



**CRIMINAL LAW CONSOLIDATION (CONTAMINATION OF GOODS)  
AMENDMENT ACT 1999**

**No. 2 of 1999**

**SUMMARY OF PROVISIONS**

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2. Insertion of new Part

**PART 7A**

**GOODS CONTAMINATION AND COMPARABLE OFFENCES**

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**ELIZABETHAE II REGINAE**

A.D. 1999

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No. 2 of 1999

An Act to amend the Criminal Law Consolidation Act 1935.

[Assented to 11 March 1999]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Criminal Law Consolidation (Contamination of Goods) Amendment Act 1999*.

(2) The *Criminal Law Consolidation Act 1935* is referred to in this Act as "the principal Act".

**Insertion of new Part**

2. The following Part is inserted after section 258 of the principal Act:

**PART 7A**

**GOODS CONTAMINATION AND COMPARABLE OFFENCES**

**Interpretation**

259. In this Part—

"act prejudicing public health or safety" includes—

- (a) interference with the provision of water, electricity, gas, sewerage, drainage, or waste disposal in a way that prejudices, or could prejudice, the health or safety of the public;
- (b) interference with a transport or communication system in a way that prejudices, or could prejudice, the health or safety of the public;
- (c) interference with any other facility, system or service on which the health or safety of the public is dependent in a way that prejudices, or could prejudice, the health or safety of the public;

"benefit" extends to non-material benefits (or what might be conceived to be benefits)—so that a person who (for example) engages in conduct out of anger or malice is taken to gain a benefit from that conduct by indulging that anger or malice;

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"**consumer**" of goods means a purchaser of the goods or a person who consumes or uses the goods;

"**to contaminate**" goods means to contaminate or interfere with the goods;

"**goods**" means any article or substance offered for sale, or intended to be offered for sale, to the public;

"**public**" includes a section of the public (such as consumers of goods of a particular description);

"**threat**" includes—

- (a) a threat to be implied from conduct;
- (b) a conditional threat.

**Unlawful acts of goods contamination or other acts prejudicing the health or safety of the public**

**260.** (1) A person is guilty of an offence if the person commits an act to which this section applies intending—

- (a) to cause prejudice, to create a risk of prejudice, or to create an apprehension of a risk of prejudice, to the health or safety of the public; and
- (b) by doing so—
  - (i) to gain a benefit for himself, herself or another; or
  - (ii) to cause loss or harm to another; or
  - (iii) to cause public alarm or anxiety.

Maximum penalty: Imprisonment for 15 years.

(2) A person commits an act to which this section applies if the person—

- (a) contaminates goods or commits some other act prejudicing public health or safety; or
- (b) makes it appear that—
  - (i) goods have been, or are about to be, contaminated; or
  - (ii) some other act prejudicing public health or safety has been, or is about to be, committed; or
- (c) makes a threat to contaminate goods or to commit some other act prejudicing public health or safety; or
- (d) falsely claims that goods have been or are about to be contaminated, or some other act prejudicing public health or safety has been, or is about to be, committed.

(3) In this section, a reference to the contamination of goods is limited to contamination in a way that prejudices or could prejudice the health or safety of a consumer.

**Goods contamination unrelated to issues of public health and safety**

**261.** A person is guilty of an offence if the person—

- (a) contaminates goods; or
- (b) makes it appear that goods have been, or are about to be contaminated; or
- (c) threatens to contaminate goods; or
- (d) falsely claims that goods have been or are about to be contaminated,

intending—

- (e) to influence the public against purchasing the goods or goods of the relevant class or to create an apprehension that the public will be so influenced; and
- (f) by doing so—
  - (i) to gain a benefit for himself, herself or another; or
  - (ii) to cause loss or harm to another.

**Maximum penalty:** Imprisonment for 5 years.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor