




Speech By
Lance McCallum

MEMBER FOR BUNDAMBA

Record of Proceedings, 26 May 2022

EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr McCALLUM** (Bundamba—ALP) (6.22 pm): I rise in support of the Evidence and Other Legislation Amendment Bill, a bill that contains a number of important reforms to the Evidence Act, as well as to the Criminal Code and to a number of other acts that go to very important issues such as journalist shield laws and giving effect to recommendations that arose out the Morcombe coronial inquest around the examination and viewing of the body of a deceased person as well as reforms that go to the use of videorecorded evidence from body worn cameras on police officers in domestic violence situations. They will be the main elements of the bill that my contribution will focus on and they are incredibly important reforms for the state of Queensland.

I turn firstly to the viewing and examination of the body of a deceased person. The bill includes amendments to the Criminal Code in response to a recommendation that was handed down in the Daniel Morcombe coronial inquest. I would like to place on record my sincere thanks to, and acknowledgement of, Bruce and Denise Morcombe for their strong and tireless advocacy to increase the safety of children in our state. The amendments in the bill create a clear disclosure process in relation to human remains which allows criminal courts to have regard to the need not to unnecessarily delay the return of a deceased person's body under the coronial system. They seek to strike the right balance between the timely return of a victim's body to their family and loved ones and ensuring an accused person's right to a fair trial.

Recommendation 2 of the Morcombe inquest findings is for changes to the Criminal Code to establish a time on the testing of human remains in cases where the prosecution and defence cannot agree on the identity of the deceased. This inquest finding stemmed from the lengthy delay that arose between when Daniel's remains were found and when they were returned to his family for burial because his identity was disputed by the defence which led to the need for retesting. This bill seeks to address that awful situation and respond to the coronial inquest recommendations through clause 10, which will insert a new section into the Criminal Code—section 590ASA, which relates to viewing bodies of deceased persons.

The new section provides that the court may direct that the prosecution be allowed to view or examine the body of a deceased person for the purposes of the relevant proceeding subject to the conditions that the court considers appropriate and is satisfied will protect the integrity of the body and ensure the release of the body for burial under the Coroners Act is not unnecessarily delayed. I will finish my contribution on this element of the bill by also acknowledging the contribution of the member for Cooper, who bravely shared an extremely personal, very relevant and emotional contribution on this topic.

I now turn to the issue of videorecorded evidence and the use of body worn cameras by police officers in domestic and family violence situations. Domestic and family violence criminal proceedings are bound by the rules of evidence and, as such, victims are required to appear in court and provide

direct oral evidence. That is often subject to the use of special measures. This is in contrast to civil proceedings under the Domestic and Family Violence Protection Act where the court is not bound by the rules of criminal evidence.

The giving of evidence in court by a victim of domestic and family violence can be truly traumatic, especially given that the perpetrator, the defendant, is physically there. Victims can be intimidated by the accused. We need to make sure our justice system supports victims so they come forward and hold perpetrators to account.

This bill contains amendments to support a pilot allowing video statements taken by trained police officers with a body worn camera to be admissible as a complainant's evidence-in-chief in criminal proceedings for a domestic violence offence including breaches of domestic violence orders. This can reduce trauma for survivors by avoiding the task of telling their story multiple times and can reduce the opportunity for offenders to intimidate victims.

Whilst similar measures have been used for several years for some other vulnerable witnesses, including children, it is important that evidence can be obtained about the impacts and experiences that are unique to domestic and family violence cases. A range of other states and territories have introduced legislation facilitating the use of police recorded interviews with complainants in domestic violence cases, particularly in the context of the increased use of body worn cameras by frontline officers. For example, in Victoria a digitally recorded evidence-in-chief trial was established in October 2018 which was subject to an independent evaluation by Monash University. It has been referred to by the member for Morayfield.

It is acknowledged that the evidence base in relation to the use of videorecorded statements in domestic and family violence proceedings is still growing and evolving, so I think it is very appropriate that this bill is effectively a proposal for a 12-month pilot program that will better support domestic and family violence victims during court hearings. The pilot program will be independently evaluated to enable learnings, data and feedback on victims' experiences and any potential for unintended consequences together with other impacts for courts, police and prosecutors to be properly assessed.

This forms part of the Palaszczuk government's unwavering commitment to the ongoing prevention of domestic and family violence. Earlier this month the Premier and Attorney-General announced an historic overhaul of other laws and practices to better protect Queensland women from domestic and family violence and hold perpetrators to account. It includes: new laws and programs to recognise, prevent and punish coercive control, including making coercive control a criminal offence; a commission of inquiry into police practices; expansion of the domestic and family violence courts; better support for women; a special strategy for First Nations communities; and funding for perpetrator programs to change men's behaviour and stop the cycle of violence. All of these are a result of the first report from Justice Margaret McMurdo's Women's Safety and Justice Taskforce titled 'Hear her voice' that was handed down in December. Ending domestic and family violence is everyone's responsibility.

Unfortunately, I have run out of time to go too deeply into journalist shield laws; however, a free, independent and effective media which may need to rely on confidential sources at times is crucial for a strong democracy. We are committed to better protect journalists and their sources with this legislation, which contains journalist shield laws. We made a commitment to deliver those shield laws, and this bill is delivering on that commitment. These laws will protect confidential informants by providing that a journalist cannot be compelled to answer a question or produce a document that would disclose their identity. I commend the bill to the House.