

COMMISSION OF INQUIRY
INTO FORENSIC DNA TESTING IN QUEENSLAND

Brisbane Magistrates Court
Level 8/363 George Street, Brisbane

On Monday, 10 October 2022 at 10.00am

Before: The Hon Walter Sofronoff KC, Commissioner

Counsel Assisting: Mr Michael Hodge KC
Ms Laura Reece
Mr Joshua Jones
Ms Susan Hedge

1 THE COMMISSIONER: Yes, Ms Reece?

2

3 MS REECE: Thank you, Commissioner. Commissioner,
4 I appear with my learned friend Ms Hedge as counsel
5 assisting.

6

7 Today, Commissioner, we commence the hearing of
8 module 2 of this Commission, which is concerned with the
9 identification and addressing of technical issues both in
10 the DNA Analysis Unit, the lab, and with the collection of
11 samples by the Queensland Police Service and Queensland
12 Health, including sexual assault investigation kits.

13

14 As part of this module, which will span a number of
15 weeks, a number of expert witnesses will be called, each of
16 whom has been asked by the Commission to consider discrete
17 issues which have arisen on the evidence. Ms Hedge will
18 open the evidence of some of those experts tomorrow, and
19 Mr Jones will open the evidence relevant to the collection
20 of samples on Monday next week.

21

22 As senior counsel assisting, Mr Hodge KC, anticipated
23 in his opening at the directions hearing on 26 August, an
24 area of interest which has developed during the life of the
25 Commission is the nature of the culture within the lab and,
26 specifically, a question has arisen as to how, when issues
27 of the processes at the lab have arisen, those issues were
28 addressed by management.

29

30 This question clearly engages your terms of reference,
31 Commissioner, as it goes to the relationship between the
32 management of the lab and the scientific integrity of
33 processing, analysis and reporting of DNA results.

34

35 At the outset of this module, it is necessary to
36 emphasise, though, as Mr Hodge did at the conclusion of
37 module 1 last week, that this focus on the culture of the
38 lab is not about workplace conflict per se or in a general
39 sense. It is outside the scope of this Commission to carry
40 out a wide-ranging inquiry in public into the functioning
41 of the workplace. Rather, what we are concerned with is to
42 understand to what extent the culture of the lab
43 facilitates scientific best practice; to understand how the
44 management of the lab, those who are in a position to
45 actually make decisions about process, equipment and so
46 on - how they respond to scientists, their own colleagues,
47 who raise concerns about scientific process.

1
2 In order to explore that area, we first start with
3 a number of scientists who currently work in the lab in
4 what is referred to as the reporting team. Ms Hedge and
5 I will take three witnesses each over the next three days.
6

7 Each of these scientists will tell the Commission
8 about specific scientific concerns they have raised over
9 the years, and they will speak of how those concerns were
10 received by those, as I say, in a position to actually do
11 something about those concerns.
12

13 Some of them will tell you that they eventually felt
14 that they could not make themselves heard in the lab or
15 that if they were heard nothing was done and no explanation
16 given.
17

18 Many of the scientific issues raised by these
19 scientists will then be explored in the evidence of experts
20 who will give evidence later in the module.
21

22 Commissioner, if it is convenient, I will briefly
23 outline what I expect each of the witnesses will tell the
24 Commission - that is, each of the scientists I refer to.
25 I will start with the first six witnesses to be called.
26

27 The first witness to be called this morning is
28 Alicia Quartermain. She is a reporting scientist at FSS in
29 the DNA Analysis Unit and she has worked in that lab since
30 2005. She will give evidence that while she initially
31 thought the phrase "DNA insufficient for further
32 processing" was accurate for low quant samples, over time
33 she became increasingly concerned seeing samples initially
34 classified in that way, "DIFP", as we have heard scientists
35 refer to that quantitation level, that those samples were
36 returning useable profiles when they were actually further
37 processed through concentration and amplification.
38

39 Due to those concerns, in April of 2020, and again
40 in April of 2021, she wrote to Justin Howes, someone with
41 whom she had had a good working relationship. She raised
42 her concerns with him.
43

44 She proposed an approach where certain DIFP samples
45 would be sent through the full analytical testing process,
46 particularly those DIFP samples from sexual assault kits
47 and combur-positive blood stains, where it might be

1 anticipated that that sample was rich in DNA, that those
2 samples which initially were classified as DIFP would be
3 sent through the full analytical testing process for a set
4 period in order to assess the results.

5
6 She was not given permission to do so and,
7 Commissioner, as you know, the DIFP process continued up
8 until halfway through this year.

9
10 Alicia will also give evidence about the impact of the
11 decisions about processing of samples made on 6 June and
12 19 August this year, both of which were explored in some
13 depth in module 1. She will explain that she spoke to
14 Inspector David Neville in early September about her
15 concerns about the process in the aftermath of these
16 decisions and also her concerns about the DIFP era, if
17 I can refer to it in that way.

18
19 Other issues to be covered in Alicia's evidence are
20 the reworking of certain samples, inefficiencies in certain
21 lab processes, and her experience of the lab culture.

22
23 Commissioner, the second witness today will be
24 Angelina Keller. Ms Keller is a reporting scientist at FSS
25 and has worked at the laboratory since 2004. In 2006 she
26 was chosen to be trained in all aspects of the forensic DNA
27 analysis of bones, including triaging remains, evidence
28 recovery, interpretation and reporting. She has worked on
29 bone cases at the lab since that time.

30
31 Commissioner, this work is pivotal in the
32 identification of missing persons which, as you know, is of
33 utmost importance for grieving families.

34
35 Angelina raises a number of scientific and cultural
36 issues in her statement. A significant topic for her is
37 the treatment of bones in the laboratory. Since 2020, she
38 has noticed an increase in the number of bones that have
39 resulted in a mixed DNA profile, or mixed DNA profiles -
40 that is, a profile that appears to contain the DNA of two
41 individuals or more than one individual. She will give
42 evidence that that should not happen with bones. The
43 technique applied to bones is such that the DNA is obtained
44 from the middle of the bone away from contamination. That
45 part of the bone should contain the DNA of only one person.
46 That places bones in a separate category to crime scene
47 samples, where it is generally not known how many persons'

1 DNA might be on any one sample.

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1 Amanda Reeves approached him and asked him to look at some
2 analysis of success rates of low quant samples in version 2
3 of the Project #184 report that was about six months after
4 he first spoke with Mr Howse. He provided Ms Rika and
5 Ms Reeves with the same documents he had given Mr Howse
6 some six months prior.

7
8 We heard in module 1 that this was incorporated into
9 their feedback on that project which was ultimately then
10 abandoned for the Options Paper process.

11
12 The upshot of his analysis was that, given the lack of
13 uniformity of results across the different quantitation
14 levels, percentage calculations of success following
15 microcon were not useful, and, Commissioner, you may recall
16 that the evidence of Professor Wilson-Wilde and Dr Budowle,
17 which was heard in the first module, has given support to
18 that view.

19
20 Rhys also raises a number of issues with the
21 validation of certain instruments used in the lab, the work
22 system and cultural problems, including the difficulties
23 experienced by scientists who seek to raise issues, and the
24 emphasis from management on turnaround times and cost
25 saving, at the expense of quality.

26
27 Commissioner, Emma Jane Caunt will follow Mr Parry
28 tomorrow, we expect. She is a reporting scientist who has
29 worked at FSS since 2007. She previously worked and was
30 trained as a reporting scientist in the Forensic Science
31 Service in the United Kingdom. She raised issues with the
32 DIFP threshold immediately after the Options Paper was
33 implemented in 2018, and when she started to see good
34 results from reworking DIFP samples in 2021 she again
35 raised her concerns.

36
37 She also raises a number of scientific issues which
38 intersect with cultural issues. She is concerned by what
39 she considers to be inconsistency between reporting
40 scientists about interpreting combined stutter, number of
41 contributors and removing loci from the STRmix analysis.
42 She has, over time, raised concerns with these issues and
43 does not feel her opinion was fully considered.

44
45 The issue of not feeling as though she is consulted or
46 involved in decision-making is also relevant to her
47 concerns about validations.

1
2 Ms Caunt was involved in the consideration of the
3 sperm microscopy issue from 2016 to 2020. Ms Hedge will
4 give an opening on that issue tomorrow.
5

6 The evidence of Ms Caunt and a number of the other
7 witnesses will focus on how this issue, and observing the
8 issues that arose in relation to Ms Reeves, resulted in
9 other members of staff feeling less able to raise issues in
10 the lab. However, Ms Caunt's evidence on that issue
11 relates to the same issues as identified above, a concern
12 about management or the decision-makers listening or taking
13 into account her opinions, so that she now feels less able
14 to raise issues when they come up.
15

16 Ms Caunt will also explain a situation where Cathie
17 Allen required her to attend a meeting in which she was
18 questioned about the use of the confidential bin at the
19 laboratory. She considers that was linked to Amanda Reeves
20 finishing her employment at the lab. Ms Caunt found the
21 lawful direction to attend the meeting very stressful and
22 difficult for her. She was never told of what came of that
23 investigation.
24

25 Commissioner, the final two witnesses who will be
26 called in this particular tranche, or this particular bunch
27 of witnesses, are Dr Ingrid Moeller and Kylie Rika, whom
28 the Commission has already heard from. I will start with
29 Ingrid Moeller.
30

31 Dr Ingrid Moeller is also a reporting scientist at
32 FSS. She has worked there since 2004. In the second half
33 of last year she started noticing that DIFP samples which
34 had gone through further processing were returning good
35 results. Ingrid became so worried about the DIFP process
36 that in March of this year she spoke to Lara Keller and
37 discussed the potential for a public interest disclosure.
38 She told Ms Keller that she had raised the issue with
39 management previously but nothing had changed. And,
40 Commissioner, through the evidence of a number of other
41 witnesses to be called before the Commission, it will be
42 established that that public interest disclosure ultimately
43 failed, that it came to nothing. This is the very issue
44 which is now being explored in some detail by this
45 Commission.
46

47 Ingrid was also directed to attend a meeting relating

1 to the use of a confidential bin at the lab in the wake of
2 Mr Reeves's departure. She found this experience
3 intimidating and very stressful. She will recount her
4 knowledge of the sperm microscopy issue and tell the
5 Commission that what she saw of the way management dealt
6 with Amanda Reeves impacted on the willingness of some
7 staff to raise issues going forward.

8
9 Ingrid was involved in one of a number of cases in
10 2008 which were affected by a contamination event which
11 took a number of months to resolve, despite staff raising
12 concerns at the time with management. She will also talk
13 about the lack of consultation leading up to the 6 June and
14 19 August decisions. She will tell the Commission that on
15 learning of the decision to send DIFP samples straight to
16 amplification - that is, the auto-amp process - which was
17 the decision made on 6 June, you might recall, she
18 immediately wrote to Lara Keller expressing her concern at
19 this change. Ms Keller referred her to Ms Allen and
20 Mr Howse, neither of whom responded.

21
22 Ingrid will explain, Commissioner, that it is her
23 belief that the management of the lab perceived the
24 reporting scientists, or at least some of them, to be
25 troublemakers and that this impacts on their ability to
26 have their scientific concerns heard let alone acted on.

27
28 Ms Kylie Rika will then be recalled. She will give
29 evidence for the second time in this hearing. She will
30 also deal with the effect on her of the sperm microscopy
31 issue in terms of her willingness to raise issues or
32 challenge the leadership of the laboratory. She was also
33 questioned by Cathie Allen about the confidential bin issue
34 and again not told of what had come of that interview or
35 investigation.

36
37 She will outline her involvement in efforts to improve
38 cultural issues and to feel safe working in the lab,
39 including the Workplace Edge investigation, dealing with
40 John Doherty and taking issues to current acting executive
41 director, Lara Keller, as Ingrid Moeller had done in early
42 2022.

43
44 Commissioner, that's the opening of the six first
45 witnesses to be called in this module.

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47 THE COMMISSIONER: Thank you.

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MS REECE: I call Alicia Quartermain.

<ALICIA ANN QUARTERMAIN, sworn: [10.18am]

<EXAMINATION BY MS REECE:

MS REECE: Q. Ms Quartermain, could you state your full name to the Commission, please?

A. Alicia Ann Quartermain.

Q. Ms Quartermain, you have provided two statements to the Commission dated 21 September and 6 October 2022. I see you have a copy of your statements there. I wonder if Ms Quartermain could be shown copies of her statements with the exhibits. Thank you.

While Ms Quartermain is being shown that folder, operator, could I please have document [WIT.0012.0025.0001_R] on the screen, please. Thank you.

Ms Quartermain, is that the first page of your first statement?

A. It is, yes.

MS REECE: I tender the statement of Alicia Quartermain dated 21 September 2022

EXHIBIT #61 STATEMENT OF ALICIA QUARTERMAIN DATED 21 SEPTEMBER 2022, BARCODED [WIT.0012.0025.0001_R]

MS REECE: Operator, if you could now show document [WIT.0012.0028.0001_R].

Q. Ms Quartermain, is that the first page of your second statement?

A. It is, yes.

MS REECE: Commissioner, I tender that --

MR RICE: Before that is done, some of us at the Bar table are scurrying to find this second statement. We have been checking while Ms Reece has been speaking. It is not on our review book.

THE COMMISSIONER: I see. Ms Reece?

1 MS REECE: Commissioner, I can't explain why that's the
2 case. It should have been disclosed along with a large
3 number of other --
4

5 THE COMMISSIONER: Mr Rice, are you saying that you have
6 never seen this statement?
7

8 MR RICE: I have never seen it. We are checking now on
9 the review book that is made available to us and it brings
10 no result on the document ID.
11

12 THE COMMISSIONER: All right.
13

14 MR HICKEY: We are in the same boat, Commissioner.
15

16 THE COMMISSIONER: Then, let's proceed on the statement
17 that you have already tendered.
18

19 MS REECE: Thank you.
20

21 THE COMMISSIONER: Somebody can ensure that the parties
22 receive the second statement and we will see what happens
23 with respect to the evidence of the second statement.
24

25 MS REECE: Thank you. Commissioner, Ms Hedge is going to
26 contact the secretary of the Commission.
27

28 THE COMMISSIONER: Somebody can look after it and you can
29 get on with the evidence on the first statement and we will
30 see how we go.
31

32 MS REECE: Thank you, Commissioner.
33

34 Q. Ms Quartermain, you have had a chance to review both
35 of those statements?
36

37 A. I have, yes.
38

39 Q. Is there anything that you wish to change?
40

41 A. No.
42

43 Q. You are currently an employee of Queensland Health
44 Forensic and Scientific Services; is that right?
45

46 A. Yes.
47

48 Q. And your current position is reporting scientist
49 within the forensic DNA Analysis Unit?
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51 A. Yes.

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Q. Can you tell the Commission your formal qualifications?

A. I have a bachelor of health science and a masters of science and forensic science.

Q. And how long have you worked with Queensland Health forensic DNA lab?

A. Approximately 17 years.

Q. In which team do you work in now?

A. In reporting team 1 within the forensic reporting and Intelligence teams.

Q. I'm going to ask you about a number of matters starting with some events this year, and, as you have just heard the exchange with counsel and the Commissioner, I'm only going to take you to matters in your first statement.

A. Okay.

Q. So in your statement you speak of your response to or what you experienced of two decisions which were made this year in relation to processing of samples in the lab on 6 June and 19 August.

A. Yes.

Q. Now, from 6 June, I understand your evidence to be that the lab process required all samples with initial quantitation values between .001 and .0088 ng/μL, irrespective of their sample type, to be amplified following extraction, without any initial assessment or microcon concentration occurring?

A. Yes.

Q. Prior to that process, which you refer to as the auto-amp process, samples with quantitation values between .001 and .0088 ng/μL were reported as DNA insufficient for further processing and were not automatically tested by FSS beyond quantitation stage?

A. That's correct.

Q. That had been the case since early 2018, hadn't it?

A. Yes, yes.

Q. Can you recall, and tell the Commission, how the decision to move to the auto-amp process was communicated to you in the lab?

1 A. It was my understanding that we received
2 a communication from the DG as to that process and how we
3 would go moving forward.

4
5 Q. How was the communication conveyed to staff at the
6 lab?

7 A. Via email.

8
9 Q. Was there any further discussion of that decision?

10 A. After the email was received, there was discussion
11 within the lab reporting teams about the change in process.

12
13 Q. And in your statement you refer to Ms Allen walking
14 around the desks of the reporting scientists in the
15 laboratory?

16 A. Yes, I do remember that.

17
18 Q. And do you recall what the nature of your discussion
19 was with Ms Allen?

20 A. I remember speaking to her about the decision that had
21 been made with respect to amping priority 2 samples at
22 15 microlitres without assessing them prior to that amp.
23 Am I able to just look at my statement with respect to the
24 words that I've used, because that's how - at the time that
25 I wrote this statement, my best recollection of how it was
26 worded to me.

27
28 THE COMMISSIONER: Q. Yes, look at the statement, but
29 give us your - refresh your memory but give us your
30 recollection.

31 A. Okay. So I do remember asking Ms Allen why the
32 decision was made to amplify everything at 15 without
33 making the assessment based on the sample type, and that,
34 in my opinion, that wasn't the best way to process these
35 samples because, depending on the quant value of the sample
36 type, the rework that may follow would be potentially
37 different.

38
39 So I did mention that to Ms Allen and she responded
40 that she put that point forward with respect to the cabinet
41 and the premier, and they decided to go with the auto-amp
42 process at 15 microlitres. I remember asking her why
43 wouldn't we recommend that we assess our samples on
44 a sample-by-sample basis rather than a blanket rule of
45 15 microlitres as an amp volume for all sample types that
46 fall within that quant value or that quant --

47

1 THE COMMISSIONER: Q. Just before you go ahead, just so
2 we understand the background, what you were being told was
3 that samples that were formerly being reported as DNA
4 insufficient for further processing were now going to be
5 processed?

6 A. Correct.

7

8 Q. But without a concentration step?

9 A. Correct.

10

11 Q. And a moment ago you said that depending upon the
12 sample type, that wasn't the best way to go ahead.

13 A. Yes.

14

15 Q. What do you mean, "depending upon the sample type"?

16 A. In my experience, if we have a sample type, for
17 example, a sample that has been submitted as blood or
18 a sample that has come from a Sexual Assault Investigation
19 Kit from a person, those samples generally will give us
20 a single-source profile or potentially a two-person mixed
21 DNA profile. We don't often get complex mixed profiles
22 that we can't interpret from those particular sample types.

23

24 Q. That is, more than two people?

25 A. Yes. Yes. So with samples that potentially only have
26 one or two contributors, the very-low-level samples that
27 fall within that quant range of .001 up to .0088, if they
28 are at the lower end of that range and I'm expecting to
29 still see only a single-source profile or a two-person
30 mixed DNA profile, I wouldn't want those samples
31 automatically amplified at 15 microlitres, potentially
32 wasting 15 microlitres of sample, prior to a concentration
33 step.

34

35 Q. By "wasting", do I understand you correctly that
36 you have a certain quantity, say 90 microlitres, you take
37 15 out to amplify, you amplify that without the sample
38 being concentrated first, so you take 15 unconcentrated
39 microlitres, process them and try to get a profile. You
40 don't get a profile or you don't get as good a one as you
41 might think, so you go back and you concentrate what is
42 left?

43 A. Yes.

44

45 Q. But in concentrating what is left, you have just lost
46 15 microlitres containing whatever DNA was in there?

47 A. That's correct, yes.

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Q. So that DNA is not available within the concentrated liquid that you now have - that's what you mean by "wasted"?

A. Yes, that's correct.

Q. So rather than having a go at a probably useless amplification, you should keep all the DNA and concentrate all the DNA rather than what is left after you have used up 15 microlitres; is that right?

A. That was my interpretation of it, yes.

Q. Go on. So that's what you had in mind when you were asking Ms Allen why it wasn't recommended, she told you, to the DG or to the premier to undertake the concentration step, why that wasn't being recommended; is that what you are saying?

A. Yes, I'm saying, yes, Commissioner, that it would make more sense from my perspective, scientifically, to not just amp every sample at 15 microlitres using up 15 microlitres of sample without assessing that sample prior to putting that blanket rule across all samples that fell within that quantitation range.

THE COMMISSIONER: Go ahead, Ms Reece.

MS REECE: Q. Ms Quartermain, when you raised your concern about the auto-amp process with Ms Allen, do you remember how she responded?

A. I remember her saying that they provided all the options to Premier and Cabinet and that was the option that they went with, and that was why I questioned that, because that didn't make any scientific sense to me.

Q. Did she express a view herself about the utility of microconning samples in that range?

A. I remember Cathie saying something about that if we were to process all of these samples through microcon, that that would be a huge burden of work on the analytical staff and that would effectively break that team.

Q. In your statement you recall that Ms Allen said words to the effect that she did not believe the auto-amp process would have a large impact - that is, on the samples themselves - and that microconning samples may improve chances of obtaining an interpretable DNA profile. Do you recall that?

1 A. Yes.

2

3 Q. What do you consider - what do you think of that
4 response?

5 A. Well, as our managing scientist, it's unusual for her
6 to be thinking that utilising 15 microlitres of sample for
7 each and every one of those samples is potentially not
8 affecting the outcome at the end, because, in my opinion,
9 it could be the difference between obtaining a useable
10 interpretable DNA profile and obtaining a DNA profile that
11 can't be used or compared to reference samples.

12

13 Q. Had there been any consultation with the reporting
14 scientists to your knowledge prior to this decision being
15 taken?

16 A. Not to my knowledge.

17

18 Q. I will take you then to the decision on 19 August.
19 Again, this time it was a directive from the
20 director-general. This is at paragraph 38 of your
21 statement [WIT.0012.0025.0001_R at 0006]

22 A. Yes.

23

24 Q. The directive on 19 August was as follows:

25

26 *All Priority 1 and Priority 2 samples with*
27 *a quantitation result between --*

28

29 that range that you can see on the screen there.

30

31 A. Yes.

32

33 Q. It is a range we all know pretty well now I think:

34

35 *-- should be concentrated down to a volume*
36 *of 35µL and undergo one amplification*
37 *process.*

38 *If further amplification is considered*
39 *beneficial, and if this process will*
40 *exhaust the remaining sample volume, then*
41 *written approval must be obtained from the*
42 *Queensland Police Service (QPS) prior to*
43 *that process being initiated.*

44

45 Were you consulted about that decision?

46 A. No.

47

1 Q. Can you tell the Commission what you thought about
2 that decision in terms of best practice for those samples
3 that you were processing in the lab at the time?

4 A. So my thoughts are similar to the auto-amplification
5 at 15 microlitres in that I believe that each sample should
6 be assessed on a sample-by-sample basis based on the sample
7 type and the quant value for that sample and not just use
8 a blanket decision to cover all samples that fall within
9 that quant range.

10

11 THE COMMISSIONER: Q. When you micro-concentrate
12 a sample you are starting with about 95 microlitres and
13 you've distilled, in effect, the liquid down to a smaller
14 volume?

15 A. Correct.

16

17 Q. And this direction on 19 August 2022 was to the effect
18 that the distillation, the concentration, should be from 90
19 or 95 down to 35, so about a third - yes?

20 A. Yes.

21

22 Q. What's the other option, that you could concentrate to
23 what?

24 A. One of the other options that we often use is what we
25 call a microcon to full, so rather than concentrating down
26 from 90 microlitres to about 35, we attempt to concentrate
27 down to about 15 microlitres.

28

29 Q. Which is the amount that you're going to use for
30 amplification, that's your minimum amount for
31 amplification, isn't it?

32 A. That's correct.

33

34 Q. But "to full" means you are going to use up the whole
35 liquid then in the amplification process?

36 A. That's correct.

37

38 Q. That's why it's full?

39 A. Yes.

40

41 Q. Yes, I understand. So what were you saying about the
42 wisdom or un-wisdom of a direction to concentrate
43 everything to 35?

44 A. So an example would be if you had a sexual assault
45 swab, say a sperm portion of a sexual assault swab, and the
46 quant value was in the mid range there, say 0.004, and that
47 sample was concentrated down to 35 microlitres and then

1 amplified, we still effectively have 20 microlitres left
2 over containing DNA, but that amplification that has
3 happened so far of 15 microlitres is only using 15 of the
4 available 35, so the DNA contained within that 15 - sorry,
5 in that - yes, in that 15, is a more dilute version of what
6 could potentially have been the case if for that sample it
7 had been microconned down to 15 microlitres, so all of the
8 DNA is concentrated down into 15 microlitres rather than
9 down into 35. So you could effectively have a better
10 chance of obtaining a useable DNA profile by doing that
11 rather than microconning it down to 35 microlitres, amping
12 it at 15 microlitres and obtaining, say, a two-person mixed
13 DNA profile that's too partial for interpretation, but then
14 having leftover extract that, if you were to amplify it
15 again at 15 microlitres, may just give you a duplicate of
16 what you have already got, too partial - too - two-person
17 mixed DNA profiles that are too partial for interpretation.

18
19 Q. So when would it be a good idea to concentrate to 35
20 as opposed to full?

21 A. In my experience, when you have a quant that is closer
22 to the upper end of that range. So if you have - because
23 some of these samples fell within this category, they were
24 amped at 15 microlitres with the first directive, and then
25 we looked at the DNA profile and it wasn't terrible, and it
26 could - but it would benefit from a microcon, it would not
27 necessarily need to be microconned to full because the DNA
28 profile we have so far is pretty good, but concentrating
29 the DNA would give us a profile that's potentially even
30 better. So in that instance I would probably microcon to
31 35 rather than to 15.

32
33 THE COMMISSIONER: I understand.

34
35 MS REECE: Q. Ms Quartermain, as a result of the
36 concerns that you had following these two decisions, did
37 you speak to Queensland Police Service and speak to David
38 Neville?

39 A. I did, yes.

40
41 Q. And that was on 7 September?

42 A. I can't remember when it was, I'm sorry.

43
44 Q. Have you seen a transcript of your discussion with
45 Inspector Neville?

46 A. Yes.

1 Q. And you agree that that transcript is accurate and
2 what you recall saying to him?

3 A. And my concerns, yes.
4

5 Q. The concerns that you were raising then with Inspector
6 Neville were what you have just spoken to the Commissioner
7 about; is that right?

8 A. Correct, yes.
9

10 Q. I think you also explained to Inspector Neville that
11 in fact the concern around the sample being exhausted does
12 have a different aspect to it in that there can be
13 a reprocessing of the spin basket?

14 A. That's correct.
15

16 Q. Could you explain that to the Commissioner?

17 A. So when a sample is processed, for example, a swab,
18 and it goes through the extraction process, the swab is
19 actually retained in - the top portion of a tube when we
20 spin the liquid out, the swab head itself remains in that
21 spin basket, as we call it. We at the laboratory retain
22 those spin baskets indefinitely and we have used those
23 historically to go back and do some investigation. If we
24 have suspected that we have needed to do investigation for
25 whatever reason, we can go back to those swab heads that
26 still have some DNA retained within the swab and re-extract
27 that swab head and obtain useable DNA profiles from the
28 remaining DNA that has been trapped within the fibres of
29 the swab head at a later date.
30

31 Q. And you explained that to Inspector Neville because
32 there were some concerns being raised about the exhaustion
33 of samples through the microcon process?

34 A. I did. And he said to me that he wasn't aware that we
35 retained spin baskets or that that was a possibility.
36

37 Q. Now, prior to the decisions that we've just been
38 talking about, so 6 June and 19 August decisions, and as
39 I spoke to you about a little while ago, these between .001
40 and .0088 samples were reported as DIFP unless they were
41 reworked either at the instigation or request of QPS or
42 a reporting scientist; is that right?

43 A. That's correct, yes.
44

45 Q. That system commenced in 2018?

46 A. The start of 2018.
47

1 Q. And when did you first become concerned about that
2 process?

3 A. So when it came to writing a statement, and often for
4 sexual assaults, because, as I explained earlier, they're
5 the swabs that are taken from people that you are not
6 expecting to necessarily find complex mixtures which aren't
7 interpretable, they're often DNA profiles with a single
8 source or with two people, and sometimes even low levels
9 of - even if those DNA profiles are low level, we can still
10 interpret them.

11
12 And so there were statements that I was allocating to
13 myself and, as I was looking at the results that were going
14 to be reported, sometimes there were sexual assault swabs
15 that sperm had been seen under the microscope and had
16 returned a result of DNA insufficient for further
17 processing, and that was a concern to me because if we've
18 seen sperm under the microscope, there is male DNA present
19 within that sample, so I felt that it was required that
20 I initiated the - like, having initiated the reprocessing
21 of those samples, or processing them at all, because
22 I don't - I didn't feel comfortable, knowing that we'd seen
23 sperm under the microscope but we were reporting the result
24 as DNA insufficient for further processing.

25
26 Q. So this would typically occur when you were bringing
27 together a case to report to court?

28 A. Yes.

29
30 Q. To create a statement, looking at all of the samples
31 which had been processed through the lab, either by you or
32 someone else, or analysed by you or someone else and you
33 might see that there were a number of reported results some
34 of which were DIFP; is that right?

35 A. That's correct, yes.

36
37 Q. And as a result of seeing that mix of samples and the
38 type of samples involved, you then started to instigate
39 your own reworks?

40 A. That's correct.

41
42 Q. Do you recall when that was?

43 A. It was probably in 2019 I started to do that as
44 a matter of routine, especially with sexual assault cases
45 or blood swabs or samples that had a quant value that was
46 sitting at the upper end of that DNA insufficient for
47 further processing range.

1
2 Q. You say that you started essentially your own practice
3 of reworking these DIFP samples. Did you raise your
4 concerns with anyone in management?

5 A. In April of 2020, I raised my concerns - well, it
6 might have even been prior to that, I raised my concerns
7 with my manager at the time, Kylie Rika, and showed her
8 some examples of samples that had been reported as DNA
9 insufficient for further processing that I had chosen to
10 process further and gotten good useable DNA profiles from.

11
12 She - I had her support, she told me, in taking that
13 further to our team leader, Justin Howse, and offered to do
14 some extra work around these - around some of these
15 samples, whether they be - predominantly I was looking at
16 SAIK swabs and blood swabs because of the reasons
17 I explained earlier, but it didn't - it wasn't as much of
18 a concern to him because I wasn't ever authorised to do
19 that work.

20
21 Q. So Justin Howse was your team leader at the time?
22 A. That's correct.

23
24 Q. And what kind of working relationship did you have
25 with him at that time?
26 A. Good working relationship. We started at forensic DNA
27 Analysis I think it was the same month of the same year.

28
29 Q. When you raised that issue with Justin in 2020 - have
30 you been able to find that email, that initial email?
31 A. I couldn't find that initial email unfortunately.

32
33 Q. You have provided an email from about a year later,
34 in April of 2021, which, Mr Operator, is document
35 [WIT.0012.0026.0069_R]. That's exhibit AQ-06,
36 Commissioner, to Ms Quartermain's statement, the first
37 statement.

38
39 Before we see that email up on screen, when you spoke,
40 or when you communicated with Justin Howse about these
41 concerns in April of 2020, you have said that you weren't
42 given permission to do that piece of work?

43 A. Yes.

44
45 Q. Did he respond to you in any other way?
46 A. Not that I recall, no.

47

1 Q. And then again in April of 2021 you raised this issue
2 with him. I think the email should be coming up on the
3 screen shortly. It is the same document number but not the
4 same document. Yes, thank you, Mr Operator.

5
6 Curiously, Commissioner, the numbers on my brief are
7 different to the ones on the screen. I hope all other
8 counsel are able to find that document. It is exhibit 6 to
9 Alicia Quartermain's first statement. It is now on the
10 screen. It is somewhat difficult to read. Mr Operator, if
11 you could - yes, thank you.

12
13 Would you scroll down to the bottom of the email,
14 please. Ms Quartermain, is the copy on your copy of your
15 statement easier to read than what I can see on the screen
16 here?

17 A. It probably is.

18
19 Q. All right. If I could take you to that exhibit, it is
20 exhibit 6 of your statement.

21
22 Commissioner, in the circumstances, I might just ask
23 Ms Quartermain to read that email in to the record.

24
25 Ms Quartermain, this is page 2 of your exhibit here,
26 [WIT.0012.0026.0070] and it is an email sent by you to
27 Justin Howse on 29 April 2021, with the subject line "DNA
28 insuff for further processing".

29 A. Yes.

30
31 Q. Are you able to read that email?

32 A. Yes.

33
34 *Hi Justin,*

35
36 *In the past I had noticed some samples*
37 *which had originally been called DIFP, were*
38 *subsequently processed on the 3130*
39 *resulting in some decent profiles. Even if*
40 *these profiles were low level, if the*
41 *number of contributors was only one or two,*
42 *then they were still interpretable. For*
43 *example, light combur-pos stains or SAIK*
44 *samples.*

45
46 *With the introduction of the 3500, I am*
47 *seeing the same thing happening, except the*

1 peaks are much higher due to the
2 sensitivity of the instrument. I feel that
3 reporting these samples as DIFP is
4 technically incorrect. I strongly feel
5 that we should be processing a lot of these
6 samples these days, especially ones that
7 may have a quant value close to the cut-off
8 range.

9
10 I don't see how data-mining around this can
11 happen yet, as there would not be many
12 samples that fall into this category.
13 I would, however, be prepared to do the
14 research. Are we able to get authorisation
15 to put through Analytical any combur-pos or
16 SAIK samples that fall within this category
17 (samples with any quant) for a set period
18 of time to see what happens? I would be
19 happy to take this work on if you get the
20 right person to say yes to my proposal.

21
22 Q. Just a couple of questions arising out of that. I see
23 there is a handwritten note there that seems to refer to
24 the introduction of the 3500?

25 A. Yes.

26
27 Q. That being in February 2021?

28 A. That's correct.

29
30 Q. In this email, you are offering to do a piece of work
31 around these particular samples. Now that you read this
32 email, do you think it was in 2021 that you made that offer
33 or did you also offer in 2020?

34 A. I believe it was - I definitely wrote this in 2021,
35 but when I wrote this in 2021, I remember going back to the
36 email that I'd sent in 2020 and effectively putting the
37 same information in that email.

38
39 Q. And the difference in the meantime was that with the
40 introduction of that new piece of equipment, the
41 sensitivity perhaps of the process had increased?

42 A. Correct, yes.

43
44 Q. And you would expect a better result from these
45 samples?

46 A. Yes.

1 Q. In this email, Ms Quartermain, you are raising,
2 I think, two issues about the sampling or the DIFP process.
3 You say that it is technically incorrect, reporting them in
4 that way. What did you mean by that?

5 A. Well, I - based on my experience, I had submitted some
6 of these samples for DNA profiling and gotten some good
7 useable DNA profiles, so to say that we're calling these
8 samples "Insufficient for Further Processing", it is not
9 correct, because when we process them we get DNA profiles
10 a lot of the time. So to say that it's - to call that
11 process correct, calling DNA insufficient for further
12 processing correct, I didn't agree with, because I was
13 starting to see good DNA profiles from samples that fell
14 within that quant range.

15

16 THE COMMISSIONER: Q. Technically, it could not be
17 a correct statement for all samples?

18 A. That's right.

19

20 Q. It might be a correct statement for some samples, but
21 it was incorrect as a statement for all samples because
22 when it was applied, one didn't know whether it was true or
23 not?

24 A. That's right.

25

26 Q. And in the case of some samples, it was actually
27 untrue?

28 A. Well, I sort of looked at it, Commissioner, from the
29 perspective that calling something DNA insufficient for
30 further processing is untrue kind of regardless, because
31 you can always process it further. It can always be
32 processed further. Whether or not we get a useable DNA
33 profile at the end of it is the question, but we could
34 always do more with those samples once they were halted
35 after the extraction and quant phase, because we have
36 90 microlitres of sample sitting in a tube. So that was
37 why I was concerned with that.

38

39 Q. Yes, that is to say with quants between one and eight,
40 they were capable of a great deal of further work in an
41 attempt to get a profile?

42 A. Correct.

43

44 Q. And in some cases, you would get a profile?

45 A. That's correct.

46

47 Q. And the other thing is at the foot of that email, you

1 say you would be happy to take this work on if you "get the
2 right person to say yes to my proposal". Who were you
3 referring to as "the right person"?

4 A. Well, because I'd taken this to my line manager and
5 gotten her approval, I then took it to her line manager,
6 who was Justin, to get his approval, but I didn't know
7 whether he was the end point to approving this or whether
8 he needed to take it further and get his line manager's
9 approval to do this type of work.

10

11 Q. And who was his line manager?

12 A. Cathie Allen.

13

14 THE COMMISSIONER: Thanks.

15

16 MS REECE: Q. Ms Quartermain, as a result of your
17 concerns you say at paragraph 43 - and this relates both to
18 DIFP and no DNA detected samples - that you changed your
19 processes, effectively, your own processes, when you were
20 looking at a case to report for court?

21 A. Yes.

22

23 Q. You also have provided some recent samples like that
24 in an Excel spreadsheet, which you've provided to the
25 Commission and is attached to your statement. I'm not
26 going to show that now because it's a little bit difficult
27 to look at in that format, but I will take you to one case
28 example that you've provided in your statement.

29 A. Okay.

30

31 Q. Before I do that, I will just go back to the no DNA
32 detected issue. These are samples which, when they go
33 through the quantitation process, return a quantitation of
34 less than .001?

35 A. Correct.

36

37 Q. And what has been your concern about those samples?

38

39 THE COMMISSIONER: Sorry, what are we talking about?

40

41 MS REECE: No DNA detected.

42

43 THE COMMISSIONER: Thank you.

44

45 THE WITNESS: My concern is that I have processed some of
46 those samples and obtained useable DNA profiles from them.

47

1 MS REECE: Q. In your statement you say that it's not
2 technically incorrect to refer to those samples as "no DNA
3 detected". Can you explain what you mean by that?

4 A. Because the equipment that we use and the software
5 that we use has its limitations and I understand it has its
6 limitations. So anything below that value is not reliable
7 with respect to being able to say that DNA is present. But
8 DNA may be present.
9

10 Q. And what is your view about what should occur with
11 those samples?

12 A. I believe that any major crime sample, regardless of
13 the quant, should be assessed by a reporting scientist, if
14 the quant falls below a certain level - for example, if
15 every sample that had a quant value below 0.0088 ng/ μ L
16 populated a work list, that the reporting team could then
17 go through and assess each sample based on the sample type,
18 based on the quant value, and order the rework that was
19 most appropriate for that sample at that point in time,
20 I feel that would be the best way forward for all samples
21 and not have a "no DNA detected" and a "DNA insufficient"
22 as different things, but anything that falls below
23 a certain value gets assessed on a sample-by-sample basis
24 and the appropriate rework is ordered according to what the
25 reporting scientist feels is best for that sample moving
26 forward.
27

28 Q. And that essentially would do away with the hard
29 threshold approach, do you agree with that, in terms of
30 what further steps are taken with those samples?

31 A. Yes, if it meant that each sample that fell below
32 a certain quant range was assessed by a reporting
33 scientist, then I believe that the hard line that you are
34 talking about wouldn't exist anymore.
35

36 Q. And it would also require, wouldn't it, a significant
37 realignment or restructuring of how samples and cases are
38 assessed within the lab?

39 A. Sorry, can you ask me that in a different way?
40

41 Q. When you are talking about a process whereby
42 a reporting scientist looks at those samples at that early
43 stage, that's quite different to what occurs now, isn't it?

44 A. Oh, yes, yes.
45

46 Q. Does that process that you are speaking of align more
47 with a case management approach to cases than the current

1 work list approach?

2 A. Yes.

3

4 Q. What is the benefit of a case management process of
5 processing samples?

6 A. So if a scientist was allocated a case from when it
7 was received at the laboratory, then that case scientist,
8 that reporting scientist, could have carriage of that case
9 for the whole - for the entirety of the time that it was
10 within the laboratory until a statement was required. So
11 when a statement was requested, which, from a major crime,
12 happens a large proportion of the time, that scientist will
13 have already looked at all of the results, all of the
14 samples, been able to assess if there was any genetic
15 anomalies within the DNA profile, to reduce the incorrect
16 reported results which can sometimes happen. If you've
17 got, say, 20 samples in a major crime case and there's some
18 sort of genetic anomaly in those DNA profiles, then if one
19 scientist picks it up but the other four scientists
20 haven't, then that can result in four results that have
21 been sent across to QPS having to be retracted and
22 reinterpreted. So it could reduce the instances of things
23 like that happening.

24

25 Q. They are known as "incorrects", aren't they?

26 A. That's right.

27

28 Q. When there is an initial result reported to QPS which
29 is later retracted?

30 A. That's correct.

31

32 Q. In favour of a different analysis or different
33 profile?

34 A. Yes. And sometimes the result that is retracted isn't
35 actually incorrect; it was just that at the time that
36 scientist has made an assessment based on what they can see
37 in the profile, and that is a legitimate assessment, but
38 then we realise that we get a reference sample from
39 a person, they have a genetic anomaly in their reference
40 sample, and then we can see that that actually is a genetic
41 anomaly and we can go back and reassess the profiles for
42 that particular case.

43

44 Q. So to take you back to the examples that you have been
45 tracking in your spreadsheet, and in particular the one
46 case that you outline from paragraph 56 of your statement
47 onwards - and I will just ask the operator to bring up the

1 exhibit, and my numbers again may be different. Sorry,
2 Commissioner.

3
4 I won't take you to the witness statement but I will
5 take you through that particular case, because you can
6 refresh your memory from the statement, but you have raised
7 for consideration with the Commission the case example of
8 the value of microcon concentration in these cases where
9 samples have been originally been categorised as DIFP. You
10 say that in approximately November 2021 you reviewed the
11 samples tested and interpreted for a sexual assault case
12 for the purposes of preparing your statement of witness.
13 You were going to be the scientist going to court in that
14 case; is that right?

15 A. Correct, yes.

16
17 Q. And when you were preparing the statement you saw that
18 there had been five internal swabs - that is, vaginal
19 swabs - that were reported as spermatozoa positive?

20 A. That's correct.

21
22 Q. But also reported as DNA insufficient for further
23 processing, and those samples were where spermatozoa had
24 been detected at the microscopy stage. This is one of
25 those cases that you have spoken of where you can see this
26 indication at an early stage in the processing and that
27 there might be a good source of DNA present and it returns
28 this result of DIFP.

29 A. Yes.

30
31 Q. Your view was that given the presence of the
32 spermatozoa, it would be possible to obtain an
33 interpretable profile?

34 A. Yes.

35
36 Q. When you were reporting on that case in your initial
37 statement you had at that point sent those five samples
38 back for concentration?

39 A. I did, yes.

40
41 Q. And in that statement you listed those swabs as
42 currently undergoing DNA analysis?

43 A. That's correct.

44
45 Q. Now, in that case, that was reworking that was done at
46 your own instigation?

47 A. Yes.

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Q. It wasn't something that QPS asked you to do?
A. No.

Q. In your experience, is it common for QPS to ask you to rework samples?
A. No. I mean, these days, given the Commission inquiry, yes, it's different, but historically, prior to about June this year, then no, I didn't really see that happening very often.

Q. So in this case, it was your - you were being proactive, effectively --
A. Yes.

Q. -- with these samples, and when you then submitted those samples for further processing, what was the result?
A. So from memory, there were two that returned two-person mixed DNA profiles, and there were three that returned complex mixed DNA profiles and I called them "complex" because they were a very low level.

Q. And the DNA profiles which were obtained from the two - with the clear two-person mixture, when compared with the reference sample, the mixed DNA profile was concluded to be greater than 100 billion times more likely to have occurred if the defendant had contributed that DNA along with the complainant, as if they had not?
A. Correct.

Q. Rather than if he had not, I should say?
A. Correct.

Q. Now, in that case, can you explain to the Commission the significance of those particular samples?
A. So prior to submitting those particular samples, the DNA evidence that we had was the defendant's DNA profile was - I think the likelihood ratio was greater than 100 billion for his DNA on the complainant's neck, and then there was a sexual assault kit taken from the defendant and as well there was the greater than 100 billion favouring the complainant on the defendant's sexual assault kit. So there was no internal swabs from the complainant that had the defendant's DNA present.

THE COMMISSIONER: Q. So you had his DNA on her neck?
A. Yes.

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Q. And her DNA on his penis?

A. Effectively, yes.

Q. And previously DNA insufficient for further processing?

A. For her internal swabs, yes.

MS REECE: Q. So if I understand your --

THE COMMISSIONER: Q. I'm sorry, and for his penile swab?

A. So they were two - I'm just trying to remember now. Two-person mixed DNA profiles, mixtures of the complainant and the defendant.

Q. Yes. But as it came to you, was each of them DNA insufficient?

A. No. Not on his SAIK swabs, just on the complainant's SAIK swabs.

Q. On her neck. Yes, thanks.

MS REECE: Q. You had some conversation with the police officer involved in this case?

A. I did, yes.

Q. What did he tell you about the impact of those further results in the vaginal swabs?

A. He said to me that up until that point, they didn't have any internal swabs evidence that matched the defendant to the complainant and that my additional work, he was very happy with the results that we had obtained for that case.

Q. And in your statement you state that you believe this case demonstrates the danger of not fully processing samples of this type, and you note that if the defendant hadn't been located in sufficient time for a SAIK to be carried out, the only DNA evidence linking him to the complainant's body would have been the DNA profile obtained from her neck?

A. That's correct.

Q. And so the location of his DNA in the vaginal swabs, while in that case might not have been the absolute determinative evidence, in some cases it might have been?

A. That's correct.

1 Q. These are the types of concerns you have about the
2 work that you are doing in the lab, aren't they,
3 Ms Quartermain?

4 A. Yes.

5

6 Q. And it is fair to say that these concerns run across
7 a number of your colleagues?

8 A. That's correct.

9

10 Q. That there is an absence of evidence or there is
11 evidence which is being omitted which might be useful in
12 the courts?

13 A. Yes.

14

15 Q. In the detection and investigation part?

16 A. Yes.

17

18 MS REECE: Commissioner, I think I have almost reached the
19 point where I would be moving on to Ms Quartermain's second
20 statement and I also notice that it is five minutes past
21 11.

22

23 THE COMMISSIONER: Q. There is one thing I want to ask.
24 When the DIFP process was in place between 2018 and this
25 year, of course we understand that the work of extraction
26 and quantitation and the input into the Genetic Analyser,
27 with the output of the profile, the electropherogram, that
28 happens in what is called the analytical section?

29 A. That's correct.

30

31 Q. And then the profile comes to you and your colleagues
32 in the reporting section and then you interpret it, and so
33 on?

34 A. That's correct.

35

36 Q. So within the Analytical section, the quantitation
37 takes place, and do I understand this correctly - tell me
38 if I'm wrong - there is a scientist within the Analytical
39 section whose job it is to look at the quants that have
40 been allocated automatically to the DIFP or the no DNA
41 detected list, and to look at that list and check that the
42 quants are indeed within those respective ranges, and, if
43 so, to affirm that they belong on those lists?

44 A. Yes.

45

46 Q. Is that right?

47 A. That's my understanding, yes.

1
2 Q. But it's not part of that scientist's work to ask the
3 question, "Well, did this sample come from - did this quant
4 relate to a sample in which spermatozoa had been seen or
5 which had been presumptively positive for blood?" It's not
6 part of that scientist's job to look at that question; that
7 scientist only looks at the number?

8 A. I believe that to be so, yes.
9

10 Q. We will find out later but that's your understanding?

11 A. That's my understanding, yes.
12

13 THE COMMISSIONER: Thank you. All right. We can have
14 a break and see what your colleagues have to say about
15 proceeding, and if we have to proceed with another witness,
16 we can do that.
17

18 MS REECE: Commissioner, I understand that the addendum
19 statement or the second statement has been emailed to the
20 parties, and hard copies are on their way. But I will
21 discuss that --
22

23 THE COMMISSIONER: They may need time to absorb it, so
24 we will see what needs to be done and we will be back in
25 20 minutes.
26

27 **SHORT ADJOURNMENT**
28

29 THE COMMISSIONER: Yes, Ms Reece.
30

31 MS REECE: Thank you, Commissioner. Commissioner, earlier
32 this morning it was raised by my learned friend Mr Rice KC
33 for Queensland Health that the second statement of Alicia
34 Quartermain had not been disclosed. Of course, on behalf
35 of the Commission, I apologise for that omission, which
36 appears to have been a technical difficulty. I understand
37 now that copies have both been emailed to the parties and
38 also provided in hard copy, and I have spoken with each of
39 my learned friends who are content to proceed.
40

41 THE COMMISSIONER: Good. Do you want to tender it?
42

43 MS REECE: Yes.
44

45 **EXHIBIT #62 SECOND STATEMENT OF ALICIA QUARTERMAIN DATED**
46 **6 OCTOBER 2022 BARCODED [WIT.0012.0028.0001_R]**
47

1 MS REECE: Q. Commissioner, if I could ask the operator
2 to place on the screen the spreadsheet which was referred
3 to earlier in Ms Quartermain's evidence, that is
4 [WIT.0012.0026.0001 at 0008]. I understand a redaction has
5 occurred, or will occur now, just over some identifying or
6 remotely identifying features.

7
8 Ms Quartermain, is this the spreadsheet that you
9 created of some recent examples of DIFP samples which you
10 subjected to further processing at your own instigation?

11 A. Yes. "No DNA detected" samples and "DNA insufficient
12 for further processing" samples.

13
14 Q. So this is a mixture of both?

15 A. Yes.

16
17 Q. And on the screen there - and you have that copy at
18 exhibit 2 to your first statement, and you can see it on
19 the screen there --

20 A. Yes.

21
22 Q. -- can you explain the information that you have
23 presented in that table?

24 A. So I have barcodes of samples, the priority of the
25 case associated with those samples, the initial quant
26 value, the quant value after the sample was microconned, if
27 it was microconned - sorry, if there was an available
28 quant, and the results of those samples once they were
29 processed, and then the description of the profile that was
30 obtained.

31
32 Q. In the case priority type, where you have "P2", "P1",
33 you list next to them the actual type of offence that was
34 being investigated?

35 A. That's correct.

36
37 Q. And that includes murder and rape, wounding, robbery,
38 willful damage?

39 A. That's correct.

40
41 Q. And in these cases at the end you say the "potential
42 intelligence or interpretation possible"?

43 A. Yes.

44
45 Q. What do you mean by that? What does that column refer
46 to?

47 A. That refers to whether either we obtained a useable

1 DNA profile or we obtained a DNA profile that may have been
2 reported back to police as partial DNA profile that was
3 unsuitable for comparison purposes but may actually be able
4 to be used by us to do comparisons if requested by police,
5 and that's usually for high priority cases.

6

7 Q. And in those "No DNA detected" results which occur in
8 that top part of the spreadsheet, that top section --

9 A. Yes.

10

11 Q. -- where you have in that far right column, "Y", "N",
12 and that sort of thing --

13 A. Yes.

14

15 Q. -- that demonstrates that there was mixed success in
16 the further processing of those samples?

17 A. That's correct.

18

19 Q. And can you explain, then, under the "DNA insufficient
20 for further processing", where again, the case types
21 include those more serious offences, why does each of the
22 entries under "potential intelligence or interpretation
23 possible" say "not available" or "not applicable"?

24 A. So either I categorised them as yes, there was
25 potential intelligence/interpretation possible or no, there
26 wasn't, or N/A - in this case, N/A is because all of those
27 samples that were DNA insufficient for further processing
28 resulted in an interpretable DNA profile that was reported
29 back to police or could be reported back to police.

30

31 The intelligence that I refer to in that final column
32 is if sometimes we can't actually do an interpretation that
33 could be reported back as such, but for intelligence
34 purposes, we can do an intelligence interpretation for
35 police, but that's outside of the normal scope of our work.
36 It's a special request that can come from police if it's
37 a high priority case.

38

39 Q. So in fact, where I asked you before about success, is
40 it fair to say the true metric of the success is under the
41 description of the profile obtained, under that column?

42 A. The description of the profile, yes.

43

44 Q. That's where it's evident that profiles were able to
45 be obtained from those samples?

46 A. Yes. So if you look at - there is a column titled
47 "Final Interpretation"?

1 A. Yes.

2

3 Q. So, for example, "CMPU" stands for complex mixed
4 profile unsuitable for interpretation, so those ones
5 haven't been able to be compared and will be unlikely to be
6 able to be compared to the reference sample but the "SS"
7 stands for single source or if there's a 2P mix, 3P mix,
8 those ones are interpretable. The "PU" is what I was
9 referring to earlier with partial unsuitable which means
10 I don't have a reportable result that I can give back to
11 police to match a reference sample, but there is
12 information present within that profile that could be used
13 for intelligence purposes if required and requested by QPS.

14

15 Q. Thank you, Ms Quartermain.

16

17 THE COMMISSIONER: Sorry, could we have that back again?

18

19 Q. This spreadsheet of yours might illustrate something
20 that we have only dealt with in abstract terms until now.
21 If you look at the bottom set of numbers, the DNA
22 insufficient for further processing numbers in the bottom
23 half of the page, you can see one of the columns has
24 "Initial Quant value" and the next one has "Quant value
25 after microcon"; do you see that?

26 A. Yes.

27

28 Q. So the initial quant value is as it came from
29 analytical, and that's why it went into DIFP?

30 A. Correct.

31

32 Q. And on your initiative, micro-concentration took
33 place, and you have - the liquid is distilled so you have
34 a greater concentration of DNA in the sample; correct?

35 A. Correct.

36

37 Q. So if we look at the third sample, which reads
38 "Robbery", we see that we have gone from 0.0066, which is
39 within the range .001 to .0088 --

40 A. Correct.

41

42 Q. -- and with micro-concentration the new quant that is
43 now obtained in the sample, which would go on to
44 amplification --

45 A. Yes.

46

47 Q. -- is 0.022?

1 A. Correct.

2

3 Q. And am I right in saying that that is above the range?

4 A. Yes.

5

6 Q. So now, by micro-concentration, you have converted a
7 low quant value into a quant value within the ordinary
8 range that the lab routinely processes fully; correct?

9 A. That's correct.

10

11 THE COMMISSIONER: Thanks.

12

13 MS REECE: Q. Ms Quartermain, inherent in this
14 spreadsheet and in some of the other evidence that you have
15 given is the fact that you have requested for some samples
16 to be reworked or subjected to further processing?

17 A. Yes.

18

19 Q. In your statement you do outline some issues in
20 relation to the process around reworks of samples, and
21 I understand your evidence to be that there might be two
22 different situations, one where a sample is initially
23 reported as DIFP, that can be reworked without permission;
24 is that the case?

25 A. That's correct.

26

27 Q. And again, though, that does require a reporting
28 scientist to decide to do that?

29 A. That's correct.

30

31 Q. And the second is somewhat different, and can you
32 explain that second category of reworking to the
33 Commission - both what it relates to and how you go about
34 seeking permission to rework?

35 A. So the process has changed since the Commission of
36 Inquiry started, but do you mean what we are required to do
37 now?

38

39 Q. What you were required to do as of 2019?

40 A. So if we were wanting to request a sample to be
41 reworked and it was previously reported back to police as
42 "DNA insufficient for further processing" or "No DNA
43 detected", we could process those samples further, although
44 that wasn't well known amongst the reporting scientists;
45 right up until the end of last year, people were still
46 requesting through the appropriate channels to rework those
47 samples when they didn't need to.

1
2 If a final result has been reported back to police, as
3 in not DIFP or no DNA detected but, say, a two-person mixed
4 DNA profile, and I look at that and I think, "Oh, I think
5 that sample requires additional work. I would like to
6 amplify that sample again", I would have to request that
7 permission through the managing scientist for her to
8 authorise us or authorise me to carry out that further
9 work.

10
11 Q. If I can take you to paragraph 106 of your statement,
12 which is at page 18 of the online version,
13 [WIT.0012.0025.0001_R page 0018] that really sets out
14 a procedure from the procedure for case management version
15 which is extracted there?

16 A. Yes.

17
18 Q. It creates a structure by which you have to seek
19 endorsement from your team leader prior to going to the
20 managing scientist?

21 A. Yes. I have only ever used this process once or
22 twice, and what I did was at the time - this authority is
23 done through MS Teams. So within MS Teams we have
24 a certain number of channels that we use within Reporting
25 and one of the channels has this form that you fill out the
26 details and send it through. I think it does go to the
27 team leader before being forwarded on to Cathie, and
28 I think Justin looks at it, checks to see what's being
29 requested and then forwards that on to the managing
30 scientist, being Cathie.

31
32 Q. And that process, you've raised some concerns about
33 that process in your statement. Can you explain what your
34 concerns are to the Commissioner?

35 A. My concerns are, when I have used this process,
36 I don't get a timely response. Often it can be a week or
37 longer, and if I've got a deadline for a statement to be
38 due because court's upcoming, I expect that if I put that
39 information in my request, that it will be turned around
40 promptly, but often I have to chase that up in order to
41 meet the deadline for court to get my result processed in
42 time to then get it reviewed, then put it in the statement
43 in order to get it in court in time.

44
45 So we have had concerns in the past, not just myself
46 but other reporting scientists, about the turnaround time
47 associated with being authorised to carry out reworks that

1 we think are necessary for a case that we're working on and
2 for a statement that we're working on.

3
4 Q. You've spoken in your statement about the potential
5 for this process to act as a deterrent to reporting
6 scientists asking for reworks?

7 A. Yes.

8
9 Q. Is that your view?

10 A. Yes.

11
12 Q. And what do you understand the criteria to be for
13 getting permission to do a rework?

14 A. Well, as the reporting scientist, I would first look
15 at a sample that I wanted to rework. I'd probably approach
16 my reviewer, as the person who is reviewing my statement,
17 to confirm that they agree that a rework would be
18 necessary, so I have a second opinion before I proceed
19 further, and then I would request that rework through this
20 Teams process.

21
22 Often I - well, the times that I have done this, which
23 hasn't been many, I've followed it up with an email to say
24 that I have submitted a Teams form and there's some urgency
25 around a response, please, because I want to make sure that
26 I meet the court deadline. But it does seem to be that
27 even bringing that up as something that needs to be dealt
28 with sooner rather than later can still take longer than
29 I think should be necessary, and that's one of the reasons
30 why I feel that people, including myself, try and steer
31 away from having to rework samples at statement stage,
32 because we have to go that extra step to get that extra
33 permission and authority, even if we think that that's the
34 best scientific thing to do for that case.

35
36 Q. The reality of a rework at that stage is that it could
37 change the result that is ultimately reported, couldn't it?

38 A. It could change the result, yes.

39
40 Q. And that's dealt with within the lab as an incorrect
41 which is then communicated to police by an intelligence
42 report?

43 A. That's correct, yes.

44
45 Q. And in some cases it might have the impact that
46 a result which was acted upon by the QPS changes at the
47 report stage?

1 A. Yes.

2

3 Q. Do you understand anything of those aspects of the
4 criteria that are being applied? Do you understand on what
5 basis Ms Allen is either accepting or rejecting these
6 applications?

7 A. No.

8

9 THE COMMISSIONER: Q. Ms Quartermain, just so
10 I understand it, we're speaking about a rework in the
11 context in which you are about to prepare a witness
12 statement and you look at the data and the results and you
13 form a view that a particular sample ought to be reworked.
14 Can you give me an example of the reasons that would lead
15 you to that view?

16 A. An example would be if a result had been reported back
17 to police as complex unsuitable, effectively meaning we
18 haven't done any comparisons of that sample to anything
19 else in the case, but if I look at that sample and I think,
20 as it currently stands, yes, it may be complex unsuitable
21 because it is a low-level profile, however, if I were to
22 microcon that sample to full, I might get a nice two-person
23 or three-person mixed DNA profile that could be used for
24 comparison purposes. So I don't want to report this as
25 complex unsuitable, I want to do that further work to see
26 whether I can get a better profile for that sample for the
27 case.

28

29 Q. So according to the procedure that you're required to
30 follow, you first need to - you fill in a form and will it
31 say to the effect what you've said to me now?

32 A. Yes.

33

34 Q. So that goes to the team leader, who was relevantly
35 Mr Howse, was it?

36 A. Yes.

37

38 Q. So he looks at it and approves it or doesn't approve
39 it, or endorses it/doesn't endorse it, and then if he
40 endorses it, he hands it on to the managing scientist, who
41 then approves it or doesn't approve it?

42 A. That's my understanding, yes.

43

44 Q. And so three people have to check it - you and those
45 two - and you said you showed it to your anticipated peer
46 reviewer to make sure you're not wasting everyone's time?

47 A. Yes.

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Q. So four people look at it. All right, thanks.

MS REECE: Q. Ms Quartermain, we've spoken briefly before about the fact that in September of this year you spoke with Inspector Dave Neville of the QPS DNA management unit?

A. Yes.

Q. Had you ever spoken with him before?

A. No.

Q. Do you have much contact with QPS as part of your work?

A. No, only if I'm contacting a police officer about something to do with a case, but other than that, not the DNA management area. Sometimes we have to contact the results management section if we're wanting to get some of our results acknowledged so we can release a statement, but when it comes to actually contacting QPS, like, police officers, not really.

Q. And why did you speak with Inspector Neville? What was your - why did you speak to him?

A. I had concerns over the auto-microcon process to 35 microlitres. The example that I stated before about if you have a mid-range quant saying 0.004 and it's from a sexual assault kit and you are seeing sperm, so you are expecting to see some male DNA, and that sample is microconned to 35 and you get a partial DNA profile with two people in it, you've effectively got 20 microlitres left over to get the same result twice.

My concern was that samples weren't being assessed on a sample-by-sample basis, which I thought was the best way to look at these samples, because samples at the lower end of that quant range and samples at the upper end of that quant range, and depending on the sample type, should be looked at and assessed separately and differently.

Q. And you are aware now that after speaking with you, he in fact wrote to Queensland Health asking for certain action to be taken, aren't you?

A. Yes.

Q. And that has in itself led to a further change to process in the lab?

1 A. Yes.

2

3 Q. I'm sorry to jump around a little like this,
4 Ms Quartermain. In your statement you do refer to
5 a concept of turnaround times within the lab. Can you
6 explain to the Commissioner what turnaround times are in
7 relation to the processing of samples?

8 A. So turnaround times could be best described from when
9 the sample is received at the laboratory until a result is
10 reported back to the police. My understanding of how - the
11 actual metric that is used to determine the turnaround
12 times by which we're assessed within reporting and within
13 DNA is when a cold link is reported back to police after
14 a DNA profile has been uploaded to NCIDD.

15

16 So I have asked Cathie about this before, about why we
17 use such a small sample set to determine our turnaround
18 time when we have lots of other samples that are processed
19 and reported back every day, including links to known
20 reference samples for a case, which will never be cold
21 links, they will be warm links, and the only metric we're
22 using is generating a DNA profile, uploading it to the
23 database, if it links to a known person or crime scene on
24 the database, reporting that back to police, that amount of
25 time is what I understand our turnaround time to be -
26 that's what we are gauged by.

27

28 Q. And, for example, this is a matter which you discussed
29 with Ms Allen in a chain of emails which are exhibit 1 to
30 your first statement, [WIT.0012.0025.0001]. If we scroll
31 down to the second page of that email [WIT.0012.0026.0001
32 page 0003], again, unfortunately the copy on the screen is
33 not great quality.

34

35 THE COMMISSIONER: Which page?

36

37 MS REECE: Page 3 of exhibit AQ-01, Commissioner.

38

39 Q. Ms Quartermain, I won't get you to go back through the
40 lengthy exchange that you had with Ms Allen at this point,
41 but this is an exchange in December of 2020 where you
42 essentially are questioning the wisdom of the turnaround
43 times as you have just described them?

44

45 A. I just didn't understand why we were using such
46 a small proportion of our samples to determine our
47 turnaround time when the vast majority of our samples,
especially priority 2 samples, major crime, had reference

1 samples. So the majority of those will never have a cold
2 link associated to them. So effectively our turnaround
3 time was being judged by, the majority of the time,
4 priority 3 samples that were being - that were obtaining
5 a useable DNA profile that was uploaded to NCIDD and
6 resulted in a cold link.

7
8 Q. What role do you perceive turnaround times to play on
9 the functioning of the lab?

10 A. Turnaround times - well, for the staff, when we
11 receive an email from Justin or Cathie mentioning
12 turnaround times, it gives us an indication of how well we
13 are or aren't doing when it comes to outputting information
14 back to police and whether it's being done in a timely
15 manner, and if they are - sometimes it does make us feel as
16 though, because the majority of the work and the bottleneck
17 can sit with the reporting teams because our end of the
18 process can be quite time-consuming, we often feel like
19 it's a turnaround time associated with the reporters, which
20 can sometimes have a detrimental effect on morale.

21
22 THE COMMISSIONER: Q. So the chemistry work that the
23 Analytical section does, that, I suppose, in general, takes
24 a certain amount of time, that you can quantify that -
25 moves like a machine and, in general, you can predict how
26 long the process will take from receipt of sample to the
27 point of the electropherogram being produced by the Genetic
28 Analyser. What you are saying is that the point at which
29 you and your colleagues as interpreters - the point of time
30 from which you receive the electropherogram to the point at
31 which you can offer an opinion and upload it to the
32 Forensic Register, that's variable because it depends upon
33 the quality of the profile that you receive?

34 A. Yes.

35
36 Q. And its nature, and also whether, as you have
37 described, you might want a rework done or some working
38 done. So then, by that means, you have extended the time
39 that it will take to return a result to police because you
40 have added a duplication of the earlier steps for the
41 reasons you have explained?

42 A. Yes.

43
44 Q. So the time that you and your colleagues take can't be
45 assessed in advance; it varies depending upon the sample
46 that you are considering?

47 A. That's correct.

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Q. And the number of samples you are considering,
I suppose?
A. That's correct.

Q. Thanks for that. So the other thing is on that email
that we have on the screen at the moment, I see that -
I take it that that is a response from Ms Allen to you
dealing with your question, why turnaround times are being
measured by reference to the time within which a sample
is received - I will start again - is measured by reference
to the time period beginning when the sample is received
and ending with a result from the national database linking
that profile to a profile on the national database, and you
are asking why does that make sense, and you are getting
this response?
A. Yes.

Q. Now, if we look at that paragraph --

MS REECE: I'm sorry to interrupt, Commissioner, I should
have made it clear to you, Commissioner, that there are two
further pages which take two steps back in that email
communication. I should have taken Ms Quartermain to them.

THE COMMISSIONER: No, that's all right. I just want to
ask her about this.

Q. So in this paragraph at the top of page
[WIT.0012.0026.0001 page 0003], she observes that the
measure is the receipt to cold link metric, because this is
where DNA analysis - performed by the lab - is most useful
to them in solving crime, and that, by contrast:

*For most major crime cases, they usually
have a suspect and DNA analysis results are
essentially confirming the scene that they
have processed. So we're most useful to
them when we're able to solve crimes that
they haven't been able to solve in other
ways ...*

So did you understand that she was putting that, really,
the key thing that you were doing of importance was, when
you could, to produce a cold link from the national
database, but that warm links were less useful because they
were just confirmation that the view that they had with the

1 suspect that they had in mind was correct. Did you ever
2 discuss that with Ms Allen, that analysis or that view of
3 the real usefulness of the lab to police?

4 A. I don't know if we verbally had a conversation about
5 it. I think most of our communication was via email around
6 this. It was important for me to understand it, and
7 sometimes I need to sit down and actually read it a few
8 times to get my head around it. And it was also important
9 for me to be able to pass this information on to my team
10 because we were all wondering the same things.

11
12 It's ironic, actually, because we are told that
13 priority 2 samples are our highest priority samples and we
14 should be focusing our time and attention on those, and
15 priority 3 aren't as high, but if police and - well, QPS
16 are using cold link turnaround time or cold link - the cold
17 link metric to generate our turnaround times, then we're
18 essentially not prioritising the samples that are affecting
19 our turnaround times. That was how I always saw it. We've
20 never been told to sit on the priority 3 work list and
21 review samples that are being uploaded to NCIDD.

22
23 Q. What you're saying is if this is correct, if the most
24 important work you're doing is the cold link - the work
25 that leads to a cold link - then the volume crime is the
26 most important work?

27 A. Well, that would make sense because that would
28 decrease our turnaround times.

29
30 Q. Although some of the major crime samples involve
31 crimes for which police have no suspect?

32 A. Correct.

33
34 Q. An unknown killer, an unknown rapist?

35 A. Correct.

36
37 Q. But volume crime in general is crime where they don't
38 have a suspect because it's a break and enter and they have
39 a bloodstain or a saliva stain on a cigarette butt or
40 something of that kind?

41 A. Yes.

42
43 Q. I see, thanks. Because it appears to conform to the
44 reasoning in the Options Paper, doesn't it, that the real
45 thing that - the real thing of value in the range between
46 one and eight is where you get a cold link, and that's 1.46
47 per cent or 1.45 per cent, and the 10 per cent isn't so

1 important because they're results that, to use the language
2 of the email, essentially confirm the scene that the police
3 have processed: they've got a known suspect, and it really
4 doesn't tell them anything they didn't know?

5 A. Correct.

6

7 THE COMMISSIONER: Thanks. I didn't see the significance
8 of that until now.

9

10 MS REECE: Q. Ms Quartermain, when you spoke of
11 turnaround times in your statement at paragraph 34, you
12 were speaking of your view as a long-term employee as
13 a reporting scientist, what, in your view, the main drivers
14 were for removing the microcon-concentration process. Can
15 you tell the Commission what you believe they were?

16 A. The reduction in spend, financial, and time, because
17 our time would be able to be spent on case managing and
18 reviewing other results that were - had a higher quant and
19 could be interpreted.

20

21 Q. And so that might have budgetary but also turnaround
22 time implications?

23 A. Yes.

24

25 Q. And do you understand from your experience that
26 microcon step is a costly one?

27 A. I don't know how much it costs but I know it's an
28 additional cost step in the process.

29

30 Q. Just finally, Ms Quartermain, in your second statement
31 you speak about your perception, your experience of the
32 culture, the cultural issues within the lab - this is from
33 paragraph 15 onwards of your second statement, which is
34 [WIT.0012.0028.0001 page 0003], and you have set out
35 a number of matters of concern there, or matters which you
36 say are cultural issues, in your workplace. I wonder if,
37 as you sit here now, you can tell the Commissioner, when
38 you talk about cultural issues or the culture in the lab,
39 what is it that you're concerned about?

40 A. I'm concerned that I feel that there's division within
41 the laboratory and that affects how cohesively we work
42 together, and we should all be working together because we
43 all - our greater - our goal is to be producing the best
44 DNA profiles that we can to output and report back to
45 police. So I feel like if I have an issue like the one
46 I raised with Justin, and I raise it to my line manager,
47 and I'm like, "This is a big problem, like, I'm seeing

1 things that we need to do something about this, this
2 doesn't sit right with me" - I raise that to my line
3 manager. Kylie says, "I agree. We need to do something
4 about this. We've been noticing that more and more samples
5 have been giving good DNA profiles that fall within the
6 DIFP range. I support you approaching Justin."

7
8 And then I approach Justin and I feel like that's
9 where it stops. I can't - even though something that is
10 important to me and scientifically should be important to
11 everybody in the laboratory, appears to not be so important
12 to him, and so therefore I feel like things that should be
13 taken very seriously aren't taken as seriously as they
14 should be. And then I wonder what the motive for that is:
15 why isn't he as concerned about this as I am? We want to
16 try to get the best DNA profiles that we can for the
17 community, for police, and for some reason I'm not allowed
18 to do what I want to do with these samples, and it's that
19 division, it creates that division, and the flow-on of that
20 is that I know that if I take something to Justin, I don't
21 get his support, then why continue to take things to
22 Justin?

23
24 Q. The division that you're speaking of there as
25 I understand it is the division between you as a scientist
26 and those in a position to act on your concerns?

27 A. Yes.

28
29 Q. You have spoken of a difficulty or an impasse,
30 essentially, in a relationship with your line manager or
31 your relevant manager. Can you describe how you say the
32 culture of the lab should work in terms of raising
33 scientific issues?

34 A. I believe that science is an area that requires people
35 to question it. I think before you make a scientific
36 decision about something, you put your thoughts to a group
37 of people who know as much, if not more, than you do about
38 what that issue is and ask them to challenge you. If
39 you're not challenged and get that idea picked apart right
40 from the start, then you won't come to a robust conclusion,
41 you won't come to a robust decision to move forward with an
42 idea. So I feel like in science, that's what we should be
43 doing, putting ideas to people who know more than us, or as
44 much as us, and asking them to pick it apart so that in the
45 future, decisions that have been made historically aren't
46 of a concern, you can just reassess or re-evaluate if new
47 technology comes into play or something like that.

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Q. And the contrast, I take it, is what you experience in your own lab?
A. Yes.

Q. How could you explain the contrasting position?
A. So project work that is undertaken within the laboratory is sort of undertaken just within the department that is primarily affected by that project. When I feel like projects as they come up and are being discussed and a project plan is being developed, that would be a great time to give that project plan information to the rest of the laboratory, including operational staff or quality staff, people in all different areas, to read the project plan and come up with ways to improve it, come up with things that could go wrong with it, so that when you have a project sign-off at the end, it has had that scrutiny from people within the scientific community that you know are good scientists, you work with them every day and they all want to do what they can as well to have the best scientific outcome possible.

Q. How do you experience raising concerns within the lab? How do you feel they are responded to?
A. I feel that it comes down to that division that we spoke about earlier, that I can raise something that I think is a legitimate concern to my line manager, and I wouldn't if I didn't think it was; if I think something needs to be dealt with and taken further, I will raise it to my line manager. And if it is a good idea and a good point, I expect that I will get support from my line manager to take it further.

But it is when it reaches that next person that often things stop, as opposed to being - as opposed to getting support from that person or sitting down and having a conversation around why that person thinks, "No, this doesn't need to proceed further"; I don't think that that happens as much as what it should and it's sort of being knocked back, over coming up with good ideas, that you just are sort of discouraged from approaching people with your good ideas.

Q. How does that make you feel as an employee of that organisation?
A. It makes me feel like - I've been here for 17 years. I like my job. I enjoy what I do. I want to do what I am

1 doing to the best of my ability, and when I have people who
2 stop me from being able to do that it becomes a problem for
3 me because then I feel like I'm not doing the best that
4 I can do in my job, I'm not being allowed to do the best
5 that I can do in my job.

6

7 Q. You have also told the Commission through a statement
8 that this can make you feel like you are not trusted?

9 A. It can do, yes.

10

11 Q. And that there is a high level of control that is
12 exerted over employees of the lab?

13 A. Yes.

14

15 Q. Can you explain that?

16 A. So there is control exerted in areas that I don't
17 think is necessary. For example, if I want to call in sick
18 to work, for whatever reason, I need to call in between 8am
19 and 9am, and that gets - if people start calling outside of
20 those hours, we start getting reminder emails, "Please
21 ensure that you call within these hours." We can't start -
22 in reporting, we can't start work prior to 7am, when every
23 other department in our - in forensic DNA analysis can.
24 There have been various reasons provided over time, which
25 I don't think any of them are legitimate, but it is what it
26 is for now and that hasn't changed.

27

28 Our stationery cupboards are locked, so even though --

29

30 THE COMMISSIONER: Q. What did you say?

31 A. Our stationery cupboards are locked. So I need
32 a science degree and a police check to get my job, then
33 I need a pass to access campus, but then I need to approach
34 an administrative assistant to unlock a cupboard for me to
35 access stationery. It is just that feeling of not being
36 trusted, that we are here trying to do the best that we can
37 for the community and police and for ourselves knowing that
38 we're putting out the best scientific work that we can but
39 we're not being trusted.

40

41 Q. You're not allowed to start work before 7am you said?

42 A. That's correct.

43

44 Q. And why is it important to be able to start work
45 before 7am?

46 A. Well, some of us in reporting have children who attend
47 school, so if we were able to start, say, at 6.15 we could

1 finish at 2.21 and be able to pick our children up from
2 school. But if the earliest we can start is 7am, the
3 earliest we can finish is 3.06, which puts us all out of -
4 none of us have the opportunity to pick our children up
5 from school.

6

7 MS REECE: Q. And you have been given some explanations
8 for that inflexibility before. Can you tell the
9 Commissioner what you have been told is the rationale for
10 that lack of flexibility?

11 A. With respect to starting prior to 7am? The most
12 recent reason I was given was in a flexible work
13 arrangement that I applied for, and it detailed fatigue
14 management. So if I was to start work at 6 and then I got
15 a phone call from court at midday to say I was going to be
16 required at 4.30 in the afternoon, that the potential is
17 that I may not give my best evidence at 4.30 in the
18 afternoon because I've been working since 6.

19

20 Q. For an additional hour?

21 A. Correct.

22

23 THE COMMISSIONER: Courts don't sit at 4.30 - anyway.

24

25 MS REECE: Q. Are those the types of things that inform
26 the way you perceive your workplace culture?

27 A. Yes.

28

29 MS REECE: Commissioner, that's the evidence-in-chief of
30 Ms Quartermain.

31

32 THE COMMISSIONER: Yes. Just before one of the others of
33 you rises.

34

35 Q. I just want to ask you three things, Ms Quartermain.
36 In the course of, say, dealing with an issue like being
37 dissatisfied with the label attached, the DIFP label that
38 is being attached, what contact did you have with other
39 laboratories in terms of asking other labs what they do in
40 similar circumstances?

41 A. Me personally?

42

43 Q. Yes.

44 A. I didn't have any.

45

46 Q. In general, in the scope of your work over 17 years,
47 what intercourse does the Queensland lab have with its

1 fellow labs in other states, do you know?
2 A. My understanding is that potentially based on
3 different scientific groups that Justin and Cathie are part
4 of, they have some interaction with some of the other
5 states' laboratories, but generally, especially within
6 reporting, I don't know of any reporting scientists that
7 routinely have contact with any other state laboratories.

8
9 Q. I see. So you don't, as a matter of routine, ring
10 your colleagues in Melbourne or Adelaide to ask them about
11 issues that have arisen in a scientist-to-scientist way?

12 A. Wouldn't even know how to do it. I have previously
13 asked - now, this was quite a few years ago, so I am going
14 by memory, but I have asked Cathie for details of a certain
15 scientist in another laboratory to be able to ask
16 a question around that, but generally, no, we don't have
17 any contact with other laboratories or other laboratory
18 scientists.

19
20 Q. So what's the reason for that?

21 A. Well, I would have to say - other than it's not been
22 a common thing for us, I wouldn't really know where to
23 start with that, but everything is so time - high time
24 pressure that reading journal articles or doing anything
25 outside of the scope of your normal day-to-day work is
26 almost viewed like you are not doing the core work that
27 should be done. So I kind of put that in that same parcel,
28 that it's something outside of the core work that I'm
29 required to do and therefore it would be viewed as not
30 required in your day-to-day work, therefore, why are you
31 undertaking that.

32
33 Q. What about, then, on another subject, professional
34 conferences? I know that there was a conference in
35 Brisbane a month ago dealing with your profession?

36 A. Yes.

37
38 Q. Do you and your colleagues attend such conferences
39 routinely over the course of a year?

40 A. No.

41
42 Q. Is there any funding for you to attend those
43 conferences?

44 A. We accrue professional development leave and
45 professional development allowance is paid to us
46 fortnightly that we can accrue over time to attend
47 conferences, and there are some things that people will

1 attend around management or report writing, things like
2 that, but other than ANZFSS, being the conference that has
3 just happened, there is not really anyone that I know of
4 that attends anything outside of those particular types of
5 things.

6

7 Q. And what's the allowance? How much is the allowance
8 a fortnight, do you know?

9 A. I couldn't tell you offhand. It's not a lot. It
10 might be - oh, \$70, \$50, something in that vicinity.
11 I could check and get back to you, if you wanted me to.

12

13 Q. And you may have answered this, but implicitly in what
14 you have said but within the lab, are there any
15 professional development programs or are there any
16 procedures in place for the scientists to inform each other
17 by way of internal seminars? Are there any processes in
18 place for you to develop yourselves professionally by
19 getting added qualifications? Are there any exchanges with
20 other labs that are available?

21 A. Not - no, not really. I mean, we could take it upon
22 ourselves to, like I said before about, like, say,
23 attending a course outside of work or within work hours
24 that we thought was relevant and get approval to do that,
25 but I don't really know of anybody who does that. I don't
26 remember the last time I heard of somebody doing that.

27

28 THE COMMISSIONER: That's it.

29

30 MS REECE: Thank you, Commissioner.

31

32 THE COMMISSIONER: Who is next, then?

33

34 MR HUNTER: I just have a couple brief questions.

35

36 <EXAMINATION BY MR HUNTER:

37

38 MR HUNTER: Q. Ms Quartermain, I act for the Queensland
39 Police Service. You've been taken to an email that you
40 sent to Justin Howse on 29 April 2021 expressing some
41 concern about the DIFP process?

42 A. Yes.

43

44 Q. That wasn't the first time you had raised that, was
45 it?

46 A. No.

47

1 Q. And you had raised it at least as early as March 2019,
2 does that sound right?

3 A. The email I raised to Justin before April of 2021
4 was April of 2020.

5
6 MR HUNTER: Can we please have, Mr Woolridge,
7 [FSS.0001.0051.5008]. It will need some redaction of email
8 addresses.

9
10 THE COMMISSIONER: What exhibit number is that, or is it
11 an exhibit?

12
13 MR HUNTER: It is not an exhibit to anyone's statement.

14
15 Q. If we could then scroll down the page, please, to the
16 bottom half of the page, which is what I'm interested in.

17
18 Do you see that that's an email that was sent by you
19 to Kylie Rika on 7 March 2019 concerning DNA insufficient
20 for further processing?

21
22 THE COMMISSIONER: We had better redact the case number in
23 the second line of the email at the top.

24
25 MR HUNTER: Yes, please.

26
27 THE WITNESS: I can't see the date, but I can see that it
28 is an email that I sent to Kylie.

29
30 MR HUNTER: Q. 7 March 2019 at 5.27, if we scroll up
31 a bit?

32 A. Yes.

33
34 Q. You, in that email, express concern to Kylie that
35 because some samples that were P1 had been automatically
36 micro-concentrated, they had developed useable profiles
37 that would have been missed if they had been sent through
38 the normal P2 work flow?

39 A. Do you mind if I just read that, please?

40
41 Q. Please do, sorry.

42 A. Yes.

43
44 Q. So as at March of 2019, you alerted Ms Rika, but you
45 also cc-ed Mr Howse, Allison Lloyd and Sharon Johnstone?

46 A. Yes.

47

1 Q. Who is Allison Lloyd?

2 A. She's one of the HP5 scientists at work. So at the
3 time, I think she was acting in a HP5 position so
4 equivalent level of Kylie and Sharon.

5

6 Q. So you are explaining that some low quant samples had
7 been auto-microconned because they were P1?

8 A. Yes.

9

10 Q. And they had resulted in useable profiles?

11 A. Yes.

12

13 Q. But had they been through any other work flow, they
14 would have been simply reported as DIFP?

15 A. Yes, unless, I guess, at statement stage we picked up
16 on that and reworked them further then.

17

18 Q. You then, in the second paragraph, talk about a CSP
19 discussion. What's that?

20 A. Yes. It's like a career progression discussion.

21

22 Q. You had obviously had such a discussion not long
23 beforehand?

24 A. Must have, yes.

25

26 Q. You then observe that your customers are not just QPS
27 but also the courts, the complainants, the defendants and
28 the general community?

29 A. Yes.

30

31 Q. And you suggest that the range for DIFP should be
32 reassessed?

33 A. Yes.

34

35 Q. And you suggest that potentially, what should happen
36 is that the P2 samples should go back into the
37 auto-microcon work flow?

38 A. Yes.

39

40 Q. Then you go on to say you sign your statements in good
41 faith, and of course you recognise that the jurat that
42 appears at the end of your statement talks about being
43 liable for prosecution if you say anything that you know is
44 false?

45 A. Yes.

46

47 Q. You then express the view that, at least as at as

1 early as March 2019, you thought saying DIFP for a quant
2 value at the top of the low quant range was false?
3 A. Yes.

4
5 Q. And you suggest that there needs to be a change or, at
6 the very least, a team discussion about it.
7 A. Yes.

8
9 Q. And you say that although there might have been an
10 agreement with QPS, surely the topic can be revisited?
11 A. Yes.

12
13 Q. And the agreement modified?
14 A. Yes.

15
16 Q. And you thought it was the lab's responsibility to
17 provide the QPS with guidance around these things; right?
18 A. Yes.

19
20 Q. Now, you sent that to Kylie but also, as I say, you
21 cc-ed Mr Howse and others?
22 A. Yes.

23
24 Q. Did you get a response?
25 A. I don't know, I'm sorry.

26
27 Q. Well, what we do know is that, if we go to the very
28 top, it was passed on to Paula Brisotto simply with an
29 "FYI". Do you recall speaking to Ms Brisotto about it?
30 A. No. Well, Justin hasn't cc-ed me in on that FYI, so
31 no.

32
33 Q. Was this the first time you put finger to keyboard, if
34 I can use that expression, about this issue?
35 A. I don't know. I feel like there's been that many
36 discussions and emails back and forth over time that
37 I couldn't tell you when the first time was that I probably
38 brought this up.

39
40 Q. When you recently spoke to Inspector Neville, you had
41 never spoken to him before?
42 A. No, well, not that I remember ever speaking to him.

43
44 Q. So reaching out to contact him was a pretty
45 significant thing for you to do?
46 A. In my opinion, yes.

47

1 Q. And you did that because you were concerned that
2 automatically micro-concentrating to a fixed level of
3 35 microlitres was potentially going to lead to important
4 evidence being missed?

5 A. Processing of samples in a way that wasn't ideal for
6 that particular sample.
7

8 Q. With the consequence that evidence could be missed?

9 A. Well, it could be not missed; I would probably say it
10 could be the determination between getting a useable DNA
11 profile and getting a DNA profile that was not useable.
12

13 Q. I'm not sure if that email has been tendered.
14

15 THE COMMISSIONER: Tender it, exhibit 63.
16

17 **EXHIBIT #63 EMAIL FROM ALICIA QUARTERMAIN TO KYLIE RIKA ON**
18 **7 MARCH 2019 CONCERNING DNA INSUFFICIENT FOR FURTHER**
19 **PROCESSING, BARCODED [FSS.0001.0051.5008]**
20

21 MR HUNTER: Those are the only questions I have, thank
22 you.
23

24 THE COMMISSIONER: Q. So just to get it clear,
25 Ms Quartermain, if you use - if you don't concentrate
26 a sample that ought to be concentrated, then you are
27 potentially destroying evidence - that is, you are using up
28 DNA, that if it had not been used up in that way could have
29 been part of a concentration process to arrive at
30 a sufficiently high quant to generate a useable profile.
31 So to that extent, you are destroying a part of the
32 evidence unnecessarily?

33 A. Are you referring to, say, if after extraction we've
34 got 90 microlitres and then amp at 15, then we're
35 effectively removing 15 microlitres from the available
36 leftover sample that could be microconned?
37

38 Q. When it is a low quant that, on any view, deserves to
39 be concentrated before being amplified.

40 A. Yes.
41

42 THE COMMISSIONER: Who is next?
43

44 **<EXAMINATION BY MR RICE:**
45

46 MR RICE: Q. Just a few things by way of clarification,
47 Ms Quartermain. Firstly, your longer statement,

1 exhibit 61, if I could just ask you about page 6 of that,
2 if that could be brought up, Mr Operator.

3
4 THE COMMISSIONER: It is the second statement, Mr Rice?

5
6 MR RICE: The first one.

7
8 THE COMMISSIONER: And which paragraphs?

9
10 MR RICE: Page 6, paragraph 36 and 37.

11
12 Q. [WIT.0012.0025.0001_R at 0006_R]. I just wanted to
13 ask you about paragraph 37. Can we take it that what you
14 have said there in those two sentences is a position
15 statement - that is to say, where you stand on this
16 subject?

17 A. That's my belief as a scientist, yes.

18
19 Q. As it reads, the second sentence might suggest that
20 someone has put to you, as a proposition with which you
21 disagree, that turnaround times more important than
22 outputting high-quality results. Is it right that no-one
23 has actually said that to you, but, rather, that's
24 a statement of where you stand?

25 A. Well, that email before from Cathie states that our
26 turnaround times are generated from a metric that is based
27 on cold link. So if we're talking about turnaround times
28 that the QPS are considering from that metric versus
29 turnaround times in general, turnaround times are
30 important, but I wouldn't want to have an increased -
31 sorry, decreased turnaround time in order to just get
32 results out the door faster.

33
34 Q. Okay, but my question was that no-one has actually put
35 to you that turnaround times are more important than
36 quality results?

37 A. No-one has specifically said those words to me, no.

38
39 Q. As that page progresses down through paragraphs 38 to
40 you give some comment concerning the decision of
41 19 August, and if we look at paragraph 40, the second
42 sentence of that reads:

43
44 *Samples should be assessed on*
45 *a "sample-by-sample" basis to determine the*
46 *best reworking strategy.*
47

1 In the context there, I take it that you, by using the word
2 "reworking", are including whether and how to
3 micro-concentrate?

4 A. Yes.

5

6 Q. Do you accept that, as things stand at the laboratory,
7 there is a deficiency in the assessment process that you
8 refer to, inasmuch as the laboratory has never done a study
9 on the relative merits of concentration to one level as
10 opposed to another; data of that kind has never been
11 obtained?

12 A. I don't know if it has or not, I'm sorry.

13

14 Q. You would be aware of it if it had been, wouldn't you?

15 A. Potentially not, there is a lot of discussions that
16 happen within management that don't flow on down to the
17 reporting scientists.

18

19 Q. You don't know of any study of that kind?

20 A. Not that I'm aware of.

21

22 Q. Do you accept the desirability of there being
23 documented guidelines for the use of micro-concentration
24 and to what level?

25 A. I think that especially given what has come about in
26 the Commission of Inquiry, it would be good to look at
27 initial quant values, look at post microcon quant values
28 and have a look at the DNA profiles that are obtained so we
29 can start to see what types of DNA profiles we're getting
30 from what types of samples, depending on the type of
31 microcon they've been exposed to.

32

33 Q. And see what patterns emerge?

34 A. Exactly.

35

36 Q. And that would help you to make the assessment that
37 you speak of, would it not?

38 A. It would help, yes.

39

40 Q. And everyone else?

41 A. It would help.

42

43 Q. If you would go over to page 8, [WIT.0012.0025.0001_R
44 at 0008_R], I just want to ask you to clarify some
45 statements in paragraphs 51 and 52. Take your time, but
46 I just want to draw to your attention in paragraph 51 the
47 second sentence, just have a look at that, and compare that

1 with the second sentence of paragraph 52.

2 A. Yes.

3

4 Q. You see that in paragraph 51 you have identified that
5 in all cases you have been able to achieve DNA profiles
6 from DIFP samples that you have submitted?

7 A. Yes.

8

9 Q. And paragraph 52, as it reads, uses a different
10 measure?

11 A. Yes, I will clarify. So:

12

13 *In my experience, the "DIFP" samples that*
14 *I have resubmitted for further testing have*
15 *all yielded DNA profiles capable of*
16 *interpretation.*

17

18 So every single sample that I have submitted that was DIFP
19 to start with has resulted in a DNA profile that was able
20 to be interpreted. That might, if you go on from there -
21 sorry, I will just take you back to that. So with respect
22 to that, it could be a single-source DNA profile, a complex
23 mixed DNA profile unsuitable for comparison purposes, but
24 we've gotten a DNA profile of some description.

25

26 Q. Why then in paragraph 52 do you say that that occurred
27 in many such cases, as opposed to "all", being the
28 expression you used in paragraph 51?

29 A. Okay. So in paragraph 52, the word being repeated
30 there, "interpretable", if that was better - I could have
31 chosen a better word there, which would have meant able to
32 be compared.

33

34 THE COMMISSIONER: Q. So is the distinction between 51
35 and 52 that in 51 you are saying that all of the DIFP
36 samples that you have resubmitted, that have been
37 reworked - all of them - have yielded a profile that can be
38 looked at in an attempt to interpret it?

39 A. Yes.

40

41 Q. And in 52, you are saying that many of these profiles
42 were able to be interpreted?

43 A. Yes.

44

45 Q. Some of them were not able to be interpreted, but all
46 of them gave you something that you could look at in an
47 attempt to interpret it?

1 A. That's correct, yes. Yes.

2

3 MR RICE: Q. The spreadsheet that you have produced,
4 that is exhibit 2 - I won't take you to it, but you recall
5 the spreadsheet that you have been compiling - I just want
6 to understand the status of that. Does that simply record
7 some examples and some results that you have obtained?

8 A. Yes.

9

10 Q. Not all such results?

11 A. No, not all of them, all of the results.

12

13 Q. And you couldn't give us any data on what proportion
14 that spreadsheet represents of samples that you have
15 submitted?

16 A. No, sorry.

17

18 Q. I want to ask you, then, if we could move to your
19 second statement, which is exhibit 62,
20 [WIT.0012.0028.0001_R]. I will commence with paragraph 8
21 and I will just give you a moment to orient yourself to
22 that paragraph?

23 A. Sorry, did you say statement 2?

24

25 Q. It is the statement numbered [WIT.0012.0028.0001].

26

27 THE COMMISSIONER: Your second statement.

28

29 THE WITNESS: Thank you.

30

31 MR RICE: Q. You're dealing with the scenario when you
32 are asked to prepare a statement, and do I understand
33 correctly that in the course of that, you will review all
34 work that has previously been done?

35 A. Yes.

36

37 Q. And that would include results which were reported for
38 samples forming part of the case?

39 A. Yes.

40

41 Q. And is it the case that the likelihood is that the
42 previous efforts to interpret samples will have been done
43 by another scientist and not by the person who is called
44 upon to do the statement?

45 A. Well, I understand it that often our - like my line
46 manager and the other reporting line manager will often try
47 to allocate statements to people, sometimes if it is

1 a large case, if they go into that case and they can see,
2 for example, that I had been the scientist who had done the
3 case management of 50 out of the 70 samples, then they will
4 allocate that case to me so that that process that you just
5 described isn't the case, that situation.

6

7 Q. That is, there are some strategies to try to minimise
8 the amount of double-handling, is that what you are saying?

9 A. There are some strategies, yes.

10

11 Q. Because otherwise there is simply double-handling,
12 isn't there?

13 A. Yes.

14

15 Q. And in fact it's more than that: for the original
16 results there will be an interpretation plus a peer review,
17 so that's two?

18 A. Yes.

19

20 Q. And then when you come along to review, you have to
21 get your assessment reviewed by someone else, so there are
22 four people who look at things?

23 A. Potentially for every sample, yes.

24

25 THE COMMISSIONER: And more than that, Mr Rice, because if
26 there are 20 samples, multiple scientists might have looked
27 at various of the 20 samples.

28

29 MR RICE: Yes, quite so.

30

31 Q. And that scenario, correct me if I am wrong, is really
32 the product of not having a case assigned to a reporting
33 scientist from the outset?

34 A. Yes.

35

36 Q. Am I right?

37 A. Yes.

38

39 Q. And the scenario in place at the moment, where you
40 might be called upon to review someone else's prior work,
41 does that give rise to an increased risk of differences of
42 opinion that result in incorrects?

43 A. Yes.

44

45 Q. And the police get quite concerned about that, do they
46 not?

47 A. Rightly so, yes.

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Q. Rightly so, yes. And that scenario could be minimised, if not avoided, by having someone manage the case from the outset?

A. Agree.

Q. Well, does your agreement apply to all P2 cases, or is there some more limited way in which to approach this question of double-handling and incorrects and minimise them without all cases being the subject of case management by a reporter?

A. I think it would be important to have a look at how many cases that are priority 2 that are received and how many samples are there on average per case. For example, like, I don't know those figures but say, for example, there were 100 priority 2 cases received in a week, and 20 of them had 50 or more samples, then absolutely I agree that those 20 that have 50 or more samples should be immediately allocated to a scientist. But some priority 2 cases only have five samples, so potentially those ones may not benefit as much from being allocated to a scientist and could populate the lists that we work from.

Q. Would it be possible to develop some criteria whereby cases, suitable cases, are allocated to a reporting scientist from the outset but perhaps not all?

A. Yes, I think there would be.

Q. Apart from the size of the case, which you mention in paragraph 7, are there any other criteria that occur to you?

A. Generally the size of the case is the biggest concern, when you have a lot of different scientists working on samples within the one case, so that would be the thing that pops to my mind as the biggest concern.

Q. So size is the --

A. Size of the case, yes.

Q. That's the main thing that occurs to you as you sit there?

A. If I was given time to think about it more I'm sure other things would come to mind, but that is the one thing that I know I've personally experienced, that having lots of scientists working on one case can cause these incorrects that you talk about.

1 Q. That takes me back to a matter you have raised in
2 relation to reworks in your first statement. So,
3 Mr Operator, if we could go back to exhibit 61, that's the
4 longer statement, and it's at page 18,
5 [WIT.0012.0025.0001_R at 0018]. Paragraphs 105 and 106
6 relate to the approval process for reworks. Do you recall
7 the evidence you gave about that?

8 A. Yes.

9
10 Q. Now, accepting that the subject or the occurrence of
11 reworks at the statement-writing stage is, as you say,
12 rightly an issue of concern for police, is there
13 a connection between managing that situation and the
14 approval process for the rework; is that as you understand
15 it?

16 A. Is there a connection between ordering a rework at
17 statement stage and the process that is involved in
18 ordering the rework?

19
20 Q. Well, a connection between the concern that police
21 have over the occurrence and number of incorrects and this
22 process of getting approval to undertake the rework which
23 might, in due course, lead to an incorrect?

24 A. I believe that that process that we have to get the
25 managing scientist's authorisation to rework came about as
26 a result of police having concerns over the incorrects that
27 were being received at statement stage.

28
29 Q. I see. So in that context it would be understandable,
30 would it not, for the managing scientist to keep an
31 overview, by way of this process, or something like it, of
32 situations that may lead to an incorrect causing police
33 a measure of concern?

34 A. But if I'm writing a statement and I don't believe
35 that that result that has been reported is the true and
36 correct result and I think that I need to rework that
37 sample in order to be satisfied that the true and correct
38 result has been obtained, then I don't think asking the
39 managing scientist for permission is the right way to
40 approach that situation if, scientifically, I believe
41 I need to rework that sample to get the best result for
42 that sample and for that case.

43
44 Q. Okay. In fairness, I think you have said that you had
45 only used this process once or twice?

46 A. A couple of times, yes.

47

1 Q. And you had not been refused?

2 A. No.

3

4 Q. Your colleague, Dr Moeller, says she has never been
5 refused?

6 A. Okay, well, that's good.

7

8 Q. Do you know of any refusals to any scientist on
9 a rework of this kind?

10 A. I don't know of any, but then again this isn't also
11 a topic that I've discussed with people very often either.

12

13 MR RICE: Okay. Thank you, Commissioner.

14

15 THE COMMISSIONER: Who is next?

16

17 MS McKENZIE: No questions, thank you.

18

19 MR HICKEY: Could I ask out of self interest,
20 Commissioner, what time the Commission proposes to stop for
21 lunch today?

22

23 THE COMMISSIONER: We can stop now, if you prefer.

24

25 MR HICKEY: I worked through the break this morning and
26 I would be grateful to stop a little earlier. I am going
27 to take over the break in any event.

28

29 THE COMMISSIONER: Yes, I thought you would. So we will
30 adjourn now, until - what time would you like, Mr Hickey?

31

32 MR HICKEY: I'm in the Commission's hands.

33

34 THE COMMISSIONER: 1.30? I'm sorry, 2.30. Yes. We will
35 adjourn until 2.30.

36

37 MS REECE: If I might just briefly, we do have another
38 witness to get through this afternoon, if it is possible to
39 commence at 2.15 if the parties are content with that?

40

41 THE COMMISSIONER: We can do that. Are we realistically
42 going to finish Ms Keller? Is she going to be much shorter
43 in chief than Ms Quartermain was?

44

45 MS REECE: I wouldn't have thought so.

46

47 THE COMMISSIONER: So we had better give Mr Hickey some

1 time if he needs it.

2

3 MR HICKEY: I don't need any lengthy lunch hour.

4

5 THE COMMISSIONER: Okay. Then 2.15, as you wish. 2.15.

6

7 **LUNCHEON ADJOURNMENT**

8

9 THE COMMISSIONER: Yes, Mr Hickey.

10

11 MR HICKEY: Thank you, Commissioner.

12

13 **<EXAMINATION BY MR HICKEY:**

14

15 MR HICKEY: Q. Ms Quartermain, my name's Mr Hickey,
16 I appear for Justin Howse and Cathie Allen. Can I start by
17 asking you, please, I haven't been able to identify in
18 either of your statements your employment history: was
19 your job at the lab, commencing in 2005, your first
20 laboratory job after university?

21

22 A. I worked at Gold Coast Hospital prior to that, just
23 not in forensics.

24

25 Q. How long did you work there?

26

27 A. Approximately 12 months.

28

29 Q. And prior to that?

30

31 A. I didn't have any other science jobs prior to that.

32

33 Q. So other than the job that you have had in the FSS lab
34 and the 12 months at Gold Coast Hospital, did you say?

35

36 A. Yes.

37

38 Q. You've had no other jobs in a laboratory?

39

40 A. That's correct.

41

42 Q. Thank you. You have worked in the lab at FSS for some
43 17 years now?

44

45 A. That's correct.

46

47 Q. During that period I assume you've become very
familiar with the processes and procedures that operate
within the laboratory?

48

49 A. Yes.

50

51 Q. For instance, you are aware of the way the
organisational hierarchy works?

52

1 A. Yes.

2

3 Q. You have been aware from time to time who your
4 immediate line manager is?

5 A. Yes.

6

7 Q. And who their immediate line manager is?

8 A. Yes.

9

10 Q. And so on and so forth, you can trace that line
11 management all the way to the director-general, I presume?

12 A. If I needed to, yes.

13

14 Q. And you understand, don't you, that the chain of
15 hierarchy works so that, typically, an employee such as you
16 would bring to the attention of your immediate line manager
17 any concerns that you might have?

18 A. Yes.

19

20 Q. And your expectation might be that your line manager
21 would escalate those as appropriate to the next person in
22 the line?

23 A. I guess it would, for me, depend on what that
24 particular thing was and whether I could provide enough
25 information to my line manager to do that on my behalf or
26 whether it would be better that I do it myself if I have
27 the information myself.

28

29 Q. Yes. So you were aware, weren't you, that one of the
30 options open to you, rather than talking to your line
31 manager, was that you could skip over the line manager and
32 speak to their line manager?

33 A. I would always go to my line manager first with an
34 issue. I wouldn't directly go to their line manager.

35

36 Q. In circumstances, though, where you had raised an
37 issue with your line manager and had been dissatisfied with
38 the outcome, you knew always, didn't you, that it was open
39 to you to raise the issue with their line manager?

40 A. I can't think of an example of where that has been the
41 case, but that would make sense, if that was the case.

42

43 Q. It's something that you knew was open to you if the
44 occasion presented itself as being necessary?

45 A. It would make sense to do so, yes.

46

47 Q. Presumably over the 17 years that you have been

1 working as a scientist, you've become familiar with the
2 importance of accurate record-keeping?

3 A. Yes.

4

5 Q. And indeed, layered upon that, in your role as
6 a public servant, there is an additional responsibility to
7 maintain written records of matters, isn't there?

8 A. I guess it would depend on what you are referring to.
9 Sometimes it would make sense, I guess, to have written
10 records of meeting minutes and things like that, but if it
11 was a conversation that was had potentially there wouldn't
12 be written recordings around that.

13

14 Q. But you know, don't you, that committing something to
15 writing means that there is a permanent record of whatever
16 communication has transpired between two people?

17 A. Yes, that makes sense.

18

19 Q. That's something that you have been familiar with for
20 many, many years?

21 A. Yes.

22

23 Q. And indeed, in respect of all of the matters with
24 which we are here presently concerned, you have always been
25 aware that if there was something of critical importance to
26 you, committing it to writing is the way to ensure that
27 there is some permanent record of that matter that is of
28 critical importance to you?

29 A. That makes sense, yes.

30

31 Q. If it was a matter of critical importance, you would
32 commit it to writing rather than relying simply on an oral
33 conversation, wouldn't you?

34

35 THE COMMISSIONER: Do you mean make a diary note?

36

37 MR HICKEY: Q. A diary note is one example. Thank you,
38 Commissioner.

39 A. There are things that are important to me at the
40 laboratory that sometimes there are only conversations
41 around, and not everything that I think that is important
42 to have a conversation about necessarily is something that
43 makes its way into a written record.

44

45 Q. This morning, for instance, we've been taken to
46 various pieces of correspondence that you have exchanged
47 with people over the years?

1 A. Yes.

2

3 Q. Can I suggest that you have done that on each of those
4 occasions because the matters that you wished to raise were
5 things that you didn't wish to chance merely to
6 a conversation?

7 A. No, I - that's not the only reason. I like to put
8 things in emails to people so that I have time to be
9 deliberate and considerate in the words that I'm putting in
10 the email, and then I can reflect on the response I receive
11 in my own time not relying on purely just a conversation.

12

13 Q. I understand that. So the things that you have
14 committed to writing in the correspondence are things which
15 you have taken the time to think about, to mull over and
16 then to commit to writing?

17 A. They are things that I wanted to put - to ask
18 a question because I would like an answer, yes.

19

20 Q. They contain your considered thoughts, can I put it
21 that way?

22 A. Yes.

23

24 Q. And you wouldn't have excluded from that
25 correspondence anything that you regarded as important at
26 the time you wrote them?

27 A. Anything that was relevant to that particular matter
28 that I was raising I would have put in that email,
29 I believe.

30

31 Q. And similarly you did that so that you could then
32 reflect on the responses to the correspondence that you
33 might receive from time to time?

34 A. Yes.

35

36 Q. And can I say, too, I recognise, I'm unfortunately
37 sitting in the cheap seats here, and so I'm using a loud
38 voice so that I can be heard, not intending to be
39 aggressive to you.

40 A. Yes.

41

42 Q. You, by committing things to writing, gave yourself
43 the opportunity to reflect on the responses that you got,
44 rather than, in the heat of the moment, of an oral
45 conversation with somebody?

46 A. I do like to put things in writing, if it's something
47 that I want to remember when I asked a question to somebody

1 or was able to, in the future, re-read a response. Just
2 like any emails that I might receive from my line manager
3 that has important information, sometimes I print it and
4 keep it, sometimes I just leave it in my inbox and just
5 refer back to it if I need it.

6

7 Q. Now, you know, don't you, as a scientist, that
8 scientific dishonesty is anathema to the development of
9 scientific knowledge?

10 A. Can you rephrase that for me, please?

11

12 Q. Yes. You understand, don't you, that part of the
13 process of the development of scientific knowledge relies
14 upon people being intellectually honest?

15 A. Yes.

16

17 Q. And to be deliberately scientifically dishonest is
18 contrary to the spirit of the development of scientific
19 knowledge?

20 A. That makes sense, yes.

21

22 Q. And so you, yourself, I presume, regard that duty as
23 a scientist as something that is important to you?

24 A. It's important to me that people within science are
25 honest about the science?

26

27 Q. And it's important to you that you personally are
28 honest in your approach to the science that you're
29 participating in?

30 A. Yes.

31

32 Q. You wouldn't, for instance, knowingly participate in
33 something that you thought was scientifically dishonest?

34 A. I would hope not, no.

35

36 Q. And you wouldn't knowingly participate in something
37 that you thought was scientifically inaccurate?

38 A. I would also hope not, no.

39

40 Q. You would take steps to ensure that whatever
41 dishonesty or inaccuracies you might identify were
42 rectified?

43 A. Yes.

44

45 Q. You wouldn't, for instance, continue to work in a
46 place like the FSS for some 17 years if you held the view
47 that there was deliberate scientific dishonesty going on?

1 A. I think that within workplaces there can be decisions
2 that are made by some people that I don't know the
3 background of what's gone on. If I recognise something
4 that I think needs to be rectified because I have
5 discovered something in my day-to-day business that I think
6 should be addressed, then I will bring it up personally
7 because I feel like it may need to be dealt with.

8
9 Q. There are things, though, in science, aren't there,
10 where reasonable minds might differ?

11 A. Yes.

12
13 Q. So two scientists equally skillful and qualified might
14 well reach different conclusions having regard to the
15 evidence that's available to them?

16 A. Yes.

17
18 Q. So it is not, of necessity, scientific dishonesty to
19 reach a different conclusion from that which another
20 scientist might arrive at?

21 A. So I wouldn't consider it to be dishonesty if two
22 people reached different conclusions if they have got
23 scientific basis for how they reached those conclusions.

24
25 Q. Can I go back, then, to my anterior question, which
26 was this: if you had the view that somebody within the lab
27 was being deliberately scientifically dishonest as distinct
28 from merely having a differing view, that's not something
29 that you would simply ignore, is it?

30 A. I don't think I would. I don't know if I've ever come
31 across that but I don't think I would.

32
33 Q. Thank you. Now, you tell us in paragraph 6 of your
34 first statement [WIT.0012.0025.0001_R] that there are three
35 aspects to your role. One is to interpret DNA profiles;
36 that's right?

37 A. Yes.

38
39 Q. Another is to write statements, that's the second?

40 A. Yes.

41
42 Q. And the third is to give evidence in court?

43 A. Yes.

44
45 Q. Now, you understand, don't you, that the outcome of
46 the performance of your role has the potential to have very
47 serious consequences for other people?

1 A. Yes.

2

3 Q. And your performance can be the difference between
4 very serious crimes being solved or not solved?

5 A. Yes.

6

7 Q. And it can be the difference between offenders being
8 apprehended or not?

9 A. That's out of my area. That's a police question.

10

11 Q. But you know that, don't you?

12 A. I know that based on the DNA profiles that we're able
13 to obtain, that that may influence the outcome of a case in
14 one way or another.

15

16 Q. And from your own experience you know that the work
17 that you do can sometimes be the difference between
18 offenders being convicted or not?

19 A. Well, potentially, yes.

20

21 Q. You know that from your experience in giving evidence
22 at court?

23 A. Well, I often don't actually find out the outcomes of
24 the case. So when we write a statement for court, very
25 infrequently do I ever actually know what happens to an
26 offender or a defendant.

27

28 Q. But you are aware, aren't you, from time to time, QPS
29 have contacted the lab to let them know that some
30 particular piece of DNA interpretation has been the
31 difference between solving a crime or not?

32 A. I'm sure that has happened, yes.

33

34 Q. You are aware of that?

35 A. Yes.

36

37 Q. And so because of all of that, it's important to you,
38 isn't it, that you perform your role professionally?

39 A. Yes.

40

41 Q. And diligently?

42 A. Yes.

43

44 Q. Do you agree with me that it would not be professional
45 for reporting scientists to provide evidence to a court
46 which they knew to be inaccurate?

47 A. I would agree that it would not be appropriate to

1 provide evidence that I knew to be inaccurate.

2

3 Q. Or that you knew to be incorrect?

4 A. Yes.

5

6 Q. And do you also agree that it would not be
7 appropriate - it would not be professional for a reporting
8 scientist to give evidence to a court which they had reason
9 to believe was incorrect, without saying so?

10 A. If I was asked a question in court about anything
11 contained within my statement of witness, I would be open,
12 honest and transparent about anything that was contained
13 within that statement of witness.

14

15 Q. But that's a slightly different thing, isn't it, when
16 you're being asked about something. What I'm concentrating
17 on here is your proactive statements - that is, the things
18 that you deliberately say to a court?

19 A. Right. Okay, yes.

20

21 Q. You'd agree with me that it would behove you to
22 indicate to the court if there was something about the
23 evidence that you were giving which you had reason to
24 believe was inaccurate?

25 A. I'm sorry, I don't know what "behave" means.

26

27 Q. I'm sorry. I'm being a painful barrister and not
28 speaking simply. You would be obliged, wouldn't you, to
29 tell the court if there was some reason for your believing
30 that the evidence you were giving might not be accurate?

31 A. Do you mean in my statement of witness?

32

33 Q. Yes.

34 A. I wouldn't put anything in my statement of witness
35 that I didn't believe at the time was accurate.

36

37 Q. Could I ask you some questions, please, about the
38 matters that are contained in paragraph 10 of your first
39 statement.

40 A. Yes.

41

42 Q. Here, if I understand correctly, what you are talking
43 about is the period between when you say prior to the
44 auto-amp process - do you see that?

45 A. Yes.

46

47 Q. What you are talking about, aren't you, is the period

1 between the implementation of Option 2 of the Options
2 Paper - do you know what I mean when I say that?

3 A. Yes.

4

5 Q. And June 2022?

6 A. Yes.

7

8 Q. When a different process was implemented?

9 A. Yes.

10

11 Q. And you say during that period, samples with
12 quantitation values between 0.001 and 0.0088 ng/μL were
13 reported as DNA insufficient and you say they were not
14 automatically tested by FSS beyond quantitation. Do you
15 see that?

16 A. Yes.

17

18 Q. I want to ask you some questions about that. Those
19 samples which fell within that band, they were retained,
20 weren't they?

21 A. Yes.

22

23 Q. They were not discarded?

24 A. No.

25

26 Q. It remained possible to test those samples at any
27 time?

28 A. Yes.

29

30 Q. If at any time the QPS had asked for the samples to
31 have been tested, that would have occurred?

32 A. Yes.

33

34 Q. If for any reason a scientist within FSS thought that
35 ought to occur, permission could have been sought?

36 A. Yes.

37

38 Q. And I think you have given evidence today that you are
39 not aware of that permission ever having been refused?

40 A. I think that that was referring to prior to this,
41 because any permission that I've ever sought with respect
42 to reworking samples was before any of this Commission of
43 Inquiry happened.

44

45 Q. Are you aware of anyone being refused permission to
46 undertake further processing of a sample which fell within
47 that range between, say, February 2018 and June 2022?

1 A. Not that I'm aware of.

2

3 Q. And QPS had the ultimate decision, didn't they, to
4 make, in terms of whether samples should be tested at all?

5 A. Are you referring to the Options Paper?

6

7 Q. No, I'm talking about the general procedure within the
8 lab?

9 A. Generally?

10

11 Q. Let me try it a different way. The lab regarded the
12 samples as being the property of QPS?

13 A. Yes.

14

15 Q. And that it was for QPS to determine what should occur
16 with the samples?

17 A. Whether or not they should be processed further, is
18 that --

19

20 Q. Whether they should be processed at all in the first
21 instance?

22 A. Do you mean with triage prior to us receiving the
23 samples?

24

25 THE COMMISSIONER: Q. I think what Mr Hickey means is,
26 in the first place when they get a sample, it's up to them
27 to deliver it or not deliver it?

28 A. Yes.

29

30 Q. And when they deliver it, that's a request to work it?

31 A. Yes.

32

33 Q. And then after you have worked it, you can either
34 decline to work it further because it's DIFP or no DNA
35 detected, or you have worked it to an inconclusive result -
36 it's always open to the Queensland Police Service to ask
37 for further work to be done and if they ask, it would be
38 done?

39 A. Correct. Yes.

40

41 MR HICKEY: Q. And it's for the QPS, isn't it, to
42 determine in which order samples should be tested,
43 depending upon their investigative priorities?

44 A. Well, from my understanding, QPS submit their samples
45 according to what they have prioritised the most important
46 samples to be. So for a case, they will submit their
47 highest priority samples first and if they do or don't get

1 results that they're after based on that first lot of
2 samples then they'll submit additional samples.

3

4 Q. And I think from an answer you gave me a few questions
5 ago about your visibility into the solving of crime,
6 I presume it is the case that it is the QPS who know what
7 is going on in terms of piecing together all of the
8 evidence to determine what the conclusion of the
9 investigation might be?

10 A. Yes.

11

12 Q. You, as a reporting scientist at the lab, don't have
13 visibility into that side of things?

14 A. No.

15

16 Q. So it is appropriate, you would agree, that QPS should
17 be the ones who determine whether or not they regard
18 samples as being appropriate to be triaged or not?

19 A. Prior to receipt at the laboratory or after?

20

21 Q. After?

22 A. Well, if that's the case, I believe yes, QPS should
23 have the ability to request any work, any further work on
24 any samples that they see fit, and that as a reporting
25 scientist, if I'm writing a statement for a case, then
26 I also have that same ability to rework any samples that
27 I see fit to do so.

28

29 Q. And as a reporting scientist, it's really not helpful
30 for you yourself to determine the priority or the order in
31 which you will address samples; it's more appropriate that
32 QPS should say to you, "These samples are more important to
33 us than those samples over there"?

34 A. Potentially. However, just based on my experience,
35 for example, if you receive a sexual assault kit from
36 a victim and a sexual assault kit from a defendant, and
37 they are the only two groups of samples that have been
38 submitted for that case, and there may only be eight
39 samples in total for that case, then we would assume that
40 those are top priority samples and we would - I personally
41 would - work those samples as required to get the best DNA
42 profile possible.

43

44 Q. I suppose I'm asking you at a higher level of
45 abstraction, which is to say having regard to your vast
46 experience in the lab, the organisation for whom it is most
47 appropriate for decisions to be made about in what order

1 samples should ultimately be processed is the QPS not the
2 lab?

3 A. Yes, QPS.

4

5 Q. All right. Now, could we turn, then, please, to
6 paragraph 17 of your statement which is on the screen here,
7 [WIT.0012.0025.0001_R page 0002]. Here you are giving
8 evidence about some discussions you participated in in
9 around June when that new process was brought in this year.
10 Do you recall that?

11 A. Yes.

12

13 Q. What you say is that during the conversation - and
14 I understand what you're saying here is that you personally
15 had a conversation with Ms Allen; is that right?

16 A. That's correct.

17

18 Q. And you say you recall that she stated in words to
19 this effect - now, can I pause there to say you
20 deliberately use these words "words to this effect" because
21 you can't remember with precision the actual words that she
22 used?

23 A. I can't remember word for word the exact words that
24 were used at the time, so that's why I used those words.

25

26 Q. This is just the gist of what you recall was said?

27 A. Yes.

28

29 Q. Would you accept that it's possible she in fact said
30 something slightly different from what you have suggested
31 she said here?

32 A. In that particular paragraph, in that particular
33 point?

34

35 Q. Yes.

36 A. No. I remember her saying that samples may improve if
37 they were microconned.

38

39 Q. Can I suggest to you that rather than speaking in
40 absolutes, Ms Allen actually said to you that the auto-amp
41 process may not - may not - have a large impact?

42 A. I remember the conversation as it has been written in
43 my statement.

44

45 Q. Thank you. Now, in paragraph 19, again, you use this
46 phrase "words to the effect", I presume that the same goes
47 for this paragraph as did for paragraph 17?

1 A. Yes.

2

3 Q. That is to say, you don't suggest that this is
4 a precise articulation of what Ms Allen said?

5 A. Not word for word, because when I've written this
6 statement, this is weeks, potentially months, after
7 a conversation, but I do remember the conversation that was
8 had, just not the exact word-for-word conversation that was
9 had.

10

11 Q. All right. So it's the gist rather than what actually
12 was precisely said.

13 A. Yes.

14

15 Q. Now, there we see you attribute to Ms Allen
16 a statement that she said she "would not want to make
17 a recommendation to the Premier and Cabinet to subject
18 multiple hundreds of samples to microconcentration."

19

20 Pause there. You accept don't you, that she didn't
21 say she did not make a recommendation, rather she didn't
22 want to do that?

23 A. That's how I remember the conversation going. She did
24 not want to make a recommendation.

25

26 Q. And that the reason for that was because she
27 recognised that that would produce extra work that would
28 need to be completed by the analytical scientists?

29 A. Yes.

30

31 Q. But her concern was not merely that there would be
32 extra work, but that the consequence of that extra work was
33 that it would, and I will use your word here, "break" the
34 people carrying out that process?

35 A. That was actually her word.

36

37 Q. All right. Now, can I suggest to you that that sort
38 of concern is the very kind of thing that you, as a person
39 who was ultimately answerable to Ms Allen, would hope she
40 would be concerned about in respect of her workforce?

41 A. I would hope that our managing scientist would be
42 interested in the health and wellbeing of her staff,
43 absolutely, yes.

44

45 Q. So you don't intend to suggest that that was something
46 that she ought not to have had regard to?

47 A. I don't actually know the details around how the

1 microcon process physically is carried out and the burden
2 that that has on the staff members involved, so I really
3 don't feel like I can comment too much on the physicality
4 of the microcon process that Ms Allen was referring to.

5

6 Q. I'm not asking you about that. What I'm asking you
7 about is whether having concern for whether the work might
8 break people is something that is relevant to that overall
9 consideration, isn't it?

10 A. I don't think I really understand what you are asking
11 me.

12

13 Q. I'll try it in a different way. It might have been
14 open, for instance, to Ms Allen to make a recommendation
15 which would have entirely ignored the wellbeing of the
16 workforce. That's not something that you would consider
17 would have been an appropriate recommendation, is it?

18 A. No.

19

20 Q. You would have expected her, as somebody who
21 ultimately reported to her, to have consideration for the
22 wellbeing of the team?

23 A. Yes.

24

25 Q. Now, can I ask you some questions, please, about the
26 process of micro-concentration. It's a manual process,
27 isn't it?

28 A. Yes.

29

30 Q. In performing it, staff adhere to standard operating
31 procedures?

32 A. Yes.

33

34 Q. But there's also a degree of discretion inherent in
35 the process that must be exercised by the scientist who
36 performs the process?

37 A. I - yes, I - I really can't comment too much about
38 the process itself because I've never carried the process
39 out myself and I would have to read the standard operating
40 procedure that's current to comment too much about this.

41

42 Q. So to the extent that you purport to give evidence
43 about what would or would not occur as a consequence of
44 micro-concentration, you don't speak from a position of
45 expertise about that?

46 A. I don't speak from the position that I've ever
47 undertaken - I don't undertake the procedure myself.

1
2 Q. So it's possible, isn't it, that you are wrong about
3 the conclusions that you have expressed about what would or
4 would not happen in respect of micro-concentration?
5
6 THE COMMISSIONER: That's a bit too general Mr Hickey,
7 really.
8
9 MR HICKEY: Q. Let me try it this way. You have, for
10 instance, in response to some questions by the Commissioner
11 about the destruction of evidence, suggested that there
12 were processes by which, in your view, samples should have
13 undergone micro-concentration rather than
14 auto-amplification; do you recall that?
15 A. Yes.
16
17 Q. What I'm suggesting to you is, given that you yourself
18 don't have any personal experience of conducting the
19 micro-concentration process, you really don't have the
20 expertise to proffer those opinions?
21 A. About whether it would be too much of a physical
22 burden on the analytical team?
23
24 Q. About whether micro-concentration should occur in
25 preference to auto-amplification?
26 A. I have a lot of experience in interpreting DNA
27 profiles that have been microconned. I have a lot of
28 experience in interpreting DNA profiles that have been just
29 amplified at 15 microlitres, even since this Commission of
30 Inquiry has started, and I feel like each sample should be
31 assessed on a sample-by-sample basis to maximise our
32 chances of obtaining a useable DNA profile.
33
34 Q. But you give that evidence without yourself having
35 performed micro-concentration; is that so?
36 A. I haven't performed micro-concentration, no.
37
38 Q. Thank you. Could we go, please, to paragraph 21 of
39 the statement.
40 A. Yes.
41
42 Q. Here you give some evidence about what you attribute
43 to Ms Allen as being a statement about microconning to her
44 being like baking a cake.
45 A. Yes.
46
47 Q. And she suggests, you say:

1
2 *You can bake two cakes with the same*
3 *ingredients and processes and get*
4 *completely different results. It isn't*
5 *a perfect process.*
6

7 And then in paragraph 22 you go on to say in your
8 experience at FSS you have observed laboratory staff to
9 get accurate and effective results in the
10 microcon-concentration process. Now, do you intend by
11 paragraph 22 to imply that Ms Allen is wrong insofar as she
12 adopts the cake-baking analogy?

13 A. No.

14
15 Q. Thank you. Could we go, then, please, to
16 paragraph 23. Here you say that during the same
17 conversation within the reporting team - now, I presume you
18 mean, although you describe it as the same conversation,
19 the same event, because what you go on to tell us is that
20 Ms Allen was saying things to another reporting scientist;
21 is that right?

22 A. That's correct, yes.

23
24 Q. So here she's not actually speaking directly to you,
25 she's speaking to somebody else?

26 A. That's correct.

27
28 Q. And you attribute to her the suggestion that she said
29 she had "not lost a wink of sleep over this".

30 A. Yes.

31
32 Q. Then in the second sentence you tell us what you
33 understood that to mean. Did you actually ask her what she
34 was referring to?

35 A. No.

36
37 Q. So that's pure speculation on your part, isn't it?

38 A. Well, considering we'd been discussing the potential
39 for an external review, it wasn't pure speculation, that
40 was just my educated guess.

41
42 Q. All right. But a guess, nevertheless?

43 A. A guess, nevertheless.

44
45 Q. And when she said that, she didn't give you the
46 impression, did she, that she was somebody who was
47 concerned that some wrongdoing on her part might be

1 discovered through this external review?

2 A. No.

3

4 Q. She presented to you, didn't she, as though somebody
5 who thought they had made decisions in good faith in the
6 interests of getting the job done as best the lab possibly
7 could?

8 A. Well, at that point in time, during that event in the
9 reporting team area, we weren't really discussing decisions
10 that she had made.

11

12 Q. Why did you think it was relevant to include in your
13 evidence her saying that she had "not lost a wink of sleep
14 over this"?

15 A. I thought it was an odd thing to say from a managing
16 scientist who is in charge of our department, and we're
17 a group of people who potentially are losing sleep over the
18 thought of having to undergo an external review because it
19 could be stressful for some people.

20

21 Q. You've never suggested what you've just said to me to
22 Cathie Allen personally, have you?

23 A. No.

24

25 Q. You've given a lot of evidence today and in your
26 statements about cultural matters within the lab. Can
27 I suggest to you that you've never spoken to Cathie Allen
28 directly with the sort of frankness and candour that you've
29 used today in describing your concerns about cultural
30 issues in the lab?

31 A. I don't think I've spoken to anybody in the management
32 team other than Kylie Rika about cultural issues that I'm
33 experiencing within the laboratory.

34

35 Q. All right. And that's because, is it, you expected
36 that Kylie Rika would diligently and accurately convey to
37 her line managers any concerns that you had conveyed to
38 her?

39 A. It was more that she was my line manager and I trust
40 her and I trust that I can have a conversation with her,
41 and if I need to bring up anything that's of a concern to
42 me, I trust that I can do that with her.

43

44 Q. When do you suppose you first began to raise these
45 cultural issues with Kylie Rika in the expectation that she
46 would deal with them appropriately?

47 A. I never had any expectation that Kylie would do

1 anything on my behalf from a cultural perspective, but
2 I would expect that her and I have had discussions about
3 cultural issues within the laboratory for at least the time
4 that I've been in her - I was in her reporting team for two
5 or three years.

6
7 Q. So if I understand that evidence, for some two or
8 three years, you have had some concerns about the culture
9 in the lab, which you've had occasion, from time to time,
10 to convey to Kylie Rika?

11 A. Yes.

12
13 Q. And is it your evidence that notwithstanding your
14 having raised those things with Kylie Rika, you don't
15 apprehend that any improvement has occurred?

16 A. Well, like I said, they aren't things that I raised
17 with Kylie for her to act on my behalf necessarily. And
18 they aren't things that necessarily required any acting on
19 Kylie's behalf. They are just my feelings and my thoughts
20 and the way that I felt being at work each day.

21
22 Q. All right. Those feelings and thoughts, if they'd
23 been significant enough, you would have prompted Kylie to
24 say, "I have raised this with you from time to time. Why
25 isn't it improving", wouldn't you?

26 A. It would depend on what it was, I guess.

27
28 Q. But that has never occurred, has it?

29 A. Do you mean from something - when you say "cultural
30 issues", do you want to give me some examples of types of
31 things you might be referring to?

32
33 Q. Yes, of course, that's a fair question. What I'm
34 suggesting is this: you have given some evidence today in
35 your second statement which talks about things like the
36 stationery cupboard, the time you are permitted to work,
37 you know, those particular issues, that paragraph in your
38 second statement which deals with those issues?

39 A. Yes.

40
41 Q. That's what I'm talking about by way of an example of
42 cultural issues.

43 A. Yes.

44
45 Q. What I'm trying to understand is the impression I took
46 from the evidence that you have given today is that those
47 are matters which you consider to be of some significance?

1 A. Yes, those are matters that I consider to be of some
2 significance.

3

4 Q. And they adversely affect your work experience?

5 A. They can, they have done, yes.

6

7 Q. And that has been the case, I understand from the
8 evidence you've just given me a moment ago, for some two or
9 three years?

10 A. Probably longer.

11

12 Q. What I don't understand and what I ask you to explain
13 to me is why, if that has not - if raising those issues
14 with Ms Rika has not brought about any change, you've not
15 seen fit to ask her, "Why is this not changing"?

16 A. Well, the things that I've spoken to Kylie about, if
17 I felt the need to take it further after discussing it with
18 her and deciding that it was worth taking further, I have
19 taken it further and spoken to Justin about it.

20

21 Q. Could you give me some occasions upon which you have
22 spoken to Justin about those things?

23 A. The prior to 7am start issue, which has been ongoing
24 for quite a while, I have raised --

25

26 THE COMMISSIONER: Q. Which issue?

27 A. The prior to 7am start. I have raised with Justin on
28 numerous occasions when I have had to submit a flexible
29 work arrangement application to try and negotiate my work
30 days and times.

31

32 MR HICKEY: Q. All right. Are those things
33 communications that you have committed to writing or are
34 they oral communications with Mr Howse?

35 A. Well, flexible work applications are all written, so
36 they would be in emails.

37

38 Q. And I presume, then, that the issue is ongoing?

39 A. Yes.

40

41 Q. Did you ever raise your concern with the fact that
42 Mr Howse had not resolved that issue with Ms Allen?

43 A. Yes.

44

45 Q. And how many occasions did you raise it with Ms Allen?

46 A. On one occasion.

47

1 Q. When was that?

2 A. I don't remember the exact date. It was some time
3 last year.

4
5 Q. In the beginning of last year or the end of last year?

6 A. I can't recall, I'm sorry. I think it was in the
7 first half of last year but I'm not certain.

8
9 Q. And so presumably the outcome of that was not
10 satisfactory from your perspective?

11 A. It was a discussion that was had that didn't resolve
12 anything.

13
14 Q. It was open to you, wasn't it, to raise that issue
15 with somebody who was responsible for human resources at
16 the lab?

17 A. I actually raised it with the executive director at
18 the time.

19
20 Q. Which one was that?

21 A. John Doherty.

22
23 Q. And what did Mr Doherty do about it?

24 A. He advised me that he had been in contact with HR and
25 that I wasn't the only person with these particular
26 concerns and he was liaising with HR to find out some more
27 information.

28
29 Q. And so it had been escalated, to your knowledge, above
30 Cathie Allen but not resolved?

31 A. Yes.

32
33 Q. Now, could we go, then, please, to paragraph 30 of
34 this statement. I just want to ask you some questions
35 about your explanation here - and forgive me if these are
36 ignorant questions but you'll understand I'm a stupid
37 lawyer not a scientist. The starting point is, if
38 I understand the evidence that you have given, that one has
39 a 95 microlitre sample; is that so?

40 A. After extraction, approximately.

41
42 Q. Yes, give or take. And from there, there are two
43 options. One is to perform micro-concentration?

44 A. Yes.

45
46 Q. And as to that, there are two further options - one is
47 to microcon to half and the other is to microcon to full?

1 A. Well, currently we say microcon to 35. We don't
2 really microcon to half anymore, but that was - that used
3 to be an option.

4
5 Q. No doubt that's my mistake. Microcon to 35 is what
6 I intended. So microcon to 35 or microcon to full?

7 A. Yes.

8
9 Q. Another alternative, at least in the period that you
10 are giving evidence about here, was to take 15 microlitres
11 of the 95 microlitre sample and amplify that?

12 A. Yes.

13
14 Q. Taking that 15 microlitres of the sample for
15 amplification, that, as I understood what the Commissioner
16 was suggesting to you before, was destruction of the
17 evidence. Do you recall that?

18 A. It - yes, potentially. It would depend on where - if
19 you have a sample that's sitting at the upper end of the
20 quant range that we're talking about, then 15 microlitres
21 of sample might give you a useable DNA profile.

22
23 Q. So if 15 microlitres of sample was amplified, it might
24 well give you a readable DNA profile. Is that what you
25 have just said?

26 A. Yes.

27
28 Q. And in any event, if you took that 15 microlitres,
29 that leaves 80 microlitres of the original the 95
30 microlitre sample?

31 A. Yes.

32
33 Q. And that 80 microlitre sample can itself, then, can't
34 it, be micro-concentrated if somebody wishes to do that?

35 A. Yes.

36
37 Q. Now, you are not aware, are you, of any data to
38 support the proposition that a sample of 95 microlitres
39 that undergoes micro-concentration is any more likely to
40 yield results than an 80 microlitre sample, are you?

41 A. I don't think that that data mining has ever been
42 done. However, in - through my work, when I've been
43 reviewing the results of samples that fall within this
44 quant range of 0.001 to 0.0088 ng/ μ L, the vast majority of
45 them have DNA in them. So it makes sense to me that if you
46 are utilising 15 microlitres of sample prior to
47 microconning, some of the DNA has already been removed, so

1 you've got less DNA than what you had to start with.

2

3 Q. Now, can I ask you a question about that. What you've
4 just explained is a theory, isn't it - it's your theory
5 based on your experience?

6 A. What's my theory?

7

8 Q. What you've just explained about the way the DNA might
9 behave as between a 15 microlitre sample being taken from
10 the 95 microlitre?

11 A. Well, if each one of those - well, the vast majority
12 of those 15 microlitre samples have been case managed and
13 reviewed, the ones that I have reviewed, I can see that
14 there is DNA in there, so it makes sense to me that DNA has
15 been taken out of the 95 microlitres, so, therefore, there
16 is less DNA to concentrate.

17

18 Q. Can I ask it this way: that's your anecdotal
19 observation of the samples that you have had regard to?

20 A. That's what I have seen when I have been reviewing.

21

22 Q. But there is no data mining about that that you are
23 aware of?

24

25 THE COMMISSIONER: About what, Mr Hickey?

26

27 MR HICKEY: About the effect, the difference on ultimately
28 extracting a sample from an 80 microlitre sample which has
29 had the 15 microlitre removed for the process of
30 amplification.

31

32 THE COMMISSIONER: I see. Whether there is a less
33 prospect of getting a successful --

34

35 MR HICKEY: Profile.

36

37 THE COMMISSIONER: Yes, I see.

38

39 THE WITNESS: I didn't understand if you meant if there is
40 less of a prospect of getting a DNA profile. I don't think
41 there has been any data mining done around that.

42

43 MR HICKEY: Thank you.

44

45 Q. It is the case, isn't it, and you might not be able to
46 answer this given your experience or lack of it in terms of
47 micro-concentration, but can I suggest to you that

1 micro-concentration does not always work effectively?

2 A. That's correct.

3

4 Q. And the Commission has received evidence from
5 Professor Linzi Wilson-Wilde to that effect. Can I show
6 you that to see whether you agree with it. The reference
7 is [EXP.0002.0003.0001]. Could we turn to page 0002,
8 please, and if we could zoom in on the third-last last
9 bullet point or the bottom quarter of the page, perhaps.
10 Can I ask you to read the first and second line to halfway
11 through the second line.

12 A. Yes.

13

14 Q. Do you agree with that proposition, the first sentence
15 in that bullet point:

16 A.

17

18 *The use of a DNA concentration step after*
19 *the DNA extraction process can result in*
20 *further DNA loss --*

21

22 I agree with that. I don't - but the second part of that
23 sentence says:

24

25 *-- with large net losses reported in*
26 *research.*

27

28 So I haven't actually read that research but if it's
29 reported and in research, then that's fair enough.

30

31 Q. I don't intend to press upon you the part after the
32 comma, but you would agree with the first phrase in the
33 sentence?

34 A. Yes.

35

36 Q. So it's the case, isn't it, if that's so, that
37 micro-concentration might well destroy DNA in the same way
38 that auto-amplification may well do in the way that the
39 Commissioner suggested to you earlier on?

40 A. So I would concede that microconning a sample can
41 sometimes result in a DNA profile that's not able to be
42 interpreted, as, sorry, amping at 15 microlitres can result
43 in a DNA profile that's not able to be interpreted.

44

45 Q. Thank you. Can we go, then, please, back to
46 Ms Quartermain's first statement, the document we were at
47 a moment ago, [WIT.0012.0025.0001_R at 0005] at

1 paragraph 34. Here you are giving some evidence about what
2 you suppose is the rationale behind the removal of the
3 microcon-concentration process; do you recall that?

4 A. Yes.

5

6 Q. I want to ask you some questions about this. You say:

7

8 *In my view as an employee at QHFSS, the*
9 *main drivers for removing the Microcon*
10 *concentration process were ...*

11

12 Now, can I observe first that you say "the main drivers".
13 Can I suggest to you that the word "main" is a deliberate
14 qualifying word that you have used because you acknowledged
15 that there were other drivers that might have been at play?

16 A. What other drivers did I acknowledge?

17

18 Q. I'm asking you. You have used the words "main
19 drivers"?

20 A. Yes.

21

22 Q. Can I suggest to you that implies that there were some
23 other drivers which were not the main drivers?

24 A. Potentially, yes. I would assume that there would be
25 lots of things taken into consideration when changing
26 a process like this.

27

28 Q. So you don't intend, do you, by paragraph 34, to
29 suggest that these were the only things that were
30 considered?

31 A. I would hope that there would be a lot of other things
32 considered.

33

34 Q. Now, here, just so that I'm clear about this, you're
35 referring to the 2018 implementation of Option 2 at this
36 point?

37 A. When I refer to the Options Paper?

38

39 Q. Yes.

40 A. Yes.

41

42 Q. And when you refer to these main drivers, for whom do
43 you say that they were the main drivers?

44 A. For whoever the decision-makers were about changing
45 the process.

46

47 Q. Do you know who those people were?

1 A. Well, after reading the Options Paper and after
2 listening to the Commission of Inquiry, I have a better
3 idea.

4
5 Q. Well, who do you think they were?

6 A. Justin Howse, Cathie Allen, QPS staff within the DNA
7 management section, including Inspector David Neville.

8
9 Q. Now, you have given some evidence today that you have
10 unilaterally taken it upon yourself to contact Mr Neville?

11 A. I didn't contact him, actually. I contacted one of
12 his staff members and just - we were discussing an issue
13 and she passed my phone number on to him and he contacted
14 me.

15
16 Q. My mistake. You have spoken to Inspector Neville,
17 nevertheless?

18 A. I have.

19
20 Q. At any point, did you think it might be helpful for
21 you to ask Inspector Neville whether these were the main
22 drivers from QPS's perspective?

23 A. Well, at that point in time, I hadn't actually read
24 the Options Paper, when I spoke to him, so I wasn't
25 interested in discussing with him main drivers around
26 anything. I was really more raising my concerns about the
27 auto-microcon process and the fact that the samples that we
28 were auto-microconning weren't being assessed on
29 a sample-by-sample basis.

30
31 Q. Can I ask when did you begin to prepare the draft of
32 this statement?

33 A. I don't know. I couldn't tell you, I'm sorry. I can
34 look back at my records but I can't remember off the top of
35 my head.

36
37 Q. Approximately would do.

38 A. July, August.

39
40 Q. But in any event, it was before the Commission began
41 to sit?

42
43 THE COMMISSIONER: Before hearings.

44
45 THE WITNESS: Before hearings?

46
47 MR HICKEY: Q. Yes.

1 A. Yes.

2

3 Q. Were you listening or watching to Inspector Neville's
4 evidence last week?

5 A. Yes.

6

7 Q. Yes?

8 A. Yes.

9

10 Q. And could I suggest to you that was before you
11 finalised this particular statement?

12 A. My second statement or my first statement?

13

14 Q. I'm sorry, you are quite right. I withdraw the
15 question. Did you at any time ask Cathie Allen whether
16 these were the main drivers insofar as she was
17 a decision-maker?

18 A. Well, I hardly see Cathie. I wouldn't - and if I did
19 I wouldn't be discussing things like this.

20

21 Q. You've never asked Justin Howse whether these were the
22 main drivers for the decision?

23 A. I don't discuss - I don't discuss how things are
24 funded and finances with management. Like, that's not part
25 of my role. These things that I'm providing here are based
26 on what I've read in the Options Paper and my perception of
27 the reasons over the time that I have worked there.

28

29 Q. So that's how we should understand paragraph 34; it's
30 merely your opinion based on reading the Options Paper and
31 your perceptions, having worked there?

32 A. Yes.

33

34 Q. It goes no higher than that?

35 A. No.

36

37 Q. Thank you. Could I turn then, please, to
38 paragraph 37. My learned friend Mr Rice, who is sitting
39 over here, asked you some questions about this earlier on,
40 and I won't cover over the ground that he has already been
41 to. He asked you about the second sentence in
42 paragraph 37. Could I just ask you about the first
43 sentence of 37. You tell us that you agree that turnaround
44 times are important?

45 A. Yes.

46

47 Q. Can I suggest to you, that's because the sooner

1 profiles can be interpreted, the sooner the QPS may have
2 the chance to apprehend an offender?

3 A. Yes.

4

5 Q. And the sooner an offender is apprehended, the sooner
6 any risk to the community, if any, can be removed?

7 A. And that's what I understood from Inspector Neville's
8 evidence as well, that that would make sense.

9

10 Q. Are there any other reasons that you agree that
11 turnaround times are important?

12 A. Well, from my perspective, turnaround times are
13 important because, for me, outputting of work and getting
14 it done well and getting it out the door is important. As
15 a scientist, I like to know that those things are being
16 done in a timely manner.

17

18 Q. And as somebody who has worked as a scientist for the
19 Queensland public service for some 17 years, your
20 expectation is that that is what the people of Queensland
21 would expect of you too?

22 A. Yes.

23

24 Q. And you are aware, aren't you, that those are the
25 expectations of your management - that is to say,
26 Kylie Rika from time to time or the person who held her
27 role previously, Justin Howse or Cathie Allen - are
28 concerned to ensure turnaround times remain short in order
29 that the lab is providing the service that the community
30 expects?

31 A. I would agree that yes, it's important for us to
32 output results to QPS if it means that they can apprehend
33 somebody faster.

34

35 Q. And so you don't suggest, do you, that the management
36 of the lab having regard to turnaround times is not
37 something that they should have regard to?

38 A. I'm sorry, there were too many, like, "nots" and - can
39 you please state that again?

40

41 THE COMMISSIONER: Q. He means would you agree that they
42 ought to have turnaround times in their mind, that they
43 should take that into account?

44 A. I agree that management should take into account
45 turnaround times, yes.

46

47 MR HICKEY: Thank you, Commissioner.

1
2 Q. Could we move then, please, to paragraph 39. Here you
3 give some evidence. Just scroll up a bit, please,
4 Mr Operator. We see here you are giving some evidence
5 about the director-general's directive of 19 August 2022,
6 and you explain what's in it, and then you tell us in
7 paragraph 39 that you were not consulted about the
8 decision. Would you ordinarily intend to be consulted by
9 the director-general before he or she makes a decision?

10 A. No. However, I think that in the current climate, it
11 might be important to consider that it's not just people
12 high up within management that might have some good
13 scientific input that could be provided with decisions like
14 this.

15
16 Q. Could I ask you, do you agree that you as a scientist
17 have a role to play in maintaining the quality of the
18 output at the forensic scientific lab?

19 A. Maintaining the quality of the output? Do you mean
20 the DNA profiles?

21
22 Q. Yes.

23 A. Yes.

24
25 Q. That is to say, it's not merely the role of somebody
26 who is responsible for quality standards?

27 A. I think each department - with all the standard
28 operating procedures we have in place, each department has
29 its own role in, within the quality system that we have in
30 place, and we all have our own tasks that we need to ensure
31 we are undertaking and that our quality system is capable
32 of what we require it to do.

33
34 Q. And if from time to time you had any particular
35 concerns about scientific processes within the laboratory,
36 you could raise them with your immediate line manager?

37 A. I could.

38
39 Q. With their line manager?

40 A. I could. We discussed this before. Like, it would
41 depend on what it was as to whether I would go to my line
42 manager and expect them to take it further on my behalf or
43 whether I would want to take it further on my behalf
44 because I'm the one who has the information.

45
46 Q. I will try not to be repetitive. What I'm trying to
47 ask you about is whether you were aware of the fact that

1 there were multiple avenues by which you, as a scientist at
2 the coalface, could escalate scientific concerns that you
3 might have had from time to time. So against that
4 background, the first avenue that you could avail yourself
5 of was line managers?

6 A. Yes.

7

8 Q. Another avenue that you could avail yourself of was
9 the senior scientist for quality?

10 A. Yes.

11

12 Q. Another avenue that you could have availed yourself of
13 was the quality manager?

14 A. These are people that I wouldn't really have any need
15 directly to contact with respect - like, I wouldn't ever go
16 to our quality manager about an issue that I had; I would
17 go to my line manager and then to their line manager.

18

19 Q. All right. What I'm trying to understand, though, is
20 that the evidence, as I understand it that you have given
21 today, is that there are concerns that you have held for
22 a prolonged period of time, and the answer you have just
23 given me is that you would take it to your line manager?

24 A. Yes.

25

26 Q. And that's where it would end; is that right?

27 A. No. Certain things I would take to my line manager -
28 well, most things I would take to my line manager.

29 Depending on whether I - depending on the topic that we
30 were discussing would depend for me as to whether I would
31 ask for my line manager to take it higher on my behalf or
32 whether I would take it higher on my own behalf.

33

34 Q. And so what I'm asking you about is it's a question in
35 the theoretical abstract. I'm not asking you about any
36 particular occasion where you did or did not do that in the
37 past.

38 A. Okay.

39

40 Q. I'm interested in how the lab actually works. Assume
41 there is some matter that you have raised to your line
42 manager?

43 A. Right.

44

45 Q. The outcome is not satisfactory to your mind?

46 A. Right.

47

1 Q. It's open to you then, isn't it, to go to their line
2 manager?

3 A. Yes.

4
5 Q. Or their line manager, all the way up?

6 A. Yes.

7
8 Q. That's one avenue by which you might resolve the
9 concern you might have?

10 A. Yes.

11
12 Q. Another avenue, I'm suggesting to you, is that you
13 could - I'm not suggesting that you did, but you could, if
14 you thought it appropriate - raise it with the senior
15 scientist for quality?

16 A. I could, yes.

17
18 Q. If, for instance, you didn't get any satisfaction from
19 your line manager or that avenue, that's an alternative
20 avenue that was available to you?

21 A. I guess some people might choose to do that.
22 I personally don't see it - an instance where I might go to
23 that particular manager. But I see that it's
24 a possibility, yes.

25
26 Q. And another option available to you, if you perceived
27 there's some particular concern with the scientific
28 processes in the lab, is that you could raise what is
29 described in the material as an OQI - an opportunity for
30 quality improvement"?

31 A. Yes.

32
33 Q. That's not something that you required anybody's
34 permission to do, is it?

35 A. No.

36
37 Q. You, as a scientist at the coalface, at any time could
38 raise an OQI if there was something that was of sufficient
39 concern to you that you thought affected the lab's
40 scientific processes?

41 A. Yes.

42
43 Q. I'm right in saying, aren't I, that at no time have
44 you initiated an OQI in respect of any of the matters that
45 you've been asked about here today?

46 A. I have not raised an OQI with respect to the DNA
47 insufficient process and my concerns around that process.

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Q. Another avenue that's available to you is that you, as a scientist at the coalface, could have proposed a change to standard operating procedures?

A. There is the option to go into our quality system and make comments about a standard - against a standard operating procedure, and then the author of that standard operating procedure would look at those comments, whether they needed to be implemented sooner or they could be implemented and looked at when the document was up for review.

Q. But again, that's something that you could have done if you were concerned about standard operating procedures?

A. If I'm concerned about a standard operating procedure, yes, I could do that.

Q. And it's the case, isn't it, that you never included a comment in respect of any of the matters that you have been asked about today in respect of the standard operating procedures?

A. I didn't comment against the standard operating procedures.

Q. Could we turn, then, please, to paragraph 43. You have been asked about this already and I'm sorry if I'm being repetitive but I want to be sure that I have understood your evidence. I won't repeat it, but you can read paragraph 43 to yourself. In particular, the part I'm interested in is that you say:

... I as the reporting scientist, had elected to process further ...

And so on. Is it the case that you required permission to do that?

A. No.

Q. So that was something you were able to do of your own volition?

A. Yes.

Q. Having exercised your scientific discretion and come to the view that that's something that should occur?

A. Yes.

Q. There was no impediment to your doing that?

1 A. No.

2

3 Q. Thank you. Now, that discretion, exercising the
4 discretion like that, was always open to you, wasn't it, if
5 you considered it appropriate?

6 A. If I was to come across samples in my day-to-day work
7 as a scientist and I thought that it was appropriate, then
8 yes, I would order those reworks. However, in my
9 experience, I infrequently come across these types of
10 samples unless a statement has been requested, and that's
11 the only time I really see which samples have been
12 previously reported as no DNA detected or DNA insufficient
13 for further processing, because other than getting
14 a statement request and looking at the case holistically,
15 I don't get the opportunity to see these types of samples
16 frequently day-to-day.

17

18 THE COMMISSIONER: Q. Could you explain that? I didn't
19 quite follow it. Could you explain that again,
20 Ms Quartermain?

21 A. So when samples have been deemed no DNA detected or
22 DNA insufficient for further processing, those samples have
23 a line, a result line, that indicates either no DNA
24 detected or DNA insufficient for further processing, which
25 is reviewed - it's entered by and reviewed by the
26 analytical team, which is separate from the reporting team.

27

28 So all of those samples that fall within those
29 categories are entered - the line is entered and reviewed
30 by the Analytical team and the reporting team don't see
31 those samples, unless we get a statement request in, and
32 then we get to look at every sample in the case. That's
33 when we get the opportunity to see that there might be
34 a whole bunch of them that had been reported as DNA
35 insufficient for further processing and we can choose at
36 that point to rework those samples further. But most of
37 the time, unless we get a statement request, we won't ever
38 see those no DNA detected or DNA insufficient samples.

39

40 THE COMMISSIONER: Yes, I understand.

41

42 MR HICKEY: Q. One other way you might have had your
43 attention drawn to those samples would be if the Queensland
44 Police requested a reworking?

45 A. Yes. So those rework requests don't come through to
46 the reporting scientists, though. I think they go through
47 to the head of the analytical department and he orders the

1 reworks on those. So I will only see those when the rework
2 has already been ordered and the result is available to
3 case manage.

4

5 Q. But in any event, if a sample is asked, requested to
6 be reworked and that work in the analytical lab takes
7 place, it will ultimately make its way to you?

8 A. Eventually makes its way to reporting, yes.

9

10 Q. If again we assume in the theoretical abstract that
11 QPS had known that that was something that was open to
12 them, if they had made that request, that processing would
13 have taken place as a matter of course, wouldn't it?

14 A. It would have taken place prior to - do you mean,
15 like, in the instance of where I would recognise it at the
16 reporting - writing a statement stage, versus QPS
17 recognising it prior to that?

18

19 Q. I think we are at cross-purposes. If there was
20 a sample that fell within the excluded range, if I can put
21 it that way, the DIFP range, if the QPS asked for that to
22 be reworked --

23 A. Yes.

24

25 Q. -- that work would take place in the analytical lab
26 and ultimately make its way to the reporting lab; is that
27 right?

28 A. Yes.

29

30 Q. So that's an example of how that kind of sample might
31 come to your attention?

32 A. Yes. That's after the rework has been ordered,
33 though. So by the time it reaches us, the time has passed
34 for us to make a determination based on the sample type and
35 the quant value as to the best reworking strategy for that
36 sample.

37

38 Q. Could we go, then, please, to paragraph 44 of the
39 statement. You say here that you have provided some recent
40 samples in an Excel spreadsheet. Should we understand by
41 your use of the word "some" that this is not a
42 comprehensive list of all the samples you have decided to
43 process further since 2018?

44 A. Yes, that's correct.

45

46 Q. That is to say, there are other samples which aren't
47 included in your spreadsheet?

1 A. That's correct.

2

3 Q. So we can't, can we, draw any accurate statistical
4 meaning from the data in this spreadsheet?

5 A. No.

6

7 Q. And that's why you are careful to point out in
8 paragraph 45, aren't you, that the spreadsheet has not been
9 formally reviewed by other scientists?

10 A. No, that's not what I mean by that. What I mean by
11 that is, as a scientist, I'm used to every single thing
12 that I have that is released from the laboratory being
13 reviewed by another scientist, whether it is a statement of
14 witness, whether it is an intel letter issued to the
15 Queensland Police, anything. So this is just scientific
16 information that I have put into an Excel spreadsheet, but
17 I haven't had another scientist double-check all of, for
18 example, the quant values or the barcode numbers or
19 anything like that.

20

21 Q. All right. Thank you, I understand. In paragraph 52,
22 if we can scroll on to that, please, there you say you have
23 reworked many samples, and in the second sentence you say
24 you have obtained interpretable DNA profiles from many of
25 those, and then you say you changed your approach on how
26 you treated these samples. Can I ask you some questions
27 about that. Do you have any record of the samples to which
28 you refer as being "many" in the fourth word of the first
29 line?

30 A. I haven't kept track of the - like, I haven't kept
31 track of barcodes that I have ordered samples on other
32 than - I could probably ask bdna to do some data mining for
33 me but I haven't personally kept track of everything in an
34 Excel spreadsheet or anything like that to be able to
35 provide to you.

36

37 Q. So this is intended just as general evidence of some
38 things you have observed?

39 A. Yes.

40

41 Q. And then again when you say you obtained interpretable
42 DNA profiles from many of these, the "these" to which you
43 refer is the many samples that you have identified in the
44 first line; is that right?

45 A. Yes.

46

47 Q. And again you use the word "many". Do I assume you

1 haven't kept any record of what proportion of the "these"
2 have elicited a sample?

3 A. I couldn't tell - I haven't kept any records of
4 barcodes, I'm sorry.

5

6 Q. All right. But notwithstanding that, you say that
7 that has caused you to change your approach on how you
8 treated these samples. Could I ask, did you bring that
9 change of your approach to your line manager's attention?

10 A. Yes.

11

12 Q. Did you bring it to your team leader's attention?

13 A. Well, the email that I emailed to Justin did mention -
14 I can't remember, it's not directly in front of me, but it
15 did mention something along those lines.

16

17 Q. You didn't add a comment to the standard operating
18 procedures about that?

19 A. Not with respect to that, no.

20

21 Q. Now, in paragraph 55 you say that you're concerned
22 with the level of understanding of QPS officers who receive
23 results that report DIFP. When did you first become
24 concerned about that?

25 A. Well, it was a concern for me because so many samples
26 were being reported back as DIFP, but we weren't getting
27 any, that I remember prior to this year, requests from QPS,
28 to reactivate these samples. So I was thinking we're
29 reporting back a lot of DIFP or no DNA detected samples but
30 there doesn't appear to be any requests coming through to
31 reactivate these. So it concerned me that potentially QPS
32 either didn't understand what that terminology meant or it
33 wasn't being conveyed to them in a way that they understood
34 through the forensic register or QPRIME.

35

36 Q. I think you have answered the question of why you held
37 concerns. What I'm interested in is when you first had
38 these concerns?

39 A. When did I start having concerns over the fact that we
40 were getting DNA profiles from DIFP samples?

41

42 Q. No, sorry, when did you first become concerned about
43 the level of understanding of QPS officers who received
44 results that report DIFP or no DNA detected samples?

45 A. Okay. So I've always wondered how the information was
46 conveyed to them, because we very rarely, if ever, got
47 requests from QPS to reactivate these samples, and it

1 wasn't until recently, when I had to contact police because
2 I wanted to exhaust some samples in a case, and in the
3 current - the current understanding is we can't exhaust
4 samples without QPS's permission. So I contacted the
5 investigating officer and asked her if I could exhaust two
6 samples in the case, meaning that there would be none
7 available for future testing, and she - this is in my
8 statement somewhere, I'm not sure where, she said something
9 along the lines of, "Do whatever you like. I'm not an
10 expert in DNA. I don't care what you do. Do whatever you
11 need to for the samples."

12
13 Q. So that was the first time you began to hold this
14 concern; is that what you say?

15 A. Well, that's when I actually had spoken to someone who
16 made me think, well, I don't know how many other people are
17 out there who - how many other police officers out there
18 hold this same view. But I had always wondered, like
19 I said before, how the information was being transferred to
20 the police and if it was being transferred in a way that
21 was visible to them and they understood what that meant,
22 because we weren't getting many, if any, requests in to
23 rework samples that had been reported back as DIFP or no
24 DNA detected.

25
26 Q. All right. Could we keep scrolling on, then, please,
27 to the next part of the statement. Here you deal with the
28 case example of value in microcon-concentration, and you
29 make reference to a particular case in November 2021. Do
30 you see that in paragraph 56?

31 A. I do, yes.

32
33 Q. You give us some explanation of the relevant samples
34 in paragraph 57. Tell us some more about it in
35 paragraph 58, and then in paragraph 59, if we can scroll on
36 to that, you say this:

37
38 *The classification of such a sample as "DNA*
39 *insufficient for further processing" is, in*
40 *my view, unacceptable from a scientific*
41 *perspective.*

42
43 Now, can I pause there to ask you, did you form that view
44 in November 2021?

45 A. No.

46
47 Q. That's a view you have come to more recently?

1 A. Well, back in April of 2020 was when I raised my first
2 email to Justin about DIFP samples, so I would say it was
3 at least April of 2020.

4
5 Q. All right. So is your evidence that in April of 2020,
6 you had formed the view that the classification of that
7 kind of sample as DNA insufficient for further processing
8 was, in your view, unacceptable from a scientific
9 perspective?

10
11 THE COMMISSIONER: I don't understand the question.
12 You're asking her is there evidence that she formed that
13 view?

14
15 MR HICKEY: What I'm trying to ascertain is we have heard
16 evidence that she raised a concern in 2019.

17
18 THE COMMISSIONER: Yes.

19
20 MR HICKEY: What I'm trying to understand is the gravity
21 of the concern in 2019, because what is said in
22 paragraph 59 is that the classification of that kind of
23 sample is, in Ms Quartermain's view, unacceptable from
24 a scientific perspective. Now, that's quite a bold
25 statement.

26
27 THE COMMISSIONER: Yes, but I don't understand the
28 question. You are asking her is there evidence of what?

29
30 MR HICKEY: I'm sorry --

31
32 THE COMMISSIONER: You used the words "is there evidence
33 of".

34
35 MR HICKEY: I'm sorry, I have misspoken.

36
37 THE COMMISSIONER: All right, you go ahead.

38
39 MR HICKEY: Thank you, Commissioner.

40
41 Q. Could I ask you to read the view that you have put in
42 paragraph 59 - that is to say, you regard now, I presume,
43 the classification of that kind of sample as unacceptable
44 from a scientific perspective?

45 A. Yes.

46
47 Q. Now, that view that you now hold --

1 A. Yes.

2

3 Q. -- is it the same as the view that you held in 2019
4 when you raised the issue first with Mr Howse and others?

5 A. Well, because I've raised it over time, when I first
6 raised it, compared to now, has been a long expanse of
7 time. So over that time I have reworked a lot of DIFP and
8 no DNA detected samples, and so my view now is much
9 stronger in comparison to what it was in 2019, because I've
10 had the time and the chance to rework a lot of samples to
11 see what types of results I would get.

12

13 Q. So you would agree with me then that what you
14 communicated to Mr Howse in 2019 was of a lesser degree
15 than the opinion that you now hold?

16 A. I was still just as concerned.

17

18 MS REECE: Commissioner, I object, if she could perhaps be
19 shown what she said to Mr Howse and I can assist my learned
20 friend, it is [FSS.0001 --

21

22 THE COMMISSIONER: He doesn't have to, Ms Reece. If the
23 witness needs it, she can ask, and - we will just see how
24 we go.

25

26 But when you say "much" - I'm not sure what you mean
27 by "much stronger", you had better put that into - you
28 might put that differently.

29

30 MR HICKEY: Yes.

31

32 Q. Can I suggest to you that what you say in paragraph 59
33 is a strong conclusion that classifying a sample in that
34 way is unacceptable, scientifically?

35 A. That's my perspective now, yes.

36

37 Q. Now, can I ask you to agree with me or disagree: the
38 notion of acceptability is binary - that is to say
39 something is either acceptable or it is unacceptable; would
40 you agree with that?

41 A. Yes.

42

43 Q. And so what I'm asking you is, what you communicated
44 to Mr Howse in 2019 was not communicated in a binary way -
45 that is to say, so that he could understand you regarded it
46 as entirely unacceptable scientifically, was it?

47 A. I think the words that I used in my emails to him are

1 different but I think the message is very clear.

2

3 Q. You agree that if you had intended in 2019 to convey
4 to him that you regarded that classification as being
5 scientifically unacceptable, you would simply have said so?

6 A. 2020?

7

8 Q. 2019?

9 A. Are you talking about the email I sent to Kylie?

10

11 Q. Yes.

12 A. I - as I've just stated, I think the words that I used
13 in my email conveyed my concern at the time, and this is -
14 saying unacceptable now is how I feel about it, given time
15 has passed, I've had the opportunity to look at and rework
16 hundreds of DIFP samples since then, so I am much more
17 concerned about most recently the fact that we were doing
18 this, as opposed to me just raising my concern back in
19 2019, as just a concern.

20

21 Q. All right. Have you at any time reported a profile as
22 DNA insufficient for further processing since you form the
23 view that doing so was unacceptable from a scientific
24 perspective?

25 A. No.

26

27 Q. And so when was it that you stopped reporting in that
28 way?

29 A. I would say approximately - it would have to have at
30 least been for the last 18 months. I can't think of an
31 instance when I've released a major crime statement, and if
32 there is, there may be one or two, but I can't think of
33 a specific instance that I've reported DIFP. I'm not
34 excluding that it - it's a possibility, but I've absolutely
35 gone out of my way to rework samples at least in the last
36 18 months for major crime cases that are DIFP, especially
37 if they're Sexual Assault Investigation Kit swabs or blood
38 swabs.

39

40 Q. And that's because you regarded the statement that you
41 provide to court as your statement; is that right?

42 A. I do, yes.

43

44 Q. You have to be comfortable with the language that is
45 used in the statement because you are the one who has to go
46 to court to defend it?

47 A. I have to be comfortable with it, yes.

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Q. You could exercise your discretion to use whatever language you considered was most appropriate in the statements that you provided to court?

A. No.

Q. I'm sorry, is that --

A. As in no, we - I couldn't. There was an email from Justin, I'm trying to remember when it was, maybe in 2016, where he asked the reporting scientists to stick with standard wording so that all of our statements were basically worded in the same way, so that if one scientist was unable to attend court to give evidence, another scientist could pick that scientist's statement up and be comfortable with the wording.

Q. All right. Let me ask it in a slightly different way. You weren't required to use the language "DNA insufficient for further processing" if you, as the reporting scientist, held the view that some other language was more accurate?

A. I'm actually not sure. I think that there were different versions of this wording that were discussed over time. However, going back to that email of Justin's asking us to stick with standard wording, the majority of reporting scientists, if not all of us, have stuck with the standard wording as per his email.

Q. But as I understand your evidence, you've said you haven't been doing that for the last 18 months; is that right, or have I confused your evidence?

A. You've confused it.

Q. Could you explain that to me?

A. What I have been doing for the last 18 months is if I pick a case file up to write a statement on that case and I see that there are samples that have been called "DNA insufficient for further processing" or "no DNA detected", and feel like those samples should be processed, I've been processing them.

Q. I see. Conversely to that, if you pick up a sample and you are providing a statement which you are comfortable falls within the description of "DNA insufficient for further processing", you would use that language in those cases?

A. I have used that language, as all the reporting scientists have, for samples that we have reported in

1 statements that are DNA insufficient for further
2 processing.

3

4 Q. And that's a process you continue to adopt, is it?

5 A. Not now.

6

7 Q. When did you stop doing that?

8 A. Since the Commission of Inquiry started.

9

10 Q. Could we go, then, please, to paragraph --

11

12 THE COMMISSIONER: Just before we move on.

13

14 Q. I just want to get this clear. You wrote to Mr Howse
15 in 2020 about your concerns about the results line and
16 reporting it in that form, and earlier you said that for
17 the last 18 months you have not been signing witness
18 statements with the result line "DNA insufficient for
19 further processing", there might have been one or two, but
20 other than that you had not been using that expression?

21 A. Oh, I had not been reporting them at all. So if I had
22 reported them, I had used that wording, but if I saw
23 samples that needed to be reworked that were called "DNA
24 insufficient", I reworked them so I didn't have to report
25 that in my statement at all, I would just report the
26 result.

27

28 Q. I see. So if the results on a forensic register -
29 which is where you get your material from, isn't it --

30 A. Yes.

31

32 Q. -- said "DIFP", then you, in the last 18 months or so,
33 would rework those, you would cause those samples to be
34 worked?

35 A. Yes.

36

37 Q. And so you wouldn't have to report them as DIFP, you
38 would report the actual results. Is that what you mean?

39 A. Yes.

40

41 THE COMMISSIONER: Thank you.

42

43 MR HICKEY: Q. Is that something of which Kylie Rika was
44 aware you were doing?

45 A. We may have had a conversation about it, I'm not sure.

46

47 Q. Is that something that you told other reporting

1 scientists was your usual habit in the last 18 months?
2 A. I don't know if I was explicit in the time frame, but
3 I probably have had discussions with other scientists about
4 that.

5
6 Q. You weren't admonished for adopting that approach by
7 anyone?

8 A. No.

9
10 Q. You weren't reprimanded for doing that?
11 A. No.

12
13 Q. You weren't discouraged from doing that?
14 A. No.

15
16 THE COMMISSIONER: Q. Did you tell anyone you were doing
17 that?

18 A. I did have discussions with other colleagues, because
19 other colleagues were also doing that. But I don't think
20 it was like an email thread or anything like that, it was
21 just discussions amongst reporting scientists.

22
23 Q. Did you tell Mr Howse or Ms Allen or Ms Brisotto that
24 you were doing that?

25 A. Again, I don't think I would have had a conversation
26 with - I don't speak to Justin or Paula or Cathie about
27 statements ever. I really only deal with my line manager
28 and my colleagues. So probably not.

29
30 THE COMMISSIONER: Thank you.

31
32 MR HICKEY: Q. Having regard to what you've just
33 explained to the Commissioner, would I be right in assuming
34 that to the extent that you have any real managerial
35 involvement with Mr Howse and Ms Allen, that occurs via the
36 conduit of Ms Rika?

37 A. Currently, Sharon Johnstone's my line manager, so
38 Sharon.

39
40 Q. But prior to that, when it was Ms Rika?

41 A. If I needed - do you mean if I needed to bring
42 something up with Justin I'd go through Kylie or --

43
44 Q. Well, I think what you have just said was you tend not
45 to discuss things in respect of reports to Mr Howse and
46 Ms Allen. Would I be right, though, in assuming that
47 generally in respect of administrative or managerial

1 matters that are relevant to the lab, your first and
2 usually only port of call is Ms Rika?

3 A. It would be my line manager, yes.

4

5 Q. Or Ms Johnstone?

6 A. Yes.

7

8 Q. Would I also be right in assuming that insofar as you
9 might receive communication of things which are purported
10 to have been decided or said by Mr Howse or Ms Allen, if
11 those aren't things in written communication directly to
12 you, that comes via Ms Rika?

13 A. Can you give me an example of what you mean?

14

15 Q. Let me try it this way: you rely, don't you, on the
16 accuracy of what Ms Rika tells you about her interactions
17 with Mr Howse and Ms Allen?

18 A. I receive emails from Kylie and Sharon around
19 management decisions that Justin has sent to them, that
20 they then forward on to their staff, but I wouldn't
21 specifically sit and discuss something management related
22 with Kylie or Sharon.

23

24 Q. And nor would you talk about those sorts of matters
25 directly with Mr Howse or Ms Allen?

26 A. What sort of matters?

27

28 Q. The sorts of matters that might be forwarded to you in
29 an email of the kind you have just referred to?

30 A. It would depend if that directly affected something
31 that I needed - like, if Justin sent an email to Sharon and
32 Sharon forwarded that to me and I needed clarification,
33 I would contact Justin directly because the email has
34 originally come from him.

35

36 Q. Could we deal, please, with paragraph 74 of this
37 statement. Here you proffer an opinion that, based on your
38 experience, all low-range quantitation samples should be
39 quantified twice because of the unreliability of
40 quantitation. Can I ask you, are you aware that a change
41 management project was undertaken to review samples
42 duplicated for quant?

43 A. No.

44

45 Q. And I presume, then, that you are not aware that it
46 found that a single quant was adequate?

47 A. I'm just - no, I didn't know that was the outcome.

1 I'm just basing that view on my experience, which is when
2 I have sent low quant samples back for re-quanting, I often
3 get different results.
4

5 Q. And what action have you taken to elicit change to the
6 standard operating procedures on this point, given those
7 observations?

8 A. I haven't made any comment against the standard
9 operating procedures.
10

11 Q. Given you're reviewing DNA profiles every day, aren't
12 you in the best position to add comments to the standard
13 operating procedures about these things?

14 A. Yes, I can do that.
15

16 Q. And you should do that, shouldn't you?

17 A. If I feel that there is a topic that needs to be - if
18 I feel like there's something within the standard operating
19 procedure that needs to be changed, then I would do that.
20

21 Q. And so notwithstanding the opinion that you have
22 expressed there, can we conclude from that, then, that this
23 wasn't something that was so important to you that it
24 warranted your adding a comment to the standard operating
25 procedures?

26 A. That's correct, because ordering a re-quant on
27 a sample, that is ordering a second quant, is something
28 that I can do myself without having to get any permission.
29

30 Q. Can we go, then, please, to paragraph 89.
31

32 MR HICKEY: I'm sorry to labour this, Commissioner, I'm
33 going as quickly as I can.
34

35 THE COMMISSIONER: No, no, do what you have to, Mr Hickey.
36 Sorry, 79, did you say?
37

38 MR HICKEY: Paragraph 89, please.
39

40 Q. Now, here you are giving some evidence about things
41 undertaken by the analytical team in respect of the review
42 of DIFP samples. Do you see that?

43 A. Yes.
44

45 Q. And you say:
46

47 ... (which I understand is just a review to

1 *check ...)* ...

2

3 And then you say some other things to the rest of that
4 clause; do you see that?

5 A. Yes.

6

7 Q. You yourself don't personally work in the analytical
8 team?

9 A. No.

10

11 Q. Have you ever worked in the analytical team?

12 A. No.

13

14 Q. You don't personally do this kind of work?

15 A. Review from these work lists? No, that - according to
16 the standard operating procedure, that's an analytical
17 task.

18

19 Q. I want to ask you this, then: are you aware that the
20 reviewing operator in the analytical team checks positive
21 and negative controls as part of this process?

22 A. Yes.

23

24 Q. And that they check standards have been run?

25 A. Yes.

26

27 Q. And so given that, do you agree with me that the
28 process is not as perfunctory as you appear to intend to
29 suggest there in paragraph 89?

30 A. We have a quality system in place that has many steps
31 along the way. So I didn't - haven't explicitly stated
32 what those quality steps are but I understand that there
33 are steps taken outside of what I have specifically
34 mentioned in my statement. This is referring to how it
35 relates to us in reporting. So in reporting, the DIFP and
36 no DNA detected reporting lines, which are lines that
37 I write statements on, are added and reviewed by analytical
38 staff. That was the point I was making in that particular
39 point, 89.

40

41 THE COMMISSIONER: I read that paragraph - and if you need
42 to test this by all means, Mr Hickey - as advancing the
43 proposition that it's the task of the staff member in the
44 analytical section to check that the quantitation value
45 attributed to the sample, which has been placed in a DIFP
46 set, justifies its being placed in a DIFP set, so it's just
47 an objective look at the number. Of course, there might be

1 other things that are looked at to make sure that the
2 result is correct, such as positive and negative controls,
3 but relevantly, the only question about whether it should
4 remain in the DIFP set and not be processed is the number.
5 That's what I understood to be the purport of that
6 paragraph, and nothing more.

7
8 MR HICKEY: I can't take it any further. I have my
9 instructions and I have put them.

10
11 THE COMMISSIONER: Yes, I understand. But I understand it
12 narrowly in that way, I mean.

13
14 MR HICKEY: Yes.

15
16 Q. Could we turn then, please, to paragraph 100. Now,
17 here you are giving some evidence about an email between
18 you and Mr Howse. It is exhibit AQ-06 [WIT.0012.0026.0001]
19 and I will come to it in due course. It is on around
20 30 April 2021 you spoke to Mr Howse about concerns raised
21 in your email of 29 April 2021 and you attribute to
22 Mr Howse some things that you recall he said. You don't
23 explicitly say so in paragraph 100, but can I assume you
24 don't, or rather you did not, agree with Mr Howse's
25 response?

26 A. What are you taking as his response?

27
28 Q. Well, he said he did not see the benefit of
29 undertaking your proposal just to see what happens - that
30 is to say, he, on your evidence, had formed the view that
31 there was no benefit in doing what you had proposed. Did
32 you disagree with that?

33 A. Yes.

34
35 Q. You didn't write back to him to say, "We've had this
36 conversation. You've told me you don't see any benefit in
37 it. I disagree with that"?

38 A. No, I went and had a conversation with him about it.

39
40 Q. And notwithstanding that, he formed a view that was
41 contrary to yours?

42 A. Yes.

43
44 Q. Was this one of those cases where simply reasonable
45 minds differed?

46 A. I don't think so, because I told Justin about some
47 samples that I had reworked and the types of results I had

1 obtained, and that's not my opinion versus another
2 scientific opinion, that's just fact.

3

4 Q. Okay. And so given what you've said earlier in the
5 day about the effective process of science being a robust
6 exchange of ideas and people challenging one another, ought
7 you not really have challenged him at that point further by
8 saying, "I think you are wrong about this and here are the
9 reasons why"?

10 A. I'm sure that that formed part of our discussion, but
11 it doesn't form part of the email chain, unfortunately.

12

13 Q. But you concluded, nevertheless, at the end of the
14 conversation that he was wrong, didn't you?

15 A. I - it wasn't a right or wrong, it was "This is what
16 I've been finding. I would like to do some further work."
17 I wasn't authorised to do that further work as a formal
18 project or anything like that, so I just made the decision
19 that if I was writing a statement on a case that had "DIFP"
20 and that my name was going on top of the Justices Act,
21 underneath the Justices Act, that I was going to make sure
22 that those results had been fully processed.

23

24 Q. So do I understand then that, notwithstanding that
25 being Mr Howse's position, you were able to take steps that
26 you regarded as being appropriate, given the things that
27 you had identified?

28 A. Well, I needed to.

29

30 Q. You weren't stifled in doing that?

31 A. No.

32

33 Q. You weren't admonished by Mr Howse for doing that?

34

35 THE COMMISSIONER: Well, you can't put that to her
36 unless - as an implicit admission of something, unless you
37 establish that Mr Howse knew, or put to her that he knew or
38 posit that you will show that he knew. The fact that he
39 didn't admonish her is meaningless unless he knew and chose
40 not to admonish her and then there is something in that.

41

42 MR HICKEY: All right.

43

44 Q. You have said, I think, that Kylie Rika knew that this
45 was your process?

46 A. Yes, I think so.

47

1 Q. She was your line manager at the relevant time?
 2 A. Yes. And even since then, since she's not my line
 3 manager, I've probably still had discussions with her about
 4 this.
 5
 6 Q. And so at the time she was your line manager, she
 7 didn't tell you not to do that?
 8 A. No.
 9
 10 Q. She didn't say, "You shouldn't do that." She didn't
 11 tell you that anybody in her up-line had told her to tell
 12 you you shouldn't do that?
 13 A. No.
 14
 15 Q. All right. Can we deal then, please, with
 16 Ms Quartermain's second statement. Could we zoom up,
 17 please, Mr Operator, paragraph 5 [WIT.0012.0028.0001].
 18 Here you say that, in your view, the split between
 19 analytical staff and reporting scientists and the
 20 associated tasks is not presently the most efficient use of
 21 resources. When did you come to hold that view?
 22 A. I don't really know when it was. It's just something
 23 I've noticed over time, that certain staff within
 24 analytical have mentioned to me that they would be
 25 interested in learning some reporting tasks, but haven't
 26 been allowed to do that, and I've thought it would be
 27 great, actually, to have some additional help in times when
 28 our work lists have got a lot of samples on them and we
 29 could potentially borrow staff from another department for
 30 a period of time to help alleviate that.
 31
 32 Q. Now, you say that they've told you they weren't
 33 allowed to do that. You don't know the reason why?
 34 A. No.
 35
 36 Q. You've never raised this particular observation or
 37 conclusion with Mr Howse?
 38 A. No.
 39
 40 Q. You've never raised it with Ms Allen?
 41 A. No. It --
 42
 43 Q. So until they have received this statement from you
 44 neither of them, you would accept, has had an opportunity
 45 to consider this view of yours before now?
 46 A. Not consider this view of mine, but I would be
 47 surprised if they weren't aware that there were analytical

1 staff that wanted to learn reporting tasks.

2

3 Q. But you don't know that for sure, do you?

4 A. I don't know that.

5

6 Q. Can I take you, please, to paragraph 17 of this
7 statement. There you tell us that you feel that if you
8 challenge or ask a question about a decision made by
9 management, you have a target on your back. Can I suggest
10 to you that you've never told Justin Howse you feel this
11 way?

12 A. Not with respect to any particular person.

13

14 Q. Can I suggest to you that you've never told
15 Justin Howse that you feel that if you challenge or ask
16 a question about a decision made by management, you have
17 a target on your back?

18 A. No, I haven't explicitly said those words to him.

19

20 Q. And similarly, you've never told Cathie Allen that
21 either?

22 A. No.

23

24 Q. Can I suggest to you that you personally have never
25 been reprimanded for making a suggestion?

26 A. I'd need time to think about that. I've been working
27 there for 17 years.

28

29 THE COMMISSIONER: Q. I'm sorry, what's that?

30 A. I was just saying I don't think I can answer that
31 question without having some time to think about it,
32 because I've been there since 2005. I can't right now
33 think of a specific example, but I would like time to think
34 about it if that's an important question for me to answer.

35

36 MR HICKEY: Q. Could I put it this way, there is nothing
37 so significant that it has stuck in your memory as being an
38 occasion upon which you have been reprimanded for making
39 a suggestion?

40 A. Not reprimanded.

41

42 Q. Or admonished?

43 A. I feel like - because of things that I have brought up
44 at work over time, things sometimes can - it makes me feel
45 like when I'm after an answer for something, or requesting
46 something, that things can take a bit longer than they need
47 to.

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Q. All right. Could I suggest to you that feelings are different from facts?

A. Yes.

Q. You can't point to any particular fact upon which you rely in substantiating the suggestion that if you challenge or ask a question about a decision made by management, you have a target on your back?

A. That's my perception.

Q. It's your feeling?

A. It's my feeling and it's my perception of the circumstances that have happened over various events over time.

Q. Could we please go to a suite of email exchanges between you and Ms Allen. It's exhibit AQ-01 to this statement, [WIT.0012.0029.0001]. Thank you. This, as is traditional with email chains, starts from the bottom. Can I start there, please. The first relevant email is on page 0005.

Now, if we scroll to the bottom, Ms Quartermain, we see that unfortunately, we don't have the benefit of whatever your original email to Ms Allen was here, and if somebody else can tell me what it was, I'm happy to take you to it, but in any event, in this chain, the substance starts with Ms Allen's response to you. Do you agree with that?

A. Just based on what I'm looking at on the screen, yes.

Q. Of course. So here we see this is Ms Allen responding to you. She starts by saying, "Thanks for your email". So you would agree that right off the bat she's grateful for the fact that you have corresponded with her. That's what she says?

A. Mmm-hmm.

Q. Then if we scroll down, please, Mr Operator, remaining on that page, thank you, below where we see "Received", "Started", if you could zoom in on the last paragraph, thank you.

Here she responds in substance to some of the matters that you and she were discussing?

A. Right.

1
2 Q. And she says this, relevantly, in respect of those
3 matters:

4
5 *... I'm not sure where they are, I haven't*
6 *had the time to trawl through everything to*
7 *find that out I'm afraid).*

8
9 Would you agree with me that that's conciliatory language
10 by which she acknowledges that she's not giving you the
11 answers that you've been looking for?

12 A. I can see that what she's saying is that there are
13 unaccounted samples that she - and she doesn't know where
14 they are.

15
16 Q. She's quite open about the fact that she hasn't had
17 the time to do some things?

18 A. Yes.

19
20 Q. "I'm afraid"?

21 A. Yes.

22
23 Q. Effectively saying she's apologetic about that; would
24 you agree?

25 A. Yes.

26
27 Q. There is nothing in the substance of that email, in
28 which Cathie Allen says to you, "Please don't bother me
29 with your questions or suggestions"?

30 A. I hope not. No, I don't think there is. I haven't
31 reread it, but no, I don't - I can't think of any instance
32 where Cathie has said that in an email to me.

33
34 Q. So nothing in the substance of this email that would
35 lend support to your suggestion that if you challenge or
36 raise a suggestion about a decision taken by management,
37 you've got a target on your back?

38 A. I don't mean that with respect to every challenge, but
39 there have been challenges and that's how I've felt as
40 a result of those challenges.

41
42 Q. Now, if we could scroll up, please, Mr Operator, we
43 see at the bottom of page 0004_R - could we just zoom in to
44 that email, please - here you say:

45
46 *Hi Cathie.*

47 *Thanks again for your email.*

1
2 And in the final line of the first paragraph you ask her
3 a direct question:

4
5 *Why wouldn't they use all available data,*
6 *do you know? I wonder why they just choose*
7 *such a small sample set to gauge TAT?*

8
9 So could I suggest to you that here is an example of you
10 challenging or asking a question about a particular policy
11 or procedure?

12 A. I don't think I'm challenging, I'm just wanting to
13 know why would QPS only use such a small dataset to
14 determine our turnaround time.

15
16 Q. You're asking a question --

17 A. Yes.

18
19 Q. -- of Ms Allen --

20 A. Yes.

21
22 Q. -- about decisions that have been taken?

23 A. Just about a metric, just about how QPS have
24 calculated our turnaround time.

25
26 Q. And on 26 November 2020, which is when this email was
27 sent - if we scroll up a little bit you'll see that - you
28 felt perfectly comfortable, notwithstanding that lengthy
29 email that Ms Allen had just sent to you, in pushing back
30 to ask a further question?

31 A. It's just a question. It's just something that
32 I wanted to know, so if I've got a question, I would always
33 direct it to the appropriate manager that I thought could
34 answer my question.

35
36 Q. Of course. You felt comfortable asking that of
37 Ms Allen?

38 A. Well, I knew that Ms Allen, to my best - to my
39 knowledge, is the only one that could answer that question.

40
41 Q. So this is an example, isn't it, of a case where you
42 don't go to Rika or Johnstone but instead you go around
43 them to Ms Allen because she is the one who can answer your
44 question?

45 A. That's how I approach all my scientific work. I don't
46 go to the person who gets paid more than me or - I go to
47 the person who knows the answer to the question or could

1 help me. For example, in DNA profile interpretation, I go
2 to the scientist who has the most experience with that type
3 of DNA profile interpretation.
4

5 Q. All right. And you would agree with me, wouldn't you,
6 that - and read it if you need to - Ms Allen appears to be
7 engaging with you in her earlier response in a genuine and
8 bona fide way?

9 A. Could I just get the whole email up, please? Is that
10 one on screen the one you are wanting me to read?
11

12 Q. That's the one. [WIT.0012.0029.0001 at 0005]

13 A. Okay, I've read that. What was your question, sorry?
14

15 Q. You would agree with me that she appears in that email
16 to be engaging with your questions in a genuine way?

17 A. Yes.
18

19 Q. You didn't form the view, when she wrote that to you,
20 that she was being dismissive of you?

21 A. No.
22

23 Q. Disinterested in assisting you with your inquiry?

24 A. No.
25

26 Q. All right. Can we scroll up, then, please,
27 Mr Operator, again to page 4. I have taken you to this,
28 this is the email I took you to a few moments ago. This is
29 your response to her?

30 A. Yes.
31

32 Q. If we scroll up a little bit further, we see later
33 that day at the bottom of page 2, Ms Allen again responds
34 at length to the question that you had raised in that email
35 that I have taken you to where you say, "Why wouldn't they
36 use all the available data"; do you see that?

37 A. Yes.
38

39 Q. And your email to her was sent at 3.20. Two hours
40 later on the same day, she sends you this lengthy response.

41 A. Yes.
42

43 Q. Now, what we see, then, is that the next morning, if
44 we scroll up to page 2, is an email that you send to all of
45 those people we see listed there?

46 A. Yes.
47

1 Q. But excluding Ms Allen; do you see that?
 2 A. I didn't intentionally exclude anybody; this was just
 3 an email that was sent to my team. They are not specific
 4 people, they are just my team.
 5
 6 Q. So you have forwarded this on to your team?
 7 A. Yes.
 8
 9 Q. You say:
 10
 11 *Please find below a response from Cathie.*
 12 *Maybe my reply to her email will bring it*
 13 *back to my original question.*
 14
 15 That was you making a snide remark about Ms Allen's
 16 response to your question, wasn't it?
 17 A. No.
 18
 19 Q. That was you suggesting to your team that she had
 20 failed to answer your original question?
 21 A. No. That wasn't my intention by sending that at all.
 22
 23 Q. What was your intention?
 24 A. I would have to go back and re-read this email chain
 25 to get the flow back in my head but I never intended for
 26 anything to come across as snide or anything.
 27
 28 Q. It was implicitly critical of Ms Allen?
 29 A. No, not really.
 30
 31 Q. You didn't, for instance, rather than forwarding it on
 32 to your team at 7.12 the next morning --
 33 A. Yes.
 34
 35 Q. -- respond to Ms Allen to say, "Could we return to my
 36 original question"?
 37
 38 THE COMMISSIONER: Well, I guess it's a long email chain
 39 and we might take a 10-minute break and let Ms Quartermain
 40 read it and then you can continue, Mr Hickey.
 41
 42 MR HICKEY: Thank you, Commissioner.
 43
 44 THE COMMISSIONER: We will adjourn for 10 minutes.
 45
 46 **SHORT ADJOURNMENT**
 47

1 THE COMMISSIONER: Yes, Mr Hickey.

2

3 MR HICKEY: Thank you, Commissioner.

4

5 Q. So, Ms Quartermain, have you had the opportunity,
6 across the break, to refresh your memory about that email
7 chain?

8 A. Yes.

9

10 Q. So can I ask you then again, in respect of that email
11 that's on the screen, isn't it the case that that second
12 sentence was really calculated to undermine Cathie in the
13 eyes of your team?

14 A. No.

15

16 Q. You could, for instance, have simply forwarded the
17 response from Cathie?

18 A. I could have.

19

20 Q. You could simply have said, "I don't think this
21 answers my original question, I'm going to send her
22 a follow-up"?

23 A. I could have.

24

25 Q. But instead you wrote that, and I suggest to you
26 that it was intended to imply something negative about
27 Cathie Allen to the team?

28 A. It wasn't. It was - there was an email prior to this,
29 which was not part of this email chain, where I asked
30 Cathie a particular question about that, and I hadn't had
31 a direct response yet because apparently she had to look
32 into it further with respect to percentage of staff
33 required to be available at that particular time. So
34 I hadn't had a response to that, but I read from what
35 I said was, maybe in - maybe my reply email to her email
36 will bring it back to the original question, so maybe my
37 reply to the email that she has sent me, I'll bring that
38 back up so we can see if we can get an answer.

39

40 Q. Can I suggest to you, Ms Quartermain, that that's
41 simply not true?

42 A. No - well, you can suggest it, but there's no ill
43 intention there with respect to what you're suggesting
44 around how I'm trying to portray Cathie. There's nothing
45 like that there.

46

47 Q. All right. Can we scroll up the chain, please. Stop

1 there, please, Mr Operator. Here is your response to
2 Cathie.
3 A. Yes.

4
5 Q. We see in the third-last line of the first paragraph,
6 you tell her that this issue:

7
8 *... has caused somewhat of a divide between*
9 *departments as we all try to work out where*
10 *the bottleneck is and where the bulk of the*
11 *outstanding work actually sits.*

12
13 Then you ask her for something:

14
15 *Are you able to provide some clarification*
16 *around this to everyone?*

17
18 Now, you felt perfectly comfortable, didn't you, in writing
19 that to Cathie to communicate your concern that there was
20 a division between departments within the team?

21 A. I felt that it was necessary to bring it up with her
22 so that she was aware.

23
24 Q. If we scroll up a little bit further, we see you then
25 forwarding the email that you have just sent to Cathie to
26 the rest of the team, keeping them all in the loop,
27 presumably?

28 A. Yes.

29
30 Q. And then if we scroll up a little bit further - stop
31 there please, Mr Operator - we see Cathie's response to
32 that email of yours; that's right, isn't it?

33 A. Yes.

34
35 Q. And what she opens by saying is "Thanks for your
36 feedback ... it's really appreciated." That didn't make
37 you feel like your suggestion was unwelcome, did it?

38 A. What suggestion are you referring to?

39
40 Q. The contents of your previous email where you
41 suggested to her that there had been a divide between the
42 departments as they all tried to work out where the
43 bottleneck is, "Are you able to provide some clarification
44 around this to everyone"?

45 A. Yes.

46
47 Q. So you agree she was grateful for that suggestion,

1 don't you?

2 A. She says that it's appreciated. But from memory,
3 I don't remember her, like - sorry, I just want to read
4 this part of the email again.

5

6 Okay. So she's saying that if there's talk of divide
7 between teams, perhaps approach your line manager or team
8 leader to discuss.

9

10 Q. I'll come to that. There's nothing in this email, is
11 there, when you received it in December 2020, which caused
12 you to think that Cathie Allen was not receptive to the
13 contents of your earlier email?

14 A. No.

15

16 Q. There's nothing in this email, as you sit and look at
17 it now, which suggests that your questions were not
18 welcome?

19 A. No.

20

21 Q. There's nothing about this email that suggests that by
22 raising these questions, it was likely that you might have
23 a target on your back?

24 A. As I said to you earlier, it's not every single thing
25 that I've brought up over time with management that makes
26 me feel that way.

27

28 Q. Would you answer my question, please? There's nothing
29 in this email --

30 A. This email did not make me feel like I had a target on
31 my back.

32

33 Q. Thank you. So then we go on to the second paragraph,
34 and she acknowledges what you have raised in the earlier
35 email:

36

37 *If staff feel that there are issues between*
38 *teams ...*

39

40 That was the gist of what you were raising, wasn't it?

41 A. Yes.

42

43 Q. So she has identified correctly the very problem you
44 had raised with her?

45 A. Yes.

46

47 Q. Then she goes on to say:

1
2 *-- it would be great if they could*
3 *highlight this to their line manager so*
4 *that each team can discuss it ...*
5

6 So can I suggest to you that in response to the issue you
7 had raised she'd turned her mind to it and proffered you
8 a suggestion?

9 A. Yes.

10
11 Q. You didn't consider that was unacceptable?

12 A. No.

13
14 Q. You didn't suggest to her at any time after you
15 considered that was unacceptable?

16 A. No.

17
18 Q. And you would agree now, wouldn't you, that that's an
19 entirely appropriate way to deal with the issue that you
20 had raised?

21 A. Yes.

22
23 Q. You never told Cathie Allen that you had raised this
24 issue, you personally, with your line manager?

25 A. I don't remember whether I discussed this with my line
26 manager or not. I would have thought I did, but I don't
27 remember.

28
29 Q. But in any event, you didn't say to Cathie, "I don't
30 think that's an appropriate way to solve this problem"?

31 A. No.

32
33 Q. And so you would agree, wouldn't you, that unless you
34 told her that, if that indeed was your view, she could
35 never know that?

36 A. Did I say that was - what do you mean, that was my
37 view?

38
39 Q. The only way Cathie Allen could know what you were
40 feeling was if you told her?

41 A. With respect to the team divide?

42
43 Q. The divisiveness in the team?

44 A. Yes.

45
46 Q. And her proposed response?

47 A. Yes, yes.

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Q. Can we scroll, please, to the top of that page, Mr Operator. That's it, thank you.

And so here we have your forwarding Cathie's response to the rest of the team. Now, it's not clear when Cathie responded to you, but it's, can I suggest, some time between 3 December at 2.15pm, we see that at the bottom of the page, if we scroll down, please, Mr Operator, there - that's your email to Cathie. And then the next email from you we see at the top of the page is the next morning at 6.45am. So would you agree with me that Cathie must have emailed you some time between those two times?

A. Yes.

Q. So she didn't leave you waiting for a response?

A. No.

Q. She was prompt in dealing with and acknowledging your concerns?

A. Yes.

Q. All right. And then we see your forwarding to the team here, at 6.45am on 4 December, in the second paragraph we see you say:

Please see below for the response I received from Cathie. I don't feel as though any of my questions/suggestions were actually addressed, but it is a response nonetheless!

A. Yes.

Q. Again, that's a snide remark, can I suggest to you?

A. It's not. I often ask questions in emails like this, and I don't feel like I get an answer.

Q. Wouldn't you agree with me that a woman as experienced and as intelligent as you ought to have solved this particular problem by putting it directly to Cathie Allen, rather than by complaining about Cathie's response --

THE COMMISSIONER: Which particular problem?

MR HICKEY: The fact that Cathie Allen did not "actually address" any of Ms Quartermain's questions/suggestions.

1
2 THE WITNESS: I don't believe my email there is just
3 referring to the immediate email. I believe it would be
4 referring to things that the chain of emails has addressed,
5 that thread of emails, not just that one.
6

7 MR HICKEY: Q. At no time since 4 December 2020 until
8 today have you brought to Cathie Allen's attention that
9 this was not satisfactorily resolved in your mind?

10 A. No, I feel like over time it's resolved itself. It
11 resolved itself for a period of time with respect to
12 outstanding samples and bottlenecks, so it wasn't anything
13 that really needed any further action.
14

15 Q. And yet you saw fit to include this as evidence
16 relevant to proffer to the Commission?

17 A. This was part of an email chain, and as anyone would
18 know, email threads can go on and on and on. I was trying
19 to keep the things that were relevant to the Commission
20 that are in the email chain and provide what I thought was
21 relevant. There's probably emails after this and emails
22 before this.
23

24 Q. Could we go, then, please, to exhibit AQ-06 to
25 Ms Quartermain's first statement. Mr Operator, it's
26 [WIT.0012.0026.0070]. I think you have been taken to this
27 email already today. Could we start, please, by zooming in
28 at the bottom of that page, Mr Operator - oh, our pages are
29 different. In any event, scroll in at the bottom of that
30 page, please, where the header is. So we see here is the
31 email that you send on 29 April 2021, and the subject is
32 "DNA insufficient for further processing". If we scroll
33 on, please, Mr Operator, regrettably this is a little bit
34 illegible. Do you have a copy in front of you there?

35 A. I can find it.
36

37 Q. It's all right, I could probably deal with it in any
38 event. Can you see that in the second paragraph there, in
39 the end of the second line, you say you:

40
41 *... strongly feel that we should be*
42 *processing a lot of these samples these*
43 *days, especially ones that may have a quant*
44 *value close to the cut-off range.*
45

46 Do you agree that's what that says?

47 A. Yes.

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Q. This is in the context of your having made reference to the fact that the piece of equipment called 3500 had been brought into action?

A. Yes.

Q. All right. So that's your email at 3.52 on the 29th. If we scroll up, please, Mr Operator, and stop there and zoom in on that email, please, here we see first thing the next morning, Mr Howse responds to you. He says:

Hi, happy for you to come and talk about this. It seems there are some things that require further clarification.

I am available most of the day.

A. Yes.

Q. You would agree with me that there's nothing in that correspondence which evinces an unwillingness on the part of Mr Howse to entertain your concerns?

A. No. He seems willing to have a chat.

Q. He encouraged you to have a chat, didn't he?

A. Yes.

Q. Indeed, that's what you did?

A. I did.

Q. You didn't feel as a consequence of that exchange, and indeed the chat, that you had a target on your back?

A. No.

Q. There wasn't anything that Mr Howse did that made you feel that way?

A. No.

Q. Can I suggest to you, then, Ms Quartermain, at least in respect of Mr Howse and Ms Allen, that any perception you may have that by challenging or asking them questions about decisions they had taken would lead to your having a target on your back was simply not founded in reality?

A. Not with respect to the scientific things that you are bringing up, but there are other things that have happened over time that are not related to the science that have made me feel that way.

1
2 Q. So your concerns really are, aren't they, about the
3 non-scientific stuff?

4 A. When you're talking - when you mention about me
5 feeling as though I have a target on my back, that's
6 related to non-scientific stuff.

7
8 Q. And there's nothing that either Mr Howse or Ms Allen
9 has ever done to lead you to conclude that in respect of
10 the scientific stuff, you have a target on your back?

11 A. No.

12
13 Q. Thank you. Now, could we go, then, please, to
14 Ms Quartermain's second statement at paragraph 17
15 [WIT.0012.0028.0001_R at 0003_R] thank you, Mr Operator.
16 That's the first sentence I've been dealing with. Then
17 I want to ask you some questions about what you say in the
18 next sentence:

19
20 *There is a very high level of control over*
21 *employees that makes us feel like we're not*
22 *trusted.*

23
24 Now, who is it that you say exercises this very high level
25 of control?

26 A. Cathie.

27
28 Q. Thank you. And what in particular is it that you
29 point to, if anything, other than the examples that you
30 have given about the stationery cupboard, the working
31 hours, flexible work arrangements, calling in sick, that
32 kind of thing - what else, if anything, do you point to as
33 evidence of that very high level of control over employees
34 that you say Ms Allen exercises?

35 A. Well, they're the things that affect me directly and
36 significantly, so I'm sure there are other things, and if
37 you'd like me to go away and think about it and come back
38 to you I can, but they're the things that come to mind -
39 were coming to mind when I wrote this statement.

40
41 Q. Would you agree with me that those are, again, the
42 non-scientific stuff rather than the scientific stuff?

43 A. It's not the science but, for example, my flexible
44 work arrangement and allowing me to be able to work
45 full-time versus part-time does have an impact on the
46 scientific output of my department.

47

1 Q. Could I ask you this, when you say "very high level of
2 control", compared with what?

3 A. Well, compared with, for example, the police services'
4 stream consists of forensic DNA and forensic chemistry, and
5 as far as I'm aware, forensic chemistry don't have any
6 rules as to when they - like, specific hours that they need
7 to call in sick, they don't have locked stationery
8 cupboards, so compared to the other department under
9 Cathie's managing scientist, under her as the managing
10 scientist.

11
12 THE COMMISSIONER: Q. I don't understand the calling in
13 sick point. You said you had to call in sick between 8 and
14 9 --

15 A. That's correct.

16
17 Q. -- if you are sick and taking the day off. What
18 happens if you call in at half past 9?

19 A. We'll probably get an email the next day reminding us
20 to call in between 8 and 9.

21
22 Q. And who do you call between 8 and 9?
23 A. Our admin department in forensic DNA.

24
25 THE COMMISSIONER: Thank you.
26

27 MR HICKEY: Q. What's the problem with receiving an
28 email the next day reminding you to follow procedure?

29 A. I just don't understand why the strict between 8 and 9
30 needs to exist when it doesn't exist for other departments.
31 If someone has had a bad night with sick children and falls
32 asleep and wakes up at 9.30, calls in sick to look after
33 their children, I don't feel like that's the type of thing
34 that they should be worried and stressed about calling in
35 half an hour late when they've got sick children at home.

36
37 Q. You've never suggested to Ms Allen that you felt
38 stressed or anxious about having sick children and having
39 to call in late because of that, have you?

40 A. I never - I hardly even see Cathie, let alone speak to
41 her.

42
43 Q. Similarly, you've never had that kind of exchange with
44 Mr Howse?

45 A. I don't call in sick to Justin, I call in sick to
46 admin.

47

1 Q. You don't know, do you, whether that particular
2 procedure has been foist upon you by admin as distinct from
3 Ms Allen?

4 A. I don't recall a specific discussion but I know there
5 has been a discussion that I was in because I remember it
6 being said that that was a rule that Cathie had brought in.
7 Now, I don't remember when it was, I just remember hearing
8 those words from one of the admin staff.
9

10 Q. Can I suggest to you that it's really entirely
11 unreasonable to compare what the administrative
12 arrangements might be in the FSS laboratory with the
13 administrative arrangements that might exist in a separate
14 work group within an entirely discrete department?

15 A. I don't really know what you're asking. Sorry, can
16 you ask me again?
17

18 Q. Yes. Assume that the FSS lab is an apple, and assume
19 that the QPS lab is a pear. It's not appropriate to --
20

21 THE COMMISSIONER: No, that's not a question. That's not
22 a question, Mr Hickey. I know what you're getting at, but
23 really, that's not a question. If she assumes that one is
24 an apple and one is a pear, of course it's not right to
25 compare, but that doesn't help me.
26

27 MR HICKEY: Thank you, Commissioner.
28

29 Q. Now, the other point you make is stationery. That was
30 one of the other things that you raised as being --
31

32 THE COMMISSIONER: Sorry to interrupt you, Mr Hickey, and
33 there is no pressure on you, we can keep going if you want
34 to, but we can also adjourn.
35

36 MR HICKEY: Thank you. Sorry, Commissioner, I hadn't
37 noticed the time.
38

39 THE COMMISSIONER: You need not apologise. It takes as
40 long as it takes.
41

42 MR HICKEY: I've still got quite a way to go.
43

44 THE COMMISSIONER: All right. We will adjourn until
45 tomorrow. Thank you.
46

47 You will have to come back until tomorrow,

1 Ms Quartermain. Shall we adjourn until 10 tomorrow, does
2 that suit, or is anybody concerned about time?

3

4 MS REECE: 9.30 perhaps?

5

6 THE COMMISSIONER: Does anybody object? No? We'll
7 adjourn until 9.30, then.

8

9 **AT 4.36PM THE COMMISSION WAS ADJOURNED**
10 **TO TUESDAY, 11 OCTOBER 2022 AT 9.30AM**

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