



PARLIAMENT OF VICTORIA – COMMITTEES

## LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

### Terms of Reference

59th Parliament

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#### **Inquiry into a Legislated Spent Convictions Scheme**

**On 2 May 2019, the Legislative Council agreed to the following motion:**

That -

1. pursuant to Standing Order 23.02 and Sessional Order 22, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than Tuesday, 27 August 2019, on the need for and potential impact of laws in Victoria to govern the disclosure of criminal history records, otherwise known as a legislated spent convictions scheme;
2. the Committee should consider the design of such a scheme that would be appropriate for Victoria, including, but not limited to —
  - a. the types of criminal records that should be capable of becoming spent;
  - b. the mechanism by which convictions become spent;
  - c. any “crime-free period” that should apply before a conviction may be spent including whether this should vary according to the age of the offender and type of conviction;
  - d. the effect of subsequent convictions during the crime-free period;
  - e. the consequences of a conviction becoming spent;
  - f. any offences and penalties that should apply for non-compliance with the scheme, including for disclosing or taking into account a spent conviction where this is not permitted;
  - g. interaction between a Victorian scheme and other jurisdictions;
  - h. appropriate exceptions, such as for particular offence categories or specific regulatory schemes; and

- i. the interaction between any proposed 'scheme' and other legislation, such as the *Assisted Reproductive Treatment Act 2008* and the *Working with Children Act 2005*;
3. in considering the need for and design of a legislated spent convictions scheme, the Committee should have regard to the experience of groups in our community who suffer particular disadvantage due to past convictions, such as young people and Aboriginal and Torres Strait Islander people; and
4. the Committee should be guided by the public interest in ensuring that the disclosure of criminal history records in Victoria operates in a fair and transparent manner and balances the interests of offender rehabilitation and reintegration with community safety, including the safety of vulnerable Victorians and the safety and wellbeing of victims.