Freya Newman Escapes Conviction

Freya Newman was suddenly launched into the public eye after she exposed the dubious circumstances surrounding the scholarship awarded to Tony Abbott's daughter Frances at the Whitehouse Institute of Design.

But unfortunately for her, it also launched her into the courtroom, charged with accessing restricted data.

Newman risked receiving a criminal record which, at 21 years of age, could have had long-lasting impacts on her life and future career.

The crime of accessing restricted data holds a maximum penalty of two years imprisonment and/or a fine of $13,200.

Newman pleaded guilty in court in September and her defence team argued against her conviction.

Her offence was on the lower end of serious because she was not driven by greed or a desire to embarrass Frances Abbott.

And she didn't even know that what she did was a crime.

Surrounded by her supporters, Newman reappeared in court on November 25 and she received a good behaviour bond with no conviction recorded.

This means that as long as she is a law-abiding citizen for the next two years, she will not have a criminal record.

The Magistrate accepted that Newman was acting out of a sense of injustice and so decided not to penalise her with a criminal record.

This is despite the fact that Newman was not protected by

legislation that shields some who speak out against public bodies on the grounds of public interest.

Magistrate O'Sullivan looked at a range of mitigating factors when explaining her decision not to impose a conviction.

Newman had written a letter to Frances Abbott to apologise.

Her remorse, young age, impact of the media attention on her mental health and good rehabilitation prospects were taken into consideration, as was Newman's early guilty plea – which are all factors that can be considered when deciding upon a penalty, according to the Crimes (Sentencing Procedure) Act.

No aggravating factors were present and Newman had no previous convictions.

She brought with her character references.

The transcript of the sentencing proceeding shows that she was a perfect candidate for avoiding a conviction.

People who are guilty of criminal offences can avoid a conviction by getting a 'section 10 dismissal or conditional release order' (NSW offences) or a 'section 19B' (Commonwealth offences); so that they don't have to face the consequences of a criminal record on their reputation, career and travel plans.

Here the magistrate decided it was acceptable for Ms Newman to have a second chance.

But Ms O'Sullivan did believe there was a need for a deterrent, in order to make sure that Ms Newman and others did not engage in similar behaviour.

The bond attached means that Newman is obliged to obey the law or onerous consequences may apply.

Breaching a bond means that a person can be called back to

court, where the bond may be revoked and the person re-sentenced.

Ms O’Sullivan considered that there to be significant community concern by unauthorised access to personal information, which could harm people.

The lengthy bond also sends the message to the community that the case is no precedent to break the law and get away with it.

Outside the courtroom, Newman’s supporters cheered her, some carried signs saying “Free Freya” and “Blessed are the truth tellers.”

But 21-year-old Newman made no comment as she left the courthouse.

She is undoubtedly relieved to put the whole episode behind her and move on with her life.

If you have been charged with an offence and want to remain conviction-free, it may be possible for you, like Freya Newman to get avoid a conviction even if you wish to plead guilty.

By getting good criminal lawyers behind you at an early stage, you will be guided towards doing what is necessary to maximise your chances of remaining conviction-free.

Experienced defence lawyers will be able to push for the best outcome in your case.