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A Community Legal Centre

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A criminal record should not be a life sentence

The Equal Opportunity Bill falls short of recommendations and fails thousands of Victorians

The 2008 Review of Victoria's Equal Opportunity Laws - 'An Equality Act for a Fairer Victoria – Equal Opportunity Review Final Report (Department of Justice) – made recommendations that discrimination on the basis of an irrelevant criminal record should be prohibited in Victoria.

The new Equal Opportunity Bill has ignored these recommendations and failed to include any protections for Victorians with a criminal record. The Equal Opportunity Bill condones discrimination in the general public and denies people with a criminal record the right to work.

What is the impact of a failure to protect workers or people seeking work who have a criminal record?

The scope and impact of criminal record checking is widespread and perpetually increasing. 2.5 million National Police Certificates were processed through government endorsed checks in 2008-2009, putting aside checks conducted through private agencies operating off-shore.

The portion of the community affected is also substantial. Victorian courts sentenced close to 100,000 people in 2007-2008. The vast majority of matters are heard in the Magistrates Courts, and of these the lion-share are matters that are punished with a fine.

Combined with increased prosecution of public order offences, we are looking at large numbers of the population whose life prospects are severely hampered by a criminal record even where the offences are minor.

The recommended changes by the Review would have meant that a criminal record unrelated to the inherent requirements of the job would no longer be a legitimate ground for denying a person work opportunities.

In the Review people experiencing homelessness were also to be afforded protection from discrimination. They too have been denied their right to equal opportunity as a member of the community.

“The Government has rejected reforms which would have been a big step forward for workforce participation,” said Meghan Fitzgerald, a spokesperson for Fitzroy Legal Service. “Denying people with a criminal past a fair chance can become a life sentence of exclusion and doesn't give people a chance to move on.”

For further comment contact:

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