2017

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes (Food or Drink Spiking) Amendment Bill 2017

A Bill for

An Act to amend the Crimes Act 1900

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1	1	Name of Act
2		This Act is the Crimes (Food or Drink Spiking) Amendment Act
3		2017.
4	2	Commencement
5		This Act commences on the day after its notification day.
6 7		Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).
8	3	Legislation amended
9		This Act amends the <i>Crimes Act 1900</i> .
10 11	4	Offences against Act—application of Criminal Code etc Section 7A, note 1
12		before 1st dot point, insert
13		• s 28AA (Food or drink spiking)
14	5	New section 28AA
15		before section 28A, insert
16	28AA	Food or drink spiking
17	(1)	A person commits an offence if—
18		(a) the person—
19		(i) gives or causes another person to be given food or drink;
20		or
21		(ii) causes another person to consume food or drink; and
22		(b) the food or drink contains an intoxicating substance; and
23		(c) the other person is not aware the food or drink contains the
24		intoxicating substance; and

1 2		(d) the person intends a person to be harmed by the consumption of the food or drink.
3 4		Maximum penalty: 500 penalty units, imprisonment for 5 years or both.
5	(2)	A person commits an offence if—
6		(a) the person—
7 8		(i) gives or causes another person to be given food or drink; or
9		(ii) causes another person to consume food or drink; and
10 11 12		(b) the food or drink contains more of an intoxicating substance than the other person would reasonably expect it to contain; and
13 14		(c) the person intends a person to be harmed by the consumption of the food or drink.
15 16		Maximum penalty: 500 penalty units, imprisonment for 5 years or both.
17 18 19 20	(3)	It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant is a health practitioner and the intoxicating substance was given to the other person in the course of practising a health profession.
21 22		Note The defendant has a legal burden in relation to the matters mentioned in s (3) (see Criminal Code, s 59).
23	(4)	In this section:
24		give, food or drink, includes—
25		(a) prepare food or drink; or
26		(b) make food or drink available for consumption.

1	harm, to a person, includes impairment of the senses or
2	understanding that the person might reasonably be expected to
3	object to in the circumstances.
4	impair includes further impair.
5	intoxicating substance includes any substance that affects a
6	person's senses or understanding.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 August 2017.

2 Notification

Notified under the Legislation Act on

2017.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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