

What is a criminal record?

Victoria Police keeps a record of any crimes you have been found guilty of, and any ongoing investigations against you by the police. They can also check records kept by other states and territories.

What is a police check?

This is when somebody asks the police about your criminal record.

Victoria Police will release some information about your criminal record to other people, but only if you give them your permission.

What will a police check show?

In Victoria, a police check will show:

- If you have been **found guilty** of a crime, **even if no conviction was recorded**. For more information on non-convictions see our separate fact sheet.
- Any **ongoing investigations** by the police, including charges against you that have **not been heard in court yet**.

If a magistrate has put you on a **diversion program**, this is a way of dealing with your case **outside of the court system**. As long as you stick to the rules of this program, you won't get a criminal record and that crime will **not show up** on a police check.

If you broke the law while you were driving, generally this will only show up if you had to **go to court and were sent to prison or detention**.

How far back does a police check go in Victoria?

If you were **18 or over** the last time you were found guilty of a crime, in most cases this crime will not show up on a police check any more after **10 years**.

If you were **under 18** the last time you were found guilty of a crime, in most cases this crime will not show up on a police check **after 5 years**.

But there are situations when **older records will show up** on a police check.





For example:

- If your **most recent crime** shows up (because it is from the last 5 or 10 years), then details of **all older offences** will also be released.
- If you got a prison or suspended sentence of longer than **two and a half years**, that crime will always show up on a police check no matter how long ago it was.
- If you are applying to **work with children** or for some other specific jobs, or for a **gun licence**, older records may also be released.

There are also other times when details of older records will show up on a police check, for more information read the [Victoria Police Information Release Policy](#).

How much information will the police check show about each crime?

People will be able to see:

- what crime you were charged with
- the court where the charge was heard
- the date you went to court
- the fact that you were found guilty
- if there was a conviction recorded or not
- details of any sentence, fines or jail time.

Will crimes committed in other Australian states or territories show up?

In general, yes.

But some states outside Victoria have '**Spent Convictions**' schemes. This means that after a while of being crime-free (normally 5 or 10 years) you usually don't have to tell people about your criminal record any more.

If your crime from another state has been 'spent' under a spent convictions scheme then it **will not** show up on a police check in Victoria.

What if I move to another state or territory?

If somebody in another state or territory asks to check your criminal record, the police in that area will be able to check the records kept by Victoria Police. Victoria Police will release the same information about you as they would if you were having a police check in Victoria.



Can I see what's on my police record?

Yes, you can apply for a **National Police Certificate** for **personal use** by downloading a form on the Victoria Police website. You will have to pay a fee and provide **proof of identity**.

A Personal Use certificate will give details of your **full Victorian criminal record**. This is not necessarily the same as what an employer or other person would see if they asked for your approval for a police check on you. For example, your Personal Use certificate includes times you were found 'not guilty' in court (which is not shown to others), and all records no matter how old they are. It does not include crimes committed in other states.

For more information, contact:

Victorian Aboriginal Legal Service

www.vals.org.au
1800 064 865 (toll free)

Peninsula Community Legal Centre

www.pclc.org.au
(03) 9783 3600

Victoria Legal Aid

www.legalaid.vic.gov.au
1300 792 387

Victoria Police

www.police.vic.gov.au/policecheck
policecheckvic@police.vic.gov.au
1300 881 596

Births, Deaths & Marriages Victoria – Koori services

(For help with getting a birth certificate for ID)
www.bdm.vic.gov.au/home/koori+services
BDMIndigenousAccess@justice.vic.gov.au
(03) 9613 5103

This fact sheet is for people in Victoria, Australia. It is for information only and is not legal advice. Accuracy or completeness cannot be guaranteed. If you need advice, please contact a lawyer. September 2016.