Spent Convictions Act 1988

Spent Convictions (Act Amendment) Regulations (No. 2) 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under sections 16 and 33 of the Act.

1. Citation

These regulations are the Spent Convictions (Act Amendment) Regulations (No. 2) 2009.

2. Commencement

These regulations come into operation as follows —
(a) regulations 1 and 2 — on the day on which these regulations are published in the Gazette;
(b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the Spent Convictions Act 1988.

4. Schedule 3 clause 1 amended

(1) In Schedule 3 clause 1(1) in the Table after item 13 insert:

14. A person —
   (a) who is appointed, or is being considered for appointment, as the Public Trustee under the Public Trustee Act 1941 section 4; or
   (b) who, pursuant to the Public Trustee Act 1941 section 6, is appointed, transferred or seconded, or is being considered for appointment, transfer or secondment, under the Public Sector Management Act 1994 Part 3 for the purposes of
assisting the Public Trustee to perform his or her functions; or

(c) whose services the Public Trustee makes use of, or is considering making use of, under the Public Trustee Act 1941 section 6A; or

(d) who is engaged or appointed, or is being considered for engagement or appointment, under the Public Sector Management Act 1994 section 100 for the purposes referred to in paragraph (b); or

(e) who provides, or has offered to provide, services on a voluntary basis for the purposes referred to in paragraph (b).

15. A person —

(a) who is appointed, or is being considered for appointment, as the Public Advocate under the Guardianship and Administration Act 1990 section 91; or

(b) who is appointed, or is being considered for appointment, under the Guardianship and Administration Act 1990 section 93 to act as Public Advocate; or

(c) who, pursuant to the Guardianship and Administration Act 1990 section 94, is appointed, transferred or seconded, or is being considered for appointment, transfer or secondment, under Public Sector Management Act 1994 Part 3 for the purposes of assisting the Public Advocate to perform his or her functions; or

(d) who is engaged or appointed, or is being considered for engagement or appointment, under the Public Sector Management Act 1994 section 100 for the purposes referred to in paragraph (c); or

(e) who provides, or has offered to provide, services on a voluntary basis for the purposes referred to in paragraph (c).
(2) Delete clause 1(2) and insert:

(2) In the case of a person referred to in item 2 to 9, 10B, 11, 12, 14 or 15 of the Table to subclause (1), the exception in that subclause extends to any other person —

(a) who has appointed, designated, employed, transferred, seconded or engaged the person or is considering the person for appointment, designation, employment, transfer, secondment or engagement; or

(b) who has issued a permit to the person or is considering issuing a permit to the person; or

(c) who is considering granting or issuing a licence to the person; or

(d) who has authorised the person or is considering the person for authorisation; or

(e) for whom the person provides, or has offered to provide, services on a voluntary basis,

whichever is relevant for the purposes of the item.

(3) In clause 1(11)(a) delete “5, 11 or 12” and insert:

5, 11, 12, 14 or 15

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.