COMMISSION OF INQUIRY INTO FORENSIC DNA TESTING IN QUEENSLAND

Brisbane Magistrates Court Level 8/363 George Street, Brisbane

On Tuesday, 11 October 2022 at 10am

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. 1 2 3 MS REECE: There is an application for leave to appear on behalf of Lara Keller. 4 5 MR S HOLT KC: Good morning, Commissioner. 6 I appear with Ms Hughes of counsel. We're instructed by Holding Redlich. 7 I seek your leave to appear for and for Lara Keller to 8 appear in this Commission of Inquiry. 9 10 THE COMMISSIONER: 11 Yes, you have leave. 12 May it please the court. 13 MR HOLT: 14 THE COMMISSIONER: Ms Reece? 15 16 MS REECE: Commissioner, there have been some documents 17 provided overnight which are available on request through 18 the operator. They are not yet on our online system. 19 20 have been made available to the parties. Other than that, nothing further from me at this stage. 21 22 23 THE COMMISSIONER: Mr Hickey? Yes. 24 25 MR HICKEY: Thank you, Commissioner. 26 <ALICIA ANN QUARTERMAIN, on former oath:</pre> [10.01am] 27 28 <EXAMINATION BY MR HICKEY CONTINUING:</pre> 29 30 31 MR HICKEY: Q. Ms Quartermain, there are two issues, in 32 fairness, that I want to cover off with you arising from yesterday's evidence that have become obvious to me on 33 reading the transcript you and I might have been at 34 cross-purposes. So in fairness to you and in assistance to 35 the Commissioner, I think I ought to go back to those 36 37 points. 38 The first is you will recall there was a passage 39 40 yesterday afternoon when I was asking you about with what you compared what you described as the very high level of 41 control - do you recall that? 42 I do remember speaking about that, yes. 43

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Q. In particular, the passage that might help you recall is that I churlishly attempted to ask you to compare apples with pears and the Commissioner, quite rightly, said that's

1 2 3	not helpful. Do you recall that exchange? A. I remember that, yes.
4 5 6 7 8 9 10	Q. Upon reviewing the transcript it seems to me that I misunderstood the effect of your evidence, which was that I had thought you had said that you were comparing a QPS work unit with a forensic DNA work unit. For the benefit of anyone else, the transcript reference is page 988, from lines 1 to 10. When I asked you the question, what you said was:
12 13 14 15	Well, compared with, for example, the police services' stream consists of forensic DNA and forensic chemistry.
16 17 18 19	Now, what you were describing there, weren't you, is two separate units within FSS? A. That's correct.
20 21 22 23 24	Q. Thank you. I understand that. Having clarified that point, it's not the case, though, is it, that you have ever worked in the forensic chemistry section? A. No.
25 26 27 28 29	Q. And so to the extent that you have knowledge of what happens in terms of the administrative matters within that unit, that's just based on what other people have told you? A. Yes.
30 31 32 33 34 35	Q. And so you would accept, wouldn't you, that you might be wrong about what you understand to be the case in respect of the way the forensic chemistry section is in fact administered? A. I can only go by information that I have been provided, so I don't - I haven't read their processes.
36 37 38 39 40 41	Q. Thank you. Now, the second issue that I wanted to clarify with you, you will recall that I took you through a chain of email and across the break yesterday afternoon you were asked to review a chain of email? A. Yes.
42 43 44 45 46	Q. And in the course of that line of questioning, you will recall that I suggested to you that one of your responses had been a snide response. Do you recall that? A. I do.

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1 And you suggested to us that there was some other 2 context that you needed to understand that there might have 3 been additional emails before and after that exchange that weren't presently available to us. Do you recall that? 4 5 Α. Yes. 6 MR HICKEY: 7 Could I ask the operator, please, to bring up the first of the documents [WIT.0012.0028.0001_R] 8 I understand, Commissioner, there are two, and so I will 9 attempt to identify the beginning of the exchange as best 10 I can. Would you mind scrolling down, please, Mr Operator. 11 12 Is that to the very bottom of the - there we are. one more? 13 14 15 THE OPERATOR: That's the last page. 16 Is that the last page? Scroll up, please. 17 MR HICKEY: Perfect, thank you very much. I appreciate 18 That's it. that. 19 20 21 So there we see you write to Ms Allen on 4 November? Q. 22 Α. Yes. 23 24 And in particular, what you raise is you have been thinking about a below email about Christmas Eve - and, 25 26 sorry, I should say the earlier email is about Ms Allen communicating to the team that her expectation was that 27 75 per cent of people would be available to work on 28 29 Christmas Eve. Do you recall that? Yes. 30 Α. 31 32 You quite generously come back and say, "Well, I'm working on Christmas Eve anyway. I think that we can 33 probably do with 50 per cent of the team. 34 Isn't there some way we could arrange it so that others can spend that time 35 at home with their families?" 36 37 It was just a suggestion, yes. 39

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Q. Of course. And that's what you explain there?

Α. Yes.

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And then if we can just scroll on, please, up, Mr Operator, so here is Cathie Allen replying to you, and if we scroll even further up, please - stop there - we can see this is one of the emails, I think, that you were taken to yesterday?

Α. Yes.

1 This is her response? 2 Q. Yes. 3 Α. 4 5 If we continue to scroll up, please, Mr Operator, stop there, we can see your response to that - you and she are 6 going backwards and forwards about the detail of the 7 turnaround times and how they are measured, what particular 8 metric it is that QPS uses for its purposes of ascertaining 9 the number of samples that haven't been concluded? 10 Yes. 11 Α. 12 And then if we can scroll up, please, MR HICKEY: 13 Mr Operator, we get to the top. Now, is there a second 14 document, or is that it? Is there another one? 15 16 THE OPERATOR: There is. 17 18 MR HICKEY: Thank you. Could we scroll to the bottom, 19 20 please. Are there only two pages of that, Mr Operator? 21 22 THE OPERATOR: Four pages. 23 24 MR HICKEY: Scroll on, please. That is the fourth page. Scroll up, please. All right. Pause there, please. 25 26 27 Here we see again you having an exchange with Ms Allen about the turnaround times, the way the metric is measured. 28 If we scroll up, we see you responding to her. 29 a few more questions. You are sending on to the team to 30 explain that you have been liaising with Cathie around the 31 32 50 and 75 per cent issue? Α. Yes. 33 34 35 If we scroll up, this is the response that we have seen before? 36 Yes. 37 Α. 38 And then you respond to her and that's the end of the 39 So having reviewed that overview, can I suggest, 40 in fairness to you, what it appears as though, the first 41 issue that you had said in the correspondence we saw 42 yesterday, that you hadn't had a reply to your original 43 point, was really this point about whether 50 per cent of 44 workforce could attend on Christmas Eve rather than 75? 45 46 Α. Yes. 47

- Q. And so when you were circulating that message to the team, you weren't intending to be snide about the substantive response that Ms Allen had given to you, but rather referring to the fact that you hadn't really got to the bottom of whether people could go home on Christmas Eve?
 - A. And it was my understanding that I had asked Cathie this directly because the email about the 75 per cent had come from her to forensic DNA analysis, but there were discussions within the management team after this around this particular issue.

Q. Yes, thank you.

MR HICKEY: Does that clarify the point, Commissioner?

THE COMMISSIONER: Yes. Thank you, Mr Hickey.

MR HICKEY: Q. Could I return then to the substantive points that were left to address with you yesterday afternoon. When we left off, we were talking about those matters that you identified, which you said were the causes of your suggestion that there had been very high levels of control exercised at the lab. Do you recall that?

A. I recall us discussing that, yes.

Q. The one that I was about to move on to was your concern that the stationery cupboard was locked, and in particular you had said that by comparison to the forensic DNA lab, forensic chemistry don't have a locked stationery cupboard?

 A. I didn't say that.

Q. Well --

 A. I don't know whether they've got a locked stationery cupboard or not but we do in forensic DNA analysis.

 ${\tt Q.}~{\tt I'm}$ sorry, ${\tt I'm}$ just reading from the transcript where you say:

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

1 2 3 4 5		cupboards, so compared to the other department under Cathie's managing scientist, under her as the managing scientist.
6 7 8 9 10	have they betw	n't recall saying that I knew that forensic chemistry locked stationery cabinets, because I don't know if do. I do know that they don't need to call in sick een specific hours and that their work hours are wed to extend prior to 7am.
12 13 14 15 16	diff evid	All right. So again, I'm not intending to be icult about it, but you don't - contrary to the ence you gave yesterday, you don't know whether the r team has a locked stationery cupboard? I don't know whether forensic chemistry does or not.
17 18 19 20 21 22 23	admi of p	All right, thank you. Are you aware that the nistrative team has found that if they place a number ens or post-it notes out for general access, the stock xhausted within a day or two? That's what stationery is for, isn't it?
24 25 26	Q. A.	I'm asking you whether you are aware of that? Not specifically, no.
27 28 29 30 31	on r to i	And so because of that, small amounts are placed out egular intervals to ensure that staff can gain access t. Are you aware of that? Yes.
32 33 34 35	Q. proc A.	Are you aware that Cathie Allen did not implement that edure? I don't know who implemented that procedure.
36 37 38 39	Q. proc A.	Have you ever asked anybody who implemented the edure? No.
40 41 42 43	Α.	Have you ever raised a complaint about the nvenience of the procedure? I've spoken to people about it, but I've not raised it formal complaint.
44 45 46	Q. A.	Who have you spoken to about it? My line manager, my team.

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- 1 Q. Kylie Rika?
 - A. Probably lots of people over time. This has been the case for quite a few years.

- Q. You see, the thing is, Ms Quartermain, you point to this issue by way of evidence of what you describe as a very high level of control, and when I asked you yesterday who do you say exerts the high level of control, your evidence was it's Cathie Allen. What I'm trying to understand is how you can lay the blame for very high level of control in respect of stationery or access to it at the feet of Ms Allen, in the circumstances that you have just described?
- A. Well, Cathie, being our managing scientist, if she isn't the person who has exercised that control, then she would know of the person that's exercised that control and potentially these questions are best directed to her. I don't know who's brought that in. I just feel that as our managing scientist, it would most likely have been the person in charge of our department. That's just my perception.

- Q. Do you suggest that the managing scientist of the forensic lab would be concerning herself with pens and post-it notes?
- A. I am saying that our managing scientist I would expect that she would be concerning herself with all aspects of the running of the laboratory.

- Q. Including pens and post-it notes?
- A. Including pens and post-it notes, yes.

 Q. All right. That being so, can I assume, then that, this lack of access to stationery is something that has been an ongoing problem for you over a long period of time? A. Yes.

Q. And you've raised it with your line manager?A. Well, there's been discussions over time about the inconvenience, yes.

- Q. With your line manager?
- A. With my line manager, with my work colleagues, with other reporting staff members.

THE COMMISSIONER: Sorry, Mr Hickey, just so I understand it.

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              If you want to get a new pen or a few more post-it
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        notes, what do you have to do?
              So as Mr Hickey stated, there is limited stock that's
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        sitting on the shelves available for us to grab, but not
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        all of it is always available. So if I wanted to go and
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        get, for example, the size post-it notes that you are
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        holding because I'm reviewing a statement and I need to
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        tab things along the way, sometimes that's not available
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        and I would have to go to an administrative staff member.
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              Who? Anybody we know? I'm aware of the people who
        occupy particular positions --
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        Α.
              Yes.
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               -- Ms Brisotto, Mr Howse, Ms Allen, Ms Rika,
        Ms Johnstone?
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             Yes.
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        Α.
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        Q.
              Who do you have to approach to get a pen or a --
              So our admin staff who are the staff members who send
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         statements for us and do a lot of our administrative tasks,
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         including checking our leave forms and things like that,
        those staff --
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              I see, so like the secretarial staff, the secretariat
        staff?
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        Α.
             Yes.
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              So you approach one of them and say, "I need some
         stickies and they're not available" and they go to the
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         locked cupboard, unlock it and get it for you?
              That's correct.
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        THE COMMISSIONER:
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                             I see.
                                     Thank you, Mr Hickey.
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                           Ms Quartermain, can I suggest to you
        MR HICKEY: Q.
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        that, really, this is a trifling issue in the grand scheme
        of things.
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        THE COMMISSIONER:
                             I think that's her point, Mr Hickey.
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        MR HICKEY:
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                      Q.
                           What I'm suggesting to you,
        Ms Quartermain, is that this isn't any serious disruption
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        to your ability to perform your work?
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              It's no disruption to the ability for me to perform my
        work; it's an inconvenience on occasion and it's just the
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- general feeling of not being trusted to only take what I need from a stationery requirement perspective.
 - Q. But you have never communicated to Cathie Allen, being the person that you say exercises the very high level of control, that you perceive that control over stationery to be an example of her doing that?
 - A. No, I have never spoken to Cathie about stationery.
- 10 Q. And you'd expect, wouldn't you, that if you had, she would address that issue?
 - A. I can I can ask her. I've never asked her so I wouldn't know what to expect from her to be honest with you.
 - Q. But you'd agree with me that might be one way of solving that particular problem?A. I agree with that.
 - Q. All right. Now, could we turn then, please, to Ms Quartermain's second statement, the document is [WIT.0012.0028.0001_R] and the relevant page we need to go to is 0004_R. Could we zoom in, please, on paragraph 20.

Now, this is the final paragraph in a section where you are talking about the exchange that you had with Ms Allen around the turnaround times and the current sample list of figures. The exhibit is AQ-01, that's the email exchange that you had with Ms Allen in November 2020, and that's part of that suite that I asked you about this morning and also yesterday afternoon. Do you recall that? A. Yes.

- Q. And you will recall that the exchange that you were having with Ms Allen was about the manner in which QPS and, by consequence, the lab, measured its turnaround times, do you recall that?
- A. That was one of the things, yes.
- Ms Allen's lack of understanding around the number of outstanding samples and how our work output KPIs are tallied concerns me.

And what you say in paragraph 20 is:

Can I just ask you some questions about that. Did you ever put to Ms Allen that, in your opinion, she did not

Q.

- understand the number of outstanding samples and how the work output KPIs are tallied?
 - A. I think that I did put that in my emails to her and she responded to that.

- Q. We can bring the email up but can I suggest to you that one does not see in that email you plainly suggest to her that she doesn't understand it?
- A. I wouldn't have used the words that I didn't think she understood it but I think I made it clear that the information she had been she had provided to forensic DNA, the figures weren't added up correctly.

Q. And then you go on to say:

... the emails that [she] has sent to the DNA analysis staff outlining outstanding data is technically incorrect --

A. Yes:

Q.

-- and causes concerns within the reporting team.

Again can I suggest that you didn't squarely suggest to her that her understanding, her analysis, was technically incorrect?

A. Again, I don't think I used that terminology but
I think I made it clear that Cathie had incorrectly quoted
the amount of outstanding samples in my emails to her.

Q. Now, could we go, then, please - I'm sorry to do this out of order but these things arise from the tail end of your evidence-in-chief yesterday afternoon. Could we return, please, to Ms Quartermain's first statement, the page reference is [WIT.0012.0025.0001_R at 0018_R] and if we could zoom in, please, at paragraph 107 at the foot of the page. You say here that Kylie once mentioned that she had had discussion in a management team meeting about the MS Teams form acting as a deterrent to reporting. Do you see that - deterrent to the reporting scientists to rework the samples?

A. Yes.

Q. I think you gave some evidence yesterday afternoon to similar effect, to say, look, it's a bit of a nuisance to

- have to fill in the form, it acts to deter the reporting scientists from doing that step?

 A. Yes.

 Q. Do I understand that the evidence you give in paragraph 107 is entirely based on what Ms Rika said to
- 8 Ms Allen? 9 A. Yes.

Q. And so you've never personally raised this issue with Ms Allen?

you, not from any personal communication that you had with

13 A. No.

Q. Now, it's the case, isn't it, that these requests have to go via Mr Howse and then ultimately they go to Ms Allen?
A. That's my understanding.

- Q. You've never raised this particular issue that is, that it acts as a deterrent to reporting scientists, with Mr Howse?
- A. I don't think so. I don't think so.

- Q. So you were entirely reliant upon Ms Rika having escalated that issue in an appropriate way?
- A. I never raised it to Kylie as an issue, as such, just that it was an extra step that sometimes led to a statement release date being pushed back, and that could be seen as, if we're unable to meet court dates, not favourably by the court.

- Q. So focusing again on paragraph 107, you say that Kylie mentioned in a reporting team 2 meeting, when you were still in her team, that she had once commented that the form may act as a deterrent to reporting scientists. Is it the case then that that view was not one that you held but, rather, one that she held?
- A. That was a discussion that had been had, again, just within the reporting team area in general. I may have had conversations in general with people, but my statement here says that she had once Kylie had once commented in a management team meeting that the MS Teams form may act as a deterrent to reporting scientists to rework samples at statement stage if they think this is appropriate, and I recall Kylie saying that Cathie acknowledged that to be the case. That's my recollection of the discussion that
- 47 was had.

- Q. And when was that, do you recall?
- A. No.

Q. Was it a long time ago or more recently?A. Oh, more than 12 months ago but not more than three

years ago.

- Q. Now, in paragraph 108 you say in your experience perhaps if we just scroll down a little, thank you Ms Allen does not turn around MS Teams requests for rework authority promptly and can take up to a week. Can I suggest to you, you've never raised that particular issue directly with Ms Allen?
- A. I don't know if I've raised it with respect to how I've written it there, but I have followed up after I've sent a request asking if she's had a chance to look at it because I had a court date that I had to meet for a statement. I do remember having email communication with her around how much longer she thought it might take for her to get to my request.

- Q. Is there implicit in what you say in paragraph 108 a criticism of Ms Allen?
- A. It's more that if I've submitted one of these requests, which as I've said yesterday I haven't done frequently, it's something that I expect to be turned around as quickly as possible, given that there may be an impending court date that can't be changed because there's an upcoming trial and it's important to get this information back as soon as possible so that I can undertake any reworking that I need to do, and I feel like if I have to follow that first request up with a second email, that I would hope that Cathie would understand the importance of requesting these things and having them turned around quickly is important to us as reporting scientists.

Q. That's a helpful explanation. Can I suggest to you, you have never explained that in those terms to Ms Allen?

A. Again I don't know the words I would have used but if - when I've needed to follow one of these up with Cathie, I've emailed her to say that - whatever the reason is that I need to get this turned around quickly and would she please prioritise it for me.

Q. But again, to the extent that you describe it here in

108, and you have just explained it by the second-last answer to me, you have never explained to Cathie in those direct and clear words the problem that it presents when, in your view, she doesn't promptly return the form? If I - I haven't said to Cathie, "Cathie, can you please turn this around faster because you are delaying the output of my work?" I have said to Cathie, "Could vou please prioritise my request. It's important to me that I meet a court deadline", something along those lines, so that she understands the urgency around the request, and that I need her authority to do further work, and even once 12 I get that authority, the work starts then. So I'd still then have to rework a sample, interpret the result, report 13 the result, all before I write it into the statement. 14 it's important to get these things turned around quickly, and in an email conversation with her I may have requested that she prioritise looking at one of these requests from me because there is urgency around getting the statement 18 out to the court.

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You see, the thing is, Ms Quartermain, each member of Q. the team has a responsibility for fostering the team's culture, don't they? Α. Yes.

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- It's not something which can be placed only at the feet of the management; the rest of the team have to contribute?
- Α. Everybody - everybody is responsible, yes.

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THE COMMISSIONER: Just so I understand the significance of this, Mr Hickey, is it going to be your submission at the end of the day that there was an obligation on Ms Quartermain or her colleagues, if they struck the same problem, to explain to the managing scientist that there were time pressures?

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39 40 MR HICKEY: What the submission will ultimately be, Commissioner, is this: you have heard a lot of evidence, both in the last module and already in this one, which fall within the broad umbrella of culture.

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THE COMMISSIONER: Yes.

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MR HICKEY: What was suggested by a witness in the last module, and I anticipate will be said again, is that there was a toxic culture, and what has been said by

Ms Quartermain is that there were very high levels of control, and what the Commission has heard lots of evidence about is perceptions and feelings.

THE COMMISSIONER: Yes.

MR HICKEY: The ultimate submission that may be advanced is it's all well and good to expect that managers might know certain things, and indeed, time pressures might be one that the Commissioner would assume a manager would be aware of, but insofar as a specific complaint about a very specific thing, which is here a request for work to be done, a form to be returned, it acting as a deterrent to certain steps being undertaken, the submission which I anticipate may well be advanced is that the lack of communication goes in two directions - that is to say, unless people express their concerns to the right person, and indeed if the person to whom they have expressed it to as an intermediary between somebody like Ms Quartermain and somebody like Ms Allen, ultimately, does not occur effectively, then that's not something that can solely lie at the feet --

THE COMMISSIONER: I understand, and it is a substantial point that you raise, that when somebody has a complaint about something, if you don't voice it, you shouldn't assume that the person with whom you are engaging is aware of it and is just ignoring you or is doing something deliberate to create - for some purpose.

MR HICKEY: That's the point.

THE COMMISSIONER: But in relation to this, it's the managing scientist we're talking about, one of whose concerns is about maintaining as short turnaround times as is reasonable, and what is being put by this witness is that when she makes a request pursuant to protocol for permission to advance the processing of a sample, the managing scientist may take up to a week to respond, and that this irritates her and frustrates her, is the substance of it, and what you are putting is, "Did you ever tell the managing scientist that it was unreasonable to take a week to respond?"

MR HICKEY: Yes.

THE COMMISSIONER: So what I'm asking is, are you going to

be submitting at the end of the day - and I guess leading evidence from Ms Allen - that she didn't appreciate that it was unreasonable to take a week to respond.

MR HICKEY: I apprehend that there are two things that might follow from that, particularly in respect of Ms Allen. The Commission has already heard that there are two steps between somebody like Ms Quartermain and Ms Allen, so in terms of there being a delay by Ms Allen, it doesn't necessarily follow that the delay is entirely attributable to her. So it may well be, for instance, that for reasons that are presently unclear on the evidence that the Commission has received, there may be a delay at Mr Howse, and so Ms Allen can't action it until it makes its way through him. And so it may be, for instance, that in fact the problem lies with Mr Howes, but if Ms Allen is never made aware of it by somebody like Ms Quartermain how can she act on it?

 THE COMMISSIONER: That doesn't make sense. If on 1 February a request for approval goes to Mr Howse, he delays it for six days, Ms Allen then receives it and responds within 24 hours, she would see that it sat with Mr Howse for a week.

What I'm getting at is I don't understand the significance of this questioning when it should be - I had thought it would be apparent to everybody in the chain, Mr Howse, Ms Quartermain, she should make her request promptly, they should deal with it promptly, I would have thought, and that if it doesn't come back to her promptly, it would be apparent to the people above her that they are not dealing with it promptly, and what you are putting to her is, "You didn't tell them they weren't dealing with it promptly", as though this would be news to them, the significance would be news to them. Do you see my trouble?

MR HICKEY: I have put my instructions, Commissioner, and I will happily move on.

THE COMMISSIONER: Thank you. I understand. But I'm putting to you that what I'm trying to grasp is the significance of what you are putting.

MR HICKEY: I understand.

Q. Now, can I return, then, to the evidence you gave

yesterday. I'm reading from page 909 of the transcript at line 46. In response to a question by the learned counsel assisting, Ms Reece, who asked you a question about how certain things make you feel, you said:

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 ...

Can I ask you to clarify precisely who it is you say is stopping you from being able to do that to the best of your ability?

A. Well, currently, the fact that I have to request permission to exhaust a sample, and that permission may or may not be granted, given that the current process for microconning a sample, the default is to microcon the sample to 35, that's done prior to me having the opportunity to even look at that sample.

So based on current process, if police decide to rework a sample and submit a rework request, that request, my understanding is that it comes through to the analytical team, and the senior scientist at the analytical team orders the rework, being a microcon to 35. Then once that sample has been through the analytical processes and a DNA profile has been generated and is available for me to interpret, what's done is done. I can't then go back and say, "Oh, ideally, I wouldn't have microconned this sample to 35, I would have microconned it to full because I think that that's the best way forward for this sample to get a good useable DNA profile". Current processes prevent me from doing that.

Q. Thank you. One other point that you made yesterday in your evidence - for the benefit of others I am reading from page 912 of the transcript at line 23 - here you were talking about professional development and, in particular, about reading journal articles - do you recall that?

A. I do recall the Commissioner asking me something about journal articles.

Q. I will read you the relevant part. You say:

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...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.

Now, when you say "almost viewed", by whom do you suggest it's viewed?

Well, the expectation of Justin is to - he's put to us before in reporting that if we're able to case manage one sample per hour, review one sample per hour, then for a full-time employee, you're case managing 38 samples per week and reviewing 38 samples per week.

Depending upon the types of samples that you're case managing and reviewing, you may do more or you may do less, but in order to attempt to meet that goal, it's almost impossible, on occasion, to do that and then have time put aside to read relevant journal articles that might have been emailed to the department that day.

- Let me just break that down, then. Q. Right. answer to my question, then, that it's Mr Howse who views it like you are not doing your core work?
- No, I don't I don't think it's viewed as not doing our core work, but given the time pressures that we feel, and we're communicated each week when we receive an email from one of the managers around the plan for the following week being, "Please prioritise this, it's important to focus on this", that there's never anything in there that says, "Please ensure you take an hour to read a relevant journal article to keep your knowledge up to date." So the priority always comes across as the case management and review and statement output, never on anything outside of that.
- In the same way that a manager might be expected to have implicit understanding of time pressures, for instance, might it not also be the case that a scientist would implicitly understand that part of their job was reading journals and keeping themselves scientifically up to date?
- Α. I'm sorry, can you ask that question to me again, please.

1	Q. M	light it not be that you don't need to be told part of
2		responsibility as a professional scientist is to read
3		als and to keep up to date - that's something that you
4	should	d know you ought to do as a professional scientist?
5		Sorry, the point that I was more making was spending
6		doing anything other than case management, review,
7		ment writing and statement review as our priority each
8	week.	
9	result	ts to be output, we're often getting emails from our
10	line m	nanagers to: "Could you please focus on this
11	partic	cular case, police are chasing these results", they
12	come t	through frequent enough that sometimes my core work of
13	gettir	ng on to a review list or a case management list
14	doesn'	't even happen in a day.
15		
16	Q. T	Thank you. I understand that. Could I ask you, then,
17		e, and I'm getting to the end of my questions, which
18	I'm su	ure you and others will be grateful for, do you
19	partic	cipate in yearly performance reviews?
20	A.]	I think they - I think they're supposed to be yearly,
21	but th	ney don't happen that frequently.
22		
23		And when they do happen, who conducts those?
24	A. M	1y line manager.
25		
26		Kylie Rika or Sharon Johnstone?
27	A. F	Presently Sharon Johnstone.
28	0 5	
29		Does anybody else participate in those?
30	A. N	No.
31	0 \	/a
32		You gave some evidence yesterday - for others it is at
33		383 of the transcript, line 24 - you were asked again
34	ру шу	learned friend Ms Reece:
35		And what kind of working nolationship did
36		And what kind of working relationship did
37	y	you have with him
38	"bim"	haina Ma Hawaa
39 40	11 1 1111	being Mr Howse
+0 1 1		at that time?
+ 1 12	č	at that time:
+2 13	And T	can tell you at that time was April 2020, and you
+3 14	said:	oun corr you at that this was April 2020, and you
+ '+ 4 =	saiu.	

Good working relationship. We started at forensic DNA Analysis I think it was the

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1 2	same month of the same year.
3 4 5 6 7 8	So your view in April 2020 was that you had a good working relationship. It remained the case, didn't it, that you've continued to have a good working relationship with Mr Howse? A. Yes.
9 10	Q. You'd describe him as somebody who is approachable?A. Yes.
11 12 13	Q. And courteous? A. Yes.
14 15 16 17 18 19	Q. Hard working? A. Yes - oh, well, Justin does a lot of tasks that I don't see, so I don't - I see him in his office a lot so yes, I assume that he is hard working.
20 21 22	Q. You've no reason to think he isn't?A. No, of course not.
23 24 25 26	Q. And he's professional in his relationships with you at all times, isn't he?A. Yes.
27 28 29	MR HICKEY: Those are the questions, thank you, Commissioner.
30 31	THE COMMISSIONER: Thank you, Mr Hickey.
32 33 34	MR HUNTER: Commissioner, a couple of matters have arisen overnight, I wonder if I might ask some further questions.
35 36	<examination by="" hunter:<="" mr="" td=""></examination>
37 38 39 40	MR HUNTER: Q. I want to ask you about the procedure for reworking samples that were reported as DIFP? A. Yes.
41 42 43 44 45	Q. I'm interested in the process that applied prior to June of this year. Was there, at the laboratory, a procedure for concentrating samples to not 35 microlitres but to full? A. So we've always had the option of microconning samples
46 47	to full. If, as a scientist, I order a microcon in our system and I don't put any specific instructions in there

1 2 3 4	to state anything other, it will be microconned to 35. If I order a microcon and I put a specific note in that sample and say, "Please microcon to full", then the analytical scientist will microcon that sample to full.
5 6 7 8 9	Q. And there has always been a procedure - that is, a formal procedure - for microconning to full? A. Yes.
9 10 11 12	Q. And if you are asking for a sample that had already been reported as being DIFP to be micro- concentrated A. Yes.
14 15	Q was it possible for you to ask that that sample be micro-concentrated to full?
16 17 18	A. Yes, although in the current climate we - it's still my understanding, and I haven't checked emails recently, but we would have to get Queensland Police permission to do so because that would potentially exhaust the sample.
20 21 22 23	Q. I'm concerned with what occurred prior to June of this year? A. Okay, yes.
24 25 26 27	Q. So prior to June of this year? A. Yes, we were able to microcon to 35, or microcon to full, samples that were DIFP or no DNA detected.
28 29 30 31 32	Q. And there were procedures for that that have been in place for years; correct? A. Microcon procedures, I've been microconning samples for years, yes.
33 34 35 36	Q. To full? A. Yes.
37	Q. The other question concerns
38 39 40 41	THE COMMISSIONER: Of course, Mr Hunter, before 2018, the DIFP samples were being automatically microconned to 35, as I understand it; is that right?
12 13	MR HUNTER: I should make that clear, yes.
14 15	O That's the position isn't it?

.11/10/2022 (Day.08)

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1011 A A QUARTERMAIN (Mr Hunter)

That's my understanding, yes.

1 2 3	Q. I'm talking about after 2018, you could ask for a sample to be microconned to full? A. Yes.
4 5 6 7	Q. But even before 2018, microconned to full was something that was happening? A. Yes.
8 9	Q. And it has been happening for really as long as you
10 11	can recall; is that right? A. Yes, yes.
12	O The other question is whether microcorping to 25 would
13 14	Q. The other question is whether microconning to 35 would exhaust the sample.
15	A. So microconning to 35 won't exhaust the sample given
16	the goal volume is 35 microlitres. So if you take away
17	2 microlitres for the quant and then 15 microlitres for the
18	amp, then you've got enough volume remaining to amp at
19	15 microlitres a second time.
20	
21	Q. So it's completely wrong to suggest that
22	micro-concentration will result in the sample being
23	exhausted?
24	A. If you are just saying it as micro-concentration - you
25	would need to specify. So I would say if you're
26	microconning a sample to full, there's the potential that
27	there will be zero sample remaining after that
28	amplification. However, if you're microconning to 35,
29	unless there is some procedural issue that happens during
30	that microcon process, there will always be volume
31	remaining to amp a second time.
32	
33	Q. When you submitted your requests via the - I think you
34	called it the Teams form; have I called that by the right
35	way?
36	•
37	THE COMMISSIONER: MS Teams.
38	
39	THE WITNESS: For reworking at statement stage?
40	3
41	MR HUNTER: Q. Yes, for reworking the sample at
42	statement stage, would you, in that form, specify the
43	volume to which you wanted the sample to be
44	micro-concentrated?
45	A. No. So my understanding is that that form is used -
46	that MS Teams form is used if I want to rework a sample
47	that already has a final result reported. So I have been

told by Justin that DNA insufficient for further processing 1 and no DNA detected are result lines that are considered 2 interim, so I don't need to request permission from the 3 managing scientist to rework those samples at statement 4 5 stage. 6 7 MR HUNTER: Those are the further questions, thank you. 8 THE COMMISSIONER: 9 Ms Reece? 10 MS REECE: 11 Thank you, Commissioner. 12 <EXAMINATION BY MS REECE: 13 14 15 MS REECE: Q. Ms Quartermain you have been asked some questions about wording in statements. I will just take 16 you to a document [WIT.0012.0027 --17 18 THE COMMISSIONER: Ms Reece, I'm sorry, I have a question 19 20 to ask and I should ask it before you begin, I think. 21 MS REECE: Certainly, Commissioner. 22 23 24 THE COMMISSIONER: Q. Ms Quartermain, yesterday, you --25 26 MS REECE: Commissioner, I might just read the final digits of that document so the document can be recorded. 27 28 29 THE COMMISSIONER: I'm sorry, I stopped you. Go ahead. 30 31 MS REECE: It is 0027.0001_R] thank you, Commissioner. 32 THE COMMISSIONER: Q. Yesterday, Mr Hickey asked you 33 whether you had - put to you, rather, that you had never 34 been reprimanded for making a suggestion or asking 35 a question, and you responded that you have never been 36 reprimanded, but you bring things up and then - and things 37 can take a bit longer, or words to that effect. You said 38 that your belief that you referred to in paragraph 17 of 39 your second statement that if you challenge or ask 40

45 46 saying that?

Yes.

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Q. Can you help me with what various events there were

a question made by management, you put a target on your

Do vou remember

back, that that belief or perception was based upon

perceptions of various events over time.

that led you to that perception, or any of them? So if I give you an example, perhaps, I've, since 2015, I think, applied for some flexible work arrangements. Most recently when I applied for one, I went through all the right channels and the executive director signed it off, no questions asked, approved, and returned it to me in a timely manner. Previously, I've had the complete opposite of that, that I've waited up to 60 days when our HR manuals say that a response should be delivered within I've waited up to 60 days to hear anything. had to chase it up multiple times. When I've received it back it's been partially approved, partially refused with lots of different reasonings and things in there, and then I have had to renegotiate, and I feel like sometimes things seem to be made difficult for me because I have questioned things over time, not necessarily had bad responses, like with Cathie's emails, they're always very polite and very matter of fact, and it's more the fact that I've questioned the managing scientist. I get the feeling that she potentially doesn't like that - and this is just my feeling And then I feel that's somewhat and my perception of that. in a way with my flexible work arrangement kind of a punishment for me questioning authority and that's just a feeling that I've had over the years.

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Q. And in relation to the delayed response to your request for a change in working hours, who had to authorise that on that occasion?

A. So I submit my - I discuss my application with my line manager. I then submit it to - I've been sending it to my line manager, Justin, Cathie and the executive director, because all of those people need to lay eyes on that document at some point. It's my understanding that the executive director is the person who signs my final documentation with the authority, or approves, rejects, refusal, whatever, but that is done as a result of consultation with forensic DNA management around departmental requirements and what - whether this arrangement will fit well with what the department requires of me as an employee.

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So when I previously have spoken - I've applied for a flexible work arrangement and spoken to John Doherty about it, he has said to me that he would recommend I put - I be very explicit in what I'm asking for in my request, because he had seen other requests get knocked back, effectively, because - or portions of them refused because

the applicant wasn't explicit in what their request was.
So that's just been a big thing for me, and it's ongoing,
because every six months I've had to - since 2015, I've had
to reapply for a new flexible work arrangement and it's
just an ongoing thing that continues to happen.

Q. For new arrangements or to renew the old arrangements? A. At the start it was - because I wasn't allowed to start work before 7 o'clock, I was willing to come back from - I had a period of leave and I wanted to come back full time, but I had to drop my children at school every second week every day, so in order for me to be able to come back full time, I would need to start work at 6.15, in order to be able to finish in time to pick them up, and there was a time there that I was refused to do that. So for that 12-month period, I effectively lost five hours of pay and five hours of work per fortnight because I wasn't allowed to start work prior to 7am.

Q. How did you lose the pay?

A. By not being able to work the hours.

 ${\tt Q.}~{\tt I}~{\tt see.}~{\tt So}~{\tt you}~{\tt had}~{\tt to}~{\tt quit}~{\tt early}~{\tt to}~{\tt pick}~{\tt up}~{\tt your}~{\tt children?}$

25 A. Yes.

Q. So you were docked that pay?

A. Yes. So effectively, even though I was willing to work a 38-hour work week, I was only working a 32- or 33- - 32-point-something-hour work week because of my - the department's inability, reporting team's inability to start prior to 7am.

Q. So rather than let you start at 6, you were compelled to choose to cut your work hours and do less work?

A. Yes.

- Q. And whose decision was that?
- A. I can't remember the executive director at the time.

 Q. That's the ultimate - so I take it Mr Howse was then in the position above you, oh, Ms Rika, of course, Mr Howse, Ms Allen and then the executive director of the day who has the final official obligation to decide one way or the other?

Yes.

Α.

1 And you said more recently you got a guick response from the executive director. How recently was that? 2 3 It was - I think it was in May. In May I applied for a flexible work arrangement, which is still working 4 5 full-time hours, just a portion of my time from home, and I sent that through the proper channels and Lara Keller 6 approved that in its entirety, and actually approved it for 7 12 months, which is the first time I've had a flexible work 8 arrangement approved for 12 months rather than six. 9

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THE COMMISSIONER: Anything arising out of that, Mr Hickey?

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MR HICKEY: No, thank you, Commissioner.

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THE COMMISSIONER: Anyone else?

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MR HUNTER: No.

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MS REECE: Q. Ms Quartermain, as a professional woman, why is it important to you to have flexible work arrangements?

It's important for me because I want to maintain my I want to maintain - I want to be current in my career. job and be present. I want my children to see that I go to work and I do a good job and I love what I do, and I talk to them about that. I want to be able to balance being at home and seeing them while they're little with being able to come to work and enjoy my job and spend time with my work colleagues and do the tasks that are important at But I want that balance, it's important. To be able to spend time with my family while they're still in primary school, it's such a short period of time that that lasts, that when they start high school, that time is passed, so I'm trying to maximise the time I get to spend with my family while they are young but also be able to work full time as a forensic scientist, because that's what I want to do.

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- Q. Do you feel you are supported in that in your workplace?
- A. More so recently, since Lara Keller has been the acting executive director, and I've always had the support of Kylie Rika, and most recently now that I'm in Sharon's team, I've got Sharon's support as well with those flexible work arrangements.

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- Q. Was May the first time you spoke to Lara Keller about flexible work arrangements?
 - A. No. I've spoken to Lara prior to that about flexible work arrangements and the concerns and issues that I have had in the past. May was the first time that I'd submitted a flexible work arrangement to her and had it approved for 12 months.

- Q. Had you previously submitted applications via other channels which ultimately led to her?
- A. There was one previous flexible work arrangement, which must have been in the November of the year before when Lara had not been there long, that I submitted to her as per the previous executive director's recommendation, I submitted my application to my line manager, Justin, Cathie and the executive director, because all of those people needed to be involved in that process. So that was the November prior.

- Q. And what, if anything, was Cathie's response to that application?
- A. As far as I could tell, Cathie didn't have anything to do with it. Cathie's signature is never on any of my flexible work arrangements; it's always the executive director who signs them off.

Q. Did you at any stage take concerns about your interactions with Cathie about flexibility to Lara Keller? A. Yes.

Q. And what was that?

A. I discussed a few issues with Lara around flexible work arrangements and the fact that there are quite a few of us in reporting that have them and it's quite stressful to have to go through this process every six months, having to justify again why we consider them to be necessary and having to submit them and then wait for a response, not knowing what that response will be. And Lara's opinion on that to me was, "I believe that management should support their staff, they should trust their staff, they should go out of their way to do whatever they can to meet the needs of the business and meet the needs of the employee."

Q. So just on that point of meeting the needs of the business, if, for example, you are giving evidence in court one day, who do you actually liaise with about giving evidence in court? Who is your direct contact?

1 A. My --

THE COMMISSIONER: You mean outside the lab?

MS REECE: Yes, sorry.

THE WITNESS: Oh, outside the lab?

MS REECE: Q. Yes.

A. I liaise - well, we have a liaison unit on campus, so they're not part of forensic DNA analysis, but my communication is with them. So anyone - like our statements that we issue have a phone number at the bottom, and that phone number takes anyone who has any inquiries about witnesses or court or anything to that liaison unit and then they liaise with us around court requirements.

 Q. So those communications don't come via Kylie Rika, for example, or anyone in that chain of management upwards?

A. Not usually, no. Only if, say, for example, I'm on leave and the day I come back from leave I'm required for court, then Kylie might have to step in and do something about that or Sharon might have to step in and do something about that.

Q. Mr Operator, if you could show that email I read the reference out for before. Yes, it's on the screen, thank you. [WIT.0012 .0027.0001].

Ms Quartermain, this email is from Justin Howse, you are included in the address list, and it's from August of 2016. He talks about a few instances which have been brought to his attention where the collective agreement on statement wording hasn't been used, and it's not about the DIFP process, obviously, it's long before that. It's about the wording for STRmix statements?

A. Yes.

Q. He goes on to talk about the fact that there were many reasons for a standardised approach and apart from the important point for standardisation, it was to help any scientist to pick up any statement at any time and be comfortable with the wording and to help reviewers efficiently perform their task with minimal disagreement. You understood from that, didn't you, that there was a requirement that there should be a standard use of language across statements provided to court?

1 A. Yes.

Q. And what freedom did you feel you had to derivate or deviate from that standard wording in your statements?

A. Limited, if any. I - the majority of the reporting team, there might be very minor wording differences between us, and very minor, as in sometimes people use "thus", and I don't use "thus", but other than that, we all stick to the same wording.

Q. You raised your concerns about --

THE COMMISSIONER: Are you going to tender that email?

MS REECE: I think it may already be - it was tendered during Ms Rika's evidence, Commissioner.

THE COMMISSIONER: All right, thanks. Don't worry. That's all right.

MS REECE: I do have the reference, though, which may be useful if the transcript is being looked at in the future. It is - I will just get the exhibit number to Kylie Rika's statement, I'm sorry, I don't have a note of it.

THE COMMISSIONER: One of your helpers can do that while you carry on.

 $\mbox{MS REECE:} \quad \mbox{Thank you, I will put it on the record at the conclusion of my re-examination.}$

Q. You were asked your concerns about the DIFP process, or that you had raised - you gave evidence that you had raised your concerns about the DIFP process over a number of years, and you were questioned yesterday about some emails which you had sent. The first of those was in 2019, and then you had also written in 2020 and 2021?

A. Yes.

Q. If, Mr Operator, we could put up [FSS.0001.0051.5008].

Ms Quartermain, you were shown this document by Mr Hunter yesterday. It is just being redacted for contact details now. The email was sent by you to Kylie but copied to Justin Howse, Allison Lloyd and Sharon Johnstone? A. Yes.

And you can see, can't you, that while you didn't send 1 2 it to Ms Brisotto, that Mr Howse appears to have sent it to 3 her? 4 Α. Yes. 5 The day after you sent it, so 8 March 2019? 6 Q. 7 Α. 8 9 Q. It was suggested to you in cross-examination that you could have taken your concerns about the DIFP process to 10 the quality manager, the quality senior scientist and to 11 12 the managing scientist. Do you recall that line of questioning? 13 14 Yes. Α. 15 If I can take you to your understanding of the 16 organisational structure, Ms Brisotto is the team leader of 17 the evidence recovery and quality teams? 18 That's correct. 19 Α. 20 21 She is essentially Mr Howse's equivalent, but he oversees the analytical and the reporting teams? 22 23 He oversees the reporting and intelligence reporting teams. 24 25 26 I'm sorry. I will just refresh my memory, I apologise. I see, so analytical is actually under 27 Ms Brisotto as well, my mistake, 28 29 Α. Yes. 30 31 So when Mr Howse was written to in 2019, when you 32 copied him into that, he was your team leader, and he was, relevantly, the team leader of analytical? 33 Reporting. 34 Α. 35 I'm sorry, reporting? 36 Q. Yes. 37 Α. 38 And he sent it on to the team leader of evidence 39 40 recovery, analytical and quality? 41 Α. Yes. 42 The quality manager, who does she report to? 43 Q. I think she reports to Cathie. 44 Α. 45 I'll just take you to --46 Q. 47 Oh, no, sorry, the quality manager reports to Paula. Α.

- Q. And is there also a quality senior scientist?
- A. Sorry, the quality senior scientist reports to Paula. Sorry, I'm getting my terminology confused.

- Q. So the quality senior scientist is Kirsten Scott?
- A. Kirsten Scott, yes.

- Q. And she reports to Paula?
- 10 A. Reports to Paula, yes.

- Q. And then Helen Gregg is the quality manager?
- 13 A. Yes, sorry, Helen Gregg, yes, and I don't know who 14 Helen reports to.

- Q. She is not within the lab itself; she sits outside of the lab?
- A. In her normal role she does, yes.

- Q. It was suggested to you that you could have taken your concerns in relation to the DIFP process to any one of those people. Can you tell the Commissioner why, when you had raised it, 2019, 2020 and 2021, why you didn't take it further than that?
- A. Well, when I raised these issues we're divided into teams so that we our area of expertise is within this particular field, and so my line manager and Justin are the people who, in my opinion, would understand why this is a concern to me.

I don't know, with respect to, for example, Paula's role or Cathie's role, if they still write statements or review them or do any case management. I don't know if they do or not. But I know that my team leader and my line manager both do, so those people are the ones, in my opinion, who would understand my concerns, and that was why I had brought it to Justin's attention a couple of times. And also I know that Justin is the person, as well as Cathie, that has the contact with police. So within reporting, we don't really contact police, like I said yesterday, for any particular reason, and these types of concerns are things that I believed if I brought to the attention of Justin that he would then be able to take up with whoever he saw fit to take that up with as a concern.

Q. And in fact, in 2021, in your email, you were taken to it yesterday, you proposed to him a piece of work that

could be done with these samples to see, essentially, whether they should stop being processed in that - or stop being triaged out like they were being?

A. Yes.

Q. And it was suggested to you in cross-examination that you could have, for example, raised an OQI -- A. Yes.

Q. -- in relation to this issue. What would the procedure be for an OQI and who would have to approve it in order for it to go ahead?

A. I would have had to have raised it to Justin and Cathie, but probably also would have had - I've only ever raised one or two OQIs in my time there, so I'm not - I can't remember the process exactly, but I would have had to have raised it with Justin and Cathie and potentially added my line manager in so that it was visible to her as well to see what my concerns were.

Q. And why didn't you do that?

A. I just - well, firstly, an OQI isn't really like an email that you can back and forth about something and have a trail of information to go back to. It's not as instant as what an email response can be, and also, when you raise things with - within an OQI, nothing needs to change, it just needs to be acknowledged that that has been raised, which to me is effectively just - just as well put in an email, so I've just stuck with emailing for visibility to all the people that need to see it, and then any responses I get I can forward on to my team if I think it's relevant to them. So I'm just, I guess, more comfortable with liaising with people in that way.

Q. You were also asked why you didn't put a comment on the SOP. Do you want to explain why you didn't do that?

A. Well, a comment against a SOP effectively doesn't have to be incorporated into a SOP, and it doesn't have to be dealt with quickly either. Sometimes, SOPs are only reviewed every year or so, and so you can record a comment against a SOP and it can sit in the "Comments" section of the SOP until it's up for review again, which might be, you know, 10 months' time. So in order to get something brought to the attention of the people that are relevant in a timely manner, again, that's why I like to do - write emails to people and then get responses so I can refer back to those if I need to.

 Q. You, in your 2019 email - and I apologise, Mr Operator, if we could just go back to it, it's the [FSS.0001.0001.5008] email, thank you. Further down the page, I think it's on the next page, in fact - just at the top there:

We sign our statements in good faith, and they state that would we could be liable for prosecution if we are stating anything we know is false.

You go on to say:

Saying "DNA insufficient for further processing" when a quant value is near that ... figure I believe, based on my recent experiences, is false.

 So you raised that concern in 2019 and then again over these three years, the last occasion of which was 2021. With the response that you received, why didn't you then escalate it further?

A. Well, this year I did actually bring it to the attention of our executive director. I discussed it with her. I gave her an example of a specific case that I'd worked on where I'd gotten some good useable DNA profiles from DNA insufficient samples. And I told her that I had taken it upon myself to rework these samples at statement stage when I realised that they were currently being called DNA insufficient because I wasn't comfortable reporting that in my statement when I knew that I had submitted some samples and had gotten great DNA profiles for them, samples that had fallen within that quant range.

Q. So you spoke to Justin and you spoke to Lara? A. Yes.

- Q. Can you explain to the Commissioner why you didn't speak to Cathie Allen about it?
- A. I don't really feel comfortable approaching Cathie, and the times when I have had conversations with her, and I can think of a specific example, it wasn't an easy conversation nor was it pleasant. Lara comes across as a very approachable person, very willing to discuss any issues, to the point where she will put her mobile phone number on emails and say "Please call me if you have any

concerns about anything." I've always felt comfortable 1 raising things to Justin, for the same reason, he's just an 2 approachable person, and I've always been happy to deal 3 with him. It's just unfortunate that he didn't take my 4 suggestion in this instance to be able to do some further 5 work on those samples. 6 7 You were asked some questions about this comparison 8 between this email or the types of messages you were 9 sending to Mr Howse about DIFP. I won't paraphrase it, 10 I will take you to some questioning by Mr Hickey yesterday, 11 which is at page 963 of the transcript, at line 37. 12 were being asked about paragraph 59 of your statement, 13 where, when talking about that case, so the rape case with 14 the five samples which ultimately produced two useable 15 profiles, where you said: 16 17 The classification of such a sample --18 19 20 So referring to where sperm had been present and there were DIFP results: 21 23 The classification of such a sample as "DNA insufficient for further processing" is, in 24 my view, unacceptable from a scientific 26

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perspective.

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Do you remember that part of your statement? Α. Yes.

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You were then asked whether what you communicated to Mr Howse, or it was suggested to you that:

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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?

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Do you recall being asked that question? Α. Yes.

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When you wrote to Kylie Rika and forwarded or copied it to Mr Howse, when you said "saying DNA insufficient for further processing, when a quant value is near that figure, I believe, based on my recent experiences, is false", what did you mean to convey about whether that was acceptable

1 2	cientifically? . That it wasn't acceptable.
3	
4 5 6	. Was what you were saying then any different to what ou said in paragraph 59 of your statement? . Sorry, can I just
7 8	. Yes, of course.
9 10 11	HE COMMISSIONER: Which paragraph?
12 13	S REECE: Paragraph 59, Commissioner.
14 15 16	HE WITNESS: I'm effectively saying the same thing, just sing different words.
17 18	S REECE: Q. Just a really quick question about calling sick. You will be glad to know, I too only have a few
19 20	uestions left for you. You spoke yesterday in your vidence about the fact that you needed to call in and tha
21 22	f you didn't - this was under cross-examination - that yould receive emails reminding you or telling you,
23 24 25	otifying you, that you hadn't done the right thing. Was here anything else done as a result of people failing to all in at the right time?
26 27	. I am not certain of this but I think there's register kept of such instances.
28	
29 30	Do you know what that register is called?I think I've heard the phrase "non-conformance",
31 32	omething like that, non-conformance register. Again, I'm ot certain and I don't have any details on that, that's
33 34	ust through overhearing discussions over time.
35 36	. Just some final questions, then, Ms Quartermain. You ere asked some questions yesterday about your practical
37	nowledge of microconning - that is, whether you have
38	ctually done it, whether you have carried it out. Have
39	ou ever carried out any of the tasks in evidence recovery
40	. Yes.
41	That is when you finat at at at 5000
42	. That's when you first started at FSS?
43 44	. Yes.
44	. Do you now carry out those tasks on a regular basis?
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No.

Q. Do you perform quantitation? 1 Α. 2 No. 3 Do you perform amplification? 4 Q. 5 Α. 6 7 Q. Who does those tasks? The analytical team. 8 Α. 9 Q. And the evidence recovery team --10 And the evidence recovery team. 11 Α. 12 13 Q. -- do the evidence recovery tasks? 14 Α. Yes. 15 Do reporters, as part of their job, do any of those 16 processing jobs? 17 No. 18 Α. 19 20 Is it the case that some of you have done those tasks previously but you've moved into the reporting roles? 21 Α. Yes. 22 23 And do you need to carry out microcon to know its 24 significance in the processing of DNA samples? 25 26 Α. No. 27 Just a final question, then. You were asked about 28 your evidence that you feel that if you challenge or ask 29 a question about a decision made by management, you have 30 a target on your back. You were then asked why you've 31 32 never told Justin or Cathie that you felt this way. Can you tell the Commissioner why you've never told Justin or 33 Cathie that you feel that way about your workplace? 34 I think I would come across crazy if I was to approach 35 someone and say "You make me feel like I've got a target on 36 my back." I'll discuss that with people who I'm 37 38 comfortable with, with people who I trust, because that's a personal feeling and it's not something that I'm going to 39 discuss with people that I don't have that type of 40 relationship with. So I wouldn't take it to Cathie or 41 Justin and say those words because I don't feel comfortable 42 having those types of discussions with them. 43

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Q. Just a final question now, I promise, I think I've said that three times. You've given evidence that you raised your DIFP concerns with Justin and a number of other

1 2 3 4	colleagues, also with Lara Keller. You've also given evidence that you raised it with Inspector David Neville? A. Yes.
5	Q. Why did you feel you needed to raise it with David Neville?
6 7 8 9 10 11 12 13	A. It is my understanding that the contact point that Inspector Neville has with DNA analysis is Cathie and Justin, and that those of us who are doing the groundwork of interpreting and reviewing DNA profiles don't really have any opportunity to or for any reason to just have general discussions in the way that potentially Justin and Cathie can have with the police.
15 16 17 18 19 20 21	So this was important enough to me that I was speaking to one of his staff who asked if I could - if she could pass my number on to Inspector Neville, because she felt that he also has the best - we have similar interests with respect to we - Inspector Neville and I both want the best DNA profile that can be obtained from a sample, and that the information that I provided to her would be potentially of interest to him.
23 24 25	MS REECE: I have now finished, Ms Quartermain.
26 27 28 29 30 31	I understand that the email that I referenced earlier, Commissioner, which was the 2016 email from Justin Howse, which is [WIT.0012.0027.0001_R], has not yet been tendered. It should have been, I understand, in the evidence of Ms Rika. I tender that email.
32 33	THE COMMISSIONER: Is that the one on the screen now?
34 35	MS REECE: Yes. There is a redacted version - no, I'm sorry, that's not it.
36 37	THE COMMISSIONER: That's not it, is it?
38 39 40 41	MS REECE: I think I read the wrong number into the record, I apologise.
42	THE COMMISSIONER: The one on the screen is the one, is

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It's the wrong one, sorry. That's a different So the number is [WIT.0012.0027.0001_R]. MS REECE:

45 46 document.

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it? The one on the screen is the one that you want?

1	THE COMMISSIONER: That's the one you want tendered?
2	MS REECE: Yes.
4	
5	EXHIBIT #64 EMAIL FROM JUSTIN HOWSE DATED 5 AUGUST 2016,
6	BARCODED [WIT.0012.0027.0001_R]
7	MC DEECE: Commissioner would it be convenient to break
8 9	MS REECE: Commissioner, would it be convenient to break for morning tea?
10	Tot morning tea:
11	THE COMMISSIONER: Certainly.
12	
13	MS REECE: I understand Ms Hedge will open
14	
15 16	THE COMMISSIONER: All right. We will resume at 20 to 12.
17	MS REECE: I'm sorry, she will take Ms Keller after the
18	adjournment.
19	
20	THE COMMISSIONER: Yes, 20 to 12.
21	
22	<the td="" withdrew<="" witness=""></the>
23	CHOPT AD ICUDAMENT
24	SHORT ADJOURNMENT
25	THE COMMISSIONER: Yes, Ms Reece?
26 27	THE COMMISSIONER. Tes, Ms Reece?
-	MS REECE: Thank you, Commissioner. I omitted to tender,
29	this morning, the two emails which had been provided
30	overnight and which were referred to by Mr Hickey in his
31	further cross-examination of Ms Quartermain.
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33	THE COMMISSIONER: Yes, do you want to identify them?
34	MO DEFOE T 1 1 1 1 1 1 1 1 1
35	MS REECE: I should have identified them. They don't have
36 37	a document number at the moment. They are two PDF documents.
38	documents.
39	THE COMMISSIONER: Yes, what are the dates of them, from
10	whom to whom and the date? Or we will attend to it later.
11	
12	MS REECE: Sorry, Commissioner. I do have them. The
13	first one starts with an email from Alicia Quartermain to
14	Cathie Allen on Friday, 20 November 2020, and the second
1 5	chain starts with an email from Alicia Quartermain to
16 17	Cathie Allen on 25 November 2020.
17	

1 2	THE COMMISSIONER: That's the first email, is it?
3 4 5 6 7 8 9	MS REECE: The first email in time that, in fact, goes in that first document, is an email from Cathie Allen, which is somewhat before, it is in early November. It doesn't have a date. But the documents, if they need to be identified, both commence in the way that I have just explained, and they are saved as CJA email 1 and CJA email 2.
10 11	THE COMMISSIONER: Exhibit 65.
12 13 14	EXHIBIT #65 EMAILS SAVED AS CJA EMAIL 1 AND CJA EMAIL 2
15 16	THE COMMISSIONER: Yes, Ms Hedge?
17 18 19	MS HEDGE: Commissioner, I call Angelina Keller, spelt K-E-L-E-R.
20 21	<pre><angelina [11.47am]<="" keller,="" pre="" sworn:=""></angelina></pre>
22	<examination by="" hedge:<="" ms="" td=""></examination>
23 24 25 26	MS HEDGE: Q. Your name is Angelina Keller? A. Yes.
27 28 29 30	Q. You are currently employed as a scientist in the reporting team by Queensland Health; is that right? A. Yes.
31 32 33	Q. At the Forensic and Scientific Services laboratory?A. Yes.
34 35 36 37 38	Q. Thank you. You provided a statement to the Commission and I will just have that brought up on the screen. It is $[WIT.0003.0435.0001_R]$. You recognise that as your statement? A. Yes, I do.
39 40	MS HEDGE: Thank you. I tender that, Commissioner.
41 42 43	EXHIBIT #66 STATEMENT OF ANGELINA KELLER, DATED 6 OCTOBER 2022, BARCODED [WIT.0003.0435.0001_R]
44 45 46 47	MS HEDGE: Q. Do you have a copy of that that has the exhibits attached? We can provide one to you. Oh, that's in front of you there if you do need to refer to it?

1 Α. Okay, thank you. 2 3 Can we zoom in on this page, on paragraph 5, please, paragraphs 4 and 5. We have just established that you are 4 5 a scientist at the DNA laboratory. And in paragraph 4, those are the duties of a reporting scientist, 6 interpretation, reporting and reviewing results? 7 Α. Yes. 8 9 And giving evidence in court? 10 Q. Yes. 11 Α. 12 You joined FSS in 2004; is that correct? 13 Q. Yes, that's correct. 14 Α. 15 And between 2004 and 2010, worked in a number of 16 reporting teams that we see there, the analytical team, the 17 volume crime team and the intelligence team? 18 Yes, that's right. 19 Α. 20 21 But from 2010, you've worked in the reporting team? Q. Α. Yes. 22 23 Can I ask you to speak a little louder for me just so 24 I can hear you clearly? 25 26 Α. Yes. 27 We see at the bottom of this paragraph that in 2006 28 you applied for and were selected to be trained in all 29 aspects of bones as part of the skeletal remains project. 30 That was the beginning of my journey with bones. 31 Yes. 32 And can you tell us the types of occasions on which 33 Q. your laboratory would deal with a bone sample? 34 So bone samples come to our laboratory for testing, 35 sometimes through litigated cases, but mostly it will come 36 from a coroner who would like to establish DNA 37 identification through testing of unknown skeletal remains; 38 also, disaster victim identification incidents, so such 39 40 as --41 THE COMMISSIONER: Q. Disaster victim identification? 42 So if a plane crashes and there is a number of 43 individuals on board, normally more than three, or three or 44 more than three, not always, though, it depends on the 45 46 amount of fragmentation that occurs, so this is established by the coroner as to whether or not it is a DVI incident, 47

and then testing will proceed through DNA if it's deemed necessary, and it's a very important function performed by our laboratory.

- Q. So these are, say, aeroplane crashes where the impact is so great that it's not possible to identify people just by looking at them to see who they are, so what remains is for you to look at bones that are given to you so that you can then identify from the you can extract DNA from bones and, or somebody the bones are worked upon so that in the end a profile can be obtained from the bone and an identification can be made?
- A. Yes. And sometimes that can be tissue, but it depends, and if a plane does crash, every plane crash is different. I've worked on 10 DVIs now since 2006, and every DVI is different. It doesn't matter if it is a plane crash, they are all different. There can be car crashes, floods, fires, explosions, but if we have a plane go down tomorrow with 300 individuals, you can imagine it would be a massive task to --

THE COMMISSIONER: Yes.

MS HEDGE: Q. You spoke of three main situations, DVIs was the third. The second was coronial investigations, where a coroner asks for assistance from the DNA laboratory; is that right?

A. Yes.

Q. And can that be true both in recent cases, but also in cold cases or very old cases; is that fair?

A. Yes. The laboratory has tested some remains this year, skeletal remains, that have been aged at approximately 100 years old by a forensic anthropologist - that's not my role but that was from the forensic anthropologist, and it was an approximation.

So we can have 100-year-old bones or older, we can have 50-year-old remains. It just depends on the remains that have been located by - sometimes it's general public that will find the remains or it can be police. It's highly variable, but I have worked on a number of cases, cold cases, that involve 20-year-old remains that eventually we were able to establish their identification through the coroner's assistance with DNA testing.

Q. You've mentioned that your work is very important, in

particular for missing persons. How does the identification of a bone or the DNA in a bone assist in that process?

A. So if remains are located, they come to our laboratory and the coroner will have to deem that DNA testing is necessary - we need appropriate permissions. These remains are then profiled for a DNA profile and if it's a believed-to-be-unknown deceased person, we may receive reference samples from the family that are still with us to make a comparison to the DNA profile that is obtained, and hopefully we can actually give some statistical weighting around a possible familial association between the reference samples and the unknown remains.

Then we provide a written statement to the coroner and then he will, or she will, accept the DNA report, which will be taken into account often with other information that we're not privy to, to establish identification or not.

- Q. That might mean that a missing persons case is resolved or solved; is that right?
- A. Yes, and it could be any number of it could be a murder, it could be just someone that accidentally lost their life at some point. I mean, that's not up to us to establish that; we just obtain the skeletal remains and do the best with the testing that we can possibly do.

Q. But you're aware that that's the consequence of your work?

A. Yes.

- Q. And the first type of case you described was what you described as litigated cases. Do you mean by that cases going through the criminal justice system?

 A. Yes, so sometimes we do bones for litigated cases.
- They might know who that particular set of remains are from, but because of decomposition so they might have been established through circumstantial, the coroner might accept the identification through circumstantial or dental, for example, another very important mode of identification that we use in any sort of identification case.

So if identification is established through dental, for example, then it's not necessary to establish identification also with DNA and, therefore, the purpose of profiling bones at that point is if we can't obtain a DNA

profile from blood, for example, because maybe it's been 1 2 six weeks up in north Queensland and decomposition is an 3 issue, then it will be DNA profiling from the bones that will actually enable us to obtain a reference sample from 4 5 the known deceased person in that situation. 6 THE COMMISSIONER: I see. To use in relation to 7 Q. other samples for proof? 8 Sorry? 9 Α. 10 So I think you said if you have remains where there 11 has been a dental identification or other forms, other 12 means of identification, you then take a DNA sample and 13 that sample can be used as a reference sample for 14 comparison purposes with other samples that are suspect? 15 That's right, sir. Α. 16 17 I understand. 18 Q. Crime scene samples for that case. So essentially it 19 20 becomes a reference sample for the litigated case, the It doesn't happen often but it does happen. 21 22 23 THE COMMISSIONER: Yes. 24 You also say in here what you were 25 MS HEDGE: Q. 26 trained, in 2006, in: 27 ... triaging of remains at autopsy, 28 evidence recovery from bones as well as 29 other post-mortem samples, and 30 interpretation, reporting and reviewing of 31 32 DNA results ... 33 Is it fair to say that that is a wider range of skills that 34 you have than reporting scientists generally exercise with 35 respect to crime scene samples and other samples, non-bone 36 37 samples? 38 Yes, it's a specialised field and I have a real passion for it, to be honest. It's something I really love 39 and I feel that being able to help people that are very 40 distressed or have suffered immensely is such an important 41

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I mean, I'm not saying that any case is more important than any other, but I have a real passion around trying to help people that have lost their loved ones or someone's missing and we don't know what's happened or - just trying

role that we play in our jobs.

to bring some sort of closure, and I know that has a lot of meanings around it, that word, but to actually tell a family that that person that went missing 10 years ago, we've given a report to the coroner, and the coroner can tell them, "We know what happened, and this is what happened, and now you can have a funeral."

- Q. And your skills and expertise range across what might be done in both the evidence recovery lab, the analytical lab and the reporting area of the general case flow within the QHFSS lab; is that right?
- A. I would have to say I did work in the analytical section when I first started working in 2004, and I learnt all of the general processes for extraction and quantification, amplification and capillary electrophoresis, but since I left the analytical section those competencies have lapsed, but I do have experience in conducting those techniques.

Q. I understand you have those skills, but what I mean to ask is you, as one person for a bone sample, would do tasks that would be done in evidence recovery, analytical and reporting, whereas right now, today, in the QHFSS lab, there would not be generally one person doing all those tasks for a crime scene sample?

A. No, that's right, yes.

Q. There would be three sets of people doing tasks on a crime scene sample?

A. Yes.

Q. How many bone samples come in to the Queensland lab a year?

A. That varies a lot. This year, we've had quite a few bone samples come in to the laboratory, but there are - sometimes there are years where there might only be one or two or three cases that will come to the laboratory. If we have a DVI, that is one incident, but we might have quite a few bones to test as a result of that, but every DVI is different. But generally it's not a lot of cases for coronial identifications that come through the laboratory.

- Q. Can we talk about another difference between bones and general crime scene samples. As a matter of biology, would the internal part of a bone have more than one person's DNA in it?
- A. No, you wouldn't expect to see more than one person

So if my bones were tested, I would expect to see a single-source DNA profile. A DNA profile will look like a graph, essentially, each area of the DNA that we test, you'll see two peaks represented on this graph. if I look at a graph and I see three peaks at one area that we test, that will indicate to me there's a possible mixture present.

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THE COMMISSIONER: Q. So if we had what looked like a blood sample and is a blood sample, it's possible that that blood found at a scene has been contaminated by somebody else's blood or by somebody else's saliva or by touch?

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Yes.

And so when you test that sample, you wouldn't be shocked to find a preponderance of the DNA from the blood but also some other indication that there was more than one source for the DNA, so it's not a single source, it's multiple source; correct? Yes.

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But with a bone, although I take it the exterior of the bone might have multi-sources, you literally drill or cut into the centre of the bone, into the interior of the bone, to get your sample, and so by definition, you're going to get a single source of DNA and, subject to deterioration, a pretty good DNA profile; is that right? Yes, we would expect to see single-source DNA profile.

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So what you are saying is that if you dig into a bone, as you do, cut into a bone to get your sample, and you get a profile showing it's multi-source, well, you know it's not multi-source; it must be something else? It indicates a problem.

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THE COMMISSIONER: Sorry go ahead. Yes.

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So can I ask about a fourth difference MS HEDGE: Q. between the treatment of bones and the treatment of general crime scene samples, and can I suggest - is this correct you have, as a scientist in the lab, interaction with a wider range of other agencies than for an ordinary crime scheme sample where the main interaction would be with the police; is that fair? Α. Yes.

- 1 Q. So with bones you might deal with the coroner?
 - A. Yes.

Α.

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Q. The mortuary?

Yes.

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- Q. Perhaps some emergency services if it's a DVI incident?
- A. Well, that tends to come through the police.

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- Q. And the police as well?
- Α. The police, yes. The - often the points of communication can be, because we have a liaison unit and they may also be in contact, but it's not unusual for the mortuary potentially to get in touch on behalf of pathologists; pathologists can get in touch with you; the police who are associated with the coroner may get in touch; for a DVI it's another set of police officers, but again, the police officers; forensic odontologists, which are the dentists that do a lot of the identification work -I have quite a good working relationship with many of those; and the police officers deal with circumstantial aspects and fingerprints which can be very relevant to any sort of coronial identification case. But essentially, that is - that encapsulates more professionals than we would normally encounter when we're doing routine casework.

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THE COMMISSIONER: Q. So unlike your colleagues, other colleagues, in the reporting section of FSS, you tend to have a real case management role, I gather, in that you speak to the investigators, you speak to other investigators, the dental specialists and fingerprint specialists, so you speak to a range of people across the face of the investigation; whereas, as I understand the evidence from your colleagues so far, they tend to see the results, they don't tend, in general, to deal with the investigators, although that does happen from time to time - is that a fair summary of how it works? Yes, I often will get a phone call, random phone call Α. to my desk, and it will be someone associated with an identification case ringing for me for specific advice about something, which is not so common with all of my other cases.

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THE COMMISSIONER: Yes.

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47 MS HEDGE: Q. Can we turn to [WIT.0003.0435.0001_R

1	page 0009_R] of the statement, please. Here you are
2	saying, Ms Keller - can we zoom in on paragraph 61, please,
3	operator - that bones are a particularly specialised area
4	within the laboratory and this sets out in the middle of
5	this paragraph which staff members are currently trained to
6	either sample or report on bones. Do you see that there?
7	A. Yes.

Q. And so in terms of sampling bones and teeth, there are five people, and one in training; is that right?

A. Yes.

- Q. And in terms of reporting, there are four people, including yourself?
 - A. Yes.

- Q. And you are the only person who appears on both of those lists so you are the only person who can do the full case management from receipt of bone right through to reporting; is that fair?
- A. Yes. I'm the only reporting scientist that actually performs an evidence recovery task. There used to be Ingrid Moeller as well. She also used to sample bones in evidence recovery, but her competency has lapsed. And there used to also be Timothy Gardam, who is no longer at the laboratory, and he was an expert in skeletal remains because he actually contributed to my training, so he's been working on bones for longer than I had.

- Q. And in terms of people who are currently at the laboratory, are you and Dr Moeller the most experienced in that group?
- A. Yes.

- Q. Now, this is a part of your statement where you set out the process of dealing with the bone sample when it comes in; is that right?
- A. Yes.

Q. And you say there that an email is sent to staff who are trained to see who has availability to sample?

A. Yes.

- Q. And the purpose of that of having a roster is to ensure that everyone maintains their competency, because there are only a few samples a year?
 - A. Generally speaking, yes. I think this year has been

1 quite busy, to be honest.

- Q. It's good, for competencies, to have more samples coming in; is that right?
- 4 coming in; is that right?5 A. Yes.6

Q. And could we zoom in on paragraph 62 and just deal with this general process of bones before we get into some of the concerns you've raised. This is the process that scientists might be requested to assist a pathologist with the selection of bones from a sample?

A. Yes.

- Q. And can you tell us who pathologists are?
- A. So the pathologists are the doctors who are performing very specialised doctors performing autopsies, and as part of that, they may need to be sampling a bone or having a bone sampled for DNA.

 There are a number of pathologists who I regularly have contact with or hear from in the workplace, but, yes, at times they request your assistance to help with selecting - whether it's a bone, sometimes it's a tissue - that they're not sure about, but they just want to check in to see what is the best sample that they can take to ensure the best chance of obtaining a good quality DNA profile without taking extra time.

Q. And they, the pathologists, would be doing their work in the mortuary?

A. Yes.

Q. And the mortuary is on the same site as the lab at Coopers Plains?

A. Yes.

- Q. So once you have selected a bone or a tissue or teeth sample, would the pathologist in the mortuary package that in a way that is appropriate to transfer to the lab?
 - A. It gets transferred. So and I must add that if you touch teeth, you always need the blessing of the forensic odontologist, because that's critical to their role. So we don't routinely do teeth, unless that's sort of all there is for DNA, and we have to make sure that the forensic

is for DNA, and we have to make sure that the forensic dentists have finished with the teeth, because that's

a very important way that identification can be

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But once we have clearance and the sample is taken, a bone sample or tooth sample, it goes across to property point, and then it's properly registered in the forensic register system that we use, because forensic pathology doesn't use the same system that we use, so it has to be properly registered, and then it is transferred across to DNA, provided all of the communications are in place to indicate, yes, this bone needs to be tested for DNA, because we don't want to be touching remains that are not required to be tested.

- Now, if it's a bone, we see there at (b), you would if you were allocated to it with another sampling scientist, you would take it to the bone room which is near the evidence recovery laboratory? Α. Yes.
- And you would de-flesh it and remove the edges of it; Q. is that fair?
- Yes, because the ends of the bone have been normally cut in the mortuary environment and this has a lot of biological contaminants present.
- And then in part (c) we see you would, from that inner part of the bone that you have obtained, chisel it into small fragments, and then use a cylinder to crush it? Yes. The bone fragments are placed in sterile cylinder with bungs and an impactor in the centre and it is placed on a mount in a bone crusher with liquid nitrogen. Then it is started, the machine is started, and the impactor, which is inside the cylinder actually - it just moves very quickly and crushes the bone, smashes the bone into bone powder.
- And so liquid nitrogen makes it very cold? Q.
- And brittle? Q.

Yes.

Yes.

- So that when the impactor hits it it shatters into lots of pieces; is that the idea?
- Yes, that's right. Α.
- Can we turn to the next page, please, the top of page 0010, please, Mr Operator. So then you have a fine

- powder of just that internal part of the bone; is that right?
- A. Yes, and I just want to say that for a long bone, for example, it's like a hollow cylinder, and in the very centre of the bone is where the marrow is, but we actually bone marrow tends to it doesn't keep well, and so we remove that centre. So the actual bone that we get into is the it's like around the circumference, but internally of the circumference, if that makes sense.

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11 12 Q. So it is the internal cylinder of the bone with the external parts of the bone removed?

13 A. Yes.

14 15

Q. And the marrow from the centre removed also?

16 A. Yes.

17 18

- Q. Then how much powder are we talking about?
- 19 A. It's 0.1 grams.

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- Q. A very small amount?
- A. A small amount. That's the aliquot. We call it in an --

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- Q. Just go to the one above, what you get out of the bones, is that a little more than that?
 - A. Oh, no, sorry, that's it depends on how much bone is actually in the cylinder, but we normally store the stock bone in a 5ml tube and then we take the smaller aliquots from the 5ml tube and we call it stock bone.

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- Q. And the aliquots, which we see there are weighed out and transported to the analytical team for processing, that is the 0.1 grams that you just mentioned?
- A. Yes, and we normally take four of those, so four aliquots from the bone powder or stock bone.

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Q. And then the analytical team do the actual processing, extraction, quantitation, amplification and capillary electrophoresis; is that right?

A. Yes.

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Q. And then it comes back to you with an electropherogram to interpret?

45 A. Yes.

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Q. That bone-crushing equipment is obviously highly

- specialised equipment that you use?
 A. Yes.

- Q. What about the chisel that you described? Is that a specific DNA analysis tool?
- It is a normal chisel that you can actually buy from a hardware store, but it is prone to rusting, because it's not titanium or it's not - it actually has components in there that every chisel, normal standard chisel, would But obviously we're using it in a laboratory so we need to clean it properly, and it's dedicated equipment; it's not - it stays in the bone sampling room and it doesn't move anywhere else.

Q. We will come back to cleaning in a little while. Could I turn then to paragraph 47, which is on page 0007_R, please, operator. Here you say currently, you are seeing mixed DNA profiles, multiple contributors, in bone/teeth aliquots for a number of coronial cases?

A. Yes.

- Q. What does that indicate to you, that you are seeing a number of mixed profiles come out of bone or teeth samples?
- A. Well, it tells me there is a problem. We are not seeing these mixtures in bones that or teeth that are fresh. So fresh bones are ones that might be from a recently deceased person, so there is still blood within the bone; whereas if you find skeletal remains that are 50 years old, you are not going to be expecting to see blood in those remains. It's going to be cells that actually form the bone. So the mixtures that we are seeing, these the mixtures that are occurring are happening to older bones or even bones that are not that old, maybe around a year before they have been located.

- Q. So when you say that fresh bones have blood in the bone, that's in the actual cells of the bone, not in the marrow?
- A. Well, the bones actually have channels that run through them, and that's where you have all the blood vessels running into the bone. So I'm not talking about marrow, I'm actually talking about the blood that runs through these channels that are within the bone. Because when you sample a bone and you have the bone powder, if it's a very fresh bone, you will see that it's almost a salmon colour, which would --

Q.

Like a salmon colour.

vessels to go through; is that right?

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4 5 6 THE COMMISSIONER:

this bone powder.

Yes.

Q.

MS HEDGE:

Α.

Q.

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A KELLER (Ms Hedge)

And so when you crush that, you will actually crush that blood vessel with the blood in it; is that right? Yes. Α.

can see that there is a bit of a red tinge to them, and

bone, within the cylinder itself are channels for blood

it's because it obviously includes some blood cells within

It is almost what?

So when we talk about that cylinder of

It almost indicates that you

The sample, yes. Α.

So then blood is part of the powder?

- Q. Now, when did you first notice that you were getting mixed profiles from bones? It was a case in November 2020. We actually - I think the first time I really noticed it, I - it didn't really
- register as being it was a problem, in my opinion, however, we also - we sampled two different tissue types -I think we had teeth and we also had bone - and they both showed mixtures. So yes, I was aware of it, I thought it was very unusual. It's the first time I can really The chance of obtaining a mixture remember that happening. from two different tissue types, I just didn't have a good
- explanation at the time, but since then, it's happened and more frequently, and now I'm at the point that we've got a problem and we've got to find out what's going on.
- And before that, so before November 2020, starting in 2006 when you were trained in this --Yes. Α.
- -- in that intervening period, did you receive mixed profiles from bone samples?
- I never came across a case we occasionally will see contamination. I know with mitochondrial DNA testing it's quite a common thing, because it's a very sensitive testing What has happened since 2006 is our processes are
- getting more and more sensitive, and so every now and then, it does occur that we will see mixtures occurring.
- However, with resampling or reprocessing or further work,

it was resolvable, so we could obtain a single-source DNA profile in the end and we were able to report a single-source profile to the coroner.

THE COMMISSIONER: Q. Because the extreme sensitivity am I right in this, the extreme sensitivity that has been introduced with new technology over the last few years means that you will get false peaks that might look like a two source when it should be a single source, but that successive testing will show when you see a range of profiles that they are indeed false peaks and ought to be ignored; is that what you mean or something else? Well, yes, it could be a contamination in one aliquot for the bone, but you may not see it in the other three, so if you've got four aliquots, or you might go back to the original bone that you sampled and go again. So I mean resampling, recrushing, reprocessing, and then we wouldn't see the contamination. So there would be --

- Q. I see. So it really speaks of a contamination issue rather than a stochastic artefact?
- A. Yes, currently, I would say it's occurring a lot. Previously, it would occur rarely, and I would say that it like you pointed out, as technology has changed over the years, so I've been doing this for 16 years and there's been new technologies brought in at different points, and as things become more advanced, more sensitive, we are seeing this more and more.

- MS HEDGE: Q. So in the past, before 2020, mixtures were rare and in your experience always resolvable to a single-source profile?
- A. Yes, in my experience. I don't know if any of the other coronial DVI reporting scientists had problems, but in my experience, no.

Q. Never had to report a mixed profile to the coroner? A. No.

Q. And do you keep a - do you have an estimate of how many bones you would have dealt with between 2006 and 2020?

A. A lot. I don't know. I would have to find out, if you would like me to find out.

Q. Would you estimate more than 100 or less than 100? A. It would be around 100, I would say.

1 Now, since 2020, have you kept All right. a spreadsheet of bone samples that you have dealt with? 2 I have been looking at the different cases that we've 3 4 been testing. 5 Can we look at that, it is [WIT.0003.0454.0001_R] and 6 it is attachment AK-19 to Ms Keller's statement. Is this 7 vour spreadsheet? 8 Yes. 9 Α. 10 11 Could we zoom in on perhaps the top 10 rows or so, 12 operator. So this spreadsheet we see some dates on the left-hand side there; is that right? 13 Yes. 14 15 You see the "Date sampled" column for the moment? 16 Q. Yes. 17 Α. 18 So you started - is this all of the bones that you 19 Q. 20 sampled from the start of 2019 onwards? These are cases that I'm aware that bone sampling 21 has occurred for, or teeth sampling as well. 22 23 Since 2019? 24 Q. 25 Α. Yes. 26 So starting on 1 January 2019? 27 Q. I believe so, this spreadsheet. 28 Because - and as you 29 can see from 2019, yes, we weren't - we don't receive a lot of cases. 30 31 THE COMMISSIONER: 32 Q. So these are all of the bones sampled at the lab since that date; is that what you mean? 33 In my awareness, yes. If I've missed some, that is 34 possible, but I was just really trying to track back 35 through the records that I could find, and so this is what 36 I've come up with. 37 38 39 MS HEDGE: Q. So it's not just ones that you did? 40 Α. No. 41 It's other ones that you are aware of or that you 42 could search for using the forensic register? 43 Yes. 44 Α.

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Q. And so we see there in the "Tissue" column, bones or teeth, and then in the "Result" column, the first five,

- say, "SS", that stands for "single source"?

 A. Yes, and this is what we want to see, we want to see
 a single-source profile.
- Q. And on 12 March 2020, do you see there are two there together, one bone, one teeth?
 A. Yes.
 - Q. And the bone says "Partial SS", so partial single-source profile, and that means there just wasn't peaks in all of the locations that you'd look at on the DNA strand?
- 13 A. Yes.

Q. How many is the cut-off to be called a partial?

A. Because we're testing - there are 40 possible pieces of information, not including amelogenin, which is the gender location, we're looking for 40. So obviously I don't recall from the top of my head how many, but I know that it wasn't a full DNA profile. So there weren't 40 pieces of information for that particular case.

But that one, we actually identified, we obtained a full DNA profile from a tissue sample, so not a bone sample in that case, or the teeth, it was actually a tissue sample. But I actually just wanted to note that that was what we obtained from the bone sample.

- Q. Now, we see here a number are reported as "No DNA". Is that done in the same way as we have heard about crime scene samples that is, if the quantitation falls below .001 ng/ μ L, it's reported as no DNA? A. I'm not sure, it possibly was one of those cases for that particular sample, those ones that I can see on the spreadsheet right now. I would have to go back and double-check that for you if you would like me to look, but it had very low levels of DNA.
- Q. Is the reporting of "No DNA" done under the same standard operating procedure as for all case work samples?

 A. Yes, so bones and teeth samples were under the same umbrella.
- Q. So if that standard operating procedure says under .001 "No DNA", that's what would be the result here?

 A. Yes. So I would imagine that that is actually a no DNA in that sense.

Q. All right. On the far right we see "Linked", and "Fresh". Could you explain those categorisations?

A. So the two cases on the 3rd of the 8th and the 13th of the 10th, those were linked. They were the same site. But they were just recovered at a later time, and that does happen; sometimes you might have a site where the police will recover remains and then they recover more remains at a later time. So both of those cases are linked in that sense, same location.

- Q. What about the "Fresh", how fresh do bones need to be for you to describe them like that?
- A. That was a very recently deceased person.

- Q. But is there a cut-off, like, for example, sevens days, or is there some cut-off between when you would call it fresh and not?
- A. I guess that's just my terminology that I'm applying in this spreadsheet and it is more as a mental it was a mental note for me to understand, okay, we've got a single-source DNA profile from this particular bone, and that was a fresh bone. So it could have had blood still contained in the bone that was able to be profiled for DNA.

- Q. So by the time a bone comes to you, do you have some has someone else given some estimate of how long it's been since the person was deceased?
- A. So sometimes we'll have missing persons and it will be for a very I mean, it could be it could be a crocodile attack or something like that, so the police will be aware, they've gone missing on this date, and then remains were recovered on this date, so from that situation, you understand it's quite a recent and it might be a matter of days between missing and recovery of remains, and then it's a matter of actually obtaining a DNA profile. So I'd say that situation would be fresh.

- Q. But can you give us an estimate of how long the period is while you still consider it fresh? Is it a matter of days or weeks or months, I'm just trying to get a general idea?
- A. Yes, six months, I would not be expecting to see fresh blood in bone at that time frame. I'm not I guess --

Q. I think I'm not asking the question very well. Let's try again. What time period since becoming deceased would

you call a bone fresh?A. Days, weeks.

- Q. And would you do that based on the time frame that the police or the coroner have told you or would you do that by visually inspecting the bone?
- A. I might have information around if there is a "believed to be", where there is a date where the person was last seen, that might be a rough idea in my mind that, you know, this has been a week, and then I will be looking.

 But I sort of have that in the back of my mind, it's not until I'm actually reporting a statement for the coroner that I tend to look at that sort of information. Sometimes I do. But when you actually go in to sample a bone, you assess the bone and you look at the condition, you have a look at if it has flesh adhering to it that needs to be removed, and it could be decomposing tissue, but if you have skeletal remains that have no indication of any soft tissue adhering, then the indication is that it's an older bone, you know, could be a year old, could be 10 years old. And it just depends on the environment the bone is in as to what sort of condition it is in, and we do assess that when we sample the bone.

Q. And so that level of condition will be highly variable, even for bones of different ages; is that fair? A. Yes, because if you have a bone that is in a marine environment versus a bone that's in the middle of the desert and it is in a cave somewhere, like, completely different situations and it will affect the DNA that is contained in the actual remains.

Q. Operator, could you zoom in on the next 10 lines or so. Thank you.

So you described a - I said when did you first notice a mixture, and you said November 2020. Is that the two - a bone and a teeth sample we see there, 2 November 2020 and 26 November 2020?

A. Yes, that's the case I'm talking about.

- Q. And "Complex unsuitable" means a mixed profile?
- A. Yes, it does.

Q. And do you remember how many proposed contributors were in that profile?

A. At least two. It could have been more. I would have to go back to the case.

- Q. If we look down through here, can we look at the next line, 15 March 2021, a bone sample, "1 times mix, 3 times single source". Can you explain what your notation means there?
- A. Yes. Okay, so again this is a case that we have taken four aliquots of bone powder for, and from one of those aliquots, we have obtained a mixture, and for three aliquots we have obtained a single-source DNA profile.

- Q. So all four of the aliquots are tested together; is that right?
- A. Yes.

- Q. By that I mean at the same time?
- A. Yes.

- Q. Not in the same tube, obviously?
- A. Yes. No, they're run separately but together, yes.

- Q. So in a case like that, where there is one mixed profile and three single-source profiles, you can report did you report a single-source profile?
- A. Now, I'm just trying to recall that case, because it's de-identified. In that situation I can tell you what I would do. I would fully disclose that to the coroner in a statement. And it's possible that one of my colleagues reported this and I may have reviewed the case, or I'm not sure exactly. However, you could report the three aliquots as being single-source DNA profiles, and you could also report that you obtained a mixture, and then you would provide a statistic based on one of the single-source profiles that provided the best quality result, but full disclosure to the coroner, because that is what we've been having to do.

THE COMMISSIONER: Q. So from the time you discovered, first encountered this mixture on 2 November 2020, there are 18 samples you have listed, 15 of them returned a mixture and one returned no DNA.

A. If that's what you have just --

Q. But only two returned a single source correctly?

A. Now, I just want to clarify with you that in 2020 we did actually profile 13 bones as part of a DVI, so

1 2 3 4 5	I haven't listed those on this spreadsheet. And we obtained single-source profiles from those samples, and I believe from the top of my head it was 13 bones, so no problems. They were fresh, though.
6 7 8 9	MS HEDGE: Q. So when was that in 2020? A. It was just at the - as the pandemic was beginning in March of 2020.
10 11 12	Q. So in the first six months of 2020? A. Yes, and
13 14 15 16	Q. So they wouldn't be included in the Commissioner's statistics that were from November 2020 onwards? A. No.
17 18 19 20 21	THE COMMISSIONER: Q. So it becomes 15 erroneous mixtures, 15 single source, and one no DNA - so 50 per cent mixture rate where you should be getting single source? A. I haven't actually done the statistics, but I - it was already concerning me greatly as each case has come along.
22 23 24 25	Q. Well, a 50 per cent failure rate is not very good, is it? A. No.
26 27 28 29 30	MS HEDGE: Q. So if we look at those samples on 24 March 2022, do you see those three? A. Yes.
31 32 33 34 35 36	Q. So all these notations mean the same as the one you've just described - that is, the first is two aliquots resulted in a mixed profile, two with a single source, for the first one? A. Yes.
37 38 39 40	Q. Three aliquots single source, one for a mix for the second one on that date? A. Yes.
41 42 43 44	Q. And four mixtures on the third on that date. Now, if we look at 1 June 2022, eight times mix, does that mean you did eight aliquots and all of them resulted in a mixed profile?
45 46 47	A. Essentially, that particular case was very low level, and that's why we did so many aliquots, because it was very - the DNA was very low. Now, when we're assessing

a case like that and it's very low level, I think we had to look at all of the aliquots together, and one of my colleagues and I talked about it, so I put "8 by mixes" But when you look at all the profiles and the extra peaks that are popping in and out of the different aliquots, we assessed them all as being complex unsuitable. We weren't able to interpret them. Actually, I'm - and this is a little bit difficult here, I'm not sure. There's so many cases that I've worked on recently. I'm not sure, that 8 by mix, would I be able to - is the information in that folder redacted?

Q. No, it is not, so, please look --

A. Can I just refer to --

Q. Yes, please do.

A. Because I can't memorise all the cases off the top of my head.

Q. No, I understand. Have you found that page?
A. I've found the page. I'm just referring to my statement because I think I have actually listed it in my statement, this particular case.

Okay, thank you. So I would like to take back what I did just say and just clarify that that particular case was eight mixtures that we obtained from it.

Q. So there was eight aliquots?

A. Yes.

Q. And each of them retained a mixed profile?

A. Yes.

Q. And was that eight aliquots taken, if you can - if I'm testing your memory too far, tell me, but was that eight aliquots taken originally or did you take four, as usual, test them, get mixes, and then take another four?

A. Yes. So I actually did review this case, I didn't - and that's why - I think when you're reviewing, you are a little bit more removed from the case, but yes. So this did actually - this case actually was mixtures.

Q. And so for these ones that have all mixtures, for example, that one, all of those 30/6/2022 ones, for example, where they are both complex unsuitable, they would be reported to the coroner as a mixed profile?

We are having to. For the one on 1/6/2022, they actually didn't know, that was an unknown deceased person. So in those situations we don't tend to issue a statement to the coroner for identification, because we go through a process where if it's an unknown deceased person and we can load the information to a database that is Australia-wide. So we might go through that process for an unknown deceased person, and as soon as someone is known, they have to be removed from that particular database, but that is the process. So if we reported to the coroner and we could - and I believe in this situation an intel report was provided to the coroner, so that's an alternative to a statement that we provide to the coroner, because we just wanted to provide - give information around the results we had obtained.

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- And so can we just speak briefly about likelihood For a single source you might report, either by intelligence report or statement, that the chances of the contribution by a particular person is greater than 100,000 or 100 billion or some number, depending on what your calculations result in; is that right?
- So identification cases can be different. So if you are doing a direct comparison, so, for example, they're my bones, you'd go to my toothbrush, for example, hopefully get a single-source profile, and then do a direct comparison between the ante-mortem DNA profile toothbrush to the post-mortem DNA profile, my bones, and get a match.

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Then, in that situation you can do a direct comparison that you have just described. However, if you didn't have my toothbrush, you would have to go to my parents, so you'd get a DNA profile from my mum, a DNA profile from my dad, and then we could perform a calculation which involves looking at your relatives and then we provide a statistic. So it is - and it can be a very high statistic but in that situation it tends to be lower and we report it differently. So coronial identification statements are a little bit different to the statements we provide for the crime scene samples matching to a reference sample, for example.

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- So is the likelihood ratio then the likelihood that the sample is related to the relative?
- Yes, we call it a paternal in the situation 46 mother/father/missing person, we call it the paternity trio calculation that we perform on a different statistical

1 package, and then that statistic goes to the coroner.

- Q. So that's single source. How would you report a mixed profile to the coroner?
- A. So the only time I have ever had to do this in my life is this year, and it wasn't that case, it was another case, I believe it was the one from 24th of the 3rd. I can't recall exactly off the top again, it's the details.

- Q. That's okay, just generally.
- A. Yes, so we did actually have to look at a mixed DNA profile. But that was --

- Q. To use those two examples you have given, the first is the toothbrush example?
- A. Yes.

- Q. So if you are reporting a mixed profile to the coroner, would you be reporting that the person who owned the toothbrush had a certain likelihood ratio of having contributed to this bone sample?
- A. Yes, you could with a direct comparison, yes.

Q. And then how do you explain in your statement, if at all, difficulty with the mixed profile, the fact that it's a mixed profile?

 A. So we had - it was a linked case, and again my colleague had to - we talked about it, how are we going to do this. So one of the cases that we had to report to the coroner, we did have a single source, and then the linked case had a mixture, and we were able to just say that the unknown that was obtained from the mixed case was consistent with the other case.

Now, I would have to go back and have a look at those statements to exactly recall how we reported that case.

THE COMMISSIONER: Ms Hedge, how is this going to help me, because isn't the point that we're getting mixed results where there ought to be a single source result, and that's obviously going to lead to problems in reporting to the people who are interested in knowing the results? But the precise difficulties faced by those people, I need not examine those and make findings about them, need I?

MS HEDGE: No, we were simply getting to what the problem is in the reporting - that is, that the problem is

1 identified in the reporting. That's what I'm seeking to 2 elicit, but perhaps I'll ask that more directly. 3 THE COMMISSIONER: But aren't we more concerned with 4 whether there are problems in the lab and what those 5 6 problems might be that have led to the mixtures? 7 8 MS HEDGE: Yes, but the consequence of that is of some relevance, but I'm content to --9 10 THE COMMISSIONER: 11 But the consequence is that the result 12 is unreliable, isn't it? 13 14 MS HEDGE: Perhaps we should ask Ms Keller that. 15 16 What is the consequence of obtaining a mixed profile from a bone sample, is it that it is an unreliable result? 17 I would have to say that the cases we've listed 18 complex unsuitable, we can't do much more with those cases. 19 20 Where you might obtain a mixture where we've got a very low-level mixture and a major in the profile that is 21 clearly consistent across the case as being an unknown, we 22 23 can actually do something with that, but this is not - this is not what we want to have to be dealing with, and I've 24 been working my way through these cases with my colleagues 25 26 this year, and it needs to be fixed. 27 So is the essential problem with the mixed profile 28 29 that you have two DNA profiles and you don't know which of them is the deceased person? 30 31 Yes, you are using the best - like all of my expertise 32 in my career to try and assess whether or not we can use a profile, when it falls into that category. 33 34 35 But tell me if I'm wrong, if I'm wrong, but is what you're saying that the problem with a mixture is that you 36 might get two or more profiles, people in your profile, and 37 38 you don't know which of those people is the deceased 39 person --40 Α. No, that's --41 -- and which are contamination? 42 Q. That's right. 43 Α. 44

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Q. So it might be, say, a three-person mixture? Α. Yes.

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- Q. Person 1 might be the deceased, persons 2 and 3 are some sort of contamination, but you don't know whether it is that, or that person 2 is the deceased and 1 and 3 are contamination, or person 3 is the deceased and 1 and 2 are contamination; is that your point?

 A. Yes. It is very difficult, and I wouldn't report something that I wasn't able to report confidently, but
 - A. Yes. It is very difficult, and I wouldn't report something that I wasn't able to report confidently, but I've never hit this before in 16 years. So it's getting very difficult.

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11 Q. So could we just zoom out, operator. There are three
12 numbers in the far left column. Could you zoom in a way
13 that those three are in view, and the whole spreadsheet
14 across, thank you. You have also annotated this

spreadsheet on the far left by three things. Now, does this equate to three changes in the lab that you have observed since you have started seeing these mixed

18 profiles? 19 A. Yes.

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Q. Now, we'll talk about each of them in turn but just while we're here on this spreadsheet, is the first of those on 5 July 2019 a change to the cleaning?

A. Yes.

Q. And the cleaning of equipment that you use to sample bones, I should say?

A. Yes.

Q. And on 25 March 2020 there is a change to the extraction process; is that right?

A. Yes.

Q. And then on 15 February 2021 there is the change to capillary electrophoresis - that is, the introduction of the 3500 machine; is that right?

A. Yes.

Q. So that's why you have those three things in this spreadsheet, to show when those changes were made?

A. Yes.

Q. We will come to this in a few minutes, but you have raised an OQI about this issue?
A. Yes.

Q. Is that right?

45 46 47

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1 A. Yes.

- Q. But that OQI hasn't been resolved, there has been no identification of the root cause analysis or root cause of this mixture problem?
- A. We're still working. So I raised the OQI, and now two of my colleagues and I are working through this OQI trying to come up with recommendations for solutions.

Q. And these three things are things that you have observed in the past that you think might have an influence on creating mixtures?

13 A. Yes.

- Q. But you haven't yet come to the point in your consideration of it where you could say definitively that one of these is the problem?
- A. No, and I think the point is, with three changes that have occurred in I mean, it's spaced over a little bit of time, but in terms of how many cases we actually come across, it's a fairly short period of time, and so when you change in science, when you change more than one thing around the same time, it gets very difficult to pinpoint what the actual issue is. So that's why I've highlighted three changes, because I think they're all contributing to the problem that we're seeing.

 Q. Can we go through them in a little detail. Could we turn to page 10 of the statement, please, [WIT.0003.0435.0010_R] can we zoom in on paragraphs 64 to 66. So in 2015 there was a project that you described there, Project #148, about the bone crusher vials and how they might be cleaned?

A. Yes.

Q. Now, that's the part of the process we described earlier - you described earlier, I should say - where the liquid nitrogen was applied and there was an impactor that hit the bone until it rushed into a powder?

A. Yes.

Q. So that's what the bone crusher vial is?

A. Yes.

- Q. And it investigated whether you could use Tergazyme or something else, is that right that project?
- A. The project the original, because I've gone back to

the project. The original reason that Timothy Gardam commenced that project was because we had changed process and he was noticing a few more of the peaks that the Commissioner was talking about before, around can we find a better way of cleaning, because we're finding there's peaks popping up now and then in the bone crusher vial. So Tim looked at a number of options in this report, and tried to find - I mean, I can actually refer to that report, because I've annexed it, but he looked at a number of options that might be a good alternative for cleaning the bone crusher vials.

- Q. And so what did he conclude? After this project, what did you use for the bone crusher vials?
- A. At that point, we I don't think we changed process at that point. We I would have to actually go back and have a look at the timeline, but Tim did find that Tergazyme is one of the cleaning agents that we use found that that worked very well for cleaning the bone crusher vial, and he also found that using a dishwasher on a certain setting was very good for cleaning the bone crusher vials, and we did we have changed to cleaning the bone crusher vials now in the dishwasher, and it does seem to work well.

Q. Can we turn to the next page, operator, and paragraphs 68 to 70. So that project only dealt with the vials; is that right?

29 A. Yes.

Q. But in 2019 - and this is the change that you identified on your spreadsheet -- A. Yes.

36 crushing equipment; is that right? 37 A. Yes.

Q. And this is the change in paragraph 68. So all of the bone crushing equipment will use the dishwasher, bleach and/or TriGene followed by 70 per cent ethanol?

-- there was a change to cleaning all of the bone

A. The change was the bone crushing equipment using the dishwasher, but that was just referring to the crusher cylinder and the bungs and the impactor, but then the bleach and/or TriGene followed by 70 per cent ethanol was the remaining equipment, and as it is noted there, "in line with other evidence recovery and analytical protocols".

Q. So it is the second part of that that is the change that you are referring to?

A. Yes.

Q. As you say in paragraph 70, to your understanding there is no validation or verification about that change in relation to bones particularly, bones and teeth?

A. Yes, so that was the using bleach and/or TriGene followed by 70 per cent ethanol for the remaining equipment.

Q. Yep.

A. It is in line with other evidence recovery protocols, however, no other process and evidence recovery uses the equipment that we use for bones. So I've listed that in paragraph 70. So that includes chisels, hammers, chisel blocks, Dremel bits sometimes, hand saws, and an electric saw, also.

- Q. So in your view, because of that different equipment, was it your view that there should have been a validation before any change in process?
- A. At least a verification or testing: we're going to make this change for this equipment, does it clean it adequately?

- Q. What would you say the difference between a validation and a verification is?
- A. I think that a verification is not quite as vigorous as a validation. I mean, to be honest, when it's such an important process we don't do it that often, but it is a really important thing that we do we should do it properly.

 THE COMMISSIONER: Q. What was used to clean, for example, the chisels, before this change in 2019?

A. So we used a saturated solution of Tergazyme. So we would, in the bone sampling room, have a container, large container, fill it with water and then add Tergazyme and saturate the solution, so you've got excess Tergazyme - because it's like a solid, you dissolve it in the water.

- Q. So you used Tergazyme, and then in 2019 Mr McNevin was put in charge of bone testing; is that right?
- A. Yes, he was put in charge previous to that, I believe, but he implemented this change.

scholarship in bone work?

and it was "Yes, we have."

In paragraph 71 --.

with the scientists in the bone unit?

And what was his experience in bones, what's his

believe that he had any experience in bones or teeth.

When Allan was first put in charge of bones, I don't

So he then decided, on 5 July 2019, to change from

That's right. The first I became aware of it was I -

using Tergazyme to using bleach and/or TriGene followed by

there must have been a bone to be sampled, and there was an

email that came out, and somehow I was aware of a change.

I just said, "Have we implemented a new cleaning process",

I can't even recall, to be honest. There is an email.

70 per cent ethanol, without any testing or consultation

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Q.

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.11/10/2022 (Day.08)

Q.

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MS HEDGE: Could we have paragraphs 71 and 72, please, operator.

- THE COMMISSIONER: Q. You found that the chisels were getting rusty?
- Yes, this year, I did notice that there was rusting of the chisels and I did discuss this with other staff members and we started to feel that, or agreed that, it could be a potential source of contamination.
- Because rust is a rough surface and it is prone to retain substances with which it has had contact? Yes, and actually, Tim's - I think it was a verification that Tim did, he actually did - he did note
- a number of things and he actually did mention that when pieces of equipment go rusty, they can be more difficult to clean and more likely to retain foreign DNA.
- MS HEDGE: Q. And so this cleaning regime poses two risks, as I perceive you are saying: one is the rusting, and therefore the collection of DNA; and the other is just simply DNA on any surface, if it is not appropriately cleaned off before the equipment is used again?
- I think mechanical action is a very important part of the cleaning process when it comes to any sort of cleaning regime, but bones --

By that you mean scrubbing it with your hands?

A KELLER (Ms Hedge)

1	A. Yes.
2 3 4 5 6 7	Q. And is that what you used to do in the tub of water with the Tergazyme? A. Yes, you could really get in there and scrub everything very well, and it felt - I mean, you knew it was as clean as you could possibly get it.
8 9 10 11	THE COMMISSIONER: Q. And had Mr McNevin, to your knowledge, scrubbed any instruments clean in his work? A. I don't know. Not that I'm aware of.
12 13	THE COMMISSIONER: Is that a convenient time?
14 15 16	MS HEDGE: Could I just ask one question to round out the topic.
17 18 19 20 21	Q. Mr McNevin, you describe, became part of - in charge of bones. At that time, he was the senior scientist in charge of the evidence recovery section; is that correct? A. Yes.
22 23	MS HEDGE: That's all, thank you.
24 25	THE COMMISSIONER: What time shall we adjourn to?
26 27	MS HEDGE: Perhaps 2.15?
28 29	THE COMMISSIONER: 2.15 it is, then.
30 31	LUNCHEON ADJOURNMENT
32 33 34	THE COMMISSIONER: Yes, Ms Hedge.
34 35 36 37 38 39 40 41 42 43	MS HEDGE: Q. Ms Keller, just before lunch we dealt with the first of the three changes to bone processing, that is, the cleaning regime. Can we turn, then, to the second of those changes, which is the change issue in the extraction method. Can we put Ms Keller's statement back on the screen, please, operator [WIT.0003.0435.0001_R page 0011_R]. At the bottom of the page, paragraph 73, you say that in April 2018 there was a change from organic extraction to the use of instruments? A. Yes.
45 46	Q. Can you explain to us what organic extraction is?

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Α.

Yes, so it's an extraction technique where you use two

different phases of liquid to isolate the DNA in one of those extractions or different phases of the liquid, and then leftover cell parts go into the other liquid phase, and then you focus on the one that holds the DNA. So it separates and isolates and purifies the DNA from the other cellular components.

Q. So would a scientist do that physically using -A. Yes, it is a manual process and it does require,
I would say, a higher level of skill than some of the other
processes that are manual in the laboratory. I used to
actually do organic extraction myself when I worked in the
analytical section.

THE COMMISSIONER: Q. Can you give me an example of the process, or one of the steps, in the bone extraction process that would make it clear to me why a high level of skill is employed - something that will make me understand what you mean when you say it is an extraction process that requires a higher level of skill than the extraction processes ordinarily employed in dealing with swabs and tapes, for example?

A. You'll have to forgive me because it has been quite a while since I actually performed this extraction.

Q. Yes, think it through and take your time.

A. The organic extraction involves an organic liquid, and also an aqueous liquid, so they have different abilities to hold different substances.

Q. The first form of liquid was what?A. It is an organic --

Q. Organic, yes.

 A. Organic component, and then there's an aqueous component as well. In the end of the extraction the DNA ends up in the aqueous phase, and then it's removed. So the layer that contains the other cellular components is held in the organic phase, and the operator will need to pipette off the aqueous phase that contains the extracted or isolated DNA.

THE COMMISSIONER: Q. So it's as though you had oil and water, and you are trying to pipette one component of that, which you need, away from the other, and you have to be careful to ensure that you don't leave a contaminated amount or miss what you want; is that putting it in simple

terms?
A. Yes.

Q. Thanks. I get the picture. I get why you say there are skills that you have to practise; is what you mean? A. Yes. Because, from memory, you perform this separation process a few times, and at the end of that process, you actually perform a microcon-concentration, and then you end up with your DNA extract in a tube.

MS HEDGE: Q. Can you now explain the instrument phased extraction method, that is, using the QIASymphony?

A. QIASymphony and the QIAGEN pre-lysis. I have not had a lot of experience in this particular process, but it involves an instrument and reagents that you add, but I understand you isolate the DNA. It utilises - you attract the DNA to beads and then wash and then in the end the DNA is liberated from those - I believe it's magnetic beads. I would have to check the details.

- Q. No, we don't need more detail than that, that's okay, but it's a robotic instrument in the sense that you load a plate of samples and it does all of that by itself without an operator individually touching anything; is that right?
- A. Yes, it has, like, a pre-lysis step, as it says in my point 73.

Q. And can we do the history of this quickly. If we turn to the next page at paragraph 77, you had some concerns about this extraction method, because you were seeing some odd results, a noticeable decrease in quantitation yield for bone aliquots; is that right?

A. Yes. So I was reviewing a case and I was working with Jacqui on this particular case, and we actually - so this is in 2018, we had four aliquots of bone that had been extracted using organic extraction, and we had four relatively similar quantitation values, which they were fairly well what I would expect but the DNA profiles we obtained from that particular case had indications of some kind of contamination, so we had some low-level peaks in the profiles. I can't remember exactly but essentially it caused us to go back and request that a resampling occurred, and I think it was just that a further four aliquots were put in for DNA profiling.

And when these four new aliquots came back, we noticed

that the quantitation values had dropped significantly, and immediately wondered what was wrong, because it had come from the same stock bone source. When we looked further into it, we realised that a different extraction process had been implemented and one was - so the initial four aliquots had been extracted using organic extraction, and then the next four aliquots had been extracted using this new extraction technique.

Q. And the quant values were quite different and far lower for the extraction - for the instrument?

A. Yes.

- Q. And you raised that with Justin, Justin Howse?
- A. Yes.

Q. And he said what we have there:

... any apparent differences would be due to sample variation ...

A. Yes.

Q. And in the midst of this, is it the case that you came to have the view that the validation of the QIASymphony was not properly done? We don't need to go into all of the details of that, but is that true, you came to that view?

A. I knew something was wrong and I assumed it was the most - the simplest explanation is often the best, and when we had gone from four aliquots obtaining a good quant value, essentially, from what I would expect from bones, to quant values that were significantly less, and the only thing that had changed was the extraction technique,

Q. I see. And when you looked further into it, you found that in that validation, there was 10 bone samples used, but each of them were only run through the process once? A. Well, I --

I assumed that there was something wrong and - but then

Q. Is that right?

looked further into it.

 A. I cannot remember the details that well, but I did talk to my colleague.

46 Q. Mr Parry?47 A. Yes, I did.

1 2 Let's leave that. He is the next witness. Q. 3 Α. Okay. I will leave that there. 4 5 Q. So can we move down to paragraph 80, please. After some issues were raised with that validation, the 6 laboratory reverted to the organic extraction method; is 7 that right? 8 Yes. 9 Α. 10 And then a supplementary report was done, which was 11 12 Project #192, and you understood that was to try and address the problems that had been raised with the initial 13 validation? 14 Yes. 15 Α. 16 And can we come down to the next page, please, 17 operator. So then in March 2020, in paragraph 84, again 18 the bone/teeth extraction method changed from organic to 19 20 the instrument? Yes. 21 Α. 22 23 So it is this change at paragraph 84 that you are talking about that might have had an impact on the mixed 24 profiles that we're seeing; is that right? 25 26 Α. Yes, this is the second change. 27 In paragraph 88 you say that since then, you have 28 noticed an increase in the number of low-level or no DNA 29 profiles from bones and teeth and more recently mixed DNA 30 profiles. So both of those things are of concern for you -31 32 the low level or no DNA and also the mixed? Yes. 33 Α. 34 35 And tell us why do you say that the introduction of this instrument might be causing those problems? 36 37 38 to begin with, and coronial bones tend to have a lower 39 40

this instrument might be causing those problems?

A. I think that to get a useable DNA profile you have to have an appropriate starting quantity of DNA in the sample to begin with, and coronial bones tend to have a lower level of DNA because they don't have the blood cells present anymore. So we're dealing with compromised bone samples. And if the extraction process that we're using is not removing all of that low amount of starting DNA in the first place, I think it is problematic, in combination with other changes that we've seen - there are three changes I'm talking about - but that is one part of the picture, that

if you are not removing as much DNA from your starting

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substrate, then it's problematic, you are having lower levels of DNA, it's harder to get a full profile, then you are just not able to obtain a simple single-source profile, compare it to a toothbrush or relatives' profiles to give a statistic to provide to the coroner. It's just --

- Q. I understand that for low and no DNA.
- A. Yes.

- Q. But what about the mixed profiles?
- A. Oh, it just --

- Q. Did that instrument result in the mixed profile?
- A. I don't know that it is causing the mixtures that we're seeing, but we're dealing with very low levels of DNA and so there's nothing that has flagged to me specifically that it is the extraction causing the mixtures. I can't say yes, and I can't say no, to be honest.

- Q. So it's the there's not something about how that instrument works that gives you the concern; it's the results that give you the concern, the results of mixed profiles?
- A. Yes, I'm more basing the outcomes that we're seeing this year in particular are very concerning to me and that is one of the changes that we have seen.

- Q. I understand. Now, that's the second of the three changes you identified. The third is implementation of the 3500 Genetic Analyser?
- A. Yes.

- Q. We see that there at paragraph 91, that you consider it may be contributing to the detection of additional low level contributors that previously would not have been detected?
- A. Yes, and I --

- Q. And that means sorry?
- A. Sorry, I was just going to say it simply is that this instrument is more sensitive, it's detecting more DNA, and so, therefore, using the old instrument that we used, we could run the same sample on both instruments and maybe on one we'd get a single-source profile, the 3130 instrument, the old instrument; on the 3500, we might see some low-level peaks that we wouldn't have detected on the old
- low-level peaks that we wouldn't have detected on the old instrument. So it's really just the change in process,

1 2		ng forward with technology we can detect more DNA, and more sensitive.
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4	Q.	And you say there in paragraph 89 it has not been
5	spec	ifically validated for bone and teeth aliquots?
6	Α.	No, I don't believe it has.
7		,
8	0.	Is it your view that it should have been?
9	Ä.	Not necessarily, but it would be good as part of the -
10		use once the bone is extracted, so once you've got bone
11		act, or extract like any other extract, it runs through
12		system with all the other samples, whether it be from
13		va or blood or semen. So not necessarily needed to be
14		specifically on bones or teeth, but if it is part of
		cohort that runs through that validation process,
15		·
16	ı gu	ess that would be a good thing.
17	0	New year mentioned nations on OOT. Con I take you to
18		Now, you mentioned raising an OQI. Can I take you to
19		. It is AK-20 of your statement, [WIT.0003.0455.0001]
20		nis is the OQI you raised within the lab's quality
21		rmation system?
22	Α.	Yes.
23		
24	Q.	And you raised it on 17 June 2022; is that right?
25	Α.	Well, I think I actually raised it - that might have
26		the date that I put that we realised we had a problem.
27	The	date - I may have put that in my statement, when
28	I ra	ised the OQI.
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30	Q.	In paragraph 53 of the statement, which is on page 8,
31	it sa	ays:
32		
33		copy of the OQI report dated
34		21 September 2022.
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36	Α.	Oh, okay.
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38	Q.	That's the date you printed it, I believe?
39	Α.	Yes
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41	Q.	Oh, no, I'm sorry, paragraph 52:
42	•	. , , , , , , , , , , , , , , , , , , ,
43		I raised an OQI about the issues with bones
44		on 29 August 2022.
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46	Α.	29 August, yes.
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- Q. And had you raised these concerns before raising the QI?
 - A. Yes.

Q. Who had you raised concerns with before the OQI?

A. I think it became clear to me this year that we were having repeated problems, because that spreadsheet that we looked at before, I wasn't the - I didn't have carriage of all of those cases, but some of them, quite a few, I did, and, yes, just repeatedly seeing these problems. So I actually started to look at the results we were getting, you know, I started to just look into why are we seeing

these mixtures?

So then, when I came up with some information, I went to - I talked to my colleagues about it, because they were working on these cases with me, and we agreed that it's obviously an issue, and so I raised it with my line manager, Kylie Rika, and she was --

- Q. About when was that?
- A. Oh, it was prior to the date of raising the OQI. It would have been --

Q. Prior to when the Commission started?

A. Oh --

- Q. I'm just using that as an easy date marker in your mind.
- A. I really it would have been the first time I had hit the higher level mixtures it would have been in the first half of this year.

- Q. The first half of this year, when you say you talked to your colleagues, do you mean other reporters?
- A. Yes, that are reporting on these cases, because really it's like, "What's going on?" You want to sort of bounce off other experts to find out what they think. I mean, obviously it's an issue, but trying to actually start to
- obviously it's an issue, but trying to actually start to troubleshoot. So then, you know, it's going back, and why
- do we think that we might be so those types of
- discussions, but then to actually escalate it to Kylie, and I think around that time I said to her, "Can you please
- take this to the management meeting, because I'm concerned."

Q. Yes. And do you know whether she took it to --

- 1 A. Oh, I'm sure she did, yes.

- Q. Do you know whether she did or not?
 - A. I do know, but I can't remember exactly what meeting it was.

- Q. Did she tell you that she took it or were you present at a meeting where it was discussed?
- A. I think I might have come back to her and said, "Did you actually raise it", and she said yes, she had raised it.

- Q. So going back to this OQI that's on the screen, you raised that in August, but you identified the date you identified the problem as 17 June. So it was raised in August, and then approximately a month later, this is the form of it. Is that what you would expect for an OQI, that a month later, there is no further information about investigation or action?
- A. Well, I have carriage of this, and I'm working on so behind the scenes, I guess, so I haven't updated this OQI, but so --

Q. Tell us what you have done --

A. Kristina is involved, one of my colleagues at the lab is involved in this OQI, and Rhys Parry as well, and Kristina has been very active in "Lets have a meeting", she's been very good, "Let's talk about this". So we've had a few meetings, and the thoughts that I have had prior to the OQI and Kristina's involvement are really getting reinforced by Kristina.

So we are - and I guess there's been a lot happening this year, but we're sort of focused on can we make some recommendations, so if it is the cleaning, can we make recommendations? And to be honest, something - because I only sampled two bones last week, talking to my colleague - because we're all scientists and I think some people have really good ideas that you may not be talking to every day, and, you know, ultraviolet light is something that is a common cleaning regime as part of mitochondrial DNA testing from bones, so maybe that's a possible recommendation we could put in there, but also other things that have come out of the meetings that I've had with Kristina and Rhys.

Q. Do you expect this OQI to end in performing some

1 experiments?

A. Because I have never raised an OQI before, this is the first time, but I would expect we're going to make a number of recommendations and I would hope that after those recommendations - so it could be validating a cleaning regime; hopefully, that will be taken on board and someone will take carriage of that and then see it through, because --

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- Q. All right. So is your understanding, what will come out of this OQI is recommendations to then conduct experiments? You're not going to conduct the experiments as part of the OQI? I'm just trying to understand how quickly this is going to be done?
- A. Yes, I know. Well, the OQI, I think it's important to identify the issues and then it will probably it will have to lead to some sort of recommendations for experiments, and whether I'm involved in those or not, I'm more than happy to be involved, but that's the process.

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So when do you think, just as an Q. I understand. estimate, how many weeks or months do you think it will be before the recommendations are given from the OQI? It would be sooner, it could be a few months Soon. before we actually get to - but hopefully not that long to actually really tease out some really good recommendations that then can lead to some good experiments. But in terms of - we can make recommendations and conduct experiments. but we need the support of management to be able to - you know, so just say that something happens with the extraction or needs to happen - because I do think the extraction works for DVI cases, high volume, fresh cases, but I'm not convinced that it works for the compromised bone samples.

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Q. I understand. Just coming back to this, have you been given any relaxation of your other commitments at work to do this OQI work with Mr Parry and Ms Vernon, is it?

A. Ms Warton.

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- Q. Warton?
- 42 A. No.

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- Q. Have any of you been given be time away from other duties to do this work?
- 46 A. No, not specifically. It's sort of yes,

- 1 Q. It is on top of?
 - A. On top of.

Q. Have you been told about another change that might be coming in the analytical section in terms of sampling methods - I'm sorry, in the evidence recovery section?

A. I think in the evidence recovery --

- Q. Yes, what have you been told about that?
- A. I think there is a project, and I don't know the exact details because I'm not involved, for looking at the sampling process, but I'm very reluctant to be making any more changes currently, given the situation that we're in.

- Q. Let's just take that one step at a time. Do you understand what the change is that's being proposed to the sampling method?
- A. Yes. It might be finding a new sampling method that can be implemented instead of the bone crushing and the liquid nitrogen.

- Q. And coming now to the second thing that you already answered in part, do you think that any changes should be made to the bone process at the moment?
- A. I think that the cleaning regime needs to be looked at, but as part of the OQI. I don't want to be making more changes.

Q. Are you saying you don't want to make changes until the problem is identified?

A. Yes.

- Q. That's resulting in the mixed profiles?
- A. Because if we implement a new procedure, then there's four things that and just say we do change the cleaning regime, and we're still getting mixtures, so now there's still three processes that we now need to look at. So it's just not a good scientific idea to make more changes while there's a number of changes that we're already considering that could be contributing to this issue.

- Q. And do you think that the lab should continue to process bones until this OQI has been resolved?
- A. I think it would be good if we didn't have any more bones that are low level, compromised bone samples, to have to process this year. Having said that, we've just worked on two last week, and when I was sampling, we were going

above and beyond all the scrubbing and the bleaching and the - all of the process that we normally use, and it just takes so much longer, but it's so important that it's worth it. But in terms of should we be processing bones while we're getting mixtures, not really - I don't think so.

Q. But you draw a distinction between low-level DNA or very old bones, versus fresh bones. You have much less concern about the fresh bones; is that correct?

A. Yes, because we're not seeing the mixtures in the fresh bones.

Q. So your view there about not processing, it relates to - until there is some resolution of these issues, relates only to the non-fresh bones?

A. Yes.

- Q. And what else could be does the lab have any other options with those non-fresh bones?
- A. They would have to go interstate to another laboratory. We actually have had some bones tested by another laboratory that was the case that first marked noticing these mixtures, and that has been sampled by another laboratory and they got a single-source DNA profile.

 Q. And that would be - why I asked the question was, it would be a temporary thing until this OQI is resolved, which you imagine might be less than a few months away?

A. Yes. But even if we finalise the OQI and there are recommendations, the OQI may not represent a change in process. That might come after some sort of experimental processes are finalised.

- Q. What about when you get a mixed profile for example, that one where you had the eight times mixture is there any option then to send it away to another lab? Does that decision need to be made at the start or can it be made later in the process, is my question?
- A. You can actually so my colleague one of my colleagues and I have been consulting with IOs for some of these cases, when we have got very low-level DNA profiles, and suggesting, "We can do this, we can do this, you can do this." So providing them with options so they can actually go down that path if they want to, and these are the compromised low-level complex unsuitable cases that we're

47 talking about.

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- And who did you say you provided that information to, IOs; is that investigating officers?
 - Yes, investigating officers. Yes.

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Can we move to something else now, to some of your concerns about other non-processing aspects of the bones in The first of those I'd like to ask you about orally is the coronial identification meetings, which I understand are a weekly meeting held with a wide variety of people from the DNA unit, forensic pathology, QPS, coronial support unit, forensic odontologists and bereavement counsellors; is that right? Α. Yes, yes.

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- What is the purpose of those meetings? Q.
- It's basically to streamline the whole process. a complicated - often you will have different disciplines. The police might need to get dental records from New South Wales or something like that, and the odontologist will be - so these meetings - I should add that since COVID, these meetings have been via email, essentially, but prior to COVID, they used to be conducted in a room where everyone sat around, and, yeah, so if we know that there is - yes, the coroner wants an identification on this particular case, and the dentist will be like, "Yes, we're sourcing dental records from New South Wales so it's probably going to be dental", well then you know straight away that that's - the odontologists are going to look after that case.

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So immediately I know it's probably not going to come to DNA, or whoever is in the meeting, so it is off your radar a bit but you are still aware it is there, because sometimes the odontologists can only do a probable identification, and then it might come to DNA, it would depend on the coroner accepting identification.

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So the purpose of that meeting is for everyone Q. involved in a case to come together and talk about it? Α.

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- And you used to attend those meetings as a reporting Q. scientist?
- 45 Α. Yes.

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Q. And can we have on the screen page 15 of the

- statement. In 2019, were you advised by Mr Howse that reporting scientists were no longer to attend those meetings but rather it would be someone from the evidence recovery section?
 - A. Yes.

- Q. Is that right?
- A. Yes, that's right.

- Q. And in paragraph 96 you say you were told that direction came from Cathie Allen?
- A. Yes.

- Q. Justin told you that?
- A. Yes.

- Q. At the same time, on that same conversation, 20 June 2019, or in some other conversation?
- A. Yes no, it was in we just received an appointment for a meeting, but there was no information apart from an appointment for a meeting with Justin, and we attended the meeting and were told that we weren't to attend the coronial ID meetings anymore.

Q. And in your opinion does not attending those meetings detrimentally affect how you can conduct your tasks?

A. It does, because commonly I will get phone calls from different disciplines or it could be the specialised communication officer from scientific services liaison unit, ringing to find out - so, "Oh, you've got this case", and this year has been very challenging, "How's that case going for north Queensland? It's taking a while." And I will say, "We are having some really complicated issues, we are having to reprocess more samples. I'm afraid that we haven't got any information at this point around when we're going to be able to provide information to the coroner, except we're still processing", and it's because of the mixtures.

 We were trying to resample, trying everything we could to try and obtain useable DNA profiles. But, yes, so I would often end up with phone calls of people coming to me. So evidence recovery deals with the sampling aspect, but they are not the ones that release the actual results, and so if there is a coroner that wants results, they will be coming to the reporters.

1 2 3 4 5	Q. So are you saying one of the negative outcomes of not going to the meeting is that people are ringing you on an ad hoc basis rather than you being there and able to tell everyone the same information at the same time? A. It's
7 8 9 10	THE COMMISSIONER: Q. I take it that these are occasions at which you exchange information informally? A. Yes.
11 12 13 14 15	Q. And create professional relationships so that your future communications can be easier and that they have a basis, because you have met face to face? A. Yes, absolutely.
16 17 18 19	Q. And who in FSS has the most experience in working with DNA extraction from bones, in working with bones with a view to getting profiles? A. From start to finish?
20 21 22 23 24	Q. Well, just who, in your opinion, has the most experience in bone work, as we'll call it? A. It would be me.
25 26 27 28	Q. And so you said you've been working in this field of bones for how long? A. Sixteen years.
29 30 31 32 33	Q. Sixteen. And who is the next most experienced person? A. Ingrid's been working with bones for longer than I have, but she's no longer - she's been de-skilled in areas.
34 35 36 37	Q. She's not as current as you are, you mean? A. In some areas, that's right. She's still reporting but she
38 39 40 41 42	Q. She's not as current in the bone work as you are but she's had a longer - all-up, from beginning to today, she's had more years in the lab and with bones than you? A. Yes.
43 44	THE COMMISSIONER: Thanks.
44 45 46 47	MS HEDGE: Q. In paragraph 97 you say you discussed these concerns with Ms Keller. A. Oh, yes, yes.

1 2 Q. And that's Lara Keller, the acting executive director of FSS? 3 Yes. 4 Α. 5 And she's no relation of yours, just coincidental? 6 Q. 7 No, that's coincidental. Α. 8 Q. Same last name? 9 Α. Yes. 10 11 12 Q. She asked you to come back to her. Why was that? Why would you come back with this, from 19 May? 13 I think because I have talked about there's a few 14 problems the mixtures in the bones, for example, and also 15 the coronial meetings are just another part of that. 16 she wanted me to come back to her to go through everything 17 to do with bones. 18 19 20 And was that to be a conversation or were you meant to come back to her in writing or what was agreed? 21 Go back in and have a meeting with her, but 22 23 I haven't - I haven't done that at this point in time. 24 25 Q. And were you to organise that meeting or was it for 26 Ms Keller? 27 I was to go back to Ms Keller. 28 29 Q. I understand. And do you plan to do that? I am planning to do that, but it's been a busy year. 30 Α. 31 32 I understand. All right. The next topic is your permission to attend the mortuary. So we see that there 33 starting at paragraph 98, that in 2021 FSS management 34 directed scientists not to attend the mortuary to assist 35 pathologists with bone/teeth and tissue selection. So 36 I understand you - were you consulted? You say there you 37 weren't consulted about that and you haven't had the 38 reasons explained to you, but tell us how you think it 39 assists you in your job - or the pathologist - to go to the 40 mortuary and personally attend to do that task? 41 So for - there's two categories I would have to flag, 42 and the first one is the coronial cases with those skeletal 43 It helps - and, look, if a pathologist is all 44 remains. 45 over it and happy to take a sample, and they are confident

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with what they can select, absolutely, a hundred per cent

behind that. But if they ring me and they would like

assistance, I'm more than happy to talk to them and look at whatever skeletal remains it is, because sometimes - you never know what you're going to expect until you actually get there. I mean, they can provide photos and show you. And when you get down to the mortuary you can have a look and then, based on your previous experience with triaging of the remains down in the mortuary, you can say - and you can also touch the samples, which gives you an idea of bone density and other things that you are taking into consideration --

THE COMMISSIONER: Q. Just to make it clear, and without getting into details that can be distressing to people, you're talking about situations where bodies have been mutilated and damaged by an incident; is that what you are talking about?

A. No. I'm just talking about skeletal remains.

 Q. Oh, skeletal remains?

A. Yes, so just right now, a skeleton, for example. But if it's been in the water in a creek somewhere for a long time, immediately you can see the condition, and you might want to focus on some part of the skeletal remains that look like they're more intact and maybe not so affected by that environment. So all of that comes into it, and - yes. And then you would recommend and then the pathologist will say, "Thank you very much", and then the mortuary assistants will take a sample and it gets sent across to our property point to be brought up for DNA testing. So in that situation, it can be helpful.

For a disaster victim identification incident, so if we're talking about a very - like you were saying - traumatic environment, you would never want anyone to go into that environment unless they were confident that they would be okay, and I am one of those people. I've been in that situation many times. I have had 10DVIs that I have experienced - haven't always been in the mortuary for that, but I'm fine. And so in that situation, it's very confronting. You know, it's --

- Q. And is the point of the exercise and is the point of your attendance, as somebody with experience at getting DNA with a view to identifying a single individual from a group of individuals --
- 46 A. Yes.

-- that you are able to identify the particular tissue, whether it's flesh or bone, that is more likely to give a reliable result than something else, something that the pathologist would not know, nor would anybody at FSS be likely to know unless they have done work in the field of DV - disaster victim - identification; is that right? Yes, and, you know, you don't know, if it is a high-end impact incident - so you have to watch out for contamination between different individuals in that So, anyway, you're just using, once again, all incident. of your experience from all of the previous cases.

You might look at all of the contents of a grid bag, because that's how DVIs work, and there might be a really good bone sample in there, but a lot of soil or grass or who knows, and so you might, yes, look at the bone and recommend a particular part of that bone. Or it could be a grid bag that only has tissue, so then you're using your best - all of your experience and knowledge to direct the pathologist as to where to go to get a single-source DNA profile, and it just improves the chance of obtaining a useable DNA profile.

- Q. On the first occasion?
- A. First attempt, without a mixture, not a partial, not a no DNA, yes.

MS HEDGE: Q. You have described a grid bag. Is that the idea of having a grid over a disaster site and then collecting items from a particular square within that grid and putting them in one bag, and then you might have a separate bag for each square? Is that the concept you are talking about?

A. Yes. And the police - there are dedicated police teams, there is a DVI coordinator for Queensland and then teams that go - and they know exactly what to do. They go to the site, yes.

Q. I understand. We don't need to go into that process more, I just wanted to explain that term. Can we deal with another aspect. Can we turn to page 17, please.

THE COMMISSIONER: Just before you do.

- Q. So who, instead of you, is supposed to go to attend the mortuary?
- A. I think that depending on I think the preference

from management is that no-one goes to the mortuary and that we get a phone call about how to triage remains.

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- Q. I see. And was any reason given to you for the change in process?
- A. I did I did talk no, not really, no. I think it's just to remove the risk, perceived risk, of us being exposed to something that could damage us.

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Q. I see, just in terms of your sensibility? A. Yes.

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MS HEDGE: Just turn to page 16 of the statement, Q. paragraph 105 there. There's an email from Mr Howse suggesting - could we just scroll up a little so we can see 104 as well. This is on 1 September this year, an email from Justin Howse indicated "which would be in line with any health and safety risks involved". So that's where you come to the understanding that you just expressed, that it's about the effect on you of going to the mortuary? It's that, that it's going to upset me, and also that there could be some biological exposure risks. But I have actually - I did actually talk to one of the executive directors, John Doherty, after this document came about, and - because there's a platform that you can attend the mortuary through, and you are not actually in the dissection rooms at all, so you are (a) removed from the potential exposure risk of any viruses or anything like that, so that's - and I think police officers often use that as a safe option for them if there's any concerns.

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Q. I see. That's in paragraph 100 of your statement, if we could go back one page. You raised this with John Doherty?

A. Yes.

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39 40 Q. You say at the end of that paragraph that you understand he proceeded to discuss the topic with management but you are not sure what happened in those discussions.

41 42 Α.

- Q. Now, John Doherty's no longer the executive director.
 Have you heard anything more about the opportunity for a viewing platform since then?
- A. Not not for the viewing platform. That document that was released had yeah, it had, where possible, to

No.

avoid, and it also had using the viewing platform as a possible strategy, but, yes, I haven't heard anything more about utilising those options from DNA management.

Q. And this year, in these - if we could go to page 16 - in these interactions that you had with Mr Howse, did you raise that issue of the viewing platform?

A. I don't think I had talked to Justin about it specifically. I talked to John about it. I talked to

Q. And in paragraph 107, do you say, are the reasons why you consider giving advice by phone is impractical?

A. Yes, and to be up-front, we had a DVI earlier this year where I actually did get a phone call from the pathologist about what samples to take, and that was actually fine and it worked out well because we only had three questioned - we only had three questioned samples, because it turned out to be a very small DVI. So in a very small DVI, it is possible that it can work. But --

Q. A phone call?

was going to happen.

A phone call, so that --

Α.

Kylie about it.

- Q. I see. But it's in the larger ones that it's more problematic in your view?
- A. If you have a plane crash with 180 people, that's not really a practical option, I feel.

Q. Can we go forward to page 17 now and to your concern that you will be deskilled and removed from bone and teeth sampling which arises from, it says in paragraph 109, your advice from Kylie Rika that some members of the management had decided that you would not be involved at all in evidence recovery from bones and teeth. Have you experienced a direction from anyone to not be involved in the evidence recovery section of bones and teeth or is this something you believe might happen in the future?

A. I was told that that was - had been flagged as what

Q. You are concerned about that; is that fair?

A. Yes, because I really love this work and I think I do

Q. And if you were to lose your competency in the evidence recovery side, there would be no-one at the lab -

it well.

- Q. And do you think that would detrimentally affect the lab's capacity, to not have a person who can case manage whole samples?
- A. I think that there are not many of these cases in a year, compared to our other work, and to have competency that is not siloed in different sections provides a whole start-to-finish expertise, and I think that that's a really valuable thing to have, if you can.

 You can't have that for the normal case work because we are too much of a high through-put laboratory. But when you don't have a high volume of cases coming through, like coronial cases, I think it's a really good thing to have expertise across the board from start to finish, because it will only help, in the end, the families that you are trying to help, if you can have knowledge at every step of the way.

- Q. Just in the middle of there, you said "we can't have that with our ordinary casework". Why is that? Why do you say that?
- A. We used to have it with all of our casework. It might be possible to do it I think it's just because of volume of work that we have coming through our laboratory, so currently, with what we have on our plate, for Queensland.

 So to have someone that samples in evidence recovery and then goes into the analytical section and works there and then reports, like, so that's when I'm saying for every case that - you know. But it might be possible - so, for example, I don't work in the analytical section with the bones work, but I do work in evidence recovery, and it's fantastic and it creates some great connections with the other teams.

So there might be possibilities for having more interaction with the reporting scientists and the evidence recovery scientists to strategise on particular sampling techniques, to benefit everyone, because there is probably information the reporters have that the samplers don't and information the samplers have that the reporters don't, and you can look at SOPs, but there's nothing like that all

working together on a case. So one day it would be fantastic to be able to have that with some cases or in some situations.

- THE COMMISSIONER: Q. So at the lab at the moment there is no structure or system or even practice by which the analytical scientists and the reporting scientists come together on an occasion when they can exchange views and discuss mutual problems?
- A. For analytical and because analytical and reporters are close, located physically close. So actually I do have quite a few conversations with analytical scientists, but that's not always the case. You know, any sort of meetings or connections that encourage discussions around better processing of anything I think is positive. I mean, you can't spend all day in meetings, of course, but every now and then that type of interaction we do have whole team meetings for DNA but everyone's very quiet, no-one really speaks, except for the presenters.

MS HEDGE: Q. Can I turn to a different topic. You have mentioned on page 18, if we can go there, the forensic register. I didn't intend to ask you at length orally but you identified a spreadsheet that logged some errors that you found in the forensic register or bugs that don't assist you as a reporting scientist; is that right?

A. I think, yes, some bugs were - or errors were raised when we had the implementation of the new system.

Q. And that exhibit, AK-37, has been printed in a way that is difficult to read, so I'm just going to replace it here. Can we put on the screen [WIT.0003.0261.0001_R]. Is that your spreadsheet that's AK-37 in your statement?

A. I believe so. Now - sorry, I was going to say, this is just an example of the spreadsheet that we were all provided with, just to show the examples of some of the errors that were being logged.

MS HEDGE: Commissioner, can I tender that document, which is a copy of AK-37 but formatted in such a way that it is possible to connect the two rows, the two columns.

THE COMMISSIONER: I see, all right. That will be exhibit 67.

EXHIBIT #67 COPY OF EXHIBIT AK-37, SPREADSHEET, BARCODED [WIT.0003.0261.0001_R]

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MS HEDGE: Q. What's your understanding about whether action is being taken to correct these bugs?

A. I think that - so at the time the new system was implemented, this is just a snapshot of some of the bugs which came from a bigger spreadsheet, but I know that two scientists in reporting section, for example, were dedicated working through all of these bugs to try and fix everything.

- Q. How could they fix them? Surely it's controlled by bdna?
- A. Well, I think they were raising these bugs with bdna and then bdna was working through each of the bugs.
 I don't quite know exactly how it was, but --

- Q. Who were the scientists who were doing that?
- A. Kerry-Anne Lancaster and also Adrian Pippia.

Q. Thank you. And in your experience, do bugs that get raised - can they be resolved through contact with bdna?

A. I believe so, but I don't actually do that task myself.

Q. I understand.

A. But I have --

- Q. Have you seen bugs being resolved?
- A. I have. Like, there were quite a few bugs at the time, and so they were constantly trying to resolve them.

THE COMMISSIONER: Ms Hedge, what's the significance of this list? What is the submission going to be at the end in relation to it?

MS HEDGE: Well, I think the significance is twofold. One is that there are some concerns being raised by scientists about it, but the second is whether those concerns have been acted upon, and on the basis of Ms Keller's evidence, then they have been acted on in a sufficient manner. But there may be evidence from other witnesses about that topic also.

THE COMMISSIONER: I see, all right.

MS HEDGE: Q. Can we move, then, to the question of culture. You say in your statement that over - you outline

1 in the last few pages of your statement things that have happened about the culture of the lab over time, including 2 staff surveys, a Livingstones investigation and a Workplace 3 Edge consultation? 4 5 Yes.

Α.

Is it your view that over that period - that is, Q. Livingstones was in 2017, Workplace Edge in 2017, staff surveys in 2021 - what is your view about how the culture has either improved or decreased during that time? I would say that since - for me personally, since I came back from maternity leave the second time, the culture has progressively been deteriorating.

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- When was that that you came back from maternity leave Q. the second time?
- That was late 2016, but really 2017/18/19/20/21. improving.

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- And so these external consultants who have come in. have they resulted in improvements in the culture, in your view?
- Α. No.

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And can I have page 19 of the statement on the screen. You took some of these concerns to the previous executive director, John Doherty; is that right? Yes.

Α. 28

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Q. And in paragraphs 126 and 127 you set out the issues that you raised with him? Α. Yes.

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And did you see - was he able to assist with some or all of those concerns?

I think that I talked to John about the issues and he was very happy to listen. So he was able to talk to me about or listen to what I had to say, but whether there were any positive outcomes, I would - for me personally, not really. It did help to be able to talk to someone about what was going on, from my personal perspective.

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I initially went to John when the coronial meetings were stopped, because I was very upset. I didn't understand the reasons and I wanted to raise it with someone, and I had raised it with Justin, the direction had come from Cathie, so I didn't have anywhere else to go,

really. Kylie was very sympathetic and very good at listening, but Justin implemented the change. So, yes, I talked to John about that and, yes, so I did find it helpful to have someone to listen, but then he left and as far as I understand - I don't know what happened at that level, whether - you know, I did talk to John a few times and I did talk to him about that mortuary document. He highlighted a few changes. He said, "Focus on the 'where possible' because so if you are requested to go down to the mortuary by" - so he provided some guidance, so that's helpful. But I guess you look at outcomes, and when you have problems, for me, I want to see some outcomes and improvements, and maybe there were some positive aspects there, talking to John, but, then he left.

- Q. And I wasn't going to go through with you everything you have written in your statement but you have written in your statement what cultural issues arose and some of them are there in paragraph 127. How do you think those cultural issues in the lab have affected you in doing your best work in your role?
- A. Well, I get mixtures from bones now. That's not okay. And I have raised the extraction problem at the time and I was told there was nothing wrong. So I've raised problems and been dismissed, and it's quite disheartening in the long term. You will keep going, you will have the fire in your belly and you keep raising things, but eventually you sort of just do the best with what you can, which is not ideal. But I have tried my best along the way.

- Q. Tried your best to --
- A. Raise issues as I felt necessary.

Q. But you feel disheartened, did you say, about that? A. I do.

- Q. Do you feel like that now?
 - A. I do. Like, when I get up here and talk about bones, it's quite upsetting, actually.

Q. Can I just deal with one correction that you told me in the lunchtime, it's on page 1 of your statement in paragraph 6. The first date there, "previously from 1996 to 2004" - that should be 1997; is that right?

A. Yes.

- 1 Q. We'll make that correction.
 - A. Thank you.

 Q. Finally, can we turn over on to page 2, and zoom in on paragraphs 7, 8 and 9. This relates to the DIFP process of which we have heard much in these hearings. You say in paragraph 8 that you do not consider the DIFP wording in statements was correct, and in paragraph 9 you say you have never been completely comfortable with the process but you were informed by Mr Howse and others that the QPS were aware of the situation, it was a routine process and there was nothing to worry about?

A. Yes.

- Q. Do you remember when you had that well, was it a conversation with Mr Howse or was it a written piece of correspondence?
- A. I recall thinking, "Okay, the QPS are aware of this process." I didn't have a lot to do with the lead-up to this, the implementation, so I, in good faith, thought, "Okay, the QPS know about this, the science behind it must be valid, on we go", in good faith.

And I did have a case, and I have mentioned it in paragraph 10, where I had a priority one case and I had a DIFP sample, and I actually did send an email about that, and I didn't get a reply from Justin about the DIFP sample, but it turns out the police actually did request a rework for that particular sample.

- Q. Yes, I understand. But you say in paragraph 9 that Mr Howse said to you well, tell me, did he say to you, "The QPS are aware of this situation. It's a routine process and there is nothing to worry about"?
- A. That was the repeated thing that was said.

- Q. I see. So it's not in conversations?
- A. Well, it was in some conversations.

- Q. Yes. By Mr Howse specifically?
- A. Yes. But I can't I can't specifically remember, but, you know, you do raise these things and, you know, that's the repeated answer that you get.

- Q. And when you say "others in FSS", can you now say who else said those things to you?
 - A. The main person I do remember was Justin talking about

it in that way. I mean, I think that was the whole management position. But I didn't know there were other managers that had other thoughts or - I wasn't aware. It wasn't until time went on that it became a bit clearer that - and as more results started to pop up, that you're thinking, "I'm getting a useable DNA profile here. What's going on?"

- Q. And perhaps can we move to page 3 and paragraph 21, and is this what you are referring to later on, the raising of things in November 2021 about getting useable samples from DIFP reports?
- A. Yes, that's one example. And I'm pretty confident in one of the survey responses that I have annexed in my statement, the whole of reporting 2 at the time actually had that summarised as one of our concerns was because when the 3500 was implemented, it was much more sensitive. I've already talked about that briefly with bones being but I also had a cold case at the time, and I interpreted a sample for a cold case just prior to the implementation of the 3500 and then just after the implementation of the 3500, and I went from obtaining a three-person mixture to a four-person mixture. So we were getting a lot more I mean, it's not it's another contributor in that scene sample, but it's still one more contributor. So the sensitivity was different, it was clearly more sensitive with the 3500, and I had that in the back of my mind.

Q. And what do you think that meant for the threshold, the DIFP threshold?

A. They needed to be looked at again. You've got a new instrument, and again that's a scientific thing. You implement a new process, new instrument, you have to look at things that that's going to affect. And so you've got thresholds based on the 3130 and then you've got a new instrument, well, you need to look at the thresholds again based on a new instrument.

MS HEDGE: Thank you. Thank you, those are my questions.

THE COMMISSIONER: Thank you. Mr Hunter?

<EXAMINATION BY MR HUNTER:</pre>

MR HUNTER: Q. Ms Keller, I'd like to say to you I act for the Queensland Police Service. I just want to ask you some questions about the cleaning protocol for the bone

crushing equipment. Project #148 was said to optimise the 1 cleaning protocol for the vials that were used; correct? 2 And I'm looking at your exhibit AK-21, which Mr Woolridge 3 is [WIT.0003.0456.0001]. 4 5

Α. Yes.

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- If we can please go to, firstly, page 4 of that Q. document, we can see the various staff who approved or endorsed it. Your name is not there. Were you involved in this project?
- No. Α.

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13 Q. We see Mr McNevin's name there, though; correct? 14 Α. Yes.

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THE COMMISSIONER: I think, Mr Hunter, the people who sign it are what's called the management team, and Ms Keller isn't part of that.

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MR HUNTER: I understand, thank you.

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Can we go, please, then, to the abstract on page 7, in particular at the bottom half of the page. Do you see the second-last paragraph identifies the concern about damaging the stainless steel components of the crushing vials by causing rusting or pitting? Yes. Α.

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It makes them far more difficult to clean properly, increasing retention of contaminating DNA. Now, is it your evidence that that concern applies not only to the crushing vials but also to any tools that might be used in the extraction or crushing process. Yes. Α.

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Also, the abstract observes that the project found that Tergazyme was the most effective cleaning agent, but also using the special cycle in the industrial dishwasher that the lab has offered equivalent performance; correct? Α. Yes.

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- And you understand that the special cycle on that dishwasher involves the use of some proprietary Miele detergents?
- 45 Yes, and I must admit that my knowledge in that 46 particular area is limited, but yes, I know that that 47 process is - yes.

1 2 Thank you. The results of the study - and just correct me if I've misunderstood this - do you understand 3 that saliva was applied to the vials and to some stoppers 4 5 and allowed to dry? Yes. 6 Α. 7 And they were then washed according to a number of 8 different protocols, and were they then sampled to see 9 which of the items produced a DNA profile? 10 Yes. 11 Α. 12 And the results are on page 16, please. On this page, 13 we see the number of alleles that were identified post 14 clean, according to the various cleaning protocols? 15 Yes. 16 Α. 17 And we can see that (b) Tergazyme and (e) the 18 dishwasher, were the lowest. TriGene was the worst? 19 20 Α. 21 And it was worse than simply using Nanopure water? 22 Q. 23 Α. 24 There was no use --25 Q. 26 27 THE COMMISSIONER: Sorry, Mr Hunter, I'm not with you yet. Where did you get - run me through that again? 28 29 If you have page 16, if we look at that 30 MR HUNTER: Q. graph, that graph shows that when these washed vials or 31 32 washed items of equipment were then sampled and tested for residual DNA after they had been washed, we see the number 33 of alleles that were found, depending upon which of the 34 methods was used, which of the cleaning agents was used; 35 correct? 36 Yes. 37 Α. 38 And TriGene performed the worst, because it was the 39 40 one that left the most or the highest number of alleles? Yes. 41 Α. 42 THE COMMISSIONER: I'm sorry, I must be on the wrong 43 document or something, because I'm looking at the page that 44 has 4.2 "Experiment 2 inhibition test", or not? I must be 45 46 on the wrong page. 47

THE WITNESS: There is a page 15. 1 2 3 MR HUNTER: It is a page with 16 in the top right-hand 4 corner. 5 THE COMMISSIONER: Page 16 in the top right-hand 6 I see. 7 corner, page 15 on the bottom. 8 9 MR HUNTER: I'm sorry, my mistake. 10 THE COMMISSIONER: Thanks. Just let me look at it now. 11 12 MR HUNTER: Of course. 13 14 THE COMMISSIONER: So the point is that TriGene was worse 15 at eliminating profileable DNA than even pure water. 16 that the point, Mr Hunter? 17 18 MR HUNTER: Yes. 19 20 This study did not evaluate the use of either bleach 21 Q. or ethanol? 22 23 Α. No. 24 Again, at removing residual DNA? 25 Q. 26 Α. No. 27 And to your knowledge, have there been any other 28 studies that have evaluated the use of those items, bleach 29 and ethanol? 30 I think Tim references another study that was 31 Α. No. 32 done in the laboratory, on page 20 at the bottom, I think. There was a study done - under 8, point 2, there was 33 a study done, Project #153, verification of cleaning 34 reagents. But that doesn't actually - that doesn't talk 35 about bleach or ethanol. 36 37 38 But if we could then go to, please, Mr Woolridge, [WIT.0003.0457.0001], which is AK-22, this is the minor 39 40 change you have spoken about. So there are two cleaning methods that are specified there; is that right? 41 Yes. 42 Α. 43 44 The first is using the special cycle on the dishwasher? 45 46 Α. Yes.

- Q. But that's only for some of the equipment?
 A. That's only for the cylinder and the bungs
 - A. That's only for the cylinder and the bungs and the impactor.

Q. But the other tools, the chisels and so forth, are cleaned pursuant to this other method using bleach and/or TriGene, followed by ethanol - TriGene being the least efficacious reagent in the Project #148.

8 efficacio9 A. Yes.

- Q. And you are not aware of any other study that attempted to validate the use of bleach, bleach on its own or bleach mixed with TriGene?
- A. I'm not aware of any studies. There could be some but I'm not aware of it. I mean, we do use bleach for the and ethanol for the standard laboratory equipment, which I used to do myself, and it's very effective, very good. But on the equipment that we use, which is specific to bone sampling, it does cause rusting.

Q. And obviously the presence of these other profiles is a significant issue as far as this work is concerned?

A. Yes.

Q. The other profiles - that is, the contaminating profiles - are they likely to be residue from previous samples?

A. So we have for one of the cases that - it was actually a linked case, and I think all up there were four bones for that one case across two QP cases, and we had a look at the low-level peaks that were coming through, and it might be for each of the aliquots we're looking at, it might be one or two. So there is sort of one here and one there. But, anyway, we pulled out all of those low-level peaks and did conduct a quality search, but we weren't able to have a meaningful outcome. So we did look into it.

Even looking at my DNA profile, for example, if I'm conducting the sampling, I think it's important to rule have I contaminated a sample, and we don't actually conduct those checks ourselves. I do have my DNA profile on record, I think most staff members do, and from time to time I actually will look into that, but I've never had a situation where that's been an issue. But I know our quality team, we did go to the quality team about this and Kirsten Scott did do what she could. I don't know exactly the specific search she did, but she did look into it.

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- Is it possible to know, for example, which vials were used for previous analysis?
- We could do that. So what we do when we - so in terms of the vial cleaning, to be honest, I'm actually not concerned about that, because it seems to be cleaned well, and what we do as part of the sampling process, when we put the - before we put the bone fragments in the cylinder, we actually swab the inside of the cylinder, the bung endings and the impactor, and then we call that our equipment control, and that gets put in with the actual bone extraction sample. So it goes in with the aliquots of bone.
- The reason that Tim initially did this project, that's Project #148, was because we were seeing the odd peaks in the cylinder, and so he was just like, basically, checking in, is there something that we can do better, what is the problem, and it's because we started using PP21 and a different system, we used to use Profiler Plus, and I think that's what triggered him to do this, which is good science, I think. But currently, when we do the equipment controls, we might get one or two peaks every now and then, but it has - it's coming back quite clear, no DNA - because we run those through to profiling.
- So are the tools also swabbed for control purposes? Q. There's environmental cleaning and as part of the OQI we are going to be looking at that. So yes, you're right, we need to consider that as well.
- But when you do find peaks, you are not seeing a sufficiently meaningful number of them to enable you to compare them either with previous samples that have been analysed or with known staff profiles?
- Yes, we no, we haven't been it's really and I want - you know, I want to know where this is coming from, so we haven't been able to make that connection at this point in time.
- Q. And you do have a staff elimination database, don't you?
- Α. We do.
- Q. Does that include mortuary staff? Α. I don't - I don't believe so. I don't know.
- .11/10/2022 (Day.08) 1090 A KELLER (Mr Hunter)

- Q. Are mortuary staff involved in handling bones in a way that might lead to contamination?
 - A. They are, and it's always a very important consideration when you are sampling the bones to take the ends off the bones.

- Q. That is, you don't sample the ends?
- A. You don't sample the ends. Like we do everything we can to avoid it. With that case that we had two like a tooth sample and also bone sample, and then it got independently testified by another laboratory and came back single source, that was I believe they sampled it from the bone, and they didn't pick up any contamination. So if it was a mortuary staff member that was contaminating the bone and I'm not saying that's not possible in every case, but for that particular one I would have expected them to possibly pick it up, but it depends on their cleaning regime and we're not privy to that information for that particular laboratory.

MR HUNTER: Those are my questions, thank you.

<EXAMINATION BY MR RICE:</pre>

MR RICE: Q. Just on that same subject, Ms Keller, your attention was drawn to Project #148, and in fact you were shown parts of the document. The outcome of that, can I suggest, was to recommend the use of the dishwasher as the primary cleaning method for the bone crusher vials? A. Yes, I believe that was the recommendation. Sorry, what page are you on?

Q. Internally, it's page 19.

Okay, yes.

Yes.

Q. You will see there are two recommendations. And it perhaps goes back to that graph that Mr Hunter took you to?

- Q. Which showed the comparable, I will call them, sizes in the graph, roughly speaking, in terms of effectiveness; is that correct?
- 43 A. Yes.

Α.

Α.

Q. And Tergazyme, which had been used, could continue to be used as a viable back-up, was recommendation 2. Now, as it transpires, tell me if you know this, there was

1 2 3	a significant stockpile of Tergazyme at the laboratory available to be used for this purpose? A. Yes.
4 5	Q. And it continued to be used for that reason, did it
6 7 8	not? A. Yes, we used it until I think it was this change was implemented with the cleaning.
9 10 11 12 13	Q. But I think you have even said yourself that one of the problems with Tergazyme was that it's environmentally unsound? A. Yes.
15 16 17 18 19 20 21	Q. Can I suggest to you this, in fairness to Mr McNevin, who is not here and counsel assisting can't tell me at this stage if he is to be called - can I suggest that his attention was drawn to the continued use of Tergazyme in mid-June of 2019? Do you know anything about that? A. No.
22 23 24 25 26	Q. And that commenced a process of consideration as to what was to be done concerning the continued use of that substance, as opposed to the use of the dishwasher? A. Mmm.
27 28	Q. Do you know anything about that? A. No.
29 30 31 32 33 34 35 36	Q. Well, can I suggest to you that, Mr McNevin's attention having been drawn to it in mid-June 2019, he prepared a briefing note for the attention of the management committee on this subject. Do you know anything about that? A. No.
37 38 39 40	Q. And in the briefing note he set out a history of Project #148? A. Mmm-hmm.
41 42 43 44	Q. Another project, #153, and making a suggestion which resulted in the instruction which you've extracted in your statement at paragraph 68. You don't know anything about that?

46 47 register?

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The lead-up to him adding that comment in the change

- Q. Yes.
 A. I don't know about the background.
- MR RICE: Commissioner, I suspect this is not presently available, although the Commission has it. It would be useful to fill in some more of the history of this subject if it could be obtained. I will give you the document number. It is [FSS.0001.0056.8821].
- 10 Q. Have a look at that, Ms Keller. Have you ever seen it 11 before?
- 12 A. No.

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14 Q. It is an email, is it not, from Mr McNevin to - and
15 the addressees, I think you will agree, are members of the
16 management team?

A. Yes.

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Q. Including the two leaders of the reporting teams, Ms Scott and Ms Rika - sorry, Ms Johnstone and Ms Rika? A. Yes.

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Q. Did either of those reporting team leaders ever mention this briefing note or the outcome of it to you? A. No.

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Q. So this is all news to you? A. Yes.

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Q. Do you see in the second paragraph, then, Mr McNevin identifies that it has recently been brought to his attention that there were issues with storing of Tergazyme in the bone room and that it shouldn't be disposed of down the sink, and he goes on to refer to two validations. We know the first one, #148. He refers also to Project #153, which apparently did involve a verification of TriGene Advance. Do you know anything about that?

A. I think that may - was that referred to in the - no, it wasn't, maybe, just checking. Yes, it is referred to on page 20 of the other project.

- Q. You see he informs the management team that Project #153 found that TriGene Advance and Decon were as effective as bleach as cleaning agents. You have no reason to dispute that, have you?
- A. I was aware that there was another cleaning project proposal, sorry. Okay, so that cleaning was --

Q. Do you dispute that sentence? Do you dispute it?
A. If that is - let me just read it carefully.

THE COMMISSIONER: What's the date of that email?

MR RICE: 21 June 2019, Commissioner.

THE COMMISSIONER: Thank you.

THE WITNESS: Okay, yes.

MR RICE: Q. Do you dispute that sentence?

A. No, if that's the finding from the project.

- Q. And as we've already established, he goes on to say that the project proposal wasn't immediately implemented because of the quantity of Tergazyme in stock. And then in the next paragraph he goes on to describe that in other laboratory areas, bleach or TriGene followed by 70 per cent ethanol was the cleaning method employed, et cetera. So can I suggest to you that in terms of the use of bleach or TriGene followed by 70 per cent ethanol, Mr McNevin was not acting on some whim in including that in the instruction which he or the change management, the change proposal, but that it was derived from other protocols in place at the time?
- A. It's good to see this laid out because I wasn't aware of that. I --

Q. Well, I --

 A. Sorry for interrupting you.

Q. No, that's all right.

A I just - I will have

I just - I will have to say that the equipment used for bones is unique. So I understand - because I used to use bleach and ethanol all the time, and flaming instruments is another thing we do. So currently, just things like chisels and saws are not what we routinely clean with the bleach and ethanol, but we're doing it. We're doing it because this is the process that has been implemented and so we are trying our best. But it is causing rusting of the equipment.

Q. Tell me if you are aware of this: that there is a process document entitled "Examination of post-mortem and associated samples from deceased persons"; do you know of

such a document process?

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Is that a DNA SOP or is that for another department?
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         Has that been archived.
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 5
         Q.
              Well, perhaps you could tell me. My understanding is
         it is an SOP in place at the laboratory. If I can give the
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         number, we'll see if it is available, Mr Operator.
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         [FSS.0001.0053.1054]. Not available?
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         THE COMMISSIONER:
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                             Do you have a copy of it there?
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         MR RICE:
                    Yes. It's a bit marked but I'm happy to show it
         to the witness if that's --
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         THE COMMISSIONER:
                             Yes, show it to Ms Keller and then
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         I can have it a look at it. Mr Associate, can you do that?
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                         Is that an FSS document?
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         MR RICE:
                    Q.
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         Α.
              Yes, yes.
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              It is an SOP, isn't it, or at least a procedure?
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         Q.
              Yes, and I am a visual person, so it's good to see it.
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         THE COMMISSIONER:
                             Q.
                                  You are what?
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              I need to see things before I can really get my head
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         around. Yes, I am aware of it.
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         MR RICE:
                         That's okay. I tried to show it to you but
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                    Q.
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         it's not available so we're doing it this way.
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         THE COMMISSIONER:
                             Ms Keller, I might just have a look at
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         it for a minute and then I will give it back to you, just
         so I have some context.
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         MR RICE:
                    Q.
                        Towards the back, I think it's 8.6 or
         thereabouts, and it's probably got a bit of highlighting on
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         it to direct your attention to it, can you read out --
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         THE COMMISSIONER:
                             Is it page 21 you want?
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                    I don't know now, Commissioner, because I only
         have one copy and the witness has it.
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         THE COMMISSIONER: Is it the one about ethanol?
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         MR RICE:
                    Yes.
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1 THE COMMISSIONER: Page 21.

MR RICE: Q. Could you read it out?

A. So under "Chisels, hammers and chisel blocks", "Prior to and after use, chisels, hammers and chisel blocks need to be thoroughly cleaned with bleach and ethanol".

 Q. So can I suggest that what was implemented in Mr McNevin's instruction, or at least his change record, is what we see is part of the standard operating procedure for this type of equipment specifically; is that not correct?

A. Well, Allan, Mr McNevin, implemented the change and then it was put in the SOP after, so he --

THE COMMISSIONER: That's a 2020 document, Mr Rice.

MR RICE: Yes, I understand, but it's current to the regime which has been in place. I appreciate that it postdates the --

THE COMMISSIONER: You say it might have - you go ahead. You know what you are doing. You go ahead.

MR RICE: Q. I'm just drawing attention, you accept that that is now part of the standard operating procedure?

A. This is what we do now, and Allan's note that I have referred to you is when we started doing that, and that is currently in the active SOP, yes.

 Q. Well, if we take what Mr McNevin said in his email of 21 June to be correct about Project #153, there would appear to be a reasonable basis for the use of TriGene as a cleaning agent; is that right or not?

A. Well, I think it's important with - because if you take into account to Project #148 - I appreciate what you are saying. We deal with different body fluids, whether it's bone, blood, saliva, and with proposal 148, there appears that the saliva could be interacting with the

 I'm not sure what cleaning fluids Project #153 was based on, to be honest, because I haven't read through it, but I think that when it is a specific process, it's very good to look at what body material you are dealing with. So we know we're going to be dealing with bones and I do think it's important to actually check that whatever the cleaning regime is works for - you know, you've got bone

cleaning agent, and that's why we obtained those results.

- powder all over those chisels, so can you clean it, effectively, using bleach and ethanol? And that is what we're doing currently because that is what is in the SOP and we're following the SOP because that's what we do.
 - Q. You question it. Is that all you are saying, you question the use of it?
 - A. I am noticing that the bleach is causing the rusting and then that's making me wonder, am I cleaning this as well as I possibly could, because we're seeing the mixtures. So I'm basing my questioning is based on what I'm seeing. And I'm concerned. I think everyone in this room would probably be concerned with what I'm saying, and I'm just trying to, from a step-by-step process, think through everything that could be contributing.
 - Q. Well, you'll be looking into this as part of your OQI resolution, won't you?
 - A. You're right, yes.

- Q. So you are not at this stage able to give us more than a hypothesis which you intend to investigate; is that right?
- A. Yes, and that would be possibly a flow-on experiment that, you know, okay, so we're getting some interesting information from these projects: how does that look with bone powder and can we clean that properly, or is saliva, you know, interacting with TriGene in some way and causing it to not work the way you would expect it to work?
- Q. What the outcome of your further investigation may be remains to be seen, but if we just go back, in terms of process -- A. Yes.
- Q. -- do you accept now, from what you have seen, that Mr McNevin was not acting on some whim of his own and not acting unilaterally in making this change record but, rather, he gave a briefing to the management team who all voted on it?
- A. And I understand. He would have done this with some sort of background, and I wasn't privy to it, but just I note that that is a cleaning regime change and this is what it means for me when I'm sampling bones, yes.
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 46 MR RICE: I wonder if counsel assisting would tender the
 47 email, [FSS.0001.0056. --

THE COMMISSIONER: You can tender it.

MR RICE: I will tender it.

EXHIBIT # 68 EMAIL FROM MR McNEVIN TO THE MANAGEMENT TEAM DATED 21 JUNE 2019 RELATING TO TERGAZYME, BARCODED [FSS.0001.0056.86821]

THE COMMISSIONER: Q. I seem to recall that bleach is an oxidant? It doesn't matter. Somebody else will tell us.

A. I do know that it breaks down DNA very well, though.

MR RICE: Q. There was one other thing I wanted to take you to and it concerns the attendance at the mortuary that you spoke of. It relates to paragraph 98 of your statement. Just take a moment to have a look at that and then we will go to the exhibit that you reference in that paragraph. Do you see your paragraph 98 commences:

On 30 March 2021, FSS management directed scientists not to attend the mortuary to assist pathologists ...

et cetera. And then you go on to reference an exhibit, being AK-31. Perhaps if we go to that. If we go to page 2 of that [WIT.0003.0466.0001_R] halfway down that page you will see - just down a bit, you will see an email from Cathie Allen to a very long list of people. That email is dated 30 March 2021. Is that the email which you refer to in the first sentence of paragraph 98 of your statement? A. Yes, it would be.

Q. Well, could we go over to page 3 to the text of the email. Just read that to yourself, please. Tell me, where do we find in that email an FSS management direction that scientists not attend the mortuary?

A. I would have to say that when you read the document okay, so Cathie says here is some information regarding the risk assessments that have been undertaken.

- Q. That's not a direction, is it?
- A. I wouldn't go to the mortuary following that email and this information unless I had permission from management.

Q. Yes, but I'm just asking you, you have opted to use the words "FSS management directed scientists not to attend

the mortuary", and you told us this is the email where that direction is to be found, and I'm suggesting to you there is no such wording?

A. Mmm, I would not - I would not feel comfortable going - so maybe - maybe that's not the right word to use, but I can tell you that previously, with the coronial meetings, there was a direction there. So maybe that's not the right word to use, however, I wouldn't dare go to the mortuary without permission.

THE COMMISSIONER: Mr Rice, have you looked at the memorandum that's --

MR RICE: I'm just going to go to that, Commissioner.

THE COMMISSIONER: Because you would have to take her to that to get a fair picture, I think, the second-last paragraph I'm talking about.

MR RICE: I will do that.

- Q. Perhaps if you would go to page 5 of that exhibit. To be fair, Ms Allen's simply referred to an attachment in her email, did she not, and this is the attachment?
- A. This is the attachment that Ms Allen was referring to.

Q. Yes. "Mortuary staff to direct inquiries".

THE COMMISSIONER: You had better read it, Ms Keller, so that you take your mind back to whatever it was you were thinking when you received it and sent that email to Ms Rika.

THE WITNESS: I think my --

MR RICE: Q. I haven't asked you a question yet. A. Oh, okay, sure.

MR RICE: Q. Might I ask you this: if you look at the second and third paragraph of that, do you agree that it appears that a meeting was held amongst stakeholders, being mortuary staff, forensic DNA analysis staff, someone called Casey Gardener from HSQ Safety, to discuss risks involved in entering the mortuary?

Q. And it appears - correct me if I am wrong - from the

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Yes.

Α.

- first sentence of the next paragraph, that Mr Cass, the
 mortuary manager, expressed a preference that DNA analysis
 limit the number of people entering the mortuary. It was
 his idea, his preference, was it not?

 A. I don't know. I can read the document but I don't
 - A. I don't know. I can read the document but I don't know.

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- Q. There is no reason that you know of not to take it at face value, is there?
- A. I take it on I mean, it's important to not have many people in the mortuary. I understand that, so I'm sure that from a that's that position is not unexpected from Damien.

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21 22 Q. Well, it is pretty clear, isn't it, that the limitation going forward from this point was the product of consultation involving a range of stakeholders about occupational health and safety issues, in which the mortuary manager expressed the view or expressed the preference that DNA analysis limit the number of people entering. That's how it all came about, do you agree?

A. I agree but --

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28 29 Q. It's not to do with you personally, to somehow limit the exercise of your skills, per se. You understand that?

A. I do understand that, and I do appreciate that it's an important aspect to our work, workplace health and safety. I do think that there is scope - I do feel like it was in some way a direction from the management not to go to the mortuary, and here - there's a number of reasons here.

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Q. Justifiable reasons, are they not, cogent reasons? Yes, I do - look, I do agree that it's important to be Α. very selective about who goes down there when. I don't - and I did go to discuss this with John, because I was concerned if it was just a blanket rule for all the time, because there are some situations where I feel it is very invaluable to have input from scientists working in, for example, a large DVI. I mean, if a plane went down tomorrow and you have a really traumatic situation to be dealing with, you're going to want to have some help from a lot of different disciplines. So - you know, but it's at the request, and this is what John made clear "where possible", but if a pathologist can request the presence of someone who is able to cope fine in that environment, if they feel it is necessary, and, for example, the safe platform can be utilised, I think there is still a place

for assistance to be given if requested. 1 2 3 Q. Well, does this not allow for that eventuality? It --Α. 4 5 In the third paragraph of that document, in the final 6 sentence which reads: 7 8 9 The meeting attendees agreed that undertaking a Risk Assessment would 10 identify the need for Forensic DNA Analysis 11 staff to enter the mortuary and ensure that 12 only essential business was being 13 conducted. 14 15 16 Sorry, did you say paragraph 3? Α. 17 Q. Yes. 18 19 20 THE COMMISSIONER: The problem is, Mr Rice, that the opinion's given in the second-last paragraph that the 21 attendance of forensic DNA analysis staff would be 22 eliminated. They would only be allowed to enter a meeting 23 24 room. 25 26 MR RICE: Well --27 THE COMMISSIONER: So the mortuary people wanted to 28 restrict entry to those who had business, and they had to 29 be inducted and vaccinated and trained, which makes a lot 30 of sense, but the attitude of FSS management, the executive 31 32 director and the managing scientist, was that their preferred view was to eliminate staff from entering. 33 was their preferred control. 34 35 And the managing scientist of the coronial 36 MR RICE: services stream as well that was also consulted. 37 38 But the managing scientist for Police 39 THE COMMISSIONER: 40 services' stream and coronial services is who, Ms Keller? 41

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THE WITNESS: Cathie Allen.

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MR RICE: That's all I had, thank you.

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THE COMMISSIONER: Mr Hickey?

<EXAMINATION BY MR HICKEY:</pre>

MR HICKEY: Thank you, Commissioner.

Q. I only have a few short questions. Ms Keller, I appear for Cathie Allen and for Justin Howse. Could I ask a few questions, please, just by way of clarification of matters that are set out in your statement.

Mr Operator, could we turn, please, to the statement at paragraph 77, which is on page 12 [WIT.0003.0435.0001 at 0012]. Here you give some evidence about a meeting that you and Ms Wilson had with Mr Howse in his office about some concerns you had in the change to bone/teeth extraction method; do you recall that?

A. I do.

- Q. Your evidence is that you told Mr Howse about some things that you had observed in respect of a case that you were then working on. You give some evidence about what Mr Howse said to you, and then you say finally by way of conclusion "he dismissed our concerns". Could I ask you, please, to explain what is it that you say constituted his dismissing your concerns?
- A. So I went to Justin with Jacqui because my concerns were that, with an active case, the results that we were getting were not what I would expect, and I was alarmed because I had worked out that a new process had been implemented and we were not getting the results that I would expect to be getting from the same stock bone powder. And it was quite a significant drop in the quantification value. So the concerns I had was that this process that had been implemented wasn't wasn't working as well as the process that we had utilised for the first extraction of the first four aliquots.

Q. But how did he - I'm sorry, were you finished?
A. Oh, I was just - how did he dismiss our concerns?

- Q. Yes.
- A. We were concerned about the difference and Justin basically said and that was the best recollection I could put down, because it was quite a while ago that the differences were due to sample-to-sample variation and there wasn't a problem. So I we both raised a problem and Justin said it was due to sample-to-sample variation and so, therefore, there wasn't anything to be concerned

1 about. 2 3 Could I just break this down this way: you came to him with a particular opinion based on some observations 4 that you had made. Do you agree with me so far? He 5 listened to the things that you had to say? 6 7 Yes, he did. 8 9 Q. He entertained your concerns? He listened to what we had to say. 10 Α. 11 12 Q. He didn't rush you out of his office; he let you explain them until you were satisfied you had explained 13 your concerns? 14 15 I believe I managed to get my concerns forward properly, yes. 16 17 And then ultimately, having heard you explain your 18 concerns, he expressed a different opinion; do you agree 19 20 with that? Yes, I would agree with that. 21 22 And so when you say he dismissed your concerns, do you 23 simply mean he reached a different conclusion? 24 Well, if I raise my concerns and someone doesn't agree 25 26 with it, then if that's - that - yes, if I raise my concerns and it's not taken on by someone else or someone 27 else doesn't agree with me, then I feel dismissed. 28 29 I'm not trying to be difficult about this, but 30 lawyers, regrettably, spend their lives obsessing over the 31 32 meanings of words? Α. Mmm. 33 34 "Dismisses" contains, can I suggest to you, 35 a negative, a pejorative connotation. 36 At the time that I raised this issue, I was quite 37 concerned and - because the quantitation value went from 38 0.0 - it was around 0.04 down to, and it varied. 39 I actually have a spreadsheet that has the values in it in 40 an email, and so the difference was so significant to me 41 for the cases that I've worked on. I remember it clearly 42 because it was such a significant difference that I felt 43 dismissed by Justin. 44 45 46 You would accept that your feeling was of having been 47 dismissed --

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THE COMMISSIONER: putting those questions about meaning, but from my point of view, it appears that he dismissed their concerns. question is whether he was justified in dismissing them, in that he is the ultimate arbiter, he is the team leader, so he is entitled to dismiss their concerns if he feels they are unjustified. Do you see what I mean?

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19 20 MR HICKEY: I do of course, Commissioner, but the concern is again that there is this repeated suggestion throughout the course of lots of evidence that's in writing that there is this wholesale approach by Mr Howse and Ms Allen to simply - and "dismiss" is a good word for it, any alternative suggestion. Of course the Commissioner would appreciate there is as difference between forming the view on the basis of some evidence that's brought to you, perhaps - and I don't necessarily make this submission but for the sake of argument - perhaps wrongly, making a wrong decision, and not honestly turning one's mind to the issue that is brought to them in order to dismiss it.

I understand why you are putting that,

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THE COMMISSIONER: And that's the substance of the matter. That's what is of interest to me is what I'm saying to you, that they come with some propositions that they say ought to be looked at. He says - he gives some reason and I get from the words "dismissed our concerns" that he gave the impression he's not going to do anything more about it. But he's perfectly entitled to do that, even if he's wrong, but the criticism that is being made is that he is not justified, he is wrong. Well, if it's established that he is wrong, then that's the thing of interest, not that he dismissed the concern. Do you see - am I making myself clear or --

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MR HICKEY: I understand, Commissioner.

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39 40 THE COMMISSIONER: You continue but what I'm saying is I don't know that it's going to be too helpful for me to look at that in this instance of this issue.

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MR HICKEY: I understand.

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THE COMMISSIONER: Because if he was justified in dismissing them, or at least not unjustified, that's all that is required, if he's not unjustified in dismissing it, then there is nothing in this point that Ms Keller is

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1104 A KELLER (Mr Hickey) making. He, as you put it, had a different view, dismissed it. He's got the authority to dismiss it. So the more interesting question for me is why it is said or implied that he ought not have.

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MR HICKEY: Yes.

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Q. Can I just suggest to you, though, that during the course of the conversation, he expressed to you that his view, as a matter of the science, was that a new process had been recently validated and newly implemented, and that what needed to happen was that that process would be carried out and trusted in light of the validation, and that it was more likely than not that there was some other reason for the findings that had been obtained; that was the gist of the conversation he had with you?

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THE COMMISSIONER: I'm sorry, I just missed the middle part, I think. He said that the new process had just been validated and that, what?

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MR HICKEY: And implemented.

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THE COMMISSIONER: And implemented, and then what?

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MR HICKEY: And that the process needed to be entrusted and that there may be other reasons for the findings obtained.

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THE COMMISSIONER: Thank you.

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THE WITNESS: That's possible, that that's what Justin did say, and I have to - I'm pretty sure that at the time I did say that I was still concerned, because - and I'm just having a look at AK-25, which is an email that my line manager sent to Justin after that conversation. My concern was because the quants went from 0.025, 0.04, 0.03 and 0.02, with the organic extraction, to 0.013, 0.0005, 0.00127, 0.00015, and from memory, some of those were flagged as insufficient DNA, like so immediately I just didn't feel that four aliquots from the same bone sample could possibly decrease by that much just by chance. the extraction process had been implemented and it was new, and I wasn't questioning it at that point, but then I did start to question it because Justin dismissed my concern at the time and I wanted to look further into it, so I did talk to my line manager and then I talked to one of my

colleagues.

- MR HICKEY: Q. Can I suggest to you that there was nothing about the conversation that you had with Mr Howse which would have reasonably led you to conclude that he was not interested in your continuing to raise concerns with him in the future if you held them?
- A. When he did say something along the lines of "It's just sample-to-sample variation", it didn't make any sense to me, and I didn't want my scientific mind couldn't accept that that difference was just by variation, natural variation, I and it's quite hard to raise something when you have a legitimate scientific concern that you really -you really love what you do and you think it's very important for the community, and then to see that one of your senior managers doesn't listen to what you are saying.

 So then it's like, okay, so that didn't raise any concerns or didn't - Justin didn't feel that there was a problem, so now I'm going to see if I'm - "Kylie, do you think that this variation is significant?" And yes, she did too, as a different scientist, and then you raise it with other scientists as well. And this is - I think it's an important process as a scientist to discuss discrepancies like this, because sometimes it's a significant point that needs to be fixed or addressed or looked at.

 Q. That was a very long answer to what I think was a short question. In the course of it you suggested that Mr Howse hadn't listened to you. That's not right, is it? He did listen to you; he just didn't agree with you? A. He heard what I had to say.

- Q. Yes.
- A. He said that he didn't share my opinion that there was a significant variation and it was okay, and, yes, I didn't agree with that, and I'm pretty sure that at the time I did say that I didn't agree with the fact that it was a sample-to-sample variation.

Q. Now, you have given some evidence just in that answer you gave me a moment ago, the second-last one, where you said it was - and I don't intend to put words into your mouth but the impression I took was you said something like it was a difficult thing or a big thing to speak to your manager about something you had a concern about; is that

1 2 3 4	right? A. When you see a problem and you are concerned and - it is important to raise issues.
5 6 7 8	Q. Can I suggest to you - you have known Mr Howse for a very long time? A. Yes.
9 10 11 12	Q. He is a gentle man? A. I - he's - I don't know. I've never really thought of him like that, to be honest.
13 14 15 16	Q. Could I ask you to think about it now. He's a gentle man, isn't he? A. I probably wouldn't choose that word, to be honest.
17 18 19 20	THE COMMISSIONER: Q. He doesn't mean gentleman; he means mild-mannered. A. Mild-mannered, person?
21 22 23	MR HICKEY: Q. Yes. A. Possibly, yes.
24 25 26	Q. You have never seen him be aggressive?A. Not to me, no.
27 28 29	Q. You have never heard of him being aggressive? A. I have never thought Justin's aggressive, no, I haven't
30 31 32 33 34 35	Q. He's not a difficult person to speak to? A. Well, if you raise a point that you are very concerned about with someone, and even if they are mild-mannered or however they are, if they don't listen to you, then I don't feel positive about that.
36 37 38 39	Q. He a not a difficult person to speak to, is he? A. May I ask what you mean about "difficult"?
40 41 42 43	Q. He's not somebody that you have ever been intimidated about talking to? A. I don't feel as comfortable talking to Justin about my concerns as I do with Kylie, for example.
44 45 46 47	Q. But he's not intimidating, is he? A. I don't find him intimidating but it's not pleasant to talk to someone about your concerns and then not be

1 listened to.

- Q. But, nevertheless, you as an obviously passionate person of science would know that it's important to communicate clearly to other scientists the extent of your concerns, if you continue to hold them, in the face of their disagreement with your opinion?
- A. It is important to talk to people about concerns, and I did talk to my colleague that day, who actually did raise this issue with the other team leader, who did actually listen, and then the process got changed back to organic extraction.

 Q. Can I suggest to you that there is really nothing about Mr Howse which would cause somebody in your position to think that they could not reasonably talk to him about any concerns they might have if they were ongoing concerns? A. I can talk to Justin 20 times about my concerns. I could talk to Justin many times. But if someone doesn't listen to you repeatedly, it is - to do something over and over again without an outcome, it is a waste of energy.

- Q. All right. But you are talking in abstraction there. Can I be very focused. Thinking about this particular issue, you didn't speak to Justin 20 times about this, did you?
- A. No, because I went back to my desk, I talked to my line manager same day, I believe; I could double-check the if you would give me a minute I will just double-check the dates we're talking about.

- Q. All I'm asking is you didn't speak to him 20 times about this particular issue?
- A. No, because I believe on that same day, Kylie --

Q. It permits of a yes or no answer, with respect.

THE COMMISSIONER: No, she said no, she was just giving a further explication.

THE WITNESS: I was just providing some more information. On that same day this problem was raised by my line manager to Justin and also my colleague raised this - or the next day, sorry, I did talk to my colleague, it's in my statement, and then my colleague did talk to the other team leader. So I didn't feel it necessary to keep talking to Justin about this particular issue.

.11/10/2022 (Day.08)

1108 A KELLER (Mr Hickey)

MR HICKEY: Q. But you could have done that if you had wished to?

A. If I had have needed to, I would have.

- Q. Can we move then, please, to paragraph 93. In the third line there you describe a DVI incident in March 2020 and you say that Allan did something with the support of Justin Howse. Can I just understand what it is you say evinces Mr Howse's support?
- A. So for this particular DVI, I was talking to Justin twice a day. With larger DVIs it's important to brief with each other so that the DVI coordinator, which was Justin for this particular case, can communicate the progress to the rest of the laboratory, because it does impact on the whole functioning of the laboratory.

In one of those morning or afternoon briefs, Justin did outline that we would be doing soft tissue samples for this DVI, or Allan would be processing soft tissue samples for this DVI. So I was told what was happening in one of these briefs.

- Q. And that's the extent of it?
- A. For that particular sentence?

Q. Yes.

Α.

Yes.

- Q. Could we move on, please, to paragraph 114. Here you are talking about in November 2019, seeking approval from Ms Allen to rework a sample, and you say she approved the rework request and subsequently you obtained a three contributor mixture. You provided a written update and she decided you would additionally need to provide an intel report to QPS. Now, I just want to interrogate one aspect of this. You say "she decided" you would additionally need. You are aware, aren't you, that that particular requirement is provided in the standard operating procedures around this process?
- A. At that particular time because I'm actually I have I actually update that particular SOP, and at this time that I was giving the additional duty, that wasn't part of the process. If the line was added to the result, "This sample has undergone further processing", the police know that we've undergone further processing, so the result that follows is at that time was just a natural process.

So initially I obtained "This sample's undergone further processing" but I did have to get - I couldn't just rework that sample, because it had been reviewed, I did need to actually seek permission to get it reworked because we're not allowed to do that without getting Cathie's permission.

So at that time I had gone to Cathie and asked her if I was able to rework that sample. She came back and she said, "Yes". So then I did rework that sample and she asked me if I could come back to her and give her an update, and I did, and then she additionally asked me to do an intelligence report to the police.

Q. So that I can be clear about your evidence, your evidence is at that time it wasn't part of the standard operating procedure?

A. I don't believe so.

Q. Thank you. But nevertheless, in her email to you, she explained to you that there had been an undertaking given to QPS that they would advise that - that the lab would advise them of amendments to results, and that she felt the lab needed to honour that commitment. Do you recall that?

A. I do recall her putting that in her email. I will have a look.

MR HICKEY: I'm trying to be efficient about this, Commissioner. I don't think it's necessary to take the witness to the email, but if the witness feels it's necessary to go to it, I can give the number.

THE COMMISSIONER: Yes.

MR HICKEY: [WIT.0003.0471.0001_R].

THE COMMISSIONER: It is exhibit 36 to your statement.

THE WITNESS: I have got it was thank you. Yes I do

 THE WITNESS: I have got it, yes, thank you. Yes, I do - look, and I do recall at the time Cathie did provide reasoning around it.

MR HICKEY: Q. So it wasn't something that she did just for no particular reason?

A. Yes, Cathie had her reasons. But I - my understanding was, according to the SOP at that time, that wasn't necessary.

Q. Could we go then, please, to paragraph 136 of your statement. Here you give some evidence about a meeting on 8 February 2018 that you say all reporters attended with Cathie, which summarised the information gathered during the Workplace Edge interviews. Now, can I suggest to you that, in fact, the meeting was chaired or, rather, conducted by Mr Csoban and Alan Holz from Workplace Edge? A. That's possible, I can't remember that meeting very well because I was actually quite distressed after it, or quite confused.

Q. And you are aware, aren't you, that in fact it was Workplace Edge that conducted the process of conducting interviews and so forth, not the management team?

A. I was present with the Workplace Edge representative. I wasn't sure why we were having these meetings, exactly. Like, we did have an email.

- Q. Perhaps I can ask it this way: did you not understand precisely who was conducting this process which culminated in this meeting at which feedback was given?
- A. I understand, as I have got in point 133, that was for consultants had come in for FSS. They gave us a feedback session, and there were management representatives there. Cathie was present.

Q. Yes. I don't suggest otherwise to you. But what I'm trying to get to grips with is you say you felt like management did not take into consideration your feedback, and I'm trying to understand what feedback are you referring to? Is that feedback that was part of the Workplace Edge interviews or feedback that you gave at the meeting?

A. Well, we all had an interview, so if all of that information came from Workplace Edge, then it came from Workplace Edge, but it was presented in a forum where there was Workplace Edge and managers were present. So yes, it was a little bit unclear as to where the feedback came from, and also, my feedback wasn't really represented in

the presentation.

Q. All right. If I can ask you to assume that the assimilation of the feedback and the presentation of it was the work of external parties not anyone in the management team, would you agree with me that the criticism which seems to be implicit in the last line of 136 properly lies with whoever undertook that process I have described rather

1	than the management team?
2 3	A. If that purely came from Workplace Edge, then yes.
4 5 6	Q. Thank you. Can I suggest to you that Ms Allen didn't attend the interview that you participated in with the Workplace Edge representatives?
7 8	A. Oh, no, she wasn't in the meeting. No, she wasn't.
9	Q. And that she didn't have any input into the
10	formulation of the Workplace Edge report?
11	A. And I don't know that. Now you're telling me that,
12	okay, thank you.
13	0 11 15 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
14	Q. Now, if we could go, please, to paragraph 137, here
15 16	you say in the second sentence:
17	Management seems focused on "numbers" and
18	turnaround times Scientists are
19	celebrated for producing high quantity
20	rather than high quality results.
21	TI:
22	This is simply your impression, isn't it?
23 24	A. It is my impression from all of my experiences.
25	Q. Can I suggest to you that it's never been suggested by
26	anybody within the management team that high quality
27	results are not important - that's right, isn't it?
28 29	A. To me? Well
30	Q. Perhaps you have misunderstood my question. The
31 32	management team has never said to you or to anybody else, "High-quality results are not important"?
33 34	A. I have never heard that directly.
35	Q. And you'd be surprised if that was their view,
36	wouldn't you?
37	A. I think that turnaround times are important and I see
38	that that is a focus in our laboratory, like there probably
39	is a focus for any laboratory that deals with forensic
40	work.
41	
42	Q. And would you agree with me that the high-quality
43	result, a kind of high-quality result, is where somebody
44	does some scientific work within the lab which leads to,
45	for example, the resolution of or, rather, the
46	identification of a perpetrator?
47	A. Anything that furthers forensics in Queensland is

1 really important. 2 3 Or, for instance, where you, in assessing bones, can identify somebody who has been long thought missing? 4 5 Α. Yes. 6 7 Q. That's a high quality result? Α. Yes. 8 9 And it's right, isn't it, that from time to time the 10 Q. management team have congratulated and celebrated when 11 12 particularly good high quality results have been achieved? I notice that for high priority cases that come in, 13 14 like P1s, that have very fast turnaround times, it's common to have group emails celebrating, you know, 24-hour 15 turnaround for this particular case which has "unknown 16 offenders present in the community". That is very 17 important. 18 19 20 Can I repeat my question: it's the case, though, isn't it, that from time to time, where some particular 21 high quality result, the resolution of a notorious crime, 22 the identification of somebody who has long been missing, 23 24 is celebrated within the lab? That does happen. 25 Α. 26 Can I turn then, finally, to the question of 27 performance reviews, which you raise in paragraph 138. 28 It's the case, is it, that those are conducted by Ms Rika? 29 Currently, yes. I've had other line managers. 30 31 32 Q. They are usually conducted by the line manager? Yes. 33 Α. 34 35 Q. And as far as you are aware, it's their responsibility to carry them out? 36 I believe they schedule it based on their line 37 managers, so it probably depends on how frequently all of 38 the line managers have their yearly performance reviews or 39 40 few-yearly. 41 You say you believe - is there some basis for that 42 belief? Has somebody told you that? 43 I think that at some point I requested a more frequent 44 performance review, but I know that at the time, Kylie was 45

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awaiting for her performance review with Justin, and it

hadn't happened yet, so it was a little bit delayed.

that was because she was awaiting her performance review, because that will flow down to - there might be certain aspects of her performance review that she has to roll out to the next line. So I think in that situation it actually created a little bit of a delay because Justin's was also delayed and I don't know if that was because it was further delayed up the line.

- Q. All right. Could I ask you then, would you agree with this proposition: at any time, there are opportunities to discuss professional development with line managers?
 - A. In my performance review I will normally bring up a presentation that I might want to give to another organisation or some training that I want to partake in.

- Q. Can I ask the question again: at any time, you can discuss professional development opportunities with your line manager?
- A. You mean just approaching my line manager, Kylie, and saying, "Can I do this", or sending an email?

Q. Yes.

- A. Oh, I can certainly do that, yes.
- Q. And there is also the opportunity for you to discuss professional development that you might wish to undertake with the FSS skills development unit?
- A. Yes, if I see a course, I can organise an attendance of a particular course.

- Q. And also it's the case that that skills development unit proactively sends training opportunities to staff, don't they?
- A. I think they do send emails at times. Often I am a little bit too busy doing my work, work --

- Q. But they send them, nevertheless?
- A. They do send them.

- Q. And it's the case, isn't it, that you recently attended a workshop at the ANZFSS symposium?
- A. Yes, on a Sunday I decided that a particular
 statistical workshop would be really helpful for the DVI
 work and paternity work that I do.

- Q. And that was supported by the FSS lab, wasn't it?
- A. Yes. I'm still waiting for some PDL to be finalised

1 2 3	because it's been a little bit tricky to have that approved, but
4 5	Q. You don't have any reason to doubt it won't be in due course?
6 7 8	A. It's going to be approved. We're just working through some emails at the moment.
9 10	Q. Are there other development opportunities that you applied for through your line manager which have been
11 12 13	refused? A. Kylie is very supportive.
14 15 16	Q. Is that a no? A. Sorry, can you please repeat the question?
17 18 19 20	Q. Yes. Are there other development opportunities that you have applied for through your line manager which have been refused? A. No, not that I can think of.
21 22 23	MR HICKEY: Those are the questions, Commissioner.
24 25	THE COMMISSIONER: Thank you.
26 27 28 29 30	Q. I just want to understand something. You spoke of your approach to Mr Howse in relation to the variable quants you were getting from aliquots of bone samples. A. Yes.
31 32 33 34 35 36 37 38 39	Q. If you go to exhibit 25 of your statement, you said a couple of things, and I just want to understand this. If you look at exhibit AQ-25 - if you put that up on the screen, please, [WIT.0003.0460.0001-R] and if you highlight the second paragraph, beginning "Another sample" - thank you. Now, I understand that from a particular sample of bone, you take four sub-samples called aliquots? A. Yes.
40 41 42 43	Q. And you take each of them and put them through the quantitation process A. Yes.
44 45 46	${\tt Q.}$ to determine the concentration of DNA in them? A. Yes.

Q.

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And you got those four figures for four pieces - four

samples that were extracted from the same bone?
A. Yes.

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Q. And I understood from the tenor of your evidence that you expect the quants, while they might not be identical, that they would be reasonably close?

A. Yes.

7 8 9

Q. So on my arithmetic, if we take 0.013, that's the highest quant there, isn't it?
A. Yes.

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Q. And 0.00015 is 90-times less, I think - yes? A. I will have to agree with your arithmetic, but it's a lot lower.

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18 19 Q. Well, then, 0.00127, which is really 0.0013 - well, that's 10 times less, and 0.0005 is about 25, 26 times less.

A. Yes.

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- Q. So the variations are one, one-26th, one-tenth and one-90th. What do you say about those kinds of variations arising from four aliquots of the same bone?
- A. I was concerned. I wouldn't expect to see that amount of variation from the same bone, stock bone powder.

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And we need not do the arithmetic of the samples above, because they're a bit easier, because the numbers are at the same decimal point, but you've got - anyway, we don't need to do them. But your evidence was that you felt or believed that you weren't being listened to. You said you were heard but not listened to, and that Mr Howse said, in your statement, words to the effect that it might be due to sample-to-sample variation, "Any apparent differences would be due to sample-to-sample variations", and you said that didn't make sense. So can you just explain to me what gave you the impression that you weren't being listened to? I - because raising such a difference, it didn't make scientific sense that it was such a variable, and it's variable within the same extraction, and then it's variable between the different extraction techniques.

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And, yes, Justin did listen to me, but - or he heard what I said, but he just said that he did disagree with what I was saying, he - and I found that quite - quite distressing, because what more proof do I need? I need - $\frac{1}{2}$

you know, this is a problem I can see a change. I think could you not just look into it? But there was none of that. It was not a, basically, "Come back and talk to me another time" or - he just completely didn't want to hear about it, even though - and his reasoning it was it was sample-to-sample variation. But I know full well from all of my work with bones and the aliquots, because we constantly repeat the process, that this was not a good result, and --

- Q. You are not going to get a 26-fold or 10-fold or 90-fold difference?
- A. And my immediate concern was, here is a new process, this is what we're going to see from now on. This is not okay.

THE COMMISSIONER: Anything arising out of that, Mr Hickey?

MR HICKEY: No, Commissioner, thank you.

THE COMMISSIONER: Anyone else? Ms Hedge, any re-examination?

<EXAMINATION BY MS HEDGE:</pre>

MS HEDGE: Q. Can we return to page 21 of the statement please, operator, and Mr Hickey was asking you some questions about your statement in paragraph 137 that "management seems focused on numbers and turnaround times for the QPS; scientists are celebrated for producing high quantity rather than high quality results"; do you remember being asked about that?

A. Yes.

- Q. You agreed with Mr Hickey that on occasion from time to time management did celebrate good quality results. Can you tell us what you have observed where management has celebrated high quantity results?
- A. I think that in the end, any so a high quantity result would be a fast turnaround, but then you could argue that's also a good quality result, provided it's all done properly, all your 'i's are dotted and your 't's are crossed, because you wouldn't want to do it any other way. But it is quite common to get positive feedback for the whole laboratory for P1 cases that are turned around very
- 47 guickly.

- Q. So by "quantity", you weren't referring to the number of interpretations done by a reporting scientist, for example, you were relating to turnaround times for results; that's what you meant by quantity?
- A. Yes, it would be fast turnarounds, but I think in terms of a high quantity, all of our numbers are tracked and which is fine, because that helps with management assessing what gets done where and allocating work, all that sort of stuff, but there's no sort of measure for quality that's as visible as the quantity.

- Q. What do you mean "all of our numbers get tracked"; can you explain that?
 - A. So there is a dashboard in the forensic register where you can see who has done what for every day of, you know, the whole year.

- Q. Are you talking about reporters or --
- A. It's anyone who is doing putting out interpreting results or reviewing results. So whether you are interpreting them or you are reviewing them, it's visible on a dashboard.

- Q. And that's reporters who do that?
- A. Yes. So you tend --

- Q. So is it the reporters?
 - A. Sometimes analytical, if they were doing certain reviewing of results like the no DNAs, they would have numbers as well, and sometimes people in the quality team I think might be doing work. So some other people, scientists from other sections, are present.

- Q. Okay.
- A. I'm not sure exactly how, but they must be doing some sort of work in that way.

- Q. And what statistics are shown there your daily tally or your weekly tally or your yearly tally? What's shown there?
- A. So just say I do a piece of work right now, I get a 1 next to my name for that particular week and then if I do 20 by the end of the week it's 20.

- 46 Q. So it's a weekly tally?
- 47 A. It just rolls on through. So that's for that week.

So then next week it chalks up zero on Monday, and by the end of the week there we all are with the numbers.

Q. And is there a separate number for the number of interpretations versus the number of reviews?

A. Yes.

- Q. And are people celebrated for having high numbers?
 - A. I don't recall anyone openly saying, "Hey, this person" so not openly. Whether it happens behind with a tap on the shoulder or whatever, maybe, but no, it hasn't happened to me.

- Q. So when you say in your statement, "Scientists are celebrated for producing high quantity results", you are referring to emails about P1 cases that had a fast turnaround time?
- A. Yes.

Q. And then this dashboard issue is something that is tracked, but it's not something that involves celebration? A. Not openly, yes.

Q. Now, you said also, "Management seems focused on 'numbers' and turnaround times". What gave you that impression?

A. Well, because every week we will have some guidance around, you know, "You've got to do this many of this", so for interpreting profiles, "You've got to do this many" or - actually, it's a little more general, but it might be a statement, a review of the statement, and then it might be "Then focus on interpreting samples". So it won't be - but we are told that we have to hit X number of numbers a week. There is an expectation.

Q. Who tells you that?

A. That's come through in our professional development, the CSP is a target number that we are meant to interpret and review every - every week.

- Q. What is a CSP?
- A. That's a good question.

- Q. Okay. Can you describe it?
- A. It's the development plan, the performance review that we have.

- Q. I thought you said a moment ago, but maybe I misheard, "Every week we are told"?
 - A. An email will come out with like a weekly direction, but then in the --

- Q. Who sends that email?
- A. That will come from our line manager, so that's either Kylie or Sharon, just to the reporting team.

- Q. And what does it say?
- A. "This week, can you do this many statements, this many statement reviews and this much interpretation or review of actual samples."

Q. And just returning to the quality for a moment, would you say that the preparation of a high quality validation or project report is a high quality result in the -- A. Well, I think - I mean, I think having to deal with what's happening with bones currently, to me, having a single-source DNA profile from a bone is a high quality result and I think that should be celebrated. I think everyone should be celebrating that.

Q. Are you celebrated for getting a single-source profile from a bone?

A. Well, I know - well, am I celebrated for that? I mean, I think that if we're able to release an identification statement, I definitely - I get feedback from all the different disciplines quite often about releasing - it might be the counsellors might be, "Thank you so much for helping that family, they are very grateful", and it's very --

- Q. What about from the management of the lab? We're just focusing on the lab for a moment.
- A. I think generally the positive feedback will come around high priority cases that are celebrated by the whole laboratory.

Q. So Mr Hickey asked you about the high quality results being celebrated from time to time, and you have said that - I think you used the word "often" turnaround times are celebrated; what is the sort of balance of this, are turnaround times celebrated more often than high quality results?

A. Yes.

By what degree? 1 Q. I guess quality isn't celebrated in itself. It's 2 Α. 3 easier to celebrate a quick turnaround of a sample because it's very visible. In our system that we currently have, 4 5 that's something that's very visible, a high - fast turnaround, or you can see this person's done a lot of 6 Whether or not that's celebrated by management 7 I'm not sure. But it's a very easy measure because you can 8 see it, it's very easy. Whereas quality is a little bit 9 more difficult to see in DNA analysis currently. 10 tell you where there are problems, and I want to celebrate 11 high quality results. I think it's such an important part 12 of what we do. We can't do one without the other. They 13 14 are intertwined. 15 MS HEDGE: 16 Yes, thank you. Might Ms Keller be excused? 17 Thank you, Ms Keller, you are free to 18 THE COMMISSIONER: Thank you for your evidence. 19 20 <THE WITNESS WITHDREW 21 22 23 THE COMMISSIONER: Ms Hedge, what's happening tomorrow? 24 We have two witnesses planned, Mr Parry and 25 MS HEDGE: 26 Ms Caunt. Before Mr Parry starts, I will open the evidence in relation to validations. 27 28 29 THE COMMISSIONER: That's coming later, do you mean, or is 30 he giving some of it? 31 32 MS HEDGE: Part of his evidence relates to his concerns about particular validations. You might remember Mr Parry 33 has specific statistical expertise. So he has more 34 criticisms or concerns in that space than others. 35 that's why I intended to open the whole of that topic 36 37 before he gave evidence. 38 39 THE COMMISSIONER: All right. Thank you. Well, 9.30? 40 41 MS HEDGE: Yes, thank you. 42 THE COMMISSIONER: 43 We will adjourn, then.

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AT 4.57PM THE COMMISSION WAS ADJOURNED TO WEDNESDAY, 12 OCTOBER 2022 AT 9.30AM

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