

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Crimes (Food or Drink Spiking) Amendment Bill 2017

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## A Bill for

An Act to amend the *Crimes Act 1900*

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

8 **3 Legislation amended**

9 This Act amends the *Crimes Act 1900*.

10 **4 Offences against Act—application of Criminal Code etc**  
11 **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 (d) the person intends a person to be harmed by the consumption  
2 of the food or drink.

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

5 (2) A person commits an offence if—

6 (a) the person—

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

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

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

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

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

17 (3) It is a defence to a prosecution for an offence against this section if  
18 the defendant proves that the defendant is a health practitioner and  
19 the intoxicating substance was given to the other person in the  
20 course of practising a health profession.

21 *Note* The defendant has a legal burden in relation to the matters mentioned in  
22 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.

