

Western Australia

Criminal Code Amendment Bill (No. 2) 2011

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Western Australia

LEGISLATIVE COUNCIL

(Introduced by the Hon. Alison Xamon MLC)

Criminal Code Amendment Bill (No. 2) 2011

A Bill for

An Act to amend *The Criminal Code* so that mandatory sentencing provisions for doing grievous bodily harm to or assaulting certain officers do not apply to persons whose judgment or behaviour at the time of the offence was impaired to a significant extent by mental impairment.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Criminal Code Amendment Act (No. 2) 2011*.

3 **2. Commencement**

4 This Act comes into operation as follows —

5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;

7 (b) the rest of the Act — on the day after that day.

8 **3. Criminal Code amended**

9 This Act amends *The Criminal Code*.

10 **4. Section 297 amended**

11 After section 297(8) insert:
12

13 (9) Subsections (5) and (7) do not apply to a person whose
14 judgment or behaviour at the time of the offence was
15 impaired to a significant extent by mental impairment.
16

17 **5. Section 318 amended**

18 After section 318(5) insert:
19

20 (6) Subsections (2) and (4) do not apply to a person whose
21 judgment or behaviour at the time of the offence was
22 impaired to a significant extent by mental impairment.
23

