



Fact sheet: applying for extinguishment of an historical homosexual service conviction

Trigger warning and support services

You may find the content of this form or the application process distressing. We encourage you to seek support in a way that works for you, whether that be a trusted person, a colleague, or a professional support service. If you are in immediate danger, call 000. Support services are available should you need them.

Information about support services you can access can be found at the [Crisis support](#) | [ADF Members & Families](#) | [Defence](#) web page.

Who can use this form?

This form can be used by people who were convicted of an historical homosexual service offence or people who have a close connection to that conviction.

Where the person with the conviction is deceased or unable to complete the application themselves, an eligible representative can apply on their behalf if they have a genuine and significant connection to the matter.

A connection might be demonstrated by a relationship to the person who was convicted (such as their spouse or domestic partner, child, parent, sibling, chosen family, executor, or personal representative). It might also include others who are directly connected to the matter (e.g. if you were identified in the proceedings as the 'victim').

Which offences can be extinguished?

This form can be used to apply for having historical service convictions of homosexual service offences extinguished.

Section 190C of the [Defence Force Discipline Act 1982 \(Cth\)](#) sets out which offences can be extinguished, including offences under that Act, [Defence Act 1903 \(Cth\)](#), [Naval Defence Act 1910 \(Cth\)](#), any instruments made under or applied by those Acts, and any other instruments prescribed by the regulations.

The conduct constituting the offence must have involved a person engaging or procuring a person to engage in sexual intercourse or another form of sexual activity with another person of the same sex. It is also an historical homosexual service offence if it consisted of attempting, conspiring, or inciting the commission of such an offence.

What are the criteria for extinguishing convictions?

A conviction must not be equivalent to any conduct that would constitute an offence if it were instead a person engaging in, or procuring, the same consensual conduct with a person of a different sex. This means:

- there are no grounds for suspecting the conduct was non-consensual,
- the 'victims' of the conduct were of age,
- there are no aggravating circumstances that would make the conduct an offence despite it being consensual homosexual conduct (e.g. abuse of rank or power, sexual activity within the chain of command, breach of an order by trainees engaging in any sexual activity, etc.), and
- where the conduct does not involve actual sexual activity, the conduct would not have been considered offensive at the time if it were between two people of different sexes (e.g. if a person had been charged with offensive behaviour for kissing their same sex partner in public, it would not have been considered offensive if they were of different sexes).

What is outside the scope of this scheme?

This scheme does not apply to separations on other basis (e.g. for medical or administrative reasons) even when that historical separation was based on homosexual conduct. For further details about what is covered by this scheme, please see [Military justice system](#) | [About](#) | [Defence](#).

What happens if a conviction is extinguished?

If a conviction is extinguished, it will be removed from relevant service, conduct, and unit records. Defence will not disclose information about the extinguished conviction.

You are not required to disclose, for any purpose, that you were charged with or convicted of the extinguished offence. You may lawfully state, whether on oath or otherwise, that you were not charged with or convicted of the offence.

This reflects a commitment to recognising past harm and supporting your ability to move forward without this history being held against you.

This application is a means to have the conviction extinguished; it is not an application for any compensation.





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What will this application cost?

There is no charge in respect of an application for, or the provision of, extinguishing historical convictions of homosexual service offences.

Proof of identity

To provide proof of your identity please attach certified copies of the evidence listed at Part F of this form. If you are applying on behalf of another person, please also include their photographic identification.

Processing times

The more information you can share, the more it may support the process of identifying conviction records. Once the records have been identified, you will be given at least 28 days to review the records and decide whether you wish to proceed with the application. You can withdraw the application at any time.

Access to documents from the National Archives

If you are unsure about certain details, you might be able to look at records from the National Archives or Australian War Memorial. Documents considered to be in the 'open access' period under the [Archives Act 1983 \(Cth\)](#) may be held by the National Archives. To enquire about any such documents, please visit the National Archives [ask a question](#) web page.

Further enquiries

For general information about this scheme, you should visit the [Military justice system](#) | [About](#) | [Defence](#) web page in the first instance.

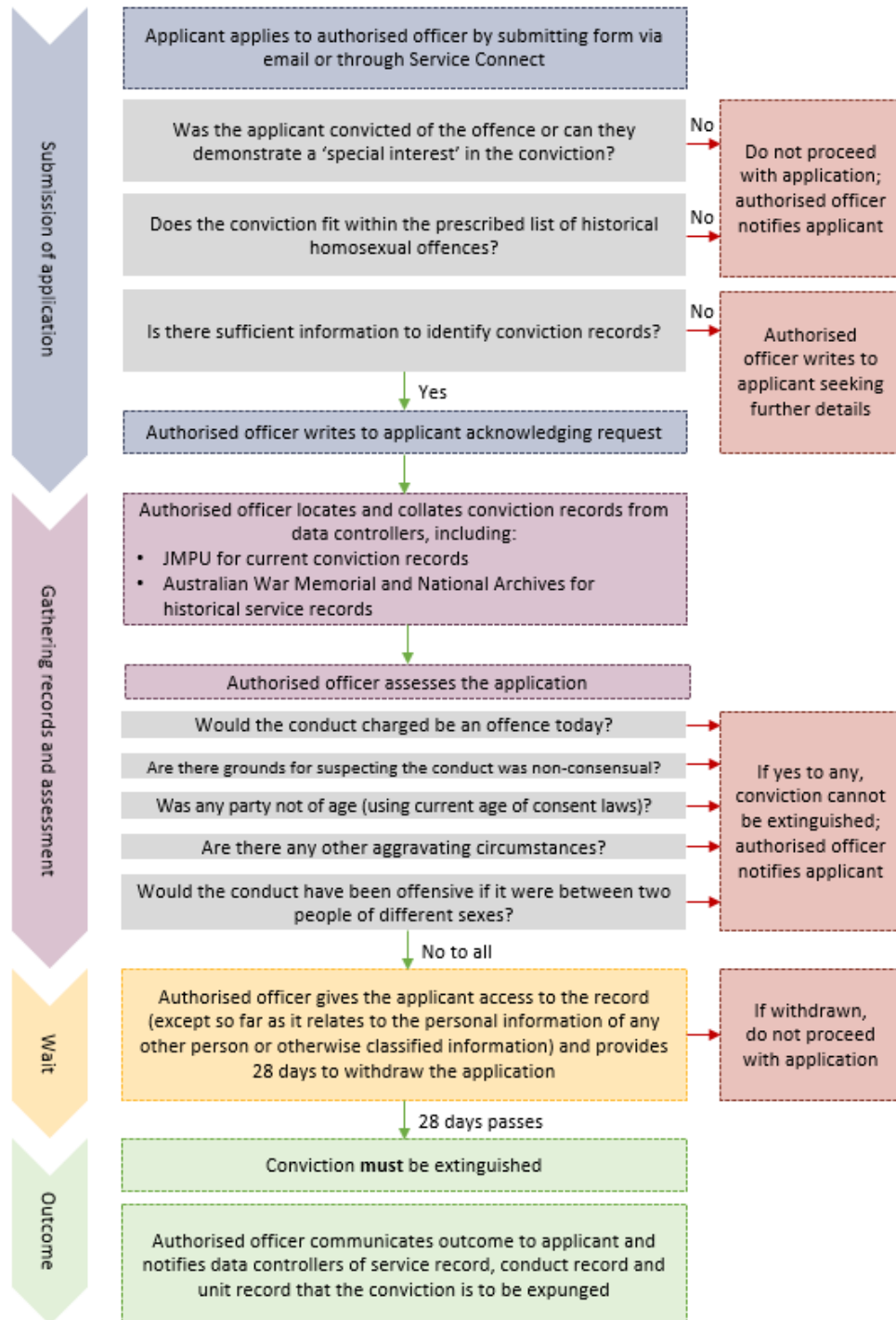
Privacy statement

Defence uses this form to collect information from people that is necessary to determine their eligibility to apply to have an historical conviction of an homosexual service offence extinguished. Under section 190C of the [Defence Force Discipline Act 1982 \(Cth\)](#), personal information including sensitive personal information (within the meaning of the [Privacy Act 1988 \(Cth\)](#)) may be collected, used and disclosed for the purposes of determining this application. For more details on the collection of personal information, refer to the Defence Privacy Policy. If you have questions or concerns about how your information will be handled, please see the Defence Privacy Website or contact defence.privacy@defence.gov.au.





Application process: applying for extinguishment of an historical homosexual service conviction





Save form

Clear form

Application for extinguishment of an historical homosexual service conviction

Instructions

- Please complete this application form and submit it, along with any supporting documents, to extinguishment.scheme@resources.defence.gov.au or to the address below:
Private and Confidential
Extinguishment Scheme, c/o Directorate of Military Administrative and Discipline Law, Defence Legal
PO Box 7980
Canberra BC ACT 2610
- For further information about this process, including where you can access support services, please refer to the [Crisis support | ADF Members & Families | Defence](#) web page.
- Please make sure all fields and sections marked with * are completed before signing or submission.

Application type *

I am completing this application (select one):

- ☐ On behalf of myself. *Please complete parts A, D, E, and F.*
- ☐ As a representative of another person. *Please complete all parts.*
- ☐ On behalf of a deceased person. *Please complete all parts.*

Part A—Applicant's details *

Given name(s): *

Family name: *

Date of birth: *

Gender:

Service (at time of conviction):

(Please enter)

Service ID (PMKeyS or Service number):

Any other names you have been known by:

Place of birth:

Address (current): *

Address (at time of conviction):

Email address:

Telephone number:





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A.1 How would you like us to contact you? *

- ☐ Email.
- ☐ Telephone.
- ☐ Mail (sent in envelopes marked 'Official: Sensitive // Personal-Privacy').
- ☐ Other. *Please provide further details below.*

Part B—Convicted person's details

Given name(s):

Family name:

Date of birth:

Gender:

Service (at time of conviction):

(Please enter)

Service ID (PMKeyS or Service number):

Any other names the person has been known by:

Place of birth:

Address (current):

Address (at time of conviction):

Date of death (if applicable):

Place of death (if applicable):





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Part C—Eligible representative

C.1 Is the person convicted of the historical conviction/s and named in this application deceased?

- ☐ No. Proceed to question C.2.
- ☐ Yes. Proceed to question C.3.

C.2 I am applying on behalf of the person who was convicted for the following reason (tick the relevant box):

- ☐ I am the convicted person's guardian.
- ☐ The convicted person's power of attorney empowers me to make decisions on their behalf.
- ☐ I am the convicted person's litigation guardian.

C.3 Please select the option(s) below that best describe your relationship to the person who was convicted (in order to demonstrate a special interest in the conviction):

- ☐ Spouse or domestic partner (current or at time of death).
- ☐ Child of or over the age of 18 years.
- ☐ Parent.
- ☐ Sibling of or over the age of 18 years.
- ☐ Chosen family. Please provide further details below.
- ☐ Named in the will of the convicted person as an executor.
- ☐ Personal representative. Please provide further details below.
- ☐ Other. Please provide further details below. You may detail another type of relationship or any other reason you have a special interest in the conviction (e.g. being identified as the 'victim' of the conduct).

C.4 Have you provided documentation to support your relationship to the person who was convicted? Documentation may include details of a marriage certificate (such as place or date of marriage), registration of a relationship, birth certificate, legal documentation or evidence of joint financial or household accounts. If you cannot provide documentation, please tick no and we will contact you to discuss options.

- ☐ Yes.
- ☐ No.





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Part D—Conviction details *

Please provide as much of this information as you feel able to. We understand that recalling exact dates, places, former names, or addresses may be difficult. The more information you can share, the more it may support the process of identifying relevant conviction records.

If you are unsure about certain details, you may wish to seek support. You can visit the [Crisis support](#) | [ADF Members & Families](#) | [Defence](#) web page or contact the [DEFGIS](#) for assistance, or consider accessing records held by the National Archives or the Australian War Memorial.

Disclaimer: If there is evidence of other aggravating circumstances in the conviction (e.g. lack of consent, the 'victim' was a minor, abuse of rank or other power, sexual activity within the chain of command, breach of orders by trainees engaging in sexual conduct, etc.), the conviction is not eligible to be extinguished under this scheme.

This scheme relates to service convictions for service offences; it does not include separation under other (e.g. medical/administrative) bases.

Type of offence:

Date of the offence:

Place of the offence:

Date of the conviction:

Place of the conviction:

D.1 Please detail any other circumstances of the offending you can recall:

D.2 Please briefly describe how the conviction meets the criteria (set out in fact sheet appended to this form):





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D.3 Do you believe that you (or the person for whom you are applying) were adversely affected by Defence policies related to homosexuality in ways other than a conviction of a service offence? If so, please describe this effect. If provided, your application will be referred to the relevant team in Defence and you will be provided with a separate point of contact to respond to your application, to be managed separately to this scheme.

- ☐ No.
- ☐ Yes and there is also a conviction of a service offence. *Please provide details.*
- ☐ Yes but there is no conviction of a service offence. *Please provide details.*

Part E—Acknowledgment and signature *

Under section 190C of the [Defence Force Discipline Act 1982 \(Cth\)](#), personal information including sensitive personal information (within the meaning of the [Privacy Act 1988 \(Cth\)](#)) may be collected, used and disclosed for the purposes of determining this application. The Australian Privacy Principles in Schedule 1 of the [Privacy Act 1988 \(Cth\)](#) regulate how Defence can collect, store, use and disclose personal (including sensitive) information, and how Defence members can access or seek correction of their personal information held by Defence.

I agree that Defence will provide me with access to records that it receives about me or, if applicable, the deceased person I am applying on behalf of as a result of this application.

I consent to relevant entities (including those listed below) or their agents disclosing and releasing any records held by them to Defence. These records may relate to me (if I am applying personally) or to the person who is the subject of this application (if I am applying as an eligible representative). These records may contain information about the facts and circumstances surrounding the investigation, prosecution, disciplinary proceedings, findings, and conviction associated with any offences that may be considered for extinguishment.

- National Archives
- Australian War Memorial
- State or Territory registries of births, deaths, and marriages

I understand that only material that contains personal information about me or, if applicable, the deceased person I am applying on behalf of will be released to me. I acknowledge that privacy and confidentiality apply to the handling of information about others.

I declare that the information provided in this application is true and correct to the best of my knowledge, and is not false or misleading.

I understand that I can withdraw this application at any time by notifying Defence and should advise Defence of any change to my personal or contact details.

Name (please print):

Signature:

Date:





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Part F—Supporting documents *

F.1 Have you provided 100 points of certified identification documents? * Details of documents required below.

- ☐ Yes. Enclosed with this application.
- ☐ Yes. Provided via Service Connect.
- ☐ No. Please provide further details below. Note that currently serving Defence members can apply using their Defence network accounts.

F.2 Please use the checklist below to confirm you have provided 100 points of acceptable certified identification documents.

Checklist of identification documents				
You must supply at least ONE primary document		Required on document N = Name, P = Photo, A = Address, S = Signature	Points worth	Points gained
Primary documents				
☐	Foreign passport (current)	N, P	70	
☐	Australian passport (current or expired within last two years but not cancelled)	N, P	70	
☐	Australian citizenship certificate	N	70	
☐	Full birth certificate (not extract)	N	70	
☐	Certificate of identity issued by the Australian Government to refugees and non-Australian citizens for entry into Australia	N	70	
☐	Australian driver's licence / learner's permit	N, A, P	40	
☐	Current Australian tertiary student identification card	N, P	40	
☐	Photo identification card issued for Australian regulatory purposes (e.g. aviation, maritime security, security industry etc.)	N, P	40	
☐	Government employee identification (Federal, State, or Territory)	N, P	40	





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Secondary documents				
☐	Department of Veterans' Affairs card	N, A	40	
☐	Centrelink card (with reference number)	N, A	40	
☐	Birth certificate extract	N	25	
☐	Birth card (NSW only)	N	25	
☐	Medicare card	N	25	
☐	Credit card or bank card	N	25	
☐	Australian marriage certificate	N, S	25	
☐	Australian Decree Nisi or Decree Absolute	N, S	25	
☐	Australian change of name certificate	N, S	25	
☐	Bank statement (showing transactions)	N, A	25	
☐	Current residential lease agreement	N, A	25	
☐	Taxation assessment notice	N, A	25	
☐	Current Australian mortgage documents	N, A	25	
☐	Current rating authority documents (e.g. land rates)	N, A	25	
☐	Current utility bill (less than 12 months old)	N, A	20	
☐	Reference from Indigenous organisation	N, P	20	
☐	Documents issued outside Australia equivalent to Australian documents (with accredited translation attached)	N, P	20	
Total points provided (minimum 100):				

