



# **Criminal Law (Rehabilitation of Offenders) Act 1986**

**Reprinted as in force on 30 October 2006**

**Reprint No. 4C**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 30 October 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Criminal Law (Rehabilitation of Offenders) Act 1986

## Contents

---

	Page
1 Short title . . . . .	3
2 Commencement . . . . .	3
3 Interpretation . . . . .	3
4 Construction of Act . . . . .	5
5 Matter excluded from criminal history . . . . .	6
6 Non-disclosure of convictions upon expiration of rehabilitation period . . . . .	6
7 Section 6 not applicable in certain cases . . . . .	7
8 Lawful to deny certain convictions . . . . .	8
9 Duty to disregard certain convictions . . . . .	8
9A Disclosure of particulars in special cases . . . . .	9
10 Permit to disclose convictions . . . . .	15
11 Revival of convictions . . . . .	15
12 Offence provision . . . . .	16
13 Regulations . . . . .	17
14 Approved forms . . . . .	17

## Endnotes

1 Index to endnotes . . . . .	18
2 Date to which amendments incorporated . . . . .	18
3 Key . . . . .	19
4 Table of reprints . . . . .	19
5 Tables in earlier reprints . . . . .	20
6 List of legislation . . . . .	20
7 List of annotations . . . . .	24
8 List of forms notified or published in the gazette . . . . .	25



# **Criminal Law (Rehabilitation of Offenders) Act 1986**

[as amended by all amendments that commenced on or before 30 October 2006]

## **An Act to provide with respect to the rehabilitation of persons convicted for offences and for related purposes**

### **1 Short title**

This Act may be cited as the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

### **2 Commencement**

- (1) Section 1 and this section shall commence on the date this Act is assented to for and on behalf of Her Majesty.
- (2) Except as is provided by subsection (1), the provisions of this Act shall commence on a date appointed by proclamation.
- (3) The date so appointed is referred to as the date of commencement of this Act.

### **3 Interpretation**

- (1) In this Act—

*approved form* means a form approved under section 14.

*charge* means an allegation formally made in court that a person has committed an offence where—

- (a) the allegation is not pursued to a final determination in a court; or
- (b) a conviction is not recorded by a court in respect of the allegation; or

*Criminal Law (Rehabilitation of Offenders) Act 1986*

---

- (c) a conviction recorded by a court in respect of the allegation is to be deemed, pursuant to law, not to be a conviction.

**conviction** means a conviction by or before any court for an offence, whether recorded, in Queensland or elsewhere, before or after the date of commencement of this Act.

**criminal history** means, in relation to any person, the convictions recorded against that person in respect of offences.

**offence** means an act or omission that renders the person doing the act or making the omission liable to punishment.

**person**, in relation to an offender whose rehabilitation is sought by this Act, does not include an incorporated person.

**rehabilitation period** means—

- (a) in relation to a conviction upon indictment recorded against a person who in relation to that conviction was not dealt with as a child—

- (i) a period of 10 years commencing on the date the conviction is recorded; or
- (ii) where an order of a court made in relation to the conviction has not been satisfied within that period of 10 years—a period terminating on the date the order is satisfied;

whichever period is the later to expire;

- (b) in relation to a conviction recorded against a person where paragraph (a) does not apply—

- (i) a period of 5 years commencing on the date the conviction is recorded; or
- (ii) where an order of a court made in relation to the conviction has not been satisfied within that period of 5 years—a period terminating on the date the order is satisfied;

whichever period is the later to expire.

**revived** means, in relation to a conviction, revived as prescribed by section 11.

*simple offence* means—

- (a) an offence committed in Queensland other than a crime, misdemeanour or regulatory offence; and
  - (b) an offence committed elsewhere than in Queensland that, if committed in Queensland, would be an offence other than a crime, misdemeanour or regulatory offence.
- (1A) For the purpose of paragraph (a) of the definition *rehabilitation period* in subsection (1) the term *indictment*, in relation to a conviction recorded elsewhere than in Queensland, means a written charge preferred against an accused person before some court other than one of like jurisdiction to a Magistrates Court exercising summary jurisdiction.
- (2) The only convictions in relation to which a rehabilitation period is capable of running are convictions upon which—
- (a) the offender is not ordered to serve any period in custody; or
  - (b) the offender is ordered to serve a period not exceeding 30 months in custody (including ordered by way of default), whether or not in the event the offender is required to actually serve any part of that period in custody;
- and the provisions of this Act shall be construed accordingly.
- (3) A provision of law or rule of legal practice that requires or authorises disclosure of convictions or charges made against any person shall be construed as requiring or authorising disclosure of the criminal history of that person.

#### **4 Construction of Act**

- (1) This Act shall be construed so as not to prejudice any provision of law or rule of legal practice that requires, or is to be construed to require, disclosure of the criminal history of any person.
- (2) This Act shall be construed so as not to relieve any person from a responsibility that rests on the person to disclose his or her criminal history in connection with seeking admission to

or offering himself or herself for selection for any profession, occupation or calling prescribed by regulation.

- (3) This Act shall not be construed to prohibit or hinder the provision by any person of particulars of the criminal history of any person to a Crown prosecutor, a police prosecutor or other person prosecuting upon a charge of an offence with a view to those particulars being disclosed to the court in the event of the defendant being convicted.

## **5 Matter excluded from criminal history**

- (1) It is declared that a conviction that is set aside or quashed and a charge are not part of the criminal history of any person.
- (2) A person shall not be required or asked to disclose and, if so required or asked, shall not be obliged to disclose for any purpose a conviction that is not part of the person's criminal history or of the criminal history of another person or a charge made against the person or another person.
- (3) Subsection (2) does not apply where the requirement or request to disclose a conviction or charge therein referred to is made—
  - (a) for the purposes of an inquiry being conducted pursuant to authority conferred by or under an Act; or
  - (b) in criminal or civil proceedings before a court if the fact of the conviction or charge is relevant to an issue in the proceedings or the court has granted permission for the requisition or request to be made.

## **6 Non-disclosure of convictions upon expiration of rehabilitation period**

Where the rehabilitation period has expired in relation to a conviction recorded against any person and the conviction has not been revived in respect of the person, neither that person nor any other person, if the person knows that the rehabilitation period has expired, shall disclose the conviction unless—

- (a) being the person against whom the conviction is recorded—the person wishes to disclose the conviction; or
- (b) the person makes the disclosure under the authority of a permit granted under section 10<sup>1</sup> in accordance with the conditions (if any) of the permit; or
- (c) the person makes the disclosure in circumstances that constitute an exception to the operation of section 9(1)<sup>2</sup> or that are expressed by section 9(2) to be a case to which the provisions of section 9(1) do not apply.

## **7 Section 6 not applicable in certain cases**

- (1) The provisions of section 6 do not apply in relation to—
  - (a) a report of judicial proceedings in a recognised series of law reports;
  - (b) a report or commentary upon judicial proceedings made in good faith for educational, scientific or professional purposes or in the course of historical research or a lecture, course or discussion given or held for any such purpose;
  - (c) a report or disclosure made by any person who, pursuant to any provision of law, is required to make a report that includes reference to or a disclosure of a conviction referred to in section 6;
  - (d) a disclosure made in discharge of a duty under the *Public Records Act 2002*.
- (2) The provisions of section 6 do not apply in relation to—
  - (a) the dissemination into, in or from Queensland by members of a police service (whether of Queensland or elsewhere) or by any other person in discharge of the person's duties within a police department (whether of Queensland or elsewhere) of information concerning any person;

---

1 Section 10 (Permit to disclose convictions)

2 Section 9 (Duty to disregard certain convictions)

- (b) the filing and recording by members of the police service or any other person in discharge of the person's duties within the department that deals with police services of information in the possession of that police force;
- (c) the use in police practice, with a view to the prevention of offences or the detection and punishment of offenders, of information in the possession of the police service.

## **8 Lawful to deny certain convictions**

- (1) Where the rehabilitation period has expired in relation to a conviction recorded against any person and the conviction has not been revived in respect of the person, it is lawful to claim, upon oath or otherwise, that the person has not suffered the conviction, except upon an occasion when, as provided by section 4,<sup>3</sup> this Act is to be construed so as not to prejudice a provision of law or rule of legal practice or to relieve from a responsibility.
- (2) Where a person has made a claim declared lawful by subsection (1), evidence shall not be admissible in any proceeding to show the claim to be false.

## **9 Duty to disregard certain convictions**

- (1) Subject to subsection (2), any person or authority charged with the function of assessing a person's fitness to be admitted to a profession, occupation or calling or for any other purpose shall disregard any conviction that is part of the person's criminal history in relation to which the rehabilitation period has expired and which has not been revived in respect of the person unless—
  - (a) the person to be assessed is expressly required by law to make disclosure of his or her criminal history; or

---

3 Section 4 (Construction of Act)

*Criminal Law (Rehabilitation of Offenders) Act 1986*

---

- (b) the person or authority making the assessment is expressly required by law to have regard to the criminal history of the person to be assessed; or
  - (c) the person to be assessed is, by reason of section 4, not relieved from responsibility to disclose his or her criminal history.
- (2) The provisions of subsection (1) do not apply where an assessment is to be made of an offender with a view to a court, or the Queensland Parole Board or a regional parole board constituted under the *Corrective Services Act 2006*, making an appropriate order in relation to the person.

### **9A Disclosure of particulars in special cases**

- (1) Notwithstanding any other provision of this Act, a person who is an applicant for a position, office or status specified in column 1 of the following table and who is requested or required in furtherance of the person's application to furnish the information hereinafter in this subsection referred to shall disclose—
- (a) the person's criminal history concerning offences specified in column 2 and set opposite the position, office or status applied for; and
  - (b) convictions recorded against the person in respect of offences specified in column 2 and set opposite the position, office or status applied for, being convictions that pursuant to any law are to be deemed not to be convictions—

#### **Table**

<b>Column 1</b> <b>Position office or status</b>	<b>Column 2</b> <b>Offences</b>
1 Police officer	1 Contraventions of or failures to comply with any provisions of law, whether committed in Queensland or elsewhere.

*Criminal Law (Rehabilitation of Offenders) Act 1986*

---

<b>Column 1</b> <b>Position office or status</b>	<b>Column 2</b> <b>Offences</b>
1A Persons other than police officers who are engaged or employed in the Queensland Police Service	Contraventions of or failure to comply with any provisions of law, whether committed in Queensland or elsewhere.
1B External service providers within the meaning of the <i>Police Service Administration Act 1990</i>	Contraventions of or failure to comply with any provisions of law, whether committed in Queensland or elsewhere.
1C Applicants for employment in the Queensland Police Service	Contraventions of or failure to comply with any provisions of law, whether committed in Queensland or elsewhere.
1D Persons performing functions for the Queensland Police Service under a contract for services	Contraventions of or failure to comply with any provisions of law, whether committed in Queensland or elsewhere.
2 Person employed in the department in which the <i>Corrective Services Act 2006</i> is administered as a corrective services officer under that Act.	2 Contraventions of or failures to comply with any provisions of law, whether committed in Queensland or elsewhere.
3 Justice of the peace or commissioner for declarations	3 Contraventions of or failures to comply with any provision of law, whether committed in Queensland or elsewhere.
4 Licensee under the <i>Casino Control Act 1982</i> , part 4	4 Contraventions of or failures to comply with any provision of law, whether committed in Queensland or elsewhere.

*Criminal Law (Rehabilitation of Offenders) Act 1986*

---

<b>Column 1</b> <b>Position office or status</b>	<b>Column 2</b> <b>Offences</b>
<p>5(1) Employee in the Department of Education as—</p> <p>(a) a teacher; or</p> <p>(b) a teacher’s aide; or</p> <p>(c) a member of staff (administrative or ground) at a State school.</p> <p>(2) An elected member (other than an elected student member), or appointed member, of a school council, within the meaning of the <i>Education (General Provisions) Act 2006</i>.</p>	<p>5 Offences defined in the Criminal Code chapter 22, 32, 33, 34, or in the <i>Drugs Misuse Act 1986</i> part 2, and contraventions, committed in Queensland or elsewhere, of any provision of law constituting an offence of a similar nature or involving an assault of a sexual nature.</p>
<p>6 A person registered, licensed or approved under the <i>Child Protection Act 1999</i>.</p>	<p>6 Contraventions of any provision of law committed in Queensland or elsewhere.</p>
<p>7 Person employed in the department in which the <i>Vocational Education, Training and Employment Act 2000</i> is administered as—</p> <p>(a) an educational administrator; or</p> <p>(b) a teacher; or</p> <p>(c) a college educational assistant; or</p> <p>(d) a member of the administrative, building or ground staff at a TAFE institute under the <i>Vocational Education, Training and Employment Act 2000</i>.</p>	<p>7(1) An offence defined in the Criminal Code, chapter 22, 32, 33 or 34 or the <i>Drugs Misuse Act 1986</i>, part 2.</p> <p>(2) An offence of a similar nature committed in Queensland or elsewhere.</p> <p>(3) An offence of a sexual nature whether committed in Queensland or elsewhere.</p>

*Criminal Law (Rehabilitation of Offenders) Act 1986*

---

<b>Column 1</b> <b>Position office or status</b>	<b>Column 2</b> <b>Offences</b>
<p>8 Person employed at the agricultural college under the <i>Agricultural College Act 2005</i> as—</p> <p>(a) an associate director; or</p> <p>(b) an instructor; or</p> <p>(c) a member of the administrative, building, domestic or ground staff.</p>	<p>8(1) An offence defined in the Criminal Code, chapter 22, 32, 33 or 34 or the <i>Drugs Misuse Act 1986</i>, part 2.</p> <p>(2) An offence of a similar nature committed in Queensland or elsewhere.</p> <p>(3) An offence of a sexual nature whether committed in Queensland or elsewhere.</p>
<p>9 Security provider within the meaning of the <i>Security Providers Act 1993</i>.</p>	<p>9 Contraventions of any law, whether committed in Queensland or elsewhere.</p>
<p>10 Security officer under the <i>State Buildings Protective Security Act 1983</i>.</p>	<p>10 Contraventions of any law, whether committed in Queensland or elsewhere.</p>
<p>11 An applicant for a licence or a licensee under the <i>Prostitution Act 1999</i>.</p>	<p>11 Contraventions of any law, whether committed in Queensland or elsewhere.</p>
<p>12 An applicant for an approved manager's certificate or an approved manager under the <i>Prostitution Act 1999</i>.</p>	<p>12 Contraventions of any law, whether committed in Queensland or elsewhere.</p>
<p>13 An applicant for an adult entertainment permit under the <i>Liquor Act 1992</i>.</p>	<p>13 Contraventions of any law, whether committed in Queensland or elsewhere.</p>
<p>14 A person nominated to be a controller under the <i>Liquor Act 1992</i>.</p>	<p>14 Contraventions of any law, whether committed in Queensland or elsewhere.</p>
<p>15 Person employed in the Office of the Director of Public Prosecutions.</p>	<p>15 Contraventions of any law, whether committed in Queensland or elsewhere.</p>

*Criminal Law (Rehabilitation of Offenders) Act 1986*

---

<b>Column 1</b> <b>Position office or status</b>	<b>Column 2</b> <b>Offences</b>
16 An applicant for membership of a registered political party.	16 Contraventions of a disqualifying electoral offence within the meaning of the <i>Electoral Act 1992</i> .
17 A candidate for election to the office of chairperson, mayor, president, councillor or member of a local government.	17(1) Contraventions of a disqualifying electoral offence within the meaning of the <i>Electoral Act 1992</i> . (2) Contraventions of an offence that would be a disqualifying electoral offence within the meaning of the <i>Electoral Act 1992</i> , except that the offender was convicted of the offence before the commencement of the <i>Electoral and Other Acts Amendment Act 2002</i> .
18 A candidate for election as a member of the Legislative Assembly.	18(1) Contraventions of a disqualifying electoral offence within the meaning of the <i>Electoral Act 1992</i> . (2) Contraventions of an offence that would be a disqualifying electoral offence within the meaning of the <i>Electoral Act 1992</i> , except that the offender was convicted of the offence before the commencement of the <i>Electoral and Other Acts Amendment Act 2002</i> .
19 An applicant for admission as a student-at-law under the <i>Barristers' Admission Rules 1975</i> .	19 Contraventions of any law, whether committed in Queensland or elsewhere.

*Criminal Law (Rehabilitation of Offenders) Act 1986*

---

<b>Column 1</b>	<b>Column 2</b>
<b>Position office or status</b>	<b>Offences</b>
20 An applicant for admission as a legal practitioner under the admission rules made under the <i>Supreme Court of Queensland Act 1991</i> , section 118.	20 Contraventions of any law, whether committed in Queensland or elsewhere.
21 An applicant for the consent of the Solicitors' Board to enter articles of clerkship under the <i>Solicitors' Admission Rules 1968</i> .	21 Contraventions of any law, whether committed in Queensland or elsewhere.
23 An applicant for appointment as an associate to a Supreme Court judge or a District Court judge.	23 Contraventions of any law, whether committed in Queensland or elsewhere.
24 An applicant for the grant of a practising certificate under the <i>Legal Profession Act 2004</i> .	24 Contraventions of any law whether committed in Queensland or elsewhere.
25 An applicant for the renewal of a practising certificate under the <i>Legal Profession Act 2004</i> , that is the first application for the renewal of the certificate under that Act.	25 Contraventions of any law whether committed in Queensland or elsewhere.

(2) Notwithstanding any other provision of this Act, the commissioner of the police service or a person delegated by the commissioner for the purpose, upon request made by a person having in the opinion of the commissioner or such delegated person a legitimate and sufficient interest in obtaining the information, shall disclose to the person making the request the criminal history and convictions (such as is or are referred to in subsection (1) and is or are contained in the commissioner's records) of a person referred to in subsection (1) where that person would be required by that subsection to disclose such criminal history and convictions.

(3) No provision of this Act shall be construed to render any person liable to punishment or the Crown or any person liable to action at the suit of another—

- (a) on account of a disclosure referred to in subsection (2);  
or
  - (b) on account of any person having required or sought to be made a disclosure required by subsection (1) or (2) to be made; or
  - (c) on account of any person having had regard to any particular furnished in a disclosure required by subsection (1) or (2) to be made.
- (4) Subsections (1) and (2) shall operate without prejudice to any other provision of this Act that authorises or excuses the disclosure of any particular or that preserves any disclosure of particulars from the operation of any provision of this Act.

## **10 Permit to disclose convictions**

On application made to the Minister in the approved form and the way prescribed under a regulation the Minister, if the Minister is satisfied that the applicant has a legitimate and sufficient purpose for disclosing a conviction such as is referred to in section 6<sup>4</sup> recorded against any other person, may grant and issue to the applicant a permit to make disclosure of the conviction and may attach to the permit such conditions as the Minister deems appropriate.

## **11 Revival of convictions**

- (1) Subject to subsection (2), where a person who has incurred a conviction—
- (a) in relation to which the rehabilitation period is running;  
or
  - (b) in relation to which the rehabilitation period has expired;
- is again convicted for an offence whether in Queensland or elsewhere—
- (c) in the case referred to in provision (a)—the rehabilitation period in relation to that conviction shall

---

<sup>4</sup> Section 6 (Non-disclosure of convictions upon expiration of rehabilitation period)

commence again to run on the date the offender is again convicted and any part of the rehabilitation period that elapsed between that conviction and that date shall be disregarded; and

- (d) in the case referred to in provision (b)—that conviction shall be taken to be revived and the rehabilitation period in relation to that conviction shall commence again to run on the date of the revival of that conviction.
- (1A) However, if the subsequent conviction is quashed on appeal, the provisions of paragraph (c) or (d) (whichever is appropriate) shall be deemed to have had no application and the other provisions of this Act shall have application as if the subsequent conviction had not been incurred.
- (2) Subsection (1) shall not apply where the offence for which a person is subsequently convicted is a simple offence or a regulatory offence or an offence that if committed in Queensland would be a simple offence or a regulatory offence or an offence in respect of which the offender could be dealt with in summary proceedings unless the court by which the person is subsequently convicted is satisfied that, having regard to the public interest, previous convictions recorded against the person, or any of them, should be revived and pronounces accordingly in its order.
- (3) Where a court pronounces in its order that 1 or some only of several convictions recorded against a person are to be revived the provisions of subsection (1) shall apply in respect of that conviction or those convictions.

## **12 Offence provision**

- (1) A person who contravenes any provision of this Act commits an offence against this Act and is liable, on summary conviction, to maximum penalty of 100 penalty units.
- (2) A prosecution for a contravention of any provision of this Act shall be upon the complaint of a person authorised in writing in that behalf by the Minister and of no other person.
- (3) A document purporting to be an authorisation referred to in subsection (2) shall, in all proceedings, be evidence and, in

the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

### **13 Regulations**

- (1) The Governor in Council may make regulations for the purposes of this Act.
- (2) A regulation may prescribe fees payable for the purposes of the Act.

### **14 Approved forms**

The chief executive may approve forms for use under this Act.

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	18
3 Key . . . . .	19
4 Table of reprints . . . . .	19
5 Tables in earlier reprints . . . . .	20
6 List of legislation . . . . .	20
7 List of annotations . . . . .	24
8 List of forms notified or published in the gazette . . . . .	25

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 30 October 2006. Future amendments of the Criminal Law (Rehabilitation of Offenders) Act 1986 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1993 Act No. 83	17 February 1995	24 March 1995
1A	1996 Act No. 79	17 February 1995	6 February 1997
1B	1996 Act No. 79	28 February 1997	14 March 1997
1C	1997 Act No. 83	1 January 1998	9 February 1998
1D	1998 Act No. 8	1 January 1998	6 May 1998
1E	1998 Act No. 8	1 July 1998	10 August 1998
2	1998 Act No. 8	1 July 1998	4 September 1998
2A	1999 Act No. 10	1 May 1999	21 October 1999
2B	1999 Act No. 73	17 December 1999	6 January 2000
2C	1999 Act No. 73	23 March 2000	24 March 2000
3	2000 Act No. 23	1 July 2000	7 July 2000
3A	2000 Act No. 23	28 September 2000	28 September 2000
3B	2000 Act No. 63	17 November 2000	1 December 2000
3C	2000 Act No. 63	1 July 2001	25 January 2002
3D	2002 Act No. 11	6 June 2002	7 June 2002

*Criminal Law (Rehabilitation of Offenders) Act 1986*

Reprint No.	Amendments included	Effective	Notes
3E	2002 Act No. 11	1 July 2002	
3F	2002 Act No. 55	1 September 2003	
3G	2003 Act No. 92	3 December 2003	
3H	2003 Act No. 63	1 January 2004	
3I	2003 Act No. 55	5 January 2004	
3J	2003 Act No. 88	19 April 2004	
3K	2004 Act No. 11	1 July 2004	
3L	2004 Act No. 43	3 December 2004	
3M	2004 Act No. 43	1 March 2005	
3N	2005 Act No. 20	1 July 2005	R3N withdrawn, see R4
4	—	1 July 2005	
4A	2005 Act No. 70	8 December 2005	
4B	2006 Act No. 29	28 August 2006	
4C	2006 Act No. 39	30 October 2006	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Criminal Law (Rehabilitation of Offenders) Act 1986 No. 20**

date of assent 8 April 1986

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 1986 (proc pubd gaz 18 October 1986 p 1118)

amending legislation—

### **Criminal Law (Rehabilitation of Offenders) Act Amendment Act 1986 No. 45**

date of assent 25 September 1986

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 1986 (proc pubd gaz 18 October 1986 p 1118)

### **Family Services Act 1987 No. 32 s 69(1), (13) sch (prev Family and Youth Services Act 1987)**

date of assent 30 April 1987

remaining provisions commenced 9 June 1987 (proc pubd gaz 30 May 1987 p 846)

**Acts Amendment and Construction Act 1988 No. 47 s 3 sch 1**

date of assent 12 May 1988  
 commenced on date of assent

**Commissions of Inquiry Act and Other Acts Amendment Act 1988 No. 58 pt 3**

date of assent 25 August 1988  
 commenced on date of assent

**Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 sch 1**

date of assent 1 December 1988  
 remaining provisions commenced 15 December 1988 (see s 2(2) and o in c pubd gaz  
 10 December 1988 p 1675)

**Criminal Law (Rehabilitation of Offenders) Act Amendment Act 1990 No. 52**

date of assent 3 September 1990  
 commenced on date of assent

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 sch 1**

date of assent 14 November 1990  
 remaining provisions commenced 31 August 1989 (see s 2(2)(b))

**Child Care Act 1991 No. 79 s 87 sch 3**

date of assent 9 December 1991  
 remaining provisions commenced 5 June 1992 (1992 SL No. 119)

**Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 sch 2**

date of assent 17 December 1991  
 commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 s 3 sch 1**

date of assent 14 December 1993  
 commenced on date of assent

**Security Providers Act 1993 No. 83 pt 7**

date of assent 17 December 1993  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 17 February 1995 (1995 SL No. 24)

**Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 1, 7**

date of assent 12 December 1996  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 28 February 1997 (1997 SL No. 35)

**Education and Other Legislation Amendment Act 1997 No. 83 pts 1, 3**

date of assent 5 December 1997  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 January 1998 (1997 SL No. 464)

**Law Courts and State Buildings Protective Security Amendment Act 1998 No. 8 pts 1, 3**

date of assent 12 March 1998  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 July 1998 (1998 SL No. 108)

**Corrective Services Legislation Amendment Act 1999 No. 9 pt 1 sch**

date of assent 30 March 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 1999 (1999 SL No. 72)

**Child Protection Act 1999 No. 10 ss 1, 2(2), 205 sch 3**

date of assent 30 March 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 23 March 2000 (2000 SL No. 23)

**Family Services Amendment Act 1999 No. 52 pts 1, 3**

date of assent 18 November 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 17 December 1999 (1999 SL No. 334)

**Prostitution Act 1999 No. 73 ss 1, 2(2)–(3), 179 sch 3**

date of assent 14 December 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (see s 2(2)–(3))

**Training and Employment Act 2000 No. 23 ss 1, 2(3), 293 sch 2**

date of assent 27 June 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 28 September 2000 (2000 SL No. 248)

**Justice and Other Legislation (Miscellaneous Provisions) Act 2000 No. 58 ss 1–2 sch**

date of assent 17 November 2000

commenced on date of assent

**Corrective Services Act 2000 No. 63 ss 1, 2(2), 276 sch 2**

date of assent 24 November 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2001 (2001 SL No. 88)

**Electoral and Other Acts Amendment Act 2002 No. 8 pts 1, 4**

date of assent 19 April 2002

ss 1–2 commenced on date of assent

s 54(2) commenced 6 June 2002 (see s 2(1))

remaining provisions commenced 6 June 2002 (2002 SL No. 119)

**Public Records Act 2002 No. 11 ss 1, 2(2), 62 sch 1**

date of assent 24 April 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2002 (2002 SL No. 115)

**Child Care Act 2002 No. 55 ss 1–2, 196 sch 1**

date of assent 1 November 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 2003 (2003 SL No. 188)

**Evidence (Protection of Children) Amendment Act 2003 No. 55 pts 1, 6**

date of assent 18 September 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 5 January 2004 (2003 SL No. 280)

**Training Reform Act 2003 No. 63 ss 1, 2(2), 60 sch**

date of assent 13 October 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2004 (2003 SL No. 293)

**Education and Other Legislation (Student Protection) Amendment Act 2003 No. 88  
pts 1, 3**

date of assent 18 November 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 19 April 2004 (2003 SL No. 345)

**Police Powers and Responsibilities and Other Legislation Amendment Act 2003 No.  
92 s 1, pt 6**

date of assent 3 December 2003

commenced on date of assent

**Legal Profession Act 2003 No. 97 ss 1, 2(2), 380 sch 1**

date of assent 3 December 2003

ss 1–2 commenced on date of assent

remaining provisions never proclaimed into force and rep 2004 No. 11 s 642

**Legal Profession Act 2004 No. 11 ss 1, 2(2), 596 sch 1**

date of assent 31 May 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2004 (2004 SL No. 106)

**Justice and Other Legislation Amendment Act 2004 No. 43 pts 1, 7, s 3 sch**

date of assent 18 November 2004

ss 1–2 commenced on date of assent

s 3 sch commenced 3 December 2004 (2004 SL No. 263)

remaining provisions commenced 1 March 2005 (2005 SL No. 17)

**Agricultural College Act 2005 No. 20 ss 1–2, 60 sch 1**

date of assent 19 May 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2005 (2005 SL No. 116)

**Justice and Other Legislation Amendment Act 2005 No. 70 ss 1, 166 sch**

date of assent 8 December 2005

commenced on date of assent

**Corrective Services Act 2006 No. 29 ss 1, 2(2), 518 sch 3**

date of assent 1 June 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 28 August 2006 (2006 SL No. 213)

**Education (General Provisions) Act 2006 No. 39 ss 1, 2(3), 512(1) sch 1**

date of assent 11 August 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 30 October 2006 (2006 SL No. 247)

## 7 List of annotations

**Title** amd R1 (see RA s 40)

### **Interpretation**

**s 3** amd 1990 No. 52 s 2(b)  
def “**approved form**” ins 2004 No. 43 s 30  
def “**Minister**” ins 1990 No. 80 s 3 sch 1  
om 1991 No. 97 s 3 sch 2  
def “**rehabilitation period**” amd 1990 No. 52 s 2(a)  
def “**simple offence**” amd 1986 No. 45 s 6

### **Construction of Act**

**s 4** amd 1986 No. 45 ss 4, 6; 1993 No. 83 s 99

### **Matter excluded from criminal history**

**s 5** amd 1988 No. 58 s 9

### **Section 6 not applicable in certain cases**

**s 7** amd 1993 No. 83 s 100; 2002 No. 11 s 62 sch 1

### **Duty to disregard certain convictions**

**s 9** amd 1988 No. 88 s 3(1) sch 1; 2000 No. 63 s 276 sch 2; 2006 No. 29 s 518 sch 3

### **Disclosure of particulars in special cases**

**s 9A** ins 1986 No. 45 s 5  
amd 1987 No. 32 s 69(1) sch; 1988 No. 47 s 3(1) sch 1; 1988 No. 88 s 3(1) sch 1; 1991 No. 79 s 87 sch 3; 1991 No. 97 s 3 sch 2; 1993 No. 76 s 3 sch 1; 1993 No. 83 s 101; 1996 No. 79 s 24; 1997 No. 83 s 6; 1998 No. 8 s 22; 1999 No. 9 s 3 sch; 1999 No. 10 s 205 sch 3; 1999 No. 52 s 8; 1999 No. 73 s 179 sch 3; 2000 No. 23 s 293 sch 2; 2000 No. 58 s 2 sch; 2000 No. 63 s 276 sch 2; 2002 No. 8 s 54; 2002 No. 55 s 196 sch 1; 2003 No. 92 s 24; 2003 No. 63 s 60 sch; 2003 No. 55 s 35; 2003 No. 88 s 11; 2004 No. 11 s 596 sch 1; 2004 No. 43 s 3 sch; 2005 No. 20 s 60 sch 1; 2005 No. 70 s 166 sch; 2006 No. 29 s 518 sch 3; 2006 No. 39 s 512(1) sch 1

### **Permit to disclose convictions**

**s 10** amd 1990 No. 80 s 3 sch 1; 2004 No. 43 s 31

### **Offence provision**

**s 12** amd 1990 No. 80 s 3 sch 1; 1993 No. 83 s 102

### **Regulations**

**s 13** sub 1993 No. 83 s 103

### **Approved forms**

**s 14** prev s 14 om R1 (see RA s 40)  
pres s 14 ins 2004 No. 43 s 32

## **8 List of forms notified or published in the gazette**

(The following information about forms is taken from the gazette. Because failure to notify or publish a form in the gazette does not invalidate the form, it may be necessary to check with the relevant government department for the latest information about forms (see SIA s 58(8)).)

### **Form 1 Version 1—Application**

pubd gaz 18 February 2005 p 594