

Bomb Hoaxes – 2: s 321A(2)

Legislation

321A(2) Bomb hoaxes

- (2) Any person who, in Queensland or elsewhere, makes a statement or conveys information to another person that he or she knows or believes to be false, with the intention of inducing in that person or another person a belief that an explosive or noxious substance, acid or other thing of a dangerous or destructive nature is present in a place in Queensland, commits a crime.

Maximum penalty—5 years imprisonment.

Commentary

For notes on intention see **Benchbook No 59 – Intention**.

A substance which is itself not noxious may be a noxious thing in sufficient quantity: *Hennah* (1877) 13 Cox CC 547, *R v Cramp* (1880) 5 QBD 307, *R v Barton* (1931) 25 QJPR 81. It is a question of fact and degree whether the thing is noxious: *R v Marcus* (1981) 73 Cr App R 49.

Suggested Direction

The prosecution must prove beyond reasonable doubt that:

1. **The defendant made a statement [or conveyed information] to another person;**
2. **The defendant knew (or believed) this statement (or information) to be false;**
3. **The defendant intended that the person would be induced by the statement to believe that an explosive [or noxious substance or acid or other thing of a dangerous or destructive nature] was presenting or at some place in Queensland.**

It is immaterial that the defendant was not in Queensland when he or she made the statement.