

7 February 2022

Our ref: BT/NDC-CrLC/DFV

Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane QLD 4000

By email: [REDACTED]

Dear Legal Affairs and Safety Committee

Evidence and Other Legislation Amendment Bill 2021 – questions on notice

Thank you for the opportunity to appear at the Legal Affairs and Safety Committee (**Committee's**) Inquiry into the Evidence and Other Legislation Amendment Bill 2021 (the **Inquiry**). The Queensland Law Society (**QLS**) provides the following remarks in response to the question taken on notice: how might the proposed framework for the time-limited 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 (**VRE Pilot**) be improved?

We understand the VRE Pilot regulation and any subsequent amendments that relate to the regulation's scope and application is yet to be developed. We welcome the opportunity to contribute to the development, and to any future reviews or evaluations, of the VRE Pilot. In the meantime, we set out below some initial comments about the operation of the VRE Pilot.

First, there must be sufficient clarity about which cases the VRE Pilot will apply to.

Second, we recommend that further consideration be given to transcripts and access to video recorded statements of evidence. The explanatory materials (at page 14) note:

If the accused person has a lawyer acting for them, the lawyer will be given a copy of the recorded statement, and if the accused is unrepresented, they will be allowed to view the statement in certain circumstances if the prosecution or court considers it appropriate. This provision does not prevent the disclosure of a transcript to an unrepresented accused person or their lawyer, and the notice to an unrepresented accused person must state that prosecution must, on request, give the accused person a transcript of the recorded statement that is in the possession of the prosecution.

In the interests of access to justice, it is critical that an unrepresented accused have full access to the evidence against them. It is not clear to us what the basis is for preventing an unrepresented accused from having access to the recorded statement as a matter of course.

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The court could retain its discretion about appropriate access to recorded statements in certain circumstances.

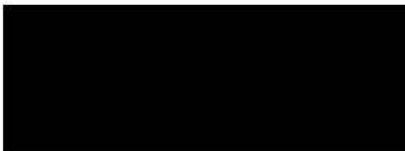
Consideration should also be given to the prospect of delays in proceedings as a result of the need to provide transcripts of the recorded statements.

Third, the effectiveness of the VRE Pilot will depend to an extent on the quality of training and education undertaken by participating police officers, and appropriate resourcing.

In addition, it is imperative that proper evaluation of the pilot include consultation with stakeholders with practical experience in the courtroom and familiarity with the processes of evidence in chief and cross-examination. The evaluation should also be informed by evidence as to the best ways to support victims in their engagement with the criminal justice system.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Kara Thomson
President