



Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 29 November 2023

FORENSIC SCIENCE QUEENSLAND BILL

Message from Governor

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (11.28 am): I present a message from Her Excellency the Governor.

Madam DEPUTY SPEAKER (Ms Bush): The message from Her Excellency recommends the Forensic Science Queensland Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

FORENSIC SCIENCE QUEENSLAND BILL 2023

Constitution of Queensland 2001, section 68

I, DR JEANNETTE ROSITA YOUNG AC PSM, Governor, recommend to the Legislative Assembly a Bill intitled—


A Bill for an Act to establish the Director of Forensic Science Queensland and for related purposes, and to amend this Act, the Evidence Act 1977, the Medicines and Poisons Act 2019 and the Police Powers and Responsibilities Act 2000 for particular purposes

GOVERNOR

Date: 29 November 2023

Tabled paper: Message, dated 29 November 2023, from Her Excellency the Governor, recommending the Forensic Science Queensland Bill 2023 [2024](#).

Introduction

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (11.29 am): I present a bill for an act to establish the Director of Forensic Science Queensland and for related purposes, and to amend this act, the Evidence Act 1977, the Medicines and Poisons Act 2019 and the Police Powers and Responsibilities Act 2000 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Health and Environment Committee to consider the bill.

Tabled paper: Forensic Science Queensland Bill 2023 [2025](#).

Tabled paper: Forensic Science Queensland Bill 2023, explanatory notes [2026](#).

Tabled paper: Forensic Science Queensland Bill 2023, statement of compatibility with human rights [2027](#).

The Palaszczuk government is committed to ensuring we have a strong forensic service that Queenslanders can rely on—a service that incorporates everything we have learned from the commissions of inquiry and a service that victims, their families and the broader community can rely on. The uncovering of the breakdowns at the Queensland forensic laboratory is due to the ongoing resilience and advocacy of Ms Vicki Blackburn. I echo the sentiments of Walter Sofronoff in the first

Commission of Inquiry into Forensic DNA Testing in Queensland: the work being done to resolve these failings is dedicated to the memory of Shandee Blackburn. I thank Vicki for all she has done to bring these issues to light, along with those scientific experts who pursued truth and transparency. Particularly I want to acknowledge Dr Kirsty Wright.

The Forensic Science Queensland Bill 2023 will establish the legislative framework for the provision of forensic services in Queensland. The bill is one more step towards restoring public confidence in Queensland's forensic services. We know how challenging this time has been for victims and their families as they follow the commissions of inquiry and hear the evidence about the unacceptable conditions operating in our forensic lab. The inquiry's recommendations require review and retesting of a large number of samples dating as far back as 2007. This is understandably of great concern for many Queenslanders. For victims and their families, this concern is personal. Knowing that a perpetrator might have escaped identification or being brought to justice has caused them immense stress and uncertainty. Everybody needs to have faith that testing standards are high and support perpetrators being identified and brought to justice.

I want to reassure victims and their loved ones that the Palaszczuk government is committed to restoring their confidence in forensic services in Queensland. That is why the interim advisory board includes a victim advocate, to ensure the voices and experiences of victims and their families are front and centre in building a world-class forensic service in Queensland. I appreciate that they will not be able to move on until the failings of the past are resolved. Implementing the findings of the commissions of inquiry is a priority for our government. Over 80 per cent of the 123 recommendations from the 2022 inquiry either have been implemented or are partially implemented. Our focus on finalising implementation of all recommendations will now include addressing the issues with Project 13.

The bill implements recommendation 121 of the 2022 inquiry, which recommended a statutory framework for forensic services similar to that of the Office of the Director of Public Prosecutions. The bill will help to ensure we never lose sight of the role, purpose and impact of forensic services in Queensland. It sets out the key components of the forensic services system and includes various protections for the integrity of the system.

The bill ensures key features of Queensland's forensic science system are enshrined in legislation. The main purpose of the bill is to ensure high-quality, reliable, independent and impartial forensic services for the administration of criminal justice in Queensland. The bill also requires research, development, innovation and collaboration activities be undertaken to ensure Forensic Science Queensland remains relevant well into the future, even as forensic science knowledge and the criminal justice landscape evolve.

The bill establishes the Director of Forensic Science Queensland. The director will lead the provision of forensic services to the Queensland Police Service, the Director of Public Prosecutions, coroners and other criminal justice entities. The director will be appointed by the Governor in Council on the recommendation of the Attorney-General. The director will need to have a tertiary qualification in a relevant scientific discipline and at least 10 years of practical experience in forensics. The bill provides that the director cannot have a conviction for an indictable offence or be an insolvent under administration. This is appropriate given the director's important role in overseeing a critical part of the criminal justice system.

The bill establishes Forensic Science Queensland as a government office that supports the director. Forensic Science Queensland will consist of the DNA laboratory, scientists and a range of staff to support research, innovation and administrative activities. Forensic Science Queensland will be located within the Department of Justice and Attorney-General, as recommended by the Sofronoff inquiry. An interim Forensic Science Queensland is currently operating within Queensland Health and will be moved to the justice portfolio through administrative processes after the bill has passed.

Forensic Science Queensland staff are essential to the success of our forensic services system. To provide certainty for staff, the bill applies Queensland Health terms and conditions of employment until a certified agreement covering Forensic Science Queensland staff is negotiated. Forensic Science Queensland will be focused on testing and analysis to assist the investigation or prevention of crime. It will provide expert evidence that informs the administration of criminal justice such as evidence in courts and coronial proceedings. Forensic Science Queensland will also be able to share its expertise outside of Queensland or outside of the criminal justice space where appropriate. For example, the bill allows the director to direct Forensic Science Queensland to conduct DNA analysis to support an interstate criminal investigation or to identify victims of natural disasters.

Finally, the bill establishes the Forensic Science Queensland Advisory Council. The council will monitor and review the policies and procedures of Forensic Science Queensland that relate to the administration of criminal justice. It will provide advice and recommendations to the Attorney-General on these policies and procedures, including on the Attorney-General's request. The advisory council

will also be able to give advice and recommendations to the director on its own initiative. The advisory council will draw from a wide range of criminal justice perspectives. The bill sets out mandatory council members to ensure there is police, prosecution, defence, victim support, independent forensic science and private legal profession representation on the advisory council.

The Attorney-General must appoint these mandatory members. Any other members that the Attorney-General appoints must have qualifications or experience in forensic services, policing, law, support for victims of crime or another field necessary or relevant to support the council's functions. Candidates for the advisory council will go through a suitability assessment before they are appointed. This process will ensure there is strong and diverse experience on the advisory council. If the council has advice or a recommendation that is not unanimously supported by council members, it will be required to provide a fair summary of the views of any members who did not agree with the decision. This requirement acknowledges that forensic science is complex and there may be different views that are relevant for the Attorney-General and director to understand.

DNA testing and analysis is a fundamental part of our criminal justice system. The Forensic Science Queensland Bill is an important step in rebuilding forensic services and establishing a world-class system for Queenslanders. We know that reforming forensic services is an enormous task. The significance of this work and the ongoing efforts it will require in a number of areas, from recruitment to cultural change to researching best practice, cannot be emphasised enough. Work is well underway to strengthen staffing and leadership of the laboratory, improve workplace culture and, of course, champion scientific excellence. The work undertaken to date has been described by internationally renowned scientific experts as 'herculean', 'spot-on' and 'an enormous task'. Importantly, the Bennett inquiry found no evidence that would undermine public confidence in the current work of Forensic Science Queensland. However, this work will be continuous. To rebuild and maintain trust, a strong workforce and commitment to high-calibre analysis will always be important. The bill provides the framework in which these ongoing improvements can occur.

The principles of quality, reliability, impartiality and independence will be relevant to all of Forensic Science Queensland's work—from delivering existing forensic services and scientifically reviewing cases as recommended by the commissions of inquiry to developing and adopting innovative and reliable forensic analysis techniques in the decades to come. I would like to take a moment to thank the stakeholders who have contributed to development of this bill. The bill has been informed by consultation with a range of individuals and organisations across fields such as forensics, law and victim support. The bill, and in particular the membership of the advisory council, ensures their voices will continue to be heard as Forensic Science Queensland matures. I commend the bill to the House.

First Reading

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (11.39 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Health and Environment Committee

Madam DEPUTY SPEAKER (Ms Bush): In accordance with standing order 131, the bill is now referred to the Health and Environment Committee.