

Legislative Council—No 64A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 8 February 2007

South Australia

**Criminal Law Consolidation (Drink Spiking)
Amendment Bill 2006**

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

- 4 Insertion of Part 3 Division 7C
 - Division 7C—Food and beverage spiking
 - 32C Spiking of food or beverages
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Law Consolidation (Drink Spiking) Amendment Act 2006*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Insertion of Part 3 Division 7C

After section 32B insert:

Division 7C—Food and beverage spiking

32C—Spiking of food or beverages

- 15 (1) A person is guilty of an offence if the person adds a substance, or causes a substance to be added, to any food or beverage intending to cause, or being recklessly indifferent as to causing, impairment of the consciousness or bodily function of another who will or might consume the food or beverage without knowledge of the presence of
- 20 the substance (whether at all or in the quantity added).

Maximum penalty: Imprisonment for 3 years.

(1a) A person is guilty of an offence if, between the hours of 9 pm on any day and 5 am on the following day, the person enters or remains in licensed premises while in possession of a prescription drug or controlled drug that—

- 5 (a) is such as to be capable of producing a state of intoxication in a person who consumes the drug; and
- (b) is not contained in packaging on which is affixed a prescribed label indicating that the drug was lawfully prescribed for or supplied to the person.

10 Maximum penalty: Imprisonment for 30 months.

(1b) It is a defence to a charge of an offence against subsection (1a) to prove that the prescription drug or controlled drug was lawfully prescribed for or supplied to the person or that the person had some other lawful reason for being in possession of the prescription drug or controlled drug.

(2) In this section—

controlled drug has the same meaning as in the *Controlled Substances Act 1984*;

food or beverage includes any solid or liquid substance prepared or intended for human consumption;

licensed premises means—

- 20 (a) licensed premises within the meaning of the *Liquor Licensing Act 1997*, other than premises in respect of which only a restaurant licence or residential licence is in force; and
- 25 (b) the premises defined in the casino licence, within the meaning of the *Casino Act 1997*, as the premises to which the licence relates;

prescribed label means a label required by law to be affixed to a prescription drug or controlled drug and specifying—

- 30 (a) the name (or business name) of the person by whom the drug is sold or supplied; and
- (b) the name of the person for whose use the drug is sold or supplied; and
- 35 (c) the trade name or the approved name of the drug or, if it does not have either a trade or approved name, its ingredients;

prescription drug has the same meaning as in the *Controlled Substances Act 1984*.