

2003

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**SPENT CONVICTIONS REGULATIONS 2003
Subordinate Law No SL 2003-15**

EXPLANATORY STATEMENT

Circulated by the authority
of the Attorney General
Jon Stanhope MLA

SPENT CONVICTIONS REGULATIONS

Principal Act

The *Spent Convictions Act 2000* created a spent convictions scheme for the ACT. The scheme allows certain convictions to be disregarded in appropriate circumstances after a period of time has elapsed. A spent conviction is disregarded by:

- excusing the person convicted from disclosure of the spent conviction; and/or
- allowing the person convicted to claim he or she has never been charged or convicted of the offence leading to the conviction.

Similar schemes are in place in a number of other Australian jurisdictions.

To achieve the policy objectives of the spent conviction scheme section 17 of the Act makes it an offence for a person who has access to records of convictions to disclose any information about a spent conviction, without lawful authority. The section does not prevent archival or library material which contains information about a spent conviction being made available. Nor does it prevent a law enforcement agency or its employees or agents from making information about a spent conviction available to another law enforcement agency or a court.

Permitted law enforcement agencies are listed where the term is defined in the dictionary to the Act. New agencies may be prescribed at any time under the regulation power (section 23).

The Regulations

A new law enforcement agency was created in July 2000 when CrimTrac took over the role of the National Exchange of Police Information. CrimTrac provides national police record checking services to accredited agencies to assist in pre-employment probity checking. The Agency also assists Australian police services with information exchange for forensic procedures, fingerprints, convictions and other police operational data. The regulations now prescribe CrimTrac as a relevant law enforcement agency.

Notes on clauses

1. Name of Regulations

This clause states the name of the regulations as *Spent Convictions Regulations 2003*.

2. Commencement

This clause stipulates that the regulations commence the day after their notification day.

3. Prescribed law enforcement agency – Act, dict, def *law enforcement agency*, par (0)

This clause provides that the CrimTrac agency, established under Commonwealth *Public Service Act 1999*, is a prescribed law enforcement agency within the meaning of that term for the purposes of subsection 17(3) of the *Spent Convictions Act 2000*.