

Convictions and criminal records

1 Introduction

If you have to go to court for a criminal charge (or if you get an on-the-spot fine, or a warning or caution or youth justice conference), there are a few things you will probably want to know:

- Will I have a criminal record?
- Who can see my criminal record?
- Will my record affect me getting a job or doing other things like travelling?
- Will my criminal record get wiped later on?

These are not easy questions to answer. The answer depends on factors such as your age, the type of offence you committed, which court you went to, and the outcome.

2 What is a conviction?

So, what is a conviction?

This can be confusing, because the word “conviction” can be used to mean different things.

A “conviction” can mean either:

- that you have been found guilty of an offence in a court.** Being “convicted” of an offence means that a court has found you guilty, or that you have pleaded guilty (the opposite of “acquitted”, which means being found not guilty); or
- that the court has formally recorded a conviction against you.** If you are found guilty the court will usually, but not always, record a conviction. If the court has recorded a conviction, this will go on your criminal record.

To make it even more confusing, sometimes the court will find you guilty without recording a formal conviction, but the *Criminal Records Act 1991* (NSW) will treat it as a conviction and it will end up on your criminal record.

Convictions don’t always stay with you forever. Most convictions can be “spent” after a period of time.

In this fact sheet when it refers to a “conviction”, it usually means a formal conviction, the kind that appears on your criminal record.

3 When will a court record a conviction?

3.1 Adults

If you are found guilty of an offence committed as an adult (i.e. aged 18 or over), a conviction will usually be recorded automatically.

However, the court may decide to:

- (a) dismiss the charge without a conviction under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999* (NSW) (known as a “**section 10**”), or
- (b) put you on a **conditional release order** for up to 2 years without recording a conviction. This is often called a “**non-conviction CRO**”, or sometimes a “**section 10(1)(b)**” and used to be known as a “**section 10 bond**”; or
- (c) if you have a cognitive impairment or mental health impairment, dismiss the charge under **section 14 or 19** of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW).

When deciding whether or not to record a conviction, the court will consider things like your age, background, health, any disabilities, any previous findings of guilt, the seriousness of the offence, and any special circumstances.

However, the law on criminal records (see part 5 of this fact sheet) says that *you may have a criminal record even if the court has not recorded a conviction against you*. For example, if the court gives you “non-conviction CRO”, the *Criminal Records Act 1991* (NSW) deems this to be a conviction until the order has expired.

3.2 Children’s Court

A Children’s Court cannot record a conviction against you if you are **under 16**. The law is not completely clear, but it seems this means under 16 at the time of sentencing, not at the time of the offence.

If you are aged 16 or over, the court can decide whether or not to record a conviction.

However, the law on criminal records (see part 5 of this fact sheet) says that you may have a criminal record even if the court has not recorded a conviction against you.

3.3 Children with traffic matters in Local Courts

If you are old enough to have a learner licence (16 years for cars, 16 years and 9 months for motorcycles) and you are charged with a traffic offence, you will go to the Local Court unless you have a related criminal charge that the Children’s Court is dealing with.

The Local Court may use adult or children’s sentencing options. If it uses children’s sentencing options, the law about recording convictions is the same as in the Children’s Court. If it uses adult sentencing options, the law is the same as for adults.

3.4 Children in District and Supreme Courts

If you are under 18 and your charge is too serious for the Children’s Court (e.g. robbery armed with a firearm), you will go to the District or Supreme Court.

These courts may record a conviction against you even if you are under 16.

Note that if you appeal to the District Court against a conviction or sentence from the Children’s Court, the District Court “stands in the shoes” of the Children’s Court, so the rules about convictions are the same as for the Children’s Court.

4 What is *not* a conviction?

The following things might appear on your criminal history, National Police Certificate, court alternatives history, or traffic record (see part 5 of this fact sheet for information about these different types of records), and they might have to be disclosed in some situations.

However, they are *not convictions* and they will not be part of your criminal record.

4.1 Charges that are withdrawn or dismissed

You will not have a conviction if:

- you are found not guilty;
- the prosecutor withdraws the charge; or
- you are found guilty but your conviction is annulled, quashed or set aside on appeal.

4.2 Pending charges

Charges that have not been finalised are not convictions. You are presumed innocent until proven guilty.

Even if you have pleaded (or been found) guilty, this is not usually treated as a conviction until the sentencing proceedings have been finalised.

4.3 Diversion under the *Mental Health and Cognitive Impairment Forensic Provisions Act*

A person with a cognitive impairment or mental health impairment might have their charge dismissed under section 14 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW)* (similar to section 32 of the old *Mental Health (Forensic Provisions) Act 1990 (NSW)*), or section 20BQ of the Commonwealth *Crimes Act* for Commonwealth offences.

A person who is a “mentally ill person” or a “mentally disordered person” may have their charge dismissed under section 19 of the Act (similar to section 33 of the old Act).

The court can use these options at any stage, without any plea being entered and without any finding of guilt.

Even if there has already been a finding (or plea) of guilty, matters dismissed under section 14 or 19 are not usually deemed to be convictions.

4.4 Children dealt with under the *Young Offenders Act*

If your criminal matter has been dealt with by warning, caution or youth justice conference under the *Young Offenders Act 1997 (NSW)*, a conviction will *not* be recorded.

Records of conferences and cautions will appear on your “court alternatives history” (see part 5.3 of this fact sheet). They may be taken into account by the Children’s Court in different proceedings (e.g. in sentencing you if you commit another offence). They *cannot* be taken into account by an adult court.

Generally, records of conferences and cautions do not form part of your criminal record, but see part 7.5 of this fact sheet for when they must be disclosed.

4.5 On-the-spot fines

When you are given a penalty notice (also known as an infringement notice or on-the-spot-fine) or a CIN (Criminal Infringement Notice), no conviction is recorded against you, whether you pay the fine or not. Payment of the fine is not an admission of guilt.

However, if you elect to take the matter to court, and you are found (or plead) guilty, a conviction may be recorded against you.

Also, if you get a penalty notice for a traffic offence (e.g. speeding, not displaying P-plates), this will show up on your traffic record. Although these are not convictions or findings of guilt, they can still be taken into account by a court when sentencing you for a traffic offence.

4.6 Apprehended violence orders (AVOs)

An application for an apprehended violence order (AVO) is not a criminal charge. Having an AVO made against you does not give you a criminal record.

It is a criminal offence to *breach* an AVO.

Even though it doesn't give you a criminal record, having an AVO made against you might affect you in some ways, e.g. it may stop you from getting a firearms licence.

For more information see our fact sheet on *Apprehended violence orders*.

5 What goes on my criminal record? How is it different from a “criminal history”, “police record” or other types of records?

There are many different terms used to describe a person's criminal record. These include “*criminal record*”, “*criminal history*” and “*police record*”.

These terms are often used incorrectly. Below is an explanation of what is included in each of these records and how the particular record can be used.

5.1 Criminal record

A criminal record is a *record of convictions* against you.

The *Criminal Records Act 1991* (NSW) sets out what goes on your criminal record, how long it stays there, and how your record can be taken into account.

*The Act treats a **finding of guilt** as a “conviction”, whether or not the court has recorded a formal conviction.*

A finding of guilt won't be treated as a conviction if:

- the charge is dismissed under section 14 or 19 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW), or section 32 or 33 of the old *Mental Health (Forensic Provisions) Act 1990* (NSW);
- the Children's Court dismisses the charge without a caution under section 33(1)(a)(i) of the *Children (Criminal Proceedings) Act 1987* (NSW);
- the Children's Court refers a child to a youth justice conference or issues a caution under the *Young Offenders Act 1997* (NSW) (when a child admits to the offence for the purpose of the *Young Offenders Act*, this is not equivalent to a formal finding of guilt).

A conviction will be part of your criminal record until the conviction is *spent*.

Some convictions can never be spent. Even if your conviction is spent, you still might have to disclose it for some purposes. For more information about spent convictions see part 6 of this fact sheet.

5.2 Criminal history

Your *criminal history* contains information about all your previous criminal charges in court, even if:

- you were found not guilty,
- the charge was withdrawn,
- your charge was dismissed under the *Mental Health and Cognitive Impairment Forensic Provisions Act*, or
- you were found guilty but no conviction was recorded.

When making decisions about *bail*, courts are usually allowed to see your full criminal history, including charges that were withdrawn or dismissed.

When making decisions about *sentencing* you for an offence, courts are usually allowed to take into account all previous findings of guilt against you. This includes matters where no conviction was recorded and spent convictions.

5.3 National Police Certificate

If you are asked to apply for a “police check” for a job or visa application, this will usually involve applying for a National Police Certificate.

This is similar to a criminal record, in that it includes your convictions. However, it can also include pending charges, warrants, and sometimes even spent convictions.

See part 8.1 for more information.

5.4 Court alternatives history

A court alternatives history is a record of cautions and youth justice conferences under the *Young Offenders Act*.

The Children’s Court is allowed to see this when deciding how to deal with you for another offence, but other courts are not allowed to see it.

It doesn’t form part of your criminal record and you usually don’t have to disclose it to anyone (see part 7.5 for exceptions).

5.5 Traffic record

Traffic convictions and infringements are separately recorded by Transport for New South Wales (TfNSW). Police access the records from TfNSW on request.

Penalty notices (on-the-spot fines) for traffic offences will show up on your traffic record. Although these are not convictions, they can be taken into account by a court when sentencing you for a traffic offence (or when dealing with a licence suspension appeal or similar application).

5.6 Police Charge Management System

As well as criminal records and criminal history information, the police record-keeping system includes a lot of information such as: questioning by police, warrants, arrests, informal warnings, formal cautions and youth justice conferences, charges, fingerprints and photos taken when you are charged, and details about people who have been victims of crime or witnesses.

Police may also have “intelligence” about people on the COPS system (Computerised Operational Policing System). This information is gathered from a variety of sources and is not always accurate.

Police can use all of the above information for their own purposes, but would generally not be able to disclose it to employers and the general public. You may be able to get a copy of this information through a GIPA (Government Information Public Access) request to the NSW Police Force.

Generally, there is no way to have these records destroyed. However, in some situations the Commissioner of Police may destroy or amend some types of information on request.

Fingerprints and photographs may also be destroyed in some circumstances (see our fact sheet on *Police powers and your rights*).

6 Does your criminal record ever disappear?

6.1 Does your juvenile record disappear when you turn 18?

No, it's much more complicated than that!

6.2 What does it mean if your conviction is spent?

Most convictions will become “spent” after a certain period of time. This means that, for most purposes, the conviction is no longer part of your criminal record.

In general, you don't have to disclose spent convictions (and the police can't disclose them) to anyone.

However, even when a conviction is spent, it remains part of your criminal *history*. Spent convictions may still lawfully be disclosed or taken into account in some circumstances.

6.3 What convictions can become spent?

Most convictions imposed for offences in NSW can become spent.

Some convictions can *never* become spent. The main ones are:

- Convictions for sexual offences.
- Convictions involving a full-time prison sentence of more than 6 months.
 - This means the total sentence (“*head sentence*”), not the actual period of time you spend in prison. For example, if the court sentenced you to 9 months' imprisonment with a non-parole period of 5 months, your conviction could not be spent.
 - It does not include an intensive correction order (ICO) unless it is revoked and converted to a full-time sentence.
 - It does not include a control order imposed for a juvenile offence.

6.4 When does a conviction become spent?

Some convictions are spent **immediately**. These include:

- charges dismissed under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act*;
- charges dismissed with a caution under section 33(1)(a) of the *Children (Criminal Proceedings) Act*;
- some other Children's Court outcomes, e.g. a fine, where no formal conviction was recorded.

Some convictions are spent **on completion of a good behaviour bond or similar order**. These include:

- conditional release orders without conviction under section 10(1)(b) of the *Crimes (Sentencing Procedure) Act*;
- bonds or probation orders imposed on children without a formal conviction being recorded.

Other convictions are spent **at the end of the relevant crime-free period** (see below).

6.5 What is the crime-free period?

The *crime-free period* is a period after the date of your conviction during which you have *not* been:

- convicted of an offence punishable by imprisonment; or
- in prison because of a conviction for any offence; or
- subject to a juvenile control order; or
- unlawfully at large (e.g. having a warrant out for your arrest).

The *relevant crime-free period* is:

- 3 years, for Children's Court convictions (this includes a child dealt with by the District Court on appeal from the Children's Court, or a child dealt with by the Local Court for a traffic offence if the court uses a children's sentencing option);
- 10 years, for convictions from any other court.

6.6 Traffic offences

Traffic offences are treated separately from non-traffic offences.

Traffic offences are usually not taken into account in calculating the crime-free period for a non-traffic offence (and vice versa).

There are some exceptions for serious traffic offences such as dangerous driving causing grievous bodily harm or death.

6.7 Can spent convictions be revived?

Spent convictions are *not* revived by later convictions. Once a conviction is spent, it is spent for good.

6.8 Disclosure of spent convictions

In general, you are not required to disclose a spent conviction to anyone.

Where an Act or Regulation refers to a conviction, it is taken to refer to unspent convictions only. Where an Act allows a person's "fitness" or "character" to be taken into account, spent convictions usually cannot be taken into account.

If you are asked on a job application about prior convictions, you do not need to mention spent convictions, unless you are applying for certain jobs (see part 7.5 of this fact sheet). If an employer later discovers your spent convictions, they cannot sack you for dishonesty.

Unlawful disclosure of someone's spent convictions is an offence. It is also an offence to unlawfully obtain (or try to obtain) information about someone's spent convictions.

6.9 Lawful disclosure of spent convictions

Police can disclose your spent convictions to a court or other law enforcement agencies in some circumstances.

Spent convictions can also be made available if you are applying for certain jobs, security clearances, licences, Working With Children Check, etc.

6.10 Commonwealth spent convictions scheme

Most criminal offences are covered by State law. Most of the information in this fact sheet relates to people charged with offences under NSW law.

However there are some laws that apply all over Australia, e.g. the Commonwealth *Criminal Code*. Offences under these laws are called *Commonwealth offences* and include things like social security fraud, importing drugs or other prohibited goods, and telecommunications offences (e.g. using a carriage service to menace, harass, or offend).

The rules about criminal records are slightly different if you have been convicted of a Commonwealth offence, or if you have to disclose your criminal record to a Commonwealth government agency (e.g. you are applying for Australian citizenship or a job with a Commonwealth government department).

Under the Commonwealth *Crimes Act*, a finding of guilt is treated as a conviction even if the court has not formally recorded a conviction.

Most Commonwealth convictions will become spent if:

- you were not sentenced to imprisonment for the offence for more than 30 months (or at all); *and*
- the waiting period for the offence has ended. The waiting period is:
 - 5 years from the date of a juvenile conviction;
 - 10 years from the date of an adult conviction.

Just like NSW law, there are exceptions to the non-disclosure of spent convictions. The main one is that spent convictions need to be disclosed where a person is seeking employment with a law enforcement or intelligence agency.

Sometimes, both the NSW and Commonwealth spent conviction schemes will apply. In this situation you will usually get the benefit of whichever is the most favourable scheme. Sometimes the NSW scheme will be more beneficial (e.g. some convictions are spent immediately, and there are shorter waiting periods for juvenile offences). However, in

some ways the Commonwealth scheme may be more favourable (e.g. some convictions that can't be spent in NSW can be spent under Commonwealth law).

See also <https://www.oaic.gov.au/privacy/your-privacy-rights/more-privacy-rights/criminal-records#what-convictions-does-the-scheme-cover>.

7 What is the effect of having a conviction, criminal record, or criminal history? Who can get access to my records?

7.1 Generally

A criminal record can affect many parts of your life, including your chance of getting a job, Australian citizenship or residency, visas to visit foreign countries, voting, and sentencing outcomes at court.

Even if you don't have a criminal record (e.g. you have never been convicted of an offence, or your convictions are all spent), having a criminal *history* might still affect you.

7.2 Sentencing for further offences

A court can take into account your previous convictions when sentencing you for an offence. If you already have a criminal record, you will usually be treated more harshly than a first offender.

Courts can also take into account previous offences even when no conviction has been recorded or if the conviction has been spent (see part 5.2 of this fact sheet).

However, there are some limits on when an adult court may take Children's Court outcomes into account. If you were found guilty of an offence committed as a child but no conviction was recorded, an adult court cannot take this into account if you have been out of trouble for at least two years immediately before being charged with the latest adult offence.

7.3 Bail for further offences

If you are charged with an offence, you may be released on bail until your court case is finalised (see our fact sheet on *Bail* for more information).

A court can take into account your full criminal history, including charges that have been withdrawn or dismissed, when deciding whether or not to grant you bail or when dealing with a bail variation application.

7.4 Employment

Some types of jobs will *not* be open to you if you have certain types of convictions (e.g. working with children, some government jobs, employment requiring security clearance such as working at an airport).

Most types of jobs *are* open to people with criminal records. However, many employers choose not to employ someone with a criminal record, even if the person's record is quite old and does not affect their ability to do the job.

Discrimination based on criminal record is a real problem, and it is possible to complain about it to the Australian Human Rights Commission, but legal rights for people in this situation are very limited. See <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/discrimination-employment-basis-criminal-record>

If you apply for a job, your prospective employer does not automatically get access to your criminal record – first they have to obtain your consent.

In practice, many employers will require you to organise your own criminal record check by obtaining a National Police Certificate (see part 8 of this fact sheet). You can ask the NSW Police Force to release your criminal record directly to a government department.

7.5 Jobs requiring disclosure of spent convictions and other history

If you are applying for certain jobs you may be required to disclose your full criminal history, including spent convictions or non-convictions and cautions or conferences under the *Young Offenders Act*.

This may include (but is not limited to) a job as a:

- judge or magistrate;
- Justice of the Peace (JP);
- police officer;
- Corrective Services staff member;
- teacher or teacher's aide;
- firefighter (only if you have been dealt with for arson).

7.6 Working with children

Most people who want to work or volunteer in a child-related job must get a Working With Children Check (WWCC) clearance. The WWCC involves a national criminal history check and a review of findings of workplace misconduct.

You will be automatically barred from working with children if you have been convicted of certain offences against children, and you were 18 or over when you committed the offence. These offences include murder, sexual assault, indecent assault or sexual touching, grooming or abducting a child, and offences involving child pornography or child abuse material.

Convictions for other types of offences, or convictions for offences committed while you were under 18, or even charges that have not been proven, may mean that a *risk assessment* will be conducted before you can get a WWCC clearance.

Spent convictions can be taken into account as part of the WWCC.

The result of a WWCC is either a clearance to allow you to work with children for 5 years, or a bar against you working with children.

Employers do not get access to your criminal record or history. All they get to find out is whether or not you have a WWCC clearance.

For more information, see our fact sheet on *The Working With Children Check* or <https://ocg.nsw.gov.au/working-children-check/applicant>.

7.7 Working with people with disabilities

The NDIS Worker Check (NDISWC) is compulsory for most people who want to work for a registered NDIS provider.

It is quite similar to the WWCC. People with certain types of convictions will fail the check. Others may have to undergo a risk assessment before being granted clearance.

For more information see <https://ocg.nsw.gov.au/ndiswc>.

7.8 Licences

You may be required to disclose your criminal record (including spent convictions and non-convictions) if you are applying for certain licences, including:

- security industry licence (see our fact sheet on *Getting a security licence*);
- casino operator or casino employee licence;
- tow truck operator licences or driver certificate;
- firearms or prohibited weapons licence;
- real estate, stock and station, business, strata management or on-site residential property management licence; and
- dangerous occupations regulated by Workplace Health and Safety regulations.

There is usually a right of appeal to the NSW Civil and Administrative Tribunal (NCAT) when a licence is refused on the grounds of a criminal record.

7.9 The Child Protection Register

Certain types of convictions may result in you being on the Child Protection Register. Generally these involve sex offences, or other serious violent offences, committed against children.

People on the Register have to report to the police regularly and also have to update the police about things such as changes of address, phone numbers, online accounts, tattoos, travel, and contact with children.

See our fact sheet on *The Child Protection Register*.

7.10 Insurance

You may also find it hard to get insurance for your home, car or business if you have been convicted of offences such as stealing, fraud or arson.

7.11 Visa cancellation and deportation

If you are not an Australian citizen, your visa may be cancelled on “character” grounds. This means you may be held in immigration detention and removed from Australia.

You will automatically fail the “character” test if you have a “substantial criminal record” (which usually means you have been sentenced to imprisonment for 12 months or more).

Visas may also be refused or cancelled on character grounds even where no conviction has been recorded. The Minister for Immigration may decide that you do not pass the character test if you have had an association with a person, group or organisation that the Minister reasonably believes was or is involved in criminal conduct.

For more information see:

Refugee and Immigration Legal Service and Immigration Advice and Rights Centre websites, including their Visa Cancellation Kit

<https://www.rails.org.au/sites/default/files/2021-01/Cancellation%20Kit-15Dec2020.pdf>

Department of Home Affairs:

<https://immi.homeaffairs.gov.au/visas/cancelling-a-visa>

7.12 Australian citizenship

Even if your visa is not cancelled on character grounds, a criminal record or history could still make it difficult for you to obtain Australian citizenship.

For more information see <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/character/character-requirements-for-australian-citizenship>.

7.13 Getting an Australian passport

If you are already an Australian citizen, past convictions will *not* usually stop you from getting an Australian passport.

Usually, the Department of Foreign Affairs and Trade is only concerned if you have an outstanding warrant for your arrest; if you are on Commonwealth parole, surety or bond; if there are any relevant bail conditions; or if a court has ordered you not to apply for a passport.

You may also be refused a passport if the Department believes you are likely to engage in harmful conduct (e.g. to go overseas and commit a serious crime or join a terrorist organisation).

Past convictions may stop you from getting a passport in some situations, e.g. if you are on the Child Protection Register. See our fact sheet on *The Child Protection Register*.

7.14 Overseas travel

A conviction may affect your ability to get a visa to travel to other countries. The granting of visas will be assessed on a case-by-case basis and will depend on the nature and seriousness of the offence and punishment.

Also, if you are on the Child Protection Register (see part 7.9) and you are an Australian citizen, you need to apply for permission to travel overseas. See our fact sheet on *The Child Protection Register*.

7.15 Voting

Your right to vote will be affected by a conviction if you are serving a prison sentence of over one year (for NSW elections) or three years (for federal elections).

Once you are released from prison, your voting rights will resume.

7.16 Jury service

You will be excluded from jury service for life if you are found guilty or convicted of:

- an offence which would be punishable with life imprisonment if committed in NSW (regardless of where the offence was committed);
- a terrorist act;
- an offence under Part 7 of the *Crimes Act 1900* (NSW) (public justice offences, e.g. perverting the course of justice); or
- a sexual offence.

You will also be excluded from jury service for a certain period of time if:

- you are currently serving a prison sentence or are being detained in NSW or elsewhere;
- you have served a prison sentence in the last few years: you will be excluded for 7 years after serving a prison sentence of less than 3 consecutive months or for 10 years after serving a sentence of 3 consecutive months or more;
- you have served a period of detention for an offence committed when you were under 18. In this case you are excluded from jury service for 3 years after the end of the period of detention;
- you are in custody or preventative detention, awaiting trial or other certain categories (e.g. detained in a hospital);
- you are bound by an order made in NSW or elsewhere following a criminal charge or conviction, e.g. a conditional release order;
- you are disqualified by a court from holding a driver's licence for 12 months or more.

8 Copies and corrections of records

8.1 Applying for a National Police Certificate

You can apply for a National Police Certificate by filling in an online form, paying a fee, and attending a police station to confirm your identity.

If you are asked (e.g. by your employer) to also do a fingerprint check, then you will need to provide your fingerprints when you attend the police station. You will also have to pay an additional fee.

Application forms are available online (<https://afpnationalpolicechecks.converga.com.au/> or https://portal.police.nsw.gov.au/s/policecheck-definition?reportType=CP_PoliceCheck).

Once you have completed the form, you need to print the confirmation page, take it with proof of your identity to any NSW Police station, and pay the fee (if not already paid online). Allow at least 10 business days for your application to be processed.

The National Police Certificate is based upon a check of the National Names Index (NNI) using the name, date of birth (and, if applicable, fingerprints) supplied by the applicant.

A National Police Certificate contains information on “*disclosable court outcomes*”. This usually includes convictions which have not been spent. It also includes pending charges and any warrants that are out for your arrest.

Spent convictions may be included in the National Police Certificate if the category of employment or purpose of the check is exempt from relevant spent convictions legislation.

8.2 Applying for a Working With Children Check or NDIS worker check

The WWCC is administered by Service NSW:

<https://www.service.nsw.gov.au/transaction/apply-working-children-check>

For more information see our fact sheet on *The Working With Children Check*.

The NDIS worker check is also administered by Service NSW:

<https://www.service.nsw.gov.au/services/ndiswc>

8.3 Applying for a copy of your criminal record or history

If you do not require a National Police Certificate, you may still wish to apply for a copy of your personal criminal history or record.

For NSW criminal histories and records, you can make a GIPA application to the NSW Police Force. You can apply through their Community Portal or by post. There is a \$30 application fee and you will also have to provide some proof of identity. For details see https://www.police.nsw.gov.au/online_services/requesting_information/gipaa

8.4 Removing spent convictions from your criminal record

Spent convictions should be automatically deleted from your criminal record once they become spent.

If you want to make sure this happens, you can write to:

Criminal Records Section, NSW Police Force
Locked Bag 5102, Parramatta NSW 2124
Email: crs@police.nsw.gov.au
Phone: (02) 8835 7888 (Monday to Friday 7.30-4.30)

8.5 Changing a mistake on your criminal record or on the police system

If you believe there is a mistake on your criminal record, or on the police computer system, you should contact the Criminal Records Section (contact details above).

If you are not sure, it's a good idea to seek legal advice and ask your lawyer to write on your behalf.

The Shopfront Youth Legal Centre Updated December 2024

The Shopfront Youth Legal Centre
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The Shopfront Youth Legal Centre is a service provided by Herbert Smith Freehills, in association with Mission Australia and The Salvation Army.

This document was last updated in December 2024 and to the best of our knowledge is an accurate summary of the law in New South Wales at that time.

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