



Understanding spent convictions in Queensland

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A criminal conviction can have lasting impacts on your life, affecting employment, travel, and personal reputation. However, Queensland law recognises that people can rehabilitate and move on from past mistakes. The concept of a "spent conviction" allows certain convictions to be removed from your [formal criminal record](#) after a set period, providing a fresh start for eligible individuals.

This article explains what a spent conviction is, the time limits for a conviction to become spent, and any exceptions under the *Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld)* (**the Act**).

What is a spent conviction?

A spent conviction is a criminal conviction that, after a specified "rehabilitation period," is no longer considered part of your official criminal record. Once a conviction is spent, it generally does not appear on police checks, and you are not required to disclose it in most circumstances.

How long does a conviction last before it is spent?

The time a conviction remains on your record before becoming spent is called the "rehabilitation period." This period depends on the court in which you were convicted and your age at the time of the offence:

- **Supreme or District Court QLD (Adult):** 10 years from the date of conviction.

- **Other cases (including juveniles):** 5 years from the date of conviction.

It is essential that you do not commit any further offences during this rehabilitation period. If you are convicted of another offence during this time, the period restarts from the date of the latest conviction. However, minor or "simple" offences do not automatically reset the period unless the court orders otherwise.

Which convictions cannot become spent?

Not all convictions are eligible to become spent. Under the Act, a conviction cannot become spent if:

- the sentence involved imprisonment for more than 30 months, including wholly suspended sentences or immediate release to parole;
- the conviction was for an offence committed by a company;
- the conviction is for certain excluded offences, such as those requiring ongoing disclosure for specific professions or positions (see below under "Disclosure exceptions and exclusions").

Convictions that have been set aside or quashed are automatically considered spent.

When is a spent conviction removed?

Once the rehabilitation period has passed without further qualifying convictions, the conviction is automatically spent. At this point, it is removed from your criminal record for most purposes. However, some exceptions apply, particularly for certain jobs and agencies.

Lawful denial

Section 8 of the Act provides that once a conviction is spent and not revived, a person may lawfully deny its existence in most legal and employment contexts.

The Act explicitly states that once the rehabilitation period expires and the conviction is not revived, a person may lawfully deny under oath or affirmation that they have been convicted of the offence.

This applies even in formal settings such as court proceedings, statutory declarations, or job applications, unless the role falls under exceptions outlined in section 9A (discussed below).

Disclosure exceptions and exclusions related to spent convictions

There are important exceptions to the non-disclosure rule:

- Certain professions (e.g., solicitors, police officers, teachers, blue card applicants, and prison employees) require disclosure of spent convictions when applying for employment or registration. Section 9A of the Act lists these exceptions.

- Some government agencies, such as police, parole boards, immigration, and security agencies, may also access spent conviction information.

However, misapplying the exceptions can result in serious consequences, including [offences of fraud](#).

Penalties for unlawful disclosure

Disclosing someone's spent conviction without consent or legal authority is an offence under section 6 of the Act, punishable by up to 100 penalty units (\$13,345). This protects individuals from defamation or discrimination based on spent convictions.

Summary

Navigating the law around spent convictions can be complex, especially with the various exceptions and the serious implications of failing to disclose a conviction when required.

Our experienced team can advise you on:

- whether your conviction is eligible to become spent;
- how and when you can lawfully deny a conviction;
- your disclosure obligations for employment or other purposes;
- what to do if you believe your spent conviction has been unlawfully disclosed.

If you have questions about spent convictions or need advice tailored to your circumstances, contact us today.

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