Criminal Records Act 1991 No 8

[1991-8]

New South Wales

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Responsible Minister

- Attorney General

For full details of Ministerial responsibilities, see the Administrative Arrangements (Minns Ministry—Administration of Acts) Order 2023.

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Criminal Records Act 1991 No 8

New South Wales

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Criminal Records Act 1991 No 8

New South Wales

An Act to limit the effect of a person's conviction for a relatively minor offence if the person completes a period of crime-free behaviour, and to make provision with respect to quashed convictions and pardons.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Criminal Records Act 1991*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Objects of this Act

(1) The primary object of this Act is to implement a scheme to limit the effect of a person's conviction for a relatively minor offence if the person completes a period of crime-free behaviour. On completion of the period, the conviction is to be regarded as spent and, subject to some exceptions, is not to form part of the person's criminal history.

(2) The Act also provides for the effect of the quashing of a conviction and the pardoning of an offence.

(3) The Act also provides for a scheme to enable certain convictions for a number of decriminalised homosexual sexual conduct offences to become extinguished.

4 Definitions

(1) In this Act—

control order means an order made under section 33 (1) (g) of the *Children (Criminal Proceedings) Act 1987*.

conviction means a conviction, whether summary or on indictment, for an offence and includes a finding or order which, under section 5, is treated as a conviction for the purposes of this Act.

court includes a tribunal.

intervention program has the same meaning as in the *Criminal Procedure Act 1986*.

public authority means a public or local authority constituted by or under any Act, a government department or a statutory body representing the Crown, and includes a person exercising functions on behalf of the authority, department or body.

Note—

The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

(2) In this Act, a reference to a spent conviction includes a reference to—

(a) the charge to which the spent conviction relates, and

(b) any action taken in respect of a breach of prison discipline committed during a period of imprisonment imposed in relation to the conviction.

(2A) In this Act, a reference to an extinguished conviction includes a reference to the charge to which the extinguished conviction relates.

(3) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(4) Notes included in this Act do not form part of this Act.

5 Findings and orders treated as convictions for the purposes of this Act

The following findings or orders of a court are treated as convictions for the purposes of this Act—

(a) a finding that an offence has been proved, or that a person is guilty of an offence, without proceeding to a conviction,

(b) a finding that an offence has been proved, or that a person is guilty of an offence, and the discharging of, or the making of an order releasing, the offender conditionally on entering into a recognizance to be of good behaviour for a specified period or on other conditions determined by the court,

(c) in the case of the Children's Court, an order under section 33 of the *Children (Criminal Proceedings) Act 1987*, other than an order dismissing a charge.

6 Construction of certain provisions of this Act

(1) In order that the provisions of this Act may apply to convictions for offences against

laws other than New South Wales laws, references in this Act to offences, convictions and courts are taken to include references to offences, convictions and courts of places other than those of New South Wales which correspond (or which correspond as closely as possible) to the relevant New South Wales offences, convictions and courts.

(2) In order that the provisions of this Act may apply to convictions imposed before the date of commencement of section 7, references in this Act to convictions are taken to include references to convictions so imposed.

Part 2 Spent convictions

7 Which convictions are capable of becoming spent?

(1) All convictions are capable of becoming spent in accordance with this Act, except the following—

(a) convictions for which a prison sentence of more than 6 months has been imposed,

(b) convictions for sexual offences,

(c) convictions imposed against bodies corporate,

(d) convictions prescribed by the regulations.

(2) A conviction may become spent in accordance with this Act whether it is a conviction for an offence against a law of New South Wales or a conviction for an offence against any other law.

(3) A conviction may become spent in accordance with this Act whether it is a conviction imposed before, on or after the date of commencement of this section.

(4) In this section—

prison sentence does not include a sentence the subject of an intensive correction order or the detaining of a person under a control order.

sexual offences means the following offences—

(a) the offences under sections 61B–61F, 65A–66D, 66F, 73, 74, 78A, 78B, 78H, 78I, 78K, 78L, 78N, 78O, 78Q, 79, 80, 91A, 91B and 91D–91G of the *Crimes Act 1900*,

(b) from the date of commencement of Schedule 1 (3) to the *Crimes (Amendment) Act 1989*, the offences under sections 61I–61P of the *Crimes Act 1900*,

(c) from the date of commencement of Schedule 1 (6) to the *Crimes (Amendment) Act 1989*, the offence under section 80A of the *Crimes Act 1900*,

(d) the offence under section 5 of the *Summary Offences Act 1988*,

(e) an offence (such as an offence under section 37 (2) or 112 of the *Crimes Act*

1900) which includes the commission of, or an intention to commit, an offence referred to in paragraph (a), (b), (c) or (d),

(f) an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in paragraph (a), (b), (c), (d) or (e),

(g) an offence committed—

(i) before the date of commencement of this section against a law of New South Wales or a law of a place outside New South Wales, or

(ii) after the date of commencement of this section against a law of a place outside New South Wales,

which constituted or constitutes an offence of a similar nature to an offence referred to in paragraph (a), (b), (c), (d), (e) or (f),

(h) an offence prescribed by the regulations as a sexual offence for the purposes of this section.

(5) A reference in this section to a prison sentence means, in the case of an aggregate sentence of imprisonment (within the meaning of the *Crimes (Sentencing Procedure) Act 1999*) imposed in respect of more than 1 offence, each prison sentence that would have been imposed for each offence had separate sentences been imposed instead of an aggregate sentence, as recorded by the court that imposed the sentence.

8 When is a conviction spent?

(1) A conviction is spent on completion of the relevant crime-free period, except as provided by this section.

(2) A finding that an offence has been proved, or that a person is guilty of an offence, without proceeding to a conviction is spent immediately after the finding is made, except as provided by this section.

(3) An order of the Children’s Court dismissing a charge and administering a caution is spent immediately after the caution is administered.

(4) A finding that an offence has been proved, or that a person is guilty of an offence, and—

(a) the discharging of, or the making of an order releasing, the offender conditionally on entering into a good behaviour bond for a specified period, on participating in an intervention program or on other conditions determined by the court, or

(b) the releasing of the offender on probation on such conditions as the court may determine, for such period of time as it thinks fit, or

(c) the making of a conditional release order, without conviction, under section 9 of

the *Crimes (Sentencing Procedure) Act 1999*, for a specified period,

is spent on satisfactory completion of the period or satisfactory compliance with the program (including any intervention plan arising out of the program) or conditions, as the case may require.

(5) A conviction in respect of an offence of a kind which has ceased, by operation of law, to be an offence is spent immediately the offence ceased to be an offence, if the offence is prescribed by the regulations to be an offence to which this subsection applies.

(6) A conviction which is spent is not revived by a subsequent conviction.

(7) A reference in subsection (4) (a) (as substituted by the *Crimes Legislation Amendment (Criminal Justice Interventions) Act 2002*) to a good behaviour bond includes a reference to a recognizance to be of good behaviour made before the commencement of the *Crimes (Sentencing Procedure) Act 1999*.

9 What is the crime-free period for convictions of courts (other than the Children's Court)?

(1) The crime-free period in the case of a conviction of a court (other than the Children's Court) is any period of not less than 10 consecutive years after the date of the person's conviction during which—

(a) the person has not been convicted of an offence punishable by imprisonment, and

(b) the person has not been in prison because of a conviction for any offence and has not been unlawfully at large.

(2) The crime-free period may commence before the date of commencement of section 7.

10 What is the crime-free period for orders of the Children's Court?

(1) The crime-free period in the case of an order of the Children's Court under section 33 of the *Children (Criminal Proceedings) Act 1987* (other than a finding or order referred to in section 8 (2) or (3) of this Act) in respect of a person is any period of not less than 3 consecutive years after the date of the order during which—

(a) the person has not been subject to a control order, and

(b) the person has not been convicted of an offence punishable by imprisonment, and

(c) the person has not been in prison because of a conviction for any offence and has not been unlawfully at large.

(2) The crime-free period may commence before the date of commencement of section 7.

11 How are traffic offences to be dealt with?

(1) In this section, ***traffic offence*** means an offence arising out of the use of a motor vehicle or trailer (within the meaning of the road transport legislation referred to in section 6 of the *Road Transport Act 2013*) and ***non-traffic offence*** means any other offence.

(2) A conviction for a traffic offence and any period of imprisonment imposed as a consequence of such a conviction are to be disregarded in calculating the crime-free period for a conviction for a non-traffic offence. A conviction for a traffic offence is of relevance only in calculating the crime-free period for a conviction for an earlier traffic offence.

(3) A conviction for a non-traffic offence and any period of imprisonment imposed as a consequence of such a conviction are to be disregarded in calculating the crime-free period for a conviction for a traffic offence. A conviction for a non-traffic offence is of relevance only in calculating the crime-free period for an earlier non-traffic offence.

(4) Despite subsections (2) and (3), regard is to be had to a conviction for any of the following offences in calculating the crime-free period for any conviction (whether for a traffic offence or a non-traffic offence). A conviction for any of the following offences is of relevance in determining the crime-free period for any earlier offence. The offences are—

(a) culpable driving (section 52A of the *Crimes Act 1900* as in force immediately before the commencement of Schedule 1 to the *Crimes (Dangerous Driving Offences) Amendment Act 1994*),

(a1) dangerous driving occasioning death (section 52A (1) of the *Crimes Act 1900*),

(a2) aggravated dangerous driving occasioning death (section 52A (2) of the *Crimes Act 1900*),

(a3) dangerous driving occasioning grievous bodily harm (section 52A (3) of the *Crimes Act 1900*),

(a4) aggravated dangerous driving occasioning grievous bodily harm (section 52A (4) of the *Crimes Act 1900*),

(b) injury by furious driving (section 53 of the *Crimes Act 1900*),

(c) manslaughter (section 24 of the *Crimes Act 1900*) or causing grievous bodily harm (section 54 of the *Crimes Act 1900*) where, in either case, the offence arises out of the use of a motor vehicle or trailer (within the meaning of the road transport legislation referred to in section 6 of the *Road Transport Act 2013*).

Part 3 Consequences of a conviction becoming spent

Division 1 General

12 What are the consequences of a conviction becoming spent?

If a conviction of a person is spent—

(a) the person is not required to disclose to any other person for any purpose information concerning the spent conviction, and

(b) a question concerning the person's criminal history is taken to refer only to any convictions of the person which are not spent, and

(c) in the application to the person of a provision of an Act or statutory instrument—

(i) a reference in the provision to a conviction is taken to be a reference only to any convictions of the person which are not spent, and

(ii) a reference in the provision to the person's character or fitness is not to be interpreted as permitting or requiring account to be taken of spent convictions.

13 Unlawful disclosure of information concerning spent convictions

(1) A person who has access to records of convictions kept by or on behalf of a public authority and who, without lawful authority, discloses to any other person any information concerning a spent conviction is guilty of an offence.

Maximum penalty—50 penalty units or imprisonment for 6 months, or both.

(2) It is not an offence for the officer in charge of the Criminal Records Section of the NSW Police Force to make information relating to a spent conviction available to a law enforcement agency or to the holder of an office prescribed by the regulations.

(3) It is not an offence for an archive or library (or an authorised officer of an archive or library) to make available to a member of the public, or to another archive or library, in accordance with the normal procedures of the archive or library, material that is normally available for public use and that contains information relating to a spent conviction.

(4) It is not an offence for a law enforcement agency (or an authorised officer of a law enforcement agency) in the discharge of its duties (or of the authorised officer's duties) to make information relating to a spent conviction available to another law enforcement agency or to a court in compliance with an order of the court.

(4AA) It is not an offence for a person employed in Corrective Services NSW to make information relating to a spent conviction available to another person if—

(a) making the information available is not an offence under the *Crimes*

(Administration of Sentences) Act 1999, and

(b) the person employed in Corrective Services NSW does not know, and could not reasonably be expected to know, the conviction is a spent conviction.

(4A) It is not an offence for a person to make information relating to a spent conviction available as authorised or required under the *Child Protection (Working with Children) Act 2012* or the *National Disability Insurance Scheme (Worker Checks) Act 2018*.

(4B) It is not an offence for a public authority or other government agency that has a record of a spent conviction (or an authorised officer of the authority or agency) to make information about the conviction available to the person who was convicted.

(5) In this section—

Corrective Services NSW has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*.

law enforcement agency means any of the following—

(a) the NSW Police Force,

(b) the Australian Federal Police,

(c) the police force of another State or a Territory,

(d) the Australian Crime Commission,

(e) the Australian Bureau of Criminal Intelligence,

(f) the National Exchange of Police Information,

(g) the Independent Commission Against Corruption or a similar body established under the law of another legislature in Australia,

(h) the New South Wales Crime Commission or a similar body established under the law of another legislature in Australia,

(h1) the Law Enforcement Conduct Commission,

(i) the Attorney General for the Commonwealth or for a State or Territory,

(j) persons employed in the Attorney General’s Department or a similar Department of the Commonwealth, another State or a Territory, or employed in a body administered by such a Department, being persons whose primary function is the institution or conduct of proceedings for offences,

(k) the Office of the Director of Public Prosecutions or a similar body established under a law of another legislature in Australia,

(l) the Director of Public Prosecutions, or a person performing a similar function, appointed under a law of another legislature in Australia,

(m) a Crown Prosecutor,

(n) an Australian legal practitioner to the extent to which the Australian legal practitioner is engaged by or on behalf of the Crown to prosecute an offence,

(o) a person or body prescribed for the purpose of this definition by the regulations.

14 Improper obtaining of information concerning spent convictions

A person who, fraudulently or dishonestly, obtains or attempts to obtain information concerning a spent conviction from records of convictions kept by or on behalf of a public authority is guilty of an offence.

Maximum penalty—50 penalty units or imprisonment for 6 months, or both.

Division 2 Exclusions

15 Employment in certain occupations

(1) Section 12 does not apply in relation to an application by a person for appointment or employment as a judge, magistrate, justice of the peace, police officer, member of staff of Corrective Services NSW (within the meaning of the *Crimes (Administration of Sentences) Act 1999*), or the Office of the Sheriff, Department of Communities and Justice, teacher or teachers aide.

(1A) Section 12 does not apply in relation to an application by a person for a clearance under, or to the risk assessment of the holder of a clearance under, the *Child Protection (Working with Children) Act 2012*, the *National Disability Insurance Scheme (Worker Checks) Act 2018* or a law of another State or Territory that corresponds to either of those Acts.

(2) Section 12 does not apply in relation to a conviction of a person for arson or attempted arson if the person seeks to be appointed or employed in fire fighting or fire prevention.

16 Proceedings before courts

(1) Section 12 does not apply to proceedings before a court (including the giving of evidence) or the making of a decision by a court (including a decision concerning sentencing).

(2) However, a court before which evidence of a spent conviction is admitted must, in appropriate circumstances, take such steps as are reasonably available to it to prevent or minimise publication of that evidence.

(3) This Act does not affect any of the following provisions—

- section 15 of the *Children (Criminal Proceedings) Act 1987*
- section 152 of the *Criminal Procedure Act 1986*
- Part 3.8 (Character) of Chapter 3 and section 178 (Convictions, acquittals and other judicial proceedings) of the *Evidence Act 1995*.

17 Civic office

This Act does not affect section 274 or 275 of the *Local Government Act 1993*.

Part 4 Quashed convictions and pardons

18 When is a conviction taken to be quashed?

For the purposes of this Part—

(a) a conviction is taken to be quashed if the conviction is quashed or set aside,

(b) a finding that an offence has been proved, or that a person is guilty of an offence, without proceeding to a conviction is taken to be quashed if the finding is quashed or set aside (except where it is set aside in order to impose a penalty),

(c) a finding that an offence has been proved, or that a person is guilty of an offence, and the discharging of, or the making of an order releasing, the offender conditionally on entering into a recognizance to be of good behaviour for a specified period or on other conditions determined by the court is taken to be quashed if the finding is quashed or set aside,

(d) an order under section 33 of the *Children (Criminal Proceedings) Act 1987*, other than an order dismissing a charge, is taken to be quashed if the order is quashed or set aside.

19 What are the consequences of a conviction being quashed or of a pardon?

Division 1 of Part 3 applies to and in respect of a quashed conviction and a pardon (and the charge to which the quashed conviction or pardon relates) in the same way as it applies to and in respect of a spent conviction.

Part 4A Extinguishing convictions for historical homosexual offences

19A Definitions

In this Part—

eligible homosexual offence means any of the following offences—

(a) the former offences under sections 78K, 78L, 78Q, 81, 81A and 81B of the *Crimes Act*

1900,

(b) the former offences under sections 79 and 80 of the *Crimes Act 1900* (before those offences were amended by the *Crimes (Amendment) Act 1984*), but not any offence relating to bestiality,

(c) the former offences under section 12 of the *Police Offences Act 1901* and under section 7 of the *Summary Offences Act 1970*, but only if the former offence was constituted by—

(i) a person engaging in sexual intercourse or another form of sexual activity with another person of the same sex, or

(ii) a person procuring another person of the same sex to engage in sexual intercourse or another sexual activity with a person of the same sex,

Note—

The *Police Offences Act 1901* has been renamed as the *Police (Special Provisions) Act 1901*.

(d) an offence prescribed by the regulations for the purposes of this definition,

(e) an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in paragraph (a), (b), (c) or (d).

Secretary means the Secretary of the Department of Justice.

19B Application to have eligible homosexual offence convictions extinguished

(1) A person who has been convicted of an eligible homosexual offence may apply, in accordance with the regulations, to the Secretary for the conviction to become extinguished.

(2) An application under this section must state—

(a) the name, address and date of birth of the applicant, and

(b) the name and address of the applicant at the time of the conviction, and

(c) so far as is known to the applicant, the time when and the place where the conviction was made, and

(d) any other information that the Secretary requires.

Note—

It is an offence under Part 5A of the *Crimes Act 1900* to knowingly provide false or misleading information or to knowingly produce documents that are false or misleading in an application to a public authority.

(3) If the convicted person has died, an application under this section may be made on behalf of the person by—

(a) the convicted person's legal personal representative, or

(b) a spouse, de facto partner, parent or child of the convicted person or a person who was in a close personal relationship with the convicted person immediately before the convicted person's death.

19C Eligible homosexual offence convictions may be extinguished

(1) A conviction for an eligible homosexual offence becomes an extinguished conviction when the Secretary, by notice in writing given to the applicant, decides that he or she is satisfied that the other person involved in the sexual activity constituting the offence—

(a) consented to the sexual activity, and

(b) was of or above—

(i) the age of 16 years, or

(ii) if the other person was under the special care of the convicted person (within the meaning of section 73 (3) of the *Crimes Act 1900*)—the age of 18 years.

Note—

Section 73 (3) of the *Crimes Act 1900* provides that a person (***the victim***) is under the special care of another person (***the offender***) if, and only if—

(a) the offender is the step-parent, guardian or foster parent of the victim or the de facto partner of a parent, guardian or foster parent of the victim, or

(b) the offender is a member of the teaching staff at the school at which the victim is a student, or

(c) the offender has an established personal relationship with the victim in connection with the provision of religious, sporting, musical or other instruction to the victim, or

(d) the offender is a custodial officer of an institution of which the victim is an inmate, or

(e) the offender is a health professional and the victim is a patient of the health professional.

(2) Before making a decision under this section, the Secretary may, by notice in writing, request the applicant to provide further information specified in the notice. The Secretary may refuse to make a decision under this section if the request has not been complied with.

(3) If the Secretary intends to make a decision that will result in the conviction for an eligible homosexual offence not becoming an extinguished conviction, the Secretary must—

(a) by notice in writing, inform the applicant of that intention, and

(b) provide the applicant with a copy of any historical records relating to the conviction in the possession of the Secretary, and

(c) give the applicant 14 days from the date of that notice to submit further information to the Secretary regarding the application.

(4) The Secretary is not to hold an oral hearing for the purpose of making a decision under this section.

(5) The Secretary may delegate the exercise of any function of the Secretary under this section (other than this power of delegation) to—

(a) any member of staff of the Department of Justice, or

(b) any person, or any class of persons, authorised for the purposes of this section by the regulations.

19D Persons and bodies to provide information to Secretary

(1) The Secretary may, by notice in writing, require any of the following persons or bodies to provide the Secretary with the information requested in the notice for the purposes of making a decision under section 19C—

(a) a person employed in the government sector (within the meaning of section 3 of the *Government Sector Employment Act 2013*),

(b) the officer in charge of the Criminal Records Section of the NSW Police Force,

(c) a court,

(d) the Director of Public Prosecutions,

(e) any other person or body prescribed by the regulations.

(2) It is the duty of a person or body referred to in subsection (1) to comply with a notice under this section.

(3) The *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* do not apply in relation to the disclosure of personal information or health information to the extent that the information is provided under this section to the Secretary.

(4) The Secretary and any person acting under the direction of the Secretary are exempt from any requirements of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* relating to the collection, use or disclosure of personal information or health information to the extent that the information is provided under this section.

19E Administrative review by Civil and Administrative Tribunal of decision of Secretary relating to conviction

(1) A person who has made an application under this Part may apply for an administrative

review under the *Administrative Decisions Review Act 1997* of a decision made by the Secretary under section 19C (1).

(2) If a person has made an application under this Part and has not, within 9 months, received notice of a decision under section 19C (1), the Secretary is taken to have made a decision that he or she is not satisfied of the matters referred to in that subsection.

19F What are the consequences of a conviction becoming an extinguished conviction?

(1) If a conviction of a person is an extinguished conviction—

(a) the person is not required to disclose to any other person for any purpose information concerning the extinguished conviction, and

(b) a question concerning the person's criminal history is taken not to refer to any convictions of the person which are extinguished convictions, and

(c) in the application to the person of a provision of an Act or statutory instrument—

(i) a reference in the provision to a conviction is taken not to be a reference to any convictions of the person which are extinguished convictions, and

(ii) a reference in the provision to the person's character or fitness is not to be interpreted as permitting or requiring account to be taken of extinguished convictions.

(2) This section has effect despite—

(a) sections 77 (4), 79 (3) and 135 (3) of the *Health Practitioner Regulation National Law (NSW)*, and

(b) any Act that provides that information relating to spent convictions may be disclosed despite this Act.

19G Unlawful disclosure of information concerning extinguished convictions

(1) A person who has access to records of convictions kept by or on behalf of a public authority and who, without lawful authority, discloses to any other person any information concerning an extinguished conviction is guilty of an offence.

Maximum penalty—50 penalty units or imprisonment for 6 months, or both.

(2) It is not an offence for an archive or library (or an authorised officer of an archive or library) to make available to a member of the public, or to another archive or library, in accordance with the normal procedures of the archive or library, material that is normally available for public use and that contains information relating to an extinguished conviction.

(3) It is not an offence for a public authority or other government agency that has a record of an extinguished conviction (or an authorised officer of the authority or agency) to make information about the conviction available to the person who was convicted.

(4) It is not an offence for the Secretary (or any person acting under the direction of the Secretary) to inform the NSW Police Force or any other public authority that holds information regarding convictions that a particular conviction has become an extinguished conviction.

(5) This section has effect despite—

(a) sections 77 (4), 79 (3) and 135 (3) of the *Health Practitioner Regulation National Law (NSW)*, and

(b) any Act that provides that information relating to spent convictions may be disclosed despite this Act.

19H Improper obtaining of information concerning extinguished convictions

A person who, fraudulently or dishonestly, obtains or attempts to obtain information concerning an extinguished conviction from records of convictions kept by or on behalf of a public authority is guilty of an offence.

Maximum penalty—50 penalty units or imprisonment for 6 months, or both.

19I Conviction may cease being an extinguished conviction

(1) If the Secretary is satisfied that a conviction became an extinguished conviction by reason of an application that included false or misleading information, or documents that are false or misleading, the Secretary may determine that the conviction is no longer an extinguished conviction.

(2) The conviction ceases to be an extinguished conviction on and from the date of that determination.

(3) The Secretary must notify the convicted person of a determination under this section.

(4) A person whose conviction is the subject of a determination by the Secretary under this section may apply for an administrative review under the *Administrative Decisions Review Act 1997* of the determination.

Part 5 Miscellaneous

20 Act binds the Crown

This Act binds the Crown not only in right of New South Wales but also, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

21 Act does not authorise contravention of other laws

Nothing in this Act authorises a person to disclose a conviction or to take a conviction into account if to do so would contravene any other law.

22 Act does not affect certain other lawful acts

Nothing in this Act affects anything lawfully done before a conviction is spent, extinguished or quashed or a pardon is granted.

23 Destruction of records

This Act does not authorise the destruction by or on behalf of a public authority of a record relating to a spent conviction, an extinguished conviction, a quashed conviction or a pardon.

24 Proceedings for offences

Proceedings for an offence against this Act or the regulations are to be dealt with summarily before the Local Court.

25 Regulations

(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may provide that this Act or a specified provision of this Act does not affect another specified Act or a specified provision of another Act.

(3) The regulations may provide that a provision of this Act does not apply in relation to—

(a) a specified conviction, finding or order, or a charge relating to the conviction, finding or order, or

(b) a specified person or class of persons, or

(c) specified circumstances,

or any combination of them.

(4) A regulation made for the purposes of section 7 (1) (d), paragraph (h) of the definition of ***sexual offences*** in section 7 (4) or this section may provide that, despite this Act, a conviction is taken never to have been spent or never to be capable of becoming spent.