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 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—

(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 an intoxicating substance; and

(c) 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.
Section 5

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

2 impair includes further impair.

3 intoxicating substance includes any substance that affects a 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.