

s9(2)(f)(iv)

**Current situation**

The clean slate regime is intended to allow people to move on with their lives while ensuring that employers, landlords and other service providers, for example insurance companies, are not put at undue risk of loss or harm. The current regime excludes those who have: been convicted in the last 7 years; received a custodial sentence; been ordered by a court to be detained in a hospital; been indefinitely disqualified from driving.

The clean slate regime is automatic – a person meeting the eligibility criteria does not have to apply for concealment. If an individual is eligible under the clean slate regime and their criminal record is requested from the Ministry of Justice’s Criminal Records Unit, their convictions will be automatically concealed. Despite permission being required for a third party to access someone’s criminal record, it is often a requirement of tenancy and employment.

International clean slate regimes, including the United Kingdom and most Australian states, provide for the non-disclosure of custodial sentences as well as differing conviction-free periods for those aged 18 and under. The United Kingdom’s legislation includes a conviction-free period that is dependent on the length of the custodial sentence. Western Australia’s legislation includes a provision for more serious offending to be ‘spent’ by a District Court Judge.

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