




Speech By
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MEMBER FOR MACALISTER

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EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs McMAHON** (Macalister—ALP) (12.11 pm), continuing: Yesterday I was outlining the work that a police officer currently does when attending a domestic and family violence incident. First, they need to establish the context of the incident, the relationship of the parties involved, the incident that occurred and the identity of the person most in need of protection. To do this, police must separate parties and witnesses and obtain brief outlines and statements. While previously, depending on the level of threat at the scene, this could have been taken in a notebook or other recording device or, these days, a body worn camera, this recorded evidence was only sufficient to inform an officer's decision on what action to take next. In order for an officer to take further action by way of making an application for a domestic and family violence order or to investigate a breach of a domestic and family violence order or any other potential related criminal offence, the officer had to arrange for the victim to attend a police station to obtain a formal written Justices Act acknowledged statement.

It is quite possible that currently a victim may be afforded the opportunity to provide a 93A statement for this purpose, which is a far easier and quicker process than a typewritten statement. However, the likelihood that a current general duties officer, who does the bulk of domestic and family violence jobs, is ICARE trained to capture this statement is highly unlikely. This means that arrangements will have to be made for the victim to attend the police station for the purposes of obtaining a typed statement. In many cases this cannot happen at the time of the incident. It may be due to the lateness of the hour or the ability to get the victim back to a police station, particularly if there are children involved and the care of those children precludes a trip to the station. The police may also be tied up with processing or locating an offender. That means it has to happen at a later time, taking into account the availability of both the victim and the police officer.

This does mean there are delays in obtaining that statement, that vital evidence. This impacts on the officer's ability to progress an investigation, particularly where criminal matters are being investigated. Delay means that details may be lost because the victim's recollection decreases over time and also because after the initial incident, which was potentially quite traumatic, the victim again has to restate the entire event in fine detail to the officer and that becomes quite an invasive process. I do appreciate the provision in this particular piece of legislation to take the complainant's wishes into account in relation to whether the body worn camera statement provided to police at the time will be used later on.

One of the other things I want to comment on briefly is the training requirements and what training the police would receive. During my policing career I spent quite a lot of time developing training products. In my last posting at the domestic and family violence unit I was responsible for developing the statewide training package for the DV legislation that came out at that time. I can assure all members of the House that in developing these products, it is not just the police who are involved; other stakeholders also assist in developing that. When we talk about a trauma informed process, those who are involved in the sector and those who know about trauma informed practices are involved in putting together this training package.

In relation to the evaluation of this pilot, I can advise members of the House that QPS training packages and pilots have been evaluated numerous times by independent bodies. That may often be universities or other such organisations that have a special interest in domestic and family violence and also court related processes. I do look forward to seeing the evaluation of this pilot, much as we saw the evaluation of the pilots that were run in other states.

I do note some of the submitters within the legal fraternity were concerned about the idea that should a victim's body worn camera statement not be as emotive as another's—for example, if a victim was to give a clear, calm, considered statement—that may play against the victim. If that is the case, if that is what a judicial officer might take from a body worn camera, I would suggest that perhaps we need some more training for our judicial officers so they understand that no two DV incidents are the same, no two pieces of evidence are the same and it is complex. While I understand that the body worn camera footage that police will record might be quite emotive, quite graphic in some instances and contain language that might otherwise not be available to us in this House, not all victims respond in the same way because not all DV incidents are the same. I know we have had significant judicial training opportunities over the last couple of years. If police have to go through further training to understand and record these statements sufficiently, I certainly hope that our judicial officers who sit and weigh this piece of evidence also get the same amount of training.

The last thing I would like to touch on in this bill is in relation to the coroner's report into the death of Daniel Morcombe and the impact of the testing of human remains in criminal proceedings. The loss of Daniel Morcombe is obviously a touchstone point in Queensland history. Along with several other academy staff and hundreds of recruits, I was involved at the crime scene on the Sunshine Coast as we got on our hands and knees for weeks and months on end and scoured the bushland for human remains. I do know what it is like to be waiting and waiting to find just a little piece of a human remain that just might be the key to unlocking an entire criminal investigation. I do understand and I appreciate the work of the Morcombe family in making sure that this amendment is brought forward. I absolutely commend the work they have done. I commend the bill to the House.