

[Act 1997 No 89]



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 1908

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 931A 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.

Proposed section 931B 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 931C 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 931D 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 931E provides for a maximum penalty of imprisonment for 14 years if the above offences are committed in connection with an unwarranted demand.

Proposed section 931F 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 931G 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.