




Speech By
Sandy Bolton

MEMBER FOR NOOSA

Record of Proceedings, 25 May 2022

EVIDENCE AND OTHER LEGISLATION AMENDMENT BILL

 **Ms BOLTON** (Noosa—Ind) (4.29 pm): As we have heard, the Legal Affairs and Safety Committee were presented with a bill that, if passed, will help ensure that Queensland's journalists and news reporting agencies are able to dig deep into issues, with the help of informants and whistleblowers, and know that they can offer protection to their sources. This confidentiality provision is essential, otherwise information sources dry up and governments and corporations will not be opened up to the scrutiny they rightly need and which is essential.

Whilst these new laws offer a qualified privilege, it must be remembered that courts will still be able to make determinations on the application of the law and information provision. Also, this protection does not have to be taken up by a journalist; it is not a mandate. As there are still some concerns from both media organisations and legal and civil liberties organisations, a review of the efficacy of the laws after implementation is needed to ensure they work effectively in the Queensland situation, including looking at vexed issue of the Crime and Corruption Commission not having the shield laws applied in their jurisdiction.

I turn to the important issue of how victims of domestic and family violence are often retraumatised by having to provide their evidence in person at criminal proceedings. There are proposed amendments to the Evidence Act, the Criminal Code and the Justices Act to allow for a pilot to facilitate videorecorded statements taken by trained police officers to be used as an adult victim's evidence in DFV criminal proceedings. This is welcomed.

Quality and timely training of police officers is vital. I agree with respondents such as the Women's Legal Service that want this aspect advanced. Having DFV trained officers engaged in dealing with the victims and the recording of evidence would be best practice and it should be ensured that this requirement does not lead to victims not being able to record their evidence due to them being unable to locate suitably qualified officers in all locations. Specific DFV training for all police officers, especially in a state as decentralised as Queensland, is essential. I support the amendment to be moved by the minister in this regard. Concerns have been raised by the Queensland Law Society regarding access to transcripts of these recorded statements by an unrepresented defendant. They believe that they need to be readily available to ensure access to justice is not delayed or denied. A critical evaluation of the trial at its completion must be undertaken to ensure that all learnings can then be applied if this is to continue in perpetuity, especially as this form of evidence departs significantly from the usual evidentiary rules. It is important that it is fair for both sides of cases into the future.

Other elements of this bill include provisions to ensure a reasonable time limit is imposed on the testing of human remains that may be subject to criminal proceedings so that the family of the deceased can have the closure they are seeking whilst not impacting on the legality of criminal proceedings. Overall, the proposed amendments across the entire bill appear to seek clarity and reduce trauma for all, including families and advocates of victims.

I would like to thank the submitters to the committee for their consideration of the bill and their timely follow-up of questions raised. I thank the minister and all departmental staff who participated and provided advice. My gratitude goes to our chair, fellow committee members and our committee secretariat who have again done excellent work on this bill.