

## EXPLANATORY STATEMENT

### Crimes Act 1914

### Crimes Regulations (Amendment)

1990 No. 156

Part VIIC of the Crimes Act 1914, inserted by the Crimes Legislation Amendment Act 1989, will commence on 30 June 1990. Under Section 4 of the Acts Interpretation Act 1901, any regulations made under that legislation prior to 30 June 1990 will take effect on that day. Part VIIC provides a scheme by which, after a period of ten years for an adult or five years for a minor under 18 years, convictions for specified Commonwealth offences are to be treated as spent in that no person or organisation may disclose or take account of that information.

Section 85ZZH of Part VIIC of the Crimes Act 1914 provides exclusions from the scheme for a number of specified persons and bodies for specified purposes. Paragraph 85ZZH(k) provides that further exclusions may be prescribed. The purpose of the Crimes Regulations (Amendment) is to prescribe the persons or bodies, the specified purposes and the offences which are to be subject of further exclusions.

The Crimes Regulations (Amendment);

- . amends Regulation 4 of the Crimes Regulations;
- . adds a new Regulation 6; and
- . adds a new Schedule 2.

Details of the Regulations are as follows:

Regulation 1: This regulation is a formal provision identifying the Principal Regulations.

Regulation 2: This regulation amends Regulation 4 of the Principal Regulations by substituting "Schedule 1" for the words "the Schedule".

Regulation 3: This regulation inserts a new Regulation 6 into the Principal Regulations as follows;

(i) Subregulation 6(1) provides that the matters specified in Schedule 2 to the Principal Regulations are so specified for the purposes of paragraph 85ZZH(k) of the Act.

(ii) Subregulation 6(2) defines 'drug offence' in relation to offences which are prescribed in Schedule 2 as an offence constituted by the production, possession, supply, importation, or export of a substance which is a narcotic substance within the meaning of the Customs Act 1901 or a drug within the meaning of the Customs (Prohibited Exports) Regulations or the Customs (Prohibited Imports) Regulations.

Regulation 4: This regulation amends the Schedule to the Principal Regulations by omitting the word "Schedule" and substituting "Schedule 1".

Regulation 5: This regulation adds Schedule 2 to the Principal Regulations specifying those matters prescribed by new Regulation 6.

Attorney-General