

# Spent Convictions

*Part 2,3 & 4 Criminal Records Act (NSW) 1991*

---

In my criminal law practice I have had the pleasure of seeing many criminal clients change their lives and become honest and respected members of the community. Sadly, many of these clients are haunted by criminal convictions and licence disqualifications that cause them hardship which is disproportionate to the mistakes they have made.

Fortunately, our system of justice believes in rehabilitation – that every offender can turn their life around and become a productive law-abiding citizen. Obviously, the system is intended to punish people but it also intends to encourage and enable rehabilitation. One way it does this is to provide that convictions become spent after a certain period of time.

Spent convictions are still on the offender's record but this becomes a secret between the police and the offender. The offender is not required to disclose spent convictions to any other person for any purpose.<sup>1</sup> Questions concerning the person's criminal history are taken to refer only to any convictions of the person which are not spent.<sup>2</sup> Furthermore, the police are not allowed to disclose them to anyone except the court if the offender reoffends.<sup>3</sup>

## Crime Free Periods

In NSW, convictions for non-sex offences which receive a sentence of less than six months imprisonment become spent after a crime free period of ten consecutive years.<sup>4</sup> If the sentence is more than six month imprisonment, then the conviction never becomes spent unless the offender applies for and receives a [pardon from the Governor](#). The pardon changes the unspent conviction to a spent conviction and the same rules apply.<sup>5</sup>

## Exceptions

However, there are legislative exceptions to these rules. Spent convictions and even dismissed charges must be disclosed when applying to work in regulated professions such as law, medicine, security or anything to do with children. In addition, the firearms registry is able to see your complete history. So, it is always worthwhile to ask the regulation authority what needs to be disclosed before you submit your application.

I am available every day should you require further assistance.

Chris Nowlan  
Barrister-at-Law  
Ph: (02) 8251 0066  
[chris@chrisnowlan.com](mailto:chris@chrisnowlan.com)

---

<sup>1</sup> s12(a) Criminal Records Act (NSW) 1991

<sup>2</sup> s12(b) Criminal Records Act (NSW) 1991

<sup>3</sup> s13 Criminal Records Act (NSW) 1991

<sup>4</sup> s9 Criminal Records Act (NSW) 1991

<sup>5</sup> s19 Criminal Records Act (NSW) 1991