

FORM 1

Application for conviction or charge to be expunged

Criminal Law (Historical Homosexual Convictions Expungement) Act 2017
(Sections 11 and 12)

This form is effective from 30 June 2018



**Queensland
Government**

Please read the following information carefully before proceeding with your application.

The *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017* (the Expungement Act) established an administrative scheme for the expungement, upon application, of convictions or charges for particular historical offences involving homosexual activity.

The information requested in this Approved Form is required to the extent it is available to the applicant. It is intended that the application elicits enough information to enable a search of the relevant records for the chief executive (or delegate) to make a fully informed decision. The chief executive (or delegate) may request additional information or documentation if it is reasonably required to inform the making of a decision in relation to the application.

The departmental website www.qld.gov.au/law/crime-and-police/criminal-records-and-history-checks contains important information regarding the eligibility of convictions and charges to be expunged under the scheme and defines terminology used within this Approved Form. It is recommended applicants review the Departmental website prior to completing this Approved Form.

It is an offence under the Expungement Act to give to the chief executive information the person knows is false or misleading. This offence carries a maximum penalty of 100 penalty units. Further, a conviction or charge that is expunged under the Expungement Act on the basis of false or misleading information may subsequently be revived by the chief executive.

The application process under the Expungement Act is confidential. The unauthorised disclosure of confidential information in contravention of the Expungement Act is an offence. The offence carries a maximum penalty of 100 penalty units.

There is no application fee and no processing charge under the Expungement Act.

Please choose one of the following options relevant to your application.

Note: Appendix A to this form lists documents that must be attached to this application.

- I am making this application in relation to a conviction or charge for an eligible offence forming part of my own criminal history (**Start at Part 2**).
- I am making this application on behalf of a person with an impaired capacity (**Start at Part 1**).
- I am making this application on behalf of a person who is deceased (**Start at Part 1**).

Part 1—Applicant details

Please provide applicant details.

Preferred title Mr Mrs Ms Miss Other (specify)

Given names

Surname

Date of birth / /

D D M M Y Y Y Y

Current address

Suburb State Postcode

Phone (day time) Mobile

Email

Part 2—Eligible person details

Please provide eligible person's details.

Preferred title Mr Mrs Ms Miss Other (specify)

Given names at birth

Surname at birth

Given names at time of the offence

Surname at time of the offence

Current (or last known) given names

Current (or last known) surname

Date of birth / /
D D M M Y Y Y Y

Place of birth: Town State

Address (or last known address)

Suburb State Postcode

Address at time of the offence

Suburb State Postcode

Phone (day time) Mobile

Email

Part 3—Preference for contact for further discussion

Preference for contact for further discussion.

Phone

Written correspondence.....

Email

Legal representative

.....

Part 4—Information regarding the eligible offence checklist

Please attach a statement providing these details.

Note: Please complete this section to the best of your knowledge. If you are unsure of any details, these can be left blank or an approximate can be used.

The date of the conviction or charge.

The place and court (if any) where the eligible person was convicted or charged?

Particulars of the offence.
 Examples of the particulars of the offence:

The nature of the offence;

The act or omission constituting the offence;

The place where the offence was committed or allegedly committed; or

The provision of the Act that was contravened or allegedly contravened.

If you (or the eligible person) were convicted of the offence, whether the conviction was on the basis of a plea of guilty.

The details of any sentence imposed.

Any other information, documents or statements relevant to your conviction or charge which may assist the chief executive in making a decision.

If this application relates to more than one conviction or charge, please attach an additional statement addressing each of the matters listed in this Part.

Part 5A—Consent to information sharing with criminal record holders

- The information you provide in this form will be used by the Department of Justice and Attorney-General to deal with your application as set out in the Expungement Act. For the purposes of considering this application, it is necessary to make enquiries of, and exchange information relevant to your application with, a criminal record holder.
- For the purposes of the Expungement Act, a criminal record holder is defined as the commissioner of the police service, a court registrar, the director of public prosecutions or the chief executive of the department in which the *Corrective Services Act 2006* is administered.
- If you do not consent to the making of inquiries of, and the exchange of information with, each criminal record holder for the purpose of deciding whether to expunge a conviction or charge the subject of the application, the application is not valid under section 12 of the Expungement Act and may not be considered by the chief executive.
- Do you consent to the chief executive (or delegate) making inquiries of, and exchanging information with, criminal record holders, for the purposes of considering your expungement application?

Yes No

Part 5B—Declaration

To the best of my knowledge and recollection, I declare that:

1. Information provided in this form and attached statement is true and correct; and
2. I understand that it is an offence under the *Criminal Law (Historical Homosexual Convictions Expungement Act) 2017* to give the chief executive information I know is false or misleading in a material particular in relation to the administration of this Act.

Applicant signature

Date / /
D D M M Y Y Y Y

Privacy Notice

The Department of Justice and Attorney-General is collecting your personal information for the purpose of dealing with your application as set out in the *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017*. This collection is authorised under the *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017*. Your personal information will only be used for the purposes in this statement or as otherwise authorised or required by law. The Department of Justice and Attorney-General will handle your personal information in accordance with the requirements of the *Information Privacy Act 2009*.

This area has been intentionally left blank.

APPENDIX A—Supporting documents

PART A

Part A applies if you are:

- making this application in relation to conviction or charge for an eligible offence forming part of your own criminal history.
- making this application on behalf of a person with an impaired capacity.
- making this application on behalf of a person who is deceased.

Please attach certified copies of one current document belonging to the applicant from each of the lists in Part D.

Note: If the applicant's current name differs from the name in a document provided under this Part, an official document evidencing the applicant's change of name must also be attached.

PART B

Part B applies if you are:

- making this application on behalf of a person with an impaired capacity.

Please attach one of the following:

- if the eligible person has a guardian—a certified copy of the of the QCAT order appointing you as guardian.
- if the eligible person does not have a guardian, but has appointed an attorney under an enduring power of attorney—a certified copy of the enduring power of attorney document appointing you as the attorney.
- if the eligible person does not have a guardian and has not appointed an attorney under an enduring power of attorney—a statement detailing the relationship between yourself and the eligible person.

PART C

Part C applies if you are:

- making this application on behalf of a person who is deceased.

Please attach each of the following:

- a statement detailing the nature of your relationship with the deceased eligible person.
- if you are in possession of a death certificate, or are in a position to obtain one, a certified copy of the death certificate of the eligible person.

PART D

List 1

- birth certificate
- current Australian driver licence containing a photograph of the applicant
- international travel document
Examples—a current passport or an expired passport that expired less than two years before this application is made
- an evidence of Australian citizenship document
- current visa under the *Migration Act 1958* (Cwlth)
- current consular identity document containing a photograph of the applicant.

List 2

- recent account or notice issued by a public utility issued not earlier than 1 year before the date this application is made
Examples—council rates notice, electricity account statement, gas account, statement, land valuation notice or telephone account statement
- recent document evidencing electoral enrolment issued not earlier than 1 year before the date this application is made.
- current identification card issued by the Commonwealth or a State as evidence of the applicant's entitlement to a financial benefit
Examples—Commonwealth seniors health card, health care card, medicare card, pensioner concession card or repatriation health card
- current account card, or current credit card, issued by a financial institution
- recent account statement or passbook issued by a financial institution not earlier than 1 year before the date this application is made.