



How do you ask for old convictions to be spent?

This fact sheet has information on how to ask for old convictions to be spent after you have been sentenced, when and how you can ask for old convictions to be spent, how you can ask for serious and lesser convictions to be spent, and how Legal Aid WA can help.

Can I get my conviction spent after I have been sentenced?

If you do not get a Spent Conviction Order at sentencing, you can ask for one later on. This is called asking for an old conviction to be spent.

When can I ask for old convictions to be spent?

In most cases, you must wait 10 years (plus any length of imprisonment given for your offence) before you can ask for your conviction to be spent.

The waiting period is less for some offences, for example the waiting period is 3 years for an offence of possessing cannabis recorded after 1 August 2011.

There are rules about what happens to the waiting period if you are convicted of new offences before your old convictions have been spent.

Whether your conviction is spent will depend on a lot of different things.

These include your personal circumstances, the type of conviction, how old the conviction is, and your criminal history.

“How you ask for an old conviction to be spent will depend on whether it is a serious conviction or a lesser conviction.”

How do I ask for old convictions to be spent?

How you ask for an old conviction to be spent will depend on whether it is a serious conviction or a lesser conviction.

A serious conviction is when you were imprisoned for more than one year or received a fine of more than \$15,000 for your offence.

If you received a punishment less than this, your conviction is a lesser conviction.

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How do I ask for a serious conviction to be spent?

You ask the District Court of Western Australia to spend your serious conviction.

Legal Aid WA has a detailed self-help guide on our website, including the forms you need to fill out, to help you with this process.

“You ask the Commissioner of Police to spend a lesser conviction.”

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How can Legal Aid WA help?

The Legal Aid WA website has a self-help guide on applying to have old convictions spent.

How do I ask for a lesser conviction to be spent?

You ask the Commissioner of Police to spend a lesser conviction. You can do this by either:

- » Filling out the form on the WA police website and positing it to the address shown on the form, or
- » Applying for a National Police Certificate. Eligible lesser convictions will be spent automatically and will not show up on the certificate.

“The Legal Aid WA website has a self-help guide on applying to have old convictions spent.”