

Western Australia

Criminal Code Amendment Bill (No. 3) 2003

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr R. A. Ainsworth MLA)

Criminal Code Amendment Bill (No. 3) 2003

A Bill for

An Act to amend the *The Criminal Code*.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment Act (No. 3) 2003*.

2. Commencement

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

3. Principal Act

5 The amendments in this Act are to *The Criminal Code**.
[* Reprint 10 as at 7 February 2003 (see the Schedule to the
Criminal Code Act 1913 appearing as Appendix B to the
Criminal Code Act Compilation Act 1913).]

4. Section 29 replaced

10 Section 29 is repealed and the following section is inserted
instead —

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29. Immature age

- 15 (1) A person under the age of 10 years is not
criminally responsible for any act or omission.
- (2) Subject to subsection (3) a person under the age
of 14 years is not criminally responsible for an
act or omission, unless it is proved that at the
20 time of doing the act or making the omission he
had capacity to know that he ought not to do
the act or make the omission.
- (3) For the purposes of this section, a person under
the age of 14 years who is a repeat offender at
the time of doing the act or making the
25 omission, has the capacity to know that he
ought not to do the act or make the omission.
- (4) All first offenders under the age of 14 years
must undertake counselling on what constitutes
an unlawful act or omission and the potential
30 consequences of engaging or participating in
unlawful acts or omissions.

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