

TRANSCRIPT

LEGISLATIVE ASSEMBLY ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Student Pathways to In-demand Industries

Melbourne – Friday 20 March 2026

MEMBERS

Alison Marchant – Chair

Kim O’Keeffe – Deputy Chair

Roma Britnell

Anthony Cianflone

John Mullahy

Nicole Werner

Dylan Wight

WITNESS *(via videoconference)*

Marius Smith, Chief Executive Office, Vacro.

The CHAIR: Welcome to the public hearings of the Legislative Assembly Economy and Infrastructure Committee's Inquiry into Student Pathways to In-demand Industries.

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Thank you so much, Marius, for joining us today to answer some of the questions. You have a really interesting organisation that we have not really explored a lot in this inquiry just yet, so we have some committee members who have some questions. We are going to jump straight into that if we can, if you are happy for that.

Marius SMITH: Yes, absolutely.

The CHAIR: Great. Kim, I am going to head to you first.

Kim O'KEEFFE: Good morning, and thank you for joining us. Kim O'Keeffe, Member for Shepparton. I found your submission really interesting actually. I think there are some good points and recommendations that you have suggested there. My first question is: what are the main barriers for people with lived experience of the justice system assessing pathways to in-demand industries, and how can these be overcome?

Marius SMITH: Yes, I think the first barrier is a lack of understanding of the benefits of employing people with a criminal justice background. There are a lot more specific barriers I will get into, but I think this is really the threshold one that drives a lot of lawmaking and a lot of attitudes about how employers and educational institutions think about people with a criminal justice background. You will notice that our submission focuses on the benefits of peer work. I will not go into the details of that. I am happy to answer specific questions, but there is a long history of disability, alcohol and drug and mental health lived experience. In the last decade there has been much more of a drive to support people with criminal backgrounds, with lived experience of the criminal justice system, but I will also note that there is a crossover and a lot of people with histories of disability, serious mental health conditions and alcohol and drug addictions and who have criminal offending in their past, meaning that their ability to do maybe the lived experience bit is not so much about criminal justice offending but about their disability or mental health, and they can be excluded as well.

In addition, I want to broaden out from our submission to talk about the benefits more generally. We are designing new programs which will have peer roles, but in our older programs we do not actually currently have peer roles. But we are increasingly employing people with lived experience not for their lived experience expertise but because we are living our values. So people coming out have served their time. They want to work because they are moving on, and they need employers to move on too. Employers often get stuck in the criminal background check. All of our work is informed by desistance theory – a very well researched body of evidence, now three decades old, that talks about one of the key things to a new beginning when you come out of prison being a new identity for yourself and then being connected to community and family and being connected to the things you need. Often for a person that new identity will be wrapped up in: 'I want to be an employee. I want to get a job. I want to provide for my family.' And the real payoff can be not so much the pay cheque but that last step of the employer saying, 'They're a good employee. They're really loyal because we gave them a chance when no-one else would.' We hear that all the time. It is really powerful. And when that happens, you do not have to worry about re-offending. So the benefits to community, the benefits to employers are really massive when all that occurs. So it is benefits that accrue. We focused on our sector – social, community assistance, health – but it is more broad than that. So that is one barrier, just getting their heads around that – if we can change that, that makes a huge difference.

Other barriers briefly – gatekeeping and a lack of support by educational institutions. So you will see in our submission we talk about how websites have, 'You'll need to do a work placement. We can't guarantee that you'll be able to get one.' And that is written in a way and then the communications directly to the students are given in a way that is like, 'Do you really want to do this? You may not be able to get the last element of your degree. You may not be able to get a placement.' So that goes into another barrier, which is the really conservative approach to criminal background checks and working with children checks for work placements and for employment at the end of a degree. It is understandable, but I think it needs a sort of balance of carrots

and sticks. We have got some recommendations about how you deal with that – banning discrimination on the basis of an irrelevant criminal conviction. People have served their time. I do not think this is an unreasonable ban. I think a lot of people think if you serve your time, you need a chance. And we are talking here about education or employment; we are not talking about choosing a friend. And yet organisations do blanket background checks for every role in their organisation and blanket working with children checks for roles that do not work with children. Whereas we have a very nuanced approach. A lot of our staff work in prisons. Corrections want to do background checks. If you are in one of those roles, we do a check; if you are not, we do not.

We have a couple of programs that work with children. If you are in one of those programs, you do a working with children check; if not, we do not. This is an approach that needs to be mandated through law and regulation, but also there needs to be support; educational institutions need to know how you would support someone with a criminal background through a course and into a work placement. Organisations offering work placements and then also employment need to understand how to support someone coming out of the criminal justice system, and there are ways to do that. The Red Cross has done a great project on that. We have the second chance jobs project, which I can talk about. There is an opportunity to do pretty simple things, like getting together with organisations like ours and peak bodies to create guidelines about what this is all about, why it is not such a big deal and how to support it. I think they are probably the main barriers worth mentioning off the bat.

Perhaps one thing I will mention to you as state legislators. Federal restrictions on criminal records in big sectors with big workforces like disability and aged care are a barrier when you need so many employees in these sectors and they are growing. There might be room for a state government to advocate, e.g., to the NDIA for a more nuanced approach to that.

The CHAIR: Thank you. Dylan, I might head to you for a question.

Dylan WIGHT: Thanks, Alison. My question is about transition support. What support do students with lived experience of the justice system need to transition from secondary school to further employment?

Marius SMITH: This will be a little bit, maybe, of a different answer from what you will get from other organisations. From our point of view most of the people in the criminal justice system are not the ones that you read about. Most people in the criminal justice system have a history of alcohol and drug addiction or a serious mental health condition – usually both; usually one is medicating the other. There are huge rates of intellectual disability and acquired brain injury among people in the criminal justice system – First Nations people, people who are homeless and people who are often in prison directly because of these things. If you have a serious mental health condition or a disability, you might present in a way in public which brings you to the attention of the police. I have seen police aggressively arrest someone who was obviously in a psychotic state but of no danger to anyone but himself, just to give you one example. Often these things go back to a history of trauma or undiagnosed disability starting in early childhood. So what we see with these people is very interrupted education.

What I talked about earlier were the interventions that you make when someone has a criminal background, but in our policy work what we are talking about is early intervention. In fact we see schools as quite an untapped locus for wrapping support around kids before they slide into the criminal justice system. If we look at the current discussion about youth crime, we are talking about: is there room to provide more support to kids once they hit the criminal justice system? The answer, by the way, is obviously yes. But can we bring that support back? And having more counselling available at schools; strong, clear referral pathways into health and community services from schools; and upskilling staff to support kids with disabilities and trauma. I might refer you to, in my previous role at the Castan Centre for Human Rights Law at Monash University, an extensive report we did in 2018 into the treatment of kids with a disability in the Victorian education system. Teachers are left alone, really. The Department of Education has done a lot of work on guidelines for how you support kids with disability in school. None of it is compulsory, there is no mandated professional development that teachers have to do and it is easier for schools to gatekeep these kids or to use restrictive practices on the kids than it is to, in their minds, upskill them, to actually support these kids. For us, it is actually getting the kid to the point where they finish a VCE or VM and go out into the workforce.

The CHAIR: Thanks, Dylan. John, I might head to you for one more question.

John MULLAHY: Thanks, Chair. Thanks, Marius, for turning up today. I was wanting to get some more info with regard to work placements. How can employers and education partners and providers be encouraged to facilitate work placements for students with lived experience of the justice system, and what additional supports do students with lived experience need to participate in placements?

Marius SMITH: Taking the first question about employers, I will refer back to that first threshold barrier, which is a better understanding of the fact that people have served their time and that a lot of people can do really good jobs without being burdened by their criminal justice conviction because it is irrelevant. We have made some recommendations about what can be done for organisations like us to share our expertise in why this is a very safe and in fact productive thing to do to give people work placements, so upskilling them there in that kind of support. And we made some suggestions too about the regulations in particular, I think – in addition to the criminal background check, regulating the use of that and banning discrimination on the basis of an irrelevant criminal conviction – and also just recommendations about regulations for course providers when they are enrolling students and then working with peak bodies to encourage people in. That is the big thing. And then from the point of view of students, I think the gatekeeping is really a problem, because you will see in our submission the quote from one of our participants who came and did a work placement with us. We prioritise and basically only give work placements to people who have a criminal justice involvement in their past, and you will see she had to grit her teeth and push through with an educational institution that was trying to stop her. They would have thought that they were doing it in her best interests, because they could not guarantee a placement. So I think there the gatekeeping often is that there is a lot more people – that is the tip of the iceberg. As soon as someone reads the university website disclaimer saying ‘You probably won’t get in’, they are probably not applying. Our job ads – we go out of the way to say, ‘If you’ve got a criminal record, we’re interested in you, but talk to us about it.’ It is a change of mindset that is required, but that change of mindset requires cultural change in organisations and a mixture of carrots and sticks from the government in terms of regulatory and legislative change and actual support so that people know how to do it. Probably one last thing relevant specifically to the state government is we know that government contracts often require very onerous criminal record background checks to be done, which boxes in employers.

John MULLAHY: Thanks, Marius.

The CHAIR: Thank you so much for answering our questions today. I am sorry, we have run out of time, but we appreciate your submission. If there is anything that has been sparked from today’s conversation, you are more than welcome to write back to the committee if there is anything further you would like to add. But thank you for answering our questions today and for the work that you do. It is really important.

Marius SMITH: Thank you. And thank you for the interest in this. I really appreciate being given some time to speak about it.

Witness withdrew.