




Speech By
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MEMBER FOR PINE RIVERS

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EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL

 **Ms BOYD** (Pine Rivers—ALP) (12.42 pm): Today it is a pleasure to rise to speak in support of the Evidence and Other Legislation Amendment Bill 2021. There are a number of policy objectives within the bill that previous speakers have already covered. One of the really important parts of this legislation and one that has been discussed at length so far during the second reading debate is the introduction of shield laws that allow protection against the disclosure of the identity of journalists' confidential informants. The bill introduces a framework to support a pilot enabling videorecorded 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. The bill contains provisions for a specific process for viewing and examining the body of a deceased person in criminal proceedings. This will implement the Queensland government's response to recommendation 2 of the *Inquest into the disappearance and death of Daniel James Morcombe*. The bill clarifies the operation of computer warrants in relation to bail. Finally, the bill will enable service as a magistrate in Toowoomba to constitute regional experience for the purpose of a transfer decision under the act.

The shield laws establish a really important legislative framework to ensure that journalists can more effectively fulfil their role as facilitators of communication and report on matters of legitimate public concern. The bill introduces a qualified journalist privilege in certain contexts to better protect the identity of journalists' confidential informants by creating a presumption against compelling a disclosure that would reveal the identity of the informant or allow the identity to be ascertained. The committee undertook considerable work into this matter.

I commend the committee on their report, which was tabled on 11 February. I was really interested to read the recommendations in the Legal Affairs and Safety Committee's report No. 23. I was also quite surprised to come into this place yesterday and hear that the LNP had changed their position from that of those LNP members who sit on the Legal Affairs and Safety Committee such that they will be introducing amendments to the bill. In relation to the shield laws the shadow minister, the member for Clayfield, said—

While the LNP welcome this change, we believe it can go further, and we will be seeking to move an amendment to the bill to extend the operation of the shield laws to matters before the Crime and Corruption Commission.

In fact, the amendments were circulating at the time that the member for Clayfield made those comments. I was interested to hear that because, as I have said, I had read through the committee report but had not seen any mention at all from the LNP members of the committee that they supported such an amendment or thought it should be recommended. In fact, they did not even make mention of it in their statement of reservation. The member for Clayfield went on to say—

... there is no compelling reason advanced as to why the shield laws should not apply to hearings before the Crime and Corruption Commission.

...

We are still waiting for a statement from the Attorney about whether the shield laws will apply to matters before the CCC.

Not only had the Attorney-General made a statement when she introduced the bill; she had just preceded the member for Clayfield with commentary in relation to this particular point. She said—

The Parliamentary Crime and Corruption Committee has recognised the complexity of the existing privileges framework in the Crime and Corruption Act and recommended that the framework be reviewed. I can assure stakeholders that the government is committed to examining shield laws as part of this ongoing work regarding the operation of privileges under the Crime and Corruption Act. We need to ensure that the operation of any new privilege introduced into that framework is clear and effective. It is not simply a matter of amending this bill to remove the provision relating to the Crime and Corruption Act; we have to take the time to ensure we get the right approach and consult.

Speaking immediately before the member for Clayfield, the Attorney-General had just covered this point and had made it very clear that the government is, in fact, doing work on this topic.

Mr Power interjected.

Ms BOYD: Absolutely. It was very interesting to then read page 18 of the report, section 2.1.7 'Committee comments—shield laws', which states—

Submitters supported the introduction of the proposed shield laws. However, submitters also supported the view that the laws should also apply to the CCC. Submitters acknowledged the Attorney-General's comments when the Bill was introduced that further consultation will be undertaken in relation to the CCC and that the government will be in a position to determine the most appropriate course of action in the first half of 2022. The committee supports the review proposed by the Attorney-General.

The committee, including members of the LNP, in fact supported that very review. It is there in black and white in the report.

If you turn to page 55 of the report you will find there the statement of reservation signed off by the LNP members for Currumbin and Glass House. It is not very lengthy or detailed and is only four paragraphs, but those paragraphs in no way speak to shield laws extending to the CCC. The context of this statement of reservation is actually around the pilot and the trial in relation to evidence-in-chief in terms of ensuring that we have trained police officers to take recordings. It was around getting clarity on an evaluation of a pilot, around independent assessment and around support for the people taking down those statements; it never once spoke to having amendments to shield laws for the CCC. After coming into this place yesterday—and after the LNP members on this committee entirely supported the approach of government both with their committee report and with no statement of reservation—it was alarming to find the LNP divided in that shadow ministers once again did not agree with committee members in relation to reports tabled in this place.

Mr Power interjected.

Ms BOYD: Contemptuous of committee members. I take that interjection. All too often, particularly around budget time, we are lectured to by those opposite around how the committee process is a farce and how it is not given due weight or due diligence. When the committee process is active—going through this legislation, examining these proposals—and when those opportunities are available to the members of the opposition, we do not see them capitalise on it. We do not hear them say, 'Hang on a second, we have a problem with this', or 'We do not think this goes far enough.' What we in this place see instead, not through statements of reservation or committee reports, is members of the shadow ministry saying to us, 'We know best.'

What we see from those opposite is around half an hour of meticulous mansplaining around how there should not be a democratic or orderly process by which people submit and those considerations given due consideration, where we can make proper findings and implement them from there. Instead it is, 'Here are my amendments to this bill,' with all of the commentary of, 'I think this is good. I think I know best.' It reminded me very much of the Strong Choices campaign that the previous LNP government ran where it wasted \$80 million of taxpayers' money telling people they know best.

Opposition members interjected.

Ms BOYD: Those opposite take issue with this because they know it to be true. It is audacious.

(Time expired)