

**QUESTION ON NOTICE**

**Question No: 1**

**Portfolio:** Attorney-General

**Witness:** Ms Kate Houghton PSM, Secretary

**Committee Member:** Mr Aiv Puglielli, Member for North-Eastern Metropolitan

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**Question: Historical homosexual convictions – Given the strong public interest in this data and the fact that Martin Foley, back in the day, would have provided public updates on the scheme, departmentally, will you publish updates on the progress of the scheme, including numbers of applications, both overall numbers and number of successful applications? Could you also provide the current application data within that?**

**Original Reply (published):**

Homosexual sex between consenting adults should never have been a crime. The Expungement Scheme was introduced in 2015 and continues to operate to expunge historical convictions for homosexual activity that would not be a criminal offence today.

To protect applicants to the Scheme, a confidentiality provision restricts the Department of Justice and Community Safety's (DJCS) disclosure of information about applications.

DJCS is seeking legal advice about what information, if any, may be provided in response to this question.

**Updated Reply:**

Homosexual sex between consenting adults should never have been a crime. The Expungement Scheme was introduced in 2015 and continues to operate to expunge historical convictions for homosexual activity that would not be a criminal offence today.

There are 4 applications currently being assessed by the Secretary of the Department of Justice and Community Safety.

The increase in withdrawn applications from 2020 onwards is due to people mistaking the Expungement Scheme for the Spent Convictions Scheme (which was announced in 2020 and came into force in December 2021).

**Expungement Scheme applications 2015 - 2023**

Year	2015 <sup>1</sup>	2016	2017	2018	2019	2020	2021	2022	2023	Total
Applications received	10	19	4	4	6	8	3	8	8	70

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<sup>1</sup> The Expungement Scheme came into force on 1 September 2015.

<b>Applications approved<sup>2</sup></b>	0	9	9	4	6	0	0	0	1	<b>29</b>
<b>Applications refused</b>	0	0	1	1	0	0	0	0	0	<b>2</b>
<b>Applications withdrawn</b>	1	3	2	2	3	10	3	7	4	<b>35</b>



**Jaclyn Symes MP**  
**Attorney-General**

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<sup>2</sup> Some applications relate to more than one conviction. Where the expungement of at least one conviction was approved, the application is listed as approved.