CRIMINAL PRACTICE RULES 2022

EXPLANATORY NOTES

The Criminal Practice Rules 2022 came into force on 1 May 2022. They repealed and replaced the Criminal Practice Rules 1987.

A hard copy of the *Criminal Practice Rules* 2022, which has been published in "the Criminal Practice Rules Book", is available for purchase from the Waigani Court Library. Please contact Mr Johannes Fege on email <u>jfege@pngjudiciary.gov.pg</u>.

JUSTICE CANNINGS CHAIR, RULES COMMITTEE 17 May 2024

CRIMINAL PRACTICE RULES 2022

I, Chief Sir Gibuma Gibbs Salika GCL KBE CSM OBE, Chief Justice of Papua New Guinea, certify that, pursuant to section 184 (rules of court) of the Constitution and section 8 (rules of Court of the National Court) of the National Court Act (Chapter No 38) and all other powers enabling, the following Rules, described as "Criminal Practice Rules 2022", prescribing the practice and procedure of the National Court of Justice for the conduct of criminal cases and related matters, have been made by the Judges and shall come into force on a date to be determined by the Chief Justice by notice published in the National Gazette.

Dated this 28th day of February 2022

Chief Sir Gibuma Gibbs Salika GCL, KBE, CSM, OBE Chief Justice of Papua New Guinea

Editorial note:

The date on which the *Criminal Practice Rules* 2022 shall come into force is 1 May 2022 (as determined by the Chief Justice and published in *National Gazette* No G162 of 9 March 2022).

Order 1

ADMINISTRATIVE MATTERS

Division 1—General

1 Commencement and repeal

These Rules come into force on a date determined by the Chief Justice and upon that date the *Criminal Practice Rules* 1987 are repealed.

2 Guiding principles

These Rules are intended to promote the fair, just and speedy disposition of all criminal cases in the National Court so as to maintain the Rule of Law and to ensure that the rights of all accused persons under s 37(3) of the *Constitution* to be afforded a fair hearing, within a reasonable time by an independent and impartial court, are enforced.

3 Definitions

In these Rules, unless the contrary intention appears:

"accused" means a person charged with a criminal offence and tried in the National Court;

"associate" means a person appointed to be an Associate to a Judge;

"Bail Rules" means the Bail Rules 2021;

"Code" means the Criminal Code in Schedule 1 to the Criminal Code Act, Chapter No 262;

"Court" means the National Court of Justice;

"court file" means the papers filed in the Registry for the use of the Court;

"Judge" means a Judge or acting Judge of the National Court of Justice;

"offender" means a person who has been convicted of a criminal offence;

"probation report" means a report made under the provisions of the Probation Act 1979;

"Registrar" means the Registrar of the National Court;

"Registry" means the Office of the National Court and includes a sub-registry;

"the State" means the Independent State of Papua New Guinea.

Order 1, Rule 4

4 Forms

The forms in these Rules should generally be used where applicable but may be considered unnecessary or varied at the discretion of a Judge and unless the contrary intention appears a Judge may at his or her discretion decide not to adopt a form in any case.

5 Substantial compliance

It is sufficient compliance with any requirement of these Rules as to the form of any document if the document is substantially in accordance with the requirement or has such variation as the nature of the case requires.

6 Citation of Acts altered

If the citation of an Act stated in a form is subsequently altered, the citation as altered may be substituted for the citation of that Act in the form.

7 Applications in respect of present or proposed proceedings

- (1) Unless the contrary intention appears, any application provided for by the Code or by these Rules or any other application in respect of criminal proceedings:
 - (a) in cases in which a CR file has not yet been opened, shall be made by originating summons in separate proceedings, unless a Judge directs otherwise; and
 - (b) in cases in which a CR file has already been opened, may be made orally or by notice of motion, in those CR proceedings.
- (2) Examples of applications under the Code referred to in sub-rule (1) are applications for: a change of the place of trial (s 522(2)); arrest of a judgment on verdict (s 594); reservation of a case for consideration by the Supreme Court (s 595); a stay of execution of a death sentence (s 599); discharge of a person detained as a habitual criminal (s 610(1)).
- (3) No fee is payable for any application made under or in connection with these Rules.

8 Lack of procedural provision

- (1) Where a person desires to take any step in proceedings under or in connection with these Rules and the manner or form of the procedure is not prescribed, the person may apply to a Judge for directions.
- (2) A Judge may at any time, with or without application, give such directions for the fair and expeditious conduct of a case as are considered necessary or desirable in the interests of justice.

9 Practice directions

The Registrar may, in consultation with the Chief Justice, issue a practice direction in relation to any

matter concerning these Rules to clarify the procedure and application or to otherwise explain or regulate any matter concerning the Rules.

10 Dispensation

A Judge may dispense with compliance with any of the requirements of these Rules, either before or after the occasion for compliance occurs, if it is considered necessary or desirable in the interests of justice.

Division 2—Registry functions

11 File references

The Registrar shall use the following file references for or in relation to criminal proceedings:

- (a) CR No ... of (year) shall be used for criminal cases commenced under Order 2 of these Rules, apart from those given a CR (FC) or CR (JJ) reference;
- (b) CR (FC) No ... of (year) shall be used for criminal cases commenced under Order 2 of these Rules, that are fraud and corruption cases as defined in Division 4.1;
- (c) CR (JJ) No ... of (year) shall be used for criminal cases commenced under Order 2 of these Rules, in which the accused has been determined to be a juvenile under Division 3.1 or is reasonably believed to be a juvenile, pending such a determination;
- (d) CR (RC) No ... of (year) shall be used in those cases in which a new file is to be opened, pursuant to Division 11.11, after a sentence is passed, or other miscellaneous criminal-related proceedings;
- (e) NCRA No... of.... (year) shall be used in cases that are criminal appeals from the District Court to the National Court or any other criminal-related appeals to the National Court;
- (f) OS (CR) No ... of (year) shall be used when an originating summons is used to commence proceedings or make an application in relation to actual (whether concluded or not) or proposed or potential criminal proceedings, and in cases in which the originating summons relates to actual criminal proceedings the file reference for such actual proceedings shall appear in the naming of the case.

12 Case lists

- (1) The Registrar shall, for each registry, maintain three major case lists, which record the cases filed in that registry relating to charges in the criminal jurisdiction of the Court:
 - (a) Bail & Remand List (consisting of all CR, CR (FC) & CR (JJ) cases in which the accused is on bail or in remand), containing the details and set out in Form 1;
 - (b) Bench Warrant List (consisting of all CR, CR (FC), CR (JJ) & CR (RC) cases in which the accused is the subject of a warrant of arrest), containing the details and set out in Form 2;
 - (c) Other Criminal Matters List (consisting of those cases with the file references CR (RC), NCRA and OS (CR), containing the details and set out in Form 3.
- (2) The Registrar shall, for each registry, maintain three other lists as sub-sets of the Bail & Remand List:
 - (a) The Criminal (General) List, containing the details and set out in Form 4;
 - (b) The Criminal (Fraud & Corruption) List, containing the details and set out in Form 5;

- (c) The Criminal (Juvenile) List, containing the details and set out in Form 6.
- (3) The Registrar shall install a system of maintenance and control to ensure that each list is checked, amended and accurate at the end of each month.

13 Maintenance of Bench Warrant List

(1) The Judge responsible for a Bench Warrant List shall ensure that at least once every six months a callover of the Bench Warrant List is conducted so that the details of the accused and last known address of the accused and the arresting officer and all other details are accurate and current.

Order 1, Rule 14

(2) Any matter on the Bench Warrant List for two years or more shall be the subject of special attention and the Public Prosecutor shall be asked whether the State is intent on pursuing the case, having regard to the seriousness of the charge (taking into account the maximum penalty), and the resources of the State that would be required to prosecute the matter, and whether it is an appropriate case for a declaration under s 525(1)(b) of the Code or for a *nolle prosequi* under s 527(1) of the Code.

14 Dealing with accused on bail

The Registrar shall ensure that whenever an accused is granted bail, a copy of the order granting bail, the bail certificate and other relevant bail documents are placed in the criminal file pertaining to that person.

15 Service and communication

- (1) It is not necessary for any documents prepared or filed under these Rules to be personally served unless there is an express direction to that effect by a Judge.
- (2) All persons and parties involved in criminal matters under these Rules are encouraged to communicate with and serve documents on each other by the quickest available means.
- (3) The Registrar shall from time-to-time authorise and publish in the National Gazette a list of email addresses for the different Registries in the country to which documents prepared or filed under these Rules may conveniently be electronically transmitted, and shall ensure that that list is accurate and current at all times.
- (4) The Public Prosecutor shall from time to time publish in the National Gazette, and update, a list of email addresses for the different offices of the Public Prosecutor in the country to which documents prepared or filed under these Rules may conveniently be electronically transmitted, and shall ensure that that list is accurate and current at all times.
- (5) The Public Solicitor shall from time to time publish in the National Gazette and update a list of email addresses for the different offices of the Public Solicitor in the country to which documents prepared or filed under these Rules may conveniently be electronically transmitted; and shall ensure that that list is accurate and current at all times.

Order 2

COMMENCEMENT OF PROCEEDINGS

Division 1—Manner of commencement

1 Commencement

Criminal proceedings regarding an indictable offence shall be commenced upon:

- (a) receipt by the Registry from a District Court of a notice of committal of a person for trial in the National Court, which shall be issued in Form 7; or
- (b) receipt by the Registry from a District Court of a notice of committal of a person for sentence in the National Court pursuant to s 421(4) of the Code, which shall be issued in Form 7; or
- (c) receipt by the Registry from the Public Prosecutor of a notice of intention to prosecute pursuant to s 526 of the Code, which shall be issued in Form 8; or
- (d) receipt by the Registry of an order of the Court granting leave under s 616 of the Code to a private prosecutor for presentation of an information, which may be given in Form 9.

2 Opening of file

- (1) The Registrar shall in any case that rule 1 applies, open a criminal file, using the appropriate file reference prescribed by Order 1 rule 11, having regard to the following guidelines:
 - (a) in cases in which an accused has been committed for trial on more than one charge it is not necessary to open a separate file for each charge, but if the offences are of a different type or in relation to different alleged facts and circumstances, it may be appropriate to open separate files; and
 - (b) in cases in which more than one person has been committed for trial for the same offence, a separate file shall be opened in respect of each person.
- (2) An antecedent report in Form 83 in relation to the accused, shall be prepared by the police investigator and placed in the file as the next document after the originating process.

3 Preliminary hearings

As soon as is practicable after the opening of a criminal file, the matter shall be called for the first mention, and the Judge shall, to the extent necessary and appropriate:

- (a) identify the nature of the charges;
- (b) ascertain legal representation for the accused;
- (c) ascertain the bail or remand status of the accused;

Order 2, Rule 4

- (d) grant bail in accordance with the Bail Rules or issue a warrant of commitment on remand in Form 11;
- (e) adjourn the matter to a fixed date and time for a further preliminary hearing.

Division 2—Proceedings under section 526 of the Code

4 Notice of intention to prosecute

In cases in which a District Court has refused to commit a person for trial of an indictable offence and the Public Prosecutor decides to prosecute under s 526 of the Code, the Public Prosecutor shall file a Notice of Intention to Prosecute pursuant to s 526 of the *Criminal Code*, in Form 8, and serve the notice on the accused, which shall give the accused at least seven days' notice of the date and place of the first mention of the proceedings before a Judge.

5 Service of notice

The Public Prosecutor may, in any case in which personal service of a notice under rule 4 is impracticable, seek leave of the Court, orally or by notice of motion, to serve the notice in some other manner including service by notice in the daily newspapers.

6 Directions

At the first mention of a matter the Judge shall give directions as to the manner and time by which the Public Prosecutor shall comply with the requirements of s 526(3) of the Code.

7 Form and content of indictments

The provisions of these Rules as to the form and content of indictments shall apply irrespective of whether an indictment is drafted and presented under s 525 or s 526 of the Code or under any other law.

Division 3—Private prosecutions under section 616 of the Code

8 Leave of court

- (1) A person who wishes to exercise the powers of a private prosecutor under s 616 of the Code shall file and serve on the Public Prosecutor and on the proposed accused, an originating summons, seeking leave of the Court under s 616(1) of the Code.
- (2) An originating summons referred to in sub-rule (1) shall be supported by affidavit, which shall state the grounds on which leave is sought and provide evidence of committal proceedings in a District Court committing the accused for trial and the position of the Public Prosecutor on the proposed private prosecution.
- (3) If the Court grants leave under s 616(1) of the Code:

- (a) an order granting leave may be made in Form 9, including such directions under s 617 of the Code as to the amount and manner of the security to be given by the prosecutor; and
- (b) the prosecutor shall serve the order on the Public Prosecutor and the accused; and
- (c) the OS (CR) file in which the application for leave was made shall be closed; and
- (d) the Registrar shall within three days after the granting of leave, open a CR file in relation to the matter using an appropriate file reference as prescribed by Order 1 rule 11.

- (4) If the Court refuses leave under s 616(1) of the Code:
 - (a) an order refusing leave may be made in Form 10; and
 - (b) the OS (CR) file in which the application for leave was made shall be closed.

9 Notice of intention to prosecute under s 616 of the Code

In cases in which the Court has granted leave to prosecute under s 616(1) of the Code, the person granted leave shall file a Notice of Intention to Prosecute pursuant to section 616 of the Code, in Form 12, and serve the notice on the accused, which shall give the accused at least seven days' notice of the date and place of the first mention of the proceedings before a Judge.

10 Service of notice under s 616 of the Code

The person granted leave under s 616(1) of the Code may, in any case in which personal service of a notice under rule 9 is impracticable, seek leave of the Court, orally or by notice of motion, to serve the notice in some other manner including service by notice in the daily newspapers.

11 Directions

At the first mention of proceedings under s 616 of the Code, the Judge shall give directions as to the manner and time by which the prosecutor shall comply with the requirements of ss 616(2) to (5) of the Code.

Division 4—Charging instruments

12 Definition

In this division, "charging instrument" refers to the document containing the charge(s) against the accused.

13 Statement of offences

- In prosecutions conducted by the Public Prosecutor, the charging instrument shall be an indictment, set out in Form 13.
- (2) The statement of offence in the indictment may be in the words of:
 - (a) the Schedule 1 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 1 form for the offence, the Code or other law creating the offence.

14 Cases commenced by private prosecutor

- (1) In prosecutions conducted by a private prosecutor under s 616 of the Code, the charging instrument shall be an information, set out in Form 14.
- (2) The statement of offence in the indictment may be in the words of:

- (a) the Schedule 1 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 1 form for the offence, the Code or other law creating the offence.

Order 2, Rule 15

15 Charges and amendment

- (1) Subject to this rule, the charges in a charging instrument shall be described as "Counts" and shall, if there is more than one charge, be numbered consecutively beginning with the number 1.
- (2) When an alternative charge is expressly pleaded it shall be described as such and clearly indicate the count in respect of which it is an alternative.
- (3) Where, on a trial, an application is made to amend an indictment, it may be made orally or, if directed by the Court by notice of motion supported, if appropriate, by affidavit, and determined in accordance with s 535 of the Code and other relevant laws.

Division 5—Separate trials

16 Application for separate trials

An application under s 568 of the Code may be made orally or, if directed by the Court, by notice of motion.

Division 6—Challenges to commencement of proceedings

17 Quashing of indictment

- (1) An application by an accused under s 534(2) or s 558 of the Code to quash an indictment may be made, subject to the directions of the Court, orally or by notice of motion, after presentation of the indictment or information, and before pleading to the charge.
- (2) A notice of motion referred to in sub-rule (1) shall state the grounds on which the application is based.

18 Demurrer

- (1) An accused who intends to demur to a charge under s 567 of the Code shall, if directed by a Judge, in accordance with s 560(1) of the Code, after presentation of the indictment and before pleading to the charge, orally indicate their intention, either personally or through their lawyer, to the Court, and then, subject to any directions of the Court, file and serve a demurrer in Form 15.
- (2) A demurrer referred to in sub-rule (1) shall be supported by an affidavit of the accused and shall state the grounds on which the demurrer is based.

Division 7—Want of understanding of accused

19 Inquiry to discover whether accused is capable of understanding proceedings

Where the accused is called on to plead to an indictment and it appears to the Judge that the accused is not capable of understanding the proceedings or that it is not clear whether the accused is capable of understanding the proceedings, and the Court is required under s 569(1) of the Code to inquire into the matter in order to discover whether the accused is capable of understanding the proceedings, it may inquire into the matter in the way it sees fit, including obtaining expert psychiatric and/or psychological opinion and making orders such as in Form 16 to request such opinions to be presented to the Court.

14

20 Finding of whether accused capable of understanding proceedings

- (1) The Court shall, as soon as is practicable after undertaking an inquiry under s 569(1) of the Code, make a finding as to whether the accused is capable of understanding the proceedings.
- (2) If the Court finds that the accused is capable of understanding the proceedings, it may make an order in Form 17 in accordance with s 569(2) of the Code and proceed accordingly.
- (3) If the Court finds that the accused is not capable of understanding the proceedings, it may make an order in Form 17 in accordance with s 569(3) of the Code and proceed accordingly.

Division 8—Delay in commencement of trial

21 Purpose of this division

The purpose of this division is to provide a system for facilitating compliance with the reporting obligations of the Chief Justice under s 37(14) of the *Constitution*.

22 Monthly reports to be compiled

Each Judge with administrative responsibility for a criminal case list for any registry shall by the tenth day of each month, apart from January, compile a list of each criminal case on that list in which the trial has, as at the last day of the preceding month, not commenced within four months after the date of committal for trial, in Form 18, and forward the list to the Chief Justice.

23 Reports by Chief Justice

The Chief Justice may, if considered appropriate, forward any of those reports forwarded to him under the last preceding rule, to the Minister for Justice pursuant to s 37(14) of the Constitution.

Order 3 PROCEEDINGS INVOLVING JUVENILES

Division 1—Administration

1 Registrar's obligations

- (1) The Registrar shall ensure that every registry and sub-registry in the country is alerted to the special requirements for dealing with juvenile matters imposed by the *Juvenile Justice Act* 2014.
- (2) Without limiting the generality of sub-rule 1(1), the officer in charge of a registry or sub-registry shall assess every criminal matter upon referral to the National Court to identify whether it is in regard to a person who is or may be a juvenile.

2 Separate files etc

In any case in which the accused is appears or is alleged to be a juvenile, the registry or sub-registry shall:

- (a) maintain separate records in accordance with s 109 of the Juvenile Justice Act 2014;
- (b) keep the matter in a specially coloured file used only for juvenile matters labelled CR (JJ) No ... of 20xx;
- (c) notify the Judge with administrative responsibility for juvenile matters for that registry, immediately after the file has been opened, that there is a juvenile matter that needs to be listed;
- (d) subject to any directions of a Judge, list the matter before a Judge at the earliest opportunity;
- (e) ensure that juvenile matters are listed separately from matters regarding adults;
- (f) ensure that all court lists do not refer to a juvenile by their full name and refer to the juvenile by their initials and in all other respects comply with the requirements of s 112 of the Juvenile Justice Act 2014.

3 Monthly reports

The officer in charge of a registry or sub-registry shall produce monthly reports to the Judge responsible for the Registry that identify the number, age, nature and status of every juvenile matter, including the age and gender of each juvenile.

Division 2—First appearance inquiry

4 Determination of age

- (1) In any case in which the accused appears or is alleged to be a juvenile, the Court shall, as soon as is practicable after commencement of the proceedings, having regard to s 4 (age determination) of the Juvenile Justice Act 2014 and s 63 (age) of the Evidence Act, Chapter No 48, determine the age of the accused by making a finding as to the date of birth of the accused, which shall be recorded in Form 19.
- (2) In making a determination under sub-rule (1) the Court:
 - (a) shall have regard to the matters set out in s 4(3) of the Juvenile Justice Act; and
 - (b) may, in cases where it is unable with precision to determine the date of birth of the accused, estimate the date of birth, and for that purpose it is suggested that an appropriate estimated date of birth would be 1 July of the year in which it is estimated that the accused was born.

5 Determination of jurisdiction

If the Court determines that the accused is a juvenile, the Court shall proceed to determine whether it has jurisdiction in the case, having regard to s 20 (exercise of jurisdiction by National Court) of the Juvenile Justice Act, in Form 20.

6 First appearance inquiry

At a juvenile's first appearance before a Court, and prior to taking a plea from the juvenile, the Court shall, in accordance with s 61 of the *Juvenile Justice Act* 2014:

- (a) explain to the juvenile the nature of the allegations made against him or her; and
- (b) make a determination as to the juvenile's age; and
- (c) inquire as to the treatment the juvenile has received, and whether his or her rights under the Constitution and the Juvenile Justice Act have been complied with; and
- (d) make a determination whether diversion is appropriate; and
- (e) inquire whether the juvenile has had contact with or received assistance from a juvenile justice officer; and
- (f) decide whether to grant bail to the juvenile.

7 Diversion option

When considering the diversion option, the Court shall have regard to the matters set out in s 28 (*juveniles to be considered for diversion*) of the *Juvenile Justice Act* 2014 and other provisions of Part III (*diversion*) of that Act and record its opinion in Form 21 and proceed accordingly.

Division 3—Special procedures for juvenile cases

8 Description of proceedings

In any juvenile case the Court shall ensure that the full name of the juvenile is not, unless for good reason a decision is made to the contrary, used to describe the proceedings and shall ensure that an appropriate pseudonym is used, such as "The Juvenile, AB" or something similar.

Order 3, Rule 9

9 Procedures to be adopted in juvenile cases

When conducting proceedings in a juvenile case the Court shall, having regard to s 20(2) (exercise of jurisdiction by National Court) of the Juvenile Justice Act, sit and conduct proceedings in accordance with that Act, in particular by adhering to the practices, procedures and principles set out in Part VI (proceedings by Juvenile Courts) of that Act, with due regard to the juvenile's procedural rights in compliance with s 66(1) of that Act.

*Order 4*FRAUD AND CORRUPTION CASES

Division 1—Fraud and corruption cases—general rules

1 Definitions

In this Order, unless the contrary intention appears:

"FC" means Fraud and Corruption related cases;

"Judge Administrator (FC)" means the Judge appointed by the Chief Justice to manage the Criminal (FC) track in Waigani;

"listing process" means the process set out in these Rules and in particular mentions, directions hearing, status conferences and trials.

2 Types of cases to be dealt with as FC cases

The types of cases which may be dealt with as an FC case include the following:

- (a) offences under the Code or under any other law involving theft, fraud, dishonesty or misappropriation of property, including fraud and corruption; and
- (b) offences listed in Schedule 2; and
- (c) certain applications under the *Proceeds of Crime Act* 2005 or the *Mutual Assistance in Criminal Matters Act* 2005.

3 Judge Administrator (FC)'s responsibilities

- (1) The Chief Justice may appoint a Judge Administrator (FC) to manage the FC List in Waigani and assign a Judge or Judges from time to time to conduct matters on the FC List in Waigani.
- (2) FC cases that are commenced in a registry other than Waigani shall be managed by the Judge Administrator for that registry and shall be dealt with in accordance with the practice and procedure of the Court prescribed by these Rules.

4 Registrar's responsibilities



Order 4, Rule 5

(2) Files for FC cases that are commenced in a registry other than Waigani shall be maintained by a clerk appointed by the Registrar who shall perform duties under instructions of the Assistant Registrar responsible for that registry, in accordance with the Judge Administrator responsible for that registry.

Division 2—Pre-trial procedures for fraud and corruption cases

5 Changes to FC List

Acting on application or on the own motion of the Court, the Judge Administrator (FC) may add or remove a matter from the FC List.

6 Call-over of cases on FC List

A Judge may conduct a call-over of cases appearing in the FC List at a time determined by the Judge.

7 Mentions

- (1) Upon the opening of a court file, the Registrar shall list the matter before a Judge for mention.
- (2) There shall be a first mention of the matter before a Judge, on the first available day after committal or on such days as are fixed by the Registrar or a Judge.
- (3) The accused shall appear at the first mention of the matter.
- (4) At the mention, the Judge may do any or all of the following:
 - (a) consider legal representation for the accused;
 - (b) review bail or remand status;
 - (c) confirm receipt of the notice of committal and District Court depositions on the matter;
 - (d) fix a date for a directions hearing.

8 Directions hearing

- (1) A directions hearing shall be held within 21 days after the mention date.
- (2) The directions hearing shall be attended by the accused and prosecution and defence counsel who are sufficiently prepared to assist the Judge in addressing the matters mentioned in this rule.
- (3) At the directions hearing, the Judge may consider and issue directions with regard to any or all of the following matters:
 - (a) availability of District Court depositions;
 - (b) availability of witnesses for the parties;
 - (c) protecting and preserving witnesses and witnesses' testimony or material evidence;
 - (d) early indication of the possible charge;
 - (e) early indication of plea;
 - (f) the plea at trial;
 - (g) prosecution witnesses required at trial as shown on the committal documents and any notices

- of further evidence then delivered and of the availability of such witnesses;
- (h) any additional witnesses who may be called by the prosecution and the evidence that they are expected to give, and if the statements of these witnesses are not then available for service, a summary of the evidence that they are expected to give shall be supplied in writing;
- (i) facts which can be and are admitted pursuant to s 589 of the Code and which can be reduced to writing at the trial and of the witnesses whose attendance will not then be necessary;

- (j) the probable length of the trial;
- (k) exhibits which are to be provided and whether they are to be admitted by consent;
- issues, then envisaged, as to the mental or medical condition of any accused person or witness;
- (m) any point of law which may arise on trial, any question as to the admissibility of evidence which then appears on the face of the papers and of any authority on which either party intends to rely as far as can be possibly envisaged at that stage;
- (n) the names and addresses of witnesses from whom statements have been taken by the
 prosecution but who are not going to be called and, in appropriate cases, disclosure of the
 content of those statements;
- (o) any alibi not disclosed pursuant to these Rules;
- (p) the order and pagination of the papers to be used by the prosecution at the trial and of the order in which the witnesses for the prosecution will be called;
- (q) the likely assistance through a request for a probation report;
- (r) counsel representing the accused and the State at the trial;
- (s) issue of witness summonses;
- (t) any other significant matter which might affect the proper and convenient trial of the case;
- (u) fix the date, time and venue of trial to take place within 4 months from the committal;
- (v) fix a date for a status conference to take place prior to trial;
- (w) issue of a notice of trial.

9 Application for directions

- An accused or the State may apply for directions in relation to any matter to be considered by a Judge set out in this Order.
- (2) The applicant shall give the other party three days' notice of the application.

Division 3—Special Provisions in Relation to Proceedings under the Proceeds of Crime Act and the Mutual Assistance in Criminal Matters Act

10 Application of division

This division applies to applications under the *Proceeds of Crime Act* 2005 ("POCA") and the Mutual Assistance in Criminal Matters Act 2005 ("MLMA") including:

- (a) an application under s 18 of the POCA against a cash dealer or its officers or employees;
- (b) an order under s 32 or s 33 of the POCA in relation to the detention or release of seized currency;
- (c) an application for a restraining order against property or the variation of such an order or the release of property from such an order or the revocation of the order under the POCA;
- (d) an application for a forfeiture order, supporting orders or variations and amendments, the discharge of such orders and the protection of third-party interests under the *POCA*;

- (e) an application for a pecuniary penalty order, variation or enforcement of such orders under the *POCA*;
- (f) an application for the return or retention of seized property under the POCA;
- (g) an application for restraining orders in respect of offences committed in foreign parts under the POCA;
- (h) an application for orders for the control and custody of property under a registered foreign restraining or forfeiture order under the *POCA*;
- (i) an application under s 14 of the *MLMA* to take evidence or under s 15 of the *MLMA* for the production of a document for a foreign jurisdiction;

Order 4, Rule 11

- an application under s 41 of the MLMA for the registration of foreign orders or under s 46 of the MLMA for the cancellation of registration;
- (k) an application under s 50 of the *MLMA* for a certificate that the taking of evidence in a foreign jurisdiction would be desirable in the interests of justice in proceedings in Papua New Guinea;
- (1) any other application under the POCA or MLMA Act;
- (m) similar applications under any other relevant Act.

11 Court to determine application

The Court shall determine an application at a hearing which may be in private if a Judge finds it necessary or expedient in accordance with s 37(13) of the *Constitution* and may be conducted in or without the presence of the applicant.

12 Respondent or affected person to be present

The Court shall not determine an application in the absence of the respondent or any person affected, unless:

- (a) the absentee has had at least two business days in which to make representations; or
- (b) the Court is satisfied that:
 - (i) the applicant cannot identify or contact the absentee; or
 - (ii) it may prejudice the investigation if the absentee were present; or
 - (iii) it may prejudice the investigation to adjourn or postpone the application so as to allow the absentee to attend; or
- (c) the Act under which the application is made specifically allows an ex parte application; or
- (d) the law under which the application is made authorises the applicant to request the Court to proceed ex parte.

13 Notice of appearance

A person seeking to be heard on an application shall file and serve a notice of appearance.

14 Preservation of secrecy

The Court may direct that a written application be kept in such manner as will preserve secrecy.

15 How to commence proceedings

- (1) Proceedings shall be commenced by way of originating summons, unless the application is made orally, and given the file reference OS (CR) in accordance with Order 1 rule 11.
- (2) Every application shall state the section of the POCA or MLMA on which the applicant relies.
- (3) Interlocutory applications in a proceeding shall be made by notice of motion.

16 Oral application



- (2) Documents are not required to be filed in the Registry before the making of an oral application.
- (3) As soon as is practicable after making the oral application, unless the Judge orders otherwise, an originating summons and supporting affidavits and the order made, reflecting the application made orally, shall be filed in the Registry.

17 National Court Rules apply to certain applications

- (1) The provisions of the *National Court Rules* apply to all interlocutory directions and applications to the extent that they do not conflict with the provisions of the *POCA*, the *MLMA* or these Rules.
- (2) An applicant for an order, other than application made orally or ex parte, shall, unless the leave of the Court is granted to proceed otherwise, provide a draft of the order to the respondent parties at least 48 hours before the hearing date of the application, and invite the respondent parties to consent to the order or to indicate what changes to the draft order would be required to obtain their consent.
- (3) On the hearing of an application for an order, other than an application made orally, the applicant shall provide to the Court a draft of the order sought.
- (4) An application, other than an oral application, whether original or interlocutory shall be placed in the FC list.

18 Consent orders

- (1) If the parties to an application reach a consensus they should, at least 24 hours before the hearing time, deliver to the associate to the Judge minutes of the proposed consent order signed by all of the parties.
- (2) Attendance by the parties at Court on the return date of the application is not required, unless the Judge directs otherwise.
- (3) The associate to the Judge shall deliver the minutes of the consent order, endorsed by the Judge, to the Registry, unless otherwise ordered by the Judge.
- (4) The applicant shall deliver sufficient copies of the order to the Registry for sealing.

19 Forms

For the purposes of this Division, the forms contained in the *National Court Rules* relating to listings, notice of directions hearings, status conferences, referral of matters for urgent applications, notices of trial and notices of summary determinations shall be adopted and applied with appropriate modifications.

Order 5

WARRANTS OF ARREST

Division 1—Issuance of warrants of arrest

1 Circumstances in which bench warrant may be issued

- (1) A warrant for the arrest of an accused person, referred to as a "bench warrant", may be issued by the Court, on application by the State or of its own motion, in any of the following circumstances:
 - (a) where the accused has been committed by the District Court for trial in the National Court but has not appeared before the National Court in accordance with the terms of the committal to the National Court; or
 - (b) where the accused, who was on bail, has not appeared before the Court for their trial or on any other occasion they were required by the conditions of their bail to appear before the Court or has apparently not complied with any other condition of their bail; or
 - (c) where the accused, who was in lawful custody pending completion of their trial, is believed on reasonable grounds to have escaped from lawful custody; or
 - (d) in any other circumstances in which it would be lawful under the *Arrest Act*, Chapter No 339 for a bench warrant to be issued.
- (2) Where a bench warrant is issued under rule 1(1)(b), the Court shall consider the consequences regarding the accused's bail, including revocation and forfeiture of bail, and whether to summon guarantors and enforce any sureties included in the bail conditions.

2 Application for bench warrant

- (1) An application for a bench warrant may be made orally, with or without a supporting affidavit, or by notice of motion, supported by affidavit, in accordance with directions of the Court.
- (2) The Court shall hear and determine an application made under this rule with due dispatch.

3 Form of bench warrant

A bench warrant shall be issued in Form 22 and state the details prescribed therein, unless the Court directs that some other form or some other details be used or stated.

Division 2—Revocation of warrants of arrest

4 Revocation of bench warrant

- (1) An accused subject to a bench warrant may at any time apply, demonstrating good reasons, for an order revoking the warrant, provided that the Public Prosecutor is given reasonable notice of the application.
- (2) An application for revocation of a bench warrant may be made orally, with or without a supporting affidavit.
- (3) A written application for revocation of a bench warrant may, if directed by the Court, be made by notice of motion, supported by affidavit, in which case it shall be filed and served on the local office of the Public Prosecutor within a reasonable time before making the application.
- (4) An order revoking a bench warrant may be made in Form 23.

Order 6

PRE-TRIAL PROCEDURE

Division 1—Pre-trial reviews

1 Preliminary hearings

In cases where the accused has indicated a plea of not guilty will be entered, the Court will conduct a preliminary hearing called a "pre-trial review".

2 Accused may be present

Judges and officers of the Court should adopt the following practices when conducting pre-trial reviews:

- (a) if the accused is legally represented, it is desirable but not necessary for the accused to be present in person;
- (b) if the accused is self-represented, it is necessary that the accused be present in person unless the accused fails to appear without reasonable excuse.

3 Obligation of prosecuting counsel

The prosecuting counsel shall file and serve on the defence counsel at least seven days before the date of the pre-trial review, a prosecution pre-trial review statement in Form 24, by which counsel shall inform the Court and the defence of:

- (a) the likely charge(s) on which the accused is to be indicted, and in that regard the Public Prosecutor shall attach a draft indictment, unless for special reason it is considered by the Public Prosecutor inappropriate to do so in a particular case, without any enforceable obligation that the State will proceed as per the draft indictment, to the Court;
- (b) the prosecution witnesses required at trial as shown on the committal documents and any notices of further evidence then delivered and of the availability of such witnesses; and
- (c) facts which can be and are admitted pursuant to s 589 of the Code and which can be reduced to writing at the trial and of the witnesses whose attendance will not then be necessary; and

- (d) any additional witnesses who may be called by the prosecution and the evidence that they are expected to give and, if the statements of these witnesses are not then available for service, a summary of the evidence that they are expected to give shall be supplied in writing; and
- (e) the likely length of the State's case; and
- (f) exhibits which are to be tendered, including those that are appropriate to be tendered by consent; and
- (g) issues as to the mental or medical condition of the accused or a witness; and

- (h) points of law that may arise on trial, including any question as to the admissibility of evidence which then appears on the face of the papers or any case on which either party intends to rely as far as can be possibly envisaged at that stage; and
- (i) the names of witnesses from whom statements have been taken by the prosecution but who are not going to be called and, in appropriate cases, disclosure of the content of those statements; and
- (i) the order in which the witnesses for the prosecution will be called; and
- (k) whether it is necessary for the Court to issue any summons requiring attendance of witnesses;
- (l) of any other significant matter which might affect the proper and convenient trial of the case.

4 Obligation of defence counsel

The defence counsel shall at least three days before the date of the pre-trial review, file and serve on prosecuting counsel a defence pre-trial review statement in Form 25, by which counsel shall inform the Court and the prosecution of, amongst other things:

- (a) the likely defences to the charge, being as specific as is practicable in terms of any excusatory defences under the *Criminal Code* that are likely to be relied on at the trial;
- (b) any alibi that the accused proposes to rely on at the trial, in which case the Judge shall give directions for filing and service of a notice of alibi in Form 26; and
- (c) whether it is likely that the accused will give evidence;
- (d) the number and description of defence witnesses;
- (e) whether it is likely that admissions would be made pursuant to s 589 (admissions) of the Code.

5 Further applications

At a pre-trial review, an application may be made orally by any party for an order relating to any or all of the following—

- (a) the severance of any count or accused on the draft indictment;
- (b) amendment or provision of further and better particulars of any count on the draft indictment;
- (c) the time for compliance with any orders of the Court;
- (d) any other order considered necessary or appropriate to secure the proper and efficient trial of the accused.

6 Conclusion of pre-trial review

After the conclusion of the pre-trial review, it is not necessary for a pre-trial review summary to be prepared, but if the Judge determines that for special reason a pre-trial review summary be prepared, the Judge may direct that such a summary be prepared in Form 27.

Division 2—Applications to be brought to trial

7 Section 552 applications

An application under s 552 of the Code to be brought to trial may be made orally or in Form 28.

Order 6, Rule 8

8 Acceptance of application

If the Court accepts the application, the Court shall make an order, in Form 29, to clarify the status of the proceedings and the rights and obligations of the accused and the State.

9 Orders under s 552(3)

- (1) If the circumstances set out in s 552(3) of the Code appear to apply and the accused indicates an intention to make a bail application, the Court may hear an oral bail application or may direct that an application for bail be made in writing in accordance with the *Bail Rules*.
- (2) After hearing an application for bail under s 552(3) of the Code, the Court shall determine the application and may make an appropriate order in Form 30.
- (3) If bail is granted under s 552(3) of the Code, a bail file shall be opened in accordance with the *Bail Rules* and the granting of bail shall be recorded and administered in accordance with the *Bail Rules*.

10 Orders under s 552(4)

If the circumstances set out in s 552(4) of the Code appear to apply, the Court shall, after hearing the parties, make an appropriate order in Form 31.

Order 7

WITHDRAWAL OF PROCEEDINGS

Division 1 – General principles regarding withdrawal

1 Definition

In this Order, "withdrawal of charges" refers to any process by which the State indicates its intention not to proceed with a charge after an accused has been committed for trial or been served with an indictment under s 526 of the Code, and includes cases in which the State declines to lay a charge under s 525 of the Code or files a *nolle prosequi* under s 527 of the Code or indicates an intention to not offer any evidence in support of a charge.

Division 2—Declining to lay a charge

2 Declaration under s 525 that the State declines to lay charge

If the Public Prosecutor or a State Prosecutor declines to lay a charge under s 525(1)(b) of the Code, a declaration to that effect in Form 32 shall be filed.

3 Order of Court after filing of declaration

After a declaration under rule 2 is made, the Court shall make an appropriate order in terms of Form 33 to give effect to the requirements of s 525(3) and (4) of the Code and close the file.

Division 3—Nolle prosequi

4 Informing Court under s 527 that an indictment will not be proceeded with

(1) A document under the hand of the Public Prosecutor or a State Prosecutor that informs the Court pursuant to s 527 of the Code that an indictment then pending in the Court will not be further proceeded with shall be called a "nolle prosequi".

- (2) A *nolle prosequi* shall be filed in the proceedings or presented to the Court in Form 34, after presentation of the indictment to which it relates.
- (3) In the case of a *nolle prosequi* under the hand of a State Prosecutor, the Judge dealing with the matter may inquire whether the Public Prosecutor is aware of the *nolle prosequi* and if considered appropriate require the State Prosecutor to provide evidence of the Public Prosecutor's concurrence with the proposed course of action.

5 Order of Court after being informed that indictment will not be proceeded with

After filing or presentation of a *nolle prosequi*, the Court shall make an appropriate order in terms of Form 35 to give effect to the requirements of s 527(2) of the Code and to close the file.

Division 4—Offering no evidence

6 Indication of intention to offer no evidence

If it is the intention of the State to offer no evidence in a matter set down for trial, the prosecutor with carriage of the matter shall convey that intention to the accused or their lawyer and to the Court as soon as practicable after the State has decided that that is how the matter will be proceeded with.

7 Procedures where State intends to offer no evidence

- (1) Where the State has conveyed its intention to offer no evidence in a matter that is being set down for trial, the matter shall be set down for trial and an indictment shall be presented and the accused shall be arraigned and in the event that the accused enters a not guilty plea, the prosecutor shall formally notify the Court that no evidence is offered, giving brief reasons for the State taking that approach, and in that regard an oral notification and oral reasons are sufficient, unless the Judge directs otherwise.
- (2) The Court shall then indicate whether the approach of the State is acceptable.
- (3) If the Court considers that the approach of the State is not acceptable, the Court shall make such orders as are considered necessary or appropriate, in the interests of justice, to progress the matter.
- (4) If the Court considers that the approach of the State is acceptable, it shall ask the defence counsel for their response and in the event that a no-case submission is made, the Court shall hear and determine that submission forthwith and make such orders as are necessary or appropriate, including entering a verdict of not guilty.

Order 8

EVIDENCE

Division 1—Admissions

1 Making of admission

- (1) An admission under s 589 of the Code may be made before or at the trial by the filing or presenting to the Court an admission in Form 36, which shall be signed by the accused or the lawyer for the accused.
- (2) With the leave of the Court, an admission under s 589 of the Code may be made orally at the trial.
- (3) Subject to sub-rule (4), an admission made in accordance with this rule shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to the same matter including an appeal or retrial.
- (4) An admission made in accordance with this rule may with leave of the Court be withdrawn at the trial at which it is made or in any subsequent criminal proceedings relating to the same matter.

Division 2—Alibis

2 Definitions

In this Division:

"evidence of an alibi" means evidence tending to show that by reason of the presence of the accused person at a particular place or in a particular area at a particular time he or she was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission;

"the prescribed period" means the period of 14 days prior to the date of trial.

3 Notice of alibi

- (1) An accused shall not upon his or her trial, without the leave of the Court, adduce evidence of an alibi unless, before the expiration of the prescribed period, the accused files and serves on the prosecutor a notice of alibi in Form 26, signed by the accused or their lawyer.
- (2) Subject to sub-rule (3), a notice referred to in sub-rule (1) shall contain the name and address of

- any other person ("other person") whom the accused claims can support the alibi.
- (3) If the name or address of the other person is not known to the accused when the notice of alibi is given, the accused shall give in the notice all information in their possession that may be of material assistance in locating the other person.

Division 3—Notice of objection to proposed evidence

4 Circumstances in which notice of objection shall be filed

If, at a pre-trial review or otherwise, the State has indicated its intention to rely on certain evidence and the accused proposes to object to such evidence, the accused shall, at least 14 days before the date of the trial, file and serve a notice of objection to such evidence, in Form 37, stating the grounds on which objection will be taken.

5 Consequences of failure to give notice of objection

If the accused fails to file and serve a notice of objection to evidence or to give proper notice of objection, any objection to such evidence shall be heard only with the leave of the Court where it is in the interests of justice to do so.

Division 4—Voir dire

6 Order as to voir dire

- (1) If objection is taken, by filing a notice of objection under Division 8.3 or otherwise, to the admission of any particular contentious evidence, the Judge shall decide whether it is in the interests of justice to conduct a separate hearing within the trial, known as a voir dire, to determine whether any such contentious evidence shall be admitted into evidence.
- (2) If the Judge decides that a voir dire shall be conducted, an order to that effect shall be made orally and/or in Form 38, and shall include directions as to the order and manner in which evidence shall be given and submissions made.
- (3) If an order under this rule is made orally, the associate shall make an appropriate endorsement on the file.

Division 5—Court may call witness

7 Summons for witness

- (1) The Court may at any time before or during a trial issue a summons, in Form 39 commanding any person whom the Court shall name to attend and give evidence as a witness at the trial and/or to produce such documents or other things in the possession or control of that person that might be necessary or desirable evidence at the trial.
- (2) The expenses of a person required to comply with a summons under sub-rule 1 shall, if so ordered by the Judge, be paid by the person named in the order as being responsible for payment of the recipient's expenses, which might be in an appropriate case, the Registrar who shall pay such

expenses from funds made available for that purpose.

Division 6—Limiting access by the public to or publicity of proceedings

8 Order limiting access by public to or publicity of proceedings

- (1) The Court may order that access by the public to the proceedings or that publicity of the proceedings, including in the mass media and on social media, be prohibited or limited, pursuant to any specific law, including the *Evidence Act* or the *Juvenile Justice Act*, that provides for or requires such prohibitions or limitations to apply.
- (2) The Court may order that access by the public to the proceedings or that publicity of the proceedings, including in the mass media and on social media, be prohibited or limited, pursuant to the inherent power of the Court to control its own proceedings and having regard to ss 37(12) and 37(13) of the Constitution and the general principle that court proceedings be held in public, and accordingly shall only make such orders when it is considered necessary or expedient after taking account of all relevant considerations including whether such an order would:
 - (a) be agreed to by the parties to the proceedings;
 - (b) be in the interests of national security;
 - (c) be in the interests of justice;
 - (d) advance the welfare of persons under voting age;
 - (e) protect the private lives of persons concerned in the proceedings; and
 - (f) be in the interests of defence, public safety or public order.
- (3) An order under this rule may be made orally or in writing.
- (4) An oral order under this rule shall be endorsed on the court file by the Judge's associate within 24 hours after the making of the order.
- (5) A written order under this rule may be made in Form 40.
- (6) In any case where a written order is made under this rule, the Judge may order that it be directed at specific persons or organisations and where an order is made in those terms, the Registrar shall immediately notify the persons or organisations to whom it is directed that such an order has been made and the terms of the order.

Division 7 — Orders under Evidence Act, Division III.3

9 Purpose of division

- (1) The purpose of this division is to facilitate the making and recording of orders under Division III.3 (special measures for vulnerable and intimidated witnesses) of the Evidence Act, Chapter 48.
- (2) All orders referred to in sub-rule (1) may be made, subject to the Evidence Act and any other Act of the Parliament or any Constitutional Law, orally or in writing, and where an order is made in writing it may be made in terms of the forms referred to in this division.

- (3) Irrespective of whether an order referred to in sub-rule (1) is made orally and/or in writing, it is the responsibility of the Judge's associate to, within 24 hours after the making of the order, record the order by making an appropriate endorsement on the court file.
- (4) An application for any order under this Division may be made orally unless the *Evidence Act* or a provision of these Rules specifically requires an application to be in writing or a Judge directs in a particular case that the application be made by notice of motion or otherwise in writing.

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10 Special measures orders under Evidence Act, s 37B

- (1) A special measures order under s 37B(2) of the Evidence Act shall specify:
 - (a) which of one or more of the special measures prescribed under that provision shall be used for the giving of evidence; and
 - (b) the witness in respect of whose evidence the special measures shall apply.
- (2) A special measures order under s 37B(2) of the Evidence Act, may be made in Form 41.

11 Video-taped evidence under Evidence Act, s 37C

An order under s 37C(1) of the *Evidence Act* permitting a video-recording of an interview of a witness to be admitted as the evidence-in-chief of the witness, may be made in Form 42.

12 Giving evidence at pre-trial hearing under Evidence Act, s 37D

An order under s 37D(1) of the *Evidence Act* permitting a child's evidence to be taken at a pre-trial hearing, may be made in Form 43.

13 Orders under Evidence Act, s 37E, where accused is self-represented

An order under s 37E(3)(c) or (d) of the *Evidence Act* providing for cross-examination of a complainant in cases where the accused is self-represented, may be made in Form 44.

14 Order under Evidence Act, s 37H, granting leave to cross-examine complainant or admit evidence as to sexual activities

- (1) An application under s 37H(5) of the Evidence Act for leave to cross-examine a complainant or admit evidence as to their sexual activities shall be made in Form 45.
- (2) An order under s 37H(7) of the Evidence Act granting leave to cross-examine a complainant or admit evidence as to their sexual activities may be made in Form 46.

15 Order under Evidence Act, s 37I, requiring disclosure of address etc of witness

An order under s 37I(1)(b) of the *Evidence Act* requiring a witness to disclose their address, telephone number or place of employment, may be made in Form 47.

Division 8—Certificates as evidence

16 Certificate on trials for perjury etc

A certificate of an officer of a court regarding the proceedings of that court, which is proposed to be presented as evidence for the purposes of s 580 of the Code, shall be in Form 48.

17 Certificate of previous conviction

A certificate of an officer of a court regarding the proceedings of that court in which a person has a previous conviction, which is proposed to be presented as evidence for the purposes of s 581 of the Code, shall be in Form 48.

Division 9—View of places or things

18 Procedures for a view

If the Court in the exercise of discretion under s 574 of the Code proposes to undertake a view of any place or thing, all or any part of the following procedures may be invoked:

- (a) the view should be undertaken after the close of the evidence for the prosecution and the accused;
- (b) ground-rules should be given in Court prior to undertaking the view, and may include a direction that the purpose of the view is to enlighten the Court on evidence that has already been given and that the purpose is not to provide for new evidence to be given in the course of the view or that certain persons including the general public or the media shall be excluded from the view;
- (c) the view should be undertaken in the presence of the accused unless the accused elects for their own reasons not to be present during the view;
- (d) no view shall be undertaken in the absence of the prosecutor or the accused or their lawyer;
- (e) as soon as practicable after the conduct of the view, the parties shall return to the courtroom and the prosecutor shall be invited to summarise what transpired at the view, including summarising any quantifiable aspects of the view such as distances and weights, and the defence shall be invited to respond to the summary and point to anything in the summary that needs to be added to or amended;
- (f) the Court will adopt or amend the summary and may if it is considered necessary in the interests of justice and after inviting submissions from counsel, decide to reopen the evidence for the purpose of clarifying any aspect of things observed at the view.

Division 10-Exhibit lists

19 Responsibility for exhibit list

- (1) Subject to any contrary directions of the Judge, the exhibit list for a case will be prepared and maintained by the Judge's associate.
- (2) The person fixed with responsibility for preparation of an exhibit list shall, subject to any contrary directions of the Judge, update the list at the end of each day of the trial and make the updated exhibit list available to the Judge and all counsel and to the court reporter before the start of the next day of the trial.

20 Contents of exhibit list and MFI list

(1) The contents of this rule are suggestions only and may or may not be applied in any case and are non-justiciable.

- (2) An exhibit list should be a concise summary of documents and things admitted into evidence and should be maintained separately from a list of other documents and things that are referred to in the evidence but not admitted into evidence, which shall be referred to as the MFI (marked for identification) list.
- (3) An exhibit list may be in Form 49 and an MFI list may be in Form 50.
- (4) Documents and things tendered by the prosecution and admitted into evidence may be marked with the prefix P and numbered consecutively: P1, P2, P3 etc.

Order 8, Rule 21

- (5) Documents and things tendered by the defence and admitted into evidence may be marked the prefix D and numbered consecutively: D1, D2, D3 etc.
- (6) Documents and things that are tendered or referred to in evidence without being admitted into evidence may be marked with the prefix MFI and numbered consecutively: MFI 1, MFI 2, MFI 3 etc.
- (7) An exhibit list and an MFI list should be drafted as concisely as possible for the purpose of identifying the document or thing that has been admitted into evidence or marked for identification and should not contain commentary or opinion on the purported significance of the document or thing or point out any alleged defect or strength of the evidentiary value of the document or thing or comment or opine on any other thing in relation to the exhibit.

Division 11—Dealing with exhibits

21 Dealing with exhibits during trial

At all times during a trial, exhibits and documents or things marked for identification remain under the custody and control of the Judge and shall be dealt with in accordance with the directions of the Judge.

22 Dealing with exhibits after trial

At the end of the trial, all exhibits and all documents or things marked for identification shall pass into the custody and control of the Registrar who shall ensure that all documents and things are securely stored, bearing in mind the possibility of them being required in any appeal against or review of the Court's decisions on verdict and/or sentence.

23 Order that exhibit not be returned to owner

An order that an exhibit not be returned to its owner and be forfeited, destroyed or otherwise dealt with pursuant to s 628 of the Code, may be made in Form 51.

Order 9

MISCELLANEOUS OCCURRENCES DURING TRIAL

Division 1—Unsoundness of mind, insanity of accused

1 Accused not of sound mind during trial

If on the trial of a person charged with an indictable offence it is alleged or appears that the accused is, during the trial, not of sound mind, the court shall consider the matter, and may order expert psychiatric and/or psychological opinion in Form 52, and may make a finding and order, having regard to Part V (patients from courts) of the Mental Health Act 2015, pursuant to s 590(1) of the Code, in Form 53.

2 Accused not of sound mind at time of offence

If on the trial of a person charged with an indictable offence it is alleged or appears that the accused was, at the time when the act or omission alleged to constitute the offence occurred, not of sound mind, the court shall consider the matter and may make a finding and order, having regard to Part V (patients from courts) of the Mental Health Act 2015, pursuant to s 592(1) and (2) of the Code, in Form 54.

3 Offender suffering from mental disorder after conviction

Where an offender suffers from mental disorder after conviction is pronounced against him or her, immediately or at any time after that, the court shall consider the matter and may make a finding and order, having regard to Part V (patients from courts) of the Mental Health Act 2015, pursuant to s 590(3) of the Code, in Form 55.

4 Insanity of accused

Where it is given in evidence on the trial of a person charged with an offence that the accused was suffering from insanity as provided in s 28 of the Code at the time of committing the offence and the

accused is acquitted, the court shall consider the matter and may make a finding and order, having regard to Part V (patients from courts) of the Mental Health Act 2015, pursuant to s 592(5) and (6) of the Code, in Form 56.

Division 2—Incapacity of trial judge

5 Incapacity during trial

- (1) If in the course of a trial the presiding Judge becomes incapable of proceeding, the accused or their counsel or a State Prosecutor may make an application, orally or by notice of motion, before another Judge, pursuant to s 576(1) of the Code, for an order that the trial be discontinued.
- (2) The Judge hearing an application under s 576(1) of the Code shall direct whether an oral application is sufficient or whether the application must be made by notice of motion.
- (3) An order for discontinuance of a trial under s 576(1) of the Code may be made in Form 57.

6 Consent to continuance of trial before another Judge

- (1) If in the course of a trial the presiding Judge becomes incapable of proceeding, the accused or their counsel or a State Prosecutor may make an application, orally or by notice of motion, before another Judge for the trial to be continued before another Judge.
- (2) The Judge hearing an application under sub-rule (1) shall direct whether an oral application is sufficient or whether the application must be made by notice of motion.
- (3) An application under sub-rule (1) shall only be granted if all parties to the proceedings, including in the case of multiple accused, all of the accused, consent to continuance of the trial before another Judge.
- (4) The Judge hearing an application under sub-rule (1) shall determine the application expeditiously and if the application is granted request that the Court Reporting Manager prepare a transcript of the part-heard trial prior to the trial proceeding before the Judge appointed to continue the trial and if the application is declined, make an order to that effect.
- (5) An order under sub-rule (4) may be made in Form 58.

7 Incapacity of Judge after conviction and before sentence

- (1) If the presiding Judge becomes incapable of proceeding after convicting an accused but before passing sentence, the accused or their counsel or a State Prosecutor may make an application, orally or by notice of motion, before another Judge, pursuant to s 576(3) of the Code, for an order that the sentence be passed by another Judge.
- (2) The Judge hearing an application under s 576(3) of the Code shall direct whether an oral application is sufficient or whether the application must be made by notice of motion.
- (3) An order under s 576(3) of the Code may be made in Form 59.

Division 3—Custody of girls under 18

8 Order under s 621

Where it is proved to the satisfaction of the Court, in the circumstances described in s 621 of the Code, that there has been seduction, prostitution or incest of a girl under the age of 18 years, an order under s 621 of the Code regarding custody of the girl and related matters, may be made in Form 60.

Division 4—References and reservations to the Supreme Court

9 Reference under Constitution, section 18(2)

If a Judge refers any question relating to the interpretation or application of any provision of a Constitutional Law to the Supreme Court under s 18(2) of the *Constitution*, the reference shall be made in accordance with Order 4 (applications and references under the Constitution, sections 18 and 19) of the Supreme Court Rules 2012.

10 Reservation under Supreme Court Act, section 21

If a Judge reserves any question of law that arises on a trial for the consideration of the Supreme Court under s 21(1) of the Supreme Court Act, the reservation shall be made in accordance with Order 8 (reservation of cases or points of law) of the Supreme Court Rules 2012.

11 Reference under Supreme Court Act, section 26

If the Principal Legal Adviser refers a point of law that arisen in a case for the opinion of the Supreme Court under s 26(1) of the Supreme Court Act, the reference shall be made in accordance with Order 9 (reference under section 26 Supreme Court Act) of the Supreme Court Rules 2012.

12 Reservation under Criminal Code, sections 594, 595

If the Court reserves any question of law for the consideration of the Supreme Court under s 594(3) or 595(1) of the Code, the reservation shall be made in accordance with Order 8 (reservation of cases or points of law) of the Supreme Court Rules 2012 and Division 10.5 (arrest of judgment on verdict) of these Rules.

Order 10

VERDICTS

Division 1—Order as to verdict

1 Order as soon as practicable after verdict

As soon as practicable after pronouncing the verdict of the Court, the Judge shall cause to be entered in the record of the Court an order in Form 61, which gives details of:

- (a) the charge(s) against the accused;
- (b) the plea of the accused;
- (c) the verdict in respect of each charge, expressed as either "guilty" or "not guilty"; and
- (d) in cases where the accused is found guilty of one or more charge:
 - (i) whether the Court requests any pre-sentence or other reports for purposes of sentencing the offender;
 - (ii) whether the offender will be remanded in custody;
 - (iii) whether bail pending sentence is granted; and
- (e) in cases where the accused is found not guilty of all charges:
 - (i) that the accused is, in accordance with s 591 of the Code, discharged from the charge;
 - (ii) whether the accused will be released from custody;
 - (iii) whether the accused will be discharged from their bail obligations; and
 - (iv) whether any cash bail or other surety will be refunded.

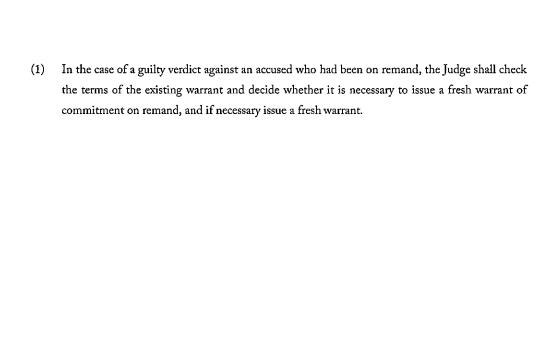
Division 2—Bail status of offender

2 Decision whether to grant bail

In the case of a guilty verdict against an accused who has been on bail, the Judge shall, after hearing from counsel for the defence and counsel for the prosecution, decide whether to make an order under s 10 of the *Bail Act* and in accordance with the *Bail Rules* 2021, granting bail pending sentence.

Division 3 — Warrant of commitment on remand

3 Circumstances in which warrant is necessary



(2) In the case of a guilty verdict against an accused who has been on bail, the Judge shall, if there is no application for bail pending sentence or an application for bail pending sentence is refused or it is otherwise necessary to remand the offender in custody, issue a warrant of commitment on remand, in Form 11.

Division 4—Acquittal and discharge

4 Procedure in cases of not guilty verdict

- (1) In the case of a not guilty verdict, provided that the order on verdict is compliant with rule 1, it is not necessary for a certificate of acquittal and discharge to be issued, unless a request is made in Form 62, in which case a certificate of acquittal and discharge shall be issued in Form 63.
- (2) If the accused is subject to a charge other than that which is the subject of the certificate of acquittal and discharge, the certificate shall reflect that fact by a statement in the terms prescribed in Form 63.

5 Acquittal on account of unsoundness of mind or insanity

If, after the trial of an accused charged with an indictable offence the accused is acquitted on account of unsoundness of mind or insanity, the Court shall make such findings and orders as are necessary in accordance with ss 590 and 592 of the Code and Order 9 of these Rules.

Division 5 — Arrest of judgment on verdict

6 Application to arrest judgment

- (1) An application under s 594(1) of the Code by a person convicted of an indictable offence to arrest the judgment on verdict on the ground that the indictment does not disclose an offence may be made, in the proceedings in which the conviction has been entered, subject to the directions of the Judge, orally or by notice of motion supported by affidavit.
- (2) After hearing an application under sub-rule (1) the Court may:
 - (a) allow an amendment of the indictment under s 594(2) of the Code, by making an order in Form 64; or
 - (b) determine the motion under s 594(3) of the Code, by making an order in Form 65; or
 - (c) reserve a question of law for the consideration of the Supreme Court under s 594(3) of the Code, by making an order in Form 65.

7 Procedure in the event that judgment on verdict is arrested (s 595)

(1) If the court arrests its judgment on verdict, a State Prosecutor may, pursuant to s 595(1) of the Code, apply to the court to reserve a case for the consideration of the Supreme Court, and such

- application shall be made in the proceedings in which the judgment on verdict has been entered, by notice of motion, supported by affidavit.
- (2) After hearing an application referred to in sub-rule (1), the Court shall determine the application by making an order, in Form 65.

8 Procedure in the event that question of law or case is reserved for consideration of Supreme Court

In the event that a question of law is reserved for the consideration of the Supreme Court under s 594(3) of the Code or a case is reserved for the consideration of the Supreme Court under s 595(1) of the Code, the National Court shall await determination of the reservation and comply with all directions on the matter that may be given by the Supreme Court.

Division 6 — Closure of file after acquittal

9 File closure

- (1) If the accused is found not guilty of all charges and there is no application to arrest the verdict or any other application, process or order to stay the proceedings, the court file shall, by order of the Court or by an administrative procedure instituted by the Registrar, be closed.
- (2) Once a court file is closed pursuant to sub-rule (1), it shall not be reopened except in special circumstances and by order of the Court.
- (3) Any application of any nature concerning a court file closed pursuant to sub-rule (1) shall be brought by commencing fresh proceedings by originating summons.

Order 11 SENTENCES

Division 1—Antecedents

1 Antecedents

- (1) In the case of a guilty verdict, the prosecutor shall immediately after pronouncement of the verdict notify the Court, by reference to the antecedents report, whether the offender has any prior convictions, and if there are such convictions, the details of the convictions and the sentences that were passed.
- (2) The defence shall be given the opportunity to comment on or rebut the details of prior convictions.
- (3) In the event of a dispute or uncertainty about the existence or details of prior convictions, the Judge may hear and determine the issues forthwith or adjourn the hearing to a set date and time for the purpose of resolving such issues.

Division 2—Allocutus

2 Administering allocutus

- (1) The procedure by which an offender is given the opportunity to address the Court on why sentence should not be passed on them pursuant to s 593 of the Code and any matters in mitigation of the sentence, known generally as the allocutus, should not be administered until a reasonable time has passed after the time of conviction.
- (2) The practice of administering the allocutus immediately after convicting an offender who has pleaded not guilty to a charge should be avoided unless this is done with the express consent of the offender and their lawyer.
- (3) If a pre-sentence or other report is requested under Division 11.3, the allocutus should generally be administered after filing and service of those reports on the offender, so that the offender has the opportunity to comment on them if considered necessary.
- (4) The allocutus should be administered after presentation of the antecedents report and before counsel make submissions.
- (5) The provisions of this rule are guidelines only and failure to adhere to them does not necessarily

invalidate the sentence that is passed.

Division 3—Pre-sentence & other reports

3 Pre-sentence and other reports relevant to sentence

- (1) In the case of a guilty verdict the Judge shall, after hearing from counsel for the defence and counsel for the prosecution, decide whether to request the Chief Probation Officer to prepare a pre-sentence report under s 13 of the *Probation Act* 1991 and/or a means assessment report under s 4 of the *Criminal Law (Compensation) Act* 1991 for the purpose of ascertaining whether the offender has the capacity to make restitution and whether to request any person to assist in preparation of a victim impact statement under s 21A of the *Criminal Code*.
- (2) The Judge has complete discretion whether to request all or some or none of the reports and statements referred to in sub-rule (1) and may, for example, request that a pre-sentence report incorporates the type of information that would normally appear in a means assessment reportor a victim impact statement, and may make any such request in Form 66, that form being compliant with Form 2 of the *Probation Regulation* 1991.
- (3) If a pre-sentence report is prepared as requested, it shall, subject to any directions of the Court, be in Form 67.
- (4) If a means assessment report is requested, it shall be prepared in accordance with directions of the Court or if there are no directions given in any form that is concise and relevant.
- (5) If a victim impact statement is requested, it shall be prepared in accordance with directions of the Court or if there are no directions given in any form that is concise and relevant.
- (6) Nothing in this rule precludes a victim from providing an impact statement to the Court on their own volition.

Division 4—Pre-sentence period in custody

4 Shared responsibility of counsel

The prosecutor and the defence counsel shall, at least three days before the sentencing hearing, unless leave of the Court is granted to dispense with that requirement, jointly sign and file Form 68, demonstrating their positions on the pre-sentence period in custody, if any, that has been served by the offender.

5 Determination of pre-sentence period in custody

(1) When passing sentence the Judge shall, after specifying the length of the head sentence and before specifying whether any or all of the sentence will be suspended, determine in years, months, weeks and days, as the case may be, the specific period, if any, that will in the exercise of discretion under the Criminal Justice (Sentences) Act 1986, be deducted from the head sentence.



It is not sufficient, in performance of the duty in sub-rule (1), to state that the pre-sentence period

(2)

Division 5—Submissions on sentence

6 Manner of submissions

Submissions on sentence shall be made orally and/or in writing in accordance with directions of the Court.

7 Order of address

Subject to any contrary directions of the Judge, submissions on sentence shall be made in accordance with the following order of address, which shall apply, after administering of the allocutus, in all cases irrespective of whether the offender has pleaded guilty or not guilty:

- (a) the first submissions shall be made by the prosecution;
- (b) the next submissions shall be made by the defence;
- (c) the prosecution shall have a right of reply.

Division 6—Taking outstanding charges into account

8 Offender may admit guilt regarding outstanding charges

An offender who has been convicted on indictment of an offence not punishable with death or imprisonment for life, who wishes to admit their guilt regarding outstanding charges other than those of which a conviction has been entered, so that such outstanding charges may, in accordance with s 603 of the Code, be taken into account in the passing of sentence, shall file and serve on the State Prosecutor responsible for the case, a document in Form 69, showing on the back of it a list of other indictable offences not punishable with death or imprisonment for life with which he has been charged (whether or not he has been committed for trial in respect of those other offences).

9 Procedure in cases where document is filed under s 603(1)(a)

- (1) Where a document is filed in accordance with rule 8, the State Prosecutor shall, before making submissions on sentence, bring the document to the attention of the sentencing Judge so that the Judge may consider the matter having regard to the requirements of s 603(1)(c) of the Code.
- (2) If the Judge thinks it fit to take all or any of the charges the subject of the document filed in accordance with rule 8 into account when passing sentence, the Judge shall certify on the document, in accordance with s 603(4) of the Code, which of those charges has been taken into account, and refer to that certified document in the order as to sentence.

Division 7 — Orders as to sentence

10 Purpose of division

The purpose of this division is to promote consistency and clarity in the terms of orders as to sentence

and to avoid confusion in interpretation and enforcement of sentences, without derogating from the discretion of the sentencing Judge to express a sentence because of the circumstances of a particular case, in ways other than in the prescribed forms.

Order 11, Rule 11

11 Sentences of imprisonment

- (1) If a sentence is passed that consists only of a term of imprisonment, with or without deduction of a pre-sentence period in custody and with or without suspension of part or all of the sentence, the order as to sentence may be in Form 70.
- (2) If the offender has been convicted of more than one offence in one proceeding, there shall be only one order as to sentence, which should show the sentence allocated to each offence and whether the sentences are to be served cumulatively or concurrently.

12 Sentences other than imprisonment

If a sentence is passed other than as described in the last preceding rule, eg, a sentence that includes an ancillary order, such as an order for compensation under the *Criminal Law (Compensation) Act* or an order restricting movement of the offender under s 600 of the Code, the order as to sentence may be in Form 71.

13 Probation orders

If all or part of a sentence is suspended, any conditions as to the suspended part of the sentence shall be prescribed in a probation order under s 16 of the *Probation Act* 1991, in Form 72, that form being compliant with Form 1 of the *Probation Regulation* 1991, and any conditions of probation should be stated in the order as to sentence.

14 Disqualification from driving

If the Court orders, pursuant to s 330(2) of the Code, that an offender convicted of an offence in connexion with or arising out of the driving of a motor vehicle be disqualified from holding or obtaining a driver's licence to operate a motor vehicle, the order as to sentence may be in Form 73.

15 Conditional suspension of punishment on first conviction

If the Court orders, pursuant to s 601(1)(b) or s 601(3)(b) of the Code, that the execution of all or part of a sentence should be suspended, the order as to sentence may be in Form 74.

16 Conviction without punishment

If the Court orders, pursuant to s 602(1) of the Code, that an offender should be discharged without punishment, the order as to sentence may be in Form 75.

17 Habitual criminals

If the Court declares, pursuant to s 606 of the Code, that an offender is a habitual criminal, the order as to sentence may be in Form 76.

18 Death penalty

- (1) If the Court passes a sentence of death, the method of execution of the offender shall not be included in the order as to sentence (as this is a matter for the National Executive under s 614 of the Code), and the order as to sentence may be in Form 77.
- (2) An order under sub-rule (1) shall include a determination of the pre-sentence period in custody of the offender due to the importance of there being an official record of that period, so that it

might in a particular case be taken into account if a decision is to be made in accordance with law, not to execute the offender.

19 Order for restitution of property

If the Court orders, pursuant to s 623A of the Code, restitution of property to its owner, the order as to sentence may be in Form 78.

Division 8 — Warrants of commitment

20 Warrant in addition to order

In any case in which a term of imprisonment is imposed, without the term of imprisonment being fully suspended and including cases in which a sentence of death is passed, a warrant of commitment to custody shall be issued in Form 79.

Division 9 — Post-sentence applications

21 Need for separate proceedings

If any of the parties to criminal proceedings that have been concluded or any person with a sufficient and genuine interest in those proceedings, proposes to make any application in relation to such proceedings, including for example, an application for revocation of a suspended sentence on grounds of breach of conditions of a probation order, the application shall be made in separate proceedings commenced by originating summons, which shall be given the file reference OS (CR).

22 Warrant of arrest may be issued

- (1) A Judge may at any time an offender is under sentence, in or outside custody, where there is an allegation based on reasonable grounds that the offender has escaped from lawful custody or is in breach of any conditions to which their sentence is subject, issue a warrant for the arrest and detention of the offender, in Form 80, so that they may be brought before the National Court and dealt with according to law.
- (2) When a warrant of arrest is issued under sub-rule (1), a fresh file shall be opened either before or as soon as practicable after issuance of the warrant, using Form 80 as the originating process, and given a file reference CR (RC) file.

23 Order as to revocation of suspended sentence

An order revoking an offender's suspended sentence or probation of any other arrangement by which an offender was permitted to serve their sentence outside custody, may be made in Form 81.

Division 10 — Closure of file after sentence

24 File closure

- (1) Once the Court passes sentence including making all orders as to punishment and there is no application, process or order to stay the proceedings, the court file shall, by order of the Court or by an administrative procedure instituted by the Registrar, be closed.
- (2) Once a court file is closed pursuant to sub-rule (1), it shall not be reopened except in special circumstances and by order of the Court.
- (3) Any application of any nature concerning a court file closed pursuant to sub-rule (1) shall be brought by commencing fresh proceedings by originating summons in accordance with Division 11.9.

Division 11—New file for some sentences

25 Circumstances in which new file necessary

- (1) In any case in which an offender is subject to a sentence that necessarily requires review of conditions to which any non-custodial part of the sentence is subject, eg, a suspended sentence that has a condition for regular review of compliance with conditions or a sentence involving restitution or payment of compensation to the victim within a set time, a fresh file shall be opened forthwith after the sentence is passed, using Form 82 as the originating process, and given a file reference CR (RC).
- (2) Any application in a matter referred to in sub-rule (1) may, subject to the directions of the Court, be made orally or by notice of motion.

Order 12

APPEALS AND REVIEWS FROM DISTRICT COURTS

1 Appeal requirements

Appeals against conviction and/or sentence from criminal proceedings in a District Court to the National Court, and any other appeal against any decision of any court or authority in connection with criminal proceedings (including an appeal under s 615(12) of the Code against cancellation of a licence to be at large) shall be made in accordance with Part XI (appeals from decisions of District Courts) of the District Courts Act and Division 18.1 (appeals from District Court and other statutory tribunals) of the National Court Rules.

2 Review requirements

An application for review by the National Court under s 155(3)(a) of the *Constitution* of a conviction and/or sentence in criminal proceedings in a District Court shall be made in accordance with Order 16 (applications for judicial review) of the National Court Rules.

Schedule 1

DRAFTING OF INDICTMENTS

In drafting an indictment or any other charging instrument, any offence(s) under the Code with which the accused is charged, shall as far as possible and unless directed otherwise by a Judge be set out in the manner described in this Schedule. Note that the sections referred to are those in the Code.

Section 7(2): Counselling (or procuring) commission of offence by another person

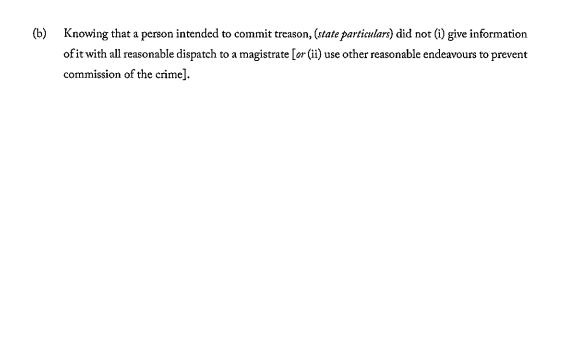
Counselled [or procured] commission of the offence of (describe offence) by (describe the person who actually committed the offence), who, at (place) on the ... day of ... (set out the statement of offence and if more than one, each count to be set out separately).

Section 37: Treason

- (e) Levied war against the Queen and Head of State—
 - (i) with intent to depose Her from the style, honour and royal name (etc as in s 37); or
 - (ii) in order by force [or constraint] to compel Her to change Her measures [or counsels] [or in order to put force (or constraint)] [or to intimidate the Parliament], the accused (give particulars of overt act or acts alleged); or
- (f) Conspired with (name person) to levy war against the Queen and Head of State with intent (etc as in subparagraph (e)(i) and (ii) of the Code); or
- (g) Instigated (name person) a foreigner to make an armed invasion of (name dominion) by (give particulars of overt act or acts alleged); or
- (h) The Queen and Head of State then being at war with (name enemy) assisted this enemy by (give particulars of overt act or acts alleged).

Section 38: Concealment of treason

(a) Became an accessory after the fact to treason, (state treason) in that he/she (state how the accused became an accessory); or



Section 39: Overt manifestation of treasonable intent

Formed an intention to-

- (a) depose the Queen and Head of State from the style, honour and royal name (etc as in the section) and manifested this intention by (give particulars of overt act or acts alleged); or
- (b) levy war against the Queen and Head of State in (name dominion) in order by force [or constraint] to compel Her to (state particulars) and manifested this intention (give particulars of overt act or acts alleged); or
- (c) instigate (name foreigners), being foreigners, to make an armed invasion of (name dominion) and manifested this intention by (give particulars of overt act or acts alleged).

Section 41: Inciting to mutiny

Advisedly attempted to-

- (a) seduce (name person) serving in (Unit particulars) of the Defence Force from his/her duty and allegiance; or
- (b) incite (name person) serving in (Unit particulars) of the Defence Force to commit an act of mutiny [or a traitorous or mutinous act]; or
- (c) incite (name person) serving in (Unit particulars) of the Defence Force to make [or to endeavour to make] a mutinous assembly.

Section 42: Assisting escape of prisoner of war

- (a) Knowingly and advisedly aided (*name person*) then being an alien enemy of the Queen and Head of State, and then a prisoner of war in Papua New Guinea, to escape from the prison [*or* place] where he/she was confined [*or* then being at large on his/her parole to escape from Papua New Guinea]; or
- (b) Being a person who then owed allegiance to the Queen and Head of State knowingly and advisedly aided in the escape of an alien enemy of the Queen and Head of State (name person) who was a prisoner of war in Papua New Guinea who has escaped by sea from any part of Her Majesty's dominions on the high seas within the territorial waters of Papua New Guinea.

Section 47: Taking part in an oath to commit a capital offence

- (a) Administered [or was present at and consented to the administering] to (name person) an oath (or an engagement in the nature of an oath) purporting to bind them to commit the crime of (state) punishable with death; or
- (b) Not being compelled so to do took an oath [or an engagement in the nature of an oath] purporting to bind them to commit the crime of (state) punishable with death; or
- (c) Attempted to induce (name person) to take an oath [or (etc as in paragraph (a))].

Section 48: Administering an oath to commit a non-capital offence

- (a) Administered [or was present at and consented to the administering] to (name person) an oath[or engagement in the nature of an oath] purporting to bind them to—
 - (i) engage in a mutinous [or seditious] enterprise; or
 - (ii) (as in terms of the section giving particulars where necessary)(etc); or

Schedule 1, s 51

- (b) takes any such oath or engagement, not being compelled to do so; or
- (c) attempts to induce any person to take any such oath or engagement.

Section 51: Raising an unauthorised force

- (1) Established [or organised or assisted (name person) to establish (or organise) or equipped or assisted (name person) to equip by (particulars of means) or took part in or associated with] a military force [or paramilitary force (or etc as in the section)] which was not provided for by law.
- (2) Planned [or prepared for or assisted in the planning of (or preparation for)] the raising of a military force [or para-military force (or etc as in the section)] which was not provided for by law.

Section 52: Membership (or promotion) of a quasi-military organisation

- (1) Was a member [or adherent] of (name association) an association of persons which was organised [or trained or equipped]—
 - (a) for the purpose of enabling them to be employed in usurping all [or any or part of the functions of the Police Force] [or Defence Force]; or
 - (b) either-
 - (i) for the purpose of enabling them to be employed for the use [or display] of any physical force in promoting a political object in (give particulars); or
 - (ii) in such a manner to arouse reasonable apprehension that they are so organised [or trained or equipped] to enable them to be (etc as in subparagraph (b)(i)).
- (2) Promoted [or conspired with (name person) to promote or took part in organising (or training or equipping)] (name association) an association organised [or trained or equipped] for the purpose of (as in paragraph (1)(a) or (b)).
- (3) Took part in the control [or management] of (name association) an association of persons organised [or trained (etc as in paragraph (1)(a) or (b))].

Section 53: Taking part in unlawful military training (or drilling)

- (a) Without the prior permission of the Prime Minister trained [or drilled] (name person) to the
 use of arms [or the practice of military (or para-military or police force exercise or
 movements or revolutions)]; or
 - (b) Was present at a meeting [or assembly of persons] (give particulars) held without the prior permission of the Prime Minister, for the purpose of training [or drilling] these persons to (etc as in paragraph (a)).
- (2) At a meeting [or assembly] held without the prior permission of the Prime Minister—
 - (a) trained [or drilled or was trained (or drilled)] to (etc as in paragraph (1)(a)); or
 - (b) was present at such a meeting [or assembly] held for the purpose of training [or drilling or of

being so trained (or drilled)].

Section 54: Sedition

- (a) Conspired with (name person) to carry into execution an enterprise with the objective—
 - (i) to bring the Queen and Head of State into hatred [or contempt]; or
 - (ii) to excite disaffection against the Queen and Head of State [or the National Government or the Constitution as by law established] or (etc as in s 44 of the Code); or

(b) Advisedly published the seditious words [or writing] as follows (set out the seditious words or writing with such innuendoes as may be necessary to show any meaning attributed to it which is not apparent on its face).

Section 55: Defamation of foreign prince

Unlawfully published (give particulars of writing or sign) concerning (name foreign prince or person) the following defamatory matter (set out the material in question with such innuendoes as may be necessary to show that it tends to expose the Prince or person defamed to hatred and contempt in the estimation of the people of the foreign state).

Section 56: Interference with Head of State or Minister

Advisedly did an act (give particulars of act) calculated to interfere with the free exercise by the Head of State (or Governor-General) or (name person), a member of the National Executive Council (or a Minister of the Parliament), with the free exercise of the duties [or authority] of his/her office.

Section 57: Interference with the legislature

Advisedly by force [or fraud] interfered [or attempted to interfere] with the full exercise by the Parliament of its authority or advisedly by force [or fraud] interfered [or attempted to interfere] with the free exercise by (name person), a Member of the Parliament, of his/her duties as a Member [or as a Member of the (name) Committee of the Parliament].

Section 58: Disturbing the legislature

- (a) Advisedly disturbed the Parliament whilst it was in session; or
- (b) Advisedly and in the immediate view and presence of the Parliament whilst it was in session committed disorderly conduct tending to interrupt its proceedings [or to impair the respect due to its authority].

Section 59: Giving false evidence before Parliament

Being examined before the Parliament [or the (name) Committee of the Parliament] knowingly gave a false answer to a lawful and relevant question put to him in the course of the examinations. The particulars of which are as follows: (State question and substance of false answer).

Section 60: Refusing to attend or give evidence before the Parliament

Being duly summoned to attend as a witness [or to produce a book (or document) then in his/her possession] before the Parliament [or a Committee of the Parliament] authorised to summon witnesses [or to call for the production of the book] (or document) refused [or neglected] without lawful excuse—

- (a) to attend in accordance with the summons; or
- (b) [to produce the book (*or document*) that is relevant and proper to be produced in accordance with the summons].

Schedule 1, s 61

Section 61: Member of the Parliament receiving bribe

Being a Member of Parliament asked [or received or obtained or agreed (or attempted) to receive or obtain from] (name person) (give particulars of property or benefit) for themself [or for (name person)] on an understanding that his/her vote [or opinion or judgment or action] in the Parliament [or a Committee of the Parliament]—

- (a) will be influenced by it; or
- (b) [be given in a particular manner or in favour of a particular side of a question or matter].

Section 62: Bribery of Member of the Parliament

- (a) In order to—
 - (i) influence (name person), a Member of the Parliament, in his/her vote [or opinion or judgment or action] on a question or matter arising in the Parliament [or in a Committee of the Parliament]; or
 - (ii) induce (name person), a Member of the Parliament, to absent themself from the Parliament [or from a Committee of the Parliament],
 - gave to [or conferred upon or procured for] or promised (or offered) to give (or confer upon) or to procure for (or attempt to procure for) (or on or for) them [or to (name person)] (give particulars of property or benefit); or
- (b) Attempted by fraudulently representing to (name person), a Member of the Parliament, that (state fraudulent representation) to influence them (etc as in subparagraph (a)(i) or (ii)) or attempted by threats [or intimidation] to influence (name person) a Member of the Parliament (etc as in subparagraph (a)(i) or (ii)).

Section 63A: Inciting unlawful arrest or riot using electronic system or device

Used an electronic system [or device] (state particulars) intentionally and without lawful excuse or justification [or recklessly], to incite a form of unlawful assembly [or riot].

Section 64: Taking part in an unlawful assembly

When assembling [or being assembled] with two or more other persons conducted themselves in such a manner as to cause persons in the neighbourhood to fear on reasonable grounds that (the accused) and the other persons so assembled would tumultuously disturb the peace [or would needlessly and without proper occasion provoke a tumultuous breach of the peace].

Section 65: Taking part in a riot

When assembling [or being assembled] with two or more other persons conducted themselves in such a manner as to cause persons in the neighbourhood to fear on reasonable grounds that (the accused) and the other

persons so assembled would tumultuously disturb the peace [or would needlessly and without proper occasion provoke a tumultuous breach of the peace], and began to act in so tumultuous a manner as to disturb the peace.

Section 66: Rioter remaining after order to disperse

When riotously assembled with more than four other persons and (name person) a commissioned officer of the Police Force went amongst those persons [or went as near to those persons as they could safely go] and gave—

- (a) [or began to give] a command for them to disperse as by law it was their duty to do, and (the accused) wilfully and knowingly and by force opposed [or obstructed or hurt] this officer in the performance of their duty and so prevented the command from being given; or
- (b) [or caused to be given] the following command:
 - "All persons here assembled are by law commanded to disperse and go peacefully about their lawful business, or they will be liable to be imprisoned with hard labour for a maximum of five years",
 - and (the accused) continued together with [more than] four other persons and did not disperse within (state practicable time in the circumstances) after this command was given; or
- (c) [or began to give] a command for them to disperse as by law it was his/her duty to do and was prevented by force from giving this command, and (the accused) being a person [or persons] so assembled and to whom this command would or ought to have been given if it had not been prevented and knowing of such prevention continued together with [more than] four other persons.

Section 67: Rioting and demolishing buildings etc

- (1) Being riotously assembled with [more than] two other persons unlawfully pulled down [or destroyed or began to pull down (or destroy)] (name building or machinery etc in terms of section).
- (2) Being riotously assembled with [more than] two other persons unlawfully damaged (name building or machinery etc in terms of section).

Section 68: Smuggling or rescuing goods under arms

Assembled with [more than] two other persons armed with (name weapons etc) a firearm [or dangerous or offensive weapon] in order to effect [or aid in]—

- (a) the unlawfully shipping [or unshipping or loading or moving away] of goods the importation of which was prohibited [or that are liable to duties of Customs that have not been paid or secured]; or
- (b) the rescuing of or taking goods (as in paragraph (a)) from (name person) lawfully authorised to seize them [or from (name person) employed by [or assisting] (name person) lawfully authorised to seize them] [or from a place where (name person) lawfully authorised to seize the good, had put them]; or
- (c) the rescuing of (name person) who had been lawfully arrested on a charge of a crime relating to Customs; or
- (d) the prevention of the arrest of (name person) guilty of a crime relating to Customs.

Section 69: Smuggling under arms or in disguise

Assembled with [or more than] five other persons having with them (name goods) liable to forfeiture under the laws relating to Customs and then carrying (name weapon, etc) a firearm [or dangerous or offensive weapon] or [and then being disguised].

Section 70: Going armed so as to cause fear

Without lawful occasion went armed in public in such a manner to cause terror to (name person).

Schedule 1, s 71

Section 71: Forcible entry of land

Entered on land that was in actual and peaceful possession of (*name person*) in such a manner as to be likely to cause [reasonable apprehension of] a breach of the peace.

Section 72: Forcible detainer of land

Being without colour of right in actual possession of land and held possession of it against (name person) entitled by law to the possession of this land, in a manner likely to cause [reasonable apprehension of] a breach of the peace.

Section 73: Affray

Took part in a fight in a public highway [or at (name place)] to which the public had access, in such a manner as to alarm the public.

Section 74: Challenging or provoking to fight a duel

- (a) Challenged [or attempted to provoke] (name person) to fight a duel; or
- (b) Attempted to provoke (name person) to challenge (name person) to fight a duel.

Section 75: Fighting or promoting a prize fight

- (a) Fought in a prize fight with (name person); or
- (b) Subscribed to [or promoted] a prize fight between (name persons).

Section 76: Threatening violence with intent

[In the night time] with intent to-

- (a) intimidate [or annoy (name person) threatened to break [or injure] the dwelling house of (name person); or
- (b) alarm (name person) discharged loaded firearms [or (describe breach of the peace)].

Section 77: Assembling for the purpose of smuggling

Assembled with [more than] two persons for the purpose of unshipping [or carrying or concealing] goods subject to duties of Customs and liable to forfeiture under the laws relating to Customs.

Section 78: Assembling for an unlawful procession

- (1) Assembled with [more than] two other persons—
 - (a) bearing [or wearing or having amongst them] (name weapon) a firearm [or offensive weapon];or
 - (b) publicly exhibited a banner [or emblem flag or symbol] the displaying of which was calculated to promote animosity between people of different religious faith; or

(c) being accompanied by music calculated (etc as in paragraph (b)) and being so assembled joined a parade [or procession] for the purpose of—

- (d) celebrating [or commemorating] any festival [or anniversary or political event] relating to [or connected with] religious [or political] distinction [or difference] between any class of people by (give short particulars); or
- (e) demonstrating religious [or political] distinction [or difference] between any class of people by (give short particulars).

If applicable—

- (2) (The accused) was himself/herself then bearing or wearing (give particulars) a firearm [or offensive weapon].
- (3) Assembled with [more than] two other persons (etc as in paragraph (1)(a), (b) or (c)) and (name person) a commissioned officer of the Police Force gave [or caused to be given] the following command: (set out command in terms of section 78(3) of the Code) and (the accused) continued together with [more than] two other persons and did not disperse within (state practical time in the circumstances) after the command was given.

Section 79: Interfering with political liberty

By violence [or by threatening] to (give particulars) (name person) hindered [or interfered with his/her] (give particulars of interference with a political right).

Section 81(1): Committing piracy

Within the territorial jurisdiction of Papua New Guinea, committed piracy in that:

- o he/she on the high seas committed, otherwise than as an act of war and under the authority of some foreign Prince or State, an act with respect to a ship, or any goods or merchandise belonging to a ship or laden on a ship, that, if the act were committed on land, would constitute robbery as defined in s 384 of the Code; or
- o he/she, having on the high seas obtained possession of a ship by means of any such act, retained possession of the ship; or
- o he/she at any place within the jurisdiction of the National Court committed under colour of a commission from a foreign State or Prince, whether or not the State or Prince is at war with the Queen and Head of State [or under pretence of authority from any person] any act of hostility [or any act that if it were committed on land, would be robbery as defined in section 384 of the Code] against another person; or
- o he/she during a war adhered to [or gave aid to] the enemies of Papua New Guinea at any place within the jurisdiction of the National Court; or
- o he/she forcibly entered a ship at any place within the jurisdiction of the National Court, and threw overboard [or destroyed] any part of the goods [or merchandise] belonging to the ship [or laden on it]; or
- o he/she being on board a ship at any place within the jurisdiction of the National Court, turned pirate [or enemy or rebel] and piratically ran away with the ship [or any boat, ordnance, ammunition, or goods

belonging to it or laden on it] [or voluntarily yielded up the ship or anything referred to in s 80(2)(d)(i) of the Code to a pirate]; or brought a seducing message from a pirate [enemy or rebel]; or consulted [or conspired] with, [or attempted to corrupt], any master or officer of a ship, or any seaman, with intent that he should run way with [or yield up] any ship [or goods or merchandise] [or turn pirate or go over to pirates]; or he/she laid violent hands on the master of the ship, with intent to hinder him from fighting in defence of the ship and goods committed to his/her trust; or he/she confined the master of a ship; or he/she made, or endeavoured to make, a revolt in the ship; or

o he/she being on board a ship, knowingly traded with a pirate [or furnished a pirate with ammunition, provisions or stores] [or fitted out a ship or vessel with a design to trade with or supply, or to correspond with, a pirate [or conspired [or corresponded] with a pirate].

Schedule 1, s 81(2)

Section 81(2): Aggravated piracy

Within the territorial jurisdiction of Papua New Guinea, committed piracy with respect to a ship in that he/she (charge one of the alternatives under s 81(1) of the Code) and at [or immediately before or immediately after] the time of committing the crime he/she assaulted a person on board of [or belonging to] the ship, with intent to kill him [or to kill any other person] [or wounded such a person] or [unlawfully did an act (describe the act) by which the life of any such person was endangered].

Section 82: Attempted piracy

Within the territorial jurisdiction of Papua New Guinea, with intent to commit the crime of piracy with respect to a ship:

- o assaulted a person on board [or belonging to] the ship, with intent to kill that person [or to kill any other person]; or
- o wounded a person on board [or belonging to] the ship;
- o unlawfully did an act in that he/she (*describe the act*) by which the life a person on board [*or* belonging to] the ship was endangered.

Section 83: Aiding pirates

- (a) brought to (name person) a seducing message from (name person) who was then a pirate; or
- (b) consulted [or conspired with or attempted to corrupt] (name person) being the master [or an officer or seaman] of the ship (name it) with intent that he should run away with [or yield up] that ship [or goods or merchandise in that ship] [or turn pirate (or go over to pirates)].

Section 84: Disclosure of secrets relating to defence of Papua New Guinea

Being employed in the Public Service, communicated to (name person) otherwise than in the course of his/her official duty a plan [or document or information] relating to a battery [or field work or fortification] at (place in Papua New Guinea) [or relating to the defence of Papua New Guinea].

Section 85: Obtaining disclosure of secrets relating to defences

- (a) Procured (name person) employed in the Public Service to make communication referred to in s 84 of the Code, viz (describe communication); or
- (b) Without lawful authority obtained information as to a matter referred to s 84 of the Code, viz (describe the matter).

Section 86: Disclosure of other official secrets

Being employed in the Public Service published [or communicated] to (name person) a person to whom

he/she was not bound to publish or communicate it-

- (a) (state facts) which came to his/her knowledge by virtue of his/her office; or
- (b) (state document) which came into his/her possession by virtue of his/her office, and which was his/her duty to keep secret.

Section 87: Official corruption

of things done or omitted); or

- (a) Being-
 - (i) employed in the Public Service [or being the holder of the office of (name it); and
 - (ii) charged by virtue of such employment [or office] with the duty of (state duty), corruptly asked [or received or obtained or agreed or attempted to receive or obtain from] (name person and give particulars of property or benefit asked etc) for himself/herself [or for (name person)] on account of them doing [or omitting to do] (particulars of things done etc) in the discharge of the duties of their office [or in consideration that they would in the discharge of their duties (particulars
- (b) corruptly gave [or conferred or procured or promised or offered to give (or confer or procure)] to (name person) then employed in the Public Service [or holding the office of (name it)] (give particulars of property or benefit given etc) on account of them—
 - (i) doing [or omitting to do] (particulars of act done etc) in the discharge of their duties; or
 - (ii) [in consideration that they would in the discharge of his/her duties (particulars of act done or omitted)].

Section 88: Extortion by public officers

Being employed in the Public Service took [or accepted] from (name person) for the performance of their duty as such an officer (give particulars of reward or promise), a reward [or promise of a reward] beyond their proper pay and emoluments.

Section 89: Acquisition by a public officer of a private interest in a public contract

Being employed in the Public Service in (name Department) knowingly acquired [or held] otherwise than as a member of a registered joint stock company consisting of more than twenty persons, a private interest in a contract [or agreement] made on account of the Public Service with respect to (particulars of contract or agreement by his/her Department).

Section 90: Holding by a public officer of a private interest in an official matter

Being employed in the Public Service and charged by virtue of their employment with judicial [or administrative] duties respecting (give particulars of property or trade, etc) acquired [or held] a private interest in such property [or manufacture or trade or business] and while holding this interest discharged their duty with respect to it [or to the conduct of (name person) in relation to it].

Section 91: Public officer making false claim

Being employed in the Public Service as (state position) and so required [or enabled] to furnish returns [or statements] touching on—

- (a) remuneration payable to [or claimed to be payable] to themself [or to (name person)]; or
- (b) (give particulars of matter) required by law to be certified for the purpose of payment of money [or delivery of goods] to (name person),

made a return [or statement] which was to their knowledge false in a material particular in that (state falsity) whereas the truth was (state it).

Schedule 1, s 92

Section 92: Abuse of office

Being employed in the Public Service as (state position)—

- (a) did [or directed to be done] in abuse of the authority of their office (give particulars of act), prejudicial to the lawful rights of (name person); or
- (b) did [or directed to be done] this act for the purposes of gain.

Section 93: Valuator corruption

Being duly appointed under (state law) to be a valuator for determining compensation to be paid to (name person) for land compulsorily taken from them [or injury done to their land] under that law—

- (a) acted as a valuator while they had an interest in this land as they then knew; or
- (b) executed unfaithfully [or dishonestly or with partiality] the duty of making a valuation [or of the injury done to] this land.

Section 94: Giving false certificate by public officers

Being authorised [or required] by law to give a certificate (give particulars in which certificate to be given so as to show that the rights of someone might be prejudicially affected) gave such a certificate which was to their knowledge false in a material particular in that it stated (state falsity) whereas the truth was (state it).

Section 95: Administering extrajudicial oath

Being [a commissioner for oaths or (state capacity)] unlawfully administered an oath to [or took a solemn declaration or solemn affirmation or an affidavit from] (name person) concerning (state matter) with respect to which they had no lawful authority to so do.

Section 96: False assumption of judicial authority

- (a) Not being a magistrate [or justice] assumed to act as a magistrate [or justice] in (give particulars); or
- (b) Without authority assumed to act as a person having authority by law to administer an oath [or to take a solemn declaration or solemn affirmation or an affidavit or to act as (give particulars of public act of an authorised person)]; or
- (c) Represented themself to (name person) to be a person authorised by law to sign a document testifying—
 - (i) to the contents of (particulars of Register or record) kept by lawful authority; or
 - (ii) to (particulars of act or event), when they knew they were not so authorised.

Section 97: Personation of a public officer

At (place and time)—

(a) personated (name person), employed in the Public Service as (state position), when they were required

- by virtue of their employment to (particulars of act) [or attend at particulars of attendance] at that time and place; or
- (b) falsely represented themself to be (name person) employed in the Public Service as (state position) and assumed to do (particulars of act) [or assumed to attend at (particulars of attendance)] as that person.

Section 97A: Corruptly procuring or withdrawing a tender

With the intention to obtain a [contract from] (or) [provide a service to] (name public body) offered a gratification to (name person) to induce that person to refrain from [making a tender] (or) [withdraw a tender] (or) [alter a tender]; or

Solicited (or) [accepted] a gratification as [an inducement] (or) [a reward] for refraining from making a tender (or) [withdrawing] (or) [altering] a tender for a contract from (or) [to provide a service to]...(name public body).

Section 97B: Bribery of a member of the Public Service

[Offered to] a person employed in the Public Service [or being a person employed in the Public Service [solicited] (or) [accepted]] a gratification as an [inducement] (or) [reward]—

- (a) to [vote] (or) [abstain from voting] at a meeting (insert description of meeting) [in favour of] (or) [against] a proposal to (insert details of measure); or
- (b) for [performing] (or) [abstaining from performing] (or) [aiding in processing] (or) [aiding in hindering] an official act, namely (insert description of act); or
- (c) for [aiding in procuring] (or) [aiding in preventing] [the passage of a vote, namely (describe vote)]

 (or) [granting of a contract, namely (describe contract)] in favour of (name person); or
- (d) for [showing favour] (*or*) refrain from showing favour] (*or*) [disfavour] in his/her capacity as a person employed in the Public Service.

Section 97C: Failing to report corrupt gratification

Without reasonable excuse, failed to report to a commissioned police officer, at the earliest opportunity, that they had been corruptly [offered] (or) [given] a gratification, viz (state the nature of the gratification).

Section 97G(1): Corrupt receipt of secret commission

Being the agent of their principal... (name the principal) corruptly [received] (or) [solicited] from... (name person) [for themself] (or) (name the other person) a valuable consideration viz... (state nature of the valuable consideration)—

- (a) as [an inducement] (or) [reward], on account of [doing] (or) [forbearing to do], (or) [having done] (or) [having forborne to do] an act in relation to the [affairs] (or) [business] of the principal, namely... (specify the act done or forborne); or
- (b) the receipt of which valuable consideration would tend to influence him [to show] (or) [to forbear to show] [favour] (or) [disfavour] to... (name of the person) in relation to the affairs (or business) of the principal.

Section 97G(2): Corrupt giving of secret commission

Corruptly gave (or) [offered to give]... (Name of the person given or offered) being the agent of their principal... (Name of the principal) a valuable consideration viz... (State the nature of the consideration)—

- (a) as [an inducement] (or) [reward] [to do an act] (or) [to forbear from doing an act] in relation to the [affairs] (or) [business] of the principal, namely...(set out the nature of the act alleged); or
- (b) the [receipt of such valuable consideration] (or) [expectation of receipt of the valuable consideration] would tend to influence... (the accused) [to show] (or) [to forbear to show] [favour] (or) [disfavour] to... (name of the person with whom the agent would deal in relation to the business of the principal).

Section 971: Fraudulent giving of false receipt

With intent to deceive or defraud the principal, gives to an agent [or being an agent who receives or uses or gives to the principal], a receipt [or invoice, account or document] in respect of which, or in relation to a dealing, transaction or matter in which, the principal is interested and which—

- (a) contains a statement which is false or erroneous or defective in any important particular, or contains an overcharge or is in any way likely to mislead the principal; or
- (b) omits to state explicitly and fully the fact of a commission, percentage, bonus, discount, rebate, repayment, gratuity or deduction having been made, given, or allowed, or agreed to be made, given or allowed.

Section 97J(1): Giving advice subject to secret commission

Gave advice to... (the person receiving the advice) with the intention of influencing... (the person receiving the advice) to—

- (a) [enter into a contract with a third person, namely (give name of third person); (or)
- (b) [appoint] (or) [jointly with another to appoint]; (or)
- (c) [vote for] (or) [aid in obtaining the election] (or) [aid in obtaining the appointment]; (or)
- (d) [authorise] (or) [join with another in authorising the appointment];

of... (the name of the person to be appointed) as [a trustee] (or) [director] (or) [manager] (or) [official] and without the consent of... (the person receiving the advice)... (the accused) received a valuable consideration, namely... (insert the nature of the valuable consideration) from... (insert the name of the person to be appointed).

Section 97J(3): Offering or soliciting secret commission

Knowing that... (the person providing the advice) was to provide advice to... (the person receiving the advice), with the intention of influencing... (the person receiving the advice) to—

- (a) [enter into a contract with a third person, namely (give identity of third person)]; or
- (b) [appoint] (or) [jointly with another to appoint]; (or)
- (c) [vote for] (or) [aid in obtaining the election] (or) [aid in obtaining the appointment of]; (or)
- (d) [authorise] (or) [join with another in authorising the appointment];

of... (the accused) as a trustee (or) [director] (or) [manager] (or) [official] and without the consent of] (or) [without the knowledge of]... (the person receiving the advice)... (the accused) [gave a valuable consideration] (or) [offered a valuable consideration], namely... (insert the nature of the valuable consideration) to... (the name of the person giving the advice) [with the intent that the [gift] (or) [receipt] of the valuable consideration was not to be made know to the person advised].

Section 97K: Offering or receiving a secret commission in relation to a trustee

[Offered] (or) [gave] a valuable consideration viz... (insert description of valuable consideration) to... (insert

the name of the trustee) who was a trustee, without the consent of the persons beneficially entitled to the estate [or of a Judge], as [an inducement] (or) [a reward] for—

- (a) [appointing] (or) [having appointed]; or
- (b) [joining with another] (or) [having joined with another]; (or)
- (c) [authorising] (or) [having authorised] (or) [joining with another in authorising];

a person to be [appointed in his/her stead] (or) [or instead of him] namely... (insert the name of the person appointed or to be appointed) [and... (the name of any other person appointed or to be appointed) as a trustee (or) [as trustees].

OR

Being a trustee received [or solicited] a valuable consideration viz... (insert description of valuable consideration) from... (insert the name of the person giving or from whom the consideration was solicited), without the consent of the persons beneficially entitled to the estate or of a Judge, as [an inducement] (or) [a reward] for—

- (a) [appointing] (or) [having appointed]; or
- (b) [joining with another] (or) [having joined with another]; (or)
- (c) [authorising] (or) [having authorised] (or) [joining with another in authorising].

Section 97L: Taking part in unauthorised act by company officer

Being a [director] (or) [manager] (or) [officer] [of a company, namely... (insert name of the company)] (or) [being an officer] (or) [being a member of the crew] [of a vessel, namely,... (insert name of the vessel)] (or) [being a person acting for another, namely... (insert the name of the other person)]

- (a) [knowingly took part in]; (or)
- (b) [was privy to doing]; (or)
- (c) [attempted to do] without authority...

(insert the particulars of the facts of the actual act contravening the provision of Division III.2A of the Code).

Section 99: Personation of a voter at an election

Voted [or attempted to] vote in the name of (name person) at an election held on (date) at (place) for (give particulars of election, purpose and constituency).

Section 100: Double voting

Being an elector entitled to vote voted [or attempted to vote] at the (give particulars) more often than they were entitled to vote (state number of times).

Section 101: Corruptly providing food, drink or lodging at election

- (1) Before [or during or after] an election held, corruptly provided [or paid (part of) the expense of providing] food [or drink or lodging] to [or for] (name person)—
 - (a) on account of them (or name person) an elector entitled to vote at that election having done [or omitted to do] (state act or omission) at the election; or
 - (b) [or in consideration that (name person) an elector entitled to vote did at the election or omitted

to do (state act or omission) at the election].

(2) Before [or during or after] an election held, being an elector at that election corruptly received food (or drink or lodging) on account of them [or of (name person)] having done (etc).

Section 102: Undue influence

- (a) Used [or threatened to use] force [or restraint] or [did or threatened to do some temporal or spiritual injury] or [caused or threatened to cause detriment] to (name person) an elector at an election held—
 - (i) in order to induce them to vote [or refrain from voting] at that election; or
 - (ii) on account of them voting [or refraining from voting] at that election; or
- (b) Prevented [or obstructed] the free exercise of the franchise by (name person) [or compelled or induced (name person) to vote (or refrain from voting)] at an election held by (give particulars of force or fraud or compulsion used).

Section 103: Bribery in connection with election

- (a) Gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] to [or on or for] (name person and give particulars of property or benefit given)—
 - (i) on account of them [or name person] having (give particulars of thing done or omitted to be done) by him [or name person] an elector [or in consideration that they (or name person) would (give particulars of act or omission)]; or
 - (ii) on account of them [or name person] having acted [or joined or agreed to act or agreed to join] in a procession; or
 - (iii) in order to induce him [or name person] to endeavour to procure the return of (name person) [or the vote of (name person) an elector], at an election held; or
- (b) being an elector asked [or received or obtained or agreed (or attempted) to receive or obtain] (give particulars of property or benefit asked for) for themself [or (name person)] on account of them having (give particulars of act or omission) as an elector at an election held; or
- (c) asked [or received or obtained or agreed (or attempted)] to receive (or obtain) for themself (name person) (give particulars of property or benefit asked for) on account of a promise made by him [or (name person)] to endeavour to procure the return of (name person) [or the vote of (name person)] at an election held; or
- (d) advanced [or paid] the sum of (amount) to [or to the use of] (name person) with intent that it should be applied for the purpose of bribery (give particulars in terms of paragraph (a), (b) or (c)) at an election held; or
- (e) corruptly transferred [or paid] (give particulars of property or money) to (name person) for the purpose of enabling them to be registered as an elector for (constituency) and so influencing their role at a future election; or
- (f) was privy to the transfer or payment of (etc as in paragraph (e)) and this transfer [or payment] was made for the benefit of (the accused); or
- (g) convened [or held] a meeting of electors [or of their committee] in a house licensed for the sale of fermented [or spirituous] liquors when a candidate at an election held.

Section 105: Illegal practices in connection with election

- (a) Being prohibited by law from voting at an election and knowing that he/she was so prohibited to vote, voted at an election held; or
- (b) Procured (name person) knowing he/she was prohibited by law from voting at an election, to vote at an election held; or
- (c) Before [or during] an election held and for the purpose of promoting [or procuring the choice of (name person)] a candidate at this election, knowingly published a false statement that (name person) another candidate had withdrawn from being a candidate at that election; or

- (d) Before [or during] an election held and for the purpose of affecting the return of (name person) a candidate at this election knowingly published a false statement of fact respecting his/her personal character [or conduct] to the effect that he/she (state falsity); or
- (e) Being a candidate at an election held withdrew from being such candidate in consideration of the payment [or of a promise of payment] to them of the sum of (amount); or
- (f) Being a candidate [or the agent of (name person) a candidate] at the election held corruptly procured (name person) who was also a candidate at that election to withdraw from being such candidate in consideration of the payment [or promise of payment] to (name person) of the sum of (amount).

Section 106: Other illegal practices in connection with election

- (a) Knowingly provided money for the purpose of a payment contrary to (state law) [or for the purpose of replacing money which had been expended contrary to (state law)] in relation to an election held; or
- (b) Printed or [published *or* posted] a bill [*or* placard *or* poster] which did not bear on its face the name and address of the printer and publisher of it, in relation to an election held; or
- (c) Hired [or used] for a committee room at an election held—
 - (i) part of a house then used for the sale of fermented [or spirituous] liquors; or
 - (ii) part of premises called the (name club) not being a permanent political club, and where intoxicating liquor was sold [or supplied] to members of the club [or society or association] and such premises did not have a separate entrance and had direct communication with that part of the premises in which intoxicating liquor was sold and was not ordinarily let for the purpose of chambers or offices or for holding public meetings or arbitrations; or
- (d) Let for use as a committee room at an election held part of premises (etc as in subparagraph (c)(ii)) and (the accused) knew that the premises were intended to be used as a committee room.

Section 108: Interference at elections

- (a) Intruded into a polling booth when not being lawfully entitled to do so; or
- (b) Wilfully interrupted [or obstructed or disturbed] (state proceedings) at an election.

Section 109: Wilful violation of secrecy of ballot

- (1) After receiving the ballot paper from (name person) the presiding officer at an election held—
 - (a) wilfully made on it a mark [or writing] not expressly authorised by law; or
 - (b) wilfully failed to fold it in such a manner as to conceal the names of candidates; or
 - (c) wilfully failed to deposit it in the ballot box in the presence of the presiding officer; or
- (2) Took [or attempted to take] a ballot paper out of a polling booth or whilst (name person) an elector, was preparing his/her ballot paper in a compartment provided for the use of electors actually voting

wilfully intruded into the compartment.

Section 110: Placing unlawful ballot paper in ballot box

Placed [or was privy to placing] in a ballot box a ballot paper which had not been lawfully handed to and marked by an elector at an election held.

Schedule 1, s 111

Section 111: Wilful failure to perform duty by a presiding officer

Being a presiding officer at an election held-

- (a) and being called on [or by] (name person) an elector who was blind [or unable to read] to mark his/ her ballot paper against the name of the candidate [or candidates] for whom he desired to vote, wilfully failed to do so in the polling booth and in the presence and sight of persons then lawfully present; or
- (b) whilst (name person) an elector was preparing his/her ballot paper in a compartment provided for the use of electors, wilfully allowed (name person) to be in the compartment.

Section 112: Giving false answers to questions at elections

At an election (give particulars)—

- (a) wilfully made a false answer to a question lawfully put to them by (name person), the presiding officer at the election, and one which they were required by law to answer by, (give particulars of false answer); or
- (b) being lawfully required to make a declaration before voting wilfully made a false declaration by (state falsity) whereas the truth was (state it).

Section 113: Interfering with secrecy at an election

At an election (give particulars) -

- (a) knowingly and wilfully and without the lawful command of a Court or tribunal, unfastened the fold upon a ballot paper within which the number of an elector was written, and which fold had been made in accordance with law; or
- (b) being (*name position*) attempted to ascertain [*or* discover] [*or* aided in ascertaining (*or discovering*)] the candidate for whom the vote of (*name person*), not voting openly, was given; or
- (c) being (name position) and having in the exercise of his/her office obtained knowledge of the candidate for whom the vote of (name person) was given disclosed that knowledge to (name person) otherwise than in answer to a question put in the course of proceedings before a Court or tribunal; or
- (d) being (name position) placed a mark [or writing] not authorised by law on a ballot paper.

Section 114: Breaking seal of parcel at an election

Knowingly and wilfully and without the lawful command of a Court or tribunal opened [or broke the seal of] a sealed parcel which had been duly sealed under the provisions of the laws relating to elections.

Section 115: Offences at elections when voting is by post

At an election held and at which the voting was by post-

- (a) knowing that they were not entitled to vote signed their name as a voter to a voting paper issued by the returning officer; or
- (b) signed the name of (name person) to a voting paper issued by the returning officer; or
- (c) attested the signature of (name person) as a voter to a voting paper issued by the returning officer knowing that (name person) was not entitled to vote by means of that voting paper.

Section 116: Making a false electoral claim

- (a) Made a claim to have his/her name inserted in a list of voters for the (name constituency) and wilfully stated falsely in it (state falsity) whereas the truth was (state it); or
- (b) Made orally [or in writing] to (name Court) with jurisdiction to deal with claims of registration of electors, a wilfully false statement relating to his/her qualification [or the qualification of (name person)] as an elector by stating (state falsity) whereas the truth was (state it).

Section 117: Corruptly bargaining for offices in the Public Service

- (a) Corruptly asked [or received or obtained or agreed (or attempted)] to receive [or obtain] from (name person) (particulars of property or benefit) for himself/herself [or for (name person) on account of him [or (name person)] having (state thing done or omitted) with regard to (particulars of appointment or application as in s 117(a)(i) or (ii) of the Code); or
- (b) 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] (name person) (particulars of property or benefit) on account of him having (state thing done etc as in paragraph (a)).

Section 119: Judicial corruption

- (a) Being the holder of a judicial office (name judicial office) corruptly asked [or received or obtained or agreed or (attempted)] to receive [or obtain] from (name person) property [or benefit] (particulars of property or benefit) for themself [or for (name person)] on account of anything done [or to bedone or omitted to be done] by them, in their judicial capacity; or
- (b) Corruptly gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] (particulars of property or benefit) or [on or for] a person holding judicial office (name person and office) on account of anything done [or to be done or omitted to be done] by them, in their judicial capacity.

Section 120: Corrupt interference with due administration of justice

- (a) Being a justice (name judicial office) not acting judicially [or being a person employed in the Public Service in any capacity not judicial for the prosecution or detention or punishment of offenders] corruptly asked [or received or obtained or agreed or (attempted)] to receive [or obtain] from (name person) (particulars of property or benefit) for themself [or for (name person)] on account of anything done [or omitted to be done, or to be done or omitted to be done, by them, with a view to corrupt [or improper] interference with the due administration of justice [or the procurement or facilitation of the commission of an offence or the protection of an offender or intending offender from detection or punishment]; or
- (b) Corruptly gave [or conferred or procured or promised (or offered) to give (or confer or procure or

attempt to procure)] (particulars of property or benefit) or [on or for] (name person) then being (name office) on account of (name person) in his/her judicial capacity (state thing to be done or omitted in terms of s 120(1)(a) of the Code).

Section 121: Perjury

Knowingly gave false testimony in a judicial proceeding [or for the purpose of instituting any judicial proceeding] concerning a matter that was material to a question then depending in the proceedings [or intended to be raised in the proceedings].

Schedule 1, s 122

(If applicable, in circumstances of aggravation: and that false testimony was given to procure the conviction of another person for a crime punishable with death [or with imprisonment for life].)

Section 122: Fabricating evidence

With intent to mislead a tribunal in a judicial proceeding (set out particulars of tribunal and proceeding)—

- fabricated evidence by means other than perjury or counselling or procuring the commission of perjury (give particulars of fabrication); or
- (b) knowingly made use of evidence which had been fabricated by (give particulars of fabrication).

Section 123: Corruption of witness

- (a) Gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] to [or on or for] (name person) (particulars of property or benefit) on an agreement [or understanding] that (name person) [to be] called as a witness in (give particulars of judicial proceeding) will give false testimony [or withhold true testimony]; or
- (b) Attempted by (particulars of means used) to induce (name person) [to be] called in (etc as in paragraph (a)); or
- (c) Asked [or received or obtained or agreed or (attempted) to receive (or obtain)] from (name person) (particulars of property or benefit) for himself/herself [or (name person)] on an agreement [or understanding] that (name person) will as a witness in (etc as in paragraph (a)).

Section 124: Deceiving a witness

With intent to affect the testimony of (name person) [to be] called as a witness in (give particulars of judicial proceeding)—

- (a) fraudulently [or deceitfully] (give particulars of fraud practised on them); or
- (b) knowingly falsely stated [or exhibited or represented or made a token (or writing)] to them by (give particulars of deception).

Section 125: Destroying evidence

Knowing that (give particulars of book, document or thing) was [or might be] required in evidence in (give particulars of judicial proceeding) wilfully destroyed it [or wilfully made it illegible (or undecipherable or incapable of identification) with intent to prevent it from being used as evidence.

Section 126: Preventing witness from attending court

Wilfully prevented [or attempted to prevent] (name person), duly summoned to attend before (name Court or tribunal)—

(a) from so attending; or

(b) from producing (particulars) under this subpoena [or summons].

Section 127: Conspiring to bring false accusation

Conspired with another person to charge a person [or cause any person to be charged] with an offence, knowing that the person is innocent of the alleged offence [or not believing them to be guilty of the alleged offence].

(If applicable, in circumstances of aggravation: in that a person convicted of such offence is liable to be sentenced to death [or to imprisonment for life]).

Section 128: Conspiring to defeat justice

Conspired with another person (name person) to obstruct [or prevent or pervert or defeat] the course of justice in (give particulars of the judicial proceedings).

Section 129: Compounding or concealing a crime

Asked [or received or obtained or agreed or attempted] to receive [or obtain] from (name person) property [or a benefit] (particulars of property or benefit) for themself [or for (name person)] on an agreement [or understanding] that they would—

- (a) compound [or conceal] the crime of (state) committed by (name person); or
- (b) abstain from [or discontinue or delay] the prosecution of (name person) for the crime of (state); or
- (c) withhold evidence of the crime of (state) committed by (name person).

Section 130: Compounding penal actions

Having brought [or under pretence of bringing] an action against (name person) in (name Court) under the provisions of (state penal law) in order to obtain from them a penalty for an offence then committed [or alleged to have been committed] by them compounded the action without the order or consent of the court in which the action was brought.

Section 131: Advertising reward for return of stolen property

- (a) Publicly offered a reward for the return of (name of stolen property) which had been stolen [or lost] and in the offer stated that—
 - (i) no questions would be asked; or
 - (ii) the person producing it would not be seized or molested; or
- (b) Publicly offered to return to any person who might have brought or advanced money by way of loan upon (name property) which had been stolen [or lost] the money so paid or advanced [or the sum of K... or a reward] for the return of that property; or
- (c) Printed [or published] an offer of a reward (etc as in paragraph (a)) [or an offer to return etc as in paragraph (b)].

Section 132: Magistrate requiring unreasonable bail or exercising jurisdiction in which there is a personal interest

Being a magistrate—

(a) required [or authorised] by law to admit (name person) to bail did without reasonable excuse and

- in abuse of their office require from that person excessive and unreasonable bail; or
- (b) wilfully and perversely exercised jurisdiction in a matter in which they had a personal interest by (give particulars of actions taken).

Schedule 1, s 133

Section 133: Wilful delay in taking arrested person before magistrate

Having arrested (name person) on a charge of (state offence) wilfully delayed taking then before a magistrate to be dealt with according to law.

Section 134: Bringing fictitious action on penal law

Brought an action in (state Court) in the name of (name person) a fictitious plaintiff [or in the name of (name person) without their authority] against (name person) on (state penal law) for the recovery of a penalty for an offence committed [or alleged to have been committed] by them.

Section 135: Inserting advertisement without authority of Court

- (a) Without authority inserted [or caused to be inserted] in the *National Gazette* or (name newspaper) an advertisement purporting to be published under the authority of (name Court or tribunal); or
- (b) Inserted [or caused to be inserted] in the National Gazette or (name newspaper) an advertisement purporting to be published under the authority of (name Court or tribunal) knowing that it was false in a material particular in that (state falsity) and the truth was (state it).

Section 136: Attempting to pervert course of justice

Attempted, by (particulars of act alleged) to obstruct [or prevent or pervert or defeat] the course of justice in (particulars of matter obstructed etc).

Section 137: Forcible rescue of a capital offender

Rescued [or attempted to rescue] by force from lawful custody (name person) an offender under sentence of death [or being a person committed to prison on a charge of a crime (state crime) punishable with death].

Section 138: Aiding prisoner to escape

- (a) Aided (name person) then a prisoner in lawful custody in escaping [or attempting to escape] from such custody; or
- (b) Conveyed a thing [or caused a thing to be conveyed into] (state thing) into a prison with intent to facilitate the escape of (name person) then a prisoner in lawful custody.

Section 139: Escape from lawful custody

Being a prisoner in lawful custody escaped from such custody.

Section 140: Permitting prisoner to escape

Being an officer of a prison [or a police officer] charged with the custody of a prisoner (name person) then in lawful custody wilfully permitted them to escape from such custody.

Section 141: Harbouring escaped prisoner

Harboured [or maintained or employed] a person (name person) who was to their knowledge a prisoner who had escaped from custody and was illegally at large.

Section 142: Rescuing person of unsound mind

- (a) Rescued (name person) a person of unsound mind, during their conveyance to [or confinement in] a hospital [or reception house] for persons of unsound mind [or a house licensed under the laws relating to persons of unsound mind for the reception of patients [or a prison]; or
- (b) Being in charge of (name person) while they were being conveyed to a hospital [or other such place as per paragraph (a)] wilfully permitted them to escape; or
- (c) Being a superintendent of [or being employed in] a hospital [or other such place as perparagraph
 (a)] permitted (name person) confined in it, to escape; or
- (d) Concealed (name person) who had been rescued [or escaped] while being conveyed as a person of unsound mind to [or confirmed as unsound mind in] a hospital [or other such place as per paragraph (a)].

Section 143: Removing property under lawful seizure

Knowingly and with intent to hinder [or defeat] a process [or authority] of a Court (state process or authority and Court) received [or removed or retained or concealed or disposed of] property (particulars of property) which had been attached [or taken] under the process [or authority] of that Court.

Section 144: Obstructing officer of court

Wilfully obstructed [or resisted] (name person) then lawfully charged with the execution of an order [or warrant] of a court (name court).

Section 146: Gilding metal with intent to make counterfeit coin

- (a) Gilded [or silvered] a piece of metal [or material] of a fit size [or figure] to be coined [or coloured a piece of metal (or material) of such size so as to make it look like gold (or silver)] with intent that it should be coined into a counterfeit coin of a (state coin it represents); or
- (b) Made [or began to make] a piece of metal [or material] into a fit size [or figure] to facilitate the coining from it of a counterfeit coin of a (state coin it represents) with intent that this counterfeit coin would be made from it.

Section 147: Unlawfully making coining instrument

Made [or mended or began to make or mend or had in their possession or received or disposed of] a coining instrument without lawful excuse.

Section 148: Making counterfeit coin

Made [or began to make] a counterfeit coin of (state coin it represents) a current coin of (name country).

Section 149: Unlawfully buying or selling counterfeit coin

- (a) Bought [or sold, received, paid or disposed or offered to do so] without lawful excuse counterfeit coin at a lower rate than it imports or is apparently intended to import; or
- (b) Brought [or received] into Papua New Guinea counterfeit coin, without lawful excuse knowing it to be counterfeit.

Schedule 1, s 150

Section 150: Unlawful possession of counterfeit coin

- (a) Possessed a counterfeit coin of a (*state coin it represents*) knowing it to be counterfeit with intent to utter it [or that it be uttered by another person (name person)]; or
- (b) Possessed bullion [or metal, material, substance or article] intending to use it [or knowing that it is intended to be used] in connexion with the making of counterfeit coin (state coin it represents).

Section 151: Uttering counterfeit coin

Uttered a counterfeit coin of a (state coin it represents) knowing that it was counterfeit.

Section 152: Uttering metal etc as coin

With intent to defraud, utters as and for a current coin, coin that was not current coin [or metal or piece of metal or other material] that is of less value than the current coin as and for which it is uttered.

Section 153: Clipping or sweating coins

Dealt with current coin in such a manner as to diminish its weight, with intent that when so dealt with it may pass as current coin.

Section 154: Unlawful possession of metal for dealing with coin

Had in their possession [or disposed of] metal [or other material or substance] without lawful excuse that to their knowledge was obtained by dealing with current coin in such a manner as to diminish its weight.

Section 155: Making, possessing or selling tokens resembling coins

Unlawfully made [or began to make or sold or offered for sale or had in his/her possession for sale] a medal [or metal or cast or token] not being a genuine coin—

- (a) which resembled in size figure and colour (name coin) a current coin; or
- (b) which bore (name device) resembling one on (name coin) a current coin; or
- (c) which could by gilding [or silvering or colouring or (give particulars)] be dealt with to resemble (name coin) a current coin and capable [or would if so dealt with] of being passed for a genuine (name coin) coin.

Section 156: Defacing coins

Defaced (name coin) a current coin by stamping on it (particulars of name or word stamped).

Section 157: Destroying coins

Without the consent of an authorised person destroyed by (state means) (name coin) a current coin [or in the course of carrying on (state trade or business) defaced (name coin) a current coin].

Section 158: Unlawful possession of forged notes

Without lawful excuse purchased [or received] from (name person) [or had in their possession] a forgery of (name note) a current note.

Section 159: Forging or uttering of notes

With intent to defraud forged a (name note) a current note [or with intent to defraud uttered a (name note) a current note, knowing it to be forged.

Section 160: Making false forms of notes

Without the authority of the Central Bank made [or had in their possession] a form of a (name note) note [or an instrument or thing that may be used in the making of a form of a note (give particulars).

Section 161: Fraudulent alteration of notes

With intent to defraud altered the amount of a current note by (give particulars).

Section 162: Unauthorised copying of notes

Without the authority of the Central Bank made [or had in their possession] a copy of a note of (give particulars) [or a writing or engraving or photograph or print] of a current note of (give particulars).

Section 168: Dealing with forfeited goods

Without lawful authority dealt with [or moved or altered or interfered with] (name goods) which had been forfeited to the State pursuant to (give particulars of forfeiture).

Section 169: Stopping mail with intent to search

- (a) Stopped a mail conveyance, with intent to search the mail; or
- (b) Stopped a person (name person) engaged in conveying [or delivering] a mail, with intent to search the mail.

Section 170: Secreting or destroying things sent by post or ICT service

Unlawfully secreted [or destroyed] (name thing or any part of such thing) then in the course of transmission by post [or ICT service].

Section 171: Tampering with things sent by post or ICT service

Being employed by [or under] Post PNG Limited [or an ICT licensee]—

(a) Did with respect to a thing (name thing) sent by post [or ICT service] which was in the course of transmission an act (describe act) that he/she was not authorised to do by virtue of their employment;

or

(b) knowingly permitted another person (name person) to (particulars etc as in paragraph (a)).

Schedule 1, s 172

Section 172: Wilful misdelivery of things sent by post or ICT service

Being charged by virtue of his/her/her employment [or of a contract] (give particulars) with the delivery of (name thing) sent by post [or ICT service], wilfully delivered it to (name person) a person other than (name person) or their authorised agent to whom it was addressed.

Section 173: Delivery of thing by false pretence

By falsely pretending to (name person) employed by or under Post PNG Limited [or ICT licensee], that (particulars of false presence) induced (name person) to deliver to him/her (name thing) sent by post [or ICT service] and which was not addressed to him/her.

Section 174: Wilful secreting of things sent by post

Wilfully secreted [or detained] (name thing) sent by post addressed to (name person) and—

- (a) was found by (the accused); or
- (b) was wrongly delivered to (the accused),

and which ought to have been delivered to (name person) as he/she then well knew.

Section 175: Fraudulent issue of money orders or postal notes

Being employed by [or under] Post PNG Limited [or an ICT licensee] and charged by virtue of such employment with the duty of [or in connection with the duty of] issuing money orders [or postal notes] unlawfully and with intent to defraud issued a money order [or postal note] (give particulars).

Section 176: Sending fraudulent message respecting money orders

Being employed by [or under] Post PNG Limited [or an ICT licensee] and charged by virtue of such employment with the duty of [or in connection with the duty of] issuing money orders sent to (name person) a false [or misleading] letter [or communication sent by means of an ICT service or message] concerning a money order [or money payable to (name person)].

Section 177: Sending dangerous or obscene things by post

Knowingly sent [or knowingly attempted to send] by post (name thing)—

- (a) which enclosed (name thing) which was likely to injure—
 - (i) other things in the course of conveyance; or
 - (ii) any person; or
- (b) which enclosed an indecent [or obscene] print [or painting or photograph or lithograph etc]; or
- (c) which had on it [or in it or on its cover] indecent [or obscene or grossly offensive] words [or marks or designs].

Section 178: Retarding delivery of mail

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Being required by law [or by virtue of his/her employment] (give particulars) to (give particulars in

(a)

terms of section)—

- (i) neglected or refused to do it; or
- (ii) wilfully detained [or delayed or permitted the detention or delay of (name thing)]; or
- (b) Being employed or under Post PNG Limited negligently-
 - (i) lost; or
 - (ii) detained [or delayed or permitted the detention or delay of], (name thing) sent by post [or telegraph].

Section 179: Obstructing mail

Wilfully obstructed [or delayed] the conveyance or delivery of mail (give particulars).

Section 180: Failing to convey mail in speedy manner

Being a driver of a vehicle used for the conveyance of mails [or being a person in charge of mail]—

- (a) loitered on the road; or
- (b) wilfully misspent [or lost] time; or
- (c) was under the influence of intoxicating liquor; or
- (d) did not convey the mail at the speed fixed by the Board of Post PNG Limited for its conveyance.

Section 181: Fraudulently removing stamps

With intent to defraud-

- (a) removed from (name thing) sent by post the stamp affixed on it; or
- (b) removed from a used stamp the mark made on it at a post office; or
- (c) used a postage stamp that had been obliterated [or defaced] by a mark made on it at a post office as he then well knew.

Section 182: Fraudulent evasion of postal laws

- (a) knowingly and fraudulently put into a post office (name thing) in [or on] which [or in or on the cover of which] there was a letter [or newspaper or (name thing) or writing or mark (give particulars)] which was not allowed by (state law) to be placed there; or
- (b) wilfully subscribed on the outside of (name thing) sent by post a statement of contents to be(state falsity) whereas the truth was (state it); or
- (c) knowingly and fraudulently put into a post office (name thing) which purported to be (name thing) exempted [or privileged] by (state law and privilege or exemption).

Section 183: Unlawfully sending or conveying letters

- (a) Contrary to the *Postal Services Act* 1996, sent [or conveyed] a letter for hire [or reward] otherwise than by post; or
- (b) Contrary to the *Postal Services Act* 1996, took charge of a letter for conveyance for hire [or reward].

Section 184: Illegally conducting a postal business

- (a) without lawful excuse-
 - (i) made an envelope [or wrapper or card or form]-
 - (A) being an imitation of one issued by or under the authority of Post PNG Limited [or the postal authority of (name country)]; or
 - (B) on which there appeared (particulars of word, letter or mark) that signified or implied or reasonably induced (name person) who received it to believe that this (name article) was sent on the service of the National Government [or the Public Service of (name country)]; or
 - (ii) made on an envelope [or wrapper or card or form] for the purpose of it being issued [or sent] by post [or give particulars]—
 - (A) a stamp [or mark] (etc as in sub-subparagraph (i)(A)),
 - (B) a (particulars of stamps) [or mark] (etc as in sub-subparagraph (i)(B)); or
 - (iii) issued [or sent by post or etc] an envelope [or wrapper or card or form] marked with (etc as in subparagraph (ii)); or
- (b) without the authority of Post PNG Limited-
 - (i) placed [or maintained or permitted to be placed (or maintained or to remain)] in [or on or near] (name place) under his/her control the words "Post Office" [or (state other words etc) that signified or implied or reasonably induced (name person) that it was a post office]; or
 - (ii) placed [or permitted to be placed (or to remain)] on a vehicle under his/her control the words "Royal Mail" [or (state other words etc)] that signified or implied or reasonably induced (name person) that the vehicle was used for the conveyance of mails]; or
- (c) without the licence of Post PNG Limited-
 - (i) sold [or offered or exposed for sale] a postage stamp (give particulars); or
 - (ii) placed [or permitted to be placed (or to remain)] on [or near] his/her house or premises (give particulars) the words "licensed to sell stamps" [or (state other words etc)] that signified or implied or reasonably induced (name person) that he is duly licensed to sell postage stamps.

Section 185: Destroying letter receiver

- (a) Wilfully destroyed [or damaged]—
 - (i) (give particulars of receptacle) provided by the authority of Post PNG Limited for the reception of (name thing) intended be sent by post; or
 - (ii) (give details of card or notice relating to the postal service [or telegraph service] set up by authority of Post PNG Limited; or
- (b) Obliterated (details of letter or figure) on (etc as in subparagraphs (a)(i) and (ii)).

Section 186: Placing injurious substance in or against letter boxes

Placed fire [or match or (name explosive etc) or fluid or filth (give particulars)] in [or against] (give particulars of receptacle).

Section 187: Obstructing post office

Obstructed the business of (name post or telegraph office) [or (name person) lawfully going to (name post or telegraph office)] by stopping [or loitering] opposite to [or on] those premises.

Section 188: Wilfully obstructing postal or ICT officer in execution of duty

- (a) Wilfully obstructed (name person) employed by [or under] Post PNG Limited [or an ICT licensee] in the execution of the duties of their employment; or
- (b) Being in a post office [or within any premises appertaining to, or used with, a post office or an ICT service] wilfully obstructed the business of the office [or premises].

Section 191: Violation of secrecy of ICT service

Being employed by an ICT licensee published [or communicated] the contents [or substance] of a communication sent by an ICT service to (name person) a person to whom he/she was not authorised to deliver it.

Section 192: Making unauthorised charges for use of telecommunications facility

Being entitled under an agreement with the Minister for Communications and Information to use a facility, demanded [or received] (give particulars of payment or valuable consideration) from (name person) for the use of that facility.

Section 193: Obstructing a postal officer

Wilfully-

- (a) obstructed [or delayed] (name person) duly authorised by the Board of Post PNG Limited to enter a post office (name post office) [or took possession of (give particulars of things) which belongs [or appertains] to Post PNG Limited; or
- (b) interfered with (name person) (etc as in paragraph (a)) and who was in the post office [or on premises where the post office is situated] for a reasonable time for the purpose of taking possession of it.

Section 194: Resisting authority of postal officer

Resisted (*name person*) employed by [*or* under] Post PNG Limited [*or* an ICT licensee] who was engaged in the execution of their duty under the laws relating to posts and telecommunications.

Section 195: False declaration as to execution of sentence of death

Subscribed a certificate [or declaration] as to the execution of sentence of death upon (name person and particulars of execution) which was to his/her knowledge false in a material particular in that it stated (state falsity) and the truth was (state it).

Section 196: Knowingly making false statement under oath

Made a statement concerning a matter on an occasion on which a person making such a statement was required by law to make it on oath [or under some sanction that may by law be substituted for an oath]

[or was required to verify by solemn declaration or affirmation], that was to his/her knowledge false in a material particular, and verified it on oath [or under such other sanction or by solemn declaration or affirmation].

Section 197: Knowingly making a false statement before authorised person

Made a statement [or declaration] on an occasion on which they were permitted [or required] by law to make a statement [or declaration] before a person authorised by law to permit it to be made before them, that was to their knowledge false in a material particular.

Section 198: Shooting at Customs boats or officers

- (a) Shot at a vessel which was then in use by (name person) an officer of Customs engaged in the execution of their duty as such an officer; or
- (b) Shot at [or wounded or caused grievous bodily harm] to (name person) an officer of Customs engaged in the execution of their duty in the prevention of smuggling [or a person (name person) acting in aid of an officer of Customs engaged in the execution of their duty in the prevention of smuggling].

Section 199: Violently resisting officers engaged in prevention of smuggling

Assaulted [or obstructed or resisted] with violence (name person):

- (a) an officer of Customs [or a person duly employed for the prevention of smuggling] engaged in the execution of their duty in the prevention of smuggling; or
- (b) a person acting in aid of an officer of Customs [or a person duly employed for the prevention of smuggling] while being engaged in the execution of their duty in the prevention of smuggling.

Section 200: Assaulting or obstructing Customs officer

- (a) Assaulted [or obstructed]—
 - (i) (name person) an officer of Customs [or a person duly employed for the prevention of smuggling] engaged in—
 - (A) the execution of his/her duty under laws relating to Customs; or
 - (B) the seizure of goods liable to forfeiture under laws relating to Customs; or
 - (ii) (name person) acting in aid of an officer (etc as in subparagraph (i)); or
- (b) Rescued [or attempted to rescue] (name goods) seized as liable to forfeiture under laws relating to Customs; or
- (c) Before [or at or after] the seizure of (name goods) seized as liable to forfeiture under laws relating to Customs staved [or broke or destroyed or attempted to stave etc] these goods with intent to prevent their seizure [or securing].

Section 201: Obstructing or resisting public officers

Obstructed [or resisted]—

(a) (name person) a public officer engaged in the discharge [or attempted discharge] of their duties as

(give particulars) under the (state law); or

(b) (name person) engaged in the discharge [or attempted discharge] of their duty as (give particulars) under the (state law).

Section 202: Unlawful refusal by public officer to perform duty

Being employed in the Public Service [or as an officer of the (specify) court or tribunal] perversely and without lawful excuse omitted [or refused] to do an act that is their duty to do by virtue of their employment (state duty).

Section 203: Neglect of police officers to suppress riot

Being a member of the Police Force and having notice that there was a riot in their neighbourhood without reasonable excuse omitted to do their duty in suppressing it.

Section 204: Neglect to aid in suppressing riot

Having had reasonable notice that they were required to assist (*name person*), a member of the Police Force, in suppressing a riot, without reasonable excuse omitted to assist them.

Section 205: Neglect to aid in arresting offenders

Having had reasonable notice that they were required to assist (name person), a commissioned officer of the Police Force, to arrest (name person) [or in preserving the peace] without reasonable excuse omitted to assist them.

Section 206: Disobedience to lawful order issued by court or authorised person

Without lawful excuse disobeyed a lawful order issued by (name court) [or by (name person) authorised by law to make an order] whereby it was ordered (state particulars of order), in that he/she (set out the manner of the commission or omission of the disobedience).

Section 206D: People smuggling

- (a) Intentionally facilitated the unlawful entry of another person (name the person) into a country (name the country), in order to obtain a benefit (describe the benefit); or
- (b) Facilitated the unlawful entry of another person into any country (*name the country*), in order to obtain a benefit, knowing [*or* being reckless as to the fact that] the person's entry is unlawful; or
- (c) Facilitated the unlawful presence of another person in a country (*name the country*) with the intention [or knowledge or reckless disregard] of enabling people smuggling.

And (add circumstances of aggravation if applicable):

- o the offence was committed in relation to an unaccompanied person; and/or
- o the offender subjected the person to cruel [or inhuman or degrading] treatment [or exploitation] or circumstances that resulted in [or were likely to result in] grievous bodily harm or serious psychological or psychiatric damage, or harm; and/or

death of that person.			
		,	

o the offender subjected the person to circumstances that resulted in [or were likely to result in] the

Schedule 1, s 206E

Section 206E: Falsifying travel and identity documents

For the purpose of committing a crime set out in s 206D of the Code (*specify the crime*) made [or uttered or obtained or gave or sold or possessed] a fraudulent travel [or identity or approval to travel or approval to stay] document.

Section 207: Offering violence to officiating ministers of religion

- (a) By threats [or force]-
 - (i) prevented [or attempted to prevent] (name person), a minister of religion, from lawfully
 officiating in a place of religious worship [or from performing their duty in the lawful burial
 of the dead in a cemetery or burial place]; or
 - (ii) obstructed [or attempted to obstruct] (name person), a minister of religion, while they were lawfully officiating in a place of religious worship [or while they were performing their duty in the lawful burial of the dead in a cemetery or burial place]; or
- (b) Assaulted [or arrested], under the pretence of executing civil process (name person), a minister of religion—
 - (i) who was then engaged [or, to their knowledge, about to engage] in lawfully officiating in a place of religious worship [or in performing their duty in the lawful burial of the dead in a cemetery or burial place]; or
 - (ii) who was to their knowledge, going to lawfully officiate in a place of religious worship] [or going to perform their duty, (as above) or returning from lawfully officiating, (as above) or returning from performing his/her/her duty, (as above)].

Section 208: Disturbing religious worship

Wilfully and without lawful justification or excuse—

- (a) disquieted [or disturbed] a meeting of persons lawfully assembled for religious worship; or
- (b) assaulted (name person), while they were lawfully officiating at [or while assembled at] a meeting of persons lawfully assembled for religious worship.

Section 208C: Human trafficking with intention to exploit

Recruited [or transported or transferred or concealed or harboured or received] (name person/s) by—

- (a) threat; or
- (b) use of force [or other forms of coercion]; or
- (c) abduction; or
- (d) fraud; or
- (e) deception; or
- (f) use of drugs [or intoxicating liquors]; or
- (g) the abuse of office; or

- (h) the abuse of a relationship of trust [or authority or dependency]; or
- (i) the abuse of a position of vulnerability; or
- (j) the giving [or receiving] of payments [or benefits] to achieve the consent of a person having control over another person,

with the intention that that person would be subject to exploitation.

And (*if applicable*) in circumstances of aggravation in that that person was at the time of the offence under 18 years of age [*or* that person was subject to circumstances that resulted in [*or* were likely to result in] the death of that person.

Section 208D: Human trafficking with knowledge of exploitation

Recruited [or transported or transferred or concealed or harboured or received] (name person/s) by—

- (a) threat; or
- (b) use of force [or other forms of coercion]; or
- (c) abduction; or
- (d) fraud; or
- (e) deception; or
- (f) use of drugs [or intoxicating liquors]; or
- (g) the abuse of office; or
- (h) the abuse of a relationship of trust [or authority or dependency]; or
- (i) the abuse of a position of vulnerability; or
- (j) the giving [or receiving] of payments [or benefits] to achieve the consent of a person having control over another person,

knowing, having reasonable grounds to believe [or being reckless as to the fact] that that person will be subject to exploitation.

Section 210: Sexual penetration against the order of nature

- (a) Sexually penetrated [or attempted to sexually penetrate] a person (name person) against the order of nature; or
- (b) Sexually penetrated [or attempted to sexually penetrate] an animal (name animal); or
- (c) Permitted [or attempted to permit] a male person (name person) to sexually penetrate him [or her] against the order of nature.

Section 212: Indecent practice between males

Being a male person:

- (a) committed an act of gross indecency with another male person (name person); or
- (b) procured another male person (name person), to commit an act of gross indecency with him; or
- (c) attempted to procure a male person (*name person*), to commit an act of gross indecency with him [or another male person (*name person*)].

Section 214: Householder permitting defilement of young girls on their premises

Being the owner [or occupier, or then having (or acting in or assisting in) the management (or control)]

of premises at (place), induced [or knowingly permitted] (name person) a girl under the age of twelve [or sixteen] years, to resort to [or to be in (or on)] these premises for the purpose of being unlawfully carnally known by a man.

Schedule 1, s 220

Section 220: Abduction of girl under 18 with intent to have carnal knowledge

Took [or caused to be taken] (name person), an unmarried girl under the age of eighteen years out of the custody [or protection] of (name person), who then had the lawful care [or charge] of her, and against the will of this person, with intent that she might be unlawfully carnally known by a man.

Section 221: Unlawful detention with intent to defile

- (a) Detained a woman [or girl] (name person) against her will in [or on] premises for the purpose of her being unlawfully carnally known by a man; or
- (b) Detained a woman [or girl] (name person) against her will in a brothel.

Section 222: Conspiracy to defile

Conspired with another person (name person) to induce a woman [or girl] (name person), by falsely pretending to her that (state nature of false pretence) [or by fraudulent means (state fraud)], to permit a man (name man) to have unlawful carnal knowledge of her.

Section 223: Incest

Engaged in an act of sexual penetration with (name person) who was their close blood relative, in that they were a [parent or son or daughter or sibling or a grandparent or grandchild or aunt or uncle or niece or nephew or first-cousin], being such a family member from birth and not from marriage or adoption.

Section 225: Attempt to procure miscarriage

- (1) Unlawfully administered poison [or noxious thing], (name it), to (name person) [or unlawfully caused (name person) to take poison [or etc, as above] or unlawfully used force [or means] (describe force or means)] to (name person), with intent thereby then to procure her miscarriage.
- (2) Unlawfully administered to herself poison [or noxious thing] (describe it) [or unlawfully used force [or means] (describe force or means) to herself], with intent thereby to procure her own miscarriage.

Section 226: Supplying drugs or instruments to procure miscarriage

Unlawfully supplied to [or procured for] (name person) (describe thing) which was knowing that it was intended to be unlawfully used to procure the miscarriage of (name person).

Section 227: Indecent acts

- (a) Wilfully and without excuse did an indecent act (*describe act*) in a place to which the public were permitted to have access; or
- (b) Wilfully did an indecent act (*describe act*) with intent to insult [or offend] a person (name person) [or by which a person (name person) was reasonably insulted (or offended)].

Section 228: Selling etc indecent objects etc

Knowingly and without lawful justification or excuse—

(a) publicly sold [or exposed for sale] (describe object) of such a nature as to tend to corrupt public morals; or

- (b) exposed to view in a place to which the public were permitted access (*describe object*) of such a nature as to tend to corrupt public morals; or
- (c) publicly exhibited an indecent show [or performance]; or
- (d) produced [or has in his/her possession] an obscene (state and describe object) for the purposes of [or by way of] trade, etc; or
- (e) imported (etc as in paragraph (d)); or
- (f) carried on [or took part in a business concerned with obscene matters [or things] (describe) [or dealt in, distributed, exhibited publicly or made a business of lending any obscene matter or thing]; or
- (g) advertised [or made known] that (name person) was engaged in (describe) [or how or from whom] obscene matter [or thing] (describe) can be procured.

Section 229A: Child sexual penetration

Engaged in an act of sexual penetration with (name of complainant), a child under the age of 16 years, being aged at that time (state age of child in years), in that:

- o he introduced his penis into the vagina [or anus or mouth] of that child; or
- o he/she introduced an object (describe object) [or a part of his or her body (other than the penis), (describe part of body)] into the vagina [or anus] of that child, other than in the course of a procedure carried out in good faith for medical or hygienic purposes; or
- o that child introduced his penis into the vagina [or anus or mouth] of the accused;
- o that child introduced an object (describe object) [or a part of his or her body (other than the penis), (describe part of body)] into the vagina [or anus] of the accused, other than in the course of a procedure carried out in good faith for medical or hygienic purposes; AND [if appropriate]

IN CIRCUMSTANCES OF AGGRAVATION in that:

at the time of the offence, there was an existing relationship of trust [or authority or dependency] between the accused and that child in that:

- (a) the accused was a parent [or step-parent, adoptive parent or guardian] of the child; or
- (b) the accused had care or custody of the child; or
- (c) the accused was the child's grandparent [or aunt, uncle, sibling or step-sibling or first-cousin]; or
- (d) the accused was a schoolteacher and the child was their pupil; or
- (e) the accused was a religious instructor to the child; or
- (f) the accused was a counsellor or youth worker acting in their professional capacity; or
- (g) the accused was a health care professional and the child was their patient; or
- (h) the accused was a police officer [or prison officer] and the child was in their care and control.

Section 229B: Sexual touching of child

For sexual purposes:



Schedule 1, s 229C

o compelled (name of complainant), a child under the age of 16 years, being aged at that time (state age of child in years) to touch with a part of that child's body (describe part of body) the sexual parts (describe sexual parts, eg, genital area, groin, buttocks, breasts) of the accused's own body; AND [if appropriate]

IN CIRCUMSTANCES OF AGGRAVATION in that: (state as per s 229A of the Code)

Section 229C: Indecent act directed at child

Committed an indecent act directed at (name of complainant), a child under the age of 16 years, being aged at that time (state age of child in years), in that:

o he/she (describe indecent act); AND [if appropriate]

IN CIRCUMSTANCES OF AGGRAVATION in that: (state as per s 229A of the Code)

Section 229D: Persistent sexual abuse of a child

On two or more occasions engaged in conduct amounting to an offence against Division IV.2A (sexual offences against children) of the Criminal Code with (name person), the times and conduct being specified in the Schedule.

Schedule

Dates or period

Nature of Conduct

Section 229E: Abuse of trust by sexual acts with child

Engaged in an act of [sexual penetration] (or) [sexual touching] with (name person) in that (describe act of sexual penetration or sexual touching) a child between the ages of 16 and 18 years with whom (name the accused) had an existing relationship of trust [or authority or dependency], in that (describe relationship).

Section 229K: Obtaining services of child prostitute

- (a) Participated as a client [or was involved with] (name person) a child (being aged ... years) in an act of child prostitution; or
- (b) Invited [or persuaded or induced] (name person) a child, to engage in child prostitution with [themselves or any other person, (name the other person)].

Section 229L: Offering or engaging child for prostitution

Intentionally offered [or engaged a child (name child, being aged ... years), for the purposes of child prostitution.

Section 229M: Facilitating or allowing child prostitution

Being the parent [or guardian or person with care or custody] of (name child, being aged ... years) knowingly allowed [or facilitated] the engagement of that child in an act of child prostitution.

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Section 229N: Receiving a benefit from child prostitution

Knowingly received a [financial [or other] reward (describe reward) [or favour or compensation] from child prostitution.

Section 2290: Permitting premises to be used for child prostitution

Being an owner [or a lessor or manager or tenant or occupier] of property being (describe property)—

- (a) knowingly allowed child prostitution to take place on that property; or
- (b) within a reasonable time of gaining information that an act of child prostitution had taken place on that property, failed to report such occurrence to the police.

Section 229R: Use of child for pornographic purposes

- (a) used [or caused to be used or procured to be used] (name child), a child, for the production of child pornography; or
- (b) causes [or procured] a child to be used for the production of child pornography; or
- (c) having the care or custody of (*name child*), a child, consented to [*or* allowed] the child being used for the production of child pornography.

Section 229S: Producing or distributing child pornography

- (a) Knowingly produced [or distributed or printed or published] child pornography; or
- (b) Knowingly imported [or exported or sold or showed] child pornography; or
- (c) Knowingly possessed child pornography for the purpose of distributing [or publishing or exporting or selling or showing it.

Section 229T: Possession of child pornography

Knowingly possessed child pornography.

Section 230: Committing a common nuisance

Without lawful justification or excuse did [or omitted to do] an act (describe act or omission) with respect to any property under their control, by which act or omission:

- (a) danger is caused to the lives [or safety or health] of the public; or
- (b) danger is caused to the property or comfort of the public [or the public were obstructed in the exercise or enjoyment of any right common to all inhabitants of Papua New Guinea (describe the right) and injury was caused to the person of some person (describe the person).

Section 231: Keeping a place for purposes of prostitution

Kept a house [or room or set of rooms etc] for the purpose of prostitution.

Section 236: Misconduct with regard to corpses

Without lawful justification or excuse-

- (a) having a duty imposed on them by law [or undertaking by them] concerning the burial or other disposition of a human body or human remains, in that they were obliged (describe duty), they neglected to perform that duty; or
- (b) improperly [or indecently] interfered with [or offered an indignity to] a dead human body [or human remains] by (describe act).

Section 237: Giving false information as to health on foreign ships

Being the master [or medical officer] of (name ship) then arrived from overseas—

- (a) neglected [or refused] to give to (name person) an officer employed in the Public Service information which he/she was required by law to give to that officer with respect to (state information); or
- (b) gave information to (name person) an officer employed in the Public Service which he/she was required by law to give that officer with respect to (state information) which was false in that (state falsity) the truth being (state it) as he/she then well knew.

Section 238: Exposing for sale things unfit for food

- (a) Knowingly exposed (*describe*) for sale for the food of man an article (*describe the article*) that they knew to be unfit for the food of man; or
- (b) Had in their possession (*describe*) with intent to sell it for the food of man, an article (*describe the article*) that they knew to be unfit for the food of man.

Section 239: Dealing in diseased meat

- (a) Knowingly took into a slaughter-house used for the slaughter of animals intended for the food of man the whole [or part of] (specify animal carcass) that had died of disease; or
- (b) Knowingly sold [or exposed for sale] the whole [or part of] the carcass of an animal (specify animal carcass) that had died of a disease [or that was diseased when slaughtered], and which was not authorised by the Slaughtering Act 1964.

Section 240: Adulterating liquor

- (a) Put [or mixed] a deleterious [or poisonous] substance (name it), into spirituous [or fermented] liquor, (name liquor) [or mixes any such substance with any such liquor]; or
- (b) Sold [or otherwise disposed of (describe its disposition)] [or kept for sale] spirituous [or fermented] liquor, (name liquor), into [or with] which a deleterious [or poisonous substance] (name it) had been put [or mixed].

Section 241: Dealing with land fraudulently acquired from the State

Bought [or took a lease (describe)] from (name person) of land [or an estate in land] (describe sufficiently to identify it) which had then been acquired by that person by means of a fraudulent evasion of the provisions of (state law) by (briefly describe the fraud), with knowledge that this land had been acquired by such fraudulent evasion.

Section 242: Fraudulent destruction or removal of goods liable to duty

Fraudulently destroyed [or took from their lawful place of deposit or detention (detail place of detention)] goods (give particulars) which were liable to the payment of duty and which were then in this lawful place of deposit [or detention] for the purpose of securing payment of duty.

Section 299: Wilful murder

Wilfully murdered (name of deceased).

Section 299A: Wilful murder on account of accusation of sorcery

Intentionally killed (name of deceased) on account of an accusation that he/she was practising sorcery.

Section 300: Murder

Murdered (name of deceased).

Section 301: Infanticide

Being a woman, by a wilful act [or omission] (state act or omission) caused the death of (name child) who was her child then aged less than 12 months (state) and at this time the balance of her mind was disturbed by reason of not having fully recovered from the effect of giving birth to the child [or by reason of the effect of lactation consequent on the birth of the child].

Section 302: Manslaughter

Unlawfully killed (name of deceased).

Section 304: Attempted murder etc

- (a) Attempted unlawfully to kill (name person); or
- (b) With intent unlawfully to kill (name person) did an act [or omitted to do an act that was their duty then to do], and such act [or omission] was of such a nature as to be likely to endanger human life.

Section 305: Accessory after the fact to murder

Knowing that (name person) had on the (name date and place) wilfully murdered [or murdered] (name person) received [or assisted] them in order to enable them to escape punishment.

Section 306: Threatening to kill

Caused (name person) to receive a writing (give particulars of writing) threatening to kill a person (name person), while knowing the contents of this writing.

Section 307: Conspiring to kill

Conspired with another person (name person) to kill (name person).

Section 308: Inciting unlawful killing

- (a) Incited [or encouraged or urged or counselled or commanded] (name person) to unlawfully kill another person (name person); or
- (b) Did [or omitted to do] an act (state act) for the purpose of facilitating [or enabling or assisting] the unlawful killing of another person (name person).

Section 309: Failure to report killing or intended killing

Knowing that a person (name person)—

- (a) intended to kill [or expressed an intention to kill] another person (name person) and had taken active steps (state steps taken by accused) to put this intention into effect; or
- (b) had incited etc [or omitted to do etc] (state particulars in terms of s 308); or
- (c) had killed a person (name person),

failed to take reasonable steps to report the matter to a magistrate [or a member of the Police Force or some other person in authority] (state relevant authority) as soon as practicable.

Section 310: Aiding suicide

- (a) Procured a person (name person) to kill themselves; or
- (b) Counselled another person (name person) to kill themselves and induced them to do so; or
- (c) Aided another person (name person) in killing themself.

Section 311: Attempting to commit suicide

Attempted to kill themself.

Section 312: Killing unborn child

Unlawfully prevented a child from being born alive, when a woman (name woman, which might be the accused or another person) was about to be delivered of that child.

Section 313: Concealing the birth of a child

Endeavoured, by secret disposition of the dead body of a child of which a woman (*name the woman*) had then lately been delivered, to conceal the birth of that child.

Section 313A: Genocide

(a) Committed genocide in that he/she, with intent to destroy in whole [or in part] a national [or ethnical or racial or religious] group, viz (describe group) group, killed members of that group [or caused serious bodily or mental harm to members of that group or deliberately inflicted on that group conditions of life calculated to bring about its destruction in whole or in part or imposed measures intended to prevent births within that group or forcibly transferred children of that group

to another group]

(b) Conspired to commit genocide in that he/she with (name person) conspired to kill (etc as in paragraph (a)); or

- (c) Incited another person (name person) to commit genocide in that he/she incited that person to kill (etc as in paragraph (a)); or
- (d) Attempted to commit genocide in that he/she attempted to kill (etc as in paragraph (a)); or
- (e) Took part in the commission of genocide in that he/she took part in killing (etc as in paragraph

 (a)) by doing or omitting to do the following acts: (describe how the accused took part in genocide).

Section 314: Disabling or stupefying in order to commit indictable offence

- (1) By means calculated to choke [or suffocate or strangle] by (give particulars) with intent to—
 - (a) facilitate the commission of the indictable offence of (state offence); or
 - (b) facilitate the flight of (name person) after the commission [or attempted commission] by him of the indictable offence of (state offence),
 - made [or attempted to make] (name person) incapable of resistance.
- (2) Administered [or attempted to administer] (name drug) to (name person) with intent to (as in paragraph (1)(a) or (b)).

Section 315: Unlawfully doing grievous bodily harm with intent

With intent to maim [or disfigure or disable] a person (name person) [or to do some grievous bodily harm to any person to resist or prevent the lawful arrest or detention of any person] unlawfully wounded [or did grievous bodily harm] to a person (name person) [or unlawfully attempted to strike a person with a projectile or unlawfully caused an explosive substance to explode or sent or delivered an explosive substance or other dangerous or noxious thing to a person or caused an explosive substance or dangerous or noxious thing to be taken or received by a person or put a corrosive fluid or destructive or explosive substance in any place or unlawfully cast or threw a corrosive fluid or explosive substance at or on a person or applied a corrosive fluid or explosive substance to the person of a person].

Section 316: Taking or sending dangerous goods on aircraft

- (a) Carried [or placed] dangerous goods (give particulars) on board an aircraft (give particulars); or
- (b) Delivered dangerous goods (give particulars) to (name person) for the purpose of placing these goods on board an aircraft (give particulars); or
- (c) Had dangerous goods (give particulars) in their possession on board an aircraft (give particulars).

Section 317: Endangering safety of persons travelling by aircraft

With intent to injure [or to endanger the safety of] (name or describe person(s)) whilst on board an aircraft—

(a) dealt with the aircraft [or (state thing) on or near the aircraft] [or a thing (state thing) connected with guidance or operation of the aircraft] in that he/she (state the act or omission), in such a manner as to affect [or endanger or be likely to affect or endanger] the free and safe use of the aircraft [or the safety of this person]; or

(b) omitted to carry out their duty (state duty) and caused the safety of that/those person(s) to be endangered.

Section 318: Preventing escape from wreck

(a) Unlawfully prevented [or obstructed] a person, (name person), then on board [or then escaping from] a vessel in distress [or a wrecked vessel or a vessel cast ashore] in their endeavours to save their life; or

(b) Unlawfully obstructed (*name person*) in their endeavours to save the life of another person, (*name person*), then on board [*or* then escaping from a vessel in distress *or* a wrecked vessel *or* a vessel cast ashore].

Section 319: Grievous bodily harm

Unlawfully did grievous bodily harm to (name person).

Section 320: Attempting to injure by explosive substances

Unlawfully put an explosive substance (*describe it*) in place (*name place*) with intent then to do bodily harm to another/other person(s) (*name person(s)*).

Section 321: Maliciously administering poison with intent to harm

Unlawfully and with intent to injure [or annoy] a person (name person) caused poison [or a noxious thing] (give particulars) to be administered to [or taken by] them and by doing so—

- (a) endangered their life; or
- (b) caused them grievous bodily harm.

Section 322: Unlawful wounding

- (a) Unlawfully wounded (name person); or
- (b) Unlawfully and with intent to injure [or annoy] (name person) caused poison [or a noxious thing] (give particulars), to be administered [or taken] by them.

Section 323: Failure to supply necessaries of life

Being charged with the duty of providing the necessaries of life for a person (name person), without lawful excuse failed to do so and their life was [or was likely to be] endangered [or their health was or was likely to be permanently injured].

Section 324: Endangering life or health of apprentices or servants

As a master, being charged with the duty of providing necessary food [or clothing or lodging] for (name person) a servant [or an apprentice] under the age of 16 years—

- (a) unlawfully failed to provide such food [or clothing or lodging]; or
- (b) did bodily harm to them [or caused bodily harm to be done to them] and whose life was [or was likely to be] endangered [or whose health was or was likely to be permanently injured].

Section 325: Endangering life of children by exposure

Unlawfully abandoned or exposed (name person), a child under the age of two years, so that the life of that child was [or was likely to be] endangered [or the health of that child was likely to be permanently injured].

Section 326: Setting man-trap

Set [or placed] [or caused to be so or placed] a spring-gun [or man-trap or other contrivance] calculated

to destroy human life [or to inflict grievous bodily harm] in any place with the intent that it may kill [or inflict grievous bodily harm] on a trespasser [or other person coming in contact with it] [or in such a manner that it is likely to cause death or grievous bodily harm etc]

Section 327: Negligent act causing harm to another person

Unlawfully did [or omitted] to do any act that it was their duty to do (state act or omission), by which act [or omission] bodily harm was actually caused to (name person).

Section 328: Dangerous driving causing grievous bodily harm or death

Drove a motor vehicle on a road [or in a public place] (give particulars) dangerously [and (if applicable) thereby caused the death of [or grievous bodily harm to] a person, (name person).

Section 331: Sending or taking unseaworthy ship to sea

- (a) Sent [or attempted to send] the ship (name it) to sea in such an unseaworthy state that the lives of persons on board that ship were likely to be endangered; or
- (b) Being the master of the ship (name it), knowingly took [or attempted to take] the ship to sea in such an unseaworthy state that the lives of the persons on board that ship were likely to be endangered.

Section 332: Endangering a ship by tampering with machinery

- (1) Then having actual control over the steam vessel (name it) [or over part of the machinery of the steam vessel (name it)] did an act [or omitted to do or was privy to an act or omission] (state act or omission) by which to their knowledge the safety of persons on board that vessel was endangered [or likely to be endangered].
- (2) Being the engineer [or one of the engineers] in charge of the machinery on the steam vessel (name it) when (name person) did an act [or omitted to do or was privy to an act or omission] (state act or omission) by which to their knowledge the safety of persons on board that vessel was endangered [or likely to be endangered].

Section 333: Evading laws as to equipment of ships

- (a) Then having actual control over the vessel (name it), which had (name article) placed on board with their knowledge [or consent], in order to obtain permission [or authority] for the vessel to leave (name port), removed [or allowed the removal of] this article from ship after such permission [or authority] had been so obtained; or
- (b) Knowingly sent by a vessel (name it) [or knowingly carried in the vessel (name it)] an explosive substance (name it) [or an acid or a thing of a dangerous or destructive nature] (name it), under a false description [with a false description of the sender].

Section 334: Failure to perform duty to land explosives

- (a) Being charged by law with the duty of (state duty in relation to landing etc of explosives, etc) and being then about to land or deliver from the vessel (name it) explosives [or an acid or other thing of a dangerous nature] (name it) failed to perform that duty; or
- (b) Being concerned in the landing of explosives [or an acid or other thing of a dangerous nature] (name it) from the vessel (name it) violated the provisions of (state law) in that (state violation).

Section 335: Common assault

Unlawfully assaulted (name person).

Section 336: Assault with intent to commit unnatural offence

Assaulted a person (name person), with intent to have carnal knowledge of them against the order of nature.

Section 337: Indecent assault on male

Unlawfully and indecently assaulted a male person (name person).

Section 338: Assault on persons protecting wreck

Unlawfully assaulted (*name person*) and used actual violence to a person (*name person*) then acting in the execution of their duty in [*or* concerning] the preservation of a vessel in distress [*or* a vessel *or* goods wrecked *or* stranded *or* cast on shore *or* lying under water].

Section 339: Assault of member of aircraft crew

Whilst on board an aircraft-

- (a) assaulted (name person), a member of the crew of the aircraft; or
- (b) threatened (*name person*) a member of the crew of the aircraft with violence [*or* injury or detriment to be caused to them *or* to (*name person*)],

with intent to-

- (c) affect the performance of their functions [or duties] as a member of the crew in the operation of the aircraft; or
- (d) lessen their ability to perform their functions [or duties] as a member of the crew in the operation of the aircraft.

Section 340: Assault occasioning bodily harm

Unlawfully assaulted (name person) and by doing so caused them bodily harm.

Section 341: Serious assault

- (a) Assaulted (name person), with intent to-
 - (i) Commit a crime (state the crime intended); or
 - (ii) resist [or to prevent] the lawful arrest [or detention] of themselves or of (name person); or
- (b) Assaulted [or resisted or wilfully obstructed] (name person)—
 - (i) in the execution of their duty as a police officer in (state duty being performed); or
 - (ii) then acting in aid of (name person) a police officer, while acting in execution of his/herduty;or
- (c) Unlawfully assaulted [or resisted or obstructed] (name person), while they were engaged in the lawful

execution of process of a court ($name\ Court$) against property [$or\ in\ making\ a\ lawful\ distress$]; or

- (d) Assaulted [or resisted or obstructed] (name person), while they were engaged in the lawful execution of process of a court (name Court) against property [or engaged in making a lawful distress], with intent then to rescue property lawfully taken under such process [or distress]; or
- (e) Assaulted (name person) on account of them having in the execution of their duty as a (state position) done (state particulars of act); or
- (f) Assaulted (name person), in pursuance of an unlawful conspiracy respecting (state conspiracy in terms of the section).

Section 346: Assaults in interference with freedom of trade or work

Assaulted a person (name person) with intent to hinder [or prevent] them from-

- (a) working at [or exercising] their lawful trade [or business or occupation]; or
- (b) buying [or selling or otherwise dealing with] property (describe property) intended for sale.

Section 347: Rape

Sexually penetrated (name person) without their consent by (state act of sexual penetration in terms of definition in s 6 of the Code) [if applicable, in circumstances of aggravation, viz (describe the circumstances of aggravation in terms of s 349A of the Code)].

Section 347C: Aggravated rape

Sexually penetrated the vagina [or anus or other body part] of another person (name person) with a body part [or object or implement] (describe it), without consent,

- (a) whilst armed with a dangerous weapon [or offensive weapon or instrument]; or
- (b) in company with one or more other persons; or
- (c) and caused grievous bodily harm to a person before [or after or in the course of] the offence; or
- (d) and the victim was a child under the age of 10 years, viz (state age).

Section 348: Attempted rape

Attempted to commit rape upon (name person) by attempting, by (describe acts) to sexually penetrate the complainant without their consent.

Section 349: Sexual assault

Touched with their body, the sexual parts (describe part of body touched) of a person (name person) [or compelled a person (name complainant) to touch the sexual parts of their own body] (describe part of body touched), without the consent of that person [in circumstances of aggravation, viz (describe the circumstances of aggravation in terms of s 349A of the Code)].

Section 349B: Procuring a sexual offence

Hired [or induced or conspired with another person (name the other person) to commit an offence under Division V.7 of the Criminal Code, viz (insert the facts of an offence under Division V.7).

Section 350: Abduction of woman

- (a) Took away [or detained] a woman (name woman), against her will with intent to marry [or carnally know] her [or to cause her to be married or carnally be known by] (name person); or
- (b) Took away [or enticed away or detained] a woman under the age of 21 years (name woman), out of the custody [or protection] of her father [or mother or other person having the lawful care or charge of her] and against the will of the father [or mother or other person] from motives of gain and with an intent to marry [or carnally know] her [or to cause her to be married or carnally be known by] (name person) when that woman had an interest in property [or was a presumptive heiress or co-heiress or the presumptive next of kin or one of the presumptive next of kin to any person who has such an interest].

Section 351: Abduction of girl under 16

Unlawfully took an unmarried girl under the age of 16 years out of the custody [or protection] of her father [or mother or other person having the lawful care or charge of her] and against the will of her father [or mother or other person].

Section 353: Kidnapping

Forcibly took [or detained) another person (name person) with intent to compel that person to work for them against their will.

Section 354: Kidnapping for ransom

- (a) Took [or enticed away or detained] a person (name person) by a demand containing threats of injury [or detriment] to them by the accused [or some other person (name person)] if the demand was not compiled with, and with intent to extort [or gain] (give particulars) from (name person) or procure (give particulars of act to be done or omitted) by (name person); or
- (b) Received [or harboured] a person (name person) against whom a demand containing threats of injury [or detriment] to them had been made (the accused), knowing that they had been taken [or enticed, etc] away and with intent to extort [or gain] (give particulars) from (name person) or procure (give particulars of act to be done or omitted) by (name person); or
- (c) Attempted to commit the crime of kidnapping by attempting to take etc (state as in paragraph (a)) [or receive etc (state as in paragraph (b)].

Section 355: Unlawful deprivation of liberty

- (a) Unlawfully confined [or detained] a person (name person) in (give particulars) against their will; or
- (b) Unlawfully deprived (name person) of their personal liberty by (give particulars).

Section 356: Giving a false certificate as to liberty of a person

- (a) Being required by law to give a certificate concerning a matter by which the liberty of a person (name person) may be affected gave such a certificate that was to their knowledge false in a material particular in that they certified that (state falsity) whereas the truth was (state it).
- (b) Gave a certificate concerning a matter by which the liberty of a person (name person) may be affected (give particulars) of (name person) and represented themself to be a person authorised by law to give such a certificate, when they were not so authorised.

Section 357: Concealment of matters affecting liberty

- (a) Being (state lawful position of person) and being in that capacity required by law to keep a record concerning (give particulars) of (name person) then confined in (give particulars)—
 - (i) refused [or neglected] to keep such record; or
 - (ii) made in such record an entry which was false on a material particular in that (the accused) entered (state falsity) whereas the truth was (state it) as they then well knew; or
- (b) being (state lawful position of person) and being in that capacity required by law to give information to (name person and position) concerning (give particulars) of (name person) then confined in (give particulars) [or to show (name person and position) (give particulars) concerning (name person) then confined in (give particulars)]—
 - (i) refused [or neglected] to give such information [or to show etc]; or
 - (ii) gave to (name person and position) information concerning (give particulars) of (name person) which was false in a material particular in that he/she informed (name person) that (state falsity) whereas the truth was (state it), as they then well knew.

Section 358: Unlawful custody of person of unsound mind

Detained [or assumed the custody] of a person of unsound mind (name person) contrary to the provisions of laws relating to such a person (state law), in that he/she detained the person (state how and when and where the law was breached).

Section 359: Threatening to injure another person

Threatened to injure [or cause detriment to] a person (name person) with intent to—

- (a) prevent [or hinder] that person from doing an act that they were lawfully entitled to do (give particulars of act); or
- (b) compel that person to do an act that they are lawfully entitled to abstain from doing (give particulars of act).

Section 360: Bigamy

Being then married to (name person) went through a form [or ceremony] of marriage with another person (name person); or

Went through a form [or ceremony] of marriage with a person (name person) who was married, knowing [or having reasonable grounds to believe] that that person was already married.

Section 361: Child-stealing

(a) forcibly [or fraudulently] took [or entitled] away [or detained] (name person) a child under the age of 14 years with intent to deprive (name person) the parent [or guardian or who then had the lawful

- care (or charge) of the child] of the possession of the child [or with intent to steal articles on or about the person of the child]; or
- (b) received [or harboured] (name person) a child under the age of 14 years (etc as in paragraph (a)) then knowing that the child had been forcibly [or fraudulently] taken [or entitled] away [or detained] with this intent.

Section 362: Child desertion

Being a parent of a child under the age of 14 years (name child) and being able to maintain that child, wilfully and without lawful or reasonable cause deserted the child and left the child without means of support.

Section 362B: Unlawful publication of defamatory matter

Unlawfully published defamatory matter concerning another person (name person), in that they published by means of (describe the method of publication), statements that were defamatory of that person in that (describe how the statements were defamatory in terms of the definition in s 362A of the Code);

(If applicable) in circumstances of aggravation in that the accused published that defamatory material with knowledge that it was published; or

Published [or threatened to publish or offered to prevent the publication of] defamatory material concerning another person, (name person), with intent to extort from that person [or any other person, (name person) [or to induce a person to give or confer or procure, or to attempt to procure, to, upon or for a person] property [or a benefit] (describe property or benefit).

Section 372: Stealing

- (1) Stole (give particulars) the property of (name person).
 - (1A) Stole money exceeding K1 million the property of (name person).
 - (1B) Stole money exceeding K10 million the property of (name person).
- (2) Stole (name testamentary instrument) purporting to be the (name testamentary instrument) of (name person).
- (3) Stole (*give particulars*) the property of Post PNG Limited which was then in the course of transmission by post.
- (4) Stole an aircraft (give particulars) the property of (name person or owner).
- (5) Stole (etc as in sub-rule(1))—
 - (a) from his/her person; or
 - (b) either-
 - (i) of or value in excess of [K10] from his/her dwelling house [or from the dwelling house of (name person)]; or
 - (ii) in a dwelling house, and (*the accused*) then and there used [*or* threatened to use] violence to (*name person*) then being in that dwelling house; or
 - (c) from (give particulars) a vessel [or a vehicle or place of deposit] then used for the conveyance [or custody] of goods in transit from one place to another; or
 - (d) from a vessel then in distress [or wrecked or stranded]; or

- (e) and in order to steal it opened a locked room [or box or receptacle] (give particulars) by means of a key or (give particulars)].
- (6) Being then employed in the Public Service, stole (give particulars)—
 - (a) the property of the State; or
 - (b) which had come into his/her possession by virtue of his/her employment.
- (7) Being a clerk [or servant] of (name person) stole (give particulars)—
 - (a) his/her property; or
 - (b) which had come into his/her possession on account of him.

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- (8) Being a director [or officer] of (name corporation), stole (give particulars) the property of that corporation.
- (9) Stole (as in sub-rule(1)) (and if appropriate)—
 - (a) which had then been received by them with a power of attorney for its disposition; or
 - (b) which money had then been received by them with a direction that it should be applied to (give particulars) [or paid to (name person)]; or
 - (c) being the proceeds [or part of the proceeds] of a valuable security which had been received by them with a direction that such proceeds should be applied to (etc as in paragraph (b)); or
 - (d) being the proceeds [or part of the proceeds] from the disposition of property which had been received by them by virtue of a power of attorney authorising him to make such disposition and which power of attorney had been received by them with a direction that these proceeds be so (etc as in paragraph (b)).
- (10) Stole K1,000.00 [or (give particulars) of the value of K1,000.00], the property of (name person).
- (11) Stole the property of (*name person*) which had been let to him to be used by them with a house [*or* lodging] and which was of the value of K100.00.
- (12) If applicable—
 - (a) they had previously, on the (give details of time, place and Court) been convicted of (set out previous conviction as in an indictment); or
 - (b) they had previously, on the (give details of time, place and Court) been summarily convicted of (set out two previous convictions as in information).

Section 373: Fraudulent concealment of a register

Concealed [or took from its lawful place of deposit] with intent to defraud—

- (a) a register then authorised [or required] by law to be kept—
 - (i) authenticating [or recording] the title to real property [or personal property]; or
 - (ii) for recording births [or baptisms or marriages or deaths or burials]; or
- (b) a copy of part of a Register then (etc as in (a)) which copy was required by law to be sent to a public officer (name public officer).

Section 374: Fraudulent concealment of a will

Concealed a testamentary instrument (describe testamentary instrument) with intent to defraud.

Section 375: Fraudulent concealment of a land title

Concealed, with intent to defraud the whole [or part] of a document which was evidence of the title of (name person) to land at (place)

Section 376: Killing an animal with intent to steal

Killed a (name animal) with intent to steal [part of] the skin [or carcass] of it.

Section 377: Severing property with intent to steal

Made movable a (give particulars of thing) the property of (name person) with intent to steal it.

Section 378: Using a registered brand with criminal intent

Branded [or marked] (name animal) with the registered brand [or mark] of (name owner of brand) with

intent then to facilitate the commission of a crime.

Section 379: Fraudulently dealing with minerals in mines

Took [or concealed or sold] ore [or metal] (give particulars of ore/metal) in [or about] a mine, the property

of (name owner) with intent to defraud a person (name person).

Section 380: Bringing stolen goods into Papua New Guinea

Having at (name, place and country) obtained (name property) by such means that if obtained in Papua

New Guinea by the same means they would have been guilty of stealing it, brought it into [or had it in

their possession in] Papua New Guinea, and the obtaining of it by these means was an offence under the

laws in force in that country.

Section 381: Fraudulent disposition of mortgaged goods

Being the mortgagor of goods (name goods) which were then mortgaged to (name mortgagee), removed [or

disposed of] those goods with intent to defraud, without the consent of the mortgagee.

Section 382: Fraudulent abstraction of power

Fraudulently abstracted [or diverted] to their own use [or to the use of (name person)] mechanical [or

illuminating or electrical] power from a machine [or apparatus or substance] the property of another

person (name owner).

Section 383: Unlawful use of motor vehicle

Unlawfully used a motor vehicle [or aircraft] (give particulars) the property of (name person) without their

consent [or without the consent of (name person) in lawful possession of it].

Section 383A: Misappropriation

Dishonestly applied to their own use [or to the use of (name person)] property (particulars of property)

belonging to (name person) [or property (particulars of property) in their possession or control] subject to

a trust [or direction or on account of (name person)];

[if applicable] AND:

o they were a director of a company and the property dishonestly applied was company property; or

o they were an employee and the property dishonestly applied was the property of their employer.

Section 386: Robbery

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Committed robbery in that they stole from (name the complainant, and describe the thing stolen) and at [or immediately before or immediately after] the time of stealing it, used [or threatened to use] actual violence to any person [or property] in order to obtain the thing stolen [or to prevent or overcome resistance to its being stolen]

[if applicable] in circumstances of aggravation in that they:

- o were armed with a dangerous [or offensive] weapon [or instrument]; or
- o were in company with one [or more] other person[s]; or
- o at [or immediately before or immediately after] the time of the robbery, wounded [or used other personal violence to] a person (describe the person and how they were wounded or personally violated).

Section 387: Attempted robbery accompanied by wounding, or in company

- (1) Assaulted (name person) with intent to steal and used [or threatened to use] actual violence in order to—
 - (a) obtain the thing which they intended to steal; or
 - (b) prevent [or overcome] resistance to this intended stealing.
- (2) As in sub-rule(1), and at that time—
 - (a) was armed with (name weapon) a dangerous [or offensive] weapon [or instrument]; or
 - (b) was in company with another person [or other persons].
- (3) As in sub-rule (1) and at that time was armed with (name loaded arms) and wounded (name person) by discharging this loaded arm.

Section 388: Assault with intent to steal

Assaulted (name person) with intent to steal.

Section 389: Demanding property with menaces with intent to steal

Demanded (name thing) from (name person) with intent to steal it and threatened them that (state threat, injury or detriment) would be caused to them if the demand was not complied with.

Section 390: Demanding property by threats

- (a) Caused, with intent to extort [or gain] something (give particulars), and knowing the contents of the writing, a person (name person) to receive a writing demanding from them [or some other person (name person)] something (give particulars) without reasonable or probable cause, and which threatened that injury [or detriment] (state injury or detriment) would be caused to (name person) if the demand was not complied with; or
- (b) Orally demanded, with intent to extort [or gain] something (give particulars), without reasonable or probable cause, something (give particulars) from [or demanded that something be procured to be done [or omitted to be done] by, any person] with threats to be caused to a person (name person), by the accused [or any other person], if the demand was not complied with.

Section 390A: Making unlawful compensation demand

Demanded some thing [or payment or compensation] (give particulars) with intent to extort [or gain] it from a person (name person), and in order to obtain compliance with the demand:

o caused [or threatened to cause] injury to a person (name person) [or damage to property (describe property)]; or

- o did [or threatened to do] an act (describe act) which rendered [or is likely to render] any public road [or bridge or navigable river or navigable channel] impassable [or less safe for travelling or conveying property]; or
- o unlawfully threatened [or intimidated] a person.

Section 391: Attempts at extortion by threats

With intent to extort [or gain] some thing (describe thing) from a person (name person):

- (a) accused [or threatened to accuse] (name person) of—
 - (i) committing (name and give particulars of offence) an indictable offence; or
 - (ii) offering [or making] a solicitation [or threat] to (name person) as an inducement to them to commit [or permit the commission of] (name offence and give particulars) an indictable offence, with intent then to extort [or gain] (give particulars) from them [or from (name person)]; or
- (b) threatened (name person) that they will be accused by (name person) of an indictable offence (name offence and give particulars) [or of an act etc (as in paragraph (a)(ii)); or
- (c) caused (name person) to receive a writing containing an accusation against them [or (name person)]

 [or containing a threat that they [or (name person)] would be accused] of (etc as in paragraph (a))
 and then knowing the contents of this writing.

If applicable: in circumstances of aggravation, in that the accusation [or threat of accusation] was of—

- (A) an offence for which the punishment of death or imprisonment for life may be inflicted; or
- (B) an offence against any provision of Division IV.2 [or an attempt to commit any such offence]; or
- (C) an assault with intent to have carnal knowledge of a person against the order of nature; or
- (D) an unlawful and indecent assault on a male person; or
- (E) an attempt to commit the crime of rape [or an assault with intent to commit the crime of rape]; or
- (F) an unlawful and indecent assault on a woman [or girl]; or
- (G) a solicitation [or threat] offered [or made] to any person as an inducement to commit [or permit the commission of] the offence of (give particulars).

Section 392: Procuring execution of deeds etc, by threats

With intent to defraud and by means of-

- (a) unlawful violence to [or restraint of] the person of (name person); or
- (b) a threat of violence [or restraint to be used] to the person of (name person); or
- (c) accusing [or threatening to accuse] (name person) of (give particulars), compelled [or induced] them [or (name person)]—
- (d) to execute [or make or accept or endorse etc] (part of) a (give particulars), a valuable security; or
- (e) to write [or impress or affix] (particulars of name or seal) on to a paper [or parchment] so that it might afterwards be made [or converted] into [or used or dealt with] as (give particulars), a valuable security.

Section 393: Taking unlawful control of aircraft

Unlawfully took [or exercised] control of an aircraft (give particulars);

If applicable: in circumstances of aggravation, in that immediately before [or after] that, they:

- o used [or threatened to use] actual violence to the person of (name person) [or property (particulars)] in order to take [or exercise] such control or to prevent [or overcome] resistance to such control being taken [or exercised]; or
- o were armed with (particulars of weapon) a dangerous [or offensive] weapon [or instrument]; or
- o were in company with (name person) [or others]; or
- o fraudulently represented [or tricked or by a device, etc] (particulars of fraud, etc) to take [or exercise] such control.

Section 395: Burglary

- (a) Broke and entered the dwelling house of (name person) with intent to commit a crime therein; or
- (b) Having:
 - (i) entered the dwelling house of (name person) with intent to commit a crime therein, broke out of it; or
 - (ii) committed the crime of (state it) in the dwelling house of (name person), then broke out of it;or
- (c) Broke and entered the dwelling house of (name person) and committed the crime of (state it) in it. (If applicable: in circumstances of aggravation in that the offence was committed in the night.)

Section 396: Unlawful breaking and entering of a dwelling house

Unlawfully broke and entered the dwelling house of (name person).

Section 397: Entering dwelling-house with intent to commit crime

Entered [or was in] the dwelling house of (name person) with intent to commit a crime. (If applicable: in circumstances of aggravation in that the offence was committed in the night.)

Section 398: Breaking into or out of a building and committing a crime

- (a) Broke and entered-
 - (i) a schoolhouse [or shop, warehouse, counting-house, office, store, vehicle, garage, hangar, pavilion, factory, workshop, tent, caravan, petrol-station, ship, aircraft, vessel or club] (give particulars); or
 - (ii) a building that is adjacent to a dwelling-house and occupied with it, but is not part of it (give particulars),

and committed a crime in it; or

- (b) Having committed a crime in-
 - (i) a schoolhouse [or shop, warehouse, counting-house, office, store, vehicle, garage, hangar, pavilion, factory, workshop, tent, caravan, petrol-station, ship, aircraft, vessel or club] (give particulars); or

(ii) a building that is adjacent to a dwelling-house and occupied with it, but is not part of it (give particulars),

broke out of it.