

JU301*

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:

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|---|---|
| 14. A person — | Sections 18
and 20 and
Division 4 |
| (a) who is appointed, or is being considered for appointment, as the Public Trustee under the <i>Public Trustee Act 1941</i> section 4; or | |
| (b) who, pursuant to the <i>Public Trustee Act 1941</i> section 6, is appointed, transferred or seconded, or is being considered for appointment, transfer or secondment, under the <i>Public Sector Management Act 1994</i> 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).

Sections 18
and 20 and
Division 4

(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.
