

**Legal Yarns**

# Spent Convictions



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*Artwork by Dixon Patten, a proud Gunnai, Yorta Yorta, Gunditjmara and Dhudhuroa man.*

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## Spent Convictions



### What is a spent conviction?

The term 'spent conviction' refers to when a conviction becomes 'spent' it no longer appears on your criminal record in most cases.

### Does a spent conviction show up on my record?

Once a conviction is spent it won't appear on a standard criminal record or police check, and no one can ask you to share information about the conviction. For example, when you're applying for a job, you don't have to disclose spent convictions, and the employer can't ask you to either.

### When will a spent conviction appear on my record?

In most circumstances a spent conviction will not be on your record. But there are some circumstances where a spent conviction is disclosable. These exceptions usually relate to an action of law enforcement. For example - by police, courts or tribunals, or accreditations and regulations.

The exceptions for providing information about a spent conviction include:

- Applying for Working with Children Checks.
- Police and Corrections performing law enforcement functions.
- Courts and tribunals in performing their duties.
- Applying for certain registrations or licences. Including accreditation and regulations like health professionals, lawyers or teachers.
- Immigration processes.

Although convictions that have been 'spent' may be available in the limited circumstances listed above, this information cannot be shared, and there are very strong protections made sure of this. A standard police check that is conducted for the purpose of applying for a job won't include any information about your spent conviction.

### I have an old conviction – can it be spent?

There are a few things that influence **when** and **what** convictions can become spent.

### When is a conviction eligible to be spent?

Some convictions are spent automatically after a period of time, and some require an application to the Court.



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There are different time periods, or 'waiting periods' for when a conviction can become spent, as well as how the conviction will become spent. Although there are different periods, all periods require that a person is not convicted of new offending in that time. If a person is convicted of another offence during the 'waiting period' then the waiting period will restart.

For people who were convicted when they were **under 15 years of age**, a conviction will become spent on the same day of sentencing.

For people who were convicted when they were **under the age of 21 years old**, a conviction will be eligible to be spent five years after the date of sentencing.

For people who were convicted when they were **over 21 years old**, a conviction will be eligible to be spent ten years after the date of sentencing.

**If you have an old conviction and want to know if it can be spent, you can call VALS on 1800 064 865.**

### Can Claudia have her conviction spent?

Claudia was convicted of possession of marijuana when she was 32 years old. Because it was her first offence she was convicted and sentenced to pay a fine. Because of Claudia's age her conviction is eligible to become spent in ten years. As the sentence was a fine, the conviction will be spent automatically at the end of the ten-year period, provided she is not convicted of other offences in that time.

There are three ways a conviction can become spent:

1. Spent automatically immediately,
2. Spent automatically after a certain period, and
3. Spent with an application to the Court (these are *serious convictions*).

Some serious convictions, like murder or manslaughter, can never be spent. **If you have a serious conviction, you can call VALS to find out more information.**

### Convictions spent automatically

Some convictions become spent automatically, meaning you don't need to apply to have the conviction spent. A conviction can become spent immediately or after a set period.



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Convictions that are spent immediately include:

- When the court makes a finding 'without conviction'.
- If the person was under 15 years of age when they committed the offence.
- When the penalty imposed was a fine in the Children's Court.
- When the conviction is for an infringement or a fine.
- If the conviction was a qualified finding of guilt under the Crimes Mental Impairment Act 1997.

Other non-serious convictions will be automatically spent after a period of either 5 (child/young people) or 10 years (adults).

### Convictions spent with an application

Some more serious convictions require a person to make an application to the court for a *Spent Convictions Order*. Convictions that require an application to be spent include:

- Convictions for a sexual offence.
- Conviction of a serious violence offence.
- Convictions where the sentence included more than 2.5 years (30 months) in prison.

To make an application to spend a serious conviction you need to wait until the expiry of the relevant conviction period – that is, 5 or 10 years.

**If you have a serious conviction and want to know if it can be spent, you can call VALS on 1800 064 865.**

### What if I have multiple convictions?

Even if you have multiple convictions, you may still be eligible to have some, or all convictions spent. VALS can help you figure out if your convictions are already spent, or if you are eligible to have your convictions spent.

**Wondering if your conviction is eligible? Call VALS and we can help.**

## Can my conviction be spent if I am in custody or completing my sentence?

It is unlikely that a conviction can become spent if you are still in custody or completing a sentence.

Although you may not be able to have a conviction spent now, you can still call VALS for a yarn once you're out of custody. We can tell you when your conviction will be able to be spent, and



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what to expect when making an application. We can also give you information that can help you start planning towards an application for a spent conviction.

## Applying for a Spent Convictions Order

### Does it cost to apply for a Spent Convictions Order?

If you have a serious conviction you may need to apply to have it spent. There are no costs to make this application, but there may be some things you need to pay for in support of your application. For example, getting a police check.

**VALS can help you with the costs of getting a police check, and may also be able to help you with your application. Call VALS on 1800 064 865 for a yarn.**

### Do I have to go to court?

Some applications can be determined without you having to go to court, but some more serious convictions might mean you have to go to court.

We can provide you with information and advice, and may be able to help you make the application.

If your conviction can be spent automatically you don't need to go to court.

### What if I have already made an application?

If you have already made an application and it was refused you may have to wait two years before making the application again.

If you have new information that supports your application, you may be able to apply again in that two-year period.

**If you have already made an application and it was refused, you should call VALS for information and advice.**

## Does a spent conviction impact a Working with Children Check application?

Laws about spent convictions do not change the Working with Children Check (WWCC) application process. During a WWCC application Victoria Police will disclose a person's criminal record including any spent convictions to WWCC provider.

**For more information or to speak to our legal teams,  
call VALS on 1800 064 865.**



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It's important to know that even though information about these convictions may be shared doesn't mean you will automatically be denied a WWCC.

The WWCC provider will consider the information and spent conviction, and they may ask you to give them information about the conviction or your current circumstances. **VALS can help you with this process, call us for a yarn if you have any questions or concerns about a WWCC.**

If your WWCC is denied the check provider will give you reasons for this. They can't tell your employer the reasons for denying your application. If your application is denied you may be unable to make another application for 5 years. **If this happens, you should call VALS for advice and support.**

## What if I'm treated differently because of a spent conviction?

It is against the law for someone to treat you differently because of a spent conviction. This is discrimination.

Some examples of discrimination include:

- Not hiring someone or firing someone because of a spent conviction.
- Not allowing someone to participate in an educational program because of a spent conviction.
- Refusing an application for housing or accommodation because of a spent conviction.
- Refusing to provide a service, like a health or community service because of a spent conviction.

These are just some ways a person could be discriminated against for a spent conviction.

**If you think you have been discriminated against because of a spent conviction you should call VALS for a yarn.**

## Where can I get help?

If you'd like more information, or to speak to our legal teams, you can call VALS on 1800 064 865.

You can find out more information about our legal teams and the types of issues they can help with via [our website](#).



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### Disclaimer

This document contains general information only and does not constitute legal advice or services.

**This fact sheet was published in May 2025. All information is accurate as of date of publication. For further information please head to VALS website.**



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