



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

Mr PS Russo MP—Chair
Mrs LJ Gerber MP
Mr SSJ Andrew MP (teleconference)
Ms JM Bush MP
Mr JE Hunt MP (videoconference)
Mr JM Krause MP

Staff present:

Mrs K O'Sullivan—Committee Secretary
Mr R Pelenyi—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE FORENSIC SCIENCE QUEENSLAND BILL 2023

TRANSCRIPT OF PROCEEDINGS

Thursday, 1 February 2024

Brisbane

THURSDAY, 1 FEBRUARY 2024

The committee met at 12.15 pm.

CHAIR: Good afternoon. I declare open this public briefing for the committee's inquiry into the Forensic Science Queensland Bill 2023. My name is Peter Russo. I am the member for Toohey and chair of the committee. I want to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. Other committee members with me here today are Laura Gerber MP, member for Currumbin and deputy chair; Jonty Bush MP, member for Cooper; Jon Krause MP, member for Scenic Rim; Steve Andrew MP, member for Mirani, via telephone; and Jason Hunt MP, member for Caloundra, via videoconference.

The purpose of today's briefing is to assist the committee with its inquiry. The briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that departmental officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the Attorney-General or left to debate on the floor of the House.

These proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during proceedings and images may also appear on the parliament's website or social media pages.

LAW, Ms Kirsten, Director, Legislative Policy Unit, Queensland Health

RAJAN, Ms Rachana, Acting Manager, Legislative Policy Unit, Queensland Health

SINCLAIR, Mr David, Acting Associate Director-General, Strategy, Policy and Reform Division, Queensland Health

SUTHERS, Mr Aaron, Executive Director, Forensic Science Queensland Implementation Project, Department of Justice and Attorney-General

WALSH, Mr Michael, Director-General, Queensland Health

CHAIR: Welcome. I now invite you to make a brief opening statement to the committee, after which committee members will have some questions for you.

Mr Walsh: Good afternoon, Chair and committee members. Thank you for the opportunity to brief you on the Forensic Science Queensland Bill 2023. I would also like to start by respectfully acknowledging the traditional owners of the lands upon which we are meeting, the Yagara and Turrbal people, and pay my respects to elders past, present and emerging.

Chair, the five of us will be available to brief the committee—Michael Walsh, David Sinclair, Kirsten Law, Rachana Rajan and Aaron Suthers from the Department of Justice and Attorney-General. As noted in the written briefing for the committee, if the bill is passed, Forensic Science Queensland will be transferred from Queensland Health to the Department of Justice and Attorney-General. Queensland Health and DJAG, short for Department of Justice and Attorney-General, are working closely together to formally establish Forensic Science Queensland in the Department of Justice and Attorney-General. Mr Suthers's attendance today reflects this joint effort. I look forward to the time for the committee to ask us questions. I will keep my opening statement as brief as possible but try and respond to some of the issues that have already come up in the briefings to the committee.

To start with, I would like to provide some brief background on the Forensic Science Queensland Bill. If passed, it will establish a statutory framework for forensic services to support the administration of criminal justice in Queensland. The bill implements recommendation 121 of the 2022 Commission

of Inquiry into Forensic DNA Testing in Queensland. Recommendation 121 was for the Queensland government to pass legislation that establishes a forensic science service based on a similar model to the Office of the Director of Public Prosecutions. This kind of legislative framework for forensic services has no Australian precedent. The provisions of the bill have therefore been guided by other Queensland legislation that establishes statutory positions supported by government offices.

Importantly, the bill has been informed by broad consultation with stakeholders. A key consideration in developing the bill was the need for it to remain relevant and fit for purpose many years into the future, even when Forensic Science Queensland has matured and all commission of inquiry recommendations are implemented. The bill also needs to be flexible enough to account for scientific advances and any new challenges in the forensic services landscape that the long-term future may bring.

I would like to thank the stakeholders who attended the public hearing on Monday and would like to take the opportunity to respond to some of the suggestions and ideas that were put forward by those stakeholders. First, there were various suggestions about the composition of the advisory council and proposals to include additional mandatory members. I acknowledge the contribution that each of these members could make to the advisory council. When Queensland Health consulted stakeholders on the draft bill, there were various other suggestions for membership requirements in addition to those recommended by the commission of inquiry. Queensland Health considers that having a large advisory body with a prescriptive list of members could affect the body's effectiveness and responsiveness. It is clear from the commission of inquiry that responsiveness is of the utmost importance to the reform of forensic services in Queensland. The bill strikes a balance between ensuring the advisory council has representatives from key stakeholder groups in the criminal justice system and allowing administrative flexibility to appoint a broad range of members whose experience and skills are complementary.

I acknowledge the Bar Association's comments that the bill does not directly reflect the proposed membership outlined in the commission of inquiry's report. The broad categories of members listed in recommendation 121 are all accounted for in the bill and Mr Walter Sofronoff KC was consulted on the draft bill. The bill allows all members suggested at the public hearing to be appointed as advisory council members. While clause 29(2) of the bill requires at least one person with the relevant qualifications to be appointed, nothing prevents the Attorney-General from appointing more than one person with these qualifications. The appointment process for the advisory council will carefully consider the balance of skills and experience needed to ensure well-rounded and effective membership. It will involve an open call for expressions of interest, and applications from people interested could detail whether the expression of interest is supported by a peak body such as the Bar Association or the Law Society of Queensland, whether a person's experience is lived, professional or both, and the value that the experience can bring to the advisory council at this critical point in time when the commission of inquiry's findings are being implemented.

There are also ways for persons with experience relevant to forensic science in Queensland to provide input and oversight without being appointed to the advisory council under the bill. The advisory council could form subcommittees with specialised purposes to support the advisory council. As the interim advisory board has done in some cases, there are a range of experts on the interim board subcommittees, with forensic clinicians, scientists, lawyers, police and victim support people all represented. In addition, nothing prevents the director of Forensic Science Queensland from seeking expert input from persons who are not on the advisory council which may be required from time to time. In fact, the bill states that one of the director's functions is to develop partnerships and collaborate with other entities to support the provision of forensic services. The bill is deliberately broad and flexible to ensure the Attorney-General can adapt the advisory council to suit the circumstances required at the relevant time. Issues relevant to the delivery of forensic services in, say, 30 years time are unlikely to be exactly the same as those issues that are relevant now.

I now turn to Dr Cathy Lincoln's feedback about ensuring clinical forensic medicine examiners are accounted for. I echo Dr Lincoln's advice that forensic services require a multidisciplinary effort. The definition of 'forensic services' is intentionally purpose-based rather than capturing specific disciplines, stages or procedures of forensic services, which are numerous and subject to change over time. The definition is broad enough to capture work relating to clinical forensic medicine. This means that forensic clinicians and examiners could be appointed to the advisory council because they have qualifications or experience in or relating to forensic services.

The Bar Association of Queensland noted that the bill does not implement all aspects of recommendation 121, including the establishment of management roles such as the chief operations officer and the establishment of a dedicated research and development unit. The bill includes research, development and innovation in the director's functions. The leadership roles and organisational

structures detailed in recommendation 121 have been established operationally within Queensland Health and will be transferred to Forensic Science Queensland in the Department of Justice and Attorney-General if the bill is passed. It is rare for organisational design matters to be dealt with in legislation, particularly for offices that are not statutory bodies. In the context of forensic services, it is considered they are most effectively managed operationally. This is because we expect that in the coming decades Forensic Science Queensland may need to incorporate new disciplines and adapt new aspects of its organisational model to reflect advances in scientific knowledge and changes in contemporary best practice. The bill has been designed to avoid any barriers to Forensic Science Queensland remaining relevant and responsive over time.

I would like to briefly address a question raised about the intent of clause 41 of the bill which provides that the director and the advisory council are not statutory bodies for the purposes of particular legislation. There are similar clauses in legislation for other justice portfolio statutory appointments such as the Director of Public Prosecutions, the Director of Child Protection Litigation, the Public Guardian and the Public Advocate. Clause 41 clarifies that the director-general of the Department of Justice and Attorney-General holds responsibilities under certain legislation relating to financial matters. It does not remove accountability or oversight for the forensic services director or the advisory council.

Thank you, Chair, for the opportunity to address the committee with these opening remarks. I echo the comments that the committee has made previously about the importance of getting the bill right. I consider the bill both achieves the intent of recommendation 121 and sets up a framework that can achieve long-term success for forensic services in Queensland, and I or any of the people here to brief you are able to answer any questions.

CHAIR: Thank you.

Mrs GERBER: Thank you for being here today. Thank you for your oral submission as well as your written submission. This bill is before us as a result of Sofronoff's investigation into the failings of the Queensland government DNA lab. I wanted to drill down and get some detail about that. Then I have some more technical questions about the bill, if that is okay. Is the department aware of the number of samples that have been assessed by the legal-led review as needing retesting? If so, how many cases does that represent as being impacted—that is, is it the 37,000 cases that have been talked about publicly as being identified by the legal-led review or is that the total number? Do you have a breakdown for the committee to better understand the impact of this bill?

Mr Walsh: The number of 37,000 is the identified number that the legal-led review will look at and will then prioritise and identify those that need to go through the retesting process and how they will go through that retesting process and those that do not. That process is ongoing and occurring now. I do not have the exact numbers as to how many they have gone through now. That is the total number.

Mrs GERBER: When do you think we will have a clearer picture of those exact numbers? Do you have them and you just do not have them in front of you or do we not know?

Mr Walsh: I do not know.

Mrs GERBER: You do not know. That legal-led review is still ongoing, right?

Mr Walsh: Yes.

Mrs GERBER: Is that number likely to go up?

Ms BUSH: Chair, I raise a point of order.

CHAIR: Yes.

Mr Walsh: I do not know how that relates to the bill.

Ms BUSH: This bill relates to one recommendation.

CHAIR: Hang on. One at a time. I think it is outside the scope of the bill. Are you able to establish why it would be part of the bill?

Mrs GERBER: It is clearly not part of the bill but—

CHAIR: No. That is our answer, isn't it?

Mrs GERBER: Well, no.

CHAIR: Yes.

Mrs GERBER: The explanatory notes talk about how the bill is going to impact on cases. The forensic-led review is there to assist in these cases. The number of cases is going to impact on how this bill is rolled out and how the bill will impact on these services. I think it is highly relevant.

CHAIR: I do not believe it is relevant. I rule the question out of order. Can you go on to another question?

Mrs GERBER: I can but it does still relate to sample testing. I would like to know how many samples have been retested so that we can understand how much of an impact this bill is going to have.

CHAIR: Again, I think it is the same issue that came up in the previous question. This is not the correct forum to be asking those questions. We are here to talk about the amendments in the bill which specifically relate to recommendation 121.

Mrs GERBER: I will turn to recommendation 121. Sofronoff has recommended a couple of things which have not been implemented in full. I understand part of the explanation to that, but there are a couple of aspects I would like further clarity on. Why has recommendation 121(d)—the appointment of a chief operations officer—and also recommendation 121(g)—that a representative of the Public Defender and two representatives of the private legal profession be on the advisory board—not been implemented in full? Given the gravity of Sofronoff's review into this and the gravity of what has happened in Queensland with the DNA lab, I want to understand from the department why Sofronoff's recommendations were not implemented in full and why we are looking at deviations.

Mr Walsh: As I understand the question, there are two elements: one is about the chief operating officer and one is about the membership of the advisory council. In terms of the first part about the structure of Forensic Science Queensland, it is unusual in legislation to include the organisational structure of an office being established beyond the establishment of the head of that office—in this case, the director of Forensic Science Queensland.

The functions that are contained in those elements of recommendation 121 are functions nominated as responsibilities of the director. There will have to be clear ways in which the director is demonstrating that they are meeting those areas of responsibility that relate to operations and science within Forensic Science Queensland. To then say you have to have X number of positions in the organisational structure of an organisation is not usually something that is in legislation. That is the response to the first question.

Mrs GERBER: The chief operating officer.

Mr Walsh: Yes, which would be a position under underneath the director.

Mrs GERBER: It is only one position.

Mr Walsh: It is the same point. Most legislation that creates statutory entities identifies the chief executive of that entity and does not require organisational structures for positions beyond that.

Mrs GERBER: We were given an example by either the professor who came before us or the HHS of an organisation that does have a chief health operating officer, which Sofronoff referenced in his report. That is the reason he has included that in the recommendation, so the department disagrees with that.

Mr Walsh: The recommendation also recommends the establishment of the office 'similar to the Office of the Director of Public Prosecutions', which does not have an organisational structure determined as part of that establishment.

Mrs GERBER: In relation to the representative of the Public Defender and the two representatives of the private legal profession, I understand the department's response to that is that you do not want to be so prescriptive and that it is not necessary, but that is what has come out of Sofronoff's recommendations in relation to his extensive inquiry. Why is Sofronoff wrong and this bill—

CHAIR: Hang on. I do not think anyone is—

Mrs GERBER: I will rephrase it. Why deviate from the recommendation?

CHAIR: Slow down. Just let me finish. I do not think it is appropriate for people to be making comments about whether someone is wrong or right in this forum. Obviously the department have given an explanation as to how they arrived at that and how this legislation has been drafted. I do not think the department is in a position to say who is right or wrong.

Mrs GERBER: Sorry, my question is slightly different to that.

CHAIR: There have been a lot of people working on this who have come up with this piece of legislation. I do not think it is a finger-pointing exercise to say—

Mr KRAUSE: Only one person did a commission of inquiry on it though, Chair.

CHAIR: Yes, but—

Mrs GERBER: I guess—

CHAIR: Do not argue with me.

Mrs GERBER: The question is: why deviate? I understand the rationale but why deviate? If that is what is recommended then why deviate?

Mr Walsh: The identification of the members for appointment to the advisory council is a balance of what is the size of that council, what is the required expertise you want and what is the broader pool of people you want to draw from that may have relevant expertise to be on the advisory council. There are 11 members of the council. The majority of those members—six out of the 11—are prescribed professions that are drawn from what was in recommendation 121. The majority of the members are prescribed. The minority of the members who are appointed also have to have expertise in forensic services, policing, law, victims of crime or other areas relevant to the operations of Forensic Science Queensland. This is a balance of ensuring there is the right expertise on the board plus the ability for the broad community to be part of the oversight of the operations of Forensic Science Queensland. It is a balance.

Mrs GERBER: Understood. Thank you.

Ms BUSH: I note in your correspondence to us and in your opening statement that this is the first type of legislation like this in Australia that enshrines forensic science in this particular way. Can you take us again through the consulting process that you used? I heard you mention that you did consult with Sofronoff as well in the development of the bill. Would you like to expand on that for us?

Mr Walsh: Yes. In terms of the consultation, I am happy for Rachana to talk about some of the mechanisms and processes and the forums because there are a large number of stakeholders. In creating a statutory entity, in creating an office, there is a lot of focus on what that statutory office does. How do you ensure it has the total responsibility for forensic science but also has broader government accountabilities and what the intent of the report and recommendation in the report was? When you look at it, it could be in a department as a division or a branch right through to a government-owned corporation, and in between you have offices and statutory bodies.

The formation of an office balances the ability to identify the specific accountabilities and responsibilities of the entity—in this case the director and Forensic Science Queensland. Then the office sitting inside a department means that there is direct accountability to the minister, not through an independent board. There is more direct accountability back through into the parliament in terms of that office, but there is a clear focus on the fact that they are responsible for forensic science and not other entities within that department. That was the broad consideration of where you place this.

The recommendation saw that the Office of Public Prosecutions, which is established in a similar way, was the best balance of getting that focus on the particular area as well as the accountabilities that you would expect from an entity like this. In terms of the consultations that we did with people, I will hand over to Rachana to talk about some of the things that people inputted into and what their thoughts were about that.

Ms Rajan: In terms of the approach to consultation, at an early stage the department engaged with Mr Sofronoff to have a discussion about how the wording of recommendation of 121 could be translated into legislation that is consistent with other legislative practice in Queensland. Following that consultation, various stakeholders interested in forensic services in Queensland were provided a draft bill, and a consultation paper. That included forensic science stakeholders, victim support stakeholders, criminal justice stakeholders and general health stakeholders. They had an opportunity to input into the bill and we did make some changes as a result of that important contribution. For example, previously in the bill the central definition of 'forensic services' was 'forensic analysis' and was more limited. As a result of stakeholder feedback, we clarified that definition and changed it to 'forensic services' and tried to really achieve that purpose-based definition of ensuring we did not unintentionally leave any important services out.

Another example of a change that was made was that we clarified that coronial work in relation to public health and safety that may not strictly be part of the criminal justice system is in fact covered by this bill. Some minor amendments were made throughout the bill based on stakeholder feedback. For example, the threshold for eligibility of the director was made more comprehensive. Those are some examples. We had some valuable feedback from stakeholders that they appreciated the consultative approach particularly to refining the definition of 'forensic services'.

On that note, I might just mention supportive feedback we had from Legal Aid Queensland. This goes to the member for Currumbin's question about the representative of the Public Defender on the advisory council. The Public Defender sits within Legal Aid Queensland. As a matter of drafting, it was appropriate to say that a member representing Legal Aid Queensland was on the advisory council. We have done so, and Legal Aid are satisfied with that approach.

Mr KRAUSE: This bill, as I understand it, is transferring responsibilities for forensic services DNA testing from one department to another—from Health to Justice and Attorney-General. We are reviewing not only that structure but also the oversight structure. The member for Currumbin has asked a few questions about that. In terms of asking questions about what that new body is going to do, what its scope of work will be on day one and how fit for purpose this bill is, given that it does not implement recommendation 121 of Sofronoff's final report entirely or completely, I want to ask about the number of samples that have been retested already and are going to be handed over to this new body and those that have yielded results where they had not previously, the number of samples backlogged awaiting testing, the number of cases impacted—

CHAIR: I will interrupt you there. I have already ruled on part of your question in relation to the number of samples. Can you rephrase your question? As a matter of courtesy to the witnesses, perhaps it would be a lot easier if you asked one question at a time. I do allow you to ask more than one question if you have a flow-on question. I will let you flow. I am sure everyone at the table is quite capable of managing double-barrelled questions.

Mr KRAUSE: I will start with the first question: the number of samples retested since the end of the COI and how many have delivered results when they had not previously, and that work that will be handed to the new body that we are overseeing the establishment of.

Mr Walsh: I take it that the intent of the question is: do the clauses and powers of this entity allow it to undertake the work on the samples that you are talking about?

Mr KRAUSE: Not just that but its capability. To do that we have to know what the numbers are. What is the quantum?

Mr Walsh: I can see the relationship to the bill—

CHAIR: I am sorry, Director-General. I have already ruled on that question. I am going to rule your question out of order. Unless you have another question—

Mr KRAUSE: I do have another question. It relates to the number of victims contacted regarding their cases, informing them of testing or retesting.

Mr Walsh: We are here to brief on the bill. I am very happy to answer questions about how the bill allows the powers for Forensic Science Queensland to contact victims to undertake sample work. I am very happy to talk about that.

Mr KRAUSE: My question was actually around how much of that has already occurred thus far. That is going to extend into the new body as well.

Mr Walsh: The bill does not contemplate numbers. It contemplates the processes and elements that Forensic Science Queensland would use and the powers it would have and the responsibilities it would have to undertake that work.

Mr KRAUSE: I understand. Director-General, if you had come here to speak to us today on a bill that implemented Sofronoff's recommendations lock, stock and barrel, you may not be asked these questions. Given the history of this and how long it took to come to the surface, I think it is incumbent on us to ask these questions, because it took a long time to come out and you are not implementing them as they were recommended. I know that you are not going to answer the question because the chair has ruled it out of order, but people want to know how much is involved.

Mrs GERBER: And whether this body is going to be able to actually do the job that it has been—

Ms BUSH: Chair, I have a question.

Mr KRAUSE: We are doing our work to try to get to the bottom of how big this problem is and what is going to be passed on to the new body.

CHAIR: All of that is outside the scope. I have given you heaps of latitude. Steve, do you have a question?

Mr ANDREW: No, Chair, not at the moment.

Mr HUNT: Michael, in your opening statement you said that the bill was deliberately broad and flexible. You went on to tell us why that was the case. Chair, this is a double-barrelled question but it is quite light. Could you expand a little further on why it is broad and flexible? I know that you touched on it briefly in your opening statement. How is it structured so that it is broad and flexible?

Mr Walsh: Firstly, in any area of science and particularly in forensic or DNA science, the technology and methods of extracting and analysing are always developing, improving and changing. What we need to be able to do is reflect the broad elements of forensic DNA analysis and testing and science without specifying current-day components that may change in the future. We do not want to specify specific testing methodologies and particular analysing techniques, but we want to be able to give the powers and accountabilities to create those and to move with the developments of those and to ensure Forensic Science Queensland has the ability to innovate and respond to those developments. When you look at the powers and functions, even in terms of how we have specified forensic services, it allows for the ability to respond to the changing environment and the development of science.

I can go through examples about the definition of 'forensic services' in the functions of the director, about research and development and innovation, if you want me to. It is about saying that we believe this bill articulates in a clear way the focus of forensic science work but does not restrict the operations of Forensic Science Queensland to the current-day technologies. It allows it to be able to respond to changing technologies into the future.

Ms BUSH: Michael, for those working with people with lived experience of a crime and for people right throughout the justice sector, it is really important that there is an element of community confidence in what we are doing. I think you mentioned that you were happy to speak to some of the powers and functions within the bill that the council might have to help with community confidence and sector confidence. Do you want to expand on that for the committee?

Mr Walsh: First of all, the advisory council will have specified members and also members from the community and it is open to any community member to participate. There is also the establishment, as you would have seen in the second report to parliament about the implementation of the recommendations, of Forensic Science Queensland's ability to communicate and be accountable to the public through either its own website or other reports, by identifying policies and procedures that it is following and publicly presenting those either on the website or elsewhere. Also, being within the Department of Justice and Attorney-General, it will form part of the annual report of the Department of Justice and Attorney-General, just as the other offices in that department do. All of the existing accountability structures that align with departments and then apply to offices are available to Forensic Science Queensland. Also, it remains completely open to scrutiny by the parliament and also by the media and the public. This bill does not prevent any of that from occurring.

The focus of the advisory council is to try to get a balance between expertise that specifically relates to the work of Forensic Science Queensland and a broad representation of the public as well. We do not want to narrow the focus to the point where we exclude people who may have relevant input into it and who have the ability to scrutinise and ask relevant questions and see what is going on in Forensic Science Queensland.

Ms BUSH: After the passage of the bill, arrangements are going to be made to administratively place Forensic Science Queensland into DJAG. I am interested in how you turned your minds to ensuring that happens with as little interruption as possible.

Mr Walsh: Aaron is in the Department of Justice and Attorney-General, which is the receiving department. Queensland Health is the giving department for an entity. The procedures are the standard machinery-of-government procedures. Whenever there are organisational changes in government departments, you identify the human resources, the physical resources, the IT resources, the policies. All of those elements create streams of work that identify all of those. You enter into transition agreements between the two departments that capture all of that and identify how they will move across.

Some things move across at the time of the machinery of government. The easiest example to give on that is that, on the day that it transitions, all of the reporting lines of accountability for the director and for every other employee of Forensic Science Queensland will move, on that day, from Queensland Health to Justice and Attorney-General. However, the payment of salaries and wages for those people would still be undertaken by the home department, under agreement with the Department of Justice and Attorney-General, under their existing terms and conditions, while the new arrangements and enterprise agreements are established in the new department and the payment transitions to the HR payroll system in the new department, which may take a year or more. Those are the normal practices of machinery of government.

The important element in that is that the accountability and the work of Forensic Science Queensland transition at that time. All the back-end things may transition over time, but they do not interfere with the ability of Forensic Science Queensland to do that. I do not know if Mr Suthers wants to add some more to that from the Justice and Attorney-General side.

Mr Suthers: Yes, I am happy to. I think Mr Walsh covered essentially the main points that I would have spoken to in answering that question. The only thing that I would add is that the transitional provisions within the bill are there to ensure that, for the staff who are transferred, through whatever mechanism of transfer we use to have staff moving from Queensland Health into the Department of Justice and Attorney-General, there are transitional provisions to ensure there will not be any prejudice suffered by any of the employees with respect to their rights and entitlements. There are preservation clauses in quite some detail, as people may have noticed, just to ensure we do not have any prejudice to employment conditions. That was an important part of the process and continues to be an important part of the process. The usual machinery-of-government processes we will continue to work through. We will have the legislative backing through these transitional provisions to ensure employment entitlements will remain as they are.

Ms BUSH: Well done and good luck with it. It is a big job.

Mr Suthers: Thank you.

Mrs GERBER: I have a technical question. I am looking at the bill, under section 41, part 6 'Miscellaneous', where it talks about how the director and the council are not statutory bodies for particular acts and those acts are financial acts. Is that so that they cannot be audited? Why are they excluded from those acts? Can you give the committee a bit more detail about that, please?

Mr Walsh: I will pass to Kirsten Law after a quick outline of why. As with any office, like the department of public prosecutions, the accountability for the functions of the service sit with the director but the office sits in the department, and it is the director-general who holds the financial accountabilities of the department. Ultimately, in terms of financial accountabilities, the director-general is the accountable officer in that regard, different to a statutory body. Recommendation 121 identified that that was the model that provided the ability to clearly focus on the work of forensic science and ensure the accountabilities were at the highest level in terms of the department.

Ms Law: I am not sure I can add too much to that. Essentially, it is in a statutory body so this is just clarifying those responsibilities as part of the department rather than with the individual entities themselves.

Mr KRAUSE: Mr Walsh, earlier you mentioned something about how, at the back end of things, some functions and responsibilities may still rest in the health department, even after the establishment and transfer of responsibility to DJAG. Mr Suthers did not speak much about the health aspect of things when it comes to transition but rather about employee matters and so forth, which is probably not the main interest in this bill. Is DJAG going to be only the front element of this? Can you give some more detail about what you meant by back-end things still sitting in Health? I think that would be of concern to some people if that is still the case because the intent is to get it away from Health. Can you give some detail and time frames, please?

Mr Walsh: The time frames of any transition are dependent on the bill going through parliament so I cannot provide time frames for that. Everything is subject to that.

Mr KRAUSE: Yes.

Mr Walsh: I apologise for not making clear the machinery-of-government changes. What will happen and what happens for machinery of government is that you want the accountabilities to move as intended by the bill. That is what moves. That is the first thing to move. Those accountabilities are the legislation ownership, the functions of the entity and the reporting line of the entity. All of that moves. You want that to happen as soon as you can because creating or changing payroll systems, moving IT platforms, being able to ensure all of the policies are rebranded and fit within the new department takes time. The intent is that none of it remains in Queensland Health. The issue is that you want the accountabilities and functions to move as quickly as possible and then you want all of the other things that are the back-end things to be done and moved as quickly as possible after that. However, you do not want to wait for all that to happen before you move the accountabilities. The intent is that everything moves as quickly as possible, but you want the accountabilities to move first. That has to be the first thing that you want to try to achieve.

Mr KRAUSE: Post proclamation and commencement of the bill, is there a time frame around that in reaching that process?

Mr Walsh: Not at this point, no. The process to do all of this work is progressing and upon a proclamation the government make a decision as to when they want to transition it.

CHAIR: Steve?

Mr ANDREW: No thanks, Chair. I am good. A lot has been covered off.

CHAIR: Jason or Jonty?

Ms BUSH: I am okay, Chair.

CHAIR: Laura or Jon?

Mrs GERBER: I do not have any further questions, Chair. All of mine have been ruled out of order.

CHAIR: If there are no further questions, I will bring this briefing to a conclusion. That concludes the public briefing. Thank you for your attendance here today and thank you for answering our questions. Thank you to our Hansard reporters and our hardworking secretariat. A transcript of the proceedings will be available on the committee's webpage in due course. I declare the public briefing closed.

The committee adjourned at 1.03 pm.