

10-year-old boy charged with manslaughter in Australia

Media sensationalises Sydney hearing

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18 March 1999

The unprecedented media coverage of the recent committal hearing of a 10-year-old Sydney boy, the youngest person to be charged with manslaughter in Australia, was marked by complete indifference to the social conditions underlying the drowning death of 6-year-old Corey Davis. The Children's Court hearing, as yet unconcluded, is to decide if the youngster should stand trial. If convicted, he could face a 25-year jail term.

The Crown is alleging that the 10-year-old pushed Corey into the Georges River, in Macquarie Fields on March 2 last year, and did not seek assistance for him. The prosecution is relying on the evidence of four children aged between 6 and 10 at the time of the drowning. It is yet to be established by the court if the evidence of children so young is credible and therefore admissible.

This did not prevent the media from reporting the children's evidence in every news broadcast and newspaper over the following two days. Major dailies in Sydney carried headlines such as, "I pushed him in, so what?", "Boy, 6, told 'bad luck' then thrown in the river, witness says--Last words Corey heard" and "Boy, 11, ignored Corey's pleas before drowning, court told".

The evidence of all four children was reported in detail, even though, as one publication admitted, the testimony of two of the children differed. The prosecutor's allegations were reported uncritically. They included the assertion that Corey "died as a result of a deliberate act and [the older boy] leaving him there without rendering assistance. This act was an unreasonable act and one that a reasonable person in his position, even as a 10-year-old, would have realised exposed him to a risk of serious injury".

Because the hearing was in the Children's Court, the magistrate, Stephen Scarlett, had a discretionary power to exclude the media and any person not directly related to the case. Instead he allowed journalists and camera crews into the court and gave a 15-minute media briefing prior to the hearing. The youngster charged was chased by the media outside and filmed entering the courthouse. In the resulting TV footage, his face was obscured by the obligatory

distortion, which hardly prevented identification. Lawyers who spoke to the *World Socialist Web Site* could not recall such media treatment of a juvenile case.

In any committal hearing the prosecution is obliged to prove there is a prime facie case against the defendant. The defense is under no obligation to present its case. This can allow the media to produce one-sided and prejudicial reports. Where the only witnesses are children, some of whom are not long out of preschool, giving evidence nearly a year after the event, the sensationalised reporting of a hearing can be doubly damaging.

Speaking to the WSWs, Tim Anderson of the New South Wales Council for Civil Liberties commented: "Generally speaking there is a problem with reporting committal hearings for both adults and juveniles. A massive prejudicial coverage can be carried out."

Michael Antrum, director of the National Children and Youth Law Centre, made a similar comment: "The standard of reporting is liable to create a community which is ill-informed. More and more it is either you are guilty or not--there is no grey area. Of course, the grey area is where it all is."

The coverage comes in the lead-up to the March 27 state election in New South Wales, a campaign that has been dominated by a "law and order" drive by the state's Labor Party government, the Liberal-National Party opposition, the police and the media. It is creating a climate where young people, including children, can be increasingly criminalised and punished as adults.

In recent weeks the Carr government has foreshadowed legislation to name juvenile offenders convicted of serious crimes and launched a police operation against children who miss school, demanding they carry leave passes for absences during school hours. Welfare groups, the Parents and Citizens Association, the Teachers Federation and various civil libertarians and education specialists have condemned the measures.

Anderson attacked these trends: "In the week prior to the hearing, the Labor government raised the issue of naming

young people convicted of serious crimes. It is shocking to score political points over the bodies of young people where the rate of youth suicide, particularly among young males, is so high. There is no crime prevention in naming anyone--adult or juvenile."

With all the publicity the case has received, what is notable is the lack of compassion toward any of the children involved, whose lives will be profoundly affected. There appears to be no journalist who has even questioned the fact that a child of 10 has been charged with the second most serious crime on the books. The reporting itself has been undertaken without concern for its impact on the children or their families.

The media has uncritically embraced the premise on which the little boy was charged in the first place--that individuals are to blame and therefore must pay, even if they are only 10 years old. The social conditions that contribute to such tragedies remain ignored and unreported.

Macquarie Fields is one of the most oppressed areas in Sydney, with a high proportion of single parent families living in cramped public housing. Unemployment is high and problems with alcoholism, drug abuse and domestic violence abound. The estate was built 20 years ago near the Holsworthy Army Range. The noise of shelling is often audible.

Young families make up the bulk of the population and the average age in the public housing estate is just 17. Funding cuts have meant that poorer families are unable to afford decent and safe childcare facilities. Reductions to teaching staff and school resources have meant that learning problems go unheeded, or are blamed on the child or the parents.

The local primary school reduced the lunch break to 35 minutes, citing the children's violent behaviour as the reason. The end of the school day was consequently brought back to 2.30pm. Rather than increasing the teaching staff to supervise the children or providing more recreational and sporting equipment, playtime was eliminated and the children shunted out of school early. Funding for the Homework Centre, established to assist those experiencing problems with their homework and schooling, was cut in 1998 and then the centre made available to Aboriginal children only.

Few recreational facilities exist. Play equipment in the estate is covered with broken glass, making it unsafe for small children. School age youth hang around the streets, watch television or go down to the river to play on its banks or in the surrounding bushland. The closest swimming pool is a 40-minute walk away, and there is no local cinema. The bus service is the only convenient, although costly, form of public transport, since it takes one hour to walk to the railway station.

One ex-resident described life in Macquarie Fields as "very isolated although very crowded".

"There are a lot of people around but no community feeling. Everything is seen as the fault of individuals, so everyone becomes isolated from one another. No one really talks to their neighbours because that means becoming involved in their problems and disputes. You feel trapped in the estate.

"There was nothing extraordinary about children being down by the river as there is very little else to do. I am surprised there have not been more drownings."

Ricky Macintosh from the Glenquarie Family Support Service, which provides emergency funds to families in need, told the WSWs: "We are a supply service which provides relief for electricity and food vouchers to assist families through to the next pension. For three hours on Thursday mornings we give out the vouchers. Around 50 families apply for assistance and approximately two-thirds need both electricity and food relief. Around half the families now come for assistance once a month.

"Our funding is from the Department of Community Services which is provided half yearly, but we ran out of food voucher relief at the end of February and we will not have any more until July. The electricity vouchers are supplied quarterly, but we also ran out of them at the end of February.

"We are seeing a change in that people who have been made redundant are now applying for relief. They have mortgages and are trying to save their houses. They are requesting relief for rates and water but we don't have the provision for that here. "

Instead of examining these issues, the media and politicians blame one, supposedly evil, individual. From there the solution is simple--arrest, punishment and incarceration. More and more the victims of poverty and economic deprivation--especially the young--are being blamed for its consequences.

The young boy allegedly responsible for Corey's death now faces jail rather than counselling and assistance. The children who allegedly witnessed the event face court proceedings and cross-examination, rather than guidance in overcoming their ordeal. And the social conditions out of which it occurred will simply continue to worsen.



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