



# What is a spent conviction?

**This fact sheet has information on what a conviction is, what it means to get a spent conviction, how you can get a spent conviction, and how Legal Aid WA can help.**

## What is a conviction?

A conviction is a record that you have committed a criminal or traffic offence.

A conviction is recorded when you:

- » say you are guilty in court, or
- » are found guilty after a trial in court, or
- » send in a written plea of guilty to the court, or
- » do not attend court and are found guilty in your absence.

**You can apply for a spent conviction from the court at the time you are sentenced.**

## What is a spent conviction?

A spent conviction means that generally you do not have to tell anyone about your conviction, even where a criminal conviction must normally be disclosed. However, there are times when you have to disclose your criminal conviction even if it is spent. For example, if you are working with children, for police or in prisons.

If you go back to court for another offence, the court will always be able to see your spent conviction.

## How can I get a spent conviction?

What we tell you now applies only to State offences. There are different rules and processes for Commonwealth convictions.

You can apply for a spent conviction from the court at the time you are sentenced. This is called a Spent Conviction Order.

Alternatively you can apply to the police or the court to have an old conviction declared spent, but you must generally wait at least 10 years before you can apply.

Whether you get a Spent Conviction Order will depend on a lot of different things. This includes your personal circumstances, the type of offence, the penalty you receive and your criminal history.

## How can Legal Aid WA help?

A Legal Aid duty lawyer may be able to help you ask for a Spent Conviction Order at the Magistrates Court.

For more information, videos and self-help guides on spent convictions, see the Legal Aid WA Website.

This fact sheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information, but does not accept responsibility if it is not.

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