



Queensland

*Supreme Court of Queensland Act 1991*

# Criminal Practice Rules 1999

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Queensland

# Criminal Practice Rules 1999

## Contents

		Page
<b>Chapter 1</b>	<b>Preliminary</b>	
1	Short title .....	9
2	Commencement .....	9
3	Definitions .....	9
4	Application of rules generally .....	9
5	Application of rules to Magistrates Courts .....	9
6	Extending and shortening time .....	10
7	Effect of noncompliance with rules .....	10
8	Court's power to make orders or give directions .....	10
9	Court may impose appropriate conditions .....	10
10	Electronic filing, giving or issuing of documents .....	11
<b>Chapter 2</b>	<b>Forms for proceedings</b>	
12	Title of proceeding .....	12
13	Forms generally .....	12
14	Forms of indictment or information .....	13
15	Statement of offences .....	13
<b>Chapter 3</b>	<b>Applications</b>	
16	Applications generally .....	13
17	Service of application .....	13
<b>Chapter 4</b>	<b>Practitioner's and court's duties</b>	
18	Lawyer acting for accused person .....	14
19	Lawyer withdrawing from acting for accused person .....	15
20	Director of public prosecutions .....	16
21	Court .....	18
<b>Chapter 5</b>	<b>Informations by private persons for indictable offences</b>	
22	Definitions for ch 5 .....	18
23	Service of application .....	18

Contents

---

24	Hearing of application .....	19
<b>Chapter 6</b>	<b>Bail</b>	
25	Application for bail .....	19
26	Application to revoke bail .....	20
27	Application by surety for discharge .....	20
<b>Chapter 7</b>	<b>Bench warrants</b>	
28	Application for bench warrant .....	21
<b>Chapter 8</b>	<b>Subpoenas</b>	
<b>Part 1</b>	<b>General</b>	
29	Subpoenas .....	21
30	Medical, hospital and government records .....	23
31	Objecting to inspecting or copying medical, hospital and government records .....	24
32	Prosecutor's obligations when document to be admitted in evidence .....	25
33	Setting aside or narrowing subpoena .....	25
34	Applying for costs .....	25
35	Travelling expenses .....	26
<b>Part 2</b>	<b>Service</b>	
36	Application of pt 2 .....	26
37	Service—individuals .....	27
38	Service—corporations .....	27
39	Service—minors .....	27
40	Service—intellectually impaired persons .....	28
40A	Service by email .....	28
<b>Chapter 9</b>	<b>Pre-trial directions and rulings generally</b>	
41	Application of ch 9 .....	29
42	Application for direction or ruling .....	29
42A	Affidavit to accompany application for no jury order .....	30
<b>Chapter 9A</b>	<b>Disclosure obligation directions</b>	
43A	Purpose and scope of ch 9A .....	31
43B	Definitions for ch 9A .....	31
43C	Procedure applying before filing of application for disclosure obligation direction .....	32
43D	Filing of application for disclosure obligation direction .....	34
43E	Disposal of application for disclosure obligation direction .....	35
<b>Chapter 10</b>	<b>Trial proceedings</b>	

---

Contents

44	Definition for ch 10 .....	35
45	Application of ch 10 .....	35
46	Procedure on arraignment—Code, s 597C .....	35
47	Statement to accused person of right of challenge—Jury Act, s 39 .....	36
48	Giving the accused person into the charge of the jury—Jury Act, s 51 37	
49	Giving jury a copy of the indictment .....	37
50	Addressing an accused person at the end of the prosecution evidence— Code, s 618 .....	38
51	Addressing a convicted person before sentencing—Code, s 648 .....	38
<b>Chapter 11</b>	<b>Evidence</b>	
<b>Part 1</b>	<b>General</b>	
52	Application of part .....	39
53	Evidence by telephone, video link or another form of communication .....	39
54	Evidence to be produced at appeal .....	39
<b>Part 2</b>	<b>Interpreters</b>	
54AA	Main purposes of part .....	39
54AB	Definitions .....	40
54AC	Proceedings to be conducted in English .....	41
54AD	When interpreter must be provided for accused person .....	41
54AE	When interpreter is required by witness .....	41
54AF	Who may act as interpreter generally .....	42
54AG	Granting leave for person to act, or continue to act, as interpreter .....	43
54AH	Duties of interpreter .....	44
54AI	Code of conduct for interpreters .....	45
54AJ	Translated evidence .....	45
54AK	Court may request correction etc. of interpretation, translation or sight translation .....	46
54AL	Court may give directions in relation to interpreters .....	46
<b>Chapter 12</b>	<b>Custody and inspection of exhibits and access to court files</b>	
54A	Definitions for ch 12 .....	48
55	Production, custody and disposal of exhibits and other documents .....	49
56	Inspection and obtaining copies of exhibits .....	50
56A	Copying for publication of exhibits .....	51
57	Access to court files .....	53
57A	Duties of proper officer of the court about court records .....	57
<b>Chapter 13</b>	<b>Stays of execution</b>	

Contents

---

58	Stays of execution .....	57
<b>Chapter 13A</b>	<b>Trans-Tasman proceedings</b>	
<b>Part 1</b>	<b>Preliminary</b>	
58A	Definition for ch 13A .....	58
58B	Interpretation .....	58
58C	Application of ch 13A .....	58
<b>Part 2</b>	<b>Applications</b>	
58D	Applications in proceeding under Trans-Tasman Proceedings Act	59
<b>Part 3</b>	<b>Subpoenas</b>	
58E	Application for leave to serve subpoena in New Zealand .....	59
58F	Application to set aside subpoena .....	60
58G	Application for issue of certificate of noncompliance with subpoena	61
<b>Part 4</b>	<b>Remote appearances</b>	
58H	Application for order for use of audio link or audiovisual link ...	62
<b>Chapter 14</b>	<b>Recording proceedings</b>	
59	Application of ch 14 .....	62
61	Recording proceedings .....	63
62	Verdict and judgment record .....	64
<b>Chapter 14A</b>	<b>Serious drug offence certificates</b>	
62A	Definition for chapter .....	65
62B	Issue of certificate in first instance .....	65
62C	Amendment of certificate .....	66
<b>Chapter 15</b>	<b>Appeals, subsequent appeals and references to Court of Appeal</b>	
<b>Part 1</b>	<b>Preliminary</b>	
63	Definitions for ch 15 .....	67
<b>Part 2</b>	<b>Appeals and subsequent appeals by convicted persons</b>	
<b>Division 1</b>	<b>Starting appeals</b>	
64	Application of div 1 .....	67
65	Application for leave to appeal .....	67
66	How to start appeal .....	68
<b>Division 1A</b>	<b>Starting subsequent appeals</b>	
66A	Application for leave to make subsequent appeal .....	69
<b>Division 2</b>	<b>Registrar's powers and obligations</b>	
67	Registrar to give respondent copies of particular documents ...	70
68	Registrar to give interested persons notice about appeal .....	70
<b>Division 3</b>	<b>General provisions preliminary to hearing appeal or subsequent</b>	

## Contents

	<b>appeal</b>	
69	Abandoning applications .....	71
70	Abandoning appeal or subsequent appeal .....	72
71	Trial judge's directions etc. about revesting or restitution of property on conviction .....	72
72	Certificate of conviction .....	72
73	Lawyer acting for convicted person .....	73
74	Lawyer withdrawing from acting for convicted person .....	74
<b>Division 4</b>	<b>Presence of appellant at hearings</b>	
75	Application for leave to be present .....	75
76	Appellant on bail .....	76
77	Appellant in custody .....	77
<b>Division 5</b>	<b>Provisions about particular orders made when appeal or subsequent appeal upheld</b>	
78	Registrar to give notice of particular orders .....	77
79	Crown law officer may be heard on application for immediate execution of original order etc. ....	78
80	Court's power to order re-arrest on appeal by Crown law officer	79
<b>Part 3</b>	<b>Attorney-General's appeals and references of points of law</b>	
81	Starting appeal .....	79
82	Referring point of law .....	80
<b>Part 4</b>	<b>Particular appeals under District Court of Queensland Act 1967, section 118</b>	
83	Application of pt 4 .....	81
84	Application for leave to appeal .....	81
85	Time for filing and serving notice .....	81
86	Abandoning application .....	82
<b>Part 5</b>	<b>Appeals from informations presented by private persons for indictable offences</b>	
87	Definitions for pt 5 .....	82
88	Duties of registrar .....	82
89	Information and things to be given to registrar or Crown law officer	83
90	Court may order Crown law officer to defend appeal .....	84
<b>Part 6</b>	<b>Other provisions about appeals, subsequent appeals and references</b>	
<b>Division 1</b>	<b>Preliminary</b>	
91	Definitions for part .....	84
<b>Division 2</b>	<b>Time for appealing and applying for leave to appeal</b>	

Contents

---

92	Working out time for appealing or applying for leave to appeal . . . . .	85
<b>Division 3</b>	<b>Registrar's powers and obligations</b>	
93	Registrar to give notice of hearing day . . . . .	85
94	Registrar's power to ask for trial judge's comments . . . . .	86
95	Registrar's power to ask for things for court . . . . .	86
96	Service of orders and notices . . . . .	87
97	Appeal record book . . . . .	88
97A	Subsequent appeal record book . . . . .	89
97B	Fee for appeal record book or subsequent appeal record book . . . . .	90
<b>Division 4</b>	<b>Parties' access to particular records and exhibits</b>	
98	Parties' access to documents and exhibits held by registrar . . . . .	91
99	Pre-sentence and psychiatric reports . . . . .	92
<b>Division 5</b>	<b>Returning exhibits</b>	
100	Returning exhibits . . . . .	93
<b>Part 7</b>	<b>Miscellaneous</b>	
<b>Division 1</b>	<b>Cases stated</b>	
101	Application of div 1 . . . . .	93
102	What case must state . . . . .	94
103	Giving copies of case to particular persons and amending case	94
<b>Division 2</b>	<b>Powers exercisable by a judge</b>	
104AA	Supplemental powers in appeals and subsequent appeals . . . . .	95
104	Application to judge . . . . .	95
105	Judge's decision . . . . .	95
106	Rehearing by court . . . . .	96
<b>Division 3</b>	<b>Applications and notices relating to appeals and subsequent appeals by persons in custody</b>	
107	Application and notice by person in custody . . . . .	96
<b>Division 4</b>	<b>Evidence and examination of witnesses</b>	
108	Application for leave to adduce evidence . . . . .	97
109	Order for examination of witness . . . . .	97
110	Notice of day and time for examination by examiner . . . . .	98
111	Witnesses' travelling expenses . . . . .	98
112	Parties may attend examination . . . . .	99
113	Registrar to give examiner documents or other things for examination 99	
114	Procedure for examination . . . . .	99

## Contents

<b>Division 5</b>	<b>Orders referring questions for inquiry and report to commissioners</b>	
115	Content of order .....	100
<b>Division 6</b>	<b>Decision on appeal, subsequent appeal or application</b>	
116	Notice of decision .....	101
117	Registrar to notify appellant of application result .....	102
<b>Division 7</b>	<b>Other miscellaneous provisions about appeals and subsequent appeals</b>	
118	Trial judge's certificate .....	102
119	Dealing with fine pending appeal .....	102
120	Warrants issued by court taken to be issued under Justices Act 1886	
	103	
121	Registrar's certificate about expenses allowed on appeal or subsequent appeal .....	103
<b>Chapter 16</b>	<b>Miscellaneous</b>	
122	Repeal .....	104
<b>Chapter 17</b>	<b>Transitional provisions</b>	
123	Transitional provision for Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010 .....	104
<b>Schedule 2</b>	<b>Forms for indictments and informations—formal parts</b> .....	105
<b>Schedule 3</b>	<b>Forms for indictments, informations and complaints—statement of offences under the Code</b> .....	107
<b>Schedule 3A</b>	<b>Forms for indictments—statement of offences under the Domestic and Family Violence Protection Act 2012</b> .....	288
<b>Schedule 4</b>	<b>Forms for indictments, informations and complaints—statement of offences under the Drugs Misuse Act 1986</b> .....	289
<b>Schedule 4A</b>	<b>Forms for indictments, informations and complaints—statement of offences under the Peace and Good Behaviour Act 1982</b> .....	299
<b>Schedule 5</b>	<b>Forms for other proceedings</b> .....	301
<b>Schedule 5A</b>	<b>Code of conduct for interpreters</b> .....	306
1	Application of code of conduct .....	306
2	Definitions for code of conduct .....	306
3	General duty to the court .....	307
4	Duty to comply with directions .....	307
5	Duty of accuracy .....	307
6	Duty of impartiality .....	308
7	Duty of competence .....	309
8	Duty of confidentiality .....	309
<b>Schedule 6</b>	<b>Dictionary</b> .....	310



# Criminal Practice Rules 1999

## Chapter 1 Preliminary

### 1 Short title

These rules may be cited as the *Criminal Practice Rules 1999*.

### 2 Commencement

These rules commence on 1 July 1999.

### 3 Definitions

The dictionary in schedule 6 defines particular words used in these rules.

### 4 Application of rules generally

- (1) These rules are for the criminal jurisdiction and, if stated in these rules, associated proceedings.
- (2) If these rules do not make provision or sufficient provision for a matter, the court may give the directions or rulings about the matter as the court considers appropriate.

### 5 Application of rules to Magistrates Courts

The following provisions of these rules apply to a Magistrates Court—

- chapters 1, 3, 11, 12 and 13A
- chapter 8, rules 30 to 34
- chapter 9A
- chapter 14, to the extent provided for in rule 59(3).

## **6 Extending and shortening time**

- (1) The court may, at any time, extend a time set under these rules.
- (2) If a time set under these rules, including a time for service, has not ended, the court may shorten the time.

## **7 Effect of noncompliance with rules**

- (1) Noncompliance with a rule does not invalidate a proceeding, unless the court directs otherwise.
- (2) If a rule has not been complied with, the court may—
  - (a) waive the noncompliance; or
  - (b) set aside all or part of the proceeding; or
  - (c) make another order it considers appropriate.

*Example of an order made under paragraph (c)—*

an order enforcing the performance of a duty imposed on a person under these rules

## **8 Court's power to make orders or give directions**

- (1) This rule applies to a court in making an order or giving a direction under these rules.
- (2) Unless otherwise stated in these rules, the court may make the order or give the direction on the court's own initiative or on an application made to the court under these rules.

## **9 Court may impose appropriate conditions**

If a court has power to make an order, give a direction or leave, or do another thing under these rules, the court may make the order, give the direction or leave, or do the other thing on the conditions the court considers appropriate.

## **10 Electronic filing, giving or issuing of documents**

- (1) Unless otherwise stated in these rules—
  - (a) a document required to be filed or given under the Code or these rules may be filed or given electronically; and
  - (b) a document issued under the Code or these rules may be issued electronically; and
  - (c) a document required by subpoena to be produced to the court under these rules may be produced to the court electronically.
- (2) For a document filed electronically under the Code or these rules, the day on which the document is taken to have been filed is—
  - (a) if the whole of the document is received by the registry before 4.30p.m. on a day the registry is open for business—that day; or
  - (b) otherwise—the next day the registry is open for business.
- (3) A document issued electronically under the Code or these rules—
  - (a) must include an image of the seal of the court; and
  - (b) is valid even if the document does not include a signature.
- (4) A paper copy of an electronically issued document is taken for all purposes, including, for example, service, to be—
  - (a) a copy of the electronically issued document; and
  - (b) stamped with the court's seal.

## Chapter 2 Forms for proceedings

### 12 Title of proceeding

A proceeding must be entitled—

- (a) for the Court of Appeal—‘In the Court of Appeal, Supreme Court of Queensland’; or
- (b) for the Supreme Court—‘In the Supreme Court of Queensland at [state the place]’; or
- (c) for the District Court—‘In the District Court at [state the place]’.

### 13 Forms generally

- (1) The forms to be used under these rules are the approved forms and the forms in schedules 2 to 5.
- (2) A reference in a form in schedule 2, 3 or 5 to a section is, unless otherwise stated in the form, a reference to that section of the Code.
- (3) A reference in a form in schedule 3A to a section is a reference to that section of the *Domestic and Family Violence Protection Act 2012*.
- (4) A reference in a form in schedule 4 to a section is a reference to that section of the *Drugs Misuse Act 1986*.
- (5) A reference in a form in schedule 4A to a section is a reference to that section of the *Peace and Good Behaviour Act 1982*.

*Notes—*

- 1 Forms for use under these rules may be approved under the *Supreme Court of Queensland Act 1991*, section 87.
- 2 Approved forms are available on the Queensland Courts website.
- 3 See the *Acts Interpretation Act 1954*, section 48A(1) in relation to the effect of substantial compliance with an approved form.

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## 14 Forms of indictment or information

- (1) An indictment to be presented in the Supreme Court must be in the form of schedule 2, form 1.
- (2) An indictment to be presented in the District Court must be in the form of schedule 2, form 2.
- (3) An information to be presented in the Supreme Court must be in the form of schedule 2, form 3.
- (4) The indictment or information must also contain a statement of the offence under rule 15.

## 15 Statement of offences

The statement of an offence in an indictment, complaint or other document may be in the words of—

- (a) the schedule form for the offence, with the changes necessary to make the words consistent with the particular circumstances of the alleged offence; or
- (b) if there is no schedule form for the offence, the Code or other Act creating the offence.

# Chapter 3 Applications

## 16 Applications generally

- (1) An application to the court may be oral or written, unless otherwise stated in these rules.
- (2) A written application must be filed in the registry.

## 17 Service of application

- (1) An application required to be served on a person must be served on the person at least 2 clear business days before the day on which the application is to be heard.

[r 18]

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- (2) An application required to be served on the director of public prosecutions or a lawyer (the *entity*) may be served by delivering it to, leaving it at, or sending it by facsimile or electronic transmission to, the entity's office.
- (3) However, an application mentioned in subrule (2) may be heard and decided by the court only if it is proved that the application has been received by the entity or the entity has actual knowledge of it.
- (4) In this rule—  
*electronic transmission* means a transmission made electronically.

## Chapter 4 Practitioner's and court's duties

### 18 Lawyer acting for accused person

- (1) A lawyer acting for an accused person in a proceeding must—
  - (a) give written notice that the lawyer acts for the accused person to the proper officer of the court before which the accused person is to appear next; and
  - (b) give a copy of the notice to the prosecutor.
- (2) The notice must state the lawyer's—
  - (a) address for service; and
  - (b) telephone and facsimile number; and
  - (c) email address, if any.
- (3) The lawyer must comply with subrule (1) no later than 21 days before the accused person's next appearance in the court.
- (4) A lawyer acting for an accused person at the accused person's committal is taken to continue acting for the accused person until the earliest of the following happens—

- (a) the lawyer gives a notice to the court's proper officer under rule 19(1);
- (b) the lawyer is given the court's leave to withdraw under rule 19(4);
- (c) another lawyer gives a notice to the court's proper officer under subrule (1).

## **19 Lawyer withdrawing from acting for accused person**

- (1) A lawyer who is no longer instructed to act for an accused person in a proceeding may withdraw from acting for the accused person in the proceeding by—
  - (a) giving the court's proper officer written notice that the lawyer no longer acts for the accused person; and
  - (b) giving a copy of the notice to the prosecutor.
- (2) The lawyer must give the notices mentioned in subrule (1) no later than 21 days before the accused person's next appearance in court in the proceeding.
- (3) Subrule (4) applies if a lawyer wants to withdraw from acting for an accused person in a proceeding—
  - (a) other than because the lawyer is no longer instructed to act for the accused person; or
  - (b) within 21 days of the accused person's next appearance in court in the proceeding.
- (4) The lawyer must, in the time set by a practice direction, or otherwise as soon as reasonably practicable, withdraw by—
  - (a) giving written notice to the court's proper officer that the lawyer intends seeking the court's leave to withdraw from acting for the accused person in the proceeding; and
  - (b) giving a copy of the notice to the following—
    - (i) the prosecutor;
    - (ii) if the lawyer knows the accused person's current address, the accused person; and

- (c) obtaining the court's leave to withdraw from acting for the accused person in the proceeding.
- (5) A lawyer may, during an accused person's trial, withdraw from acting for the accused person with the court's leave and without giving a notice mentioned in this rule.

## 20 Director of public prosecutions

- (1) The director of public prosecutions must, before presenting an indictment or filing an application in the court, mark on it any applicable file number of the office of the director of public prosecutions.

*Editor's note—*

Under the *Acts Interpretation Act 1954*, schedule 1, definition *number*, a letter is a number.

- (2) If the indictment contains only ex officio counts, the director of public prosecutions must state that fact on the indictment.
- (3) When presenting an indictment, the director of public prosecutions must give the proper officer of the court in which it is presented a written notice stating the Magistrates Court reference number, if any, for each charge in the indictment.
- (4) If the director of public prosecutions presents an indictment against an accused person and the charges in the indictment differ from the committal charges, the director of public prosecutions must give written notice of the differences to the following—
  - (a) the accused person or the accused person's lawyer;
  - (b) if the accused person is in the custody of the chief executive (corrective services), the chief executive (corrective services);
  - (c) the proper officer of the court in which the indictment is presented.

*Examples of how charges in an indictment may differ from the committal charges—*

- Another charge may be added.

- A committal charge may be omitted.
- A circumstance of aggravation may be added to or omitted from a committal charge.
- Another charge may be substituted for a committal charge.

(5) The notice must state the committal charges and how the charges in the indictment differ from the committal charges.

(6) If the director of public prosecutions decides not to present an indictment against an accused person who has been committed for an offence, the director of public prosecutions must, as soon as possible after making the decision, give written notice of it to the following—

- the accused person or the accused person's lawyer;
- if the accused person is in the custody of the chief executive (corrective services), the chief executive (corrective services);
- the proper officer of the court that committed the accused person;
- the proper officer of the court to which the accused was committed.

(7) Any act or decision that must or may be done or taken under this rule by the director of public prosecutions may be done or taken by—

- the deputy director of public prosecutions; or
- a Crown prosecutor.

(8) Notice of an act done or decision taken by the director of public prosecutions, deputy director of public prosecutions or a Crown prosecutor may be given by a member of the staff of the office of the director of public prosecutions.

(9) In this rule—  
**committal charge** means a charge for an offence for which the accused person was committed.

## 21 Court

The court's proper officer must mark the court's file number on an indictment presented, or application filed, in the court.

# Chapter 5      **Informations by private persons for indictable offences**

## 22 Definitions for ch 5

In this chapter—

*accused person* means the person against whom an information is to be presented.

*application* means an application for leave to present an information against an accused person.

## 23 Service of application

- (1) A person making an application to the Supreme Court must serve a copy of the filed application and any supporting documents (the *copies*) on the accused person.
- (2) The copies must be served at least 2 clear business days before the day on which the application is to be heard (the *hearing day*), unless—
  - (a) the court makes an order under rule 6 extending or shortening the time; or
  - (b) the accused person agrees in writing to attend on the hearing day despite receiving the copies less than 2 clear business days before the hearing day.

## 24 Hearing of application

The court may decide an application whether or not the accused person appears at the hearing of the application.

# Chapter 6 Bail

## 25 Application for bail

- (1) A person who applies to the court for bail or for a variation of bail for a proceeding must serve a copy of the filed application and supporting affidavits or other documents (the *copies*) on the prosecutor.
- (2) The copies must be served at least 2 clear business days before the day on which the application is to be heard (the *hearing day*), unless—
  - (a) the court makes an order under rule 6 extending or shortening the time; or
  - (b) the prosecutor agrees to receiving the copies less than 2 clear business days before the hearing day.
- (3) Subrule (1) does not apply if the application is made to the court before which the indictment was presented and the court makes an order, or the prosecutor agrees, that the person may make the application orally.
- (4) If a person has previously applied unsuccessfully to a court for bail for a proceeding, the person must state in any supporting affidavit for the application any change of circumstances relied on since the unsuccessful application.
- (5) This rule does not apply to an application for bail, or to vary it, made by a party to the trial judge after the jury is sworn under the *Jury Act 1995*, section 50.

## 26 Application to revoke bail

- (1) This rule applies subject to the *Bail Act 1980*, section 30.
- (2) A prosecutor who applies to the court for an order revoking or varying an accused person's bail must serve a copy of the filed application and any supporting affidavits or other documents (the *copies*) on the accused person and the accused person's surety, if any.
- (3) The copies must be served at least 2 clear business days before the day on which the application is to be heard (the *hearing day*), unless—
  - (a) the court makes an order under rule 6 extending or shortening the time; or
  - (b) the accused person and the accused person's surety, if any, agree in writing to attend on the hearing day despite receiving the copies less than 2 clear business days before the hearing day.
- (4) Subrule (2) does not apply if the application is made to the court before which the indictment was presented and the court makes an order, or the accused person and the accused person's surety, if any, agree, that the prosecutor may make the application orally.
- (5) This rule does not apply to an application to revoke bail made by a party to the trial judge after the jury is sworn under the *Jury Act 1995*, section 50.

## 27 Application by surety for discharge

- (1) This rule applies subject to the *Bail Act 1980*, section 23.
- (2) A surety who applies to the court for a discharge from liability in relation to the accused person's undertaking must serve a copy of the filed application and any supporting affidavits or other documents (the *copies*) on the prosecutor.
- (3) The copies must be served at least 2 clear business days before the day on which the application is to be heard (the *hearing day*), unless—

- (a) the court makes an order under rule 6 extending or shortening the time; or
- (b) the prosecutor agrees to receiving the copies less than 2 clear business days before the hearing day.

## **Chapter 7      Bench warrants**

### **28      Application for bench warrant**

- (1) A judge of the court before which an indictment is presented may issue or order the issue of a warrant directed to all police officers for the arrest of the person against whom the indictment is presented.
- (2) For subrule (1), it is sufficient evidence of the indictment for a copy of it to be given to the judge.
- (3) Any registrar may issue a warrant ordered by the judge.

## **Chapter 8      Subpoenas**

### **Part 1              General**

#### **29      Subpoenas**

- (1) This rule applies if—
  - (a) a person is committed to be tried before a court; or
  - (b) an indictment is presented against a person before a court; or
  - (c) a person starts an appeal to a court; or

- (d) a person files an application for leave to make a subsequent appeal under rule 66A, or starts a subsequent appeal.
- (2) The prosecutor, accused person, appellant or respondent (the **party**) may, by subpoena issued by the court's registrar, require a person to attend the court or another court of the same jurisdiction and do either or both of the following—
  - (a) give evidence;
  - (b) produce a document or thing to the court.
- (2A) However, a subpoena may be issued in relation to an appeal, an application for leave to make a subsequent appeal or a subsequent appeal only with the leave of the court hearing the appeal, application or subsequent appeal.
- (3) The party may, in the subpoena, require the person to attend the court—
  - (a) on a particular day and at a particular time; or
  - (b) in a particular period, not longer than the period in which the proceeding is listed for hearing, on a day and at a time notice of which is to be given to the person.
- (4) If subrule (3)(b) applies, the party must, as soon as practicable, advise the person subpoenaed of the actual day and time the person is required to attend the court.
- (5) Without limiting subrule (2), a party may apply to the court for an order allowing the party, by subpoena issued by the court's registrar, to require a person to produce a document or thing to the proper officer of the court on or before a stated day.
- (6) The proper officer must hold the document or thing subject to the court's direction and must not allow anyone to inspect the document or thing other than as directed by the court.
- (7) A person may apply to the court to—
  - (a) inspect a document or thing produced under subrule (5); or
  - (b) copy a document produced under subrule (5).

- (8) The application may be decided by hearing only the applicant, unless the court decides otherwise.
- (8A) If the application is granted, the person may, on payment of the fee prescribed by regulation—
  - (a) for an application under subrule (7)(a)—inspect the document or thing; or
  - (b) for an application under subrule (7)(b)—copy the document.
- (9) A party obtaining the issue of a subpoena under this rule must file a copy of it with the registrar.
- (10) Subrule (11) applies if a document or thing is not tendered or admitted into evidence—
  - (a) if the proceeding for which it was produced is heard—by the end of the hearing; or
  - (b) otherwise—by the end of the period during which the proceeding was listed for hearing.
- (11) The proper officer must, as soon as practicable, return the document or thing to the person required to produce it.

### **30 Medical, hospital and government records**

- (1) This rule applies to a person served with a subpoena requiring the person to produce to the court only a document of a following type—
  - (a) a medical record;
  - (b) a hospital record;
  - (c) a record of a government department, or a statutory authority, of the Commonwealth or a State.
- (2) The person may comply with the subpoena by giving the document to the proper officer of the court in a sealed envelope clearly marked ‘court exhibits’, or something similar, at least 1 clear day before the time stated for production in the subpoena.

[r 31]

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- (3) The person must attach a copy of the subpoena to the document or envelope.
- (4) If the person asks the proper officer for a receipt for the document, the proper officer must give it to the person.
- (5) The proper officer must—
  - (a) keep the document in a safe place; and
  - (b) if practicable, allow a party to inspect the document at the registry free of charge; and
  - (c) if practicable, give a copy of the document to a party on payment of the fee prescribed by regulation; and
  - (d) produce the document to the court as directed by the court.
- (6) If the document is not tendered or admitted into evidence at the hearing of the proceeding for which it was produced, the proper officer must return the document to the person required to produce it—
  - (a) at the end of the hearing of the proceeding for which it was produced; or
  - (b) if the matter was not heard, at the end of the period in which the matter was listed for hearing.

*Note—*

Rule 57A deals with court records.

### **31 Objecting to inspecting or copying medical, hospital and government records**

- (1) This rule applies if, when a person produces a document under rule 30, the person gives to the proper officer of the court a written statement—
  - (a) objecting to the document or a stated part of it being inspected or copied; and
  - (b) stating the grounds for the objection.
- (2) The proper officer must not, without the court's leave—

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- (a) allow anyone to inspect the document or part; or
- (b) give a copy of the document or part to anyone.

### **32 Prosecutor's obligations when document to be admitted in evidence**

- (1) This rule applies if the prosecutor intends to have a document produced under rule 30 admitted into evidence.
- (2) The prosecutor must, within a reasonable time before the document is admitted into evidence, give to the other party—
  - (a) notice of the prosecutor's intention; and
  - (b) a copy of the document free of charge.

### **33 Setting aside or narrowing subpoena**

- (1) A person who has been served with a subpoena (the *applicant*) may apply to the court for an order—
  - (a) setting aside the subpoena; or
  - (b) if the applicant is required to produce documents to the court under the subpoena—setting aside the subpoena or narrowing its scope, including, for example, by reducing the number of documents to be produced.
- (2) The applicant must serve a copy of the application on the party who served the subpoena.

### **34 Applying for costs**

- (1) This rule applies if a subpoena is set aside or narrowed under rule 33.
- (2) The person who was served with the subpoena (the *applicant*) may apply to the court for an order that all or part of the applicant's costs incurred in applying to have the subpoena set aside or narrowed be paid by—
  - (a) the party who served the subpoena; or

- (b) if the court finds the conduct of the party's lawyer in serving the subpoena was oppressive, vexatious or an abuse of process, the party's lawyer.

## **35 Travelling expenses**

- (1) A person must comply with a subpoena only if—
  - (a) an amount sufficient to meet the person's reasonable travelling expenses in complying with the subpoena, or a ticket or other travel document needed to comply with it, is tendered—
    - (i) when the subpoena is served; or
    - (ii) within a reasonable time before attendance under the subpoena is required; or
  - (b) other reasonable travel arrangements are made by, and at the cost of, the party who served the subpoena.
- (2) Subrule (1) does not apply if the person on whom the subpoena must be served notifies the party who served the subpoena that the person does not require financial or other assistance to comply with the subpoena.

## **Part 2 Service**

### **36 Application of pt 2**

This part applies subject to a court order made under these rules.

*Editor's note—*

The *Acts Interpretation Act 1954*, section 39 also contains provisions about service that apply subject to a contrary intention.

## 37 Service—individuals

- (1) A person serving a subpoena on an individual must serve it personally on the individual by giving the subpoena or a copy of it to the individual.
- (2) However, if the individual does not accept the subpoena or copy, the person may serve it by putting it down in the individual's presence and telling the individual what it is.
- (3) The person need not show the original of the subpoena to the individual.

## 38 Service—corporations

A person serving a subpoena on a corporation must serve it on the corporation at its head office or its principal or registered office by serving, under rule 37, an officer of the corporation or a person who appears to be in charge of the office.

*Editor's note—*

A **corporation** includes a body politic or corporate—*Acts Interpretation Act 1954*, schedule 1.

## 39 Service—minors

- (1) Subject to subrule (2), a person serving a subpoena on a minor must serve it instead on—
  - (a) the minor's parent or guardian; or
  - (b) if there is no parent or guardian, an adult who has the care of the minor or with whom the minor lives.

*Editor's note—*

A **minor** is an individual who is under 18 years—*Acts Interpretation Act 1954*, schedule 1.

- (2) A person serving a subpoena on a minor who is over 16 years may serve it on the minor only if the minor—
  - (a) does not have a parent or guardian; or
  - (b) is not apparently in the care of an adult or does not apparently live with an adult.

## **40 Service—intellectually impaired persons**

(1) A person serving a subpoena on an intellectually impaired person who is under the care of an adult must serve it instead on the adult.

(2) In this rule—

***intellectually impaired person*** means a person who has a disability that—

(a) is attributable to an intellectual, psychiatric, cognitive or neurological impairment or a combination of the impairments; and

(b) results in—

(i) a substantial reduction of the person's capacity for communication, social interaction or learning; and

(ii) the person needing support.

## **40A Service by email**

(1) Despite rules 37, 39 and 40, a person on whom a subpoena must be served under 1 of those rules may instead be served by—

(a) if the subpoena was issued electronically—the subpoena being emailed to the person; or

(b) if the subpoena was issued in any other way—an imaged copy of the subpoena being emailed to the person.

(2) However, compliance with a subpoena served under this rule may be enforced, and a proceeding may be taken for noncompliance with the subpoena, only if it is proved that—

(a) the subpoena, or an imaged copy of the subpoena, has been received by the person on whom the subpoena must be served; or

(b) the person on whom the subpoena must be served has actual knowledge of the subpoena.

(3) In this rule—

***imaged copy***, of a subpoena, means a copy of the subpoena in electronic form, created by scanning or otherwise imaging the subpoena in its paper form.

## **Chapter 9      Pre-trial directions and rulings generally**

### **41      Application of ch 9**

This chapter applies if the Crown presents an indictment before a court against a person and a party to the trial (the **party**) wants the court to give a direction or ruling about the conduct of the trial under the Code, section 590AA.

### **42      Application for direction or ruling**

- (1) The party must apply to the court for the direction or ruling.
- (2) The application must state—
  - (a) the nature of the direction or ruling sought; and
  - (b) whether a witness or anyone else is required to attend the hearing of the application.
- (3) The party must serve a copy of the application on each other party at least 2 clear business days before the day on which the application is to be heard (the **hearing day**).
- (4) However, if the parties agree, the application may be served later than 2 clear business days before the hearing day.
- (5) Subrule (4) does not apply if the direction or ruling sought is about 1 or more of the following—
  - (a) quashing or staying the indictment;
  - (b) joining accused persons or charges;

[r 42A]

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- (c) deciding questions of law, including the admissibility of evidence and steps to be taken if evidence is inadmissible;
- (d) the psychiatric or other medical examination of the accused person;
- (e) referring the accused person to the Mental Health Court.

## **42A Affidavit to accompany application for no jury order**

- (1) If the application is for a no jury order under the Code, section 614, the party must file an affidavit with the application.
- (2) The affidavit must—
  - (a) state the grounds on which the application is made; and
  - (b) state whether the party knows the identity of the trial judge and, if so, state the grounds on which the party considers that there are special reasons for making a no jury order; and

*Example of grounds—*

The identity of the trial judge is known to the parties well in advance of the trial because the trial is to be held at a place outside Brisbane and it is public knowledge that a particular judge will be sitting at the place.

- (c) if the party is the accused person and is not represented by a lawyer—state that the party understands the nature of the application, including the effect of a no jury order; and
- (d) if the accused person is to be tried with 1 or more other accused persons—
  - (i) identify each other accused person with whom the accused person is to be tried and, if known, state whether each other accused person consents to the making of a no jury order; and
  - (ii) exhibit a copy of any consent of another accused person to the making of a no jury order.

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(3) When serving a copy of the application under rule 42(3) or (4), the party must also serve a copy of the affidavit.

## Chapter 9A Disclosure obligation directions

### 43A Purpose and scope of ch 9A

This chapter states the procedures applying in relation to—

- (a) an application to a court under the Code, section 590AA(1) by a party to a relevant proceeding for a disclosure obligation direction; or
- (b) a party to a relevant proceeding seeking, at a direction hearing under the *Justices Act 1886*, section 83A, a disclosure obligation direction.

### 43B Definitions for ch 9A

In this chapter—

***applicant*** means a party to a proceeding who—

- (a) applies for a disclosure obligation direction under the Code, section 590AA(1); or
- (b) seeks, at a direction hearing under the *Justices Act 1886*, section 83A, a disclosure obligation direction.

***applicant's communication*** means the applicant's communication to the respondent under rule 43C.

***disclosure obligation*** means a disclosure obligation under—

- (a) the Code, chapter 62, chapter division 4A; or
- (b) the *Justices Act 1886*, part 4, division 10B.

***disclosure obligation direction*** means a disclosure obligation direction under—

- (a) the Code, chapter 62, chapter division 4A; or
- (b) the *Justices Act 1886*, part 4, division 10B.

***nominated time*** see rule 43C(2)(d).

***party***, to a proceeding, means—

- (a) an accused person who is charged with an offence the subject of the proceeding; or
- (b) the prosecution in relation to an offence the subject of the proceeding.

***prosecution*** has the same meaning it has for the Code, chapter 62, chapter division 3.

***relevant proceeding*** means a relevant proceeding under the Code, chapter 62, chapter division 3.

***respondent*** means a party to a proceeding against whom a disclosure obligation direction is sought.

***respondent's response*** means the respondent's response under rule 43C.

### **43C Procedure applying before filing of application for disclosure obligation direction**

- (1) This rule provides for the procedures that apply before the filing of an application for a disclosure obligation direction.
- (2) The applicant must, by letter, or by email or some other electronic form of written communication—
  - (a) advise the respondent of the following—
    - (i) what the applicant says the respondent should have done, but has not done, in relation to the disclosure obligation that is to be the subject of the disclosure obligation direction to be sought by the applicant;
    - (ii) the disclosure obligation direction to be sought by the applicant; and
  - (b) give the respondent a brief statement about what the applicant considers the respondent should give the

applicant to satisfy the applicant that the respondent has complied with the disclosure obligation; and

- (c) advise the respondent whether the applicant is asking for the court—
  - (i) to require the parties to the proceeding to attend before the court and make oral submissions in relation to the application; or
  - (ii) to decide the application based on the material to be placed before the court in the absence of the parties; and
- (d) nominate a time (the ***ominated time***) for the respondent to respond to the applicant's communication.

- (3) The nominated time must be—
  - (a) the time set by the court or by a practice direction; or
  - (b) if there is no time set by the court or by a practice direction—a time that is reasonable in the circumstances, but in any event not less than 7 days.
- (4) The response must—
  - (a) state that the response is a response to the applicant's communication; and
  - (b) advise the applicant of what the respondent intends to do in response to the applicant's communication; and
  - (c) advise the applicant whether the respondent wishes the court—
    - (i) to require the parties to the proceeding to attend before the court and make oral submissions in relation to the application; or
    - (ii) to decide the application based on the material to be placed before the court in the absence of the parties.

### **43D Filing of application for disclosure obligation direction**

- (1) The applicant may file the application for a disclosure obligation direction if—
  - (a) the applicant receives a respondent's response but the response is not satisfactory to the applicant; or
  - (b) the applicant does not receive a respondent's response within the nominated time.
- (2) The applicant must file all of the following documents with the application—
  - (a) a copy of the applicant's communication;
  - (b) if the respondent gave a respondent's response—a copy of the response;
  - (c) a copy of any other relevant correspondence exchanged between the applicant and the respondent.
- (3) The application must be filed, and served on each other party to the relevant proceeding—
  - (a) if the relevant proceeding is a prescribed summary trial or a committal proceeding as mentioned in the Code, section 590AD, definition *relevant proceeding*—not later than the day before the date set by the court for the commencement of the hearing of evidence in the proceeding; or
  - (b) if the relevant proceeding is a trial on indictment as mentioned in the Code, section 590AD, definition *relevant proceeding*—
    - (i) if the trial starts less than 28 days after presentation of the indictment—before evidence starts to be heard at the trial; or
    - (ii) otherwise—not more than 28 days after presentation of the indictment.
- (4) Unless the court otherwise directs, the material before the court in relation to an application for a disclosure obligation direction must include the application for the disclosure

obligation direction and the documents mentioned in subrule (2).

#### **43E Disposal of application for disclosure obligation direction**

The court may dispose of an application for a disclosure obligation direction without requiring the parties to the proceeding to attend before the court, and without oral submissions being made, unless the applicant has, in the applicant's communication, or the respondent has, in the respondent's response, stated that the party wishes to make an oral submission in relation to the application.

## **Chapter 10 Trial proceedings**

#### **44 Definition for ch 10**

In this chapter—

*proper officer* means a judge, a judge's associate or the person appointed by a judge as the proper officer for this chapter.

#### **45 Application of ch 10**

- (1) This chapter applies at an accused person's trial.
- (2) This chapter also applies, with the necessary changes, to the hearing of a charge of a summary offence against an accused person under the Code, section 651.

#### **46 Procedure on arraignment—Code, s 597C**

- (1) The proper officer must address the accused person as follows—
  - (a) for an accused person arraigned alone—

‘AB, you are charged that on [state date] at [state place] you [state charge in the indictment using the second person].

‘AB, how do you plead, guilty or not guilty?’;

(b) for accused persons arraigned together—

‘AB and CD, you are charged that on [state date] at [state place] you [state charge in the indictment using the second person, and repeating the names of each accused person as to anything alleged against the accused person, to the exclusion of any other accused person].

‘AB, how do you plead, guilty or not guilty?’

‘CD, how do you plead, guilty or not guilty?’.

(2) The proper officer is taken to have complied with subrule (1) if the proper officer uses other words complying with the requirements of the Code, section 597C.

#### **47 Statement to accused person of right of challenge—Jury Act, s 39**

(1) If the accused person pleads not guilty, the proper officer must address the accused person as follows—

‘AB (and CD), these representatives of the community whom you will now hear called may become the jurors who are to decide between the Crown and you on your trial.

‘If you wish to challenge them, or any of them, you, or your representative, must do so before the bailiff begins to recite the words of the oath or affirmation.’.

(2) In a private prosecution, the reference to the Crown must be replaced by a reference to the private prosecutor.

(3) In a Commonwealth prosecution, the reference to the Crown must be replaced by a reference to the prosecuting authority.

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(4) The proper officer is taken to have complied with subrule (1) if the proper officer uses other words complying with the requirements of the *Jury Act 1995*, section 39.

**48 Giving the accused person into the charge of the jury—Jury Act, s 51**

(1) After the jury who have been sworn are called and they have answered, the proper officer must address the jury as follows—

‘Members of the jury, AB (and CD) is/are charged that on [state date] at [state place] he/she/they [state the offence charged in the words of the indictment or by stating the heading of the schedule form for the offence].

‘To this charge he/she/they say that he/she/they is/are not guilty.

‘You are the jurors appointed according to law to say whether he/she/they is/are guilty or not guilty of the charge.

‘It is your duty to pay attention to the evidence and say whether he/she/they is/are guilty or not guilty.

‘Members of the jury, as early as is convenient, you must choose a person to speak on your behalf. You may change the speaker during the trial and any of you is free to speak.’.

(2) The proper officer is taken to have complied with subrule (1) if the proper officer uses other words complying with the requirements of the *Jury Act 1995*, section 51.

**49 Giving jury a copy of the indictment**

After the jury has been sworn, the judge may give to the jury a copy of the indictment with any changes, including omissions, the judge considers appropriate in the circumstances.

**50 Addressing an accused person at the end of the prosecution evidence—Code, s 618**

(1) At the end of the prosecution evidence, the proper officer must address the accused person as follows—

‘The prosecution having closed its case against you, I must ask you if you intend to adduce evidence in your defence. This means you may give evidence yourself, call witnesses, or produce evidence.

‘You may do all or any of those things, or none of them.’.

(2) The proper officer is taken to have complied with subrule (1) if the proper officer uses other words complying with the requirements of the Code, section 618.

**51 Addressing a convicted person before sentencing—Code, s 648**

(1) If the plea or verdict is guilty, the proper officer must address the convicted person as follows—

‘AB, you have been convicted [for a plea of guilty say ‘on your own plea of guilty’] of [state the offence charged in the words of the indictment or by stating the heading of the schedule form for the offence]. Do you have anything to say as to why sentence should not be passed on you?’.

(2) The proper officer is taken to have complied with subrule (1) if the proper officer uses other words complying with the requirements of the Code, section 648.

# Chapter 11 Evidence

## Part 1 General

### 52 Application of part

- (1) This part applies to a proceeding for an offence before the Supreme Court, the District Court or a Magistrates Court (the *court*).
- (2) Rule 53 applies also to the Court of Appeal.
- (3) In subrule (1)—  
*proceeding*, for an offence, includes—
  - (a) a proceeding in which a person is to be sentenced; and
  - (b) for a Magistrates Court, a committal proceeding.

### 53 Evidence by telephone, video link or another form of communication

The court may decide to receive evidence or submissions by telephone, video link or another form of communication in a proceeding.

### 54 Evidence to be produced at appeal

The trial judge may give directions to ensure a thing received in evidence in the trial of an accused person is available to be produced in an appeal from the trial.

## Part 2 Interpreters

### 54AA Main purposes of part

The main purposes of this part are—

- (a) to ensure the court has control over the giving of evidence that is interpreted, translated or sight translated into English; and
- (b) to recognise the special status of an interpreter in the administration of justice by declaring the duties of an interpreter in relation to the court and the parties to a proceeding.

## 54AB Definitions

In this part—

***accurately***, in relation to interpreting, translating or sight translating, means—

- (a) resulting in the optimal and complete transfer of the meaning of the other language into English and of English into the other language; and
- (b) preserving the content and intent of the other language or English (as the case may be) without omission or distortion, including matters the interpreter may consider inappropriate or offensive.

***code of conduct*** means the code of conduct for interpreters set out in schedule 5A.

***interpret*** means to carry out the process by which spoken or signed language is conveyed from one language (known as the source language) to another language (known as the target language) orally.

***other language*** means a spoken or signed language other than English.

***recognised agency*** means—

- (a) the National Accreditation Authority for Translators and Interpreters (NAATI); or
- (b) another entity approved by the Chief Justice to be a recognised agency for the purposes of this part.

*sight translate* means to carry out the process by which an interpreter or translator presents a spoken or signed interpretation of a written text.

*translate* means to carry out the process by which written language is conveyed from one language (known as the source language) to another language (known as the target language) in written form.

#### **54AC Proceedings to be conducted in English**

Subject to this part, proceedings are to be conducted in English.

#### **54AD When interpreter must be provided for accused person**

- (1) This rule applies if the court is satisfied that an accused person in a proceeding can not understand and speak the English language sufficiently to enable the accused person to—
  - (a) understand and participate in the proceeding; or
  - (b) understand, and make adequate reply to, questions that may be put to the accused person in the proceeding.
- (2) The court must ensure the accused person is provided with an interpreter.
- (3) If an interpreter is provided under subrule (2), the court is responsible for engaging and bearing the costs of the interpreter.

#### **54AE When interpreter is required by witness**

- (1) This rule applies if the court is satisfied that a witness in a proceeding can not understand and speak the English language sufficiently to enable the witness to understand, and make adequate reply to, questions that may be put to the witness in the proceeding.
- (2) The witness may—

- (a) give spoken evidence or signed evidence in the other language that is interpreted into English by an interpreter in accordance with this part; or
- (b) give evidence by an affidavit or statement in English that has been sight translated to the witness by an interpreter in accordance with rule 54AJ.

(3) Unless the court orders otherwise, the party calling the witness is responsible for engaging, and bearing the costs of, an interpreter who meets the standards and requirements imposed by this part.

*Note—*

See the *Evidence Act 1977*, section 131A in relation to the court's power to order the State to provide an interpreter in a criminal proceeding.

## **54AF Who may act as interpreter generally**

- (1) A person must not act as an interpreter in a proceeding unless the person—
  - (a) is currently certified, registered or recognised as an interpreter for the other language by a recognised agency, or otherwise satisfies the court that the person is qualified to act as an interpreter for the other language; and
  - (b) has read and agreed to comply with the code of conduct; and
  - (c) takes an oath, or makes an affirmation, to interpret accurately to the best of the person's ability.
- (2) Also, a person must not act as an interpreter in a proceeding if the person—
  - (a) is or may become a party to, or witness in, the proceeding (other than as an interpreter); or
  - (b) is related to, or has a close personal relationship with—
    - (i) a party to the proceeding or a member of a party's family; or

- (ii) a witness or potential witness in the proceeding; or
- (c) has or may have a financial or other interest of any kind in the outcome of the proceeding, other than an entitlement to a reasonable fee for the services provided by the interpreter in the course of their engagement; or
- (d) is or may be unable to fulfil their duty of accuracy or impartiality under the code of conduct for any reason, including, for example—
  - (i) personal or religious beliefs; and
  - (ii) cultural or other circumstances.

(3) If a person acting as an interpreter in a proceeding becomes aware during a hearing of the proceeding that a matter mentioned in subrule (2) applies in relation to the person, the person must—

- (a) cease to act as an interpreter in the proceeding; and
- (b) immediately disclose the matter to the court.

#### **54AG Granting leave for person to act, or continue to act, as interpreter**

- (1) This rule applies if a person is prohibited from acting, or continuing to act, as an interpreter under rule 54AF(1), (2) or (3).
- (2) The court may grant leave for the person to act, or continue to act, as an interpreter if it is in the interests of justice and, to the extent practicable—
  - (a) the court is satisfied that, because of the person's specialised knowledge based on the person's training, study or experience, the person is able to interpret and, if necessary, sight translate accurately to the level the court considers satisfactory in all the circumstances from the other language into English and from English into the other language; and

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- (b) the person takes an oath, or makes an affirmation, to interpret accurately to the best of the person's ability; and
- (c) the court is satisfied that the person understands and accepts that, in acting as an interpreter, the person—
  - (i) is not an agent, assistant or advocate of the witness or the accused person for whom the person is to act as an interpreter, or of the party who has engaged the interpreter; and
  - (ii) owes a paramount duty to the court to be accurate to the best of the person's ability and impartial; and
- (d) the court directs that the evidence and interpretation be sound recorded for spoken languages or video recorded for signed languages; and
- (e) the person is an adult.

#### **54AH Duties of interpreter**

- (1) An interpreter owes a paramount duty to the court to be accurate to the best of the interpreter's ability and impartial.
- (2) The duty to the court under subrule (1) overrides any duty the interpreter may have to a party to the proceeding (regardless of whether the party engaged the interpreter).
- (3) Unless the court orders otherwise, an interpreter must—
  - (a) interpret questions and all other spoken or signed communications in the hearing of the proceeding for the witness or accused person from English into the other language and from the other language into English; and
  - (b) subject to subrule (4), sight translate, whether before or during the course of a witness's evidence, documents shown to the witness.
- (4) An interpreter may refuse to sight translate a document if—
  - (a) the interpreter considers that the interpreter is not competent to do so; or

- (b) sight translating the document would be too onerous or difficult because of the length or complexity of the text.
- (5) Unless the court orders otherwise, an interpreter may not assist a party or a party's legal representatives in their conduct of a proceeding (including a hearing) other than by—
  - (a) interpreting questions and other spoken or signed communications in connection with the proceeding from English into the other language and from the other language into English; or
  - (b) sight translating documents in connection with the proceeding from English into the other language and from the other language into English.

#### **54AI Code of conduct for interpreters**

- (1) An interpreter must comply with the code of conduct.
- (2) Unless the court orders otherwise, as soon as practicable after an interpreter is engaged for a proceeding, a copy of the code of conduct is to be given to the interpreter by—
  - (a) if the interpreter is engaged by a party—the party; or
  - (b) if the interpreter is engaged by the court—the court.
- (3) Unless the court orders otherwise, a witness may not give evidence using an interpreter unless the court is satisfied the interpreter has read the code of conduct and agreed to be bound by it.
- (4) Subrules (1) to (3) apply subject to rule 54AG.

#### **54AJ Translated evidence**

- (1) This rule applies if a party seeks to read or rely on a translated affidavit, or translated statement, of a witness who requires an interpreter.
- (2) Unless the court orders otherwise, the party may not read or rely on the affidavit or statement unless it includes a

certification by the interpreter in the approved form, or the interpreter separately verifies by affidavit, to the effect that—

- (a) before sight translating the affidavit or statement to the witness, the interpreter—
  - (i) had read the code of conduct and agreed to be bound by it; and
  - (ii) had been given an adequate opportunity to prepare to sight translate the affidavit or statement; and
- (b) after sight translating the entire affidavit or statement to the witness, the witness—
  - (i) informed the person responsible for preparing the affidavit or statement through the interpreter that the witness had understood the interpreter and agreed with the entire contents of the affidavit or statement; and
  - (ii) swore or affirmed the affidavit, or signed the statement, in the presence of the interpreter.

(3) Unless the court orders otherwise, an interpreter who certifies or verifies an affidavit or statement of a witness under subrule (2) may, but is not required to, be the interpreter who acts as the interpreter for the witness in any hearing in the proceeding.

#### **54AK Court may request correction etc. of interpretation, translation or sight translation**

The court may at any time, on the application of a party to a proceeding or on the court's own initiative, request an interpreter to correct, clarify, qualify or explain the interpreter's interpretation of the evidence or translation or sight translation of a document.

#### **54AL Court may give directions in relation to interpreters**

- (1) The court may at any time, having regard to the nature of a proceeding (including the type of allegations made in the

proceeding and the characteristics of the parties, the witnesses and the accused person), give directions relating to 1 or more of the following matters—

- (a) any particular attributes required or not required for an interpreter to accommodate any cultural or other reasonable concerns of a party, a witness or the accused person, including, but not limited to—
  - (i) gender; and
  - (ii) age; and
  - (iii) ethnic, cultural or social background;
- (b) the number of interpreters required in the proceeding and whether relay interpreting should be used;
- (c) establishing the expertise of an interpreter;
- (d) the steps to be taken to obtain an interpreter who is certified, registered or recognised by a recognised agency or is otherwise qualified to act as an interpreter;
- (e) the steps to be taken before an order under rule 54AG is made;
- (f) the information about the proceeding that may be provided to a person in advance of any hearing in the proceeding to assist the person to prepare to act as an interpreter for the hearing, including, but not limited to—
  - (i) the indictment or charge sheet; and
  - (ii) affidavits and statements; and
  - (iii) lists of witnesses; and
  - (iv) other documents;
- (g) when, and in what circumstances and under what conditions (if any), the information mentioned in paragraph (f) may be provided;
- (h) whether an interpreter is to interpret a witness's evidence consecutively, simultaneously or in some other way;

- (i) other resources an interpreter may need to consult in the course of acting as an interpreter, including, for example, dictionaries and other reference works;
- (j) the length of time for which an interpreter should interpret during a hearing without a break;
- (k) security for an interpreter, including, if necessary, arrangements to preserve the anonymity of the interpreter;
- (l) practical matters relating to an interpreter, including, for example, the seating for and the location of the interpreter, and any necessary equipment to assist the interpreter;
- (m) the disqualification, removal or withdrawal of an interpreter, including on the application of the interpreter or any party to the proceeding or by the court on its own initiative;
- (n) the payment of interpreters;
- (o) any other direction the court considers appropriate.

(2) Subrule (1) does not limit the generality of the court's power to control its own procedures.

## **Chapter 12      Custody and inspection of exhibits and access to court files**

### **54A      Definitions for ch 12**

In this chapter—

*trial* includes—

- (a) a proceeding for a person's bail or remand; and
- (b) a committal proceeding; and

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- (c) a proceeding in which a person is to be sentenced.

*trial judge* means—

- (a) for a proceeding for a person's bail or remand—the judge or magistrate, or a justice constituting a Magistrates Court, who presides or presided at the proceeding; or
- (b) for a committal proceeding—a magistrate, or a justice constituting a Magistrates Court, who presides or presided at the proceeding; or
- (c) otherwise—the judge or magistrate, or 2 justices constituting a Magistrates Court, who preside or presided at the court of trial.

## **55 Production, custody and disposal of exhibits and other documents**

- (1) A trial judge may make an order the trial judge considers appropriate about the production at trial, custody or disposal of any of the following items—
  - (a) an exhibit;
  - (b) a jury note;
  - (c) a document marked for identification, other than a jury note.
- (2) If an order to the contrary is not made under subrule (1) or rule 100(1) about the custody or disposal of the item, the proper officer of the court—
  - (a) for a concluded trial, may—
    - (i) if the item is a jury note—destroy the item; or
    - (ii) otherwise—return the item to the party who tendered it; or
  - (b) otherwise—must hold the item in safekeeping.

## **56 Inspection and obtaining copies of exhibits**

- (1) A party to a trial may inspect or obtain, other than for the purpose of publication, a copy or certified copy of an exhibit tendered at the trial unless the proper officer of the court or the trial judge considers it may risk—
  - (a) the exhibit's security; or
  - (b) a person's safety or wellbeing, including, for example, the person's mental health.
- (2) A person other than a party to the trial may, on payment of the fee prescribed by regulation, inspect or obtain, other than for the purpose of publication, a copy or certified copy of an exhibit tendered at the trial unless the proper officer of the court or the trial judge considers the inspection or copying may risk—
  - (a) the exhibit's security; or
  - (b) a person's safety or wellbeing, including, for example, the person's mental health.
- (3) However, the trial judge may order that an exhibit—
  - (a) not be inspected or copied unless allowed by a further order of a court; or
  - (b) be sealed and not opened unless allowed by a further order of a court.
- (4) If the trial judge is not available to hear an application for a further order, the application may be heard by—
  - (a) for the Supreme Court—a judge nominated by the Chief Justice; or
  - (b) for the District Court—a judge nominated by the Chief Judge of the District Court; or
  - (c) for a Magistrates Court—a magistrate sitting at the place the trial was conducted.
- (5) This rule does not apply in relation to—
  - (a) a document marked for identification; or

- (b) a witness statement or deposition tendered at a committal.
- (6) A person must not publish, or make available for publication, a copy or certified copy of an exhibit obtained under this rule.

*Note—*

See rule 56A in relation to the copying of exhibits for publication.

- (7) To remove any doubt, it is declared that subrule (6) does not limit rule 56A.

## **56A Copying for publication of exhibits**

- (1) A person who is not a party to a trial may, on payment of the fee prescribed by regulation, apply to the trial judge during or after the trial for an order permitting the copying for publication of an exhibit tendered at the trial.
- (2) If the trial judge is not available to hear the application, the application may be heard by—
  - (a) for the Supreme Court—a judge nominated by the Chief Justice; or
  - (b) for the District Court—a judge nominated by the Chief Judge of the District Court; or
  - (c) for the Magistrates Court—a magistrate sitting at the place the trial was conducted.
- (3) The judge or magistrate hearing the application may make an order permitting, on payment of the fee prescribed by regulation, the copying for publication of the exhibit.
- (4) Without limiting subrule (3), the judge or magistrate may, in deciding whether to make the order, have regard to the following matters—
  - (a) whether the copying for publication is in the public interest or another legitimate interest;
  - (b) the nature of the proposed or potential publication by the applicant or another person;
  - (c) the nature of the exhibit;

- (d) the content of the exhibit and whether the exhibit contains information that is private, confidential or personally or commercially sensitive;
- (e) whether the copying for publication is likely to prejudice the fair trial of an accused person;
- (f) the likely effect of the copying for publication on the following persons—
  - (i) a victim or alleged victim of the offence alleged against the accused person;
  - (ii) a family member of a victim or alleged victim of the offence alleged against the accused person;
  - (iii) a family member of the accused person;
  - (iv) a person referred to directly or indirectly in the exhibit;
  - (v) a person whose personal, proprietary or commercial interests may be affected by the copying for publication (including the owner of any copyright in the exhibit);
- (g) whether the persons mentioned in paragraph (f) have been notified of the application and given an opportunity to be heard on the application;
- (h) whether the owner of any copyright in the exhibit consents to the copying for publication;
- (i) whether the copying for publication is authorised under the *Copyright Act 1968* (Cwlth), section 43(1);
- (j) whether access to, or dealing with, the thing produced as the exhibit was or is restricted under an Act because the thing is—
  - (i) sensitive evidence within the meaning of the Code, section 590AF; or
  - (ii) a recording within the meaning of the *Evidence Act 1977*, section 21AY; or

- (iii) a section 93A criminal statement within the meaning of the *Evidence Act 1977*, section 93AA;
- (k) whether the exhibit was produced in open court;
- (l) whether the copying may damage the exhibit or risk its security;
- (m) whether the court has facilities to copy the exhibit;
- (n) the likely cost of copying the exhibit.

(5) For opening or keeping open the registry to make an application or copy an exhibit under this rule, the applicant must pay the fee prescribed by regulation.

## 57 Access to court files

- (1) For the purposes of this rule, the *court file* for a proceeding consists of each of the following for the proceeding—
  - (a) the indictment;
  - (b) any particulars in writing provided to the court;
  - (c) the order sheet;
  - (d) the transmission sheet;
  - (e) any application in writing filed or made to the court;
  - (f) any affidavit filed or provided to the court;
  - (g) any written submissions or outline of submissions filed or provided to the court;
  - (h) any order or draft order of a judge or magistrate of the court;
  - (i) any other document required or permitted to be filed under these rules or an Act;
  - (j) any other document directed to be filed, or placed on the file held by the registry, by the court;
  - (k) the verdict and judgment record.

- (2) To remove any doubt, it is declared that the *court file* for a proceeding does not include any of the following for the proceeding—
  - (a) a transcript, other than a transcript that has been directed to be placed on the file held by the registry;
  - (b) an exhibit;
  - (c) a document marked for identification;
  - (d) a pre-sentence report or other report to the court, other than a report that has been directed to be placed on the file held by the registry;
  - (e) the appeal record book or subsequent appeal record book;
  - (f) a document that, under a practice direction, does not form part of the court file;
  - (g) any other document put on or with the file held by the registry.
- (3) A person may, on payment of the fee prescribed by regulation, search for, obtain a copy or certified copy of, or inspect all or part of a document on the court file for a proceeding.
- (4) Subrule (3) does not apply to any part of a document for a proceeding that contains or reveals details of a jury for the proceeding.
- (5) If a court file contains a document mentioned in subrule (4) for a proceeding, a person may, on payment of the fee prescribed by regulation, obtain from the proper officer of the court a copy or certified copy of the document, other than the parts of the document that contain or reveal details of a jury.
- (6) Subrules (3) and (5)—
  - (a) apply subject to—
    - (i) any order restricting access to the court file for a proceeding; and
    - (ii) the court file being required for the court's use; and

- (b) do not apply in relation to a document ordered to be sealed; and
- (c) do not apply in relation to a document, other than any of the following documents for the proceeding, that contains or reveals the identity of a protected person—
  - (i) the order sheet;
  - (ii) any order or draft order of a judge or magistrate of the court;
  - (iii) the verdict and judgment record; and
- (d) do not apply in relation to any of the following documents until the proceeding is a concluded trial—
  - (i) an application under the Criminal Code, section 590AA;
  - (ii) an outline of argument, affidavit or other document filed in relation to an application mentioned in subparagraph (i).

(7) If a party files a document that contains or reveals the identity of a protected person, including in court, the party must notify the court of that fact at the time of presenting the document for filing.

(8) If a person mentioned in subrule (3) or (5) is a party to the proceeding to which the court file relates or the party's lawyer for the proceeding—

- (a) subject to paragraph (b), this rule applies to the person without the requirement that the person pay the prescribed fee; and
- (b) subrule (6)(c) and (d) does not apply.

(9) If a person mentioned in subrule (3) or (5) is a relevant court or tribunal, or a registry official of a relevant court or tribunal, this rule applies to the person without the requirement that the person pay the prescribed fee.

(10) Subrules (3) and (5) do not apply if making the copy or certified copy available may risk a person's safety or wellbeing, including, for example, the person's mental health.

(11) For subrule (6), the question of whether subrule (3) or (5) applies must be decided by—

- (a) if a person requests the question be decided by a judge or magistrate of the court—a judge or magistrate of the court; or
- (b) if the proper officer of the court considers the question should be decided by a judge or magistrate of the court—a judge or magistrate of the court; or
- (c) otherwise—the proper officer of the court.

(12) In this rule—

***protected person*** means a person whose identity is subject to a restriction on publication under—

- (a) the *Child Protection Act 1999*, section 189, 192(b) or 194; or
- (b) the *Evidence Act 1977*, section 103ZZN; or
- (c) a non-publication order made under the *Evidence Act 1977*, section 103ZZY; or
- (d) an interim order made under the *Evidence Act 1977*, section 103ZZA; or
- (e) a complainant privacy order made under the *Evidence Act 1977*, section 103ZZG; or
- (f) an interim complainant privacy order made under the *Evidence Act 1977*, section 103ZZL; or
- (g) the *Youth Justice Act 1992*, section 301; or
- (h) another Queensland Act or a law of the Commonwealth.

***registry official***, of a relevant court or tribunal, means a registrar, clerk of the court or other officer (however described) of the relevant court or tribunal.

***relevant court or tribunal*** means—

- (a) the Federal Circuit and Family Court of Australia (Division 1); or

- (b) the Federal Circuit and Family Court of Australia (Division 2); or
- (c) the Family Court of Western Australia; or
- (d) another court or tribunal of a State.

#### **57A Duties of proper officer of the court about court records**

- (1) The proper officer of the court must not, in relation to a record of the court or another court document (*court record*)—
  - (a) permit any court record to be taken out of the court, unless the court otherwise orders; or
  - (b) issue a subpoena for the production of any court record.
- (2) However, for an appeal, subsequent appeal, application for leave to appeal or application for leave to make a subsequent appeal (each an *appeal proceeding*) to another court, the proper officer may forward to the other court records relevant to the appeal proceeding.

## **Chapter 13     Stays of execution**

#### **58     Stays of execution**

- (1) This rule applies to an order made, on the conviction of a person before a court, about the following—
  - (a) property;
  - (b) the payment of an amount;
  - (c) a disqualification.
- (2) The court may stay execution of the order until a time the court considers appropriate.

# Chapter 13A Trans-Tasman proceedings

## Part 1 Preliminary

### 58A Definition for ch 13A

In this chapter—

***Trans-Tasman Proceedings Act*** means the *Trans-Tasman Proceedings Act 2010* (Cwlth).

### 58B Interpretation

Words and expressions used in this chapter and the Trans-Tasman Proceedings Act have the same meaning in this chapter as they have in that Act except so far as the context or subject matter otherwise indicates or requires.

*Note*—

The following words and expressions are defined in the Trans-Tasman Proceedings Act, section 4—

- audio link
- audiovisual link
- document
- given
- party
- proceeding.

### 58C Application of ch 13A

This chapter applies to criminal proceedings to which the Trans-Tasman Proceedings Act applies.

## Part 2 Applications

### 58D Applications in proceeding under Trans-Tasman Proceedings Act

- (1) This rule applies to a proceeding that has already started.
- (2) A party to the proceeding who wants to apply for an order under the Trans-Tasman Proceedings Act must make an application in the proceeding.
- (3) The application must be supported by an affidavit that states the material facts on which the applicant relies that are necessary to give the other party fair notice of the case to be made against the other party at the hearing of the application.

## Part 3 Subpoenas

### 58E Application for leave to serve subpoena in New Zealand

- (1) A party to a proceeding who requires the leave of the court to serve a subpoena in New Zealand under the Trans-Tasman Proceedings Act, section 31 must make an application for leave in the proceeding in which the subpoena was issued.
- (2) The application must be accompanied by—
  - (a) a copy of the subpoena in relation to which leave is sought; and
  - (b) an affidavit stating, briefly but specifically, the following—
    - (i) the name, occupation and address of the person named in the subpoena;
    - (ii) whether the person is over 18 years;
    - (iii) the nature and significance of the evidence to be given, or the document or thing to be produced, by the person;

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- (iv) details of the steps taken to ascertain whether the evidence, document or thing could be obtained by other means without significantly greater expense, and with less inconvenience, to the person;
- (v) the date by which it is intended to serve the subpoena in New Zealand;
- (vi) details of the amounts to be tendered to the person to meet the person's reasonable expenses of complying with the subpoena;
- (vii) details of the way in which the amounts mentioned in subparagraph (vi) are to be given to the person;
- (viii) if the subpoena requires the person to give evidence—an estimate of the time that the person will be required to attend to give evidence;
- (ix) any facts or matters known to the party making the application that may be grounds for an application by the person to have the subpoena set aside under the Trans-Tasman Proceedings Act, section 36(2) or (3).

*Notes—*

- 1 See the Trans-Tasman Proceedings Act, section 31 which allows the court to impose conditions when giving leave to serve a subpoena in New Zealand.
- 2 See also the Trans-Tasman Proceedings Act, sections 33 and 37 which make provision in relation to the payment of expenses in complying with a subpoena.

(3) Despite rules 57 and 98, a person must not, without the leave of the court, search for, inspect or copy a document in an application under this rule filed in the court.

## **58F Application to set aside subpoena**

- (1) A person applying under the Trans-Tasman Proceedings Act, section 35 to set aside a subpoena served in New Zealand must make the application in the proceeding in which the subpoena was issued.

(2) The application must be accompanied by—

- (a) a copy of the subpoena; and
- (b) an affidavit stating the following—
  - (i) the material facts on which the application is based;
  - (ii) whether the person making the application requests that any hearing be held by audio link or audiovisual link.

**58G Application for issue of certificate of noncompliance with subpoena**

(1) A party to a proceeding may apply to the court that issued a subpoena for a certificate mentioned in the Trans-Tasman Proceedings Act, section 38 (a *certificate of noncompliance*).

(2) The application may be made—

- (a) if the proceeding in which the subpoena is issued is before the court—orally to the court; or
- (b) by filing the application.

(3) The application must be accompanied by—

- (a) a copy of the subpoena; and
- (b) a copy of the order giving leave to serve the subpoena; and
- (c) an affidavit of service of the subpoena; and
- (d) a further affidavit stating the following—
  - (i) whether any application was made to set aside the subpoena;
  - (ii) the material in support of an application mentioned in subparagraph (i);
  - (iii) any order that disposed of an application mentioned in subparagraph (i);

(iv) the material facts relied on for the issue of the certificate of noncompliance.

*Note—*

A certificate of noncompliance is to be stamped by the registrar with the seal of the court.

**58H Application for order for use of audio link or audiovisual link**

- (1) A party to a proceeding applying for leave for an order that an appearance be made, evidence be taken, or submissions be made, by audio link or audiovisual link from New Zealand under the Trans-Tasman Proceedings Act, section 50, must make the application in the proceeding to which the appearance, evidence or submissions relate.
- (2) Subrule (1) does not apply to a request mentioned in rule 58F(2)(b)(ii).

## Chapter 14 Recording proceedings

## 59 Application of ch 14

- (1) This chapter applies to proceedings on indictment.
- (2) This chapter also applies, with necessary changes, to the hearing of a charge of a summary offence against an accused person under the Code, section 651.
- (3) Rule 62 also applies to a proceeding in a Magistrates Court.

## 61 Recording proceedings

- (1) The judge at a proceeding relating to an accused person's indictment must ensure a record is kept only of the following particulars about the proceeding on the order sheet—
  - (a) for each appearance—
    - (i) the name of the judge; and
    - (ii) the name of the person who appeared for the accused person; and
    - (iii) the name of the person who appeared for the prosecutor; and
    - (iv) the nature of the appearance, including, for example, whether it was for a pre-trial direction or ruling, or the trial; and
    - (v) the date of the appearance;
  - (b) any bail order;
  - (c) the plea;
  - (d) whether any request was made to the judge for a redirection by the judge to the jury;
  - (e) whether, and how many, redirections were given by the judge to the jury;
  - (f) the verdict;
  - (g) the judgment;
  - (h) the sentence;
  - (i) any other order.
- (2) The judge for the proceeding must ensure a separate record is kept of the jury details on the form used for that purpose.
- (3) Subrule (4) applies if the court heard and decided a charge for a summary offence (the *transmitted charge*) against the accused person under the Code, section 651.
- (4) On the final decision of the transmitted charge, the judge must ensure the order sheet for the transmitted charge is endorsed

with the particulars mentioned in subrule (1)(a)(i) to (iii), (c) and (h).

## **62 Verdict and judgment record**

- (1) The proper officer of the court must make a record containing the names of the persons tried, sentenced or otherwise dealt with by the court.
- (2) The record must contain the following details about each person mentioned in subrule (1)—
  - (a) the charge;
  - (b) the legislative provision under which the person is charged;
  - (c) the name of the judge, magistrate or justice;
  - (d) the plea;
  - (e) the verdict;
  - (f) the sentence;
  - (g) the judgment;
  - (h) any other order.
- (3) A copy of the record must be given to the chief executive (corrective services) if—
  - (a) an Act provides for it to be given; or
  - (b) the person is being committed into, or remanded in, custody; or
  - (c) the record is otherwise relevant to the functions and powers of the chief executive (corrective services).
- (3A) If requested in writing by a lawyer acting for any of the persons, the proper officer must give a copy of the record to the lawyer as soon as practicable and, in any case, within 2 clear business days of the request.
- (4) The record is a sufficient warrant for executing the judgments noted on it.

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- (5) The proper officer may amend the record if it is inaccurate in any respect and, if a copy of an inaccurate record has been given to the chief executive (corrective services), the proper officer must replace the copy with a copy of the record as amended.

## Chapter 14A Serious drug offence certificates

### 62A Definition for chapter

In this chapter—

***serious drug offence certificate*** means a serious drug offence certificate issued under the *Penalties and Sentences Act 1992*, section 161G.

### 62B Issue of certificate in first instance

- (1) The director of public prosecutions must provide a serious drug offender or, for a serious drug offender who is legally represented, the offender's legal representative, with a draft serious drug offence certificate for the purposes of the *Penalties and Sentences Act 1992*, part 9C before the offender's sentencing hearing.
- (2) The director of public prosecutions is to provide an electronic copy of the draft serious drug offence certificate to the sentencing judge's associate before the sentencing hearing.
- (3) The director of public prosecutions is to provide 1 copy of the draft certificate to the court at the sentencing hearing.
- (4) The *Penalties and Sentences Act 1992*, section 161H(a), (b), (c) and (e) applies to the draft certificate as if a reference in any of those paragraphs to a serious drug offence certificate were a reference to the draft certificate.

(5) In this rule—

***serious drug offence*** see the *Penalties and Sentences Act 1992*, section 4.

***serious drug offender*** means a person who is—

- (a) convicted of a serious drug offence; and
- (b) yet to be sentenced for the offence.

## **62C Amendment of certificate**

- (1) If a court is required to amend a serious drug offence certificate under the *Penalties and Sentences Act 1992*, section 161I, the director of public prosecutions must comply with rule 62B in relation to the amended certificate.
- (2) If a draft amended serious drug offence certificate is provided by the proper officer of the court for consideration, the parties are to be guided by rule 382(1) to (4) of the *Uniform Civil Procedure Rules 1999*.
- (3) If a party identifies an error in an issued serious drug offence certificate, the party must give to the proper officer and each other party—
  - (a) a draft serious drug offence certificate with proposed amendments to correct the error; and
  - (b) a notice—
    - (i) explaining the proposed amendments; and
    - (ii) stating whether the proposed amendments are agreed between the prosecution and defence.
- (4) If a serious drug offence certificate must, under the *Penalties and Sentences Act 1992*, section 161K, be amended following an appeal—
  - (a) the parties must notify the proper officer of the court that issued the certificate; and
  - (b) the proper officer may arrange for the proceeding in which the certificate was issued to be brought back before the court.

(5) In this rule—

*proper officer*, of a court, see the *Penalties and Sentences Act 1992*, section 4.

## **Chapter 15 Appeals, subsequent appeals and references to Court of Appeal**

### **Part 1 Preliminary**

#### **63 Definitions for ch 15**

In this chapter—

*court* means the Court of Appeal.

*judge* means a judge of appeal.

### **Part 2 Appeals and subsequent appeals by convicted persons**

#### **Division 1 Starting appeals**

##### **64 Application of div 1**

This division does not apply to appeals by persons under the *District Court of Queensland Act 1967*, section 118.

##### **65 Application for leave to appeal**

(1) An applicant for leave to appeal must file a notice of application for leave to appeal with the registrar.

- (2) The notice must—
  - (a) be signed by the applicant or the applicant's lawyer; and
  - (b) state, briefly and precisely, the grounds of the appeal.
- (3) If the notice is not filed in the appeal period, the applicant must also file with the registrar—
  - (a) a notice of application for extension of time for filing the notice of application for leave to appeal; and
  - (b) an affidavit setting out the evidence in support of the application.
- (4) If the court gives the applicant leave to appeal, the notice of application for leave to appeal is taken to be a notice of appeal filed under rule 66.

## **66 How to start appeal**

- (1) A person starts an appeal by filing a notice of appeal with the registrar.
- (2) The notice must—
  - (a) be signed by the person or the person's lawyer; and
  - (b) state, briefly and precisely, the grounds of the appeal; and
  - (c) for an appeal on a trial judge's certificate given under the Code, section 668D(1)(b), have the certificate fixed to it.
- (3) If the notice is not filed in the appeal period, the person must also file with the registrar—
  - (a) a notice of application for extension of time for filing the notice of appeal; and
  - (b) an affidavit setting out the evidence in support of the application.

## Division 1A      Starting subsequent appeals

### 66A Application for leave to make subsequent appeal

- (1) An applicant for leave to make a subsequent appeal must file with the registrar a notice of application for leave to make a subsequent appeal.
- (2) The notice must—
  - (a) be signed by the applicant or the applicant's lawyer; and
  - (b) state, briefly and precisely, the grounds of the subsequent appeal; and
  - (c) be accompanied by an affidavit setting out the fresh and compelling evidence, or the new and compelling evidence, relied on in the grounds of the subsequent appeal.
- (3) If the court gives the applicant leave to make a subsequent appeal—
  - (a) the applicant is taken to have started a subsequent appeal; and
  - (b) the notice of application for leave to make a subsequent appeal is taken to be the notice of subsequent appeal for the purposes of the Code, sections 671H(4) and 671K(1).
- (4) In this rule—  
*fresh and compelling evidence* see the Code, section 671AB.  
*new and compelling evidence* see the Code, section 671AB.

## Division 2                    **Registrar's powers and obligations**

### **67        Registrar to give respondent copies of particular documents**

- (1) The registrar must give the respondent to an appeal copies of any of the following documents filed with the registrar for the appeal—
  - (a) the notice of appeal;
  - (b) the notice of application for leave to appeal;
  - (c) a notice of application for extension of time for filing a notice mentioned in paragraph (a) or (b);
  - (d) any affidavit filed under rule 65(3)(b) or 66(3)(b).
- (2) The registrar must give the respondent to a subsequent appeal copies of the following documents filed with the registrar for the subsequent appeal—
  - (a) the notice of application for leave to make a subsequent appeal;
  - (b) the affidavit accompanying the notice under rule 66A(2)(c).

### **68        Registrar to give interested persons notice about appeal**

- (1) This rule applies if any of the following matters mentioned in the Code, section 670(1) arises in an appeal—
  - (a) an order for—
    - (i) the restitution of property; or
    - (ii) the payment of compensation to an aggrieved person;
  - (b) the operation of the *Sale of Goods Act 1896*, section 26(1).
- (2) The registrar must give to each interested person who is not a party to the appeal written notice of the day on which the appeal is set down for hearing.

(3) In this rule—

***interested person*** means—

- (a) a person in whose favour the order is made; or
- (b) a person benefiting from the operation of the *Sale of Goods Act 1896*, section 26(1) in relation to the matter the subject of the appeal.

## Division 3

### General provisions preliminary to hearing appeal or subsequent appeal

#### 69 Abandoning applications

- (1) This rule applies to an applicant—
  - (a) for leave to appeal; or
  - (b) for an extension of time within which a notice of appeal, or notice of an application for leave to appeal, may be given; or
  - (c) for leave to make a subsequent appeal.
- (2) The applicant, at any time after filing the application, may abandon it by giving to the registrar a notice of abandonment of application.
- (3) The application is taken to be refused by the court when the notice of abandonment is given to the registrar.
- (4) However, if the court considers it necessary in the interests of justice, the court may set aside the abandonment and reinstate the application.
- (5) This rule does not apply in relation to an application for leave to appeal under the *District Court of Queensland Act 1967*, section 118.

*Note—*

See rule 86 for abandoning applications in particular appeals under the *District Court of Queensland Act 1967*, section 118.

## 70 Abandoning appeal or subsequent appeal

- (1) An appellant, at any time after starting an appeal or subsequent appeal, may abandon it by giving to the registrar a notice of abandonment of appeal or notice of abandonment of subsequent appeal.
- (2) The appeal or subsequent appeal is taken to be dismissed by the court when the notice is given to the registrar.
- (3) However, if the court considers it necessary in the interests of justice, the court may set aside the abandonment and reinstate the appeal or subsequent appeal.

## 71 Trial judge's directions etc. about revesting or restitution of property on conviction

- (1) This rule applies if a court of trial—
  - (a) directs that the operation of the following is not suspended under the Code, section 670(1)—
    - (i) an order for the restitution of property;
    - (ii) the *Sale of Goods Act 1896*, section 26(1); and
  - (b) considers the property, or a sample, portion or copy of it is reasonably necessary for the hearing of an appeal.
- (2) The trial judge may give the directions about the restitution or revesting of the property as the trial judge considers appropriate to ensure the property or a sample, portion or copy of it is produced for the hearing of the appeal.

## 72 Certificate of conviction

- (1) This rule applies if a person (the *requester*) asks the proper officer of the court of trial before which a person was convicted of an indictable offence to give to the requester a certificate of the person's conviction.
- (2) The proper officer may give the certificate to the requester only if—
  - (a) the appeal period for the offence has ended; and

- (b) an appeal or subsequent appeal has not started, or a notice of application for leave to appeal or notice of application for leave to make a subsequent appeal has not been filed.
- (3) If an appeal or subsequent appeal has started, or a notice of application for leave to appeal or notice of application for leave to make a subsequent appeal has been filed, the proper officer may give the certificate to the requester only if—
  - (a) the final decision on the appeal, subsequent appeal or application has been given; or
  - (b) the appeal, subsequent appeal or application has been abandoned.

### **73 Lawyer acting for convicted person**

- (1) This rule applies in relation to the following proceedings—
  - (a) an appeal or subsequent appeal;
  - (b) an application for leave to appeal or application for leave to make a subsequent appeal.
- (2) A lawyer acting for a convicted person in the proceeding must—
  - (a) give written notice that the lawyer acts for the convicted person to the registrar of the court; and
  - (b) give a copy of the notice to the respondent.
- (3) The notice must state the lawyer's—
  - (a) address for service; and
  - (b) telephone and facsimile number; and
  - (c) email address, if any.
- (4) The lawyer must comply with subrule (2)—
  - (a) no later than 14 days before the day the proceeding is set down for hearing (the **hearing day**); or
  - (b) if the hearing day is sooner than the 14 days, as soon as possible.

(5) A lawyer acting for a convicted person who files a notice of appeal, notice of application for leave to appeal or notice of application for leave to make a subsequent appeal is taken to continue acting for the convicted person until the earliest of the following happens—

- (a) the lawyer gives a notice to the registrar under rule 74(1);
- (b) the lawyer is given the court's leave to withdraw from acting for the convicted person under rule 74(2).

#### **74 Lawyer withdrawing from acting for convicted person**

(1) A lawyer who is no longer instructed to act for a convicted person in a proceeding mentioned in rule 73(1) may withdraw from acting for the convicted person in the proceeding by—

- (a) as soon as possible after becoming aware that the lawyer is no longer instructed to act, giving the registrar written notice that the lawyer no longer acts for the convicted person; and
- (b) at the same time, giving a copy of the notice to each of the following persons at the person's address that is last known to the lawyer—
  - (i) the respondent;
  - (ii) the convicted person.

(2) A lawyer who wants to withdraw from acting for a convicted person in a proceeding mentioned in rule 73(1), other than because the lawyer is no longer instructed to act for the convicted person, may withdraw by—

- (a) giving written notice to the registrar that the lawyer intends seeking the court's leave to withdraw from acting for the convicted person in the proceeding; and
- (b) giving a copy of the notice to—
  - (i) the respondent; and

[r 75]

- (ii) if the lawyer knows the convicted person's current address, the convicted person; and
- (c) obtaining the court's leave to withdraw from acting for the convicted person in the proceeding.

(3) The lawyer must give the notice or copy mentioned in subrule (2)—

- (a) no later than 14 days before the day the proceeding is set down for hearing (the **hearing day**); or
- (b) if the hearing day is sooner than the 14 days, as soon as possible.

## Division 4      Presence of appellant at hearings

## 75 Application for leave to be present

(1) This rule applies in relation to an appellant who wishes to seek the leave of the court to be present under the Code, section 671D for any of the following proceedings (each a *relevant proceeding*)—

- (a) an appeal on some ground involving a question of law alone;
- (b) an application for leave to appeal or leave to make a subsequent appeal;
- (c) a proceeding preliminary or incidental to an appeal or subsequent appeal.

(2) If the initial notice indicates that the appellant wishes to be present at the hearing of the appeal or subsequent appeal, or any application or proceeding mentioned in subrule (1)(b) or (c), the notice is also taken to be an application for leave to be present at the hearing of the relevant proceeding.

(3) If subrule (2) does not apply, the appellant may apply to the court, in writing, for leave to be present at the hearing of the relevant proceeding.

(4) The appellant must give the registrar reasons in writing, at least 7 clear business days before the day on which the relevant proceeding is set down for hearing, explaining—

- why the appellant wishes to be present at the hearing of the relevant proceeding; and
- if the appellant wishes to be present in person—why the appellant wishes to be present in this way and not in another way, including, for example, by way of video link.

(5) In this rule—

*initial notice* means—

- for an appeal on some ground involving a question of law alone—the notice of appeal; or
- for another appeal—the notice of application for leave to appeal; or
- for a subsequent appeal—the notice of application for leave to make a subsequent appeal.

## 76 Appellant on bail

(1) If an appellant who has been admitted to bail and is not represented by a lawyer does not attend a hearing of the appeal, subsequent appeal or leave application, the court may do the following—

- consider the appeal, subsequent appeal or leave application in the appellant's absence;
- decline to consider the appeal, subsequent appeal or leave application;
- summarily dismiss the appeal, subsequent appeal or leave application;
- make another order the court considers appropriate;
- issue a warrant for the appellant's apprehension.

(2) In this rule—

***leave application*** means—

- (a) an application for leave to appeal; or
- (b) an application for leave to make a subsequent appeal.

## **77 Appellant in custody**

- (1) This rule applies in relation to an appellant who is not represented by a lawyer and is in custody.
- (2) If the appellant is in prison, the prison's general manager must give to the registrar written notice that the appellant is in prison.
- (3) If the appellant is in custody in a place other than a prison, the person in charge of the place must give to the registrar written notice that the appellant is in custody in the place.
- (4) The registrar may ask the court for directions about the appeal or subsequent appeal, including, for example, about the appellant's presence at the hearing of the appeal or subsequent appeal.

## **Division 5**

### **Provisions about particular orders made when appeal or subsequent appeal upheld**

## **78 Registrar to give notice of particular orders**

- (1) This rule applies if the court makes any of the following orders under the Code, section 672—
  - (a) an order staying execution of an order quashing an appellant's conviction;
  - (b) an order for the appellant's detention or return to the appellant's former custody;
  - (c) an order giving bail to the appellant.
- (2) The registrar must give written notice of the order and its terms to the following persons—

- (a) the appellant;
- (b) if the appellant is or was in custody, the chief executive (corrective services) and—
  - (i) the general manager of the prison in which the appellant is or was in custody; or
  - (ii) if subparagraph (i) does not apply, the person in charge of the place other than a prison in which the appellant is or was in custody.
- (3) Subrule (4) applies if an order mentioned in subrule (1)(b) or (c) was made on the application of a Crown law officer pending the hearing of an appeal to the High Court against the quashing of the appellant's conviction.
- (4) The registrar, when giving a notice under subrule (2), must also give to the appellant a written notice stating that if the appellant considers they were wronged by any failure to diligently prosecute the appeal, the appellant may apply to the court or a judge for an order under the Code, section 672(3) for—
  - (a) the immediate execution of the original order quashing the conviction; and
  - (b) the appellant's immediate release; and
  - (c) the payment of compensation to the appellant as the court or judge considers appropriate.

**79      Crown law officer may be heard on application for immediate execution of original order etc.**

- (1) A Crown law officer may be heard on an appellant's application for an order mentioned in rule 78(4)(a) to (c) before the order is made.
- (2) The registrar must give the Crown law officer at least 1 clear day's notice of the hearing of the application.

**80 Court's power to order re-arrest on appeal by Crown law officer**

- (1) This rule applies if—
  - (a) the court or a judge makes an order under the Code, section 672(2) for the detention of an appellant pending the hearing of an appeal to the High Court against the quashing of the appellant's conviction (*detention order*); and
  - (b) the appellant has been discharged from the appellant's former custody.
- (2) The court may, when the detention order is made or afterwards, issue a warrant for the appellant's apprehension and committal into custody.

**Part 3 Attorney-General's appeals and references of points of law**

**81 Starting appeal**

- (1) The Attorney-General starts an appeal under the Code, section 669A(1) by filing a notice of appeal with the registrar.
- (2) Subject to subrule (6), the Attorney-General must serve a copy of the filed notice of appeal on the respondent to the appeal personally.
- (3) However, if the respondent is in custody, the Attorney-General may serve the copy on the respondent by leaving it with a following person—
  - (a) if the respondent is in prison, the prison's general manager;
  - (b) if the respondent is in custody in a place other than a prison, the person in charge of the place.
- (4) If the appeal is about a summary conviction for an indictable offence about which the convicted person has appealed to a District Court judge under the *Justices Act 1886*, section 222,

the Attorney-General must serve a copy of the notice of appeal on the District Court registrar.

- (5) An affidavit of proof of service under this rule may be filed with the Court of Appeal registrar.
- (6) If the court considers it appropriate, the court may hear an appeal even though the Attorney-General has not served a copy of the notice of appeal on the respondent.

## **82 Referring point of law**

- (1) The Attorney-General refers a point of law under the Code, section 669A(2) by filing a notice of reference with the registrar.
- (2) The notice must state, precisely and comprehensively, the point of law referred.
- (3) The Attorney-General must give a copy of the filed notice of reference to the acquitted or discharged person by—
  - (a) serving the acquitted or discharged person personally with the copy; or
  - (b) leaving the copy with some person at the acquitted or discharged person's usual place of business or residence, or place of business or residence last known to the Attorney-General; or
  - (c) giving the copy to the lawyer who represented the acquitted or discharged person at the trial to which the notice of reference relates.
- (4) The Attorney-General must also give a copy of the filed notice of reference to Legal Aid Queensland.
- (5) The purpose of giving a copy of the filed notice of reference to Legal Aid Queensland under subrule (4) is to permit Legal Aid Queensland to consider whether it should appear on its own behalf on the reference pursuant to the *Legal Aid Queensland Act 1997*, section 47.

## Part 4

### Particular appeals under District Court of Queensland Act 1967, section 118

#### 83 Application of pt 4

This part applies to appeals by persons under the *District Court of Queensland Act 1967*, section 118.

#### 84 Application for leave to appeal

- (1) An applicant for leave to appeal must file a notice of application for leave to appeal with the registrar.
- (2) The notice must—
  - (a) be signed by the applicant or the applicant's lawyer; and
  - (b) identify the judgment against which the appeal is brought; and
  - (c) state, briefly and precisely—
    - (i) the grounds of the appeal; and
    - (ii) why the Court of Appeal should grant a further appeal to the court from the District Court.
- (3) If the court gives the applicant leave to appeal, the applicant is taken to have started the appeal.

#### 85 Time for filing and serving notice

- (1) A notice of application for leave to appeal must, unless the Court of Appeal orders otherwise—
  - (a) be filed within the appeal period; and
  - (b) be served as soon as practicable on all other parties to the appeal.
- (2) If the notice is not filed within the appeal period or as otherwise ordered by the Court of Appeal, the applicant must also file with the registrar—

- (a) a notice of application for extension of time within which to file the notice of application for leave to appeal; and
- (b) an affidavit setting out the evidence in support of the application.

## **86 Abandoning application**

- (1) An applicant for leave to appeal, at any time after filing the notice, may abandon the application by giving to the registrar a notice of abandonment of application.
- (2) The application is taken to be refused by the court when the notice of abandonment is given to the registrar.
- (3) However, if the court considers it necessary in the interests of justice, the court may set aside the abandonment and reinstate the application.

## **Part 5**

## **Appeals from informations presented by private persons for indictable offences**

### **87 Definitions for pt 5**

In this part—

***private prosecutor*** means a person who presents an information against someone else under the Code, section 686.

***trial prosecutor*** means the prosecutor before the court of trial.

### **88 Duties of registrar**

- (1) This rule applies if the registrar—
  - (a) receives a notice of appeal or notice of application for leave to appeal about an information presented by a private prosecutor; and

- (b) the registrar considers the notice shows a substantial ground of appeal.
- (2) If the trial prosecutor was a Crown law officer or a Crown prosecutor, the registrar must give to the Crown law officer written notice of the appeal.
- (3) If the trial prosecutor was the private prosecutor, the registrar must ask the private prosecutor or the private prosecutor's lawyer whether the private prosecutor intends to undertake the defence of the appeal.
- (4) If the private prosecutor declines to undertake the defence, the registrar must give written notice to the Crown law officer that the private prosecutor has declined to undertake the defence of the appeal.

**89 Information and things to be given to registrar or Crown law officer**

- (1) This rule applies if—
  - (a) a private prosecutor declines to undertake the defence of an appeal about an information presented by the private prosecutor; and
  - (b) the registrar or Crown law officer considers relevant material in the possession or under the control of the private prosecutor or the private prosecutor's lawyer is needed to carry out the duties of the registrar or Crown law officer for the appeal.
- (2) The registrar or Crown law officer may, by written notice, ask the private prosecutor or private prosecutor's lawyer to give the material to the registrar or Crown law officer by a stated day.
- (3) If the private prosecutor or lawyer does not comply with the request, the court may order the private prosecutor or lawyer to comply with it.
- (4) In this rule—

***relevant material*** means information, a document or anything else connected with the proceedings against the appellant.

**90 Court may order Crown law officer to defend appeal**

- (1) This rule applies to an appeal mentioned in this part defended by a private prosecutor.
- (2) The court may—
  - (a) order the Crown law officer to take over the defence of the appeal and be responsible, for the State, for further proceedings in the appeal; and
  - (b) make any other order it considers appropriate.

**Part 6**

**Other provisions about appeals, subsequent appeals and references**

**Division 1**

**Preliminary**

**91 Definitions for part**

In this part—

***appeal*** includes—

- (a) an application for leave to appeal; and
- (b) an application about an appeal; and
- (c) an appeal under the *District Court of Queensland Act 1967*, section 118; and
- (d) a reference by the Attorney-General.

***party*** means a party to an appeal or subsequent appeal.

***subsequent appeal*** includes—

[r 92]

- (a) an application for leave to make a subsequent appeal; and
- (b) an application about a subsequent appeal.

## 92 Working out time for appealing or applying for leave to appeal

For the Code, section 671—

- (a) the date of conviction is the day on which—
  - (i) the accused person pleads guilty; or
  - (ii) the jury gives its verdict of guilt; and
- (b) the date of sentence is the day on which the court sentences the convicted person.

## Division 3      Registrar's powers and obligations

**93      Registrar to give notice of hearing day**

If a party is or was in custody, the registrar must give written notice of the day on which the appeal or subsequent appeal is set down for hearing to the following—

- (a) the party;
- (b) the chief executive (corrective services) and—
  - (i) the general manager of the prison in which the party is or was in custody; or
  - (ii) if subparagraph (i) does not apply, the person in charge of the place other than a prison in which the party is or was in custody.

## **94 Registrar's power to ask for trial judge's comments**

- (1) This rule applies if—
  - (a) an appeal or subsequent appeal is started; or
  - (b) the registrar is given notice that a party to an appeal or subsequent appeal disputes the accuracy of a trial transcript.
- (2) The registrar must ask the trial judge who dealt with the case the subject of the appeal or subsequent appeal to give to the registrar the trial judge's written comments on the following—
  - (a) the case generally;
  - (b) a point arising in the appellant's case;
  - (c) the accuracy or otherwise of the trial transcript.
- (3) The trial judge may—
  - (a) give the written comments if the trial judge considers it desirable to do so; and
  - (b) state in the comments any inaccuracy in the trial transcript, whether or not a party has alleged the inaccuracy.
- (4) The trial judge's comments given under this rule form part of the record of the court for the appeal or subsequent appeal.
- (5) The court may decide the appeal or subsequent appeal without the trial judge's written comments if it considers it appropriate.
- (6) This rule does not apply to an appeal under the *District Court of Queensland Act 1967*, section 118.

## **95 Registrar's power to ask for things for court**

- (1) If directed by the court, the registrar must ask the person having custody of a relevant thing to give it to the registrar for an appeal or subsequent appeal before the court.

- (2) The registrar may ask the person having custody of a relevant thing to give it to the registrar for an appeal or subsequent appeal if—
  - (a) a party asks the registrar to obtain the thing for the appeal or subsequent appeal; or
  - (b) the registrar considers it necessary for the court's decision on the appeal or subsequent appeal.
- (3) If the person having custody of the thing does not comply with the registrar's request, the court may order the person to comply with it.
- (4) A party may inspect the thing free of charge at a reasonable time decided by the registrar.
- (5) On the court's final decision on the appeal or subsequent appeal, the registrar must return the thing to the person from whom it was obtained.
- (6) In this rule—

**person having custody**, of a relevant thing, means the proper officer of the court of trial, the Crown prosecutor, the Crown solicitor, or anyone else having custody of the thing.

**relevant thing** includes the following—

- (a) the original deposition of a witness examined before a magistrate or coroner;
- (b) an indictment, or abstract or copy of all or part of an indictment, against the appellant;
- (c) an aid used at the trial, including for example, a transcript used as an aid to an audio or video tape.

## 96 Service of orders and notices

- (1) The following orders must be served personally, unless the court directs otherwise—
  - (a) an order to produce a document, exhibit or other thing in an appeal or subsequent appeal;

(b) an order requiring a witness to attend before the court or an examiner.

*Editor's note—*

See part 7 (Miscellaneous), division 4 (Evidence and examination of witnesses).

(2) The registrar may ask the Commissioner of the Police Service to ensure that an order or notice to be given to a person by the registrar under this division is served on the person personally by a police officer.

## 97 **Appeal record book**

(1) As soon as practicable after the initial notice is filed for an appeal, the registrar must—

- prepare a record book for the appeal (the *appeal record book*); and
- make the number of copies of the appeal record book the registrar considers necessary for the appeal.

(2) The appeal record book must contain the following documents, to the extent the registrar considers the documents necessary for the court's decision on the appeal—

- the notice of appeal, notice of application for leave to appeal or notice of reference;
- the trial transcript;
- the exhibits tendered at the trial;
- any other document.

(3) In deciding whether a document is necessary under subrule (2), the registrar may consult with the parties.

(4) In this rule—

*initial notice* means—

- for an appeal that may be made only with the leave of the court—the notice of application for leave to appeal; or

- (b) for another appeal—the notice of appeal; or
- (c) for a reference by the Attorney-General—the notice of reference.

## 97A **Subsequent appeal record book**

- (1) As soon as practicable after a notice of application for leave to make a subsequent appeal is filed, the registrar must—
  - (a) prepare a record book for the subsequent appeal (the *subsequent appeal record book*); and
  - (b) make the number of copies of the subsequent appeal record book the registrar considers necessary for the subsequent appeal.
- (2) The subsequent appeal record book must contain the following documents, to the extent the registrar considers the documents necessary for the court's decision on the subsequent appeal—
  - (a) the notice of application for leave to make a subsequent appeal;
  - (b) the trial transcript;
  - (c) the exhibits tendered at the trial;
  - (d) the final decision on the appeal or application for leave to appeal against the appellant's conviction under the Code, section 668D;
  - (e) the final decision on any earlier application for leave to make a subsequent appeal against the appellant's conviction;
  - (f) the final decision on any earlier subsequent appeal against the appellant's conviction;
  - (g) any appeal transcript;
  - (h) any other document.
- (3) In deciding whether a document is necessary under subrule (2), the registrar may consult with the parties.

(4) In this rule—

*appeal transcript*, in relation to a subsequent appeal, means a transcription of a record under the *Recording of Evidence Act 1962* in relation to a proceeding mentioned in subrule (2)(d), (e) or (f).

**97B Fee for appeal record book or subsequent appeal record book**

- (1) An appellant must pay the fee prescribed by regulation for the preparation and copying of an appeal record book or subsequent appeal record book unless the appellant is the Attorney-General or is not represented by a lawyer.
- (2) However, if the appellant's lawyer is, or is funded by, Legal Aid Queensland, the appellant must only pay the fee payable for the first copy of the appeal record book or subsequent appeal record book.
- (3) The court or a judge may, by order, waive all or part of the fee payable under subrule (1) or (2) if the court or judge is satisfied it is in the interests of justice to do so, including, for example, because payment of the fee would cause, or be likely to cause, the appellant financial hardship.
- (4) An order under subrule (3) may be made on the application of the appellant or on the court's or judge's own initiative.
- (5) Also, after the court has given its final decision on the appeal or subsequent appeal, a party to the appeal or subsequent appeal may obtain a copy of the appeal record book or subsequent appeal record book on payment of the fee prescribed by regulation.

## Division 4

## Parties' access to particular records and exhibits

### 98 Parties' access to documents and exhibits held by registrar

- (1) Subject to subrules (2) to (7), a party or the party's lawyer may, on payment to the registrar of the fee prescribed by regulation—
  - (a) inspect or obtain a copy of a document or part of a document held by the registrar for the appeal or subsequent appeal; or
  - (b) inspect an exhibit, other than a document, held by the registrar for the appeal or subsequent appeal.
- (2) If a party's lawyer is, or is funded by, Legal Aid Queensland, the registrar must—
  - (a) give to the lawyer a copy of a document requested by the lawyer, free of charge, unless the registrar decides the copy is not necessary for the appeal or subsequent appeal; or
  - (b) allow the lawyer to inspect a document or exhibit held by the registrar for the appeal or subsequent appeal.
- (3) The registrar must give a copy of a document requested by either of the following persons to the person, or allow the person to inspect a document or exhibit held by the registrar, free of charge—
  - (a) the Attorney-General;
  - (b) the director of public prosecutions.
- (4) The registrar may give a copy of a document held by the registrar to a party free of charge if—
  - (a) the party is not represented by a lawyer; and
  - (b) the party asks the registrar for the copy; and
  - (c) the registrar considers that, in all the circumstances, it is reasonable to give the copy to the party free of charge.

- (5) The court or a judge may, by order, waive all or part of the fee for inspecting a document or exhibit or copying a document.
- (6) This rule does not apply to a document the inspection of which would not be allowed under these rules if the document were not held by the registrar for an appeal or subsequent appeal, unless the registrar or a judge decides that inspection of the document is necessary for the appeal or subsequent appeal.
- (7) The registrar or a judge may decide to make a document or a copy of a document available to a party's lawyer, but not the party.
- (8) In this rule—

*appeal transcript* see rule 97A(4).

*document* does not include an appeal record book, subsequent appeal record book, trial transcript or appeal transcript.

## 99 **Pre-sentence and psychiatric reports**

- (1) Despite any other rule in this part, the court or a judge may direct that a pre-sentence report or psychiatric report must not be given to, or inspected by, a party to an appeal or subsequent appeal if the court or judge decides—
  - (a) giving the report to, or allowing inspection of the report by, the party may adversely affect the mental or physical health of the party; and
  - (b) giving the report to, or allowing inspection of the report by, the party's lawyer will be enough to protect the party's interest in the appeal or subsequent appeal.
- (2) If a pre-sentence report or psychiatric report is given to, or inspected by, a party's lawyer under this rule, the lawyer must ensure the report is not disclosed to the party.

## Division 5                    Returning exhibits

### 100    Returning exhibits

- (1) The court in giving its final decision on an appeal or subsequent appeal may make the orders it considers appropriate about the return of an exhibit used in the appeal or subsequent appeal.
- (2) If the court does not make an order under subrule (1), the exhibit must be returned to—
  - (a) if it was first tendered in the court—the person who tendered it; or
  - (b) otherwise—the proper officer of the court of trial who must return the exhibit to the party who tendered it.
- (3) For the purposes of this rule, an exhibit includes a document marked for identification, other than a jury note.
- (4) After the court has given its final decision on an appeal or subsequent appeal, any jury note used in the appeal or subsequent appeal must be destroyed unless the court makes an order about the custody and the safekeeping of the note.

## Part 7                    Miscellaneous

### Division 1                    Cases stated

#### 101    Application of div 1

This division applies to—

- (a) a case stating a question of law reserved under the Code, section 668B; and
- (b) a case reserved under the Code, section 668C.

## **102 What case must state**

- (1) A case mentioned in rule 101 must state only the facts relevant to the question or case reserved.
- (2) A case mentioned in rule 101(a) must state, precisely and comprehensively, the question of law reserved and, if the accused person is convicted and the question of law is reserved before judgment—
  - (a) whether—
    - (i) judgment was pronounced and execution of the judgment was respite; or
    - (ii) judgment was postponed; and
  - (b) whether the accused person was committed into custody or given bail.

## **103 Giving copies of case to particular persons and amending case**

- (1) The trial judge stating a case must give—
  - (a) the case and a copy of the relevant part of the trial transcript to the registrar; and
  - (b) a copy of the case and relevant part of the trial transcript to each of the prosecutor and the accused person.
- (2) The trial judge may amend the case before the question of law is heard by the court.
- (3) If the trial judge amends the case under subrule (2), the trial judge must give a copy of the amended case to each of the registrar, prosecutor and accused person as soon as possible before the question of law is heard.

## Division 2

## Powers exercisable by a judge

### 104AA Supplemental powers in appeals and subsequent appeals

An application under the Code, section 671B(1)(a), (b), (e) or (f) may be heard and determined by a judge of the court.

### 104 Application to judge

- (1) This rule applies to the following applications in which a judge may exercise the court's powers—
  - (a) an application for leave to appeal;
  - (b) an application for leave to make a subsequent appeal;
  - (c) an application for extension of time in which a notice of appeal or of application for leave to appeal may be given;
  - (d) an application under rule 75 for leave for an appellant to be present at the hearing of a relevant proceeding;
  - (e) an application under the Code, section 671B(1)(a), (b), (e) or (f).
- (2) Unless the court directs otherwise, the application must, in the first instance, be decided by the judge.

### 105 Judge's decision

- (1) The registrar must give to the applicant written notice of the judge's decision on an application made to the judge under this division.
- (2) If the application is refused and the applicant does not apply to the court for a rehearing under rule 106, the judge's decision is taken to be the final decision on the application.
- (3) In this rule—

*applicant* means a person who makes an application mentioned in rule 104.

## **106 Rehearing by court**

- (1) If a judge refuses an application mentioned in rule 104, the applicant may apply to the court for the application to be reheard by the court.
- (2) An application under subrule (1) must be filed with the registrar within—
  - (a) 7 days after the notice mentioned in rule 105(1) is given; or
  - (b) the further period allowed by the judge or court.
- (3) The appellant may be present at the rehearing only with the court's leave.
- (4) The judge may sit as a member of the court and participate in the decision on the rehearing.

## **Division 3**

### **Applications and notices relating to appeals and subsequent appeals by persons in custody**

## **107 Application and notice by person in custody**

- (1) This rule applies if—
  - (a) a person is required or permitted to give a relevant document to, or file a relevant document with, the court, the registrar or the registry; and
  - (b) the person is in custody.
- (2) The relevant document is taken to have been given or filed at the time the person gives the document to—
  - (a) if the person is in prison—the prison's general manager; or
  - (b) if the person is in custody other than in a prison—the person in charge of the place in which the person is held in custody.
- (3) In this rule—

***relevant document*** means an application or notice relating to an appeal or subsequent appeal.

## Division 4

## **Evidence and examination of witnesses**

### **108 Application for leave to adduce evidence**

- (1) If a party to an appeal or subsequent appeal wants to adduce evidence at the hearing of the appeal or subsequent appeal, the party must apply to the court for leave to adduce evidence.
- (2) Unless the court directs otherwise, an application for leave to adduce evidence must be made in writing and accompanied by an affidavit of the witness giving or producing the evidence.
- (3) The affidavit must state the following—
  - (a) for evidence that is to be given by the witness—what the evidence is;
  - (b) for evidence that is to be produced by the witness—the nature of the evidence.

### **109 Order for examination of witness**

- (1) This rule applies if the court orders a witness to attend and be examined before the court or a person appointed by the court (**examiner**) under the Code, section 671B(1)(b).
- (2) If the court orders the witness to be examined before the court, the order must state the time and place at which the witness is required to attend for the examination.
- (3) If the court orders the witness to be examined before an examiner, the order must state the following—
  - (a) the examiner's name;
  - (b) the names of the witnesses to be examined;
  - (c) the place for taking the examination.

- (4) The registrar must ensure a copy of the order is served on each witness named in it.

## **110 Notice of day and time for examination by examiner**

- (1) An examiner appointed to examine a witness under this division must give to the registrar written notice of the day and time set by the examiner for the examination.
- (2) The registrar must give written notice of the day and time to the following—
  - (a) the party to the appeal or subsequent appeal, or the party's lawyer (if any), who applied for the examination order;
  - (b) if the party who applied for the examination order is in prison, the prison's general manager;
  - (c) if the party who applied for the examination order is in custody in a place other than prison, the person in charge of the place;
  - (d) each witness to be examined before the examiner.
- (3) In this rule—  
*examination order* means an order for the examination of a witness made by the court.

## **111 Witnesses' travelling expenses**

- (1) This rule applies to a witness who is served by a police officer with an order or notice requiring the witness to attend before the court or an examiner under this division.
- (2) If the police officer considers it necessary, the police officer may pay to the witness a reasonable amount for the witness's travelling expenses from the witness's place of residence to the place stated in the order or notice as the place for the examination.

- (3) The amount paid to the witness under subrule (2) must not be more than the amount approved by the Crown law officer for the travelling expenses.
- (4) The police officer must give to the registrar a certificate certifying the amount paid to the witness.
- (5) The amount certified under subrule (4) is taken to be a cost of the prosecution.

## **112 Parties may attend examination**

A party to an appeal or subsequent appeal to which an examination under this division relates, or the party's lawyer, may attend the examination and participate in the examination of any witness.

## **113 Registrar to give examiner documents or other things for examination**

- (1) If asked by an examiner, the registrar must give to the examiner any documents or other things relating to the appeal or subsequent appeal to which the examination relates.
- (2) After the examination, the examiner must give to the registrar—
  - (a) the documents and other things obtained under subrule (1); and
  - (b) the depositions taken by the examiner in the examination.

## **114 Procedure for examination**

- (1) A witness giving evidence before an examiner must give the evidence on oath, unless, if the evidence were given in a trial, the evidence need not be given on oath.
- (2) The examiner must administer the oath to the witness.
- (3) An examiner taking a deposition from a witness must—

- (a) take the deposition in private; and
- (b) ensure it is—
  - (i) written; and
  - (ii) read to the witness; and
  - (iii) signed by the witness and the examiner.

## Division 5

### Orders referring questions for inquiry and report to commissioners

#### 115 Content of order

- (1) This rule applies to a court order referring a question for inquiry and report to a commissioner under the Code, section 671B(1)(e).
- (2) The order must state—
  - (a) the question referred; and
  - (b) the name of the commissioner to whom it is referred.
- (3) The court may, in the order, or at any time by direction, do the following—
  - (a) state whether a party to the appeal or subsequent appeal to which the order relates, or the party's lawyer, may attend all or part of the examination or investigation the subject of the order;
  - (b) if the appellant is in custody—
    - (i) give leave to the appellant to attend any stage of the examination or investigation; or
    - (ii) give any necessary directions to—
      - (A) if the appellant is in prison, the prison's general manager; or

- (B) if the appellant is in custody in a place other than prison, the person in charge of the place;
- (c) state the powers the commissioner may exercise under the order;
- (d) require the commissioner to make interim reports to the court on the question referred under the order;
- (e) require the registrar to give copies of any report made by the commissioner to the parties or their lawyers.

## Division 6

## Decision on appeal, subsequent appeal or application

### 116 Notice of decision

- (1) This rule applies in relation to the following—
  - (a) an appeal, application for leave to appeal or application about an appeal heard by the court;
  - (b) a subsequent appeal, application for leave to make a subsequent appeal or an application about a subsequent appeal heard by the court;
  - (c) an application mentioned in rule 104(1) heard by a judge.
- (2) As soon as practicable after the court or judge gives the final decision on the appeal, subsequent appeal or application, the registrar must, by written notice, give the particulars of the decision to the following persons—
  - (a) the appellant;
  - (b) the respondent;
  - (c) the chief executive (corrective services);
  - (d) the proper officer of the court of trial;

- (e) any person who was given the court's leave to attend and be heard on the appeal, subsequent appeal or application.
- (3) The proper officer of the court of trial must keep a record of the particulars.

## **117 Registrar to notify appellant of application result**

- (1) This rule applies if an appellant is in custody and was not present at the hearing of an application about the appellant's appeal or subsequent appeal before the court or a judge.
- (2) The registrar must give to the appellant written notice of the decision of the court or judge on the application.

## **Division 7**

### **Other miscellaneous provisions about appeals and subsequent appeals**

## **118 Trial judge's certificate**

If a trial judge certifies under the Code, section 668D(1)(b) that a case is fit for appeal, the trial judge must give the certificate to the convicted person to whom the case relates.

## **119 Dealing with fine pending appeal**

- (1) This rule applies if a convicted person is sentenced to pay a fine.
- (2) An amount paid by the person as the fine, or part of the fine, must be kept by the proper officer of the court until—
  - (a) the end of the appeal period; or
  - (b) if the convicted person starts an appeal, the final decision on the appeal.
- (3) Subject to a court order, if the person appeals successfully against the conviction or sentence, the proper officer must

refund to the person the amount decided by the court on the appeal.

**120 Warrants issued by court taken to be issued under Justices Act 1886**

A warrant for the apprehension of an appellant issued by the court under this chapter is taken to be, for all purposes, a warrant issued by a justice for the apprehension of the person under the *Justices Act 1886*.

**121 Registrar's certificate about expenses allowed on appeal or subsequent appeal**

- (1) The registrar must give to the Crown law officer a certificate certifying the amounts allowed by the registrar under the Code, section 671F for expenses on an appeal or subsequent appeal.
- (2) Subject to the Code, section 671F, a person named in the certificate to whom an amount stated in the certificate is proposed to be paid may ask the court or a judge to review the amount.
- (3) The request must be written and given to the registrar within 14 days after the day the registrar gives the certificate.
- (4) The registrar must amend the certificate if directed to do so by the court or judge on the review.
- (5) A person can not appeal against or question in any way—
  - (a) a certificate for which an application for review has not been made under this rule; or
  - (b) a certificate that has been amended under subrule (4).
- (6) A certificate mentioned in subrule (5)(a) or (b) is sufficient authority for the payment to a person named in the certificate of the amount stated in the certificate as payable to the person.

## Chapter 16      **Miscellaneous**

### **122      Repeal**

The Criminal Practice Rules 1900 are repealed.

## Chapter 17      **Transitional provisions**

### **123      Transitional provision for Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010**

- (1) On the commencement of this rule, rules 59 and 62, and schedule 6, definition *court*, as amended by the amending Act, and the relevant rule 5 amendment, have effect in relation to a proceeding, regardless of when the proceeding was commenced.
- (2) To remove any doubt, it is declared that chapter 9A, as inserted by the amending Act, applies to a proceeding only if the Criminal Code, chapter 62, chapter division 4A or the *Justices Act 1886*, part 4, division 10B applies to the proceeding.
- (3) In this rule—

*amending Act* means the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*.

*relevant rule 5 amendment* means the amendment of rule 5 by the amending Act to the extent the amendment inserts a reference to chapter 14.

## Schedule 2

## Forms for indictments and informations—formal parts

rules 12 to 14

### Form 1

### Indictment in the Supreme Court

In the Supreme Court of Queensland at [*state the place*].

The King against AB (and CD).

The \_\_\_\_\_ day of \_\_\_\_\_.

*RNM* informs the court that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ [*state the place where the offence was committed to show that the case is within the jurisdiction of the court*] AB (and CD) [*state the statement of offence*].

This prosecution (*or* The prosecution of count [*insert number*]) is instituted by the direction of (*or* with the consent of) the Attorney-General (*or* the director of public prosecutions) (*or* at the request of the government of [*name the State*]).

(Signed) Crown law officer (or Crown prosecutor).

### Form 2

### Indictment in the District Court

In the District Court at [*state the place*].

The King against AB (and CD).

The \_\_\_\_\_ day of \_\_\_\_\_.

Schedule 2

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*RNM* informs the court that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ [*state the place where the offence was committed to show that the case is within the jurisdiction of the court*] AB (and CD) [*state the statement of offence*].

This prosecution (*or* The prosecution of count [*insert number*]) is instituted by the direction of (*or* with the consent of) the Attorney-General (*or* the director of public prosecutions) (*or* at the request of the government of [*name the State*]).

(Signed) Crown law officer (or Crown prosecutor).

**Form 3**

**Information by leave under  
section 686 of the Code**

In the Supreme Court of Queensland at [*state the place*].

The King on the prosecution of ZY [*the prosecutor*] against AB.

The \_\_\_\_\_ day of \_\_\_\_\_.

ZY, by leave of the Supreme Court informs the court that [*etc. as in form 1*].

(Signed) ZY

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## Schedule 3

### Forms for indictments, informations and complaints—statement of offences under the Code

rules 13 to 15

## Part 1

### Introductory

## Chapter 2

### Parties to offences

## Form 4

### Counselling (or Procuring) [state offence e.g. by using the schedule form heading]

#### (Section 7. Counselling or procuring commission of offences)

- 1 Counselle MN to [describe the offence counselled e.g. by using the schedule form].
- 2 Procured MN to [describe the offence procured e.g. by using the schedule form].

## Chapter 3 Application of criminal law

### Form 5

**(Section 12. Application of Code as to offences wholly or partially committed in Queensland)**

On [date(s)], partly at [state place out of Queensland] and partly at [state place in Queensland], [describe offence e.g. by using the schedule form].

### Form 6

**Enabling [or aiding,  
procuring or counselling]  
[state offence e.g. by using  
the schedule form heading]**

**(Section 13. Offences enabled, aided, procured or counselled by persons out of Queensland)**

1 [Describe the offence committed in Queensland by the principal offender (MN) e.g. by using the schedule form]:

and on (date) at [state place of act (outside Queensland)], EF:

- (a) did (or omitted to) [describe act], for the purpose of enabling (or aiding) MN to commit the offence; or
- (b) aided MN in committing the offence; or
- (c) counselled (or procured) MN to commit the offence.

2 On [date] at [state place out of Queensland] AB procured MN to [describe offence e.g. by using the schedule form] in Queensland.

**Form 7**

**Procuring [*state offence e.g. by using the schedule form heading*] outside Queensland**

**(Section 14. Offences procured in Queensland to be committed out of Queensland)**

Procured EF to [*describe the act or omission*] at [*state place not in Queensland*] and had AB done the act (*or* made the omission) in Queensland, AB would have been guilty of an offence, namely [*state offence e.g. by using the schedule form heading*] and had AB done the act (*or* made the omission) in [*state place not in Queensland where act was to be done (or omission was to be made)*], he (*or* she) would have been guilty of an offence under the laws in force at the place.

**Part 2**

**Offences against public order**

**Chapter 7**

**Sedition**

**Form 11**

**Unlawful drilling**

**(Section 51. Unlawful drilling)**

- 1 In contravention of the directions under a regulation trained (or drilled) MN (and others) to the use of arms (*or* to the practice of military exercises (*or* movements *or* evolutions)).

Schedule 3

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- 2 Was present at a meeting (*or* assembly) of persons held in contravention of the directions under a regulation for the purpose of there training (*or* drilling) other persons (*or* MN and others) to the use of arms (*or* to the practice of military exercises (*or* movements *or* evolutions)).
- 3 Was present at a meeting (*or* assembly) of persons held in contravention of the directions under a regulation—
  - (a) and was trained (*or* drilled) to the use of arms (*or* to the practice of military exercises (*or* movements or evolutions)); or
  - (b) for the purpose of being trained (*or* drilled) to the use of arms (*or* to the practice of military exercises (*or* movements or evolutions)).

**Form 12**

**Sedition (with a  
circumstance of  
aggravation)**

**(Section 52. Sedition)**

- 1 Conspired together (*or* with another person) to carry into execution a seditious enterprise.  
And AB had on [date] at [place] been previously convicted of sedition.
- 2 Advisedly published seditious words (*or* writing).  
And AB had on [date] at [place] been previously convicted of sedition.

## Chapter 7A      **Serious vilification and prohibited symbols**

### Form 12A

#### **Serious racial (or religious or sexuality or sex characteristics or gender identity) vilification**

**(Section 52A. Offence of serious racial, religious, sexuality, sex characteristics or gender identity vilification)**

By a public act, namely [describe the public act], knowingly (or recklessly) incited hatred towards (or serious contempt for) (or severe ridicule of) EF (or a group of persons, namely [describe or identify the group],) on the ground of the race (or religion or sexuality or sex characteristics or gender identity) of EF (or members of the group) in a way that included threatening (or inciting others to threaten) physical harm towards EF (or EF's property) (or the group of persons (or property of the group of persons)).

### Form 12B

#### **Display (or Distribution) (or Publication) of prohibited symbols**

**(Section 52D. Display, distribution or publication of prohibited symbols)**

Publicly distributed (or Published) (or Publicly displayed) a prohibited symbol in a way that might reasonably be expected to cause a member of the public to feel menaced (or harassed or offended), without having a reasonable excuse.

## Chapter 8

## Offences against the executive and legislative power

### Form 13

### Interfering with the Governor (or a Minister)

#### (Section 54. Interference with Governor or Ministers)

- 1 Did [describe the act done] intending to interfere with the free exercise by the Governor of the duties (or authority) of his (or her) office.
- 2 Did [describe the act done] intending to interfere with the free exercise by R.P, a member of the Executive Council (or a Minister of State) of the duties (or authority) of his (or her) office.

### Form 14

### Demands with menaces on the government (or the Governor or a government corporation or a government employee) (with circumstances of aggravation)

#### (Section 54A. Demands with menaces upon agencies of government)

Demanded that [describe thing to be done or omitted to be done or to be procured] by—

- (a) the Government of Queensland (or EF, a person in the employment of the Crown in right of Queensland, in the performance of the duties of his (or her) employment (or in his (or her) official capacity)); or
- (b) EF, in his (or her) role as Governor; or

- (c) EF, a Minister of the Crown, in his (*or her*) office as Minister (*or* as a member of the Executive Council of Queensland); *or*
- (d) X, a government corporation, in discharge of its functions conferred by law, [*or* EF, a person in the employment of X, a government corporation, in performance of his (*or her*) duties of employment (*or* in his (*or her*) official capacity)]—

with threats of detriment to be caused to EF (*or* X *or* GH *or* to the public *or* members of the public *or* to property) by AB (*or* MN *or* another person), if the demand was not complied with.

And the carrying out of the threat would be likely to cause—

- (a) loss of life (*or* serious personal injury) to EF (*or* GH *or* any person); *or*
- (b) substantial economic loss to the Crown (*or* to X, a government corporation, *or* in any industrial or commercial activity), (and),  
(in addition, AB (*or* MN on AB's behalf) carried out the threat and caused—
  - (a) loss of life (*or* serious personal injury) to EF (*or* GH *or* any person); *or*
  - (b) substantial economic loss to the Crown (*or* to X, a government corporation, *or* in an industrial or commercial activity);

*OR* in addition, AB (*or* MN on AB's behalf) had by some overt act begun to prepare for the carrying out of the threat).

## Form 15

## Interfering with (a member of) the Legislature

### (Section 55. Interference with the Legislature)

- 1 By force (*or* fraud) intentionally interfered (*or* attempted to interfere) with the free exercise by the Legislative Assembly of its authority.

Schedule 3

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- 2 By force (*or* fraud) intentionally interfered (*or* attempted to interfere) with the free exercise by EF, a member of the Legislative Assembly, of his (or her) duties (*or* authority) as a member of the Legislative Assembly (*or* as a member of a committee of the Legislative Assembly).

**Form 16**

**Disturbing the legislature**

**(Section 56. Disturbing the Legislature)**

- 1 Intentionally disturbed the Legislative Assembly while in session.
- 2 Intentionally committed disorderly conduct in the immediate view and presence of the Legislative Assembly, while in session, tending to interrupt its proceedings (*or* to impair the respect due to its authority).

**Form 17**

**Disturbing Parliament House  
(*or* the office *or* residence of  
the Governor *or* member of  
Parliament)**

**(Section 56A. Disturbance in House when Parliament not sitting)**

Created (*or* Joined in) a disturbance in (*or* within the precincts of) Parliament House when Parliament was not sitting, (*or* at the office (*or* residence) of the Governor (*or* MN, a member of the Legislative Assembly, or of the Executive Council)).

**Form 18**

**Going armed to Parliament House**

**(Section 56B. Going armed to Parliament House)**

Without lawful excuse, was armed and entered (*or* was found in) (a building in *or* on) (the grounds of) Parliament House.

**Form 19**

**False evidence before Parliament**

**(Section 57. False evidence before Parliament)**

Knowingly gave a false answer to a lawful and relevant question put to him (*or* her) during an examination before the Legislative Assembly (*or* a committee of the Legislative Assembly), namely [*state substance of false answer*].

**Form 20**

**Failing to attend (*or* answer question *or* produce document (*or* other thing)) before Legislative Assembly (*or* authorised committee)**

**(Section 58. Witness refusing to attend, answer question or produce a thing before Legislative Assembly or authorised committee)**

- 1 Failed to attend before the Legislative Assembly (*or* an authorised committee of the Legislative Assembly) as required under section 29 (*or* section 30(4)) of the *Parliament of Queensland Act 2001*.

Schedule 3

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2 Failed to answer a question asked by (or produce a document (or other thing) to) the Legislative Assembly (or an authorised committee of the Legislative Assembly) as required under section 32(6)(or section 33(8)) of the *Parliament of Queensland Act 2001*.

**Form 22**

**Bribery as a member of Parliament**

**(Section 59. Member of Parliament receiving bribes)**

Being a member of the Legislative Assembly, asked for (or received or obtained or agreed (or attempted) to receive (or obtain)) [state the property or benefit] for himself (or herself) (or for another person on an understanding that his (or her) vote (or opinion or judgment or action) in (a committee of) the Legislative Assembly is to be influenced (or is to be given in a particular manner or is to be given in favour of a particular side of a question (or matter)).

**Form 23**

**Bribery of a member of Parliament**

**(Section 60. Bribery of member of Parliament)**

In order to influence MN, a member of the Legislative Assembly, in his (or her) vote (or opinion or judgment or action) on a question (or matter) arising in the Legislative Assembly (or in a committee of the Legislative Assembly) (or In order to induce MN, a member of the Legislative Assembly to absent himself (or herself) from the Legislative Assembly (or from a committee of the Legislative Assembly)) gave to (or conferred on or procured for or promised (or offered) to give to (or confer on or procure (or attempt to procure) for) MN (or another person) [state the property or benefit].

## **Form 24**

## **Corrupting a member of Parliament**

### **(Section 60. Bribery of member of Parliament)**

Attempted by fraud [*or* Attempted by threats (*or* intimidation)] to influence MN, a member of the Legislative Assembly, in his (*or* her) vote (*or* opinion *or* judgment *or* action) on a question (or matter) arising in the Legislative Assembly (*or* in a committee of the Legislative Assembly) (*or* to induce MN, a member of the Legislative Assembly to absent himself (*or* herself) from the Legislative Assembly (*or* from a committee of the Legislative Assembly)).

## **Chapter 9**

## **Breaches of the peace**

### **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.

Schedule 3

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And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 30**

**Going armed so as to cause fear**

**(Section 69. Going armed so as to cause fear)**

Without lawful occasion went armed in public in such a manner as to cause fear to EF (and GH).

And AB was wholly (*or* partly) motivated to commit the offence by hatred (*or* serious contempt) for EF based on the (presumed) race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) of EF (*or* for a group of persons, namely *[describe or identify the group]*, based on the race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) shared (*or* presumed to be shared) by the members of the group).

And AB published material on a social media platform (*or* an online social network) to advertise AB's involvement in the offence (*or* to advertise the act or omission constituting the offence).

**Form 31**

**Forcible entry**

**(Section 70. Forcible entry)**

Entered on land which was in the actual and peaceable possession of EF in a manner likely to cause (reasonable fear of) unlawful violence to EF (*or GH or* property).

**Form 32****Forcible detainer****(Section 71. Forcible detainer)**

Being in actual possession of land without colour of right, held possession of it against EF who was entitled by law to possession of it, in a manner likely to cause (reasonable fear of) unlawful violence to EF (*or GH or* property).

**Form 33****Affray****(Section 72. Affray)**

Took part in a fight in a public place (*or Took part in a fight of such a nature as to alarm the public in [state the place] to which the public had access*).

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

**Form 35****Prize fighting****(Section 74. Prize fight)**

- 1 Fought in a prize fight.
- 2 Subscribed to [*or* Promoted] a prize fight.

## Form 36

### Threatening violence (at night)

#### (Section 75. Threatening violence)

1 With intent to intimidate (or annoy) EF, threatened to enter (or damage) a dwelling (or premises [describing them]).

And AB was wholly (or partly) motivated to commit the offence by hatred (or serious contempt) for EF based on the (presumed) race (or religion or sexuality or sex characteristics or gender identity) of EF (or for a group of persons, namely [describe or identify the group], based on the race (or religion or sexuality or sex characteristics or gender identity) shared (or presumed to be shared) by the members of the group).

And AB committed the offence in the night.

2 With intent to alarm EF, discharged loaded firearms (or [describe the act], that was likely to cause EF (or GH) to fear bodily harm to himself (or herself) (or GH or IJ) (or damage to property)).

And AB was wholly (or partly) motivated to commit the offence by hatred (or serious contempt) for EF based on the (presumed) race (or religion or sexuality or sex characteristics or gender identity) of EF (or for a group of persons, namely [describe or identify the group], based on the race (or religion or sexuality or sex characteristics or gender identity) shared (or presumed to be shared) by the members of the group).

And AB committed the offence in the night.

## Form 37

### Recruiting person to become participant in criminal organisation

#### (Section 76. Recruiting person to become participant in criminal organisation)

Being a participant in a criminal organisation (*or* subject to a control order) (*or* subject to a registered corresponding control order), recruited (*or* attempted to recruit) EF to become (*or* associate with) a participant in a criminal organisation.

## **Chapter 9A      Consorting**

### **Form 37A**

### **Habitually consorting with recognised offenders**

**(Section 77B. Habitually consorting with recognised offenders)**

Habitually consorted with EF and GH, each of whom was a recognised offender on the relevant occasions, and at least 1 occasion on which AB consorted with each recognised offender happened after AB was given an official warning for consorting in relation to that offender, and AB, EF and GH were adults on the relevant occasions.

## **Chapter 10**

## **Offences against political liberty**

### **Form 38**

### **Interfering with political liberty (as a public officer)**

**(Section 78. Interfering with political liberty)**

By violence [*or* By threats (*or* intimidation)] hindered (*or* interfered with) the free exercise of a political right by EF.

### Schedule 3

And AB was a public officer and committed the offence in abuse of his (or her) authority as a public officer.

## Chapter 11 Piracy

## **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.

## Part 3

# Offences against the administration of law and justice, against office and against public authority

## Chapter 12

### Unlawfully obtaining or disclosing information

## Form 42

### Disclosing official secrets

#### (Section 85. Disclosure of official secrets)

Being (or Having been) employed as [state the public office], unlawfully published (or communicated) information [describe it] that came to his (or her) knowledge (or a document [describe it] that came into his (or her) possession) by virtue of his (or her) office, and that was his (or her) duty to keep secret.

## Form 42A

### Obtaining (or Disclosing) secret information about identity of informant

#### (Section 86. Obtaining of or disclosure of secret information about the identity of informant)

- 1 Obtained (or Attempted to obtain), without lawful justification or excuse, secret information in the possession of a law enforcement agency, namely [state the agency] (or EF, a law enforcement officer) about the identity of a criminal organisation informant.

### Schedule 3

2 Published (or Communicated), without lawful justification or excuse, secret information in the possession of (or obtained from) a law enforcement agency, namely [state the agency] (or EF, a law enforcement officer) about the identity of a criminal organisation informant.

## Chapter 13      Corruption and abuse of office

## Form 43

## Official corruption (by or of a Minister of the Crown)

## **(Section 87. Official corruption)**

1 Being employed in the public service [*or* Being the holder of the office of [*state the public office*] (*or* being a Minister of the Crown), and being charged by virtue of such employment (*or* office) with the duty of [*state the duty*], corruptly asked for (*or* received *or* obtained *or* agreed (*or* attempted) to receive (*or* obtain)) [*state the property or benefit*] on account of his (*or* her) having in the discharge of the duties of his (*or* her) office [*describe the act done or omitted to be done or to be done*].

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

2 Corruptly gave (or conferred or procured or promised or offered to give (or confer or procure or attempt to procure) (to (or on or for) MN, a person who was employed in the public service (or was the holder of the office of [*state the public office*] or was a Minister of the Crown], [*state the property or benefit*] on account of MN having, in the discharge of the duties of his (or her) office [*describe the act done or omitted to be done or to be done*].

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

## Form 44

## Extortion as a public officer

### (Section 88. Extortion by public officers)

Being employed in the public service, took (or accepted) from MN for the performance of his (or her) duty as such officer, a reward (or promise of a reward) beyond his (or her) proper pay and emoluments, namely, [*state reward or promise*].

## Form 45

## Having an interest in contracts as a public officer

### (Section 89. Public officers interested in contracts)

Schedule 3

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Being employed in the public service in [*state the applicable public service department*], knowingly acquired (*or held*), otherwise than as a member of a registered joint stock company consisting of more than 20 persons, a private interest in a contract (*or agreement*) which had been made on account of the public service about a matter concerning the department.

**Form 46**

**Discharging duties while having a private interest**

**(Section 90. Officers charged with administration of property of a special character or with special duties)**

Being employed in the public service, and being charged by virtue of his (*or her*) employment with judicial (or administrative) duties respecting property (*or the carrying on of a manufacture, trade, or business*) of a special character, namely [*describe it*], and having acquired (*or holding*) a private interest in the property (*or manufacture, trade or business*), discharged the duties of his (*or her*) office with respect to the property (*or manufacture, trade or business*) (or with respect to the conduct of MN in relation to the property (*or manufacture, trade or business*)) in which he (*or she*) had the interest.

**Form 47**

**False claims as an official**

**(Section 91. False claims by officials)**

Being employed in the public service and required (*or enabled*) to furnish returns (*or statements*) touching the remuneration (claimed to be) payable to himself (*or herself*) (*or to MN*) (*or touching [describe the matter]* required by law to be certified for a payment of money (*or the delivery of particular goods*) to MN), made a return (*or statement*) touching the remuneration (*or matter*) which was to his (*or her*) knowledge false in a material particular, namely [*set out the false statement*].

**Form 48**

**Abuse of office (for gain)**

**(Section 92. Abuse of office)**

Being employed in the public service, did (*or* directed to be done), in abuse of the authority of his (*or* her) office of [describe the office], an arbitrary act, namely [describe the act], which act was prejudicial to the rights of EF.

And the act was done for gain.

**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)).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

Schedule 3

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- 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*).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 49**

**Corruption as a surveyor (*or* valuator)**

**(Section 93. Corruption of surveyor and valuator)**

- 1 Having been appointed under the [*state the statute*] to be a valuator for determining the compensation to be paid to MN for land compulsorily taken from him (*or her*) (*or* for injury done to land) under the authority of the statute, acted as such valuator while he (*or she*) to his (*or her*) knowledge had an interest in the land.
- 2 Having been appointed under the [*state the statute*] to be a valuator for determining the compensation to be paid to MN for land compulsorily taken from him (*or her*) (*or* for injury done to land) under the authority of the statute, executed unfaithfully (*or dishonestly or with partiality*) the duty of making a valuation of the land (*or* of the extent of the injury).

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**Form 50**

**False certificates as a public officer**

**(Section 94. False certificates by public officers)**

Being authorised (*or* required) by law to give a certificate touching, *[describe the nature of the matter about which the certificate is to be given, so as to show that the rights of some person might be prejudicially affected by it]*, gave a certificate which was to his (or her) knowledge false in a material particular, namely *[set out the false statement]*.

**Form 51**

**Administering extra-judicial oaths**

**(Section 95. Administering extra-judicial oaths)**

Administered to MN an oath (*or* Took the solemn declaration (*or* affirmation or affidavit) of MN) touching *[state the subject matter]* about which he (*or* she) had not by law any authority to do.

**Form 52**

**Falsely assuming authority**

**(Section 96. False assumption of authority)**

- 1 Not being a justice, assumed to act as a justice.
- 2 Without authority, assumed to act as a person having authority by law to administer an oath (*or* to take a solemn declaration (*or* affirmation or affidavit)) (*or* to do an act of a public nature, namely *[describe it]* which could only be done by persons authorised by law to do so).

Schedule 3

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- 3 Represented himself (*or herself*) to be a person authorised by law to sign a document testifying to the contents of a register (*or record*) of [*describe it*] kept by lawful authority (*or* testifying to the fact that [*describe the fact or event*]) and signed such document as being so authorised when knowing he or she was not in fact so authorised.

**Form 53**

**Personating a public officer**

**(Section 97. Personating public officers)**

- 1 Personated EF, who was employed in the public service as [*state EF's office*], on an occasion [*if necessary, identify occasion*] when EF was required by virtue of his (*or her*) employment to [*describe act to be done or place to attend*].
- 2 Falsely represented himself (*or herself*) to be employed in the public service as [*state the office assumed*], and assumed to [*describe act done or place to attend*] by virtue of such employment.

**Chapter 14**

**Corrupt and improper practices at elections**

**Form 54**

**Giving false (*or misleading*) information at Legislative Assembly election (*or referendum*)**

**(Section 98B. False or 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 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 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*).

**Form 54C**

**Influencing voting at  
Legislative Assembly  
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  
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)

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.

## Form 58

## Providing money for illegal payments

### (Section 103. Providing money for illegal payments)

- 1 Knowingly provided money for a payment that was contrary to [state the provision contravened].

2 Knowingly provided money to replace money that had been spent in making a payment that was contrary to [state the provision contravened].

### **Form 59**

### **Failing to state particular matters in election notices**

#### **(Section 104. Election notices to contain particular matters)**

Before (or during) an election, printed (or published) (or permitted EF to print (or publish)) an election notice for the election that did not state the name and address of the person who authorised the notice.

### **Form 63**

### **Interfering at an election**

#### **(Section 108. Interference at elections)**

2 Wilfully interrupted (or obstructed or disturbed) proceedings at an election.

### **Form 64**

### **Attempting to violate ballot secrecy**

#### **(Section 109. Electors attempting to violate secrecy of ballot)**

Having received a ballot paper from ST, the presiding officer at an election—

- (a) wilfully made (or wrote) on the ballot paper a mark (or particular words (or figures)) not expressly authorised by law; or
- (b) wilfully failed to fold up his (or her) ballot paper in a way to conceal how he (or she) had voted; or

Schedule 3

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(c) wilfully failed to deposit the ballot paper in the ballot box in the presence of the presiding officer.

**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)**

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*].

## **Chapter 15**

### **Selling and trafficking in offices**

## **Form 74**

### **Bargaining for an office in the public service**

**(Section 118. Bargaining for offices in public service)**

Schedule 3

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- 1 Corruptly asked for (or received *or* obtained *or* agreed (*or* attempted) to receive (*or* obtain)) [*state the property or benefit*] for himself or herself (*or* CD), on account of his or her (*or* CD) having [*describe the thing done, or omitted to be done, or to be done etc*], with regard to the (contemplated) appointment of MN to an office or employment (*or* the application for employment by MN) in the public service.
- 2 Corruptly gave (*or* conferred *or* procured *or* promised *or* offered to give (*or* confer *or* procure *or* attempt to procure)) to (*or* on *or* for) CD [*state the property or benefit*] on account of CD having [*describe the thing done, or omitted to be done, or to be done etc*], with regard to the (contemplated) appointment of MN to an office or employment (*or* the application for employment by MN) in the public service.

## **Chapter 16      Offences relating to the administration of justice**

### **Form 74A**

**Retaliation against (*or* Intimidation of) a (family member of a) judicial officer (*or* juror *or* witness *or* member of a community justice group)**

**(Section 119B. Retaliation against or intimidation of judicial officer, juror, witness etc.)**

Caused (or Threatened to cause) an injury (or detriment) to EF, a judicial officer (or a juror or a witness or a member of a community justice group) (or MN, a member of the family of EF, a judicial officer (or a juror or a witness or a member of a community justice group)), without reasonable cause, for the purpose of retaliation (or intimidation) because EF, as a judicial officer (or a juror or a witness or a member of a community justice group), [describe the thing lawfully done or omitted to be done or that may have been lawfully done etc.].

And the act was done in relation to a proceeding before a court for a prescribed offence charged with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

## Form 75

## Judicial corruption

### (Section 120. Judicial corruption)

- 1 Corruptly asked for (or received or obtained or agreed (or attempted) to receive (or obtain)) [state the property or benefit], for himself (or herself) (or for QR), on account of having, in his (or her) judicial capacity [describe the thing done or omitted to be done, or to be done etc].

Schedule 3

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- 2 Corruptly gave (or conferred or procured or promised or offered to give (or confer or procure or attempt to procure)) to (or on or for) MN, a judicial officer, namely [describe it], [state the property or benefit], on account of MN having, in his (or her) judicial capacity [describe the thing done or omitted to be done, or to be done etc].
- 3 Corruptly gave (or conferred or procured or promised or offered to give (or confer or procure or attempt to procure)) to (or on or for) GH, [state the property or benefit], on account of MN, a judicial officer, having, in his (or her) judicial capacity [describe the thing done or omitted to be done, or to be done etc].

**Form 76**

**Official corruption in the administration of justice**

**(Section 121. Official corruption not judicial but relating to offences)**

- 1 Being a justice not acting judicially (or Being a person employed in the public service as [state capacity], in which capacity he (or she) was concerned in the prosecution (or detention or punishment) of offenders), corruptly asked for (or received or obtained or agreed (or attempted) to receive (or obtain)) [state the property or benefit] for himself (or herself or for GH), on account of his (or her), having [describe the thing done or omitted to be done, or to be done etc], to corruptly (or improperly) interfere with the administration of justice (or to procure (or facilitate) the commission of an offence, or to protect an offender (or intending offender) from detection (or punishment)).
- 2 Corruptly gave (or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)) to (or on or for) MN, a justice not acting judicially (or a person employed in the public service as [state capacity], in which capacity he (or she) was concerned in the prosecution (or detention or punishment) of offenders) on account of MN having [describe the thing done or omitted to be done, or to be done etc], to corruptly (or improperly) interfere with the administration of justice (or to procure (or facilitate) the commission of an offence, or to protect an offender (or intending offender) from detection (or punishment)).

3 Corruptly gave (*or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure) to (or on or for) GH, [state the property or benefit], on account of MN, a justice not acting judicially (or a person employed in the public service as [state capacity], in which capacity he (or she) was concerned in the prosecution (or detention or punishment) of offenders), having [describe the thing done or omitted to be done, or to be done etc], to corruptly (or improperly) interfere with the administration of justice (or to procure (or facilitate) the commission of an offence, or to protect an offender (or intending offender) from detection (or punishment)).*

**Form 77****Corruption of a juror****(Section 122. Corruption of jurors)**

1 Attempted by threat (*or by intimidation or by [describe the benefit or promise, or other corrupt means]) to influence EF, a juror (or a person to be sworn as a juror) in EF's conduct as a juror, in [state the judicial proceeding].*

And AB, at the time the offence was committed (*or at any time during the course of the commission of the offence*)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or ought reasonably to have known*) the offence was being committed at the direction of a criminal organisation (*or at the direction of a participant in a criminal organisation (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation (or for the benefit of a criminal organisation).*

2 Accepted [*describe the benefit or promise*] on account of his (*or her*) capacity as a juror (*or a person to be sworn as a juror*) [*describe thing done or to be done*] in [*state the judicial proceeding*].

And AB, at the time the offence was committed (*or at any time during the course of the commission of the offence*)—

Schedule 3

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- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 78**

**Perjury (with a circumstance of aggravation)**

**(Section 123. Perjury)**

**(Section 123A. Perjury—contradictory statements)**

**(Section 124. Punishment of perjury)**

- 1 In (*or* For the purpose of instituting) a judicial proceeding, namely [*describe it*], knowingly gave false testimony to the effect that [*set out the false testimony*], and the false testimony touched a matter which was material to a question then depending (*or* intended to be raised) in the proceeding.

And AB committed the crime in order to procure the conviction of EF for a crime punishable with imprisonment for life.

- 2 In [*or* For the purpose of instituting] a judicial proceeding, namely [*describe it*], made 2 statements, one of which is irreconcilably in conflict with the other, and made one of the statements knowing it to be false and the false testimony touched a matter which was material to a question then depending (*or* intended to be raised) in the proceeding.

And AB committed the crime in order to procure the conviction of EF for a crime punishable with imprisonment for life.

**Form 79****Fabricating evidence****(Section 126. Fabricating evidence)**

- 1 With intent to mislead [*state the tribunal*] in a judicial proceeding, namely [*describe it*], fabricated evidence, namely [*describe it*].
- 2 With intent to mislead [*state the tribunal*] in a judicial proceeding, namely [*describe it*], knowingly made use of fabricated evidence, namely [*describe it*].

**Form 80****Corrupting a witness****(Section 127. Corruption of witnesses)**

- 1 Gave (*or* Conferred *or* Procured *or* Promised *or* Offered to give (*or* confer *or* procure *or* attempt to procure)) to (*or* on *or* for) MN, [*state the property or benefit*], on an agreement (*or* understanding) that MN (*or* OP) who had been called (*or* who was to be called) as a witness in a judicial proceeding, namely [*describe it*], should give false testimony (*or* should withhold true testimony).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
  - (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).
- 2 Attempted by [*describe the way*] to induce EF, who had been called (*or* who was to be called) as a witness in a judicial proceeding, namely [*describe it*] to give false testimony (*or* to withhold true testimony).

Schedule 3

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And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

3 Asked for (*or* Received *or* Obtained *or* Agreed (*or* Attempted) to receive (*or* obtain)) [state the property or benefit] for himself (*or* herself) (*or* for GH), on an agreement (*or* understanding) that he (*or* she) (*or* GH *or* IJ) should give false testimony (*or* should withhold true testimony) as a witness in a judicial proceeding, namely [describe it].

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 81**

**Deceiving a witness**

**(Section 128. Deceiving witnesses)**

*Knowingly made* (*or* exhibited) a false statement (*or* representation, token *or* writing) (*or* practised fraud (*or* deceit), [describe it]) to EF, who had been called (*or* was to be called) as a witness in a judicial proceeding, namely [describe it], with intent to affect the testimony of EF as a witness.

**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.

**Form 83****Preventing a witness from attending****(Section 130. Preventing witnesses from attending)**

Wilfully prevented (or attempted to prevent) EF, who had been summoned to attend as a witness before the [state the court or tribunal], from attending as a witness (or from producing in evidence pursuant to his (or her) subpoena (or summons) [describe thing to be produced]).

**Form 84****Conspiracy to bring false accusation (with a circumstance of aggravation)****(Section 131. Conspiracy to bring false accusation)**

Conspired together (or with another person) to charge EF (or to cause EF to be charged) with the offence of [state offence e.g. by using the schedule form heading], alleged to have been committed in [place], knowing that EF was innocent of the alleged offence (or not believing that EF was guilty of the alleged offence).

Schedule 3

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And the alleged offence was such that a person convicted of it was liable to be sentenced to imprisonment (for life).

**Form 85**

**Conspiracy to defeat justice**

**(Section 132. Conspiracy to defeat justice)**

Conspired together (*or* with another person) to obstruct (*or* prevent *or* pervert *or* defeat) the course of justice by [describe how].

**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.

**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]*.

**Form 91**

**Delaying to take person arrested before magistrate**

**(Section 137. Delay to take person arrested before magistrate)**

Having arrested MN on a charge of an offence, wilfully and without lawful excuse delayed taking MN before a justice to be dealt with according to law.

**Form 93**

**Inserting advertisement without authority of court**

**(Section 139. Inserting advertisement without authority of court)**

- 1 Inserted without authority (*or* Without authority caused to be inserted) in the gazette (*or* in a newspaper called *[state its name]*) an advertisement purporting to be published under the authority of the *[state the court]*.
- 2 Inserted (*or* Caused to be inserted) in the gazette (*or* in a newspaper called *[state its name]*) an advertisement purporting to be published under the authority of the *[state the court]*, knowing it to be false in a material particular, namely, *[set out false statement]*.

## Form 94

## Attempting to pervert justice

### (Section 140. Attempting to pervert justice)

Attempted by [describe how] to obstruct (or prevent, pervert, or defeat) the course of justice.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

## Chapter 17

## Escapes—obstructing officers of courts

## Form 95

## Aiding a person to escape from lawful custody

### (Section 141. Aiding persons to escape from lawful custody)

- 1 Aided MN, who was in lawful custody, to escape (or attempt to escape) from lawful custody.
- 2 Conveyed [state thing conveyed] to MN, a person in lawful custody, (or to a place where MN was or was to be in lawful custody) with the intention of aiding MN to escape from lawful custody.

3 Freed MN from lawful custody without authority.

**Form 96**

**Escaping from lawful custody**

**(Section 142. Escape by persons in lawful custody)**

Escaped from lawful custody.

**Form 97**

**Permitting escape**

**(Section 143. Permitting escape)**

Being responsible for keeping MN in lawful custody, permitted MN to escape.

**Form 98**

**Harbouring an escaped prisoner**

**(Section 144. Harbouring escaped prisoners etc.)**

Harboured (or Maintained or Employed) MN, knowing that MN had escaped from lawful custody.

**Form 100**

**Removing property under lawful seizure**

**(Section 147. Removing etc. property under lawful seizure)**

Knowingly, and with intent to hinder (*or* defeat) the attachment (*or* process), received (*or* removed, retained, concealed, *or* disposed of) [describe the property], which had been attached by (*or* taken under process or authority of) [state the court or justice].

**Form 101**

**Obstructing a court officer**

**(Section 148. Obstructing officers of courts of justice)**

Wilfully obstructed (*or* resisted) EF, who was lawfully charged with the execution of an order (*or* warrant) of [state the court].

**Chapter 20**

**Miscellaneous offences against public authority**

**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.

## Form 103

## Making a false declaration

**(Section 194. False declarations)**

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

- 1 Made a declaration before MN, who was authorised by law to take (*or receive*) declarations, knowing that the declaration was false in a material particular, namely [*set out false statement*].
- 2 Made 2 declarations before MN [*or* made one declaration before MN and another declaration before XY], who was (were) authorised by law to take (*or receive*) declarations, 1 of which is irreconcilably in conflict with the other, and made 1 of the declarations knowing it to be false in a material particular.

## Form 104

## Resisting a public officer

**(Section 199. Resisting public officers)**

- 1 Obstructed (*or* Resisted) EF, a public officer, while he (*or* she) was engaged in the (attempted) discharge of the duties of his (*or* her) office as [*state the office*] under [*state the statute*].
- 2 Obstructed (*or* Resisted) EF, while he (*or* she) was engaged in the (attempted) discharge of the duty of [*state the duty*], which was imposed on him (*or* her) by [*state the statute*].

**Form 105**

**Refusing to perform duty as a public officer**

**(Section 200. Refusal by public officer to perform duty)**

Was employed in the public service (*or* as an officer of [*state the court or tribunal*]) and perversely and without lawful excuse omitted (*or refused*) to [*state act*], which by virtue of his (*or her*) employment, it was his (*or her*) duty to do.

**Form 109**

**Disobeying [*state the statute*]**

**(Section 204. Disobedience to statute law)**

- 1 Without lawful excuse [*describe the act done*], contrary to the provisions of [*state the statute*].
- 2 Without lawful excuse omitted to [*describe the omitted act*], as by the provisions of [*state the statute*] he (*or she*) was required to do.

**Form 110**

**Disobeying a lawful order of a statutory authority**

**(Section 205. Disobedience to lawful order issued by statutory authority)**

Without lawful excuse, disobeyed a lawful order issued by [*state the court or person authorised to make the order*], namely [*describe the substance of the order*].

**Form 110A**

**Contravening order about  
device information from  
digital device**

**(Section 205A. Contravening order about device information from digital device)**

- 1 Contravened, without reasonable excuse, an order made under the *Police Powers and Responsibilities Act 2000*, section 154(1) (or (2)) (or 154A(2) or 178A(1)).
- 2 Contravened, without reasonable excuse, an order made under the *Crime and Corruption Act 2001*, section 88A(1) (or (2)) (or 88B(2)).

**Part 4**

**Acts injurious to the public  
in general**

**Chapter 21**

**Offences relating to religious  
worship**

**Form 111**

**Offering violence to an  
officiating minister of  
religion**

**(Section 206. Offering violence to officiating ministers of religion)**

- 1 By threats (or force) prevented (or attempted to prevent) EF, a minister of religion, from lawfully officiating in a place of religious worship (or from performing his (or her) duty in the lawful burial of the dead in a cemetery [or describe the other burial place]).

Schedule 3

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- 2 By threats (*or* force) obstructed (*or* attempted to obstruct) EF, a minister of religion, while he (*or* she) was lawfully officiating in a place of religious worship [*or* while he (*or* she) was performing his (*or* her) duty in the lawful burial of the dead in a cemetery [*or* describe the other burial place]).
- 3 Assaulted (*or* Arrested, under the pretence of executing civil process), EF, a minister of religion—
  - (i) who was then engaged (*or* to his knowledge was about to engage) in lawfully officiating in a place of religious worship (*or* in performing his (*or* her) duty in the lawful burial of the dead in a cemetery [*or* describe the other burial place]); or
  - (ii) who was, to his knowledge, going to lawfully officiate in a place of religious worship (*or* going to perform his (*or* her) duty in the lawful burial of the dead in a cemetery [*or* describe the other burial place]); or
  - (iii) who was returning from lawfully officiating in a place of religious worship (*or* returning from performing his (*or* her) duty in the lawful burial of the dead in a cemetery [*or* describe the other burial place]).

**Form 112**

**Disturbing religious worship**

**(Section 207. Disturbing religious worship)**

- 1 Wilfully and without lawful justification or excuse disquieted (*or* disturbed) a meeting of persons lawfully assembled for religious worship.

And AB was wholly (*or* partly) motivated to commit the offence by hatred (*or* serious contempt) for EF based on the (presumed) race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) of EF (*or* for a group of persons, namely [*describe or identify the group*], based on the race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) shared (*or* presumed to be shared) by the members of the group).

2 Wilfully and without lawful justification or excuse assaulted EF while he (or she) was lawfully officiating at (or assaulted EF one of the persons assembled at) a meeting of persons lawfully assembled for religious worship.

And AB was wholly (*or partly*) motivated to commit the offence by hatred (*or serious contempt*) for EF based on the (presumed) race (*or religion or sexuality or sex characteristics or gender identity*) of EF (*or for a group of persons, namely [describe or identify the group]*, based on the race (*or religion or sexuality or sex characteristics or gender identity*) shared (*or presumed to be shared*) by the members of the group).

## Chapter 22      Offences against morality

### Form 114

### **Indecent treatment of a child under 16 (under 12, who is a lineal descendant, under care, or as a guardian)**

#### **(Section 210. Indecent treatment of children under 16)**

1 Unlawfully and indecently dealt with EF, a child under 16 years.

And EF was under 12 years.

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, for the time being.

And EF was a person with an impairment of the mind.

And AB, at the time the offence was committed (*or at any time during the course of the commission of the offence*)—

(a) was a participant in a criminal organisation; and

Schedule 3

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(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

2 Unlawfully procured EF, a child under 16 years, to commit an indecent act.

And EF was under 12 years.

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, for the time being.

And EF was a person with an impairment of the mind.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

3 Unlawfully permitted himself (*or* herself) to be indecently dealt with by EF, a child under 16 years.

And EF was under 12 years.

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, for the time being.

And EF was a person with an impairment of the mind.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

4 Wilfully and unlawfully exposed EF, a child under 16 years, to an indecent act by AB (*or* GH *or* another person).

And EF was under 12 years.

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, for the time being.

And EF was a person with an impairment of the mind.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

5 Without legitimate reason, wilfully exposed EF, a child under 16 years, to an indecent object (*or* indecent film, videotape, audiotape, picture, photograph, *or* printed *or* written matter).

And EF was under 12 years.

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

Schedule 3

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And AB was the guardian of EF.

And AB had EF under his (*or her*) care, for the time being.

And EF was a person with an impairment of the mind.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

6 Without legitimate reason, took an indecent photograph (*or* recorded an indecent visual image) of EF, a child under 16 years.

And EF was under 12 years.

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, for the time being.

And EF was a person with an impairment of the mind.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 115****Bestiality****(Section 211. Bestiality)**

Engaged in penile intercourse with an animal, namely [describe].

**Form 116****Permitting abuse of a child under 16 (or 12) on premises****(Section 213. Owner etc. permitting abuse of children on premises)**

- 1 Being the owner (or occupier) of premises (or having (or acting in or assisting in) the management (or control) of premises), induced (or knowingly permitted) EF, a child under 16 years, to be in (or on) the premises for the purposes of a person engaging (or attempting to engage) in penile intercourse with EF.

And EF was under 12 years.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

- 2 Being the owner (or occupier) of premises (or having (or acting in or assisting in) the management (or control) of premises), induced (or knowingly permitted) EF, a child under 16 years, to be in (or on) the premises for the purposes of a person unlawfully and indecently dealing with EF, (or [describe the offence in section 210]).

And EF was under 12 years.

Schedule 3

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And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 117**

**(Attempted) penile  
intercourse with a child  
under 16 (under 12, as a  
guardian *or* under care)**

**(Section 215. Engaging in penile intercourse with child under 16)**

Engaged (*or* Attempted to engage) in unlawful penile intercourse with EF, a child under 16 years.

And EF was under 12 years.

And AB was the guardian of EF.

And AB had EF under his (*or* her) care, for the time being.

And EF was a person with an impairment of the mind.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 118****(Attempted) penile  
intercourse with 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)**

Engaged (*or* Attempted to engage) in unlawful penile intercourse with 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.

Schedule 3

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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 penile intercourse**

#### **(Section 217. Procuring young person etc. for penile intercourse)**

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

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Form 120A**

### **Obtaining commercial sexual services from a person who is not an adult**

#### **(Section 217A. Obtaining commercial sexual services from person who is not an adult)**

Obtained commercial sexual services from EF, who was not an adult.

Schedule 3

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And EF was under 16 years.

And EF was under 12 years.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 120B**

**Allowing a person who is not an adult to enter (*or* remain on) premises to take part in providing commercial sexual services**

**(Section 217B. Allowing person who is not an adult to take part in commercial sexual services)**

Being the owner (*or* occupier) (*or* person in control) of premises, allowed EF, who was not an adult, to enter (*or* remain on) the premises for the purpose of taking part in providing commercial sexual services.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 120C****Causing (*or* entering into an agreement for) (*or* receiving payment from) the provision of commercial sexual services by a person who is not an adult****(Section 217C. Conduct relating to provision of commercial sexual services by person who is not an adult)**

1 Caused (*or* Induced) EF, who was not an adult, to provide commercial sexual services.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

2 Entered into (*or* Offered to enter into) an agreement under which EF, who was not an adult, was to provide commercial sexual services.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

Schedule 3

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- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

3 Received a payment (*or* reward), namely, [state payment or reward], that AB knew (*or* ought reasonably to have known) was derived directly (*or* indirectly) from commercial sexual services provided by EF, who was not an adult.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 121**

**Procuring a sexual act or  
commercial sexual services  
by coercion (*or* by coercion  
causing payment from  
commercial sexual services)  
(*or* administering a drug to  
enable a sexual act to be  
engaged in)**

**(Section 218. Procuring sexual acts by coercion etc.)**

- 1 By coercion, procured EF to engage in a sexual act.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

  - (a) was a participant in a criminal organisation; and
  - (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).
- 2 By coercion, procured EF to provide (*or* continue to provide) commercial sexual services.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

  - (a) was a participant in a criminal organisation; and
  - (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).
- 3 By coercion, caused EF to provide (*or* continue to provide) payment derived directly (*or* indirectly) from the provision of commercial sexual services.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

  - (a) was a participant in a criminal organisation; and

Schedule 3

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- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).
- 4 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.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

**Form 121A**

**Using electronic  
communication to procure a  
child under 16 (or under 12)**

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

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 EF was under 12 years (or AB believed EF was under 12 years).

And AB intentionally met EF (or went to a place with the intention of meeting EF).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 121B

## Grooming a child under 16

### (Section 218B. Grooming children under 16)

- 1 Being an adult, engaged in conduct in relation to EF, a person under 16 years (*or* a person AB believed was under 16 years) with intent to facilitate the procurement of EF to engage in a sexual act.

And EF was under 12 years (*or* AB believed EF was under 12 years).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

- 2 Being an adult, engaged in conduct in relation to EF, a person under 16 years (*or* a person AB believed was under 16 years) with intent to expose, without legitimate reason, EF to indecent matter.

And EF was under 12 years (*or* AB believed EF was under 12 years).

Schedule 3

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And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 122**

**Taking a child under 16 (*or* under 12) for immoral purposes**

**(Section 219. Taking child for immoral purposes)**

1 Took (*or* Enticed away *or* Detained) EF, a child under 16 years, (*and* who was not AB's husband (*or* AB's wife)), for the purpose of a person unlawfully and indecently dealing with EF (*or* [describe the offence in section 210]).

And EF was under 12 years.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

2 Took (*or* Enticed away *or* Detained) EF, a child under 16 years, (*and* who was not AB's husband (*or* AB's wife)), for the purpose of a person engaging (*or* attempting to engage) in penile intercourse with EF.

And EF was under 12 years.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Form 123**

## **Conspiracy to defile**

### **(Section 221. Conspiracy to defile)**

Conspired together (*or* with another person) to induce EF, by false pretences (*or* fraudulent means) to permit a person to engage in unlawful penile intercourse with him (*or* her).

## **Form 124**

## **Incest**

### **(Section 222. Incest)**

Engaged (*or* Attempted to engage) in penile intercourse with EF, his (*or* her) offspring (*or* lineal descendant, sibling, parent, *or etc*), knowing that EF bore that relationship (*or* a relationship of that type) to him (*or* her).

## **Form 124A**

## **Distributing intimate image**

### **(Section 223. Distributing intimate images)**

Distributed an intimate image of EF, without EF's consent, in a way that would cause EF distress reasonably arising in all the circumstances.

## **Form 128**

## **Doing an indecent act**

### **(Section 227. Indecent acts)**

- 1 Wilfully and without lawful excuse did an indecent act in a place to which the public were permitted to have access.
- 2 Wilfully did an indecent act with intent to insult (*or offend*) EF.

## **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.

**Form 129**

**Selling (or exposing) an obscene publication (with a circumstance of aggravation)**

**(Section 228. Obscene publications and exhibitions)**

- 1 Knowingly, and without lawful justification or excuse, publicly sold (*or* distributed *or* exposed for sale) an obscene book (*or* an obscene [describe the printed or written matter], *or* an obscene computer generated image *or* picture *or* photograph *or* drawing *or* model) (*or* [describe the object] tending to corrupt morals).

And the book (*or* matter *or* thing *or* image) depicted a person who was (*or* was represented to be) a child under 16 (*or* 12) years.

- 2 Knowingly, and without lawful justification or excuse, exposed to view in a place to which the public were permitted to have access an obscene picture (*or* photograph *or* drawing *or* model) (*or* [describe the object] tending to corrupt morals).

And the picture (*or* thing) depicted a person who was (*or* was represented to be) a child under 16 (*or* 12) years.

**Form 129AA**

**Publicly exhibiting an obscene performance (with a circumstance of aggravation)**

**(Section 228. Obscene publications and exhibitions)**

Knowingly, and without lawful justification or excuse, publicly exhibited an indecent show (*or* performance).

And a person appearing in the indecent show (*or* performance) was (*or* was represented to be) a child under 16 (*or* 12) years.

**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.

And AB used a hidden network (*or* an anonymising service) in committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Form 129B**

### **Making child exploitation material**

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

Made child exploitation material.

And AB used a hidden network (*or* an anonymising service) in committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Form 129C**

### **Distributing child exploitation material**

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

Distributed child exploitation material.

And AB used a hidden network (*or* an anonymising service) in committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

Schedule 3

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(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 129D**

**Possessing child  
exploitation material**

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

Knowingly possessed child exploitation material.

And AB used a hidden network (*or* an anonymising service) in committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 129E**

**Administering child  
exploitation material website**

**(Section 228DA. Administering child exploitation material website)**

Administered a website AB knew was used to distribute child exploitation material.

And AB used a hidden network (*or* an anonymising service) in committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Form 129F**

## **Encouraging use of child exploitation material website**

**(Section 228DB. Encouraging use of child exploitation material website)**

Knowing a website was used to distribute child exploitation material, distributed information to encourage someone (*or* EF) to use the website (*or* to advertise (*or* to promote) the website to someone (*or* EF)).

And AB used a hidden network (*or* an anonymising service) in committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

Schedule 3

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(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 129G**

**Distributing information  
about avoiding detection**

**(Section 228DC. Distributing information about avoiding detection)**

Distributed information about how to avoid detection of (*or* prosecution for) conduct that involved the commission of a child exploitation material offence.

And AB used a hidden network (*or* an anonymising service) in committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Form 129H**

## **Producing (or Supplying) child abuse object**

### **(Section 228I. Producing or supplying child abuse object)**

Produced (or Supplied) a child abuse object.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

## **Form 129I**

## **Possessing child abuse object**

### **(Section 228J. Possessing child abuse object)**

Knowingly possessed a child abuse object.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

**Form 130A**

**Threat to distribute intimate image (or prohibited visual recording)**

**(Section 229A. Threats to distribute intimate image or prohibited visual recording)**

- 1 Made a threat to EF to distribute an intimate image (*or* a prohibited visual recording) of EF, without EF's consent and in a way that would cause EF distress reasonably arising in all the circumstances, and the threat was made in a way that would cause EF fear, reasonably arising in all the circumstances, of the threat being carried out.
- 2 Made a threat to EF to distribute an intimate image (*or* a prohibited visual recording) of GH, without GH's consent and in a way that would cause EF (*or* GH) distress reasonably arising in all the circumstances, and the threat was made in a way that would cause EF fear, reasonably arising in all the circumstances, of the threat being carried out.

**Form 130B**

**Failing to comply with rectification order for an offence against s 223, 227A, 227B or 229A**

**(Section 229AA. Rectification order—offence against s 223, 227A, 227B or 229A)**

Being a person convicted of an offence against section 223(1) (*or* section 227A(1) *or* section 227A(2) *or* section 227B(1) *or* section 229A(1) *or* section 229A(2)) and whom the court ordered under section 229AA(1) to take reasonable action to remove (*or* retract *or* recover *or* delete *or* destroy) an intimate image (*or* prohibited visual recording) involved in the offence within [*state period in order for taking the reasonable action*], failed to comply with the order.

## Form 131

### Repeated sexual conduct with a child

#### (Section 229B. Repeated sexual conduct with a child)

Being an adult, maintained an unlawful sexual relationship with EF, a child under 16 years.

And in the course of the relationship AB [*describe offence e.g. by using the schedule form*].

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 132

### Failing to protect child from child sexual offence

#### (Section 229BB. Failure to protect child from child sexual offence)

Being an accountable person and knowing there was a significant risk that another adult who was associated with an institution (*or* was a regulated volunteer) would commit a child sexual offence in relation to EF, a child who was under the care (*or* supervision *or* control) of an institution and was under 16 years (*or* was a person with an impairment of the mind), AB, who had the power (*or* responsibility) to reduce or remove the risk, wilfully (*or* negligently) failed to reduce or remove the risk.

## **Form 133**

### **Failing to report belief of child sexual offence committed in relation to child**

#### **(Section 229BC. Failure to report belief of child sexual offence committed in relation to child)**

Being an adult, gained information that caused AB to believe on reasonable grounds (*or* ought reasonably to have caused AB to believe) that a child sexual offence was being (*or* had been) committed by another adult against EF, a child who at the relevant time was (*or* had been) under 16 years (*or* a person with an impairment of the mind), and AB, without reasonable excuse, failed to disclose the information to a police officer as soon as reasonably practicable after the belief was (*or* ought reasonably to have been) formed.

## **Chapter 23**

### **Nuisances—misconduct relating to corpses**

## **Form 139**

### **Common nuisance**

#### **(Section 230. Common nuisances)**

- 1 Without lawful justification or excuse [*state the act done*] (*or* omitted to [*state act to be done*]) with respect to [*describe property*] under his (*or* her) control whereby danger was caused to the lives (*or* safety *or* health) of the public.

2 Without lawful justification or excuse [*state the act done*] (or omitted to [*state act to be done*]) with respect to [*describe property*] under his (*or her*) control, whereby danger was caused to the property (*or comfort*) of the public (*or* the public were obstructed in the exercise (*or enjoyment*) of a common right namely, [*describe*]) and by which injury was caused to the person of EF.

**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.

**Form 141**

**Possessing thing used to play unlawful game**

**(Section 233. Possession of thing used to play an unlawful game)**

Possessed gaming equipment that had been used (*or* was intended to be used) for playing an unlawful game.

**Form 142**

**Conducting or playing unlawful games**

**(Section 234. Conducting or playing unlawful games)**

- 1 Conducted an unlawful game.
- 2 Played an unlawful game.

## **Form 143**

### **Breach of duty with respect to a corpse**

#### **(Section 236. Misconduct with regard to corpses)**

Without lawful justification or excuse, neglected to [*describe the duty touching the burial or other disposition of a human body or human remains which was to be performed*], which he (or she) was required to do by law, (or which was undertaken by him (or her)).

## **Form 144**

### **Interfering with a corpse**

#### **(Section 236. Misconduct with regard to corpses)**

Without lawful justification or excuse, improperly (or indecently) interfered with (or Offered an indignity to) a dead human body (or human remains).

## **Chapter 24**

### **Offences against public health**

## **Form 145**

### **Contamination of goods (with intent)**

#### **(Section 238. Contamination of goods)**

Contaminated (or Interfered with) goods, namely [*describe the goods*] (or Made it appear that goods, namely [*describe the goods*] had been contaminated (or interfered with)).

And AB committed the offence with intent to cause public alarm or anxiety.

And AB committed the offence with intent to cause members of the public who were aware of the (apparent) contamination (*or* interference) to refrain from purchasing those (*or* similar) goods.

And AB committed the offence with intent to cause EF to suffer economic loss through taking steps to avoid public alarm or anxiety.

And AB committed the offence with intent to cause members of the public to refrain from purchasing those (*or* similar) goods.

## Form 146

### **Threatened contamination of goods (with a demand)**

#### **(Section 238. Contamination of goods)**

Threatened that he (*or* she *or* another person) would contaminate (*or* interfere with) goods, namely, [describe the goods] (*or* would make it appear that goods, namely [describe the goods] had been contaminated (*or* interfered with)) with intent to cause—

- (a) public alarm or anxiety; *or*
- (b) members of the public who were aware of the (apparent) contamination (*or* interference) to refrain from purchasing those (*or* similar) goods; *or*
- (c) EF (*or* another person) to suffer economic loss through taking steps to avoid public alarm or anxiety; *or*
- (d) members of the public to refrain from purchasing those (*or* similar) goods.

And the threat was accompanied by the making of a demand, namely [set out the demand].

## Form 147

### Hoax contamination of goods

#### (Section 239. Hoax contamination of goods)

Made a statement (*or* conveyed information) to EF, knowing (*or* believing) it to be false, with the intention of inducing in EF (*or* GH) a belief that goods, namely [describe the goods] had been contaminated (*or* interfered with), and caused—

- (a) public alarm or anxiety; *or*
- (b) EF (*or* GH) to refrain from purchasing those (*or* similar) goods; *or*
- (c) EF (*or* another person) to suffer economic loss through taking steps to avoid public alarm or anxiety; *or*
- (d) members of the public to refrain from purchasing those (*or* similar) goods.

## Form 148

### Dealing in contaminated goods

#### (Section 240. Dealing in contaminated goods)

- 1 Knowingly sold (*or* exposed for sale) (*or* had in his (*or* her) possession with intent to sell it) as goods for human consumption, [describe the article], that he (*or* she) knew to be contaminated (*or* unfit as goods for human consumption).
- 2 Knowingly took into a slaughterhouse used for the slaughter of animals for human consumption (part of) the carcass of an animal that had died of a disease.
- 3 Knowingly sold (*or* exposed for sale) (part of) the carcass of an animal that had died of a disease (*or* that was diseased when slaughtered).

## Chapter 25      Cruelty to animals

### Form 149

### Serious animal cruelty

**(Section 242. Serious animal cruelty)**

With the intention of inflicting severe pain (*or* suffering), unlawfully killed (*or* caused serious injury to) (*or* caused prolonged suffering to) an animal.

## Part 5

### Offences against the person and relating to marriage and parental rights and duties

## Chapter 28

### Homicide—suicide—concealment of birth

### Form 151

### Murder

**(Section 302. Definition of *murder*)**

**(Section 305. Punishment of murder)**

Murdered EF.

And AB had previously on [date] at [place] been convicted of murder.

Schedule 3

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And EF was a police officer at the time the act or omission that caused EF's death was done or made, and AB did the act or made the omission that caused EF's death when EF was performing EF's duty as a police officer and AB knew (*or* ought reasonably to have known) that EF was a police officer.

And EF was a police officer at the time the act or omission that caused EF's death was done or made, and AB did the act or made the omission that caused EF's death because EF was a police officer.

And EF was a police officer at the time the act or omission that caused EF's death was done or made, and AB did the act or made the omission that caused EF's death because of (*or* in retaliation for) the actions of EF (*or* another police officer) in the performance of the officer's duty.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 152

## Manslaughter

**(Section 303. Definition of *manslaughter*)**

**(Section 310. Punishment of manslaughter)**

Unlawfully killed EF.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 153****Attempted murder****(Section 306. Attempt to murder)**

1 Attempted unlawfully to kill EF.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

2 With intent unlawfully to kill EF, [describe the act done], such act being of such a nature as to be likely to endanger human life.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

Schedule 3

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3 With intent unlawfully to kill EF, omitted to [*describe the duty*], such omission being of such a nature as to be likely to endanger human life.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 154**

**Threat to murder in a document**

**(Section 308. Threats to murder in document)**

Knowing the contents of a document [*describe the document*] threatening to kill EF (*or* another person), directly or indirectly caused EF to receive the document.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 155

## Conspiring to murder

### (Section 309. Conspiring to murder)

Conspired together (*or* with another person) to kill EF (*or* another person).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 156

## Aiding suicide

### (Section 311. Aiding suicide)

- 1 Procured EF to kill himself (*or* herself).
- 2 By counselling EF to kill himself (*or* herself), induced him (*or* her) to do so.
- 3 Aided EF in killing himself (*or* herself).

## Form 157

## Killing an unborn child

### (Section 313. Killing unborn child)

Schedule 3

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- 1 By [describe the act or omission], prevented the child of MN from being born alive, when MN was about to be delivered of the child.
- 2 Unlawfully assaulted MN, who was pregnant with a child, and destroyed the life of (or did grievous bodily harm to or transmitted a serious disease to) the child before its birth.

**Form 158**

**Concealing the birth of a child**

**(Section 314. Concealing the birth of children)**

By the secret disposition of the dead body of a child of which she (or EF) had been delivered, endeavoured to conceal the birth of the child.

**Chapter 28A      Unlawful striking causing death**

**Form 158A**

**Unlawful striking causing death**

**(Section 314A. Unlawful striking causing death)**

Unlawfully struck EF to the head (or neck) causing the death of EF.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Chapter 29      Offences endangering life or health**

### **Form 159**

### **Disabling to commit an indictable offence**

**(Section 315. Disabling in order to commit indictable offence)**

By means calculated to choke (*or* suffocate *or* strangle), namely, [state how], and with intent to commit (*or* to facilitate the commission of) an indictable offence (*or* and with intent to facilitate his (*or* her) flight (*or* the flight of MN (*or* another person)) after the commission (*or* attempted commission) of an indictable offence), rendered (*or* attempted to render) EF incapable of resistance.

### **Form 159A**

### **Choking (*or* Suffocation *or* Strangulation) in a domestic setting**

**(Section 315A. Choking, suffocation or strangulation in a domestic setting)**

Schedule 3

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Unlawfully, and without EF's consent, choked (or suffocated or strangled) EF, and AB was, at the relevant time, in a domestic relationship with EF (or the choking (or the suffocation or the strangulation) was associated domestic violence under the *Domestic and Family Violence Protection Act 2012*).

**Form 160**

**Stupefying to commit an indictable offence**

**(Section 316. Stupefying in order to commit indictable offence)**

With intent to commit (or to facilitate the commission of) an indictable offence (or with intent to facilitate his (or her) flight (or the flight of MN (or another person)) after the commission (or attempted commission) of an indictable offence), administered (or attempted to administer) to EF a stupefying (or overpowering) drug (or thing [describe the thing]).

**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).

**Form 161**

**Malicious act with intent**

**(Section 317. Acts intended to cause grievous bodily harm and other malicious acts)**

With intent—

- (a) to maim (*or* disfigure, *or* disable) EF (*or* another person); *or*
- (b) to do some grievous bodily harm to (*or* transmit a serious disease to) EF (*or* another person); *or*
- (c) to resist (*or* prevent) his (*or* her) lawful arrest (*or* detention) (*or* the lawful arrest (*or* detention) of MN (*or* another person)); *or*
- (d) to resist (*or* prevent) EF, a public officer, from acting under lawful authority;

*either*—

- (e) unlawfully wounded (*or* did grievous bodily harm to *or* transmitted a serious disease to) EF (*or* GH); *or*
- (f) unlawfully struck (*or* attempted to strike) EF (*or* GH) with a projectile (*or* [describe the thing]); *or*
- (g) unlawfully caused an explosive substance to explode; *or*
- (h) sent (*or* delivered) to EF (*or* GH) an explosive substance (*or* a dangerous (*or* noxious) thing); *or*
- (i) caused EF (*or* GH) to take (*or* receive) an explosive substance (*or* a dangerous (*or* noxious) thing); *or*
- (j) put a corrosive fluid (*or* a destructive (*or* explosive) substance), in [*state the place*]; *or*
- (k) unlawfully cast (*or* threw) at or on (*or* unlawfully applied to the person of) EF (*or* GH) a corrosive fluid (*or* a destructive (*or* explosive) substance).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 162

### Carrying (or sending) dangerous goods in a vehicle

#### (Section 317A. Carrying or sending dangerous goods in a vehicle)

1 Carried (or placed) dangerous goods namely, *[describe the goods]*, in (or on) a vehicle.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

2 Delivered dangerous goods namely, *[describe the goods]*, to EF for placing in (or on) a vehicle.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

3 Had dangerous goods namely, *[describe the goods]*, in his (or her) possession in (or on) a vehicle.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

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).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 163

## Obstructing rescue

### (Section 318. Obstructing rescue or escape from unsafe premises)

Unlawfully obstructed EF, in EF's efforts to save the life of GH, who was in (*or* escaping from) dangerous (*or* destroyed *or* unsafe) premises.

**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.

**Form 165**

**Termination of pregnancy  
performed (or whose  
performance is assisted) by  
unqualified person**

**(Section 319A. Termination of pregnancy performed by unqualified person)**

- 1 AB, being an unqualified person, performed a termination on another person, EF.
- 2 AB, being an unqualified person, assisted in the performance of a termination on another person, EF.

**Form 166**

**Grievous bodily harm**

**(Section 320. Grievous bodily harm)**

Unlawfully did grievous bodily harm to EF.

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 167****Torture****(Section 320A. Torture)**

Tortured EF.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 168

### Attempting to injure by explosive (or a noxious substance)

**(Section 321. Attempting to injure by explosive or noxious substances)**

Unlawfully put an explosive (or noxious) substance, in [*describe the place*], with intent to do bodily harm to EF (or another person).

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

## Form 169

### Bomb hoax

**(Section 321A. Bomb hoaxes)**

- 1 Placed an article (or substance) in [*place*] (or sent an article (or substance) by [*describe how sent*]), with the intention of inducing in another person a belief that the article (or substance) was likely to explode (or ignite or discharge a dangerous (or noxious) substance).
- 2 Made a statement (or conveyed information) to EF, knowing it to be false, with the intention of inducing in EF (or GH or another person) a belief that an explosive (or noxious) substance (or acid or [*describe other dangerous (or destructive) thing*]) was present in [*describe place in Queensland*].

**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)*).

**Form 171**

**Wounding**

**(Section 323. Wounding)**

Unlawfully wounded EF.

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

**Form 172A**

**Female genital mutilation**

**(Section 323A. Female genital mutilation)**

Performed female genital mutilation on EF.

**Form 172B**

**Removal of child from State  
for female genital mutilation**

**(Section 323B. Removal of child from State for female genital mutilation)**

Took EF, a child, (or arranged for EF, a child, to be taken) from Queensland with the intention of having female genital mutilation performed on EF.

**Form 173**

**Failing to supply  
necessaries**

**(Section 285. Duty to provide necessities)**

**(Section 286. Duty of person who has care of child)**

**(Section 324. Failure to supply necessities)**

Being charged with the duty of providing for EF the necessities of life, without lawful excuse failed to do so, causing the life of EF to be (*or* likely to be) endangered (*or* the health of EF to be (*or* likely to be) permanently injured).

**Form 175**

**Endangering the life of a  
child**

**(Section 326. Endangering life of children by exposure)**

Unlawfully abandoned (*or* exposed) EF, a child under 7, causing the life of EF to be (*or* likely to be) endangered (*or* the health of EF to be (*or* likely to be) permanently injured).

## Form 176

## Setting a mantrap

**(Section 327. Setting mantraps)**

- 1 Set (or Placed) a spring gun (or a mantrap or an engine calculated to destroy human life (or calculated to inflict grievous bodily harm)) (or Caused a spring gun (or etc. as above) to be set (or placed)) in [describe the place] with the intent that it may (or in a place and a way likely to) kill (or inflict grievous bodily harm on) a person coming in contact with it, the spring gun (or mantrap or engine) not being a gin or trap usually set for destroying vermin, and not being a spring gun, mantrap or engine set at night in a dwelling house for the protection of it.
- 2 Knowingly permitted a spring-gun (or a mantrap or an engine calculated to destroy human life (or calculated to inflict grievous bodily harm)) which had been set (or placed) by another person in a place and in a way likely to kill (or inflict grievous bodily harm on) a person coming in contact with it, to continue so set (or placed) in [describe the place] which was then in (or which afterwards came into) his (or her) possession (or occupation), the spring gun (or mantrap or engine) not being a gin or trap set for destroying vermin, and not being a spring gun, mantrap or engine set at night in a dwelling house for the protection of it.

## Form 177

## Negligent act causing harm

**(Section 328. Negligent acts causing harm)**

Unlawfully [describe act done] (or omitted to [describe act omitted to be done], which it was his (or her) duty to do), actually causing bodily harm to EF.

**Form 178**

**Dangerous operation of a vehicle (with a circumstance of aggravation)**

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

Dangerously operated (*or* dangerously interfered with the operation of) a vehicle in *[place]*.

And AB published material on a social media platform (*or* an online social network) to advertise AB's involvement in the offence (*or* to advertise the act or omission constituting the offence).

And at the time of committing the offence AB was adversely affected by an intoxicating substance.

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

And AB had previously on *[date]* at *[place]* been convicted of an offence against section 328A of the Criminal Code (while adversely affected by an intoxicating substance).

And AB had previously on *[date]* at *[place]* and on *[date]* at *[place]* been convicted of prescribed offences, namely *[describe the offences]*.

**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.

And before (or while) committing the offence, AB committed an offence against the *Police Powers and Responsibilities Act 2000*, section 754(2).

**Form 179A**

**Damaging emergency vehicle when operating motor vehicle**

**(Section 328C. Damaging emergency vehicle when operating motor vehicle)**

- 1 Operated a motor vehicle in a way that damaged an emergency vehicle and knew (*or* ought reasonably to have known) the damaged vehicle was an emergency vehicle and intended to damage the emergency vehicle (*or* to injure (*or* endanger the safety of) an emergency worker).
- 2 Operated a motor vehicle in a way that damaged an emergency vehicle and knew (*or* ought reasonably to have known) the damaged vehicle was an emergency vehicle and knew (*or* ought reasonably to have known) AB was operating a motor vehicle in a way that would damage an emergency vehicle.

**Form 179B**

**Endangering police officer when driving motor vehicle**

**(Section 328D. Endangering police officer when driving motor vehicle)**

- 1 Drove a motor vehicle towards (*or* near) EF, a police officer acting in the performance of their duties as a police officer, and knew (*or* ought reasonably to have known) EF was a police officer and intended to injure (*or* endanger the safety of) EF.
- 2 Drove a motor vehicle towards (*or* near) EF, a police officer acting in the performance of their duties as a police officer, and knew (*or* ought reasonably to have known) EF was a police officer and endangered the safety of EF and knew (*or* ought reasonably to have known) AB was endangering the safety of EF.

**Form 180**

**Endangering safety of persons travelling by railway**

**(Section 329. Endangering safety of persons travelling by railway)**

By unlawfully [describe act done] (or By omitting to [describe act omitted to be done] which it was his (or her) duty to do), caused the safety of a person travelling by a railway to be endangered.

**Form 181**

**Sending (or taking) an unseaworthy ship to sea**

**(Section 330. Sending or taking unseaworthy ships to sea)**

- 1 Sent (or Attempted to send) a ship to sea in such an unseaworthy state that the life of a person was likely to be endangered.
- 2 Being the master of a British ship, knowingly took (or attempted to take) the ship to sea in such an unseaworthy state that the life of a person was likely to be endangered.

**Form 184**

**Evading laws as to equipment of ships**

**(Section 333. Evading laws as to equipment of ships)**

Having actual control over a vessel, on board of which [describe the article] had been placed with his (or her) knowledge (or consent) to obtain permission (or authority) for the vessel to leave the port of [name], removed (or allowed the removal of) the [article] from the vessel after the permission (or authority) had been obtained.

## Form 186

### Failing to perform a duty in landing explosives

#### (Section 334. Landing explosives)

- 1 Being charged by law with the duty of [*describe the duty*] respecting the landing (*or* delivery) of an explosive substance (*or* acid *or* another dangerous (*or* destructive) thing [*describe it*]) from a vessel, failed to perform the duty.
- 2 Being concerned in the landing of an explosive substance (*or* acid *or* another dangerous (*or* destructive) thing [*describe it*]), from a vessel, violated the provisions of [*set out applicable law*].

## Chapter 29A Coercive control

### Form 186A

### Coercive control

#### (Section 334C. Coercive control)

Being an adult in a domestic relationship with EF, engaged in a course of conduct against EF that consisted of domestic violence occurring on more than 1 occasion, intending the course of conduct to coerce (*or* control) EF, and the course of conduct would, in all the circumstances, have been reasonably likely to cause EF harm.

## Chapter 30      Assualts

### Form 187

### Common assault

#### (Section 335. Common assault)

Unlawfully assaulted EF.

And AB published material on a social media platform (*or* an online social network) to advertise AB's involvement in the offence (*or* to advertise the act or omission constituting the offence).

And AB was wholly (*or* partly) motivated to commit the offence by hatred (*or* serious contempt) for EF based on the (presumed) race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) of EF (*or* for a group of persons, namely *[describe or identify the group]*, based on the race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) shared (*or* presumed to be shared) by the members of the group).

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

### Form 191

### Assaults on a crew member on an aircraft

#### (Section 338A. Assaults of member of crew on aircraft)

While on board an aircraft, unlawfully assaulted EF, a member of the aircraft crew, (*or* threatened EF, a member of the aircraft crew, with violence (*or* detriment) to be caused to EF (*or* GH or another person) by AB (*or* another person)) with the intention of affecting EF's performance of (*or* lessening EF's ability to perform) his (*or* her) functions (*or* duties) in connection with operating the aircraft.

## Form 192

### Assault occasioning bodily harm (while armed, in company)

#### (Section 339. Assaults occasioning bodily harm)

Unlawfully assaulted EF and did him (*or* her) bodily harm.

And AB published material on a social media platform (*or* an online social network) to advertise AB's involvement in the offence (*or* to advertise the act or omission constituting the offence).

And AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon (*or* instrument).

And AB was in company with another (*or* other) person(s).

And AB was wholly (*or* partly) motivated to commit the offence by hatred (*or* serious contempt) for EF based on the (presumed) race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) of EF (*or* for a group of persons, namely *[describe or identify the group]*, based on the race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) shared (*or* presumed to be shared) by the members of the group).

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**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 AB (*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 EF's duty.

And AB bit (*or* spat on) EF.

And AB threw at (*or* applied to) EF a bodily fluid (*or* faeces).

And AB caused bodily harm to EF.

And AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon (*or* instrument).

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

- 3 Unlawfully assaulted EF, while EF was performing a duty imposed on EF by law, namely [describe duty].
- 4 Assaulted EF, because EF had performed a duty imposed on EF by law, namely [describe duty].

Schedule 3

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5 Assaulted EF, in pursuance of an unlawful conspiracy respecting the [*describe the manufacture, trade, business or occupation*] (or respecting GH, who was concerned (or employed) in the [*describe the manufacture, trade, business or occupation*]) (or respecting 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 than 60 years).

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

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

And AB bit (or spat on) EF.

And AB threw at (or applied to) EF a bodily fluid (or faeces).

And AB caused bodily harm to EF.

And AB was (or pretended to be) armed with a dangerous (or offensive) weapon (or instrument).

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

And AB bit (or spat on) EF.

And AB threw at (or applied to) EF a bodily fluid (or faeces).

And AB caused bodily harm to EF.

And AB was (or pretended to be) armed with a dangerous (or offensive) weapon (or instrument).

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

10 Assaulted EF, a public officer, because EF had performed a function of EF's office, namely [*describe function*].

And AB bit (or spat on) EF.

And AB threw at (or applied to) EF a bodily fluid (or faeces).

And AB caused bodily harm to EF.

And AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon (*or* instrument).

And AB committed the offence in a public place, within the meaning of the *Penalties and Sentences Act 1992*, section 108A, while adversely affected by an intoxicating substance.

## Form 194

## **Assault in interference with freedom of trade or work**

### **(Section 346. Assaults in interference with freedom of trade or work)**

Assaulted EF, with intent to hinder (*or* prevent) him (*or* her) from working at (*or* exercising) his (*or* her) lawful trade (*or* business *or* occupation) (*or* from buying, selling *or* dealing with property intended for sale).

## Chapter 32

## **Rape and sexual assaults**

## Form 195

## **Rape**

### **(Section 349. Rape)**

Raped EF.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

Schedule 3

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(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 196**

**Attempted rape**

**(Section 350. Attempt to commit rape)**

Attempted to rape EF.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 196A**

**Assault with intent to commit rape**

**(Section 351. Assault with intent to commit rape)**

Assaulted EF with intent to rape.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 196B

### **Sexual assault (while armed, in company, with a circumstance of aggravation)**

#### **(Section 352. Sexual assaults)**

1 Unlawfully and indecently assaulted EF.

And immediately before (*or* during *or* immediately after) the offence, AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon.

And immediately before (*or* during *or* immediately after) the offence, AB was in company with another person.

And the indecent assault included—

- (a) EF penetrating the vagina (*or* vulva or anus) of AB with a thing (*or* a part of EF's body that is not a penis); or
- (b) bringing into contact part of the genitalia (*or* the anus) of EF (*or* AB or MN) with the mouth of AB (*or* EF or MN).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

Schedule 3

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(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

2 Procured EF, without his (*or* her) consent, to commit an act of gross indecency (*or* to witness an act of gross indecency by AB (*or* MN)).

And immediately before (*or* during *or* immediately after) the offence, AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon.

And immediately before (*or* during *or* immediately after) the offence, AB was in company with another person.

And the act of gross indecency included—

(a) EF penetrating his (*or* her) vagina (*or* vulva *or* anus) *or* the vagina (*or* vulva *or* anus) of AB (*or* MN) with a thing (*or* a part of EF's body that is not a penis); *or*

(b) bringing into contact part of the genitalia (*or* the anus) of EF (*or* AB *or* MN) with the mouth of AB (*or* EF *or* MN).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Chapter 33      Offences against liberty

### Form 198

### Kidnapping

#### (Section 354. Kidnapping)

Kidnapped EF.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

### Form 199

### (Attempted) Kidnapping for ransom (with grievous bodily harm)

#### (Section 354A. Kidnapping for ransom)

1      Kidnapped EF for ransom.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and

Schedule 3

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(b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

2 Kidnapped EF for ransom and unconditionally set EF at liberty without EF having suffered grievous bodily harm.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

3 Attempted to kidnap EF for ransom.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

**Form 200**

**Deprivation of liberty**

**(Section 355. Deprivation of liberty)**

- 1 Unlawfully confined (*or* detained) EF in a [*describe place*] against his (*or* her) will.
- 2 Unlawfully deprived EF of his (*or* her) personal liberty.

## **Form 201**

### **Giving a false certificate affecting liberty**

#### **(Section 356. False certificates by officers charged with duties relating to liberty)**

- 1 Being required by law to give a certificate touching [*describe the matter*], under which the liberty of EF might be affected, gave a certificate knowing it to be false in a material particular, namely, [*describe false particular*].
- 2 Gave a certificate touching [*describe the matter*], under which the liberty of EF might be affected, and represented himself (*or* herself) to be a person authorised by law to give the certificate, when he (*or* she) was not a person authorised by law to give it.

## **Form 202**

### **Concealing a matter affecting liberty**

#### **(Section 357. Concealment of matters affecting liberty)**

- 1 Being required by law to keep a record of [*describe record, showing how it touches a matter relating to a person in confinement*], refused (*or* neglected) to keep the record (*or* made an entry in the record which was to his (*or* her) knowledge false in a material particular, namely [*set out false entry*]).
- 2 Being required by law to give information about [*describe the information and show how it touches a person in confinement*] (*or* Being required by law to show EF, a person in confinement, *or* to show [*describe place*] in which EF was confined) to MN—

Schedule 3

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- (a) refused (*or* neglected) to give the information (*or* to show EF *or* to show the [place]) to MN; *or*
- (b) gave to MN information which was to his (*or* her) knowledge false in a material particular, namely, [set out false information].

**Form 203**

**Unlawful custody of patients under Mental Health Act 2016 or forensic disability clients under Forensic Disability Act 2011**

**(Section 358. Unlawful custody of particular persons)**

- 1 Detained [*or* Assumed the custody of] EF, an involuntary patient under the *Mental Health Act 2016* contrary to the provisions of [*name the applicable law*].
- 2 Detained [*or* Assumed the custody of] EF, a forensic disability client under the *Forensic Disability Act 2011* contrary to the provisions of [*name the applicable law*].

**Form 204**

**Threat**

**(Section 359. Threats)**

Threatened to cause a detriment to EF, with intent—

- (a) to prevent (*or* hinder) EF from doing [*describe the act*], which EF was lawfully entitled to do; *or*
- (b) to compel EF to [*describe the act*] which EF was lawfully entitled to abstain from doing; *or*
- (c) to cause public alarm (*or* anxiety).

And the threat was made to EF, a law enforcement officer (*or* GH, a person helping EF, a law enforcement officer) when (*or* because) EF was investigating the activities of a criminal organisation.

And AB was wholly (*or* partly) motivated to commit the offence by hatred (*or* serious contempt) for EF based on the (presumed) race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) of EF (*or* for a group of persons, namely *[describe or identify the group]*, based on the race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) shared (*or* presumed to be shared) by the members of the group).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Chapter 33A      Unlawful stalking, intimidation, harassment or abuse**

### **Form 205**

### **Punishment of unlawful stalking, intimidation, harassment or abuse (with violence, with possession of a weapon, contravening a court order)**

**(Section 359E. Punishment of unlawful stalking, intimidation, harassment or abuse)**

Unlawfully stalked, intimidated, harassed or abused EF.

And for 1 (*or [state number]*) of the acts constituting the unlawful stalking, intimidation, harassment or abuse AB used (*or* intentionally threatened to use) violence against EF (*or* GH) (*or* against the property of EF (*or* GH)).

And for 1 (*or [state number]*) of the acts constituting the unlawful stalking, intimidation, harassment or abuse AB possessed a weapon within the meaning of the *Weapons Act 1990*.

And for 1 (*or [state number]*) of the acts constituting the unlawful stalking, intimidation, harassment or abuse AB contravened (*or* intentionally threatened to contravene) an injunction (*or* order) imposed (*or* made) by (*court*) at [*place*] on [*date*].

And a domestic relationship existed between AB and EF.

And 1 (*or [state number]*) of the acts constituting the unlawful stalking, intimidation, harassment or abuse was (*or* were) done against EF, a law enforcement officer, when (*or* because) EF was investigating the activities of a criminal organisation.

And AB was wholly (*or* partly) motivated to commit the offence by hatred (*or* serious contempt) for EF based on the (presumed) race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) of EF (*or* for a group of persons, namely *[describe or identify the group]*, based on the race (*or* religion *or* sexuality *or* sex characteristics *or* gender identity) shared (*or* presumed to be shared) by the members of the group).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 205A

## **Contravention of restraining order within 5 years after conviction for domestic violence offence**

**(Section 359F(10). Court may restrain unlawful stalking, intimidation, harassment or abuse)**

Knowingly contravened a restraining order.

And in the 5 years before the contravention, AB had on *[date]* at *[place]* been convicted on indictment of a domestic violence offence, namely *[set out substance and effect of indictment]* (*or* had on *[date]* at *[place]* been summarily convicted of a domestic violence offence, namely *[set out substance and effect of complaint]*).

## **Chapter 34      Offences relating to marriage and parental rights and duties**

### **Form 206      Bigamy**

#### **(Section 360. Bigamy)**

- 1 Being married to CB, went through the form of marriage with EF during the life of CB.
- 2 Went through the form of marriage with MN, who he (*or* she) knew to be married.

### **Form 207      Unlawfully celebrating marriage**

#### **(Section 361. Unlawful celebration of marriage)**

- 1 Celebrated (*or* Attempted (*or* Professed) to celebrate) the marriage of EF, who was to his (*or* her) knowledge under 18 years and was not a widower (*or* widow), without the written consent of a person authorised by law to consent to the marriage (*or* with a written consent which to his (*or* her) knowledge was not given by a person authorised by law to give it).
- 2 Celebrated (*or* Attempted (*or* Professed) to celebrate) marriage between EF and GH contrary to the provisions of the laws about the solemnisation of marriage, namely, [*describe breach*].
- 3 Celebrated [*or* Attempted (*or* Professed) to celebrate] marriage between EF and GH, knowing the laws about the solemnisation of marriage had not been complied with, namely [*describe breach*].

- 4 Induced (or Attempted to induce) MN to celebrate the marriage of EF, who was to his (or her) knowledge under 18 years, and was not a widower (or widow), without the written consent of a person authorised by law to consent to the marriage (or with a written consent which to his (or her) knowledge was not given by a person authorised by law to give it) (or to celebrate marriage between EF and GH contrary to (or without compliance with) the laws about the solemnisation of marriages, namely, [describe breach]).
- 5 Married EF, who was to his (or her) knowledge under 18 years and was not a widower (or widow), without the written consent of a person authorised by law to consent to the marriage (or with a written consent which to his (or her) knowledge was not given by a person authorised by law to give it).

## **Form 208**

### **Unlawfully procuring registration as a person qualified to celebrate marriage**

**(Section 362. Unqualified persons procuring registration as persons qualified to celebrate marriages)**

Not being a person who was entitled to be registered under the laws about the solemnisation of marriages as a person authorised to celebrate marriages, and knowing that he (or she) was not such a person, procured his (or her) name to be registered as a person so entitled.

## **Form 209**

### **Child-stealing**

**(Section 363. Child-stealing)**

Schedule 3

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- 1 Forcibly (*or* Fraudulently) took (*or* enticed) away (*or* detained) EF, a child under 16 years, with intent to deprive GF, the parent (*or* guardian) (*or* who had the lawful care (*or* charge)) of EF, of the possession of EF (*or* with intent to steal [*describe article*] on (*or* about) the person of EF).
- 2 Knowing that EF, a child under 16 years, had been forcibly (*or* fraudulently) taken (*or* enticed) away (*or* detained), received (*or* harboured) EF, with intent to deprive GF, the parent (*or* guardian) (*or* who had the lawful care (*or* charge)) of EF, of the possession of the child (*or* with intent to steal [*describe article*] on (*or* about) the person of EF).

**Form 210**

**Abducting a child under 16**

**(Section 363A. Abduction of child under 16)**

Unlawfully took EF, an unmarried child under 16 years, out of the custody (*or* protection) of and against the will of, MN, his (*or* her) father (*or* mother, or the person having the lawful care or charge of him (*or* her)).

**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;  
when AB knew or ought reasonably to have known that the failure (*or* conduct) would be likely to cause harm to EF.

**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)).

## Part 6

# Offences relating to property and contracts

## Chapter 36

### Stealing

#### Form 212

### Stealing

(Section 391. Definition of *stealing*)

(Section 398. Punishment of stealing)

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

Stole [*describe thing or things stolen*], the property of EF (*or* the property of different (*or* unknown) persons).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

#### 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].

**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.

**Form 215**

**Stealing from the person**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing from the person—stealing goods in transit etc.)**

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

Stole [describe thing] the property of EF, from the person of EF (or GH).

**Form 216**

**Stealing in a dwelling (with violence)**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing from the person—stealing goods in transit etc.)**

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

- 1 Stole [*describe thing*] the property of EF, in a dwelling, and the value of [*the thing*] exceeded \$1,000.
- 2 Stole [*describe thing*] the property of EF, in a dwelling, and at (*or* immediately before *or* after) the time of stealing, used (*or* threatened to use) violence to EF (*or* GH) who was in the dwelling.

## **Form 217**

## **Stealing goods in transit**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing from the person—stealing goods in transit etc.)**

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

Stole [*describe thing*] the property of EF, from a vehicle (*or* a place of deposit) used for the conveyance (*or* custody) of goods in transit from 1 place to another.

## **Form 218**

## **Stealing from a wrecked vehicle**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing from the person—stealing goods in transit etc.)**

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

Stole [*describe thing*] the property of EF, from a vehicle which was in distress (*or* which had been wrecked (*or* stranded)).

**Form 219**

**Stealing from a public office**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing from the person—stealing goods in transit etc.)**

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

Stole [*describe thing*] the property of EF, from a public office in which it was deposited (*or* kept).

**Form 220**

**Stealing from a locked room  
(*or* box, *or* receptacle)**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing from the person—stealing goods in transit etc.)**

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

Stole [*describe thing*] the property of EF, and in order to commit the offence opened a locked room (*or* box, *or* receptacle) with a key (*or* [*describe instrument*]).

**Form 221**

**Stealing as a public service  
employee**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing by persons in the public service)**

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

Schedule 3

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Being employed in the public service, stole [*describe thing*] the property of the Sovereign (*or* which had come into his (*or her*) possession through his (*or her*) employment).

**Form 222**

**Stealing as clerk (*or servant*)**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing by clerks and servants)**

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

Being the clerk (*or servant*) of EF, stole [*describe thing*] the property of EF [*or* which had come into his (*or her*) possession on account of EF].

**Form 223**

**Stealing as a director (*or officer*) of a company**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing by directors or officers of companies)**

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

Being a director (*or* an officer) of [*describe the corporation or company*], stole [*describe thing*] the property of the company (*or* corporation).

**Form 224**

**Stealing property received with a direction**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing by agents etc.)**

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

- 1 Stole [*describe thing*] the property of EF, which had been received by him (*or her*) with a power of attorney for its disposition.
- 2 Stole a sum of money the property of EF, which had been received by AB with a direction that it be applied to [*state purpose*] (*or paid to GH*).
- 3 Stole [*describe thing*], being the proceeds (*or part of the proceeds*) of a valuable security that had been received by AB with a direction that the proceeds be applied to [*state purpose*] (*or paid to GH*).
- 4 Stole [*describe thing*], being the proceeds (*or part of the proceeds*) arising from the disposition of property that had been received by AB under a power of attorney (*or other authority [describe it]*) for the disposition with a direction that the proceeds be applied to [*state purpose*] (*or paid to GH*).

**Form 225**

**Stealing property valued at over \$5,000**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing property valued at more than \$5,000)**

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

Stole [*describe thing stolen*], the property of EF, the value of which was more than \$5,000.

## Form 226

### Stealing as a tenant (or lodger)

(Section 391. Definition of *stealing*)

(Section 398. Punishment of stealing, punishment in special cases, stealing by tenants or lodgers)

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

Stole [*describe thing stolen*], the property of EF, which was a fixture (*or chattel*), that had been let to AB to be used by him (*or her*) with a house (*or lodging*), and its value exceeded \$1,000.

## Form 227

### Stealing after previous conviction

(Section 391. Definition of *stealing*)

(Section 398. Punishment of stealing, punishment in special cases, stealing after previous conviction)

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

Stole [*describe thing stolen*], the property of EF.

And before committing the offence, AB had on [*date*] at [*place*] been convicted on indictment of [*set out substance and effect of indictment*] (or had on [*date*] at [*place*] been summarily convicted of [*set out substance and effect of complaint*] and on [*date*] at [*place*] been summarily convicted of [*set out substance and effect of complaint*]).

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## Form 228

## Stealing of a vehicle

(Section 391. Definition of *stealing*)

(Section 398. Punishment of stealing, punishment in special cases, stealing of a vehicle)

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

Stole a vehicle, the property of EF.

## Form 229

## Stealing by looting

(Section 391. Definition of *stealing*)

(Section 398. Punishment of stealing, punishment in special cases, stealing by looting)

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

- 1 Stole [*describe thing stolen*], the property of EF, during a natural disaster (*or* civil unrest, *or* an industrial dispute).
- 2 Stole [*describe thing stolen*], the property of EF, that had been left unattended by the death (*or* incapacity) of EF (*or* GH), the person in possession of the property.
- 3 Stole [*describe thing stolen*], the property of EF, in an area that was (*or* was, immediately before the offence was committed), a declared area for a disaster situation under the *Disaster Management Act 2003*.

**Form 230**

**Stealing firearm for use in an indictable offence**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing firearm for use in another indictable offence)**

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

Stole a firearm, the property of EF, intending that it be used to commit an indictable offence.

**Form 231**

**Stealing firearm (*or* ammunition)**

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

**(Section 398. Punishment of stealing, punishment in special cases, stealing firearm or ammunition)**

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

Stole a firearm (*or* ammunition) the property of EF.

**Form 231A**

**Stealing by employers**

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

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

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

Being (*or* Having been) an employer, stole [*describe thing stolen*], the property of EF, a person who was (*or* had been) AB's employee.

## **Chapter 37      Offences analogous to stealing**

### **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).

### **Form 235**

**Severing with intent to steal**

**(Section 403. Severing with intent to steal)**

Made moveable a [*describe the thing*] the property of EF, with intent to steal it.

### **Form 237**

**Bringing stolen goods into Queensland**

**(Section 406. Bringing stolen goods into Queensland)**

Schedule 3

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Brought [*describe property*] into Queensland (*or* Had in his (*or* her) possession in Queensland [*describe property*]), which he (*or* she) had obtained in [*place not in Queensland*] by an act which if it had been done in Queensland would have constituted the crime of stealing, and which was an offence under the laws of [*place where the act was done*].

**Form 240**

**Unlawfully using (*or*  
possessing) a motor vehicle  
(*or* aircraft *or* vessel) (*to*  
facilitate the commission of  
an indictable offence, with  
particular publication of  
material, in the night, with  
actual violence, while armed  
(*or* pretending to be armed),  
in company, with property  
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 published material on a social media platform (*or* an online social network) to advertise AB's involvement in the offence (*or* to advertise the act or omission constituting the offence).

And AB committed the offence in the night.

And AB used (*or* threatened to use) actual violence.

And AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon (*or* instrument) (*or* noxious substance), namely, [*describe it*].

And AB was in company with another person (*or other persons*).

And AB damaged (*or threatened or attempted to damage*) property, namely, *[describe it]*.

And the motor vehicle (*or aircraft or vessel*) was an emergency vehicle and AB knew (*or ought reasonably to have known*) the motor vehicle (*or aircraft or vessel*) was an emergency vehicle.

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 published material on a social media platform (*or an online social network*) to advertise AB's involvement in the offence (*or to advertise the act or omission constituting the offence*).

And AB committed the offence in the night.

And AB used (*or threatened to use*) actual violence.

And AB was (*or pretended to be*) armed with a dangerous (*or offensive*) weapon (*or instrument*) (*or noxious substance*), namely, *[describe it]*.

And AB was in company with another person (*or other persons*).

And AB damaged (*or threatened or attempted to damage*) property, namely, *[describe it]*.

And the motor vehicle (*or aircraft or vessel*) was an emergency vehicle and AB knew (*or ought reasonably to have known*) the motor vehicle (*or aircraft or vessel*) was an emergency vehicle.

## Form 241

### **Fraud (as a director, as an employee, of property subject to a direction, to the value of \$30,000 or more)**

#### **(Section 408C. Fraud)**

#### **Section 568(3). Cases in which several charges may be joined**

- 1 Dishonestly applied to his (or her) own use (or to the use of MN) [describe the property] belonging to EF (or belonging to different persons).

And AB was a director (or officer) of EF.

And AB was an employee of EF.

And [describe the property] came into his (or her) possession (or control) subject to a trust (or trusts) (or direction(s) or condition(s)) that it should be applied to [describe the purpose(s)] (or be paid to GH (or different persons)) (or came into his (or her) possession on account of EF (or GH or different persons)).

And the property (or the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (or at least \$100,000, namely [state value]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

2 Dishonestly applied to his (or her) own use (or to the use of MN) [*describe the property*] belonging to him (or her) (or in his (or her) possession) subject to a trust (or direction or condition) (or subject to different trusts etc) [or on account of EF (or on account of different persons)].

And AB was a director (or officer) of EF.

And AB was an employee of EF.

And [*describe the property*] came into his (or her) possession (or control) subject to a trust (or trusts) (or direction(s) or condition(s)) that it should be applied to [*describe the purpose(s)*] (or be paid to GH (or different persons)) (or came into his (or her) possession on account of EF (or GH or different persons)).

And the property (or the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (or at least \$100,000, namely [*state value*]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

3 Dishonestly obtained [*describe the property*] from EF (or from different persons).

And AB was a director (or officer) of EF.

And AB was an employee of EF.

Schedule 3

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And [describe the property] came into his (or her) possession (or control) subject to a trust (or trusts) (or direction(s) or condition(s)) that it should be applied to [describe the purpose(s)] (or be paid to GH (or different persons)) (or came into his (or her) possession on account of EF (or GH or different persons)).

And the property (or the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (or at least \$100,000, namely [state value]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

4 Dishonestly induced EF (or different persons) to deliver [describe the property] to him (or her) (or to MN).

And AB was a director (or officer) of EF.

And AB was an employee of EF.

And [describe the property] came into his (or her) possession (or control) subject to a trust (or trusts) (or direction(s) or condition(s)) that it should be applied to [describe the purpose(s)] (or be paid to GH (or different persons)) (or came into his (or her) possession on account of EF (or GH or different persons)).

And the property (or the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (or at least \$100,000, namely [state value]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

5 Dishonestly gained [*describe the benefit or advantage*] for himself (or herself or for MN).

And AB was a director (or officer) of EF.

And AB was an employee of EF.

And [*describe the property*] came into his (or her) possession (or control) subject to a trust (or trusts) (or direction(s) or condition(s)) that it should be applied to [*describe the purpose(s)*] (or be paid to GH (or different persons)) (or came into his (or her) possession on account of EF (or GH or different persons)).

And the property (or the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (or at least \$100,000, namely [*state value*]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

6 Dishonestly caused [*describe the detriment*] to EF (or to different persons).

And AB was a director (or officer) of EF.

Schedule 3

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And AB was an employee of EF.

And [describe the property] came into his (or her) possession (or control) subject to a trust (or trusts) (or direction(s) or condition(s)) that it should be applied to [describe the purpose(s)] (or be paid to GH (or different persons)) (or came into his (or her) possession on account of EF (or GH or different persons)).

And the property (or the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (or at least \$100,000, namely [state value]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

7 Dishonestly induced EF (or different persons) to [describe the act], that EF was (or they were) lawfully entitled to abstain from doing.

And AB was a director (or officer) of EF.

And AB was an employee of EF.

And [describe the property] came into his (or her) possession (or control) subject to a trust (or trusts) (or direction(s) or condition(s)) that it should be applied to [describe the purpose(s)] (or be paid to GH (or different persons)) (or came into his (or her) possession on account of EF (or GH or different persons)).

And the property (or the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (or at least \$100,000, namely [state value]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

8 Dishonestly induced EF (*or* different persons) to abstain from [*describe act*], that EF was (*or* they were) lawfully entitled to do.

And AB was a director (*or* officer) of EF.

And AB was an employee of EF.

And [*describe the property*] came into his (*or* her) possession (*or* control) subject to a trust (*or* trusts) (*or* direction(s) *or* condition(s)) that it should be applied to [*describe the purpose(s)*] (*or* be paid to GH (*or* different persons)) (*or* came into his (*or* her) possession on account of EF (*or* GH or different persons)).

And the property (*or* the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (*or* at least \$100,000, namely [*state value*]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

Schedule 3

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9 Dishonestly made off, knowing that payment(s) on the spot was (*or* were) required (*or* expected) for [*describe the property*] lawfully supplied (*or* returned) (*or* for (*describe the service(s)*) lawfully provided), without having paid, and with intent to avoid payment.

And AB was a director (*or* officer) of EF.

And AB was an employee of EF.

And [*describe the property*] came into his (*or* her) possession (*or* control) subject to a trust (*or* trusts) (*or* direction(s) *or* condition(s)) that it should be applied to [*describe the purpose(s)*] (*or* be paid to GH (*or* different persons)) (*or* came into his (*or* her) possession on account of EF (*or* GH or different persons)).

And the property (*or* the yield to AB from the dishonesty) was of a value of at least \$30,000 but less than \$100,000 (*or* at least \$100,000, namely [*state value*]).

And AB carried on the business of committing the offence.

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 242**

**Obtaining (*or* Dealing with) identification information**

**(Section 408D. Obtaining or dealing with identification information)**

1 Obtained (*or* Dealt with) EF's identification information for the purpose of committing (*or* facilitating the commission of) an indictable offence, namely [*state offence*].

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

2 Possessed equipment for the purpose of obtaining (*or* dealing with) EF's identification information (*or* facilitating the obtaining of (*or* dealing with) EF's identification information)) for the purpose of committing (*or* facilitating the commission of) an indictable offence, namely [state offence].

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## Form 242A

**Misuse of restricted computer (with detriment or damage, to gain a benefit, to the value of more than \$5,000, with intent to commit an indictable offence)**

**(Section 408E. Misuse of restricted computer)**

### Schedule 3

Used a restricted computer, without the consent of EF, its controller.

And AB caused (or intended to cause) detriment (or damage) (or gained (or intended to gain) a benefit, namely [describe the benefit]).

And the value of the detriment (or damage or benefit) was more than \$5,000.

And AB intended to commit an indictable offence.

## **Chapter 38      Stealing with violence—extortion by threats**

## Form 243

## **(Armed) Robbery (in company, with personal violence, with wounding)**

### **(Section 409. Definition of robbery)**

### **(Section 411. Punishment of robbery)**

Robbed EF.

And AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon (*or* instrument), namely, [describe it].

And AB was in company with another person (*or* other persons).

And at (*or* immediately before *or* immediately after) the time of the robbery, AB wounded (*or* used other personal violence to) EF (*or* GH).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 244****Attempted (Armed) Robbery  
(in company, with personal  
violence, with wounding)****(Section 412. Attempted robbery)**

Assaulted EF with intent to steal, and at (*or* immediately before *or* immediately after) the time of the assault, used (*or* threatened to use) actual violence to EF (*or* another person) (*or* to [describe the property]) to obtain the thing that he (*or* she) intended to steal (*or* with intent to prevent (*or* overcome) resistance to the thing being stolen).

And AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon (*or* instrument), namely, [describe it].

And AB was in company with another person (*or* other persons).

And AB was armed with a dangerous (*or* offensive) weapon (*or* instrument) (*or* noxious substance), namely [describe it], and at (*or* immediately before *or* immediately after) the time of the assault, wounded (*or* used other personal violence to) EF (*or* GH) by the weapon (*or* instrument *or* noxious substance).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

(a) was a participant in a criminal organisation; and

(b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 245**

**Assault with intent to steal**

**(Section 413. Assault with intent to steal)**

Assaulted EF with intent to steal.

**Form 246**

**Demanding property with menaces**

**(Section 414. Demanding property with menaces with intent to steal)**

With intent to steal it, demanded [*describe thing*] from EF, with threats that injury (*or* detriment) would be caused to him (*or* her) by AB (*or* MN) if the demand were not complied with.

**Form 247**

**Extortion (with a circumstance of aggravation)**

**(Section 415. Extortion)**

Demanded [*specify thing demanded*], without reasonable cause, with intent to gain a benefit for AB (*or* KQ) (*or* cause detriment to EF) threatened to cause a detriment to EF (*or* GF).

And carrying out the threat caused (*or* was likely to cause) EF (*or* GF) serious personal injury.

And carrying out the threat caused (*or* was likely to cause) substantial economic loss in the industrial (*or* commercial) activity of EF (*or* another person *or* entity)

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

## **Form 250**

### **Taking control of an aircraft (with another on board, with violence, while armed, in company, by a fraudulent representation)**

#### **(Section 417A. Taking control of aircraft)**

Unlawfully took (*or* exercised) control of an aircraft.

And another person, not being an accomplice of AB, was on board the aircraft.

And at (*or* immediately before *or* immediately after) the time of taking (*or* exercising) control of the aircraft, AB used (*or* threatened to use) actual violence to EF (*or* to property [*describing it*]), to take (*or* exercise) control of the aircraft (*or* to prevent *or* overcome resistance to the control being taken *or* exercised).

Schedule 3

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And AB was armed with a dangerous (*or* offensive) weapon (*or* instrument) (*or* was in company with another *or* other person(s)).

By a fraudulent representation (*or* trick *or* device).

## **Chapter 39      Burglary—housebreaking—and like offences**

### **Form 251**

### **Burglary (by breaking, in the night, with violence, while armed, in company, with property damage)**

#### **(Section 419. Burglary)**

Entered (*or* Was in) the dwelling of EF with intent to commit an indictable offence in the dwelling.

And the entry was by means of a break.

And the offence was committed in the night.

And AB used (*or* threatened to use) actual violence.

And AB was (*or* pretended to be) armed with a dangerous (*or* offensive) weapon (*or* instrument) (*or* noxious substance).

And AB was in company with another person (*or* other persons).

And AB damaged (*or* threatened *or* attempted to damage) property.

And AB published material on a social media platform (*or* an online social network) to advertise AB's involvement in the offence (*or* to advertise the act or omission constituting the offence).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 252**

**Burglary and [*state indictable offence e.g. by using the schedule form heading*]**

**(Section 419. Burglary)**

Entered (*or* was in) the dwelling of EF and [*describe indictable offence committed e.g. by using the schedule form*] in the dwelling.

**Form 253**

**Entering (*or* being in) premises with intent to commit an indictable offence**

**(Section 421. Entering or being in premises and committing indictable offences)**

Entered (*or* Was in) the premises of EF with intent to commit an indictable offence in the premises.

**Form 254**

**(Breaking and) Entering (or  
being in) premises and  
[state offence e.g. by using  
the schedule form heading]**

**(Section 421. Entering or being in premises and committing  
indictable offences)**

Entered (or was in) the premises of EF and [describe indictable offence committed e.g. by using the schedule form] in the premises.

And AB gained entry to the premises by a break.

**Form 255**

**Possessing things used in  
connection with unlawful  
entry (with a circumstance of  
aggravation)**

**(Section 425. Possession of things used in connection with unlawful  
entry)**

1 Was found armed with a dangerous (or offensive) weapon (or instrument) (or noxious substance), namely, [describe it] and he (or she) was so armed with intent to break (or enter) a dwelling (or premises), and to commit an indictable offence in the dwelling (or premises).

And AB had previously on [date] at [place] been convicted of a crime relating to property, namely, [describe the previous conviction].

2 Was found having in his (or her) possession [describe the thing] intended for use in (or in connection with) the commission of the offence of burglary (or entering (or being in) premises and committing indictable offences).

And AB had previously on [date] at [place] been convicted of a crime relating to property, namely, [describe the previous conviction].

3 Was found having in his (or her) possession by night without lawful excuse a housebreaking instrument, namely [describe it].

And AB had previously on [date] at [place] been convicted of a crime relating to property, namely, [describe the previous conviction].

4 Was found having in his (or her) possession by day a housebreaking instrument, namely, [describe it] with intent to commit an indictable offence.

And AB had previously on [date] at [place] been convicted of a crime relating to property, namely, [describe the previous conviction].

5 Was found having his (or her) face masked (or blackened) (or was found disguised) with intent to commit an indictable offence.

And AB had previously on [date] at [place] been convicted of a crime relating to property, namely, [describe the previous conviction].

## Form 257

**Unlawfully entering a vehicle with intent to commit an indictable offence (in the night, with violence, while armed, in company, with property damage)**

**(Section 427. Unlawful entry of a vehicle for committing indictable offence)**

Unlawfully entered a vehicle, the property of EF, with intent to commit an indictable offence.

And the offence was committed in the night.

Schedule 3

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And AB used (*or threatened to use*) actual violence.

And AB was (*or pretended to be*) armed with a dangerous (*or offensive*) weapon (*or instrument*) (*or noxious substance*).

And AB was in company with another person (*or other persons*).

And AB damaged (*or threatened or attempted to damage*) property.

And the vehicle was an emergency vehicle and AB knew (*or ought reasonably to have known*) the vehicle was an emergency vehicle.

## **Chapter 40        Other fraudulent practices**

### **Form 258                    Passing valueless cheques**

**(Section 427A. Obtaining property by passing valueless cheques)**

- 1    Obtained from EF [*describe the chattel, money, valuable security, credit, benefit or advantage*] by passing a cheque that was not paid on presentation for payment.
- 2    Passed a cheque, in the (attempted) discharge of a debt (*or liability or obligation*), which was not paid on presentation for payment.

### **Form 259                    Fraudulently falsifying a record**

**(Section 430. Fraudulent falsification of records)**

With intent to defraud—

- (a)    made a false entry namely, [*describe it*] in a [*describe the record*]; *or*

- (b) omitted to make an entry namely, [describe it] in a [describe the record]; or
- (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).

## **Chapter 41**

## **Receiving property stolen or fraudulently obtained and like offences**

## **Form 262**

## **Receiving tainted property**

### **(Section 433. Receiving tainted property)**

Schedule 3

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**(Section 568(4). Cases in which several charges may be joined)**

Received tainted property, and had reason to believe it was tainted property.

And AB obtained the property by way of an act constituting a crime, namely [*state the act*].

And the property is a firearm (*or* ammunition).

And AB received the property while acting as a pawnbroker (*or* dealer in second hand goods).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**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.

## Chapter 42A Secret commissions

### Form 270

### Secret commission

**(Section 442B. Receipt or solicitation of secret commission by an agent)**

Being an agent, corruptly received (*or* solicited) from EF for himself (*or* herself) (*or* for GH) valuable consideration, namely [describe]—

- (a) as an inducement (*or* reward) for (*or* on account of) doing (*or* forbearing to do *or* having done *or* having forborne to do) [describe the act] in relation to his (*or* her) principal's affairs (*or* business); *or*
- (b) the receipt (*or* expectation) of which would tend to influence him (*or* her) to show (*or* forbear to show) favour (*or* disfavour) to any person in relation to his (*or* her) principal's affairs (*or* business).

### Form 271

### Secret commission

**(Section 442BA. Gift or offer of secret commission to an agent)**

Corruptly gave (*or* offered) to EF, an agent, valuable consideration, namely [describe]—

- (a) as an inducement (*or* reward) for (*or* on account of) EF doing (*or* forbearing to do *or* having done *or* having forborne to do) [describe the act] in relation to his (*or* her) principal's affairs (*or* business); *or*
- (b) the receipt (*or* expectation) of which would tend to influence EF to show (*or* forbear to show) favour (*or* disfavour) to any person in relation to his (*or* her) principal's affairs (*or* business).

## Form 272

## Secret commission

**(Section 442D. False or misleading receipt or account)**

- 1 Gave to EF, an agent, with intent to deceive (*or defraud*) his (*or her*) principal, a receipt (*or invoice or account or document*) in respect of which (*or in relation to a dealing or transaction or matter in which*) the principal was interested, and which—
  - (a) contained a statement which was false (*or erroneous or defective*) in an important particular, namely, [describe] (*or contained an overcharge or was in any way likely to mislead the principal*); *or*
  - (b) omitted to state explicitly and fully that a commission (*or percentage, bonus etc*) had been (*or agreed to be*) made (*or given or allowed*).
- 2 Being an agent, received (*or used or gave to* his (*or her*) principal) a receipt (*or invoice or account or document*) in respect of which (*or in relation to a dealing or transaction or matter in which*) the principal was interested, and which—
  - (a) contained a statement which was false (*or erroneous or defective*) in an important particular, namely, [describe] (*or contained an overcharge or was likely to mislead the principal*); *or*
  - (b) omitted to state explicitly and fully that a commission (*or percentage, bonus etc*) had been (*agreed to be*) made (*or given or allowed*).

## Form 273

## Secret commission

**(Section 442E. Secret commission for advice given)**

- 1 Gave to EF advice which was intended (*or likely*) to induce (*or influence*) EF—

- (a) to enter into a contract with GH and, without the assent of EF, AB received valuable consideration from GH; *or*
- (b) to appoint (*or* join with MN in the appointment, *or* vote for, *or* aid in obtaining the election *or* appointment, *or* to authorise *or* join with MN in authorising the appointment of) GH as trustee (*or* director, *or* manager, *or* official) and, without the assent of EF, AB received valuable consideration from GH.

2 Gave to GH valuable consideration, without the assent of EF, when GH had given advice to EF which was intended (*or* likely) to induce (*or* influence) EF—

- (a) to enter into a contract with AB; *or*
- (b) to appoint (*or* join with MN in the appointment, *or* vote for, *or* aid in obtaining the election *or* appointment, *or* to authorise *or* join with MN in authorising the appointment of) AB as trustee (*or* director, manager, *or* official).

## Form 274

## Secret commission

**(Section 442EA. Offer or solicitation of secret commission in return for advice given or to be given)**

1 Offered valuable consideration for advice given (*or* to be given) by GH to EF to induce (*or* influence) EF—

- (a) to enter into a contract with AB and with intent that the gift of such valuable consideration would not be made known to EF; *or*
- (b) to appoint (*or* join with MN in the appointment, *or* vote for, *or* aid in obtaining the election *or* appointment, *or* to authorise *or* join with MN in authorising the appointment of) AB as trustee (*or* director, *or* manager, *or* official), and with intent that the gift of such valuable consideration would not be made known to EF.

2 Solicited from OP valuable consideration for advice given (*or* to be given) by AB to EF to induce (*or* influence) EF—

Schedule 3

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- (a) to enter into a contract with OP and with intent that the receipt of such valuable consideration would not be made known to EF; *or*
- (b) to appoint (*or* join with MN in the appointment, *or* vote for, *or* aid in obtaining the election *or* appointment, *or* to authorise *or* join with MN in authorising the appointment of) AB as trustee (*or* director, *or* manager, *or* official) and with intent that the receipt of such valuable consideration would not be made known to EF.

**Form 275**

**Secret commission**

**(Section 442F. Secret commission to trustee in return for substituted appointment)**

- 1 Offered (*or* gave) valuable consideration to EF, a trustee, without the assent of the persons beneficially entitled to the estate (*or* of a Judge of the Supreme Court), as an inducement (*or* reward) for appointing (*or* having appointed, *or* for joining *or* for having joined with MN in appointing, *or* for authorising *or* for having authorised, *or* for joining *or* for having joined with MN in authorising) GH to be appointed instead of EF (*or* instead of EF and IJ) as trustee.
- 2 Being a trustee, received (*or* solicited) valuable consideration for himself (*or* herself) (*or* for OP), without the assent of the persons beneficially entitled to the estate (*or* of a Judge of the Supreme Court), as an inducement (*or* reward) for appointing (*or* for having appointed, *or* for joining *or* for having joined with MN in appointing, *or* for authorising *or* for having authorised, *or* for joining *or* having joined with MN in authorising) GH to be appointed instead of himself (*or* herself) (*or* instead of himself (*or* herself) and IJ).

**Form 276**

**Secret commission**

**(Section 442G. Liability of director etc. acting without authority)**

Being a director (*or* manager, *or* officer) of [name the company] (*or* officer *or* crew member of [name the vessel]) (*or* Acting for JK) knowingly and unlawfully took part in (*or* was privy to *or* attempted to) [describe the act] without authority.

## **Chapter 43      Match-fixing**

### **Form 276A**

### **Engaging in match-fixing conduct**

#### **(Section 443A. Engaging in match-fixing conduct)**

Engaged in match-fixing conduct in relation to a sporting event, namely [state the event] (*or* the happening of a sporting contingency, namely [state the contingency]) for the purpose of obtaining (*or* receiving) a pecuniary benefit for AB (*or* EF) (*or* causing a pecuniary detriment to EF).

### **Form 276B**

### **Facilitating match-fixing conduct (*or* match-fixing arrangement)**

#### **(Section 443B. Facilitating match-fixing conduct or match-fixing arrangement)**

Facilitated match-fixing conduct (*or* a match-fixing arrangement) in relation to a sporting event, namely [state the event] (*or* the happening of a sporting contingency, namely [state the contingency]) for the purpose of obtaining (*or* receiving) a pecuniary benefit for AB (*or* EF) (*or* causing a pecuniary detriment to EF).

## **Form 276C**

**Offering (or Giving) benefit  
(or Causing or Threatening  
detriment) to engage in  
match-fixing conduct (or  
match-fixing arrangement)**

**(Section 443C. Offering or giving benefit, or causing or threatening  
detriment, to engage in match-fixing conduct or match-fixing  
arrangement)**

- 1 Offered (or Gave) to EF a pecuniary benefit, as an inducement for (or to procure) EF (or GH) to engage in match-fixing conduct (or participate in a match-fixing arrangement) in relation to a sporting event, namely [state the event] (or the happening of a sporting contingency, namely [state the contingency]).
- 2 Caused (or Offered or Threatened to cause) a pecuniary detriment to EF, as an inducement for (or to procure) EF (or GH) to engage in match-fixing conduct (or participate in a match-fixing arrangement) in relation to a sporting event, namely [state the event] (or the happening of a sporting contingency, namely [state the contingency]).

## **Form 276D**

**Using (or Disclosing)  
knowledge of match-fixing  
conduct (or match-fixing  
arrangement) for betting**

**(Section 443D. Using or disclosing knowledge of match-fixing conduct  
or match-fixing arrangement for betting)**

- 1 Having knowledge of match-fixing conduct (or a match-fixing arrangement) in relation to a sporting event, namely [state the event] (or a sporting contingency, namely [state the contingency]), made a relevant bet in relation to the event (or contingency).

- 2 Having knowledge of match-fixing conduct (*or* a match-fixing arrangement) in relation to a sporting event, namely [*state the event*] (*or* a sporting contingency, namely [*state the contingency*]), encouraged EF to make a relevant bet in relation to the event (*or* contingency).
- 3 Having knowledge of match-fixing conduct (*or* a match-fixing arrangement) in relation to a sporting event, namely [*state the event*] (*or* a sporting contingency, namely [*state the contingency*]), disclosed the knowledge to EF, who AB knew (*or* ought reasonably to have known) would have been likely to make a relevant bet in relation to the event (*or* contingency).

**Form 276E****Encouraging person not to disclose match-fixing conduct (*or* match-fixing arrangement)****(Section 443E. Encouraging person not to disclose match-fixing conduct or match-fixing arrangement)**

- 1 Encouraged EF to conceal information about match-fixing conduct (*or* a match-fixing arrangement) in relation to a sporting event, namely [*state the event*] (*or* the happening of a sporting contingency, namely [*state the contingency*]) from GH, a law enforcement agency (*or* a law enforcement officer *or* the chief executive of the department in which the *Wagering Act 1998* was administered *or* a responsible entity for the sporting event), and for such encouragement received (*or* obtained *or* offered to receive (*or* obtain)) a pecuniary benefit from MN.
- 2 Encouraged EF to conceal information about match-fixing conduct (*or* a match-fixing arrangement) in relation to a sporting event, namely [*state the event*] (*or* the happening of a sporting contingency, namely [*state the contingency*]) from GH, a law enforcement agency (*or* a law enforcement officer *or* the chief executive of the department in which the *Wagering Act 1998* was administered *or* a responsible entity for the sporting event), and for such encouragement gave (*or* offered to give) a pecuniary benefit to MN.

Schedule 3

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- 3 Encouraged EF to conceal information about match-fixing conduct (*or* a match-fixing arrangement) in relation to a sporting event, namely [*state the event*] (*or* the happening of a sporting contingency, namely [*state the contingency*]) from GH, a law enforcement agency (*or* a law enforcement officer *or* the chief executive of the department in which the *Wagering Act 1998* was administered *or* a responsible entity for the sporting event) and for such encouragement caused (*or* offered *or* threatened *or* agreed to cause) a pecuniary detriment to MN.

**Form 276F**

**Using (or Disclosing) inside knowledge for betting**

**(Section 443F. Using or disclosing inside knowledge for betting)**

- 1 Having inside knowledge in relation to a sporting event, namely [*state the event*] (*or* a sporting contingency, namely [*state the contingency*]), made a relevant bet in relation to the event (*or* contingency).
- 2 Having inside knowledge in relation to a sporting event, namely [*state the event*] (*or* a sporting contingency, namely [*state the contingency*]), encouraged EF to make a relevant bet in relation to the event (*or* contingency).
- 3 Having inside knowledge in relation to a sporting event, namely [*state the event*] (*or* a sporting contingency, namely [*state the contingency*]), disclosed the inside knowledge to EF for the purpose of EF making a relevant bet in relation to the event (*or* contingency).
- 4 Having received information in relation to a sporting event, namely [*state the event*] (*or* a sporting contingency, namely [*state the contingency*]) from EF, knew (*or* ought reasonably to have known) the information was inside knowledge in relation to the event (*or* contingency) and made (*or* encouraged GH to make) a relevant bet in relation to the event (*or* contingency).

## **Chapter 44      Offences analogous to stealing relating to animals**

### **Form 277      Killing an animal with intent to steal**

#### **(Section 444A. Killing animals with intent to steal)**

Killed a [*describe the animal capable of being stolen*] with intent to steal (part of) the skin (*or* carcass).

### **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.

### **Form 279      Unlawfully using stock**

#### **(Section 445. Unlawfully using stock)**

Unlawfully used a [*describe the animal that is stock*], without the consent of EF, the person in lawful possession of it.

## **Form 280**

## **Possessing stolen stock**

### **(Section 446. Suspicion of stealing stock)**

Was found in possession of (or with the custody of) [(part of the) skin (or carcass) of] a *[describe the animal that is stock]*, which was suspected on reasonable grounds of having been stolen.

## **Form 281**

## **Illegal branding**

### **(Section 447. Illegal branding)**

Branded (or Marked) a *[describe the animal that is stock]* (or Knowingly permitted a *[describe the animal that is stock]* to be branded (or marked)) with his (or her) registered brand (or mark), knowing that he (or she) was not the owner of the *[describe the animal that is stock]*.

## **Form 282**

## **Defacing brands**

### **(Section 448. Defacing brands)**

- 1 Altered (or Defaced or Rendered undistinguishable) a registered brand (or registered mark) on a *[describe the animal that is stock]*.
- 2 Knowingly permitted a registered brand (or registered mark) on a *[describe the animal that is stock]* to be altered (or defaced or rendered undistinguishable) by MN, a person over whom he (or she) had control.

## 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).

## **Chapter 46 Offences**

# Form 286 Arson

**(Section 461. Arson)**

Wilfully and unlawfully set fire to [describe thing].

## 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.

**Form 288**

**Setting fire to vegetation**

**(Section 463. Setting fire to vegetation)**

Wilfully and unlawfully set fire to [describe thing].

**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]).

**Form 294**

**Injuring an animal (at night)**

**(Section 468. Injuring animals)**

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

**Form 295**

**Wilful damage (or destruction)**

**(Section 469. Wilful damage)**

Wilfully and unlawfully destroyed (or damaged) [describe property].

And AB was wholly (or partly) motivated to commit the offence by hatred (or serious contempt) for EF based on the (presumed) race (or religion or sexuality or sex characteristics or gender identity) of EF (or for a group of persons, namely [describe or identify the group], based on the race (or religion or sexuality or sex characteristics or gender identity) shared (or presumed to be shared) by the members of the group).

**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).

**Form 300**

**Wilfully destroying (or  
damaging) a testamentary  
instrument (or register)**

**(Section 469. Wilful damage, punishment in special cases, wills and registers)**

Wilfully and unlawfully destroyed (or damaged) a testamentary instrument (or a register which was then authorised (or required) by law to be kept for authenticating (or recording) the title to property (or for recording births (or [describe the event])) (or a copy of part of a register which was then authorised (or required) by law to be kept for authenticating (or recording) the title to property (or for recording births (or [describe the event])), which copy was required by law to be sent to [describe the public officer]).

**Form 301**

**Wilfully destroying (or  
damaging) a wreck**

**(Section 469. Wilful damage, punishment in special cases, wrecks)**

Wilfully and unlawfully destroyed (or damaged) a vessel which was in distress (or wrecked or stranded) [or [describe thing] belonging to a vessel which was in distress (or wrecked or stranded)).

**Form 302**

**Wilfully destroying (or  
damaging) a part of a railway**

**(Section 469. Wilful damage, punishment in special cases, railways)**

Wilfully and unlawfully destroyed (or damaged) part of a railway (or work connected with a railway).

**Form 303**

**Wilfully destroying (or  
damaging) an aircraft**

**(Section 469. Wilful damage, punishment in special cases, aircraft)**

Wilfully and unlawfully destroyed (or damaged) an aircraft (or [describe thing] connected with the guidance or control or operation of an aircraft).

**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)).

**Form 305**

**Wilfully destroying (or  
damaging) a deed**

**(Section 469. Wilful damage, punishment in special cases, deeds and records)**

Wilfully and unlawfully destroyed (or damaged) a [describe the document], which was deposited (or kept) in a [state the public office] (or which was evidence of the title of EF to land (or to an estate in land)).

**Form 306**

**Wilful destruction (or  
damage) by graffiti**

**(Section 469. Wilful damage, punishment in special cases, graffiti)**

Wilfully and unlawfully destroyed (or damaged) [describe property] in a public place (or which was visible from a public place), and the destruction (or damage) was caused by applying paint (or [name other marking substance]) (or by scratching (or etching)).

**Form 307**

**Wilful destruction (or  
damage) of an educational  
institution**

**(Section 469. Wilful damage, punishment in special cases, educational institutions)**

Wilfully and unlawfully destroyed (or damaged) [describe property], which was part of a school (or education centre or [describe the educational institution]).

**Form 307AA**

**Wilful destruction (or  
damage) of cemetery etc.**

**(Section 469. Wilful damage, punishment in special cases, cemeteries etc.)**

- 1 Wilfully and unlawfully destroyed (or damaged) a grave (or vault or niche or memorial) in a cemetery (or at a crematorium).
- 2 Wilfully and unlawfully destroyed (or damaged) a war memorial.
- 3 Wilfully and unlawfully destroyed (or damaged) [describe property] at a place of religious worship.

**Form 307AB**

**Wilful destruction (or  
damage) of an emergency  
vehicle**

**(Section 469. Wilful damage, punishment in special cases, emergency vehicles)**

Wilfully and unlawfully destroyed (or damaged) an emergency vehicle and knew (or ought reasonably to have known) the vehicle was an emergency vehicle.

**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)).

Schedule 3

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- 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)).

**Form 308**

**Attempting to destroy  
property by explosives**

**(Section 470. Attempts to destroy property by explosives)**

Unlawfully, and with intent to destroy (*or* damage) [*describe property*], put an explosive substance in [*describe place*].

**Form 309**

**Unlawful dealing with  
explosive (*or* noxious)  
substances**

**(Section 470A. Unlawful dealing with explosive or noxious substances)**

- 1 Wilfully and unlawfully threw (*or* left down *or* deposited) an explosive (*or* noxious) substance in circumstances that could have caused injury to a person (*or* damage to property).
- 2 Wilfully and unlawfully made (*or* had possession of) an explosive (*or* noxious) substance in circumstances that could have caused injury to a person (*or* damage to property).

## Form 310

## Damaging a mine

**(Section 471. Damaging mines)**

- 1 Unlawfully and intentionally damaged a mine by [specify damage].
- 2 Unlawfully interfered with equipment (or infrastructure) connected (or used) with a mine, with intent to damage the mine.

## Form 311

## Interfering with a marine signal

**(Section 472. Interfering with marine signals)**

- 1 Wilfully and unlawfully removed (or defaced or rendered invisible) a light (or beacon or buoy or mark or signal) used for purposes of navigation (or for the guidance of sailors).
- 2 Unlawfully attempted to remove (or deface or render invisible) a light (or beacon or buoy or mark or signal) used for purposes of navigation (or for the guidance of sailors).

## Form 312

## Interfering with navigation works

**(Section 473. Interfering with navigation works)**

- 1 Wilfully and unlawfully removed (or disturbed) [describe object or material] used for securing a bank of the sea (or [describe the property]) (or for securing a work appertaining to a port (or [describe the property])) or for securing a work which was used for purposes of navigation (or for lading (or unlading) goods)).

Schedule 3

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2 Unlawfully [*describe the act*], with intent to obstruct the carrying on (*or completion or* maintenance) of the navigation of a navigable river (*or* canal), and obstructed the carrying on (*or* completion *or* maintenance).

**Form 313**

**Communicating an infectious disease to animals**

**(Section 474. Communicating infectious diseases to animals)**

Wilfully and unlawfully caused [*or* Was wilfully and unlawfully concerned in causing *or* Wilfully and unlawfully attempted to cause] an infectious (*or* contagious) disease, to be communicated to (*or* among) [*describe animal*].

**Form 314**

**Travelling with an infected animal**

**(Section 475. Travelling with infected animals)**

Caused [*describe animal*] which was infected with an infectious (*or* contagious) disease, to travel (*or* Being the owner (*or* a joint owner) of [*describe animal*] which was infected with an infectious (*or* contagious) disease, permitted (*or* connived) at the travelling of it) contrary to the provisions of [*state the statute*].

**Form 316**

**Obstructing a railway**

**(Section 477. Obstructing railways)**

Unlawfully [describe the unlawful act] (or Intentionally omitted to [describe the act] which it was his (or her) duty to do), causing an engine (or vehicle) in use on a railway to be obstructed in its passage on the railway.

**Form 317**

**Sending a letter threatening to destroy**

**(Section 478. Sending letters threatening to burn or destroy)**

Knowing the contents of it, caused EF to receive a document threatening that a [describe the building or vessel, or other property] would be burnt (or destroyed).

**Chapter 49**

**Punishment of forgery and like offences**

**Form 318**

**Forging (or Uttering) (with a circumstance of aggravation)**

**(Section 488. Forging and uttering)**

**(Section 568(5). Cases in which several charges may be joined)**

With intent to defraud, forged a document (or uttered a forged document).

And the document was a valuable security (or insurance policy or testamentary instrument or registration document or is evidence of an interest in land or a power of attorney or contract (or document) kept (or issued) by lawful authority).

**Form 328**

**Falsifying a warrant for  
money payable under public  
authority**

**(Section 498. Falsifying warrants for money payable under public authority)**

Being employed in the public service, knowingly, and with intent to defraud, made out (*or* delivered to MN) a warrant for the payment to MN of a sum of money payable by public authority for a greater (*or* less) amount than that to which he (*or* she) was entitled.

**Form 329**

**Falsifying a register**

**(Section 499. Falsification of registers)**

Having the actual custody of a register (*or* record) [describe] kept by lawful authority, knowingly permitted an entry to be made in the register (*or* record) which, to his (*or* her) knowledge, was false in a material particular, namely, [describe false entry].

**Form 330**

**Sending a false certificate of  
marriage to registrar**

**(Section 500. Sending false certificate of marriage to registrar)**

Signed (*or* Transmitted to RG, a person authorised by law to register marriages) a certificate of a marriage (or a document purporting to be a certificate of a marriage), which to his (*or* her) knowledge was false in a material particular, namely, [describe false entry].

## Form 331

### Making a false statement about a birth (or a death or marriage)

(Section 501. False statements for the purpose of registers of births, deaths, and marriages)

(Section 501A. Contradictory statements)

- 1 Knowingly made a false statement touching a matter required by law to be registered in the register of births (or deaths or marriages), namely, [set out statement], with intent to procure the statement to be inserted in the register.
- 2 Knowingly made 2 statements touching a matter required by law to be registered in the register of births (or deaths or marriages), one of which is irreconcilably in conflict with the other, and made one of the statements knowing it to be false, with intent to procure that statement to be inserted in the register.

## Form 332

### Procuring (or Claiming) unauthorised status

(Section 502. Procuring or claiming unauthorised status)

- 1 By false representation, procured [describe the authority] to issue to him (or her) (or to MN) a certificate [describe the effect of the certificate].
- 2 Falsely represented to MN that he (or she) had obtained a certificate [describe the effect of the certificate] issued by [describe the authority].
- 3 By false representation, procured himself (or herself) (or MN) to be registered on [describe the register] kept by [describe the lawful authority].

## **Chapter 51      Preparation for forgery**

### **Form 338**

### **Preparing for forgery**

#### **(Section 510. Instruments and materials for forgery)**

- 1    Unlawfully made (*or* started to make *or* prepared to make) [*describe the thing*] with intent to use it to forge a document.
- 2    Unlawfully possessed [*describe the thing*] with intent to use it to forge a document.
- 3    Unlawfully used [*describe the thing*] to forge a document.

### **Form 339**

### **Disposing of a thing used for forgery**

#### **(Section 510. Instruments and materials for forgery)**

Unlawfully disposed of [*describe the thing*] that had been used to forge a document.

## **Chapter 52      Personation**

### **Form 340**

### **Personation**

#### **(Section 514. Personation in general)**

- 1    Falsely represented himself (*or* herself) to be EF, with intent to defraud.

2 Falsely represented himself (*or herself*) to be EF, who was entitled by will (*or by operation of law*) to property, namely [describe it], with intent to defraud and with intent to obtain (possession of) the property.

## Form 341

## False acknowledgment

**(Section 515. Falsely acknowledging deeds, recognisances etc.)**

Without lawful authority or excuse made, in the name of EF, before [describe the court or person lawfully authorised to take it], an acknowledgment of liability, namely [describe it] (*or an acknowledgment of a deed (or instrument)*).

## Chapter 54

## Other offences

### Form 344

### Mixing an uncertified article with a certified article

**(Section 533. Mixing uncertified with certified articles)**

Mixed with [describe the article], to which a mark had been attached (*or about which a certificate had been given*) under the authority of the [state the statute] for the purpose of denoting it's quality (*or of denoting that it had been examined (or approved) by (or under the authority of) [name the public body or officer]*), another article [describe the other article] which had not been so examined (*or approved*).

## Part 7

# Preparation to commit offences—conspiracy—accessories after the fact

## Chapter 55

### Attempts and preparation to commit offences

#### Form 346

**Attempted (or attempting to)**  
[state offence e.g. by using the schedule form heading]

**(Section 535. Attempts to commit offences)**

Attempted to [describe offence e.g. by using the schedule form]

#### Form 347

**Attempt to procure [state offence e.g. by using the schedule form heading]**

**(Section 539. Attempts to procure commission of criminal acts)**

1    Attempted to procure EF—

- (a) to [state the act or omission] in Queensland, which had it been done, an offence would have been committed; or
- (b) to [state the act or omission] at [place], which had it been done, an offence would have been committed under the laws in force in [place].

2    [Delete reference to place in the formal part, then continue]:

At [place outside Queensland], attempted to procure EF to [state the act or omission] in Queensland, which had it been done, an offence would have been committed.

## **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).

## **Chapter 56      Conspiracy**

### **Form 349**

### **Conspiracy to commit [state offence e.g. by using the schedule form]**

**(Section 541. Conspiracy to commit crime)**

**(Section 542. Conspiracy to commit other offences)**

- 1 Conspired together (or with another person) to commit a crime (or offence), namely [describe crime or offence e.g., for an offence, by using the schedule form heading]
- 2 Conspired together (or with another person) to do an act [describe the act] at [name the place where it was proposed to be done], which had it been done in Queensland, would have been a crime (or offence), and which was an offence under the laws of [place].

## Form 350

## Conspiracy

### (Section 543. Other conspiracies)

- 1 Conspired together (*or* with another person) to prevent (*or* defeat) the execution (*or* enforcement) of the provisions of the [*state the statute*], namely that [*set out relevant provisions*].
- 2 Conspired together (*or* with another person) to cause an injury to the person of EF (*or* to the reputation of EF *or* to depreciate the value of [*describe the property*] the property of EF).
- 3 Conspired together (*or* with another person) to prevent (*or* obstruct) the free and lawful disposition by EF of [*describe the property*] belonging to him (*or* her), for its fair value.
- 4 Conspired together (*or* with another person) to injure EF in his (*or* her) trade (*or* profession) of a [*describe it*].
- 5 Conspired together (*or* with another person) to prevent (*or* obstruct) by [*state the acts done*] the free and lawful exercise by EF of his (*or* her) trade (*or* profession *or* occupation) of a [*describe it*].
- 6 Conspired together (*or* with another person) to effect an unlawful purpose, namely (*describe the unlawful purpose*).
- 7 Conspired together (*or* with another person) to effect [*describe the lawful purpose*] by unlawful means, namely [*describe the means*].

## Chapter 57      Accessories after the fact

### Form 351

**Accessory after the fact to  
[state offence e.g. by using  
the schedule form heading]**

(Section 10. Accessories after the fact)

(Section 307. Accessory after the fact to murder)

(Section 544. Accessories after the fact to offences)

(Section 545. Punishment of accessories after the fact to offences)

*[Describe the principal offence e.g. by using the schedule form, and continue as follows]:*

And AB on [date] at [place] received (or assisted) [name the principal offender], who to his (or her) knowledge was guilty of the crime (or the offence), to enable him (or her) to escape punishment.

## **Schedule 3A**

### **Forms for indictments—statement of offences under the Domestic and Family Violence Protection Act 2012**

rules 13 and 15

#### **Form 351A**

#### **Engaging in domestic violence or associated domestic violence to aid respondent**

**(Section 179A. Engaging in domestic violence or associated domestic violence to aid respondent)**

Being an adult, and without reasonable excuse, engaged in domestic violence behaviour against EF, the aggrieved (*or* a named person) in a domestic violence order (*or* a police protection notice *or* release conditions), with the intent of aiding the respondent to the order (*or* notice *or* conditions), and AB knew (*or* ought reasonably to have known) EF was the aggrieved (*or* a named person) in the order (*or* notice *or* conditions).

And AB derived a benefit from engaging in the domestic violence behaviour.

**Schedule 4**

**Forms for indictments,  
informations and complaints—  
statement of offences under  
the Drugs Misuse Act 1986**

rules 13 and 15

**Form 352**

**Trafficking in a dangerous drug**

**(Section 5. Trafficking in dangerous drugs)**

Carried on the business of unlawfully trafficking in the dangerous drug(s) [*name the drug(s)*].

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 353**

**Supplying a dangerous drug  
(with a circumstance of  
aggravation)**

**(Section 6. Supplying dangerous drugs)**

Schedule 4

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- 1 Unlawfully supplied the dangerous drug [*name the drug*] to another person (*or* to EF).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

- 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).

And AB, at the time the offence was committed (*or* at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (*or* ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (*or* at the direction of a participant in a criminal organisation) (*or* in association with 1 or more persons who were, at the time the offence was committed (*or* at any time during the course of the commission of the offence), participants in a criminal organisation) (*or* for the benefit of a criminal organisation).

**Form 354**

**Receiving (or possessing)  
property obtained from  
trafficking (or supplying)**

**(Section 7. Receiving or possessing property obtained from trafficking or supplying)**

- 1 Received (or possessed) [describe the property] obtained from trafficking in a dangerous drug(s) (or supplying a dangerous drug), knowing (or believing) it to have been obtained from the trafficking or supply.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
  - (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).
- 2 Received (or possessed) [describe the property], knowing (or believing) it to have been obtained from the commission of an act done at [place, not in Queensland], which if it had been done in Queensland would have constituted the offence of trafficking in a dangerous drug(s), (or supplying a dangerous drug), and which was an offence under the laws in force there.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
  - (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).
- 3 Received (or possessed) (part of) [describe the property obtained] knowing (or believing) that it was wholly (or in part) mortgaged (or pledged or exchanged or converted) from property obtained from trafficking in a dangerous drug (or supplying a dangerous drug).

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

Schedule 4

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- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

4 Received (or possessed) [describe the property obtained] knowing (or believing) that it was wholly (or in part) mortgaged (or pledged or exchanged or converted) from property obtained from the commission of an act done at [place, not in Queensland], which if it had been done in Queensland would have constituted the offence of trafficking in a dangerous drug(s), (or supplying a dangerous drug), and which was an offence under the laws in force there.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

**Form 355**

**Producing a dangerous drug  
(in excess of [state the  
quantity])**

**(Section 8. Producing dangerous drugs)**

Unlawfully produced the dangerous drug [name the drug].

And the quantity of the dangerous drug was (or exceeded) [state appropriate quantity according to schedules 3 and 4 of the *Drugs Misuse Act 1986*].

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

## **Form 356**

### **Publishing (or possessing) instructions for producing a dangerous drug**

**(Section 8A. Publishing or possessing instructions for producing dangerous drugs)**

- 1 Unlawfully published instructions about the way to produce the dangerous drug [name the drug].
- 2 Unlawfully had possession of a document containing instructions about the way to produce the dangerous drug [name the drug].

## **Form 357**

### **Possessing a dangerous drug (in excess of [state the quantity])**

**(Section 9. Possessing dangerous drugs)**

Unlawfully had possession of the dangerous drug [name the drug].

And the quantity of the dangerous drug was (or exceeded) [state appropriate quantity according to schedules 3 and 4 of the Drugs Misuse Act 1986].

## **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.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

**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.

And AB, at the time the offence was committed (or at any time during the course of the commission of the offence)—

- (a) was a participant in a criminal organisation; and
- (b) knew (or ought reasonably to have known) the offence was being committed at the direction of a criminal organisation (or at the direction of a participant in a criminal organisation) (or in association with 1 or more persons who were, at the time the offence was committed (or at any time during the course of the commission of the offence), participants in a criminal organisation) (or for the benefit of a criminal organisation).

**Form 357CA      Trafficking in a relevant substance (or thing)****(Section 9D. Trafficking in relevant substances or things)**

Carried on the business of unlawfully trafficking in a relevant substance (or substances), namely [*state the substance(s)*] (or thing (or things), namely [*state the thing(s)*]) for use in connection with the commission of an offence against the *Drugs Misuse Act 1986*, section 8.

**Form 358**

**Possessing a thing for use (or used) in connection with [state offence e.g. by using the schedule form heading]**

**(Section 10(1). Possessing things)**

- 1 Had in his (or her) possession [describe the thing] for use in connection with the commission of the crime of [state offence e.g. by using the schedule form heading].
- 2 Had in his (or her) possession [describe the thing] that he (or she) had used in connection with the commission of the crime of [state offence e.g. by using the schedule form heading].

**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].

**Form 359**

**Permitting use of a place for [state offence e.g. by using the schedule form heading]**

**(Section 11. Permitting use of place)**

Being the occupier (or concerned in the management or control) of [describe the place] permitted it to be used for the commission of the crime of [state offence e.g. by using the schedule form heading].

**Form 360**

**Being a party to [state offence  
e.g. by using the schedule form  
heading]**

**(Section 12. Parties to offences committed outside Queensland)**

Was a party to an act done in [state place], which if it had been done in Queensland would have constituted the crime of [state offence e.g. by using the schedule form heading] and which was an offence under the laws of [place].

**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.

**Form 361**

**Disclosing informers**

**(Section 119. Protection of informers)**

- 1 Disclosed the name of an informer.
- 2 Disclosed a particular (or particulars) that was (or were) likely to lead to the identification of an informer.

**Form 362**

**Contravening an order  
prohibiting publication**

**(Section 121(6). Power to prohibit publication of proceedings)**

Acted in contravention of an order by a judge prohibiting the publication of the proceedings (*or* part of the proceedings, *or* the name and address of a witness in the proceedings) of [describe].

## **Schedule 4A**

### **Forms for indictments, informations and complaints—statement of offences under the Peace and Good Behaviour Act 1982**

rules 13 and 15

#### **Form 363**

#### **Contravention of public safety order**

**(Section 32. Contravention of public safety order)**

Without reasonable excuse, knowingly contravened a public safety order made for AB (*or a group of persons of which AB is a member, namely [state group of persons]*).

#### **Form 364**

#### **Offence by owner (or occupier) of restricted premises**

**(Section 54. Offence by owner or occupier of restricted premises)**

That EF was the owner (*or occupier*) of restricted premises for which EF had been served with a restricted premises order, and a disorderly activity, namely *[state disorderly activity]*, took place at the premises after the order had been served and while the order remained in force, and EF knew (*or ought reasonably to have known*) the disorderly activity had taken place at the premises.

And AB has previously been convicted of an offence under the *Peace and Good Behaviour Act 1982*, section 54 on [date of each previous conviction] in relation to restricted premises at [state address of each restricted premises].

## **Form 365**

## **Hindering removal (or modification) of a fortification**

### **(Section 75. Hindering removal or modification of a fortification)**

Did an act (or made an omission) with intent to hinder the removal (or modification) of a fortification under a fortification removal order (or the taking of enforcement action).

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## **Schedule 5      Forms for other proceedings**

rule 13

**Part 1**

**Applications**

**Part 2**

**Orders**

**Part 3**

**Informations by private persons**

**Part 4**

**Bench warrants**

**Part 5**

**Subpoenas**

**Part 6**

**Forms under criminal appeal rules**

**Part 7**

**Other forms**

**Form 402**

**Application for approval for examination of a person in custody by legally qualified**

## **medical practitioner and/or legally qualified dentist**

### **(section 259)**

In the [state district] Magistrates Court, Queensland

- 1 I, [state name], police officer, of [address] make oath and say as follows—
- 2 [State name of the accused person] is in lawful custody on a charge(s) of committing the offence(s) of [state offence e.g. by using the schedule form].
- 3 I have reasonable grounds for believing that—
  - \*(a) a legally qualified medical practitioner doing a following act may afford evidence of the commission of the offence(s)—
    - \*(i) examining the person of the accused person, including the orifices of the accused person's body;
    - \*(ii) taking samples of the accused person's blood, saliva or hair;
    - \*(iii) requiring the accused person to provide a sample of the accused person's urine;
    - \*(iv) collecting from the accused person's person, including from the orifices of the accused person's body, any substance or thing, the collection of which would be unlikely to cause bodily harm to the accused person if cooperation is given;
  - \*(b) a legally qualified dentist doing a following act may afford evidence of the commission of the offence(s)—
    - \*(i) examining the accused person's mouth;
    - \*(ii) taking samples of the accused person's saliva;
    - \*(iii) taking dental impressions from the accused person.

\*[Cross out whichever does not apply].

## Schedule 5

4 The grounds for my belief are as follows [*set out fully*]—

5 I have informed the accused person of his or her right to have present while the act is being done 2 persons of the accused person's choice.

6 I apply for approval for the acts stated in this application to be done.

**SWORN** by the applicant

at [place] this [day] day of [month and year]

before me.

## Justice of the peace

## Form 403

## Approval for examination of a person in custody by legally qualified medical practitioner or dentist

**(section 259)**

In the [state district] Magistrates Court, Queensland.

I, [state name], stipendiary magistrate—

(a) am satisfied that—

- (i) [state name], the accused person, is in lawful custody on a charge of committing the offence(s) of [state offence e.g. by using the schedule form]; and
- (ii) there are reasonable grounds for believing that the doing of the acts mentioned in paragraphs (b) and (c) may afford evidence of the commission of the offence(s); and
- (iii) the accused person has been informed of the accused person's right to have present while the act is being done 2 persons of the accused person's choice; and

- \*(b) approve the doing of the following acts by a legally qualified medical practitioner—
  - \*(i) examining the person of the accused person, including the orifices of the accused person's body;
  - \*(ii) taking samples of the accused person's blood, saliva or hair;
  - \*(iii) requiring the accused person to provide a sample of the accused person's urine;
  - \*(iv) collecting from the accused person's person, including from the orifices of the accused person's body, any substance or thing, the collection of which would be unlikely to cause bodily harm to the accused person if cooperation is given; and
- \*(c) approve the doing of the following acts by a legally qualified dentist—
  - \*(i) examining the accused person's mouth;
  - \*(ii) taking samples of the accused person's saliva;
  - \*(iii) taking dental impressions from the accused person.

\*[Cross out whichever does not apply].

(Signed) Stipendiary magistrate

Date:

Place:

### **Important notice**

Before any of the acts mentioned in paragraphs (b) and (c) are done, the accused person must be given a copy of this approval and informed of its contents.

## **Schedule 5A    Code of conduct for interpreters**

rule 54AB, definition *code of conduct*

### **1    Application of code of conduct**

This code of conduct applies to any person (an *interpreter*) who, whether or not for fee or any other reward, is engaged or volunteers to act as an interpreter in a proceeding, or otherwise becomes involved in acting as an interpreter in a proceeding, by—

- (a) interpreting from any spoken or signed language (the *other language*) into English and from English into the other language for any person; and
- (b) sight translating documents.

### **2    Definitions for code of conduct**

In this code of conduct—

*accurate*, in relation to an interpretation, translation or sight translation, means—

- (a) resulting in the optimal and complete transfer of the meaning of the other language into English, and of English into the other language; and
- (b) preserving the content and intent of the other language or English (as the case may be) without omission or distortion, including matters the interpreter might consider inappropriate or offensive.

*interpret* means to carry out the process by which spoken or signed language is conveyed from one language (known as the source language) to another language (known as the target language) orally.

*interpreter* see rule 1.

*other language* see rule 1.

**sight translate** means to carry out the process by which an interpreter or translator presents a spoken or signed interpretation of a written text.

**translate** means to carry out the process by which written language is conveyed from one language (known as the source language) to another language (known as the target language) in written form.

### **3 General duty to the court**

- (1) An interpreter has an overriding duty—
  - (a) to be accurate to the best of the interpreter's ability; and
  - (b) to assist the court impartially.
- (2) An interpreter's paramount duty is to the court and not to any party to, or witness in, the proceeding (including the person engaging or paying the interpreter).
- (3) An interpreter is not an agent, assistant or advocate of a party to, or witness in, the proceeding.

### **4 Duty to comply with directions**

An interpreter must comply with any direction of the court.

### **5 Duty of accuracy**

- (1) An interpreter must at all times use their best judgement to be accurate in their interpretation, translation or sight translation.
- (2) If an interpreter considers that their interpretation, translation or sight translation is, or could be, in any way inaccurate or incomplete, or that it requires qualification or explanation (including, but not limited to, because the other language is ambiguous or otherwise unclear for any reason)—
  - (a) the interpreter must immediately inform the party who engaged them and provide the necessary correction, qualification or explanation to the party; and

Schedule 5A

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- (b) if their interpretation, translation or sight translation is being given or was given in court, immediately inform the court and provide the necessary correction, qualification or explanation to the court.

**6 Duty of impartiality**

- (1) An interpreter must, at all times, act as an interpreter impartially so as to be without bias in favour of or against any person, including, but not limited to—
  - (a) the person whose evidence the interpreter is interpreting; and
  - (b) the party who has engaged, or is paying, the interpreter; and
  - (c) any other party to, or person involved in, the proceeding.
- (2) Unless the court orders otherwise, an interpreter must not accept an engagement to act as an interpreter in relation to a proceeding if the interpreter—
  - (a) is or may become a party to, or witness in, the proceeding; or
  - (b) is related to, or has a close personal relationship with—
    - (i) a party to the proceeding or a member of a party's family; or
    - (ii) a witness or potential witness in the proceeding; or
  - (c) has or may have a financial or other interest of any kind whatsoever in the outcome of the proceeding, other than an entitlement to a reasonable fee for the services provided by the interpreter in the course of their engagement; or
  - (d) is or may be unable to fulfil their duty of accuracy or impartiality for any reason including, for example—
    - (i) personal or religious beliefs; and
    - (ii) cultural or other circumstances.

- (3) Other than carrying out their engagement to act as an interpreter, an interpreter must not provide any other assistance, service or advice in relation to the proceeding to any person, including—
  - (a) the party, legal representative or other person who has engaged the interpreter; or
  - (b) any witness or potential witness in the proceeding.

## **7      Duty of competence**

- (1) An interpreter must only undertake work they are competent to perform in the languages for which they are qualified by reason of their training, qualifications or experience.
- (2) If it becomes apparent in the course of a proceeding that expertise beyond the interpreter's level of competence is required, the interpreter must—
  - (a) inform the court immediately; and
  - (b) work to resolve the situation by either withdrawing from the proceeding or following another strategy acceptable to the court.

## **8      Duty of confidentiality**

- (1) An interpreter must keep confidential all information in any form whatsoever that the interpreter acquires in the course of their engagement to act as an interpreter (including any communication subject to legal professional privilege).
- (2) Subrule (1) does not apply to the extent—
  - (a) the disclosure of the information is required by an Act or another law; or
  - (b) the information is in, or comes into, the public domain other than by an act of the interpreter in breach of this duty of confidentiality; or
  - (c) the beneficiary of the legal professional privilege has waived the privilege.

## Schedule 6      Dictionary

rule 3

***accurately***, in relation to interpreting, translating or sight translating, for chapter 11, part 2, see rule 54AB.

***accused person*** means—

- (a) for chapter 5—see rule 22; or
- (b) otherwise—
  - (i) a person who has been charged with an indictable offence and committed to a court for trial; or
  - (ii) a person against whom an indictment has been presented.

***appeal***, for chapter 15, part 6, see rule 91.

***appeal period*** means—

- (a) the period in which a notice of appeal or notice of application for leave to appeal must be given under the Code, section 671; or
- (b) for an appeal under the *District Court of Queensland Act 1967*, section 118, 1 calendar month after the decision appealed from.

***appeal record book*** see rule 97(1)(a).

***appellant*** means a person who—

- (a) starts an appeal or subsequent appeal; or
- (b) applies for leave to appeal or leave to make a subsequent appeal.

***applicant***, for chapter 9A, see rule 43B.

***applicant's communication***, for chapter 9A, see rule 43B.

***application***, for chapter 5, see rule 22.

***Code*** means the Criminal Code.

***code of conduct***, for chapter 11, part 2, see rule 54AB.

***concluded trial*** means a trial for which—

- (a) a verdict of not guilty has been returned or a finding of not guilty has been made; or
- (b) the jury has been discharged or the trial has otherwise concluded without a verdict or finding; or
- (c) a verdict of guilty has been returned or a finding of guilty has been made and an appeal has not been started within the appeal period.

***conviction*** means a finding of guilt, or the acceptance of a plea of guilty, by a court.

***coroner*** means a coroner or deputy coroner under the *Coroners Act 1958*.

*Editor's note*—

*Coroners Act 1958*—now see the *Coroners Act 2003*, section 103.

***court***, for a proceeding—

- (a) for chapters 1, 3 and 12 and chapter 8, rules 30, 31, 33 and 34 and rule 62—means the Court of Appeal, the Supreme Court, the District Court, a Magistrates Court, a judge of appeal, or a judge of the Supreme Court or District Court, hearing the proceeding; or
- (b) for chapter 11, part 1, see rule 52(1) and (2); or
- (c) for chapter 15, see rule 63; or
- (d) otherwise—means the Court of Appeal, the Supreme Court, the District Court, a judge of appeal, or a judge of the Supreme Court or District Court, hearing the proceeding.

***court of trial*** means any court from whose finding, sentence, or other decision a person is entitled under the Code—

- (a) to appeal or apply for leave to appeal; or
- (b) to apply for leave to make a subsequent appeal.

***Crown law officer*** means the Attorney-General or the director of public prosecutions.

Schedule 6

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***director of public prosecutions*** means—

- (a) for an indictment presented by the Crown in right of the State, the Director of Public Prosecutions for Queensland; or
- (b) for an indictment presented by the Commonwealth, the Director of Public Prosecutions for the Commonwealth.

***disclosure obligation***, for chapter 9A, see rule 43B.

***disclosure obligation direction***, for chapter 9A, see rule 43B.

***electronically*** means by electronic or computer-based means.

***examiner***, see rule 109(1).

***exhibit*** means a document or anything else produced in evidence at a trial.

***indictment***, for chapters 6 to 8, 10, 12, 14 and 15, includes an information presented by a private person against someone else with the Supreme Court's leave.

***interpret***, for chapter 11, part 2, see rule 54AB.

***judge***, for chapter 15, see rule 63.

***Jury Act*** means the *Jury Act 1995*.

***lawyer*** includes a firm of solicitors and Legal Aid Queensland.

***nominated time***, for chapter 9A, see rule 43B.

***other language***, for chapter 11, part 2, see rule 54AB.

***party***—

- (a) for chapter 8, see rule 29(2); or
- (b) for chapter 9, see rule 41; or
- (c) for chapter 9A, see rule 43B; or
- (d) for chapter 15, part 6, see rule 91.

***present***, before a court or judge, includes present by way of telephone, audio or video link or another form of telecommunication.

***prison*** means a place declared to be a prison under the *Corrective Services Act 2006*, section 149.

***private prosecutor***, for chapter 15, part 5, see rule 87.

***proper officer***, for chapter 10, see rule 44.

***proper officer***, of the court, means—

- (a) for the Supreme Court—the sheriff, the deputy sheriff or the registrar; or
- (b) for the District Court—the court's registrar; or
- (c) for a Magistrates Court—the clerk of the court.

***prosecution***, for chapter 9A, see rule 43B.

***prosecutor*** means—

- (a) for a proceeding in the Court of Appeal, the Supreme Court or the District Court—
  - (i) the director of public prosecutions; or
  - (ii) a private prosecutor; or
- (b) for a proceeding in a Magistrates Court—the director of public prosecutions or a complainant.

***recognised agency***, for chapter 11, part 2, see rule 54AB.

***record*** includes part of a record.

***registrar*** includes—

- (a) for the Court of Appeal—the senior deputy registrar of the Court of Appeal; and
- (b) for the District Court—the deputy registrar of the District Court.

***relevant proceeding***, for chapter 9A, see rule 43B.

***respondent***—

- (a) for an appeal or subsequent appeal, means—
  - (i) a person who is defending the appeal or subsequent appeal; or
  - (ii) a cross-appellant; or

Schedule 6

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- (b) for an application for leave to appeal or an application for leave to make a subsequent appeal, means a person who is defending the application; or
- (c) for chapter 9A, see rule 43B.

***respondent's response***, for chapter 9A, see rule 43B.

***schedule form***, for an offence, means the form in schedule 3, 3A, 4 or 4A for the offence.

***serious drug offence certificate***, for chapter 14A, see rule 62A.

***sight translate***, for chapter 11, part 2, see rule 54AB.

***subpoena***, for a Magistrates Court, means a summons to a person to produce a document to the court under the *Justices Act 1886*, section 83.

***subsequent appeal*** see the Code, section 668(1).

***subsequent appeal record book*** see rule 97A(1)(a).

***translate***, for chapter 11, part 2, see rule 54AB.

***trial***—

- (a) generally—includes a proceeding in which a person is to be sentenced; and
- (b) for chapter 12—see rule 54A.

***trial judge***—

- (a) generally—means the judge who presides or presided at the court of trial; and
- (b) for chapter 11, part 1—includes a magistrate and 2 justices constituting a Magistrates Court; and
- (c) for chapter 12—see rule 54A.

***trial prosecutor***, for chapter 15, part 5, see rule 87.

***trial transcript*** means a transcription of a record under the *Recording of Evidence Act 1962* of a trial proceeding.