

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 61  
Issue No. 2

WEDNESDAY, 19 AUGUST 2015

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### *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*:

#### Clause 4

**Hon Robin Chapple:** To move –

2/4 Page 3, lines 22 to 25 — To delete the lines.

#### 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**

| <b>Offence Provision</b> | <b>Description of Offence</b>                                | <b>Minimum sentence requirement provision</b> |
|--------------------------|--------------------------------------------------------------|-----------------------------------------------|
| s. 279                   | Murder                                                       | s. 279(5A) and (6A)                           |
| s. 280                   | Manslaughter                                                 | s. 280(2) and (3)                             |
| 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)                             |

**Clause 5****Hon Robin Chapple:** To move –

3/5 Page 4, line 15 to page 5, line 5 — To delete the lines.

**Clause 6****Hon Robin Chapple:** To move –

4/6 Page 5, line 20 to page 6, line 8 — To delete the lines.

**Clause 7****Hon Robin Chapple:** To move –

5/7 Page 6, line 19 to page 7, line 5 — To delete the lines.

**Clause 8****Hon Robin Chapple:** To move –

6/8 Page 8, lines 1 to 19 — To delete the lines.

**Clause 9****Hon Robin Chapple:** To move –

7/9 Page 10, lines 5 to 22 — To delete the lines.

**Clause 10****Hon Robin Chapple:** To move –

8/10 Page 11, line 15 to page 12, line 10 — To delete the lines.

**Clause 11****Hon Robin Chapple:** To move –

9/11 Page 12, line 26 to page 13, line 9 — To delete the lines.

**Clause 12****Hon Robin Chapple:** To move –

10/12 Page 13, line 21 to page 14, line 6 — To delete the lines.

**Clause 13****Hon Robin Chapple:** To move –

11/13 Page 14, line 25 to page 15, line 11 — To delete the lines.

**Clause 14****Hon Robin Chapple:** To move –

12/14 Page 15, line 26 to page 16, line 11 — To delete the lines.

**Clause 15****Hon Robin Chapple:** To move –

13/15 Page 16, line 26 to page 17, line 11 — To delete the lines.

**Clause 16****Hon Robin Chapple:** To move –

14/16 Page 17, line 26 to page 18, line 9 — To delete the lines.

**Clause 17****Hon Robin Chapple:** To move –

15/17 Page 18, line 24 to page 19, line 9 — To delete the lines.

**Clause 18****Hon Robin Chapple:** To move –

16/18 Page 19, line 21 to page 20, line 6 — To delete the lines.

**Clause 20****Hon Robin Chapple:** To move –

17/20 Page 21, line 15 to page 22, line 10 — To delete the lines.

**Hon Robin Chapple:** To move –

18/20 Page 24, lines 19 to 35 — To delete the lines.

**Clause 21**

**Hon Robin Chapple:** To move –

19/21 Page 27, lines 15 to 25 — To delete the lines.

**Hon Robin Chapple:** To move –

20/21 Page 27, line 33 to page 28, line 9 — To delete the lines.

**Hon Robin Chapple:** To move –

21/21 Page 28, lines 15 to 21 — To delete the lines.

**Clause 22**

**Hon Robin Chapple:** To move –

22/22 Page 28, line 30 — To delete “fifth” and insert —

first

**Clause 24**

**Hon Robin Chapple:** To move –

23/24 Page 30, line 15 — To delete the line.

