

Western Australia

**Acts Amendment (Assaults on Police Officers)
Bill 2008**

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr Johnson, MLA)

**Acts Amendment (Assaults on Police Officers)
Bill 2008**

A Bill for

An Act to amend the *The Criminal Code* and the *Sentencing Act 1995*.

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary matters

1. Short title

This Act may be cited as the *Acts Amendment (Assaults on Police Officers) Act 2008*.

5 **2. Commencement**

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

Part 2 — *The Criminal Code* amended

3. *The Criminal Code* amended in this Part

The amendments in this Part are to *The Criminal Code**.

[* Reprint 12 as at 1 June 2005 (see the schedule to the
Criminal Code Act 1913 appearing as Appendix B to the
Criminal Code Act Compilation Act 1913).

For subsequent amendments see *Western Australian
Legislation Information Tables for 2005, Table, p. 112 and
Act No. 3 of 2006.*]

4. Section 297 amended

(1) Section 297 is amended as follows —

- (a) by inserting before “Any person” the subsection designation “(1)”;
- (b) by inserting before “If the offence is committed in the” the subsection designation “(2)”;
- (c) by inserting before “If the offence is committed in circumstances” the subsection designation “(3)”.

(2) At the end of section 297 the following new subsection is inserted —

“

(4) If the offence is committed upon —

- (a) public officer who is performing a function of his office or employment or on account of his performance of such a function; or
- (b) any person who is performing a function of a public nature conferred on him by law or on account of his performance of such a function;
or

s. 5

(c) any person who is acting in aid of a public officer or other person referred to in paragraph (a) or (b) or on account of his having so acted, the offender is liable to imprisonment for 14 years, and, a court sentencing such an offender shall impose a term of immediate imprisonment of not less than twelve months.

”.

5. Section 318 amended

(1) Section 318 is amended as follows —

(a) by inserting after “is guilty of a crime and is liable to imprisonment for 10 years.” the following new paragraph —

“

Where the person assaulted has suffered bodily harm, the offender shall be sentenced to a term of immediate imprisonment of not less than 9 months.

”;

(b) by inserting after “Summary conviction penalty: imprisonment and a fine of \$36,000” the following —

“

, and notwithstanding the provisions of the *Sentencing Act 1995*, where the person assaulted has suffered bodily harm the offender shall be sentenced to a term of immediate imprisonment of not less than 3 months

”.

Part 3 — Sentencing Act 1995 amended

6. The Sentencing Act 1995 amended in this Part

The amendment in this Part is to the *Sentencing Act 1995**.

[* *Reprint 4 as at 12 August 2005.*

5 *For subsequent amendments see Western Australian
Legislation Information Tables for 2005, Table 1, p. 411-12
and Act No. 27 of 2004.]*

7. Section 39 amended

10 Section 39 is amended by inserting after subsection (8) the
following —

“

- (9) A court sentencing an offender for an offence
under section 318 of *The Criminal Code* shall
not make a Spent Conviction Order.

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”.

