



Queensland

Criminal Practice Amendment Rule (No. 1) 2013

Explanatory Notes for SL 2013 No. 97

made under the

Supreme Court of Queensland Act 1991

General outline

Short title

Criminal Practice Amendment Rule (No. 1) 2013

Authorising law

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

Policy objectives and the reasons for them

Under the *Supreme Court of Queensland Act 1991*, the rules of court for the Supreme, District and Magistrates Courts are made by the Governor in Council, with the consent of the Rules Committee (a committee of magistrates and judges established by the Chief Justice of Queensland under the Act). These court rules include the *Criminal Practice Rules 1999* which provide for rules relating to criminal procedure for these courts.

The objective of the amendment Rule is to amend the *Criminal Practice Rules 1999* to allow for the operation of trans-Tasman proceedings arrangements.

The *Trans-Tasman Proceedings Act 2010* (Cth) (the Trans-Tasman Act) and the *Trans-Tasman Proceedings (Transitional and Consequential Provisions) Act 2010* (Cth) were both assented to on 13 April 2010 but their substantive provisions are yet to commence. The Trans-Tasman Act implements the *Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement* which was signed on 24 July 2008.

The scheme streamlines the process for resolving civil proceedings with a trans-Tasman element in order to reduce costs and improve efficiency and minimises existing impediments to enforcing certain New Zealand judgments and regulatory sanctions.

The *Trans-Tasman Proceedings Regulation 2012* (Cth) (the Trans-Tasman Regulation) supports the powers provided for in the Trans-Tasman Act.

The Trans-Tasman Act applies to Australian Federal, State and Territory courts, and also to some tribunals for limited matters.

Queensland's Supreme, District and Magistrates Courts are variously prescribed under the Trans-Tasman Regulation for the stated purposes, including as a court which may issue subpoenas to be served on a person in New Zealand with leave of the court; and as a court which may allow the giving of evidence, the examination of a person giving evidence or the making of submissions relating to the giving of evidence from New Zealand by remote appearance.

The amendment Rule amends the *Criminal Practice Rules 1999* to accommodate these matters.

Achievement of policy objectives

The policy objectives of the amendment Rule are achieved by making the necessary amendments to the *Criminal Practice Rules 1999* to allow for the operation of trans-Tasman proceedings arrangements under the Trans-Tasman Act and Trans-Tasman Regulation.

Consistency with policy objectives of authorising law

The amendment Rule is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Costs of implementation will be met within the existing agency resources.

Consistency with fundamental legislative principles

The amendment Rule does not conflict with the fundamental legislative principles.

Consultation

The Rules Committee has consented to the proposed amendments.

The Office of Best Practice Regulation has been consulted and advises that a Regulatory Impact Statement is not required.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.