

# Criminal Practice Amendment Rule (No. 2) 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 (No. 2) 2024* (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 court’s criminal jurisdiction are contained in the *Criminal Practice Rules 1999* (the Rules). Chapter 2 of the Rules prescribes the general format for an indictment, information (private prosecution), or complaint.

Rule 14(4) of the Rules provides that an indictment or information must contain a statement of the offence under Rule 15. Rule 15 provides that the statement of an offence in an indictment, complaint or other document may be in words of the schedule form for the offence, with the changes necessary to make the words consistent with the particular circumstances of the alleged offence, or if there is no schedule form for the offence, the Criminal Code or other Act creating the offence. The schedule forms for offences are set out in schedule 3 of the Rules.

In line with amendments to the Criminal Code arising from the *Health and Other Legislation Amendment Act 2024* (the Act), the Amendment Rule amends the form 165 in schedule 3 of the Rules to reflect the amended wording of the offence under section 319A of the Criminal Code. The Amendment Rule replaces the words ‘on a woman’ with ‘on another person’ in form 165.

### Human Rights Issues

The Amendment Rule does not engage or limit 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