




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 19 March 2024

FORENSIC SCIENCE QUEENSLAND BILL

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (12.36 pm), in reply: In reflecting on the contribution of the member for Nanango, I would urge her to perhaps read the commission of inquiry reports, because the management that oversaw what is a complete debacle of the lab happened across both governments. The failings of this lab go back to 2008. I think it is really important that the member for Nanango perhaps pauses and remembers that the maladministration that she now seems so concerned about actually happened over a long period of time, including when she was an assistant minister.

I want to thank all members for their contributions to the debate. As I said in my second reading speech, the bill will establish Forensic Science Queensland, the Director of Forensic Science Queensland and the Forensic Science Queensland Advisory Council. The bill was developed in response to the 2022 commission of inquiry and as part of this government's strong commitment to addressing the issues raised in that inquiry.

The government has always been up-front with its appreciation for the people who helped uncover the breakdowns at the Queensland forensic laboratory. Again, I want to thank and acknowledge the hardworking efforts of Ms Vicki Blackburn, Dr Kirsty Wright and Hedley Thomas at the *Australian*. I would also like to thank those who took time to provide feedback and make submissions on the bill and officers from my department and the Department of Justice and Attorney-General who have been involved in developing the bill and supporting the committee process. I also want to acknowledge the ongoing work of Forensic Science Queensland staff, who continue to work hard to deliver and improve services.

The Miles government is committed to ensuring public confidence in the delivery of forensic services, a crucial part of the criminal and coronial systems and, of course, community safety. We have committed almost \$200 million to reforming forensic services and providing support to those affected by the commissions of inquiry. A total of 103 of the 123 recommendations have been implemented or partially implemented, and the debate of this bill in the House today gets us one step closer to making it 104. The purpose of these dedicated efforts is to ensure we have a top-class and trusted system here in Queensland.

The opposition have talked a lot about the past, and I will not deny that the past is relevant. However, to ensure the lessons learned are implemented, the Miles government is absolutely focused on taking action now and safeguarding the future. That is what this bill does. The bill ensures that the principles of quality, reliability, impartiality and independence are at the forefront of forensic services delivery both now and into the future. Crucially, the bill recognises that forensic service delivery cannot occur in a vacuum. A range of perspectives, including victims' voices, are required to be represented on the Forensic Science Queensland Advisory Council. The bill also makes partnership development and collaboration one of the director's functions. This collaborative approach supported by the bill

promotes high-quality forensic services continuing into the future. The way the bill protects the future of forensic services is nation-leading. The bill will implement a model of forensic service delivery that no other Australian jurisdiction has.

The opposition has asked various questions about the status of historical case reviews recommended by the commissions of inquiry, and I completely agree that Queenslanders deserve to know that justice is being done. Before I talk numbers, I want to assure Queenslanders that the Miles government is committed to getting historical case reviews right. A historical review process is being carefully implemented, and it will continue to be refined over time to ensure efficient and reliable review. The process involves collaboration between the Queensland Police Service, the Office of the Director of Public Prosecutions, Forensic Science Queensland and representatives of defendants. It is a legal-led review and considers whether DNA evidence is critical to the outcome of the case. If DNA was critical, the DNA evidence is scientifically reviewed to ensure previous analysis was sound. Out of the reviewed cases, not all cases will benefit from additional DNA analysis. In fact, scientific review may confirm that the original DNA testing was appropriate and satisfactory. The current focus is on cases that are being actively prosecuted by the Queensland Police Service and the DPP. Additional priority is given to cases involving a defendant who is in some form of custody. The next phase will be scaling this up to other cases. I assure the House the prioritisation of cases requiring review is being managed between relevant agencies in consultation with criminal justice stakeholders.

Queensland Health, the Department of Justice and Attorney-General, the Queensland Police Service, the DPP and the interim Forensic Science Queensland are working to identify every case affected by the recommendations of the commissions of inquiry. As at 18 March, 443 cases are or have been subject to a legal-led case review. All of these cases are being actively prosecuted or were actively prosecuted at the time their case review commenced. The degree and nature of updated DNA analysis will vary from case to case. There may be cases where the analysis has changed for only one sample out of hundreds of samples. However, a number of these completed cases have resulted in updated DNA results. For example, there have been updates to the likelihood that a person's DNA is present in a mixed profile sample. In one matter I am advised that the new DNA interpretation guidelines and changes to processes at FSQ led to a reassessment that the DNA profile was from one person rather than three people. These new results strengthened the evidence against the suspect, who pled guilty to manslaughter following the results. The new DNA interpretation guidelines and process at FSQ are also bringing justice to victims of sexual assault, with new sexual assault cases progressing through the courts based on the DNA testing.

As for victims being contacted about historical case reviews, there are many ways this is occurring. Victims or their authorised representatives who request an update, for example, by contacting my office or the victims hotline are given that update. Wherever possible, we take a trauma informed approach with historical case reviews. It is undesirable to contact a victim to advise that their case is in scope until the process is complete because we do not know whether DNA retesting will impact on a case until it is properly reviewed. To ensure respect for victims, Queensland Police Service investigators consider contact with victims on a case-by-case basis. We also allocated \$10 million for victim support services to support them through this process which includes funding for Victim Assist Queensland to provide trauma informed support to any individual seeking assistance impacted by the commissions of inquiry. DVConnect also received additional funding for the establishment of the public facing Forensic Support Line, which commenced on 1 December 2023.

Those opposite have raised issues with so-called deviations from the commission of inquiry's recommendations for membership of the advisory council and the appointment of a chief operations officer. Before I speak to this, let me be clear: the Community Safety and Legal Affairs Committee, with members from all sides, recommended that the bill be passed and was satisfied that the advisory council provisions did not raise concerns about not legislating a chief operations officer. A chief operations officer equivalent has already been established operationally. The bill implements recommendation 121 in a way that is both consistent with existing legislative practice and which ensures it remains relevant into the future. Where the detail of recommendation 121 is not exactly mirrored in the bill, the intent is still achieved. This is not a stealth move by government, as the opposition would have us believe. The commissioner who issued recommendation 121 was consulted on the approach and did not raise concerns.

A wide range of stakeholders were also consulted on the draft bill and overall the feedback was supportive. Queensland Health directly engaged with the few stakeholders who commented on recommendation 121 to explain the rationale. The bill requires all categories of members identified in recommendation 121 to be appointed. There are also opportunities to be involved in delivering the advisory council's functions without being appointed to the council—for example, through

subcommittees. The bill ensures that all relevant perspectives and expertise can and will have input into Forensic Science Queensland's policies and procedures while ensuring the core council membership is operationally workable in size.

The Miles government is committed to doing everything we can to keep the community safe, especially ensuring that Queensland women and children are safe and live a life free of violence. We know as a community we need to do more. That is why this government established the Women's Safety and Justice Taskforce which delivered the *Hear her voice* report, it is why the government delivered on its election commitment to legislate coercive control, and it is why this government has developed a dedicated Women and Girls' Health Strategy. I want to acknowledge the dedicated victims and women support stakeholders who provided valuable feedback during consultation on the bill. We listened to that feedback and the bill was amended to provide that the advisory council must include at least one representative who holds qualifications or has experience supporting victims of crime. This person could be a representative of a victim support organisation, an advocate for victims or a person with lived experience. The Attorney-General also has capacity to appoint further representatives of victims and support groups. I want to acknowledge the valuable perspective that these representatives will have on the advisory council to ensure victims' voices are heard.

As I have said many times before, this government is prioritising forensic service reform and the transfer of Forensic Science Queensland to the justice portfolio is a priority. The bill underpins that transition. Cross-government efforts are already underway to ensure a smooth process for establishing and transitioning Forensic Science Queensland. If the bill is passed today, I expect Forensic Science Queensland will be administratively assigned to the Department of Justice and Attorney-General by the middle of this year. As part of the transition, we of course need to ensure that a highly qualified director and a diverse expert advisory council are appointed. To that end, the Department of Justice and Attorney-General will be prioritising establishing these aspects after passage of the bill, including through an international recruitment campaign for the director and an open expression of interest process for the advisory council. My department and the Attorney-General's department are working closely on the logistics of moving the new model of forensic services to ensure continuity of historical case review processes once Forensic Science Queensland moves portfolios.

Those opposite have asked how Queenslanders can have trust in the system. The most recent commission of inquiry led by Dr Annabelle Bennett AC, SC found no evidence that would undermine public confidence in the current work of Forensic Science Queensland. This bill provides confidence for Queenslanders in the standard for forensic services that we can expect into the future. I again want to thank the members of the Community Safety and Legal Affairs Committee and the staff of the committee for their consideration and report on the bill. The delivery of forensic scientific services is a fundamental part of our criminal justice system and this bill is a key milestone in reforming forensic services and establishing a world-leading system in law for all Queenslanders.

The Miles government is committed to long-term reform to ensure that the failings uncovered by the commissions of inquiry never happen again. This government acknowledges that reforming forensic services is an enormous task that cannot happen overnight. It requires ongoing effort and improvement in aspects like recruitment, culture and scientific excellence, but I am proud to say that the bill provides the appropriate legislative framework to facilitate these efforts. It has been shaped through consultation with various stakeholders spanning fields like forensics, law and victim support. The provisions in the bill, notably the composition of the advisory council, guarantee the ongoing representation of these voices as we embark on a new chapter. I commend the bill to the House.