

If no conviction is recorded in my case, will I still get a criminal record?

What is a non-conviction?

This is when a court decides **not to record a conviction** in your case, even though you have been **found guilty**. The court is more likely to do this if it is your first offence and the crime is less serious.

How will getting a non-conviction make a difference?

If somebody (like an employer) asks you if you have **any convictions** you can correctly say 'no'.

But if they ask about convictions **and findings of guilt**, you must tell them about non-convictions too.

Will I still get a criminal record?

Yes, you will.

Victoria Police keeps a record of any crime you have been found guilty of, even when no conviction is recorded. It also keeps a record of any ongoing investigations by the police, including charges against you that have not been heard in court yet.

Will the crime still show up on a police check?

Yes.

The crime will show up on a police check for at least 10 years if you were an adult at the time you were sentenced, and at least 5 years if you were a child. It will say on the police check that no conviction was recorded for that crime.

For more information on what shows up on a police check, see our fact sheet 'What is a Criminal Record?'.

Is a non-conviction the same as being put on a diversion program?

No. A diversion program is a way to deal with your crime **outside of the court system**, and to give you a chance to avoid getting a criminal record.

As long as you stick to the rules of your diversion program, you **will not get a criminal record** for that crime, and it **will not show up** on a police check.





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

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