



Western Australia

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

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As at 03 Apr 2020

No. 8 of 2020

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

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

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**No. 8 of 2020**

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

*[Assented to 3 April 2020]*

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;

or

(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).



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