

Finding a job with a criminal record: What new spent conviction laws mean



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How does a conviction become spent?

There are three ways convictions are considered spent:

- 1) Where convictions are spent immediately
- 2) Where convictions are spent after a period of time; and
- 3) Where convictions are spent by application to the Magistrates' Court.

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What is the effect of a conviction becoming spent?

A spent conviction **does not form a part of a person's criminal record**; a person is not required to disclose a spent conviction and another person must not request information about a spent conviction of a person (section 20).

A person's spent convictions will not be included on a Police Record Check, unless an exemption applies.

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When can a spent conviction be disclosed?

Examples of when a spent conviction can be disclosed:

- Applying for a Working With Children Check
- Seeking work as a taxi or bus driver
- Occupational licensing, such as for health professionals, teachers and lawyers
- Licences for business activities, such as gambling operations and licensed premises
- Employment or contracting of persons to provide care to children or people with a disability

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Amendment of the Equal Opportunity Act 2010

The *Equal Opportunity Act 2010* has been amended to include **spent conviction** as a protected attribute on the basis of which discrimination is prohibited under that Act (sections 27-29).

The inclusion of 'irrelevant criminal record' as a basis for non-discrimination has not been included – meaning a person's criminal record can still be used to discriminate in a range of areas – such as employment, housing, education and learning - despite it having no relevance to the service being sought or the job being applied for.

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Want to get involved and/or know more about the project?

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