



Australian Capital Territory

# Crimes (Food or Drink Spiking) Amendment Act 2017

A2017-31

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An Act to amend the *Crimes Act 1900*

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

**1 Name of Act**

This Act is the *Crimes (Food or Drink Spiking) Amendment Act 2017*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Crimes Act 1900*.

**4 Offences against Act—application of Criminal Code etc  
Section 7A, note 1**

*before 1st dot point, insert*

- s 28AA (Food or drink spiking)

**5 New section 28AA**

*before section 28A, insert*

**28AA Food or drink spiking**

- (1) A person commits an offence if—
- the person—
    - gives or causes another person to be given food or drink;  
or
    - causes another person to consume food or drink; and
  - the food or drink contains an intoxicating substance; and
  - the other person is not aware the food or drink contains the intoxicating substance; and

- (d) the person intends a person to be harmed by the consumption of the food or drink.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (2) A person commits an offence if—

- (a) the person—

- (i) gives or causes another person to be given food or drink;  
or

- (ii) causes another person to consume food or drink; and

- (b) the food or drink contains more of an intoxicating substance than the other person would reasonably expect it to contain; and

- (c) the person intends a person to be harmed by the consumption of the food or drink.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (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.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 59).

- (4) In this section:

**give**, food or drink, includes—

- (a) prepare food or drink; or
- (b) make food or drink available for consumption.

*harm*, to a person, includes impairment of the senses or understanding that the person might reasonably be expected to object to in the circumstances.

*impair* includes further impair.

*intoxicating substance* includes any substance that affects a person's senses or understanding.

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) on 28 September 2017.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Crimes (Food or Drink Spiking) Amendment Bill 2017, which was passed by the Legislative Assembly on 19 September 2017.

Clerk of the Legislative Assembly