

Annulled Convictions

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

A criminal record shows any criminal convictions that a person has. In some circumstances convictions can be removed or annulled from a criminal record.

What is an annulled conviction?

An annulled conviction is a minor criminal conviction that has been erased or removed from a person's criminal record. This can happen if the person has been of good behaviour for a certain period of time.

Adults' convictions can be annulled if the person has been of good behaviour for at least 10 years since their last conviction. For offenders under 18 years of age, the time period is 5 years.

Good behaviour means that during the period of time since their last conviction, the person has not been convicted of an offence for which they could go to jail.

What is a minor conviction?

A conviction can only be annulled if it is a minor conviction. A minor conviction does not include a conviction that resulted in a term of imprisonment or detention of at least 6 months or a conviction for a sexual assault.

If my conviction is annulled, do I still have to disclose it?

No.

The annulled conviction no longer forms part of your criminal record. For example, in an employment application, you only need to disclose any prior convictions that have not been annulled. An employer or potential employer is not allowed to refuse you any appointment, post, status or privilege, or to revoke any appointment, post, status or privilege on the ground of your annulled conviction.

Could an annulled convictions affect my work?

Yes.

Some workplaces will require you to disclose any annulled convictions. Employment positions relating to law, law enforcement, prison service, youth justice, teaching and child care, drugs and poisons, hazardous substances and activities, gaming, racing and firefighting do not disregard annulled convictions.

Also, some licences do not disregard annulled convictions: firearms licences, driver's licences, security and investigation agents' licences and liquor licences and permits.

Are annulled convictions gone forever?

If you are convicted on one or more occasions for the same offence the annulled conviction relates to, a court has the power to revive or reinstate that conviction. The court must be satisfied, having regard to the nature of the offence and any other relevant circumstances, that it is not in the public interest for the person to have the benefit of the annulment.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.