

South Australia

Spent Convictions Variation Regulations 2013

under the *Spent Convictions Act 2009*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Spent Convictions Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which the *Spent Convictions (Miscellaneous) Amendment Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Spent Convictions Regulations 2011*

4—Insertion of regulation 5A

After regulation 5 insert:

5A—Applications to qualified magistrates

- (1) This regulation applies in relation to—
 - (a) an application under section 8A of the Act; and
 - (b) an application under section 13A of the Act.
 - (2) An application under section 8A of the Act must set out or include—
 - (a) the applicant's full name, date of birth, address and contact details; and
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- (b) details about the eligible sex offence to which the application relates, including—
 - (i) the statutory provision that constitutes the offence; and
 - (ii) the name of the court where the conviction for the offence was recorded; and
 - (iii) the date on which the conviction was recorded; and
 - (c) a copy of any transcript or sentencing remarks made in connection with the conviction that are in the possession of the applicant; and
 - (d) any information that the applicant would like to submit in support of the application with respect to—
 - (i) the circumstances and seriousness of the offence; and
 - (ii) the circumstances of the applicant; and
 - (iii) any other matter that the applicant considers relevant under section 8A(5) of the Act; and
 - (e) where an application under section 8A of the Act in respect of the conviction has been previously refused—
 - (i) the date on which the application was made; and
 - (ii) the date on which the application was refused; and
 - (iii) any information that the applicant considers is relevant in the circumstances.
- (3) An application under section 13A of the Act must set out or include—
- (a) the applicant's full name, date of birth, address and contact details; and
 - (b) details about the offence to which the application relates, including—
 - (i) the statutory provision that constitutes the offence; and
 - (ii) the name of the court where the conviction for the offence was recorded; and
 - (iii) the date on which the conviction was recorded; and
 - (iv) the date on which the conviction for the offence became spent; and
 - (c) a copy of any transcript or sentencing remarks made in connection with the conviction that are in the possession of the applicant; and
 - (d) any information that the applicant would like to submit in support of the application with respect to—

- (i) the circumstances and seriousness of the offence;
and
 - (ii) the circumstances of the applicant; and
 - (iii) any other matter that the applicant considers
relevant under section 13A(6) of the Act; and
- (e) where an application under section 13A of the Act in respect
of the offence has been previously refused—
- (i) the date on which the application was made; and
 - (ii) the date on which the application was refused; and
 - (iii) any information that the applicant considers is
relevant in the circumstances.
- (4) An application to which this regulation relates must comply with any
other requirement as to the form of the application specified by the
Chief Magistrate.

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's Deputy

with the advice and consent of the Executive Council
on 2 May 2013

No 32 of 2013