



The Deputy Chief Magistrate of the Local Court

27 February 2008

Mr Jonathan Clark
Principle Council Officer
Legislative Council
Standing Committee on Law and Justice
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Sir,

**RE: INQUIRY INTO THE PROHIBITION ON THE PUBLICATION OF
NAMES OF CHILDREN INVOLVED IN CRIMINAL PROCEEDINGS**

I refer to questions taken on notice in the abovementioned inquiry and respond as follows: -

Q 1. Currently, who other than the prosecuting authority, can make a submission to the Court to publish a child's name? How are such submissions made?

A 1. The Act prohibits publication except with the consent of the relevant court. For matters that come before the Children's Court, consent cannot be given without their concurrence. The court must be of the opinion that the public interest so requires the name to be published. This is a stringent test, as is appropriate for matters concerning children under the age of 16 years. To my knowledge no such applications have been made. There is no guidance in the Act to who could make such an application, however it is my view that an application could be made by any organisation who could establish sufficient standing to do so. This would include the media.

S 4B of the Act refers to serious children's indictable offences. Such matters are heard before the District or Supreme Court. I have no information on how such applications are made, or who would make them. If a person or organisation can establish sufficient standing to make an application. It is up to the court concerned to direct how such application should be made.

Q 2. If the prohibition is extended to children arrested but not charged, and those likely to be involved in criminal proceedings, then how would that be enforced?

A 2. Presumably the commissioner of Police would give a direction to police officers to ensure that the press are not alerted as to names of children arrested for a particular offence. Presumably, the Police Force, being a force used to discipline, would follow that direction.

Q 3. How would the 'reasonable likelihood' of a child being involved in criminal proceedings be determined?

A 3. This is a difficult question to answer. Logically such information would emanate from Law Enforcement Agency, such as the Police Force.

I now **enclose** Witness Feedback Questionnaire.

Yours Sincerely,



Helen Syme
Deputy Chief Magistrate