THE AGE

Jack Charles did his time, but his record remains a ball and chain

By Tony Wright
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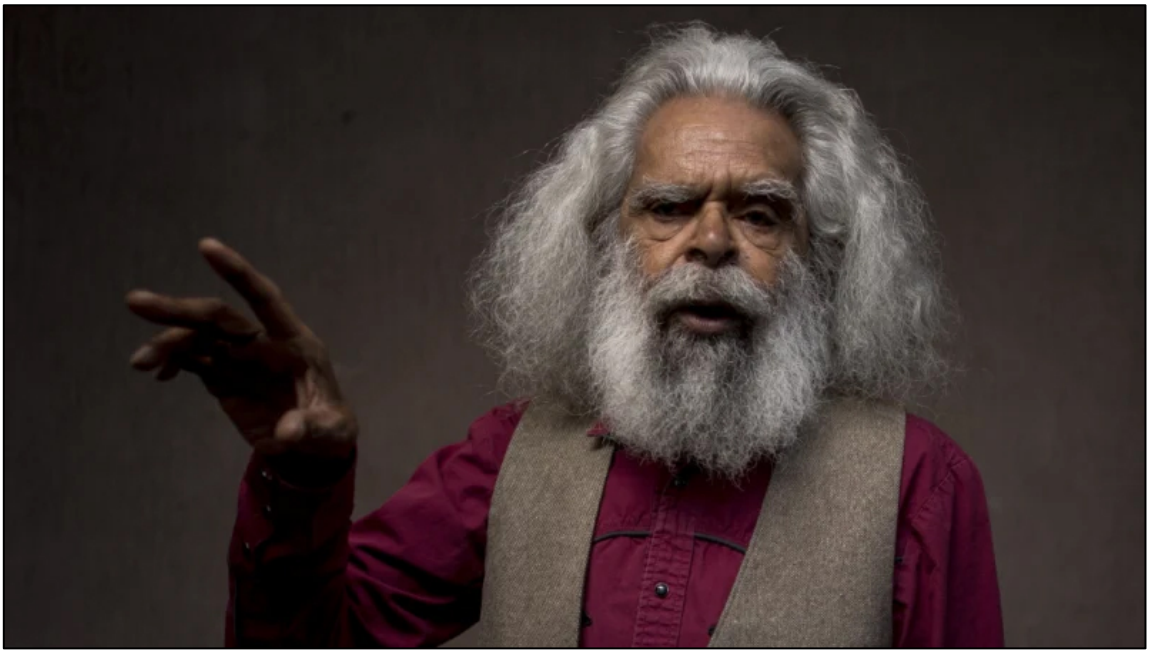
Jack Charles remembers no childhood comfort of a mother's embrace or a father's protection.

His dormitory bed at the Box Hill Boys' Home, after his infancy in a babies' home, was right next to a supervisor's room.



Aboriginal actor, activist and elder Uncle Jack Charles.

"I was the first one he came across when he scuttled out of his cubby hole in the night," recalls Jack, grimly.

He was the only Aboriginal child at the home, run by the Salvation Army. He was being "assimilated" into white Australia. In truth, little Jack Charles was being abused, sexually and physically, and set up for a life adrift.

Later, there was a suburban foster family.

He crept away to Collingwood one evening, having heard black people lived there. He came home expecting his foster mother to share his joy that he had found kin, including his biological mother.

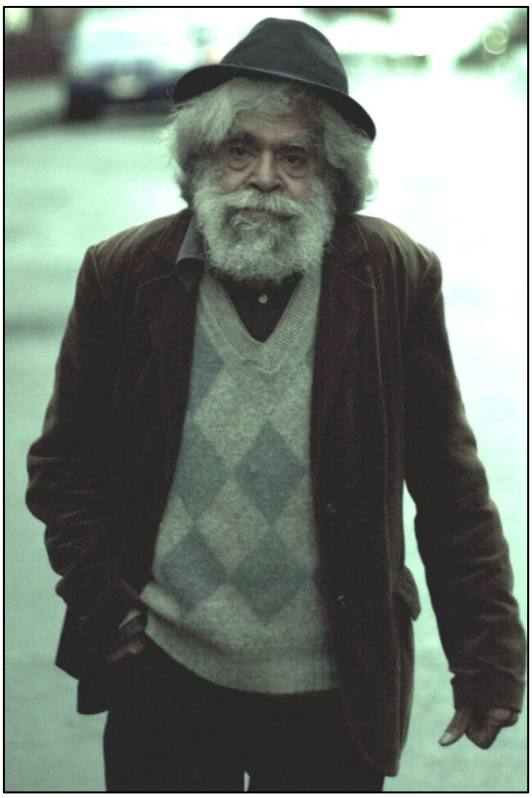
He was charged with leaving his foster home without permission, and taken into detention. It was his first conviction.

Jack Charles, then, was just about made for the caress of heroin. Heroin, unhappily, kills pain only a few hours at a time. And it's expensive. It would turn him into a cat burglar.

Charles, the featherfoot who crept into the mansions of Kew and Toorak to steal enough to keep his habit fed, told himself he was collecting rent for the land stolen from his people.

Regardless, he found himself regularly caught and hauled before the courts.

He was jailed 22 times from the 1970s until his last stretch, in 2006.



A shot from the 2008 film Bastardy, a warts-and-all portrait of Jack Charles as a heroin addict and burglar.

And then he saw himself through the eyes of others in a remarkable documentary called *Bastardy*, filmed by director Amiel Courtin-Wilson, who trailed Charles with a camera for six years of his life. What he and everyone else witnessed was an immensely talented man, a born actor, living homeless on the streets of Collingwood and Fitzroy, a burglar forever struggling to service his heroin addiction.
"I was embarrassed," says Jack. "I was an Aboriginal man, but I was living for the white man's drug."

And so he stopped.

The last time he was behind bars, he got himself cleansed the Indigenous way, in a healing run by an elder, Auntie Lorraine Peeters. The eyes cleared and he got his bellowing laugh back and he learned to cook properly in his own apartment. And thus emerged this Indigenous elder, respected now among his community as Uncle Jack Charles, storming the nation's stages as the splendid actor he always was.

Jack Charles versus The Crown became a runaway hit, with this small man with the big hair and the bigger voice affirming his Aboriginality and demanding the right for his criminal past to be expunged under the law, now he'd done his time.
But old crims don't get handed redemption. Especially not in Victoria.

Jack Charles, who knows more than most about how simple it is for a loveless childhood to turn into a life lost to addiction and hopelessness and crime, wanted to get back into those prisons to offer guidance and a message of hope to inmates: they could straighten out their lives, like him.

But for 10 years as a reformed man, he wasn't allowed through the door of prisons that had once dragged him in and slammed the bars behind him.

In the last few years, his reputation has persuaded prison governors that his mentoring sessions are worthwhile - but he is invited in only at their discretion.

Now he wants to establish a community centre in the Shepparton-Mooroopna area - from where he was snatched as a baby, aged four months - to begin teaching young people how they can turn their lives around. He doesn't want to limit it to Indigenous people, either: he sees young Africans, new arrivals and local kids veering to dangerous paths.

But, he says, his entreaties to establish such a centre have always come to nothing.

Why? He has a criminal record.

In Victoria, a criminal record stalks old crims like a mugger armed with a cosh.

Apply for a job worth having and there is the high chance of a police check. The record is revealed and the job offer vanishes.

All other states and territories in Australia, and the Commonwealth itself, have legislation that offers a chink of light.

Stay out of trouble for 10 years - and in some cases, for less time than that - and your old criminal convictions are considered to be "spent", either automatically or by court order. They won't, in many cases, be revealed when employers and the state come looking.

Victoria has no such legislation. Your Victorian convictions threaten to leap out and hogtie you just when you need a break, way down the years.

An Aboriginal association known as Woor-Dungin says Victoria Police conduct almost 700,000 criminal checks every year, and that Indigenous people are disproportionately exposed to harm by the unregulated disclosure of old and irrelevant criminal history.

The Fitzroy Legal Service, which has long pushed for “spent conviction” legislation, has gathered case studies that beggar belief, including that of a single mother raising two children in dire poverty who had a record for stealing a packet of noodles and a pregnancy testing kit, worth $11.60, and 10 years previously, food worth $15. Her application for a job as a cleaner at a hospital was rejected once her record for dishonesty - without the pitiful details - was disclosed.

The leader of the Reason Party, Fiona Patten, has been pushing a Spent Convictions Bill in the Victorian Parliament since last year. It is slowly making its way through the system.

Jack Charles, 75 now, says it can’t come quickly enough.

He wants to be able to tell more and more young people about his life, and to offer them something he once imagined was a fantasy: the chance that if they turn away from crime, they can, in 10 years, get a new, clean start.