

South Australia

# Spent Convictions (Part 8A Findings) Amendment Act 2024

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

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**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 2024*.

### 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,

## 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.