

Legislative Council—No 119

As introduced and read a first time, 28 September 2023

South Australia

**Spent Convictions (Part 8A Findings) Amendment
Bill 2023**

A BILL FOR

An Act to amend the *Spent Convictions Act 2009*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Spent Convictions Act 2009*

- 3 Amendment of section 3—Preliminary
- 4 Amendment of section 4—Meaning of spent conviction

Schedule 1—Transitional provision

- 1 Findings made before commencement
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Spent Convictions (Part 8A Findings) Amendment Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Spent Convictions Act 2009*

3—Amendment of section 3—Preliminary

(1) Section 3(3)—after paragraph (c) insert:

- (d) where a court has made a finding of a kind referred to in subsection (5)(c) and a limiting term is fixed under section 269O(2) of the *Criminal Law Consolidation Act 1935*, or a term of an equivalent nature is fixed under a law of another jurisdiction—that limiting term or that term of an equivalent nature (as the case may be).

(2) Section 3(5)—after paragraph (b) insert:

- (c) a finding by a court that the objective elements of an offence are established in proceedings under Part 8A of the *Criminal Law Consolidation Act 1935* or a law of any other jurisdiction in which the defendant was found to be mentally incompetent to commit the offence or unfit to stand trial for the offence.

4—Amendment of section 4—Meaning of spent conviction

Section 4(1a)(b)—delete paragraph (b) and substitute:

- (b) —

- (i) in the case of a finding referred to in section 3(5)(a) and (b)—no conviction is recorded against the person; or
- (ii) in the case of a finding referred to in section 3(5)(c)—the defendant is released unconditionally,

5 **Schedule 1—Transitional provision**

1—Findings made before commencement

Section 3(3)(d) and (5)(c) and section 4(1a)(b) of the *Spent Convictions Act 2009* as in force after the commencement of this Act apply in relation to a finding by a court whether the finding was made before or after the commencement of this Act.