

AUSTRALIA'S RIGHT TO KNOW

24 February 2009

Assistant Secretary
Criminal Law Branch
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

Dear Madam

MODEL SPENT CONVICTIONS BILL

Australian's Right to Know is a coalition of 12 major media organisations formed in 2007 to address concerns about the state of freedom of speech in Australia including the public's access to information on how they are governed.

We understand the Attorneys General are currently considering introduction of uniform laws across jurisdictions in relation to spent convictions. Australia's Right to Know agrees it would be beneficial to have a uniform law across Australia governing spent convictions. It agrees with the broad thrust of the proposed legislation.

In particular we commend the approach taken in the proposed legislation to the records of old convictions kept by archives and libraries.

That exemption is as follows:

14 – Exclusions

The following table sets out exclusions from the operation of Division 1 (to the extent specified in the relevant item):

9—Archives and libraries

Sections 11 and 12 do not apply to an archive or library (or a person acting in the performance of a function of an archive or library) in accordance with the normal procedures of the archive or library.

The media believe this is the pragmatic response to the inevitability that details of old convictions, including spent convictions, will often be available on the internet.



The easy accessibility of such information has been criticised as inhibiting the rehabilitation of those who have been convicted and even threatening their personal safety. The suggestion that the media should remove conviction stories from their digital archives once those convictions have become spent is quite impractical. It would impose onerous obligations on those responsible for maintaining the digital archives. It would involve the sanitization of the history of contemporary reports contained in media archives. And it would ultimately be futile as most media reports are picked up and dispersed across the internet by other sites over which the originating media organisation has no control.

For these reasons Australia's Right to Know supports the approach to archives and libraries taken in the draft bill.

Yours sincerely



CREINA CHAPMAN
Manager, Corporate Affairs
News Limited
On behalf of Australia's Right to Know

