



Legislative Council  
**Standing Committee on Law and Justice**  
**The prohibition on the publication of names of  
 children involved in criminal proceedings**

The Chair of the Law and Justice Committee, the Hon Christine Robertson MLC, has announced the tabling of the Committee's report into the prohibition on the publication of names of children involved in criminal proceedings.

"Children are treated differently to adults within the criminal justice system in recognition of the fact that they are less developed emotionally and cognitively, act more impulsively, and are more vulnerable to the negative impact of stigmatisation," explained Ms Robertson.

"The current prohibition in section 11 of the *Children (Criminal Proceedings) Act 1987* (NSW) aims to protect children from the stigma of being associated with a crime, whether they be offenders, victims or witnesses, and to assist in their rehabilitation and recovery. These aims remain valid."

"The weight of evidence presented to the Committee clearly indicates that 'naming and shaming' juvenile offenders is more likely to increase the likelihood of their reoffending, rather than reduce it. When dealing with juvenile offenders the emphasis is rightly on rehabilitation, since the benefits to the offender and society flow for the rest of their lives."

"In some instances publicly naming juvenile offenders would give victims and their families a sense of vindication. However, there is evidence that confidential processes such as youth justice conferencing, which protect the identity of all children involved, give victims a greater role in and greater satisfaction with criminal justice outcomes for juvenile offenders," Ms Robertson said.

"Excluding the names of children involved does not prevent the media from reporting on criminal proceedings that are in the public interest, nor does it interfere with the media's important role in subjecting criminal justice processes to public scrutiny."

"The Committee recommends that the existing prohibition be extended to cover children who are reasonably likely to become involved in criminal proceedings, prior to charges being laid. The Committee also recommends that a specialised unit within the NSW Police Force be identified to investigate breaches of the prohibition."

A copy of the electronic report can be obtained from the Committee's website at [www.parliament.nsw.gov.au/lawandjustice](http://www.parliament.nsw.gov.au/lawandjustice). Hard copies are available on request from the Committee Secretariat on 02 9230 3311 or email [lawandjustice@parliament.nsw.gov.au](mailto:lawandjustice@parliament.nsw.gov.au).

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 Committee Chair, on 0428674310*