

in decision-making process that directly affect them. This is important not only for the making good policy, but also because such participation is a basic civil right in a democratic society. Moreover, a feature of liberal democracy is the encouragement of independent voices and collective representation in all important decision making forums. The demise of student unions will also restrict the plurality of values and political ideas expressed in university decision-making forums within the university and

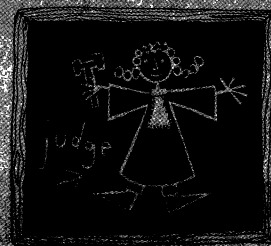
community more generally. And finally, it will severely diminish many of the services and facilities necessary for individual members of the community to thrive, while also eroding the collective life of the university more generally.

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LEGAL STUDIES

JULES ALDOUS has created a class exercise based on the article 'Do Not Pass Go — The Impact of Criminal Record Checks on Employment in Australia' by Dr Bronwyn Naylor (p 174).



Carefully read the article.

Working individually or in groups, answer the following questions

1. In recent years there has been a significant increase in requests for criminal records for employment purposes. The article states: 'A question about criminal record in a job application may affect more people than is realised'. Explain.
2. What types of offences do you think should be released on a criminal record check for employment? Justify your decision.
3. According to the article, what factors have contributed to the increased demand by employers for criminal record checks? Use dot points to summarise the factors discussed in the article. Can you think of any other reasons that you would want to add to this list?
4. When can an employer ask for a criminal record check as part of a job interview or job application?
5. What is a National Police Certificate?
6. The information disclosed on a National Police Certificate varies between States and Territories. For this question you may need to look at the information for your particular State or Territory. Using the CrimTrac website <www.crimtrac.gov.au> go to 'Links'. In the links section you will locate the website for the police in each State or Territory. Using the police website for your State or Territory, find out what information may be disclosed in a National Police Certificate.
7. What laws govern the type of information that can be released about individuals?
8. The nature of information released on a criminal record check can vary. In some States and Territories 'spent convictions' are not reported. In other States internal police policies may determine the type of information released.
 - What is a spent conviction scheme?
 - What do you think are the advantages of having a spent convictions scheme?

9. Discrimination in employment based on a past criminal record should be considered unlawful throughout Australia. Present arguments for and against this proposition.

Working in groups, discuss the following issues

1. 'Our prisons indicate high levels of recidivism: about 58% of people in prison have been there before ... UK studies have reported that employment can reduce recidivism by between a third and a half — but that 60% of ex-offenders were being refused jobs because of their criminal record.' How can the increased use of criminal record checks in employment be linked to recidivism?
2. The principle of proportionality requires that once the proper sentence has been set by the courts and served by the offender, no further punishment should be imposed. Is the use of criminal record checks in employment consistent with this principle?
3. Does the use of criminal record checks have the same impact on all people? Explain.
4. 'Criminal record checks as a solution are both too broad and too narrow'. Explain.

Prepare a poster: 'What you need to know about criminal record checks'

Find out more about criminal record checks. Your poster should include the following:

- The information that can be included in a criminal record check
- How to obtain a National Police Certificate
- When an employer can ask for a National Police Certificate
- Any situations in which a National Police Certificate must be supplied as part of an employment application
- A list of the advantages and disadvantages associated with the current system of criminal record checks.]

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