



New South Wales

# Crimes Amendment (Contamination of Goods) Act 1997 No 89

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New South Wales

# Crimes Amendment (Contamination of Goods) Act 1997 No 89

Act No 89, 1997

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An Act to amend the *Crimes Act 1900* and the *Criminal Procedure Act 1986* with respect to the contamination of goods. [Assented to 4 November 1997]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

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

**2 Commencement**

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.

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## 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

### [2] Part 3C

Insert after Part 3B:

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

##### **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.

*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.

(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
- (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 through public awareness of the contamination,

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

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

is liable to imprisonment for 10 years.

- (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**

- (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
- (b) with the intention of thereby:
  - (i) causing public alarm or anxiety, or
  - (ii) causing economic loss through public awareness of the contamination,

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.
- (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.

**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:
  - (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.
- (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.

**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
  - (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.
- (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.
- (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.
- (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).
- (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.

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

(Section 4)

**Part 9A, Table 1**

Insert after item 10:

**10A Offences relating to contamination of goods**

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

[Minister's second reading speech made in—  
Legislative Assembly on 17 September 1997  
Legislative Council on 21 October 1997]