

South Australia

Spent Convictions Variation Regulations 2014

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 2014*.

2—Commencement

These regulations will come into operation on the day on which section 12 of the *Statutes Amendment (Assessment of Relevant History) 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 5B

After regulation 5A insert:

5B—Prescribed exclusions (Schedule 1 clause 9A of Act)

- (1) For the purposes of Schedule 1 clause 9A(1)(a) of the Act, the following circumstances are prescribed:
 - (a) in relation to the performance of a function or the exercise of a power by a prescribed screening unit that is an authorised screening unit within the meaning of the *Children's Protection Regulations 2010*—
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- (i) undertaking an assessment of a person's relevant history within the meaning of the *Children's Protection Act 1993* (whether under section 8B or 8BA of that Act or otherwise); or
 - (ii) undertaking an assessment of a person's relevant history within the meaning of the *Disability Services Act 1993* (whether under section 5B or 5C of that Act or otherwise);
 - (b) in relation to the performance of a function or the exercise of a power by a prescribed screening unit that is an interstate authorised screening unit within the meaning of the *Children's Protection Regulations 2010*—undertaking an assessment of information (as authorised or required under a law of another State or Territory, or of the Commonwealth) about a person for the purpose of determining whether the person may, if appointed to, or engaged to act in, a position, pose a risk to the safety of children.
- (2) For the purposes of Schedule 1 clause 9A(1)(b) of the Act, the following circumstances are prescribed:
- (a) circumstances in connection with an assessment of a person's relevant history under the *Children's Protection Act 1993* (whether under section 8B or 8BA of that Act or otherwise);
 - (b) circumstances in connection with an assessment of a person's relevant history under the *Disability Services Act 1993* (whether under section 5B or 5C of that Act or otherwise).
- (3) For the purposes of the definition of ***prescribed screening unit*** in Schedule 1 clause 9A(4) of the Act, the following entities are prescribed:
- (a) an authorised screening unit within the meaning of the *Children's Protection Regulations 2010*;
 - (b) an interstate authorised screening unit within the meaning of the *Children's Protection Regulations 2010*.

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 13 February 2014

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