

Review of the Expungement of Historical Offences Act 2017

Call for written submissions

Section 32 of the *Expungement of Historical Offences Act 2017* (the Act) requires the Minister to cause an independent review of the operation of the Act to be completed within 6 months after the second anniversary of the Act's commencement. The Act commenced on 9 April 2018.

The Act provides a scheme to enable charges and convictions for historical offences to be expunged. Historical offences include homosexual offences and cross-dressing offences. Applications for expungement may be made by a person who was charged with an historical offence or, if that person is deceased, by other persons including a spouse, child, parent, sibling, niece, nephew or personal legal representative. Applications for expungement are made to and determined by the Secretary of the Department of Justice.

The independent review will assess and report on:

1. The outcomes of the applications for expungement made since the commencement of the Act including:
 - (a) the number of applications resulting in the expungement of charges;
 - (b) the number of applications where the Secretary has refused to expunge a charge and the reasons for the refusal;
 - (c) the number of applications that have been withdrawn; and
 - (d) the number of applications for review under section 21 of the Act and the outcomes of those applications for review.
2. Whether the provisions of the Act are operating effectively and as intended with a particular focus on:
 - (a) the application process;
 - (b) the process for the annotation of official criminal records; and
 - (c) the legal effect of expunged records.
3. Whether there are any deficiencies or unintended consequences of and/or impediments to the implementation of the Act, with a particular focus on identifying any issues or deficiencies in the scheme which may have contributed to the low number of applications.

4. Whether there are any suggested improvements, including any recommendations for law reform of the Act.

Ms Melanie Bartlett has been engaged to lead the review. Ms Bartlett will be assisted by Ms Taya Ketelaar-Jones.

The Independent Reviewers are calling for written submissions from interested parties to enable consideration of the matters detailed above.

Submitters may request that their submission be treated as confidential, in full or in part, and should set out in writing the basis for such a request. The Independent Reviewers will be responsible for determining the confidentiality of any written submissions.

Submitters are also invited to indicate whether they wish to make oral submissions to the Independent Reviewers. Oral submissions will be taken in private.

Written submissions may be forwarded to EHOREVIEW@justice.gov.au or mailed to: The Independent Reviewers, GPO Box 825, Hobart Tasmania 7001.

Written submissions must be received by close of business on Monday 31 August 2020.

The report on the outcome of the review is to be tabled in each House of Parliament within 10 sitting days of that House after the review is given to the Minister.