

# **Criminal Practice (Queensland Community Safety) Amendment Rule 2024**

Explanatory notes for SL 2024 No. 216

made under the

*Supreme Court of Queensland Act 1991*

## **General Outline**

### **Short title**

*Criminal Practice (Queensland Community Safety) Amendment Rule 2024*

### **Authorising law**

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

### **Policy objectives and the reasons for them**

The *Queensland Community Safety Act 2024* (QCS Act) contains amendments to the Criminal Code to create new offences and introduce new circumstances of aggravation for existing offences.

Under section 85 and 87 of the *Supreme Court of Queensland Act 1991*, the Governor in Council may make rules of the court with the consent and approval of the Rules Committee. The *Criminal Practice Rules 1999* (the Rules) provide the practice and procedure rules for the criminal jurisdiction of the courts. The Rules Committee has approved the making of the *Criminal Practice (Queensland Community Safety) Amendment Rule 2024* (Amendment Rule).

The Rules provide that an indictment or information (private prosecution) must contain a statement of the offence, which 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.

In line with amendments to the Criminal Code arising from the QCS Act, the policy objective of the Amendment Rule is to support the introduction of the new offences and circumstances of aggravation by creating new forms for the new offences and updating existing forms to reflect the new circumstances of aggravation.

## **Achievement of policy objectives**

The Amendment Rule achieves the policy objectives by amending Schedule 3 of the Rules to:

- create forms for the new offences under section 328C (Damaging emergency vehicle when operating motor vehicle) and 328D (Endangering police officer when driving motor vehicle) of the Criminal Code;
- amend existing forms to reflect the introduction of a circumstance of aggravation for:
  - sections 69, 328A, 335, 339, and 419 of the Criminal Code where the offender publishes material on social media or a social network advertising the offence or the act or omission constituting the offence;
  - section 328A(4) of the Criminal Code where the offender evades a police officer before or while committing the offence; and
  - sections 408A, 427, and 469 of the Criminal Code where the offending behaviour relates to an emergency vehicle and the offender knows or ought reasonably to know the vehicle is an emergency vehicle.

## **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 offences under the of the Criminal Code set out in Schedule 3 of the Rules reflects the new offences and circumstances of aggravation introduced by the QCS Act.

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.