Western Australia

Criminal Code Amendment (COVID-19 Response) Act 2020

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Criminal Code Amendment (COVID‑19 Response) Act 2020

No. 8 of 2020

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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