

Western Australia

Criminal Code Amendment Act (No. 2) 2009

As at 03 Dec 2009

No. 44 of 2009

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Criminal Code Amendment Act (No. 2) 2009

No. 44 of 2009

An Act to amend *The Criminal Code*.

[Assented to 3 December 2009]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary matters

1. Short title

This is the *Criminal Code Amendment Act (No. 2) 2009*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. *The Criminal Code* amended

This Act amends *The Criminal Code*.

Part 2 — General amendments

4. Section 74B inserted

At the end of Chapter IX insert:

74B. Causing fear or alarm to people in conveyances and others

(1) In this section —

drive a conveyance, includes to pilot an aircraft and to navigate a vessel.

(2) A person who, without lawful excuse —

(a) causes an object or substance to be directed at or near, or to be placed in or near the path of, a conveyance that a person is driving; or

(b) uses a portable device to direct a visible laser or other narrow beam of visible light at or near a conveyance that a person is driving,

in circumstances that are likely to cause fear or alarm to any person commits a crime and is liable to imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

5. Section 284 amended

After section 284(4) insert:

(5) It is a defence to a charge of an offence under subsection (3) to prove the death or grievous bodily harm caused by the incident was not in any way attributable (as relevant) to the manner (including the speed) in which the conveyance was driven.

6. Section 304 amended

In section 304(1):

- (a) delete “5 years.” and insert:

7 years.

- (b) delete the Summary conviction penalty and insert:

Summary conviction penalty: imprisonment for 3 years
and a fine of \$36 000.

7. Section 318A amended

In section 318A:

- (a) delete “who, while on board an aircraft” and insert:

who

- (b) delete “the aircraft” (first and second occurrences) and
insert:

an aircraft

8. Section 451A amended

- (1) After section 451A(1)(a) insert:

- (ba) does any act that endangers the free and safe
use of the aircraft; or

- (2) In section 451A(2):

- (a) delete “while on board an aircraft”;

- (b) delete “the aircraft” and insert:

an aircraft

Part 3 — Miscellaneous short amendments

9. Section 27 amended

In section 27:

(a) delete “A person is” and insert:

(1) A person is

(b) delete “A person whose” and insert:

(2) A person whose

(c) delete “the foregoing provisions of this section,” and insert:

subsection (1),

10. Section 28 amended

In section 28:

(a) delete “The provisions of the last preceding section apply” and insert:

(1) Section 27 applies

(b) delete “They do not” and insert:

(2) Section 27 does not

(c) delete “When an” and insert:

(3) When an

11. Section 44 amended

In section 44 delete “the provisions of the next following section.” and insert:

section 45.

12. Section 49 amended

In section 49 delete “the last 2 preceding sections” and insert:

sections 47 and 48

13. Section 228 amended

In section 228 delete “the provisions of the last 4 preceding sections,” and insert:

section 224, 225, 226 or 227,

14. Section 539 amended

In section 539 delete “the last preceding section.” and insert:

section 538.

