

# Criminal Law Regulation 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*, I, Yvette D’Ath MP, Attorney-General and Minister for Justice, Minister for the Prevention of Domestic and Family Violence provide this human rights certificate with respect to the *Criminal Law Regulation 2024* made under the *Criminal Law Amendment Act 1945*.

In my opinion, the *Criminal Law Regulation 2024* 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 primary objective of the *Criminal Law Amendment Act 1945* (the Act) is to provide for the treatment and punishment of offenders convicted of sexual offences by allowing for the indefinite detention and conditional release of those sex offenders declared incapable of exercising proper control over their sexual instincts.

Section 18(12) and 18(14) of the Act provide for the prescription by regulation of an institution in which such declared offenders are detained. The *Criminal Law Regulation 2014* (the 2014 Regulation) currently prescribes an institution for the purposes of the definition in section 18(14) of the Act. The institution prescribed is ‘The Park – Centre for Mental Health’.

The 2014 regulation will automatically expire on 1 September 2024 pursuant to section 54(1) of the *Statutory Instruments Act 1992*. The 2014 Regulation requires remaking to ensure the ongoing support for the existing indefinite detention framework in the Act.

Currently there is one person being detained pursuant to section 18 of the CLA Act.

The *Criminal Law Regulation 2024* (the Regulation) remakes the 2014 Regulation, retaining the Park – Centre for Mental Health as an institution for the purpose of section 18(14).

### Human Rights Issues

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

There are no human rights relevant to the Regulation.

#### Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

There are no limitations on human rights resulting from the Regulation.

## Conclusion

I consider that the *Criminal Law Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

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

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