

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report No. 23, 57th Parliament, February 2022

Evidence and Other Legislation Amendment Bill 2021

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 16 November 2021 the Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence introduced the Evidence and Other Legislation Amendment Bill 2021 into the Legislative Assembly.

The objectives of the Bill are to:

- establish a statutory framework that allows protection against the disclosure of the identity of journalists' confidential informants in relation to court of record proceedings and search warrants (known as 'shield laws');
- introduce a legislative framework to support a pilot enabling video recorded statements taken by trained police officers to be used as an adult victim's evidence-in-chief in domestic and family violence related criminal proceedings;
- provide a specific process for the viewing and examination of the body of a deceased person in a criminal proceeding to implement the Queensland Government's response to Recommendation 2 in the findings of the Inquest into the disappearance and death of Daniel James Morcombe;
- clarify the operation of computer warrants in relation to bail; and
- enable service as a magistrate in Toowoomba to constitute regional experience for the purpose of a transfer decision under the *Magistrates Act 1991*.

After introduction, the Bill was referred to the Legal Affairs and Safety Committee (the Committee) for consideration.

On 11 February 2022, the Committee tabled its report (No. 23, 57th Parliament) on the Bill.

The Queensland Government response to the recommendations made by the Committee is provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The Committee recommends the Evidence and Other Legislation Amendment Bill 2021 be passed.

Queensland Government response:

The Government thanks the Committee for its consideration of the Bill and notes the Committee's recommendation that the Bill be passed.

Recommendation 2

The Committee recommends that the Attorney-General, in the second reading speech, provide an update in relation to consideration of the issues raised by stakeholders about proposed section 14ZF.

Queensland Government response:

The Government supports this recommendation.

In the second reading speech, the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence (Attorney-General) will provide an update in relation to consideration of the issues raised by stakeholders about who, in an application for a determination of an objection to the inspection, copying or seizing of a document or thing authorised under a search warrant, bears the onus of satisfying the court that the public interest in disclosing the informant's identity outweighs the prescribed matters.

Recommendation 3

The Committee recommends that the Attorney-General, in the second reading speech, provide an update on the consideration of the issues raised by submitters in relation to the definition of 'domestic violence offence'.

Queensland Government response:

The Government supports this recommendation.

In the second reading speech, the Attorney-General will provide an update on the consideration of the issues raised by submitters in relation to the definition of 'domestic violence offence'.