

Criminal Practice Amendment Rule (No. 2) 2023

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, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Criminal Practice Amendment Rule (No. 2) 2023* (the Amendment Rule) made under the *Supreme Court of Queensland Act 1991*.

In my opinion, the Amendment Rule, 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 rules of practice and procedure relating to the courts' criminal jurisdiction are contained in the *Criminal Practice Rules 1999* (the CP Rules). Chapter 2 of the CP Rules prescribes the general format for an indictment, information (the form of a private prosecution) or a complaint.

Rule 14(1) to (3) of the CP Rules provide that an indictment to be presented in the Supreme Court or District Court or an information to be presented in the Supreme Court must be in the corresponding form in Schedule 2.

Rule 14(4) of the CP Rules provides that an indictment or information must contain a statement of the offence under rule 15. Pursuant to rule 15, the statement of an offence in an indictment, complaint or other document may be in words of:

- (a) the schedule form for the offence, with the changes necessary to make the words consistent with the particular circumstances of the alleged offence; or
- (b) if there is no schedule form for the offence, the Criminal Code or other Act creating the offence.

The schedule forms for indictments, informations and complaints in Schedule 3 of the CP Rules prescribe the wording for statement of offences from the Criminal Code.

To support implementation of the *Strengthening Community Safety Act 2023*, the Amendment Rule amends a form in Schedule 3 of the CP Rules to reflect the amendments to the offence under section 408A (Unlawful use or possession of motor vehicles, aircraft or vessels) of the Criminal Code.

Additionally, the Amendment Rule also seeks to update references to the sovereign in Forms 1 to 3 of Schedule 2 of the CP Rules.

Human Rights Issues

The Amendment Rule will ensure that the prescribed wording for an indictment, information or complaint in the Schedule 3 forms of the CP Rules accurately reflect the amendments to the offence under section 408A (Unlawful use or possession of motor vehicles, aircraft or vessels) of the Criminal Code.

The Amendment Rule will also ensure that the current sovereign is reflected in the formal parts of indictments and informations.

On this basis, it is my opinion that this subordinate legislation does not raise human rights issues because it does not engage or limit any human rights protected under the HR Act.

Conclusion

I consider that the Amendment Rule 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 and
Minister for the Prevention of Domestic and Family Violence

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