



New South Wales

# **Criminal Records Amendment (Exclusions and Disclosures) Regulation 2001**

under the

**Criminal Records Act 1991**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Records Act 1991*.

BOB DEBUS, M.P.,  
Attorney General

## **Explanatory note**

The object of this Regulation is to amend the *Criminal Records Regulation 1999*:

- (a) to exclude applicants for appointment as the Commissioner for the Police Integrity Commission or an Assistant Commissioner (and applicants for employment as staff of the Commission) from the operation of section 12 of that Act, and
- (b) to exclude applicants for appointment as the Inspector of the Police Integrity Commission (and applicants for employment or engagement as staff of, or consultants to, the Inspector) from the operation of section 12 of the Act, which provides that a person is not required to disclose a spent conviction for any purpose, and
- (c) to exclude applicants for appointment as the Commissioner for the New South Wales Crime Commission or an Assistant Commissioner (and applicants for employment as staff of the Commission) from the operation of section 12 of the Act, and

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- (d) to prescribe certain offences under the *Crimes Act 1900* and the *Summary Offences Act 1988* to be sexual offences for the purposes of the definition of ***sexual offences*** in section 7 (4) of the Act, and
- (e) to prescribe the Ministry for Police, the Inspector of the Police Integrity Commission and members of the Inspector's staff to be law enforcement agencies for the purposes of the definition of ***law enforcement agency*** in section 13 (5) of the Act.

This Regulation is made under the *Criminal Records Act 1991*, including paragraph (h) of the definition of ***sexual offence*** in section 7 (4), paragraph (o) of the definition of ***law enforcement agency*** in section 13 (5) and section 25 (the general regulation-making power).

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## **Criminal Records Amendment (Exclusions and Disclosures) Regulation 2001**

### **1 Name of Regulation**

This Regulation is the *Criminal Records Amendment (Exclusions and Disclosures) Regulation 2001*.

### **2 Amendment of Criminal Records Regulation 1999**

The *Criminal Records Regulation 1999* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clauses 5A and 5B**

Insert after clause 5:

**5A Exclusion of applicants for employment with Police Integrity Commission from consequences of conviction being spent**

- (1) Section 12 of the Act does not apply in relation to an application by a person for appointment as the Commissioner for the Police Integrity Commission under the *Police Integrity Commission Act 1996*.
- (2) Section 12 of the Act does not apply in relation to an application by a person for appointment as an Assistant Commissioner for the Police Integrity Commission under the *Police Integrity Commission Act 1996*.
- (3) Section 12 of the Act does not apply in relation to an application by a person for employment as a member of staff of the Police Integrity Commission for the purposes of the *Police Integrity Commission Act 1996*.
- (4) Section 12 of the Act does not apply in relation to an application by a person for employment as a member of staff of the Inspector of the Police Integrity Commission for the purposes of the *Police Integrity Commission Act 1996*.
- (5) Section 12 of the Act does not apply in relation to an application by a person for engagement as a consultant by the Inspector of the Police Integrity Commission under section 92 (3) of the *Police Integrity Commission Act 1996*.
- (6) Section 12 of the Act does not apply in relation to an application by a person for appointment as the Inspector of the Police Integrity Commission under the *Police Integrity Commission Act 1996*.

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**5B Exclusion of applicants for employment with New South Wales Crime Commission from consequences of conviction being spent**

- (1) Section 12 of the Act does not apply in relation to an application by a person for appointment as the Commissioner for the New South Wales Crime Commission under the *New South Wales Crime Commission Act 1985*.
- (2) Section 12 of the Act does not apply in relation to an application by a person for appointment as an Assistant Commissioner for the New South Wales Crime Commission under the *New South Wales Crime Commission Act 1985*.
- (3) Section 12 of the Act does not apply in relation to an application by a person for employment as a member of the staff of the New South Wales Crime Commission for the purposes of the *New South Wales Crime Commission Act 1985*.

**[2] Clauses 10 and 11**

Insert after clause 9:

**10 Offences prescribed as sexual offences for the purposes of section 7**

For the purposes of paragraph (h) of the definition of *sexual offences* in section 7 (4) of the Act, the following offences are prescribed as sexual offences:

- (a) an offence under section 61JA, 66EA, 578B or 578C (2A) of the *Crimes Act 1900*,
- (b) an offence under section 11G of the *Summary Offences Act 1988*.

**11 Persons or bodies prescribed as law enforcement agencies for the purposes of section 13**

For the purposes of paragraph (o) of the definition of *law enforcement agency* in section 13 (5) of the Act, the following persons and bodies are prescribed:

- (a) the Ministry for Police,

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Schedule 1      Amendments

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- (b) the Inspector of the Police Integrity Commission appointed under the *Police Integrity Commission Act 1996* or any person who is a member of the Inspector's staff for the purposes of that Act.

BY AUTHORITY