

# Media Release

**The Hon Martin Pakula MP**  
Attorney-General  
Minister for Racing



Getting Things Done.  
Making Things Fair.

Thursday, 8 March, 2018

## CORRECTING THE HISTORICAL RECORDS OF VICTORIAN CHILDREN

The Andrews Labor Government will take action to address a serious historical injustice which saw Victorians effectively given criminal records for needing state care as children.

Historical recording practices meant that children who were removed from their homes or who needed state care were subject to care and protection applications, which may have been recorded as criminal convictions.

The Labor Government has been consulting with a range of stakeholders – including care leavers and Aboriginal advocates – about ways to correct the record.

As a result, Victoria Police will make the changes necessary to ensure that statements of criminal history do not represent care and protection applications as offences. The Children’s Court, DHHS and Victoria Police will provide contextual information to accompany the release of hard copy records.

The Labor Government tabled a letter in Parliament today which outlined a range of actions to acknowledge the harm and distress caused by the historical recording practices. The Government will now consider:

- A formal apology that acknowledges how these practices may have affected care leavers
- How the law can make clear that specific historical provisions under which children were taken into care and protection as a result of a care and protection application alone, did not create criminal offences and therefore do not give rise to criminal convictions
- If other laws need to be changed to correct the records if they are misleading and suggest criminal conduct.

While historical care and protection applications have never been criminal offences or given rise to criminal convictions, prior to 1992 there was no clear distinction between welfare and criminal proceedings. This resulted in historical care and protection applications being recorded alongside charges, convictions and sentences.

The Government recognises that these recording practices are likely to have had a disproportionate impact on the Koori community given past policies of taking Aboriginal children away from their families and into state care.

We will continue to consult with care-leaver groups such as the Care Leavers Australasia Network, Berry Street, Open Place and Connecting Home; and Aboriginal advocacy groups such as the Victorian Aboriginal Legal Service, the Victorian Aboriginal Child Care Agency and the Woor-Dungin Criminal Record Discrimination Project.

### Quotes attributable to Attorney-General Martin Pakula

*“No one should have a criminal record as a result of being forcibly removed from their home or for needing state care when they were a child.”*

*“These historical practices effectively created what appears as a criminal record for children when they were in need of care. We will correct the record.”*

### Quote attributable to Minister for Families and Children Jenny Mikakos

*“The Andrews Labor Government has been consulting closely with stakeholders and we will continue to work with them as we take the steps to right this wrong.”*

**Media Contact:** Holly Little 0437 381 620 | [holly.little@minstaff.vic.gov.au](mailto:holly.little@minstaff.vic.gov.au)