

# Cultural Daily

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## General information about Spent Convictions in Australia

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The Australian legislation regarding criminal offences is devised in such a way as to allow Australian citizens to clear their criminal record after a certain time, known as the waiting period. Thus, any former convict can be considered fully rehabilitated and go on with his or her life without having to disclose to anyone their past convictions.

The Commonwealth and each Australian state and territory have their own legislation, commonly referred to as the Spent Convictions scheme. While the terms and conditions might vary across the country, they're all based on the same principle – allowing former convicts to have their offences stricken from their disclosable criminal record. Let's see what the Spent Convictions scheme means for you.

### What is the waiting period?

If a former convict manages to overhaul his or her life after being released from prison and are not charged or convicted for other offences for a certain period, the offence they were convicted for will no longer be disclosed when they need to get a national police check.

For adult offenders the waiting period is 10 years, while for juvenile defendants it is only 5 (or 3 in New South Wales). In some states, the waiting period starts from the moment an individual is found guilty in a court of law, while in others this waiting period starts from the moment a person is released from prison. Check your [local spent convictions legislation](#) to see which of these conditions apply in your case.

### Does the Spent Convictions Scheme apply to all offences?

The answer is no. The Spent Convictions scheme applies only to minor offences. Under Australian legislation, minor offences are those for which a defendant was sentenced to less than 30 months in prison or was not sentenced to prison at all.

### Are there exceptions to the Spent Convictions scheme?

The Spent Convictions scheme is mainly aimed at helping people looking for a job. If a past offence is no longer disclosed, the job applicant will have way better chances of getting that position since their criminal record will come back clean.

However, this does not apply when you want a job that requires working with children or

vulnerable categories, such as caring for the elderly or people with disabilities. Such positions require special background checks and absolutely all past convictions will be disclosed, whether spent or not.

Likewise, people looking for a job in the penitentiary system or some sensitive government positions will also be required to undergo thorough background checks, for which the Spent Convictions scheme does not apply.

Also, keep in mind that some offences of a sexual nature are not eligible to be spent.

### **How do you know what's on your criminal record?**

Generally speaking, past convictions that are eligible to be spent will automatically be sealed, which means they will not be disclosed during a routine background check. Basically, you don't have to do anything about it.

It should also be noted that offences in the state of Western Australia are not automatically spent. Applicants that are applying for a [police clearance in Western Australia \(WA\)](#) will need to apply to the Western Australia police department to have their offence "spent" and therefore not appear on their national police clearance record.

However, since Spent Convictions provisions vary from state to state it's easy to get confused. If you're unsure of your particular situation you can always perform a background check on yourself. This can be easily done through an online character check agency. You get your police check results in a couple of days and you'll have a clear idea of what your criminal record looks like.

If your past convictions have become spent you can apply for a job knowing there won't be anything damaging on your criminal record. According to the law, you are entitled to say you were never convicted in a court of law if asked during a job interview.

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