

HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT ACT 2018 – ANNUAL REPORT 2022-2023

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.

2022-2023 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)	0	
The average amount of time taken to determine an application	0	
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>The Office of the Commissioner for Victims of Crime promoted the scheme on its website and through community engagement opportunities.</p> <p>The lack of applicants in WA is not dissimilar to the experiences of other jurisdictions with similar legislation.</p>	<p>The Office remains confident the Scheme is symbolically significant, even if potential applicants choose not to take part in the expungement process</p>