

Introduction of spent convictions scheme a win for workers across Victoria

This month's passage of the Spent Convictions Bill 2020 in Victoria's Legislative Council will pave the way to rewarding employment for many jobseekers, says employment law expert.

Zana Bytheway, Executive Director of employment law community legal service [JobWatch](#), says that the introduction of a legislated spent convictions scheme represents a positive development in criminal justice reform and will protect the rights of Victorian workers by ensuring they are not disadvantaged by the disclosure of old, irrelevant and less serious offences.

"Through calls to our Telephone Information Service, it is clear that a criminal record, however old or irrelevant is a barrier to gainful and secure employment in an equitable workplace," says Ms. Bytheway.

"Employers are increasingly requesting jobseekers and employees to consent to a criminal record check which can include something as small as a traffic offence dating back twenty years," she says. "Between 1993 and 2018, the number of criminal record checks increased over 200-fold."

She gives the example of Scott, a 32 year old man whose job offer was rescinded after his criminal check came back with a 17 year old charge from when he was 16. He had been charged, but not convicted. He called JobWatch seeking information about his options – but at that point, his only option was to file a claim for discrimination on the basis of an irrelevant criminal record with the Australian Human Rights Commission (AHRC).

The AHRC can convene a conciliation conference to attempt to have the parties resolve the claim by agreement. However if no resolution is reached, there are no remedies available to complainants like Scott through the courts.

The Spent Convictions Bill will be beneficial for people like Scott whose charges are minor and from many years ago. It is expected to help protect people from the discrimination and stigma attached to most historical convictions, but other more serious convictions will remain on the record. The scheme will also make discrimination on the basis of a spent conviction unlawful, so Scott could have more options for recourse today if he was discriminated against.

"This is not the work of a moment – the passage of this bill represents the culmination of years of advocacy work by a coalition of industry bodies," said Ms. Bytheway.

"We've been campaigning for law reform in this space since 2007, and most recently we've been involved with the Woor-Dungin Criminal Record Discrimination Program, including the development of resources to assist those with "a criminal record" applying for jobs.

"This scheme will pave the way for rewarding employment for many jobseekers," she concludes. "We congratulate the Victorian Government for taking this important step to bring Victoria in line with other states and territories."

For more information about the Spent Convictions Bill 2020:

<https://www.premier.vic.gov.au/new-laws-give-victorians-hope-turn-their-lives-around>

Available for interview

- Zana Bytheway, Executive Director, JobWatch

Attachments

- JobWatch logo in high-res png
- Profile photo, Zana Bytheway

Contact

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About JobWatch

JobWatch is an independent employment law community legal centre supporting workers in Victoria, Queensland and Tasmania with their rights at work. We are committed to improving the lives of workers, particularly the most vulnerable and disadvantaged.

We believe in workplace justice and equity for all, and tailored legal information and support is a key component to achieving rights for workers. We provide this support to workers through our Telephone Information Service, our legal practice, our law reform work and community legal information.

For more information: www.jobwatch.org.au