




Speech By
Melissa McMahon

MEMBER FOR MACALISTER

Record of Proceedings, 25 May 2022

EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs McMAHON** (Macalister—ALP) (6.56 pm): I rise to make a contribution in support of the Evidence and Other Legislation Amendment Bill 2021. I thank the Legal Affairs and Safety Committee for their consideration of the bill and their contribution thus far to the debate. I would especially like to make mention of your contribution, Madam Deputy Speaker. For the many bills we debate in this House, few have a personal connection to members as this one likely does for you, and I thank you for your contribution.

There are several significant reforms contained within this piece of legislation. However, with the time I have, I will limit my contribution to the two aspects that I am most familiar with. Firstly, with respect to introducing a legislative framework to support a pilot, enabling videorecorded statements taken by trained police officers to be used as evidence in chief in domestic and family violence related criminal proceedings. This is a development that has been considered by Queensland Police for some time and has been sought by victim advocacy groups in the sector for even longer. As members may be aware, my last position within the Queensland Police Service prior to being elected was the senior project officer for domestic and family violence within the Vulnerable Persons Unit here in Brisbane. I attended many sector-wide forums in Queensland and interstate where the prospect of a victim statement being recorded by body worn cameras was regularly discussed. I note that a number of other jurisdictions had already implemented trials to varying degrees that have helped inform the development of this practice.

The *Not now, not ever* report recommendation 133 explicitly referred to the implementation of alternative evidence procedures for victims of domestic and family violence providing evidence in criminal matters to reduce the trauma of the experience. Videorecorded statements by special witnesses are generally referred to as '93A statements' and have traditionally been used for videorecorded statements for children as the member for Ninderry outlined the ICARE requirements for the recording of their statements in his contribution.

In 2015, the definition of 'special witness' was amended to include a person who is a victim of domestic violence who is to give evidence against the person who committed domestic violence. Additional amendments were also made in 2015 to permit body worn cameras by police to capture footage of police performing their duties, but what this did not allow for was the use of this body worn camera footage, specifically the statements made by victims and witnesses to investigating police attending job scenes, to be used as evidence. This bill seeks to change this.

For the benefit of members in the House I will spend just a few minutes outlining the current process for obtaining evidence for domestic violence offences. As we know and as the House has been informed on numerous occasions, the investigation of domestic and family violence incidents is the leading use of police resources in this state. Police frequently will spend over 40 per cent of their shift responding to and investigating domestic and family violence. A lot of this time is spent recording evidence.

Currently, a police officer attending a potential domestic and family violence incident first needs to establish the context of the incident, the relationship of the parties involved, the incident that occurred and then identify the person most in need of protection.