

CRIMINAL CODE AMENDMENT (COVID-19 RESPONSE) BILL 2020

Introduction and First Reading

Bill introduced, on motion by **Mrs M.H. Roberts (Minister for Police)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MRS M.H. ROBERTS (Midland — Minister for Police) [6.55 pm]: I move —

That the bill be now read a second time.

As a community we are facing extremely challenging, indeed unprecedented, times as we strive to combat the COVID-19 pandemic. A state of emergency has been declared in Western Australia and similar declarations have been made in other states and in countries right around the world. A national cabinet has been established for the first time in our nation's history. Daily, Western Australians see shocking scenes from China, Italy, Iran, France, the United Kingdom, and a multitude of other nations that were unimaginable just a month or so ago. Most of us never thought we would see anything of this nature or on this scale in our lifetime. Those who have lived through wars and depressions hoped never to see anything like those life-altering events ever again.

Circumstances such as those before us bring to the fore the very best qualities of most in our community. People step forward and work together, going well above and beyond to protect their families and the wider community. We have already seen many selfless and generous acts and I am confident that we will continue to see the very best in our community as they put their own needs aside for the benefit of others. Unfortunately, although we see the very best from many, we see the very worst from a few.

There have been abhorrent reports of people here, across the country and overseas claiming that they have COVID-19, deliberately coughing or spitting on police officers or wrestling with officers doing their job to look after us. The Commissioner of Police and the WA Police Union both raised with me examples of concerning incidents. This reckless behaviour is occurring, and at risk of occurring, to frontline essential staff who are working tirelessly around the clock to keep our community safe and to stop the spread of COVID-19. This disgraceful behaviour is unacceptable, presents a serious risk to officers' health and safety and must not be tolerated.

In addition to the trauma to the officer who has been assaulted, there is also the distress and fear that they and their loved ones experience about whether they have contracted COVID-19. This behaviour in turn impacts on the wider community. It results in the self-isolation or quarantine of the officer who has been assaulted. That takes an essential worker off the frontline and prevents them from fulfilling their duties to keep us safe. This is why I proposed this bill and am proud to bring it before the house today.

As members of Parliament we must step up to enact the laws needed to safeguard the health and safety of the Western Australian community. Never more so than in these times will the community turn to our frontline staff, to our police officers, our doctors and nurses, our paramedics and others, to protect, care for, and support them. In turn, those on our frontline need to know they have our support.

The Criminal Code Amendment (COVID-19 Response) Bill 2020 introduces higher penalties for assaulting and threatening public officers and certain other officers delivering frontline services—including police officers, doctors and nurses, ambulance workers, bus drivers and prison officers—in circumstances of actual or threatened exposure to COVID-19.

The bill amends the Western Australian Criminal Code to provide for higher penalties for the offences of serious assault and threat. Under the specified COVID-19-related circumstances contemplated by the bill, sections 318 and 338B of the code will be amended so as to provide for a higher maximum penalty than is currently the case for serious assaults and threats generally. This reflects the seriousness of the conduct and sends a clear message that the government and, indeed, the WA community at large, does not and will not accept it.

Section 318 of the code deals with assaults on particular categories of people, including but not limited to public officers in the course of performing their duties. This includes police officers, doctors, nurses, ambulance workers, fire and emergency service workers and prison officers. Depending on the circumstances of the commission of the offence, varying penalties apply, including different terms of imprisonment.

This bill provides a higher maximum penalty of 10 years' imprisonment in the following circumstances: when an offender assaults a person within the categories of people contemplated by section 318 and the offender knows that they have COVID-19, or, when at, immediately before or immediately after the commission of the offence the offender makes a statement or does some other act that creates a belief, suspicion or fear that they have COVID-19. This is the equivalent to the penalty for assault when an offender is armed with a dangerous weapon or is in company, and is an increase from the standard serious assault penalty of seven years' imprisonment.

These amendments seek to send a strong message of deterrence to protect our essential frontline officers. Depending on the specific circumstances, other code offences may also apply; for example, sections 304(1) and (2) provide for offences relating to doing an act or omission causing bodily harm or danger when undertaking a duty, with a penalty of imprisonment for seven years, or, when there is intent, imprisonment for 20 years.

Section 338B of the code deals with threats. The bill amends section 338B to provide a higher maximum penalty when the offender threatens to injure, endanger or harm someone by exposing them to COVID-19. This offence will attract a penalty of imprisonment of seven years, with a summary conviction of three years' imprisonment and a fine of up to \$36 000.

Finally, these amendments are COVID-19 specific. The bill includes sunset provisions that provide that the amendments will cease to have effect 12 months after commencement, at a point in time we all hope COVID-19 is well behind us.

Just as our frontline officers have, without hesitation, stepped forward to look after us, this bill is one initiative to demonstrate that we will do our best to protect them. The Criminal Code Amendment (COVID-19 Response) Bill 2020 makes it clear that assaults on and threats to essential officers on the front line fighting this pandemic will not be tolerated. We can, and will, get through this by all working together. I hope that this bill and the measures contained in it get universal support from every member of the Western Australian Parliament so that those at the front line know that our community is grateful for their service and will not tolerate them coming to harm. I commend the bill to the house.

MR P.A. KATSAMBANIS (Hillarys) [7.03 pm]: As the lead speaker for the Liberal Party, I indicate that the Liberal Party will be fully supporting the Criminal Code Amendment (COVID-19 Response) Bill 2020. It is a welcome bill in difficult times. We know that our frontline officers—police officers, paramedics, doctors and nurses—put their lives on the line for us every single day. But in the current pandemic that we are facing, we have asked all these people to do even more for us. Our doctors and nurses are working tirelessly in our hospital system to care for those who have fallen victim to the virus. Our police officers are not only keeping the streets safe, but also have been asked to do even more work than ever before. They have been asked, unfortunately, to patrol a small minority of people who have been running amok in our shopping centres and creating chaos, they have been asked to investigate people who are not self-isolating properly and, soon, people who are not quarantining properly. As of midnight tonight, they will also be asked to enforce regional travel bans across the nine regions of Western Australia. We are asking them to do more in this difficult time. The vast majority of Western Australians are trying to do the right thing, and the vast majority of Western Australians thank our police officers, they thank our paramedics, who are also on the front line, and they thank our doctors and nurses for what they are doing. I would like to place on the record my personal thanks to all those essential workers—police officers, paramedics, doctors and nurses—and the thanks of the Liberal Party and, I am sure, the thanks of every Western Australian for the work they are doing and will continue to do.

As I said—I said it earlier today—the vast majority of Western Australians are doing the right thing. The vast majority of Western Australians are respecting the social distancing and self-isolation rules. They are respecting the need for us to step up and stop the spread of the virus, and they are clearly respecting all our hardworking essential workers who are out there helping us and trying to protect us from the spread of this virus. Unfortunately, there is a small minority that not only ruin it for everyone, but also place our essential frontline staff at enormous risk of harm.

Like the minister said in her second reading speech, I have also heard the distressing reports of certain individuals claiming to have the coronavirus when they come into contact with police officers. I have heard a number of stories—I will not repeat them here—but it is frightening and dangerous. At the very least, it places at risk of harm our police officers, doctors, nurses, paramedics and anyone who comes into contact with these people. It also runs the risk of removing a group of people—the officer they confront and anyone in their immediate vicinity—from the front line while they are being unnecessarily checked whether they have that disease. It reduces our resources, and it is just not good enough. I have heard reports from other states and I have seen a video online—sometimes we do not know the veracity of these things—of people spitting on police officers and claiming that they have the coronavirus. I see the minister nodding. Words fail me when I see images like that. Seriously, what human being does that and why? Those people deserve absolutely no pity or sympathy and they absolutely do not deserve an easy pathway through our legal system. We have some strong legislation that applies to assaults against our public officers contained in section 318 of our Criminal Code. We also have strong legislation for making threats under section 338 and 338B in particular.

When we look at our legislation, we see that in the case of serious assaults against public officers, the maximum penalty of imprisonment is 10 years when there are aggravated circumstances that the offender is armed with any dangerous or offensive weapon or instrument, or the offender is in company with another person or persons. Otherwise, the term of imprisonment is seven years. In the case of threats, under section 338B of the Criminal Code, the term of imprisonment is seven years when it involves a threat to kill or, if the offence is committed in

circumstances of racial aggravation, 14 years; and in the case of any other threat the term of imprisonment is three years or, if the offence is committed in circumstances of racial aggravation, the penalty doubles to a maximum of six years' imprisonment.

When this became a live issue last week, I was contacted by the Western Australian Police Union, as I am sure the government was. The police union went very public about this. I said to the police union that this is an absolute no-brainer. We need to protect our front line. We need to protect our police officers, doctors, nurses and paramedics, and everyone else on the front line, including all other public officers. I gave the police union a commitment that if the government came up with legislation, we would support it. Obviously, the police union has gone to the government and the government has seen fit to bring this legislation before us. Here we are; we are supporting it. Yesterday the police union put out a press release saying that it welcomed the quick action. I also welcome the quick action of the government. It is great that we are able to do this. The bill introduces penalties that line up with the toughest possible penalty in the existing sections that I read out before—section 318 and section 338B of the Criminal Code—to highlight the severity of the action, as well as, I would say, the complete and utter inhumanity of the action.

The opposition fully supports the two primary operative amendments to the Criminal Code. The amendment to section 318 provides that in the next 12-month period the penalty for a serious assault against a public officer will be — 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;

That is those people who have the disease, but, just as importantly, those people who want to spread fear and scaremonger or perhaps gain an advantage. The term “at or immediately before or immediately after the commission of the offence” directly picks up the wording in other elements of the offence already contained in section 318. It is well understood. It provides a maximum penalty of imprisonment of 10 years if a person commits a serious assault in that context—they either have the disease or they make the threat that they have the disease. Similarly, the amendment to section 338B provides that if a person makes a threat to another person—this is, broader than a public officer—the amendment to section 338B provides —

- (aa) where the threat is to injure, endanger or harm a person ...

That is a public officer, because it refers to sections 318 of the Criminal Code —

exposing the person to COVID-19, to imprisonment for 7 years;

That is the highest possible term available under section 338B for other threats, save and except for those that are committed in circumstances of racial aggravation, which attract an even higher penalty, and rightfully so. But that is a topic for another day. We fully support that.

I note that there is a sunset clause and that the provisions being introduced will automatically expire 12 months after they come into effect. It is quite clearly targeted solely at the COVID-19 pandemic with which we are dealing. I do not want to raise this as a criticism but as a suggestion for going forward for future Parliaments because, obviously, 12 months from today is beyond the term of this Parliament. We have seen this sort of action before for other diseases, be they infectious diseases or other matters. We have seen it in relation to threats around holding up a blood-filled syringe and claiming that person's blood or the blood in the syringe is contaminated with AIDS and/or other diseases. Perhaps in the future, we will need a broader offence around threatening to infect someone with an infectious disease. I just throw that out as a possibility for the future. As I said, we can consider that in future Parliaments.

I note that the term “COVID-19” is used in the legislation—that is the term that is incorporated—but that the Criminal Code contains no definition of that term. Given the 12-month period and our understanding of the pandemic before us, I think that is fair enough. I think everyone now understands what COVID-19 is. It has other nomenclature: it is referred to as the coronavirus and the Wuhan flu, Chinese virus and Chinese flu—whatever. I think we have a fair understanding of what COVID-19 is, but I am not sure whether the government thought about incorporating into the bill a definition of COVID-19. I do not necessarily think that that is a failure. If this bill were to go beyond the 12-month period, perhaps it would need some sort of ring-fence or definition around it. I just raise that matter and ask whether it had been contemplated. If the minister is aware of that, could she advise us in her summing up, because I do not think that we need to take this bill into consideration in detail.

However, after reading what we are doing here and the amendment to section 318 of the Criminal Code, I think that there is still a glaring gap in the Criminal Code in relation to section 318 that exposes some of our public officers to unnecessary harm. In the second reading speech the minister mentioned interaction with other penalties contained

in those sections. It should be pointed out that in section 318 there are mandatory penalties, mandatory minimum jail terms when a serious assault is committed against a particular class of public officer. They include police officers, prison officers, ambulance paramedics and also include, I believe, drivers of public transport-type vehicles. The glaring omission in mandatory minimum sentences for a serious assault against a public officer is in relation to doctors and nurses. The terms used in section 318 are a person working in a hospital or is in the course of providing a health service to the public. I think that is a glaring omission. In the last few years we have seen in other contexts the horrific assaults that our nurses and doctors have had to endure in emergency departments, primarily, but not exclusively, driven by people who are on meth. I recognise that this ought not necessarily be fixed up in this particular bill, but as a society we have now reached the stage in which—in the same way that we reached out to our police, prison and ambulance officers a few years ago, and said, “We need to send a strong message to anyone who thinks that you are a punching bag, that you are a person who needs to be assaulted”—we need to send a strong message. That strong message is, “If you assault one of these public officers, you will endure a mandatory minimum jail term.” There is a series of mandatory minimums. It can be nine months in certain circumstances, six months in others, and in the case of young offenders, between 16 and 18-years old, three months’ minimum sentences. It is high time we as a society consider extending that to assaults on doctors and nurses. My colleague the member for Dawesville has spent some time thinking about this. I call on the government, whether it does it during the period of this pandemic or afterwards, to bring in that sort of legislation—we will support it. Properly calibrated, we would support that, because we believe the message that we send to those people who hit or try to harm a police officer, an ambulance officer or a prison officer needs to be sent to those very few violent offenders who think it is okay to hit a doctor or a nurse. It is not okay to hit a doctor or a nurse under any circumstance. These are people providing us with primary care; in the case of things such as COVID-19, they are trying to save someone’s life. People should not hit them or threaten them, and if they do, they should go to jail. I think that is pretty clear. I hope the government takes up that suggestion, because we are in this period when we are all working together. I do not think that this needs to be a partisan idea. I think it is an idea that is supported by everyone. I put that on the record. This is something that we should look at, not necessarily through this bill. If it had been included in this bill, the government would have had the upmost support from the Liberal Party. Perhaps it was not contemplated; perhaps it is being saved for another day, I am not sure, but that is something that is important.

One other thing I will raise tonight on this bill is the extra things that police are being asked to do during this pandemic and state of emergency. One of those extra things is to enforce regional travel bans that will come into place at midnight tonight. There has been a lot of consternation in the public about what those bans entail, what sort of exemptions will be in place, how to prove that someone is eligible for an exemption and how it will be policed in this interim period that we are entering from midnight tonight. That is one more interaction point between police and the general public, one more job that we have asked our hardworking police officers to do. I know there has not been a lot of information, because this is an emerging threat and we are trying to catch up as quickly as we can, as a government, as a Parliament and as a society generally. The government is trying to get all the information together and to get the practicalities right. I recognise that, but there have been media reports tonight that perhaps those checkpoints or roadblocks between the regions may not necessarily be policed by police officers but by contractors. If the minister has any further information on that, perhaps in her summing up she may have an opportunity to enlighten us all as Western Australians on how that is going to work. Who will be manning these checkpoints? Will it be contractors or police officers, or a combination of both? Will there be permanent checkpoints? Will there just be roving patrols? Also, what sort of evidence will people need to show that they are eligible for an exemption? I am not sure whether the minister was in the chamber earlier, but the member for Moore discussed how some of his constituents who live just north of the Perth metropolitan area do their shopping in places such as Yanchep, Joondalup or Wanneroo, which are in the metropolitan area. Will those people, for the purposes of shopping and provisioning for their families, be exempt? There is a lot of concern out in the community. A Facebook post that I published on Friday has been extraordinarily “successful”, if you like. It has been so popular because people are craving information. It is being used more as a chatting tool by people who have to commute between various regions. That is one more area that I raise in the context of this bill, partly because it is an opportunity to get information from the minister, but partly also to highlight the risk that our police officers and other public officers face in interacting with the public in these difficult times, and how they are being asked to do more. When these people are being asked to do more, we have to do more for them. At the moment, what we are doing for them is introducing this legislation. This is legislation that the WA Police Union asked for and is being supported by all political parties. I am sure my colleagues in the Nationals WA will also be supporting this legislation that we want to enact quickly to provide protection for our frontline workers.

In closing, I would like to say two things. The first is to those idiots out there who think that the laws do not apply to them, who think that the normal rules of civility do not apply to them, either tuck your heads in or you will be punished. This legislation will go a long way towards punishing them. The second thing I want to say is to all our frontline workers, police, paramedics, doctors and nurses. Thank you for the work that you are doing for us. Thank you for taking the risks that you are taking, subjecting yourselves to potential harm to protect us. In these

unprecedented times more than ever, we recognise how much we rely on you, how much we need you and how much you do for us. I hope that this legislation today just goes a small way to show our gratitude to you, and add one more layer of protection as you go about protecting us.

MR P.J. RUNDLE (Roe) [7.28 pm]: Firstly, these are very testing times and I would like to compliment the government on the way it has handled itself during this crisis. It is incumbent on most of us to support the government when we can in this situation. I would certainly like to recognise the WA Police Force and the work that they are doing and I am sure the work that they will have in front of them in the months ahead—the quarantine, the self-isolation, the regional travel bans and the like. I am hoping that things do not progress too much, but I fear we still have many weeks ahead of us. I would like to compliment the police force on the work that they do.

The Nationals WA are very supportive of the Criminal Code Amendment (COVID-19 Response) Bill 2020, which is pretty straightforward. We recognise the good work that is done by the police in our regions. These amendments to the Criminal Code to support our police on the front line are well and truly in order. I also give my thanks to other workers—ambulance drivers, ambulance officers, prison officers, bus drivers—and I especially give thanks to our doctors and nurses, who are really putting themselves out there on the front line.

The member for Hillarys, as always, was very comprehensive in his contribution and pretty much covered everything that I want to cover, but I will provide more of a regional perspective with a few examples as I go. I agree that the bill needs a sunset clause. The 12-month time frame ties in well with the other COVID-19 bills that are being put through this week, most of which are tied to a 12-month sunset clause. It is pretty important that we recognise that. I am a little concerned about the lack of a sunset clause in the guardianship bill, which will come on for debate tomorrow, but that is another issue.

The purpose of this legislation reflects the seriousness of offending against frontline service officers when the offender has COVID-19 or makes a statement or does any other act to create a belief, suspicion or fear that they have COVID-19. The minimum penalty of 10 years' imprisonment for serious assault is appropriate. I think back to the vision that some of us saw last weekend of the lady in the eastern status who was spitting on a police officer. That was a disgrace. It would be very appropriate if this legislation covered such a scenario. When I think about some of the violent situations that have occurred in our regions, I am reminded of a brawl that recently took place in a Woolworths shop in one of our regional towns in the great southern. Woolworths staff had to lock shoppers inside the Woolworths shop while the brawl spilled out into the car park out the front. Our police officers were called in and they could have been exposed to these types of assaults, whether physical or verbal. That is the sort of example that would fit in very well under this legislation. The maximum penalty of up to seven years' imprisonment for the threat to endanger or harm certain categories of person by exposing them to COVID-19 is appropriate. As far as I am concerned, a threat is almost similar to an actual assault because the police officer or frontline person does not have a clear understanding of whether the person has COVID-19 and what the implications will be.

As the Leader of the Nationals state when she spoke on the previous bill, police resources will be stretched thin in the months ahead. They will cover supermarkets, which they are doing already. We have seen a trend of some of our metropolitan friends going to regional areas in busloads. Yesterday, there was a report of a busload of people arriving in Albany and methodically stripping the shelves of a supermarket. It is quite a disturbing trend. Unfortunately, our police have had to come into the mix at different times to try to control these types of things. One of the most disappointing things that has happened over the past few weeks is that people are that selfish that they will go to the regions to accumulate goods, which are for regional people, and bring them back to the metro area to sell them online and for a profit. That has been quite a disturbing aspect for me. Apart from attending supermarkets, the police will have to set up road blocks. The member for Hillarys spoke about that and I will speak about it in a minute. The regional traffic restrictions will take the police away from their other duties and I worry about how the resources will be stretched. Moreover, the Premier announced last night further social distancing and described the policing of that with the operation of drones and the like. All these things will spread our police resources very thin. As I said, we very much appreciate the work that our police officers do in the region. I worry that if they are patrolling back roads, Albany Highway or the like, they may not be present in the towns to deal with other issues. That will be a challenge in itself.

The Leader of the Nationals also pointed out the increase in anxiety in our communities, both regional and metropolitan, about the potential loss of jobs and income and, let us face it, being cooped up in a house for a length of time is very difficult. I have been fortunate to have spent the last few days back on the farm in Katanning. It is a great place to be at a time like this because I can go for a walk up the paddock or whatever the case may be. I can see a potential increase in domestic violence and the like, which I worry about. It is another issue that will thin out our police resources. I hope I am wrong, but I imagine that it would be a natural thing to happen given the increased tension in households.

One of the main things I would like to raise is the definition of “public officer”. Section 318 refers to —

... any person who is performing a function of a public nature ...

Paragraphs (d) through to (k) list the occupations—a train driver, a ferry pilot, a bus driver, an ambulance driver, fire and emergency workers, State Emergency Service workers, volunteer marine rescue service workers, health workers, court workers and prison officers. I point out to the minister my concern about other people doing work of a public nature. The member for Hillarys raised this issue. The government has introduced regional travel restrictions, which have been a source of massive amount of inquiry for regional members and their electorate offices. A massive number of people have been trying to get clarification about whether they can go across the region. I believe that we have just received a direction from the Commissioner of Police in the last hour. I am not too sure about the exemption forms, which is another frustration, because our constituents want to know whether they can travel across the borders and across the region. It is quite frustrating for our electorate officers and those making the inquiries. Having said that, I am worried about the people manning the roadblocks. We heard tonight on the news that it could potentially be workers from Main Roads or contractors, and we saw contractors loading up their signs to go out to the roadblocks. I would like to hear from the minister on where those people stand. Will they be covered under people who do a service of a public nature? If a person from Main Roads or a contractor stops someone on Albany Highway who decides they want to assault them or tell them that they have the virus, will they be covered? That is a real concern to me. The parliamentary members of the Nationals WA spoke about this yesterday. We are also worried about the likes of our supermarket staff, taxi and Uber drivers, volunteers, Department of Housing staff, Centrelink staff and bottle shop staff, for that matter. A lot of workers in those categories are serving in an occupation of a public nature, which is defined in clause 318, so I would like some clarity from the minister on that.

My final question is about resources. Today, as I was driving up from Katanning, I was listening to the Commissioner of Police on the radio speak about resources. I think he worded it carefully, but he said that some of his officers are, apparently, sitting out at the moment for 14 days. I am interested about whether they have been exposed to people who have made those threats, or whether they have come across people who have met up with overseas travellers or the like. The minister may be able to clarify that. That is just another thing that is going to thin out our resources—that is, a variety of police officers around the state having to sit out for 14 days.

In closing, all I can say is that I very much appreciate all the work our people on the frontline are doing, whether it be police officers, health workers, doctors or nurses. Members of the Nationals WA very much appreciate it, and we support this bill.

MR Z.R.F. KIRKUP (Dawesville) [7.42 pm]: I, too, rise to contribute to the second reading debate on the Criminal Code Amendment (COVID-19 Response) Bill 2020. I will not take very long. I have to say that, speaking from the middle, it is disconcerting being so close to members of the government, even if it is the good —

Ms R. Saffioti interjected.

Mr Z.R.F. KIRKUP: I do not mind a good despatch box. I was saying to some of the team in here before that it is something we should invest in.

Mr D.R. Michael: As a future Prime Minister, you know where to go!

Mr Z.R.F. KIRKUP: In the future! There is always a fondness for the federal Parliament, member for Balcatta.

Mr P.A. Katsambanis: Also the New South Wales Parliament.

Mr Z.R.F. KIRKUP: There we go!

Ms R. Saffioti interjected.

Mr Z.R.F. KIRKUP: Thank you very much. I am glad that we can see some lightness in the parliamentary procedure that has been brought about by the significant changes that have come with COVID-19 as it has swept across the globe. The member for Balcatta and I were looking at the rates of people who have been infected. It is now 801 000 people across the globe, which is a significant number. It is amazing to see how quickly it has taken off and how much it has affected our lives. As a result, the COVID response bill is an important piece of legislation to help protect our police officers. Like other members in this place, I have seen the video footage. The video I saw was a police officer in, I think, New South Wales being spat on by someone who said that they had COVID or were off to get an analysis or a medical test relating to their COVID diagnosis. I am amazed by how often police go into situations that I would never want to consider or to confront. The extraordinary powers that have, rightly, been brought about for things such as border closures, which the member for Roe and others in this place have spoken about, are all things that one or two weeks ago I never thought would have to be undertaken. Police officers are doing an outstanding job and I think we owe them a debt of gratitude for stepping up into this environment, which is a big risk and a big unknown.

As the shadow Minister for Health, health is large focus of mine. All members of the health workforce are, rightly, talking about their concerns about personal protective equipment, which we raise with the minister when we need

to. Police officers are very often exposed to members of the public, and I think we should make sure that they are protected as best as possible. If that means some legal changes can be made to strengthen their position in the community, I think that that is a good thing. From my perspective, one comment continues to stick out when I have listened to the Premier's press conferences with Commissioner of Police Dawson. The police commissioner often states that this is being done only with the consent of the community. The responses we have to make in here and the changes we all have to make in our daily lives—whether it is cafes and restaurants being closed or all the other sorts of restrictions that are being imposed upon us—it is really only done with the community's consent. I think it is important that we continue to support our police officers, who will often have to enforce these new restrictions or bans. We will see it from midnight tonight with the regional travel bans, which I think is an important move—especially the Kimberley travel ban. I spoke to the Minister for Aboriginal Affairs when that came about because I thought it was an important move. Our Aboriginal population is a very vulnerable community, particularly those in the north of Western Australia, and I worry about what could happen if COVID reached communities there. I think these restrictions are important.

Some members might be aware that the Mayor of Mandurah, Rhys Williams; the federal member for Canning, Andrew Hastie; and I wrote to the Premier yesterday—I think it was yesterday; the Treasurer spoke about “COVID time”—seeking some further restrictions to be put in place for the Peel region. That was, effectively, because we wanted to see whether we could strengthen police positions to stop or discourage people from going to Mandurah for holidays and things like that. Personally, that was received quite well by the people in my district, who are, frankly, very concerned. Members in this place will know Falcon, which is an area in my district. Its residents are very worried about the number of holiday homes on their streets that are full of people who do not look like they are part of the same household. They are probably mates who have gone down to Mandurah for the Easter holidays. They are not getting the message from the Premier, the Prime Minister, and all of us in this place that people should not be holidaying and that they should be staying in place. We wanted to make sure that there were enhanced powers for police wherever we could to tell those people they should go home—back to Perth—and not holiday in Mandurah. I think that everyone wants to come to Mandurah in the best of times and in these very difficult times, because it is easy to get to and is a beautiful location with great people. People will have already had lot of holidays there that they probably reminisce about. I appreciate and support that we could not have changed the border option, as much as I joked with the Minister for Transport about turning the trains back at Rockingham.

Ms R. Saffioti: That's underway!

Mr Z.R.F. KIRKUP: That is already being done? Well, there you go!

I totally appreciate that could not be done. It was really about providing police with some local powers to very strongly encourage or force people to not holiday during this season. That is all it was. There were genuine concerns from people in the community. Of the hundreds of people who got in touch with me yesterday, I think two people were not particularly pleased with that. I understand that. Not everyone agrees with us all the time, but the overwhelming number of people in my community gets the message and they are concerned. They want to make sure there is self-isolation and that everything is preserved as best as possible to limit the amount of transmission between community members, if that is occurring. Of course, regional boundaries and the prohibition on intrastate travel was part of that. We just wanted to strengthen the protections put in place in Mandurah. I appreciate the Premier's response early this afternoon, and I understand the government's position, but I think it is an important issue that deserved to be raised.

Very quickly, the only other aspect I would like to reinforce are the comments made by the member for Hillarys; that is, our health workers do an outstanding job. We have previously spoken in this place about minimum mandatory sentencing for assaults against nurses, doctors and clinicians. We welcome and support that. As the member for Hillarys rightly pointed out, if it is properly calibrated, it is something that we stand ready to support if and when the government calls upon us. The officer in charge at the moment, Senior Sergeant Rob Lewis, does an outstanding job. Every time we have some concerns, his team is always very, very quick to respond. I thank the local Mandurah police for their exceptional work in serving our community. At a time like this I would also like to put on the record my thanks to health workers for their continued service to our community. If we take into account that the budget will be delivered on 8 October, this will interrupt our lives for some time, and I suspect that these types of bans will become quite normalised. There may even be further restrictions if there is community transmission. I go back to the comments the police commissioner made, and which I have repeated in this place. It is only with the consent of the community and the support of members of this place that our police are best protected and resourced in the country.

MRS M.H. ROBERTS (Midland — Minister for Police) [7.50 pm] — in reply: I thank members for their support of this Criminal Code Amendment (COVID-19 Response) Bill 2020. I note that it got unanimous support in our caucus this morning, and it got very ready support from the Premier, the Minister for Health, the Attorney General and our cabinet from the moment I raised it with them. The universal support for this measure is certainly very welcome. It was only two weeks ago that I first heard reports of people saying to police officers that they had COVID-19, and I assume in most instances they were doing it to avoid arrest. When an offender had done something

wrong and police moved to arrest them, that person would say not to come near them and that they had COVID-19. They might also have said it as they were wrestling on the ground with the police officer. That is right. A number of people have mentioned that police unfortunately have to have very close contact with people on a very regular basis, and we do not want them exposed to COVID-19. We do not want our officers to be at risk. We do not want them or their families worrying that they could have been infected with COVID-19. I think we well understand that there are probably a lot more threats than the reality. People think it is somehow clever or funny to claim that they have COVID-19. It is no joke. It is not clever; it is not funny. It is incredibly stupid. If people do it once this bill is passed, they will be liable to significantly enhanced penalties. That is how seriously we take it. It is serious because of the impact on officers and their families. It is also serious because it takes a number of officers off the front line. If, for example, one or two officers try to arrest someone who says they have COVID-19 or they are on their way to a COVID-19 clinic, we then have to look at the other officers they have been working closely with in recent days. It has the potential to take more than one officer off the front line when some idiot says that they have COVID-19 because they want to avoid arrest. It is when those issues started happening that I turned my mind to the issue, as did the Commissioner of Police. The WA Police Union raised the issue with me at least a week ago. It was clearly getting those same reports from the front line. It was rather concerned on behalf of its members, so I advised the union that I would raise this issue with the Premier and my cabinet colleagues, and we would see how quickly we could put something together. I want to thank the Attorney General, John Quigley, and his staff for their amazing assistance and parliamentary counsel for putting this bill together as quickly as it managed to do. This has been done in record time.

I note that the member for Hillarys raised some other matters that he thought could be sensibly covered in the future. He said that he was making suggestions, not criticisms, and I perfectly accept that. One of the reasons that we were able to bring this bill forward so quickly is that we are effectively not creating new offences. We are leaving the offences the same as they are in the Criminal Code, but we are increasing the penalties. That is a much simpler thing to do. If we contemplated something broader at this stage, it would have had the potential to derail things. A range of offences could be considered over time, but we are specifically dealing with penalties. The member for Hillarys also raised the definition of COVID-19. He specifically asked whether we had contemplated defining COVID-19. We did contemplate it, but the advice was that COVID-19 is now a well-understood medical term. The term has been deemed by the World Health Organization as the official name of the disease previously known as the “2019 novel coronavirus”. Using the term “COVID-19” is also consistent with the language that the WA government state of emergency and public health emergency declarations use. I further note that this provision is in place for just 12 months. The member for Hillarys noted himself that given the relatively brief time they will be in place it is not viable to provide for any ambiguity. I just provide that background for his benefit and that of the house. Closing off on the suggestions raised by the member for Hillarys for covering other workers and other offences, I draw his attention to grievous bodily harm provisions under section 1(4)(c) of the Criminal Code, which can also be used. In this bill we are not creating new offences. We are keeping it simple and we are effectively just amending penalties.

There was also comment that we are now asking police to do a lot of extra things, and those who contributed to the second reading debate asked about some broader functions and things happening in response to COVID-19. We have heard way too many times already that this is extraordinary. These are unprecedented times. I tell members that things move very quickly, and they are moving quickly. We are responding to things that were not contemplated a month or so ago. Across state and federal government things have been brought forward and considered well before anyone had ever contemplated they would be doing so. I thank people, and I will pass on to the commissioner and his team the thanks of members here. I certainly got a lot of gratitude in caucus this morning for the role that the police have been performing in their communities. I thank those people, particularly country members who often have a very close relationship with police, for the support they too have been giving them. A month or so ago, we did not contemplate that we would be shutting off our state borders and staffing those borders. Commissioner Dawson, has the dual role of State Emergency Coordinator and has been working around the clock. Both of his deputies, Deputy Commissioner Gary Dreibergs and Deputy Commissioner Col Blanch, have discrete responsibilities in the police command structure, and they and their teams have been doing an incredible job in stepping up to the task at hand and undertaking activities that they were not expecting. We need to do that in an environment in which we keep all our police officers safe. Most often, most of us see the officers on the front line and are familiar with their duties, but the people in the command areas also have incredibly different duties and responsibilities at the moment. We have to keep them safe physically. One of our deputy commissioners is now based over at Optus Stadium, with a very large team of officers. He currently occupies one of the private boxes on the fourth floor, and we have people from the State Solicitor’s Office in another box nearby. On the third floor, in a large area, we have a huge operational area from which we have oversight of what is happening across the state. That is in addition to the huge team that we have at the State Operations Command Centre at Maylands. I believe the other deputy commissioner is still based at police headquarters with a team.

We have a real concern, as other workplaces have, around what will happen if any of our senior police get COVID-19 and it impacts on the people who they work very closely with. Very extreme hygiene measures have been put in place at all of those venues where police are working. In a couple of the speeches at the second reading stage, references were made to the state border controls that we have already put in place, in the vicinity of both Kununurra and for people entering the state on the Great Eastern Highway. As people are aware, the federal government put in place the special biodiversity zone, covering the Kimberley. We have put checkpoints in there in recent times. We have been working very closely with those Aboriginal communities to protect those Aboriginal communities. At this point, I will mention that Superintendent Andy Greatwood has done an amazing and effective job liaising with the Aboriginal communities and the federal government and putting in place the protections and road checks, as has Commander Darryl Gaunt, for regional Western Australia. In terms of the protection and support for regional Western Australia, Commander Darryl Gaunt and Superintendent Andy Greatwood have worked long hours and done a simply stunning job, and Deputy Commissioner Dreibergs was full of praise for both of those individuals when I visited Optus Stadium earlier this week.

We have had some questions about those who are covered under the bill. I have specified that doctors, nurses, health workers, paramedics, police officers, prison officers and the like are covered. But the provision under the Criminal Code is very broad, and public officers are broadly covered. I draw to members' attention how "public officers" are defined. The Criminal Code, Part 1, Chapter 1 has a long list of definitions. It says —

The term *public officer* means any of the following —

...

(ad) a person exercising authority under a written law;

That covers a very broad range of people employed by the government but also people who are contracted by the government to perform a function; for example, I am told that it includes child protection workers who are engaged by the government and Main Roads personnel or people contracted by Main Roads to perform a public function, such as on the Western Australian–South Australian border; those people would be covered. I deal with police on a daily basis, but I should also mention the phenomenal cooperation that WA police have had from other government agencies. Police are used to working with some agencies—for example, the Department of Fire and Emergency Services personnel and Commissioner Darren Klemm. DFES is government agency that the police routinely deal with. But we have had a full range of government agencies step up to support us in recent times. As soon as the border control in South Australia and Western Australia was announced, police were more than reassured that a full team of officers from Main Roads were already dispatched to the border before they even had to ask. They were already working there ahead of time. The bus drivers who have stepped up to transport the people from Fremantle port to the airport and the hotels are fantastic. The people who are cleaning those buses on behalf of the government and the community are fantastic. Although we are very much in uncharted waters, the attitude and support right across the government has been nothing short of phenomenal, and I know that Commissioner Dawson would like me to pass that on. I have certainly had similar feedback from Deputy Commissioner Dreibergs and Deputy Commissioner Col Blanch. They have had excellent support.

This does not specifically relate to the bill, but in aspiring to provide some response to some of the matters that have been raised in terms of border control, I thought it might be useful to give members some examples of the numbers that we have been dealing with at the respective state borders. I can give members figures that relate to the period between 24 and 30 March. In that time at the Western Australian–South Australian border, police stopped a total of 976 vehicles, which was 1 521 people. Of those people, 839 were deemed to be essential travellers; 665 general travellers were served with a direction to self-quarantine; and 17 travellers were directed to a quarantine centre. On the Northern Territory border there were fewer numbers of vehicles. Over that same period, police stopped 301 vehicles; 239 of those were deemed to be exempt, and 32 vehicles were refused. There were a total of 453 persons travelling, 402 exempt persons and 51 refused persons. The operation that has been put in place in the Northern Territory jointly by Superintendent Greatwood and Commander Darryl Gaunt has worked extremely well.

Then there are the internal regions within Western Australia. There is no question that enforcing this will be extremely challenging for WA police, but I have every confidence that they will step up and do the job as well as they can. The Premier has again been very strong on the rationale for this unprecedented move of putting regional boundaries in place. It is true that these are extraordinary measures, but we find ourselves in extraordinary times. I understand that some of these regional closures will be really inconvenient for people in the regions, but I think that people in regional Western Australia are currently some of the luckiest people in the world. They live in some of the remotest communities in the world. In normal times, people often think that there is some disadvantage in being so far away from America or Europe. In these times, there is a distinct advantage in being so far away from places that have much higher rates of COVID-19 than we do. If we can quarantine regions and keep them COVID-19 free, that would be a fantastic result. It would save lives and prevent an enormous amount of suffering.

The goal here is certainly worth the pain. I have spoken with Police Commissioner Dawson, and this is not about trying to fine people for the sake of fining them or being unduly harsh. Every police officer has a discretion when enforcing the law—it is not a guarantee for anyone who wants to do the wrong thing—but the general direction from the Commissioner of Police is to work with communities. Police do not want to be at odds with communities at a time like this; they want to support communities and work with communities and the individuals in those communities. In the first instance, I expect that police will give people quite helpful advice. They will try to work with people and will advise them that if they are trying to cross a border when they should not be, they should turn around and go home. The police will not get everything right all the time. There will be the occasional person who is turned around and told to go home who believes they have a fair case, and no doubt they will get in touch with my office, or ring the police, the Premier or the opposition. When matters like that are drawn to my attention, I raise them with the WA police, and if the wrong call has been made by a police officer out there doing his duty, that call can be reviewed. Someone may say that they should be able to travel somewhere and they were denied. But, by and large, hopefully, the police will be working with the community, the Premier, the commissioner and the government.

We do not want to put a check on the transport of essential goods. We want people to be able to continue to work in this state. That is why our government has been really keen to keep businesses afloat if we can. There are already too many businesses closed, and too many people without a job. If we do not enforce these hard borders, particularly these regional borders, we will have to move to the next stage, which will inevitably mean more businesses closing, more people unable to work and more people having to rely on government support. That is the balance here. The choice has been made in Western Australia. We have made the call that we are going to try to enforce the regional boundaries rather than see more businesses shut down. We have to stop COVID-19, and we have to stop it as soon as possible. We do not want to see floods of people inundating our hospitals like we have seen elsewhere around the world, because none of us want to see members of our families, our friends or community members dying or suffering because of this.

Impositions are being made on people and they are being restricted. I say to members that I am available and my office is available. If members think that their constituents have been dealt with unfairly by the police at these crossings, I am happy to know about it. I am happy to do what I can to resolve it if they have a legitimate case. People will have questions; I have already had quite a number thrown at me. But to bring matters forward, I think the Premier made it clear today that it would be a good idea for people who travel for work to carry some kind of authentication such as a letter from their employer advising that they need to travel and to cross a boundary. I know that some industries have already been proactive in dealing with the Western Australia Police Force to inform them of that and to provide their workers with that correspondence.

There will also be people with compassionate circumstances. Police officers will necessarily need to use their judgement. If someone has a couple of surfboards on their roof rack, police may not believe that they are going to see their sick grandma.

Ms R. Saffioti interjected.

Mrs M.H. ROBERTS: Yes, unless grandma is up to surfing, I do not think so! They are the kinds of judgement calls that will need to be made. It will not be easy, but we think that it is worthwhile doing.

Deputy Commissioner Dreiberger informed me the other day that they are looking at a whole range of innovative things; they will not be in place tomorrow night, but, over time, we can develop some better technology to help people move through more quickly. We are very loath to put in place fixed checkpoints where we slow traffic down for a very long time. There is the potential to delay trucks and essential deliveries for an hour or two if a row of traffic develops that is a couple of kilometres long. That is an even bigger imposition. Police will endeavour to get the balance right in letting people go about their work and those people who need to travel, with a series of checks. We will be making greater use of automated numberplate recognition. We will make use of that for regional travel; we will also make use of it for those people who are supposed to be quarantining. Interestingly, I introduced ANPR during the time of the Gallop government. Automated numberplate recognition was used originally in the United Kingdom to identify Irish Republican Army activists who were bombing stores in London. That automated numberplate recognition technology assisted police to a huge degree. I will not talk too long on this, but to give members an example, when that is set up in conjunction with a traffic operation, police can hear the computer literally go “ping” every time a flagged numberplate goes by. That numberplate might be flagged because a car is unlicensed or because the usual driver of that vehicle has lost their licence. It might be flagged because the owner of the vehicle has a warrant out for their arrest. There are a number of systems within police through which that database can be searched by ANPR. A database of those who are supposed to be quarantining at home is already in place. I met with officers yesterday who are monitoring that list of people in quarantine. It is a pretty easy match to know what vehicles people regularly drive and they can be identified through that technology. Many innovative things are happening.

Another system we are looking at—if we can get it online quickly, we will—is working with transport companies and others to approve drivers and effectively give them a QR code, a quick response code, which is a bit like a bar code at a supermarket, but in a different format. Truck drivers are just one category who could be equipped with

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this system; likewise, people who work at an oil refinery or a workplace on the other side of a community where a boundary is in place. Given that we have provided mobile phones to all our police officers, that is something that could be checked. It would be a bit like the code on cinema tickets or footy tickets that are purchased online and scanned at a venue. It may well be that we can get a system in place—not for everyone, but for a number of the people who need to travel regularly across those regional boundaries. They could get the equivalent of a QR code or barcode that could be scanned at a checkpoint and people could be waved on very quickly. As I have said before, we are trying to move as fast and effectively as we can. Having these regional boundaries in place has the potential to save lives and prevent a lot of suffering. I hope that we can all work together to do that. People should see police as their friend. They are not out to fine or penalise people when it is not necessary. They will be understanding. They will listen to people's legitimate reasons for travel. It is hoped that we can get this system to work well and effectively.

In conclusion, I thank everyone for their support. I particularly thank all of my colleagues on my side of the house for not speaking so that we could get such important legislation as this through as quickly as possible. I particularly thank the WA Police Union for its excellent suggestion. I thank my colleague the Attorney General for assisting to have parliamentary counsel draft this so quickly, and the Premier and my ministerial colleagues for progressing this through the cabinet process in record time. I hope the bill can pass through the upper house and be in place, to protect not just police officers but doctors and nurses and all those who are engaged in the front line of the public service, performing important jobs on behalf of us all.

Question put and passed.

Bill read a second time.

Third Reading

Bill read a third time, on motion by **Mrs M.H. Roberts (Minister for Police)**, and transmitted to the Council.