

Serial 137  
Criminal Code Amendment (Drink or Food Spiking) Bill 2008  
Dr Burns

A Bill for an Act to amend the *Criminal Code Act*

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (DRINK OR FOOD SPIKING) ACT 2008

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Act No. [ ] of 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2008

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An Act to amend the *Criminal Code Act*

[Assented to [ ] 2008]  
[Second reading [ ] 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Criminal Code Amendment (Drink or Food Spiking) Act 2008*.

**2 Commencement**

This Act commences on the date fixed by the Administrator by *Gazette* notice.

**3 Act amended**

This Act amends the Criminal Code Act.

**4 Repeal and substitution of Part VI, Division 4 heading**

Part VI, Division 4, heading

*repeal, substitute*

**Division 4 Miscellaneous offences against the person**

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**5 New section 176A**

After section 176

*insert*

**176A Drink or food spiking**

- (1) A person's (the **victim's**) drink or food is **spiked** if:
- (a) it contains an intoxicating substance that:
    - (i) the victim does not expect it to contain; and
    - (ii) a reasonable person in the victim's position would not expect it to contain; or
  - (b) it contains more of an intoxicating substance than:
    - (i) the victim expects it to contain; and
    - (ii) a reasonable person in the victim's position would expect it to contain.
- (2) A person is guilty of an offence if the person:
- (a) spikes another's drink or food; or
  - (b) gives to another, or causes another to be given or to consume, spiked drink or food.

Fault elements:

- (a) knowledge that the victim does not know that the drink or food is spiked or recklessness as to whether the victim knows; and
- (b) an intention to do one or more of the following:
  - (i) to impair the victim's mental acuity and thus obtain an advantage from or over the victim;
  - (ii) to cause embarrassment or humiliation;
  - (iii) to cause harm (including unwanted intoxication).

Maximum penalty: Imprisonment for 2 years.

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**6 Amendment of Schedule 1**

Schedule 1

*omit*

Section 192 (Sexual intercourse and gross indecency without consent)

*substitute*

Section 176A (Drink or food spiking)

Section 192 (Sexual intercourse and gross indecency without consent)