Western Australia

LEGISLATIVE ASSEMBLY

Criminal Code Amendment (Home Invasion) Bill 2000

A Bill for

An Act to amend The Criminal Code.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the Criminal Code Amendment (Home Invasion) Act 2000.
2. **Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

3. **Criminal Code amended**

The amendment in this Act is to *The Criminal Code*.

[* Reprinted as at 2 October 1999 as the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Compilation Act 1913.

For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, p. 60, and Act No. 17 of 2000.]*

4. **Section 244 replaced**

Section 244 is repealed and the following section is inserted instead —

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244. Defence against home invasion

(1) It is lawful for a person ("the occupant") who is in peaceable possession of a dwelling to use any force or do anything else that the occupant believes, on reasonable grounds, to be necessary —

(a) to prevent a home invader from wrongfully entering the dwelling or an associated place;

(b) to cause a home invader who is wrongfully in the dwelling or on or in an associated place to leave the dwelling or place;

(c) to make effectual defence against violence used or threatened in relation to a person by a home invader who is —

(i) attempting to wrongfully enter the dwelling or an associated place; or
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(ii) wrongfully in the dwelling or on or in an associated place;

or

(d) to prevent a home invader from committing, or make a home invader stop committing, an offence in the dwelling or on or in an associated place.

(2) A person is a “home invader” for the purposes of subsection (1) if the occupant believes, on reasonable grounds, that the person —

(a) intends to commit an offence; or

(b) is committing or has committed an offence, in the dwelling or on or in an associated place.

(3) The authorisation conferred by subsection (1)(a), (b) or (d) extends to a person assisting the occupant or acting by the occupant’s authority.

(4) Section 250 applies to the authorisation conferred by subsection (1)(c).

(5) This section has effect even if the conduct it authorises would not otherwise be authorised under this Chapter.

(6) In this section —

“associated place” means —

(a) any place that is used exclusively in connection with, or for purposes ancillary to, the occupation of the dwelling; and

(b) if the dwelling is one of 2 or more dwellings in one building or group of buildings, a place that occupants of the dwellings use in common with one another;

“offence” means an offence in addition to any wrongful entry;
“place” means any land, building or structure, or a part of any land, building or structure.