

Justices (Computer Warrants) Amendment Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Yvette D'Ath MP, Minister for Justice and Attorney General and Leader of the House, provide this human rights certificate with respect to the *Justices (Computer Warrants) Amendment Regulation 2020* (the Amendment Regulation) made under the *Justices Act 1886*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Justices Act 1886* contains provisions for computer warrants which authorise procedures for creating, storing and otherwise managing warrants electronically with the objective of reducing the handling of warrants in the form of written documents. Under these provisions, a warrant may be created in the form of computer stored information under procedures prescribed by a regulation or approved under a regulation.

A new procedure has been developed for approval by the chief executive, Department of Justice and Attorney-General to enable new electronic processes for the issuing and transfer of warrants between Queensland Courts and the Queensland Police Service. In light of these new processes, which will commence on 27 October 2020, the procedures currently approved under the *Justices Regulation 2014* are also being amended.

The procedures published by the department administering the *State Penalties Enforcement Act 1999* for computer stored information which are currently approved under the *Justices Regulation 2014* are being removed as they are no longer relevant for the creation and management of warrants. Further, reference to the procedures published by the department administering the *Police Powers and Responsibilities Act 2000* are being updated to reflect the most recent version of the procedures.

Amendments will also expand the types of warrants that may be created, stored and otherwise managed electronically to include warrants issued under the *Criminal Practice Rules 1999*, the *Youth Justice Act 1992* and the *Domestic and Family Violence Protection Act 2012*.

Human Rights Issues

The amendments in the Amendment Regulation do not engage or limit human rights.

Conclusion

I consider that the Amendment Regulation is compatible with the HR Act because it does not raise a human rights issue.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
Leader of the House

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