



New South Wales

Criminal Records Amendment Regulation 2010

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*.

JOHN HATZISTERGOS, MLC
Attorney General

Explanatory note

The object of this Regulation is to provide for an exemption from the operation of the *Criminal Records Act 1991* in respect of an application by the Commissioner of Police under the *Crimes (Criminal Organisations Control) Act 2009* for a declaration that a particular organisation is a declared organisation for the purposes of that Act.

As a result of the exemption, convictions of alleged members of criminal organisations, which would otherwise be considered spent under the *Criminal Records Act 1991*, are not taken to be spent and can be disclosed by the Commissioner of Police in an application under the *Crimes (Criminal Organisations Control) Act 2009* and can be taken into account by an eligible Judge making a decision on such an application.

This Regulation is made under the *Criminal Records Act 1991*, including section 25 (the general regulation-making power).

2010 No 93

Clause 1 Criminal Records Amendment Regulation 2010

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1 Name of Regulation

This Regulation is the *Criminal Records Amendment Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Criminal Records Regulation 2004

The *Criminal Records Regulation 2004* is amended by inserting the following after clause 12:

12A Exceptions in relation to declared organisations under the Crimes (Criminal Organisations Control) Act 2009

- (1) Section 12 of the Act does not apply in relation to an application under Part 2 of the *Crimes (Criminal Organisations Control) Act 2009* or the making of a decision by an eligible Judge under that Part.
- (2) Section 13 of the Act does not apply to the disclosure, by or on behalf of the Commissioner of Police, of information concerning a spent conviction to an eligible Judge for the purposes of an application under Part 2 of the *Crimes (Criminal Organisations Control) Act 2009*.