



New South Wales

Crimes Amendment (Contamination of Goods) Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* to create new public order offences relating to the contamination or the threatened contamination of goods or the making of false statements about the contamination of goods. The new offences apply to persons engaged in those activities with a view to causing public alarm or anxiety, or economic loss, for the purposes of extortion or for other purposes. The new public order offences will supplement existing personal offences (such as manslaughter, endangering the safety of persons, blackmail or extortion, conspiracy to defraud, damage to property or making false reports) to cover the public impact of the crime and the jurisdictional or other special circumstances associated with the crime.

The maximum penalty for the new offences is to be:

- (a) imprisonment for 10 years, or
- (b) if the offence is committed in connection with an unwarranted demand—imprisonment for 14 years, or
- (c) if the offence causes death or grievous bodily harm or is intended to do so—imprisonment for 25 years.

The Bill also amends the *Criminal Procedure Act 1986* to enable the new offences to be prosecuted summarily in certain cases.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Crimes Act 1900* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Criminal Procedure Act 1986* set out in Schedule 2.

Schedule 1 Amendment of Crimes Act 1900

Schedule 1 [1] makes a consequential change to the provision of the Principal Act listing its contents.

Schedule 1 [2] inserts Part 3C into the Principal Act (proposed sections 93IA–93IG). Proposed section 93IA inserts definitions of *contaminate* and *goods* for the purposes of the Part. *Contaminate* is defined widely so as to include interference or the appearance of contamination or interference. *Goods* is also defined widely so as to include any substance or article, including goods that are not for human consumption or that are natural or manufactured. The proposed section makes it clear that causing economic loss through public awareness of contamination includes causing such loss because the public shun the goods or because of steps taken to avoid public alarm or anxiety.

Explanatory note

Proposed section 93IB creates the offence of contaminating goods with the intention of causing public alarm or anxiety or causing economic loss through public awareness of the contamination. Maximum penalty—imprisonment for 10 years.

Proposed section 93IC creates the offence of threatening to contaminate goods with the intention of causing public alarm or anxiety or causing economic loss through public awareness of the contamination. Maximum penalty—imprisonment for 10 years.

Proposed section 93ID creates the offence of making false statements to induce people to believe that goods have been contaminated with the intention of causing public alarm or anxiety or causing economic loss through public awareness of the contamination. Maximum penalty—imprisonment for 10 years.

Proposed section 93IE provides for a maximum penalty of imprisonment for 14 years if the above offences are committed in connection with an unwarranted demand.

Proposed section 93IF provides for a maximum penalty of imprisonment for 25 years if the commission of the above offences causes death or grievous bodily harm or is intended to do so.

Proposed section 93IG ensures that a person can be convicted of an offence under the Part even if the only territorial connection with this State is intending to cause public alarm or anxiety, or economic loss, in this State.

Schedule 2 Amendment of Criminal Procedure Act 1986

Schedule 2 enables summary proceedings before a Magistrate for any of the proposed new offences (which carry a maximum penalty of imprisonment for 10 years) unless either the prosecution or the accused elect to have the matter tried by a jury. The maximum penalty that may be imposed on summary conviction is imprisonment for 2 years.

First print



New South Wales

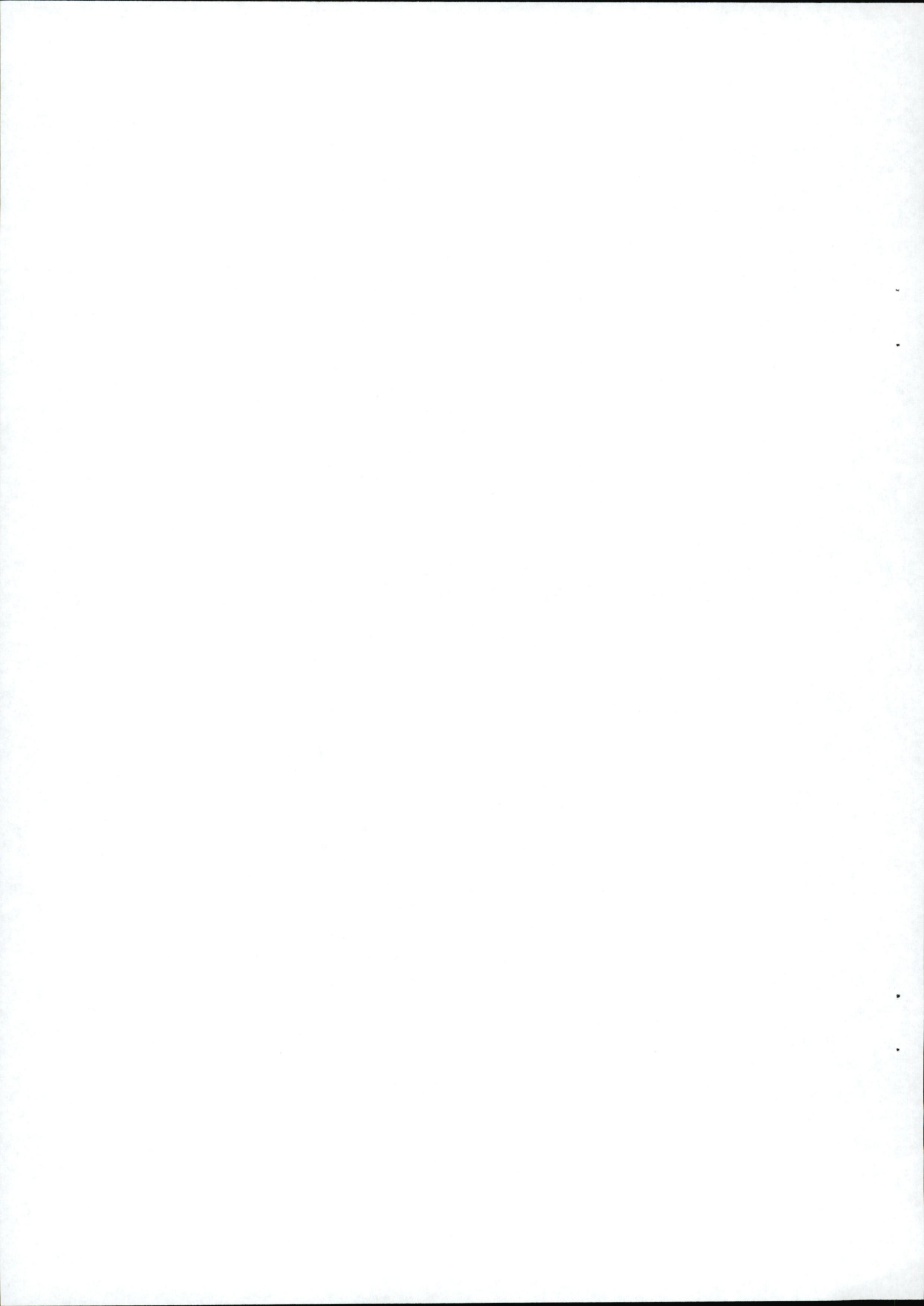
Crimes Amendment (Contamination of Goods) Bill 1997

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New South Wales

Crimes Amendment (Contamination of Goods) Bill 1997

No. , 1997

A Bill for

An Act to amend the *Crimes Act 1900* and the *Criminal Procedure Act 1986*
with respect to the contamination of goods.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Contamination of Goods) Act 1997*.

2 Commencement

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This Act commences on a day to be appointed by proclamation.

3 Amendment of Crimes Act 1900 No 40

The *Crimes Act 1900* is amended as set out in Schedule 1.

4 Amendment of Criminal Procedure Act 1986 No 209

The *Criminal Procedure Act 1986* is amended as set out in Schedule 2. 10

Schedule 1 Amendment of Crimes Act 1900

(Section 3)

[1] Section 1 Short title and contents

Insert after the matter relating to Part 3B:

PART 3C—PUBLIC ORDER OFFENCES RELATING TO
CONTAMINATION OF GOODS—ss 93IA–93IG 5

[2] Part 3C

Insert after Part 3B:

**Part 3C Public order offences relating to
contamination of goods** 10

93IA Definitions of “contaminate” and “goods”

(1) In this Part:

contaminate goods includes:

- (a) interfere with the goods, or
- (b) making it appear that the goods have been
contaminated or interfered with. 15

goods includes any substance or article:

- (a) whether or not for human consumption, and
- (b) whether natural or manufactured, and
- (c) whether or not incorporated or mixed with other
goods. 20

(2) In this Part, a reference to economic loss caused through
public awareness of the contamination of goods includes
a reference to economic loss caused through:

- (a) members of the public not purchasing or using
those goods or similar goods, or 25
- (b) steps taken to avoid public alarm or anxiety about
those goods or similar goods.

93IB Contaminating goods with intent to cause public alarm or economic loss

A person who contaminates goods with the intention of:

- (a) causing public alarm or anxiety, or
- (b) causing economic loss though public awareness of the contamination, 5

is liable to imprisonment for 10 years.

93IC Threatening to contaminate goods with intent to cause public alarm or economic loss

- (1) A person who makes a threat that goods will be contaminated with the intention of: 10

- (a) causing public alarm or anxiety, or
- (b) causing economic loss through public awareness of the contamination,

is liable to imprisonment for 10 years. 15

- (2) For the purposes of this section, a threat may be made by any act, and may be explicit or implicit and conditional or unconditional.

93ID Making false statements concerning contamination of goods with intent to cause public alarm or economic loss 20

- (1) A person who makes a statement that the person believes to be false:

- (a) with the intention of inducing the person to whom the statement is made or others to believe that goods have been contaminated, and 25

- (b) with the intention of thereby:

- (i) causing public alarm or anxiety, or
- (ii) causing economic loss through public awareness of the contamination, 30

is liable to imprisonment for 10 years.

- (2) For the purposes of this section, making a statement includes conveying information by any means.

93IE Aggravated circumstances—unwarranted demand

- (1) A person is guilty of an offence against this section if the person commits an offence under section 93IB, 93IC or 93ID in connection with an unwarranted demand by the person. An unwarranted demand is a demand that the person believes he or she does not have any reasonable grounds for making. 5
- (2) A person convicted of an offence against this section is liable to penal servitude for 14 years.
- (3) If on the trial of a person for an offence against this section the jury is not satisfied that the accused is guilty of the offence charged, but is satisfied on the evidence that the accused is guilty of an offence under section 93IB, 93IC or 93ID, it may find the accused not guilty of the offence charged but guilty of the latter offence, and the accused is liable to punishment accordingly. 10 15

93IF Aggravated circumstances—death or grievous bodily harm

- (1) A person is guilty of an offence against this section if the person commits an offence against section 93IB or 93IC and: 20
- (a) the contamination of the goods causes the death of any person or grievous bodily harm to any person, or
- (b) the person intends by that contamination to cause such death or harm. 25
- (2) A person convicted of an offence against this section is liable to penal servitude for 25 years.
- (3) If on the trial of a person for an offence against this section the jury is not satisfied that the accused is guilty of the offence charged, but is satisfied on the evidence that the accused is guilty of an offence under section 93IB or 93IC, it may find the accused not guilty of the offence charged but guilty of the latter offence, and the accused is liable to punishment accordingly. 30 35

93IG Special provisions relating to territorial application of this Part

- (1) A person commits an offence against a provision of this Part if:
 - (a) the person does an act outside the State that constitutes the offence, and 5
 - (b) (apart from this section) the act would have constituted the offence had it been done within this State, and
 - (c) the offence involves intending to cause public alarm or anxiety, or economic loss, within the State. 10
- (2) A person who commits an offence by the operation of this section may be dealt with, and is liable to the same punishment, as if the person had committed the offence within the State. 15
- (3) If an offence against a provision of this Part involves intending to cause public alarm or anxiety, or economic loss, within the State, a territorial nexus between the State and any other element of the offence is not required. 20
- (4) The other provisions of this Act, the provisions of other Acts and the common law, in so far as these are applicable, apply to an offence to which this section applies as if it had been committed within the State (for example, section 344A and the rules of law relating to attempts to commit offences apply to such an offence). 25
- (5) This section is in addition to and does not derogate from any other basis on which the courts of the State may exercise criminal jurisdiction. 30

**Schedule 2 Amendment of Criminal Procedure
Act 1986**

(Section 4)

Part 9A, Table 1

Insert after item 10:

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10A Offences relating to contamination of goods

An offence under section 93IB, 93IC or 93ID of the
Crimes Act 1900.

