

2001

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

CRIMES BILL 2001 (NO 2)

EXPLANATORY MEMORANDUM

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Attorney General**

Crimes Amendment Bill 2001 (No 2)

Explanatory Memorandum

Outline

The Crimes Bill 2001 (No 2) (the Bill) amends the *Crimes Act 1900* (the Act) by inserting new provisions to address serious hoaxes and related behaviour where this conduct is intended to create public alarm or anxiety.

New offences are created to deal with circumstances in which persons deliberately behave in such a way as to raise suspicions that human life or health is at risk, intending that this behaviour cause public alarm or anxiety.

A substantial penalty of a maximum of 10 years' imprisonment is provided for the offences.

The new offence provisions are required to ensure that hoaxing behaviour at the more serious end of the scale is able to be adequately responded to by the criminal justice system. Less serious hoaxes, where there is no intention to:

- behave in a way that, in the circumstances, raises a reasonable suspicion that human life or health could be at risk; and
- by doing so, cause public alarm or anxiety,

will still be able to be dealt with under the summary offence provisions dealing with public mischief.

Financial implications

There are no financial implications arising from the Bill.

Detail of clauses

Clauses 1, 2, and 3 - formal provisions

Clauses 1, 2 and 3 are formal provisions setting out the name of Bill once enacted, the commencement arrangements which will apply to the Bill and the name of the Act being amended.

Clause 4 - New Part 5A

Clause 4 inserts *new Part 5A*, comprising *new sections 82A, 82B, 82C and 82D*, into the Act.

New section 82A makes it an offence for a person to either:

- (a) do something that could endanger human life or health; or
- (b) do something that, in the circumstances, a reasonable person would suspect could endanger human life or health,

where either of those acts is done with the intention of causing public alarm or anxiety.

New section 82B creates the offence of threatening to do something that could endanger human life or health with the intention of causing public alarm or anxiety. A threat could be implied rather than express and it could be conditional or unconditional.

New section 82C creates the offence of making a statement, which the maker of the statement believes to be false, with the intention of:

- (a) inducing someone to whom the statement is made or others to believe that something has been done that could endanger human life or health; and

(b) thereby causing public alarm or anxiety.

New subsection 82C(2) makes clear that a statement can be communicated by any means. For example, a statement might be written rather than spoken.

The maximum penalty for each of **new sections 82A, 82B and 82C** is imprisonment for 10 years.

New section 82D is a provision which makes it clear that acts committed outside the ACT can be offences under **new Part 5A** if a person committing the requisite act intended, by the doing of that act, to cause public alarm or anxiety in the ACT.