

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

Ms Pat Rodis.

The CHAIR: Thank you so much for coming in, Ms Rodis. Now, did you hear the information about—

Ms RODIS: I did. I was here.

The CHAIR: Great. Please relax and take your time. We received your submission and we received the letter from Stephen Charles as well.

Ms RODIS: Just the reference?

The CHAIR: Yes.

Ms RODIS: That was just more or less a preliminary. I have got a formal submission that I will be handing in that Stephen Charles is supporting as well.

The CHAIR: Fantastic.

Ms RODIS: He asked if he could speak to you and discuss these matters.

The CHAIR: Fantastic. Thank you.

Ms RODIS: Much of what I am going to say, Jeffrey Newman has already covered. Firstly, I wish to thank you, Fiona, for introducing the bill to Parliament and for chairing this inquiry. Thank you also to Lilian and members of the panel for offering us the opportunity to tell our stories. From these, you have an understanding of how imperative it is for the bill to be enacted.

I am Patricia Rodis, or Pat Rodis, and I am making this submission on behalf of my son, Michael Rodis, stating the compelling reasons why his sentence should be considered spent. Michael was convicted of blackmail charges and sentenced to 15 months—not the 18 months that Jeffrey said—wholly suspended for two years after he was wrongly advised to plead guilty in the County Court in 1994. In section 2, division 2, of the spent convictions there is a point at (a) which states that for a conviction for which a prison sentence greater than six months is given, a person may apply to the court for consideration. May I ask the inquiry to consider changing this? The six months that is now being considered—I am asking that you change it for sentences of up to 30 months, as is the case in New South Wales, thus avoiding the cost and time involved for making referrals to the courts.

I need to put before you also an outline of the history leading up to the trial. Another point that (f) mentions—‘the circumstances surrounding the commission of the offence’. These are the circumstances that I will outline, and mine is a more personal story.

My husband and I were away on holidays in September–October 1993. On returning, our world came crashing down. Michael came to us in a traumatised state. I can hear his sobbing and calling out, ‘Where’s Mum? Where’s Mum?’. My husband said, ‘What has happened?’. Michael said, ‘I blackmailed Jack Shea and was arrested’. Shocked, I asked, ‘Why would you do that?’. ‘The man is a paedophile’, he said. Shattered I moved forward to hug him and he moved away. ‘Don’t touch me, Mum. I’m the scum of the earth’. Those words are seared into my heart forever. We just all cried and cried. Shea had sexually abused and attempted rape on this little boy during the mid-1970s. Shea was a family friend, a prominent and highly regarded member of the community and our parish of St Roch’s in Glen Iris. He ran the St Vincent de Paul Society. He did the banking. He was chairman of the parish council and so on.

Michael’s trial was in 1994 and, as I have said, he pleaded guilty. We were novices in the way of the law, believing that if you did something wrong, you admitted to it. In the eyes of the law this is not so; there is no black and white. There were problems with the trial also. We arrived at court on the appointed day only to find out the case was not listed and changed to the next day. Our barrister, Elizabeth Gaynor, was not available for the next day. It was then also I realised that the legal aid solicitor had not obtained the psychiatrist’s report, but

the trial went ahead the next day with a different barrister. Bear in mind that this was in 1994 and the extent and horror of sexual abuse within the Catholic Church and other organisations had not been revealed, and at trial and again in the appeal against his sentence his claims of abuse were not really believed.

Mr Newman has covered lots of other points, so I will not reiterate any of those. Other details will be in my formal submission and, as I have already said, Justice Stephen Charles will support my submission.

So now I will address the benefits to Michael if his sentence were to be considered spent. Michael has endured 25 years of humiliation and shame because of this mistake. The shame would no longer be there. He has been a good, decent, hardworking man during all of this time. Options to travel or to seek employment are thwarted always because the question is asked, 'Do you have a criminal record?'. These options would be available if the bill went through. In his own eyes he would see a better person, no longer considered a criminal. His mental health would be greatly improved. Nothing can take away the abuse, but if the spent convictions bill is passed, one burden would be taken from him. Excuse me.

I will include a benefit for myself also here: I have been endeavouring for the past 15 years to have Victoria come in line with the other states and territories and have a spent convictions bill legislated. It is the only option Michael now has to clear his name. Should this sentence be considered spent, my efforts on his behalf would be some reparation for all the suffering he has endured and lessen the guilt I feel because I was unable to protect him from this paedophile when he was a little boy.

The CHAIR: Thank you so much.

Ms RODIS: It is a harrowing story.

The CHAIR: It is. It is really harrowing, and thank you. We are so privileged to have you here and I cannot imagine having to retell the story as you have, and you have done it so beautifully for us. I believe that you have given us even more reason to make sure that this changes.

Ms RODIS: Thank you.

The CHAIR: Was there anymore?

Ms LOVELL: No, it speaks for itself. Thank you very much.

Mr ONDARCHIE: Ms Rodis, there would not be a person in this room whose heart does not go out to you right now, so thank you for your strength tonight to come and see us. The thing I take out of this, Chair, is that we have got to get this right. I do not know what the solution is, but we are going to work this out and we have got to get this right.

Ms RODIS: Had he been a citizen of any other state, he would have had his name restored 15 years ago.

The CHAIR: That is right. Queensland did it 30 years ago.

Ms RODIS: Yes, I know, and when I first started doing this there was a territory and two other states that still did not have it, but since then they have come into line and it is only Victoria who now stands alone.

The CHAIR: It is very overdue.

Ms MAXWELL: I would just like to say, Ms Rodis, thank you so much for coming in and sharing that, and my heart goes out to you and to Michael.

Ms RODIS: I am pleased to be able to tell the story and see the injustice of it all.

Ms LOVELL: Has Shea been charged and sentenced?

Ms RODIS: Yes, a year later he was charged, but he was able to successfully keep putting off his trial. So Michael was then disadvantaged because Shea's trial was after his.

Ms LOVELL: Whereas if he had been convicted, it would have been—

The CHAIR: That is right.

Ms RODIS: If Shea had gone to trial, the story would have been totally different. As Stephen Charles says, he would never have been convicted.

The CHAIR: As you say, he was not believed.

Ms RODIS: No, the judge at Shea's trial called him a liar.

Ms MAXWELL: I think what is even more insulting is that he actually received a suspended sentence too, which—

Ms RODIS: I am sorry, I did not quite understand that.

Mr ONDARCHIE: He got three years.

Ms MAXWELL: Didn't Michael—

Ms RODIS: His sentence was wholly suspended for two years.

Ms MAXWELL: Yes, yes. So having that, I think with the spent convictions we also really need to be looking at our sentencing laws as a part of this too.

Ms RODIS: Yes, definitely. And the time that you are considering now is only six months. It is so important that that is extended because there must be others in the same position.

The CHAIR: That is right, and as we said to Mr Newman, we are considering everything. It is completely open. You have been very compelling, so thank you very much, Ms Rodis. Take care.

Ms RODIS: Thank you so much.

Witness withdrew.