



Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Thursday, 5 August 2010

MINISTERIAL STATEMENT

DNA Testing

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (10.18 am): The Bligh government is committed to ensuring that Queensland's justice system remains fair, open and accountable. This commitment means that we are prepared to constantly review the justice system. We are also prepared, where necessary, to make changes to ensure that the justice system keeps pace with new advances and techniques that have the capacity to improve the accuracy and reliability of decisions.

Such a situation applies in relation to DNA evidence. Queensland courts have long recognised the role that DNA evidence can play in some criminal matters, providing strong evidence in relation to the guilt or innocence of a defendant. Better testing techniques in recent years have significantly improved the accuracy and reliability of DNA test results, which means that the community and the criminal justice system can have greater confidence in the validity of test results.

Recent reviews of some older cases—in particular, the case involving Shane Sebastian Davis—have highlighted the need for a mechanism to allow DNA evidence to be retested in some circumstances. By allowing some materials to be tested or retested for DNA evidence, we will have access to information that could help shed new light on past convictions. The government has recognised the need to provide a clear framework to guide decision making on which cases should be the subject of DNA retesting. Today, I am releasing the formal guidelines for postconviction DNA testing. I table a copy of the guidelines for the information of all honourable members.

Tabled paper: Guidelines for applications to the Attorney-General to request postconviction DNA testing [\[2697\]](#).

I envisage that the need to reopen cases and retest DNA will only occur in rare and exceptional circumstances, where genuine doubt has emerged about the guilt of those jailed for serious criminal offences after their appeal options have been exhausted. This should not be seen as a legal loophole for prisoners who have no clear basis for challenging their convictions. The guidelines set rigorous criteria to ensure this new safety net is not abused but they also recognise that earlier forensic results were not, in some respects, as reliable as the Profiler Plus system of DNA testing adopted in 1999.

Other considerations include determining whether testing would have an adverse impact on the victim or their family and whether or not the testing would be in the public interest. These guidelines will help uphold the integrity of our legal system and ensure that the interests of justice continue to be served.