

By Yvonne Henderson

Lawyers acting on behalf of children and young people will welcome this edition of *Precedent*, as will those representing clients with mental illness who have been involuntarily hospitalised or made subject to a community treatment order.

Young people who suffered injury at birth, or those acting on their behalf, will find the information provided by Libby Brookes and Greg Walsh on the limitation period for actions in such circumstances, such as claims in negligence, invaluable. Wending their way through changes to the *Limitation Act* and when the legal clock for the cause of action limitation period starts ticking, the authors provide a detailed and succinct guide for practitioners in this area.

Two articles explore how children should best be represented in legal proceedings. Giving young people a voice in proceedings that affect them and allowing them direct representation is preferable to the more paternalistic model of lawyers representing children's 'best interests'. In a refreshing look at empowering young people in the legal system and respecting their human rights, James McDougall and Sally Hamilton make a compelling case for accepting the honesty of children as witnesses, together with tips for ensuring a more child-friendly system that encourages children's participation in legal processes.

Recent changes of interest to those representing clients involuntarily detained in mental health institutions or subject to community treatment orders (CTOs) are canvassed by

Greg James, John Fenely and Sarah Hansen. Examining the effects of the *Mental Health Act* (2007), the authors explain the benefits of extending CTOs in order to prevent a mentally ill person from deteriorating to the point where they need hospital admission before a treatment order can be issued. They argue that CTOs can enhance treatment in the community and reduce the harm associated with relapses. Similarly, they explain the effects of recent legislative changes on those involuntarily detained and their access to the Mental Health Review Tribunal. The clear and careful examination of these changes will be of great benefit to those representing clients with mental illness who have been detained as forensic patients, correctional patients or inmates, and who seek a clear analysis of their rights in relation to reviewing the involuntary nature of their detention and/treatment.

Lawyers have always been at the forefront of protecting the rights of those who are more vulnerable in society – the mentally ill, children, and prisoners with psychiatric conditions. This edition highlights the need to safeguard the human rights of each of these groups, while upholding the imperative to protect community safety and the overall good of society. ■

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