***Historical Homosexual Convictions Expungement Act 2018***

**Applicant details**

**Are you applying on behalf of yourself?  Yes  No**

|  |  |
| --- | --- |
| **Title:** (eg Dr, Mr, Ms) |  |
| **Given name:** |  |
| **Family name:** |  |
| **Date of birth and location:** |  |
| **Residential address:** |  |
| **Residential address at the time of the conviction for the offence** (if applying for yourself) |  |
| **Postal address:** |  |
| **Email:** (valid email address) |  |
| **Phone number:** |  |
| **Mobile:** |  |
| **At the time of the offence, was your name different to the above?  No  Yes – please supply Given and Family name:** | |

**Applying on behalf of someone else**

**Are you applying on behalf of someone else (an eligible person)?**  **Yes**  **No**

If yes, please provide the following information about the eligible person:

|  |  |
| --- | --- |
| **Eligible person’s Title:** (eg Dr, Mr, Ms) |  |
| **Eligible person’s Given name:** |  |
| **Eligible person’s Family name:** |  |
| **Any other names they may have been known by** |  |
| **Eligible person’s Date of Birth:** |  |
| **Eligible person’s Place of Birth:** |  |
| **Eligible person’s residential address at the time of the historical homosexual offence and the conviction for the offence:** |  |
| **At the time of the offence, was the eligible person’s name different to the above?  No  Yes – please supply Given and Family name:** | |

**Historical homosexual offence information**

|  |  |
| --- | --- |
| **Date of when the initial charge was lodged, police reference number and location:** |  |
| **Date of the conviction for the offence:** |  |
| **The name and location of the court where you (or the eligible person) were convicted:** |  |
| **The name of the historical homosexual offence:** |  |
| **Details of the historical homosexual offence and the conduct constituting the historical homosexual offence:** |  |
| **Any other information to add:** |  |

Please provide as much information and detail as you can, to assist us in locating any official criminal records relating to your application.

Other than information which is approved for disclosure to others in line with your signed consent form (on page 4), please be assured that any information you submit in support of your application will be kept strictly confidential in accordance with the requirements of the Act.

Applications will only be processed once a signed copy of the Consent to Disclosure of Records has been received and Proof of Identity Requirements have been met (on page 5).

**Submission**

Please submit the completed application and all supporting documentation via:

1. **Email:** [**expungement@justice.wa.gov.au**](mailto:expungement@justice.wa.gov.au) **, or**
2. **Post : Expungement Team**

**Office of the Commissioner for Victims of Crime**

**Department of Justice**

**GPO Box F317 PERTH WA 6841**

If you require any assistance please contact the Office of the Commissioner for Victims of Crime on (08) 9264 9877**.**

***HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT ACT 2018***

**CONSENT TO THE DISCLOSURE OF RECORDS**

I,                                                                        , consent to:

1. the disclosure to the CEO of the Department of Justice (**the CEO**) (and his delegates and agents) any records relating to my application for the expungement of a historical homosexual conviction under the *Historical Homosexual Convictions Expungement Act 2018* (WA); and
2. the use and disclosure by the CEO (and his delegates and agents) of the records disclosed pursuant to (1), for all purposes necessary for, including but not limited to, the investigation and determination of my application for expungement under the *Historical Homosexual Convictions Expungement Act 2018* (WA), or any other matter relevant to that Act.

|  |  |  |
| --- | --- | --- |
| Signature |  | Date |

**Proof of identity**

When applying for the application under the Historical Homosexual Expungement Act 2018 you must provide proof of your identity (see Minimum Identity Requirements below.) This applies to those applicants applying on behalf of yourself and or on behalf of someone else (eligible person). If applying on behalf of someone else you must provide minimum identity requirements for both you and the eligible person.

All documents must be certified true original copies. A certified copy means a document that has been certified as a true copy of an original by a person listed in Schedule 2 of the *Statutory Declarations Regulations 1993* (Cth) which is available from the Federal Register of Legislation website at <https://www.legislation.gov.au> and search for *“*[*Statutory Declarations Regulations 1993*](https://www.legislation.gov.au/Details/F2016C00590)*”.*

**Minimum identity requirements**

You must provide:

* at least one document from either Category A or Category B, that is, you do not need to provide documents from both categories as long as all other minimum requirements are satisfied
* at least one of your identity documents must contain a colour photograph. If you are unable to provide a listed document containing a photograph you must submit a passport style photograph of yourself certified by a person listed in Schedule 2 of the Statutory Declarations regulations 1993 (Cth);
* the communication of documentations supplied should as a minimum equal of a total of 100 points
* evidence of your full name and date of birth.

| **Documents** | **Point value** |
| --- | --- |
| **Category A – Each document is worth 70 points**   * Birth Certificate * Australian Passport (current, or expired within the previous two years, but not cancelled) * Australian Citizenship Certificate * International Passport (current, or expired within the previous two years, but not cancelled) * Other document of identity having same characteristics as a passport eg. diplomatic/refugee (Photo or Signature) |  |
| **Category B – The first document is worth 40 points and each additional document is worth 25 points**   * Current Licence or Permit (Government Issued) * Working with Children/Teachers Registration Card * Aviation Security Identification Card/Maritime Security Identification Card * Public Employee Photo ID Card * Department of Veterans Affairs Card * Centrelink Pensioner Concession Card or Health Care Card * Current Tertiary Education Institution Photo ID * Reference from a medical practitioner (must have known the Applicant for a period of at least 12 months) |  |
| **Category C – each documents is worth 25 points**   * Birth Extract * Foreign/International Drivers Licence * Proof of Age Card (Government Issued) * Medicare Card/Private Health Care Card * Council Rates Notice * Property Lease/Rental Agreement * Property Insurance Papers * Australian Tax Office Assessment * Superannuation Statement * Senior Card * Electoral Roll Registration * Motor Vehicle Registration or Insurance Documents * Professional or Trade association Card   If relied up, the following documents must be from different organisation:   * Utility Bills (eg. telephone, Gas, Electricity, Water) * Credit/Debit Card * Bank Statement/Passbook |  |

In a change of name you may be requested to provide further identification documents as evidence of a name change.

If applying on behalf of someone else you will also need to provide confirmation of your relationship to the eligible person and an authority to act on their behalf or if deceased official record of death.

**Persons Authorised to Certify 100 Points of Identification Documentation \***

**Members of Certain Professions**

* + Chiropractor
  + Dentist
  + Legal Practitioner
  + Medical Practitioner
  + Nurse
  + Patent Attorney
  + Pharmacist
  + Veterinary Surgeon
  + Police Officer
  + Registrar, or Deputy Registrar, of a Court
  + Sheriff
  + Sheriff’s Officer
  + Teacher employed on a full-time basis at a school or Tertiary Education Institution

**Other persons**

* + Agent of the Australian Postal Corporation who is in charge of an office
  + Australian Consular Officer or Australian Diplomatic Officer
  + Bailiff
  + Bank Officer with 5 or more years of continuous service
  + Building Society Officer with 5 or more years of continuous service
  + Chief Executive Officer of a Commonwealth Court
  + Civil Marriage Celebrant
  + Clerk of a court
  + Commissioner of Affidavits
  + Commissioner of Declarations
  + Credit Union Officer with 5 or more years of continuous service
  + Holder of a statutory office not specified in another item in this part
  + Judge of a court
  + Justice of the Peace
  + Magistrate
  + Master of a court
  + Member of the Australian Defence Force who is:
    - An officer; or
    - A non-commissioned officer with 5 or more years of continuous service
  + Member of the Institute of chartered Accountants in Australia
  + Member of the Corporate Managers, Secretaries and Administrators
  + Member of the Institution of Engineers, Australia
  + Member of:
    - The Parliament of the Commonwealth;
    - The Parliament of a state;
    - A Territory legislature; or
    - A Local Government Authority of a State or Territory.
  + Minister of religion registered under Division 1 of the Marriage Act 1961
  + Notary Public
  + Permanent employee, with 5 or more continuous years of service of any of the following:
    - The Commonwealth or of a Commonwealth authority;
    - A state or Territory or of a state or Territory Authority; or
    - A Local Government Authority.

**\*** List of persons authorised to certify was extracted from the Department of Home Affairs website as made available at <https://www.homeaffairs.gov.au/Licensing/Documents/100-points-identification-guidelines.pdf>