



Queensland Government
Third Progress Report

Delivery of Recommendations

Commission of Inquiry into
Forensic DNA Testing in Queensland

March 2024



**Queensland
Government**

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Contents

Message from the Co-Chairs of the Forensic Science Queensland Interim Advisory Board.....	4
Foreword by the Chief Executive Officer of Forensic Science Queensland.....	5
Introduction.....	6
Queensland’s journey so far.....	7
Delivery of recommendations.....	7
Element one: Organisational reform.....	8
Element two: Culture, quality and innovation.....	10
Element three: Scientific service delivery.....	12
Element four: Historical case review.....	13
Element five: Queensland Police Service operations’ recommendations.....	14
Future focus.....	16



Message from the Co-Chairs of the Forensic Science Queensland Interim Advisory Board

Work to implement the 123 recommendations made in the Final Report of the Commission of Inquiry into Forensic DNA Testing in Queensland is progressing well. We are pleased to observe that 16 further recommendations have been marked as closed during this reporting period, taking the total number of completed recommendations to 50. Implementation of 54 further recommendations has commenced, which means that progress has now been made with more than 100 recommendations.

One of the Inquiry's key recommendations, paving the way for the important reform work, is the Forensic Science Queensland (FSQ) Bill 2023, which was passed by Parliament earlier this month. It will create a new statutory office of the Director of Forensic Science Queensland under the Attorney-General's portfolio. The Bill will also establish the FSQ Advisory Council, replacing the interim Advisory Board later this year, to continue to monitor and review the policies and procedures of FSQ as they relate to the administration of criminal justice in this State. This legislation is the first of its kind in Australia, enshrining in law a framework that promotes and protects high quality forensic services.

We remain impressed by the dedication and commitment shown by the staff at FSQ who continue to deliver critical forensic services under challenging circumstances. We are also pleased to observe that international recruitment efforts have resulted in a number of high calibre scientists joining FSQ. While the reform activity last year predominantly focused on setting up necessary infrastructure and building capacity, the focus for this year is on implementation of vital changes, such as reducing the backlog and implementing a case management approach. We also note that several teams at FSQ have recently co-located to a new modern annex at the Coopers Plains site, which greatly helps to support collaboration and streamlined workflows.

The interim Advisory Board is continuing its important work to oversee implementation progress by FSQ and the Queensland Police Service. We are incredibly grateful to our members for their invaluable advice, guidance and expertise over the past year. We are committed to keeping up the pace over the next few months to ensure there are solid foundations for the new Advisory Council to build on, to set up a system for world-class forensic services in Queensland.

Walter Sofronoff KC and Julie Dick SC

Co-Chairs, FSQ Interim Advisory Board

Foreword by the Chief Executive Officer of Forensic Science Queensland

Forensic Science Queensland (FSQ) continues to make excellent progress on its journey to becoming a world class forensic science service. A crucial component to achieving this long-term goal has been recruiting the right people to enable a high-performing culture. FSQ has broadened its horizons through an international recruitment campaign to grow and expand its resources and capabilities and continue to deliver the reform agenda.

During this period of rapid growth and change, FSQ staff have continued to demonstrate their ongoing commitment to the reform agenda. I am incredibly grateful for their dedication and perseverance as they are instrumental in ensuring the success of FSQ.

A key priority for FSQ over the next quarter is to prepare for its transition to the Department of Justice and Attorney-General (DJAG). I look forward to being able to fully integrate FSQ within the Queensland criminal justice system and continuing to work alongside our criminal justice system partners.

Implementation of this reform agenda has also required a collaborative and unified approach across Queensland's criminal justice system stakeholders. I am incredibly thankful for the ongoing support of my criminal justice system counterparts including the Queensland Police Service (QPS), the Office of the Director of Public Prosecutions (ODPP), criminal defence law representatives and victim support organisations.

I would also like to acknowledge the support of my national and international forensic colleagues who have contributed to FSQ's successes to date.

Adjunct Professor Linzi Wilson-Wilde OAM

Chief Executive Officer, FSQ



Introduction

Following the Commission of Inquiry into Forensic DNA Testing in Queensland (Sofronoff Inquiry), FSQ has been tasked with implementing a significant reform agenda that goes beyond the recommendations made by the Sofronoff Inquiry Final Report, in the pursuit of becoming a world class forensic laboratory.

Since its establishment, FSQ has made considerable progress toward the reform agenda, including work towards implementation of the 123 recommendations made in the Sofronoff Inquiry Final Report. This progress has been documented in the First and Second Progress Reports on the delivery of recommendations made in the Sofronoff Inquiry tabled in Parliament on 18 September 2023 and 31 January 2024 respectively.

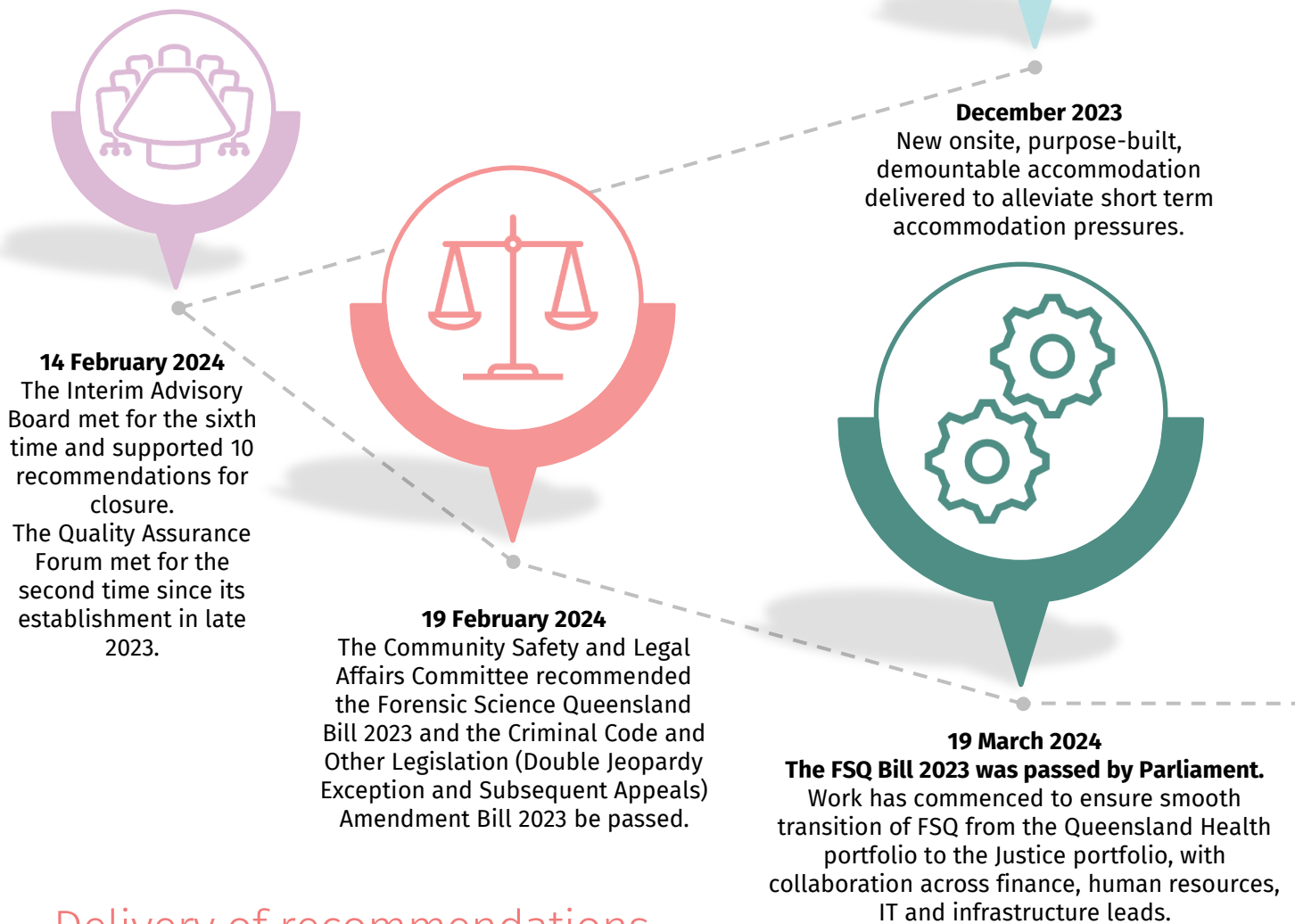
On 5 October 2023, a subsequent Commission of Inquiry was established to examine concerns regarding automated DNA extraction methods introduced in Queensland in 2007 (titled 'Project 13'). This inquiry was led by Dr Annabelle Bennett AC SC and delivered a final report on 17 November 2023 (Bennett Inquiry).

In response to the findings of the Bennett Inquiry, the final report made two recommendations that relate to reviewing, and potentially retesting, some samples that were previously tested between 2007 and 2016. Effectively, the Bennett Inquiry recommendations are an extension of the historical case review recommendations from the Sofronoff Inquiry; specifically, recommendations 13, 14 and 105. Accordingly, the Bennett Inquiry recommendations are being implemented concurrently with the relevant recommendations from the Sofronoff Inquiry.

Significant progress has been made so far on the delivery of recommendations from the Sofronoff Inquiry. Fifty recommendations are fully implemented and completed and a further 54 are underway – equating to almost 85% of all recommendations.

This third progress report provides a snapshot of actions taken by the Queensland Government since the Sofronoff Inquiry to address the recommendations made in the Interim and Final Reports; and highlights the continued efforts of Queensland Government agencies and stakeholders to establish a way forward for quality, timely and innovative forensic DNA services that support the integrity of the Queensland justice system.

Queensland's journey so far



Delivery of recommendations

This third progress report provides a snapshot of the activities undertaken to implement the recommendations of the Sofronoff Inquiry as at 22 March 2024.

As at 22 March 2024, implementation of 54 recommendations has actively commenced with another 50 already complete.

Key implementation activities include:

- Continued meetings of the FSQ Interim Advisory Board and three sub-committees with subject-matter expertise (for Forensic Justice, Forensic Biology and Forensic Medical Examinations).
- Establishment of a fully resourced Innovation Team, to support proactive access to an up to date, fit for purpose suite of forensic techniques and technology and ensure the laboratory remains contemporary in terms of scientifically valid service delivery.
- Provision of updated training and education for QPS police officers and civilian employees aimed at ensuring understanding of DNA science, technology and evidentiary uses, and effective communication of DNA testing results.
- Ongoing recruitment for scientific staff across multiple position levels, ensuring FSQ has the right people to support its strategic mission and form an effective and high-performing culture.



Element one: Organisational reform

Element one comprises 10 recommendations that are aimed toward establishing structural reform of Queensland’s forensic DNA laboratory to achieve its vision of becoming a world leader in quality, timely and innovative forensic DNA services that support the administration of justice and the integrity of the Queensland justice system.

Summary of recommendations

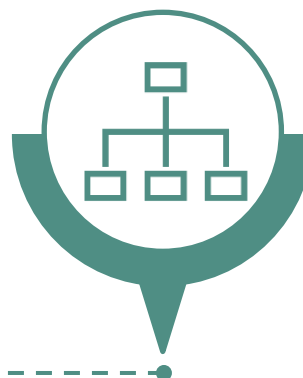
7 Recommendations complete

3 Recommendations in progress

Progress highlights*

Machinery of Government change

FSQ continues to prepare for its transition to DJAG by establishing and enhancing its governance structures and processes. The FSQ Bill was passed on 19 March 2024. The Bill creates a new structural and organisational framework for the delivery of forensic services in Queensland, providing a strong foundation for the transition of FSQ to DJAG.



Recruitment

FSQ continues to focus on recruiting the right people to enable a high-performing culture and deliver FSQ’s strategic mission. FSQ launched an international recruitment campaign at the International Association of Forensic Sciences (IAFS) conference held in Sydney in November 2023 for attending scientists to hear firsthand about some of the great work happening at FSQ, and why Brisbane is a fantastic place to live, work and relax. This campaign has been enormously successful in gaining the attention of scientists worldwide. FSQ is currently processing a large number of applications received through this campaign, with a view to enhance FSQ’s capacity.



Progress spotlight

FSQ is also seeking to extend its reach to the next generation of STEM scientists and recently hosted students from the National Youth Science Forum (NYSF). The NYSF is an excellent program and includes a number of prestigious partners, including tertiary education providers here in Queensland.

FSQ set up forensic testing stations to give the students hands-on experience in helping to solve a mock case utilising various forensic science techniques and processes. The interest shown by the next generation of STEM scientists was really pleasing.

The NYSF is yet another step FSQ is taking to foster relationships with external bodies and institutions to promote forensic science as a career and FSQ as an employer of choice.

* Achievements refer to fully implemented recommendations, components of other recommendations partially implemented and other achievements not encapsulated within a formal recommendation.



Innovation team

The Innovation Team has now been fully resourced through internal and external recruitment, including a Manager, Deputy Manager, a Statistics Lead, and seven full-time equivalent scientists (**recommendation 55**).

The Innovation Team is responsible for supporting proactive access to an up to date, fit for purpose suite of forensic techniques and technology and ensure the laboratory remains contemporary in terms of scientifically valid service delivery through the following activities:

- the development and implementation of research and innovation frameworks for FSQ (both forensic chemistry and forensic biology)
- delivering high quality validation and verification studies for process changes and the implementation of new capabilities
- high quality research output
- engagement and research collaboration

The Innovation Team has also been allocated an annual operating budget to support this work.



Element two: Culture, quality and innovation

Element two comprises 32 recommendations aimed at establishing a culture that is focused on the scientific integrity and excellence of the laboratory through continuous improvement, proactive compliance monitoring, effective quality management and strong sector engagement.

Summary of recommendations

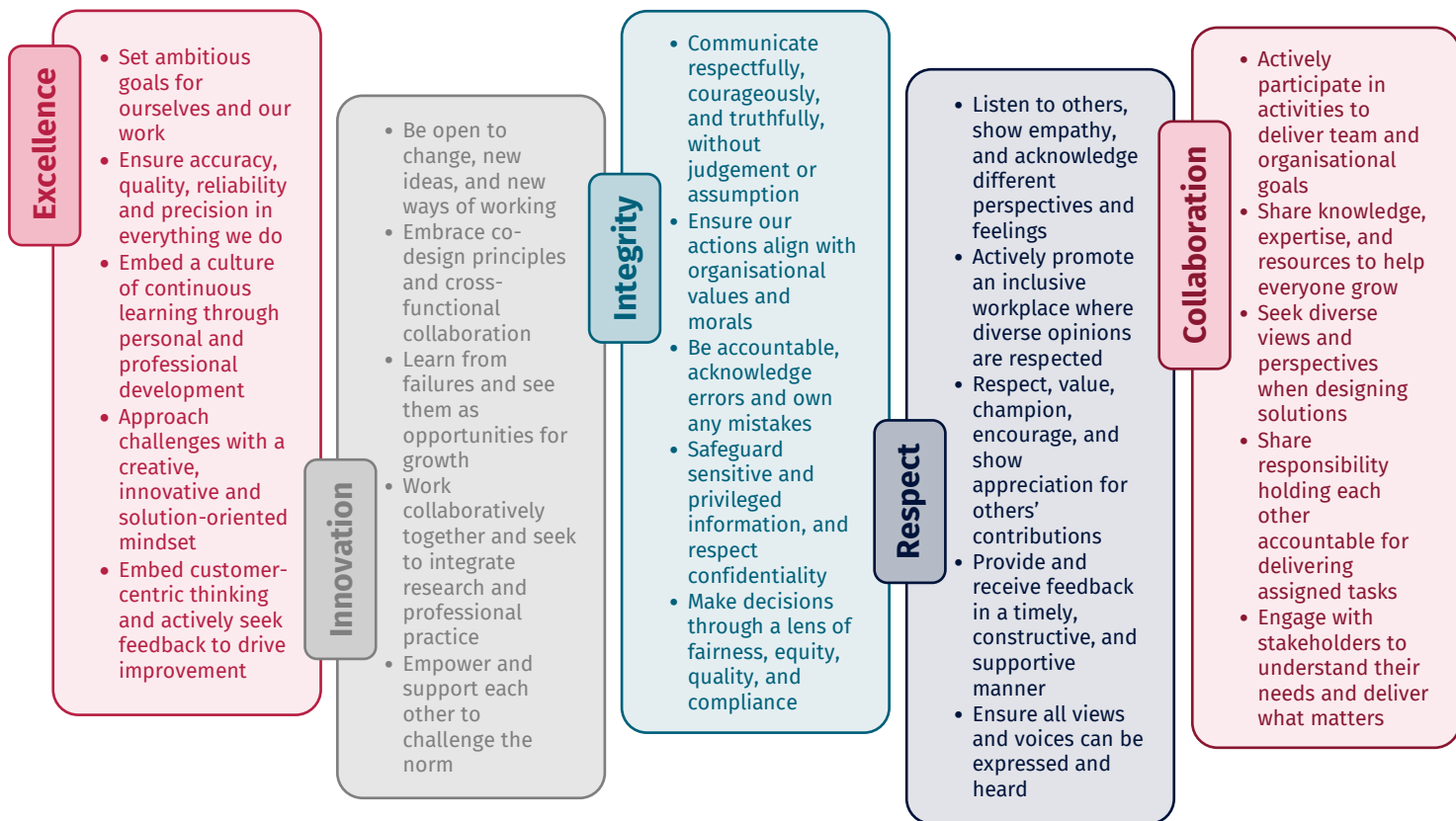
14 Recommendations complete

15 Recommendations in progress

Progress highlights*

Strategic plan

FSQ’s Strategic Plan 2023-27 has been finalised and the Operational Plan, which links to the Strategic Plan, is currently in late-stage draft. FSQ has also finalised its Values Statement to guide its practices and establish FSQ as an international leader in the provision of forensic science services (**recommendation 76**). A broad cross section of FSQ staff worked together to create the Values Statement, giving maximum weight to its relevance, meaning and relatability for the whole of FSQ. The following values are an accurate representation of what FSQ is striving towards:



These values were endorsed by the Interim Advisory Board in February 2024 and will be published on FSQ’s independent website, once available.

* Achievements refer to fully implemented recommendations, components of other recommendations partially implemented and other achievements not encapsulated within a formal recommendation.

Quality

FSQ continues to enhance its quality function through the establishment of two Quality Coordinators and five Quality Representatives (**recommendation 48**).

The Quality Coordinator roles sit within the operational teams (one in Forensic Biology and one in Forensic Chemistry). The Quality Coordinator role is a specialist who supports the production, maintenance and improvement of quality systems for FSQ through active participation in the delivery and coordination of quality and compliance processes and procedures, the monitoring and reporting of risks, issues, quality losses and non-conformance. The Quality Coordinators are closely connected to the Quality Team, including through membership on the Quality Assurance Forum (QAF).

The Quality Representatives sit within each of the teams within Forensic Biology (one each in Science Support, Analytical, Evidence Recovery; and two to represent all case management teams). The Quality Representatives are responsible for:

- assisting quality investigations and implementing corrective and preventative actions
- assisting with the quality assurance register (staff elimination database)
- raising awareness of quality issues within teams
- attending relevant quality meetings
- assisting internal audits.

FSQ will enhance its focus on quality by providing opportunities to rotate the Quality Representatives to maximise engagement and knowledge of quality assurance across FSQ.

In addition to the QAF, a Quality Assurance Network (QAN) comprised of the Quality Representatives, Quality Coordinators and representatives from the Quality Team has been established. The QAN will meet monthly providing an informal opportunity to share learnings and discuss issues and challenges in the quality space.



Innovation

The Innovation Team hosts scientist rotations following an expression of interest process in both Forensic Biology and Forensic Chemistry to ensure that projects and validations are completed in a timely manner and scientists from across FSQ are provided opportunities to advance their own learning (**recommendations 56 and 57**).

In addition to leading FSQ's validation projects, the Innovation Team has been focused on developing and establishing the foundational documents required to embed FSQ's research and innovation capabilities (**recommendations 56, 57 and 58**), including the following finalised documents:

- An Innovation specific component to FSQ's induction package – to describe the core and supporting functions of the Innovation Division as well as describing professional development opportunities for staff rotation or secondment into Innovation.
- Project Approval Framework – to ensure well-constructed experiments are prepared with results that are fit for purpose and robust enough to withstand critical review, with clearly documented reviewers and approvers. The project approval framework formally demonstrates FSQ's commitment to projects being adequately designed, resourced and completed in a timely manner, even against competing operational demands.
- Research agreements and student placements – to facilitate a mutually beneficial relationship between FSQ and tertiary education providers, as well as a mechanism of driving high quality research output.





Element three: Scientific service delivery

Element three comprises 58 recommendations aimed at raising technical processes and practices to a best practice standard.

Summary of recommendations

17

Recommendations complete

27

Recommendations in progress

Progress highlights*

Y-STR testing

Y-STR testing is revolutionary forensic science tool for sexual assault investigations in that it can detect low levels of male DNA which would otherwise not be detected using standard DNA testing.

FSQ has made significant progress toward introducing Y-STR testing into its suite of forensic capabilities (**recommendations 40, 41 and 42**). The validation experimental work is complete and the validation report is nearing finalisation. Once completed the report and will be progressed through external oversight/governance mechanisms. Implementation will follow with development of supporting Standard Operating Procedures; Interpretation and Reporting Guidelines and staff training pathways already underway.

Until Y-STR Testing is fully implemented at FSQ, outsourcing arrangements with the Institute of Environmental Science and Research will remain in place to provide this service.

** Achievements refer to fully implemented recommendations, components of other recommendations partially implemented and other achievements not encapsulated within a formal recommendation.*



Element four: Historical case review

Element four comprises 9 recommendations aimed at the need to work with QPS to undertake a historical case review, and to determine triaging of any cases that may require further testing. Historical case review will encompass several broad categories of sample cohorts and include assessing the need for potentially undertaking further DNA testing where appropriate.

Summary of recommendations

1

Recommendation complete

6

Recommendations in progress

Progress highlight*

Retrospective review

The Bennett Inquiry final report made two recommendations that relate to reviewing, and potentially retesting, some samples that were previously tested between 2007 and 2016.

Effectively, the Bennett Inquiry recommendations are an extension of the historical case review recommendations from the Sofronoff Inquiry; specifically, **recommendations 13, 14 and 105**. Accordingly, the Bennett Inquiry recommendations are being implemented concurrently with the relevant recommendations from the Sofronoff Inquiry.

Implementation of the recommendations from the Bennett Inquiry are being progressed under the current framework used to implement recommendations from the Sofronoff Inquiry, which includes:

- a legal-led approach to reviews of cases impugned by the Sofronoff final report findings;
- oversight of implementation by the interim Advisory Board; and
- quarterly reporting to Parliament on the progress of recommendations.

Further work is underway by Queensland Health, Queensland Police Service, and the Office of the Director of Public Prosecutions to understand the exact number of samples and cases (both serious and volume crimes), and what impact this will have on the work of the laboratory.

FSQ continues to work with QPS and ODPP to conduct the review of categories of cases (specified in the Sofronoff Inquiry) through a legal led process and in line with established case review principles (**recommendation 14**).

FSQ, in consultation with Queensland Health and DJAG, is also exploring options for implementation of **recommendation 117**, which will provide a pathway for an accused person or their lawyers to request further testing, analysis or interpretation of samples processed by FSQ.



* Achievements refer to fully implemented recommendations, components of other recommendations partially implemented and other achievements not encapsulated within a formal recommendation.



Element five: Queensland Police Service operations' recommendations

Element five comprises 14 recommendations aimed at improving detection, presumptive screening, and subsampling activities undertaken by QPS prior to sample submission to FSQ. It is critical that these processes meet the highest standards given they impact on the success of downstream laboratory examinations. Fourteen recommendations were made by the Sofronoff Inquiry relating to improving case management, quality management and training activities. QPS also has some shared implementation responsibilities with QH.

Summary of recommendations

11 Recommendations complete

3 Recommendations in progress

Progress highlights

The Sofronoff Inquiry made fourteen recommendations relating to these activities which include improvements to case management, quality management and training.

To date the QPS has finalised eleven recommendations (3, 78, 79, 82, 85, 98, 99, 100, 101, 102 and 115). Work is underway for the remaining three unfinalised recommendations. The following progress has been achieved since the second quarterly report.

Case Management

The QPS is continuing to work with FSQ to establish the use of a secure courier service to allow prompt delivery of items to the laboratory (**recommendation 83**).

Funding has been approved to establish permanent unsworn positions within the DNA Liaison and Major Crime unit to assist with review of all cases, prioritise testing and ensure probity of potential evidence (**recommendation 78**).



Quality Management

Working with FSQ, the QPS has substantially completed work towards validating or verifying methods used to detect and sample DNA and other forensic evidence. Phase one of the validation of swabs and wetting agents is complete, demonstrating as fit-for-purpose, with phase two to continue validation across further surfaces (**Recommendation 80**). Only one detection method validation remains ongoing, with experimental work in progress (**Recommendation 81**). Funding has been approved to implement independent positions to conduct internal audits (**Recommendation 79**).

The QPS is in the process of restoring an Inspector position responsible for the oversight of all DNA related activities. Additionally, the position descriptions of the Superintendent, Forensic Services Group and Inspector, DNA Management have also been amended to include role specific criteria for appropriate qualifications to be held (**recommendations 101 and 102**).



Training

Recommendation 85

The QPS is updating DNA Person sampling kits and procedures to enhance the collection of reference samples. The QPS has also developed a 'DNA Person Sampling' training product that covers the importance of collecting reference samples from suitable offenders, legislative powers and policy requirements, and how the samples are used to solve crime. This is compulsory for all police.

Recommendations 98, 99 and 100

The QPS has developed a 'DNA Evidence Awareness' training product that is compulsory for all investigative officers, intelligence officers and forensic officers and civilians who deal with DNA in their role. The training covers the fundamentals and limitations of DNA, how DNA results are generated, how to understand results within the context of an investigation and options for retesting or further testing of samples.

Additionally, funding has been approved allowing reinstatement of biannual refresher training of all Scenes of Crime Officers to ensure that their skills remain current.





Future focus

Fifteen months have passed since the delivery of the Sofronoff Inquiry's Final Report and significant steps have been made toward improving forensic science service delivery in Queensland. Notwithstanding the progress made over a short period, particular implementation areas, called 'Future Focus Areas', have been identified for prioritisation as delivery continues.

Future focus areas have been geared toward those areas of reform that have been identified as necessary in achieving FSQ's vision of becoming a world leader in the delivery of high-quality, timely and innovative forensic services, that support the administration of justice and integrity within the Queensland criminal justice system.

The future focus areas for implementation of recommendations can be broadly categorised across the three agencies (QH, QPS and DJAG) as follows:

Establishing strong governance and administrative arrangements to underpin FSQ's transition to DJAG and strengthen FSQ's integration in Queensland's criminal justice system.

Developing a roadmap for an improved operating model for forensic science in Queensland through collaborative discussions with representatives from across Queensland's criminal justice system and the national and international forensic science community.

Increasing FSQ's capacity through an international recruitment campaign and review of training pathways for existing staff.

Embedding a culture of continuous quality improvement through improved quality management systems that will streamline FSQ's ability to manage opportunities for quality improvement and conduct more proactive quality initiatives.

Enhancing FSQ's capabilities through embracing new technologies and equipment and improvements to existing scientific methods and adoption of new scientific methods based on robust scientific research.

Streamlining FSQ's core business processes to ensure FSQ is providing timely and high-quality forensic services to the Queensland justice system.

Any person who requires confidential counselling and support, including concerned victims, can contact:

Queensland Police Service hotline:
1300 993 191
Anytime

Forensic Support Service:
1300 264 827
9am – 6pm, Monday to Friday

Queensland Homicide Victims Support Group:
1800 774 744
Anytime

DVConnect Sexual Assault Helpline:
1800 010 120
7:30am – 11:30pm, 7 days a week



