




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 25 May 2022

EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (4.52 pm): I rise to contribute to the debate on the Evidence and Other Legislation Amendment Bill 2021, and of course I lend my support to the bill. As we have heard from previous speakers, as stated in the explanatory notes the objectives of the bill are to—

- establish a statutory framework that allows protection against the disclosure of the identity of journalists' confidential informants;
- introduce a legislative framework to support a pilot enabling video recorded statements taken by trained police officers to be used as an adult victim's evidence-in-chief in domestic and family violence related criminal proceedings;
- provide a specific process for the viewing and examination of the body of a deceased person in a criminal proceeding to implement the Queensland Government's response to Recommendation 2 in the findings of the Inquest into the disappearance and death of Daniel James Morcombe;
- clarify the operation of computer warrants in relation to bail; and
- enable service as a magistrate in Toowoomba to constitute regional experience for the purpose of a transfer decision under the Magistrates Act 1991.

This is a very important bill with many important aspects, but I wanted to focus my contribution on two of the amendments. The first one is about clarifying the operation of computer warrants in relation to bail; the second is around recorded video evidence for victims' evidence-in-chief in domestic and family violence related criminal proceedings. The first matter relates to computer warrants. We are clarifying a very important aspect here. Throughout COVID we saw the computerisation of a lot of processes. People were working from home, and some of the things they would normally do in person in their own hand were digitised. Some of the court processes and some of the legal processes we had to adopt during the COVID pandemic required a lot of computerisation and electronic versions of things to happen. One of the things that happened—and it was a great innovation—was that some warrants were allowed to be managed electronically. This is a very important aspect. This amendment clarifies the process around electronic warrants being managed electronically and the storage and creation of those warrants.

This is important for two reasons. Firstly, it is relatively faster to manage warrants in this way. That has a resourcing impact. It reduces the resourcing impact on the courts but it also reduces resourcing impacts on the Police Service. The second aspect, which I think is the most important aspect, is that it allows the transfer of the warrant faster from the court to the police. When things are handled manually, when things are handled physically, it can take some time for the written document to go from the courthouse to the police station to be acted upon. By managing that process electronically, which this amendment clarifies, we can have the instantaneous transfer of that very important document. Why is that important? It means that police can act faster and apprehend the subject of that warrant. It is very important, so I want to commend the Attorney-General for taking action to clarify that matter.


I now turn to the second aspect I want to focus my comments on, which is recorded statements in certain domestic and family violence proceedings. Giving evidence in a criminal proceeding can be a traumatic experience, particularly where the offence is committed in the context of domestic and family violence. This is because, unlike in civil domestic and family violence proceedings, in a criminal proceeding the victim must appear in court and provide their evidence-in-chief via oral testimony.

Although there are existing provisions in the Evidence Act that provide victims with a level of protection in court proceedings, we acknowledge that the experience remains a very difficult one. This government is committed to doing more to protect victims of domestic violence. That is why through the laws introduced in this bill the government will trial using videorecorded evidence-in-chief. The trial will see trained police officers—that is, police officers who have completed specific training approved by the Police Commissioner—to take a victim's statement using a video recorder. Because this trial is geographically limited, we are to focus training efforts to the specifically trained police officers in those areas.

Notwithstanding the respect that the Police Service has for the legislative process, the Police Service has already started rolling out this training notwithstanding we are still debating the legislation. That means the Police Service will be ready to engage in this trial as soon as these laws are proclaimed following the legislative process. Importantly, I am advised that this training will incorporate the application of victim-centric, trauma informed practices by police officers with victims. I am also advised that the training will include a face-to-face component with a focus on practical learning. The Queensland Police Service has strong relationships with other police services across the country and has been able to leverage off interstate counterparts to gather insights on the limitations and impacts of obtaining technology facilitated statements from victims and incorporating these learnings into the design of the pilot.

For example, I am advised that in practice police keep their body worn cameras situated on a tripod to take recorded statements. This is designed to ensure the footage taken by police is clear and stable and the audio quality remains high. The video will then be played in court as the victim's evidence-in-chief. There are several potential benefits to this. For example, it reduces the trauma associated with the victim having to retell their story multiple times; the video statement will illustrate the victim's demeanour and experience closer to the time of the criminal offence; and there is reduced opportunity for the perpetrator of the offence to intimidate the victim.

While a number of other jurisdictions in Australia have introduced similar laws to permit the use of police recorded interviews in criminal proceedings, we acknowledge that the evidence base is still relatively fresh. In respect of that evidence base, I note the Monash University report of the Victorian trial in relation to—

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (6.12 pm), continuing: As I was saying before the interruption, I am speaking in favour of the Evidence and Other Legislation Amendment Bill. It is important when we are talking about the evidence base around digitally recorded evidence-in-chief that we look to what other jurisdiction are doing. Whilst the evidence base is still somewhat developing, there have been some instances of the intention behind digitally recorded evidence-in-chief delivering on the outcome which is essentially protecting victims from being retraumatised and wherever possible supporting their evidence to get the criminal justice outcome.

The Monash University report on their investigation into the Victorian experience of digitally recorded evidence-in-chief, which they call DREC, found in respect of some police feedback at page 98 of the report—

At the end of the first 12 months, 166 DRECs had been taken from victims of family violence and there were two requests for transcription ... In almost all cases an interim or final family violence intervention order was granted where one was not already in place.

This reinforces that matters are being finalised by the court without the DREC being played or the victim being required to undergo cross-examination.

That is important. The matters are being finalised in court without retraumatising the victim—without requiring the victim to be cross-examined in court. It continues—

As a result of implementing the use of DRECs we are achieving the intended outcome of the reform and minimising the traumatisation of victims during the court process.

I hope the trial we are running in Queensland has a similar outcome—that is, the limiting of the retraumatisation of victims by having this very persuasive form of evidence-in-chief. I hope it also achieves the outcome of protecting victims by ensuring that the criminal justice process delivers on their

expectations and the expectations of the community—that is, that victims are protected from domestic and family violence. Of course there will be an evaluation around this trial. I hope that the evidence base supports the ongoing operation of these laws and the widening of the application of these laws in due course beyond the two trial areas.

The bill appropriately balances the rights of the defendant. For the video statement to be admissible, the victim must still be available to be cross-examined, although we have seen in other states that that has not been the case. I commend the bill to the House.