



Queensland

# Criminal Practice Amendment Rule (No. 1) 2010

## Subordinate Legislation 2010 No. 187

made under the

*Supreme Court of Queensland Act 1991*

## Contents

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|   |   | Page |
|---|---|------|
| 1 | Short title . . . . .   | 2    |
| 2 | Rules amended . . . . .   | 2    |
| 3 | Amendment of r 61 (Recording proceedings on indictment) . . . . .   | 2    |
| 4 | Amendment of sch 3 (Forms for indictments, informations and complaints—statement of offences under the Code) . . . . .                  | 2    |
| 5 | Amendment of sch 4 (Forms for indictments, informations and complaints—statement of offences under the Drugs Misuse Act 1986) . . . . . | 31   |

[s 1]

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**1 Short title**

This rule may be cited as the *Criminal Practice Amendment Rule (No. 1) 2010*.

**2 Rules amended**

This rule amends the *Criminal Practice Rules 1999*.

**3 Amendment of r 61 (Recording proceedings on indictment)**

(1) Rule 61(1)—

*insert—*

‘(da) any request made to the judge for a redirection by the judge to the jury;

(db) any redirection given by the judge to the jury;’.

(2) Rule 61(1)(da) to (g)—

*renumber* as rule 61(1)(e) to (i).

**4 Amendment of sch 3 (Forms for indictments, informations and complaints—statement of offences under the Code)**

(1) Schedule 3, forms 8, 9 and 10—

*omit*.

(2) Schedule 3, form 13, from ‘Advisedly’ to ‘calculated’—

*omit, insert—*

‘Did [*describe the act done*] intending’.

(3) Schedule 3, form 14, after ‘Executive Council’—

*insert—*

‘of Queensland’.

(4) Schedule 3, form 14, ‘injury (*or* detriment)’—

*omit, insert—*

‘detriment’.

- (5) Schedule 3, form 15, ‘Advisedly and by force (*or* fraud)’—

*omit, insert—*

‘By force (*or* fraud) intentionally’.

- (6) Schedule 3, forms 16, 19 and 20—

*omit.*

- (7) Schedule 3, chapter 9, heading, ‘Unlawful assemblies—breaches’—

*omit, insert—*

**‘Breaches’.**

- (8) Schedule 3, form 26—

*omit, insert—*

## **‘Form 26                      Riot**

### **(Section 61. Riot)**

Was one of 12 or more persons who were present together and used (*or* threatened to use) unlawful violence to EF (*or* property) for a common purpose and the conduct of them taken together would cause a person in the vicinity to reasonably fear for the person’s personal safety.

And caused grievous bodily harm to EF (*or* GH *or* KQ).

And caused an explosive substance to explode *or* destroy (*or* start to destroy) a building (*or* vehicle *or* machinery).

And AB was armed with a dangerous (*or* offensive) weapon (*or* instrument *or* explosive substance).

And property was damaged.’.

- (9) Schedule 3, forms 27 to 29—

*omit.*

- (10) Schedule 3, forms 31 and 32, ‘apprehension of) a breach of the peace’—

*omit, insert—*

‘fear of) unlawful violence to EF (*or* GH *or* property)’.

[s 4]

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(11) Schedule 3, form 33, ‘highway’—

*omit, insert—*

‘place’.

(12) Schedule 3, forms 34 and 37—

*omit.*

(13) Schedule 3, form 39—

*omit, insert—*

## **‘Form 39 Piracy**

**(Section 79. Definition of *act of piracy*)**

**(Section 80. Crime of piracy)**

[*Delete the reference to place in the formal part and continue*]: Within the territorial jurisdiction of Queensland

Did an act of piracy.’.

(14) Schedule 3, forms 40 and 41—

*omit.*

(15) Schedule 3, after form 48—

*insert—*

## **‘Form 48A Misconduct in relation to public office**

**(Section 92A. Misconduct in relation to public office)**

1 Being a public officer, dealt with information gained because of public office (*or performed (or failed to perform) a function of office, or did an act [specify act or acts] (or made an omission [specify omission or omissions]) in abuse of the authority of office*), with intent to dishonestly gain a benefit for himself (*or herself (or EF)*).

2 Who had ceased to be a public officer in his (*or her*) capacity as (*specify capacity*), dealt with information gained because of that capacity with intent to dishonestly gain a benefit for himself (*or herself (or EF) (or to dishonestly cause a detriment to EF)*).

(16) Schedule 3, forms 54 to 57—

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*omit, insert—*

**‘Form 54**                    **Giving false (or misleading) information at Legislative Assembly (or Brisbane City Council) election (or referendum)**

**(Section 98B. False and misleading information)**

Gave information (in a document) to the Electoral Commission of Queensland under the *Electoral Act 1992* (or the *Referendums Act 1997*) that AB knew was false (or misleading) in a material particular.

**‘Form 54A**                    **Bribery at Legislative Assembly (or Brisbane City Council) election (or referendum)**

**(Section 98C. Bribery)**

1     Asked for (or Received or Offered (or Agreed) to ask for (or receive)) [state benefit] for himself (or herself or OP) on the understanding that his (or her) election conduct would be influenced (or affected).

2     Gave [state benefit] to EF (or OP) in order to influence (or affect) EF’s election conduct.

**‘Form 54B**                    **Forging (or Uttering) electoral (or referendum) paper at Legislative Assembly (or Brisbane City Council) election (or referendum)**

**(Section 98D. Forging or uttering electoral or referendum paper)**

1     Forged an electoral (or referendum) paper (or Uttered a forged electoral (or referendum) paper knowing it was forged).

2     Made the signature of EF on an electoral (or referendum) paper without being authorised to do so under the *Electoral Act 1992* (or the *Referendums Act 1997*).

[s 4]

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**‘Form 54C**                    **Influencing voting at Legislative  
Assembly (or Brisbane City  
Council) election (or referendum)**

**(Section 98E. Influencing voting)**

Improperly influenced the vote of EF, a person at an election (*or* referendum).

**‘Form 54D**                    **Providing money for an illegal  
payment**

**(Section 98F. Providing money for illegal payments)**

Knowingly provided money for a payment (*or* to replace money that had been spent in making a payment) that was contrary to [*state the provision breached*].

**‘Form 54E**                    **Voting when not entitled at  
Legislative Assembly (or Brisbane  
City Council) election (or  
referendum)**

**(Section 98G. Voting if not entitled)**

At an election (*or* referendum)—

- 1 Voted in the name of EF; *or*
- 2 Voted more than once; *or*
- 3 Knowingly cast a vote that he (*or* she) was not entitled to cast; *or*
- 4 Procured EF to vote and to his (*or* her) knowledge EF was not entitled to vote.

**‘Form 54F**                    **Voting when not entitled**

**(Section 99. Voting if not entitled)**

- 1 Voted at an election in the name of EF.

- 
- 2 Voted at an election more often than he (*or* she) was entitled to vote.
  - 3 Cast a vote at an election that he (*or* she) knew he (*or* she) was not entitled to cast.
  - 4 Procured EF to vote at an election when, to his (*or* her) knowledge, EF was not entitled to vote at the election.
  - 5 Attested the signature of EF to a voting paper at an election for which the voting was by post when, to his (*or* her) knowledge, EF was not entitled to vote at the election by way of the voting paper.

### **'Form 55                      Hindering (*or* Interfering) with voting conduct**

#### **(Section 100. Hindering or interfering with voting conduct)**

- 1 In order to hinder (*or* interfere with) EF's voting conduct,
  - (a) acted fraudulently; *or*
  - (b) used (*or* threatened to use) force against EF (*or* GF); *or*
  - (c) caused (*or* threatened to cause) a detriment to EF (*or* GF).
- 2 Caused (*or* Threatened to cause) a detriment to EF because of EF's (*or* GF's) voting conduct.

### **'Form 56                      Bribery at an election**

#### **(Section 101. Bribery)**

- 1 Asked for (*or* Received *or* Offered (*or* Agreed) to ask for (*or* receive)) [*state benefit*] for himself (*or* herself *or* GH) on the understanding that his (*or* her) election conduct would be influenced (*or* affected).
- 2 Gave (*state benefit*) to EF (*or* GH) in order to influence (*or* affect) EF's election conduct.

### **'Form 57                      Publishing false information about a candidate**

#### **(Section 102. Publishing false information about a candidate)**

[s 4]

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Knowingly published, before (*or* during) an election, false information about—

- (a) a candidate's personal character (*or* conduct); or
  - (b) whether a candidate had withdrawn from the election;
- in order to affect the election result.'.

(17) Schedule 3, forms 60 to 62—

*omit.*

(18) Schedule 3, form 63, item 1—

*omit.*

(19) Schedule 3, forms 65 to 73—

*omit, insert—*

## **'Form 65                      Stuffing ballot boxes**

### **(Section 110. Stuffing ballot boxes)**

Wilfully puts in a ballot box a ballot paper that has not been lawfully handed to and marked by an elector.

## **'Form 66                      Election offence as a presiding officer**

### **(Section 111. Presiding officer helping an elector with a disability)**

Being a presiding officer at an election, wilfully failed to mark the ballot paper of EF, who is blind (*or* unable to vote without help), in the way requested by EF and in the sight of GH (*or* anyone else) lawfully present.

## **'Form 67                      Giving false (*or* misleading) information**

### **(Section 112. False or misleading information)**

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Gave to EF, under the [*specify the authorising Act for the election*] and for a purpose relating to an election, information that AB knew was false (*or misleading*) in a material particular.

## **‘Form 68**                      **Interfering with secrecy at an election**

### **(Section 113. Interfering with secrecy at elections)**

1     Unfolded a ballot paper that was marked and folded by EF, an elector, at the election.

2     Being an officer at an election, ascertained (*or discovered or attempted to ascertain (or discover)*) how EF voted at the election.

3     Being an officer at an election, disclosed information about how EF voted at the election.

4     Being an officer at an election, placed a mark (*or writing*) on EF’s ballot paper.

## **‘Form 69**                      **Breaking seal of a parcel used at an election**

### **(Section 114. Breaking the seal of a parcel at elections)**

Wilfully opened (*or broke the seal of*) a parcel sealed under the [*state authorising Act for the election*].’.

(20)    Schedule 3, form 74A, ‘or detriment’—

*omit, insert—*

‘(*or detriment*)’.

(21)    Schedule 3, form 74A—

*insert—*

‘4     Caused (*or threatened to cause*) an injury (*or detriment*) to EF, a member of a community justice group (*or MN, a member of the family of EF, a member of a community justice group*), without reasonable cause, in retaliation because EF (*or RQ, a representative of the community justice*

[s 4]

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group) made a submission to [*state the Court or EQ, a police officer*] under the [*state the Act*] about AB (or BA) [*describe the thing done*].’.

(22) Schedule 3, form 80, item 3, after ‘Asked’—

*insert—*

‘for’.

(23) Schedule 3, form 82—

*omit, insert—*

## **‘Form 82                      Damaging evidence with intent**

### **(Section 129. Damaging evidence with intent)**

Knowing that [*describe thing*], was (or might be) needed in evidence in a judicial proceeding, namely [*describe it*], damaged it with intent to stop it from being used in evidence.’.

(24) Schedule 3, form 83, ‘in accordance with’—

*omit, insert—*

‘pursuant to’.

(25) Schedule 3, form 86—

*omit, insert—*

## **‘Form 86                      Compounding an indictable offence (with a circumstance of aggravation)**

### **(Section 133. Compounding an indictable offence)**

Asked for (or Received or Obtained or Agreed (or Attempted) to receive (or obtain)) [*state the property or benefit*] for himself (or herself) (or MN) on an agreement (or understanding) that he (or she), would compound (or conceal) (or abstain from or discontinue or delay the prosecution of) the indictable offence of [*state offence e.g. by using the schedule form heading*] (or would withhold evidence of the indictable offence of [*state offence e.g. by using the schedule form heading*]).

And the indictable offence was such that a person convicted of it was liable to be sentenced to imprisonment for life.’.

(26) Schedule 3, forms 87 to 89—

*omit.*

(27) Schedule 3, form 90—

*omit, insert—*

## **‘Form 90                    Acting as a justice with a personal interest**

### **(Section 136. Justices exercising jurisdiction in a matter of personal interest)**

Being a justice, wilfully and perversely exercised jurisdiction in a matter in which he (*or she*) had a personal interest, namely, [*describe the interest*].’.

(28) Schedule 3, forms 91 and 99—

*omit.*

(29) Schedule 3, form 102—

*omit, insert—*

## **‘Form 102                  Making a false verified statement**

### **(Section 193. False verified statements)**

### **(Section 195A. Contradictory statements—false statements or declarations)**

1 Made a verified statement, required by law to be made on oath [*or describe the sanction substituted for an oath*] (*or* by solemn declaration (*or* affirmation)) knowing that it was false in a material particular, namely [*set out false statement*].

2 Made 2 verified statements, required by law to be made on oath [*or describe the sanction substituted for an oath*] (*or* by solemn declaration (*or* affirmation)), 1 of which is irreconcilably in conflict with the other, and made 1 of the verified statements knowing that it was false in a material particular.’.

(30) Schedule 3, forms 106 to 108—

*omit.*

(31) Schedule 3, forms 118 to 120—

*omit, insert—*

[s 4]

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**‘Form 118**                      **(Attempted) carnal knowledge of a person with an impairment of the mind (under care *or* as a guardian)**

**(Section 216. Abuse of persons with an impairment of the mind)**

Had (*or* Attempted to have) unlawful carnal knowledge of EF, a person with an impairment of the mind.

And AB was the guardian of EF.

And AB had EF under his (*or her*) care.

**‘Form 119**                      **Indecent dealing with a person with an impairment of the mind (who is a lineal descendant, under care, *or* as a guardian)**

**(Section 216. Abuse of persons with an impairment of the mind)**

1 Unlawfully and indecently dealt with EF, a person with an impairment of the mind.

And EF was, to the knowledge of AB, his (*or her*) lineal descendant.

And AB was the guardian of EF.

And AB had EF under his (*or her*) care.

2 Unlawfully procured EF, a person with an impairment of the mind, to commit an indecent act.

And EF was, to the knowledge of AB, his (*or her*) lineal descendant.

And AB was the guardian of EF.

And AB had EF under his (*or her*) care.

3 Unlawfully permitted himself (*or herself*) to be indecently dealt with by EF, a person with an impairment of the mind.

And EF was, to the knowledge of AB, his (*or her*) lineal descendant.

And AB was the guardian of EF.

And AB had EF under his (*or her*) care.

4 Wilfully and unlawfully exposed EF, a person with an impairment of the mind, to an indecent act by AB (*or* GH *or* another person).

And EF was, to the knowledge of AB, his (*or* her) lineal descendant.

And AB was the guardian of EF.

And AB had EF under his (*or* her) care.

5 Without legitimate reason, wilfully exposed EF, a person with an impairment of the mind, to an indecent object (*or* indecent film, videotape, audiotape, picture, photograph, *or* printed *or* written matter).

And EF was, to the knowledge of AB, his (*or* her) lineal descendant.

And AB was the guardian of EF.

And AB had EF under his (*or* her) care.

6 Without legitimate reason, took an indecent photograph (*or* recorded an indecent visual image) of EF, a person with an impairment of the mind.

And EF was, to the knowledge of AB, his (*or* her) lineal descendant.

And AB was the guardian of EF.

And AB had EF under his (*or* her) care.

## **‘Form 120                      Procuring a young person (*or* a person with an impairment of the mind) for carnal knowledge**

### **(Section 217. Procuring young person etc. for carnal knowledge)**

Procured EF, who was not an adult, (*or* who was a person with an impairment of the mind) to engage in carnal knowledge.’.

(32) Schedule 3, form 121, item 3—

*omit, insert—*

‘3 Administered a drug (*or* [*describe other thing*]) to EF (*or* Caused EF to take a drug (*or* [*describe other thing*])) with intent to stupefy (*or* overpower) him (*or* her), to enable a sexual act to be engaged in with EF.’.

(33) Schedule 3, after form 121—

*insert—*

[s 4]

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**‘Form 121A                    Using electronic communication to procure a child under 16 (or under 12)**

**(Section 218A. Using internet etc. to procure children under 16)**

1     Being an adult, used electronic communication with intent to procure EF, a person under 16 years (*or* a person AB believed was under 16 years) to engage in a sexual act.

And (AB believed) EF was a person under 12 years.

2     Being an adult, used electronic communication with intent to expose, without legitimate reason, EF, a person under 16 years (*or* a person AB believed was under 16 years) to indecent matter.

And (AB believed) EF was a person under 12 years.’.

(34) Schedule 3, after form 128—

*insert—*

**‘Form 128A                    Observation (or Recording) in breach of privacy**

**(Section 227A. Observations or recordings in breach of privacy)**

1     Without EF’s consent, observed (*or* visually recorded) EF, in circumstances where a reasonable adult would expect to be afforded privacy and EF was in a private place (*or* engaging in a private act and the observation (*or* visual recording) was made for the purpose of observing (*or* visually recording) a private act).

2     Without EF’s consent, observed (*or* visually recorded) EF’s genital (*or* anal) region, in circumstances where a reasonable adult would expect to be afforded privacy in relation to the region and the observation (*or* visual recording) was made for the purpose of observing (*or* visually recording) EF’s genital (*or* anal) region.

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**‘Form 128B                    Distributing prohibited visual recordings**

**(Section 227B. Distributing prohibited visual recordings)**

Distributed a prohibited visual recording of EF, without his (*or* her) consent, and AB had reason to believe it was a prohibited visual recording.’.

(35) Schedule 3, after form 129—

*insert—*

**‘Form 129A                    Involving a child in making child exploitation material**

**(Section 228A. Involving child in making child exploitation material)**

Involved EF, a child, in the making of child exploitation material.

**‘Form 129B                    Making child exploitation material**

**(Section 228B. Making child exploitation material)**

Made child exploitation material.

**‘Form 129C                    Distributing child exploitation material**

**(Section 228C. Distributing child exploitation material)**

Distributed child exploitation material.

**‘Form 129D                    Possessing child exploitation material**

**(Section 228D. Possessing child exploitation material)**

Knowingly possessed child exploitation material.’.

[s 4]

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(36) Schedule 3, form 131, heading ‘(with a circumstance of aggravation)’—

*omit.*

(37) Schedule 3, form 131, ‘relationship of a sexual nature’—

*omit, insert—*

‘sexual relationship’.

(38) Schedule 3, forms 132, 133, 134, 135 and 137, ‘an intellectually impaired person’—

*omit, insert—*

‘a person with an impairment of the mind’.

(39) Schedule 3, form 138—

*omit.*

(40) Schedule 3, forms 140 to 142—

*omit, insert—*

## **‘Form 140                      Operating a place for unlawful games**

### **(Section 232. Operating a place for unlawful games)**

Operated a place for the purpose of conducting (*or* playing) an unlawful game.’.

(41) Schedule 3, after form 160—

*insert—*

## **‘Form 160A                      Unlawful drink spiking**

### **(Section 316A. Unlawful drink spiking)**

Administered (*or* Attempted to administer) in drink a substance to EF without him (*or* her) having knowledge of the substance with intent to cause EF to be stupefied (*or* overpowered).’.

(42) Schedule 3, form 162—

*insert—*

‘4 Knowingly sent, by vehicle, dangerous goods under a false description of the goods (*or* with a false description of the sender of the goods).’.

(43) Schedule 3, form 164—

*omit, insert—*

**‘Form 164 Intentionally endangering the safety of a person travelling in a vehicle**

**(Section 319. Endangering the safety of a person in a vehicle with intent)**

With intent to injure (*or* endanger) the safety of (EF) a person in a vehicle [*describe thing done or omitted*] which endangered (*or* was likely to endanger) the safe use of the vehicle.’.

(44) Schedule 3, form 170—

*omit, insert—*

**‘Form 170 Administering poison with intent to harm (with circumstance of aggravation)**

**(Section 322. Administering poison with intent to harm)**

Unlawfully, and with intent to injure (*or* annoy) EF, caused poison (*or* a noxious thing, namely, [*describe it*]), to be administered to (*or* taken by) EF (*or* GH),

And the poison (*or* noxious thing) endangered the life of EF (*or* GH) (*or* did grievous bodily harm to EF (*or* GH)).’.

(45) Schedule 3, forms 174 and 175—

*omit.*

(46) Schedule 3, form 178, after second paragraph—

*insert—*

‘And at the time of committing the offence, AB was excessively speeding (*or* taking part in an unlawful race (*or* speed trial)).’.

(47) Schedule 3, form 179—

*omit, insert—*

[s 4]

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**‘Form 179                      Dangerous operation of a vehicle causing death (or grievous bodily harm) (while adversely affected by an intoxicating substance or excessively speeding or taking part in an unlawful race (or speed trial) (or before leaving the scene))**

**(Section 328A. Dangerous operation of a vehicle)**

Dangerously operated (or Dangerously interfered with the operation of) a vehicle in [*place*], and caused the death of (or grievous bodily harm to) EF.

And at the time of committing the offence AB was adversely affected by an intoxicating substance (namely, alcohol, and the concentration of alcohol in his (or her) blood at the time equalled (or exceeded) 150mg of alcohol per 100ml of blood).

And at the time of committing the offence, AB was excessively speeding.

And at the time of committing the offence, AB was taking part in an unlawful race (or speed trial).

And AB knew (or ought reasonably to have known), that EF had been killed (or injured) and AB left the scene of the incident before a police officer arrived.’.

(48) Schedule 3, forms 182 and 183—

*omit.*

(49) Schedule 3, form 184, ‘and shipping dangerous goods’—

*omit.*

(50) Schedule 3, forms 185 and 190—

*omit.*

(51) Schedule 3, form 191, ‘(or injury or detriment)’—

*omit, insert—*

‘(or detriment)’.

(52) Schedule 3, form 193—

*omit, insert—*

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**'Form 193**                      **Serious assault****(Section 340. Serious assaults)**

1     Assaulted EF with intent to commit a crime, (*or* with intent to resist (*or* prevent) the lawful arrest (*or* detention) of him (*or* her) (*or* of MN)).

2     Assaulted (*or* Resisted *or* Wilfully obstructed) EF, a police officer, (*or* GH, who was acting in aid of EF, a police officer), while EF was acting in the execution of his (*or* her) duty.

3     Unlawfully assaulted EF, while he (*or* she) was performing a duty imposed by law [*describe duty*].

4     Assaulted EF, because he (*or* she) had performed a duty imposed by law [*describe duty*].

5     Assaulted EF, in pursuance of an unlawful conspiracy respecting—

- (a) the [*describe the manufacture, trade, business or occupation*]; *or*
- (b) GH who was concerned (*or* employed) in the [*describe the manufacture, trade, business or occupation*]; *or*
- (c) the wages of GH who was concerned (*or* employed) in the [*describe the manufacture, trade, business or occupation*].

6     Unlawfully assaulted EF, who was 60 years or more.

7     Unlawfully assaulted EF, who relied on a guide, hearing or assistance dog (*or* wheelchair, *or* [*describe the remedial device*]).

8     Being a prisoner, unlawfully assaulted EF, a working corrective services officer.

9     Unlawfully assaulted (*or* Resisted *or* Wilfully obstructed) EF, a public officer while he (*or* she) was performing a function of his (*or* her) office, namely [*describe function*].

10    Assaulted EF, a public officer because he (*or* she) performed a function of his (*or* her) office, namely [*describe function*].’.

(53) Schedule 3, form 203—

*omit, insert—*

[s 4]

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**‘Form 203                      Unlawful custody of patients under  
Mental Health Act 2000**

**(Section 358. Unlawful custody of patient under Mental Health Act 2000)**

Detained [*or* Assumed the custody of] EF, an involuntary patient under the *Mental Health Act 2000* contrary to the provisions of [*name the applicable law*].’.

(54) Schedule 3, form 204, ‘do an injury (*or* cause detriment)’—

*omit, insert—*

‘cause a detriment’.

(55) Schedule 3, form 211—

*omit, insert—*

**‘Form 211                      Cruelty to a child under 16**

**(Section 364. Cruelty to children under 16)**

Having the lawful care (*or* charge) of EF, a child under 16 years, caused harm to him (*or* her) by—

- (a) failing to provide him (*or* her) with adequate food (*or* clothing, *or* medical treatment, *or* accommodation, *or* care), when it was available to AB from his (*or* her) own resources; *or*
- (b) failing to take all lawful steps to obtain adequate food (*or* clothing, *or* medical treatment, *or* accommodation, *or* care) when it was not available to AB from his (*or* her) own resources; *or*
- (c) deserting him (*or* her); *or*
- (d) leaving him (*or* her) without means of support.

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**‘Form 211A                      Leaving a child under 12  
unattended**

**(Section 364A. Leaving a child under 12 unattended)**

Left EF, a child under 12 years in AB’s lawful care (*or* charge), for an unreasonable time without making reasonable provision for the supervision and care of EF during that time.

**‘Chapter 35                      Criminal defamation**

**‘Form 211B                      Criminal defamation**

**(Section 365. Criminal defamation)**

Without lawful excuse, published matter defamatory of EF knowing the matter to be false (*or* without having regard to whether the matter is true or false) and intending to cause serious harm to EF (*or* any other person) (*or* without having regard to whether serious harm is caused to EF (*or* any other person)).’.

(56) Schedule 3, forms 213 and 214—

*omit, insert—*

**‘Form 213                      Stealing a testamentary instrument**

**(Section 391. Definition of *stealing*)**

**(Section 398. Punishment of stealing, punishment in special cases, stealing wills)**

**(Section 568(1). Cases in which several charges may be joined)**

Stole a testamentary instrument, namely [*describe it*].

[s 4]

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**‘Form 214                      Stealing stock**

**(Section 391. Definition of *stealing*)**

**(Section 398. Punishment of stealing, punishment in special cases, stealing stock)**

**(Section 568(1). Cases in which several charges may be joined)**

Stole a [*describe the animal stolen*] (*see s.1, definition “stock” and section 398, special case 2*), the property of EF.’.

(57) Schedule 3, form 232—

*omit, insert—*

**‘Form 232                      Fraudulently concealing a register  
(or record, or document recording  
title to property or testamentary  
instrument)**

**(Section 399. Fraudulent concealment of particular documents)**

With intent to defraud, concealed (part of) a register (*or record*) kept by [*describe lawful authority*] (*or a document recording title to property or a testamentary instrument*).’.

(58) Schedule 3, forms 233, 234, 236, 238 and 239—

*omit.*

(59) Schedule 3, form 240—

*omit, insert—*

**‘Form 240                      Unlawfully using (or possessing) a  
motor vehicle (or aircraft or vessel)  
(to facilitate the commission of an  
indictable offence, with damage)**

**(Section 408A. Unlawful use or possession of motor vehicles, aircraft or vessels)**

1 Unlawfully used a motor vehicle (*or an aircraft or a vessel*) without the consent of EF, the person in lawful possession of it.

And AB used (*or* intended to use) the motor vehicle (*or* aircraft *or* vessel) to facilitate the commission of an indictable offence.

And AB wilfully destroyed (*or* damaged *or* removed *or* interfered with) (part of) the mechanism of (*or* part of *or* equipment attached to) the motor vehicle (*or* aircraft *or* vessel).

And AB intended to destroy (*or* damage *or* remove *or* interfere with) (part of) the mechanism of (*or* part of *or* equipment attached to) the motor vehicle (*or* aircraft *or* vessel).

2 Had in his (*or* her) possession a motor vehicle (*or* an aircraft *or* a vessel) without the consent of EF, the person in lawful possession of it, with intent to temporarily (*or* permanently) deprive its owner (*or* the person in lawful possession of it) of the use and possession of it.

And AB used (*or* intended to use) the motor vehicle (*or* aircraft *or* vessel) to facilitate the commission of an indictable offence.

And AB wilfully destroyed (*or* damaged *or* removed *or* interfered with) (part of) the mechanism of (*or* part of *or* equipment attached to) the motor vehicle (*or* aircraft *or* vessel).

And AB intended to destroy (*or* damage *or* remove *or* interfere with) (part of) the mechanism of (*or* part of *or* equipment attached to) the motor vehicle (*or* aircraft *or* vessel).’.

(60) Schedule 3, form 241, ‘\$5000’—

*omit, insert—*

‘\$30000’.

(61) Schedule 3, form 242, ‘Section 408D’—

*omit, insert—*

**‘Section 408E’.**

(62) Schedule 3, form 242, as amended—

*renumber* as form 242A.

(63) Schedule 3, after form 241—

*insert—*



- (c) gave a certificate of (*or* information) [*describe the certificate or information*] that was false in a material particular, namely [*describe*]; *or*
- (d) falsified (*or* destroyed *or* altered *or* damaged) a [*describe the record*]; *or*
- (e) produced (*or* made use of) a [*describe the record*] that he (*or* she) knew was false in a material particular, namely [*describe*].

## **‘Form 260                      False accounting as a public officer**

### **(Section 431. False accounting by public officer)**

Being an officer charged with the receipt (*or* custody *or* management) of (part of) public revenue (*or* property), knowingly furnished a false statement (*or* return) of money (*or* property) received by him (*or* her) (*or* entrusted to his (*or* her) care) (*or* of a balance of money (*or* property) and in his (*or* her) possession *or* under his (*or* her) control).’.

(67) Schedule 3, form 263—

*omit, insert—*

## **‘Form 263                      Dishonestly taking a reward**

### **(Section 435. Taking reward for recovery of property obtained by way of indictable offences)**

Dishonestly received (*or* obtained) (*or* Dishonestly agreed to receive (*or* obtain)) [*describe property or benefit*] on an agreement (*or* understanding) that he (*or* she) would help EF to recover [*describe property*] which had been obtained by way of [*describe the act constituting an indictable offence*] without having used all due diligence to cause the offender to be brought to trial for the offence.’.

(68) Schedule 3, chapter 42—

*omit.*

(69) Schedule 3, form 277, ‘cow (*or* [*describe the animal*])’—

*omit, insert—*

‘[*describe the animal capable of being stolen*]’.

(70) Schedule 3, form 278—

*omit, insert—*

**‘Form 278                      Using registered brand with  
criminal intention**

**(Section 444B. Using registered brands with criminal intention)**

With intent to facilitate the commission of a crime, branded (*or* marked) a [*describe the animal*] with the registered brand (*or* mark) of EF without his (*or* her) permission.’.

(71) Schedule 3, form 279, ‘horse (*or* [*describe the animal*])’—

*omit, insert—*

‘[*describe the animal that is stock*]’.

(72) Schedule 3, form 280, ‘horse (*or* [*describe the animal*]), which animal’—

*omit, insert—*

‘[*describe the animal that is stock*], which’.

(73) Schedule 3, form 281, ‘horse (*or* [*describe the animal*])’—

*omit, insert—*

‘[*describe the animal that is stock*]’.

(74) Schedule 3, form 282, ‘horse (*or* [*describe the animal*])’—

*omit, insert—*

‘[*describe the animal that is stock*]’.

(75) Schedule 3, form 283—

*omit, insert—*

**‘Form 283                      Possessing stock with a defaced  
brand**

**(Section 448A. Having in possession stock with defaced brand)**

Was found in possession (*or* with the custody) of a [*describe the animal that is stock*] on which the registered brand (*or* mark) had (*or* was reasonably suspected of having) been altered (*or* defaced, *or* rendered indistinguishable).’.

(76) Schedule 3, chapter 44B—

*omit.*

(77) Schedule 3, form 287—

*omit, insert—*

**‘Form 287                      Endangering particular property by fire**

**(Section 462. Endangering particular property by fire)**

Wilfully and unlawfully set fire to [*describe thing*] which was situated so that [*describe thing*] was likely to catch fire from it.’.

(78) Schedule 3, forms 289 to 291—

*omit.*

(79) Schedule 3, form 292—

*omit, insert—*

**‘Form 292                      Endangering the safe use of a vehicle (or related transport infrastructure)**

**(Section 467. Endangering the safe use of vehicles and related transport infrastructure)**

With intent to prejudice the safe use of a vehicle (*or [specify related transport infrastructure]*) *or* to injure property in (*or on*) a vehicle (*or [specify related transport infrastructure]*), [*describe act or omission*] which endangered (*or was likely to endanger*) the safe use of the vehicle (*or [specify related transport infrastructure]*).’.

(80) Schedule 3, form 293—

*omit.*

(81) Schedule 3, form 294—

*omit, insert—*

**‘Form 294                      Injuring an animal (at night)**

**(Section 468. Injuring animals)**

[s 4]

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Wilfully and unlawfully killed (*or* maimed *or* wounded) a [*describe the animal capable of being stolen*], the property of EF (at night).’.

(82) Schedule 3, forms 296 and 297—

*omit, insert—*

**‘Form 296                      Wilful damage (or destruction)  
   endangering life**

**(Section 469. Wilful damage, punishment in special cases,  
destroying or damaging premises by explosion)**

Wilfully and unlawfully destroyed (*or* damaged) premises, by an explosion, and GH was in the premises when the explosion happened (*or* and the destruction (*or* damage) actually endangered the life of GH).

**‘Form 297                      Wilfully damaging a sea wall (or sea  
   bank or inland water or works  
   relating to a port (or inland water))**

**(Section 469. Wilful damage, punishment in special cases, sea  
walls and other property)**

Wilfully and unlawfully destroyed (*or* damaged) a bank (*or* wall) of the sea (*or* inland water) (*or* work relating to a port (*or* inland water)) and the destruction (*or* damage) caused actual danger of inundation (*or* damage) to land (*or* a building).’.

(83) Schedule 3, forms 298 and 299—

*omit.*

(84) Schedule 3, form 304—

*omit, insert—*

**‘Form 304                      Wilfully destroying (or damaging)  
   property of special value**

**(Section 469. Wilful damage, punishment in special cases, other  
things of special value)**

1     Wilfully and unlawfully destroyed (*or* rendered useless) a vessel.

2 Wilfully and unlawfully destroyed (*or* damaged) a light (*or* beacon *or* buoy *or* mark *or* signal) used for purposes of navigation (*or* for the guidance of sailors).

3 Wilfully and unlawfully destroyed (*or* damaged) a bank (*or* wall) of the sea (*or* inland water) (*or* work relating to a port (*or* inland water)).

4 Wilfully and unlawfully destroyed (*or* rendered useless) [*describe thing*], a manufacturing (*or* agricultural) machine (*or* a thing used (*or* intended for use) for manufacturing (*or* for performing a process connected with the preparation of agricultural produce)).

5 Wilfully and unlawfully destroyed (*or* damaged) a well (*or* bore) for water (*or* a dam *or* bank *or* wall *or* floodgate of a millpond (*or* pool)).’.

(85) Schedule 3, after form 307—

*insert—*

### **‘Form 307A Sabotage (*or* Attempted Sabotage)**

#### **(Section 469A. Sabotage and threatening sabotage)**

1 Wilfully and unlawfully destroyed (*or* damaged) a public facility with intent to cause major economic loss (*or* major disruption to government functions (*or* to the use of services by the public)).

2 Threatened to unlawfully destroy (*or* damage) a public facility with the intention of inducing EF (*or* another) to believe that the threat would be carried out and if it was carried out the threatened destruction (*or* damage) was likely to cause major economic loss (*or* major disruption to government functions (*or* to the use of services by the public)).’.

(86) Schedule 3, forms 309 and 310—

*omit, insert—*

### **‘Form 309 Unlawfully depositing explosive (*or* noxious) substances**

#### **(Section 470A. Unlawful deposition of explosive or noxious substances)**

Wilfully and unlawfully threw (*or* left down *or* deposited) an explosive (*or* noxious) substance in [*describe place*] under such circumstances that it might cause injury to EF (*or* another person) (*or* damage to the property of EF (*or* another person)).



3 By false representation, procured himself (*or herself*) (*or MN*) to be registered on [*describe the register*] kept by [*describe the lawful authority*].’.

(91) Schedule 3, forms 333 to 337—

*omit.*

(92) Schedule 3, chapter 50, heading—

*omit.*

(93) Schedule 3, forms 342, 343 and 345—

*omit.*

(94) Schedule 3, form 348—

*omit, insert—*

## **‘Form 348                      Preparing to commit a crime with dangerous things**

### **(Section 540. Preparation to commit crimes with dangerous things)**

Made (*or*) Knowingly had in his (*or her*) possession) an explosive substance (*or* a dangerous (*or* noxious) thing), with intent to use it to commit a crime (*or* for the purpose of enabling MN (*or* another person) to commit a crime with it).’.

## **5            Amendment of sch 4 (Forms for indictments, informations and complaints—statement of offences under the Drugs Misuse Act 1986)**

(1) Schedule 4, form 353, item 2—

*omit, insert—*

‘2 Being an adult, unlawfully supplied the dangerous drug [*name the drug*] to EF, a minor (*or* an intellectually impaired person *or* who was within an educational institution (*or* correctional facility) *or* who did not know that he (*or* she) was being supplied with the drug).’.

(2) Schedule 4, after form 357—

*insert—*

[s 5]

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**‘Form 357A                    Possessing a relevant substance  
(or thing)**

**(Section 9A. Possessing relevant substances or things)**

Unlawfully possessed a relevant substance [*name the substance*] (or thing [*name the thing*]).

**‘Form 357B                    Supplying relevant substance (or  
thing)**

**(Section 9B. Supplying relevant substances or things)**

Unlawfully supplied a relevant substance [*name the substance*] (or thing [*name the thing*]) for use in connection with the commission of the offence of producing a dangerous drug.

**‘Form 357C                    Producing relevant substance (or  
thing)**

**(Section 9C. Producing relevant substances or things)**

Unlawfully produced a relevant substance [*name the substance*] (or thing [*name the thing*]) for use in connection with the commission of the offence of producing a dangerous drug.’.

(3) Schedule 4, after form 358—

*insert—*

**‘Form 358A                    Possessing a prohibited  
combination of items**

**(Section 10B. Possession of a prohibited combination of items)**

Unlawfully possessed a prohibited combination of items, namely [*describe items under schedule 8C of the Drugs Misuse Regulation 1987*].’.

(4) Schedule 4, after form 360—

*insert—*

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## **‘Form 360A                      Contravening a restraining order**

### **(Section 41(8). Restraining order)**

Being a person to whose property a restraining order made by a judge relates (*or* to whom a copy of a restraining order made by a judge has been given (*or* deemed to be given)), contravened the restraining order made by the judge by attempting (*or* purporting) to [*describe act*] in disobedience (*or* wilful disregard) of the order.’.

(5) Schedule 4, form 361, ‘Section 46’—

*omit, insert—*

**‘Section 119’.**

(6) Schedule 4, form 362, ‘Section 48(2)’—

*omit, insert—*

**‘Section 121(6)’.**

(7) Schedule 4, form 362, ‘[*name the judge*]’—

*omit, insert—*

‘a judge’.

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### ENDNOTES

- 1 Made by the Governor in Council on 15 July 2010.
- 2 Notified in the gazette on 16 July 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.