



Speech By
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MEMBER FOR MIRANI

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FORENSIC SCIENCE QUEENSLAND BILL

 **Mr ANDREW** (Mirani—PHON) (11.46 am): I rise to speak on the Forensic Science Queensland Bill 2023. The bill has been introduced in response to the final report by Walter Sofronoff in the first commission of inquiry, COI, into the systems and processes of Queensland's government-run forensic laboratory.

The COI was formed in response to the revelation of the lab's serious shortcomings exposed by the journalist Hedley Thomas and forensic scientist Dr Kirsty Wright. Both are to be commended for the vital work they did in bringing this critical information to public notice. Through their diligent investigation, and the courage and commitment of Vicki Blackburn, it was eventually brought to light that the Queensland government's forensic lab had been making significant errors over a long period of time in the analysis of DNA samples. The concern and the loss of confidence this has caused the public has been considerable and the effects of this will be far-reaching.

The inquiry, headed by Walter Sofronoff KC, revealed that lab managers were focused on speed and 'efficiency gains' rather than accuracy. It took the tragic case of Shandee Blackburn, and the ongoing advocacy of her mother, Vicki, for the disgraceful breakdowns within the Queensland forensic science laboratory to be uncovered.

During the bill's inquiry, the committee heard how deficiencies in the state's current forensic system may have resulted in perpetrators of violent crimes escaping justice. This has severely damaged public confidence in forensic DNA testing here in Queensland and in our criminal justice system as a whole. If Queenslanders do not feel confident that forensic evidence is being processed in a professional and effective manner, they will be less inclined to report their assault to authorities and less inclined to subject themselves to intrusive evidence collection procedures. The government must proactively ensure that these systemic failures never occur again. Victim-survivors should not be confronted with the trauma of seeing their rapist or attacker walk free due to bureaucratic, political and technical mismanagement.

Faulty science has been one of the leading causes of miscarriages of justice in Queensland and throughout Australia for decades, with the most prominent example being the spectacular failure of forensic science in the Lindy Chamberlain case. The bill establishes the Director of Forensic Science Queensland and a new government office referred to as Forensic Science Queensland to support the director.

Clause 26 of the bill establishes the Forensic Science Queensland Advisory Council. The council's functions are to monitor and review the policies and procedures of Forensic Science Queensland, particularly in relation to the administration of criminal justice. The council's functions are broad and will allow it to consider written and unwritten policies, procedures and processes. As pointed out in the Gold Coast hospital's submission, missing from the advisory council member list are clinical forensic medical examiners. This is a critical omission if the aim of Forensic Science Queensland is to

give advice or make recommendations about policies and procedures relating to the administration of criminal justice. It would be hard to envisage this working effectively without these key stakeholders being represented on the board.

DNA testing and analysis are a fundamental part of our criminal justice system. It is to be hoped that the mission of the bill's new advisory council will be to identify and eliminate causes of error in the criminal justice system, and you cannot do that without looking at forensic practices. As everyone knows, forensic practices have been abundant sources of error. In this field we have seen questionable forensic practices around bite mark analysis, hair sample analysis, blood spatter analysis and drug field test kits. DNA analysis has been one of the most reliable forensic practices in the criminal justice system and one of its most valuable tools. It can conclusively identify an offender and it can conclusively exonerate those who have been wrongly accused or convicted. Even though it is often viewed as the gold standard it continues to raise concerns, especially in a situation where a mixture is present.

The newest entry into the field of DNA is automated DNA machines, where analyses are performed by robotic technology. For police and prosecutors this technology holds the promise of nearly immediate results, allowing for the quick arrest of identified perpetrators. As a technology, it has the potential to radically change the way DNA analysis is used. This means that safeguards and oversights are urgently needed. We must ensure the problems we have seen with the introduction of this new technology in the field of criminal justice never happen again. We also need to think about this issue in terms of the proliferation of new, cheap and accessible technology that is being fast-tracked into use by government entities. Some sort of review needs to be conducted to look at how that impacts the way it is being used and what oversight mechanisms have been put in place.

If this technology becomes more and more available, then in terms of frontline investigations these machines could become the baseline for DNA testing and shut out traditional forensic labs. If that is possible, how can we go about preparing necessary guardrails and protections to safeguard that in such a way that is consistent with scientific integrity across forensics? We need the government to put transparent rules and regulations in place. Right now there are none. There are no rules and regulations around what we are doing, and I think that is a disgrace. Given that for nearly two decades we have had more and more people exposed to this technology in Queensland, strict rules need to come out of this. The field of forensics in Queensland is going to have to change its ways. The government is also going to have to pick up its game and make sure our labs are given the staffing, resources and funding they need.

The other problem with this technology is the danger of it being used as a shortcut and a way to close a case. That is why it is critical that more resources are put into traditional investigative techniques. The human aspect is still the most important because, let's face it, DNA is the easiest thing in the world to plant and contaminate. At some point that becomes a real issue. It used to be that prosecutors would not take a case where there was just DNA; you had to have more than that. Now, however, a lot of cases are based on just DNA, particularly the cold cases we keep hearing about. It is all DNA with those cases because no-one remembers the details or has kept receipts to establish a defence. It is impossible to fight. I would like to see much more funding and resources given to traditional investigations and manual testing.

Another point I would like to make is that we still have huge challenges when it comes to getting police, lawyers and the general public to understand what DNA kits and investigative DNA reports from laboratories actually mean. That is an education and training issue. We need to understand how this information is being used. From my reading on the subject, a lot of this has been taken on trust by professionals, juries and the public. What do we know about these machines and whether they are functioning properly? How do we validate standards for calibration and everything that surrounds it? We are talking about people's lives, their futures and their standing in society. The stakes could not be higher.