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


The Parliament of Western Australia enacts as follows:
1. **Short title**

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

2. **Commencement**

This Act comes into operation as follows —

(a) sections 1 and 2 — on the day on which this Act receives the Royal Assent (assent day);

(b) sections 4(2) and 5(3) — on the day after the period of 12 months beginning on the day after assent day;

(c) the rest of the Act — on the day after assent day.

3. **Act amended**

This Act amends *The Criminal Code*.

4. **Section 318 amended**

(1) After section 318(1) insert:

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

(la) to imprisonment for 10 years if —

(i) at the commission of the offence the offender knows that the offender has COVID-19; or

(ii) at or immediately before or immediately after the commission of the offence the offender makes a statement or does any
other act that creates a belief, suspicion
or fear that the offender has COVID-19;

(2) Delete section 318(1A).

5. Section 338B amended

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

(1) Any person

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

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

(a) after paragraph (a) insert:

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

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

or (aa)

(3) Delete section 338B(2).