

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes (Amendment) Bill (No. 4) 1998

A BILL

FOR

An Act to amend the *Crimes Act 1900*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. **Short title**
This Act may be cited as the *Crimes (Amendment) Act (No. 4) 1998*.
- 5 2. **Commencement**
This Act commences on the day on which it is notified in the *Gazette*.
3. **Principal Act**
In this Act, "Principal Act" means the *Crimes Act 1900*.¹
4. **Insertion**
10 After Part XIA of the Principal Act the following Part is inserted:

“PART XIB—INTOXICATION

“428XA. Application

This Part applies to any offence (whether under this Act or otherwise) committed after the commencement of the Part.

5 **“428XB. Interpretation**

“(1) In this Part, unless the contrary intention appears—

‘intoxication’ means intoxication because of the influence of alcohol, a drug or any other substance.

10 “(2) For the purposes of this Part, intoxication is self-induced unless it came about—

(a) involuntarily;

(b) as a result of fraud, sudden or extraordinary emergency, accident, reasonable mistake, duress or force;

15 (c) from the administration of a drug for which a prescription is required and that was administered in accordance with the directions of the medical practitioner or dentist who prescribed the drug; or

(d) from the administration of a drug for which no prescription is required and that was administered—

20 (i) for a purpose recommended by the manufacturer; and

(ii) in accordance with the dosage level recommended in the manufacturer’s instructions.

“428XC. Intoxication in relation to offences

25 Evidence of self-induced intoxication cannot be considered in determining whether an act or omission that is an element of an offence was intended or voluntary.”

NOTE

Principal Act

1 Reprinted as at 30 November 1996. See also Act No 74, 1996, Nos 10, 23, 52, 86, 96 and 117, 1997, Nos , and , 1998