

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

Organisation: NSW Youth Advisory Council
Name: Ms Claudine Lyons
Telephone: 9716 2833
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YOUTH ADVISORY COUNCIL NEW SOUTH WALES

Standing Committee on Law and Justice: Inquiry into the prohibition on the publication of names of children involved in criminal proceedings.

NSW Youth Advisory Council submission.

The NSW Youth Advisory Council (Council) is a statutory body which advises the Minister for Youth on issues concerning young people. It is the only Youth Advisory Council in Australia that has its own legislation, the NSW Youth Advisory Council ACT (1989).

Council believes that the current prohibition on the publication and broadcasting of names of children in criminal proceedings, under section 11 of the Children (Criminal Proceedings) Act 1987 (NSW) is still valid and should be retained to ensure that the following policy objectives, as outlined in the Committee's Terms of Reference are achieved:

1. (a) reduce the community stigma associated with a child's involvement in a crime, thereby allowing the child to be reintegrated into the community with a view to full rehabilitation;
- (b) protect victims from the stigma associated with crimes; and
- (c) reduce the stigma for siblings of the offender and victim, allowing them to participate in community life.

Council are of the opinion that emphasis should always be placed on rehabilitating and reintegrating the child back into the community. Council believe that young people often struggle to redefine themselves after being labelled a criminal, especially within small communities. The impact on the child's family (parents, siblings, even extended family and family friends) could be devastating.

However, where a more serious crime is committed the complexity of the issues at hand increases dramatically. This is where s11 (4B), (4C) (a) and (b), (4D) and (4E) of the Children (Criminal Proceedings) Act 1987 (NSW) whereby the Court is given discretion to make exceptions for more serious indictable offences maybe deemed necessary, especially in the interests of public safety.

Council would be interested to see evidence based research on repeat offenders, those who have participated in a rehabilitation process and still continue criminal behaviours – whilst still a 'child' or later in life as an 'adult'.