



## **New framework recommended for disclosure of criminal record information**

The Legislative Council’s Legal and Social Issues Committee has today presented its [report](#) on the spent convictions inquiry, recommending a new framework in Victoria for controlled disclosure of criminal record information.

Under the Committee’s recommendation, criminal record information could be protected from disclosure where a conviction resulted in a maximum prison sentence of 12 to less than 30 months and certain conditions are met. Those conditions include a crime-free period of five to ten years for adult offenders and three to five years for juvenile offenders.

“This report addresses an issue that I believe needs urgent action from government. That is, the lack of legislation in Victoria which controls the availability of information in a person’s criminal record to employers and others. It also asks that the government look into this issue very carefully to determine exactly what the evidence says about who this should apply to and how long the crime-free period should be,” said Committee Chair Fiona Patten.

“At the moment even minor offences from over ten years ago will appear on a police record check when somebody applies for a job. This is beyond what the community and, as we learned, even victims of crime would expect in terms of justice,” Ms Patten said.

In its report, the Committee makes it clear that for the purposes of administration of justice, unimpeded access to criminal record information is essential to both the courts and the police.

Administration of justice and public safety exemptions are included as key elements of the new disclosure framework proposed by the Committee.

At the same time, the report recognises that protecting community safety through effective rehabilitation of offenders is the ultimate goal, rather than placing a stigma on individuals that follows them for the rest of their lives.

“What is not necessary is ongoing access to outdated and irrelevant criminal record information by employers and other third parties,” Ms Patten said.

“This can lead to discrimination on the basis of old and irrelevant information which may be seen completely out of context. The consequences of that discrimination can be to erect barriers to employment, education, housing and other opportunities. All of which are important to an individual’s journey towards rehabilitation and a crime-free life.”

Victoria is currently the only jurisdiction in Australia that does not have legislation to deal with this issue and the Committee's proposed framework seeks to address that.

"The Committee's recommended approach would provide redress to those in our community who deserve it through a legislated approach to controlled disclosure of criminal record information, in circumstances where that information really is irrelevant," Ms Patten said.

"Implementing this framework would ensure that barriers to employment for the vulnerable are lifted and put in place an important and final step in the rehabilitation of offenders. This is way better and more cost effective than the alternative of higher recidivism and incarceration rates."

The report is available from the Committee's [website](#).

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