A Bill for an Act to amend the *Criminal Code Act*
# TABLE OF PROVISIONS

<table>
<thead>
<tr>
<th></th>
<th>Provision</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short title</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Commencement</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Act amended</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Repeal and substitution of Part VI, Division 4 heading</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Division 4, Miscellaneous offences against the person</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>New section 176A</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>176A Drink or food spiking</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Amendment of Schedule 1</td>
<td>3</td>
</tr>
</tbody>
</table>
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
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.
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)