

Evidence (Domestic Violence Proceedings) Amendment Regulation 2022

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* (the HR Act), I, Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence provide this human rights certificate with respect to the Evidence (Domestic Violence Proceedings) Amendment Regulation 2022 (the Regulation) made under the *Evidence Act 1977* (Evidence Act).

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the Regulation is to set the scope of a pilot enabling video recorded statements taken by trained police officers to be used as an adult victim's evidence-in-chief in domestic and family violence (DFV) related criminal proceedings (VRE pilot) by prescribing the types of criminal proceedings and the courts and places of hearings to which the pilot will apply.

Section 103C of the Evidence Act limits the application of the provisions relating to the VRE pilot to a 'domestic violence proceeding', which is defined as a criminal proceeding that:

- relates to a charge for a domestic violence offence, whether or not the proceeding also relates to other offences;
- is the type of criminal proceeding prescribed by regulation; and
- is held at a court and place prescribed by regulation.

The Regulation prescribes:

- the types of proceedings for the VRE pilot as summary proceedings under the *Justices Act 1886* and committal proceedings; and
- the places for proceedings for the VRE pilot as the Ipswich Magistrates Court and the Southport Magistrates Court (pilot locations).

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

I have considered each of the rights protected by part 2 of the HR Act. In my opinion, the Regulation does not engage or limit human rights.

Conclusion

I consider that the Regulation is compatible with the HR Act because it does not limit human rights.

SHANNON FENTIMAN MP
Attorney-General and Minister for Justice
Minister for Women
Minister for the Prevention of Domestic and Family Violence

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