

Application to have a conviction extinguished – applicant is not the convicted person

Spent Convictions Act 2000 – Form two

Overview of the scheme

The scheme for the extinguishing of consensual homosexual offences is established under the *Spent Convictions Act 2000*. The scheme allows people to apply to have a conviction for consensual homosexual sex erased permanently from their criminal record. This means that a person's employment, appointment, licensing or travel opportunities are not affected by having a sexual offence conviction on their criminal record. If a conviction is extinguished the person will be under no obligation to disclose their prior conviction under any circumstances. Although the scheme is contained in the *Spent Convictions Act 2000* it operates differently from a spent conviction.

Under section 19B of the *Spent Convictions Act 2000* if the convicted person has died, an application may be made on their behalf by:

- (a) the person's legal personal representative; or
- (b) a domestic partner, parent, child or sibling of the person; or
- (c) a person who was in a close personal relationship with the person immediately before the person's death; or
- (d) if another person was involved in the activity that constituted the offence—the other person.

Assistance to make an application

If you require assistance to make an application under the scheme please contact ACT Legal Aid on 1300 654 314 or civil@legalaidact.org.au.

A guide to making an application is available at www.justice.act.gov.au.

Personal Information of the person making the application

Last Name:

First Name(s):

Street Address:

City:

State:

Postcode:

Email address:

Phone Number:

What is your relationship to the deceased convicted person?

What is the best way to contact you in relation to your application?

If you are the other person involved in the activity that constituted the offence:

Date of birth:

Gender:

Details about the deceased convicted person

Due to the passage of time we understand that you may not know or have access to all of the requested information. Please try to answer these questions to the best of your ability. The more information you can provide will better assist us to assess your application.

Please include the details of the deceased convicted person in the fields below.

Deceased's name at time of conviction:

Deceased's birth date:

Deceased's address at the time of conviction:

Deceased's date of conviction:

Court in which the deceased person was convicted:

Offence deceased convicted of:

Name and birth date of other person involved in the sexual activity:

Supporting documentation

Please list and attach copies of any documents you have to support your application. Examples of documents you might attach that relate to the conviction include a newspaper article, personal correspondence or documents in relation to the conviction, a police report, a charge sheet or a copy of the convicted persons criminal history.

List of supporting documents (please attach an additional list to this application if enough space is not provided).

	Name of document
1	
2	
3	
4	
5	

Declaration

I understand that because of me making this application officers of the Justice of Community Safety Directorate will make reasonable attempts to obtain documents related to the conviction such as police records and court documents to inform the decision maker under the scheme.

I understand that these documents will be obtained under section 19F of the *Spent Convictions Act 2000* and that officers do not require my consent to obtain this information.

I declare that, to the best of my knowledge and belief, the information provided in this form is complete and correct. I understand that giving false or misleading information is a serious offence.

Name of applicant:

Signature:

Date:

Submit your application

This application should be addressed to:

Executive Director
Legislation, Policy and Programs
GPO Box 158
CANBERRA ACT 2601

Or alternatively email jacslpp@act.gov.au.

Approved form AF2015-150 approved by David Pryce, Acting Director-General, Justice and Community Safety Directorate on 22 December 2015 under section 22A of the Spent Convictions Act 2000.