



Queensland Government
Fourth Progress Report

Delivery of Recommendations

Commission of Inquiry into
Forensic DNA Testing in Queensland

June 2024



Queensland
Government

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

Work has continued over the past 12 months to implement the 123 recommendations made in the Final Report of the Commission of Inquiry into Forensic DNA Testing in Queensland. We are pleased to observe that progress has been made on 112 of the 123 recommendations in this time. A total of 52 recommendations have been closed, 13 recommendations have been completed and are awaiting closure, and work on an additional 47 recommendations is well underway.

Significant progress has also been made with the transition of Forensic Science Queensland (FSQ) from Queensland Health to the Department of Justice and Attorney General from 1 July 2024. We are continually impressed by the dedication and commitment shown by FSQ staff who have delivered critical forensic services throughout these significant reforms.

The commencement of *Forensic Science Queensland Act 2024* (the Act) on 1 July 2024 marks a significant step forward. This legislation is the first of its kind in Australia, enshrining in law a framework that promotes and protects high quality forensic services. The Act establishes the FSQ Advisory Council, replacing the Interim Advisory Board, to continue to monitor and review the policies and procedures of FSQ as they relate to the administration of criminal justice in Queensland.

We are incredibly grateful to all members of the Interim Advisory Board for their guidance, advice and expertise over the past 15 months, along with their critical role in building the foundations for the FSQ Advisory Council. We trust the new Advisory Council will continue to support FSQ to deliver high-quality, reliable, independent, and impartial forensic services to the Queensland criminal justice system into the future.

Walter Sofronoff KC and Julie Dick SC

Co-Chairs, FSQ Interim Advisory Board

Foreword by the Chief Executive Officer of Forensic Science Queensland

On 29 May 2024, FSQ reached its first anniversary after being established as a separate business unit of Queensland Health. Reflecting on the significant achievements these past 12 months is testament to the dedication of FSQ staff. Work on addressing the recommendations continues at pace as well as considerable progress on FSQ's path to becoming a world class forensic science service.

FSQ continues to grow through its recruitment activities, including through an international recruitment campaign. This campaign has reached applicants from across the globe who have demonstrated a strong desire to be part of FSQ's journey to becoming a leading-edge forensic science service.

FSQ has recently been preparing for an upcoming accreditation reassessment by the National Association of Testing Authorities (NATA). During the reassessment FSQ will be measured against the international performance and reliability standards to retain its accreditation and give the Queensland community assurance that FSQ's operations meet the required international standards.

As FSQ transitions to the Department of Justice and Attorney General (DJAG), we have continued establishing and enhancing our 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. The transition of FSQ to the justice portfolio, alongside other criminal justice system stakeholders, is a significant milestone.

FSQ has been navigating and building the relationship with its criminal justice system counterparts for many months now. I am incredibly thankful for the ongoing support of my criminal justice system partners 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.

Amidst all this change, FSQ has also been seizing every opportunity to streamline its core business processes to ensure it is providing high-quality forensic services to the Queensland justice system. I thank the staff of FSQ for their tireless efforts toward continuous quality improvement. I am truly honoured to lead such a dedicated cohort of people on this journey and look forward to the achievements ahead.

Dr 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 in the Sofronoff Inquiry Final Report, in the pursuit of becoming a world class forensic laboratory.

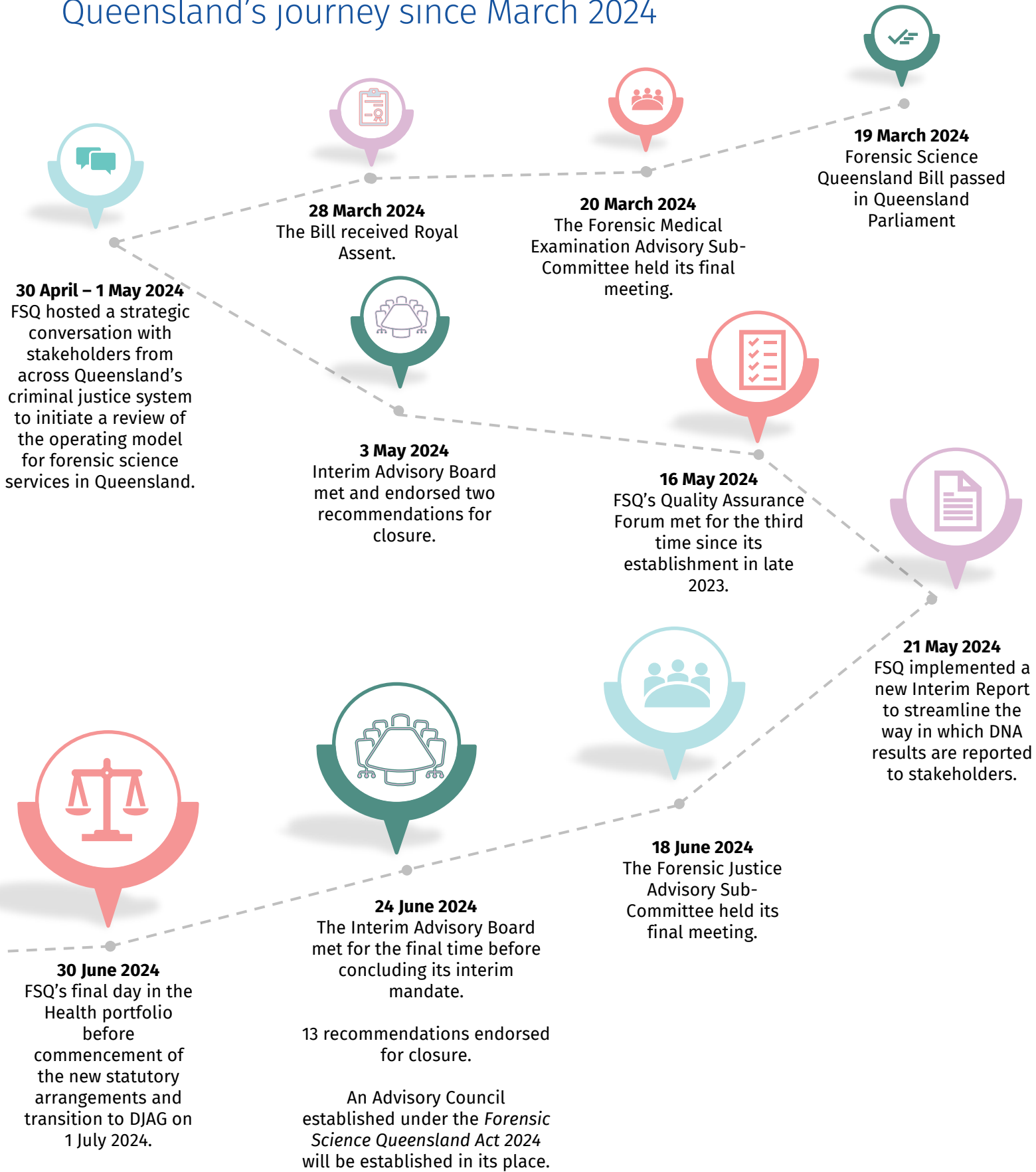
A subsequent Commission of Inquiry (Bennett Inquiry) made two recommendations that are effectively an extension of the recommendations from the Sofronoff Inquiry. These recommendations are being implemented concurrently.

Since its establishment, FSQ has made considerable progress toward the reform agenda, including work to implement the 123 recommendations made in the Sofronoff Inquiry Final Report. Fifty-two recommendations are fully implemented, 13 recommendations have been implemented and are awaiting formal closure, and a further 47 are underway – equating to over 91 per cent of all recommendations. Some of this progress has previously been documented in the first three Progress Reports tabled in Parliament.

This report is fourth in a series that provides an overview of progress (as at 30 June 2024) to address the recommendations made in the Interim and Final Reports of the Commissions of Inquiry. It highlights the continued efforts of Queensland Government agencies and stakeholders to deliver quality, timely, and innovative forensic DNA services that support the integrity of the Queensland justice system.



Queensland's journey since March 2024



Delivery of recommendations

This fourth progress report provides a snapshot of the activities undertaken to implement the recommendations of the Sofronoff Inquiry as at 30 June 2024.

As at 30 June 2024, implementation of **47** recommendations has actively commenced, **13** recommendations are complete awaiting formal closure, with another **52** formally complete.

Key implementation activities include:

- The passing of the Forensic Science Queensland Bill in the Queensland Parliament and commensurate activities to enable FSQ's transition to the Department of Justice and Attorney-General on 1 July 2024.
- FSQ hosted a two-day strategic conversation with stakeholders from across the Queensland criminal justice system to initiate a review of the operating model for forensic science service delivery in Queensland.
- Significant advances have been made to further embed the quality and innovation functions of FSQ, with development of a Quality Manual, Validation Manual, Project Management Framework, and Project Implementation Framework.

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

8

Recommendations formally closed

0

Recommendations complete awaiting closure

2

Recommendations in progress

Progress spotlight*

Establishing Forensic Science Queensland in Legislation

On 19 March 2024 the Forensic Science Queensland Bill (the Bill) was passed in Queensland Parliament with broad support, recognising the importance of new statutory framework for the delivery of forensic science services in Queensland.

The passing of the Bill addresses **recommendation 121** of the Sofronoff Inquiry Final Report and is a significant stride towards reforming forensic science services and establishing a high calibre system for the people of Queensland.

The Bill received Assent on 28 March 2024 becoming the *Forensic Science Queensland Act 2024* (the Act) which commences by proclamation as of 1 July 2024. The Act provides the statutory framework governing forensic services to ensure the provision of high-quality, reliable, independent, and impartial forensic services for the administration of criminal justice in Queensland.

Queensland is the first Australian State or Territory to recognise forensic services through legislation in this way. This reflects the intention to build a world class forensic science service. The Act establishes the office of the Director of FSQ, that will lead the provision of forensic services to the QPS, the ODPP, Coroners Courts, and other partner entities in the administration of criminal justice.

The Director of FSQ will be an essential part of the criminal justice system within Queensland. The Director will be responsible for overseeing the delivery of forensic services to support the criminal justice system. The Director must hold a relevant tertiary qualification in a scientific discipline and possess at least 10 years of practical experience in forensic sciences. Appointment to this position will be made by the Governor-in-Council on the recommendation of the Attorney-General.

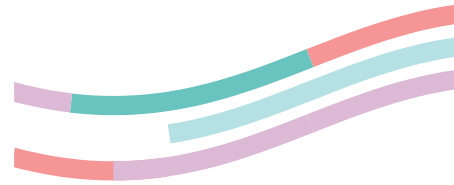
The Act also establishes an Advisory Council (the Council) which will provide advice and recommendations to the Attorney-General and/or the Director on policies and procedures that relate to the administration of criminal justice. The Attorney-General will also be able to seek advice from the Council regarding other relevant functions. The Advisory Council provisions in the Act ensure that relevant policies and procedures are informed by a range of perspectives as membership will include experts from the fields of forensic services, policing, law and support for victims of crime.

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

Forensic Science Queensland Website

FSQ has worked tirelessly with the Queensland Health Digital Transformation team to build their own website to launch from 1 July 2024 in line with the transition into DJAG. The FSQ website will host a broad range of information which will be accessible to the public including, FSQ's structure and governance arrangements, information about the functions of the various Divisions and forensic services across FSQ, historical case review status and information, and information on methods and processes in line with recommendations made by the Sofronoff and Bennett Inquiries.

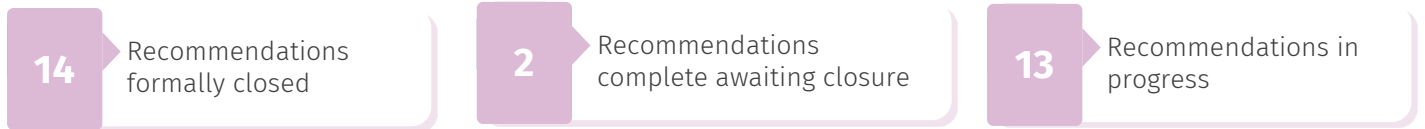




Element two: Culture, quality and innovation

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.

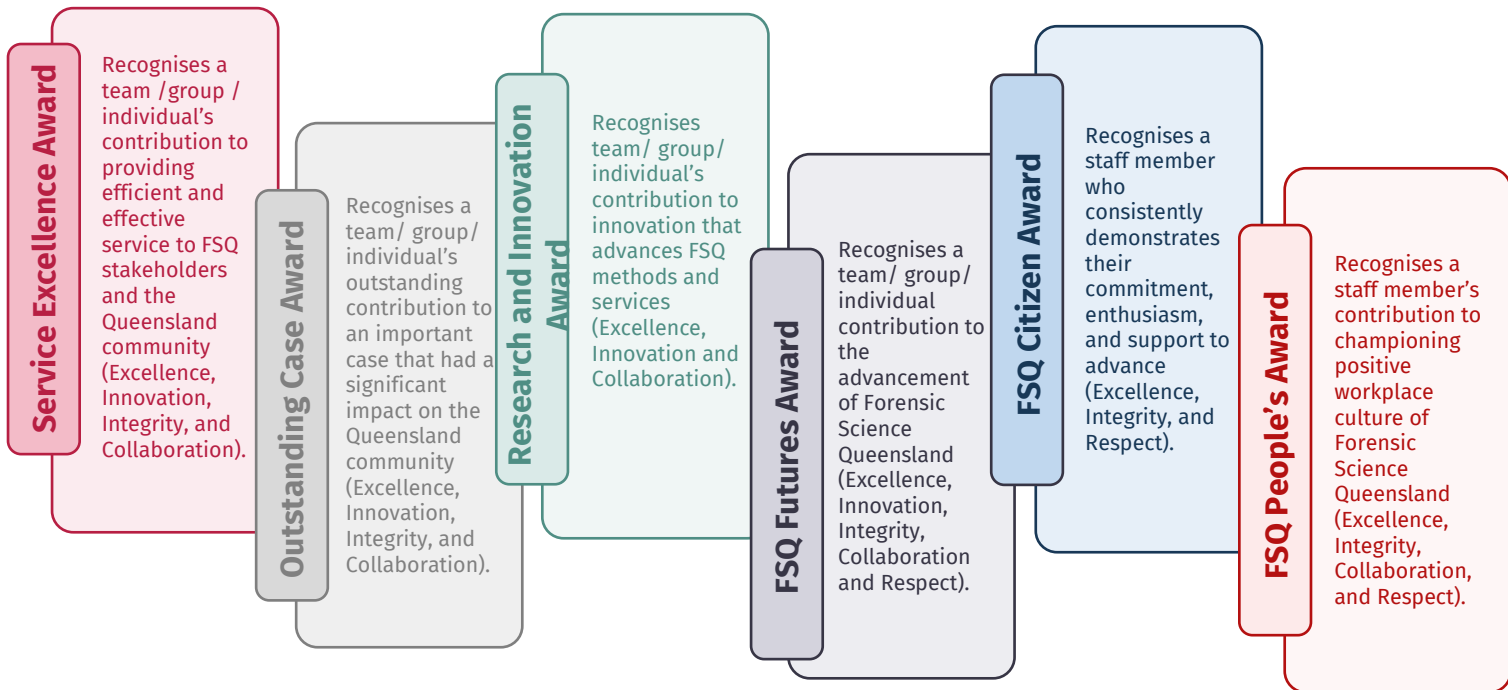
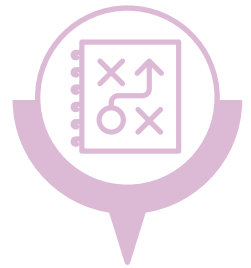
Summary of recommendations



Progress highlights*

Culture

Following the development and implementation of FSQ’s values – Excellence, Innovation, Integrity, Collaboration and Respect – FSQ recently launched a staff awards and recognition framework to embed these values in daily practice. Each award is designed to promote and celebrate excellence in key areas of service delivery and/or culture. There are six award categories, each showcasing one or a combination of FSQ’s values:



In recognition of the dedication and loyalty of its employees, FSQ will also dedicate awards to ‘Years of Service’. These awards will celebrate the commitment and contributions of FSQ staff who have reached significant milestones in their tenure with FSQ every five years.

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

Quality

FSQ will undergo a National Association of Testing Authorities (NATA) assessment for accreditation in late July 2024. Preparing for this assessment is an organisation-wide priority. FSQ has submitted its NATA Aid documentation required to progress the reassessment.

The Quality team recently relocated to their new onsite accommodation and have been coordinating FSQ's efforts in preparation for the NATA assessment. This includes development of an FSQ Quality Manual which is currently in draft form and the first version will be finalised in advance of NATA's visit. The Quality Manual will become the single source of truth for all of FSQ's quality practices, including internal audits, proficiency testing, and incident investigations.



Innovation

Since its establishment, FSQ's Innovation Division has been developing and strengthening relationships with tertiary education providers to increase collaboration and facilitate a mutual exchange of knowledge and expertise in the ever-evolving field of forensic science. This has been achieved through a number of initiatives including:

- Hosting university students as part of a student placement program
- Hosting local academics at FSQ as part of a contracted arrangement for collaborative validation and research initiatives
- The submission of peer-reviewed scientific papers in collaboration with academic partners
- The establishment of collaborative Honours and PhD research projects
- FSQ scientists attending universities to deliver presentations (16 separate lectures since September 2023) on topics related to Forensic Biology and Forensic Chemistry
- FSQ submitting competitive grant applications as an industry partner in collaboration with academic institutions.

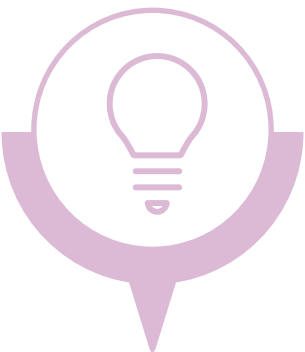
Work is currently ongoing to establish a Research and Innovation Steering Committee, including representatives from FSQ, its stakeholders and academics from a range of tertiary education providers. This will formalise these relationships while ensuring research is collaborative, has a positive impact and is translatable to operational requirements of FSQ stakeholders. This forum will also ensure these mutually beneficial relationships grow and thrive for the benefit of the forensic science community and Queensland justice system (**Recommendation 68**).

The Innovation Division has been working to finalise the following key documents which will complete the overarching framework for the conduct of validations, verifications and other scientific studies at FSQ:

- Validation Manual – to facilitate a standardised approach to project methodology (**Recommendations 21, 23, 39, 54 and 103**) and to underscore the importance of validations in FSQ's day-to-day operations including the full-time commitment of scientists towards project completion (**Recommendations 57 and 58**).
- FSQ Research and Innovation Strategy – to develop a strategy to embrace science innovation to support, optimise and implement existing and new capabilities at FSQ by fostering both a research culture and a culture focused on continuous improvement.

This strategy also demonstrates a commitment to professional development for all FSQ staff.

The FSQ Innovation Division continues to progress and finalise a number of validations, including finalisation of the DNA testing amplification equipment validation (**Recommendation 19**).

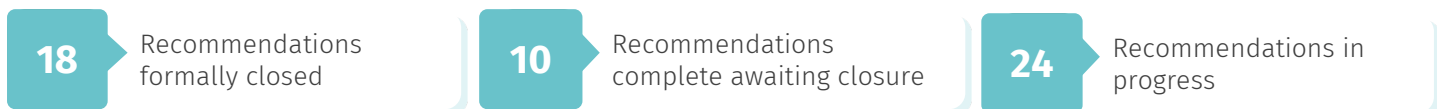




Element three: Scientific service delivery

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

Summary of recommendations



Progress highlights*

Review of the operating model for forensic services in Queensland

On 30 April and 1 May 2024, FSQ hosted a Strategic Conversation between stakeholders from across Queensland's criminal justice system to initiate a review of the operating model for forensic science services in Queensland. This is a significant step towards implementation of **Recommendation 1** of the Sofronoff Inquiry's Final Report.

Representatives from QPS, ODPP, Queensland Law Society, Queensland Bar Association, Coroners Courts, and victim support organisations, as well as interstate and international representatives from across the forensic science community participated in the discussion, offering a broad range of perspectives.

The Strategic Conversation was facilitated by two eminent forensic science experts. Participants worked in interdisciplinary and interagency groups and were led through a collaborative process of discussion and design. Over two days participants were asked to consider the current operating model and explore and consider, with input from other agencies and individuals, potential pathways forward.

The level of enthusiasm and engagement in the process was very high from all attendees. The process provided a collective contribution and co-ownership by all present of the proposed pathways. Overall, the discussion provided a strong platform for ongoing discussions between key stakeholder agencies to reach an agreement on the future operating model for forensic science service delivery in Queensland. This will be the critical component to fully implement **recommendation 1** of the Sofronoff Inquiry Final Report and to delivering a world class forensic science service.



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



Forensic Biology Interim Report

Following extensive testing and staff training, FSQ implemented a Forensic Biology Interim Report on 21 May 2024. This will be used to report the collective biological results of a case without the initial need for a Statement of Witness. The Interim Report is intended to provide FSQ's stakeholders with an accurate and user-friendly tabulated summary of validated biological screening and DNA results for every case.

The interim report is housed on the Forensic Register (FR) which is the forensic case management and laboratory information management application used to facilitate the exchange of case information between FSQ and QPS. Functionality has been programmed in the FR that allows the FSQ Forensic Biology Case Manager to generate an Interim Report with minimal manual processes.

An interim report will be automatically generated for all major crime cases once all DNA results have been interpreted and reviewed, as a routine part of the case management process, if the case has associated reference samples. It can also be requested for any major crime or volume crime case after all DNA results have been finalised.

The efficiencies offered by the implementation of the Interim Report does not compromise quality and will allow FSQ to optimise other aspects of its service delivery in the pursuit of becoming a world class forensic service. A post implementation review to measure the success of the interim report and resolve any issues will also be conducted.

Forensic Medical Examination Kits

Following the statewide rollout of the newly designed Forensic Medical Examination Kits (FMEK) from 31 July 2023, FSQ was involved in a six-month review along with representatives from Forensic Medicine Queensland (FMQ). Collaboration between FSQ and FMQ continues to enhance FMEK and associated kits for ease of use by clinicians.

The FSQ Innovation team is working with the Evidence Recovery team to progress additional verification studies to further support FMEK implementation.

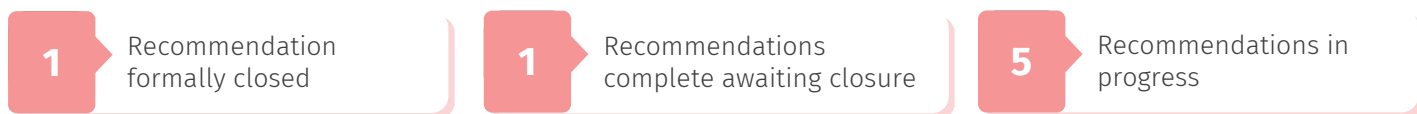
FSQ has made significant progress on the development of Early Evidence Collection Kits (EEKs). In collaboration with FMQ, and in consultation with other relevant stakeholders, the kit and its associated contents has been finalised and is undergoing formal approvals to initiate the implementation process.



Element four: Historical case review

Element four comprises 9 recommendations aimed at the need to work with QPS to undertake a historical case review 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 additional DNA testing where appropriate.

Summary of recommendations



Progress highlight*

FSQ, ODPP, and QPS are continuing to work together to identify and review cases that are subject to the recommendations of the Sofronoff and Bennett Inquiries. The historical case review process remains in place to ensure the most efficient use of agencies resources and just outcomes for cases. This process is also governed by a set of principles, as outlined in **recommendation 14** of the Sofronoff Inquiry, which continue to be refined to ensure the integrity of the process.

FSQ has identified 40,701 cases potentially captured by the relevant recommendations, which may require review. This total reflects all major crime cases processed by FSQ in the periods to which the Sofronoff and Bennett Inquiry recommendations apply. FSQ, ODPP and QPS will continue to work collaboratively to ensure the impacts to the criminal justice system are minimised and victims and their families are supported.

The Queensland government has provided an additional \$10 million, over a period of four years, to help meet victims' needs. The funding is supporting several organisations to provide trauma-informed supports, including the dedicated Forensics Support Line (1300 264 827).

DJAG is also advancing stakeholder discussions regarding 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. One option being considered is a process whereby accused persons or their lawyers can apply to an independent and appropriately qualified administrative panel.



* 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 to improve 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 due to their 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 Queensland Health (QH).

Summary of recommendations



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

Recommendation 78 and 83

The QPS is continuing to work with FSQ to establish the use of a secure courier service to provide prompt delivery of items to the laboratory. The process has been agreed, a contract is in place with the preferred courier, and delivery should commence as a matter of routine in the third quarter of 2024.

Funding has been approved to establish permanent unsworn positions within the DNA Liaison and Major Crime unit to assist in reviewing all cases, prioritise testing and ensure the accuracy of potential evidence. A permanent Senior Sergeant has been appointed to manage the unit and a process to fill five unsworn positions is underway.



Quality Management

Recommendation 79, 80 and 81

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. Only one detection method validation remains ongoing, with experimental work now complete (**Recommendation 81**). Funding has been approved to implement independent positions to conduct internal audits (**Recommendation 79**). The process to appoint two unsworn members to the audit roles is in progress.

The QPS has restored the 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 has implemented new sampling kits and procedures to enhance the collection of reference samples. The QPS has also developed a 'DNA Person Sampling' training product that focusses on 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

Eighteen 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. Despite the progress made over a short period, particular implementation areas, known as 'Future Focus Areas', have been identified for prioritisation as delivery continues.

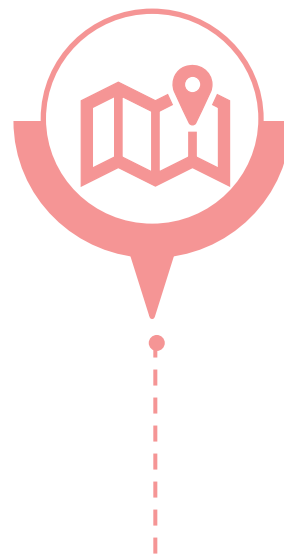
Future focus areas have been geared toward those areas of reform that have been identified as necessary in achieving FSQ's vision of becoming a world leader in the delivery of high-quality, timely and innovative forensic services, that support the administration of justice and integrity within the Queensland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

Integration of FSQ in the justice portfolio via Machinery of Government changes to properly reflect FSQ as an integral component of Queensland's justice system.

Ongoing engagement and collaboration regarding the operating model for forensic science services in Queensland with a view to reaching an agreement and developing a roadmap to an improved model in the near future.

Continued streamlining of 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

Victim Connect

1300 318 940

Anytime

WWILD

3262 9877

9am – 5pm, Monday to Friday,

PACT

1800 449 632

8:30am – 4:30pm, Monday to Friday

54 Reasons

1800 874 996

8:30am – 4:30pm, Monday to Friday



