




Speech By
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MEMBER FOR MOUNT OMMANEY

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EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL

 **Ms PUGH** (Mount Ommaney—ALP) (12.26 pm): As the member for Mermaid Beach said, it is always a pleasure to speak after the member for Macalister, because the way she speaks about subjects such as this is informative for the entire House. I rise in support of this very important bill today. In particular, I wish to speak about the changes that address the ability of adult victims of domestic violence to have videorecorded footage used as their primary evidence.

The change to this legislation pilots the use of body worn camera footage as the victim's evidence-in-chief in court for matters before Magistrates Courts in two trial locations. It will mean that victims will not have to live with the trauma of retelling their story multiple times and relive the trauma they have experienced. They will still have to attend the court and be subject to cross-examination.

The bill includes a range of safeguards designed to limit the trauma and protect the privacy of domestic and family violence victims. In addition, it requires the complainant's informed consent—that is really important—for statements to be taken by trained police officers like the member for Macalister. We are very proud of her work in this space in developing training modules to ensure that the 40-odd per cent of police work that involves domestic violence is as trauma informed as it can possibly be.

I will outline some of the other safeguards in the legislation. When determining whether or not to present the complainant's evidence-in-chief in the form of a recorded statement, the prosecution must take into account certain factors including, of course, the wishes of the complainant. Informed consent is absolutely critical.

There are limitations on the editing and altering of statements and there are strict provisions that limit the disclosure of copies of recorded statements, similar to provisions applying in relation to statements of children and persons with an impairment of mind under section 93A of the Evidence Act. Offences are also included relating to unauthorised possession, use and publication of those statements. QPS advise that the modelling shows there should be significant time savings for frontline police and significant benefits for victims of family and domestic violence, including that in most instances police officers will no longer need to take domestic violence victims from their homes back to the police station at all hours of the night to obtain a typed statement.

We have heard in the House before, and I said earlier in this speech, that domestic violence callouts comprise around 40 per cent of all police work. The impact of this pilot model on the hours that our police invest in this component of their work could be significant. The truth is that we cannot possibly know exactly how much it will affect the police workload. I think it is important to be clear that that is a welcome side effect rather than the primary purpose and intent of this change in the legislation. In my view, there will be a number of significant benefits to this trial and I, along with many other Queenslanders I am sure, will be eagerly awaiting the outcome of this pilot.

To give a little bit more detail about this pilot, the legislation allows for a 12-month pilot that will run simultaneously in two magistrates court locations: Ipswich and Southport. Further consultation will occur as part of the operationalisation of the pilot by the Queensland Police Service and the Department of Justice and Attorney-General. The provisions in the bill apply to criminal proceedings for a domestic

violence offence, which is defined to include breaches of a domestic violence order as well as other criminal offences such as an assault committed in a domestic violence context. The videorecorded statement is intended to replace the need to take a written statement. However, a written statement may still be obtained in certain circumstances, for example, if the complainant withdraws consent to the taking of the videorecorded statement.

The proposed legislative amendments do not bar a police officer from obtaining a written statement from the victim after a videorecorded statement is obtained should the victim recall further information or seek to clarify a matter in the video. Obtaining a clarifying statement and disclosing same to the defendant or the defendant's legal representative would ensure natural justice and procedural fairness is afforded to the accused. The rules of evidence also permit a prosecutor to seek further information from the victim during evidence-in-chief in furtherance of a videorecorded statement if it is required.

I chose to speak today on this particular aspect of the legislation because I know many survivors of domestic violence who have been retraumatised through the process of providing evidence in court, thereby having to relive one of the most cruel and devastating moments in their life. The current approach is not as trauma informed as it could be. It requires victims to relive this incredibly troubling and difficult moment in their life in front of an audience. We heard the member for Macalister beautifully articulate the need to be a good victim, a victim who presents well and shows that trauma, and that in itself can be traumatising. In addition to reliving it, there is that pressure to relive it in a way that is even more draining and traumatising to the victim who is just trying to seek justice and redress.

To me, this trial is about so much more than just these two particular locations for domestic violence matters. This trial provides real hope that there could be a successful template to see if videorecorded evidence could be presented in other criminal matters. There are many victims of crime that could potentially benefit from this trial should it be successful and we are able to expand it. I have certainly had members of my community make representations to me that if this trial is successful they would be very keen to see it rolled out in future areas of the criminal justice system to ensure that victims of crimes right across Queensland, not just in these two pilot locations, have access to this excellent model of trauma informed police work and trauma informed justice.

Today is Sorry Day and I want to finish my contribution by paying my respects to First Nations people. Last year I had the privilege of reading a fantastic book about domestic violence: *See What You Made Me Do* by Jess Hill. Some members of this House may have read it. It is available in the Parliamentary Library. It is a fantastic overview of domestic violence in Australia today. I encourage all members of the House to read it. It has some excellent chapters about First Nations women in particular and the impact of domestic violence on them. I lend my voice to all of the members of this House in recognising this important day. I thank all members who were able to attend the Reconciliation Breakfast hosted by the Speaker.

As I have said, I think this piece of legislation is incredibly important. It potentially opens up a new frontier in trauma informed justice and redress for victims of domestic violence today, but in the future we could see this template applied far more broadly right across Queensland and I think that is absolutely wonderful. I commend our wonderful frontline police officers for the work they do. In my community of Mount Ommaney we have exceptional police officers who work incredibly hard when it comes to domestic violence matters and we are very lucky to have them. With those few words I commend the bill to the House.