ELECTRONIC VERSION

IDENTIFICATION OF JUVENILE OFFENDERS

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ABSTRACT

This Research Bulletin looks at recent Queensland proposals to change the law governing the publication of identifying matter about juvenile offenders. The current position in Queensland and other Australian jurisdictions is outlined, and news commentary relevant to the discussion is provided.

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1. BACKGROUND

The courts recognise a general principle of open justice. However, there are occasions where a court may sit in private, and restrictions on the reporting of cases and the identification of persons involved in proceedings also apply in certain circumstances. Such exceptions to the principle of open justice are usually provided for under statute, particular examples of which relate to sexual offences, and to proceedings in courts such as the Family Court, and Children's Courts, due to the sensitive nature of proceedings and/or the youth of the parties involved.[1] Thus, for example, the Family Court Act s 121 prohibits the media from identifying any party or witness in a family law matter; and in Children's Courts, information identifying juvenile offenders is usually suppressed (eg in Queensland, publication of the identity of a child who is a defendant in a criminal proceeding is prohibited by s 62 of the Juvenile Justice Act 1992). Whether juvenile offenders should be publicly identified has become a contentious issue, particularly when a juvenile is charged with a serious offence or there is a perceived increase in juvenile crime. In Queensland, recent tragic events in October 1998, which saw a twelve year old girl arrested for murder, have renewed this debate.[2] In New South Wales, Police Commissioner, Mr Peter Ryan, is reported to have called for juvenile offenders to have their names made public when charged and convicted of a violent crime such as murder and sexual assault.[3]

This *Research Bulletin* discusses the existing Queensland provision in more detail, together with its rationale, and outlines recent Opposition proposals to introduce a Private Member's Bill under which juveniles convicted of serious violent crimes would be able to be identified.

A comparative summary of the position in other Australian jurisdictions is also provided. The age at which a person is deemed to be an adult appears to vary from 17 in some jurisdictions to 18 in others.[4]

Examples from case law serve to illustrate circumstances in which publication of a young offender's name might be permitted.

Appendix A contains news commentary on the issue of naming juvenile offenders.

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1 Mark Armstrong, David Lindsay and Ray Watterson, *Media Law in Australia*, 3rd edn, Oxford University Press, Melbourne, 1995; Mark Pearson, *The Journalist's Guide to Media Law*, Allen & Unwin, St Leonard's NSW, 1997, pp 78-79.

2 'Legal issues court public acceptance', *Australian*, 14 October 1998, p 18.

3 Luis M Garcia, 'Victims' relatives gain court access', *Sydney Morning Herald*, 12 November 1998, p 3.

4 Pearson, p 78.

2. THE POSITION IN QUEENSLAND

2.1 THE CURRENT LAW

In Queensland, under s 20(2) of the *Children's Court Act 1992*, as amended in 1996,[5] Magistrates have a discretion to permit members of the mass media to be present to report proceedings. However, by virtue of s 62(2) of the *Juvenile Justice Act 1992*, a restriction on the publication of identifying matter applies.

Specifically, s 62(2) of the *Juvenile Justice Act* provides that a person must not publish an identifying matter in relation to a criminal proceeding.

For the purpose of the section, a "**criminal proceeding**" refers to a proceeding taken in Queensland against a child for an indictable or simple offence: s 62(1).

"***Identifying matte****r*" is defined as:

- the name, address, school, place of employment or any other particular likely to lead to the identification of the child charged in the criminal proceeding
- any photograph, picture, videotape or other visual representation of the child or of anyone else that is likely to lead to the identification of the child charged in the criminal proceeding: s 62(1).

To "***publish***" means to publish in Queensland or elsewhere to the general public via television, newspaper, radio or any other means of communication: s 62(1).

Finally, the Juvenile Justice Act (s 5) defines a "**child"** as:

- a person who has not turned 17 years of age; or
- after a day fixed by s 6 - a person who has not turned 18.

Section 6(1) allows the Governor in Council, by regulation, to fix a day after which a person will be a child for the purposes of the Juvenile Justice Act if he or she has not turned 18.

The maximum penalty for failure to comply with the prohibition in s 62 is 200 penalty units ($15000) for a body corporate and 100 penalty units ($7500) or six months imprisonment for an individual: s 62(2).

The *Explanatory Notes* to the Juvenile Justice Act 1992 give the rationale behind the prohibition as two fold ie :

- it is intended to "*promote the rehabilitation of children and to protect them from being publicly 'criminalised' "*

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5 *Juvenile Justice Legislation Amendment Act 1996* (Qld).

- it is intended to "*avoid the propensity of some young offenders to glorify themselves with their peers*".[6]

2.2 PROPOSALS TO NAME JUVENILE OFFENDERS

In its 1998 Law and Justice Policy, the Queensland Coalition stated that:

> *In order that justice is seen to be done, the Coalition will allow the identification of juveniles found guilty of serious violent offences such as murder and rape.*
>
> *As well, the Coalition will allow the identification of convicted juveniles who escape from lawful custody and who are considered to be a danger to the public. Allowing names and photographs to be published will allow the public to assist police and Correctional Service officers to apprehend escapees*.[7]

In an article published in the *Courier-Mail* of 3 December 1998, it was reported that the Opposition planned to introduce a Private Member's Bill calling for juveniles convicted of serious violent offences to be named. Opposition Families Shadow Minister Denver Beanland is reported as follows:

> *Opposition families spokesman Denver Beanland said yesterday children convicted of crimes such as rape and murder were well aware of the seriousness of what they had done. In the interests of fairness to their victims they should be named, regardless of their age.*
>
> *'We're not talking about children who have stolen a few lollies at the corner store', Mr Beanland said. 'We're talking about people who have been convicted, and I emphasise convicted, of serious violent offences such as rape and murder.'*
>
> *'What you are seeing is not some 6 or 7-year-olds but 15 and 16-year-olds doing these types of offences, being convicted of them, why shouldn't they be named*'.[8]

Premier Peter Beattie was also reported as having confirmed that Cabinet is considering the issue.[9]

In the *Fifth Annual Report* of the Children's Court of Queensland, tabled in Parliament on 9 December 1998, the Court's President, Judge McGuire, addressed the issue of whether juvenile offenders should be named. He expressed the

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6 Juvenile Justice Bill 1992 (Qld), *Explanatory Notes*.

7 Law and Justice Policy (Queensland Coalition), 18 June 1998, p 3.

8 Brendan O'Malley, 'Push to name juvenile offenders', *The Courier-Mail*, 3 December 1998, p 3.

9 O'Malley, p 3; see also Mark Oberhardt, 'Judge calls for naming of selected child crims', *Courier Mail*, 10 December 1998, p 1.

following view:

> *There has been a serious difference of opinion as to whether in certain circumstances the name of a juvenile offender should be made public. In my opinion, as a general rule, the offender's name should be suppressed. However, there may be exceptional reasons for releasing the name. Exceptional reasons may include the gravity and perversity of the offence (e.g. murder) and the persistence of serious offending, especially where it impacts severely on multiple members of a local community (e.g. scores of burglaries committed in a restricted locality.)*
>
> *England has taken steps to allow young offenders' names to be made public. Section 45 of the Crime (Sentences) Act 1997 extends the discretion of youth courts to allow the names of juveniles aged 10 to 17 to be released following conviction, where this is in the public interest.*
>
> *Although I expect in practice it would rarely be used and then only in the gravest cases, I think Queensland courts should be given a similar discretion.*[10]

3. A COMPARATIVE SURVEY

All Australian states and territories restrict, or allow restrictions to be placed upon, the publication of the identity of juvenile offenders. In some jurisdictions, the prohibition can be lifted under certain circumstances (eg with the permission of a Children's Court Senior Magistrate (in Victoria), or upon application to the Supreme Court (in Western Australia).

3.1 WESTERN AUSTRALIA

Children's Court of Western Australia 1988

Unless it has been authorised under s 36A, Section 35(1) of the *Children's Court of Western Australia Act 1988* prohibits the publication of a report of proceedings in a Children's Court, or in a court on appeal from the Children's Court, that is likely to lead to the identification of a child as:

- a person against whom or in respect of whom the proceedings are taken
- a witness
- a person against or in respect of whom an offence has or is alleged to have been committed.

Section 35(2) provides that, in criminal proceedings in the Supreme Court or the District Court, the court may, after considering the public interest and the interests

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[10] Children's Court of Queensland, *Fifth Annual Report 1997-1998*, pp 73-74.

of the child or children concerned, order that no person shall publish or broadcast (via newspapers, radio or TV) a report of the proceedings which contains anything likely to lead to the identification of a child concerned in the proceedings as a person against whom the proceedings have been instituted, or as a witness, or as a person against or in respect of whom an offence has been committed or is alleged to have been committed.

A breach of s 35(1) or of an order made under s 35(2) is an offence which is punishable either:

- by the Supreme Court as a contempt, or
- if the offender is convicted summarily, by a fine of $10,000 or imprisonment for twelve months: s 35(4).

Where a child is convicted or found guilty by the Children's Court, s 36 prohibits anyone other than the child from disclosing, in a manner which identifies or is likely to identify the child, that information except:

- to a court of law
- to a person acting in the performance of duties under any written law
- to a person who is concerned with the child's custody or welfare as part of that person's duties, or
- in accordance with an order made under s 36A (discussed below).

Section 36A allows the Supreme Court to make an order allowing the publication, broadcast or disclosure of information prohibited under s 35(1) or s 36. The Supreme Court must first consider both the public interest and the interests of the child. Under s 36A(2), the Court, in considering the public interest and the child's interests, may have regard to all or any of the following:

- the age, safety or well-being of the child
- the safety or well-being of a person other than the child
- the safety of the public or the protection of property
- the public interest in the apprehension of escapees for the purpose of returning them to lawful custody
- the public interest in the prevention or detection of a crime.

Any such order that the Supreme Court makes may contain any directions the Court thinks fit, including directions about:

- the content of the matter to be published, broadcast or published
- when, where and how the publication, broadcast or disclosure may be made
- the duration of the order: s 36A(4).

Only the Attorney-General or the Commissioner of Police may make an application for an order of the kind above: s 36A(3).

In introducing the amending legislation under which s 36A was inserted into the Children's Court of Western Australia Act, Mr DL Smith MP, stated:

> *Members will be aware of recent cases of publication of the names of juveniles who have escaped from custody. There is widespread support for the view that, where the escapee poses a serious threat to public safety, it should be possible to publish his identity and description. The Bill provides a new section 36A to deal with the publication, broadcast or disclosure of matters referred to in the existing sections 35 and 36 concerning the identification of juveniles who are, or have been, involved in Children's Court proceedings.*
>
> *... Members will appreciate that the Bill, in leaving the question of publication to the Supreme Court, provides the necessary safeguards and balance to protect both the community's interests and the civil rights of the child.*
>
> *... I draw attention to Article 16 of the United Nations Declaration on the Rights of the Child, which provides as follows -*
>
> *1) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on his or her honour and reputation.*
>
> *2) The child has the right to the protection of the law against such interference or attacks.*
>
> *Contrary to some recent public comment, the Bill does not contravene the convention. Under the provisions of the Bill, authorised disclosure of the child's identity will not be arbitrary or unlawful. As I have indicated, the Supreme Court will protect the child's interests and rights.*[11]

The 1992 WA case of *The Commissioner of Police v A Child* provides an example of the operation of s 36A. In this case, the Commissioner of Police's application to publicise the name and description of a child who had escaped after being detained for manslaughter was granted. In the police affidavit, it was alleged that, after escaping, the child, who had been undergoing detention on two counts of manslaughter, had committed further offences of breaking and entering dwelling-houses, and stealing motor vehicles, driving them dangerously and threatening violence. His Honour Mr Justice Pidgeon held that in the circumstances of the case the public interest transcended the interests of the child; that there was " ... *a matter of the public interest and the prevention or detection of crime and in the apprehension of the child concerned*".[12]

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[11] Mr DL Smith MP, Children's Court of Western Australia Amendment Bill (No 2), Second Reading Speech, Western Australia. *Parliamentary Debates*, Legislative Assembly, 29 May 1991, pp 2316-18, at p 2317.

[12] *The Commissioner of Police v A Child*, Supreme Court of Western Australia, Pidgeon J, 3 September 1992.

The judge ordered:

- that the name and physical description of the child be caused to be published in any newspaper and broadcast by radio and television
- that a photograph of the child be caused to be published in any newspaper and broadcast by television
- that the order continue in force until the child was in lawful custody again.

Young Offenders Act 1994

Section 40(1) of the *Young Offenders Act 1994* (WA) prohibits the publication in any newspaper or other printed medium, or the broadcasting or televising, of any information likely to identify any young person as a person dealt with by a juvenile justice team. The section also prohibits anyone from publishing broadcasting or televising any report of the proceedings of a juvenile justice team.

Anyone who contravenes s 40(1) commits an offence punishable by the Supreme Court as for a contempt of court or, upon summary conviction, by a fine of $10,0000 or twelve months imprisonment: s 40(2).

Under s 40(3), proceedings for a breach of s 40(1) may be taken by or on behalf of the Attorney-General.

3.2 VICTORIA

Section 26 of the *Children and Young Persons Act 1989* (Vic) applies to reports of a proceeding in a Children's Court, or in a court on appeal from a Children's Court. Unless permission has been given by the Children's Court Senior Magistrate, a person must not publish or cause to be published any such report that contains particulars likely to lead to the identification of a child against whom proceedings are being taken: s 26(1)(a)(ii). This prohibition also applies to the publication of information that might identify:

- the particular venue of the Children's Court in which a proceeding was heard: s 26(1)(a)(i)
- another party to the proceeding: s 26(1)(a)(ii), or a witness to the proceeding: s 26(1)(a)(iii).

Nor may pictures of a child or other party to, or a witness in, a proceeding be published except with the permission of the Children's Court Senior Magistrate: s 26(1)(b).

The Victorian legislation defines a "**child**" to mean:

- in the case of a person who is alleged to have committed an offence, a person who at the time the alleged offence was committed, was under 17 but of or more than 10 years of age but does not include anyone who is 18 or more at the time of being brought before the Children's Court of Victoria.
- in any other case a person who is under 17 (or if a protection order applies to the person, under 18).[13]

The penalty for non-compliance by a body corporate with the requirements of s 26 is 500 penalty units ($50,000). In any other case, the penalty for non-compliance is 100 penalty units ($10,000) or two years imprisonment.[14]

3.3 SOUTH AUSTRALIA

In South Australia, legislative provision for children in need of care and protection is made in the *Children's Protection Act 1993*, while provisions for dealing with offending children are to be found in the *Young Offenders Act 1993*. A separate act establishes the Youth Court of South Australia,[15]which has both jurisdiction to hear and determine proceedings under the Children's Protection Act, and the civil and criminal jurisdiction conferred by the Young Offenders Act: *Youth Court Act 1993*, s 7. The remaining discussion focuses on the provisions in the Youth Court Act and the Young Offenders Act dealing with the publication of information which might identify young persons alleged to have committed offences.

Under Section 25(1)(a) of the Youth Court Act, the court may prohibit publication (by radio, television, newspaper or in any other way) of any report of proceedings in which a child or youth is alleged to have committed an offence (or is alleged to be in need of care or protection). Even if a report may be published, it must not:

- identify the child or youth or contain information likely to identify the child or youth
- reveal the name, address or school, or include any particulars, picture or film that may lead to the identification of any child or youth who is concerned in those proceedings either as a party or witness 25(1)(b).

The penalty for a breach of this provision is $10,000: s 25(3).

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13 *Children and Young Persons Act 1989* (Vic), s 3(1).

14 *Children and Young Persons Act 1989* (Vic), s 26(1) and *Sentencing Act 1991* (Vic), s 110, "meaning of penalty units".

15 Hon MJ Evans, Youth Court Bill, Second Reading Speech, South Australia. *Parliamentary Debates*, House of Assembly, 1 April 1993, pp 2856-58, at p 2856.

Section 25(2) does, however, empower the Youth Court to allow publication of particulars, pictures or film that would otherwise be suppressed under s 25(1), subject to such conditions as the Court thinks fit. A person who contravenes a condition imposed by the Youth Court is liable to a fine of $10,000: s 25(3).

By comparison with the Western Australian legislation, there is neither a specific statutory requirement that the Youth Court in South Australia must consider the public interest and the child's interests in deciding whether or not to allow publication of identifying material, nor any criteria to which the Court might have regard in seeking to balance the two sets of interests.

The Young Offenders Act (s 13 (1)(a) and (b)) contains a similar prohibition to that contained in the Youth Court Act but applying to reports of any actions or proceedings taken against a youth by a police officer or family conference. The maximum penalty for breaching this provision is a fine of $10,000.

The Young Offenders Act defines a "**youth**" as someone who is 10 or more[16] but less than 18 years of age: s 4.

3.4 NEW SOUTH WALES

In New South Wales, the *Children (Criminal Proceedings) Act 1987*, s 11, provides that a child[17] to whom any criminal proceedings relate shall not have his or her name published or broadcast, whether before or after the proceedings are disposed of. The section also bans the publication or broadcast of the name of a child who is a witness before a court in any criminal proceedings, or is mentioned or otherwise involved in any criminal proceedings.

For the purpose of s 11, a reference to the name of the child is stated to include a reference to any information, picture or other material which either identifies or is likely to lead to the identification of the child: s 11(5).

A breach of the above provision carries with it a maximum penalty of 500 penalty units ($50,000) for a corporation, or 50 penalty units ($5000) or 12 months imprisonment in any other case.[18]

By virtue of s 11(4), however, s 11(1) does not prohibit:

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[16] The age of criminal responsibility in South Australia is 10 years: s 5, *Young Offenders Act 1993*.

[17] "**Child**" means someone under 18 years of age: *Children (Criminal Proceedings) Act 1987* (NSW), s 3(1).

[18] *Children (Criminal Proceedings) Act 1987* (NSW), s 11(3) and *Interpretation Act 1987* (NSW), s 56.

- publishing or broadcasting an **official report** of court proceedings that includes the name of a child the publication or broadcasting of which would otherwise be prohibited; or
- publishing or broadcasting the name of a child -
  - if the child is under 16, with the court's consent and the child's concurrence or, where the child is not capable of giving concurrence, where the court is of the opinion that the public interest requires that the child's name be published or broadcast
  - if the child is 16 or more, with the child's consent.

3.5 TASMANIA

Section 18(2) of the *Child Welfare Act 1960* prohibits the publication of any matter that reveals the name, address, or school, or contains any particulars calculated to lead to the identification of a child against whom or in respect of whom proceedings are taken in a Children's Court, or any other court of summary jurisdiction, or to identify a child who has appeared as a witness in a Children's Court. Section 18(1) also prohibits the publication of a report of proceedings in a Children's Court, or their outcome. The penalty for breaching ss 18(1) or (2) is a fine not greater than 2 penalty units (ie $200).[19]

Section 18(3) goes on to explain that s 18 does not, however, prohibit the publication of any matter made by the Attorney-General or by a person who by virtue of his or her office is authorised or required to make that publication.

3.6 NORTHERN TERRITORY

In the Northern Territory, the approach taken is that a Juvenile Court magistrate may direct that a report of proceedings against a juvenile before the Court, or information about the proceedings, or their result, is not to be published except by a person performing his duties under the Juvenile Justice Act: *Juvenile Justice Act* (NT), s 23(1). Section 23(3) explains that it is not an offence against s 23(1) for a police officer, acting in the course of his duties, to send to the police force of another Australian jurisdiction, under arrangements for the exchange of information, information about a juvenile's conviction.

The penalty for a breach of s 23 is $200 or three months imprisonment: s 23(2).

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[19] *Child Welfare Act 1960* (Tas), s 18(2) and *Penalty Units and Other Penalties Act 1987*, s 4 (meaning of "penalty units").

APPENDIX A - NEWS ARTICLES

Title	**'They were a loving family whose only mistake was to embrace a troubled outsider they paid the ultimate price.'**
Author	**FYNES-CLINTON, MATTHEW**
Source	***Courier Mail***
Date Issue	**04/10/97**
Page	**31**

LESLEY Bliss couldn't help smiling as she pulled into the garage of her modest brick home in Kuluin, near Buderim mountain on the Sunshine Coast.

The car belonging to her 18-year-old daughter Amanda was parked outside.

Mother and daughter had had a small disagreement the last time they spoke and, with Amanda living between the family house and a new rented home until she shifted the last of her things, Lesley was eager to restore their normally close relationship.

It was 5.15pm on June 6 last year.

Lesley, who was returning from work, collected the mail, unlocked the front door and walked inside.

Through the dullness, she saw Amanda instantly.

Lesley thought she was asleep.

Placing the mail on the kitchen bench, Lesley then switched on a light which revealed horror.

Amanda was dead: having been punched, stomped on, strangled and stabbed six times in the neck and abdomen after apparently surprising a burglar.

What sort of animal does this?.

For Lesley Bliss, 44, the answer she has been forced to confront has left her feeling astonished, appalled, sometimes guilty and, most of all, betrayed.

It also has led her to call for an end to the ban on media outlets publishing the names of criminals under 18, drastically increased penalties for juvenile offenders and a re-examination of a schooling system which she says is failing to identify children with the potential for serious criminality.

Lesley knew Amanda's killer - who shall be called "Mark" - well.

He was a friend of her son Robert.

Just 16 when he committed the murder, Mark was sentenced in the Brisbane Supreme Court this week to 14 years' jail - the maximum penalty available to Justice Paul de Jersey, who said the callousness of the crime "shocked me as an experienced criminal judge".

In her victim impact statement, Lesley outlined Mark's nightmarish betrayal of her charity.

She told how she had "welcomed (Mark) into my home over the years with open arms, even after I forgave him for stealing from the family on previous occasions".

"I had even hugged the boy and told him that I would always be here for him if he had any problems.

Now he has taken from me my most precious possession...".

THE Bliss family first met Mark in 1990, a year after they moved to Kuluin from Darwin.

Lesley was separated from her RAAF husband Bob.

Amanda was 12, her brother Robert, 10.

The children attended the local primary school, where Robert struck up a friendship with Mark, who was a Year 5 peer.

The boys lived within 10 minutes' walk of each other.

Robert began inviting Mark home.

While Robert was a soft kid, often the target of bullies, Lesley remembers Mark, even then, as "a bit of a bad egg".

"My opinion is that kids like Robert who are loners tend to be drawn to kids like Mark because they see those sorts of kids getting attention - although the attention is because they're naughty, not because they're good," she says.

Over the next 18 months, Lesley became less concerned about the boys' relationship as it appeared to be cooling.

But then, during the Christmas vacation prior to Year 7, Robert dropped a bombshell: the reason Mark hadn't been around was that he "goes to Ipswich stealing cars on the holidays".

Lesley was shocked.

"I told Robert that was not the sort of person I wanted him mixing with," she says.

About 10 months later, the outgoing Amanda, who had blossomed into a representative soccer and hockey player attending Year 9 at Buderim's Matthew Flinders College, noticed a $50 note missing from her room.

Weeks passed, then a few days before Christmas 1992 another $50 disappeared.

She had hidden it in a jewellery box and had been saving to buy gifts.

With Amanda desperately upset, Lesley was searching her mind for answers when something occurred to her.

"About a week before, I had come home from work to find Mark lying on the couch and no one else here," she says.

"I said to him, 'Where's Robert?', and he said, 'We were having a race home and I beat him.

I know where Robert hides his key'.

"Of course, I stopped Robert doing that with his key.

But now it made me think that Mark might have got in and taken Amanda's money and I said to the kids: 'I'm going to ring him up and give him a chance to deny it'.".

While Lesley did not know a great deal about Mark's family background, she had a sense of unease.

She knew Mark, like her own son, was from a broken family.

On two occasions, Robert had gone to sleep at Mark's house but had returned home, around 9pm, distressed.

Each time, Robert told his mother he had become scared when Mark's father became angry.

Before telephoning Mark about the money, Robert pleaded with her mother to put down the receiver because his father would "beat him into confessing".

However, Lesley felt she must know the truth.

Mark answered the call and said he knew nothing about it.

"About half an hour later there was a knock on the front door," Lesley explains.

"Mark was standing there, with his father behind him.

I said, 'Come in' but his dad stayed outside while he just went into Amanda's room and handed her the missing money - two $50 notes.

"He came back out and that's when I called him into the kitchen - thinking, 'I hope to God your father didn't beat you up for saying you did it' - and gave him a hug.

"I said, 'Thanks very much for bringing that back.

Anytime you want to talk, I'm here'.

He just went, 'Yeah, okay' and walked out."

ROBERT and Mark went to separate high schools and saw less of each other after that night.

The Bliss home was subjected to several other robberies seemingly committed by youths.

Bicycles, fishing tackle and an electronic game system and cartridges were among the items taken.

But Lesley did not suspect Mark: she no longer thought of him as a significant presence.

Lesley also had forgiven Mark once, reaching out in love to a child with obvious problems, and that meant a lot within her value framework...if not his.

On June 6 last year, when Mark broke into Lesley's home for the final time (police later proved he was responsible for at least one of the previous thefts, recovering the game unit and cartridges), robbery was the motive once more.

Around noon Amanda arrived home unexpectedly, primarily to pick up her cat, and there was a brief stand-off.

Then Mark tried to skirt around her to the front door.

But Amanda, who had never liked Mark, was fuming.

She told him: "You're not going to get away with this again.".

Amanda back-pedalled, locking the front security door from the inside with her key.

As she reached for the telephone to call police, Mark yanked the plug.

A struggle ensued.

Mark punched Amanda and managed to strangle her to unconsciousness in a headlock.

He threw her to the floor, then kicked and stomped on her head.

The most difficult aspect of the attack for Lesley to get over is why Mark didn't leave then.

Instead, he walked with chilling deliberateness into the kitchen, withdrew a large knife from a collection on the bench and returned to stab Amanda to death.

But three days later, when police came to inform her they had arrested Mark, it was not the boy's betrayal that shocked Lesley.

Not immediately.

Nor was it simply the realisation that she knew Amanda's killer.

"I expected it to be a grown man," Lesley explains.

"It was a grown man's crime!.

I didn't expect it to be a kid; a kid who, after he did it, just rode his pushbike home.".

When she's not thinking about Amanda, who also was a richly talented painter and poet, it is this general question of today's off-the-rails youth that troubles Lesley.

In 1994-95, Queensland juveniles were convicted of 2371 theft and breaking and entering offences, 727 assaults, 399 driving and traffic offences, 91 counts of robbery and extortion and nine homicides.

Lesley believes that too often kids display serious behavioural problems which go unchecked at school.

"I don't think these sorts of problems are things you acquire overnight," she says.

"They're tendencies that are there.

If they can pick up things in retarded kids, why can't they run tests to pick up things in so- called normal kids and get them help."

Lesley, an MBF worker who remains at the same Kuluin home today because she can't afford to move out, is also disturbed by laws which protect juvenile criminals from being named.

She says she can't rationalise how a child can be afforded anonymity for a crime such as

murder, while her family's suffering is played out in public.

"I'm not spared any privacy," she says.

"Every time there is another murder in the Sunshine Coast area, the TV stations relate to Amanda's death and play this footage of her body being taken out the front door.

"If Mark can do an adult crime, he's got to take the adult consequences."

Lesley says she was stunned to sit in the Supreme Court and learn Amanda's murder was the culmination of a two-year spree of violence and destruction by Mark.

Mark had been free on bail, awaiting trial dates on most of these matters.

He had committed numerous burglaries, in one instance terrorising with a knife a home-alone boy who was hiding in a cupboard at a Buderim house.

He had been convicted once as a 14-year-old - for bashing and imprisoning his stepmother.

He was given what amounted to a 12-month suspended sentence, conditional on him attending intensive counselling.

Last Monday, Mark pleaded guilty to the 18 outstanding charges against him, including murder.

Lesley expects a favourable parole report should see him out of jail in about eight years.

She has begun a petition, to be sent to Attorney-General Denver Beanland, requesting that "sentences of juveniles be reviewed so that they receive the same sentence as adult offenders in relation to serious

crimes".

Lesley says a police officer investigating Amanda's case once said of Mark: "I've interviewed people who have killed their wives, people who have killed strangers, people who have killed accidentally...or on purpose.

And everyone of them will show remorse in their eyes.

That kid shows no remorse."

This week, Lesley experienced first-hand what he meant.

As Mark, now 17, was led into the court dock after the lunch adjournment, his eyes locked on Lesley who was sitting in the public gallery.

She says: "He just looked straight at me, nodded his head and very casually said, 'G'day'."

Under changes to the Juvenile Justice Act, children can now be jailed for life for "heinous" crimes committed on or after November 18 last year.

The State Government also is considering an amendment to allow the publication of names of juveniles who have been "convicted of serious offences".

Title	**'Govt plan to get children off streets.'**
Author	**Madigan, Michael**
Source	***Courier Mail***
Date Issue	**22/09/97**
Pages	**4**

Homeless children who are judged a risk to themselves will be taken off the streets as part of a youth strategy to be announced by the State Government today.

A document on youth suicide also will be released for public comment following a State Cabinet meeting in Hervey Bay this morning.

Families Youth and Community Services Minister Kev Lingard said a part of the Government's youth strategy was to get off the streets those children who were a risk to themselves.

He said draft legislation before Cabinet would allow his department to take children off the street and put them into care without parental consent.

The children would not necessarily have criminal convictions but would be either "unable or unwilling to look after themselves".

"Up until now this sort of thing has been voluntary," he said.

The Government also plans to establish centres for troubled youth at four locations around the state.

"This is all about early intervention," Mr Lingard said.

"It is better to have a fence at the top of the cliff than to have an ambulance waiting down at the bottom."

Mr Lingard said he was determined to help rural youths after his tours of country Queensland had revealed a deep concern for their plight.

"At the moment we have no real way of receiving information from youths or passing it on to them," he said.

"To some extent the old rural youth programmes provided that, but they have been scrapped."

Mr Lingard said he would attempt to introduce new programmes across regional Queensland so that youths had a bridge to the decision- makers.

"It won't be the old rural youth programmes but it will be something similar," he said.

In another government initiative affecting youth, a review of the Juvenile Justice Act could lead to jury trials in children's courts.

Attorney-General Denver Beanland is taking public submissions on changes to the Act until the end of next month.

Suggestions have included jury trials in children's courts and the naming of teenagers aged 15 and 16 who have been charged with serious offences.

Opposition spokesman Matt Foley said it was unfortunate that the Government was "floating" the idea of publishing the names of offenders appearing before the Children's Court.

"The whole reason for having the Children's Court is to ensure that children are dealt with differently from adults and that an incident in one's youth should not necessarily prejudice an adult for the rest of their life," he said.

Mr Foley said the Government was failing to attack the cause of juvenile crime, in particular youth unemployment.

"I urge Mr Beanland to take a leaf out of Labor's proposal for boosting apprenticeships and traineeships.

What young people need are jobs and not just the big stick waved at them," he said.

Some of the issues raised in the Government's youth strategy also will come under the spotlight in Canberra this week at the 25th Australian Association of Social Workers annual conference.

The four-day conference, to be opened by Governor-General Sir William Deane, today will look at youth suicide, poverty and problems of living in rural communities.

Conference chair, associate professor Margarita Frederico, said the conference was occurring when the goal of social work, the pursuit of social justice, could seem threatened.

Title	**‘Body hauled through busy streets in wheelie bin - police.’**
Author	**O'MALLEY, BRENDAN**
Source	***Courier Mail***
Date Issue	**09/10/97**
Page	**1**

A youth accused of murdering Japanese tourist Michiko Okuyama kept her body in a soundproof vault for a week before taking it in a wheelie bin 5km through the centre of Cairns to a swamp, police allege.

Police also allege blood dripped from the wheelie bin as the 16-year-old dragged it through some of the busiest streets in the city.

The sandy-haired youth, who cannot be named because of his age, showed no emotion as he was taken from the Cairns Children s Court at 9am yesterday after appearing on a single count of murder.

He was not required to enter a plea and was remanded in custody to appear for a committal hearing on December 19.

In other developments yesterday, friends claimed the youth walked into police headquarters in Cairns a few days after the murder to ask for salvage rights to an abandoned car.

And Cairns journalists had recently interviewed the youth on an unrelated story.

Miss Okuyama s father Mikio and mother Toshie said yesterday they would cremate their daughter’s body and scatter the ashes over the Great Barrier Reef.

Miss Okuyama, 22, a Yokohama service station attendant, disappeared on September 20.

She had planned to be a scuba diving instructor and loved the reef area.

The youth, barefoot in baggy blue jeans and a blue denim shirt, was expected to be transferred from the Cairns watchhouse today and flown to a juvenile detention centre in Townsville or Brisbane.

Friends at the caravan park where he lived until three weeks ago described him as the sort of child your parents would like.

He.was very old for 16.

He was an intelligent guy, very hard working and always well dressed, his best friend David said.

I haven’t seen him for about five days or so.

We went uptown to see about getting some abseiling equipment.

He was very fit.

We were also talking about getting a Housing Commission home together because I’ve been on the dole.

David said his friend was thrown out of the caravan park about three weeks ago because he was behind in his rent.

He had a job fixing up a truck which he parked in a vacant lot.

He wasn’t going to get paid until the job was done so he ran out of money, David said.

He was the sort of guy who was always doing something.

Friday before last we went into police headquarters together to ask about salvage rights on an old car outside the Cairns City Council.

Police alleged Miss Okuyama was killed between September 20 and September 25 in a vault in an inner-city warehouse used as a squat by the youth.

They found bloodstains in the vault which had a heavy steel door at its entrance.

Police say there were bloody wheel tracks in the main room of the warehouse.

They also found mattresses and other items which indicated several people were living in the warehouse until a few days ago.

Forensic evidence indicated Miss Okuyama s body was in the vault as late as October 1.

Police were believed to have discovered her clothes in the youth's caravan but refused to confirm that.

However, they confirmed the discovery of shopping in the warehouse which they believed Miss Okuyama bought just before she disappeared.

Her body was found last Saturday covered with dirt and pandanus fronds in the Cairns Central Swamp.

Ms Okuyama had a 12-month working visa and planned to upgrade her diving qualifications to become an instructor with a local company.

Dozens of people have prayed and heaped flowers on a track near where her body was found last Saturday.

Title	**'Young must wear convictions.'**
Author	**Wellington, Peter (MP)**
Source	***Australian***
Date Issue	**13/10/98**
Page	**6**

A PRINCIPLE I support is that you are innocent until proven guilty, and that remains paramount.

It is even more important with children and young people, where we need to protect their rights because they are always at risk.

But there are always situations where young offenders have been convicted of serious, horrendous crimes and still the community is not able to know their identity.

Quite clearly, some of these young hoons and thugs are simply thumbing their noses at our community, thumbing their noses at the justice system and treating everyone like a joke.

In that instance, I certainly do support the judge having the discretion to be able to reveal the names of those young offenders who, at the moment, are simply protected by the system.

No way would I support the naming of children before they are convicted.

But when they are convicted of a serious crime, I would support the release of their names.

Too often, we hear about damaging the rehabilitation process by naming juveniles and, quite clearly, we have gone overboard in some situations.

In naming juveniles, a judge must consider the circumstances of the offence and a whole range of factors before making that decision.

Title	**'Row over naming juveniles.'**
Author	**Emerson, Scott; Niesche, Christopher**
Source	***Australian***
Date Issue	**13/10/98**
Pages	**6**

A FURORE erupted in Queensland yesterday over the naming of juvenile offenders, with Premier Peter Beattie forced to defend a review of the current ban, while accusing the lawyer for a 12-year-old girl charged with murder of overreacting.

Solicitor Noel Woodall blasted the Premier for discussing the issue on the eve of his client's appearance yesterday in the Maroochydore Children's Court, saying she was being used as a "political football".

The president of the Australian Council for Civil Liberties, Terry O'Gorman, warned that naming young offenders would risk their rehabilitation.

The naming of juveniles is banned in most Australian jurisdictions, although in Western Australia a judge can make an order allowing it to occur in exceptional circumstances.

Mr Beattie said he had only revealed the Government was reviewing the Queensland law - which bans the naming of children under 17 years of age - after being questioned by the media.

He said the review was ordered before the case involving the 12-year- old.

But that case would be included in the examination of the law, with a submission expected to be taken to State Cabinet later this year or early next year, the Premier said.

"To suggest that I was using this as part of the debate simply isn't true," Mr Beattie said.

"I didn't respond to this individual case except to say that when we consider it, we would consider all the cases including this one."

Mr Beattie did not say whether he supported naming juveniles but powerful Independent MP Peter Wellington, who supports the minority Government, agreed with lifting the ban for juveniles convicted of serious crimes.

"Quite clearly, some of these young hoons and young thugs are simply snubbing their noses at our community, snubbing their noses at the justice system and treating everyone like a joke," Mr Wellington said.

Mr Woodall said he was "upset that politicians have chosen this situation to use this child as a political football".

"I'm particularly disappointed in Mr Beattie's and Mr Wellington's statements this morning in regard to this child," he said.

"I would have thought that both of those persons, being lawyers, would have known better."

Mr Woodall said naming juvenile offenders would serve "no benefit except the media's benefit".

Queensland Labor senator Margaret Reynolds said yesterday the naming of juveniles would be in direct contravention of the Convention on the Rights of the Child.

Title	**'Police under fire in murder case against girl, 12.'**
Author	**Niesche, Christopher**
Source	***Australian***
Date Issue	**13/10/98**
Page	**6**

A 12-year-old schoolgirl stood impassively in the dock of the Queensland Children's Court yesterday, accused of the shooting murder of her 45-year-old mother.

The girl's mother was found lying on her bed with a single gunshot wound to the head shortly before 10pm on Saturday in the house the pair shared at the Sunshine Coast village of Mapleton, north of Brisbane.

As magistrate Tom Killeen read the murder charge, the child stood wearing a pink T-shirt in the glass-encompassed dock.

She did not enter a plea or say anything during the proceedings at the Maroochydore courthouse.

Police prosecutor Senior Constable Kim Berghofer asked the court for another appearance date some weeks in the future, "given the amount of forensic evidence".

But the girl's lawyer, Noel Woodall, told the court: "The evidence I have seen to date is very poor in regard to the charge."

Before the proceedings began, a man, believed to be her father, whispered a few words to her through a hole in the glass partition.

No bail application was made and the girl was remanded to appear for a committal mention on December 15.

The proceedings over, Mr Killeen told the court officers: "The child can be taken away.".

Outside the court, Mr Woodall said: "I've got a situation where I've got a terrified little girl who is traumatised." "This child is loved, this child is supported."

A woman who claimed to be the best friend of the murdered woman said the girl used to cook and clean for her mother and would stay home from school to look after her and put her to bed.

Mr Woodall said the child had been interviewed from 1am to 5.30am on Sunday morning and had been kept for two nights in the Maroochydore watchhouse.

"That'll be an issue that the defence are very upset about, for a child to be interviewed all night, a 12-year-old child," he said.

"She's kept in a little interview room behind glass, behind grills and no one's allowed to touch her.".

Mr Woodall said he would be working to have the charges dropped and would apply for bail tomorrow.

He said the defence would launch its own investigation.

But Detective Inspector Jeff Oliphant defended the police case, saying: "There's no problem with the police investigation.

"I can't help whether her solicitor's upset or not, but we're here to conduct our inquiries and we'll do it to the best of our abilities."

Title	**‘Let’s not nurture adult crooks.’**
Author	**O’GORMAN, TERRY**
Source	***Australian***
Date Issue	**13/10/98**
Pages	**6**

THE proposal to name juveniles charged with serious criminal offences is misguided.

For decades, Australian criminal law has provided that juveniles charged with any offence cannot be named.

The rationale behind this fundamental principle of juvenile justice law is that young people are mentally and emotionally immature.

Queensland should resist the Americanisation of juvenile criminal law.

There, shallow political catch-cries such as “if you do adult crime you do adult time” are used to promote recent changes in a number of States, such as incarcerating juveniles with adults.

In Australia, a number of State politicians, having exhaustively exploited the usual law and order issues, are turning their sights on the juvenile criminal justice system.

Naming juveniles will not assist victims.

This is not an issue of taking away a particular right of an accused to improve the lot of victims.

Some juveniles can be expected to wear their media notoriety as a badge of honour rather than as a stigma.

Being on television or featuring in the newspaper is a positive attraction for many juveniles.

Not naming juveniles promotes rehabilitation of the offender and increases the likelihood of the juvenile offender of today not becoming the adult criminal of tomorrow.

Isn’t this a desirable aim?

Title	**'Child bashing.'**
Author	**Yates, Gloria B.**
Source	***Australian***
Date Issue	**13/10/98**
Page	**12**

Our usual caring attitude to juveniles is showing again.

Is the press mad?

Are all the politicians completely barmy?

A 12-year-old girl is taken into custody for allegedly shooting her mother - and immediately she is judged guilty.

Nobody yet has the slightest idea of how this happened.

Is the child of normal intelligence?

Why was a loaded shotgun left in the house?

Who first picked up the gun?

Could it have been an accident?

In the United States hundreds of children are killed every year by this loaded-gun culture, not by strangers but by their parents' guns.

What was going on in that home?

With nil knowledge of the background, everybody wants to prove they can go one better in child-bashing.

Peter Beattie, I am ashamed of you.

Peter Wellington, go back to school and learn what other children are like beside yourself.

I have taught children for 34 years and am now retired.

I can't remember a time when politicians were so much against children, when public posturing against unproven crime was so rampant.

Last Christmas we had another full-stage performance when a child was taken away from his parents at Christmas for allegedly spitting at Pauline Hanson - the case was heard later and dismissed.

I grew up in wartime Britain where children were loved and cared for.

God help us all if this child-hating scenario is our blueprint for the future.

Title	**Girl, 12, remanded for Mum's murder.**
Author	**Green, Glenis**
Source	***Courier Mail***
Date Issue	**13/10/98**
Page	**4**

A SCHOOLGIRL, 12, charged with murdering her mother was a "terrified and traumatised little girl" who still talked as if her mother were alive, her lawyer said yesterday.

Pale-faced, freckled and wearing a pink surf T-shirt, the girl appeared in the Sunshine Coast Children's Court charged with murdering her 48-year-old mother.

Police have said the girl is probably the youngest person to be charged with murder in Queensland's court history.

Outside the court yesterday, the girl's solicitor, Noel Woodall, denounced police and media handling of the case.

He also claimed political interference, saying "this child is being tried before being tried".

Mr Woodall said he would be pushing for the charges to be dropped and would seek the girl's release on bail through the Brisbane Supreme Court within two days.

Describing the case as "tragic", Mr Woodall said "this is a terrified little girl who is traumatised...she doesn't even know what's going on...she talks in the context of her mother being alive".

The girl's teary-eyed and trembling father, understood to be estranged from her mother, was allowed to speak to the girl briefly as she sat in the glassed dock before yesterday's court hearing began.

Despite a request from Mr Woodall that the court be closed, Magistrate Tom Killeen said the Children Court Act allowed media to be present as long as the girl's identity was protected.

The girl was not required to plead when she appeared to answer the charge of murdering her mother at Mapleton on Saturday night.

The woman was found lying dead on her bed about 9pm at their rented home with a single gunshot wound to the head after the girl allegedly telephoned for an ambulance.

Police recovered a .22 rifle from the house.

Any motive for the shooting remains unknown, with residents of the tiny range-top village saying the family was quiet and kept to themselves.

The woman, who was studying law, is understood to have supplemented her sole parent's pension by holding a part-time sales job.

Police prosecutor Senior-Constable Kim Berghofer asked for a minimum of six weeks before setting a committal mention date "because there's a lot of scientific evidence to be obtained".

Mr Woodall said he had requested police provide forensic evidence as soon as possible and criticised police evidence to date as "poor".

The girl was remanded in custody to appear again for committal mention at Maroochydore at 2pm on December 15.

Police said the girl would be put in the care of the Queensland Corrective Services Commission and transported to a youth detention centre.

After being charged on Sunday morning, the girl spent Sunday and Monday at the Maroochydore watchhouse.

Outside the court, Mr Woodall pleaded with media to “give her a chance”, but saved his strongest criticism for Premier Peter Beattie and Nicklin Independent Peter Wellington, whom he accused of “trying to use the child as a political football”.

Both Mr Beattie and Mr Wellington were on ABC Radio yesterday morning discussing the case as a reason to push ahead with reforms which would allow the naming of juvenile offenders charged with serious crimes.

“They’re both...as lawyers...should know better,” he said.

“This child is being used as a football and it’s totally inappropriate.”

Mr Beattie rejected suggestions he had exploited the case for political gain by raising the matter of naming juvenile criminals.

He said he had not raised the matter on Sunday but had responded to media questioning about the case.

Mr Beattie said he had responded generally to the issue, but had deliberately refrained from speaking about the case specifically.

Title	**'Care needed over naming juveniles.'**
Source	***Courier Mail***
Date Issue	**13/10/98**
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EVERYONE wants crime reduced.

Cures, unfortunately, are difficult to find.

However politicians who produce "tough on crime" policies will rarely displease their voters, whether or not the policies they sponsor will have the hoped-for result.

The measure of the policies is how tough they are, not how successful they might be.

This month's panacea is to reveal the names of juvenile offenders.

The Opposition is planning a private member's Bill, the Government soon will be considering a submission by Families Minister Anna Bligh and Independent Peter Wellington is anxious to support freeing up the present constraints on the publication of the names of young people.

As yet, none of the proponents of change has advanced any arguments which would suggest that changing the law would reduce crime.

Clearly enough any changes in the law will make no difference to the overwhelming majority of young people who are law-abiding.

Nor will it affect the use of drugs by young people, though drug-related crimes constitute about 80 percent of those which are brought before the Children's Court, according to its president, Judge Fred McGuire.

Nor will it affect the availability of jobs for young people, though unemployment is another of the causes of crime.

It also needs to be remembered that young people, as well as being the main perpetrators of crime in our society, are also its major victims.

Older people, who have heightened fears about crime in our society, are in fact relatively safe.

Most victims of assaults and thefts are young people.

It seems that most of those who want to publicly identify young offenders do so in the belief that this should be part of the punishment for the crime.

As a general proposition, that should be rejected.

Of course, there are some situations where shaming - of children or of their parents - might be thought to provide part of the answer to a problem.

But it should not be considered to be an acceptable element of punishment.

The fact is that crime rates in Australia generally, and Queensland in particular, are not on the increase, except in the area of assaults, and this is not an area where naming names is likely to have any impact.

It is unfortunate that many young criminals actually want the notoriety that would come with them being identified beyond the circle of their gangs and families.

It would add to the power they think they have.

It would make them more feared.

It would certainly have no deterrence value.

And in the case of young people who have only just turned to criminal activity, publicity could help confirm them in a criminal path.

There may be some cases where a public outing of an offender would be of value, but

this would be to alert the community, rather than as some form of punishment.

In the case of a serial offender, it may be useful that people who might come in contact with the young person should know of their record.

It is likely, however, that it would only be rare that identification of young offenders could be justified.

The law makers on this occasion should hesitate to make a general rule.

Instead they should confer on judges the ability, in specified circumstances, to use their discretion to allow the names of the young people convicted of very serious crimes to be made public.

Title	**'No point in naming juvenile offenders.'**
Author	**Sweetman, Terry**
Source	***Courier Mail***
Date Issue	**13/10/98**
Page	**9**

ONE of the more bizarre aspects of the tragic case of a 12-year-old girl charged with shooting her mother is the knee-jerk renewal of calls for the naming of juvenile offenders.

You might come up with any of a dozen reason why kids should be named in court reports but I can't think of even one that would seem to apply in this case.

The only rational reason for naming kids would be if it could be demonstrated to have some deterrent effect that would make the community safer.

Without knowing the slightest thing about the kid who allegedly shot her mother, it is obvious that a tragic tale eventually will emerge, in which the threat of penalty or infamy would have done nothing to prevent what happened.

Many studies around the world have shown that capital punishment does nothing to deter murderers.

If the electric chair can't prevent homicide, could we seriously expect a potential killer would be constrained for fear of having his or her name in the paper?

Of course, just about everyone in Mapleton would have a pretty good idea of who was shot and who was charged.

Most people would at least be able to point out the house in which the shooting occurred.

That's probably one of the most unfair things about the law as it applies to juveniles.

The smaller the town, the less chance there is of keeping anything secret.

In fact, even with their names suppressed, it is sometimes impossible for kids to rebuild their lives in their home towns.

It is sometimes impossible for even their families to remain.

And the pressure applied to the family is, at once, one of the best reasons for naming juvenile criminals and one of the best for suppressing their identities.

Youngsters are reasonably presumed not to be as responsible as adults when it comes to weighing up the consequences of right and wrong but there is an element of shame when they go off the rails.

Sometimes unjustly, it is seen as a reflection on the parents who are charged with instilling community values in their offspring.

Even the best of parents, the most loving and caring of parents, have suffered the ignominy of a child who ends up in court.

They ill deserve to have their cares increased by the shame of having their family name bandied about in the media.

However, it cannot be denied that there are families who should be in the dock alongside their children.

They don't give a damn when it comes to teaching their kids the difference between right and wrong and they don't give a damn when they inevitably wind up in court.

Some of them can't even be bothered to attend when junior fronts the beak, forcing the government a few years back to empower judges to order parents to attend cases involving their children.

They probably deserve to have their names up in lights.

The difficulty is determining just who merits sympathy and who deserves censure.

And any law that punishes the innocent is, by definition, a bad law.

The push to name violent child offenders has been around for a while, being part of the Borbidge government's election platform.

Family Services Minister Anna Bligh is preparing a submission on changes to the Family Law to allow the naming of young offenders in certain cases, a move which has the support of Peter Wellington, the ridiculously influential Independent who holds the balance of power.

Protecting the identities of juvenile offenders is not something I'd be of a mind to fight and die for but I'm yet to be convinced that naming them would do very much to kerb the level of juvenile crime.

ONE thing I am sure of is that it would make it so much harder for that significant number of kids who are caught once and never again cross paths with the law.

Notoriety for a few hardened young thugs who probably couldn't give a damn seems to me to be a pretty poor trade-off for branding forever wayward kids who have all their lives ahead of them.

It's a biological fact of life that many juvenile offenders just don't have the wit or the experience to understand the consequences of being publicly branded as criminals.

Plenty of them, in their childish stupidity, would probably be proud to be widely known as tough guys.

As adults who are supposed to know better, maybe we have a duty to protect the one thing they will take with them for the rest of their days - their names and their reputations.

Despite the awful fact that very adult crimes are committed by juveniles who enjoy anonymity under the law, we owe a basic duty of protection to our kids.

Maybe the real issue we should be addressing is the confusingly elastic definition of when adulthood is deemed to begin.

By the accepted yardsticks of the community - ranging from the ability to get a job to the right to vote - it seems to begin anywhere between the ages of 14 and 18.

It certainly doesn't begin at 12.

Title	**'Naming Rights: should the names of juvenile offenders be made public?'**
Author	**LLOYD, GRAHAM**
Source	**Courier Mail**
Date Issue	**14/10/98**
Page	**15**

Should the names of juvenile offenders be made public?

The issue again has become a hot topic following the tragic weekend death of a Sunshine Coast woman.

Graham Lloyd reports The majority of kids never offend again.

They wish to hell they had never done it SERIAL sex offender Raymond Garland started his life of crime at age 11, a common house-breaker and thief.

By 12, he had graduated to violent crime and car theft.

Soon after, it was malicious assault and rape, a pattern that was to be repeated whenever Garland was free from prison.

If Garland had been named publicly at age 11, would it have broken the cycle of crime?.

The experts universally think not.

Would shaming this person by naming them publicly in the local community contribute to or detract from rehabilitation?.

Importantly, is there any benefit in it for victims of crime?

The myths surrounding the debate are easily put to rest.

At present, juvenile offenders may not be named publicly but any offences they commit are recorded and certainly presented to adult courts for sentencing or bail applications should they ever be in trouble again.

There are already powers, in exceptional circumstances, for the courts to identify juvenile offenders.

And police may, in the most pressing of situations, apply to the government for permission to identify publicly someone under 17 for whom they are searching.

The issue of removing what is considered in essence a mechanism to protect immature members of society from themselves was put on to the agenda by the former Coalition government.

It was a proposal floated in an atmosphere of wanting to be seen to be cracking down on crime.

It reflects a community frustration at a perceived, but dramatically overemphasised, rise in youth crime.

It has reappeared on the political horizon, almost by mistake, following the tragic shooting of a 45-year-old woman at the Sunshine Coast village of Mapleton on Saturday.

It has been reported that the woman slept with a rifle beside her bed.

The woman's 12-year-old daughter has been charged with murder.

Following reports of the death, Queensland Premier Peter Beattie was asked whether his Government would pursue legislative change to allow child criminals to be named publicly.

Beattie said he had referred the matter to Community Services Minister Anna Bligh and that she would make a report to Cabinet.

Beattie claims he had inadvertently been dragged into the debate and was in no way linking the issue to the Mapleton death.

A spokesman for the Premier said it might be some months before Bligh made any report to Cabinet.

According to Anne Freeman, executive director of Link Up - a pre and post-release service for young offenders aged 15 to 25 - there is no research to indicate that the notion of shaming offenders is beneficial.

But for children who are still trying to build an identity it may be counterproductive.

Freeman says the notion of shaming is appealing to politicians because it is cheaper than prison and it appeals to the public.

Some members of the public believe that other penalties such as fines and community service orders do not condemn.

However, she says the danger in shaming young offenders is that it may give them an identity that is criminal in its base.

According to Terry O'Gorman, chairman of the Australian Council of Civil Liberties, the issue must go through a process of wide community consultation before a position is taken to Cabinet for consideration.

"The Labor Government needs to be consistent in this area," he said.

"Labor was critical of the Coalition for running law and order for political ends.

"It now has an opportunity to take the lead and explain why the law has been the way it is for some time."

For O'Gorman, it reflects a desire to ignore the immaturity of youth.

The legislation, which prohibits the naming of juvenile offenders, is contained within the Juvenile Justice Act 1992.

The rationale behind the legislation is a recognition that people under 17 years are less emotionally mature than adults.

In other states and jurisdictions, the age is 18.

It is seen that a young person growing up may not have the same awareness of the implications of what they are doing.

They may have less ability to stop and reflect before taking action, particularly violent action.

The argument is that not naming juvenile offenders promotes rehabilitation.

Conversely, if a young person is named it may increase the likelihood of them reoffending.

This argument reflects that recalcitrant offenders, far from being shamed by being publicly identified, will wear the stigma as a badge of honour.

The difficulty is that the worst offenders seem to be the ones who would be hurt least by being publicly identified, while the less serious offenders may be damaged rather than helped.

A senior Queensland Police official who has worked in the area of juvenile crime for nine years has mixed feelings about the proposal.

On the one hand, he thinks that some kids would be greatly shocked at having their names published in the local paper.

But for other offenders, it would be counterproductive.

"The majority of kids never offend again.

They are the ones who do silly things and then wish to hell they had never done it," he says.

The officer says new pressures of society are contributing to juvenile delinquency.

"Years ago, kids left school at 15 years of age and got a job.

They were pleased to come home in the afternoon and relax.

"Now kids are still at home at 25 years of age, finishing education.

"We see a lot of 15, 16 and 17-year-olds who have got behaviour problems at school.

They don't play sport or any music and so they come home, get bored and take it out on the parents.

Parents are bringing their teenage children to police and saying I can't control them.

"There are people who are very successful at business but when it comes to family they just can't get it.

So many families are dysfunctional.

"In earlier times, the local police officer may have seen a kid doing something wrong, kick them up the bum and talk to parents through the town and everyone would know what had happened.

"There was no need to publish anything and the matter never went through the courts," he said.

"Today it is not like that."

However, the officer says that from the Juvenile Aid Bureau's point of view, the majority of kids do not come back.

As for those hurt by the young criminals, some elderly victims want to have the kids hung, drawn and quartered - and their names plastered around town.

But according to Trevor Carlyon, a former manager of the Westbrook Detention Centre, no one has yet been able to outline what such a policy of naming juvenile offenders is expected to achieve.

Carlyon is now a director of the Kids Help Line, a national telephone counselling service for five to 18-year-olds which fields 35,000 calls a week.

He says it is overwhelmingly the case that even serious young offenders do not go on to commit crimes in adult life.

This is borne out in research undertaken by the Department of Juvenile Justice in Sydney, which found that seven out of 10 juvenile offenders did not reappear in court on another proven criminal matter.

Title **'Legal issues court public acceptance.'**

Source ***Australian***

Date Issue **14/10/98**

Page **18**

COMMUNITY standards change over time, but how readily and to what extent such changes should be accommodated by the legal system remains an open question.

There seems little doubt that the stringent new sentencing regime for dangerous drivers who kill or injure others on NSW roads meets community expectations.

NSW Chief Justice Jim Spigelman has set out the principles for judges to use in sentencing such offenders.

That he has done so reflects in part the role of the Appeal Courts in reviewing sentences, albeit in an ad hoe manner.

Justice Spigelman's move can also be seen as a necessary step in opening up the courts to the community they serve.

Whenever a major crime is committed by a young person or, indeed, when there is a spate of juvenile offences leading to frustration among law enforcement officers, it is suggested that the names of the young offenders should be publicised.

The tragic events on the Sunshine Coast at the week leading to a 12-year old girl being charged with the murder of her mother, have renewed the debate.

Even before the girl appeared in court - never mind a defence case made out - there was a suggestion that her crime was so horrendous that the public was entitled to know her name.

The Queensland Government said it was considering the issue.

Why?

Suppression of the identities of juvenile offenders is fundamental to most legal proceedings.

The most obvious reason is that the law regards most young people as 'innocents with no legal rights, and is predisposed to the concept that the offences they have committed were the result of youthful indiscretion or through circumstances beyond their capacity to avoid.

The aim of the sentence is to secure rehabilitation. Yet, there have been instances where the legal system has rejected this rule.

In Western Australia, the Supreme Court earlier this decade allowed the publication of the name and photograph of an Aboriginal juvenile offender in the interests of "public safety".

The boy, responsible at age 14 for three deaths in a horrendous traffic smash, had been the reason for Western Australia's Serious and Repeat Offenders Act of 1992 - a piece of legislation that was examined closely by other States as part of their tougher response on crime, whether adult or juvenile.

Media organisations - whose trade is the exposure business -are caught square in the headlights of the debate. By the very nature of their activities, they should oppose censorship. Yet, they should also reflect community standards.

In the Western Australian case, what sociologists feared occurred; the offender wore his public reputation as a badge of honour among his peers. The media was accused of creating a monster.

Naming juveniles is an issue that arouses strong emotions; the Queensland Government

needs clear objectives if it is to change its laws.

Title	**Victims' relatives gain court access.**
Author	**GARCIA, LUIS M.**
Source	***Sydney Morning Herald***
Date Issue	**12/11/98**
Pages	**3**

Families of deceased victims are to be given an automatic right in NSW to attend the trials of juvenile offenders under new legislation announced by the Attorney-General, Mr Shaw, yesterday.

But Mr Shaw distanced himself from calls by the Police Commissioner, Mr Peter Ryan, for juvenile offenders to have their names made public when charged and convicted of a violent crime, such as murder and sexual assault.

Mr Ryan's proposal is understood to have the support of some senior ministers but Mr Shaw has said changing the naming provisions would require "very careful consideration" because of the potential impact on young offenders convicted of relatively minor offences.

Mr Shaw said yesterday that the Government had decided to give victims' families an automatic right to attend proceedings because under current arrangements they only had the right to seek leave or permission from a magistrate to be present during court hearings.

"We think the relatives of someone who has been killed should have the right to attend the Children's Court," Mr Shaw said.

"At the moment the law only provides that relatives of the deceased can seek leave of the court, which is quite anomalous and unjust."

Describing the changes as "positive", Mr Shaw also rejected claims from some academics and civil liberties groups that the Government was moving "too far" in its law and order policies.

He said changes designed to enhance the rights of victims were good, representing "incremental law reform" rather than a response to what he described as "electoral populism".

On the issue of naming juvenile offenders, Mr Ryan has said the juveniles he was talking about were "big, strong people" who "go around frightening people and they should be named and shamed".

Title	**‘Dad tells (sentencing of youth for murder of Michiko Okuyama).’**
Author	**Martin, Alec**
Source	**CAIRNS POST**
Date Issue	**14/11/98**
Page	**1**

The Cairns father of the 17-year-old youth jailed for life for murdering Japanese tourist Michiko Okuyama said yesterday he was convinced his son had not killed her.

The businessman said he would apologise for what had happened if he believed his son had done it.

If I knew for a fact that it was my son who actually killed the young woman I would feel obliged to apologise to her family, he told the Cairns Post in an exclusive interview.

Such an act (of murder) is just not in his make-up.

Even prior to him being sentenced my son again told me he did not do it, he said.

The teenager was sentenced on Monday to a 15-year non-parole period, the maximum under The Juvenile Justice Act.

The Supreme Court was told the youth lured Miss Okuyama, 22, into the old Elphinstone Ltd building in Grafton St in September last year, before bashing her in a soundproof room.

Her body was later placed in a wheelie bin and dumped several days later in a swamp north of Wilkinson St, opposite the Trinity Bay State High School grounds.

The young man was 16 at the time of the offence and neither he nor his father can be named.

I cannot apologise for something I don’t know to be factual and has been based to a large degree on circumstantial evidence, he said.

Although the evidence presented to the court convinced the jury to return a guilty verdict, my son has continuously told me and his counsel that he was not the killer.

Until I am convinced that my son committed the murder, I will continue to stand by him.

The father said his son and daughter decided to leave their mother on the Sunshine Coast and live with him in Cairns about four years ago.

HE said the youth, at 14, became friendly with older youths and eventually lived with an older girl and her baby.

The baby was not his, but he treated the child like his own and became very caring and protective toward both of them, said the man.

As a parent, and having been present at the birth of both of my children, I have experienced the sheer delight of seeing life come into being.

I was brought up to look after other people the best way that I can and I instilled that into my children too.

The man admitted his son, who turns 18 in January, and his 20-year-old daughter, were the product of an unhappy and broken marriage.

He said after the marriage in the late 1970s, he had a drinking problem following the birth of the two children and his wife left him for the first time.

He said he gave up alcohol for seven years and they reconciled but constant commuting between Cairns and southern townships strained the marriage again.

We finally separated in 1991 on the grounds that we were not compatible, he said.

After selling the family house, my wife went south to live on the Sunshine Coast, taking the children with her.

He said it was agreed the children would spend each Christmas holidays with their father.

After Christmas 1993, the son said he wanted to remain in Cairns with his father and two years later his daughter also moved to the Far North.

The man said his son, like most 14-year-olds, became rebellious and, against his ruling, started associating with older youths.

I was concerned about his schooling and the fact that he was staying out late at night, he said.

He did not take much notice of what I said and when he did not come home one night, I became extremely worried for his safety.

I spent hours driving around the streets of Cairns trying to find him.

He was not quite 15 when he packed his things and left home.

The father said his son had a relationship with the older girl, she became pregnant, but he was not the father.

However, he decided to live with the mother and child and took on the role as a father, he said.

According to what I was later told, he was a very good father and extremely caring.

I am baffled because, even though he was rebellious when it came to schooling and mixing with older youths, he was never violent.

Cheeky maybe, but not violent.

The North Cairns man said he worked long hours to keep his business operating and his daughter still lived with him and was studying for an arts degree.

He said they were still in shock.

I still cannot believe what has happened because my son never showed any signs of violence and, on the contrary, always tried to be of help to others and extremely caring, he said.

Title	**'Push to name juvenile offenders.'**
Author	**O'MALLEY, BRENDAN**
Source	***Courier Mail***
Date Issue	**03/12/98**
Pages	**3**

THE Opposition will introduce a Private Member's Bill calling for the naming of juvenile offenders convicted of serious violent crimes.

Opposition families spokesman Denver Beanland said yesterday children convicted of crimes such as rape and murder were well aware of the seriousness of what they had done. In the interests of fairness to their victims they should be named, regardless of their age.

"We're not talking about children who have stolen a few lollies at the corner store," Mr Beanland said. "We're talking about people who have been convicted, and I emphasise convicted, of serious violent offences such as rape and murder.

"What you are seeing is not some 6 or 7-year-olds but 15 and 16-year- olds doing these types of offences, being convicted of them, why shouldn't they be named."

Civil libertarians and youth groups condemned the announcement as a political stunt. Premier Peter Beattie also claimed it was a stunt timed to have impact in Saturday's Mulgrave by-election, however he confirmed Cabinet was considering the matter.

"The Borbidge government and Denver Beanland had two-and-a-half years (to address the issue) and they did nothing.

This is hot air three days before a by-election," he said. "My Government is moving to be tough on crime, tough on the causes of crime , (but) I'm not interested in gimmicks.

"It's a matter which will go to Cabinet shortly. We're consulting with all the interest groups. I've said we'll look at it and we are."

Youth Advocacy Centre solicitor Damian Bartholomew said victims could already find out the identity of juvenile criminals and could attend their trials.

He believed publicly naming young offenders served no extra purpose and would stigmatise the offenders, making them more likely to offend again.

"The whole purpose of having a Juvenile Justices Act is because young offenders are different from adult offenders and have to be treated differently," he said.

"There is no community benefit in naming them because they're serving long sentences for these sorts of crimes.

By the time they would be released the community has forgotten who they are," Mr Bartholomew said.

"Very few young people commit these crimes and they usually happen under very unusual circumstances.".

Queensland Council for Civil Liberties president Ian Dearden dismissed the announcement as "appalling" and a "weak-kneed response to what is perceived to be public pressure"

Mr Beanland said the Private Member's Bill reflected the Coalition's election platform and was backed by a petition in Mulgrave which received 3000 signatures.

"It's important to get (National Party candidate for Mulgrave) Naomi Wilson

elected because we need the numbers in Parliament to get this legislation through," he said.

Title	**'Courts battle identity crisis: Anonymity protects young offenders from public shame and scrutiny in even most horrific cases.'**
Author	**ECCLESTON, ROY**
Source	***Australian***
Date Issue	**08/12/98**
Page	**8**

IF there was anything more shocking than the manner of 18-year-old Tracey Muzyk's murder - she was tortured without mercy for hours before being tied to a tree and left for dead in an Adelaide paddock in 1996 - it was that two of her five killers were even younger than their victim.

The pair of 17-year-olds joined in, to varying degrees, as Muzyk was punched, kicked, strangled, burnt with cigarettes and boiling water, then sprayed with mace.

Ordered to shower, her hair hacked off, she was forced to go to a nearby vacant block, where the assaults continued.

She was bashed with a steel pole, stabbed with a knife and a rock was dropped on her head.

It is difficult to even begin to imagine the depths from which such cruelty is dredged.

It is almost impossible to think why teenagers, legally children, would take part.

And it is precisely this sort of case, where juveniles are involved in horrible crimes, that is behind a push for the naming of young offenders in court.

In October, Premier Peter Beattie announced a review of Queensland's blanket ban on the identification of juveniles who come before courts - and immediately he was blasted by some lawyers and civil libertarians but praised by those who wanted violent juveniles exposed.

The fact that it coincided with charges against a 12-year-old girl for the alleged shotgun murder of her mother led the child's lawyer, Noel Woodall, to accuse the Premier of using his client as a "political football".

But the push hasn't surfaced because of that case.

According to Queensland Victims of Crime Association president Ian Davies, the problem is much more widespread.

"Young people are committing violence and then they hide behind their youth," he says.

"I don't believe the community accepts that they should not be named."

Mr Davies is not alone in his beliefs.

A year ago, NSW Police Commissioner Peter Ryan also called for the public shaming of young criminals by their identification to the media.

And Peter Wellington, the Independent MP who has been crucial to the Beattie Government, is strongly in favour of allowing a judge to identify juvenile "hoons and thugs".

At the moment, all States protect the identities of juveniles - but some give the judge discretion.

The two 17 year olds in the Muzyk murder, for instance, were identified by Justice Kevin Duggan - after an application by the media as Amanda Pemberton and Lyle Bascombe, even though they were juveniles when the crime was committed.

Justice Duggan had been told of the public interest in the case, the potential deterrent value to others, and the reality that the pair had been tried and convicted as adults.

The closer the offenders are to adulthood (which varies between 17 and 18 in different States), the less the controversy.

In Western Australia in 1995, a judge took the unusual step of identifying an Aboriginal youth who, as a 14-year-old in 1991, smashed a stolen car into another at high speed, killing a pregnant woman and her infant son.

The case was notorious but, until 1995, the boy's identity had been protected.

The judge made the exception to help capture the youth when he absconded, and his name and photograph were splashed across the local media.

While the Perth media no longer names him, it still turns up in force every time he returns to court, according to Kath Mallott, of the Deaths in Custody Watch Committee.

With almost 400 offences to his name, the young man obviously has serious problems.

One of the biggest, according to Ms Mallott, is that, like his victims in 1991, he will never be able to walk away from that accident.

More controversial still are the cases in Britain of Mary Bell, an 11-year-old named publicly after she was convicted of strangling two little boys in 1968;.

and Robert Thompson and Jon Venables, both 10 when they murdered two-year-old James Bulger in 1993.

It is Mary Bell's case, says Australian Law Reform Commission member Kathryn Cronin, that highlights the dangers in identifying children.

After Bell was released from jail, she was given a new identity - one that until this year protected her from public scrutiny.

After co-operating with a book on the murders - for which she was paid - Bell's new life was destroyed when the media started to track her down.

Her cover blown, she felt forced to tell her 14-yearold daughter about her secret past.

"It's a very good example of the interest you get in these cases," says Dr Cronin.

"It doesn't just last for the trial but the whole of their lives, because we're interested to see if they rehabilitate, or whether they are the monsters some people see them to be."

Dr Cronin, who last year helped to complete a review on children in the legal process, says society is taking too tough a line with curfews, mandatory sentencing and the "three strikes and you're in" laws.

The push to name juveniles is part of this, she thinks.

"But naming children doesn't make them accountable; it may confirm them as offenders and not help them to rehabilitate."

Kingsley Newman, the former senior judge of Adelaide's Youth Court,

agrees: "Once you've given a dog a bad name, how on earth do you ever change that? You can't."

Mr Newman says his father, Ralph, when a magistrate in the early 1950s, learned a lesson about the danger of naming children when he thought he would clean up the juvenile court in the absence of the usual magistrate.

"With great enthusiasm, he got stuck into this 12-or 14-year-old who'd pinched something, and published his name," he says.

"It created a furore right round Australia, with some saying, 'you beaut', and those who said 'my god, you'll damage the child forever'.

"Dad lived to regret that because the child took it the wrong way - as a badge of honour.

He was the only one to be in the newspapers and he wanted to keep this up.

The next time he sliced up the interior of a Jaguar."

So, for some children, identification works as a spur to further bad habits, he believes.

For others, it just labels them as criminals at a formative time of their lives, and when the likelihood is they will not offend again.

“Ninety per cent of the kids who come to the juvenile court never come back,” Mr Newman says.

An important point is that the bulk of juvenile crime is for trivial matters, and mainly related to property, according to Melbourne University criminologist Rob White.

He says violent crime is dominated by the 18-30 age group, while the main victims of violence are juveniles.

Another key issue is the age at which juveniles become legally responsible for their behaviour.

The general position in Australia, says Dr Cronin, is that a child is able to be charged after the age of 10, which is much younger than in most of mainland Europe.

Between 10 and 14, there’s an assumption the child may not have been able to form the proper criminal intent, so the prosecution may have to show that the child was mature enough to know the difference between right and wrong.

“A six-year-old really doesn’t know what they’re doing,” says Dr White.

“We are dealing with human beings who really don’t have a strong sense of consequence or that they are doing permanent harm.

“By the time you get to 15, the question is less one of competence, but looking to the future to see what is best for society and that individual.”

Public naming, with the idea of shaming the wrongdoer into reform, doesn’t work, says another criminologist, Paul Wilson, of Bond University.

“It might satisfy those members of the public who say that this is a way of getting retribution for the crimes, but that is not the same as deterrence,” he says.

Mr Davies disagrees, saying it’s not a matter of retribution but of public safety.

The victims’ advocate says he’s not concerned about naming youngsters on minor crimes, but the older ones, who are just as violent and cruel as adults.

“Who do we care most about?” he demands.

“One person or the safety of entire communities?

These people can come out of detention centres without being rehabilitated and live where they like.”

The question is at its most finely balanced in the later teens.

Tracey Muzyk’s 17-year-old killers had turned 18 by the time they appeared in an adult court for trial.

But if teenagers can legally have sex at 16, and learn to drive at that age, why shouldn’t they also face the full consequences of criminal behaviour?.

And is it not clear that modern society is speeding the maturation of teenagers so they are making adult decisions at 16?

“I concede that,” says Professor Wilson.

“With older juveniles, there’s an argument they’ve matured intellectually because of more accelerated education and because of mass communication.

“But unless we want to get rid of the concept of childhood and adolescence completely, you’ve got to keep some distinctions (from adulthood).

“And naming is one I would want to maintain.”

Title	**Judge calls for naming of selected child crims.**
Author	**OBERHARDT, MARK**
Source	***Courier Mail***
Date Issue	**10/12/98**
Pages	**1**

CHILDREN'S Court president Judge Fred McGuire has called for the naming of child criminals, but only in the "gravest" of cases.

Judge McGuire said yesterday that judges should be given discretionary powers to name juvenile offenders when it was warranted.

The state Opposition has called for laws to be passed to allow the naming of child offenders, and Premier Peter Beattie has admitted Cabinet is considering the issue.

In the Children's Court annual report tabled in Parliament yesterday, he said there was a serious difference of opinion as to whether the name of a juvenile offender should be made public in certain circumstances.

"In my opinion, as a general rule, the offender's name should be suppressed," Judge McGuire said.

"But there may be exceptional reasons for releasing the name.

Those reasons could include gravity and perversity of offence (murder) and the persistence of serious offending, especially where it impacts severely on multiple members of a local community - scores of burglaries committed in a restricted locality."

Judge McGuire said a blanket ban on naming child offenders for most offences should remain in place.

However he said it could be argued the public had the right to know about more serious and persistent offenders.

Judge McGuire also supported the further lifting of restrictions on reporting juvenile courts.

"In my opinion the press should have unhindered access to all juvenile courts in Queensland," he said.

"The only restriction that should be placed on publication is of any identifying matters."

Judge McGuire said despite the relaxation of reporting rules in Queensland magistrates courts, in practice the right to publish the proceedings was hardly ever used.

"The reason probably is that the right to publish is dependent on a magistrate granting permission.".

The report showed 7404 juveniles had their cases disposed of in Queensland courts last year, an increase of 13.7 percent on the previous year.

There was also an overall increase of 22.6 percent in the number of charges disposed of in courts.

Families Minister Anna Bligh said Judge McGuire was entitled to his opinion, and it would be taken into account along with those of other stakeholders.

Title	**Naming of child offenders backed.**
Author	**Metcalf, Fran**
Source	***Courier Mail***
Date Issue	**16/12/98**
Pages	**11**

QUEENSLAND Chief Justice Paul de Jersey has backed calls for judges to be given discretionary powers to name child criminals.

Justice de Jersey said yesterday naming juvenile offenders could act as a deterrent.

Currently, the media is prohibited under the Juvenile Justice Act from publishing the name of offenders who have yet to turn 17 years.

Justice de Jersey said discretion should be granted for violent and serious crimes including murder, rape, robbery and serious burglary.

“With the more routine crime, I think the prima facie position is that juvenile offenders are not named because a lot of that crime is spur-of-the-moment stuff which is indicative of lack of maturity and offenders grow out of it,” he said.

While some juveniles might initially think it was “cool” to have their names published, Justice de Jersey said many young people - and their parents - were likely to feel shame and anxiety.

“This is a matter for the Legislature to change policy but I am not shy on expressing my views on this because it is relevant to hear views of those involved in the processes,” he said.

Children's Court president Judge Fred McGuire last week called for the naming of child criminals in grave cases. Judge McGuire said the blanket ban should remain as a general rule but there could be exceptional circumstances.

He said it could be argued the public had the right to know about more serious and persistent offenders.

“Those reasons could include gravity and perversity of offence (murder) and the persistence of serious offending, especially where it impacts severely on multiple members of a local community - scores of burglaries committed in a restricted locality,” Judge McGuire said in the court's annual report tabled in State Parliament this month.

A spokesman for Families Minister Anna Bligh said yesterday a submission was being prepared for Cabinet on the naming of juvenile offenders.

The spokesman said the director-general of the department, who acts as the guardian of children in the care of the State, had the power to release details about a child where there was a risk to public or personal safety.

Comments from the judiciary would be considered for the submission.

Opposition families spokesman Denver Beanland said the Coalition had intended to introduce legislation which would provide for all juvenile offenders convicted of serious violent crimes to be named. He said this would act as a deterrent.

“I also think it is important that the public sees the justice system is working and has confidence in it,” he said.

“It does not matter whether some crimes are committed by adults or children, the impact on the victims is the same.”