

Criminal Practice Amendment Rule 2024

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, the Honourable 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 *Criminal Practice Amendment Rule 2024* (the Amendment Rule) made under the *Supreme Court of Queensland Act 1991* (SCQ Act).

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 criminal jurisdiction of courts are contained in the *Criminal Practice Rules 1999* (the CP Rules). Chapter 2 of the CP Rules prescribes the general format for an indictment, an information or a complaint.

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 the 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 statements of offences from the Criminal Code.

To support implementation of amendments to section 408E (Computer hacking and misuse) of the Criminal Code and related amendments contained in the *Information Privacy and Other Legislation Amendment Act 2023* (IPOLA Act) and better reflect the existing circumstances of aggravation for this offence, the Amendment Rule amends the relevant form for the offence in schedule 3 of the CP Rules.

The Amendment Rule amends Form 242A in schedule 3 of the CP Rules to:

- remove the references to 'Computer hacking and misuse' and replace them with 'Misuse of restricted computer'; and
- more correctly reflect the existing circumstances of aggravation under the section 408E offence by including a reference to 'detriment' and changing the current reference to '\$5,000 or more' to 'more than \$5,000'.

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 reflects the amended heading for the offence in section 408E of the Criminal Code and the existing circumstances of aggravation for this offence.

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 any human rights issues.

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

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