




Speech By
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MEMBER FOR MUDGEERABA

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FORENSIC SCIENCE QUEENSLAND BILL

 **Ms BATES** (Mudgeeraba—LNP) (5.45 pm): I rise to make my contribution to the Forensic Science Queensland Bill 2023. Ordinarily, one might remark that this bill is not a particularly controversial one, that it is fairly transactional and matter of fact. There are some technical aspects: a new entity is created as well as a new position to guide it and an advisory council to oversee it. That sounds pretty run-of-the-mill in terms of things that might be debated in this chamber week to week, month to month. That is hardly earth shattering—ordinarily.

It is a bill which, as the explanatory notes so benignly put it, will establish the legislative framework for the provision of forensic services in Queensland. That sounds standard enough, doesn't it? That is what one might ordinarily say, but this is no ordinary bill because, while the Forensic Science Queensland Bill 2023 itself might be uncontroversial, its catalyst, its backstory, the actual reason for its existence, is a tale of disastrous misgivings. It is a tale of government maladministration at its spectacular worst. It is a tale which has shaken Queensland's criminal justice system to its very foundations. For behind this legislation is a tale where repeated systemic failures of the executive government in this state may well have led to criminals walking free for crimes they did commit, criminals who may have committed the most heinous of crimes—rapists, murderers. People who have perpetrated these crimes could be on the street today because of the failures of forensic DNA services in this state and because of a state government which took its eye off the ball.

There is no getting away from it. That is why we are here now debating this legislation. This bill is not some proactive step to improve a key pillar of criminal justice in this state. In fact it is quite the opposite. It is wholly reactionary. It is a bill to clean up a horrible, horrible mess—a mess which has left victims of crime and their families as collateral damage. I say to all members across this chamber: the facts cannot be forgotten as this bill makes its way through the House. There are people's lives who have been irrevocably damaged and up-ended because of the failures of forensic DNA testing in Queensland, and I think that is now a well-understood fact.

Today we should have those victims and their families at the forefront of our minds. I know that, for many of them, learning about the shocking shortcomings of forensic DNA testing in Queensland was not easy and still is not to this day. I along with my colleagues acknowledge their pain and their anguish. For many, their trust in a system was shattered—and understandably so. Every victim of crime and every family who stands behind them deserves justice, and that is why the opposition will not oppose the passage of this legislation. It is our sincere hope on this side of the chamber that the changes in this bill can deliver just that—justice—because for too long and for too many justice may not have been done.

If it were not for the family of one of those victims, this bill would not be before us today. What is more, there may never have been two commissions of inquiry into forensic DNA testing here in Queensland. Shandee Blackburn was the victim of a truly shocking crime. Her young life was ended senselessly and violently. Shandee's family—her mother Vicki and her sister Shannah—have so bravely and so ardently fought to bring Shandee's murderer to justice. In doing so, they have shone a

light on problems scarcely believable and brought about lasting change to an entire system. It is quite remarkable. I acknowledge their tireless fight and advocacy today. This bill is only one part of Shandee's legacy which she has left us, and it is an incredible legacy built on the foundations of her family's unending love and devotion for her.

I would also like to acknowledge Dr Kirsty Wright, the scientist who laid it all on the line and called out the failures of forensic DNA testing in Queensland. She selflessly put transparency, accountability and truth before her own career. She risked her personal and professional reputation. What Dr Wright did took immense courage, and that cannot be understated.

From the moment concerns about failing forensic services was first raised, those opposite were at best slow to act and at worst entirely dismissive. There is no getting around that. Increasingly desperate calls for a commission of inquiry into the DNA laboratory by sections of the media, experts, victims of crime and the opposition were repeatedly ignored and at times even mocked by the government.

It is important to remember that concerns were first being raised by the opposition in late 2021. It was at this same time that the Shandee's Story podcast, led by Hedley Thomas, first uncovered broad issues at the DNA lab and identified a QPS paper which detailed the failings of the lab to extract basic DNA profiles. As the evidence mounted, the health minister at the time said, 'There has been no evidence of systemic failings in our forensic pathology unit.' By May 2022, it was clear to the opposition and many others that something was horribly wrong. We called for a commission of inquiry to get to the bottom of what was going on. Those calls were met with staunch resistance: 'I have no idea why the opposition would be calling for this other than playing pure politics.' That was the member for Redcliffe's response to those calls for a commission of inquiry—'playing pure politics'.

Now we have before us a bill that—and I quote from the minister's explanatory speech—'implements recommendation 121 of the 2022 inquiry'. The minister went on to say, 'Implementing the findings of the commission of inquiry is a priority for our government.' My, my! We are here today debating the bill implementing recommendations from a commission of inquiry the government never wanted. It is as simple as that. It was a commission of inquiry to which they were dragged kicking and screaming—a commission of inquiry that was apparently just about 'playing pure politics'. Goodness me! It was never about that. It was about uncovering the truth and the shocking failures of a forensic DNA lab that quite clearly was failing in its most fundamental of tasks—to actually find DNA. The only people left who did not think there was a problem at the DNA lab are the same people now asking Queenslanders to trust them to fix the mess they pretended was never there. It is galling. With such rudderless leadership, is it any wonder the public's trust might have been totally eroded?

It is worth noting that the same two individuals with ministerial accountability for these failures are the same two individuals who hold ministerial accountability today. The only difference is that they have swapped places. The then attorney-general, who did not want to know anything about it when she was the first law officer, is now the health minister, who is responsible now for implementing the commission of inquiry findings. The then health minister, who said a commission of inquiry was 'pure politics', is now the Attorney-General, who is getting hand-passed back the responsibility of the forensic DNA services. Talk about chaos and crisis! If it were not such a horrible mess and if the issues were not so critical, it would be laughable. However, this is no laughing matter.

We as the opposition will certainly not stand in the way of these changes, but we will be keeping a very close eye on the implementation of the changes outlined in the legislation. The changes bring about: a statutory position of the Director of Forensic Science Queensland; a supporting Office of the Director of Forensic Science Queensland; and the Forensic Science Queensland Advisory Council. These three points are in response to recommendation 121 of the commission of inquiry. In this recommendation, Commissioner Sofronoff called for the creation of a forensic science institute in Queensland within a statutory framework similar to that of the Office of the Director of Public Prosecutions.

It is worth noting that the bill will commence by proclamation due to the transition of Forensic Science Queensland from Queensland Health to the Department of Justice and Attorney-General. I see it is intended that Forensic Science Queensland will be formally established within the Department of Justice and Attorney-General in July 2024, a deadline which was set following the commission of inquiry. We trust that deadline will be met, and we will be keenly observing to make sure that it is. The reason is that there are still significant and genuine questions to be answered about DNA forensic services in Queensland. These are the very things for which a newly established Forensic Science Queensland, outlined in this bill, will have responsibility.

Does the government have an update of the total number of cases that need to be reviewed? How many cases has the legal-led review assessed? Of these cases, how many have been found to have probative DNA samples and need retesting? How many have been retested and, of those, how many have found profiles where they had not previously? Importantly, how many victims have been contacted regarding the retesting of their samples, whether that be their samples will be retested or have been retested? I think it would be entirely appropriate for the minister to provide an update on each of these questions in her reply. These questions are directly relevant to the bill. I think it is fair and reasonable that, before Forensic Science Queensland is established, the answers to these questions should be known. Victims of crime deserve to know. Those working in our criminal justice system deserve to know. Queenslanders deserve to know.

With respect to the bill as it is written, there are only a handful of issues which I will address. I acknowledge the statement of reservation put forward by the members for Theodore and Scenic Rim, as well as that of the shadow minister for youth justice, who was a member of the former committee which considered this bill. Their frustrations at not being able to have questions answered, similar to those I have just put to the minister, are very valid. As I said, we would not be debating this bill if a commission of inquiry did not uncover monumental failures in forensic DNA testing. Answering questions of how many cases need to be reviewed because of past failures goes to the heart of the work a newly established Forensic Science Queensland will undertake. That the answers to those questions were not seen to be in line with the committee's consideration of the bill is of real concern. I thank opposition members of the committee for their attempts to have this information considered as part of the committee's deliberations.

I also note the government's decision to deviate from the commission of inquiry's recommendation 121 in relation to the membership of the advisory council. The commission of inquiry recommendation 121 also outlined that legislation should provide for the appointment of a chief operations officer who is responsible for the administrative duties associated with operating Forensic Science Queensland. The government has also made the decision to omit this position from the legislation. I note Queensland Health's evidence to the committee in taking this approach. I am sure there were good reasons the commission of inquiry suggested a particular make-up of the board and the position of chief operations officer being legislated. I sincerely hope that there have been adequate considerations given to why the government has chosen to deviate from this recommendation.

That effectively rounds out my contribution. As I said, the opposition will not oppose this bill. A properly functioning forensic DNA service is a fundamental pillar of our state's criminal justice system. All those who work across it and rely on it for justice deserve no less. It is, of course, the first responsibility of government to provide for the safety and security of its people. If this was truly the priority of those opposite, it does make you wonder how the failures at the DNA lab were ever able to occur. It should never have been allowed to happen.