidence was obtained.

The application of the *Evidence Act* to cases where issues about the role of the responsible adult have been relevant are discussed in the next Part of this paper.

VIII. TWO IMPORTANT CASES ILLUSTRATING THE APPLICATION OF THESE PRINCIPLES

Two important decisions demonstrate how these different legislative provisions are applied.

A. *R v Phung and Huynh* [2001] NSWSC 115

This case involved a trial in the Supreme Court before Wood CJ at CL. Phung was charged with murder and a number of counts of robbery. He made admissions in two records of interview with police. The admissibility of each of these interviews was challenged.

1. The first interview

Phung was arrested with another accused shortly after the murder. Phung was detained for a short time and then taken to a police station. He was spoken to by a detective at the time of his arrest, informed that police were investigating a fatal shooting earlier that night, and then cautioned. When Phung told the detective that he was 17 years old, the detective informed him that he would not speak to him further until they had an adult present.

Phung's parents were overseas. His aunt and her 21 year old son, Phung's cousin (who was also Phung's employer), went to the police station. When his aunt and cousin arrived at the police station, they were seated in the interview room, separated from Phung, who was still in the dock. They had no opportunity to speak to Phung at this stage. No evidence was led as to whether the custody manager spoke to either of Phung's aunt and cousin or whether the custody manager provided the information required by the *Crimes (Detention After Arrest) Regulation*.

Phung was interviewed by police, initially in the presence of his aunt and cousin. However, from immediately after the interview began, Phung was interviewed in the presence of his cousin alone, as his aunt became ill and left the interview. Phung's cousin was allowed to speak to Phung very briefly in the presence of the police, initially in his own language but later, at the request of police, in English.

During the interview, Phung made significant admissions as to his involvement in the murder and robbery.

On the voir dire at trial, Phung gave evidence that he had taken a number of Rohypnol tablets, and had smoked some heroin on the day of the alleged offences, and suggested that he was stoned at the time of the interview. He had been given medication by a medical practitioner who did not examine him prior to prescribing the medication. There was also an issue in the case about whether Phung was given the opportunity of having a lawyer present.

2. The admissibility of the first interview

Hunt CJ at CL examined a number of concerning aspects in relation to the first interview, including:

- That the police selected Phung's aunt and cousin without the custody manager enquiring about Phung's wishes as to who he wanted contacted.
- The custody manager not enquiring about the suitability of Phung's aunt and cousin to perform the important role expected of them.
- The relative immaturity and inexperience of Phung's cousin.
- The absence of any evidence that the custody manager advised Phung's cousin of the role that he was expected to play, as was required by *Crimes (Detention After Arrest) Regulation 1998* reg 26(1).
- No lawyer was contacted, and no encouragement was given to Phung to contact a lawyer, even though Phung was facing a charge as serious as murder.
- The failure of the detectives to allow Phung to speak privately with his cousin, which is an entitlement which is foreshadowed in section 356N(4) *Crimes Act*. The conversation that did take place between Phung and his cousin took between one and two minutes, and was required to be held in English in the presence of the detectives.

Hunt CJ at CL held that these matters, as well as various other matters he identified, may not have been enough individually to require exclusion of the first ERISP. However, in combination, there were sufficient circumstances involving non compliance with the statutory regime to give rise to serious concern as to whether Phung, a 17 year old with a somewhat disturbed background, had been

sufficiently advised as to his rights, and as to whether those rights were adequately protected. For these reasons, Hunt CJ at CL excluded the interview pursuant to sections 90 and 138 *Evidence Act*.

3. The second interview

A few days after Phung's arrest and charging, police obtained a search warrant and searched Phung's cell at Kariong. Police found a mobile telephone which was said to be a portion of the property from one of the robberies.

Phung was taken to a part of Kariong and spoken to by police in the presence of the Governor. He was placed under arrest in relation to armed robbery.

Phung was then taken to a Police Station. He was asked by police if he had any objection to a Salvation Army officer being present while he was interviewed. Phung said that he did not. A Salvation Army officer attended the police station.

The Salvation Army officer did not have any conversation with Phung before the interview. There was no evidence as to whether the Salvation Army officer was given the information which the legislation requires to be given to a support person. The evidence was also silent as to whether Phung was asked whether he wanted a relative or anyone else to be present. Further, there was no evidence as to whether Phung wanted to get legal advice or whether any request was made in that regard.

Phung made a number of significant admissions in the second interview.

4. The admissibility of the second interview

Hunt CJ at CL indicated the following as matters of specific concern in relation to the second interview:

- That Phung was already in custody in relation to other offences at the time of his second interview.

- None of Phung's relatives were contacted when he was taken to the Police Station from Kariong, and Phung was not given an opportunity to nominate or to contact a support person of his own choosing, as the Salvation Army Officer (who was quite unknown to Phung and who was unfamiliar with the case) was suggested by investigating police.
- There was no affirmative evidence whether Phung was properly advised as to his rights to contact a support person or a legal adviser.
- There was no evidence as to whether the Salvation Army Officer was given the information required by reg 26, or whether he was informed of the nature and seriousness of the matters that Phung was under investigation for.
- The Salvation Army Officer was not given any opportunity to speak privately with Phung, or to investigate whether Phung needed any further assistance or advice.
- The investigation followed upon the earlier ERISP, at a time when Phung could only have assumed, if he had been properly advised, that there was at least some risk of any further admissions being used against him in relation to the charge of murder, which he was already in custody for.
- No effort was made to identify or contact the solicitor who had previously acted for Phung, or a duty solicitor, even though it may be assumed that one would have been on hand.

Taking into account the provisions of sections 90 and 138 *Evidence Act*, the evidence was excluded, as Hunt CJ at CL was of the view that the apparent failure of those concerned to secure compliance with the regime gave rise to an unfairness which outweighed the probative value of the admissions obtained.

5. Obligations of custody managers

Hunt CJ at CL set out some of the obligations that custody managers have in ensuring the admissibility of evidence at paragraphs 60 - 64 of the judgment. These obligations are important and advocates should acquaint themselves with what is set out in the judgment.

B. *R v ME and LT* Unreported, Supreme Court, 3 October 2002

In this case, Dowd J considered an application by LT and ME, who were both aged 17 at the time of arrest and interview, for exclusion of their records of interview. They stood trial in the Supreme Court, together with a number of co-accused, for murder.

In each of the cases of ME and LT, there were a number of records of interview which were taken by way of ERISP at a Police station. Both ME and LT were told that they were not under arrest and were free to leave the police station.

1. The case against ME

The requirements of Part 10A were not complied with. Police did not comply with the requirements as they said that ME was not under arrest at the time he was at the police station.

Dowd J examined whether ME was in fact under arrest. If he was under arrest, the police should have had to comply with Part 10A *Crimes Act*.

ME had been told he was free to leave at any time and that he was not under arrest. However, that was not the end of the matter. There was no suggestion that the police officer gave reasonable grounds to ME to believe that he was not

allowed to leave and there was no evidence that the police officer would arrest ME if he attempted to leave.

Dowd J found that there had been deemed arrest of ME and that the provisions of Part 10A *Crimes Act* applied and the Regulation applied.

Dowd J found that there had been a breach of the provisions set out to protect children. Section 356M *Crimes Act* meant that the custody manager had to give a caution and a summary of the Part of the Act to the detained person. The Custody manager should have informed the person as to the right to communicate with friends and relatives and make certain communications. Dowd J went through the applicable regulations, which were regs 20, 21, 22, 23, 25, and 26.

2. The interviews involving ME

ME had no criminal record and he had participated in an ERISP and walk around video with two of the detectives involved in this case. He was then put into the police custody system, although he was not formally held under part 10A.

Dowd J found that ME had difficulty understanding important matters. ME's counsel submitted that he was not aware that he was in fact suspected of murder. ME had a fight and had assaulted a number of people during that fight. The purpose of the interviews held by police was to establish whether ME had contemplated there was a possibility of someone suffering grievous bodily harm during this fight.

Police, in accordance with section 13 *Children's (Criminal Proceedings) Act* had an independent person sit in with ME in his interview. This independent person was a recently retired head master, a Mr Harwin.

Dowd J found that what took place with Mr Harwin was this:

- There was a very short space of time that Mr Harwin and ME were allowed together before the interview.
- Mr Harwin was not told of the seriousness of the investigation. Dowd J found that it was difficult to see how Mr Harwin could have possibly advised ME without knowing the risk that ME was under.
- Mr Harwin did not appreciate the full extent of his role, meaning that neither he nor ME had been properly advised and therefore Mr Harwin could not have properly advised ME as to the seriousness of his position.
- It became obvious during the course of the interview that ME was a suspect in the murder investigation from the type of questions that were being asked, but that Mr Harwin did not advise ME of his rights or remind ME of his right to silence.

Dowd J said there no point in having an acceptable person present when a young person is likely to be subjected to questioning, which may lead to a very serious criminal charge, in particular murder, unless the acceptable person understands the nature of the risk. There was no possibility that Mr Harwin could protect ME from unfairness or advise him of his rights.

Dowd J held at paragraph 12 that:

He [Mr Harwin] demonstrated in my view a lamentable lack of understanding of the significance of the interview and did not seem to appreciate the full extent of the proper roll of an acceptable person ... A total stranger to a 17 year old young person, who is a retired head master, is not the sort of image that immediately leaps up as someone to whom a

young person could relate, and particular where the support person is such that he is not given time to relate, as he was not here, to the young person, and where he did not seem to understand as a person *in loco parentis* that he might intervene to warn someone who may be making the most damning admissions.

Dowd J went on to say at paragraph 13 that:

The compliance of the police service with the intention of the legislature in this respect is in my view extremely important. You do not need to know a lot about the law to know when a young person is about to make damning admissions. You do not have to know a lot about the law the people have a right to remain silent, but nevertheless, young people do not necessarily know those entitlements as, indeed, do a lot of adults and the intention is to arm the young person with some protection.

Dowd J found that it was unfair to admit the ERISP against ME pursuant to section 90 *Evidence Act*. Dowd J held that, even if part 10A *Crimes Act* did not in fact apply, the circumstances of the taping the record of interview breached the substance of the substantive effect of the *Children (Criminal Proceedings) Act*. ME was not afforded the protection the legislature intended.

Dowd J held that the evidence at issue was in breach of Section 138 *Evidence Act*, as it was improperly obtained. Although the evidence was important, it did not outweigh the undesirability of admitting evidence that had been obtained in the way in which the evidence was obtained in this case.

For these reasons, Dowd J excluded the evidence of the ERISP against ME.

3. The case against LT

Although there were a number of other records of interview involving him, there was only one record of interview which was sought to be tendered against LT.

The Crown submitted that LT was not under arrest at any stage and that he was also aware that he was free to leave the police station. LT had gone to the police station on his own. He was aware of his rights to obtain a solicitor and that he had various support people available to him.

The defence submitted that LT was in fact under arrest by section 355(2)(a) *Crimes Act* as the informant believed that there was sufficient evidence that LT had committed an offence of assault of Affray.

Dowd J found that it would have been difficult for LT not to believe that he not under the control of the police. Dowd J found that LT was deemed to be under arrest. For these reasons, the provisions of part 10A *Crimes Act* and the Regulation applied.

4. The responsible adult and LT's interview

Once again, in relation to the acceptable persons who sat in on the interview, there was not sufficient time allowed between LT and the responsible person, there was no evidence that the responsible person understood her duty to explain and protect the interests of LT.

A responsible adult, a Ms Tesoriero, had various roles in relation to victims and persons interviewed prior to her use as a responsible adult with MT. She did not understand what her obligations were in relation to LT. In particular, she thought that LT was in fact being interview as a witness. Dowd J held that this underlied

the unfairness of the position in which she was placed, and the difficulty which LT suffered of not having someone available to protect his interests.

Dowd J applied the decisions of *Phung and Huynh* and *R v H (A Child)* and considered that in each interview LT had not been given proper advice as it should have been available to him.

Dowd J applied section 90 *Evidence Act* and held that it would be unfair to admit the evidence of the record of interview. Dowd J held that the failure to comply with the *Children's (Criminal Proceedings) Act* and the *Crimes (Detention After Arrest) Regulation* meant that the evidence obtained was improperly obtained.

Notwithstanding its probative value, Dowd J held that the desirability of admitting the evidence did not outweigh the undesirability of the evidence that had been obtained in the way that it was. The clear intention of the legislature was to protect young people and that this intention had been frustrated by the procedures adopted by the police.

5. The Legal Aid Commission's Youth Hotline

Dowd J made a number of important comments in relation to ME not being given the benefit of access to the Legal Aid Commission's Youth Hotline service. The case is worth reading on this aspect.

IX. CONCLUSION

This paper has examined the development of the understanding of the role of the responsible adult within the criminal justice system. The responsible adult is no longer viewed as a neutral observer. Rather, the responsible adult is a person

who facilitates communication, is one who provides personal support for the child, and is a rights adviser.¹⁹

Advocates should enquire whether in any given case involving a child's admissions to police whether the role of the responsible adult was in fact performed, as the legislation requires it to be.

This paper has also examined the legislative provisions relating to the admissibility of children's statements to police. These provisions are a checklist for advocates for determining whether it is open to challenge the admissibility of statements by children to police.

Lester Fernandez

8 April 2004

¹⁹ R Ludbrook *Police Questioning of Young People* (Discussion Paper, National Children's and Youth Law Centre, 1994), 15.

SELECTED LIST OF REFERENCES

Australian Law Reform Commission, *Seen and Heard: Priority for Children in the Legal Process*, Report No 84 (1997).

John Baldwin "Legal Advice in the Police Station" (1992) *New Law Journal* 1762.

H Blagg and M Wilkie *Young People and Police Powers* The Australian Youth Foundation, Sydney, 1995.

John Boersig "The Duty of 'A Responsible Person' Under Section 13 of the *Children (Criminal Proceedings) Act 1987 (NSW)*" (2002) 2(2) *Queensland University of Technology Law Journal* 244.

Jeffrey D Cavin "Waiver of a Juvenile's Fifth and Sixth Amendment Rights" (1992) 13 *Journal of Juvenile Law* 27.

Raymond Chao "Mirandizing Kids: Not as Simple as A-B-C" (2000) 21 *Whittier Law Review* 519.

Stephen Coughlan "When Silence Isn't Golden: Waiver and the Right to Counsel" [1990] *Criminal Law Quarterly* 43.

Steven A Greenburg "Learning Disabled Juveniles and *Miranda* Rights- What Constitutes Voluntary, Knowing and Intelligent Waiver" (1991) 21 *Golden Gate University Law Review* 487.

Timothy Heenan *Admissibility of Certain Statements* A paper presented at the Legal Aid Commission's Juvenile Justice Conference, 15 May 1999.

Jacqueline Hodgson "Vulnerable Suspects and the Appropriate Adult" [1997] *Criminal Law Review* 785.

Larry E Holtz "*Miranda* in a Juvenile Setting: A Child's Right to Silence" (1987) 78 *Journal of Criminal Law and Criminology* 534.

Brian Littlechild "Reassessing the Role of the 'Appropriate Adult'" [1995] *Criminal Law Review* 540.

Robert Ludbrook *Police Questioning of Young People* (Discussion Paper, National Children's and Youth Law Centre, 1994).

Note: "Criminal Law: Confessional Statements by Children " (1995) 15 *Queensland Lawyer* 157.

Royal Commission on Criminal Justice *The Conduct of Police Interviews with Juveniles* Research Study Number 8 (1993).

Charles H Saylor "Interrogation of Juveniles: The Right to a Parent's Presence" (1992 - 93) 77 *Dickinson Law Review* 543.

Stephen Scarlett "Admissibility of Children's Statements" (1996) 6 *Law Society Journal* 47.

Christopher K Vogel "Custodial Interrogation of Juveniles in the United States of America" (1981) 9 *Florida State University Law Review* 157.

Kate Warner "The Legal Framework of Juvenile Justice" in R White & C Alder (eds) *The Police and Young People in Australia* Cambridge University Press Melbourne 1994.