




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 29 November 2023

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (3.53 pm): I rise to speak in support of the Victims of Crime Assistance and Other Legislation Amendment Bill 2023. I am very proud to speak in support of this bill, which recognises the ongoing harm that victims of violent crime suffer and the ongoing trauma they carry. We have a responsibility to care for those in the community who have suffered ongoing impacts of crime through no fault of their own. The bill reflects the Palaszczuk government's commitment to supporting victims of crime in Queensland as part of the \$185 million investment to improve support for victims of crime. The bill increases the maximum financial assistance for primary victims from \$75,000 to \$120,000.

The process of recovering from violent crime and trauma can be complex. That is why we are investing more in supporting victims to recognise current financial pressures and the costs of accessing services. The bill will help victims of violent crime to access the support services they need for their recovery, including medical, counselling and legal services and loss of earnings. To recognise the serious impacts of domestic and family violence on victim-survivors, the bill also includes an amendment to recategorise acts of domestic and family violence. This will significantly increase the special assistance payment for victims of domestic violence, from \$1,000 to \$9,000.

In my former role as minister for the prevention of domestic and family violence, I heard many stories of the critical need to increase special assistance for this category of crime. Not only can these payments be used for medical or counselling services but they can also be used for much needed emergency accommodation, relocation, security and the household items left behind. This all contributes to being and feeling safe, which is critical to recovery. The expanded scheme will assist victims of violence in their recovery and help them to get the support they need during this difficult time.

The Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence has foreshadowed that she will be moving amendments to the Police Powers and Responsibilities Act 2000 during consideration in detail. These amendments will assist the important work of Forensic Science Queensland. The Palaszczuk government is committed to addressing the issues raised in the commissions of inquiry into forensic DNA testing in Queensland. While the findings of these inquiries are relevant to our whole community, I want to again acknowledge the enormous impact they have had on victims of crime and their families. During the commissions of inquiry we have seen the significant consequences of taking shortcuts. Scientific integrity was sacrificed for speed.

The amendments will give Forensic Science Queensland two extra years to keep DNA samples taken from suspects while the crime scene testing backlog is being worked through. These amendments will also ensure that the historical case reviews recommended by the commissions of inquiry are conducted in a robust and comprehensive manner. We cannot afford to have another situation where victims of crime are not guaranteed justice simply due to time pressures.

I have heard in this debate those opposite say over and over again that no-one has been held to account. I have to disagree. Perhaps those opposite should read all of the hundreds of recommendations from both commissions of inquiry and the many media reports about many people having their employment terminated, including then long-term manager Cathie Allen, about whom Walter Sofronoff said her leadership was the single biggest problem at the lab over many years. Cathie Allen's leadership and the problems at the lab had been going on for 16 years across multiple governments from both sides of politics. There have been people who have been held to account for this. I want to again thank Walter Sofronoff and Commissioner Bennett for their work and to remind all of those in this place that very significant consequences have been felt by those responsible for those failings.

Section 490 of the Police Powers and Responsibilities Act 2000 requires DNA samples and results to be destroyed in certain circumstances. Currently, suspect DNA material must be destroyed a year after the sample was taken if proceedings have not been brought against the suspect in that time. We have been very up-front about the significant backlog in processing crime scene samples because of the huge amount of work that is being undertaken to retest historical samples. These are currently numerous. They have either reached the 12-month period or will soon reach that time frame and have not been tested. DNA material from suspects cannot be used for elimination or comparison purposes until the related crime scene samples are processed.

Forensic Science Queensland is working tirelessly to reduce the testing backlog as quickly as possible, but we all know that there is a lot of testing to be done and it is important that we get it right. Despite the significant efforts being undertaken to recruit more qualified scientific experts and outsource testing to other laboratories, it is taking longer than 12 months to analyse some samples, so without these amendments there is a risk that suspect profiles would need to be destroyed, because Forensic Science Queensland is simply not able to test related crime scene samples within the one-year period in which proceedings must be brought.

In line with existing legislative requirements, if there is an arrest or if a proceeding has commenced, the records will have to be destroyed if the arrest or proceeding is discontinued or there is a finding of not guilty. These amendments will ensure current criminal cases can be properly and thoroughly investigated.

Forensic Science Queensland has identified some historical records were retained. This is consistent with what the two commissions of inquiry heard about inappropriate or insufficient past practices. The records may be relevant to assessing the deficient DNA analyses we have committed to reviewing. For this reason it is proposed to amend the PPRA to allow these records to be retained for a further three years while they are reviewed. This will ensure the historical case reviews recommended by the two commission of inquiries benefited from all the information.

The amendments will authorise retention of some historical records dating back to 2007. If the records have not been re-analysed and proceedings brought against the suspect in three years, the records will then be destroyed. These amendments will provide assurance to victims of crime. Even though there may be delays, suspect profiles will not be destroyed simply because testing cannot be done in time with the huge workload currently before the lab. It is important to note Dr Bennett found no evidence that would undermine public confidence in the current work of Forensic Science Queensland.

These amendments demonstrate this government's commitment to identifying issues and being transparent and responsive to resolving them. We are doing everything possible to ensure a robust and trusted forensic service now and well into the future, and these amendments are a necessary part of this.