

South Australia

Spent Convictions Regulations 2011

under the *Spent Convictions Act 2009*

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1—Short title

These regulations may be cited as the *Spent Convictions Regulations 2011*.

2—Commencement

These regulations will come into operation on the day on which the *Spent Convictions Act 2009* comes into operation.

3—Interpretation

In these regulations—

Act means the *Spent Convictions Act 2009*.

4—Declaration of corresponding laws (section 3 of Act)

For the purposes of the definition of *corresponding law* in section 3(1) of the Act, the following laws are declared to be corresponding laws:

Annulled Convictions Act 2003 of Tasmania

Crimes Act 1914 of the Commonwealth

Criminal Law (Rehabilitation of Offenders) Act 1986 of Queensland

Criminal Records Act 1991 of New South Wales

Criminal Records (Spent Convictions) Act of the Northern Territory

Spent Convictions Act 1988 of Western Australia

Spent Convictions Act 2000 of the Australian Capital Territory

5—Definition of sex offence (section 3 of Act)

For the purposes of the definition of *sex offence* in section 3(1) of the Act, the following are prescribed as sex offences:

(a) an offence against—

(i) Part 3 Division 11 (rape and other sexual offences); or

- (ii) Part 3 Division 11A (child pornography and related offences); or
 - (iii) Part 3 Division 12 (commercial sexual offences and related offences); or
 - (iv) Part 3 Division 13 (miscellaneous sexual offences),
of the *Criminal Law Consolidation Act 1935*;
- (b) an offence against section 23(2) (gross indecency) of the *Summary Offences Act 1953*;
 - (c) an offence that is substantially similar to an offence referred to in paragraph (a) or (b), being an offence against a corresponding previous enactment;
 - (d) an offence constituted of aiding, abetting, counselling or procuring an offence referred to in a preceding paragraph.

6—Prescribed exclusions (Schedule 1 clause 14 of Act)

Sections 10, 11 and 12 of the Act do not apply in relation to a person employed, or seeking employment, as a protective security officer under the *Protective Security Act 2007*.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 10 February 2011

No 14 of 2011

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