

South Australia

Spent Convictions (Central Assessment Unit) Variation Regulations 2019

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 (Central Assessment Unit) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which they are made.

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

- (1) Regulation 5B(1)(a)—delete paragraph (a) and substitute:
 - (a) in relation to the performance of a function or the exercise of a power by the central assessment unit—
 - (i) conducting a working with children check under the *Child Safety (Prohibited Persons) Act 2016*; or
 - (ii) conducting a screening check, or an NDIS worker check clearance or exclusion, under the *Disability Inclusion Act 2018*; or

- (iii) 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);
- (2) Regulation 5B(1)(b)—delete "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" and substitute:
- interstate screening unit—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 or persons with disability
- (3) Regulation 5B(2)(a) and (b) —delete paragraphs (a) and (b) and substitute:
- (a) circumstances related to a working with children check of a person under the *Child Safety (Prohibited Persons) Act 2016*;
- (b) circumstances related to a screening check, or NDIS worker check clearance or exclusion, of a person under the *Disability Inclusion Act 2018*;
- (c) circumstances related to 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);
- (4) Regulation 5B(3)(a) and (b)—delete paragraphs (a) and (b) and substitute:
- (a) the central assessment unit;
- (b) an interstate screening unit;
- (5) Regulation 5B—after subregulation (3) insert:
- (4) In this regulation—

central assessment unit means the central assessment unit established under the *Child Safety (Prohibited Persons) Act 2016*;

interstate screening unit means a person or body performing functions under a law of the Commonwealth, or another State or Territory, corresponding to the functions of the central assessment unit under the *Child Safety (Prohibited Persons) Act 2016*, the *Disability Inclusion Act 2018* or the *Disability Services Act 1993*.

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 29 August 2019

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