

Submission
No 20

INQUIRY INTO SPENT CONVICTIONS FOR JUVENILE OFFENDERS

Name: Name suppressed
Date received: 12/03/2010

Partially Confidential

Opening Notation:

This submission started off as an application to have a conviction "spent", however, when I found out that a Parliamentary Committee was currently considering a change in the law relating to this particular matter I decided to submit it in a more comprehensive Dual-format. I hope that it is still acceptable as it is, but if not please advise me on how I should make any changes to make it acceptable as a formal submission to support the much needed change to current law.

**TO WHOM IT MAY CONCERN. Re: NSW Parliamentary Committee.
"Enquiry into Spent Convictions for Juvenile Offenders." Nov. 2009**

I hereby request that my name and personal details be suppressed from any public view and that this submission be accepted as a legally binding document and statutory Declaration for which I would be willing to swear an affirmation or oath to. After reading the discussion paper I prefer the option presented as: **OPTION B.**

This is my submission in the form of an application to have the conviction of a child in 1953 considered "Spent". My preference would be to have the entire record "expunged" which I would consider to be "true justice" in this matter, however, "first things first".

I wish to apply for a single conviction recorded in February 1953 in Parramatta Childrens Court to be considered as a "Spent" conviction for myself only. The offence on record is of "Indecent Assault", of a minor nature, with a sentence of 18 months "Good Behaviour Bond".

The 18 month "Good Behaviour" sentence was served and there has been "NO OTHER" appearances before a court or any other charges laid of any nature to this day.

That to me equates to a "crime-free" period of roughly 57 years.

This was a case where two young boys were charged with "Indecent Assault" of a female, without evidence being presented, no witness, no statement of complaint read out in court, apart from the "confessions" presented by the Police, obtained by assault and threats in separate rooms with no witness to the interviews.

The two boys charged, and their parents, were offered NO legal counsel or assistance. The only people in the Childrens Court, apart from the parents were the Magistrate, stenographer, a Police Officer and the Department of Educations Welfare (Truant) Officer. The older boy, was 14 years old and the other was myself, [omitted at the request of the author], just turned 13 years of age on the [omitted at the request of the author]. The older boy's inappropriate behaviour, although not of a serious nature, was the reason for this action to be taken by the Police who needed to make the offence a serious one in order to justify it being presented in court.

The real story behind this matter can only be explained by myself now, as I have thought about it many times over the last few years and mistakes were made by a number of people and I would be willing to share the facts leading up to this case and offer my opinion as to why it happened. I lost contact with the older boy soon after this case and have never been able to find where he is or

even if he is still living.

After my being declared in 2004 to be a "Prohibited Person" by the NSW DEET Screening Unit, this matter was presented to the Administrative Decisions Tribunal and the Magistrate declared that I was not to be considered a "prohibited person" for any future child related employment.

The DEET screening unit employee did not bother to check whether, under the legislation covering the *Protection of Children act*, I was, in fact, by law, a prohibited person. The "act" specifically states that the sexual offence has to be proven to be of a serious nature and one that would require a 2 year gaol sentence and the position of employment sought was one that required me to be alone with a child/student "unsupervised" for more than a few minutes. This was not the case on both counts.

The position was for a two day school test in a high school as "Presiding Officer" where I was required to "preside" over a test with the entire 200 students attempting their school examination in the schools assembly hall, a position that required me to remain on a stage in the assembly hall for the duration of the tests on both days with seven supervisors and teachers present at all times..

The DEET Screening Unit got it wrong on both counts and this is another good reason why this archaic inquisition and "bullying" by certain individuals who believe they have a right to abuse the very law under which they are entrusted to administer, can do it, it appears, without any fear of retribution or punishment.

At 70 years of age, and the possibility of being asked to assist occasionally at schools attended by my Grandchildren (we have 7 Grandchildren, the eldest 18 and the youngest 4), I would be required to declare this single conviction to school staff, Teachers, office staff, whether employed full time or casual, and possibly, parents of other children, (if serving on the P & C), I believe this to be totally confronting and unfair as well as a serious abuse of my rights to privacy. I am not, and never have been, a person that might be considered by anyone, a potential threat to *any* child, and I would certainly challenge anyone who feels that they have a reason to think otherwise.

I have read the various "links" on the Attorney Generals web site regarding the provisions for having convictions "spent" and I find it very confusing, as it seems that the word "sexual" appears to override any avenues to alleviate this perpetual vilification of an elderly person, and their basic rights. I have lived an exemplary life, and enjoy a very high standing in the community where my wife and I have lived for over 48 years. We have just celebrated our 50th wedding anniversary on the [omitted at the request of the author].

We have three adult children. Our two Daughters are both School Teachers and our Son is a Medical Specialist (Doctor). We have raised our children to be decent, highly respected professional people and my Wife and I Have played a very close role of support in the raising of our older Grandchildren, to be outstanding students and individuals of which we are extremely proud.

My Question is this: Is it the wish of this Government to continue to stigmatise a decent and law-abiding senior citizen for no obvious or explainable reason, and to continue to punish a child into adulthood until they finally die?, and furthermore, a record such as mine, that is of no use or help to the Police Force which would be deemed "inadmissible" in any future court case. A record that

even the Education Department cannot act on ever again to stop me seeking employment, either on pay or volunteering.

What possible reason can be produced for this record to be kept and used until the day I die that has no purpose at all apart from it's potential to hurt and sully my name and "sense of being" in this life, by forcing me, by law, to "confess" this record of criminality when requested on a statutory Declaration form which requires me to declare these details of a disgraceful travesty of justice in 1953 ?

All I have stated on this document, I am prepared to swear to, under oath if necessary.

This is my personal submission and is for my benefit only as I am not interested in attempting to represent any other person or group as I believe that every case is different and needs to be assessed accordingly. I invite any comments and opinions with an open mind.

Yours Sincerely,

[omitted at the request of the author]

PRINCIPAL'S MESSAGE.

HOMEWORK POLICY

This year we will be trialling a new Homework Policy K-6 (as discussed at our parent information sessions last week).

A (we have now broadened the definition of home work, with students being encouraged to do their share of work in the home which may not be limited only to 'school-based' tasks.

Homework will be set as a grid with a strong emphasis on diversity, family life and active pursuits.

A detailed information sheet explaining the Homework Grid will be sent home with this newsletter.

Homework will commence for all students in Years 1-6 this week, with Kindergarten commencing 'formal' homework in Term 2.

CHILD PROTECTION REQUIREMENTS

It is a Department of Education and Training requirement that all personnel working with children (voluntary capacity inclusive) complete mandatory Child Protection forms.

I therefore ask that P&C Members, Canteen Helpers and any parents who assist across the school to please call in at the front office and collect the required forms.

Thank you for your anticipated co-operation.

MOBILE PHONES

I wish to remind parents that our school policy on mobile phones requires a consent form to be completed if you allow your child to bring a mobile phone to school.

Students are reminded that phones are not to be used during school hours.

SCRIPTURE

Scripture passages are provided for all students K-6 in the weekly newsletter.