

Criminal Practice (Interpreters) and Other Rules Amendment Rule 2024

Explanatory notes for SL 2024 No. 56

Made under the

Supreme Court of Queensland Act 1991

General Outline

Short Title

Criminal Practice (Interpreters) and Other Rules Amendment Rule 2024

Authorising law

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

Policy objectives and the reasons for them

Under section 85 of the *Supreme Court of Queensland Act 1991* (the Act), the Governor in Council, with the consent of the Rules Committee (a committee of magistrates and judges established by the Chief Justice of Queensland), may make rules of court for the Supreme, District and Magistrates Courts, including practice and procedure rules for Queensland courts or their registries. The rules of court relating to the criminal jurisdiction and proceedings are contained in the *Criminal Practice Rules 1999* (CPR). The rules of court for civil matters are contained in the *Uniform Civil Procedure Rules 1999* (UCPR). The CPR and the UCPR provide for uniform court procedures across the court hierarchy.

The *Criminal Practice (Interpreters) and Other Rules Amendment Rule 2024* (the Amendment Rule) amends the CPR and the UCPR to deal with the use of interpreters. Interpreters play an essential role in the administration of justice in our linguistically diverse society. The amendments implement the *Recommended Standards for Working with Interpreters in Courts and Tribunals* (Standards) developed by the Judicial Council on Cultural Diversity and endorsed by the Council of Chief Justices. The purpose of the Standards, which include Model Rules, is to establish recommended and optimal practices for Australian courts and tribunals. The Model Rules recognise and affirm the important role of interpreters by confirming their status as officers of the court, owing their paramount duty to the court.

Achievement of policy objectives

The Amendment Rule inserts a new chapter 11, part 2 (Interpreters) in the CPR and a new chapter 11, part 12 (Interpreters) in the UCPR which include provisions about when an interpreter is required, who may act as an interpreter and the functions of an interpreter.

The Amendment Rule also inserts a new schedule 5A (Code of conduct for interpreters) in the CPR and a new schedule 1D (Code of conduct for interpreters) in the UCPR which prescribe the duties of interpreters including the duty to the court, the duty to comply with directions, the duty of accuracy, the duty of impartiality, the duty of competence and the duty of confidentiality.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the policy objectives of the authorising law. Under section 85 of the Act broad powers are conferred on the courts through rules and regulations governing court practice and procedure.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Amendment Rule amends the CPR and the UCPR to improve and clarify the practice and procedure in Queensland courts in relation to interpreters. There are no costs associated with the implementation of the Amendment Rule.

Consistency with fundamental legislative principles

The Amendment Rule is consistent with the fundamental legislative principles.

Consultation

The Rules Committee was consulted during the drafting of the Amendment Rule.