




Speech By
Peter Russo
MEMBER FOR TOOHEY

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FORENSIC SCIENCE QUEENSLAND BILL

 **Mr RUSSO** (Toohey—ALP) (10.53 am): I rise to speak to the Forensic Science Queensland Bill 2023. The Community Safety and Legal Affairs Committee, in its report No. 2 to the 57th Parliament, tabled in the Assembly on 19 February 2024, has recommended to the Assembly that the bill be passed. The purpose of the bill is to ensure high-quality, reliable, independent and impartial forensic services for the administration of criminal justice in Queensland by establishing: an independent statutory position of the Director of Forensic Science Queensland; a government office called the Office of the Director of Forensic Science Queensland, to be referred as Forensic Science Queensland, to help the director perform the director's functions; and the Forensic Science Queensland Advisory Council to monitor and review the policies and procedures of Forensic Science Queensland that relate to the administration of criminal justice and to give advice or to make recommendations about those policies and procedures to the Attorney-General and the director. The bill proposes that the advisory council comprise up to 11 members including representatives from Queensland police, prosecution, defence, victim support, independent forensic science and the private legal profession.

On 9 February 2013, Shandee Blackburn was tragically murdered on her way home from work. I want to acknowledge the ongoing advocacy of her mother, Vicki, who, through her courage and commitment to justice for Shandee along with others, including Dr Kirsty Wright, helped uncover some of the issues at the Queensland forensic laboratory.

Our committee report presents a summary of the Community Safety and Legal Affairs Committee's examination of the Forensic Science Queensland Bill 2023. During our inquiry the committee heard how deficiencies in Queensland's current forensic services system resulted in perpetrators perhaps escaping justice. In addition to the ongoing trauma inflicted on victim-survivors, these deficiencies have damaged confidence in forensic DNA testing in Queensland and in our criminal justice system as a whole. If victim-survivors cannot be assured that forensic evidence will be processed in a professional and efficient manner, they may be less inclined to report their assault to authorities or subject themselves to intrusive and potentially retraumatising evidence collection procedures. The bill will help ensure these events never occur again. Victim-survivors should not be confronted with this trauma.

The bill implements recommendation 121 of the final report of the Commission of Inquiry into Forensic DNA Testing in Queensland, released on 13 December 2022. The commission of inquiry commenced in June 2022 to inquire into the way in which DNA collection and testing for criminal cases was done in Queensland. The report made 123 recommendations to address deficiencies identified by the commission in the methods, systems and processes used in the collection, testing and analysis of DNA samples in Queensland by the forensic DNA laboratory. All of the report's recommendations have been accepted by the Queensland government. Recommendation 121 of the report provided for the creation of a forensic science institute for Queensland with a statutory framework similar to that of the Office of the Director of Public Prosecutions. Queensland Health noted—

If the Bill is passed, Queensland will be the first jurisdiction in Australia that establishes, promotes and protects key elements of its forensic services delivery model through legislation.

Additionally, they said—

The Bill will commence by proclamation to manage the transition of Forensic Science Queensland from Queensland Health to the Department of Justice and Attorney-General. However, it is intended that Forensic Science Queensland will be formally established within the Department of Justice and Attorney-General in July 2024.

The bill establishes the statutory position of the director and also covers the appointment, functions and powers of the director. The director's role requires the incumbent to have a tertiary qualification in a scientific discipline relevant to forensic services and at least 10 years of practical experience in providing forensic services.

The committee's task was to consider the policy to be achieved by legislation and the application of fundamental legislative principles—that is, to consider whether the bill has sufficient regard to the rights and liberties of individuals and to the institution of parliament. The committee also examined the bill for its compatibility with human rights in accordance with the Human Rights Act.

In formally establishing the director, the office and the advisory council of Forensic Science Queensland, this bill implements a model of forensic service delivery that is a first in any Australian jurisdiction. Given recent events relating to the administration of criminal justice in Queensland, it is clear that an overhaul of forensic services was required in Queensland. After its inquiry into the bill, the committee is satisfied that the new statutory framework set out in the bill to deal with forensic services is a positive step forward in remedying the issues identified in the report. The committee also considers that the statutory framework largely accords with the recommended approach set out in recommendation 121 of the report.

The draft bill and consultation papers were sent to more than 70 stakeholders external to government for feedback and comment. Stakeholders were generally supportive of the bill. There were some concerns raised by stakeholders that the bill does not provide for a dedicated research and development unit as suggested in the report. In response to these concerns, Queensland Health noted that the bill includes research, development and innovation in the director's functions. It also noted in this regard that the explanatory notes provide—

It is not necessary for a separate research and development unit to be established through legislation. Research, innovation, policy and education activities are dealt with through functions given to organisations or positions in legislation. The Bill gives the Director functions relating to research, development, innovation, partnerships and collaboration ... It is intended that a research development unit will be established within Forensic Science Queensland operationally.

I note that committee members in the opposition in their statement of reservation raised concerns—

... that the Government has moved to alter the formation of an Advisory Board, as outlined ... in recommendation 121 of the ... Inquiry.

In response to these concerns, I would suggest that members of the opposition take the time to read the explanatory notes that were provided to the committee and stakeholders for consideration in conjunction with the proposed bill. Further, I would say that committee members of the opposition should take the time to understand how the committee inquiry process works. Just because they would like to push a political agenda does not mean they are afforded the opportunity to ask whatever thought bubble pops into their focus. The inquiries made by committees into draft legislation have parameters and a defined focus. Questions put to stakeholders or departments should be contained within the purpose of the inquiry.

I am proud to be part of a government dedicated to bringing justice to victims of crime by ensuring that Queensland's forensic services are of a world-class standard and conducted in consultation with forensic, legal, health, police and victim support professionals and in accordance with the latest scientific research and evidence. On behalf of the committee, I thank Vicki Blackburn for her ongoing advocacy along with those individuals and organisations that made written submissions on the bill. I also thank our Parliamentary Service staff, Queensland Health and the Department of Justice and Attorney-General. I also thank the former Legal Affairs and Safety Committee for its tireless effort in conducting this inquiry. I commend this bill to the House.