

# Criminal Practice (Queensland Community Safety) 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 (Queensland Community Safety) Amendment Rule 2024* (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 court's criminal jurisdiction are contained in the *Criminal Practice Rules 1999* (the Rules). The Rules provide that an indictment or information (private prosecution) must contain a statement of the offence, which 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 *Queensland Community Safety Act 2024* (QCS Act), the Amendment Rule amends Schedule 3 of the Rules to:

- create forms for the new offences under section 328C (Damaging emergency vehicle when operating motor vehicle) and 328D (Endangering police officer when driving motor vehicle) of the Criminal Code;
- amend existing forms to reflect the introduction of circumstances of aggravation for:
  - sections 69, 328A, 335, 339, and 419 of the Criminal Code where the offender publishes material on social media or a social network advertising the offence or the act or omission constituting the offence;
  - section 328A(4) of the Criminal Code where the offender evades a police officer before or while committing the offence; and
  - sections 408A, 427, and 469 of the Criminal Code where the offending behaviour relates to an emergency vehicle and the offender knows or ought reasonably to know the vehicle is an emergency vehicle.

## 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

© The State of Queensland 2024