

The tension between community interests and individual rights and freedoms within the criminal justice system ~~is~~ clearly defined in the dealing with young offenders.

The criminal age for responsibility in NSW is ten years of age. A child who commits a criminal act, under the age of ten is considered 'doli incapax', too young to form criminal intent, 'mens rea'. The parents of a child who may have been killed by, for example, an eight year old, seeking retribution, or some atonement in the decisions of the courts against the eight year old, are at a loss, therefore, because of the criminal age of responsibility. Tension arises, as the parents perceive that justice has not been served

in this case, however, the rights of the child advocate the rehabilitation of the child, as an eight year old would ~~so~~ no doubt suffer psychological trauma from the ordeal, which, if not addressed with rehabilitation, could lead to an inclination in the child to act out against the law in the future, thus endangering society.

The aim of the ~~court~~ ~~the~~ criminal justice system in sentencing young offenders, is the rehabilitation of the child. This being the paramount consideration in dealing with young offenders, creates tension between the courts and the community in which the offender acted out in, and often damaged in some way.

This tension ~~arises~~ ^{Additional writing space on back page.} arises again

in the five principles adopted by the Children's Court, by which young offenders must be dealt in punishment. These include; the offender must have every opportunity to be heard in court, and that they understand any/all decisions made, employment and/or schooling should not be interrupted, they should be able to continue living at home, considerations must be made for their dependancy and immaturity, ensuring they are assisted in rehabilitation, and the ~~prisoner~~ punishment given should not to exceed the punishment given to an adult in similar circumstances. The community interests in sentencing are again neglected with the implementation of these five principles, where they perhaps would strive for imprisonment.

You may ask for an extra Writing Booklet if you need more space.

~~Procedural options for~~

When a child is not convicted, no record is kept, ~~and~~ all fingerprints, and photographs are destroyed at request. When ~~the~~ the offence is of a less-serious nature, a caution may be issued; or they may be fined (if ~~as~~ the child has their own source of income, ~~and~~ savings/allowance). Offences of a more serious nature are sentenced ^{probation} ~~probation~~, good behaviour bond, youth justice centre (detention with schooling). All methods of punishment are aimed at giving the young offender the opportunity to be re-initiated into society outside of detention, allowing for the gaining of a career and a 'normal life'.

The interests of society and the rights and freedoms of

a young offender clash,
creating tension towards
the criminal justice system,
in regards to the ~~criminal~~
age of ^{criminal} responsibility and
the sentencing / punishment
of the young offender.

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