Using Explosive Substance or Corrosive Fluid With Intent

s.47 (NSW) *Crimes Act*

s 47 Do any of the following with intent to burn maim disfigure disable, or do grievous bodily harm to, any person

cause any gunpowder or other explosive substance to explode,

send, or deliver to, or cause to be taken, or received by, any person, any explosive substance, or other dangerous or noxious thing,

put or lay at any place, or cast or throw at, or upon, or otherwise apply to, any person, any corrosive fluid or any destructive or explosive substance (including petrol)

Maximum Penalty: 25 years

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
1.	**SK** [15]	Mal throw destructive or explosive substance with intent to burn s.33 - Mal wound with intent to cause GBH	VG	Total: 7y NPP 3y 6m	AD	Breached probation for AR	Lured victim into park late at night – assaulted with rod – stomped on – petrol poured over victim but unable to set alight – close to worst case
	OZ [16] [2001] NSWCCA 492	Mal throw destructive or explosive substance with intent to burn s.33 - Mal wound with intent to cause GBH	VG	Total: 7y NPP 3y 6m	AD	Breached bail for AR and Agg BES	
2.	**Dinh** (21) (2010) 199 A Crim R 573 [2010] NSWCCA 74	Apply corrosive fluid Sched: 4 offences	PG (10%)	4y 6m NPP 2y 6m	Crown AA 6y NPP 4y	Drugs and assault police – breached suspended sentence	Attacked father's girlfriend in car park with spray bottle of acidic compound containing nitrate – planned offence – also armed with knife – in company – witnessed by two children – no substantial injuries Upset at father's relationship

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
3.	**Browning** (57) [2015] NSWCCA 147	Throw explosive substance with intent to burn Sched: Domestic violence offences	PG (25%)	7y 6m NPP 4y	AD	Minor old offences – more recent domestic offences	Followed estranged wife in car – chased her up driveway then poured petrol over her – unable to light petrol dur to intervention of teenagers – poured more petrol on ground under car containing victim's elderly mother and towards victim – attempted unsuccessfully to light petrol – victim suffered minor burns – mid-range – no premeditation Major depressive illness
4.	**Nydegger** (44) [2024] NSWCCA 232	Throw explosive substance with intent to burn	PG (25%)	6y 9m NPP 4y 4m	AD	Drugs, driving.	Threw petrol at male friend – victim suffered burns to 11% of total body surface, including hands, face, neck, left thigh and chest - believed victim said something of a personally threatening nature – delusional belief, psychotic illness (schizophrenia) - accepts victim did not in fact say anything – spontaneous offence. Schizophrenia substantial contributing factor - substance use disorder – mental illness – prior good character.

Last Updated: December 2024