

WESTERN AUSTRALIA

CRIMINAL LAW AMENDMENT ACT 1992

No. 1 of 1992

AN ACT to amend *The Criminal Code* and the *Road Traffic Act 1974*.

[Assented to 7 February 1992]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Criminal Law Amendment Act 1992*.

Commencement

2. This Act comes into operation on 9 March 1992.

PART 2 — THE CRIMINAL CODE

The Code

3. In this Part “the Code” means *The Criminal Code**.

[* Reprinted as at 31 May 1991 as the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Compilation Act 1913.

For subsequent amendments see Act No. 37 of 1991.]

Section 297 amended

4. Section 297 of the Code is amended by inserting at the end the following paragraph —

“ If the offence is committed in the course of conduct that, under section 371 or 371A, constitutes the stealing of a motor vehicle, the offender is liable to imprisonment for 14 years. ”.

Section 378 amended

5. Section 378 of the Code is amended by inserting after item (1) the following item —

“ (2) If the thing stolen is a motor vehicle and the offender —

(a) wilfully drives the motor vehicle in a manner that constitutes an offence under section 60 of the *Road Traffic Act 1974* (i.e. the offence known as reckless driving); or

(b) drives the motor vehicle in a manner that constitutes an offence under section 61 of the *Road Traffic Act 1974* (i.e. the offence known as dangerous driving),

the offender is liable to imprisonment for 8 years. ”.

PART 3 — ROAD TRAFFIC ACT 1974**Section 59 amended**

6. Section 59 of the *Road Traffic Act 1974** is amended —

- (a) by repealing subsection (1a) and substituting the following subsection —

“ (1a) Despite any election under subsection (1) the court of petty sessions hearing the charge shall abstain from dealing with the charge summarily, and shall commit the defendant for trial on indictment, if the court —

- (a) has reason to believe that, at the time of the alleged offence, the motor vehicle was unlawfully being driven without the consent of the owner or person in charge of the motor vehicle; or

- (b) is for any reason of the opinion that the charge is a fit subject for prosecution by indictment. ”;

and

- (b) by deleting subsection (3) (a) and substituting the following —

“ (a) if convicted upon indictment and, at the time of the offence, the motor vehicle was unlawfully being driven without the consent of the owner or person in charge of the motor vehicle, to a fine of any amount and to imprisonment for—

- (i) 20 years, if the person has caused the death of another person; or

- (ii) 14 years, if the person has caused grievous bodily harm to another person;

or

- (aa) if convicted upon indictment in any other circumstances, to a fine of \$10 000 or to imprisonment for 4 years;

”.

[* *Reprinted as at 4 April 1991.*

For subsequent amendments see Acts Nos. 19 of 1990, 37, 46 and 50 of 1991 and Gazettes 23 August and 22 November 1991.]
