



*Supreme Court of Queensland Act 1991*

# **Criminal Practice Rules 1999**

**Current as at 23 September 2016**





Queensland

# Criminal Practice Rules 1999

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# 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 transmission of documents**

Unless otherwise stated in these rules, a document required to be filed or given under the Code or these rules may be filed or given electronically.

# **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 4 to a section is a reference to that section of the *Drugs Misuse Act 1986*.

## **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.

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- (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 days before the day on which the application is to be heard.
- (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 transmission to, the entity's office.

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## **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, 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.

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*Editor's note—*

Under the *Acts Interpretation Act 1954*, section 36, definition *number*, a letter is a number.

- (2) If the indictment is an *ex officio* indictment, the director of public prosecutions must state the 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—
    - (a) the accused person or the accused person's lawyer;

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- (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 that committed the accused person;
  - (d) the proper officer of the court to which the accused was committed.
- (7) 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.



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## 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 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 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 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 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 made to the trial judge by a person during the person's trial.

## 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 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 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.

## **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 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 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 justice 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 under these rules.
- (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.
- (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.

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- (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 inspect a document or thing produced under subrule (5).
  - (8) The application may be decided by hearing only the applicant, unless the court decides otherwise.
  - (9) A party serving a subpoena under this rule must file a copy of it with the registrar.

### **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.
- (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 under a 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.

**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—
  - (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.

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### **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**

A person must comply with a subpoena only if 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—

- (a) when the subpoena is served; or
- (b) within a reasonable time before attendance under the subpoena is required.

## 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 him or her 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*, section 36.

### 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*, section 36.

- (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.

## 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 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 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;
  - (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 Tribunal.

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

## **43 Hearing of application**

- (1) The judge hearing the application may, subject to subrule (2)—
  - (a) give the direction or ruling; or

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- (b) adjourn the hearing to a stated later day.
- (2) If the application is about a matter mentioned in rule 42(5), the judge must—
  - (a) adjourn the hearing to a stated later day; or
  - (b) if the parties agree to the hearing not being adjourned, give the direction or ruling.
- (3) In this rule—

*later day* means—

  - (a) a day at least 7 days after the application is adjourned; or
  - (b) if the proceeding is listed for trial earlier than 7 days after the application is adjourned—the day, before the trial starts, agreed to by the parties.

## 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 *nominated 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

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- 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.



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**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.
- (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

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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

### 52 Application of ch 11

- (1) This chapter 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.

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## 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
- (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 Custody of exhibits

- (1) A trial judge may make an order the trial judge considers appropriate about the production of an exhibit at the trial or the exhibit's custody or disposal.
- (2) If an order to the contrary is not made under subrule (1) or rule 100(1) about the custody or disposal of an exhibit, the proper officer of the court must—
  - (a) subject to paragraph (b), hold the exhibit in safekeeping; and

- (b) return the exhibit to the party who tendered it if—
  - (i) a verdict of not guilty is returned or a finding of not guilty is made; or
  - (ii) a verdict of guilty is returned or a finding of guilty is made and an appeal is not started within the appeal period.

## **56 Inspection of exhibits**

- (1) A person may, on payment of the fee prescribed under a regulation, inspect an exhibit tendered at a trial unless the proper officer of the court, or the trial judge, considers it may risk the exhibit's security or a person's safety.
- (2) However, the trial judge may order that the exhibit—
  - (a) not be inspected 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.
- (3) 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 the Magistrates Court—a magistrate sitting at the place the trial was conducted.

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

- (1) A person who is not a party to a trial may, on payment of the fee prescribed under a 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 under a 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 under a regulation.

## **57 Access to court files**

- (1) A person may, on payment of the fee prescribed under a regulation—
  - (a) search for or inspect—



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- (i) a court file, other than an exhibit or indictment in the file; or
  - (ii) a document, other than an exhibit or indictment, in a court file; or
- (b) subject to subrule (2), obtain from the court's proper officer a certified copy of the details, other than details about the jury, noted on an indictment in a court file.
- (2) The proper officer may refuse to give a person a certified copy of details mentioned in subrule (1)(b) if the officer considers giving the details may risk a person's safety.
  - (3) A party in the proceeding to which the file relates may do a thing permitted under subsection (1) without paying the prescribed fee.
  - (4) Subrule (1) applies subject to a court order restricting access to the file or the file being required for the court's use.

#### **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 to another court, the proper officer may forward to the other court records relevant to the appeal.

## **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;
- (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.

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**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.

## **Part 4                      Remote appearances**

### **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.

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- (3) Rule 62 also applies to a proceeding in a Magistrates Court.

## 61 Recording proceedings on indictment

- (1) The judge at a proceeding relating to an accused person's indictment must ensure a record is kept of the following particulars about the proceeding—
- (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;
  - (b) any bail order;
  - (c) the plea;
  - (d) the jury details;
  - (e) any request made to the judge for a redirection by the judge to the jury;
  - (f) any redirection given by the judge to the jury;
  - (g) the verdict;
  - (h) the judgment;
  - (i) the sentence.
- (2) The court may, by practice direction, prescribe which of the particulars mentioned in subrule (1) must be endorsed on the indictment for the proceeding.
- (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 complaint or bench charge sheet for the transmitted charge is endorsed with the particulars mentioned in subrule (1)(a)(i) to (iii) and (g).

## **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).
- (4) The record is a sufficient warrant for executing the judgments noted on it.
- (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 15 Appeals 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 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.

*Editor's note—*

For appeals by persons under the *District Court of Queensland Act 1967*, section 118, see part 4 of that Act (Criminal jurisdiction and procedure).

#### 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 application is not filed in the appeal period, the applicant must also file with the registrar a notice of application for extension of time for filing the application for leave to appeal.
- (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 notice of application for extension of time for filing the notice.

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

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

The registrar must give to 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).

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

- (1) This rule applies if a following matter mentioned in the Code, section 670(1) arises in an appeal—
  - (a) an order for—
    - (i) the restitution of property; or
    - (ii) 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 hearing day for the appeal.
- (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 an appeal**

### **69 Abandoning applications**

- (1) This rule applies to an applicant for leave to appeal and to an applicant for extension of time within which to 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.

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- (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.

## **70 Abandoning appeal**

- (1) An appellant, at any time after starting an appeal, may abandon it by giving to the registrar a notice of abandonment of appeal.
- (2) The 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.

## **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.

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

## 73 Lawyer acting for convicted person

- (1) A lawyer acting for a convicted person in an appeal 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.
- (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)—
  - (a) no later than 14 days before the day the appeal is set down for hearing (the *hearing day*); or
  - (b) if the hearing day is sooner than the 14 days, as soon as possible.

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- (4) A lawyer acting for a convicted person who files a notice of appeal or notice of application for leave to 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 an appeal may withdraw from acting for the convicted person in the appeal 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 an appeal, 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 appeal; and
  - (b) giving a copy of the notice to—
    - (i) the respondent; and
    - (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 hearing day; or
  - (b) if the hearing day is sooner than the 14 days, as soon as possible.

## **Division 4                      Attendance at appeal**

### **75            Application for leave to be present**

If an appellant indicates on the notice of appeal or notice of application for leave to appeal that the appellant wants to be present at the hearing of the appeal, the notice is taken also to be an application for leave to be present at the appeal.

### **76            Appellant on bail**

If an appellant who has been admitted to bail and is not legally represented does not attend a hearing of the appeal, the court may do the following—

- (a) consider the appeal in the appellant's absence;
- (b) decline to consider it;
- (c) summarily dismiss it;
- (d) make another order the court considers appropriate;
- (e) issue a warrant for the appellant's apprehension.

### **77            Appellant in custody**

- (1) This rule applies to an appellant who is not legally represented 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, including, for example, about the appellant's attendance at the appeal.

## **Division 5                      Provisions about particular orders made when appeal upheld**

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

- (1) This rule applies if the court makes a following order 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.



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- (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 himself or herself 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.

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**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.

**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

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- (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.

### **85 Time for filing and serving notice**

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.

### **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—

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*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**

### **Division 1 Preliminary**

#### **91 Definitions for pt 6**

In this part—

*appeal* includes an application about an appeal and a reference by the Attorney-General.

*party* means a party to an appeal.

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## **Division 2                      Time for appealing and applying for leave to 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 probable hearing day**

If a party is or was in custody, the registrar must give written notice of the probable hearing day for the appeal 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 is started; or

- (b) the registrar is given notice that a party to an 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 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 appeal record.
- (5) The court may decide an 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 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 if—
  - (a) a party asks the registrar to obtain the thing for the appeal; or
  - (b) the registrar considers it necessary for the court's decision on the 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, 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 for a proceeding in an 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 an appeal is started, the registrar must prepare a record book for the appeal and the number of copies of the book the registrar considers necessary for the appeal.
- (2) The record book must contain the following documents, to the extent the registrar considers the documents necessary for the court's decision on the appeal—
  - (a) the notice of appeal, notice of application for leave to appeal or notice of reference;
  - (b) the trial transcript;
  - (c) the exhibits tendered at the trial;
  - (d) any other document.
- (3) In deciding whether a document is necessary under subrule (2), the registrar may consult with the parties.
- (4) Subject to subrules (5) and (6), the appellant is responsible for paying for the preparation and copying of the appeal record book.
- (5) If the appellant's lawyer is, or is funded by, Legal Aid Queensland, the appellant is only responsible for paying for 1 copy of the appeal record book.
- (6) Subrule (4) does not apply if the appellant is the Attorney-General or is not legally represented.
- (7) Despite subrules (4) and (5), the court or a judge may, by order, waive all or part of the cost of preparing and copying the appeal record book.

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## **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 (5), a party or the party's lawyer may, on payment to the registrar of the fee prescribed under a regulation—
  - (a) inspect or obtain a copy of a document or part of a document held by the registrar for the appeal; or
  - (b) inspect an exhibit, other than a document, held by the registrar for the 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
  - (b) allow the lawyer to inspect a document or exhibit held by the registrar for the appeal.
- (3) The registrar must give a copy of a document requested by a following person 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 legally represented; 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 cost of inspecting a document or exhibit or copying a document.
- (6) In this rule—  
*document* does not include the appeal record book and the trial transcript.

## **99 Publication of pre-sentence and psychiatric reports**

The court or a judge may direct that a pre-sentence report or psychiatric report must not be published under this part to a party if the court or judge decides—

- (a) the publication may adversely affect the party's mental or physical health; and
- (b) publication to the party's lawyer will be enough to protect the party's interest in the appeal.

## **Division 5 Returning exhibits**

### **100 Returning exhibits**

- (1) The court in giving its final decision on an appeal may make the orders it considers appropriate about the return of an exhibit used in the 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.

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## **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 respited; 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**

### **104    Application to judge**

- (1) This rule applies to a following application in which a judge may exercise the court's powers—
  - (a) an application for leave to appeal;
  - (b) an application for extension of time in which a notice of appeal or of application for leave to appeal may be given;
  - (c) an application for leave for the appellant to be present at a proceeding;
  - (d) an application under the Code, section 671B(1)(a), (b), (d) or (e).
- (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 appeal.

## **Division 3 Applications and notices of appeal by persons in custody**

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

An application or notice of appeal to the court by a person who is in custody is taken to have been given to the registrar at the time it is given 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.

## **Division 4                      Evidence and examination of witnesses**

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

- (1) If an appellant wants to adduce evidence at the hearing of the appeal, the appellant must apply to the court for leave to adduce evidence.
- (2) An application for leave to adduce evidence must be 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.



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**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 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 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 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.

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**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)(d).
- (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 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**

### **116      Notice of appeal decision**

- (1) This rule applies to—
  - (a) an appeal or application about an appeal heard by the court; or
  - (b) an application about an appeal heard by a judge.
- (2) As soon as practicable after the court or judge gives the final decision on the 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.
- (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 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.

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## **Division 7                    Other miscellaneous provisions    about 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**

- (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.

- (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 Queen 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 Queen against AB (and CD).

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



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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 Queen 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

**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      Counselling 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*].

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## 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)*).

- 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 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)**

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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.
- 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 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 21****Refusing to answer  
questions before Parliament**

**(Section 58. Witnesses refusing to attend or give evidence before Parliament or parliamentary committee)**

Being present before the Legislative Assembly (*or* before a committee of the Legislative Assembly authorised to summon witnesses), refused to answer a lawful and relevant question.

**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 25**

### **Unlawful assembly**

#### **(Section 61. Definitions)**

#### **(Section 62. Punishment of unlawful assembly)**

Took part in an unlawful assembly.

**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.

**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).

**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*).

## **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 (In the night) With intent to intimidate (*or* annoy) EF, threatened to enter (*or* damage) a dwelling (*or premises [describing them]*).
- 2 (In the night) 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)).

## **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.

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 and against public authority**

### **Chapter 12                Disclosing official secrets**

#### **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.

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## 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*].
- 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*].

### 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)**

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*)).
- 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*).

## **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).

## **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).
- 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 (*or* Brisbane City    Council) election (*or*    referendum)**

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

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

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

#### **(Section 98C. Bribery)**

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

**Form 54B****Forging (*or* Uttering)  
electoral (*or* referendum)  
paper at Legislative  
Assembly (*or* Brisbane City  
Council) election (*or*  
referendum)****(Section 98D. Forging or uttering electoral or referendum paper)**

- 1 Forged an electoral (*or* referendum) paper (*or* Uttered a forged electoral (*or* referendum) paper knowing it was forged).
- 2 Made the signature of EF on an electoral (*or* referendum) paper without being authorised to do so under the *Electoral Act 1992* (*or* the *Referendums Act 1997*).

**Form 54C****Influencing voting at  
Legislative Assembly (*or*  
Brisbane City Council)  
election (*or* referendum)****(Section 98E. Influencing voting)**

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

**Form 54D****Providing money for an  
illegal payment****(Section 98F. Providing money for illegal payments)**

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

## **Form 54E**

## **Voting when not entitled at Legislative Assembly (*or* Brisbane City Council) election (*or* referendum)**

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

At an election (*or* referendum)—

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

## **Form 54F**

## **Voting when not entitled**

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

- 1 Voted at an election in the name of EF.
- 2 Voted at an election more often than he (*or* she) was entitled to vote.
- 3 Cast a vote at an election that he (*or* she) knew he (*or* she) was not entitled to cast.
- 4 Procured EF to vote at an election when, to his (*or* her) knowledge, EF was not entitled to vote at the election.

- 5 Attested the signature of EF to a voting paper at an election for which the voting was by post when, to his (*or her*) knowledge, EF was not entitled to vote at the election by way of the voting paper.

**Form 55****Hindering (*or* Interfering)  
with voting conduct****(Section 100. Hindering or interfering with voting conduct)**

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

**Form 56****Bribery at an election****(Section 101. Bribery)**

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

## Form 57

## Publishing false information about a candidate

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

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

## Bribery at an election

### (Section 103(a), (b), (c). Bribery)

- 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) EF [*state the property or benefit*], on account of EF (*or* GH), an elector at an election, having [*describe the thing done or omitted to be done, or to be done etc*], at the election in his (*or* her) capacity as an elector (*or* on account of EF (*or* GH) acting (*or* joining) in a procession during the election, *or* to induce EF (*or* GH) to endeavour to procure the return of OP at the election, *or* the vote of QR, an elector at the election).
- 2 Being an elector at an election 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 OP) on account of AB having [*describe the thing done or omitted to be done, or to be done etc*] at the election in his (*or* her) capacity as an elector.
- 3 Asked for (*or* Received *or* Obtained *or* Agreed (*or* Attempted to receive (*or* obtain)) [*state the property or benefit*] on account of a promise made by him (*or* her), (*or* by OP), to endeavour to procure the return of AB (*or* of XY) at an election (*or* to endeavour to procure the vote of QR at an election).



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**Form 59****Bribery at an election****(Section 103(d). Bribery)**

Advanced (*or* Paid) a sum of money, namely [*state amount*] to (*or* to the use of) XY, with the intent that it should be applied for (*or* in discharge or repayment of money (partly) applied for)—

- (a) giving (*or* conferring or procuring *or* promising (*or* offering to give (*or* confer *or* procure *or* attempt to procure)) to (*or* on *or* for) EF [*state the property or benefit*], on account of EF (*or* GH), an elector at an election, having [*describe the thing done or omitted to be done, or to be done etc*], at the election in his (*or* her) capacity as an elector [*or* on account of EF (*or* GH) acting (*or* joining) in a procession during the election, or to induce EF (*or* GH) to endeavour to procure the return of OP at the election, (*or* the vote of QR, an elector at the election); *or*
- (b) an elector at an election receiving (*or* obtaining *or* agreeing (*or* attempting) to receive (*or* obtain)) [*state the property or benefit*] for himself (*or* herself) (*or* for OP) on account of the elector having [*describe the thing done or omitted to be done, or to be done etc*] at the election in his (*or* her) capacity as an elector; *or*
- (c) XY receiving (*or* obtaining *or* agreeing (*or* attempting to receive (*or* obtain)) [*state the property or benefit*] on account of a promise made by him (*or* her), (*or* by OP), to endeavour to procure the return of AB (*or* of XY) at an election (*or* to endeavour to procure the vote of QR at an election).

**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*
- (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)**

- 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 a (family member of a) judicial officer (*or* juror *or* witness)**

#### **(Section 119B. Retaliation against judicial officer, juror, witness or family)**

- 1 Caused (*or threatened to cause*) an injury (*or detriment*) to EF, a judicial officer (*or MN, a member of the family of EF, a judicial officer*), without reasonable cause, in retaliation because EF as a judicial officer [*describe the thing done*].
- 2 Caused (*or threatened to cause*) an injury (*or detriment*) to EF, a juror (*or MN, a member of the family of EF, a juror*), without reasonable cause, in retaliation because EF as a juror in [*state the judicial proceeding*] [*describe the thing done*].
- 3 Caused (*or threatened to cause*) an injury (*or detriment*) to EF, a witness (*or MN, a member of the family of EF, a witness*), without reasonable cause, in retaliation because EF as a witness in [*state the judicial proceeding*] [*describe the thing done*].
- 4 Caused (*or threatened to cause*) an injury (*or detriment*) to EF, a member of a community justice group (*or MN, a member of the family of EF, a member of a community justice group*), without reasonable cause, in retaliation because EF (*or RQ, a representative of the community justice group*) made a submission to [*state the Court or EQ, a police officer*] under the [*state the Act*] about AB (*or BA*) [*describe the thing done*].

## 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*].
- 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*].
- 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*].

**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).
- 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).
- 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*].

## 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*).

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 92****Bringing a fictitious action on a penal statute****(Section 138. Bringing fictitious action on penal statute)**

Brought in the name of XY, a fictitious person, as plaintiff (*or* in the name of XY as plaintiff, but without his (*or* her) authority), an action in the [*state the court*] against EF on [*describe the statute by its short title*] for the recovery of a penalty for an offence committed (*or* alleged to have been committed) by EF.

## **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.

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## 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*].

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## 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*].

**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*]).
- 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.
- 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.

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## 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.
- 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.
- 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.
- 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.

- 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.

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 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.

## Form 115

## Bestiality

### (Section 211. Bestiality)

Had carnal knowledge with (*or of*) an animal, namely [*describe*].

**Form 116****Permitting abuse of a child under 18 (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 18 years, to be in (*or* on) the premises for the purposes of a person sodomising the child (*or* permitting a child to sodomise a person).

And EF was under 12 years.

- 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 girl under 16 years, to be in (*or* on) the premises for the purposes of a person having (*or* attempting to have) unlawful carnal knowledge of her.

And EF was under 12 years.

- 3 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 the child, (*or* [*describe the offence in section 210*]).

And EF was under 12 years.

**Form 117****(Attempted) carnal knowledge with or of a child under 16 (under 12, as a guardian *or* under care)****(Section 215. Carnal knowledge with or of children under 16)**

Had (*or* attempted to have) unlawful carnal knowledge with or of 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.

### **Form 118**

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

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

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

And AB was the guardian of EF.

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

### **Form 119**

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

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

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

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

And AB was the guardian of EF.

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

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

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

And AB was the guardian of EF.

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

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

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

And AB was the guardian of EF.

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

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

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

And AB was the guardian of EF.

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

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

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

And AB was the guardian of EF.

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

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

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

And AB was the guardian of EF.

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

## **Form 120**

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

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

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

## **Form 121**

### **Procuring a sexual act by coercion (*by false pretences, by administering a drug*)**

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

- 1 By threats (*or intimidation*) procured EF to engage in a sexual act.
- 2 By a false pretence procured EF, to engage in a sexual act.
- 3 Administered a drug (*or [describe other thing]*) to EF (*or Caused EF to take a drug (or [describe other thing])*) with intent to stupefy (*or overpower*) him (*or her*), to enable a sexual act to be engaged in with EF.



**Form 121A****Using electronic communication to procure a child under 16 (*or* under 12)****(Section 218A. Using internet etc. to procure children under 16)**

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

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

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

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

**Form 122****Taking a child under 18 (under 16, under 12) for immoral purposes****(Section 219. Taking child for immoral purposes)**

- 1 Took (*or* enticed away *or* detained) EF, a child under 18 years (*and* who was not his wife (*or* her husband)), for the purpose of a person sodomising the child.

And EF was under 12 years.

- 2 Took (*or* enticed away *or* detained) EF, a girl under 16 years, (*and* who was not his wife), for the purpose of a person having (*or* attempting to have) unlawful carnal knowledge of her.

And EF was under 12 years.

- 3 Took (*or enticed away or detained*) EF, a child under 16 years, (*and who was not his wife (or her husband)*), for the purpose of a person unlawfully and indecently dealing with the child, (*or [describe the offence in section 210]*).

And EF was under 12 years.

## **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 have unlawful carnal knowledge with (*or of*) him (*or her*).

## **Form 124**

## **Incest**

### **(Section 222. Incest)**

Had (*or attempted to have*) carnal knowledge with (*or of*) 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 125**

## **Attempting to procure an abortion**

### **(Section 224. Attempts to procure abortion)**

Unlawfully administered poison (*or a noxious thing*) to EF (*or Unlawfully caused EF to take poison (or a noxious thing) or Unlawfully used force (or [describe other means]) to EF*), with intent to procure her miscarriage.

**Form 126****Attempting to procure own abortion****(Section 225. The like by women with child)**

Unlawfully administered to herself poison (or a noxious thing), [(or Unlawfully used force (or [describe other means]) to herself) (or Unlawfully permitted poison (or force, or etc) to be administered (or used) to her), with intent to procure her own miscarriage.

**Form 127****Supplying drugs (or instruments) to procure an abortion****(Section 226. Supplying drugs or instruments to procure abortion)**

Unlawfully supplied to (*or* procured for) EF [*describe the thing*] knowing that it was intended to be unlawfully used to procure the miscarriage of a woman (*or* her own miscarriage).

**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.

## **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 129A**

## **Involving a child in making child exploitation material**

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

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

## **Form 129B**

## **Making child exploitation material**

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

Made child exploitation material.

**Form 129C**

**Distributing child  
exploitation material**

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

Distributed child exploitation material.

**Form 129D**

**Possessing child  
exploitation material**

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

Knowingly possessed child exploitation material.

**Form 130**

**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 131****Maintaining a sexual  
relationship with a child****(Section 229B. Maintaining a sexual relationship with a child)**

Being an adult, maintained an unlawful sexual relationship with EF, a child under 16 (*or* 18) years.

And in the course of the relationship AB [*describe offence e.g. by using the schedule form*].

**Chapter 22A      Prostitution****Form 132****Procuring prostitution (of a  
young person, of a person  
with an impairment of the  
mind)****(Section 229G. Procuring prostitution)**

- 1 Procured EF to engage in prostitution.
- 2 Procured EF to leave Queensland for the purpose of engaging in prostitution in [*place*] [(*or* to come to Queensland for the purpose of engaging in prostitution) (*or* to leave his (*or* her) usual place of residence in Queensland for the purpose of engaging in prostitution)].

And EF was not an adult (*or* was a person with an impairment of the mind).

## **Form 133**

### **Knowingly participating in provision of prostitution (with a circumstance of aggravation)**

#### **(Section 229H. Knowingly participating in provision of prostitution)**

Knowingly participated in the provision of prostitution by MN.

And AB had on [date] at [place] been previously convicted of [set out substance and effect of previous conviction].

And EF (or MN), who was not an adult (or who was a person with an impairment of the mind), was, to the knowledge of AB, engaged in the provision of the prostitution.

## **Form 134**

### **Being found in a place reasonably suspected of being used for prostitution (with a circumstance of aggravation)**

#### **(Section 229I. Persons found in places reasonably suspected of being used for prostitution etc.)**

Without reasonable excuse, was found in (or leaving after having been in) a place suspected on reasonable grounds of being used for prostitution by 2 (or more) prostitutes.

And AB had on [date] at [place] been previously convicted of [set out substance and effect of previous conviction].

And EF, who was not an adult (or who was a person with an impairment of the mind), was, to the knowledge of AB, in the place at the time of the offence.



**Form 135****Having an interest in premises used for prostitution (with circumstances of aggravation)**

**(Section 229K. Having an interest in premises used for the purposes of prostitution etc.)**

Being an interested person in relation to premises, knowingly allowed the premises to be used for prostitution by 2 (or more) prostitutes.

And AB had on (*date*) at (*place*) been previously convicted of (*set out substance and effect of previous conviction*).

And EF, who was not an adult (*or* who was a person with an impairment of the mind), was, to the knowledge of AB, in the premises at the time of the offence.

**Form 136****Failing to leave premises after notice**

**(Section 229K. Having an interest in premises used for the purposes of prostitution etc.)**

Being an occupier (*or* user) of premises and having been served with a written notice from an interested person in relation to the premises, requiring him (*or* her) to leave the premises not later than 7 days after service of the notice and not return, contravened a requirement of the notice without reasonable excuse.

## Form 137

## Permitting young person (or a person with an impairment of the mind) to be at a place used for prostitution

### (Section 229L. Permitting young person etc. to be at a place used for prostitution)

Knowingly caused (or permitted) EF, who was not an adult (or who was a person with an impairment of the mind), to be at a place used for prostitution by 2 (or more) prostitutes.

## 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 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)**

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            Miscellaneous offences**

### **Form 149**

### **Fraud on land laws**

#### **(Section 242. Frauds on land laws)**

For the purpose of acquiring land from the Crown, fraudulently evaded (*or* attempted to evade) the provisions of [*state the statute*], namely [*set out relevant provisions*].

### **Form 150**

### **Dealing with land fraudulently acquired**

#### **(Section 243. Dealing with land fraudulently acquired from the Crown)**

Bought (*or* Took on lease) from MN a piece of land (*or* an estate in land), namely [*describe it sufficiently to identify it*], knowing that MN had acquired the land (*or* the estate) by means of a fraudulent evasion of the provisions of [*state the statute*], namely [*set out relevant provisions*].

**Part 5**                      **Offences against the person  
and relating to marriage and  
parental rights and duties  
and against the reputation  
of individuals**

**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.

**Form 152**                      **Manslaughter**

(Section 303. Definition of *manslaughter*)

(Section 310. Punishment of manslaughter)

Unlawfully killed EF.

## Form 153

## Attempted murder

### (Section 306. Attempt to murder)

- 1 Attempted unlawfully to kill EF.
- 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.
- 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.

## 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.

## Form 155

## Conspiring to murder

### (Section 309. Conspiring to murder)

Conspired together (*or* with another person) to kill EF (*or* another person).



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**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)**

- 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 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 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)**

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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).

## **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.
- 2 Delivered dangerous goods namely, [*describe the goods*], to EF for placing in (*or* on) a vehicle.
- 3 Had dangerous goods namely, [*describe the goods*], in his (*or* her) possession in (*or* on) a vehicle.
- 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).

## **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 166**

**Grievous bodily harm**

**(Section 320. Grievous bodily harm)**

Unlawfully did grievous bodily harm to EF.

**Form 167**

**Torture**

**(Section 320A. Torture)**

Tortured EF.

**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).

## 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 and similar acts)**

Unlawfully wounded EF.

**Form 172****Administering poison**

**(Section 323. Wounding and similar acts)**

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).

**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 necessaries)**

**(Section 286. Duty of person who has care of child)**

**(Section 324. Failure to supply necessaries)**

Being charged with the duty of providing for EF the necessaries 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 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.

**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 30**

## **Assaults**

### **Form 187**

### **Common assault**

#### **(Section 335. Common assault)**

Unlawfully assaulted EF.

**Form 188****Assault with intent to  
commit rape****(Section 351. Assault with intent to commit rape)**

Assaulted EF with intent to rape.

**Form 189****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).

**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*).

## **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 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).

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

- 1 Assaulted EF with intent to commit a crime, (*or* with intent to resist (*or* prevent) the lawful arrest (*or* detention) of him (*or* her) (*or* of MN)).
- 2 Assaulted (*or* Resisted *or* Wilfully obstructed) EF, a police officer, (*or* GH, who was acting in aid of EF, a police officer), while EF was acting in the execution of his (*or* her) duty.
- 3 Unlawfully assaulted EF, while he (*or* she) was performing a duty imposed by law [*describe duty*].
- 4 Assaulted EF, because he (*or* she) had performed a duty imposed by law [*describe duty*].
- 5 Assaulted EF, in pursuance of an unlawful conspiracy respecting—
  - (a) the [*describe the manufacture, trade, business or occupation*]; *or*
  - (b) GH who was concerned (*or* employed) in the [*describe the manufacture, trade, business or occupation*]; *or*
  - (c) the wages of GH who was concerned (*or* employed) in the [*describe the manufacture, trade, business or occupation*].
- 6 Unlawfully assaulted EF, who was 60 years or more.
- 7 Unlawfully assaulted EF, who relied on a guide, hearing or assistance dog (*or* wheelchair, *or* [*describe the remedial device*]).
- 8 Being a prisoner, unlawfully assaulted EF, a working corrective services officer.
- 9 Unlawfully assaulted (*or* Resisted *or* Wilfully obstructed) EF, a public officer while he (*or* she) was performing a function of his (*or* her) office, namely [*describe function*].
- 10 Assaulted EF, a public officer because he (*or* she) performed a function of his (*or* her) office, namely [*describe function*].

## **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.

### **Form 196**

### **Attempted rape**

#### **(Section 350. Attempt to commit rape)**

Attempted to rape EF.



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## Chapter 33      Offences against liberty

### Form 198                      Kidnapping

#### (Section 354. Kidnapping)

Kidnapped EF.

### Form 199                      (Attempted) Kidnapping for ransom (with grievous bodily harm)

#### (Section 354A. Kidnapping for ransom)

- 1 Kidnapped EF for ransom.
- 2 Kidnapped EF for ransom and unconditionally set EF at liberty without EF having suffered grievous bodily harm.
- 3 Attempted to kidnap EF for ransom.

### 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—
  - (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 2000 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 2000* 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).

## Form 205

## Unlawful stalking (with violence, with possession of a weapon, contravening a court order)

### (Section 359E. Unlawful stalking)

Unlawfully stalked EF.

And for 1 (*or* [*state number*]) of the acts constituting the unlawful stalking 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 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 AB contravened (*or* intentionally threatened to contravene) an injunction (*or* order) imposed (*or* made) by (*court*) at [*place*] on [*date*].

## 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)**

- 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).



**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 \$1000.
- 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)**

Being employed in the public service, stole [*describe thing*] the property of Her Majesty (*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)**

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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 \$5000**

(Section 391. Definition of *stealing*)

(Section 398. Punishment of stealing, punishment in special cases, stealing property valued at more than \$5000)

**(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 \$5000.

**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 \$1000.

**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*]).

**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.

**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.

## **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)**

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

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

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

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

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

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

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

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

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

## **Form 241**

## **Fraud (as a director, as an employee, of property subject to a direction, to the value of \$30000 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 member of the governing body*) of EF.

And AB was an employee of EF.

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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 \$30000 (*or more than \$30000, namely [state value]*).

- 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 member of the governing body*) 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 \$30000 (*or more than \$30000, namely [state value]*).

- 3 Dishonestly obtained [*describe the property*] from EF (*or from different persons*).

And AB was a director (*or member of the governing body*) 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 \$30000 (*or of more than \$30000, namely [state value]*).

- 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* member of the governing body) 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 \$30000 (*or* of more than \$30000, namely [*state value*]).

- 5 Dishonestly gained [*describe the benefit or advantage*] for himself (*or* herself *or* for MN).

And AB was a director (*or* member of the governing body) 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 \$30000 (*or* of more than \$30000, namely [*state value*]).

- 6 Dishonestly caused [*describe the detriment*] to EF (*or* to different persons).

And AB was a director (*or* member of the governing body) 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 \$30000 (*or* of more than \$30000, namely [*state value*]).

- 7 Dishonestly induced EF (*or* different persons) to [*describe the act*], that EF was (*or* they were) lawfully entitled to abstain from doing.

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And AB was a director (*or member of the governing body*) 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 \$30000 (*or of more than \$30000, namely [state value]*).

- 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 member of the governing body*) 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 \$30000 (*or of more than \$30000, namely [state value]*).

- 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 member of the governing body*) 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 \$30000 (*or of more than \$30000, namely [state value]*).

**Form 242**

**Obtaining (*or* Dealing with)  
identification information**

**(Section 408D. Obtaining or dealing with identification information)**

Obtained (*or* Dealt with) EF's identification information for the purpose of committing (*or* facilitating the commission of) an indictable offence.

**Form 242A**

**Computer hacking (with  
damage, to gain a benefit, to  
the value of \$5000 or more,  
with intent to commit an  
indictable offence)**

**(Section 408E. Computer hacking and misuse)**

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 \$5000.

And AB intended to commit an indictable offence.

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## 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*).

### **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).

## **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)

## **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).

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.

### **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)**

Schedule 3

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- 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.

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.

**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).

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## Chapter 41      Receiving property stolen or fraudulently obtained and like offences

### Form 262      Receiving stolen property (or property fraudulently obtained) (with a circumstance of aggravation, as a pawnbroker)

**(Section 433. Receiving stolen property etc.)**

**(Section 568(4). Cases in which several charges may be joined)**

*Received* [describe thing(s) received], which had been [*describe the indictable offence(s) by which the thing(s) had been obtained*] (or which had been obtained by means of an act done at [*place not in Queensland*]) that, if it had been done in Queensland, would have constituted an indictable offence, and that was an offence under the laws in force in [*place where act was done*] and AB had reason to believe that the [*thing(s)*] had been so obtained.

And the offence(s) by which the thing (or things) was (or were) obtained was a crime (or were crimes).

And the thing (or 1 of the things) received was a firearm (or ammunition).

And AB received the thing (or 1 of the things) while acting as a pawnbroker (or dealer in second hand goods).

### 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)**



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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—
- (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 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 a crop****(Section 463. Setting fire to crops and growing plants)**

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*].

**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 (with obscene representations)**

**(Section 469. Wilful damage, punishment in special cases, graffiti)**

- 1 Wilfully and unlawfully destroyed (or damaged) [*describe property*] in a public place (or which was visible from a public place), and the damage (or destruction) was caused by applying paint (or [*name other marking substance*]) (or by scratching (or etching)).
- 2 [*As above*], and involved obscene (or indecent) representations.

**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 307A**

**Sabotage (or Attempted Sabotage)**

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

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

**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**

**Unlawfully depositing explosive (or noxious) substances**

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

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

**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* unloading) goods)).
- 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.

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## 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 its 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*].

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## 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 crimes)

(Section 545. Accessories after the fact to misdemeanours and some other 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 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)*].

### **Form 353      Supplying a dangerous drug (with a circumstance of aggravation)**

#### **(Section 6. Supplying dangerous drugs)**

- 1 Unlawfully supplied the dangerous drug [*name the drug*] to another person (*or* to EF).
- 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).



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**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.
- 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.
- 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).
- 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.

**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*].

## **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.

**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.

**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*].

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**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 5      Forms for other proceedings**

rule 13

<b>Part 1</b>	<b>Applications</b>
<b>Part 2</b>	<b>Orders</b>
<b>Part 3</b>	<b>Informations by private persons</b>
<b>Part 4</b>	<b>Bench warrants</b>
<b>Part 5</b>	<b>Subpoenas</b>
<b>Part 6</b>	<b>Forms under criminal appeal rules</b>
<b>Part 7</b>	<b>Other forms</b>
<b>Form 402</b>	<b>Application for approval for examination of a person in custody by legally qualified</b>



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## 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].

- 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 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 6 Dictionary

rule 3

***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.

***appellant*** means a person who starts an appeal or applies for leave to 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.

***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, see rule 52(1) and (2); or
- (c) for chapter 15, see rule 63; or
- (d) otherwise, 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 Criminal Code, to appeal or to apply for leave to appeal.

***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.

***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.

***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.

***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.

***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.

***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.

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***relevant proceeding***, for chapter 9A, see rule 43B.

***respondent***—

- (a) in an appeal, means—
  - (i) a person who is defending the appeal; or
  - (ii) a cross-appellant; or
- (b) 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 or 4 for the offence.

***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.

***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—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.

## 1 Index to endnotes

- 2 Key
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- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
		)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section



<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2002</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1	none	1 July 1999	1 July 1999
1A	2000 SL No. 203	4 August 2000	11 August 2000

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1B	2001 SL No. 29	6 April 2001	8 June 2001
2	2001 SL No. 29	6 April 2001	5 October 2001
<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
2A	2003 SL No. 42	21 March 2003	
2B	2003 SL No. 54	1 April 2003	
2C	2008 SL No. 61	14 March 2008	R2C withdrawn, see R3
3	—	14 March 2008	
3A	2009 SL No. 147	10 July 2009	
3B	2010 SL No. 187	16 July 2010	
3C	2010 Act No. 26	1 November 2010	
3D	2011 SL No. 87	17 June 2011	
3E	2011 Act No. 13	1 July 2011	R3E withdrawn, see R4
4	—	1 July 2011	
4A	2012 SL No. 150	1 September 2012	
<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>	
5 April 2013	2013 SL No. 40		
21 June 2013	2013 SL No. 97		
1 July 2013	2013 SL No. 123		
19 December 2014	2014 SL No. 320		
23 September 2016	2016 Act No. 50		

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Criminal Practice Rules 1999 SL No. 112**

made by the Governor in Council on 10 June 1999  
notfd gaz 11 June 1999 pp 675–8  
rr 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1999 (see r 2)  
SIA pt 7 does not apply (see 1991 No. 68 s 88)  
amending legislation—

### **Criminal Practice Amendment Rule (No. 1) 2000 SL No. 203**

notfd gaz 4 August 2000 pp 1224–5  
commenced on date of notification

### **Criminal Practice Amendment Rule (No. 1) 2001 SL No. 29**

notfd gaz 6 April 2001 pp 1452–3  
commenced on date of notification

### **Criminal Practice Amendment Rule (No. 1) 2003 SL No. 42**

notfd gaz 21 March 2003 pp 1058–9  
commenced on date of notification

### **Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54 ss 1–3 sch**

notfd gaz 28 March 2003 pp 1125–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 April 2003 (see s 2)

### **Criminal Practice Amendment Rule (No. 1) 2008 SL No. 61**

notfd gaz 14 March 2008 pp 1469–72  
commenced on date of notification

### **Criminal Practice Amendment Rule (No. 1) 2009 SL No. 147**

notfd gaz 10 July 2009 pp 1022–3  
commenced on date of notification

### **Criminal Practice Amendment Rule (No. 1) 2010 SL No. 187**

notfd gaz 16 July 2010 pp 1142–3  
commenced on date of notification

### **Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010 No. 26 pts 1, 5**

date of assent 13 August 2010  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 November 2010 (2010 SL No. 236)

**Forensic Disability Act 2011 No. 13 ch 1 pt 1, ch 14 pt 6**

date of assent 19 May 2011  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2011 (2011 SL No. 121 item 1)

**Criminal Practice Amendment Rule (No. 1) 2011 SL No. 87**

notfd gaz 17 June 2011 pp 430–4  
commenced on date of notification

**Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2012 SL No. 150 pts 1, 3**

notfd gaz 31 August 2011 pp 1097–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2012 (see s 2)

**Recording of Evidence and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 40 pts 1, 3**

notfd gaz 5 April 2013 pp 490–1  
ss 1–2 commenced on date of notification  
remaining provisions commenced 5 April 2013 (see s 2)

**Criminal Practice Amendment Rule (No. 1) 2013 SL No. 97**

notfd gaz 21 June 2013 pp 503–7  
commenced on date of notification

**Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2013 SL No. 123**

notfd gaz 28 June 2013 pp 739–47  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2013 (see s 2)

**Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2014 SL No. 320 pts 1–2**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 19 December 2014  
commenced on date of notification

**Health and Other Legislation Amendment Act 2016 No. 50 ss 1, 40 sch 1**

date of assent 23 September 2016  
ss 1, 40 sch 1 commenced on date of assent

## 5 List of annotations

**Application of rules to Magistrates Courts**

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**Fees**

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**Title of proceeding**

r 12 amd 2000 SL No. 203 s 4

**Forms generally**

r 13 amd 2000 SL No. 203 s 5

**Director of public prosecutions**

r 20 amd 2000 SL No. 203 s 6

**Application for bail**

r 25 amd 2000 SL No. 203 s 7

**Medical, hospital and government records**

r 30 amd 2000 SL No. 203 s 8

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

r 47 amd 2000 SL No. 203 s 11; 2001 SL No. 29 s 4

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

r 48 sub 2000 SL No. 203 s 12; 2001 SL No. 29 s 5

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

r 50 amd 2001 SL No. 29 s 6

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

r 51 amd 2001 SL No. 29 s 7

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**Inspection of exhibits**

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