



Speech By
Hon. Shannon Fentiman


MEMBER FOR WATERFORD

Record of Proceedings, 7 March 2024

FORENSIC SCIENCE QUEENSLAND BILL

Resumed from 29 November 2023 (see p. 3803).

Second Reading

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (5.35 pm): I move—

That the bill be now read a second time.

I want to acknowledge the work of the Community Safety and Legal Affairs Committee in conducting its inquiry into the bill. I thank the committee for its report, tabled on 19 February 2024. The committee made one recommendation: that the bill be passed. I appreciate the committee's support for the bill. I would like to thank the organisations and individuals who made submissions to the committee, participated in the public hearing and contributed to the development of the bill. I would also like to acknowledge the tireless and courageous advocacy of Vicki Blackburn, alongside Dr Kirsty Wright and Hedley Thomas from the *Australian*. Vicki has pursued truth and transparency and has been instrumental in bringing these issues to light.

Following the two commissions of inquiry into forensic DNA testing in Queensland, the Queensland government has taken clear steps to restore public confidence in forensic services. It is crucial that the community has faith in all aspects of forensic service delivery in Queensland. Significant work is already underway to ensure Forensic Science Queensland is a world-leading facility, and the Miles government continues to build on this work: 103 of the 123 recommendations from the 2022 inquiry have been implemented or partially implemented. The bill is another major step in implementing the inquiry's recommendations and rebuilding Queensland's forensic services system.

Reliable and timely forensic evidence is crucial in the administration of justice. It is often this evidence that is the determining factor in whether a perpetrator is brought to justice. Regardless of the outcome of a case, we know that the quality of forensic services impacts the experience of victims and their families when interacting with the criminal justice system. The Forensic Science Queensland Bill addresses recommendation 121 of the 2022 commission of inquiry. It will create a statutory framework governing forensic sciences to bolster the administration of criminal justice in Queensland.

This legislation marks a significant stride towards reforming forensic services and establishing a high calibre system for the people of Queensland. The bill ensures critical elements of Queensland's forensic science system are established in law. Its primary aim is to ensure the provision of high-quality, trustworthy, independent and impartial forensic services for the administration of criminal justice in Queensland. The bill also requires research, development, innovation and collaborative initiatives to ensure Forensic Science Queensland continues to be a world-class service well into the future. The bill establishes the Director of Forensic Science Queensland, the Forensic Science Queensland Advisory Council and, of course, Forensic Science Queensland itself.

The director will be an essential part of the criminal justice system in Queensland. They will be responsible for overseeing the delivery of forensic services to key stakeholders in the criminal justice system, including the Queensland Police Service, the Director of Public Prosecutions and coroners. Appointment to this position will be made by the Governor-in-Council on the recommendation of the Attorney-General. The director must hold a relevant tertiary qualification in a scientific discipline and possess at least 10 years of practical experience in forensic sciences. The bill specifies that the director cannot have a conviction for a serious criminal offence or be an insolvent under administration. These provisions underscore the importance of the director's role in the criminal justice system.

The advisory council will provide advice and recommendations to the Attorney-General on policies and procedures that relate to the administration of criminal justice. The Attorney-General will be able to request advice from the council. The council will also be able to give advice and recommendations to the director on its own initiative. The advisory council provisions ensure that relevant policies and procedures are informed by a range of perspectives.

The bill requires the minister—in this case, the Attorney-General—to appoint six members with specific positions, qualifications or experience to guarantee representation from the Police Service, the Director of Public Prosecutions, victims of crime, the forensic science sector and the private legal profession. It also allows the Attorney-General to make up to five further appointments of persons with 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.

During the committee process, stakeholders suggested the advisory council composition also include an additional mandatory specialist sexual violence support service representative, private legal representative appointed by the Bar Association and a forensic clinician. I would like to acknowledge the contribution that each of these members would bring to the advisory council.

When Queensland Health consulted stakeholders on the draft bill, there were also various other suggestions for mandatory membership requirements in addition to those recommended by the commission of inquiry. There is always a balance to strike between prescribing members and allowing the administrative flexibility for the council to do its job efficiently. I believe the bill strikes an appropriate balance. All categories of members listed in recommendation 121 are accounted for in the bill. The commissioner, who made the recommendation, raised no concerns with this approach. The vast majority of stakeholders consulted on the draft bill did not raise any concerns about the advisory council provisions.

The bill ensures the advisory council has representatives from key stakeholder groups in the criminal justice system while also allowing for the appointment of additional members whose experience and skills are complementary. The level of detail in the bill reflects the approach taken in the many other Queensland acts establishing an advisory body. It is evident from the commissions of inquiry that responsiveness is paramount when reforming forensic services. Having a large advisory body with a prescriptive list of members can impact the body's effectiveness and responsiveness.

I also note that the Attorney-General has a broad power to appoint members with relevant qualifications and experience. The Department of Justice and Attorney-General will be running an open expression of interest process to fill the advisory council membership. I am sure the Attorney-General will join me in encouraging individuals who believe they have the skills to contribute to oversight of Forensic Science Queensland's policies and procedures at this important point in time to submit an expression of interest.

There are also expected to be opportunities to be involved in advisory council processes without being appointed to the council under the bill. For example, the interim DNA advisory board that was established while the bill was being developed receives advice from a range of subcommittees. These committees comprise experts and stakeholders in their respective fields who support the integrity of the Queensland criminal justice system through the provision of independent specialist advice. The bill allows for this kind of subcommittee work to continue.

The bill establishes Forensic Science Queensland as a government office, like the Office of the Director of Public Prosecutions, to support the director. Forensic Science Queensland will comprise teams of scientists conducting testing and analysis, monitoring quality standards and undertaking research and development, as well as their critical support staff. FSQ will administratively sit within the Department of Justice and Attorney-General, in accordance with recommendation 121. While the bill has been under consideration by parliament, an interim Forensic Science Queensland business unit has been operating within Queensland Health. That will transition to the justice portfolio through administrative procedures once the bill is enacted.

Forensic Science Queensland staff are critical to the effectiveness of our forensic services system. To ensure stability for these staff members, the bill maintains the terms and conditions of transferred staff. The primary focus of Forensic Science Queensland will be conducting forensic and scientific testing and analysis to assist with investigations into, and prevention of, criminal and coronial investigations. This will include the provision of expert evidence in court proceedings.

This government has not shied away from the fact that the issues uncovered by the commissions of inquiry have been extremely challenging for victims. As we move forward with strengthening forensic service delivery, victims remain at the centre of this government's reforms. We have committed to deliver \$10 million over four years for victim support services to meet any increased demand for trauma counselling. Government agencies are working together to ensure trauma informed approaches to communication with victims. Yesterday we introduced legislation to permanently establish the Victims' Commissioner. This legislation will also establish the Sexual Violence Review Board and we have allocated \$18 million towards this, and of course we have the independent ministerial advisory council to put victims' voices at the forefront of justice reforms.

The Forensic Science Queensland Bill is designed to keep the role, purpose and impact of forensic services in Queensland at the forefront. It outlines the essential components for excellence in a forensic services system and incorporates measures to safeguard its integrity. The bill is a significant step towards rebuilding Queensland's DNA and forensic services to a world-class standard. We know this will be a complex and challenging process. The bill provides structures and safeguards to support this important work. I am extremely thankful for the dedication of those who have been working tirelessly despite challenging circumstances to uphold vital services essential to our health and justice systems. I commend the bill to the House.