

Criminal Code Amendment Bill 2024

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

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 —

contractor, of a business, includes —

- (a) an employee of a contractor of the business;
and
- (b) a subcontractor, and an employee of a subcontractor, of a contractor of the business;
and
- (c) a person, and an employee of a person, with whom a subcontractor specified in paragraph (b) contracts;

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 person who performs duties for the business, other than as a contractor of the business who is not 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.

