

Recording of Evidence Amendment Regulation (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* (the HR Act), I, Yvette D'Ath MP, 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 *Recording of Evidence Amendment Regulation (No. 2) 2023* (the Amendment Regulation) made under the *Recording of Evidence Act 1962*.

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 *Recording of Evidence Act 1962* (the RE Act) requires the recording of all relevant matters given in legal proceedings heard in a Queensland court or tribunal.

The *Health and Other Legislation Amendment Act 2023* amended the Recording of Evidence Act to establish a statutory framework for recording the proceedings of prescribed tribunals and providing access to copies of records and transcriptions of the proceedings that is more appropriately suited to the operational requirements of smaller tribunals.

Section 6 of the Recording of Evidence Act provides that the new statutory framework established by the section applies to a legal proceeding before a tribunal prescribed by regulation. Section 6 also provides that the judicial person prescribed by regulation must ensure arrangements are in place for providing copies of records or transcriptions to judicial persons at no cost and to other persons in accordance with fee prescribed by regulation.

The Amendment Regulation prescribes the Mental Health Review Tribunal as a tribunal for the new statutory framework and the President of the Mental Health Review Tribunal as a judicial person for the new framework. The Amendment Regulation also provides that no fees apply to the provision of copies of records and transcriptions of proceedings before the Mental Health Review Tribunal.

Human Rights Issues

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

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

Conclusion

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

YVETTE D'ATH MP
Attorney-General and Minister for Justice and
Minister for the Prevention of Domestic and Family Violence

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