

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

[REDACTED]

The CHAIR: The evidence that you give today is protected by parliamentary privilege, and that means that you are protected by law and that it cannot be used against you in a court of law or any other forum. We are recording it. You will receive a draft of the transcript, but ultimately it will be made public on our website.

[REDACTED]: Okay.

The CHAIR: Thank you so much for coming in. We have got a little bit of information out the back, but tell your story.

[REDACTED]: I was surprised to learn when I was volunteering for the Council to Homeless Persons as a peer educator that Victoria was the only state in Australia that embraced the human rights charter, yet we did not have a spent convictions register. We were actually in fact the only state in Australia that has not got a spent convictions register. That seemed to me like a huge contradiction.

Look, I had a troubled youth; I had a troubled past. I started using heroin when I was about 15 years old. We moved from Italy, from Rome, with my mother. My mother went back to university. We were left to our own devices. I was the only one from my siblings that really kind of hit the skids in a bad way. I started a journey through prison—going in and out of prison. I was surprised to learn when I had to get a police check and a working with children check when I was working with the Council to Homeless Persons that I actually had 538 prior convictions, and I have been to prison 13 times. In fact the very last time I went to prison the officers said that I would probably be extradited back to Italy because I was a serial pest. I know that I had advocated for various different people on different occasions because they were getting sent back to Italy and they had no family there, and they had lived here all their lives with their families. And I thought, what a tragedy. I mean, how can you do that to a family, break them up so much like that?

My charges were varied, but it was all fairly petty. My very last charge was escaping police custody, and I have never, ever been in trouble since. That was in 2004, so it is similar to Jack. My charges were deceptions with banks, they were stealing, they were robberies, they were begging on the street. I think probably I was one of those first people that come up to you and start hassling you for money and spinning all sorts of lies about it so that I could get my hit. I do not think I was a dishonest person; I think I was just desperate—I was just desperate. Basically I am just really disheartened that Victoria has only got like Odyssey House, Westside and Windana subsidised by the government, and those basically are the rehabilitation centres that are available to people in a situation like me. Other than that, you have got places that will charge you \$25 000 for a two-week stay, which is ridiculous because there is not one person I know who has given up heroin in like two weeks, and for \$25 000 you will get families selling their houses for that in desperation to try and get their children off the gear.

I have been leading a church for the last two years. I lead St Martin's Community Church, and I preach once a month. I was keeping it together when John Smith was kind of grappling with who he was going to get to lead. Everyone wanted to close it down and I really wanted to keep it together because I have had a personal experience with God that was totally transforming, life-changing and has sustained me and kept me on the straight and narrow.

The CHAIR: Great.

[REDACTED]: Through that journey—well, since 2004, I started studying. It has been a journey of studying. It is not only the prayer and the knowledge that sustained me, the support that I got through the knowledge that I have learned, the support that I have got mainly through prayer and constant laying down and re-evaluating where I am coming from and what my intentions are and evaluating all of the interactions of my day and how they have been and where they have been coming from. It has been a continual process of self-examination and laying that down for God and then being re-infused with a new, fresh unction of the Holy Spirit. And that is what keeps me going. That is what keeps me straight.

But I have had a huge struggle with trying to get a job. Actually, in 2006–2007 I started working at various different call centres, which was probably pretty good for me because I learned a lot there. There were a lot of kids coming out of uni. I had not done school. I was not plugging into school. I had not learned anything. I felt inadequate intellectually. So I learned a lot in these call centres doing basically research projects for various different government departments. I did not have to supply a police check; I just went in. I did not lie, but they did not ask me for one, so that was good. But I was trusted with sensitive information, because you have to sign a form saying that you are not going to disclose the outcomes of the research that you collect. But it is research.

The CHAIR: Yes, got you.

██████████: It is community research projects. Anyway it was quite helpful, but I was a bit of a rebel there because I was a union delegate. I did not like some of the oppression coming from management and the 5-minute toilet breaks and having to use that from your break time et cetera. I ended up having fights with management. In the end I got dismissed for—they said it was bullying. I took it to the Fair Work Commission and I understand there are various different right-wing people leading that forum, so the outcome was not a really good one for me, so when I appealed the submission, whatever it is—

The CHAIR: The decision, yes.

██████████: the decision, I did not win, so anyway. But that was probably the best thing that could have happened to me because I got offered a job as an NDIS support worker, and that is way more in line with where I am coming from, what I am passionate about. I had been applying for various different jobs as a support worker for aged care—social services of all sorts. I tried writing some film; I tried doing a bit of that. My brother is ██████████. So I tried taking that route, but I cannot get into the celebrity aspect of life. I cannot cope with the whole celebrity idea. It is really off-putting. It is deceptive. It adds to an unrealistic sense of self. So anyway—

The CHAIR: ██████████, I am conscious of time. It seems to me, looking at your submission and your thoughts, that you have actually given spent convictions some consideration. Do you have an idea of where we should draw the line on this? Would a spent convictions scheme help you if you were living in New South Wales? Your record, would it qualify?

██████████: Qualify for what?

The CHAIR: Would it qualify in a spent convictions scheme in other states?

██████████: Yes, it would. I have got a working with children check, and as I said, I am working as a support worker now. I do not have to disclose to my clients that I have had this troubled past. Sometimes I do. I am probably the best person for the job because I am really aware of having healthy boundaries, and I also understand the pathways to rehabilitation. I understand the pathways to getting better. I can relate to that. I can empathise with that.

I think, like ██████████ said, something like 10 years. I think probably in every other state it is around about 10 years, as long as you have not been in prison for over two years. All my charges were quite petty. There were a couple of them that they had to call me up about and query before giving me the working with children check; however, apart from that it was all kind of drug related.

I have been looking after the finances of the church single-handedly, so I am trustworthy with quite a large sum of money, being one of the main signatories for that. Even when I got this particular job it was quite humiliating. He said to me, 'Look, you've only got these convictions from 1986 that have come up on the police record'. I said, 'Well, no'—because I felt that I had to be honest—'there are actually 538, and I'll send you the 2011 copy that I got'. When I sent that to him, he sent it in to the government. The government, first of all, asked me, 'So what have you been doing since 2004?'—since my last charge of escape police custody. I told them what I had been doing. I told them that I had been working, and I told them I had been studying and that I had been responsible in various different ways. So they came back and put me on the NDIS workers exclusion list.

I am facilitating a barbecue—a community space—in Collingwood at the moment with various different Indigenous people as well that have been coming to access the service. We serve about 100 people a week from the local community, and we have got about 10 volunteers, so it is going well and we are looking at putting in some submissions and growing the—

The CHAIR: Fantastic. You do amazing work.

Dr KIEU: Just very quickly, to pick up on the Chair's question, 538 convictions is quite a lot, and it is repeat offending. What would you think about spent convictions drawing a line? Should it be applicable to people with so much reoffending?

██████████: Each time I got picked up for begging by the police, I got around about 10 or 12 charges. So you need to take that into consideration first of all. They pile you up with all these various different charges and define them in very many different ways, but also I think you have got to take it into consideration—you know, do a case-by-case consideration—and have a look at what the person is doing and how they have contributed since they have come out. I am not on mental health medication, and I am not on drugs. I am not an alcoholic. I am not a serial pest anymore. I am drinking water. I am doing barbecues. I am doing community services. I am contributing as much as I possibly can.

The CHAIR: As you have tonight as well, ██████████. Thank you so much for this evening, because it is, as you say, very important.

██████████: Can I just mention, perhaps I should not have said that my brother is ██████████. If you could just kind of wipe that off the transcript.

The CHAIR: Gotcha. Thanks.

Witness withdrew.