



09 AUG, 2019

'Give us a chance'

Portland Observer, Portland

'Give us a chance'

Local push for spent conviction scheme

CHALPAT SONTI

"WHAT'S the point of doing the crime, doing your time, if you have to live with it for the rest of your life?"

Those words by a prominent community member summed up at a sitting of a Victorian parliamentary committee in Heywood on Tuesday.

The Legal and Social Issues Committee was in the region as part of its inquiry into the possibility of introducing "spent convictions" laws in to the state.

Victoria is the only state that does not have the laws, which control how criminal records can be used and when they cease to be relevant – a spent conviction does not have to be disclosed when applying for a job.

But the issue has been brought to the fore thanks to the likes of the Winda-Mara Aboriginal

Corporation, whose chief executive Michael Bell is convenor of the Criminal Record Discrimination Project that is seeking to have laws introduced – its view being that Aboriginal people are unfairly discriminated against by being unable to live down a past in which they might be a victim of circumstance as much as anything else, and thus being unable to make meaningful contributions to society.

It was in Winda-Mara's offices that Tuesday's hearing took place.

The Legislative Council committee is looking into what form any laws might take, including what convictions can be spent and how they might be. It is required to report its findings to Parliament by August 27.

Chairwoman Fiona Patten, accompanied by

Legislative Council president Shaun Leane who is not part of the committee, heard some gut-wrenching stories from people whose lives had been affected by the fact there weren't any spent conviction laws – how it had driven people to despair and even death.

The *Observer* has chosen not to name the local people who spoke to the committee about their own experiences.

One Aboriginal woman said her partner was "branded" after working for many years, following a troubled youth which saw him in and out of jail between the ages of 14 and 28, but being forced to give up a job when new regulations were introduced requiring police and working with children checks.

So the man turned back to drugs and alcohol.

"It didn't matter what he did, it didn't matter how much he'd changed," she said.

"He couldn't get a job anywhere.

"He was out (of jail) for 20 years and a valued member of the community. A lot of parents trusted him with their children.

"He was trying to prove himself as a man, as a breadwinner for his family, but it couldn't happen for him.

"It killed him (in his mid-50s) in the end.

"With these spent convictions if you talk the talk, (you've got to) walk the walk. He had criminal on his forehead and nothing ever helped him."

Another man spoke of his inability to shake his own, more recent offending, past.

While he was in a maximum security prison he was a model prisoner and achieved the rare feat of getting a minimum security rating, but life was a lot harder after being released.

Continued PAGE 2



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From PAGE 1

While he had a job, he was restricted in what he could do and where he could go, pending some legal checks.

“Ever since I came home it’s been an uphill battle,” he said.

A spent convictions law would be the “last step” in the rehabilitation process.

“Without that you’re still a prisoner in everyone else’s eyes,” he said.

While he understood his category of offending might not qualify for a spent conviction there needed to be some hope.

“If it wasn’t for the (support he was getting from others) at the moment, I reckon I’d be back in there (prison),” he said.

“I wake up every morning and tell myself ‘keep trying’.

“I walk down the main street of Portland and Heywood and someone gives me a filthy look, but I’m not going to stop because of them, no way.”

Another woman told the inquiry of how a conviction for travelling without a ticket on a train in her youth had affected her prospects, while Alicia Mesley of WDEA Works in Portland spoke on how the lack of spent conviction laws affected employment prospects.

Mr Bell, Winda-Mara operations manager Jason Kanoa and Raylene Harradine of the Victorian Aboriginal Children and Young Person’s Alliance all called for flexibility in the process and for references from Aboriginal groups to carry weight.

“The community can validate a person,” Mr Bell told the *Observer*.

“Magistrates do it regularly because of the information they get.”

Police Association of Victoria secretary Wayne Gatt appeared before the inquiry last month and offered a similar viewpoint.

“There should not ordinarily be just a black-and-white situation in a perfect world,” he said.

“Our view is that the circumstances and the rules in relation to a spent conviction scheme need to vary relevant to the employment type or the reason that an application is being made and also to the nature and the type of offence that that person received a conviction for.”

- While there is no spent conviction law in Victoria, there is a federal one that applies to Commonwealth offences, the waiting period being 10 years (or five years for offences committed as a juvenile) and if the person was not jailed for more than 30 months, and with some offences excluded.



WINDA-MARA Aboriginal Corporation chief executive Michael Bell watches on as Naomi Murphy of the Woor-Dungin Criminal Record Discrimination Project addresses the parliamentary inquiry into possible spent convictions laws in Heywood on Tuesday.

Picture: ELLY HATELEY 190806eh17