

# Criminal Practice (Decriminalising Sex Work) Amendment Rule 2024

Explanatory notes for SL 2024 No. 215

Made under the

*Supreme Court of Queensland Act 1991*

## General Outline

Criminal Practice (Decriminalising Sex Work) Amendment Rule 2024

### Authorising law

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

### Policy objectives and the reasons for them

On 2 August 2024, the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* (Amendment Act) commenced. The Amendment Act established a framework to decriminalise the sex work industry via amendments to the Criminal Code to repeal Chapter 22A (Prostitution) offences; create three new offences; and amend the existing offence in section 218 of procuring sexual acts by coercion.

In order to support the decriminalisation framework established by the Amendment Act, amendments are required to the *Criminal Practice Rules 1999* (the CP Rules).

The CP Rules is subordinate legislation made under the SCQ Act. Section 85 of the *Supreme Court of Queensland Act 1991* (SCQ Act) provides that the Governor in Council may make rules of court under the SCQ Act, including in relation to forms for proceedings. Pursuant to sections 85(2) and 87, rules may only be made by the Governor in Council with the consent and approval of the Rules Committee. The Rules Committee is a committee of magistrates and judges established by the Chief Justice of Queensland under section 89 of the SCQ Act.

Rule 15 provides that the statement of an offence in an indictment, complaint or other document may be in words of either the schedule form for the offence or if there is no schedule form for the offence, the statement of the offence comes from the provision of Criminal Code or other Act creating the offence. Schedule 3 of the CP Rules prescribes the general format and wording for the statement of offences from the Criminal Code. Amendments are proposed to Schedule 3 (*Forms for indictments, informations and complaints—statement of offences under the Code*) of the CP Rules to:

- omit forms relating to Criminal Code Chapter 22A offences;
- insert forms relating to new Criminal Code offences; and
- amend form 121 relating to Criminal Code section 218.

These amendments are required to facilitate the administration of courts and criminal proceedings by ensuring that the formal parts of indictments and the forms for indictments, information and complaints accurately reflect the new offences.

## **Achievement of policy objectives**

The *Criminal Practice (Decriminalising Sex Work) Amendment Rule 2024* (the Amendment Rule) achieves the policy objectives by omitting, amending and creating new forms in Schedule 3 of the CP Rules to reflect the amendments contained in the Amendment Act.

## **Consistency with policy objectives of authorising law**

The Amendment Rule is consistent with the policy objectives of the authorising law.

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

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

## **Benefits and costs of implementation**

The Amendment Rule will ensure that the CP Rules accurately reflect the amendments contained in the Amendment Act.

There are no costs associated with the implementation of the Amendment Rule.

## **Consistency with fundamental legislative principles**

The Amendment Rule is consistent with fundamental legislative principles.

## **Consultation**

The Office of the Director of Public Prosecutions was consulted and supports the Amendment Rule.

The Rules Committee approved the Amendment Rule.

A summary Impact Analysis Statement has been completed which identifies that the Amendment Rule is not subject to Regulatory Impact Assessment requirements under the Queensland Government Better Regulation Policy. This is because it is a regulatory proposal that relates to general criminal laws and the administration of courts.