



# Criminal Records Amendment (Exclusion) Regulation 2003

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

Section 9D of the *Bail Act 1978* provides that an authorised officer or court is not to grant bail to a person who is charged with a serious personal violence offence and who is a repeat offender unless the authorised officer or court is satisfied that exceptional circumstances justify the grant of bail. A person is a **repeat offender** for the purposes of the section if the person has a previous conviction for a serious personal violence offence (as defined in that section) other than the offence in connection with which bail is being sought.

The object of this Regulation is to exclude convictions for serious personal violence offences from the operation of section 12 of the *Criminal Records Act 1991* for the purposes of applying section 9D of the *Bail Act 1978*. This will enable authorised officers to take into account a person's convictions for serious personal violence offences that are otherwise "spent" under the *Criminal Records Act 1991* in applying section 9D. (No such exclusion is required in relation to courts as section 12 of the *Criminal Records Act 1991* does not apply to courts' proceedings or decision-making.)

This Regulation is made under the *Criminal Records Act 1991*, including section 25 (the general power to make regulations).

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### **1 Name of Regulation**

This Regulation is the *Criminal Records Amendment (Exclusion) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 23 August 2003.

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

The *Criminal Records Regulation 1999* is amended by inserting after clause 5C:

#### **5D Exclusion of consequences of certain convictions being spent for purposes of applying section 9D of Bail Act**

- (1) Section 12 of the Act does not apply in relation to a conviction of a person for a serious personal violence offence for the purposes of applying section 9D of the *Bail Act 1978*.
- (2) In this clause, *serious personal violence offence* has the same meaning as in section 9D of the *Bail Act 1978*.