

LEGISLATIVE COUNCIL

CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023

(Amendments to be proposed in Committee by JEFF BOURMAN)

1. Clause 1, line 6, omit "2".
2. Clause 3, lines 24 and 25, omit "conduct constituting an offence against section 34AE(1)" and insert "choking, strangling or suffocation".
3. Clause 3, line 27, omit "conduct" and insert "choking, strangling or suffocation".
4. Clause 3, page 5, after line 9 insert—
 - "(1A) A person (A) commits an offence if—
 - (a) A intentionally and without lawful excuse chokes, strangles or suffocates another person (B); and
 - (b) A intends the choking, strangling or suffocation to cause an injury to B; and
 - (c) the choking, strangling or suffocation causes an injury to B; and
 - (d) the choking, strangling or suffocation is a sexual activity.
 Penalty: Level 5 imprisonment (10 years maximum).".
5. Clause 3, page 5, line 10, omit "subsection (1)" and insert "subsections (1) and (1A)".
6. Clause 3, page 5, line 14, after "subsection (1)" insert "or (1A)".
7. Clause 3, page 5, after line 32 insert—
 - "(1A) A person (A) commits an offence if—
 - (a) A intentionally and without lawful excuse chokes, strangles or suffocates another person (B); and
 - (b) the choking, strangling or suffocation is a sexual activity.
 Penalty: Level 6 imprisonment (5 years maximum).".
8. Clause 3, page 6, line 5, omit "34AF" and insert "34AF(1)".
9. Clause 3, page 6, line 6, omit "34AF" and insert "34AF(1)".
10. Clause 3, page 6, after line 14 insert—
 - "(5) For the purposes of subsection (1A), that B consented to the conduct constituting the offence is not a lawful excuse except to the extent provided for by section 34AF(1A).".

11. Clause 3, page 6, after line 24 insert—
 "(1A) It is a defence to a charge for an offence against section 34AE(1A) if—
 (a) B consented to the conduct constituting the offence; or
 (b) A reasonably believed that B consented to that conduct."
12. Clause 3, page 7, line 3, after "section 34AF(1)(b)" insert "and (1A)".
13. Clause 3, page 7, line 25, after "section 34AF(1)(b)" insert "and (1A)".
14. Clause 3, page 9, line 16, after "section 34AF(1)(b)(ii)" insert "and (1A)(b)".
15. Long title, omit "2".