



# Consideration of Auditor-General Report 21: 2018-19 *Delivering forensic services*

**Report No. 79, 56<sup>th</sup> Parliament**  
**Legal Affairs and Community Safety Committee**  
**October 2020**

## **Legal Affairs and Community Safety Committee**

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<b>Deputy Chair</b>	Mr James Lister MP, Member for Southern Downs
<b>Members</b>	Mr Stephen Andrew MP, Member for Mirani
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### **Acknowledgements**

The committee acknowledges the assistance provided by the Queensland Audit Office, the Queensland Police Service, the Department of Justice and Attorney-General and Queensland Health.

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## Abbreviations

Auditor-General	Queensland Auditor-General
committee	Legal Affairs and Community Safety Committee
DNA	deoxyribonucleic acid
DJAG	Department of Justice and Attorney-General
public briefing	The public briefing held by the committee on 7 September 2020 with the QAO to discuss the QAO report in detail.
QAO	Queensland Audit Office
QAO report	Queensland Audit Office Report 21: 2018-19 <i>Delivering forensic services</i> tabled on 27 June 2019
QAO Delivering coronial services report	Queensland Audit Office, Report 6: 2018-19 <i>Delivering coronial services</i> tabled on 18 October 2018
QPS	Queensland Police Service
Queensland Health	Department of Health, Queensland
this report	Legal Affairs and Community Safety Committee, Report No. 79, 56 <sup>th</sup> Parliament, Consideration of Auditor-General Report 21: 2018-19 <i>Delivering forensic services</i>

## Chair's foreword

This report presents a summary of the Legal Affairs and Community Safety Committee's consideration of the Auditor-General Report 21: 2018-19 *Delivering forensic services*.

On behalf of the committee, I thank the Queensland Audit Office, the Queensland Police Service, Queensland Health, the Department of Justice and Attorney-General and the committee's secretariat for their assistance with the committee's consideration of this report.

I commend this report to the House.

A handwritten signature in black ink, appearing to read 'Peter Russo', with a long horizontal stroke extending to the right.

**Peter Russo MP**

Chair

## Recommendation

### Recommendation

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The Legal Affairs and Community Safety Committee recommends that the Legislative Assembly notes the contents of this report.

# 1 Introduction

## 1.1 Role of the committee

The Legal Affairs and Community Safety Committee (committee) is a portfolio committee of the Legislative Assembly.<sup>1</sup> The committee's primary areas of responsibility are:

- Justice and Attorney-General
- Police and Corrective Services
- Fire and Emergency Services
- Aboriginal and Torres Strait Islander Partnerships.<sup>2</sup>

One of the committee's roles is to consider the reports of the Queensland Auditor-General (Auditor-General) that fall within its portfolio area.<sup>3</sup> The committee may examine and inquire into the reports, and make recommendations and report on them to the Legislative Assembly.<sup>4</sup>

## 1.2 Role of the Auditor-General

The Auditor-General, with the support of the Queensland Audit Office (QAO),<sup>5</sup> conducts independent audits—financial audits and performance audits—of the Queensland public sector and certain other entities.<sup>6</sup> The reports to Parliament on these audits may contain recommendations to improve service delivery, accountability and transparency.<sup>7</sup>

## 1.3 Referral of Queensland Audit Office Report 21: 2018-19 *Delivering forensic services*

The Queensland Audit Office Report 21: 2018-19 *Delivering forensic services* (QAO report) was tabled on 27 June 2019. It was referred to the committee on 22 August 2019.

## 1.4 Committee's inquiry process

The committee held a public briefing with the QAO on 7 September 2020 to discuss the QAO report in detail (public briefing). The public briefing was attended by:

- Ms Karen Johnson, Acting Auditor-General
- Mr Patrick Flemming, Assistant Auditor-General
- Mr Darren Brown, Senior Director.

On 7 September 2020, the committee wrote to the following agencies seeking an update on the progress of the implementation of the recommendations in the QAO report:

- Department of Justice and Attorney-General (DJAG)

<sup>1</sup> *Parliament of Queensland Act 2001*, s 88; Standing Rules and Orders of the Legislative Assembly (SO); SO 194. The committee commenced on 15 February 2018.

<sup>2</sup> SO, sch. 6.

<sup>3</sup> *Parliament of Queensland Act 2001*, s 94(1); SO 194B.

<sup>4</sup> *Parliament of Queensland Act 2001*, ss 79, 92.

<sup>5</sup> *Auditor-General Act 2009*, s 6.

<sup>6</sup> *Auditor-General Act 2009*, s 3. A financial audit assesses the financial statements of a public sector entity: *Auditor-General Act 2009*, ss 40, 58. A performance audit evaluates whether any or all of a public sector entity's activities are achieving their objectives economically, efficiently and effectively, and are compliant with relevant legislation. It does not question the merits of government policy: *Auditor-General Act 2009*, s 37A.

<sup>7</sup> See Queensland Audit Office website for information on the reporting function of the QAO.

- Department of Health (Queensland Health)
- Queensland Police Service (QPS).

The correspondence from those agencies advising of their respective progress in implementing the QAO recommendations is available in full on the committee's website.



## 2 Consideration of the Queensland Audit Office report

### 2.1 Audit objective and scope

The *Delivering forensic services* performance audit assessed whether agencies deliver forensic services efficiently and effectively in order to investigate crime and prosecute offenders.<sup>8</sup>

The agencies subject to the audit were:

- DJAG
- Queensland Health, including the hospital and health services
- QPS.<sup>9</sup>

The audit examined whether the agencies:

- collect and handle forensic material in accordance with relevant standards
- perform quality analysis of forensic material and report results in a timely manner
- plan, monitor and report effectively on performance across the whole process.<sup>10</sup>

### 2.2 Background

Forensic services involve analysing different types of physical evidence such as drugs, fingerprints, and blood. The term also includes forensic medical examinations. Police, prosecutors and the courts rely on forensic services to assist with identifying, exonerating, prosecuting and convicting people who are suspected of committing crimes.<sup>11</sup>

Delivering most forensic services requires input from staff and experts across multiple agencies; therefore, cross-agency planning and coordination is very important. The QAO report noted:

*In Queensland, the Queensland Police Service and Queensland Health deliver forensic services for criminal investigations and prosecutions. In many cases, the results of forensic analysis are used by the courts. The Department of Justice and Attorney-General administers the courts and is the conduit between them and the agencies that provide forensic services.*<sup>12</sup>

Inefficient and ineffective forensic services can increase the risk of negative consequences for individuals and the justice system, including:

- wrongful convictions
- offenders avoiding apprehension or conviction
- delays for victims, suspects and the courts
- unnecessary costs.<sup>13</sup>

The QAO audited four types of forensic services:

- fingerprints
- deoxyribonucleic acid (DNA)

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<sup>8</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 1.

<sup>9</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 1.

<sup>10</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 1.

<sup>11</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 3.

<sup>12</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 3.

<sup>13</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 3.

- illicit drugs
- forensic medical examinations.<sup>14</sup>

The QAO noted that:

*Three of these services accounted for approximately 92 per cent of all forensic services provided by Queensland public sector agencies between 2013–14 and 2017–18. We included forensic medical examinations because the Queensland Police Service raised concerns about longstanding difficulties for sexual assault victims accessing these examinations.*<sup>15</sup>

## **2.3 Audit conclusions**

In relation to system advances and process improvements, the QAO concluded that the QPS and Queensland Health:

- are providing forensic services that are mostly effective in supporting the investigation of crime and prosecution of offenders
- have maintained their accreditation under the National Association of Testing Authorities, which ensures they comply with relevant international and Australian standards
- have also made some significant system advances and process improvements, such as developing the Forensic Register, automation and advances in fingerprint services
- have improved the coordination of DNA services through effective cross-agency collaboration.<sup>16</sup>

In relation to the management of illicit drugs and forensic medical examinations, the QAO concluded that:

- These aspects of forensic service delivery are inefficient and at times ineffective.
- The QPS does not effectively coordinate how it collects, transports, prioritises and destroys illicit drugs which contributes to inefficient practices that result in delays and a growing backlog for illicit drug analysis.
- Forensic medical examinations is another area where cross-agency collaboration has not been working effectively and ‘some victims have been refused an examination or endured lengthy delays’ which ‘is not consistent with the standard of service the government and community expect’.<sup>17</sup>

The QAO further concluded that:

*Queensland Health and the Queensland Police Service have recently demonstrated a commitment to improve forensic medical examination services by collaborating on reforms. They should be finalised and progressed as a priority.*

*Better cross-agency planning, communication, coordination, and resourcing between Queensland Health and the Queensland Police Service, with input from the Department of Justice and Attorney-General, is needed to ensure all forensic services are delivered as effectively and efficiently as possible.*<sup>18</sup>

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<sup>14</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 4.

<sup>15</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 4.

<sup>16</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 9.

<sup>17</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 9.

<sup>18</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 9.

## 2.4 Audit recommendations

The QAO made 5 recommendations in its report. In summary, these covered:

- implementing a governance structure for forensic services across agencies (recommendation 1)
- implementing a process to coordinate and manage collecting, transporting, prioritising and destroying illicit drugs to reduce risks to security and occupational health and safety, as well as the cost of unnecessary handling (recommendation 2)
- improving quality assurance processes and practices for annual police property facility audits of property and exhibits (recommendation 3)
- developing and delivering reforms to forensic medical examinations to improve services to victims (recommendation 4), and
- improving the prioritisation and timely sharing of case information between agencies (recommendation 5).<sup>19</sup>

## 2.5 Public briefing

During her opening remarks at the public briefing, Ms Johnson, Acting Auditor-General, commented on the links between the QAO report and QAO Report 6: 2018-19 *Delivering coronial services* tabled on 18 October 2018 (QAO Delivering coronial services report):

*This report and our earlier report on delivering coronial services, which we tabled in October 2018, complement one another. They collectively provide insights into the strengths, challenges and opportunities these agencies experience in delivering vital forensic and coronial services for Queenslanders. You may recall that we briefed this committee on the coronial services report in April 2019. In both cases we found that the governance arrangements for coordinating and managing cross-agency performance and the delivery of these services were largely non-existent. This not only impacted the efficiency and effectiveness of these services but, most importantly, directly impacted some vulnerable Queenslanders.*<sup>20</sup>

Ms Johnson highlighted the following concerns raised in the QAO report:

*In Delivering forensic services we reported on examples of some victims of sexual assault, including children, experiencing long waits, unnecessary travel between hospitals and refusals by medical staff to conduct forensic medical examinations. In our conclusion we said that this is not the standard of service that the government or the community expects and made recommendations aimed at addressing these issues. I am happy to say that the agencies have made some commitments to implement reforms to address our recommendations.*

*We also found that the Queensland Police Service was not effectively coordinating how it collects, transports, prioritises and destroys illicit drugs. This results in unnecessary delays and costs, health and safety risks, and a growing backlog of drugs for analysis, which impacts on the courts. We found resourcing to be insufficient for both addressing the backlog and meeting any future increase in demand.*<sup>21</sup>

In her concluding comments, Ms Johnson noted the complementary nature of the recommendations made in the QAO report and the QAO Delivering coronial services report:

*In this report we made four recommendations on improving governance, coordination, processes and services for victims. Some of the seven recommendations that we made in the earlier report on coronial services complement those that we made in this report such as evaluating the merits*

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<sup>19</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, pp 10-11.

<sup>20</sup> Public briefing transcript, Brisbane, 7 September 2020, p 1.

<sup>21</sup> Public briefing transcript, Brisbane, 7 September 2020, p 1.

*of establishing an independent statutory body to deliver forensic medical services. We will be seeking a progress update from the agencies later this year.*<sup>22</sup>

In response to a question from the committee, Mr Brown, QAO Senior Director, also discussed the parallels between the QAO report and the QAO Delivering coronial services report:

*We made recommendations in the coronial services report specifically aimed at trying to better coordinate those services. There are very strong parallels between the two because forensic services for criminal investigations and forensic services for coronial investigations rely on that relationship between coordinating the services provided by Queensland Health and the information and services provided by the Queensland Police Service and then feeding that into the court system.*

*We made a recommendation in coronial services, which equally applies to forensic services, around the government evaluating the merits of establishing a forensic medical institute similar to that which exists in Victoria. Obviously, there are some differences between Victoria and Queensland in the sense of the geographical size of the state, the disperse population and so forth in Queensland.*

*We did note in both audits that the focus for delivering forensic services within Health is competing with other requirements within the health system. Because it is not delivering medical outcomes but more delivering court outcomes, the focus is slightly different. Therefore, it is competing against what is considered core business within Health for funding, resources and so forth and quite often comes out second best.*<sup>23</sup>

In his concluding remarks, Mr Brown acknowledged the difficulties faced in the area of forensic services:

*We highlight in the report that it is a very complex and difficult area. Particularly we highlight that Police and Health have made some gains in terms of robotics to try to speed up some of their analysis. Then other things eventuate which work against that, such as some of the complexity and some of the different drug types that hit the market that require different types of analysis, different technology and so forth. Where they make some gains, sometimes they get put back because of the changing environment they operate in. It is a constantly changing environment with new drugs coming onto the market and so forth. It is not an easy area to operate in.*<sup>24</sup>

## **2.6 Response from agencies to the recommendations in the QAO report**

As required by the *Auditor-General Act 2009*, the QAO gave a copy of the QAO report with a request for comments to DJAG, Queensland Health and the QPS. DJAG, Queensland Health and the QPS all agreed with the recommendations to the extent that the recommendations affected the department or agency concerned.<sup>25</sup>

- DJAG commented that it ‘welcomed the findings’ and agreed to work with QPS and Queensland Health to ‘undertake a review of current processes and explore opportunities for system enhancements’. DJAG agreed to implement the recommendation relevant to it, being recommendation 5, by December 2020.<sup>26</sup>

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<sup>22</sup> Public briefing transcript, Brisbane, 7 September 2020, p 2.

<sup>23</sup> Public briefing transcript, Brisbane, 7 September 2020, p 2.

<sup>24</sup> Public briefing transcript, Brisbane, 7 September 2020, p 5.

<sup>25</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, Appendix A.

<sup>26</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, pp 49-50.

- Queensland Health stated that it is working closely with the QPS 'to establish a robust governance structure for forensic services through a Memorandum of Understanding'. Queensland Health also stated that it was 'well advanced in designing and implementing sexual assault reforms that will better support victims of sexual crime and improve access to forensic examinations across the State'.<sup>27</sup> Queensland Health agreed to implement recommendation 1 and 4 by December 2019 and recommendations 2 and 5 by December 2020.<sup>28</sup>
- In addition to providing comments on each recommendation, the QPS agreed to implement recommendations 1 and 4 by December 2019, recommendations 2 and 5 by December 2020 and recommendation 3 by the third quarter of 2020.<sup>29</sup>

On 7 September 2020, the committee sought an update on the implementation of recommendations made in the QAO report from DJAG, Queensland Health and the QPS.

- DJAG responded by providing the following overview of its progress in relation to the QAO report recommendation 5, being the only recommendation that related to DJAG:

*In response to the recommendation, DJAG, along with the Queensland Police Service (QPS) and Queensland Health (QH), have formed a working group to consider opportunities to enhance information sharing and data exchange. There is some impediment in terms of the use of different information technology systems, however, that issue is to be considered by the working group. There have been numerous delays in the working group meeting due to complications surrounding COVID-19 and QPS restructuring.*

*There is also a review currently underway in relation to illicit forensic drug exhibits which will improve the prioritising of exhibits and mitigate some of the risks outlined by the Auditor-General.*<sup>30</sup>

- Queensland Health provided the committee with a detailed update setting out its progress towards implementing recommendations 1, 2, 4 and 5 made by the Auditor-General.<sup>31</sup> Other than recommendation 1 where implementation has been delayed due to the impact of the COVID-19 pandemic, the other recommendations are either completed (recommendation 4) or on-track (recommendations 2 and 5).<sup>32</sup> Queensland Health noted:

*Progress on implementation remains on track, despite the significant efforts responsible agencies have had to make to support the State's response to the COVID-19 pandemic.*<sup>33</sup>

- QPS also provided the committee with a detailed update setting out the various steps taken towards implementing recommendations 1-5.<sup>34</sup> The QPS response indicated that progress has commenced in respect of each recommendation, with the QPS and Queensland Health working collaboratively to progress and/or finalise a shared response to recommendations 1, 2 and 4. In respect of recommendation 1, the QPS advised:

*The QPS and QH continue to work towards developing and implementing a Memorandum of Understanding to streamline the management of forensic services across both agencies.*

<sup>27</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, p 41.

<sup>28</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, pp 42-43.

<sup>29</sup> Queensland Audit Office, Report 21: 2018-19 *Delivering forensic services*, pp 44-48.

<sup>30</sup> Department of Justice and Attorney-General, correspondence dated 14 September 2020, p 1.

<sup>31</sup> Queensland Health, correspondence dated 15 September 2020, attachment.

<sup>32</sup> Queensland Health, correspondence dated 15 September 2020, attachment.

<sup>33</sup> Queensland Health, correspondence dated 15 September 2020, p 1.

<sup>34</sup> Queensland Police Service, correspondence dated 16 September 2020.

*This work has been impacted by the current COVID crisis and subsequent disaster declaration, however both agencies are committed to working towards this shared goal.*<sup>35</sup>

The steps taken by the QPS in response to recommendation 3 have been partially finalised, with further progress reporting to occur in December 2020. A system developed as part of implementing recommendation 3 has been trialled but requires further work and trialling and has been subject to delay due to [the prioritising of] the QPS response to COVID-19.

In response to recommendation 5 the QPS response notes that all three agencies (DJAG, Queensland Health and the QPS) are working collaboratively to identify options to improve information sharing, with a working group having been established to examine options for improvement across partner agencies.<sup>36</sup>

As noted in 1.4 above, the correspondence from DJAG, Queensland Health and QPS which sets out the details of their respective progress towards implementing the QAO recommendations is available on the committee's website.

## **2.7 Committee recommendation**

The committee recommends that the Legislative Assembly notes the contents of this report.

### **Recommendation**

The Legal Affairs and Community Safety Committee recommends that the Legislative Assembly notes the contents of this report.

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<sup>35</sup> Queensland Police Service, correspondence dated 16 September 2020, p 1.

<sup>36</sup> Queensland Police Service, correspondence dated 16 September 2020, p 3.

