

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into a legislated spent convictions scheme

Melbourne—Wednesday, 19 June 2019

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

WITNESS

Dr Bill Stevens.

The CHAIR: Thank you so much for coming. Did you hear the information about the recording of the session today?

Dr STEVENS: I did, yes.

The CHAIR: Great. I will not repeat it in that case. We have received your submission, so thank you very much for that. We have got 10 or 15 minutes if you would like to—

Dr STEVENS: Okay, I will try to. I am a schoolteacher, so I have prepared a handout.

Mr ONDARCHIE: As long as it is not a PowerPoint.

Dr STEVENS: No PowerPoint. I am not a fan.

The CHAIR: Lilian will distribute it for us.

Dr STEVENS: With your permission, Chair, the other thing I would like to do is to circulate a photograph that is relevant.

The CHAIR: Great, of course.

Dr STEVENS: I also would like to acknowledge the traditional owners of the land—of the Woiwurrung and the Wurundjeri people—on which I live and thank the committee for taking on this very tough topic of spent convictions. As someone has said, there are probably no votes in it. So I am grateful.

I am probably the only person in the room that is a sexual offender, which is a pretty tough thing for me to say, and this scenario goes back to 1972. So this is something I have been living with for 47 years. I met—I will use a pseudonym for my teenage sweetheart. We will call her Meg. I met Meg at a church youth group and we fell in love and we had consensual sex. That is the first point in my story—an act which is no longer a crime in Victoria.

I have added in some statistics just to give you some context: 27.4 per cent of your 15 and 16-year-olds are having sex or sexual activity.

Ms LOVELL: I reckon it would be a lot higher than that.

Dr STEVENS: So the courts would be very busy if that were a crime today. So this represents not a large number of young people, but a large number of—

The CHAIR: There may even be some criminals in this—

Dr STEVENS: There may be some, yes.

The CHAIR: In this Parliament, yes.

Dr STEVENS: Of course. But these are sons and daughters. I might be an old man now, but I was somebody's son at one stage when this occurred. I refer you to the Tasmanian law reform report of 2012 where it is clear it is no longer a crime to be a teenager and to have consensual sex.

The second point is that I am a ten-pound Pom—actually I am a Scot from Glasgow, so forgive the lack of my accent. It was beaten out of me by my fellow students. We were very poor. Quite often we went without food. It was not uncommon to go to school without any food at all. I was a disadvantaged juvenile. I was 17 years old when this occurred, and needless to say there was no legal counsel, there was no legal support whatsoever, so I had no idea what was going on. I ended up in an adult court as a 17-year-old, and of course Meg and I were totally distressed by this entire event. I am not without remorse. I realise that my actions caused distress to the

family, Meg's family, and for that I am deeply sorry. Meg and I went on to get married with her family's blessing in 1974, two years after my conviction in 1972 for carnal knowledge with Meg.

So in terms of disadvantage, that goes to point 3 of your terms of reference for the spent convictions committee, so it goes to the heart of what you are trying to do. Notwithstanding the Aboriginal children that are overrepresented in courts, I was certainly a disadvantaged juvenile.

The third point I wanted to make is that the impact of the sentence far outweighs the low level of sentencing by Justice Frederico in 1972. The committee has the original transcripts of the court proceedings plus the police report, all of which describe me as a fine young person that was unlikely to offend in the future. This goes also to the Sentencing Advisory Committee's principles and practices, whereby the sentence should be in measure with the crime, and this is a low-level sex offence. This really comes to point 5 in my handout to the committee, and that is the conflation of low-level sex offences to serious sexual offences like rape. If you are really confused about what a low-level sex offence means and you think, 'Well, it's still a sex offence', think of sexting. The statistics for sexting are higher in some regards than sexual activity amongst teenagers. There are crimes for sexting. So conflating these less serious crimes is really at the heart of the problem I have now 47 years later after this event occurred, and it will continue until I die, and to me that certainly does not reckon with what the Sentencing Advisory Committee is advocating. I am pretty sure that Justice Frederico had no idea that I would be sitting 47 years later, after he gave this \$50 12-month good behaviour bond, telling my story to the panel.

So moving on, I think everyone is aware of the word 'sexting'. I will not go so far as describing that. The other aspect, and this is point 7 in my handout, is that the conflation in my research set out a particularly difficult issue for anyone dealing with sex offences, and that is: how do you schedule them? How do you schedule a low-level offence like sexting or consensual teenage sex with a violent rape? There is this terrible problem with the police release, that they conflate all of those together. Sexting is the same as violent rape. Even tonight we have heard people say, 'Well, my crime wasn't of a sexual nature'. I do not want to diminish the other stories, but it is very easy to conflate the offences into one group. I think that probably what is going to be the biggest challenge for the committee is to convince other states that we are different. We are going to have low-level offences treated differently.

The CHAIR: So in every other state you would be in the same situation even with the spent convictions, that your conviction would not be spent because it is considered a sexual offence.

Dr STEVENS: That is right, yes. I have tried to get registration as a teacher in Queensland and South Australia, and it is mandatory for them to reject my application. I have applied for a job as a taxi driver, and that was rejected by the taxi commission. I took it to VCAT and won that case; it cost me about \$700 or \$800 plus all the other thousands of dollars I have had in advice from criminal barristers leading up to this hearing today.

Ms LOVELL: So how did you get a job as a teacher?

Dr STEVENS: At the age of 17, because it was a good behaviour bond, I had no comprehension of what was going on. I cannot understand what happened really, and then when I got a scholarship to go to university my family were poor so I took a teaching scholarship, and at the end of that—and my degree in agriculture—I finished my diploma of education and was automatically placed into a school. I cannot remember the details of them asking for a police check. It was only in the last five or six years that this charge has appeared on my criminal record.

The CHAIR: You raise some really good points here.

Dr STEVENS: Thank you.

Dr KIEU: It is difficult.

The CHAIR: Yes.

Dr KIEU: You raised a very good point: how can we legislate to separate from the low level, and what is the demarcation that legally you are able to understand.

Dr STEVENS: Yes. That is why I invoked that story. If your son or daughter was convicted of a sexting crime, would you want them to be sitting 47 years later before another committee explaining that this is something that has prevented them from travelling overseas, having a life, having a choice of a profession as a teacher or a childcare worker? I applied for a job as a water meter reader. A friend of mine said, 'You could be a water meter reader, Bill'. I said, 'Okay. Let's go'. So I put all the paperwork in, and they said, 'Yes, we'll appoint you, but we want a criminal record check'.

Ms LOVELL: So, did you lose your job as a teacher?

Dr STEVENS: No, I am still registered in the state of Victoria.

Ms LOVELL: You are still teaching.

Dr STEVENS: Because I have been registered now for 42 years—at the time when this charge came up with the paperwork through the working with children check the Victorian Institute of Teaching had already registered me for so many years. So in Victoria they kindly let me continue my registration. I have been teaching now for 42 years. I am trying to retire, but I do some casual teaching work. But I have never had a problem with sexual offences ever since 1972.

Ms LOVELL: So, Bill, you have given us something else to think about. In this state under the last Liberal government the then Attorney-General, Robert Clark, expunged all the historic convictions for men who had been in homosexual relationships and been charged, which is no longer an offence either. Earlier in the day I was talking to the Chair about this and saying that perhaps after reading your submission we need to look at what other crimes are no longer crimes and whether those offences should be wiped from records.

Dr STEVENS: I did upload to Lilian a list. I did that research two nights ago actually. It was illegal to commit suicide up until 1958, the Crimes Act.

The CHAIR: That is right.

Dr STEVENS: It was illegal to be homosexual, the last case of which was in 1997 in Tasmania.

The CHAIR: Rodney Croome, yes.

Dr STEVENS: Those charges have only just recently been expunged in the last few years. It was also wrong to be a woman and to be married as a teacher.

Ms LOVELL: Yes, and the Liberal government allowed them to continue teaching as well, so all the great reforms come under Liberal governments.

Ms VAGHELA: I have just got one question. So you are saying that in 2015 when the police check came, it came with a conviction, Yes? In 2015 when you went to get the gambling licence, that is when you found out that—

Dr STEVENS: No, it was before that. I renewed my working with children check card. I cannot be exactly sure of the date, but it was three years ago that I contacted criminal barristers to seek advice about a spent convictions scheme. So it was around that time, 2015 to 2016, that I became aware that there was a charge, because I applied for a police criminal history check and it was there on the check.

Ms VAGHELA: Prior to that you had got the police check done?

Dr STEVENS: Yes, I had done in the late nine—

Ms VAGHELA: How long ago was that prior to 2015?

Dr STEVENS: There were police checks done prior to that but that offence did not appear on the earlier criminal history checks.

The CHAIR: It is just so random, isn't it?

Dr STEVENS: Yes. I did upload a letter from the Attorney-General's office last night saying that the police make these decisions and not the Parliament.

The CHAIR: Yes.

Dr STEVENS: Which I thought was quite interesting.

The CHAIR: Hopefully we will change that.

Ms LOVELL: We have been finding out about a few decisions the police make that the Parliament does not know about during this process.

The CHAIR: Thank you so much for coming in. We really appreciate it. Thank you, Bill.

Witness withdrew.