

Western Australia

# **Criminal Code Amendment (COVID-19 Response) Bill 2020**

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Western Australia

LEGISLATIVE ASSEMBLY

**Criminal Code Amendment (COVID-19  
Response) Bill 2020**

**A Bill for**

**An Act to amend *The Criminal Code* in response to the COVID-19  
pandemic.**

The Parliament of Western Australia enacts as follows:

**s. 1**

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1    **1.       Short title**

2           This is the *Criminal Code Amendment (COVID-19 Response)*  
3           *Act 2020*.

4    **2.       Commencement**

5           This Act comes into operation as follows —

- 6           (a)   sections 1 and 2 — on the day on which this Act  
7                receives the Royal Assent (*assent day*);  
8           (b)   sections 4(2) and 5(3) — on the day after the period of  
9                12 months beginning on the day after assent day;  
10          (c)   the rest of the Act — on the day after assent day.

11   **3.       Act amended**

12          This Act amends *The Criminal Code*.

13   **4.       Section 318 amended**

14          (1)   After section 318(1) insert:  
15

16           (1A)  For the period of 12 months beginning on the day on  
17                which the *Criminal Code Amendment (COVID-19*  
18                *Response) Act 2020* section 4(1) comes into operation,  
19                subsection (1) applies as if amended by inserting after  
20                paragraph (l) —  
21

- 22           (la)  to imprisonment for 10 years if —  
23                (i)   at the commission of the offence the  
24                    offender knows that the offender has  
25                    COVID-19; or  
26                (ii)  at or immediately before or immediately  
27                    after the commission of the offence the  
28                    offender makes a statement or does any

1 other act that creates a belief, suspicion  
2 or fear that the offender has COVID-19;

3 or  
4

5 (2) Delete section 318(1A).

6 **5. Section 338B amended**

7 (1) In section 338B delete “Any person” and insert:

8

9 (1) Any person

10

11 (2) At the end of section 338B insert:

12

13 (2) For the period of 12 months beginning on the day on  
14 which the *Criminal Code Amendment (COVID-19*  
15 *Response) Act 2020* section 5(2) comes into operation,  
16 subsection (1) applies as if amended as follows —

17 (a) after paragraph (a) insert:

18

19 (aa) where the threat is to injure, endanger or harm a  
20 person referred to in section 318(1)(d) to (k) by  
21 exposing the person to COVID-19, to  
22 imprisonment for 7 years;

23

24 (b) in the Summary conviction penalty  
25 paragraph (a) after “paragraph (a)” insert:

26

27 or (aa)

28

29 (3) Delete section 338B(2).

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