



Registered TM 1227576

Dean R. Love & Associates

Barristers & Solicitors
DRL Legal Pty Ltd (ACN 123 034 846)

FAMILY LAW – CIVIL LAW – CRIMINAL LAW

ABN 34 123 034 846

Perth Office:
1st Floor, 231 Adelaide Terrace
PERTH WA 6000

Postal:
PO Box 3263
PERTH WA 6832

Tel: (08) 9218 9993
Fx: (08) 9218 9557
enquiries@drlegal.com.au
www.drlegal.com.au

HOW TO HAVE YOUR OLD CONVICTIONS REMOVED FROM YOUR RECORD

INTRODUCTION 3

WHO CAN APPLY? 4

WAITING PERIODS..... 4

A SUCCESSFUL APPLICATION 5

STEP 1: GET COPIES OF YOUR CRIMINAL RECORD AND TRAFFIC RECORD... 5

STEP 2: PREPARING FOR LETTERS, REFERENCES AND REPORTS..... 6

THE CONTENT OF LETTERS, REFERENCES AND REPORTS..... 6

FILLING IN THE FORMS 8

HOW TO COMPLETE THE NOTICE OF MOTION 11

HOW TO COMPLETE YOUR AFFIDAVIT..... 10

HOW OTHER PEOPLE SHOULD COMPLETE AFFIDAVITS 11

WHERE TO APPLY AND WHO TO NOTIFY 12

BEFORE THE HEARING 13

AT THE HEARING..... 14

AFTER THE HEARING..... 14

CONSEQUENCES OF HAVING A SPENT CONVICTION ORDER..... 15

DIRECTORY.....17

FORMS and SAMPLE LETTERS
Letter seeking copy of Criminal Record
Notice of Motion
Affidavit of Applicant
Affidavit of other person in support
Letter serving documents

INTRODUCTION

You can be granted a spent conviction at the time you receive your sentence. If you did not receive a spent conviction at sentencing you can apply later to have the conviction spent. There are two kinds of convictions. The way to apply for your conviction to be spent is different for each. The two kinds are called “**serious**” and “**lesser**” convictions.

A serious conviction is one where the person committed an offence and was:

- sentenced to imprisonment for more than one year; or
- fined \$15 000 (fifteen thousand dollars) or more

If you received a lesser penalty than the above then your conviction is a **lesser** conviction. You can apply for a lesser conviction to be declared spent by making an application to the Commissioner of Police through your local Police Station.

This kit is not about lesser convictions, unless you also have a serious conviction. If you want to have a lesser conviction declared spent, you should contact your local police station.

If you have a record for a serious conviction, you can apply to have that conviction spent by applying to a Judge of the District Court. It is called an application to have a conviction declared spent.

If your application succeeds you will get a “Spent Conviction Order”. The procedure is in the Rules of the Supreme Court 1971 and the Spent Convictions Act 1988,

To make an application you need to:

- Get information;
- Complete, file forms;
- Go to court in person; and
- Possibly, take other people to court with you.

The parties to the application are yourself and the Commissioner of Police. The Spent Convictions Act 1988 says that usually each party should pay their own legal costs. However, the judge can order you to pay the Commissioner of Police’s costs if satisfied that the application is “vexatious, misconceived or lacking in substance” or if “the circumstances justify doing so”.

You should seek legal advice before applying.

WHO CAN APPLY?

You can apply if you have a serious old conviction and the waiting period has passed.

You **cannot** apply if:

- you received a sentence of life imprisonment for your conviction; or
- a Judge has already refused to make a spent conviction order for the same conviction within the last 2 years.

You should think about why you want your conviction to be declared spent.

Generally, you do not have to tell anyone about a spent conviction. However there are some exceptions to this general rule, for example, if you are looking for employment in particular occupations.

You should read the section “Consequences of having a spent conviction order” in this kit for more information.

WAITING PERIODS

When you have a conviction for a serious offence, you must wait before you can apply to have that serious conviction declared spent.

This is called a waiting period. The time you must wait is:

- 10 years from the date of your last conviction;
- Plus the longest period of imprisonment imposed for all of your convictions

For example, -a person sentenced to 3 years imprisonment must wait 13 years before he or she can apply. The sentence counted is your maximum sentence, not the time you actually spent in prison.

A person fined \$16 000 must wait 10 years before applying (because there is no period of imprisonment to add on to the ten year minimum waiting period).

If you have had a conviction since your serious conviction, usually the 10 years would start again from the date of the latest conviction. However, if no punishment, or only minor punishment, was imposed the conviction might not be counted (an example could be a minor traffic offence).

If you are not sure that ten years has passed in your case, you should get legal advice.

A SUCCESSFUL APPLICATION

The Judge in the District Court will consider the following:

- if the conviction staying on your record stops or may stop you from working in a particular profession, trade, business or employment;
- if you have taken steps to rehabilitate yourself since you committed the offence;
- if there were things about the circumstances of the offence itself, and your personal circumstances at the time, which made the offence more or less serious than other offences of the same type;
- the kind of sentence imposed when you were convicted;
- the length of time since the conviction;
- the offence, and how serious it was;
- whether the public, or particular authorities, have an interest in knowing that you have been convicted.
- Remember that you need to prove to the Judge that these things should be decided in your favour.

You should include information about these things in your application if you can.

BEFORE YOU APPLY

STEP 1: GET COPIES OF YOUR CRIMINAL RECORD AND TRAFFIC RECORD

Get copies of your criminal record and your traffic record (if you have one).

There is a fee. In January 2002 the fee was \$18.70. you can check the current fee by telephoning 9222 1846.

If you prefer, you can apply at:

Police Headquarters (Forensic Branch)
2 Adelaide Terrace, Perth.

If you write, your letter needs to include:

- date;
- your full name and date of birth;
- your signature;
- a photocopy of identification with your signature on it (e.g., a driver's license, passport or credit card);
- a telephone number where you can be contacted if necessary;
- an address for the record to be sent to;
- a cheque or money order for the fee.

There is a sample letter included at the end of the kit.

STEP 2: PREPARING FOR LETTERS, REFERENCES AND REPORTS

You need to get letters, references and reports to support your application.

There are three types of letters, references or reports that can be collected.

This information is put in writing first. It is then attached to an affidavit sworn by the person who has written the document. That person must be willing to be a witness in the court for you.

- Often is it possible for people who provide letters and references not to come to court. However, they should be prepared to come to court if necessary. These witnesses should be prepared to speak about your character, and anything else to do with your personal circumstances.
- You should ask friends and relatives whether they would be prepared to write a character reference and possibly be a witness for you in court.
- Ask your employer whether he or she would be prepared to write a work-related character reference and possibly be a witness in court for you. You may also have previous employers who could write references or give information for you. For example, if you previously lost a job because of your conviction, or you could be promoted, you could ask that employer to write a letter confirming that.
- If your serious old conviction was caused by dependence on drugs or alcohol, or some other medical (including psychiatric) condition, you should see your doctor. Ask your doctor to carry out medical tests, which might show that you are not suffering from any dependence or any medical disorder. The results of these tests can be used in your application to help prove that you have been rehabilitated.

THE CONTENT OF LETTERS, REFERENCES AND REPORTS

(a) Letter or reference from friends or family

The references are to show that you are of good character and have rehabilitated yourself.

Each reference or letter should be typed or neatly hand written and dated. A business letterhead can be used. The length should be 1 or 1/2 A4 pages. It should say:

- How they know you, e.g. as a family member or long-term friend;
- How long they have known you;
- Their observations of your character over the years, particularly at the time you incurred your serious old conviction, if they knew you then;
- Their observations of your character now;
- What they think of your character now;
- If your old conviction was drug or alcohol related, any observations they can make about your drinking or drug use then and now; and
- Anything else they want to say.

(b) Letter or reference from employer

The employer reference can cover the same things as the references from family or friends. An employer might also be able to say the following things:

- How long you have worked for them and in what position;
- What your income is;
- What will happen to your job if you can't get your serious old conviction removed;
- What will happen to your job if you can get your serious old conviction removed, e.g. whether you could be promoted and earn more money; and
- Anything else the employer wants to say.

(c) Letter or report from doctor

The letter or report from your doctor is commonly called a "Report" or "Medical Report" and is sometimes hard to get. Some doctors may not give reports to their patients in person, particularly if they are to be used in court. Some doctors will not go to court on behalf of their patients. You should accept your doctor's decision if he or she cannot help you. Most doctors charge a fee to prepare reports.

If your doctor does not want to carry out tests for you (for example, liver function tests), they might be able to refer you to another doctor who is experienced in carrying out tests for court cases. You will have to pay to have tests carried out and to get a report from that doctor.

You should get legal advice about whether test results are likely to be important in your case.

If you can get a report from your doctor, it would normally be a lot shorter than those from friends, family and employers. The following information can be in the report:

- How long the doctor has known you as a patient;
- A general description of your health, illnesses or disabilities;
- What was known of your medical condition (particularly drugs and alcohol) at the time you committed your old offence;
- What is known of your medical condition (particularly drugs and alcohol) now; If there have been tests, such as liver function tests or drug tests, the results of those tests and what they mean; and
- Anything else the doctor wants to say.

FILLING IN THE FORMS

There is no application form provided by the Court Registry. You must fill in your own forms with all the information about your case.

You will find the forms you need at the back of this kit. The following information will help you fill them in. You will have to type out or neatly print each form with all the information about your particular case.

If you have access to a computer and the Internet, you can download Word versions of the forms from the legal aid website and type in your own information.

The information will be easier for the Judge to read if it is typed. The website address is on the front of this kit.

To make your application you will need to file (hand in or post in) the following documents at the District Court:

- Notice of Motion (1 original and 1 copy),
- Your affidavit (1 original).
- Affidavits of people in support who have given you references or reports (1 original of each).

There is more information about filling in the forms below.

You will need to keep 3 extra copies of each document yourself so that you can serve them.

See “Where to apply and who to notify” below.

HOW TO COMPLETE THE NOTICE OF MOTION

You can use the application form provided with this kit if you wish.

Front Page

At

This is the place of the court where your application will be heard. It will be at Perth, or the county court where you apply. Leave this blank. The court staff will fill this in when you file the documents.

Number:

Leave this blank. The court staff will give the application form a number when you file it.

Matter:

Fill in your full name above the word “Applicant”. The Commissioner of Police is the other party and can oppose your application. If the Commissioner of Police decides to oppose the application they will send a solicitor to the hearing, and that solicitor will present the Commissioner’s point of view. Normally, the Director of Public Prosecutions will represent the Commissioner.

Court use only:

Leave the spaces in this section blank. The court staff will fill in details of the hearing date.

After the number 1 on the first page:

Fill in the details of your criminal record in the space provided. You will be able to fill in the details accurately from the information on your criminal record. You should put the information in columns for the court, date, offence and penalty, as shown in the following example:

PERTH DC	22.12.1982	Possess Quantity of Cannabis Resin	2 yrs imprisonment
		With Intent To Sell/Supply	minimum 5 mths

At the end of the list of your convictions, there is a request that the hearing not be held in public. You can ask for the hearing to be in public if you want to, however there is usually no reason why you would want this.

Signature of Applicant

Sign the form and date it when you file it. Write your address in the space provided. This is the address the solicitors for the Commissioner of Police will send any documents to.

HOW TO COMPLETE YOUR AFFIDAVIT

You can use the affidavit provided with this booklet if you wish.

An affidavit is sworn evidence in written form. You can be asked questions about anything in it by the solicitor from the Commissioner of Police or by the judge. It is important that it is accurate. It is a criminal offence to swear something in an affidavit that you know is not true.

After you have filled out the affidavit, you will need to take the affidavit and any attachments to a Justice of Peace to swear it. Do not sign the affidavit until you are with the Justice of Peace.

Front Page

Number

Leave this blank. The court staff will put in the same number as they put on the application form when you file it.

Between

Put in your name as the applicant. The respondent is always The Commissioner of Police.

Affidavit of

Put in your name, because you are the person making out this particular affidavit.

Second Page

After the word "I" put your full name. After the word "of" put your full address. In the space after the words "Western Australia" fill in your occupation. The introductory words then finish off with the phrase "being duly sworn make oath and say as follows:"

There is no specified number of pages, and no rules as to what should be in your affidavit. You can use as many pages as you need to set out all the information relating to your case. The affidavit provided with this kit contains useful headings, which are designed to prompt you to put in relevant information. You can change them if you wish.

Each Page

You and the Justice of Peace both need to sign the bottom of each page.

To complete the affidavit, neatly print or type the information in consecutive numbered paragraphs. Use A4 paper, either blank or ruled sheets. Use as many pages as you need.

When typing or printing your affidavit, keep in mind the things you must prove to the judge to succeed in your application.

You should attach the following documents to your affidavit:

- A copy of your criminal record (National Police Certificate);
- A copy of your record of traffic convictions (if you have one); and
- Any other relevant documents.

Last Page

The final part of the affidavit is the “swearing” clause. The Justice of Peace will fill this out when your affidavit is signed.

Attachments (annexures)

The Justice of the Peace needs to sign each annexure. You must have these documents with you when you go to the JP to swear the affidavit

HOW OTHER PEOPLE SHOULD COMPLETE AFFIDAVITS

Other people can use the affidavit provided with this booklet if they wish.

Front Page

The front pages of affidavits from other people are filled out in the same way as the front page of your affidavit, with only one change. After the words "Affidavit of _____", the person puts in their own full name as the person making out this particular affidavit.

Page 2

After the word “I”, the other person puts their full name. After the word “of”, they put their full address. In the space after the words “Western Australia”, they fill in their occupation. The introductory words then finish off with the phrase “being duly sworn make oath and say as follows:”

There is no specified number of pages, and no rules as to what should be in the affidavit. A convenient way to get the information from other people before the court in support of your case is to use the affidavit provided with this kit. This is a short standard form of affidavit.

Attach the letter, reference or report to the affidavit.

NOTE: Anyone who provides an affidavit must be willing to go to court with you and must go to court if required to by the Commissioner of Police.

Last Page

The final part of the affidavit is the "swearing" clause. The JP will fill this out, when the person swearing the affidavit has it signed by the JP.

Attachments

The Justice of the Peace needs to sign the attachments.

WHERE TO APPLY AND WHO TO NOTIFY

- Applications are made at the District Court, which has an office (registry) in Perth and at most major regional centres. (See the Directory at page 32).
- An application is made by filling in the application form and affidavits and presenting them over the counter at the District Court Registry. You also can mail them to the Registry. This is called "filing" the documents. You must file the original and a second copy of the Notice of Motion form. You must file the original and a copy of each affidavit.
- Remember to keep three photocopies of all documents yourself. You will need them later.
- After the Court Registry staff receives your application, a date will be set for a judge to hear the case. This is called "listing the case".
- Once a time and date is arranged, the Court Registry staff will mail or give the second copy of the application form back to you. This will happen within 14 days of filing the documents.
- The application form will now contain the time and date on which your case will be heard. **You must go to court on that day.**
- After you receive your application form (with the hearing date on it) back from the court you will need a date to give copies of that application form and the affidavits to the respondent. The respondent is the Commissioner of Police. This

is called “serving” the documents. You can serve them by delivering by hand or posting them. The address is in the list of addresses in the directly (page 22).

- You should send, or deliver, the documents to the Commissioner of Police with a letter. In your letter you can ask the Commissioner of Police to tell you whether they will be objecting to your application. You can also ask them if they want the other people who have sworn affidavits to come to court for the hearing. **In general**, witnesses are not needed at the hearing however they may be needed in your case

A sample letter is at the end of this kit.

BEFORE THE HEARING

- Tell all your witnesses (that is, the people who made affidavits for you) the date of the court hearing. Tell them as soon as possible so that they can arrange to be available on that day if they are needed.
- If you get a reply from the Commissioner of Police (“the Commissioner”) saying they do not want your witnesses at court, make sure you tell the witnesses this.
- The Commissioner will decide whether to oppose your application or not. If the Commissioner decides to oppose the application they will be arguing that the judge should not make a spent conviction order in your case.
- If the Commissioner is not opposing your application you generally don’t need to take your witnesses to court.
- If they are opposing your application, you may need some of your witnesses to come to court.
- If you have not received any reply to the letter you sent with your documents about a week before the hearing, you can telephone the District Court and ask them whether the Commissioner is opposing your application. They might not be able to tell you because sometimes they don’t find out until the day of the hearing. You do not have to do this.
- You can also call the office of the Commissioner (the details are in the Directory) and ask to speak to the officer who deals with spent conviction applications. They will not give you information over the phone, but they will tell you where you can go to find out if they are opposing your application. They may not be able to tell you.
- If you can find out that the Commissioner of Police is opposing your application, then you can all the Director of Public Prosecutions and ask if they are acting in your case (the number is in the Directory). You will need to tell them the name of

the case (your name, and the Commissioner of Police), the date it is on, and which court it is in.

- If you can talk to the solicitor who is acting for the Commissioner of Police you can ask them if they want your witnesses to come to court. They might want some witnesses but not others. If one of your witnesses has particular trouble coming to court (your doctor or employer, for example) you could explain this. The solicitor can think about whether they really do need that person to come to court. You may not be able to talk to the solicitor until you go to court.

AT THE HEARING

It is possible for a judge to decide your application without holding a hearing. If that happens you will be notified by mail. Usually, a hearing is held in court.

Go to the court building on the date your case has been listed. Take copies of all the documents you have prepared and filed with you.

The court staff will tell you which courtroom your case is in.

A solicitor may represent the Commissioner of Police.

What if the Commissioner of Police opposes the application?

The solicitor can submit to the Judge that a spent conviction order should not be made.

You may have to give spoken evidence from the witness box. Your evidence will generally be the same as what you have said in your affidavit.

The people who gave written evidence on your behalf, by letters or references or reports attached to affidavits, also may have to give spoken evidence.

You and your witnesses on your behalf can be questioned by the Judge and by the solicitor for the Commissioner of Police.

What if the Commissioner of Police does not oppose the application?

There may not be a solicitor in the court for the Commissioner. If someone does come to court, he or she may tell the judge that they do not oppose the application. The judge will then be more likely to grant the application and order that your conviction be declared to be spent.

After hearing all the evidence, the judge may dismiss or approve your application. The judge may also order you to pay the legal costs of the Commissioner of Police.

AFTER THE HEARING

If your application was not successful, you do not need to do anything immediately. If the judge has ordered that you pay the legal costs of the Commissioner of Police, you will receive notification from the solicitors for the Commissioner about where and how to pay.

If your application was successful, a Court officer will carry out a process called “extracting the order”. This means that the court order is written down and made official. They will send a copy of the order to the WA Police and to you. You do not need to do anything.

You should get a letter from the WA Police after the hearing. This should tell you that the court order has been noted on the police records.

If you do not get a letter within one month, you can ring the Commissioner of Police. Ask to speak to the officer who deals with spent convictions. Check that the police have received a copy of the court order.

CONSEQUENCES OF HAVING A SPENT CONVICTION ORDER

Having a Spent Conviction Order (SCO) means that you may not have to acknowledge that you were charged with and convicted of an offence. However, in some situations you will still have to provide information about your convictions. Some of these situations are described below.

A SCO also may mean that people cannot discriminate against you for having a conviction. For example, it may be unlawful for an employer, contractor or similar body to discriminate against you for having a conviction where a spent conviction order was made.

If someone does discriminate against you because of a conviction for which a SCO was made, you may have grounds for a complaint under the Equal Opportunity Act.

If you think someone has discriminated against you, make sure that they are not included in the list of exceptions below. It could be lawful to discriminate against you even where an SCO has been made. It is a good idea to obtain legal advice about this.

Do I have to disclose a spent conviction?

General exceptions

If you are asked about prior convictions, you must disclose spent convictions in some situations.

If you are:

- being considered for release by the Parole Board or the Supervised Release Review Board;
- being considered for appointment as a Justice of the Peace;
- being appointed or considered for appointment as a police constable, special constable, Aboriginal aide or police cadet;
- being considered for employment as a prison officer;
- being considered for employment or contract work involving assessing, reporting about or classifying prisoners;
- being considered for employment under the *Gold Corporation Act 1987*;
- being considered for the grant of a licence as a casino key employee or casino employee under the *Casino Control (Burswood Island) (Licensing of Employees) Regulations 1985*;
- applying to be licensed as a security agent, security guard;
- applying for the issue of a licence under the *Firearms Act 1973*;
- being considered for authorizations under the *Court Security and Custodial Services Act 1999* or the *Anti-Corruption Commission Act 1988*.

Exceptions for certain convictions for the protection of children

There are special considerations for certain jobs or matters involving children. An employer may lawfully discriminate against you based on a conviction for **certain** offences. This applies even if a spent conviction order was made.

Relevant offences include all assaults and sexual assaults, depriving someone of their liberty; child stealing, endangering someone's life or health and homicide.

A SCO for these types of offences still has to be disclosed if you are:

- being considered for employment by some charitable organizations.
- being considered for appointment as a teacher
- applying for a licence to conduct a care center or pre-school centre
- applying for licence to provide child care service
- being considered for any form of employment normally carried out wholly or partly within the precincts of a:
 - school
 - care centre;
 - pre-school centre; or
 - place where a child care service is conducted or carried on
- being considered for licensing as a foster parent.
- being considered for participation in the safety house scheme organised by the Safety House Association of WA;
- being assessed for suitability for adoptive parenthood;

If you have a spent conviction and you are not sure whether you have to disclose it, you should seek legal advice as soon as possible.

Criminal justice exceptions

If you come before a court for sentencing your spent conviction can be taken into account when the court is deciding what penalty to impose.

DIRECTORY

COURTS

PERTH DISTRICT COURT

500 Hay Street
PERTH WA 6000
Ph. (08) 9425 2230
Fax. (08) 9425 226

County Courthouses with a District Court Registry

ALBANY

184 Stirling Terrace
ALBANY WA 6330
Telephone: (08) 9845 5200
Facsimile: (08) 9841 7920

BROOME

Hamersley Street
BROOME WA 6725
Telephone: (08) 9192 1137
Facsimile: (08) 9192 1878

BUNBURY

3 Stephen Street
BUNBURY WA 6230
Telephone: (08) 9781 4200
Facsimile: (08) 9721 8180

BUSSELTON

12 Stanley Street
BUSSELTON WA 6280
Telephone: (08) 9754 9666
Facsimile: (08) 9752 4950

CARNARVON

Cnr Robinson Street & Olivia Terrace
CARNARVON WA 6701
Telephone: (08) 9941 1082
Facsimile: (08) 9941 2779

DERBY

Loch Street
DERBY WA 6728
Telephone: (08) 9191 1406
Facsimile: (08) 9193 1025

ESPERANCE

100 Dempster Street
ESPERANCE WA 6450
Telephone: (08) 9071 2444
Facsimile: (08) 9071 2288

GERALDTON

Marine Terrace
GERALDTON WA 6530
Telephone: (08) 9921 3722
Facsimile: (08) 9964 1864

KALGOORLIE

Brookman Street
KALGOORLIE WA 6430
Telephone: (08) 9093 5300
Facsimile: (08) 9021 2005

KARRATHA

Balmoral Road
KARRATHA WA 6714
Telephone: (08) 9185 2922
Facsimile: (08) 9185 2413

KUNUNURRA

Coolibah Drive
KUNUNURRA WA 6743
Telephone: (08) 9168 1011
Facsimile: (08) 9168 1103

SOUTH HEDLAND

Hawke Place
SOUTH HEDLAND WA 6722
Ph. (08) 9172 9300
Fax. (08) 9172 9330

I look forward to receiving these documents. Thank you for your assistance.

Yours faithfully,

Signature

**IN THE DISTRICT COURT OF WESTERN AUSTRALIA
HELD AT _____**

MC Number of 200

IN THE MATTER OF section 6
OF THE Spent Convictions Act 1988

BETWEEN:

Applicant

- and -

THE COMMISSIONER OF POLICE
Respondent

NOTICE OF MOTION

Prepared by: THE APPLICANT

Address _____

Telephone _____ (home)

_____ (work)

_____ (mobile)

COURT USE ONLY

TAKE NOTICE that in the District Court will be moved at

On the day of 200 at the hour of

O'clock in the noon for an order under Section 6(1) of the Spent Convictions Act
1988 that the following conviction (s) incurred by the applicant be declared spent:

1.

**IN THE DISTRICT COURT OF WESTERN AUSTRALIA
HELD AT**

Number _____ of

IN THE MATTER OF section 6 of the Spent Convictions Act 1988
BETWEEN:

Applicant

-and-

THE COMMISSIONER OF POLICE
Respondent

**AFFIDAVIT OF _____
(Applicant's Name)
TOGETHER WITH ANNEXURES
SWORN IN SUPPORT OF APPLICATION FOR AN ORDER
DECLARING A CONVICTION TO BE SPENT**

Date of Signing: _____

Date of Filing: _____

Filed by: The Applicant
Name: _____

Address:
(Applicant's Name) _____

Telephone: _____ **(home)**
_____ **(work)**
_____ **(mobile)**

I, _____
(Applicant's name)

Of _____
(Applicant's address)

In the State of Western Australia, _____
(Applicant's occupation)

being duly sworn MAKE OATH AND SAY AS FOLLOWS:

1. I am the applicant. I swear this Affidavit in support of my application to have my conviction for the offense

of _____
(Name of the offense)

incurred at the _____
(Supreme Court or District Court or Petty Sessions Court)

at _____
(Place of Court)

on _____
(Date of conviction)

Be declared a Spent Conviction

Strike out whatever is not applicable

2. Attached to this Affidavit is a copy of my record of criminal convictions.

3. Attached to this Affidavit is a copy of my record of traffic convictions.

4. Attached to this Affidavit is (any other relevant document)

	APPLICANT	SPOUSE OR DE FACTO SPOUSE
WEEKLY INCOME AND SOURCE		
NET WAGES		
SOCIAL SECURITY		
OTHER SOURCE OF INCOME (AMOUNT AND TYPE)		
TOTAL WEEKLY INCOME \$		
WEEKLY EXPENSES		
MORTGAGE PAYMENTS		
BOARD OR RENT		
OTHER EXPENSES		
TOTAL WEEKLY EXPENSES \$		
ASSETS		
HOME		
OTHER LAND		
= VALUE OF INTEREST		
MOTOR VEHICLE		
= VALUE OF INTEREST		
MONEY IN BANKS		
MONEY IN BUIDING SOCIETIES		
CASH ON HAND		
ANY OTHER ASSETS		
TOTAL VALUE OF ASSESTS \$		
LIABILITIES		
GIVE DETAILS;		
TOTAL LIABILITIES \$		

IN THE DISTRICT COURT OF WESTERN AUSTRALIA
HELD AT

Number _____ of

IN THE MATTER of the Spent Convictions Act 1988 (amended) Section 6

-and-

IN THE MATTER of an Application of an Order Declaring a Conviction to be spent

BETWEEN

(Applicant)

-and-

THE COMMISSIONER OF POLICE

(Respondent)

AFFIDAVIT OF _____
(Other person)

TOGETHER WITH ANNEXURES

SWORN IN SUPPORT OF APPLICATION FOR AN ORDER

DECLARING A CONVICTION TO BE SPENT

Date of Signing: _____

Date of Filing: _____

Filed by: The Applicant

Name: _____
(applicant)

Address: _____

(Telephone)

I _____
(Other Person's name)
of _____
(Other Person's address)
in the State of Western Australia _____
(Other Person's occupation)

being duly sworn MAKE OATH AND SAY AS FOLLOWS:

1. I swear that this affidavit in support of the application of _____ for
(Applicant's name)
An order that his/her conviction for the offense of _____
(Name of Offense)

Be declared a spent conviction.

2. Attached to this affidavit is my letter/reference/report in support of the application.

3. The contents of my letter/reference/report are true to the best of my knowledge and belief.

SWORN by the above named

Deponent at _____ in the State

of Western Australia this _____ day

of _____ 20____

before me

A Justice of the Peace

_____ (your address)

Telephone: _____ (home)

_____ (work)

_____ (mobile)

The Commissioner of Police
Police Service of WA
Police Headquarters
2 Adelaide Terrace
Perth, WA 6000

Dear Sir,

Application for a Spent Conviction Order

I have made an application to the District Court to have a serious conviction declared spent.

I am writing to serve documents on you as required.

I enclose the following:

1. Notice of Motion
2. Affidavit of myself
3. Affidavit (s) of the following: _____
(insert names of other
people who have sworn
affidavits) _____

Please advise me as soon as possible whether you will be opposing this application and also whether you require the makers of these affidavits to be present in court at the hearing of my application.

Yours faithfully,

(Signature)

(Name)