

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

5

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

5 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.
10 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Section 244 is repealed and the following section is inserted instead —

“

15 **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 —
- 20 (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;
- 25 (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

- (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;

s. 4

“place” means any land, building or structure, or a part
of any land, building or structure.

”.

=====