

Criminal Practice Amendment Rule 2025

Explanatory notes for SL 2025 No. 157

Made under the

Supreme Court of Queensland Act 1991

General Outline

Short Title

Criminal Practice Amendment Rule 2025

Authorising law

Section 85 and 87 of the *Supreme Court of Queensland Act 1991*

Policy objectives and the reasons for them

Pursuant to sections 85 and 87 of the *Supreme Court of Queensland Act 1991*, the Governor in Council is empowered to make court rules, subject to the consent and approval of the Rules Committee. The *Criminal Practice Rules 1999* (the Rules) establish the procedures and practices governing the criminal jurisdiction of the courts. The Rules Committee has endorsed the introduction of the *Criminal Practice Amendment Rule 2025* (Amendment Rule).

Under the Rules, an indictment or information (in the case of a private prosecution) must include a statement of the offence. This statement may use the wording from the schedule form of the offence, modified as necessary to reflect the specific circumstances of the alleged offence. If no schedule form exists for the offence, the wording must be drawn from the Criminal Code or the relevant Act that creates the offence.

Forms for Criminal Code offences are contained within Schedule 3 of the Rules.

A comprehensive review of the forms contained in Schedule 3 of the Rules identified the need for amendments to ensure that the offences within the Criminal Code have corresponding forms that accurately reflect the offence.

The introduction of an offence under the *Domestic and Family Violence Act 2012* required a new Schedule be included in the Rules to accommodate a corresponding form.

Achievement of policy objectives

The Amendment Rule achieves the policy objectives by amending the Rules to:

- create new forms for Criminal Code offences for which no forms are currently provided in Schedule 3;
- update existing Schedule 3 forms to accurately reflect amendments made to the Criminal Code;
- insert new Schedule 3A to create indictment forms for the offence of engaging in domestic violence or associated domestic violence to aid respondent under the *Domestic and Family Violence Protection Act 2012*; and
- update
 - Rule 13 (Forms generally) with a consequential change to reflect the creation of new Schedule 3A (Forms for indictments-statement of offences under the *Domestic and Family Violence Protection Act 2012*);
 - Rule 37 (Service - individuals) to provide consistency in language; and
 - Rule 57 (Access to court files) to reflect changes to legislation.

Consistency with policy objectives of authorising law

The Amendment Rule consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Amendment Rule is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Rule will ensure schedule forms for offences under the Criminal Code and *Domestic and Family Violence Act 2012* accurately reflect the particulars of the offences.

Existing department resources will meet any costs arising from implementation.

Consistency with fundamental legislative principles

The Amendment Rule is consistent with fundamental legislative principles.

Consultation

The Rules Committee has consented to the making of the Amendment Rule pursuant to sections 85 and 87 of the *Supreme Court of Queensland Act 1991*.