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MAKING irrelevant convictions history

Victoria is the only Australian state without spent convictions legislation. This means that even trivial offences from decades ago can still appear on police criminal record checks. It represents a significant social barrier for many Aboriginal Victorians, at a time when the government looks to close the gap in employment rates between Indigenous and non-Indigenous Australians. Aboriginal people are currently 20 per cent less likely to participate in the labour force.

The *Criminal Record Discrimination Project* is an Aboriginal-led collaboration between numerous community and legal organisations, including Woor-Dungin and RMIT University. It is overseen by an Advisory Committee with over 50 members, including Professor Bronwyn Naylor and Mr Stan Winford.

The project has the dual aim of introducing to Victoria a legislated spent convictions scheme and an amendment to prohibit discrimination against people with an irrelevant criminal record. Removing prejudice on these grounds will increase financial and economic opportunities of Aboriginal people in Victoria, while broadening their opportunities for civic engagement.

In April 2017, Woor-Dungin hosted a consultation with community members and legal stakeholders on what spent convictions legislation and protection from discrimination on the basis of irrelevant criminal history should look like in Victoria. To inform these discussions, Mr Winford interviewed Aboriginal legal services from other states and territories.

Contact with local individuals revealed innumerable examples of discrimination faced by Aboriginal people. Many had been prevented from getting a job, obtaining insurance, receiving approval as a kinship carer and serving on community or government boards because of an irrelevant criminal record.

A paper summing up the recommendations based on the consultations shows that Victoria is completely out of step with every other Australian jurisdiction. "All other Australian jurisdictions have spent convictions schemes and most have some form of anti-discrimination protection to ensure that people

with irrelevant criminal records are not prevented from participating in their communities," notes Mr Winford.

"It is clear that a more robust, statutory information management regime for criminal records is well overdue in Victoria," he adds.

The paper also included 11 case studies detailing cases where Aboriginal people with an irrelevant criminal record have experienced discrimination. Professor Naylor supervised the development of these case studies.

"It's vital that Victoria introduces legislation to protect people from discrimination on the basis of an unrelated criminal history as well as spent conviction legislation," says Professor Naylor. "Current laws entrench the discrimination faced by Aboriginal people and limit their valuable contribution to society."

With the endorsement of members of Victoria's Aboriginal communities, the paper was submitted to the statewide Aboriginal Justice Forum, which unanimously endorsed it in December 2017. The paper is currently with the Victorian Attorney-General, awaiting a response.

Professor Naylor, Mr Winford and the team are hopeful the paper will have an effect in line with the impact of their previous work. Most recently, the state parliament passed legislation to change records relating to children who were taken into state protection, up to the 1990s, in response to the *Criminal Record Discrimination Project*.

This type of work is typical of the social justice advocacy work carried out in RMIT's Centre for Innovative Justice (CIJ). For example, Mr Winford has recently been working on another project that takes a look at how the criminal justice system unfairly treats individuals with Acquired Brain Injury. To find out more about the work of the CIJ, visit: www.rmit.edu.au/about/our-education/academic-schools/graduate-school-of-business-and-law/research/centre-for-innovative-justice

Professor Bronwyn Naylor and Mr Stan Winford are participating in a historic project to change legislation connected with spent convictions and irrelevant criminal records in Victoria.