

10 March 2008

Jonathan Clark  
Principal Council Officer  
Standing Committee on Law and Justice  
Parliament House  
Macquarie St.  
Sydney 2000

Dear Mr Clark

**Inquiry into the prohibition on the publication of names of children involved in criminal proceedings.**

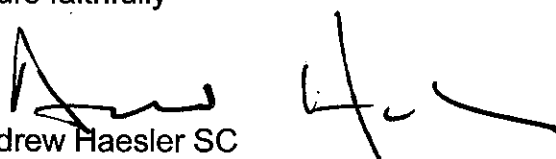
I have no corrections to the proof transcript of my evidence.

In relation to the supplementary question relating to naming creating a permanent electronic record; in my opinion naming a child would create a permanent record of their conviction. We have yet to fully comprehend the inroads into privacy that will be occasioned by the Internet, however it is clear, that even using today's technology, Internet searches can find references to anyone named in the media (or indeed in the proceedings of committees such as this). The prospect that a child once named could never put their crime behind them is a powerful argument in favour of the current prohibition.

When a person is convicted of a criminal offence that conviction is entered on their criminal record. If that record is tendered in court proceedings then the media have access to it (s. 314(2) *Criminal Procedure Act* 1986) and can publish it, subject *only* to s.11 *Children (Criminal Proceedings) Act* 1987.

Section 14 *Children (Criminal Proceedings) Act* 1987 limits the power of a court to record formal convictions against children under the age of 16. There is also a provision in s. 579 *Crimes Act* 1900 that allows for convictions, where bonds were imposed, to be regarded as "stale" after 15 years. This however does not stop the conviction being reported.

Yours faithfully

  
Andrew Haesler SC  
Deputy Senior Public Defender