

# Criminal Records Clean Slate Act 2004

## **Impact of the Criminal Records (Clean Slate) Act 2004 on applications for managers' certificates under the Sale and Supply of Alcohol Act 2012.**

The Criminal Records (Clean Slate) Act 2004 commenced on Monday 29 November 2004. The Act enables individuals who satisfy all of the eligibility criteria to conceal all of their convictions in most circumstances. It sets a high threshold for eligibility.

The general criteria for obtaining the benefits of the 'clean slate' scheme are set out below. Section 7 of the Act should be referred to for full information.

The applicant must:

- have no convictions within the last 7 years;
- never have incurred a custodial sentence (i.e. imprisonment, corrective training, borstal);
- never have been ordered by a Court during a criminal case to be detained in a hospital due to his/her mental condition, instead of being sentenced;
- not have been convicted of a 'specified offence' (e.g. sexual offending against children and/or young people or the mentally impaired – see interpretation section for a complete list);
- have paid in full any fine, reparation or costs ordered by a Court in a criminal case;
- never have been indefinitely disqualified from driving under s.65 of the Land Transport Act 1998 or an earlier equivalent provision (that section relates to mandatory penalties for repeat offences involving the use of alcohol or drugs).

There are a number of exceptions under s.19 of the Act where all convictions must continue to be disclosed. However, no exception applies for the purposes of determining applications for managers' certificates under the Sale and Supply of Alcohol Act 2012. Section 21 of the CR(CS) Act

2004 provides that any reference in a provision to an applicant's criminal record or character or fitness must be interpreted in a way that is consistent with the 'clean slate' scheme. Therefore, where an applicant is eligible for a 'clean slate', (s)he will be entitled to conceal his/her criminal record, and that record would not be accessed or used when determining whether or not the applicant is a "fit and proper person".

Additional information is available on the Ministry of Justice website: [www.justice.govt.nz/privacy/clean-slate.html](http://www.justice.govt.nz/privacy/clean-slate.html) . In addition, the Ministry has produced a pamphlet, which will be available on the website, as well as at, courts, police stations, citizens' advice bureaux and community law centres.

