

# Historical Homosexual Convictions Expungement Discrimination

Under the *Historical Homosexual Convictions Expungement Act 2018* it is unlawful to discriminate against a person whose historical homosexual convictions have been expunged.



Equal Opportunity Commission

Information about the Historical Homosexual Convictions Expungement Scheme can be obtained by contacting the

Office of the  
Commissioner for Victims of Crime  
on 08 9264 9877 or by  
emailing [Expungement@justice.wa.gov.au](mailto:Expungement@justice.wa.gov.au).

Consensual homosexual activity was once a criminal offence in Western Australia, and people were charged with criminal offences for behaviour that would not be illegal today. Even though homosexual activity is no longer a criminal offence, some people in Western Australia still have convictions that appear on their criminal record.

The Historical Homosexual Convictions Expungement Scheme allows people to apply to the Office of the Commissioner for Victims of Crime for their historical homosexual convictions to be expunged – or removed – from their criminal history.

It is unlawful under the *Historical Homosexual Convictions Expungement Act 2018* (s17) to discriminate on the ground of an expunged conviction in the following types of employment or work:

- Applicants and employees (full time, part time, contract and casual)
- Commission workers
- Contract workers
- Professional or trade organisations
- Qualifying bodies
- Employment agencies

## Making a complaint

A person who believes they have been discriminated against because of an expunged homosexual conviction can lodge a Spent Conviction Discrimination complaint with the Commissioner for Equal Opportunity. The Commissioner will investigate the complaint in the same way that complaints about other kinds of unlawful discrimination are investigated.

The incident or incidents in the complaint must have occurred within the 12 months before the date on which the complaint is lodged.

In some circumstances the Commissioner may decide there is good reason, or good cause, to include incidents that occurred more than 12 months before the complaint is lodged.

### Disclaimer

The material in this brochure is not intended to be legal advice. The Commissioner expressly disclaims any liability in respect to anything done or not done to any person in reliance upon any of the contents of this publication.

The Government of Western Australia

[www.wa.gov.au](http://www.wa.gov.au)

May 2025

## How to contact the Commission

### By telephone

General enquiries: 9216 3900  
Training courses: 9216 3927  
Country callers: 1800 198 149

### By email

[eoc@eoc.wa.gov.au](mailto:eoc@eoc.wa.gov.au)

### Website

[www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)

### Address

Albert Facey House  
469 Wellington Street  
Perth WA 6000



Interpreter service: 13 14 50

## How to follow the Commission



@WA.EOC



@EOC.WA