

16th June 2020

Hon Michelle Lensink MLC
Minister for Human Services
GPO Box 2832
Adelaide SA 5001
Email - DHSMinisterforHumanServices@sa.gov.au

Dear Minister Lensink

RE Feedback on the Spent Convictions Act 2009 - Amendment Bill

We are pleased to have the opportunity for COTA SA and our Rainbow Hub Advisory Group (which represents LGBTI South Australians over 50) to contribute our views on the proposed amendments to the ability to spend a conviction for a decriminalised sex offence or 'designated sex-related offence' (DSRO).

We would like to confirm that COTA SA's position is that all convictions for homosexuality be automatically expunged from the record. We are not in favour of requiring individuals to proactively engage with the legal system to argue their individual case in this context; the onus should be on the Justice system, not the individuals unfairly convicted, to identify the cases to whom this proposed intervention rightly applies.

It is important to recognise that requiring such men to engage directly with the legal system has the potential to retraumatise them. As well, given their ages, some of these men may no longer be able to initiate this action; others are deceased, and the proposed amendments make no provision for posthumous expungement.

Our fundamental view is that it is heinous and degrading to require a citizen not charged with any offence to appear before a magistrate to 'explain' themselves.

Once again thank you for the opportunity to comment.

Yours sincerely

Jane Mussared
Chief Executive
COTA SA

Dr Christine Davis
Chair
COTA SA Rainbow Hub Advisory Group

cc Susan Maiorana, Chief Policy Officer, Community Services Directorate, Department of Human Services