

**CRIMINAL CODE AMENDMENT BILL 2001**

*Declaration as Urgent*

**MR KOBELKE** (Nollamara - Leader of the House) [9.10 pm]: I move -

That the Bill be considered an urgent Bill.

This matter, under standing orders, would normally not come on for debate until tomorrow. We have come to a very cooperative arrangement with the Opposition on the number of Bills that we are handling expeditiously. It fits in with the planning, and I understand the opposition arrangements, that we deal with the Criminal Code Amendment Bill this evening. We are therefore deferring until tomorrow other matters that were listed for today. I thank the Opposition for its incredible cooperation so far today. Let us hope it will continue.

**MR DAY** (Darling Range) [9.12 pm]: As the Leader of the House has said, there is a substantial degree of cooperation and goodwill at the moment. Peace has broken out. We will endeavour to ensure that it continues if circumstances are appropriate. We are happy for the Bill to be declared an urgent Bill. The member for Kingsley will be the lead opposition speaker. She is able to deal with it now, so we are happy to cooperate.

Question put and passed.

*Second Reading*

Resumed from 7 November.

**MRS EDWARDES** (Kingsley) [9.13 pm]: I support the legislation. After the 11 September tragic events in New York, we saw many instances of the character of people. Some of the most tragic incidents were the hoaxes that were being perpetrated on some of the fantastic people involved, such as those in the fire and emergency service, and the police. I recall one particular hoax that was very sad. People wanted to believe that people were still alive in the World Trade Centre in the early days. A phone call from some part of Canada indicated that a woman had received a call from her husband on a mobile phone, only to find out 24 hours later that it was a hoax. Hoaxes that are perpetrated on people in such incidents are in very poor taste.

However, the matter goes further than that. Following those tragic incidents of 11 September, further occurrences in New York and other parts of the United States involved the anthrax scare. Those occurrences were not only hoaxes but also the real thing, with anthrax being spread through letters and people dying as a result of contamination, as well as others who had their lives put on hold while they were treated with antibiotics to deal with the bacteria that was found in their bodies. The anthrax hoaxes that were being perpetrated in America and Australia caused a great deal of concern in the wider community. There is already widespread fear, uncertainty and anxiety as a result of the events of 11 September. People have cancelled holidays and have not wanted to travel outside their own countries. There is concern all around the world. When the anthrax scares occurred in America, some were hoaxes but many were real. The anthrax hoaxes that were perpetrated in Australia added to the general level of widespread fear, anxiety and uncertainty. It impacted on individuals and families, but mostly on the persons who identified the white powder in the first instance but that then turned out to be a hoax. They must have questioned whether they should have reported it.

When an anthrax scare is reported, all the emergency services personnel are brought in. The property is cordoned off, whether it be a building or a car park. I can give a personal instance. A couple of Mondays ago the R & I Bank, which is situated two doors away from my office, had an anthrax scare. We were told of it minutes afterwards, but when we tried to leave through our front door, we found that it had already been taped up. The fire and emergency services personnel advised us that a suspicious white powder had been located and reported. They said that they needed to take samples of it and have it tested. It took about four and a half hours to do that. The pizza shop between BankWest and my office does not operate on a Monday, but the scare affected other businesses. People in my office, both visitors and workers, were prevented from leaving until such time as the all clear was given. The bank had to be cleared of personnel. It was a fairly warm day, which added to the stress of people who were being cleared out of premises. Some found themselves in my office, where we were able to provide tea and coffee and the like to them. The concern was that the offices might be linked by a common air-conditioning duct. However, that proved not to be the case. Even so, we were not allowed to leave until such time as the all clear had been given after testing for anthrax.

The police were obviously heavily involved as well. Therefore, all those resources were tied up as well as the very expensive testing that needed to occur to reassure people that it was not anthrax. The cost of such an exercise is enormous. It ties up valuable resources of fire and emergency services and the police. Businesses and their operations are tied up as well. As well as BankWest, other businesses would have been affected because they would not have been able to carry out their ordinary operations with the bank. The hoax would

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therefore have impacted on their businesses. If it was a day when the pizza parlour was open, it would have lost business. I found myself in the very fortunate circumstance of having extra volunteers in the form of people who were restrained in my office. I immediately put them to work because we all know there are always things to be done in our offices. I ended up with several extra pairs of hands in my office. I was not able to attend several functions that I had already committed myself to on that occasion. I let people know that I was unable to go but I did not let them know why because once that fear is established, it is ongoing and one is supporting the hoaxer who gets great pleasure out of seeing all these businesses and operations tied up. He does not see or fully understand the impact and the stress that is placed on personnel. The bank had to send out counsellors to talk to the staff on that day and subsequently. It is a very costly exercise when a hoax is perpetrated. However, we were very appreciative that the testing proved that the white powder was clear of anthrax.

Over several weeks, there were a number of hoaxes around the metropolitan area. Some people thought it was a joke and did not fully appreciate the seriousness of what they were doing. However, all of that was occurring in the light of what was happening internationally. Normally, if someone received an envelope with white powder in it, he would probably suspect that somebody was playing a joke on him and that it was just talcum powder. However, in the light of international events, there was a level of fear and uncertainty. Offices put in place practices to deal with mail. There were concerns for people in government offices who might be potential targets and mechanisms were put in place to try to protect those people.

We support this legislation and the amendments brought forward. They have been unanimously supported around Australia. The Federal Government will also increase the penalty to up to 10 years and make it retrospective, given the fact that it will not be back in Parliament until early in the new year. This Bill is not retrospective. I do not know whether the Attorney General can tell us how many people have been charged as a result of the anthrax scares. I know of one person from the newspaper reports, but I do not know whether others have been charged who might be subject to the old penalty before this legislation is passed. The number of hoaxes has decreased since the announcement of the increase in penalties. We no longer hear or read about them on a regular basis. That is also the case in the United States, although it is still finding real examples of anthrax. How it could have been produced, from where it could have been obtained and what was in the minds of those who sought to perpetrate such a crime is of major concern to people around the world.

The Bill will replace section 338C of the Criminal Code with a new section 338C that includes a penalty of three years imprisonment for a crime and a summary conviction penalty of imprisonment for 18 months or a fine of \$6 000. The penalty for a crime will be increased to 10 years, which will be equal to the federal position. A summary conviction penalty will be increased to either imprisonment for three years or a fine of \$12 000, or imprisonment for 18 months or a fine of \$6 000. Proposed section 338C states that -

- (1) Any person who makes a statement or conveys information which that person knows to be false and which expressly indicates, or may reasonably be construed as indicating -
  - (a) that a threat to unlawfully do anything mentioned in section 338(a),(b),(c) or (d) . . .

Section 338 defines a threat as to -

- (a) kill, injure, endanger or harm any person, whether a particular person or not;
- (b) destroy, damage, endanger or harm any property, whether particular property or not;
- (c) take or exercise control of a building, structure or conveyance by force or violence; or
- (d) cause a detriment of any kind to any person, whether a particular person or not.

A person who committed a crime under that new section would be liable to imprisonment for 10 years if the threat referred to in proposed subsection 1(a) is to kill or injure; if there is an intention, proposal, plan or conspiracy, as referred to in proposed subsection 1(b), which refers to the destruction and damage etc to property; or if there is a belief, suspicion or fear, as referred to in proposed subsection 2(a). Proposed subsection 2(a) refers to any person who acts with the intention of creating a belief, suspicion or fear of anything mentioned in the four preceding proposed subsections or in proposed section 338.

The increase in the penalty and the offences referred to is serious. In addition to the deterrent of a fine and/or imprisonment, a court convicting a person under that proposed new section may impose a penalty ordering a person to pay the costs associated with the investigation of that hoax. With reference to the hoax that I mentioned, the costs related to the use of the staff, time and resources of the Fire and Emergency Services Authority of Western Australia, the Police Service and the laboratory, as well as the costs associated with the operations of the premises involved. Those costs include counselling services and other costs of which I was not

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made aware. It will not be, in any way, a small amount of money. Therefore, it is hoped that this Bill will be a deterrent to the people who get a kick out of making hoaxes and adding to the fear, anxiety and uncertainty that people were and are feeling as a result of the events of 11 September. This increase in penalties is not occurring as a result of the anthrax hoax. Although the penalties have been increased deliberately following the anthrax hoaxes, because of the number of hoaxes and the imposition on the resources of emergency services personnel, it will apply to any form of hoax in the future. There will always be people who get a kick out of making a hoax; therefore, the court will take into account the circumstances and merits of each case and impose a penalty accordingly.

We support the legislation and the proposed penalties. We support the new proposal to ensure that the costs that are incurred in the investigation of a hoax are recovered, and we look forward to the implementation of this legislation. Since its announcement, it has resulted in a reduction in the number of hoaxes that have come to our attention.

**MR OMODEI** (Warren-Blackwood) [9.30 pm]: As the opposition spokesman for police, I support the legislation. I will refresh the memories of members about comments I raised during the estimates debate. Some members may not have been present, but that debate took place just after the events of 11 September. I asked the Minister for Police what contingency plans were in place in the event that a similar attack or event were to occur in Western Australia. I referred to Western Australia's significant public installations, its water supply, the north west gas facility, pipelines and so on. I also referred to the fact that there are people in the community who may be prepared to do this act deliberately, or may be in a state of mind in which they want to create an incident. The response in the first place was less than satisfactory - the minister said it was not a problem. The members of the Police Service - the Commissioner of Police and others - went on to say that contingency plans did exist, that the Australian Federal Police had been contacted regularly, and good communication existed. Western Australia is very vulnerable to that kind of thing. Only a couple of days later came the bomb threats on Parliament House, and the premises had to be evacuated a couple of times. I do not know what has happened as a result of those bomb threats.

What alarmed me even more was that a few days later, when travelling to Perth, I heard a professor explaining on talkback radio how easily anthrax could be produced. By then the anthrax issue had arisen in the United States, and was a major problem. The professor went on to give some details of how it could be made. I wonder whether legislation should be passed to deter people like that from giving other people - who might be either mischievous or in a disturbed state of mind - the idea to do such a thing. This is not only about anthrax; it concerns a whole range of other things. I note that the Bill mainly repeals section 338C of the Criminal Code and replaces it with a new section 338C. The old section reads -

**False statements as to the existence of threats or plans to harm persons or property**

Any person who makes a statement or conveys information which that person knows to be false and which expressly indicates, or may reasonably be construed as indicating -

- (a) that a threat to unlawfully do anything mentioned in section 338(a), (b), (c) or (d) has been made; or
  - (b) that there has been, is, or is to be an intention, proposal, plan or conspiracy to unlawfully do anything mentioned in section 338(a), (b), (c) or (d),
- is guilty of a crime and is liable to imprisonment for 3 years.

Summary conviction penalty: Imprisonment for 18 months or a fine of \$6 000.

Section 338(a) to (d) refers to the definition of a threat, threats with intent, and so forth, and penalties are attached to all of those. As previous speakers have already mentioned, the new section 338C deals with similar issues, and then states that a person who does those things is guilty of a crime, for which the penalty is 10 years imprisonment, and a fine of \$12 000.

The legislation deals with a whole range of threats that people may decide to make. As the member for Kingsley mentioned, the loss of income, and the impact of that kind of threat on businesses and people must be taken into account. I agree with the member for Kingsley that the fact that the Government has given notice of this legislation, which will mirror the commonwealth legislation, has already had an impact to the extent that few stupid threats have been made in recent times.

Anthrax is the most invasive threat, because it can spread so quickly from spores floating in the air. We have seen the impact of that in the United States on the morale of people, particularly those working in the mailing system. I would hate to see that kind of thing happen here. People could make idle threats about a whole range of other issues, and this legislation is timely. I wonder whether it is strong enough. I would like to whack the

culprits even harder than that, and perhaps that says something about my background. If people are considering making some kind of threat or hoax, they know what the penalty will be. I would like the Attorney General, in his response, to indicate to the House what the success rate has been in the response to some of the threats that have occurred, particularly those against Parliament House. This is an important institution, and it was certainly disrupted by those bomb threats. This is not to say that the other matters are not important, but the Parliament is the institution in which the laws are made for this State, and I would expect every effort to be made to find out who rang the television station to say there was a bomb in Parliament House. I welcome this legislation and support it strongly.

**MR MARSHALL** (Dawesville) [9.37 pm]: I wholeheartedly support the Criminal Code Amendment Bill 2001, and I congratulate the Government for acting so speedily to legislate to counter thoughtless people who believe that pranks such as anthrax hoaxes are good fun. The horrific terrorist attack on 11 September on the World Trade Centre, followed by the anthrax letter drops by terrorists, or fools, have shown that the world is not safe. It is timely, therefore, that this legislation has been fast-tracked to discourage pranksters in Western Australia from even considering this kind of hoax. This new offence carries a maximum penalty of 10 years imprisonment, and the cost of investigation of the hoax will be recovered from the offender. I believe that is a start, but I wonder whether the anxiety caused by getting a letter containing white powder, and the repercussions of such an act, will result in this Parliament amending those penalties at a later date. It is difficult to understand why some people, at a time of national anxiety, would send hoax letters containing white powder - not anthrax - and call it a great practical joke. I fail to comprehend how people can see that as fun. I was trying to analyse what kind of people would do these things. Are they thoughtless, cowards, callous or deranged? Are they just stupid in wanting to exploit community fear? People who believe these hoaxes are fun deserve the severest penalty. Anthrax letter drops have scared the American nation, and any person in Australia who is guilty of an anthrax hoax or any other act to create a false belief deserves a severe sentence. I support the thrust of this Bill, which shows that this foolhardy behaviour will not be tolerated in Western Australia, and I congratulate the Government for bringing it forward.

**MR AINSWORTH** (Roe) [9.39 pm]: I support this legislation, because I find it particularly hard to understand anyone who would get some sort of warped pleasure out of a hoax, whether it be the bomb threat made against Parliament House or some other type of hoax designed to cause fear in the population at large. Firstly, I find it hard to understand that someone would get a twisted pleasure out of doing that; and, secondly, apart from perhaps one or two close confidants, the perpetrator of such a hoax could not let anyone know what he had done; therefore, he could not get a boost to his self-esteem. It is hard to understand the type of person who would make a hoax. However, it is not hard to understand the fear, concern and great community cost caused by these thoughtless and stupid acts. All members were affected by the bomb hoax at Parliament House in the week or so following the events in America. The cost of the loss of time of staff at Parliament House, the resources used to investigate whether there was a bomb in the building, and other associated costs, would add up in what was a minor event. That illustrates the stupidity and the flow-on effects that the perpetrators of hoaxes probably do not think of; and, even if they did, they would not care anyway.

That experience was only a minor event in a personal sense. However, one could imagine that if a hoax occurred at a major city building at the height of the peak hour traffic during the pre-Christmas shopping rush, for example, hundreds, if not thousands, of people could be adversely affected by one stupid prank call. Without adequate legislation and without a sufficient deterrent to deal with this problem, people will perpetrate those types of activities to gain whatever warped pleasure they must get from it. I congratulate the Government for introducing this legislation with penalties that one hopes will be sufficient to deter most people from carrying out a hoax. Anyone who continued or sought to perpetrate such hoax calls would deserve every penalty that this new legislation will provide for them. I would have no sympathy for a perpetrator who was caught and who received the full force of this new law, because that person would deserve it.

The media has a responsibility to downplay some of these hoax calls. Every hoax that is reported sensationally encourages another person of a similar mind to undertake a copycat hoax call or whatever it might be. Although I believe that the public has the right to know what is happening in their community, there is a fine balance between the right to know and the public good in not unduly advertising hoax calls or any of those types of events. The need for the public to know that a hoax has been perpetrated is probably fairly minor, compared with the need for the public to know of a real threat. For example, if a bomb were found in Parliament House after a claim had been made, that would be a much more serious situation about which the public would need to know. Particularly after several hoax calls have been made, the media is responsible for deciding that there are more important things to report and that it should put those events to one side. The reporting of such hoaxes may encourage another person of unsound mind to undertake copycat calls. It could even encourage the perpetrator who made the first hoax call to do it again because of the media sensation that had been created.

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Although I have not read the legislation word for word, a provision about the reporting of hoaxes by the media is probably not contained in it. However, the media must consider its responsibility to the public.

**MS SUE WALKER** (Nedlands) [9.44 pm]: I support the increase in penalties for the hoax offences, which have been prevalent, and about which the member for Kingsley and other members have spoken. I prosecuted many offences under section 338, which defines “threats”. The provisions listed under section 338 are relatively new, and the courts take them seriously. Section 338 states -

In this chapter a reference to a threat is a reference to a statement or behaviour that expressly constitutes, or may reasonably be regarded as constituting, a threat to -

- (a) kill, injure, endanger or harm any person, whether a particular person or not;
- (b) destroy, damage, endanger or harm any property, whether particular property or not;
- (c) take or exercise control of a building, structure or conveyance by force or violence; or
- (d) cause a detriment of any kind to any person, whether a particular person or not.

I note in the explanatory memoranda that the Government refers to a new offence being created under section 338C. I will refer to section 338 later. I am interested to hear the Attorney General’s comments on this. The proposed offence states -

... when a person, knowing that the relevant circumstances do not exist, does not act ...

However, the court already does that. I do not know whether the Attorney General examined the case of Ken Green when this legislation was drafted. In the case of *Ken Green v the Queen*, which the court refers to all the time when people are being prosecuted for threats, it was stated that it is a matter for the jury to examine the words and the circumstances in which they were spoken. It is for the jury to determine the effect of the words on the person to whom they are made and it is not part of the offence that the person who was making the threat should possess an intention to carry out the threat. That reference covers this new offence. I do not know whether it was meant to do that or whether the Attorney General was aware that the law existed already in relation to that. If an offender held a knife to someone’s throat and knew that he would not cut the victim but merely wanted to threaten him, it does not matter whether the offender intended to carry out the threat. The intention of the offender does not matter. That provision would apply to people who perpetrate a hoax.

I commend the Government for increasing the penalties to 10 years. However, currently under section 338 the courts already have that provision. In the case of *Crown v Star* it is the making of the threat that constitutes the gravity of the offence. The prosecution is not required to prove that the accused had the intention to carry out the threat. If such intention is established, that is an aggravating factor and is relevant to the sentence to be imposed. I note that there is no aggravating provision in relation to the increase in penalties in this legislation.

I am concerned about the summary conviction penalty under proposed section 338C(3)(b). I raise that issue because in the case *Gallegos v Carlyon* the charge against section 338B can be dealt with summarily only when the threat is other than the threat to kill. In the case in which a threat is made to kill a person, the matter cannot be dealt with summarily by the magistrate.

Proposed section 338C(3)(c), which deals with summary conviction penalties, states -

in a case to which paragraph (a) applies:

Paragraph (a) imposes a penalty of imprisonment for 10 years for a -

- (i) threat referred to in subsection 1(a);

I am sorry if that is a bit convoluted for members, but that is how the legislation is written. The threat referred to in subparagraph (i) includes a threat to kill. I am wondering whether a case involving a threat to kill can be dealt with under this legislation by way of a summary conviction penalty. Maybe I read the legislation wrongly. If I have, I would like to know. It would be of concern to me if that could be dealt with summarily through these amendments, when it apparently could not be dealt with in that way under the current law. I note that this legislation intends to replace section 338C of the code. Proposed section 338C(1) is really just a replica of the offence that already exists. In my view, it boils down to an increase in the penalty for hoaxes in the light of the events of 11 September. The Government is to be commended for that. We have a new offence, which is already current law in Western Australia. I am not sure whether the Government intended to cement it by statute in this way. I am pleased that if a hoax is perpetrated, a facility is in place whereby moneys can be collected from the perpetrator. The only outstanding concern I have is whether a person who threatens to kill another person can be dealt with by summary conviction.

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**MR MCGINTY** (Fremantle - Attorney General) [9.51 pm]: I might just deal with some of the issues raised by members opposite, but in so doing I express my appreciation for the strong support that has been offered by the Opposition. This legislation is not retrospective. The indications given by the then federal Leader of the Opposition and the Prime Minister, when this matter arose in the context of the federal election campaign, were that the federal legislation in relation to the Crimes Act would be retrospective to pick up the post-11 September hoaxes. The State Government took the view that it was far better to quickly introduce the legislation. I generally have an aversion to any retrospectivity with criminal law.

Ms Sue Walker: Wouldn't the action be caught by that section of the code anyway?

Mr MCGINTY: Not necessarily. The current provision in the Police Act remains.

Ms Sue Walker: Section 338 covers the offence.

Mr MCGINTY: The advice we had was that the current provisions in the Police Act dealt far more with an anthrax-style hoax than the provisions in the Criminal Code, which will be repealed and replaced through this legislation. The provisions in the Police Act will be retained so that minor hoaxes can still be dealt with by a charge laid under the Police Act, rather than a complaint laid under the Criminal Code.

Ms Sue Walker: Yes, but in relation to retrospectivity, the substantive offence is exactly the same here as the one that existed before, so you catch them anyway.

Mr MCGINTY: But the penalty will not be retrospective. That is really the point. The provisions enacted in this legislation arise from an understanding of the current law and the need to more precisely define the nature of the offence, rather than the provisions that are currently in the Criminal Code. It is considered appropriate to retain the Police Act offences for low level hoaxes, such as school kids on a prank and things of that nature that are unrelated to the broader terrorism aspects of the recent hoaxes. This provision will be used for anthrax-style hoaxes in the future.

In relation to the summary conviction penalties, the Government has spent a lot of time this year thinking about how best to deal with a whole raft of offences in the Criminal Code that are each-way offences. Significant changes to section 5 of the Criminal Code will probably be brought before Parliament early in the new year. That section deals with the election process for someone to be dealt with summarily or on indictment. A number of matters currently go to the District Court to be dealt with on indictment because they are required to be, but they nonetheless fit into the minor level of offending. I do not know whether members opposite have had the opportunity to read the report on the mandatory sentencing provision contained in section 401 of the code. I was impressed when I looked back through the individual case studies that were appended to that report, because a number of the individual offences against section 401 involved circumstances of aggravation, such as being in company. However, they constituted relatively minor offending, particularly in remote Aboriginal communities and the like. I am sure the member for Nedlands is aware of those things and that it is far better for those matters to be dealt with summarily by the visiting magistrate, rather than by sending someone to Perth to be dealt with by a jury trial at the District Court for stealing a can of soft drink or something of that nature. Those sorts of matters, minor sexual offences and perhaps even this matter, will be subject to a fairly comprehensive rewriting.

The idea the Government currently has, which might well change, is that although this process is at the election of the defence at the moment, it is proposed to introduce greater discretion so that more serious matters would be required to go up and less serious matters would be able to stay down. That would perhaps expand each-way offences that could be dealt with by magistrates. That would have the beneficial side effect of reducing the workload of the District Court at the lower level of its jurisdiction. That is the sort of concept the Government is working on at the moment. This is a digression, but the combination of that and the abolition of committal hearings will save some time if magistrates deal with some of those matters that currently go to the District Court because they are required to be dealt with on indictment. That should have the effect not of increasing the workload of the magistracy but of decreasing the workload of the District Court. Those sorts of issues are coming up. I mention that by way of a digression because of the issue raised by the member for Nedlands in relation to the summary conviction penalty and the each-way offences that are set in this legislation.

Ms Sue Walker: If you track it back, it seems to me that this will allow magistrates to do something they could not do before. It appears to me that a person who makes a threat but does not intend to carry it out gets 10 years, but I am not sure what a person gets if they do intend to carry it out. That is not addressed. Do you understand what I mean?

Mr MCGINTY: It is the nature of a threat. A threat is not an attempt.

Ms Sue Walker: A person who threatens to cut another's throat may not intend to do that. Under this legislation, that person will get 10 years imprisonment, but if they are intending to do that, and it can be proven through evidence, nothing here covers that offence.

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Mr McGINTY: It is in the nature of a threat. The law is targeted at the impact that has on the person who is threatened. Whether someone intended to carry out a threat or not is not overly relevant, because the impact on the victim is the important issue. If someone intends to carry out the threat and takes steps to that end, that is an attempt rather than a threat. That is picked up by other provisions in the code. The code covers that offence quite comprehensively.

Ms Sue Walker: Under the present law - from the case I quoted - if there is intent, it is an aggravating factor.

Mr McGINTY: Yes.

Ms Sue Walker: However, there is nothing here. It seems to me that you have tried to cover what is already law. There is nothing in this Bill that says if a person intends to carry out a threat, it is an aggravating factor. What do they get?

Mr McGINTY: It would be interesting to see the way in which the judges have approached this matter. I think the extract the member read from showed that they regard it as an aggravating factor. I do not think that is currently contained in the statute. It is part of the judge-made law in this matter. I do not see any reason why that should disappear because of the enactment of these provisions. It would obviously be a factor taken into account when it came to the question of imposing a penalty.

Ms Sue Walker: Did this go through the Office of the Director of Public Prosecutions? Was it considered by the DPP?

Mr McGINTY: A criminal code officers committee meets to discuss changes to the Criminal Code. It includes the DPP, the Crown Solicitor and a range of other officers. I do not know whether the committee met to discuss this amendment. I presume that it did but I cannot say for sure. That is what normally happens when amendments are made to the Criminal Code.

A number of members have related to the House tonight their experiences in dealing with hoaxes. I particularly appreciated the member for Kingsley's description of the circumstances she was witness to. We all know that the Parliament was disrupted by an anthrax scare in the immediate aftermath of the 11 September attacks. About two years ago, Hon Louise Pratt worked as my electorate officer. She opened a letter one day and was covered with white powder. In my view, the person responsible was a deranged individual. It caused considerable concern. Had that occurred in the context of the current anthrax scare there would have been real anxiety. That is not to say there was not on that occasion. The individual responsible for the incident was visited by the police, who seized his guns and took considerable action against him. I remember his name. He was not one of my constituents. He telephoned my office and gloated that he was just a bit before his time in covering my electorate officer with white powder two years ago.

In the aftermath of 11 September my office in Allendale Square was evacuated. It was not due to anything in my office, but because all the offices on that floor were interconnected.

Mrs Edwardes: It is a long way down.

Mr McGINTY: Particularly when one is on the thirtieth floor. I was not there at the time so it did not particularly worry me. Some of the staff said it was an incredible inconvenience. It caused enormous economic dislocation to all 30 floors of that building. We have all been on the receiving end of hoaxes of one sort or another.

I mentioned in the second reading speech that in the weeks following the 11 September attacks about 100 anthrax-related hoaxes occurred in Western Australia. I am not in a position to answer directly the question posed by the member for Kingsley and indicate what the follow-up rate has been on whether people have been arrested and charged. I am not able to advise the House of the outcome of the hoaxes. I get the impression - and I cannot rate it any higher than that - that the hoaxes have abated somewhat.

I thank members for their support of this legislation. It is pleasing to bring something before the House that is still topical. All too often things take far too long to bring forward. This is a rare case in which the federal Parliament will follow this Parliament in what it announced originally.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

*House adjourned at 10.04 pm*

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