



Crime Commission Regulation 2012

under the

Crime Commission Act 2012

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Crime Commission Act 2012*.

MICHAEL GALLACHER, MLC
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to make provision with respect to the security checks of the staff of the New South Wales Crime Commission and associated persons under Part 6 of the *Crime Commission Act 2012*.

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Crime Commission Act 2012*, including sections 77 and 86 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Crime Commission Regulation 2012*.

2 Commencement

This Regulation commences on 5 October 2012 and is required to be published on the NSW legislation website.

3 Definition

(1) In this Regulation:

the Act means the *Crime Commission Act 2012*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Disclosure of certain information

(1) The Commissioner may at any time require an officer of the Commission, or an applicant for a position as an officer of the Commission, to furnish to the Commissioner a statement of personal particulars, in the approved form, in relation to:

(a) the officer or applicant, or

(b) any other person who is associated with the officer or applicant.

(2) The statement must be accompanied by an authority for the release of information, and a consent to conduct inquiries, each in the approved form and each duly executed by the person to whom the statement relates.

(3) An officer or applicant who is required to furnish to the Commissioner one or more statements under this clause must, when furnishing that statement or those statements, also furnish the Commissioner with a statutory declaration, in the approved form, concerning the officer's or applicant's association (if any) with known or reputed criminals.

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5 Production of certain documents

- (1) The Commissioner may require an officer of the Commission, or an applicant for a position as an officer of the Commission, to furnish to the Commissioner such of the documents referred to in subclause (2) or (3) relating to:
 - (a) the officer or applicant, or
 - (b) any other person who is associated with the officer or applicant, as are in the possession of the officer or applicant or to which the officer or applicant has an immediate right of possession.
- (2) The documents to be furnished in the case of an individual are as follows:
 - (a) a birth certificate or a duly certified extract of a birth certificate,
 - (b) a marriage certificate or a duly certified extract of a marriage certificate,
 - (c) a current passport,
 - (d) a current driver licence,
 - (e) a duly certified copy of any registered deed by which the individual has formally changed the individual's name,
 - (f) a certificate of naturalisation,
 - (g) a certificate of discharge from the Defence Force,
 - (h) a certificate evidencing the individual's educational, professional or trade qualifications,
 - (i) the most recent income tax return lodged by, and the most recent income tax assessment issued in relation to, the individual.
- (3) The documents to be furnished in the case of a company or partnership engaged under section 74 (2) of the Act are as follows:
 - (a) a copy of the constitution of the company or of the agreement establishing the partnership,
 - (b) the most recent annual report of the company or partnership,
 - (c) the most recent audited financial statement in relation to the company or partnership,
 - (d) the most recent income tax return lodged by, and the most recent income tax assessment issued in relation to, the company or the several partners in the partnership.

6 Fingerprints to be furnished

- (1) The Commissioner may require an officer of the Commission, or an applicant for a position as an officer of the Commission, to furnish to the Commissioner an imprint of the officer's or applicant's fingerprints.
- (2) If the officer or applicant is a company or partnership engaged or to be engaged under section 74 (2) of the Act, the Commissioner may require the officer or applicant to furnish to the Commissioner an imprint of the fingerprints of:
 - (a) any specified associate of the company, or
 - (b) any specified associate of a partner in the partnership.
- (3) Fingerprint imprints obtained by the Commission from an applicant, or an associate of an applicant, are to be destroyed within 6 months after the application is determined unless, within that time, the applicant becomes an officer of the Commission.
- (4) Fingerprint imprints obtained by the Commission from an officer, or an associate of an officer, are to be destroyed within 6 months after the officer ceases to be an officer.
- (5) In the case of an officer:
 - (a) who is under investigation by the Commission when the officer ceases to be an officer, or
 - (b) who becomes subject to such an investigation within 6 months after ceasing to be an officer,the Commission may retain the fingerprint imprints of the officer, or of any associate of the officer, for such further period as is necessary to complete the investigation and any legal proceedings arising from the investigation.

7 Changes in personal particulars to be notified

An officer of the Commission who becomes aware of any significant change in the personal particulars in relation to:

- (a) the officer, or
- (b) any person who is associated with the officer and in respect of whom the officer has previously furnished a statement of personal particulars under Part 6 of the Act,

must immediately furnish a statement of that change, in the approved form, to the Commissioner.

8 Conflict of interests to be notified

If an officer of the Commission becomes aware of any conflict of interest that has arisen, or that could be seen as having arisen, between

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the officer's duties as an officer and the officer's private interests, the officer must immediately notify the Commissioner of that fact.