

DEPARTMENT OF JUSTICE

HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT ACT 2018 ANNUAL REPORTS 2021-2022, 2020-2021 and 2019-2020

The *Historical Homosexual Convictions Expungement Act 2018* was proclaimed on 1 October 2018 to remove convictions for historical homosexual sex offences from people's criminal records. The Scheme commenced on 15 October 2018 and is open to people with a conviction for a range of historical homosexual offences related to consensual homosexual activity that would not be illegal today.

Part 4 of the *Historical Homosexual Convictions Expungement Act 2018* requires the Victims of Crime Commissioner to prepare and submit a report to the Minister, not later than 30 September, in each year, containing information relating to applications under the provisions of the Act.

The Minister must cause a copy of the annual report to be laid before each House of Parliament within 14 sitting days after the report is received by the Minister.

The annual report must comply with Section 30 of the Historical Homosexual Convictions Expungement Act 2018

- (a) the number of applications made under section 5;
- (b) for applications determined under section 11 —
 - (i) the number of applications approved under section 11(2);
 - (ii) the number of applications refused under section 11(2) and a summary of the grounds for refusal;
 - (iii) the number of convictions expunged under section 11(3) and a summary of the offences to which the expunged convictions relate;
 - (iv) the average amount of time taken to determine an application;
- (c) the number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the grounds for the determinations;
- (d) the number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available;
- (e) any other matters that are, in the CEO's opinion, of such significance as to require reporting.

Pursuant to section 30 (1), the report must set out relevant statistics about the applications for Historical Homosexual Conviction Expungement, including of such applications and numbers approved in respect of such applications.

Responses 1 to 7 in the table below relate to the relevant statistics for application for Historical Homosexual Conviction Expungement.

2021-2022 figures

Schedule	Number	Comment
Number of applications made under Section 5	0	
Number of applications approved under section 11(2)	0	
Number of applications refused under section 11(2)	0	
Number of convictions expunged under section 11(3)	1	The application was approved in the previous financial year.
The average amount of time taken to determine an application	N/A	
The number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the grounds for the determinations	0	
The number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available	0	
Any other matters that are, in the CEO's opinion, of such significance as to require reporting.	<p>There were 2 enquiries regarding the scheme made to the Office of the Commissioner for Victims of Crime.</p> <p>The Office of the Commissioner for Victims of Crime engaged with stakeholders to</p>	<p>A new brochure specifically about the Scheme was developed and made available at all the Office's public engagements.</p> <p>The Office remains confident potential applicants are aware of</p>

	promote the scheme, including face to face consultation with interest groups and at Pride Fairday.	the Scheme, even if they choose not to take part in the expungement process
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2020-2021 figures

Schedule	Number	Comment
Number of applications made under Section 5	0	
Number of applications approved under section 11(2)	1	
Number of applications refused under section 11(2)	0	
Number of convictions expunged under section 11(3)	0	
The average amount of time taken to determine an application	N/A	The application was determined in the previous financial year.
The number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the grounds for the determinations	0	
The number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available	0	
Any other matters that are, in the CEO's opinion, of such	Regulation SL 2020/205 came into operation prescribing section 54 of	The Office examined ways to raise community

significance as to require reporting.	<p>the <i>Police Act 1892</i> as a historical homosexual offence.</p> <p>The Office of the Commissioner for Victims of Crime consulted stakeholders to determine whether there were barriers to potential applicants applying to the scheme.</p>	awareness of the Scheme.
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2019-2020 figures

Schedule	Number	Comment
Number of applications made under Section 5	1	
Number of applications approved under section 11(2)	0	The application was determined (notionally approved) pending preparation of regulation prescribing the offence as a historical homosexual offence.
Number of applications refused under section 11(2)	0	
Number of convictions expunged under section 11(3)	0	
The average amount of time taken to determine an application	91	The application related to an offence that was not initially included in the list of prescribed offences. It was determined within 91 days but could not be formally approved until after a regulation was passed.
The number of determinations that a conviction is no longer an expunged conviction under section 12(1) and	0	

a summary of the grounds for the determinations		
The number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available	0	
Any other matters that are, in the CEO's opinion, of such significance as to require reporting.		<p>The Office of the Commissioner for Victims of Crime prepared a regulation to prescribe section 54 of the <i>Police Act 1892</i> as a historical homosexual offence.</p> <p>The Commissioner continued to promote the Scheme in her public and media engagements</p>

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