



Our Ref: RBGMM1301452

Direct Line: 9926 0216

21 January 2010

The Director
Standing Committee on Law and Justice
Parliament House
Macquarie St
Sydney NSW 2000

Dear Director,

Re: Inquiry into spent convictions for juvenile offenders

Thank you for inviting the Law Society to make a submission to the inquiry into spent convictions for juvenile offenders convicted of minor sexual offences.

The current position, as detailed in the discussion paper, is that a juvenile convicted of a sexual offence will never be able to have his or her conviction spent, no matter what the circumstances of the offence, including that the offence involved sexual relations with another minor that were found by the court to be consensual.

The Law Society's Criminal Law Committee and Juvenile Justice Committee (Committees) have reviewed the discussion paper and are of the view that the long-term consequences for young people convicted of a sexual offence can sometimes be disproportionate, both in relation to the seriousness of the offence and the risk of reoffending.

The Committees have considered the three options for reform and support Option B, i.e. that convictions for sexual offences should be capable of being spent just like any other offence, as long as all other requirements of the spent conviction scheme are met as follows:

- the conviction attracted a prison sentence of less than six months, and
- the relevant crime-free period of time has elapsed (ten years for an adult and three years for a juvenile).

Law Society representatives would appreciate the opportunity to appear at one of the Standing Committee's public hearings to further discuss the issues surrounding spent convictions for juvenile offenders convicted of minor sexual offences.

Yours sincerely,

Mary Macken
President