

CRIMINAL CODE AMENDMENT BILL 2024

Third Reading

MR D.T. PUNCH (Bunbury — Minister for Regional Development) [10.56 am]: On behalf of the Attorney General, I move —

That the bill be now read a third time.

MR R.S. LOVE (Moore — Leader of the Opposition) [10.57 am]: I wish to make a very quick contribution to the Criminal Code Amendment Bill 2024, which was considered in the chamber yesterday. The Attorney General led us through consideration in detail. I think the opposition made it very clear that it supports the intent of the bill and also the amendments moved by the Attorney General. Those amendments are very important. The first amendment clarified the definition of a contractor. Prior to that amendment being moved, we only had a discussion around contractors without clearly defining those contractors. The second amendment also addressed another important matter, clarifying that the owner of a business, when working for the business, is also covered in the legislation. That matter was uncovered in our discussions during briefings with the Attorney General's staff. There appeared to be a gap when, for instance, a local newsagent selling property from his or her own shop was not covered if they were a sole trader and not employed by the business as an incorporated body, for instance. That important change was made.

The legislation will now be sent to the other place, where I expect it will be dealt with expeditiously. We would like to see workers protected in their work environment. Anything that we can do to enhance those matters is important.

The other important matter addressed in the legislation is the change to the treatment of shoplifters and people who engage in theft from retail premises. This issue has been swept under the carpet and ignored for so long. This bill strengthens the consequences for someone who is a repeat offender who has been convicted twice and then commits a further offence—the fine-only option to the magistrate has been swept aside and other more severe penalties will apply in that case.

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I commend the bill to the house and wish to see it pass as quickly as possible in the Legislative Council, which I understand does not have a lot of legislation to deal with. Our members report that there seems to be a drought of legislation in that place, so I have no doubt that this bill will pass quickly.

MS C.M. COLLINS (Hillarys) [11.00 am]: I rise to speak on the Criminal Code Amendment Bill 2024. I missed the opportunity to contribute during the second reading stage yesterday—I was on leave—so I want to put on record my support for this bill. I managed to tune in yesterday to consideration in detail. This bill is a much-needed collection of reforms that will greatly improve the working lives of retail staff, managers and essential workers across Western Australia. It is a strong affirmation of the Cook Labor government's commitment to valuing frontline workers, especially those who were some of the most essential workers during the COVID-19 pandemic. We heard yesterday about those high-risk environments during the pandemic. There was the fear of unknown health risks as those employees turned up to work each day and many copped more abuse than usual. We can all vividly recall some of those situations, whether we witnessed them firsthand or saw them on television. Perhaps members saw retail workers being verbally or physically abused for simply asking someone to take out some of the toilet rolls from their shopping trolley. People were hoarding toilet paper at a time when there was confusion in the community, but it was the frontline workers who copped the abuse left, right and centre. That was perhaps one of the more extreme situations; however, we heard countless examples yesterday.

At its core, these reforms aim to restore respect. They aim to elevate the standards within retail workplaces. No-one, whether they are stacking shelves at the local grocery store or working in a fast-food outlet should have to face any sort of abuse or violence. That behaviour has continued well after the pandemic. That is why the new laws will significantly increase the maximum penalty for assaulting a retail worker or manager to seven years' imprisonment, which is part of the government's commitment to keeping both the community and the workers safe.

When I was in high school I worked in retail at both Red Rooster and Woolworths. Like many Western Australians, my first job not only shaped my understanding of frontline work, but also exposed me to the challenges faced by workers in those industries. Fast-food establishments are often open late at night and that can attract people who are intoxicated and who might be trying to avoid a hangover the next day. That means that if there is a mistake—or even if there is not—the level of aggression can be amplified, often towards young workers. Whether that mistake is something as simple as forgetting to put barbecue sauce in a bag or that the chips are not crispy enough, the level of frustration that is shown by some customers toward retail workers is absolutely unacceptable. Although

we are taught in the industry that the customer is always right, that does not extend to the level of abuse and violence that we have witnessed.

As I mentioned, many staff in those positions are young and it is their first role in paid employment. Often they are largely unaware of their working rights or inexperienced in assertively defending their rights or standing up for themselves against a violent or abusive customer. In recent times, the specific acts of violence have changed. In the past, the abuse was more verbal. We have heard stories of workers being spat on. However, more recently customers have reacted violently simply when asked to follow store procedures in order to keep both staff and customers safe.

I was recently approached by a constituent, Shikhar Maharaj, who works as a property manager in Perth's northern suburbs. Mr Maharaj wrote to me expressing serious concern about the level of antisocial behaviour from individuals in fast-food restaurants in my electorate. As an advocate for the entire commercial district, he pointed out that when this unacceptable behaviour occurs, it can lead to wider staff losses and hamper work to develop prosperous commercial precincts. That has a wider impact than on just one business. Although we speak a lot about fast-food staff and the violence they receive, it is not experienced by just them. A constituent who owns a Hungry Jack's store at Beldon Shopping Centre has had a similar experience. Workers at Hillarys Boat Harbour where there are a number of outlets such as Subway have had had a number of encounters with aggressive people coming into the store and either assaulting staff or stealing from the fridges.

Research from the McKell Institute found that assaults on retail workers surged by 38.8 per cent in WA between 2014 and 2022. Preliminary results from those surveys revealed that one in 10 retail and fast-food workers were assaulted in the past year. A Shop, Distributive and Allied Employees' Association of WA survey of 4 600 retail and fast-food workers found that 76 per cent experienced verbal abuse in the past 12 months. Members may recall that last year *The West Australian* ran a story about a bottle shop worker who had a rock thrown at her head when she asked for proof of age from a group of teenagers in the store. I recently visited a bottle shop in my electorate in Hillarys—which I often do!—and spoke to John and his staff about the times they have copped both verbal and violent abuse from their customers. It is all too common.

The movement to end violence against retail workers has won the backing of employer groups. The chief executive of the Australian Retailers Association, Paul Zahra, recently told the media —

Being asked to show your receipt doesn't give you an excuse to crack someone over the head.

I note a recent petition to this Parliament filed by the state secretary of the SDA, Ben Harris, requesting legislative reforms to stop the violence. The petition, signed by nearly 2 000 Western Australian residents, called on the WA state government to amend the Criminal Code to have higher penalties for people who assault retail and fast-food workers. The SDA has been championing and campaigning on this issue since 2015.

This bill will amend WA's Criminal Code by ensuring that assaults against retail workers attract a higher penalty, consistent with that of serious assault. It will also amend the law to better handle individuals who have a long track record of theft. Serial shoplifters will face the prospect of jail if they do not change their ways. Currently, if an individual steals an item worth \$1 000 or less, the thief faces a fine at worst. This leads to magistrates being powerless to take real action against serial offenders. A case at the Northbridge Magistrates Court in January this year involved two offenders whose criminal records spanned 71 and 65 pages respectively. Those individuals were serial shoplifters who were given storewide bans at major liquor stores in WA due to their history of persistent theft. The magistrate was forced to let the criminals walk free, despite the clear indication that their actions would continue to harm small businesses and staff in the retail sector. The amendments in this legislation will increase the consequences for serial offenders who mistakenly believe that our justice system is a joke. Instead of a fine and an open door, they will face a higher maximum penalty of two years' imprisonment—hopefully something that will make recidivists think twice. However, more importantly than that, these penalties will have real teeth to encourage retail staff to increasingly report the crimes they see to the Western Australia Police Force. They will be able to do that because they know there will be real consequences, which is tremendously important to get crime out of local shopping centres and to protect retail businesses.

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I wanted to take this opportunity to commend the work of Shop, Distributive and Allied Employees Association members for the campaigning for these reforms, in particular, state secretary Ben Harris for their leadership on this very important issue.

My electorate office is just across the road from Westfield Whitford City Shopping Centre. It is a great retail environment that has benefited from the recent "No One Deserves a Serve" advertising campaign. This campaign is visible across various sites within the centre and reminds customers that the staff are people too and imparts a bit of extra social awareness to ensure staff abuse does not occur. This campaign began in 2017 and has grown

from strength to strength, finally resulting in real legislative change. We should be particularly proud of these reforms. We have to ensure that head office cannot just tell retail workers to get over things.

Last year, we debated the work, health and safety legislation. These laws were really paired with the laws that we debated yesterday and today. They are ultimately interlinked. It is important to ensure adequate punishment for the small minority who assault frontline workers and engage in serial theft. It is important to get the policy settings right in the first place so that violence never occurs. That could mean that angry customers are reminded that they will face real consequences or that workplaces and staffing are organised so that no worker can be seen as an easy target.

I look forward to hearing stories—well, actually I will not, because this is now the third reading stage. I appreciate the indulgence of the Acting Speaker for allowing me to speak during the third reading stage. Let us continue the good work to get the policy settings for safe workplaces right. I thank the Attorney General for his work in progressing these reforms and commend the bill to the house.

MR D.T. PUNCH (Bunbury — Minister for Regional Development) [11.12 am] — in reply: On behalf of the Attorney General who is unable to be here, I thank the members for Moore and Hillarys for their contributions and the opposition for its support of this bill. I also thank the numerous government members who spoke in support of the bill for their contributions.

I acknowledge the Shop, Distributive and Allied Employees Association for the work it has done to raise awareness of the violence and abuse experienced by retail workers and its advocacy for greater protections. Retail workers play a vital role in our economy, and we must ensure that they are protected. They should not have to tolerate violence or threats of violence in their workplace.

This bill contains two important measures that will improve the safety of retail workers and the general community in WA. It introduces a new offence for assault on a retail worker, with a maximum penalty of up to seven years imprisonment, or 10 years imprisonment if the offender is armed or in company. It also provides for an increased penalty to apply to repeat shoplifters. When they steal items valued at less than \$1 000 but have two prior convictions in the past 12 months, a penalty of two years imprisonment or \$24 000 will now apply. That has increased from the existing fine-only penalty of \$6 000. These reforms will provide greater deterrence against violence and theft in our retail environments and will empower courts to impose penalties for these offences that reflect community expectations. They send a strong message to the community that this behaviour towards retail workers and businesses is unacceptable. I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.