

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

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**Part 2 – Robert J Taylor’s Submission to the Parliamentary Inquiry into Juveniles  
20<sup>th</sup> February 2008**

Madam Chair

In conclusion, I would like emphasise that my Submission is based not on news items, not on anecdotal evidence, nor on research but on first hand experience. My wife and myself were present at the time of the murder of our son and I was stabbed in the same attack.

The Homicide Victims Support Group supports over 2000 families in New South Wales, all victims of homicide. The Group supports the naming of every person young or old, male or female, including those who plead mental instability at the time of the attack, who are charged with or held for homicide.

In our case the apprentice jeweller pleaded guilty to manslaughter from the day he was charged and held in custody, was treated as a child (I would like to take a “side bet” that any person between the age of 16 -18 would object very strongly to being called a child, unless as in this case there was an advantage to them). This assailant turned 18 about six weeks after our nightmare event. That means that throughout all the 16 + mentions at the Children’s Court, the trial, the sentencing and later appeal this ‘child’ had reached the legal age of 18 years – an adult by society’s standards.

As I stated in my preamble, this perpetrator was sent to Cobham - a Remand Centre - with certain conditions applying. Cobham is generally considered to be a “Home away from Home” which houses children as directed by the Court.

This child did not live up to the opportunity given to him by His Honour and soon after was transferred to the Baxter Detention Centre at Gosford to see out his sentence.

Madam Chair, I would like to pass on to this Inquiry the most hurtful statement ever made to my wife, myself, my daughter following our son and brother’s murder.

As we were leaving the Court, the mother of these two young murderers rose to her feet at the rear of the Court Room and “bellowed” “thank God my sons are alive”, and repeated her statement a second time.

The statement was heard by all those still in the Court room.

My family wishes to support the response from the HVSG, but also wishes to take this opportunity to respond to the questions posed by the Committee.

**Q1: How would naming influence a juvenile offender's rehabilitation.**

For anyone to seek and succeed in rehabilitation the first step is to acknowledge and accept responsibility. Just as an addict is required to first admit that they have a substance abuse problem an offender must first acknowledge that they have committed an offence that has caused harm. This acknowledgement can only come from full realization of their action and their effect. If this is done in a controlled environment, such as during rehabilitation, then it is not "real realization" only conjecture as they are not in the 'real world' observing the 'real' effects of their actions.

**Q2: Are you aware of any evidence that naming juvenile offenders is an effective way to reduce their likelihood of re-offending.**

I can only give evidence where not naming a juvenile offender did not prevent him from re-offending. At the time of the attack in which our son was murdered the elder brother, later found guilty of murder, was on a bond from an offence committed we were informed as a minor – one for which he was not named. If this is fact, withholding his name did not prevent him from re-offending and in re-offending from committing the most serious crime in our criminal code.

**Q3: How would naming juvenile offenders affect the rehabilitation of victims?**

As a victim I can whole heartedly tell you that my life was shattered through the act of a juvenile and his brother. I believe it is important that you realise we will never be rehabilitated, the most we can do is try to learn how to live with the pain that is now ever present and at times overwhelming, a pain that no one can analogically understand. After the murder of a loved one, we encounter this immeasurable pain, we now also face the justice system, the police, the media whirlwind and being launched, most harshly, into an unknown world of injustices for us.

Injustice that our loved one has been taken from us violently by someone else's hand, the injustice that we become 'news worthy' to the media, the injustice that throughout the 'justice' system we have **no voice, no decision making ability and the injustice that the offenders in our case could not be named**, they were both protected because one was a juvenile. Injustice upon injustice upon injustice. Then when the legal processes are completed we must continue and fight for our rights, it is the victim that is constantly in a battle to lessen the injustices we experience, therefore in response to this question it would be one area that we don't need to face another injustice.

**Q4: Do you think that naming juvenile offenders is a way of making parents more responsible for their children's behaviour?**

Just as acknowledgment is necessary for rehabilitation so it is necessary for ensuring responsibility is taken. The lack of anonymity will encourage parents to take responsibility, they also need to acknowledge the pain and harm their child/ren have caused to the victims, to society.

If, in our case, this had occurred we may therefore not have had to endure the mother of the offenders calling out to us at the time of sentencing 'thank God my sons are alive'.

Removing the protection of anonymity would help to discourage the perpetrators and their peers from engaging in similar violent crimes and acts against society as their anonymity is no longer guaranteed.