

AUSTRALIA'S RIGHT TO KNOW

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Media release

Media gag will protect child killers

An absurd new law being considered by the NSW Government could protect child killers and help them elude capture by police.

If adopted, the new gag would prevent media from identifying suspected child killers if they are likely to be charged and naming them might identify the victim.

Instead of protecting child victims as intended, the new law would protect their killers, in the many cases where the child and their killer are related.

Under current law, suspects and child victims can be named before charges are laid. Once charges are laid, child victims cannot be named without permission from a parent or guardian.

Speaking for the media coalition Australia's Right to Know, Mr David Gyngell, chief executive of Nine Network said "far from protecting the rights of dead children, this new law will protect their killers."

He added the "bizarre anomalies of the existing law and the nonsensical logic of the proposed law" were highlighted recently when a Cowra man allegedly killed his wife and two grandchildren.

"It was only with the help of media reports that the suspect was identified by a member of the public and then captured," Mr Gyngell said.

"Under the new law, the media couldn't have identified him and he might still be at large."

Mr Gyngell called for the whole restriction on naming murdered children to be repealed along with the proposed amendment.

"The existing law leads to ludicrous situations," he said. "In Cowra, the media was initially able to identify the alleged killer and the children on the day the crime was committed but was not able to identify them once charges had been laid, even though their identities were already public.

"Later, the media was able to identify them again when the father of the children gave permission, was not able to identify them when the father changed his mind, and, finally, the media was able to identify them again when the mother gave permission.

"It's ludicrous censorship; it doesn't serve justice and it doesn't protect the rights of child victims," Mr Gyngell said.

Australia's Right to Know says that far from protecting dead children, the existing and proposed new laws could allow their killers to escape justice.

“While the law will allow dead children to be identified with their family’s permission, this is often unworkable because sadly, the killers are often relatives,” said News Limited chairman and chief executive Mr John Hartigan.

Under the existing section 11 of the Children (Criminal Proceedings) Act 1987, the media cannot identify children involved in a crime, whether as the accused, a victim or a witness.

“We agree that living children should not be traumatised by media coverage and we would not seek to identify them. But when a child has died how can there be justice if no one knows who they are, or who killed them?” Mr Hartigan asked.

“The reality is that suspected killers will fall below the radar of public and media attention if they and their child victims can’t be named. The new law would effectively protect the perpetrators of many serious crimes against children”.

In a strongly-worded letter to the NSW Attorney-General, Australia’s Right to Know has called on the State Government to reject the recommendation from the Legislative Council Standing Committee which proposed the new law and to repeal the existing prohibition on naming dead children.

The media coalition said Section 11 contains “bizarre anomalies” that put NSW out of step with the rest of the common law world.

These anomalies have already imposed gags in a number of recent cases that have prevented the public from knowing the identity of:

- A NSW man who allegedly murdered his wife and nine-year-old step-daughter and threw them over a cliff in the Blue Mountains;
- The parents of a seven-year-old girl found in her home apparently starved to death – because it would have identified the child;

Mr Gyngell said children who are abused by close relatives were also at risk because naming the relative usually causes the child to be identified.

“In cases where the performance of the Department of Community Services (DOCS) was under scrutiny, gagging the media makes it especially hard to protect the safety of the child and hold their abusers and DOCS to account,” Mr Gyngell said.

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