

# Criminal Practice Amendment Rule (No. 2) 2024

Explanatory notes for SL 2024 No. 151

made under the

*Supreme Court of Queensland Act 1991*

## General Outline

### Short title

*Criminal Practice Amendment Rule (No. 2) 2024*

### Authorising law

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

### Policy objectives and the reasons for them

The rules of practice and procedure relating to the court's criminal jurisdiction are contained in the *Criminal Practice Rules 1999* (the Rules). Chapter 2 of the Rules prescribes the general format for an indictment, information (private prosecution), or complaint.

Rule 14(4) of the Rules provides that an indictment or information must contain a statement of the offence under Rule 15. Rule 15 provides that the statement of an offence in an indictment, complaint, or other document may be in words of the schedule form for the offence, with the changes necessary to make the words consistent with the particular circumstances of the alleged offence, or if there is no schedule form for the offence, the Criminal Code or other Act creating the offence. The schedule forms for offences are set out in schedule 3 of the Rules.

The policy objective of the *Criminal Practice Amendment Rule (No. 2) 2024* (Amendment Rule) is to ensure form 165 in Schedule 3 of the Rules reflects the wording of the offence under section 319A of the Criminal Code, as amended by the *Health and Other Legislation Amendment Act 2024*.

### Achievement of policy objectives

The Amendment Rule achieves the policy objectives by amending form 165 in Schedule 3 of the Rules to replace the words 'on a woman' with 'on another person'.

### Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives of the authorising law.

## **Inconsistency with policy objectives of other legislation**

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

## **Benefits and costs of implementation**

The Amendment Rule will ensure the schedule form for the offence under section 319A of the Criminal Code set out in Schedule 3 of the Rules accurately reflects the wording of the offence in the Criminal Code.

Any costs arising from implementation will be met from existing departmental resources.

## **Consistency with fundamental legislative principles**

The Amendment Rule is consistent with fundamental legislative principles.

## **Consultation**

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