

Criminal Practice Amendment Rule 2020

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, the Honourable Yvette D’Ath MP, Attorney-General and Minister for Justice and Leader of the House, provide this human rights certificate with respect to the *Criminal Practice Amendment Rule 2020* (the Amendment Rule) made under the *Supreme Court of Queensland Act 1991* (the Supreme Court Act).

In my opinion, the Amendment Rule, 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

Under section 85 of the Supreme Court Act, the Governor in Council may make rules of court for the practices and procedures of the Supreme, District and Magistrates Courts or their registries or another matter mentioned in schedule 1 with the consent of the Rules Committee (a committee of magistrates and judges established by the Chief Justice of Queensland under section 89 of the Act). The rules of practice and procedure relating to the court’s criminal jurisdiction are contained in the *Criminal Practice Rules 1999* (CPR).

Chapter 2 of the CPR prescribes the general format for an indictment, information (the form of a private prosecution) or a complaint. The schedule forms in schedules 3 and 4 of the CPR prescribe the wording for statement of offences relevant to offences in the Criminal Code and the *Drugs Misuse Act 1986*, respectively.

The Amendment Rule updates the schedule forms in schedules 3 and 4 of the CPR to reflect changes made to the offences in the Criminal Code and the *Drugs Misuse Act 1986*. It also introduces a new schedule 4A and makes related consequential amendments to reflect new offences in the *Peace and Good Behaviour Act 1982*.

Human Rights Issues

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

The Amendment Rule will ensure that the prescribed wording for an indictment, information or complaint in the schedule forms in the CPR more accurately reflects changes made to relevant laws. On this basis, it is my opinion that this subordinate legislation does not engage or limit any human rights protected under the *Human Rights Act 2019*.

Conclusion

I consider that the Amendment Rule is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
Leader of the House

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