

# Criminal Records Regulation 1999

[1999-385]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Criminal Records Regulation 1999



New South Wales

## 1 Name of Regulation

This Regulation is the *Criminal Records Regulation 1999*.

## 2 Commencement

This Regulation commences on 1 September 1999.

## 3 Definition

(1) In this Regulation:

**the Act** means the *Criminal Records Act 1991*.

(2) The explanatory note and table of contents do not form part of this Regulation.

### 3A Spent convictions

(1) The former offence of a self-excluded person entering or remaining in a casino to which an exclusion order in respect of the person relates is prescribed as an offence to which section 8 (5) of the Act applies.

(2) In this clause, **self-excluded person** has the same meaning as it has in section 84 of the *Casino Control Act 1992*.

## 4 Exclusion of applicants for employment in Office of DPP from consequences of conviction being spent

Section 12 of the Act does not apply in relation to an application by a person for appointment or employment as an Officer within the meaning of the *Director of Public Prosecutions Act 1986*.

## 5 Exclusion of applicants for employment with ICAC from consequences of conviction being spent

Section 12 of the Act does not apply in relation to an application by a person for appointment or employment as an officer of the Commission within the meaning of the *Independent Commission Against Corruption Act 1988*.

**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](#).

**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](#).

**6 Disclosure to Corrective Services or Customs**

- (1) Section 13 of the Act does not apply to the disclosure of information concerning a spent conviction by the officer in charge of the Criminal Records Unit of the Police Service to a person employed in the Department of Corrective Services or the Australian Customs Service.

(2) However, subclause (1) has effect only if:

- (a) at the time the officer in charge discloses the information, the officer is satisfied that within the Department or Service concerned, there are policies and procedures in place that will ensure that the information will not be disclosed, or used or taken into account in any decision taken or other thing done, by any person employed in the Department or Service concerned, and
- (b) the information is made available only together with information relating to all the other convictions of the relevant person.

(3) (Repealed)

## **7 Disclosure to Bureau of Crime Statistics and Research**

- (1) Section 13 of the Act does not apply to the disclosure of information concerning a spent conviction by the officer in charge of the Criminal Records Unit of the Police Service to a person employed in the Bureau of Crime Statistics and Research.
- (2) However, subclause (1) has effect only if, at the time the officer in charge discloses the information, the officer is satisfied that within the Bureau of Crime Statistics and Research there are policies and procedures in place that will ensure that:
  - (a) the information concerning the conviction will only be used in research by that Bureau, the production of statistics by that Bureau and the publication of those statistics and of reports relating to that research, and
  - (b) any such publication does not name or otherwise identify the person who was the subject of the conviction.

## **8 Disclosure to Office of Sheriff or Department of Fair Trading**

- (1) Section 13 of the Act does not apply to the disclosure of information concerning a spent conviction by the officer in charge of the Criminal Records Unit of the Police Service to a person employed in the Office of the Sheriff or in the Department of Fair Trading.
- (2) However, subclause (1) has effect only if:
  - (a) at the time the officer in charge discloses the information, the officer is satisfied that within that Office or Department there are policies and procedures in place that will ensure that the information will not be disclosed, or used or taken into account in any decision taken, or other thing done, by any person employed in that Office or Department, and
  - (b) the information is made available only together with information relating to all the other convictions of the relevant person.

(3) (Repealed)

**9 Disclosure to Casino Control Authority or Director of Liquor and Gaming**

Section 13 of the Act does not apply to the disclosure of information concerning a spent conviction by the officer in charge of the Criminal Records Unit of the Police Service to any of the following persons:

- (a) the Casino Control Authority,
- (b) the Director of Liquor and Gaming, or a person authorised in writing by the Director.

**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,
- (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.