

Criminal Code Amendment Bill 2024

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Western Australia

LEGISLATIVE ASSEMBLY

Criminal Code Amendment Bill 2024

A Bill for

An Act to amend *The Criminal Code* and to make consequential amendments to other Acts.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Criminal Code Amendment Act 2024*.

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 a day fixed by proclamation, and different days may be fixed for different provisions.

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Part 2 — *The Criminal Code* amended

3. Act amended

This Part amends *The Criminal Code*.

4. Section 318B inserted

At the end of Part V Chapter XXX insert:

318B. Assault on retail workers

(1) In this section —

retail worker means a person who is a worker for a business that —

- (a) operates a shop; or
- (b) occupies part of a shop (for example, part of a department store);

shop means the whole or any part of a building, place, stall, structure, tent, vehicle or yard in which goods are sold by retail, including by auction;

worker, for a business, means —

- (a) an employee or volunteer of the business; or
- (b) a person who performs duties for the business in another capacity, including as a contractor, or employee of a contractor, of the business, if —
 - (i) the duties performed are part of the day-to-day operations of the business; and
 - (ii) the person is subject to the control and direction of the operator of the business in the performance of their duties.

s. 5

- 1 (2) A person commits a crime if the person assaults a retail
2 worker —
- 3 (a) while the worker is performing their duties, as a
4 retail worker, in an area of a shop open to the
5 public; or
- 6 (b) in consequence of, or in response to, anything
7 done by the worker while performing their
8 duties, as a retail worker, in an area of a shop
9 open to the public.
- 10 Penalty for this subsection:
- 11 (a) if immediately before, during or immediately
12 after the commission of the offence —
- 13 (i) the offender is armed with a dangerous
14 or offensive weapon or instrument,
15 imprisonment for 10 years; or
- 16 (ii) the offender is in company with 1 or
17 more other persons, imprisonment for
18 10 years;
- 19 or
- 20 (b) in any other case, imprisonment for 7 years.
- 21 Summary conviction penalty for this subsection in
22 a case to which the Penalty paragraph (b) applies:
23 imprisonment for 3 years and a fine of \$36 000.
24

25 **5. Section 426 amended**

26 After section 426(4) insert:

- 27
- 28 (5) Subsection (4) is subject to section 426A.
29

- 1 **6. Section 426A inserted**
- 2 After section 426 insert:
- 3
- 4 **426A. When summary conviction penalty under s. 426(4)**
5 **does not apply**
- 6 (1) In this section —
- 7 **conviction** —
- 8 (a) includes a finding or admission of guilt despite
9 a conviction not being recorded under the
10 *Young Offenders Act 1994* section 55; but
- 11 (b) does not include a conviction that has been set
12 aside or quashed;
- 13 **stealing offence** means —
- 14 (a) an offence under section 378; or
- 15 (b) an offence of attempting to commit, or inciting
16 another person to commit, an offence under
17 section 378.
- 18 (2) This section applies if a person —
- 19 (a) is convicted of a stealing offence (the **current**
20 **stealing offence**); and
- 21 (b) has committed, and been convicted of, at least 2
22 offences that are also stealing offences (each a
23 **previous stealing offence**) within the period of
24 1 year before the person’s conviction for the
25 current stealing offence.
- 26 (3) The summary conviction penalty in section 426(4) does
27 not apply in relation to the conviction of the person for
28 the current stealing offence.

