

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 61
Issue No. 1

WEDNESDAY, 19 AUGUST 2015

CRIMINAL LAW AMENDMENT (HOME BURGLARY AND OTHER OFFENCES) BILL 2014 [61-1]

When in committee on the *Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014*:

New Clause 4A

Hon Sue Ellery: To move –

1/NC4A Page 3, after line 26 — To insert —

4A. Section 27 amended

After section 27(2) insert —

- (3) A person suffering from a mental impairment as defined in section 8 of the *Criminal Law (Mentally Impaired Accused) Act 1996* who is not relieved of criminal responsibility under subsection (1) or (2) for an offence under a provision listed in column 1 of the Table is nevertheless not subject to a minimum sentence requirement under the provisions listed in column 3 of the Table opposite that offence if, by reason of mental impairment, it would be manifestly unjust to apply the minimum sentence requirement to the person.

Table

Offence Provision	Description of Offence	Minimum sentence requirement provision
s. 279	Murder	s. 279(5A) and (6A)
s. 280	Manslaughter	s. 280(2) and (3)

Offence Provision	Description of Offence	Minimum sentence requirement provision
s. 281	Unlawful assault causing death	s. 281(3) and (4)
s. 283	Attempt to unlawfully kill	s. 283(2) and (3)
s. 294	Act intended to cause grievous bodily harm or prevent arrest	s. 294(2) and (3)
s. 297	Grievous bodily harm	s. 297(5) and (6)
s. 320	Child under 13, sexual offences against	s. 320(7) and (8)
s. 321	Child of or over 13 and under 16, sexual offences against	s. 321(14) and (15)
s. 324	Aggravated indecent assault	s. 324(3) and (4)
s. 325	Sexual penetration without consent	s. 325(2) and (3)
s. 326	Aggravated sexual penetration without consent	s. 326(2) and (3)
s. 327	Sexual coercion	s. 327(2) and (3)
s. 328	Aggravated sexual coercion	s. 328(2) and (3)
s. 330	Incapable person, sexual offences against	s.330(10) and (11)
s. 401	Burglary	s. 401(4) and (5)

