

# **LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE**

## **Inquiry into a legislated spent convictions scheme**

Melbourne—Wednesday, 19 June 2019

### **MEMBERS**

Ms Fiona Patten—Chair

Dr Tien Kieu—Deputy Chair

Ms Jane Garrett

Ms Wendy Lovell

Ms Tania Maxwell

Mr Craig Ondarchie

Ms Kaushaliya Vaghela

### **PARTICIPATING MEMBERS**

Ms Melina Bath

Ms Georgie Crozier

Mr Stuart Grimley

Dr Catherine Cumming

Mr David Limbrick

Mr Edward O'Donohue

Mr Tim Quilty

**Necessary corrections to be notified to  
executive officer of committee**

**WITNESS**

Mr Jack Charles.

**The CHAIR:** G'day.

**Mr CHARLES:** G'day. How are you?

**The CHAIR:** Really well, thank you. Thanks for coming in.

**Mr CHARLES:** Thanks very much. I too acknowledge the traditional owners. This building is built upon the Woiwurrung clan lands, and I follow in the footsteps, I believe, of my great-great—Johnny Charles, who walked into this building with William Barak on a couple of occasions to hand petitions to the government of that day, to grant them Coranderrk, the land on which they lived. We had a win in that in 2004. It was granted, gazetted as Aboriginal land, and that.

**The CHAIR:** It took a while.

**Mr CHARLES:** So it is indeed a high honour for me to be sitting here before you to give my take and congratulate you on pushing this bill through. I have noticed with Uncle Larry Walsh some of our past criminal records came about immediately upon being taken away. It was an offence for a child to be—either seven months or four months—in need of care and attention. That was the offence. I have seen a couple of fellas' records and they have commented to me. So it is great to have seen that this was expunged. But me, I am on this journey of trying to be a leading Black light, going into my community—

**The CHAIR:** Sorry, Jack, we will just let those bells finish, mainly for the recording. There we go.

**Mr CHARLES:** There we go. Look, it behoves me as a self-proclaimed elder with the lived experience—22 times I have been busted. So I have got 22 mugshots in the Victorian prison system's vaults. I am pretty proud of them, because I have survived that; I have moved away from it. *Bastardy* the documentary was premiered twice at the Melbourne International Film Festival in 2008. It had to premiere twice because Melburnians were lined up around the block. My former comrades from Box Hill Boys' Home, people that I had done time with, retired CRU and functioning chief inspectors, detectives and that, and people I had robbed over on the other side of the Yarra there—many of them came along and saw my story, *Bastardy*. They have followed me through it, because two years later I co-wrote the *Jack Charles v. The Crown* show, and it has been travelling well. It has stood me in good stead by Melburnians in general—Victorians. So lastly, in 2006 I was honoured to be Victoria's golden child, to receive Victorian Senior Australian of the Year. It was a real hoot for me that Victorians have acknowledged my story through *Bastardy* and further stories with *Jack Charles v. The Crown*.

But the irony of doing this show is that in the third act the audience become the High Court of Australia, and I give a jolly decent argument to have my criminal record expunged so that I can in my own right go back into prisons, youth detention centres, schools, start them in buying a workshop or a business—something that we had functioning in the 1970s. But the powders took a hold of us and it was a great distraction, and that notion was abandoned, the notion. So many of us that have left the homes, who failed our adopted and fostered peoples, were immediately arrested and jailed in a youth detention centre for having failed our foster and adopted parents. So that was my first criminal record.

I have been fortunate enough—I was plucked at a young age, at 19, to be an actor in the new theatre production, and I have not looked back since. I have been very fortunate. I have been given a grant to start the first Aboriginal theatre here in Melbourne—the Ilbjerri theatre. I also contributed to the black theatre up in Redfern too—the National Black Theatre there. So I am a public spokesperson at the same time as I am an actor. Everybody in the industry now knows that I am functioning nowadays with no heroin enhancing my performances. For many years the producers, directors and fellow performing artists knew that I was functioning dysfunctionally with a raging Brer Rabbit, or a drug habit, as I like to say. But they allowed me my little foibles. Now I am in that unique position of being an elder statesman, being able to remind those that are struggling, asking me why they are not being used now—because everybody knows that you are affected with

an addiction. And I take great pains in educating them that the system now has risk assessments. No director wants to employ anybody with a raging drug habit, because you are not a team player when you are functioning under a drug habit. You live your life in a very blinkered state, and for many years. And that is how I had been functioning. But *Bastardy* was the catalyst that led me to believe that I should be a leading light, a beacon, in my own community of Collingwood-Fitzroy, and indeed for the Indigenous people of Victoria, because at the same time that *Bastardy* came out I was given a lot of information from the Koorie Heritage Trust and Link-Up. Now I know the full complexity of my heritage—my great, great witnessed the Batman treaty being signed. I am pretty proud of that.

I had my identity given unto me by Jimmy Berg's Koorie Heritage Trust and Link-Up. So I am very proud that at 60 I stopped it all. I made that decision to stop and try and move on with my life. And I could only do it unless I had effectively gotten off the heroin and then off the methadone. Once I had jumped off the methadone I noticed that I saw things in a clearer manner, and I wanted to be a useful tool. Many of us come out of prisons with that intention of sharing the journey. As an Aboriginal who has gotten the full benefit of my heritage now, I need to go back into prisons. I am very fortunate. My profile is well-known in the prison industry, and so I am welcomed and allowed to slip in under the radar by private prisons, government prisons and youth detention centres. So I am very grateful. And even being able to give keynote addresses to Waverley police academy cadets, that has been a hoot for me. Now I know even more stories that I would like to—

So I believe in having our criminal records expunged after a certain period of time.

I function now on the notion of Aboriginal law. In Aboriginal law there can never be any mitigating circumstances for your crimes. Everybody is supposed to be on the one page. And you knew that if you did a certain crime—I always knew how many years I would get for doing a series of burglaries over there in Toorak. I knew that I would do two and half years to 5 years, and invariably I got three to two and half years. So I was very fortunate that the legal precinct down there, the magistrates and judges—I had always reckoned in the back of my mind that I was given certain compensation for my indigeneity, I believe. So I took it to heart and I did my time educating myself in prison, teaching pottery in prison up to year 12 in my pottery shop. I called it 'psychoceramica'. It was a hoot for me to do time and to reflect upon those years. So here I am now congratulating you on moving forward with this legislation.

**Ms PATTEN:** Jack, have there been times when your convictions have excluded you from getting a job, or have you always been lucky that you have been in the theatre—

**Mr CHARLES:** Lucky. I am very charming.

**Ms PATTEN:** Yes, no doubt.

**Mr CHARLES:** I use my fine sense of con artistry.

**Ms PATTEN:** Absolutely, if you do say so yourself. No doubt.

**Mr CHARLES:** Yes, well, very good acting is all a matter of being a con artist. So I have convinced a lot of people to take me seriously because I have taken myself seriously, and they see that in me.

**Ms PATTEN:** So as an elder, are you seeing some of the young people that you are probably mentoring, are they still having problems getting back on track with convictions?

**Mr CHARLES:** Yes, they are, because we have abandoned the notion of community centres. So I am pushing to reinvest, reconstitute, a community hub. It looks like I have failed over the past 10 years to develop one here in Collingwood-Fitzroy, but it looks like Pam Nicholls—Pedersen now—up in Shepparton, Mooroopna—and Bobby Nicholls, Doug Nicholls's daughters and son—

**Ms LOVELL:** Yes, I know Anne well.

**Mr CHARLES:** are assisting me in this. The local community lawyer up there has found a solid building for us to begin. Even the masonic lodge has made available a couple of their buildings for us to have our meetings when we start pushing this. I have enough money now from my movies that I have done, that Pan

movie over in the mother country, at the Warner Brothers studio there. That got me a lot of money to play the chief of the tribe protecting the fairy kingdom with Hugh Jackman—I do not want to be a name dropper—but I have developed some money, some cash. If we do get this building, I can afford in my own right to set up a pottery shop there and two large shield screen printing presses. And I believe once we get something going there it will be a hub, attractive to all those that are coming out of our prisons back into Shepparton-Mooroopna, for instance, out of Malmsbury after they have done their time. Pam Nicholls is even looking for a home, for a halfway house, for many of those coming out of the youth detention centres. So we are on a roll here. That is where we are going, I would like just to inform you.

**Ms LOVELL:** Jack, I am from Shepparton, so I know Aunty Pam well. You mentioned the Koorie Heritage Trust, so you probably know a dear friend of mine who is no longer with us now, Uncle Sandy Atkinson—

**Mr CHARLES:** Sandy, yes.

**Ms LOVELL:** who was heavily attached to the Koorie Heritage Trust. Jack, how long has this been affecting you? So when was your last conviction and how long has it been?

**Mr CHARLES:** Two-thousand and four or five—something like that.

**Ms LOVELL:** Right, okay. So for about 15 years you have not had any convictions, and yet this still continues to affect you?

**Mr CHARLES:** I have been beyond reproach.

**Mr ONDARCHIE:** Jack, good work in *Coranderrk*, mate. As an old Healesville boy who was mentored by the late Jimmy ‘Juby’ Wandin, I have got to tell you, good work in *Coranderrk*. Mate, you are talking about quashing the record after a period of time. I have got no clue on what that time frame should be. What do you reckon?

**Mr CHARLES:** Well, I have been functioning on the fact that it would take me 10 years to be taken seriously, for Minister Wynne to take me seriously.

**Mr ONDARCHIE:** Takes longer than that, mate, trust me.

**Mr CHARLES:** *Bastardy* the doco did not work. *Jack Charles v. the Crown* did not work. I did not see that I was taken seriously by our own Aboriginal organisations. There is such a thing that is becoming an impediment in my push to be a leading light in my own community. Aboriginal payback law has been confounding me since I have heard some information—that my mum killed during the 50s a significant person whose son took over the Advancement League after Uncle Doug Nicholls died. So we believe, the Charles family believe, that for some time I was not very welcome in Collingwood, Fitzroy. I thought it was the yellow crushed velvet flares I was wearing that put them off me and the fact that I was holding the hand of a man wearing a caftan, whose name also was Jack. But, yes, the Aboriginal community were not really accepting of me because of this nasty incident that happened. So it is my job to push the believers and to educate and inform.

For the edification of the wider Victorian community, we need to take ourselves seriously. It does take 10 years for some of us to unravel the misery that has been afflicting our lives since we got onto the drugs and the giggle juice et cetera. So I have a clear mind. I have a clarity of mind that I had totally forgotten that I ever possessed, and this is where I am now, being a public spokesperson.

**The CHAIR:** We greatly appreciate it.

**Mr CHARLES:** Thank you very much.

**The CHAIR:** Thank you so much for coming in, Jack, and please hang around.

**Witness withdrew.**