

New laws prohibit the promotion of suicide

Susan Magnay, ALIA manager, planning policy

In early January, Double Bay Library in Sydney's eastern suburbs was the site of a protest about new laws dealing with the use of telecommunications carriage services to promote suicide or provide information about methods of suicide. (See reports in the *Sydney Morning Herald*, 5 and 7 January 2006)

The *Criminal code amendment (suicide related material offences) act, No 92, 2005* came into force in early January 2006 and makes it an offence to use carriage services, that is, the internet, e-mail, telephone, fax, radio or TV, for the purposes of counselling or inciting suicide, of promoting or providing instruction on a particular method of suicide.

In response to members' concerns that the new legislation might have an impact on materials in library collections, ALIA National Office staff, with the assistance of ALIA's Online Content and Regulation Reference Group, has reviewed the legislation, including the explanatory memorandum for the bill and the Parliamentary bill's digest. The paragraphs below provide general information for the benefit of ALIA members and are not intended to be a substitute for legal advice.

In ALIA's view, the Act does not impact on materials in library collections (print or online). The Act relates to the Commonwealth's constitutional power to make laws in relation to electronic communications. The Parliamentary bills digest states 'For example, a person borrowing a book from a library to obtain suicide related material in physical form could not validly be subject to a Commonwealth law.'

Intent is crucial to the offences. The Act is specific in stating that it is not designed to stifle debate on euthanasia. Subsections 474.29A (3)-(4) state that no offence is committed if the person does not intend the material to be used to counsel suicide or to promote a method or provide instruction on a method of committing suicide.

ALIA recommends that libraries be aware of the Association's 'Libraries and privacy guidelines' (<http://alia.org.au/policies/privacy.html>). These guidelines can help libraries develop policies and practices enabling them to comply with privacy codes, principles and related legislation. They cover requests from authorities to disclose personal information and library policy on actions related to law enforcement.

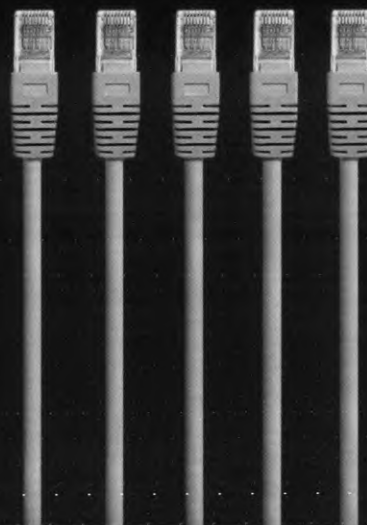
The text of the Act can be found on the Attorney-General's website at <http://scaleplus.law.gov.au/html/comact/12/7006/top.htm>. The Explanatory Memoranda can be found at <http://parlinfoweb.aph.gov.au/piweb/>. For the Explanatory memoranda and Bills digest for the Criminal code amendment (suicide related material offences) bill 2005 follow the links from 'Old bills' at <http://www.aph.gov.au/bills/index.htm>. ■

ACT Public Library Online Information Services continued...

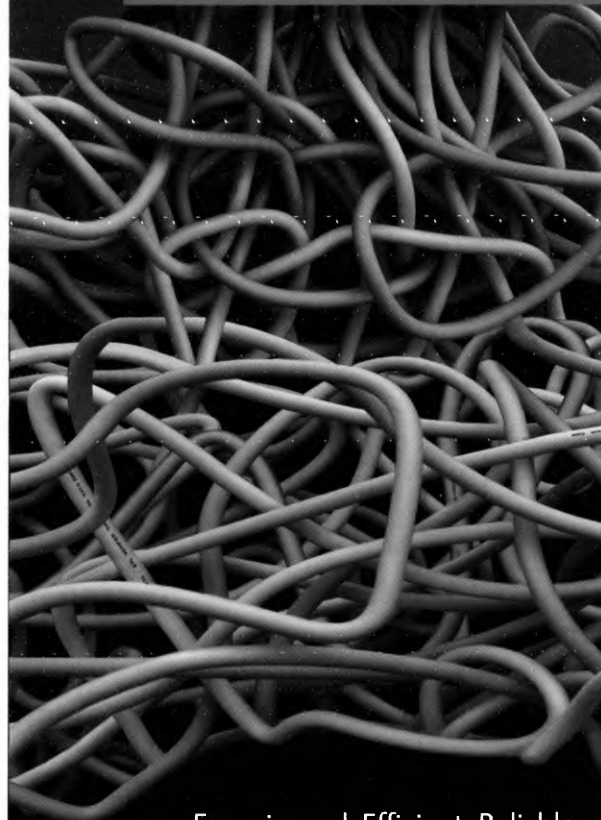
- ▶ be a significant workload. The ACT Public Library has managed the increased workloads that online service delivery has created through the dedication of staff eager to introduce the changes, together with reallocating existing resources.

There is widespread recognition, internationally and in Australia, that public libraries are valued as public spaces that welcome all sectors of the community, regardless of race, colour or creed. Achieving the balance between an attractive and well-maintained physical space, with up-to-date print and physical resources, and the ongoing investment required to keep pace with technological developments is an ongoing issue in the development of the ACT Public Library's service delivery. ■

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