

JU301*

Spent Convictions Act 1988

Spent Convictions Amendment Regulations 2007

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Spent Convictions Amendment Regulations 2007*.

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. The regulations amended

The amendments in these regulations are to the *Spent Convictions Regulations 1992*.

4. Schedule 1 replaced

Schedule 1 is repealed and the following Schedule is inserted instead —

“

Schedule 1

[r. 5]

SPENT CONVICTIONS ACT 1988 — SECTION 7(1)

APPLICATION FOR CERTIFICATE THAT LESSER CONVICTION IS SPENT

Particulars of applicant —

SURNAME:
OTHER NAMES:
ANY NAME PREVIOUSLY USED (ALIAS):
DATE OF BIRTH:/...../..... PLACE OF BIRTH:
RESIDENTIAL ADDRESS:
.....
POSTAL ADDRESS (If different from above):
.....

I apply to the Commissioner of Police for a certificate that any lesser Western Australian convictions that may be eligible in accordance with the *Spent Convictions Act 1988* are spent.

Signature of applicant: _____

(To be signed in the presence of an authorised witness*)

* see Information for Applicant

Declaration of authorised witness —

I declare that I have —

- sighted original identification documentation that confirms the identity of the applicant; and
- witnessed the applicant's signature.

Signature of witness: _____

Full name of witness: _____

Authority of witness: _____

Date: / /

INFORMATION FOR APPLICANT

1. Use of this form

This form is only to be used for lesser convictions for offences against the law of Western Australia.

A lesser conviction is one for which imprisonment for one year or less, and a fine of less than \$15 000, was imposed.

All other convictions only become spent by order of the District Court.

2. When application can be made

An application for a certificate that a lesser conviction is spent cannot be made until a period has expired after the conviction without any further conviction being incurred (unless no punishment or only a fine of \$500 or less was awarded for the further conviction).

The period is 10 years plus any period of imprisonment relevant to the conviction.

There are rules in the *Spent Convictions Act 1988* section 11 for working out this period.

The period is different if there is a subsequent conviction.

3. Witnessing the signature of applicant

The following persons are authorised to witness the applicant's signature —

- an Australia Post officer;
- a police officer;
- any other person listed in the *Oaths, Affidavits and Statutory Declarations Act 2005* Schedule 2.

4. Evidence of identity

Identification documents to a value of 100 points, as set out below must be produced and sighted by the person witnessing the applicant's signature. At least one identification document must include a photograph of the applicant.

Primary Identification

70 points for each document produced —

- Birth certificate (not extract of birth)
- Australian passport (current or expired within last 2 years)
- Current overseas passport
- Australian citizenship certificate.

Secondary Identification**Category 1**

40 points for the first document produced;

25 points for each additional document produced —

- Drivers' licence with photo identity issued under the *Road Traffic Act 1974*, or equivalent licence issued by another State or Territory
- Licence with photo identity issued under the *Firearms Act 1973*, or equivalent licence issued by another State or Territory
- Employee identity card (with photo identity) issued by a State or Commonwealth government department or agency
- Photo identity card issued by a tertiary education institution
- Learners' permit issued under the *Road Traffic Act 1974*, or equivalent permit issued by another State or Territory
- Department of Veteran Affairs card
- Centrelink or Social Security card.

Category 2

25 points for each document produced —

- Proof of age card issued by the Department of Planning and Infrastructure
- Medicare card
- Local government rates notice
- Property lease/rental agreement
- Property insurance papers
- Motor vehicle registration or insurance papers
- Professional or trade association card.

Category 3

25 points for each document produced —

(Each document must be from a different organisation)

- Utility bills (e.g. telephone, gas, electricity, water)
- Credit or bank account card
- Bank statement or passbook.

5. Issue of certificate

The certificate will be posted to the postal address shown in the application. Should this change you should notify the Commissioner of Police.

”.

By Command of the deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.