

Legislative Council Parliamentary Question 3997 [Tabled Paper No_3498_]

- 1) As at 20 May 2011, there are 30 people subject to custody orders under the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA).
- 2) (a) Of these 30 people, 15 are currently in a prison.
- 2) (b) – (d) The answers are set out in the table below. The data is correct as at 1 June 2011.

Number	Period In Custody	Offences	Last Review
1.	11 months	Two counts of sexual penetration of a child of or over 13 and under 16 years of age	14/01/2011
2.	7 months, 2 weeks	Six counts of sexual penetration of a child over 13 under 16 One count of using electronic communication with intent to procure	10/12/2010
3.	4 years, 9 months	Three counts of attempted murder One count of stealing a Motor Vehicle One count of stealing One count of going armed in public One count of unlawful wounding One count of indecent assault	11/03/2011
4.	8 years, 1 week	Two counts of unlawful wounding One count of breach of bail One count of common assault	8/04/2011
5.	3 years, 6 months	Two counts of wilful murder One count of breach of bail One count of unlawful assault	11/03/2011
6.	2 years, 11 months	Three counts of assault occasioning bodily harm	11/02/2011
7.	22 years, 1 month	One count of wilful murder	6/12/2010
8.	1 year, 1 month	One count of wilful murder	13/05/2011
9.	3 years, 6 months	One count of manslaughter One count of stealing a motor vehicle One count of reckless driving One count of unlawful act causing bodily harm One count of aggravated armed robbery	10/12/2010
10.	8 years, 2 months	Two counts of sexual penetration of a child under 13 years Three counts of indecent dealings with a child aged 13-16yrs	14/01/2011
11.	4 years, 7 months	One count of armed robbery	28/09/2010
12.	9 years, 1 month	Two counts of assault occasioning bodily harm	12/11/2010

Number	Period In Custody	Offences	Last Review
13.	2 years, 6 months	One count of unlawful damage	14/01/2011
14.	1 year, 6 months	One count of trespass One count of indecent act with intent to offend	15/04/2011
15.	1 year, 19 days	One count of sexual penetration of a child under 13 years	11/02/2011

NB

It should be noted that with respect to question 2(c), mentally impaired accused are not in custody 'for' committing crimes, but rather because they have been found mentally unfit to stand trial in respect of a crime, or have been found not guilty by reason of unsoundness of mind.