




Speech By  
**Deb Frecklington**

**MEMBER FOR NANANGO**

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**VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT  
BILL**

 **Mrs FRECKLINGTON** (Nanango—LNP) (12.44 pm): I rise to speak to the Victims of Crime Assistance and Other Legislation Amendment Bill. Under this Palaszczuk government unfortunately there are more victims than ever. The 2021-22 crime report released in April found that there was a 49.2 per cent increase in recorded victims on the previous year. We know that victim numbers are going up because crime is going up, yet all we hear from this government is talking down the issue. When it comes to youth crime in particular, all the government does is deny, deny, deny. The member for Capalaba called the youth crime crisis a 'media beat-up' and yet the member for Cairns calls that 'rubbish'. The member for Thuringowa said that victims were just a 'rent-a-crowd'. Last week in the youth justice select committee the member for Cooper put forward that the youth crime issue is more perception than anything.

There is a reason why we have Queenslanders rallying in the streets. They have felt dismissed and they have felt unheard. They have felt this government does not take seriously their experience of crime. I am well aware that this bill covers more than victims of youth crime. However, the treatment of victims of youth crime is a clear example of where this government has simply lost its way. It has stopped listening and it has stopped caring. There is an impression that the age of the offender should therefore lessen the impact upon the victim. However, when we have cases of young offenders brandishing weapons and cases I will not go into for sub judice—

**Ms Lauga** interjected.

**Mrs FRECKLINGTON:** I will take that interjection—

**Ms Lauga** interjected.

**Mrs FRECKLINGTON:** I will take that interjection that we are making things up. Tell that to the victims. Tell that to the victims of Rocky. Tell that to the victims of Keppel. Tell that to the people who have lost their loved ones. Where is the government? That is exactly what they are saying. When people have allegedly been killed in their homes—in their own homes—it fundamentally has changed the way people feel about living in their own homes. It is the fear, not just the violation of when your personal property is broken into. It is clear that the member for Keppel is so out of touch—

**Ms Lauga** interjected.

**Mrs FRECKLINGTON:**—constantly interjecting and dismissing the victims of crime in this great state. It is simply not good enough. It is shameful that there is someone in this House who—

**Ms LAUGA:** Mr Deputy Speaker, I rise to a point of order.

**Mr DEPUTY SPEAKER** (Mr Krause): Pause the clock, please. Member for Nanango, resume your seat for the moment. Member for Keppel, what is your point of order?

**Ms LAUGA:** I take personal offence and I ask the member to withdraw.

**Mr DEPUTY SPEAKER:** Member for Nanango, the member for Keppel has taken personal offence at your comments. I ask you to withdraw.

**Mrs FRECKLINGTON:** I withdraw. It is the fear—not just the violation of when your personal property is broken into but the fear that a young person will not just leave if they are found, the fear of what might happen to your children and of how this could impact them. There have been numerous cases of assaults and worse where the lack of fear has led to violence against those victims, yet from the government it is all made to sound like there is nothing really wrong, nothing to see here. It is the LNP that has stood up for those victims. Whether it be the victims of youth crime or the victims of domestic and family violence, of sexual violence, of assault or of theft, far too many victims have been created under this government's watch.

**Honourable members** interjected.

**Mr DEPUTY SPEAKER:** Order, members on my left and right. The member for Whitsunday and the member for Keppel will cease their quarrelling across the chamber.

**Mrs FRECKLINGTON:** It is clear we have hit a nerve. We know that crime has gone up in the Rockhampton and Keppel regions. The LNP will be supporting the increase of payments to victims. It has been a long time since that top figure of \$75,000 has been increased. I acknowledge that the proposed amount for the primary victim of an act of violence is going up to \$120,000. It is the least the state can do when someone has gone through the trauma at the hands of crime. While it can never replace what they have lost, particularly if it is a loved one, if it can provide support and acknowledgement of what they have gone through then it is worth applying for.

Victims need more proactive support to get these payments. It should not be up to them to have to go through the multiple forms and the months of waiting for what they are owed. The opposition has had to step in to give victims of serious crime the information needed on Victim Assist for them to access payments. I will at this point note that there are comments on the Victim Assist Facebook page by the member for Cooper—I would urge everyone to go on it. There is the statement—

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Matt, Kate and Miles were taken from us on Australia Day 2021. Yes. nearly 3 years ago. ... have not heard boo from anyone. Including your Premier. ... we continue to be ignored.

It goes on to talk about the Victim Assist payments. While we are happy to step in to help victims to have every support possible, it should not be up to us. It does, however, highlight the failure in the system that they have felt forgotten by this government when the worst has happened to their family.

In terms of the impact of delays, the relative of one victim recently described their experience of victim assistance not being there when her loved one needed it in the early days. It was too late for the counselling costs needed, and the number of forms was simply overwhelming when she herself was struggling. We know that these delays exist. For this financial year, applications were still taking an average of 5.9 months, or 178 days. That is an extraordinary length of time for a victim to have to wait. There may be an increase in applications as awareness grows about the increase in the payments. The government must ensure these are dealt with quickly and easily to give the best support to victims. We support victims and we support the increase in the payments.

I note the introduction of a victims representative on the Queensland Sentencing Advisory Council. I heard the Attorney-General talk about the fact that there has always been a victims representative on that Sentencing Advisory Council. The introduction of a victims representative to the Queensland Sentencing Advisory Council is just another example of the LNP leading from opposition. The opposition leader introduced this commitment in his June budget reply. He was derided by the members opposite, just as they are doing again right now.

**Mr Last:** They don't like it.

**Mrs FRECKLINGTON:** No, they do not like it. I take that interjection. Months later, once again we see the government take on an opposition policy. It is right that this council, which has as one of its roles to advise the Attorney-General on matters relating to sentencing when requested, has as a member a victim with lived experience. Community expectations must be reflected, and without the people impacted most by crime in the room this cannot be adequately reflected. We welcome this change. Too often we see that this is not the case. Our hope is that, with this representation, the victim experience will be better taken into account when looking at sentencing policy.

The amendments circulated to be passed with this bill are important, and it is important that I spend some considerable time speaking in relation to them. The Palaszczuk government should hang its head in shame for the way it has handled the DNA inquiry. From the very beginning we have seen the Palaszczuk government deny that this is an issue or seemingly misunderstand it. Let us start with the objectives of these amendments. The explanatory notes state—

The Queensland Government has committed to implementing the recommendations from the Commission of Inquiry into Forensic DNA Testing in Queensland ... and Commission of Inquiry to examine DNA Project 13 concerns ... to ensure transparency and restore public confidence in Queensland's forensic service framework.

It is not just about confidence and it is not just about the Queensland public thinking the government is doing a decent job; this is about the perpetrators of crimes who have not been brought to justice because of the failings of the Palaszczuk government through the failings of the forensic lab. This is an issue that we have raised time and time again. This is serious. We are talking about crimes of the most serious nature—murder and rape. We are talking about the victims of heinous crimes who may never see justice because of the lab's failings. That is what matters. This is not about the image of the Palaszczuk government. This is a government that is more interested in how things look than in how things are. This is about getting justice for victims and about keeping our communities safe.

The LNP started asking questions of the lab at the beginning of December 2021. Hedley Thomas and Dr Kirsty Wright had found some deeply concerning failings in the lab. I thank them publicly once again. Hedley Thomas, Dr Kirsty Wright and lawyer Kristy Bell all deserve thanks for the work they have done in this space. It was clear that there were broader issues than just the handling of the Shandee Blackburn case. There had been multiple reviews with issues found. From the beginning, we in the opposition were rebuffed by the Palaszczuk government.

**Ms Camm:** Accused of politicking.

**Mrs FRECKLINGTON:** Accused of politicking. I will take that interjection from the member for Whitsunday. On 1 December 2021 the Leader of the Opposition asked the Premier—

I refer to the overwhelming evidence from leading forensic experts about the dire consequences of the mismanagement of evidence by the state forensic lab. If the government is serious about protecting women and holding predators to account, when will it launch an independent investigation into the systematic failures which are allowing rapists and murderers to walk free?

The answer the Premier gave was so arrogant and so naive to the issues that it was offensive to every victim. The Premier stated—

I am advised that this matter occurred in 2013. We were not in government at that stage, so perhaps those opposite would like to look at any cuts they made to the lab at the time.

**An honourable member** interjected.

**Mrs FRECKLINGTON:** She went on to say—

I am also advised that there was a full coronial investigation into this matter.

**An opposition member** interjected.

**Mrs FRECKLINGTON:** I will take that interjection. We now know through the inquiry that these issues dated right back to the Beattie and Bligh years. The Attorney-General can sit there and blame the LNP all she likes. This is about standing up for the victims, about bringing murderers and rapists to account in this state. This is a government that has sat on its hands time and time again. There has been review after review. It was ignored until the noise got too much. That was the beginning of a recurring theme. We made speeches, we asked more questions over the month to come, we went to the media and the government continued to deny and talk down the issues. In February the Attorney, the then health minister, said—

There has been no evidence of systemic failings in our forensic pathology unit.

That comment has not aged well. This was all against the backdrop of publicly available information. Dr Wright had begun to expose widespread issues in the lab. There was the 2020 report by the QPS scientist that analysed 20 months worth of samples of the lab. It found in over 50 per cent of sexual assault or rape cases no DNA could be found on the swab of the male's penis, yet the government was not listening.



**Mrs FRECKLINGTON:** Before I recommence my speech on the Victims of Crime Assistance and Other Legislation Bill, I want to correct the record. Whilst I was speaking earlier, I referred to the Victim Assist Facebook group when I meant to say the Voice for Victims Facebook group, in which Victim Assist was discussed. I have not been asked to clarify that but I thought I had better get ahead of the game.

Before we adjourned, I was speaking about how Dr Wright began to expose these widespread issues. In March 2022, in this House I asked a question of the then minister for health and ambulance services. I asked—

Experienced forensic biologist Dr Kirsty Wright has found that in over half of all cases the government forensic lab has failed to get complete DNA profiles, even when swabs are directly taken from the male sexual offender or murderer. Will the minister intervene to ensure that offenders are held to account and that victims get the justice they deserve?

The answer was quite telling. Mrs D'Ath replied—

There certainly has been a lot of interest in the matters that have been the subject of the Shandee Blackburn matter. As members should be aware, I wrote to the Attorney-General asking the Coroner to reopen that investigation ...

Once again, she completely missed the point about a major failing within the lab.

By late March, finally, the Palaszczuk government were dragged, kicking and screaming, to agree to a review. It was not until May that the terms of reference were released and it became clear that it was merely going to be a review for show. When asked whether Queensland Health would be appointing the reviewers, the minister replied—

If the department is not identifying and appointing the reviewer, who do they suggest should?

Zero consideration was given to a truly independent review. As I have said, it was only after continuing calls from members on this side as well as Hedley Thomas, Dr Kirsty Wright and others in the media and then the revelation that the QPS was calling for samples to be retested, because at least they seemed to be looking at the information and data coming through, that the government finally caved. A commission of inquiry was announced in June.

I should note that, for all of that time, all we heard from the then attorney-general and minister for justice, minister for women and minister for the prevention of domestic and family violence was silence. We had silence on an issue that will be the central focus of our justice system for years, if not decades, to come. We had silence on an issue that impacts rape victims. We had silence on an issue that has left at least one family completely broken because of the lack of justice for their daughter's murderer.

By September, an interim report was released and the government finally got there: they said it was an extremely serious issue and that it could lead to a potential miscarriage of justice, which was something that we had been saying for months if not years. The interim report issued the first of many recommendations to come, which was that court statements would have to be changed to say that they were not true. Even that was a massive declaration of the measure of the issue. We know that over 1,000 of those statements have had to be changed. Those are official legal documents and the government has had to correct them to say that they are not true. The gravity of this cannot be overstated. What we have witnessed is one of the greatest failures, if not the greatest failure, in a justice system ever seen in not just Australia but the world.

In December 2022, the inquiry released its final report. With 123 recommendations and serious findings, it painted a picture of the mountain we would have to climb to get out of this mess. This year a subsequent inquiry was announced—after the Palaszczuk government rebuffed the need for it—to look at the failings of Project 13. Our greatest concern around this inquiry is the time and scope given. The inquiry was announced in early October and its report due on 17 November. The inquiry had just over 40 days to look at a project that was never validated and that no-one took accountability for. The commission noted—

Given that the scope of this COI has not enabled a full examination of the roles of any of the officials within the hierarchy of the QHFSS Laboratory, I do not consider that there is sufficient evidence before me to determine the question, fairly and within the allowed timeframe, of where the accountability for that particular decision and its consequences lies.

That is not a simple or a light statement. Throughout the inquiry, we heard about the short time frame. Parties were instructed that they would need to highlight the documents that they wanted read as there was no way that the commissioner would get through them all. A total of 13,775 documents were submitted. How on earth did the Palaszczuk government expect the commissioner to get through nearly 14,000 documents within a 40-day period? In the end, we found the problems of the project but no accountability and, once again, the minister took no accountability either. There have been catastrophic failures and a complete lack of accountability.

We cannot underestimate the extent of the damage done to the Queensland justice system because of the abject failure of the government to act when a problem was highlighted not just by the media but also by opposition members who are here to hold the government to account. It was an abject failure of the Palaszczuk cabinet not to sit up and listen to an issue that now leads us to one of the biggest failings of the justice system that Queensland will ever see. Worse than that, victims will never see offenders brought to account because of the failings of the Palaszczuk government.

That has led us to the amendments that are before us today. These amendments will allow for DNA material to be kept for up to three years, rather than one year, to allow for retesting as required. It is unclear why the government took so long to bring forward these amendments when, for months and months, it was been clear that mountains of cases will need to be retested and the time that will take needs to be taken into account. This should not be rushed through as amendments to another bill. If the government were on the front foot and had their head around how important the issue of retesting actually is then there would have been ample time to pass this through the usual parliamentary processes.

I have several questions for the Attorney-General on the amendments. When the government has given four years of funding for the implementation of the recommendations, including retesting, why has this extension only been made for three years? The explanatory notes state that Queensland Health has identified identical historical DNA material that was retained in contravention of the PPRA destruction requirements. How many samples have been identified? For years the QPS raised issues with the lab but without any significant response. I ask: was this a way of keeping those samples for future retesting given that they knew the issues arising? Very seriously, how many samples have been destroyed for relevant cases and how will the government ensure those victims receive justice?

There are approximately 103,187 casework samples extracted by the automated process. Each case could have hundreds of samples, according to the second report as quoted by Minister Fentiman. I ask: how many of these will actually have to be retested? Is the first amendment simply to increase the time limit because of this backlog as it only applies to the samples taken from suspects after June 2022? Importantly for the victims of Queensland, how long will these cases take to reach trial? We know that there is a huge backlog. We do not know how many victims will never see their perpetrators end up in the right place because of this debacle.

We note that the second amendment applies to samples taken from 2007. How many of these samples are anticipated to need retesting? What happens if suspects have left Queensland or if they have died? Will Queenslanders see justice? Will the victims ever see justice? Will families ever be able to see justice for their family members? Has the DNA from suspects of many cases that we know are subject to media inquiry been destroyed? We thank the family of Shandee Blackburn—may she rest in peace—as well as those who have highlighted her story, which brings us here today, but there are so many other unnamed victims who will be suffering in silence because of the ineptitude of the Palaszczuk government. We must get this right.

In 2005 there was a ministerial review. Two years later, due to the massive backlog, shortcuts were taken in retesting. We must ensure victims get justice. That is why we are calling for a standing commission of inquiry. We need some oversight of the retesting and we need an avenue for victims to have their concerns heard. We need to find some accountability for the decisions that are made because, as we stand in this chamber today, no-one has been held accountable for the abject failures of the DNA lab in Queensland. That is why we are calling for a standing commission of inquiry. Most of all, we need a government that gets it. When it comes to the management and operation of one of the most crucial elements of our judicial and justice system, this Palaszczuk government just simply does not get it.

This is a serious issue—an issue on which I am proud to stand here as the acting shadow Attorney-General in lieu of shadow Attorney-General Tim Nicholls, who cannot be in the chamber today. I thank the member for Clayfield for the work he has done not only in relation to the Victims of Crime Assistance and Other Legislation Amendment Bill but also in relation to the abject failures of the Queensland DNA system and the forensic unit. As I said, we will not stand in the way of increased compensation for victims of crime in this state. It is something that we have spoken about. It is something that we know is right. It is the LNP that will stand up for victims. It is only the LNP that has listened to victims through this debacle of the government's own making. There is only one way that we can ensure victims get a voice in Queensland—that is, by showing Labor the door in '24.