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

THE COMMISSIONER: Yes, Ms Reece?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DNA might be on any one sample.

There have been three major changes in the laboratory since these mixed profiles have started to appear, including changes to cleaning regime, extraction method and the use of the 3500 Genetic Analyser instrument.

Angelina Keller is concerned that one or more of those changes may be causing the issue with mixed profiles.

She also raises issues to do with her involvement with bones in the laboratory, the actual work that she has been doing now for such a long time. She has been told not to attend coronial identification meetings or to attend the mortuary to assist with sample selection. She does not feel included or consulted in these decisions and is concerned that she will be de-skilled.

She will also outline to you, Commissioner, her participation in previous efforts to improve the culture of the laboratory, including through some work with an organisation called Workplace Edge, and through previous executive director, John Doherty.

Commissioner, Rhys Parry will be called tomorrow, we anticipate. He is a reporting scientist who has worked in the lab since 2006. He holds a postgraduate qualification in data science. This qualification is one he obtained of his own volition and with very limited support from his workplace. Despite this qualification --

THE COMMISSIONER: By "his own volition", do you mean at his own expense?

MS REECE: Yes. He was given very limited support in pursuing that postgraduate qualification. Despite that qualification he says he is rarely called upon for input into project design and analysis. He was, though, approached by Justin Howse in July of 2017 and asked to look at some calculations on a spreadsheet relating to some data mining Mr Howse was doing of historical microcon processes.

Rhys looked at that data and he produced a plot of success probabilities and a table of the probabilities at various concentrations. He gave those documents to Mr Howse and heard nothing further until Kylie Rika and

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

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

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

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

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

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

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

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

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

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

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

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

Ingrid was also directed to attend a meeting relating

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

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

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

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

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

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

THE COMMISSIONER: Thank you.

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?

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

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

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

THE COMMISSIONER: All right.

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

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

MS REECE: Thank you.

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

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

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

MS REECE: Thank you, Commissioner.

Q. Ms Quartermain, you have had a chance to review both of those statements?
A. I have, yes.

Q. Is there anything that you wish to change?
A. No.

Q. You are currently an employee of Queensland Health Forensic and Scientific Services; is that right?
A. Yes.

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

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?

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

Q. How was the communication conveyed to staff at the lab?
A. Via email.

Q. Was there any further discussion of that decision?
A. After the email was received, there was discussion within the lab reporting teams about the change in process.

Q. And in your statement you refer to Ms Allen walking around the desks of the reporting scientists in the laboratory?
A. Yes, I do remember that.

Q. And do you recall what the nature of your discussion was with Ms Allen?
A. I remember speaking to her about the decision that had been made with respect to amping priority 2 samples at 15 microlitres without assessing them prior to that amp. Am I able to just look at my statement with respect to the words that I've used, because that's how - at the time that I wrote this statement, my best recollection of how it was worded to me.

THE COMMISSIONER: Q. Yes, look at the statement, but give us your - refresh your memory but give us your recollection.
A. Okay. So I do remember asking Ms Allen why the decision was made to amplify everything at 15 without making the assessment based on the sample type, and that, in my opinion, that wasn't the best way to process these samples because, depending on the quant value of the sample type, the rework that may follow would be potentially different.

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

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

Q. But without a concentration step?
A. Correct.

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

Q. What do you mean, "depending upon the sample type"?
A. In my experience, if we have a sample type, for example, a sample that has been submitted as blood or a sample that has come from a Sexual Assault Investigation Kit from a person, those samples generally will give us a single-source profile or potentially a two-person mixed DNA profile. We don't often get complex mixed profiles that we can't interpret from those particular sample types.

Q. That is, more than two people?
A. Yes. Yes. So with samples that potentially only have one or two contributors, the very-low-level samples that fall within that quant range of .001 up to .0088, if they are at the lower end of that range and I'm expecting to still see only a single-source profile or a two-person mixed DNA profile, I wouldn't want those samples automatically amplified at 15 microlitres, potentially wasting 15 microlitres of sample, prior to a concentration step.

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

Q. But in concentrating what is left, you have just lost 15 microlitres containing whatever DNA was in there?
A. That's correct, yes.

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?

A. Yes.

Q. What do you consider - what do you think of that response?
A. Well, as our managing scientist, it's unusual for her to be thinking that utilising 15 microlitres of sample for each and every one of those samples is potentially not affecting the outcome at the end, because, in my opinion, it could be the difference between obtaining a useable interpretable DNA profile and obtaining a DNA profile that can't be used or compared to reference samples.

Q. Had there been any consultation with the reporting scientists to your knowledge prior to this decision being taken?
A. Not to my knowledge.

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

Q. The directive on 19 August was as follows:

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

that range that you can see on the screen there.

A. Yes.

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

-- should be concentrated down to a volume of 35µL and undergo one amplification process.
If further amplification is considered beneficial, and if this process will exhaust the remaining sample volume, then written approval must be obtained from the Queensland Police Service (QPS) prior to that process being initiated.

Were you consulted about that decision?
A. No.

Q. Can you tell the Commission what you thought about that decision in terms of best practice for those samples that you were processing in the lab at the time?
A. So my thoughts are similar to the auto-amplification at 15 microlitres in that I believe that each sample should be assessed on a sample-by-sample basis based on the sample type and the quant value for that sample and not just use a blanket decision to cover all samples that fall within that quant range.

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

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

Q. What's the other option, that you could concentrate to what?
A. One of the other options that we often use is what we call a microcon to full, so rather than concentrating down from 90 microlitres to about 35, we attempt to concentrate down to about 15 microlitres.

Q. Which is the amount that you're going to use for amplification, that's your minimum amount for amplification, isn't it?
A. That's correct.

Q. But "to full" means you are going to use up the whole liquid then in the amplification process?
A. That's correct.

Q. That's why it's full?
A. Yes.

Q. Yes, I understand. So what were you saying about the wisdom or un-wisdom of a direction to concentrate everything to 35?
A. So an example would be if you had a sexual assault swab, say a sperm portion of a sexual assault swab, and the quant value was in the mid range there, say 0.004, and that sample was concentrated down to 35 microlitres and then

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

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

THE COMMISSIONER: I understand.

MS REECE: Q. Ms Quartermain, as a result of the concerns that you had following these two decisions, did you speak to Queensland Police Service and speak to David Neville?
A. I did, yes.

Q. And that was on 7 September?
A. I can't remember when it was, I'm sorry.

Q. Have you seen a transcript of your discussion with Inspector Neville?
A. Yes.

Q. And you agree that that transcript is accurate and what you recall saying to him?
A. And my concerns, yes.

Q. The concerns that you were raising then with Inspector Neville were what you have just spoken to the Commissioner about; is that right?
A. Correct, yes.

Q. I think you also explained to Inspector Neville that in fact the concern around the sample being exhausted does have a different aspect to it in that there can be a reprocessing of the spin basket?
A. That's correct.

Q. Could you explain that to the Commissioner?
A. So when a sample is processed, for example, a swab, and it goes through the extraction process, the swab is actually retained in - the top portion of a tube when we spin the liquid out, the swab head itself remains in that spin basket, as we call it. We at the laboratory retain those spin baskets indefinitely and we have used those historically to go back and do some investigation. If we have suspected that we have needed to do investigation for whatever reason, we can go back to those swab heads that still have some DNA retained within the swab and re-extract that swab head and obtain useable DNA profiles from the remaining DNA that has been trapped within the fibres of the swab head at a later date.

Q. And you explained that to Inspector Neville because there were some concerns being raised about the exhaustion of samples through the microcon process?
A. I did. And he said to me that he wasn't aware that we retained spin baskets or that that was a possibility.

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

Q. That system commenced in 2018?
A. The start of 2018.

Q. And when did you first become concerned about that process?
A. So when it came to writing a statement, and often for sexual assaults, because, as I explained earlier, they're the swabs that are taken from people that you are not expecting to necessarily find complex mixtures which aren't interpretable, they're often DNA profiles with a single source or with two people, and sometimes even low levels of - even if those DNA profiles are low level, we can still interpret them.

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

Q. So this would typically occur when you were bringing together a case to report to court?
A. Yes.

Q. To create a statement, looking at all of the samples which had been processed through the lab, either by you or someone else, or analysed by you or someone else and you might see that there were a number of reported results some of which were DIFP; is that right?
A. That's correct, yes.

Q. And as a result of seeing that mix of samples and the type of samples involved, you then started to instigate your own reworks?
A. That's correct.

Q. Do you recall when that was?
A. It was probably in 2019 I started to do that as a matter of routine, especially with sexual assault cases or blood swabs or samples that had a quant value that was sitting at the upper end of that DNA insufficient for further processing range.

Q. You say that you started essentially your own practice of reworking these DIFP samples. Did you raise your concerns with anyone in management?
A. In April of 2020, I raised my concerns - well, it might have even been prior to that, I raised my concerns with my manager at the time, Kylie Rika, and showed her some examples of samples that had been reported as DNA insufficient for further processing that I had chosen to process further and gotten good useable DNA profiles from.

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

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

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

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

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

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

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

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

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

Would you scroll down to the bottom of the email, please. Ms Quartermain, is the copy on your copy of your statement easier to read than what I can see on the screen here?
A. It probably is.

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

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

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

Q. Are you able to read that email?
A. Yes.

Hi Justin,

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

With the introduction of the 3500, I am seeing the same thing happening, except the

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

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

Q. Just a couple of questions arising out of that. I see there is a handwritten note there that seems to refer to the introduction of the 3500?
A. Yes.

Q. That being in February 2021?
A. That's correct.

Q. In this email, you are offering to do a piece of work around these particular samples. Now that you read this email, do you think it was in 2021 that you made that offer or did you also offer in 2020?
A. I believe it was - I definitely wrote this in 2021, but when I wrote this in 2021, I remember going back to the email that I'd sent in 2020 and effectively putting the same information in that email.

Q. And the difference in the meantime was that with the introduction of that new piece of equipment, the sensitivity perhaps of the process had increased?
A. Correct, yes.

Q. And you would expect a better result from these samples?
A. Yes.

Q. In this email, Ms Quartermain, you are raising, I think, two issues about the sampling or the DIFP process. You say that it is technically incorrect, reporting them in that way. What did you mean by that?
A. Well, I - based on my experience, I had submitted some of these samples for DNA profiling and gotten some good useable DNA profiles, so to say that we're calling these samples "Insufficient for Further Processing", it is not correct, because when we process them we get DNA profiles a lot of the time. So to say that it's - to call that process correct, calling DNA insufficient for further processing correct, I didn't agree with, because I was starting to see good DNA profiles from samples that fell within that quant range.

THE COMMISSIONER: Q. Technically, it could not be a correct statement for all samples?
A. That's right.

Q. It might be a correct statement for some samples, but it was incorrect as a statement for all samples because when it was applied, one didn't know whether it was true or not?
A. That's right.

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

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

Q. And in some cases, you would get a profile?
A. That's correct.

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

say you would be happy to take this work on if you "get the right person to say yes to my proposal". Who were you referring to as "the right person"?
A. Well, because I'd taken this to my line manager and gotten her approval, I then took it to her line manager, who was Justin, to get his approval, but I didn't know whether he was the end point to approving this or whether he needed to take it further and get his line manager's approval to do this type of work.

Q. And who was his line manager?
A. Cathie Allen.

THE COMMISSIONER: Thanks.

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

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

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

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

THE COMMISSIONER: Sorry, what are we talking about?

MS REECE: No DNA detected.

THE COMMISSIONER: Thank you.

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

MS REECE: Q. In your statement you say that it's not technically incorrect to refer to those samples as "no DNA detected". Can you explain what you mean by that?
A. Because the equipment that we use and the software that we use has its limitations and I understand it has its limitations. So anything below that value is not reliable with respect to being able to say that DNA is present. But DNA may be present.

Q. And what is your view about what should occur with those samples?
A. I believe that any major crime sample, regardless of the quant, should be assessed by a reporting scientist, if the quant falls below a certain level - for example, if every sample that had a quant value below 0.0088 ng/µL populated a work list, that the reporting team could then go through and assess each sample based on the sample type, based on the quant value, and order the rework that was most appropriate for that sample at that point in time, I feel that would be the best way forward for all samples and not have a "no DNA detected" and a "DNA insufficient" as different things, but anything that falls below a certain value gets assessed on a sample-by-sample basis and the appropriate rework is ordered according to what the reporting scientist feels is best for that sample moving forward.

Q. And that essentially would do away with the hard threshold approach, do you agree with that, in terms of what further steps are taken with those samples?
A. Yes, if it meant that each sample that fell below a certain quant range was assessed by a reporting scientist, then I believe that the hard line that you are talking about wouldn't exist anymore.

Q. And it would also require, wouldn't it, a significant realignment or restructuring of how samples and cases are assessed within the lab?
A. Sorry, can you ask me that in a different way?

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

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

work list approach?
A. Yes.

Q. What is the benefit of a case management process of processing samples?
A. So if a scientist was allocated a case from when it was received at the laboratory, then that case scientist, that reporting scientist, could have carriage of that case for the whole - for the entirety of the time that it was within the laboratory until a statement was required. So when a statement was requested, which, from a major crime, happens a large proportion of the time, that scientist will have already looked at all of the results, all of the samples, been able to assess if there was any genetic anomalies within the DNA profile, to reduce the incorrect reported results which can sometimes happen. If you've got, say, 20 samples in a major crime case and there's some sort of genetic anomaly in those DNA profiles, then if one scientist picks it up but the other four scientists haven't, then that can result in four results that have been sent across to QPS having to be retracted and reinterpreted. So it could reduce the instances of things like that happening.

Q. They are known as "incorrects", aren't they?
A. That's right.

Q. When there is an initial result reported to QPS which is later retracted?
A. That's correct.

Q. In favour of a different analysis or different profile?
A. Yes. And sometimes the result that is retracted isn't actually incorrect; it was just that at the time that scientist has made an assessment based on what they can see in the profile, and that is a legitimate assessment, but then we realise that we get a reference sample from a person, they have a genetic anomaly in their reference sample, and then we can see that that actually is a genetic anomaly and we can go back and reassess the profiles for that particular case.

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

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

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

Q. And when you were preparing the statement you saw that there had been five internal swabs - that is, vaginal swabs - that were reported as spermatozoa positive?
A. That's correct.

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

Q. Your view was that given the presence of the spermatozoa, it would be possible to obtain an interpretable profile?
A. Yes.

Q. When you were reporting on that case in your initial statement you had at that point sent those five samples back for concentration?
A. I did, yes.

Q. And in that statement you listed those swabs as currently undergoing DNA analysis?
A. That's correct.

Q. Now, in that case, that was reworking that was done at your own instigation?
A. Yes.

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.

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.

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

Q. And it is fair to say that these concerns run across a number of your colleagues?
A. That's correct.

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

Q. In the detection and investigation part?
A. Yes.

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

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

Q. And then the profile comes to you and your colleagues in the reporting section and then you interpret it, and so on?
A. That's correct.

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

Q. Is that right?
A. That's my understanding, yes.

Q. But it's not part of that scientist's work to ask the question, "Well, did this sample come from - did this quant relate to a sample in which spermatozoa had been seen or which had been presumptively positive for blood?" It's not part of that scientist's job to look at that question; that scientist only looks at the number?
A. I believe that to be so, yes.

Q. We will find out later but that's your understanding?
A. That's my understanding, yes.

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

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

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

SHORT ADJOURNMENT

THE COMMISSIONER: Yes, Ms Reece.

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

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

MS REECE: Yes.

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

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

Ms Quartermain, is this the spreadsheet that you created of some recent examples of DIFP samples which you subjected to further processing at your own instigation?
A. Yes. "No DNA detected" samples and "DNA insufficient for further processing" samples.

Q. So this is a mixture of both?
A. Yes.

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

Q. -- can you explain the information that you have presented in that table?
A. So I have barcodes of samples, the priority of the case associated with those samples, the initial quant value, the quant value after the sample was microconned, if it was microconned - sorry, if there was an available quant, and the results of those samples once they were processed, and then the description of the profile that was obtained.

Q. In the case priority type, where you have "P2", "P1", you list next to them the actual type of offence that was being investigated?
A. That's correct.

Q. And that includes murder and rape, wounding, robbery, willful damage?
A. That's correct.

Q. And in these cases at the end you say the "potential intelligence or interpretation possible"?
A. Yes.

Q. What do you mean by that? What does that column refer to?
A. That refers to whether either we obtained a useable

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

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

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

Q. -- that demonstrates that there was mixed success in the further processing of those samples?
A. That's correct.

Q. And can you explain, then, under the "DNA insufficient for further processing", where again, the case types include those more serious offences, why does each of the entries under "potential intelligence or interpretation possible" say "not available" or "not applicable"?
A. So either I categorised them as yes, there was potential intelligence/interpretation possible or no, there wasn't, or N/A - in this case, N/A is because all of those samples that were DNA insufficient for further processing resulted in an interpretable DNA profile that was reported back to police or could be reported back to police.

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

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

Q. That's where it's evident that profiles were able to be obtained from those samples?
A. Yes. So if you look at - there is a column titled "Final Interpretation"?

A. Yes.

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

Q. Thank you, Ms Quartermain.

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

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

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

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

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

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

Q. -- is 0.022?

A. Correct.

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

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

THE COMMISSIONER: Thanks.

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

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

Q. And again, though, that does require a reporting scientist to decide to do that?
A. That's correct.

Q. And the second is somewhat different, and can you explain that second category of reworking to the Commission - both what it relates to and how you go about seeking permission to rework?
A. So the process has changed since the Commission of Inquiry started, but do you mean what we are required to do now?

Q. What you were required to do as of 2019?
A. So if we were wanting to request a sample to be reworked and it was previously reported back to police as "DNA insufficient for further processing" or "No DNA detected", we could process those samples further, although that wasn't well known amongst the reporting scientists; right up until the end of last year, people were still requesting through the appropriate channels to rework those samples when they didn't need to.

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

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

Q. It creates a structure by which you have to seek endorsement from your team leader prior to going to the managing scientist?
A. Yes. I have only ever used this process once or twice, and what I did was at the time - this authority is done through MS Teams. So within MS Teams we have a certain number of channels that we use within Reporting and one of the channels has this form that you fill out the details and send it through. I think it does go to the team leader before being forwarded on to Cathie, and I think Justin looks at it, checks to see what's being requested and then forwards that on to the managing scientist, being Cathie.

Q. And that process, you've raised some concerns about that process in your statement. Can you explain what your concerns are to the Commissioner?
A. My concerns are, when I have used this process, I don't get a timely response. Often it can be a week or longer, and if I've got a deadline for a statement to be due because court's upcoming, I expect that if I put that information in my request, that it will be turned around promptly, but often I have to chase that up in order to meet the deadline for court to get my result processed in time to then get it reviewed, then put it in the statement in order to get it in court in time.

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

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

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

Q. Is that your view?
A. Yes.

Q. And what do you understand the criteria to be for getting permission to do a rework?
A. Well, as the reporting scientist, I would first look at a sample that I wanted to rework. I'd probably approach my reviewer, as the person who is reviewing my statement, to confirm that they agree that a rework would be necessary, so I have a second opinion before I proceed further, and then I would request that rework through this Teams process.

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

Q. The reality of a rework at that stage is that it could change the result that is ultimately reported, couldn't it?
A. It could change the result, yes.

Q. And that's dealt with within the lab as an incorrect which is then communicated to police by an intelligence report?
A. That's correct, yes.

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

A. Yes.

Q. Do you understand anything of those aspects of the criteria that are being applied? Do you understand on what basis Ms Allen is either accepting or rejecting these applications?
A. No.

THE COMMISSIONER: Q. Ms Quartermain, just so I understand it, we're speaking about a rework in the context in which you are about to prepare a witness statement and you look at the data and the results and you form a view that a particular sample ought to be reworked. Can you give me an example of the reasons that would lead you to that view?
A. An example would be if a result had been reported back to police as complex unsuitable, effectively meaning we haven't done any comparisons of that sample to anything else in the case, but if I look at that sample and I think, as it currently stands, yes, it may be complex unsuitable because it is a low-level profile, however, if I were to microcon that sample to full, I might get a nice two-person or three-person mixed DNA profile that could be used for comparison purposes. So I don't want to report this as complex unsuitable, I want to do that further work to see whether I can get a better profile for that sample for the case.

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

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

Q. So he looks at it and approves it or doesn't approve it, or endorses it/doesn't endorse it, and then if he endorses it, he hands it on to the managing scientist, who then approves it or doesn't approve it?
A. That's my understanding, yes.

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

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?

A. Yes.

Q. I'm sorry to jump around a little like this, Ms Quartermain. In your statement you do refer to a concept of turnaround times within the lab. Can you explain to the Commissioner what turnaround times are in relation to the processing of samples?
A. So turnaround times could be best described from when the sample is received at the laboratory until a result is reported back to the police. My understanding of how - the actual metric that is used to determine the turnaround times by which we're assessed within reporting and within DNA is when a cold link is reported back to police after a DNA profile has been uploaded to NCIDD.

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

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

THE COMMISSIONER: Which page?

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

Q. Ms Quartermain, I won't get you to go back through the lengthy exchange that you had with Ms Allen at this point, but this is an exchange in December of 2020 where you essentially are questioning the wisdom of the turnaround times as you have just described them?
A. I just didn't understand why we were using such a small proportion of our samples to determine our turnaround time when the vast majority of our samples, especially priority 2 samples, major crime, had reference

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

Q. What role do you perceive turnaround times to play on the functioning of the lab?
A. Turnaround times - well, for the staff, when we receive an email from Justin or Cathie mentioning turnaround times, it gives us an indication of how well we are or aren't doing when it comes to outputting information back to police and whether it's being done in a timely manner, and if they are - sometimes it does make us feel as though, because the majority of the work and the bottleneck can sit with the reporting teams because our end of the process can be quite time-consuming, we often feel like it's a turnaround time associated with the reporters, which can sometimes have a detrimental effect on morale.

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

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

Q. So the time that you and your colleagues take can't be assessed in advance; it varies depending upon the sample that you are considering?
A. That's correct.

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

suspect that they had in mind was correct. Did you ever discuss that with Ms Allen, that analysis or that view of the real usefulness of the lab to police?
A. I don't know if we verbally had a conversation about it. I think most of our communication was via email around this. It was important for me to understand it, and sometimes I need to sit down and actually read it a few times to get my head around it. And it was also important for me to be able to pass this information on to my team because we were all wondering the same things.

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

Q. What you're saying is if this is correct, if the most important work you're doing is the cold link - the work that leads to a cold link - then the volume crime is the most important work?
A. Well, that would make sense because that would decrease our turnaround times.

Q. Although some of the major crime samples involve crimes for which police have no suspect?
A. Correct.

Q. An unknown killer, an unknown rapist?
A. Correct.

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

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

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

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

MS REECE: Q. Ms Quartermain, when you spoke of turnaround times in your statement at paragraph 34, you were speaking of your view as a long-term employee as a reporting scientist, what, in your view, the main drivers were for removing the microcon-concentration process. Can you tell the Commission what you believe they were?
A. The reduction in spend, financial, and time, because our time would be able to be spent on case managing and reviewing other results that were - had a higher quant and could be interpreted.

Q. And so that might have budgetary but also turnaround time implications?
A. Yes.

Q. And do you understand from your experience that microcon step is a costly one?
A. I don't know how much it costs but I know it's an additional cost step in the process.

Q. Just finally, Ms Quartermain, in your second statement you speak about your perception, your experience of the culture, the cultural issues within the lab - this is from paragraph 15 onwards of your second statement, which is [WIT.0012.0028.0001 page 0003], and you have set out a number of matters of concern there, or matters which you say are cultural issues, in your workplace. I wonder if, as you sit here now, you can tell the Commissioner, when you talk about cultural issues or the culture in the lab, what is it that you're concerned about?
A. I'm concerned that I feel that there's division within the laboratory and that affects how cohesively we work together, and we should all be working together because we all - our greater - our goal is to be producing the best DNA profiles that we can to output and report back to police. So I feel like if I have an issue like the one I raised with Justin, and I raise it to my line manager, and I'm like, "This is a big problem, like, I'm seeing

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

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

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

Q. You have spoken of a difficulty or an impasse, essentially, in a relationship with your line manager or your relevant manager. Can you describe how you say the culture of the lab should work in terms of raising scientific issues?
A. I believe that science is an area that requires people to question it. I think before you make a scientific decision about something, you put your thoughts to a group of people who know as much, if not more, than you do about what that issue is and ask them to challenge you. If you're not challenged and get that idea picked apart right from the start, then you won't come to a robust conclusion, you won't come to a robust decision to move forward with an idea. So I feel like in science, that's what we should be doing, putting ideas to people who know more than us, or as much as us, and asking them to pick it apart so that in the future, decisions that have been made historically aren't of a concern, you can just reassess or re-evaluate if new technology comes into play or something like that.

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

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

Q. You have also told the Commission through a statement that this can make you feel like you are not trusted?
A. It can do, yes.

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

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

Our stationery cupboards are locked, so even though --

THE COMMISSIONER: Q. What did you say?
A. Our stationery cupboards are locked. So I need a science degree and a police check to get my job, then I need a pass to access campus, but then I need to approach an administrative assistant to unlock a cupboard for me to access stationery. It is just that feeling of not being trusted, that we are here trying to do the best that we can for the community and police and for ourselves knowing that we're putting out the best scientific work that we can but we're not being trusted.

Q. You're not allowed to start work before 7am you said?
A. That's correct.

Q. And why is it important to be able to start work before 7am?
A. Well, some of us in reporting have children who attend school, so if we were able to start, say, at 6.15 we could

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

MS REECE: Q. And you have been given some explanations for that inflexibility before. Can you tell the Commissioner what you have been told is the rationale for that lack of flexibility?
A. With respect to starting prior to 7am? The most recent reason I was given was in a flexible work arrangement that I applied for, and it detailed fatigue management. So if I was to start work at 6 and then I got a phone call from court at midday to say I was going to be required at 4.30 in the afternoon, that the potential is that I may not give my best evidence at 4.30 in the afternoon because I've been working since 6.

Q. For an additional hour?
A. Correct.

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

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

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

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

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

Q. Yes.
A. I didn't have any.

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

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

Q. I see. So you don't, as a matter of routine, ring your colleagues in Melbourne or Adelaide to ask them about issues that have arisen in a scientist-to-scientist way?
A. Wouldn't even know how to do it. I have previously asked - now, this was quite a few years ago, so I am going by memory, but I have asked Cathie for details of a certain scientist in another laboratory to be able to ask a question around that, but generally, no, we don't have any contact with other laboratories or other laboratory scientists.

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

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

Q. Do you and your colleagues attend such conferences routinely over the course of a year?
A. No.

Q. Is there any funding for you to attend those conferences?
A. We accrue professional development leave and professional development allowance is paid to us fortnightly that we can accrue over time to attend conferences, and there are some things that people will

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

Q. And what's the allowance? How much is the allowance a fortnight, do you know?
A. I couldn't tell you offhand. It's not a lot. It might be - oh, $70, $50, something in that vicinity. I could check and get back to you, if you wanted me to.

Q. And you may have answered this, but implicitly in what you have said but within the lab, are there any professional development programs or are there any procedures in place for the scientists to inform each other by way of internal seminars? Are there any processes in place for you to develop yourselves professionally by getting added qualifications? Are there any exchanges with other labs that are available?
A. Not - no, not really. I mean, we could take it upon ourselves to, like I said before about, like, say, attending a course outside of work or within work hours that we thought was relevant and get approval to do that, but I don't really know of anybody who does that. I don't remember the last time I heard of somebody doing that.

THE COMMISSIONER: That's it.

MS REECE: Thank you, Commissioner.

THE COMMISSIONER: Who is next, then?

MR HUNTER: I just have a couple brief questions.

<EXAMINATION BY MR HUNTER:

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

Q. That wasn't the first time you had raised that, was it?
A. No.

Q. And you had raised it at least as early as March 2019, does that sound right?
A. The email I raised to Justin before April of 2021 was April of 2020.

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

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

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

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

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

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

MR HUNTER: Yes, please.

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

MR HUNTER: Q. 7 March 2019 at 5.27, if we scroll up a bit?
A. Yes.

Q. You, in that email, express concern to Kylie that because some samples that were P1 had been automatically micro-concentrated, they had developed useable profiles that would have been missed if they had been sent through the normal P2 work flow?
A. Do you mind if I just read that, please?

Q. Please do, sorry.
A. Yes.

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

Q. Who is Allison Lloyd?
A. She's one of the HP5 scientists at work. So at the time, I think she was acting in a HP5 position so equivalent level of Kylie and Sharon.

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

Q. And they had resulted in useable profiles?
A. Yes.

Q. But had they been through any other work flow, they would have been simply reported as DIFP?
A. Yes, unless, I guess, at statement stage we picked up on that and reworked them further then.

Q. You then, in the second paragraph, talk about a CSP discussion. What's that?
A. Yes. It's like a career progression discussion.

Q. You had obviously had such a discussion not long beforehand?
A. Must have, yes.

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

Q. And you suggest that the range for DIFP should be reassessed?
A. Yes.

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

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

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

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

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

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

Q. And the agreement modified?
A. Yes.

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

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

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

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

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

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

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

Q. And you did that because you were concerned that automatically micro-concentrating to a fixed level of 35 microlitres was potentially going to lead to important evidence being missed?
A. Processing of samples in a way that wasn't ideal for that particular sample.

Q. With the consequence that evidence could be missed?
A. Well, it could be not missed; I would probably say it could be the determination between getting a useable DNA profile and getting a DNA profile that was not useable.

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

THE COMMISSIONER: Tender it, exhibit 63.

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

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

THE COMMISSIONER: Q. So just to get it clear, Ms Quartermain, if you use - if you don't concentrate a sample that ought to be concentrated, then you are potentially destroying evidence - that is, you are using up DNA, that if it had not been used up in that way could have been part of a concentration process to arrive at a sufficiently high quant to generate a useable profile. So to that extent, you are destroying a part of the evidence unnecessarily?
A. Are you referring to, say, if after extraction we've got 90 microlitres and then amp at 15, then we're effectively removing 15 microlitres from the available leftover sample that could be microconned?

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

THE COMMISSIONER: Who is next?

<EXAMINATION BY MR RICE:

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

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

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

MR RICE: The first one.

THE COMMISSIONER: And which paragraphs?

MR RICE: Page 6, paragraph 36 and 37.

Q. [WIT.0012.0025.0001_R at 0006_R]. I just wanted to ask you about paragraph 37. Can we take it that what you have said there in those two sentences is a position statement - that is to say, where you stand on this subject?
A. That's my belief as a scientist, yes.

Q. As it reads, the second sentence might suggest that someone has put to you, as a proposition with which you disagree, that turnaround times more important than outputting high-quality results. Is it right that no-one has actually said that to you, but, rather, that's a statement of where you stand?
A. Well, that email before from Cathie states that our turnaround times are generated from a metric that is based on cold link. So if we're talking about turnaround times that the QPS are considering from that metric versus turnaround times in general, turnaround times are important, but I wouldn't want to have an increased - sorry, decreased turnaround time in order to just get results out the door faster.

Q. Okay, but my question was that no-one has actually put to you that turnaround times are more important than quality results?
A. No-one has specifically said those words to me, no.

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

> *Samples should be assessed on a "sample-by-sample" basis to determine the best reworking strategy.*

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

Q. Do you accept that, as things stand at the laboratory, there is a deficiency in the assessment process that you refer to, inasmuch as the laboratory has never done a study on the relative merits of concentration to one level as opposed to another; data of that kind has never been obtained?
A. I don't know if it has or not, I'm sorry.

Q. You would be aware of it if it had been, wouldn't you?
A. Potentially not, there is a lot of discussions that happen within management that don't flow on down to the reporting scientists.

Q. You don't know of any study of that kind?
A. Not that I'm aware of.

Q. Do you accept the desirability of there being documented guidelines for the use of micro-concentration and to what level?
A. I think that especially given what has come about in the Commission of Inquiry, it would be good to look at initial quant values, look at post microcon quant values and have a look at the DNA profiles that are obtained so we can start to see what types of DNA profiles we're getting from what types of samples, depending on the type of microcon they've been exposed to.

Q. And see what patterns emerge?
A. Exactly.

Q. And that would help you to make the assessment that you speak of, would it not?
A. It would help, yes.

Q. And everyone else?
A. It would help.

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

with the second sentence of paragraph 52.
A. Yes.

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

Q. And paragraph 52, as it reads, uses a different measure?
A. Yes, I will clarify. So:

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

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

Q. Why then in paragraph 52 do you say that that occurred in many such cases, as opposed to "all", being the expression you used in paragraph 51?
A. Okay. So in paragraph 52, the word being repeated there, "interpretable", if that was better - I could have chosen a better word there, which would have meant able to be compared.

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

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

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

A. That's correct, yes. Yes.

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

Q. Not all such results?
A. No, not all of them, all of the results.

Q. And you couldn't give us any data on what proportion that spreadsheet represents of samples that you have submitted?
A. No, sorry.

Q. I want to ask you, then, if we could move to your second statement, which is exhibit 62, [WIT.0012.0028.0001_R]. I will commence with paragraph 8 and I will just give you a moment to orient yourself to that paragraph?
A. Sorry, did you say statement 2?

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

THE COMMISSIONER: Your second statement.

THE WITNESS: Thank you.

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

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

Q. And is it the case that the likelihood is that the previous efforts to interpret samples will have been done by another scientist and not by the person who is called upon to do the statement?
A. Well, I understand it that often our - like my line manager and the other reporting line manager will often try to allocate statements to people, sometimes if it is

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

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

Q. Because otherwise there is simply double-handling, isn't there?
A. Yes.

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

Q. And then when you come along to review, you have to get your assessment reviewed by someone else, so there are four people who look at things?
A. Potentially for every sample, yes.

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

MR RICE: Yes, quite so.

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

Q. Am I right?
A. Yes.

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

Q. And the police get quite concerned about that, do they not?
A. Rightly so, yes.

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.

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

Q. Now, accepting that the subject or the occurrence of reworks at the statement-writing stage is, as you say, rightly an issue of concern for police, is there a connection between managing that situation and the approval process for the rework; is that as you understand it?
A. Is there a connection between ordering a rework at statement stage and the process that is involved in ordering the rework?

Q. Well, a connection between the concern that police have over the occurrence and number of incorrects and this process of getting approval to undertake the rework which might, in due course, lead to an incorrect?
A. I believe that that process that we have to get the managing scientist's authorisation to rework came about as a result of police having concerns over the incorrects that were being received at statement stage.

Q. I see. So in that context it would be understandable, would it not, for the managing scientist to keep an overview, by way of this process, or something like it, of situations that may lead to an incorrect causing police a measure of concern?
A. But if I'm writing a statement and I don't believe that that result that has been reported is the true and correct result and I think that I need to rework that sample in order to be satisfied that the true and correct result has been obtained, then I don't think asking the managing scientist for permission is the right way to approach that situation if, scientifically, I believe I need to rework that sample to get the best result for that sample and for that case.

Q. Okay. In fairness, I think you have said that you had only used this process once or twice?
A. A couple of times, yes.

Q. And you had not been refused?
A. No.

Q. Your colleague, Dr Moeller, says she has never been refused?
A. Okay, well, that's good.

Q. Do you know of any refusals to any scientist on a rework of this kind?
A. I don't know of any, but then again this isn't also a topic that I've discussed with people very often either.

MR RICE: Okay. Thank you, Commissioner.

THE COMMISSIONER: Who is next?

MS McKENZIE: No questions, thank you.

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

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

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

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

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

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

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

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

MS REECE: I wouldn't have thought so.

THE COMMISSIONER: So we had better give Mr Hickey some

time if he needs it.

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

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

LUNCHEON ADJOURNMENT

THE COMMISSIONER: Yes, Mr Hickey.

MR HICKEY: Thank you, Commissioner.

<EXAMINATION BY MR HICKEY:

MR HICKEY: Q. Ms Quartermain, my name's Mr Hickey, I appear for Justin Howse and Cathie Allen. Can I start by asking you, please, I haven't been able to identify in either of your statements your employment history: was your job at the lab, commencing in 2005, your first laboratory job after university?
A. I worked at Gold Coast Hospital prior to that, just not in forensics.

Q. How long did you work there?
A. Approximately 12 months.

Q. And prior to that?
A. I didn't have any other science jobs prior to that.

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

Q. You've had no other jobs in a laboratory?
A. That's correct.

Q. Thank you. You have worked in the lab at FSS for some 17 years now?
A. That's correct.

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

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

A. Yes.

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

Q. And who their immediate line manager is?
A. Yes.

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

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

Q. And your expectation might be that your line manager would escalate those as appropriate to the next person in the line?
A. I guess it would, for me, depend on what that particular thing was and whether I could provide enough information to my line manager to do that on my behalf or whether it would be better that I do it myself if I have the information myself.

Q. Yes. So you were aware, weren't you, that one of the options open to you, rather than talking to your line manager, was that you could skip over the line manager and speak to their line manager?
A. I would always go to my line manager first with an issue. I wouldn't directly go to their line manager.

Q. In circumstances, though, where you had raised an issue with your line manager and had been dissatisfied with the outcome, you knew always, didn't you, that it was open to you to raise the issue with their line manager?
A. I can't think of an example of where that has been the case, but that would make sense, if that was the case.

Q. It's something that you knew was open to you if the occasion presented itself as being necessary?
A. It would make sense to do so, yes.

Q. Presumably over the 17 years that you have been

working as a scientist, you've become familiar with the importance of accurate record-keeping?
A. Yes.

Q. And indeed, layered upon that, in your role as a public servant, there is an additional responsibility to maintain written records of matters, isn't there?
A. I guess it would depend on what you are referring to. Sometimes it would make sense, I guess, to have written records of meeting minutes and things like that, but if it was a conversation that was had potentially there wouldn't be written recordings around that.

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

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

Q. And indeed, in respect of all of the matters with which we are here presently concerned, you have always been aware that if there was something of critical importance to you, committing it to writing is the way to ensure that there is some permanent record of that matter that is of critical importance to you?
A. That makes sense, yes.

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

THE COMMISSIONER: Do you mean make a diary note?

MR HICKEY: Q. A diary note is one example. Thank you, Commissioner.
A. There are things that are important to me at the laboratory that sometimes there are only conversations around, and not everything that I think that is important to have a conversation about necessarily is something that makes its way into a written record.

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

A. Yes.

Q. Can I suggest that you have done that on each of those occasions because the matters that you wished to raise were things that you didn't wish to chance merely to a conversation?
A. No, I - that's not the only reason. I like to put things in emails to people so that I have time to be deliberate and considerate in the words that I'm putting in the email, and then I can reflect on the response I receive in my own time not relying on purely just a conversation.

Q. I understand that. So the things that you have committed to writing in the correspondence are things which you have taken the time to think about, to mull over and then to commit to writing?
A. They are things that I wanted to put - to ask a question because I would like an answer, yes.

Q. They contain your considered thoughts, can I put it that way?
A. Yes.

Q. And you wouldn't have excluded from that correspondence anything that you regarded as important at the time you wrote them?
A. Anything that was relevant to that particular matter that I was raising I would have put in that email, I believe.

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

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

Q. You, by committing things to writing, gave yourself the opportunity to reflect on the responses that you got, rather than, in the heat of the moment, of an oral conversation with somebody?
A. I do like to put things in writing, if it's something that I want to remember when I asked a question to somebody

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

Q. Now, you know, don't you, as a scientist, that scientific dishonesty is anathema to the development of scientific knowledge?
A. Can you rephrase that for me, please?

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

Q. And to be deliberately scientifically dishonest is contrary to the spirit of the development of scientific knowledge?
A. That makes sense, yes.

Q. And so you, yourself, I presume, regard that duty as a scientist as something that is important to you?
A. It's important to me that people within science are honest about the science?

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

Q. You wouldn't, for instance, knowingly participate in something that you thought was scientifically dishonest?
A. I would hope not, no.

Q. And you wouldn't knowingly participate in something that you thought was scientifically inaccurate?
A. I would also hope not, no.

Q. You would take steps to ensure that whatever dishonesty or inaccuracies you might identify were rectified?
A. Yes.

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

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

Q. There are things, though, in science, aren't there, where reasonable minds might differ?
A. Yes.

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

Q. So it is not, of necessity, scientific dishonesty to reach a different conclusion from that which another scientist might arrive at?
A. So I wouldn't consider it to be dishonesty if two people reached different conclusions if they have got scientific basis for how they reached those conclusions.

Q. Can I go back, then, to my anterior question, which was this: if you had the view that somebody within the lab was being deliberately scientifically dishonest as distinct from merely having a differing view, that's not something that you would simply ignore, is it?
A. I don't think I would. I don't know if I've ever come across that but I don't think I would.

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

Q. Another is to write statements, that's the second?
A. Yes.

Q. And the third is to give evidence in court?
A. Yes.

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

A. Yes.

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

Q. And it can be the difference between offenders being apprehended or not?
A. That's out of my area. That's a police question.

Q. But you know that, don't you?
A. I know that based on the DNA profiles that we're able to obtain, that that may influence the outcome of a case in one way or another.

Q. And from your own experience you know that the work that you do can sometimes be the difference between offenders being convicted or not?
A. Well, potentially, yes.

Q. You know that from your experience in giving evidence at court?
A. Well, I often don't actually find out the outcomes of the case. So when we write a statement for court, very infrequently do I ever actually know what happens to an offender or a defendant.

Q. But you are aware, aren't you, from time to time, QPS have contacted the lab to let them know that some particular piece of DNA interpretation has been the difference between solving a crime or not?
A. I'm sure that has happened, yes.

Q. You are aware of that?
A. Yes.

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

Q. And diligently?
A. Yes.

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

provide evidence that I knew to be inaccurate.

Q. Or that you knew to be incorrect?
A. Yes.

Q. And do you also agree that it would not be appropriate - it would not be professional for a reporting scientist to give evidence to a court which they had reason to believe was incorrect, without saying so?
A. If I was asked a question in court about anything contained within my statement of witness, I would be open, honest and transparent about anything that was contained within that statement of witness.

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

Q. You'd agree with me that it would behove you to indicate to the court if there was something about the evidence that you were giving which you had reason to believe was inaccurate?
A. I'm sorry, I don't know what "behove" means.

Q. I'm sorry. I'm being a painful barrister and not speaking simply. You would be obliged, wouldn't you, to tell the court if there was some reason for your believing that the evidence you were giving might not be accurate?
A. Do you mean in my statement of witness?

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

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

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

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

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

Q. And June 2022?
A. Yes.

Q. When a different process was implemented?
A. Yes.

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

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

Q. They were not discarded?
A. No.

Q. It remained possible to test those samples at any time?
A. Yes.

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

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

Q. And I think you have given evidence today that you are not aware of that permission ever having been refused?
A. I think that that was referring to prior to this, because any permission that I've ever sought with respect to reworking samples was before any of this Commission of Inquiry happened.

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

A. Not that I'm aware of.

Q. And QPS had the ultimate decision, didn't they, to make, in terms of whether samples should be tested at all?
A. Are you referring to the Options Paper?

Q. No, I'm talking about the general procedure within the lab?
A. Generally?

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

Q. And that it was for QPS to determine what should occur with the samples?
A. Whether or not they should be processed further, is that --

Q. Whether they should be processed at all in the first instance?
A. Do you mean with triage prior to us receiving the samples?

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

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

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

MR HICKEY: Q. And it's for the QPS, isn't it, to determine in which order samples should be tested, depending upon their investigative priorities?
A. Well, from my understanding, QPS submit their samples according to what they have prioritised the most important samples to be. So for a case, they will submit their highest priority samples first and if they do or don't get

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

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

Q. You, as a reporting scientist at the lab, don't have visibility into that side of things?
A. No.

Q. So it is appropriate, you would agree, that QPS should be the ones who determine whether or not they regard samples as being appropriate to be triaged or not?
A. Prior to receipt at the laboratory or after?

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

Q. And as a reporting scientist, it's really not helpful for you yourself to determine the priority or the order in which you will address samples; it's more appropriate that QPS should say to you, "These samples are more important to us than those samples over there"?
A. Potentially. However, just based on my experience, for example, if you receive a sexual assault kit from a victim and a sexual assault kit from a defendant, and they are the only two groups of samples that have been submitted for that case, and there may only be eight samples in total for that case, then we would assume that those are top priority samples and we would - I personally would - work those samples as required to get the best DNA profile possible.

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

samples should ultimately be processed is the QPS not the lab?
A. Yes, QPS.

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

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

Q. And you say you recall that she stated in words to this effect - now, can I pause there to say you deliberately use these words "words to this effect" because you can't remember with precision the actual words that she used?
A. I can't remember word for word the exact words that were used at the time, so that's why I used those words.

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

Q. Would you accept that it's possible she in fact said something slightly different from what you have suggested she said here?
A. In that particular paragraph, in that particular point?

Q. Yes.
A. No. I remember her saying that samples may improve if they were microconned.

Q. Can I suggest to you that rather than speaking in absolutes, Ms Allen actually said to you that the auto-amp process may not - may not - have a large impact?
A. I remember the conversation as it has been written in my statement.

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

A. Yes.

Q. That is to say, you don't suggest that this is a precise articulation of what Ms Allen said?
A. Not word for word, because when I've written this statement, this is weeks, potentially months, after a conversation, but I do remember the conversation that was had, just not the exact word-for-word conversation that was had.

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

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

Pause there. You accept don't you, that she didn't say she did not make a recommendation, rather she didn't want to do that?
A. That's how I remember the conversation going. She did not want to make a recommendation.

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

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

Q. All right. Now, can I suggest to you that that sort of concern is the very kind of thing that you, as a person who was ultimately answerable to Ms Allen, would hope she would be concerned about in respect of her workforce?
A. I would hope that our managing scientist would be interested in the health and wellbeing of her staff, absolutely, yes.

Q. So you don't intend to suggest that that was something that she ought not to have had regard to?
A. I don't actually know the details around how the

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

Q. I'm not asking you about that. What I'm asking you about is whether having concern for whether the work might break people is something that is relevant to that overall consideration, isn't it?
A. I don't think I really understand what you are asking me.

Q. I'll try it in a different way. It might have been open, for instance, to Ms Allen to make a recommendation which would have entirely ignored the wellbeing of the workforce. That's not something that you would consider would have been an appropriate recommendation, is it?
A. No.

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

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

Q. In performing it, staff adhere to standard operating procedures?
A. Yes.

Q. But there's also a degree of discretion inherent in the process that must be exercised by the scientist who performs the process?
A. I - yes, I - I really can't comment too much about the process itself because I've never carried the process out myself and I would have to read the standard operating procedure that's current to comment too much about this.

Q. So to the extent that you purport to give evidence about what would or would not occur as a consequence of micro-concentration, you don't speak from a position of expertise about that?
A. I don't speak from the position that I've ever undertaken - I don't undertake the procedure myself.

Q. So it's possible, isn't it, that you are wrong about the conclusions that you have expressed about what would or would not happen in respect of micro-concentration?

THE COMMISSIONER: That's a bit too general Mr Hickey, really.

MR HICKEY: Q. Let me try it this way. You have, for instance, in response to some questions by the Commissioner about the destruction of evidence, suggested that there were processes by which, in your view, samples should have undergone micro-concentration rather than auto-amplification; do you recall that?
A. Yes.

Q. What I'm suggesting to you is, given that you yourself don't have any personal experience of conducting the micro-concentration process, you really don't have the expertise to proffer those opinions?
A. About whether it would be too much of a physical burden on the analytical team?

Q. About whether micro-concentration should occur in preference to auto-amplification?
A. I have a lot of experience in interpreting DNA profiles that have been microconned. I have a lot of experience in interpreting DNA profiles that have been just amplified at 15 microlitres, even since this Commission of Inquiry has started, and I feel like each sample should be assessed on a sample-by-sample basis to maximise our chances of obtaining a useable DNA profile.

Q. But you give that evidence without yourself having performed micro-concentration; is that so?
A. I haven't performed micro-concentration, no.

Q. Thank you. Could we go, please, to paragraph 21 of the statement.
A. Yes.

Q. Here you give some evidence about what you attribute to Ms Allen as being a statement about microconning to her being like baking a cake.
A. Yes.

Q. And she suggests, you say:

You can bake two cakes with the same ingredients and processes and get completely different results. It isn't a perfect process.

And then in paragraph 22 you go on to say in your experience at FSS you have observed laboratory staff to get accurate and effective results in the microcon-concentration process. Now, do you intend by paragraph 22 to imply that Ms Allen is wrong insofar as she adopts the cake-baking analogy?
A. No.

Q. Thank you. Could we go, then, please, to paragraph 23. Here you say that during the same conversation within the reporting team - now, I presume you mean, although you describe it as the same conversation, the same event, because what you go on to tell us is that Ms Allen was saying things to another reporting scientist; is that right?
A. That's correct, yes.

Q. So here she's not actually speaking directly to you, she's speaking to somebody else?
A. That's correct.

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

Q. Then in the second sentence you tell us what you understood that to mean. Did you actually ask her what she was referring to?
A. No.

Q. So that's pure speculation on your part, isn't it?
A. Well, considering we'd been discussing the potential for an external review, it wasn't pure speculation, that was just my educated guess.

Q. All right. But a guess, nevertheless?
A. A guess, nevertheless.

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

discovered through this external review?
A. No.

Q. She presented to you, didn't she, as though somebody who thought they had made decisions in good faith in the interests of getting the job done as best the lab possibly could?
A. Well, at that point in time, during that event in the reporting team area, we weren't really discussing decisions that she had made.

Q. Why did you think it was relevant to include in your evidence her saying that she had "not lost a wink of sleep over this"?
A. I thought it was an odd thing to say from a managing scientist who is in charge of our department, and we're a group of people who potentially are losing sleep over the thought of having to undergo an external review because it could be stressful for some people.

Q. You've never suggested what you've just said to me to Cathie Allen personally, have you?
A. No.

Q. You've given a lot of evidence today and in your statements about cultural matters within the lab. Can I suggest to you that you've never spoken to Cathie Allen directly with the sort of frankness and candour that you've used today in describing your concerns about cultural issues in the lab?
A. I don't think I've spoken to anybody in the management team other than Kylie Rika about cultural issues that I'm experiencing within the laboratory.

Q. All right. And that's because, is it, you expected that Kylie Rika would diligently and accurately convey to her line managers any concerns that you had conveyed to her?
A. It was more that she was my line manager and I trust her and I trust that I can have a conversation with her, and if I need to bring up anything that's of a concern to me, I trust that I can do that with her.

Q. When do you suppose you first began to raise these cultural issues with Kylie Rika in the expectation that she would deal with them appropriately?
A. I never had any expectation that Kylie would do

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

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

Q. And is it your evidence that notwithstanding your having raised those things with Kylie Rika, you don't apprehend that any improvement has occurred?
A. Well, like I said, they aren't things that I raised with Kylie for her to act on my behalf necessarily. And they aren't things that necessarily required any acting on Kylie's behalf. They are just my feelings and my thoughts and the way that I felt being at work each day.

Q. All right. Those feelings and thoughts, if they'd been significant enough, you would have prompted Kylie to say, "I have raised this with you from time to time. Why isn't it improving", wouldn't you?
A. It would depend on what it was, I guess.

Q. But that has never occurred, has it?
A. Do you mean from something - when you say "cultural issues", do you want to give me some examples of types of things you might be referring to?

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

Q. That's what I'm talking about by way of an example of cultural issues.
A. Yes.

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

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

Q. And they adversely affect your work experience?
A. They can, they have done, yes.

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

Q. What I don't understand and what I ask you to explain to me is why, if that has not - if raising those issues with Ms Rika has not brought about any change, you've not seen fit to ask her, "Why is this not changing"?
A. Well, the things that I've spoken to Kylie about, if I felt the need to take it further after discussing it with her and deciding that it was worth taking further, I have taken it further and spoken to Justin about it.

Q. Could you give me some occasions upon which you have spoken to Justin about those things?
A. The prior to 7am start issue, which has been ongoing for quite a while, I have raised --

THE COMMISSIONER: Q. Which issue?
A. The prior to 7am start. I have raised with Justin on numerous occasions when I have had to submit a flexible work arrangement application to try and negotiate my work days and times.

MR HICKEY: Q. All right. Are those things communications that you have committed to writing or are they oral communications with Mr Howse?
A. Well, flexible work applications are all written, so they would be in emails.

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

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

Q. And how many occasions did you raise it with Ms Allen?
A. On one occasion.

Q. When was that?
A. I don't remember the exact date. It was some time last year.

Q. In the beginning of last year or the end of last year?
A. I can't recall, I'm sorry. I think it was in the first half of last year but I'm not certain.

Q. And so presumably the outcome of that was not satisfactory from your perspective?
A. It was a discussion that was had that didn't resolve anything.

Q. It was open to you, wasn't it, to raise that issue with somebody who was responsible for human resources at the lab?
A. I actually raised it with the executive director at the time.

Q. Which one was that?
A. John Doherty.

Q. And what did Mr Doherty do about it?
A. He advised me that he had been in contact with HR and that I wasn't the only person with these particular concerns and he was liaising with HR to find out some more information.

Q. And so it had been escalated, to your knowledge, above Cathie Allen but not resolved?
A. Yes.

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

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

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

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

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

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

Q. Taking that 15 microlitres of the sample for amplification, that, as I understood what the Commissioner was suggesting to you before, was destruction of the evidence. Do you recall that?
A. It - yes, potentially. It would depend on where - if you have a sample that's sitting at the upper end of the quant range that we're talking about, then 15 microlitres of sample might give you a useable DNA profile.

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

Q. And in any event, if you took that 15 microlitres, that leaves 80 microlitres of the original the 95 microlitre sample?
A. Yes.

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

Q. Now, you are not aware, are you, of any data to support the proposition that a sample of 95 microlitres that undergoes micro-concentration is any more likely to yield results than an 80 microlitre sample, are you?
A. I don't think that that data mining has ever been done. However, in - through my work, when I've been reviewing the results of samples that fall within this quant range of 0.001 to 0.0088 ng/µL, the vast majority of them have DNA in them. So it makes sense to me that if you are utilising 15 microlitres of sample prior to microconning, some of the DNA has already been removed, so

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

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

Q. What you've just explained about the way the DNA might behave as between a 15 microlitre sample being taken from the 95 microlitre?
A. Well, if each one of those - well, the vast majority of those 15 microlitre samples have been case managed and reviewed, the ones that I have reviewed, I can see that there is DNA in there, so it makes sense to me that DNA has been taken out of the 95 microlitres, so, therefore, there is less DNA to concentrate.

Q. Can I ask it this way: that's your anecdotal observation of the samples that you have had regard to?
A. That's what I have seen when I have been reviewing.

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

THE COMMISSIONER: About what, Mr Hickey?

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

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

MR HICKEY: Profile.

THE COMMISSIONER: Yes, I see.

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

MR HICKEY: Thank you.

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

micro-concentration does not always work effectively?
A. That's correct.

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

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

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

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

-- with large net losses reported in research.

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

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

Q. So it's the case, isn't it, if that's so, that micro-concentration might well destroy DNA in the same way that auto-amplification may well do in the way that the Commissioner suggested to you earlier on?
A. So I would concede that microconning a sample can sometimes result in a DNA profile that's not able to be interpreted, as, sorry, amping at 15 microlitres can result in a DNA profile that's not able to be interpreted.

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

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

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

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

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

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

Q. Can I suggest to you that implies that there were some other drivers which were not the main drivers?
A. Potentially, yes. I would assume that there would be lots of things taken into consideration when changing a process like this.

Q. So you don't intend, do you, by paragraph 34, to suggest that these were the only things that were considered?
A. I would hope that there would be a lot of other things considered.

Q. Now, here, just so that I'm clear about this, you're referring to the 2018 implementation of Option 2 at this point?
A. When I refer to the Options Paper?

Q. Yes.
A. Yes.

Q. And when you refer to these main drivers, for whom do you say that they were the main drivers?
A. For whoever the decision-makers were about changing the process.

Q. Do you know who those people were?

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

Q. Well, who do you think they were?
A. Justin Howse, Cathie Allen, QPS staff within the DNA management section, including Inspector David Neville.

Q. Now, you have given some evidence today that you have unilaterally taken it upon yourself to contact Mr Neville?
A. I didn't contact him, actually. I contacted one of his staff members and just - we were discussing an issue and she passed my phone number on to him and he contacted me.

Q. My mistake. You have spoken to Inspector Neville, nevertheless?
A. I have.

Q. At any point, did you think it might be helpful for you to ask Inspector Neville whether these were the main drivers from QPS's perspective?
A. Well, at that point in time, I hadn't actually read the Options Paper, when I spoke to him, so I wasn't interested in discussing with him main drivers around anything. I was really more raising my concerns about the auto-microcon process and the fact that the samples that we were auto-microconning weren't being assessed on a sample-by-sample basis.

Q. Can I ask when did you begin to prepare the draft of this statement?
A. I don't know. I couldn't tell you, I'm sorry. I can look back at my records but I can't remember off the top of my head.

Q. Approximately would do.
A. July, August.

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

THE COMMISSIONER: Before hearings.

THE WITNESS: Before hearings?

MR HICKEY: Q. Yes.

A. Yes.

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

Q. Yes?
A. Yes.

Q. And could I suggest to you that was before you finalised this particular statement?
A. My second statement or my first statement?

Q. I'm sorry, you are quite right. I withdraw the question. Did you at any time ask Cathie Allen whether these were the main drivers insofar as she was a decision-maker?
A. Well, I hardly see Cathie. I wouldn't - and if I did I wouldn't be discussing things like this.

Q. You've never asked Justin Howse whether these were the main drivers for the decision?
A. I don't discuss - I don't discuss how things are funded and finances with management. Like, that's not part of my role. These things that I'm providing here are based on what I've read in the Options Paper and my perception of the reasons over the time that I have worked there.

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

Q. It goes no higher than that?
A. No.

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

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

profiles can be interpreted, the sooner the QPS may have the chance to apprehend an offender?
A. Yes.

Q. And the sooner an offender is apprehended, the sooner any risk to the community, if any, can be removed?
A. And that's what I understood from Inspector Neville's evidence as well, that that would make sense.

Q. Are there any other reasons that you agree that turnaround times are important?
A. Well, from my perspective, turnaround times are important because, for me, outputting of work and getting it done well and getting it out the door is important. As a scientist, I like to know that those things are being done in a timely manner.

Q. And as somebody who has worked as a scientist for the Queensland public service for some 17 years, your expectation is that that is what the people of Queensland would expect of you too?
A. Yes.

Q. And you are aware, aren't you, that those are the expectations of your management - that is to say, Kylie Rika from time to time or the person who held her role previously, Justin Howse or Cathie Allen - are concerned to ensure turnaround times remain short in order that the lab is providing the service that the community expects?
A. I would agree that yes, it's important for us to output results to QPS if it means that they can apprehend somebody faster.

Q. And so you don't suggest, do you, that the management of the lab having regard to turnaround times is not something that they should have regard to?
A. I'm sorry, there were too many, like, "nots" and - can you please state that again?

THE COMMISSIONER: Q. He means would you agree that they ought to have turnaround times in their mind, that they should take that into account?
A. I agree that management should take into account turnaround times, yes.

MR HICKEY: Thank you, Commissioner.

Q. Could we move then, please, to paragraph 39. Here you give some evidence. Just scroll up a bit, please, Mr Operator. We see here you are giving some evidence about the director-general's directive of 19 August 2022, and you explain what's in it, and then you tell us in paragraph 39 that you were not consulted about the decision. Would you ordinarily intend to be consulted by the director-general before he or she makes a decision?
A. No. However, I think that in the current climate, it might be important to consider that it's not just people high up within management that might have some good scientific input that could be provided with decisions like this.

Q. Could I ask you, do you agree that you as a scientist have a role to play in maintaining the quality of the output at the forensic scientific lab?
A. Maintaining the quality of the output? Do you mean the DNA profiles?

Q. Yes.
A. Yes.

Q. That is to say, it's not merely the role of somebody who is responsible for quality standards?
A. I think each department - with all the standard operating procedures we have in place, each department has its own role in, within the quality system that we have in place, and we all have our own tasks that we need to ensure we are undertaking and that our quality system is capable of what we require it to do.

Q. And if from time to time you had any particular concerns about scientific processes within the laboratory, you could raise them with your immediate line manager?
A. I could.

Q. With their line manager?
A. I could. We discussed this before. Like, it would depend on what it was as to whether I would go to my line manager and expect them to take it further on my behalf or whether I would want to take it further on my behalf because I'm the one who has the information.

Q. I will try not to be repetitive. What I'm trying to ask you about is whether you were aware of the fact that

there were multiple avenues by which you, as a scientist at the coalface, could escalate scientific concerns that you might have had from time to time. So against that background, the first avenue that you could avail yourself of was line managers?
A. Yes.

Q. Another avenue that you could avail yourself of was the senior scientist for quality?
A. Yes.

Q. Another avenue that you could have availed yourself of was the quality manager?
A. These are people that I wouldn't really have any need directly to contact with respect - like, I wouldn't ever go to our quality manager about an issue that I had; I would go to my line manager and then to their line manager.

Q. All right. What I'm trying to understand, though, is that the evidence, as I understand it that you have given today, is that there are concerns that you have held for a prolonged period of time, and the answer you have just given me is that you would take it to your line manager?
A. Yes.

Q. And that's where it would end; is that right?
A. No. Certain things I would take to my line manager - well, most things I would take to my line manager. Depending on whether I - depending on the topic that we were discussing would depend for me as to whether I would ask for my line manager to take it higher on my behalf or whether I would take it higher on my own behalf.

Q. And so what I'm asking you about is it's a question in the theoretical abstract. I'm not asking you about any particular occasion where you did or did not do that in the past.
A. Okay.

Q. I'm interested in how the lab actually works. Assume there is some matter that you have raised to your line manager?
A. Right.

Q. The outcome is not satisfactory to your mind?
A. Right.

Q. It's open to you then, isn't it, to go to their line manager?
A. Yes.

Q. Or their line manager, all the way up?
A. Yes.

Q. That's one avenue by which you might resolve the concern you might have?
A. Yes.

Q. Another avenue, I'm suggesting to you, is that you could - I'm not suggesting that you did, but you could, if you thought it appropriate - raise it with the senior scientist for quality?
A. I could, yes.

Q. If, for instance, you didn't get any satisfaction from your line manager or that avenue, that's an alternative avenue that was available to you?
A. I guess some people might choose to do that. I personally don't see it - an instance where I might go to that particular manager. But I see that it's a possibility, yes.

Q. And another option available to you, if you perceived there's some particular concern with the scientific processes in the lab, is that you could raise what is described in the material as an OQI - an opportunity for quality improvement"?
A. Yes.

Q. That's not something that you required anybody's permission to do, is it?
A. No.

Q. You, as a scientist at the coalface, at any time could raise an OQI if there was something that was of sufficient concern to you that you thought affected the lab's scientific processes?
A. Yes.

Q. I'm right in saying, aren't I, that at no time have you initiated an OQI in respect of any of the matters that you've been asked about here today?
A. I have not raised an OQI with respect to the DNA insufficient process and my concerns around that process.

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?

A. No.

Q. Thank you. Now, that discretion, exercising the discretion like that, was always open to you, wasn't it, if you considered it appropriate?
A. If I was to come across samples in my day-to-day work as a scientist and I thought that it was appropriate, then yes, I would order those reworks. However, in my experience, I infrequently come across these types of samples unless a statement has been requested, and that's the only time I really see which samples have been previously reported as no DNA detected or DNA insufficient for further processing, because other than getting a statement request and looking at the case holistically, I don't get the opportunity to see these types of samples frequently day-to-day.

THE COMMISSIONER: Q. Could you explain that? I didn't quite follow it. Could you explain that again, Ms Quartermain?
A. So when samples have been deemed no DNA detected or DNA insufficient for further processing, those samples have a line, a result line, that indicates either no DNA detected or DNA insufficient for further processing, which is reviewed - it's entered by and reviewed by the analytical team, which is separate from the reporting team.

So all of those samples that fall within those categories are entered - the line is entered and reviewed by the Analytical team and the reporting team don't see those samples, unless we get a statement request in, and then we get to look at every sample in the case. That's when we get the opportunity to see that there might be a whole bunch of them that had been reported as DNA insufficient for further processing and we can choose at that point to rework those samples further. But most of the time, unless we get a statement request, we won't ever see those no DNA detected or DNA insufficient samples.

THE COMMISSIONER: Yes, I understand.

MR HICKEY: Q. One other way you might have had your attention drawn to those samples would be if the Queensland Police requested a reworking?
A. Yes. So those rework requests don't come through to the reporting scientists, though. I think they go through to the head of the analytical department and he orders the

reworks on those. So I will only see those when the rework has already been ordered and the result is available to case manage.

Q. But in any event, if a sample is asked, requested to be reworked and that work in the analytical lab takes place, it will ultimately make its way to you?
A. Eventually makes its way to reporting, yes.

Q. If again we assume in the theoretical abstract that QPS had known that that was something that was open to them, if they had made that request, that processing would have taken place as a matter of course, wouldn't it?
A. It would have taken place prior to - do you mean, like, in the instance of where I would recognise it at the reporting - writing a statement stage, versus QPS recognising it prior to that?

Q. I think we are at cross-purposes. If there was a sample that fell within the excluded range, if I can put it that way, the DIFP range, if the QPS asked for that to be reworked --
A. Yes.

Q. -- that work would take place in the analytical lab and ultimately make its way to the reporting lab; is that right?
A. Yes.

Q. So that's an example of how that kind of sample might come to your attention?
A. Yes. That's after the rework has been ordered, though. So by the time it reaches us, the time has passed for us to make a determination based on the sample type and the quant value as to the best reworking strategy for that sample.

Q. Could we go, then, please, to paragraph 44 of the statement. You say here that you have provided some recent samples in an Excel spreadsheet. Should we understand by your use of the word "some" that this is not a comprehensive list of all the samples you have decided to process further since 2018?
A. Yes, that's correct.

Q. That is to say, there are other samples which aren't included in your spreadsheet?

A. That's correct.

Q. So we can't, can we, draw any accurate statistical meaning from the data in this spreadsheet?
A. No.

Q. And that's why you are careful to point out in paragraph 45, aren't you, that the spreadsheet has not been formally reviewed by other scientists?
A. No, that's not what I mean by that. What I mean by that is, as a scientist, I'm used to every single thing that I have that is released from the laboratory being reviewed by another scientist, whether it is a statement of witness, whether it is an intel letter issued to the Queensland Police, anything. So this is just scientific information that I have put into an Excel spreadsheet, but I haven't had another scientist double-check all of, for example, the quant values or the barcode numbers or anything like that.

Q. All right. Thank you, I understand. In paragraph 52, if we can scroll on to that, please, there you say you have reworked many samples, and in the second sentence you say you have obtained interpretable DNA profiles from many of those, and then you say you changed your approach on how you treated these samples. Can I ask you some questions about that. Do you have any record of the samples to which you refer as being "many" in the fourth word of the first line?
A. I haven't kept track of the - like, I haven't kept track of barcodes that I have ordered samples on other than - I could probably ask bdna to do some data mining for me but I haven't personally kept track of everything in an Excel spreadsheet or anything like that to be able to provide to you.

Q. So this is intended just as general evidence of some things you have observed?
A. Yes.

Q. And then again when you say you obtained interpretable DNA profiles from many of these, the "these" to which you refer is the many samples that you have identified in the first line; is that right?
A. Yes.

Q. And again you use the word "many". Do I assume you

haven't kept any record of what proportion of the "these" have elicited a sample?
A. I couldn't tell - I haven't kept any records of barcodes, I'm sorry.

Q. All right. But notwithstanding that, you say that that has caused you to change your approach on how you treated these samples. Could I ask, did you bring that change of your approach to your line manager's attention?
A. Yes.

Q. Did you bring it to your team leader's attention?
A. Well, the email that I emailed to Justin did mention - I can't remember, it's not directly in front of me, but it did mention something along those lines.

Q. You didn't add a comment to the standard operating procedures about that?
A. Not with respect to that, no.

Q. Now, in paragraph 55 you say that you're concerned with the level of understanding of QPS officers who receive results that report DIFP. When did you first become concerned about that?
A. Well, it was a concern for me because so many samples were being reported back as DIFP, but we weren't getting any, that I remember prior to this year, requests from QPS, to reactivate these samples. So I was thinking we're reporting back a lot of DIFP or no DNA detected samples but there doesn't appear to be any requests coming through to reactivate these. So it concerned me that potentially QPS either didn't understand what that terminology meant or it wasn't being conveyed to them in a way that they understood through the forensic register or QPRIME.

Q. I think you have answered the question of why you held concerns. What I'm interested in is when you first had these concerns?
A. When did I start having concerns over the fact that we were getting DNA profiles from DIFP samples?

Q. No, sorry, when did you first become concerned about the level of understanding of QPS officers who received results that report DIFP or no DNA detected samples?
A. Okay. So I've always wondered how the information was conveyed to them, because we very rarely, if ever, got requests from QPS to reactivate these samples, and it

wasn't until recently, when I had to contact police because I wanted to exhaust some samples in a case, and in the current - the current understanding is we can't exhaust samples without QPS's permission. So I contacted the investigating officer and asked her if I could exhaust two samples in the case, meaning that there would be none available for future testing, and she - this is in my statement somewhere, I'm not sure where, she said something along the lines of, "Do whatever you like. I'm not an expert in DNA. I don't care what you do. Do whatever you need to for the samples."

Q. So that was the first time you began to hold this concern; is that what you say?
A. Well, that's when I actually had spoken to someone who made me think, well, I don't know how many other people are out there who - how many other police officers out there hold this same view. But I had always wondered, like I said before, how the information was being transferred to the police and if it was being transferred in a way that was visible to them and they understood what that meant, because we weren't getting many, if any, requests in to rework samples that had been reported back as DIFP or no DNA detected.

Q. All right. Could we keep scrolling on, then, please, to the next part of the statement. Here you deal with the case example of value in microcon-concentration, and you make reference to a particular case in November 2021. Do you see that in paragraph 56?
A. I do, yes.

Q. You give us some explanation of the relevant samples in paragraph 57. Tell us some more about it in paragraph 58, and then in paragraph 59, if we can scroll on to that, you say this:

> *The classification of such a sample as "DNA insufficient for further processing" is, in my view, unacceptable from a scientific perspective.*

Now, can I pause there to ask you, did you form that view in November 2021?
A. No.

Q. That's a view you have come to more recently?

A. Well, back in April of 2020 was when I raised my first email to Justin about DIFP samples, so I would say it was at least April of 2020.

Q. All right. So is your evidence that in April of 2020, you had formed the view that the classification of that kind of sample as DNA insufficient for further processing was, in your view, unacceptable from a scientific perspective?

THE COMMISSIONER: I don't understand the question. You're asking her is there evidence that she formed that view?

MR HICKEY: What I'm trying to ascertain is we have heard evidence that she raised a concern in 2019.

THE COMMISSIONER: Yes.

MR HICKEY: What I'm trying to understand is the gravity of the concern in 2019, because what is said in paragraph 59 is that the classification of that kind of sample is, in Ms Quartermain's view, unacceptable from a scientific perspective. Now, that's quite a bold statement.

THE COMMISSIONER: Yes, but I don't understand the question. You are asking her is there evidence of what?

MR HICKEY: I'm sorry --

THE COMMISSIONER: You used the words "is there evidence of".

MR HICKEY: I'm sorry, I have misspoken.

THE COMMISSIONER: All right, you go ahead.

MR HICKEY: Thank you, Commissioner.

Q. Could I ask you to read the view that you have put in paragraph 59 - that is to say, you regard now, I presume, the classification of that kind of sample as unacceptable from a scientific perspective?
A. Yes.

Q. Now, that view that you now hold --

A. Yes.

Q. -- is it the same as the view that you held in 2019 when you raised the issue first with Mr Howse and others?
A. Well, because I've raised it over time, when I first raised it, compared to now, has been a long expanse of time. So over that time I have reworked a lot of DIFP and no DNA detected samples, and so my view now is much stronger in comparison to what it was in 2019, because I've had the time and the chance to rework a lot of samples to see what types of results I would get.

Q. So you would agree with me then that what you communicated to Mr Howse in 2019 was of a lesser degree than the opinion that you now hold?
A. I was still just as concerned.

MS REECE: Commissioner, I object, if she could perhaps be shown what she said to Mr Howse and I can assist my learned friend, it is [FSS.0001 --

THE COMMISSIONER: He doesn't have to, Ms Reece. If the witness needs it, she can ask, and - we will just see how we go.

But when you say "much" - I'm not sure what you mean by "much stronger", you had better put that into - you might put that differently.

MR HICKEY: Yes.

Q. Can I suggest to you that what you say in paragraph 59 is a strong conclusion that classifying a sample in that way is unacceptable, scientifically?
A. That's my perspective now, yes.

Q. Now, can I ask you to agree with me or disagree: the notion of acceptability is binary - that is to say something is either acceptable or it is unacceptable; would you agree with that?
A. Yes.

Q. And so what I'm asking you is, what you communicated to Mr Howse in 2019 was not communicated in a binary way - that is to say, so that he could understand you regarded it as entirely unacceptable scientifically, was it?
A. I think the words that I used in my emails to him are

different but I think the message is very clear.

Q. You agree that if you had intended in 2019 to convey to him that you regarded that classification as being scientifically unacceptable, you would simply have said so?
A. 2020?

Q. 2019?
A. Are you talking about the email I sent to Kylie?

Q. Yes.
A. I - as I've just stated, I think the words that I used in my email conveyed my concern at the time, and this is - saying unacceptable now is how I feel about it, given time has passed, I've had the opportunity to look at and rework hundreds of DIFP samples since then, so I am much more concerned about most recently the fact that we were doing this, as opposed to me just raising my concern back in 2019, as just a concern.

Q. All right. Have you at any time reported a profile as DNA insufficient for further processing since you form the view that doing so was unacceptable from a scientific perspective?
A. No.

Q. And so when was it that you stopped reporting in that way?
A. I would say approximately - it would have to have at least been for the last 18 months. I can't think of an instance when I've released a major crime statement, and if there is, there may be one or two, but I can't think of a specific instance that I've reported DIFP. I'm not excluding that it - it's a possibility, but I've absolutely gone out of my way to rework samples at least in the last 18 months for major crime cases that are DIFP, especially if they're Sexual Assault Investigation Kit swabs or blood swabs.

Q. And that's because you regarded the statement that you provide to court as your statement; is that right?
A. I do, yes.

Q. You have to be comfortable with the language that is used in the statement because you are the one who has to go to court to defend it?
A. I have to be comfortable with it, yes.

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

statements that are DNA insufficient for further processing.

Q. And that's a process you continue to adopt, is it?
A. Not now.

Q. When did you stop doing that?
A. Since the Commission of Inquiry started.

Q. Could we go, then, please, to paragraph --

THE COMMISSIONER: Just before we move on.

Q. I just want to get this clear. You wrote to Mr Howse in 2020 about your concerns about the results line and reporting it in that form, and earlier you said that for the last 18 months you have not been signing witness statements with the result line "DNA insufficient for further processing", there might have been one or two, but other than that you had not been using that expression?
A. Oh, I had not been reporting them at all. So if I had reported them, I had used that wording, but if I saw samples that needed to be reworked that were called "DNA insufficient", I reworked them so I didn't have to report that in my statement at all, I would just report the result.

Q. I see. So if the results on a forensic register - which is where you get your material from, isn't it --
A. Yes.

Q. -- said "DIFP", then you, in the last 18 months or so, would rework those, you would cause those samples to be worked?
A. Yes.

Q. And so you wouldn't have to report them as DIFP, you would report the actual results. Is that what you mean?
A. Yes.

THE COMMISSIONER: Thank you.

MR HICKEY: Q. Is that something of which Kylie Rika was aware you were doing?
A. We may have had a conversation about it, I'm not sure.

Q. Is that something that you told other reporting

scientists was your usual habit in the last 18 months?
A. I don't know if I was explicit in the time frame, but I probably have had discussions with other scientists about that.

Q. You weren't admonished for adopting that approach by anyone?
A. No.

Q. You weren't reprimanded for doing that?
A. No.

Q. You weren't discouraged from doing that?
A. No.

THE COMMISSIONER: Q. Did you tell anyone you were doing that?
A. I did have discussions with other colleagues, because other colleagues were also doing that. But I don't think it was like an email thread or anything like that, it was just discussions amongst reporting scientists.

Q. Did you tell Mr Howse or Ms Allen or Ms Brisotto that you were doing that?
A. Again, I don't think I would have had a conversation with - I don't speak to Justin or Paula or Cathie about statements ever. I really only deal with my line manager and my colleagues. So probably not.

THE COMMISSIONER: Thank you.

MR HICKEY: Q. Having regard to what you've just explained to the Commissioner, would I be right in assuming that to the extent that you have any real managerial involvement with Mr Howse and Ms Allen, that occurs via the conduit of Ms Rika?
A. Currently, Sharon Johnstone's my line manager, so Sharon.

Q. But prior to that, when it was Ms Rika?
A. If I needed - do you mean if I needed to bring something up with Justin I'd go through Kylie or --

Q. Well, I think what you have just said was you tend not to discuss things in respect of reports to Mr Howse and Ms Allen. Would I be right, though, in assuming that generally in respect of administrative or managerial

matters that are relevant to the lab, your first and usually only port of call is Ms Rika?
A. It would be my line manager, yes.

Q. Or Ms Johnstone?
A. Yes.

Q. Would I also be right in assuming that insofar as you might receive communication of things which are purported to have been decided or said by Mr Howse or Ms Allen, if those aren't things in written communication directly to you, that comes via Ms Rika?
A. Can you give me an example of what you mean?

Q. Let me try it this way: you rely, don't you, on the accuracy of what Ms Rika tells you about her interactions with Mr Howse and Ms Allen?
A. I receive emails from Kylie and Sharon around management decisions that Justin has sent to them, that they then forward on to their staff, but I wouldn't specifically sit and discuss something management related with Kylie or Sharon.

Q. And nor would you talk about those sorts of matters directly with Mr Howse or Ms Allen?
A. What sort of matters?

Q. The sorts of matters that might be forwarded to you in an email of the kind you have just referred to?
A. It would depend if that directly affected something that I needed - like, if Justin sent an email to Sharon and Sharon forwarded that to me and I needed clarification, I would contact Justin directly because the email has originally come from him.

Q. Could we deal, please, with paragraph 74 of this statement. Here you proffer an opinion that, based on your experience, all low-range quantitation samples should be quantified twice because of the unreliability of quantitation. Can I ask you, are you aware that a change management project was undertaken to review samples duplicated for quant?
A. No.

Q. And I presume, then, that you are not aware that it found that a single quant was adequate?
A. I'm just - no, I didn't know that was the outcome.

I'm just basing that view on my experience, which is when I have sent low quant samples back for re-quanting, I often get different results.

Q. And what action have you taken to elicit change to the standard operating procedures on this point, given those observations?
A. I haven't made any comment against the standard operating procedures.

Q. Given you're reviewing DNA profiles every day, aren't you in the best position to add comments to the standard operating procedures about these things?
A. Yes, I can do that.

Q. And you should do that, shouldn't you?
A. If I feel that there is a topic that needs to be - if I feel like there's something within the standard operating procedure that needs to be changed, then I would do that.

Q. And so notwithstanding the opinion that you have expressed there, can we conclude from that, then, that this wasn't something that was so important to you that it warranted your adding a comment to the standard operating procedures?
A. That's correct, because ordering a re-quant on a sample, that is ordering a second quant, is something that I can do myself without having to get any permission.

Q. Can we go, then, please, to paragraph 89.

MR HICKEY: I'm sorry to labour this, Commissioner, I'm going as quickly as I can.

THE COMMISSIONER: No, no, do what you have to, Mr Hickey. Sorry, 79, did you say?

MR HICKEY: Paragraph 89, please.

Q. Now, here you are giving some evidence about things undertaken by the analytical team in respect of the review of DIFP samples. Do you see that?
A. Yes.

Q. And you say:

... (which I understand is just a review to

check ...) ...

And then you say some other things to the rest of that clause; do you see that?
A. Yes.

Q. You yourself don't personally work in the analytical team?
A. No.

Q. Have you ever worked in the analytical team?
A. No.

Q. You don't personally do this kind of work?
A. Review from these work lists? No, that - according to the standard operating procedure, that's an analytical task.

Q. I want to ask you this, then: are you aware that the reviewing operator in the analytical team checks positive and negative controls as part of this process?
A. Yes.

Q. And that they check standards have been run?
A. Yes.

Q. And so given that, do you agree with me that the process is not as perfunctory as you appear to intend to suggest there in paragraph 89?
A. We have a quality system in place that has many steps along the way. So I didn't - haven't explicitly stated what those quality steps are but I understand that there are steps taken outside of what I have specifically mentioned in my statement. This is referring to how it relates to us in reporting. So in reporting, the DIFP and no DNA detected reporting lines, which are lines that I write statements on, are added and reviewed by analytical staff. That was the point I was making in that particular point, 89.

THE COMMISSIONER: I read that paragraph - and if you need to test this by all means, Mr Hickey - as advancing the proposition that it's the task of the staff member in the analytical section to check that the quantitation value attributed to the sample, which has been placed in a DIFP set, justifies its being placed in a DIFP set, so it's just an objective look at the number. Of course, there might be

other things that are looked at to make sure that the result is correct, such as positive and negative controls, but relevantly, the only question about whether it should remain in the DIFP set and not be processed is the number. That's what I understood to be the purport of that paragraph, and nothing more.

MR HICKEY: I can't take it any further. I have my instructions and I have put them.

THE COMMISSIONER: Yes, I understand. But I understand it narrowly in that way, I mean.

MR HICKEY: Yes.

Q. Could we turn then, please, to paragraph 100. Now, here you are giving some evidence about an email between you and Mr Howse. It is exhibit AQ-06 [WIT.0012.0026.0001] and I will come to it in due course. It is on around 30 April 2021 you spoke to Mr Howse about concerns raised in your email of 29 April 2021 and you attribute to Mr Howse some things that you recall he said. You don't explicitly say so in paragraph 100, but can I assume you don't, or rather you did not, agree with Mr Howse's response?
A. What are you taking as his response?

Q. Well, he said he did not see the benefit of undertaking your proposal just to see what happens - that is to say, he, on your evidence, had formed the view that there was no benefit in doing what you had proposed. Did you disagree with that?
A. Yes.

Q. You didn't write back to him to say, "We've had this conversation. You've told me you don't see any benefit in it. I disagree with that"?
A. No, I went and had a conversation with him about it.

Q. And notwithstanding that, he formed a view that was contrary to yours?
A. Yes.

Q. Was this one of those cases where simply reasonable minds differed?
A. I don't think so, because I told Justin about some samples that I had reworked and the types of results I had

obtained, and that's not my opinion versus another scientific opinion, that's just fact.

Q. Okay. And so given what you've said earlier in the day about the effective process of science being a robust exchange of ideas and people challenging one another, ought you not really have challenged him at that point further by saying, "I think you are wrong about this and here are the reasons why"?
A. I'm sure that that formed part of our discussion, but it doesn't form part of the email chain, unfortunately.

Q. But you concluded, nevertheless, at the end of the conversation that he was wrong, didn't you?
A. I - it wasn't a right or wrong, it was "This is what I've been finding. I would like to do some further work." I wasn't authorised to do that further work as a formal project or anything like that, so I just made the decision that if I was writing a statement on a case that had "DIFP" and that my name was going on top of the Justices Act, underneath the Justices Act, that I was going to make sure that those results had been fully processed.

Q. So do I understand then that, notwithstanding that being Mr Howse's position, you were able to take steps that you regarded as being appropriate, given the things that you had identified?
A. Well, I needed to.

Q. You weren't stifled in doing that?
A. No.

Q. You weren't admonished by Mr Howse for doing that?

THE COMMISSIONER: Well, you can't put that to her unless - as an implicit admission of something, unless you establish that Mr Howse knew, or put to her that he knew or posit that you will show that he knew. The fact that he didn't admonish her is meaningless unless he knew and chose not to admonish her and then there is something in that.

MR HICKEY: All right.

Q. You have said, I think, that Kylie Rika knew that this was your process?
A. Yes, I think so.

Q. She was your line manager at the relevant time?
A. Yes. And even since then, since she's not my line manager, I've probably still had discussions with her about this.

Q. And so at the time she was your line manager, she didn't tell you not to do that?
A. No.

Q. She didn't say, "You shouldn't do that." She didn't tell you that anybody in her up-line had told her to tell you you shouldn't do that?
A. No.

Q. All right. Can we deal then, please, with Ms Quartermain's second statement. Could we zoom up, please, Mr Operator, paragraph 5 [WIT.0012.0028.0001]. Here you say that, in your view, the split between analytical staff and reporting scientists and the associated tasks is not presently the most efficient use of resources. When did you come to hold that view?
A. I don't really know when it was. It's just something I've noticed over time, that certain staff within analytical have mentioned to me that they would be interested in learning some reporting tasks, but haven't been allowed to do that, and I've thought it would be great, actually, to have some additional help in times when our work lists have got a lot of samples on them and we could potentially borrow staff from another department for a period of time to help alleviate that.

Q. Now, you say that they've told you they weren't allowed to do that. You don't know the reason why?
A. No.

Q. You've never raised this particular observation or conclusion with Mr Howse?
A. No.

Q. You've never raised it with Ms Allen?
A. No. It --

Q. So until they have received this statement from you neither of them, you would accept, has had an opportunity to consider this view of yours before now?
A. Not consider this view of mine, but I would be surprised if they weren't aware that there were analytical

staff that wanted to learn reporting tasks.

Q. But you don't know that for sure, do you?
A. I don't know that.

Q. Can I take you, please, to paragraph 17 of this statement. There you tell us that you feel that if you challenge or ask a question about a decision made by management, you have a target on your back. Can I suggest to you that you've never told Justin Howse you feel this way?
A. Not with respect to any particular person.

Q. Can I suggest to you that you've never told Justin Howse that you feel that if you challenge or ask a question about a decision made by management, you have a target on your back?
A. No, I haven't explicitly said those words to him.

Q. And similarly, you've never told Cathie Allen that either?
A. No.

Q. Can I suggest to you that you personally have never been reprimanded for making a suggestion?
A. I'd need time to think about that. I've been working there for 17 years.

THE COMMISSIONER: Q. I'm sorry, what's that?
A. I was just saying I don't think I can answer that question without having some time to think about it, because I've been there since 2005. I can't right now think of a specific example, but I would like time to think about it if that's an important question for me to answer.

MR HICKEY: Q. Could I put it this way, there is nothing so significant that it has stuck in your memory as being an occasion upon which you have been reprimanded for making a suggestion?
A. Not reprimanded.

Q. Or admonished?
A. I feel like - because of things that I have brought up at work over time, things sometimes can - it makes me feel like when I'm after an answer for something, or requesting something, that things can take a bit longer than they need to.

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.

Q. And she says this, relevantly, in respect of those matters:

... I'm not sure where they are, I haven't had the time to trawl through everything to find that out I'm afraid).

Would you agree with me that that's conciliatory language by which she acknowledges that she's not giving you the answers that you've been looking for?
A. I can see that what she's saying is that there are unaccounted samples that she - and she doesn't know where they are.

Q. She's quite open about the fact that she hasn't had the time to do some things?
A. Yes.

Q. "I'm afraid"?
A. Yes.

Q. Effectively saying she's apologetic about that; would you agree?
A. Yes.

Q. There is nothing in the substance of that email, in which Cathie Allen says to you, "Please don't bother me with your questions or suggestions"?
A. I hope not. No, I don't think there is. I haven't reread it, but no, I don't - I can't think of any instance where Cathie has said that in an email to me.

Q. So nothing in the substance of this email that would lend support to your suggestion that if you challenge or raise a suggestion about a decision taken by management, you've got a target on your back?
A. I don't mean that with respect to every challenge, but there have been challenges and that's how I've felt as a result of those challenges.

Q. Now, if we could scroll up, please, Mr Operator, we see at the bottom of page 0004_R - could we just zoom in to that email, please - here you say:

Hi Cathie.
Thanks again for your email.

And in the final line of the first paragraph you ask her a direct question:

> *Why wouldn't they use all available data, do you know? I wonder why they just choose such a small sample set to gauge TAT?*

So could I suggest to you that here is an example of you challenging or asking a question about a particular policy or procedure?
A. I don't think I'm challenging, I'm just wanting to know why would QPS only use such a small dataset to determine our turnaround time.

Q. You're asking a question --
A. Yes.

Q. -- of Ms Allen --
A. Yes.

Q. -- about decisions that have been taken?
A. Just about a metric, just about how QPS have calculated our turnaround time.

Q. And on 26 November 2020, which is when this email was sent - if we scroll up a little bit you'll see that - you felt perfectly comfortable, notwithstanding that lengthy email that Ms Allen had just sent to you, in pushing back to ask a further question?
A. It's just a question. It's just something that I wanted to know, so if I've got a question, I would always direct it to the appropriate manager that I thought could answer my question.

Q. Of course. You felt comfortable asking that of Ms Allen?
A. Well, I knew that Ms Allen, to my best - to my knowledge, is the only one that could answer that question.

Q. So this is an example, isn't it, of a case where you don't go to Rika or Johnstone but instead you go around them to Ms Allen because she is the one who can answer your question?
A. That's how I approach all my scientific work. I don't go to the person who gets paid more than me or - I go to the person who knows the answer to the question or could

help me. For example, in DNA profile interpretation, I go to the scientist who has the most experience with that type of DNA profile interpretation.

Q. All right. And you would agree with me, wouldn't you, that - and read it if you need to - Ms Allen appears to be engaging with you in her earlier response in a genuine and bona fide way?
A. Could I just get the whole email up, please? Is that one on screen the one you are wanting me to read?

Q. That's the one. [WIT.0012.0029.0001 at 0005]
A. Okay, I've read that. What was your question, sorry?

Q. You would agree with me that she appears in that email to be engaging with your questions in a genuine way?
A. Yes.

Q. You didn't form the view, when she wrote that to you, that she was being dismissive of you?
A. No.

Q. Disinterested in assisting you with your inquiry?
A. No.

Q. All right. Can we scroll up, then, please, Mr Operator, again to page 4. I have taken you to this, this is the email I took you to a few moments ago. This is your response to her?
A. Yes.

Q. If we scroll up a little bit further, we see later that day at the bottom of page 2, Ms Allen again responds at length to the question that you had raised in that email that I have taken you to where you say, "Why wouldn't they use all the available data"; do you see that?
A. Yes.

Q. And your email to her was sent at 3.20. Two hours later on the same day, she sends you this lengthy response.
A. Yes.

Q. Now, what we see, then, is that the next morning, if we scroll up to page 2, is an email that you send to all of those people we see listed there?
A. Yes.

Q. But excluding Ms Allen; do you see that?
A. I didn't intentionally exclude anybody; this was just an email that was sent to my team. They are not specific people, they are just my team.

Q. So you have forwarded this on to your team?
A. Yes.

Q. You say:

Please find below a response from Cathie. Maybe my reply to her email will bring it back to my original question.

That was you making a snide remark about Ms Allen's response to your question, wasn't it?
A. No.

Q. That was you suggesting to your team that she had failed to answer your original question?
A. No. That wasn't my intention by sending that at all.

Q. What was your intention?
A. I would have to go back and re-read this email chain to get the flow back in my head but I never intended for anything to come across as snide or anything.

Q. It was implicitly critical of Ms Allen?
A. No, not really.

Q. You didn't, for instance, rather than forwarding it on to your team at 7.12 the next morning --
A. Yes.

Q. -- respond to Ms Allen to say, "Could we return to my original question"?

THE COMMISSIONER: Well, I guess it's a long email chain and we might take a 10-minute break and let Ms Quartermain read it and then you can continue, Mr Hickey.

MR HICKEY: Thank you, Commissioner.

THE COMMISSIONER: We will adjourn for 10 minutes.

SHORT ADJOURNMENT

THE COMMISSIONER: Yes, Mr Hickey.

MR HICKEY: Thank you, Commissioner.

Q. So, Ms Quartermain, have you had the opportunity, across the break, to refresh your memory about that email chain?
A. Yes.

Q. So can I ask you then again, in respect of that email that's on the screen, isn't it the case that that second sentence was really calculated to undermine Cathie in the eyes of your team?
A. No.

Q. You could, for instance, have simply forwarded the response from Cathie?
A. I could have.

Q. You could simply have said, "I don't think this answers my original question, I'm going to send her a follow-up"?
A. I could have.

Q. But instead you wrote that, and I suggest to you that it was intended to imply something negative about Cathie Allen to the team?
A. It wasn't. It was - there was an email prior to this, which was not part of this email chain, where I asked Cathie a particular question about that, and I hadn't had a direct response yet because apparently she had to look into it further with respect to percentage of staff required to be available at that particular time. So I hadn't had a response to that, but I read from what I said was, maybe in - maybe my reply email to her email will bring it back to the original question, so maybe my reply to the email that she has sent me, I'll bring that back up so we can see if we can get an answer.

Q. Can I suggest to you, Ms Quartermain, that that's simply not true?
A. No - well, you can suggest it, but there's no ill intention there with respect to what you're suggesting around how I'm trying to portray Cathie. There's nothing like that there.

Q. All right. Can we scroll up the chain, please. Stop

there, please, Mr Operator. Here is your response to Cathie.
A. Yes.

Q. We see in the third-last line of the first paragraph, you tell her that this issue:

> *... has caused somewhat of a divide between departments as we all try to work out where the bottleneck is and where the bulk of the outstanding work actually sits.*

Then you ask her for something:

> *Are you able to provide some clarification around this to everyone?*

Now, you felt perfectly comfortable, didn't you, in writing that to Cathie to communicate your concern that there was a division between departments within the team?
A. I felt that it was necessary to bring it up with her so that she was aware.

Q. If we scroll up a little bit further, we see you then forwarding the email that you have just sent to Cathie to the rest of the team, keeping them all in the loop, presumably?
A. Yes.

Q. And then if we scroll up a little bit further - stop there please, Mr Operator - we see Cathie's response to that email of yours; that's right, isn't it?
A. Yes.

Q. And what she opens by saying is "Thanks for your feedback ... it's really appreciated." That didn't make you feel like your suggestion was unwelcome, did it?
A. What suggestion are you referring to?

Q. The contents of your previous email where you suggested to her that there had been a divide between the departments as they all tried to work out where the bottleneck is, "Are you able to provide some clarification around this to everyone"?
A. Yes.

Q. So you agree she was grateful for that suggestion,

don't you?
A. She says that it's appreciated. But from memory, I don't remember her, like - sorry, I just want to read this part of the email again.

Okay. So she's saying that if there's talk of divide between teams, perhaps approach your line manager or team leader to discuss.

Q. I'll come to that. There's nothing in this email, is there, when you received it in December 2020, which caused you to think that Cathie Allen was not receptive to the contents of your earlier email?
A. No.

Q. There's nothing in this email, as you sit and look at it now, which suggests that your questions were not welcome?
A. No.

Q. There's nothing about this email that suggests that by raising these questions, it was likely that you might have a target on your back?
A. As I said to you earlier, it's not every single thing that I've brought up over time with management that makes me feel that way.

Q. Would you answer my question, please? There's nothing in this email --
A. This email did not make me feel like I had a target on my back.

Q. Thank you. So then we go on to the second paragraph, and she acknowledges what you have raised in the earlier email:

If staff feel that there are issues between teams ...

That was the gist of what you were raising, wasn't it?
A. Yes.

Q. So she has identified correctly the very problem you had raised with her?
A. Yes.

Q. Then she goes on to say:

-- it would be great if they could highlight this to their line manager so that each team can discuss it ...

So can I suggest to you that in response to the issue you had raised she'd turned her mind to it and proffered you a suggestion?
A. Yes.

Q. You didn't consider that was unacceptable?
A. No.

Q. You didn't suggest to her at any time after you considered that was unacceptable?
A. No.

Q. And you would agree now, wouldn't you, that that's an entirely appropriate way to deal with the issue that you had raised?
A. Yes.

Q. You never told Cathie Allen that you had raised this issue, you personally, with your line manager?
A. I don't remember whether I discussed this with my line manager or not. I would have thought I did, but I don't remember.

Q. But in any event, you didn't say to Cathie, "I don't think that's an appropriate way to solve this problem"?
A. No.

Q. And so you would agree, wouldn't you, that unless you told her that, if that indeed was your view, she could never know that?
A. Did I say that was - what do you mean, that was my view?

Q. The only way Cathie Allen could know what you were feeling was if you told her?
A. With respect to the team divide?

Q. The divisiveness in the team?
A. Yes.

Q. And her proposed response?
A. Yes, yes.

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.

THE WITNESS: I don't believe my email there is just referring to the immediate email. I believe it would be referring to things that the chain of emails has addressed, that thread of emails, not just that one.

MR HICKEY: Q. At no time since 4 December 2020 until today have you brought to Cathie Allen's attention that this was not satisfactorily resolved in your mind?
A. No, I feel like over time it's resolved itself. It resolved itself for a period of time with respect to outstanding samples and bottlenecks, so it wasn't anything that really needed any further action.

Q. And yet you saw fit to include this as evidence relevant to proffer to the Commission?
A. This was part of an email chain, and as anyone would know, email threads can go on and on and on. I was trying to keep the things that were relevant to the Commission that are in the email chain and provide what I thought was relevant. There's probably emails after this and emails before this.

Q. Could we go, then, please, to exhibit AQ-06 to Ms Quartermain's first statement. Mr Operator, it's [WIT.0012.0026.0070]. I think you have been taken to this email already today. Could we start, please, by zooming in at the bottom of that page, Mr Operator - oh, our pages are different. In any event, scroll in at the bottom of that page, please, where the header is. So we see here is the email that you send on 29 April 2021, and the subject is "DNA insufficient for further processing". If we scroll on, please, Mr Operator, regrettably this is a little bit illegible. Do you have a copy in front of you there?
A. I can find it.

Q. It's all right, I could probably deal with it in any event. Can you see that in the second paragraph there, in the end of the second line, you say you:

> *... strongly feel that we should be processing a lot of these samples these days, especially ones that may have a quant value close to the cut-off range.*

Do you agree that's what that says?
A. Yes.

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.

Q. So your concerns really are, aren't they, about the non-scientific stuff?
A. When you're talking - when you mention about me feeling as though I have a target on my back, that's related to non-scientific stuff.

Q. And there's nothing that either Mr Howse or Ms Allen has ever done to lead you to conclude that in respect of the scientific stuff, you have a target on your back?
A. No.

Q. Thank you. Now, could we go, then, please, to Ms Quartermain's second statement at paragraph 17 [WIT.0012.0028.0001_R at 0003_R] thank you, Mr Operator. That's the first sentence I've been dealing with. Then I want to ask you some questions about what you say in the next sentence:

> *There is a very high level of control over employees that makes us feel like we're not trusted.*

Now, who is it that you say exercises this very high level of control?
A. Cathie.

Q. Thank you. And what in particular is it that you point to, if anything, other than the examples that you have given about the stationery cupboard, the working hours, flexible work arrangements, calling in sick, that kind of thing - what else, if anything, do you point to as evidence of that very high level of control over employees that you say Ms Allen exercises?
A. Well, they're the things that affect me directly and significantly, so I'm sure there are other things, and if you'd like me to go away and think about it and come back to you I can, but they're the things that come to mind - were coming to mind when I wrote this statement.

Q. Would you agree with me that those are, again, the non-scientific stuff rather than the scientific stuff?
A. It's not the science but, for example, my flexible work arrangement and allowing me to be able to work full-time versus part-time does have an impact on the scientific output of my department.

Q. Could I ask you this, when you say "very high level of control", compared with what?
A. Well, compared with, for example, the police services' stream consists of forensic DNA and forensic chemistry, and as far as I'm aware, forensic chemistry don't have any rules as to when they - like, specific hours that they need to call in sick, they don't have locked stationery cupboards, so compared to the other department under Cathie's managing scientist, under her as the managing scientist.

THE COMMISSIONER: Q. I don't understand the calling in sick point. You said you had to call in sick between 8 and 9 --
A. That's correct.

Q. -- if you are sick and taking the day off. What happens if you call in at half past 9?
A. We'll probably get an email the next day reminding us to call in between 8 and 9.

Q. And who do you call between 8 and 9?
A. Our admin department in forensic DNA.

THE COMMISSIONER: Thank you.

MR HICKEY: Q. What's the problem with receiving an email the next day reminding you to follow procedure?
A. I just don't understand why the strict between 8 and 9 needs to exist when it doesn't exist for other departments. If someone has had a bad night with sick children and falls asleep and wakes up at 9.30, calls in sick to look after their children, I don't feel like that's the type of thing that they should be worried and stressed about calling in half an hour late when they've got sick children at home.

Q. You've never suggested to Ms Allen that you felt stressed or anxious about having sick children and having to call in late because of that, have you?
A. I never - I hardly even see Cathie, let alone speak to her.

Q. Similarly, you've never had that kind of exchange with Mr Howse?
A. I don't call in sick to Justin, I call in sick to admin.

Q. You don't know, do you, whether that particular procedure has been foist upon you by admin as distinct from Ms Allen?
A. I don't recall a specific discussion but I know there has been a discussion that I was in because I remember it being said that that was a rule that Cathie had brought in. Now, I don't remember when it was, I just remember hearing those words from one of the admin staff.

Q. Can I suggest to you that it's really entirely unreasonable to compare what the administrative arrangements might be in the FSS laboratory with the administrative arrangements that might exist in a separate work group within an entirely discrete department?
A. I don't really know what you're asking. Sorry, can you ask me again?

Q. Yes. Assume that the FSS lab is an apple, and assume that the QPS lab is a pear. It's not appropriate to --

THE COMMISSIONER: No, that's not a question. That's not a question, Mr Hickey. I know what you're getting at, but really, that's not a question. If she assumes that one is an apple and one is a pear, of course it's not right to compare, but that doesn't help me.

MR HICKEY: Thank you, Commissioner.

Q. Now, the other point you make is stationery. That was one of the other things that you raised as being --

THE COMMISSIONER: Sorry to interrupt you, Mr Hickey, and there is no pressure on you, we can keep going if you want to, but we can also adjourn.

MR HICKEY: Thank you. Sorry, Commissioner, I hadn't noticed the time.

THE COMMISSIONER: You need not apologise. It takes as long as it takes.

MR HICKEY: I've still got quite a way to go.

THE COMMISSIONER: All right. We will adjourn until tomorrow. Thank you.

You will have to come back until tomorrow,

Ms Quartermain. Shall we adjourn until 10 tomorrow, does that suit, or is anybody concerned about time?

MS REECE: 9.30 perhaps?

THE COMMISSIONER: Does anybody object? No? We'll adjourn until 9.30, then.

AT 4.36PM THE COMMISSION WAS ADJOURNED TO TUESDAY, 11 OCTOBER 2022 AT 9.30AM

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