

COMMISSION OF INQUIRY  
INTO FORENSIC DNA TESTING IN QUEENSLAND

Brisbane Magistrates Court  
Level 1/363 George Street, Brisbane

On Friday, 21 October 2022 at 9.30am

Before: The Hon Walter Sofronoff KC, Commissioner

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

1 <PAULA MICHELLE BRISOTTO, on former oath: [9.40am]

2

3 <EXAMINATION BY MR HODGE:

4

5 THE COMMISSIONER: Yes, Mr Hodge.

6

7 MR HODGE: Thank you, Commissioner.

8

9 Q. Ms Brisotto, overnight I think one of the things you  
10 were going to do was to go back and look at version 1 of  
11 the report.

12 A. Yes.

13

14 Q. Did you have a chance to do that?

15 A. Yes.

16

17 Q. I had understood what you wanted to do was to have the  
18 opportunity to look at that to see the extent to which it  
19 dealt with NCIDD uploads as compared to successful  
20 comparison to reference samples. Did you have the chance  
21 to do that?

22 A. Yes, I did.

23

24 Q. What view did you form about that?

25 A. That in that particular version, there was reference  
26 to NCIDD uploads in one of the experimental designs. In  
27 the conclusion and recommendation, it doesn't focus on the  
28 NCIDD uploads.

29

30 Q. Why don't we bring that up and then you can explain to  
31 you what you mean by that. That's [FSS.0001.0001.0914].  
32 I think this is the report you looked at?

33 A. Yes.

34

35 Q. Perhaps if I just take you to some pages and you can  
36 explain that to us. So if we go to page .0920, do you see  
37 "Experimental Design" at the bottom of the page?

38 A. Yes.

39

40 Q. That first experiment is the division of samples into  
41 success or fail?

42 A. Yes.

43

44 Q. And success or fail division is, in effect - it's  
45 a success if you obtain a profile, a full profile, and  
46 anything else is a fail; is that right?

47 A. Success - my understanding is - is something that's

1 suitable for comparison, not necessarily a full profile.

2

3 Q. I see, so that division into success and fail, that's  
4 also something that appears in the Options Paper?

5 A. Yes, I believe so.

6

7 Q. And then experiment 2 is, if we go over the page to  
8 page .0921, "Assessment of all DNA profile results from  
9 extracts that have had a concentration step"?

10 A. Yes.

11

12 Q. If we go over the page, I think that goes through, and  
13 relevantly at the end of that, do you see in about the  
14 middle of the page it says:

15

16 *The percentage of samples that were in this*  
17 *Quantification range and led to an NCIDD*  
18 *upload was determined.*

19

20 A. Yes.

21

22 Q. Then it said:

23

24 *This data could be filtered further into*  
25 *the outcome from the NCIDD load.*

26

27 A. Yes.

28

29 Q. Then if we look at experiment 3, so we can take that  
30 down, Mr Operator, it is determining the difference between  
31 pre- and post-microcon quantification values?

32 A. Yes.

33

34 Q. And then if we go over the page to page .0923, this is  
35 where we see those experiments then be brought into what  
36 are the results, and we can see there's the pie chart  
37 there, which is "'Success'/'Fail' of 'Auto-Microcon'  
38 Samples". That's the same pie chart that appears in the  
39 Options Paper?

40 A. Yes.

41

42 Q. And then if we go over the page, there's another pie  
43 chart there, which is "Samples reworked after  
44 'Auto-Microcon'"?

45 A. Yes.

46

47 Q. I think that might not appear in the Options Paper; is

1 that right, or you're not sure?

2 A. I'm not sure.

3

4 Q. Then if you go over the page again, Mr Operator, to  
5 page .0925, we then see this bar graph that illustrates  
6 NCIDD upload, and it categorises NCIDD upload into the  
7 three kinds of outcomes - an NCIDD cold link, an NCIDD  
8 unlinked, which as I understand it means the profile is  
9 uploaded to NCIDD and therefore potentially provides useful  
10 intelligence for a future upload; is that right?

11 A. Yes.

12

13 Q. And then NCIDD warm link, which means there's a link  
14 made, but it's to somebody who's already known to the case?

15 A. Yes.

16

17 Q. The measurement of success, which is said to be  
18 1.45 per cent, is basically NCIDD cold link added to NCIDD  
19 unlinked?

20 A. Yes.

21

22 Q. I then just want to understand, if we then go to the  
23 conclusions and recommendations, which is page .0931,  
24 I just want to understand, is this the part where you're  
25 pointing out that there's not a reference to NCIDD upload  
26 here; there's a reference to whether or not there's  
27 a meaningful result or not?

28 A. That's how I read it when I read through it last  
29 night.

30

31 Q. I'm just trying to understand, does that make some  
32 difference to whether or not the appropriate recommendation  
33 is to cease auto-microcon for priority 2 samples in the  
34 low-quant range?

35 A. I think the focus on the conclusion in this was in  
36 relation to whether a sample was suitable or not suitable  
37 and the recommendations from that. It doesn't focus on the  
38 1.45. That seems to be the focus of the Options Paper.

39

40 Q. I see. I think you might agree with this, then:  
41 assuming your assessment is right, that you feel like the  
42 original version doesn't focus as much on success measured  
43 by NCIDD uplink, that, on any view, that's a better way to  
44 consider this issue in relation to priority 2 samples than  
45 focusing on success by NCIDD uplink?

46 A. Yes, I agree.

47

1 Q. Your view is --

2

3 THE COMMISSIONER: Q. Ms Brisotto, the other aspect is  
4 that the project, when it was a project, considered samples  
5 that were within the range 0.001 to 0.0088 that underwent  
6 microcon --

7 A. Yes.

8

9 Q. -- all of them underwent microcon, so that was the  
10 auto-microcon group, but it also considered the results  
11 that were obtained from samples that were not within that  
12 group that underwent concentration?

13 A. Yes.

14

15 Q. So that we see on the page that you're looking at, in  
16 the second paragraph, that all samples that underwent the  
17 microcon step resulted in a failure in 78.5 per cent of  
18 cases. Do you see that?

19 A. Yes.

20

21 Q. So what that showed was that if you applied the same  
22 logic and ceased microconning samples within the range one  
23 to eight-eighths because they didn't generate a result more  
24 than 10 per cent of the time, you'd cease microconning  
25 altogether, because you only get a result 10 per cent of  
26 the time, anyway?

27 A. Ten per cent of the time if you're considering all of  
28 the ranges in the second paragraph?

29

30 Q. Yes, yes, it would show the same logic - it's not  
31 worth doing because you're only getting 10 per cent -  
32 applies to all microcons, so the lab would just cease all  
33 microcons, wouldn't it?

34 A. Not necessarily.

35

36 Q. Does that logic follow or not?

37 A. With this, and how I've read it, the success does  
38 increase the higher the quantitation value. I believe  
39 that's in the discussion, and some of the results --

40

41 Q. But you still only get 10 per cent according to this  
42 paragraph - 11.5 per cent?

43 A. "78.5 per cent did not yield meaningful results".

44

45 MR HODGE: 21.5 per cent.

46

47 THE COMMISSIONER: Q. I'm sorry, 21.5 per cent, I'm

1       sorry. So 21 per cent is valuable, but 10 per cent is not;  
2       is that the logic?

3       A. I would have to have a look at the range. I don't  
4       think the range for the microcon goes above still  
5       a low-level range. It's up in the discussion section.  
6       I don't know whether it went to 0.012 or 3, I'm not sure,  
7       sorry, so it still wasn't a large microcon value, or  
8       a quant value, sorry. I think looking at the graphs, it  
9       still talks about the success rates the higher the quant  
10      range, so the more DNA present in the sample, and  
11      potentially sample type, the more chance you may have of  
12      success.

13  
14      Q. And that graph shows that when you get to about  
15      0.0088, you get a result about 50 per cent of the time,  
16      doesn't it?

17      A. I would have to scroll back to see.

18  
19      Q. Never mind. Don't worry. Don't worry.

20      A. Sorry.

21  
22      THE COMMISSIONER: Yes, Mr Hodge.

23  
24      MR HODGE: Q. I suppose I then wonder why, in your view  
25      and doing the best you can for us, given your opinion now  
26      that in even evaluating this question you wouldn't focus  
27      upon NCIDD upload, why you would have stood by whilst an  
28      Options Paper was presented to the police that focused and  
29      put the focus squarely on NCIDD upload?

30      A. I don't know. I guess at the time, I can't recall  
31      reading the Options Paper, and I certainly didn't provide  
32      feedback on it that I can find, and if I - like, I may have  
33      read it, but it might not have been an in-depth read, if  
34      I had just assumed that it was basically taking content  
35      from the project that I read.

36  
37      Q. I'll come in a moment to whether you read it or not.  
38      Can I ask something else. Having now reviewed this  
39      version 1 of the project report overnight, are you able to  
40      explain to us why, in any event, you were happy to  
41      recommend to cease auto-microcon for priority 2 samples in  
42      the low-quant range?

43      A. With the understanding that if they were samples that  
44      could be - it was I guess a hold step, not a ceasing  
45      completely. It was a hold, and one of the I think  
46      recommendations down below were samples that were chosen or  
47      selected by the Queensland Police Service could be further

1 processed.

2

3 Q. It wasn't a hold step. You're underplaying it. You  
4 can see what recommendation 1 is. It's on the screen.  
5 This is what you were happy with, which is:

6

7 *Cease "auto-microcon" processing with the*  
8 *following exceptions: ...*

9

10 And those exceptions aren't about Queensland Police input.  
11 The default position was going to be that you would cease  
12 auto-microcon for priority 2 samples in the low-quant  
13 range?

14 A. With the information provided back that it could be  
15 restarted at any time. That's the understanding.

16

17 Q. Could we just scroll down. I just want to understand  
18 what you're - is this item number 5; is that what you're  
19 referring to?

20 A. Yes.

21

22 Q. I'm still struggling, though, to understand why, in  
23 your view, was it appropriate to recommend that as  
24 a default position you wouldn't test these samples?

25 A. As a workflow step, the whole process of submitting  
26 certain samples is a triage step, selecting the samples  
27 that will likely obtain a DNA profile that's useable for  
28 the case in the first instance, for a lot of samples that  
29 are submitted to us. So the workflow suggested in this is  
30 looking at the range where it appears anecdotal feedback  
31 from reporters, based on what is written in here, indicates  
32 that they were unsuitable, so it is concentrating on those  
33 that might be suitable.

34

35 THE COMMISSIONER: Q. You mentioned the word "triage".  
36 What do you mean by "triage"?

37 A. Triage is looking, I guess, from an assessment point  
38 as what samples should be submitted. So, for example,  
39 a lot of the samples that we get for I think volume crime,  
40 they might submit two samples, only one trace, because  
41 sometimes they are complex - I think that was something  
42 that was implemented a couple of years ago by the QPS.

43

44 Q. I mean, what do you mean by the word "triage"? Could  
45 you define "triage" for me as you use it?

46 A. In this particular instance, triage is, I guess from  
47 my perspective, an ability to assess the case, or for the

1 QPS or forensic scientist staff assessing the samples  
2 within the case and determining what rework strategies or  
3 what samples were critical to the case and may likely yield  
4 a DNA profile.

5  
6 Q. "Triage" is normally applied, as I understand it, to  
7 mean choosing to which cases limited resources can be  
8 applied, knowing that the resources are insufficient to  
9 apply to all cases. Is that your understanding of it?

10 A. I think it could apply, yes, in this.

11  
12 Q. And if that's the meaning, then that implies that  
13 there was a belief in the lab that the resources were not  
14 there to process all samples submitted in major crime  
15 cases?

16 A. It would have enabled, I guess, those that were  
17 a higher chance of obtaining a DNA profile to process  
18 through.

19  
20 Q. Well, if you've got the resources to - this is major  
21 crime we're talking about. It might be a case in which the  
22 only sample is a low-quant sample in a child sex offence  
23 case where the child can't give evidence about what  
24 happened because the child is too young, say two years old,  
25 with the consequence that much will depend, maybe  
26 everything will depend, upon that sample, and it's said  
27 that the default position is, "We're not even going to test  
28 that sample", so the justification, as I understand it, is  
29 found in the word "triage", and "triage" implies that the  
30 resources are insufficient to spread across all the work  
31 that has to be done, so you have to select most important  
32 work. So is that how you understand the word "triage"?

33 A. Not in this - I guess within this context, that would  
34 be a critical sample that we would expect to be either  
35 selected by the scientist to microcon or selected by the  
36 Queensland Police to further process.

37  
38 Q. How does the scientist who's doing the microcon select  
39 it? What does the scientist who does the microcon know?

40 A. The case-managing scientist that would assess that  
41 case.

42  
43 Q. The case-managing scientist?

44 A. Yes, sorry the reporting scientist.

45  
46 Q. But the case-managing scientist is never going to see  
47 it because it's been shunted off into the DIFP list?



1 A. And then it would be reviewed and go back to the  
2 results management unit of the QPS. That would - my  
3 understanding was they were assessing the results based on  
4 the information provided to them.

5  
6 Q. But why not test it in the first place? Are the  
7 resources insufficient in the lab to test it? I don't see  
8 that in the Options Paper or in the project report, and  
9 nobody that I have - I haven't seen a single document to  
10 suggest that the resources of the lab were inadequate to  
11 test all these samples. Have you?

12 A. They were - the ability to test all of the samples  
13 through the analytical processing was there. It was  
14 I guess more so the ability to interpret them and maintain  
15 a turnaround time for the police.

16  
17 Q. And do we see that in the Options Paper or in the  
18 project papers, that "We can't maintain turnaround time if  
19 we have to do this"? Is there any analysis of turnaround  
20 time in any of these documents?

21 A. No, there's not.

22  
23 Q. Have you seen any analysis of turnaround time in  
24 relation to this?

25 A. In relation to this, no.

26  
27 Q. You obviously didn't do any yourself?

28 A. No. We are in the process of trying to get turnaround  
29 time data programmed into the forensic-register.

30  
31 Q. So, as far as you knew, you were able to do this work  
32 without any effect on turnaround time?

33 A. The --

34  
35 Q. Any prejudicial effect on turnaround time. You had  
36 been doing it, and there's no analysis to suggest you're  
37 going to get any substantial benefit, is there?

38 A. The feedback that I understand at the time was that  
39 turnaround times were increasing, from the reporting  
40 perspective of getting results out, so --

41  
42 Q. Where did you get that understanding from? I haven't  
43 seen anything at the moment. Can you help me where I could  
44 find that?

45 A. I'd have to again look through emails because the  
46 turnaround time data for cases is generally provided from  
47 the police to Cathie Allen.

1  
2 THE COMMISSIONER: Yes, Mr Hodge.  
3

4 MR HODGE: Q. I want to just pick up on an answer you  
5 gave before, which is when I was asking you why you thought  
6 these were good recommendations to make, you said the  
7 report refers to anecdotal feedback, and I just want to go  
8 to that. Can we go to the page .0918. You see there's  
9 a heading, "Introduction"?

10 A. Yes.  
11

12 Q. If we just look at the fourth paragraph under  
13 "Introduction", could we blow that up, it says:

14  
15 *Anecdotally, the suitability to provide the*  
16 *Queensland Police Service ... with DNA*  
17 *profile intelligence from extracts that*  
18 *have been concentrated has been noted to be*  
19 *limited. Furthermore, extracts that are of*  
20 *low quant value that have been*  
21 *automatically concentrated have been*  
22 *observed to rarely yield DNA information*  
23 *for QPS.*  
24

25 A. Yes.  
26

27 Q. That's one reference to anecdotal information in the  
28 report, and the only other reference that I can find is if  
29 we go to the page which is .0930, and this is about the  
30 fold difference based on concentration, which is  
31 effectively when you concentrate, you expect there to be  
32 a concentration of the amount of DNA, but the fold isn't  
33 perfect, and that's what it's illustrating?

34 A. Yes, essentially, yes.  
35

36 Q. Then if we blow up the paragraph just below the  
37 figure 10, it identifies what the fold level is or what the  
38 scatter is around the fold level increase and that the  
39 results are variable, and then I see it says:

40  
41 *Anecdotally, variability in success rates*  
42 *is found at profile management stage when*  
43 *assessing results of samples that have had*  
44 *this concentration step.*  
45

46 Tell me if you agree: that particular reference to what's  
47 anecdotal information, that could not have any bearing

1       whatsoever on the question of whether or not the  
2       recommendations made were appropriate?  
3       A.    Not that particular one.

4  
5       Q.    So the only one that seems to be relevant is if we go  
6       back to the page .0918 and blow up that fourth paragraph,  
7       where the author has said that:

8  
9               *Anecdotally, the suitability to provide*  
10              *the ... QPS with DNA profile intelligence*  
11              *from extracts that have been concentrated*  
12              *has been noted to be limited.*

13  
14      A.    Yes.

15  
16      Q.    And there's no more information than that?

17      A.    No.

18  
19      Q.    You don't seriously say, do you, that you thought it  
20      would be appropriate to recommend ceasing auto-microcon on  
21      the basis of that?

22      A.    Not on the basis of that. That is my understanding,  
23      I guess, why the project was implemented or initiated in  
24      the first place.

25  
26      Q.    Yes, that is, there had been some anecdotal feedback,  
27      and that was, as you understood it, the reason for  
28      instituting the project?

29      A.    Mmm.

30  
31      Q.    So that anecdotal feedback wasn't the reason why you  
32      thought the recommendations were appropriate?

33      A.    The recommendations and the theory that, as I said,  
34      appears that with 10 per cent of the time, the profiles  
35      were suitable, and if that is assessed further by the  
36      police or internally by scientists to process further, that  
37      at that time appeared to be a possible workflow.

38  
39      Q.    It's not that it appeared to be a possible workflow.  
40      You were happy to recommend it?

41      A.    Yes.

42  
43      Q.    So to come back to the question, why were you happy to  
44      recommend it?

45      A.    Because the police assessing it was a risk mitigation  
46      step enabling those samples to be captured.

1 Q. You understand, don't you, that as a matter of logic  
2 it can't be that the mere fact that there is a mitigation  
3 step is a reason to recommend it, because if you follow  
4 that to its logical conclusion, you would say we should  
5 recommend doing no testing except where police specifically  
6 ask us to test the samples, and of course the police submit  
7 the samples to you in the first place, and that's why you  
8 are testing them?

9 A. With the range there, because it's a low-level range  
10 with a percentage success rate of I guess the 10 per cent  
11 in here, it was a workflow that could have been  
12 implemented, and I was happy at the time with the theory  
13 and the recommendations.

14  
15 Q. You keep saying that. I need you to do the best you  
16 can for us. Why were you happy with the idea that if in  
17 10 per cent of cases for serious crimes, sexual assaults  
18 and murders, you obtained a DNA profile, that you would  
19 just stop testing?

20 A. It was an assessment because there might not have -  
21 there might have been other samples in the case --

22  
23 Q. But that's not a limitation. You know that. That is,  
24 you know that it's not the case that you would not test  
25 them where there were other samples in the case that had  
26 yielded a profile?

27 A. That is part of the assessment step.

28  
29 THE COMMISSIONER: Q. But why? What were you gaining  
30 out of it? There's no assessment in any of the documents  
31 of a gain in turnaround time. We don't even see what  
32 proportion of your work is constituted by this range of  
33 cases. We don't see how many cases of this kind are  
34 submitted. We get the percentage, but we don't know - we  
35 don't see any basic research that you get X number of  
36 samples submitted per year, Y number of them are within  
37 this quant, and if you don't do the work, then you'll save  
38 this much time and resource, and therefore the turnaround  
39 time will be increased by that per cent - we don't see any  
40 of that.

41  
42 Is this the kind of science you do?

43 A. No.

44  
45 Q. You make decisions based upon, anecdotally, the  
46 suitability to provide: we only get 10 per cent in the  
47 range from one to eight-eight and therefore we just won't

1       bother doing them unless asked by police, who are not given  
2       any information except "DNA insufficient for further  
3       processing". They're not told the quant. If the quant is  
4       up near eight-eight, it might make a difference. They're  
5       not told that.

6  
7               Is this the kind of - is this the standard that you do  
8       in the lab that you're satisfied with, Ms Brisotto, as  
9       a professional scientist?

10      A.   No, I concede that this could have been done a lot  
11      better.

12  
13      Q.   Or perhaps it shouldn't have been done at all, do you  
14      think?

15      A.   An assessment is still worthwhile doing --

16  
17      Q.   No, no, I don't mean the assessment. The assessment -  
18      you can do it, for what it tells you, which, as I'm looking  
19      at it at the moment, doesn't tell you anything. But you  
20      then propose to recommend this to the police in the project  
21      report, and then you go ahead and present this as something  
22      that would be worthwhile because of the benefits that are  
23      put into the Options Paper. Is that - sitting there now,  
24      are you satisfied that that's the kind of standard of  
25      scientific work that you wish to be judged by?

26      A.   No, I'm not satisfied.

27  
28      MR HODGE:   Q.   So why were you satisfied at the time?

29      A.   I don't know why I was satisfied at the time.

30  
31      Q.   I want to move, then, to January, and I need to show  
32      you some documents in order to try to understand what you  
33      say about your involvement in the Options Paper. You will  
34      recall, when you gave evidence a few weeks ago, we looked  
35      at the email Mr Howse had sent you on 12 January asking you  
36      to send him a copy of the report so he could convert it  
37      into an Options Paper?

38      A.   Yes.

39  
40      Q.   Do you recall that you met with Cathie Allen that day?

41      A.   No.

42  
43      Q.   I'll show you a document. Can we bring up  
44      [FSS.0001 --

45  
46      THE COMMISSIONER:   Just a moment, Mr Hodge.

1 Q. Do you want a break, Ms Brisotto?

2 A. No, it's okay.

3

4 MR HODGE: Q. Could we bring up [FSS.0001.0066.4614].

5 I don't believe this is your handwriting?

6 A. No.

7

8 Q. Do you recognise this as Ms Allen's handwriting?

9 A. Yes.

10

11 Q. Do you see in the middle of the page there's a diary  
12 note, which seems to be a diary note of a meeting between  
13 you and her on 12 January 2018?

14 A. Yes.

15

16 Q. Just take a moment to read that. Have you looked at  
17 this recently?

18 A. No.

19

20 Q. Okay.

21 A. Yes.

22

23 Q. Reading that, does that bring back for you  
24 a recollection of speaking to Ms Allen?

25 A. No, it doesn't, I'm sorry.

26

27 Q. Do you agree with me it indicates that on 12 January,  
28 you and Ms Allen were meeting separately to discuss the  
29 issue of insufficient DNA for processing?

30 A. For volume, yes.

31

32 Q. And do you remember that there was an issue which was  
33 there had been insufficient DNA for further processing for  
34 volume crime, but there was some issue about not having  
35 reconfirmed it when you switched back to Profiler Plus?

36 A. No, I don't recall that, I'm sorry.

37

38 Q. You don't remember what that's about?

39 A. The middle line "When reverted to P+", is that what  
40 you're referring to?

41

42 Q. Yes. It says:

43

44 *When reverted to P+, still continued with*  
45 *No DNA detected but not insufficient for*  
46 *[volume].*

47

1 A. Yes. That wasn't part of the Profiler Plus workflow.

2

3 Q. I see. Tell me if I've misunderstood, but tell me if  
4 this is the case: before you started using Profiler Plus  
5 for volume crime, you were using - was there a period of  
6 time when you were using PP21 for volume crime?

7 A. Yes.

8

9 Q. And when you were using PP21 for volume crime the  
10 first time, you had an insufficient DNA for further  
11 processing step in the workflow?

12 A. There was that implemented, yes.

13

14 Q. And then when you switched from using PP21 to Profiler  
15 Plus, you were no longer doing the insufficient for further  
16 processing step?

17 A. Yes.

18

19 Q. And now you were going to be switching back to using  
20 PP21 for volume crime, and so you needed to get QPS to  
21 agree again to doing insufficient DNA for further  
22 processing?

23 A. That's what this appears, yes.

24

25 Q. And then the last part of that note says:

26

27 *... AND want to extend to Major.*

28

29 That's a reference to the subject matter of Project #184  
30 and the Options Paper, which is extending the DNA  
31 insufficient for further processing to priority 2 major  
32 crime samples?

33 A. It appears to be, yes.

34

35 Q. But you say you just have no memory now of having  
36 discussed that with Ms Allen?

37 A. No, I don't.

38

39 MR HODGE: I tender that document, Commissioner.

40

41 THE COMMISSIONER: Exhibit 116.

42

43 **EXHIBIT #116 CATHIE ALLEN'S NOTE OF MEETING WITH PAULA**  
44 **BRISOTTO ON 12 JANUARY 2018, BARCODED [FSS.0001.0066.4614]**

45

46 MR HODGE: Q. Then over the next week and a half or so,  
47 you were sent several versions of the Options Paper?

1 A. Yes.

2

3 Q. I'll just show you two emails. Could we bring up  
4 [FSS.0001.0011.2124]. This is an email from Mr Howse to  
5 you and Ms Allen, which attaches a version of the Options  
6 Paper?

7 A. Yes.

8

9 Q. He says:

10

11 *Hi, I have finished the options report and*  
12 *had it reviewed by Luke.*

13

14 A. Yes.

15

16 Q. That must be a reference to Luke Ryan?

17

18 A. Yes.

19

20 Q. Did Luke Ryan report to you or to Mr Howse?

21

22 A. To me.

23

24 Q. And do you remember now why it was that it was being

25

26 provided only to Mr Ryan?

27

28 A. No.

29

30 MR HODGE: I tender that document, Commissioner.

31

32 THE COMMISSIONER: The email of 19 January 2018 from

33

34 Mr Howse to Ms Allen and Ms Brisotto is exhibit 117.

35

36 **EXHIBIT #117 EMAIL OF 19 JANUARY 2018 FROM JUSTIN HOWSE**

37

38 **TO CATHIE ALLEN AND PAULA BRISOTTO, BARCODED**

39

40 **[FSS.0001.0011.2124]**

41

42 MR HODGE: Q. And then if we bring up

43

44 [FSS.0001.0011.2125], do you see this is another email from  
45 Mr Howse to you and Ms Allen with an updated version of the  
46 Options Paper?

47

48 A. Yes.

49

50 Q. To, in Mr Howse' words, "make the option clear at the

51

52 end, and removed 'Experiments '?"

53

54 A. Yes.

55

56 Q. Do you say it's possible you didn't read this version?

57

58 A. I don't remember reading it, and I have no evidence  
59 that I provided feedback.



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Q. Is it likely that you would have received multiple versions of the Options Paper but not read any of them?

A. Well, with the first one, that was received on the 19th. I wasn't there at work, so I wouldn't have had an opportunity to read it. This one was received after I'd already left for the day, so I may not have read it, because during that period of time I was doing shorter hours.

Q. What I'm trying to understand is this issue of the Options Paper is one that has now been brought in from the whole senior management group to just a very tight group - you, Mr Howse, Ms Allen, Mr Ryan. Can you offer an explanation for why it is that it was brought in to that tight group?

A. No.

Q. Can you offer an explanation for why, if you were sending a version of the report to Mr Howse on 12 January and meeting with Mr Howse - I'm sorry, meeting with Ms Allen on 12 January, you would not have then read any versions of the Options Paper after that?

A. If I understood it to be just converting over, I might not have, or I might not have also had the time.

Q. But you know it wasn't just converting it over. You know that there were changes being made, because you know that Luke Ryan provided feedback, you know that Justin Howes has told you he's updated the options at the end and removed experiments?

A. Yes.

Q. You knew it was changing?

A. It was updating. To what extent, I might not have read it in detail, if I read it.

THE COMMISSIONER: Q. Ms Brisotto, one of the things I've learned in this inquiry is about how the scientific process involves peer review, so from the analysis of results that are then reviewed by somebody, and perhaps reviewed again by somebody, and also when papers are submitted to learned journals, they're peer reviewed before they're published, and usually anonymised --

A. Yes.

Q. -- and then in the case of project reports, there's

1 a long and elaborate process of circulating the document  
2 among the senior staff, who sign it, sign an approval.  
3 What I will need to understand is the significance, in this  
4 case, of the approvals that are signed on project reports  
5 finally. I know that when a proposal is put up, then  
6 managers in each area are asked about risks to them of this  
7 going ahead.

8 A. Yes.

9

10 Q. So that's clear. But in the end, as we discussed  
11 yesterday, the SOP provides for a quorum of managers in  
12 certain degrees to approve a project report.

13 A. Yes.

14

15 Q. Can you tell me, if you were to sign a project report,  
16 hypothetically, what does that signify? What does that  
17 mean, that you've signed it? What do you mean by your  
18 signature being attached to that document?

19 A. On a project report?

20

21 Q. Yes.

22 A. That I endorse the recommendations.

23

24 Q. And that must mean that you have read the document and  
25 you're satisfied with the soundness of the science in it  
26 and you approve of the recommendations, so you take  
27 responsibility for it as a manager and as a group you take  
28 responsibility?

29 A. Yes.

30

31 Q. So it's a significant thing, isn't it, if somebody  
32 refuses to sign it?

33 A. Yes.

34

35 Q. So this is different because there's no protocol,  
36 I gather, for that kind of signed approval of the Options  
37 Paper; but instead, Mr Howse prepared it and circulated it,  
38 had Mr Ryan review it - I don't know what "review" means in  
39 that context --

40 A. No, I don't, either.

41

42 Q. -- but it's sent to you and to Ms Allen. Can you help  
43 me with this, then: what was the significance of sending  
44 it to you? Did it bear any similarity to the kind of  
45 approval that we've discussed in relation to the formal  
46 signature of a project report? What was the purpose of it?  
47 What did it mean that you had been given it by Mr Howse?

1 A. To provide suggestions or - I'm not sure, because my  
2 signature wouldn't - or my name wouldn't have appeared on  
3 it at all.

4  
5 Q. No, so I just wonder, when we're so rigorous, as  
6 scientists, to ensure that a scientist or a group of  
7 scientists working on a project or an experiment or on any  
8 piece of work do not put forward the results of their work  
9 without having the sanction of certain colleagues, where  
10 this fits in to that kind of a system. It appears from  
11 what you're saying today that, for reasons you've explained  
12 and that I understand, you may not have paid a great deal  
13 of attention to this document, yet it's sent to you. So  
14 I wonder what - you can do these things informally,  
15 I understand that you may have rigorous standards for an  
16 SOP, but you can do it another way if it's sound, but  
17 what's the process here, as you understand it? What was  
18 being done? Who was approving things? Who was not? Would  
19 Ms Allen perhaps be in the same position as you, that if  
20 she was too busy or wasn't at work on a particular day and  
21 didn't read it, that we would assume that her imprimatur,  
22 her sanction, her approval, did not go with the document,  
23 that it was just Mr Howse's work then? And he puts it  
24 forward for review, obviously, or for your reading and for  
25 her reading - what's he expecting? What are we dealing  
26 with here? What is the status of this document as a sound  
27 piece of work coming from a Queensland Government  
28 laboratory?

29 A. Within this, I guess Justin would have expected  
30 feedback. Based on the email, some feedback was received  
31 between the first version and the second version.  
32 I assumed it was from Cathie, but I don't have any emails  
33 in response. I don't know of any other feedback.

34  
35 Q. But no feedback means approval. Does that follow or  
36 not?

37 A. No.

38  
39 Q. It might not - I mean, you tell me?

40 A. No, if you haven't fed back, I don't think that is  
41 approval.

42  
43 Q. I see. So this is then a process that's outside the  
44 normal scientific practice of peer review?

45 A. Yes.

46  
47 THE COMMISSIONER: Yes, Mr Hodge.

1  
2 MR HODGE: Q. I want to show you another document, then.  
3 This is after the Options Paper. Can we bring up  
4 [FSS.0001.0011.2119].  
5

6 Commissioner, I'm not sure I tendered those last two  
7 emails, so I should just tender them. So, Commissioner,  
8 I tender the email from Justin Howes of 22 January 2018 and  
9 also the email from Justin Howes of 19 January 2018.  
10

11 THE COMMISSIONER: The email of 22 January from Mr Howse  
12 to Ms Brisotto and Ms Allen is exhibit 118.  
13

14 **EXHIBIT #118 EMAIL OF 22 JANUARY FROM JUSTIN HOWSE TO**  
15 **PAULA BRISOTTO AND CATHIE ALLEN, BARCODED**  
16 **[FSS.0001.0011.2125]**  
17

18 THE COMMISSIONER: The email from Mr Howse of 19 January  
19 is exhibit 119.  
20

21 [This marking was later varied as the email was already  
22 marked as exhibit 117.]  
23

24 MR HODGE: Q. So this is the email that was sent by  
25 Ms Allen to the senior management on 5 February 2018?  
26 A. Yes.  
27

28 Q. Do you see it says:  
29

30 *On Friday, Paul Csoban and I met with the*  
31 *Superintendent of Forensic Services Group,*  
32 *Dale Freiburg and other QPS officers that*  
33 *the Supt requested to attend. We discussed*  
34 *the Options Paper attached, which I had*  
35 *provided to the Supt earlier in the week.*  
36 *The Supt has indicated verbally and by*  
37 *email that the QPS' preferred option is*  
38 *Option 2 - no automatic concentration of*  
39 *Priority 1 or Priority 2 samples.*  
40

41 A. Yes.  
42

43 Q. I'm interested in that. Option 2 wasn't to cease  
44 auto-microconning priority 1 samples, was it?  
45 A. No.  
46

47 Q. Did you discuss with Ms Allen how it was that the

1 superintendent had somehow modified option 2 to include  
2 priority 1 samples?

3 A. Not that I can remember at the time.

4

5 Q. At any time?

6 A. In relation to the email that was shown yesterday, it  
7 appears that would be my knowledge where, during the  
8 meeting, which I wasn't at, Superintendent Freiburg talked  
9 about priority 1 and priority 2 samples. That's what  
10 Cathie had advised.

11

12 Q. When you say that's what Cathie had advised, do you  
13 say that Ms Allen said that to you?

14 A. I don't know if she said that to me, I can't recall.  
15 I did look up, because one of the pieces of work I had to  
16 do last night was to look up the minor change register, and  
17 there was an entry on 12 February which referred to all  
18 priorities - priorities 1 to 3 - being ceased  
19 auto-microcon.

20

21 THE COMMISSIONER: Q. So let me understand this. The  
22 change register for about that date in February 2018 --

23 A. Yes.

24

25 Q. -- recorded that the micro-concentration of samples  
26 within the relevant quant range for all samples --

27 A. Yes.

28

29 Q. -- priorities 1, 2 and 3 would cease?

30 A. Yes.

31

32 THE COMMISSIONER: Thanks.

33

34 MR HODGE: Q. And could you see who had made that entry?

35 A. Justin.

36

37 Q. Mr Howse?

38 A. Yes.

39

40 Q. To come back to what I'm interested in understanding,  
41 can you recall ever having had a discussion with Ms Allen  
42 about how it was that the instruction was supposedly given  
43 by QPS to cease processing priority 1 samples in the  
44 low-quant range?

45 A. I can't recall other than the email on the 5th.

46

47 Q. This email?

1 A. Yes, I can't recall.

2

3 Q. You don't remember being curious about it?

4 A. If Cathie had advised that that's what the  
5 superintendent had asked, I don't understand why I would  
6 query that.

7

8 Q. Can we put that email up on one side of the screen and  
9 then can we bring up on the other side of the screen the  
10 email you got three days earlier from Ms Allen,  
11 [FSS.0001.0011.2115]. You see the last email in time on  
12 the right-hand side is an email Ms Allen is sending to you  
13 and Mr Howse saying:

14

15 *The QPS have agreed with Option 2, so we*  
16 *can proceed with that option. I will send*  
17 *out further information to management team*  
18 *but ... will not be sending the below*  
19 *email. This is just for your information*  
20 *only at this stage.*

21

22 A. Yes.

23

24 Q. When she emailed you on the Friday afternoon, which  
25 was hours after the meeting, she didn't say to you, "They  
26 also orally agreed with me that we would cease  
27 auto-microconning priority 1 samples"?

28

29 A. No.

30

31 Q. And she forwarded you the email that had come from  
32 Superintendent Freiburg, which had come 22 minutes earlier,  
33 and if we just scroll down to that, operator, this is the  
34 email where Superintendent Freiburg says:

35

36 *As discussed, I am in agreement that ...*

37

38 A. Yes.

39

40 Q. Presumably, this being an email that Ms Allen was  
41 saying to you she was only sending to you and wasn't going  
42 to send to the rest of the management team, you would have  
43 read the email that Superintendent Freiburg had sent?

44

45 A. Yes.

46

47 Q. And you would have seen that Superintendent Freiburg  
had said:

1           *As discussed, I am in agreement that ...*

2  
3       A.    Yes.

4  
5       Q.    And I want to suggest to you that wouldn't have  
6           surprised you, or that didn't surprise you at all at the  
7           time, because you well understood that Cathie Allen was  
8           going to this meeting seeking to have the police agree with  
9           a proposal that she was pushing to cease auto-microconning?

10      A.    I don't know whether I was surprised or not. I knew  
11           it was an outcome that was from the superintendent.

12  
13      Q.    But why would you think - why would Superintendent  
14           Freiburg be agreeing with anyone, if supposedly the lab was  
15           totally neutral and not recommending it?

16  
17      THE COMMISSIONER:   I think we went through that last time,  
18           Mr Hodge.

19  
20      MR HODGE:    I think we did.

21  
22      THE COMMISSIONER:   So it's not necessary to do it again.

23  
24      MR HODGE:    I think, to be fair to Ms Brisotto, given she  
25           has put in a further statement where she has traversed  
26           these issues again, she should have any opportunity she  
27           wants --

28  
29      THE COMMISSIONER:   If you like, but don't spend --

30  
31      MR HODGE:    I won't spend very long.

32  
33      THE COMMISSIONER:   Very well, thank you.

34  
35      THE WITNESS:   I don't - as I said last time, I don't think  
36           my opinion has changed.

37  
38      MR HODGE:    Q.    Do you see in the second point it says:

39  
40           *Option 2. "Cease the 'auto-microcon'*  
41           *process for Priority 2 casework ...*

42  
43      A.    Yes.

44  
45      Q.    It doesn't refer to priority 1 casework?

46      A.    No, it doesn't.

47

1 THE COMMISSIONER: Q. If you look at the email on the  
2 left, Ms Allen says:

3  
4 *The Supt has indicated verbally and by*  
5 *email ... no automatic concentration of [P1*  
6 *and P2] ...*  
7

8 And then we see the email in which the superintendent  
9 signifies the preference, and it's only, as was put in the  
10 Options Paper, to deal with P2 samples, not P1.

11 A. Yes.

12  
13 Q. Can you offer any explanation for how that could have  
14 come about? I know it's not your email. It seems to be,  
15 on one view, a misleading of the troops.

16 A. Yes. I can't explain other than the further email,  
17 I mean, that was November, I think, in 2018 - I could be  
18 wrong there - where Cathie in her email suggested that the  
19 priority 1 was a verbal, oral conversation.  
20

21 THE COMMISSIONER: All right, thanks.

22  
23 MR HODGE: I'll tender - Commissioner, we've tendered that  
24 email of 19 January 2018 twice, so apparently it's both  
25 exhibit 117 and also 119. So we might now make the email  
26 of 5 February 2018 exhibit 119, because the other one has  
27 already been tendered.  
28

29 THE COMMISSIONER: Exhibit 120.

30  
31 MR HODGE: No, sorry, this one will be 119.

32  
33 THE COMMISSIONER: Exhibit 119 was 19 January, Mr Howse'  
34 email of 19 January.  
35

36 MR HODGE: I'm told 117 is also the email of 19 January.  
37

38 THE COMMISSIONER: Oh, that's right. That's right. Is  
39 that the same email? Okay. So what do you want to do?  
40

41 MR HODGE: We'll just make 119 this email of 5 February  
42 2018.  
43

44 THE COMMISSIONER: Very well, then the email of 5 February  
45 from Ms Allen to the management team is exhibit 119.  
46  
47



1 EXHIBIT #119 EMAIL OF 5 FEBRUARY 2018 FROM CATHIE ALLEN TO  
2 THE MANAGEMENT TEAM, BARCODED [FSS.0001.0011.2119]  
3

4 MR HODGE: Thank you, and I apologise for less than  
5 seamless (indistinct).  
6

7 Q. Ms Brisotto, I want to show you another email, which  
8 is [FSS.0001.0011.2149]. This is an email the day after  
9 that 5 February email. Do you see Ms Allen's email is the  
10 first email in time, and then Mr Ryan has forwarded that  
11 email to Mr Howse, copied to you?

12 A. Mmm-hmm.  
13

14 Q. And says:

15  
16 *I'm putting in the VSTS request to change*  
17 *quant transition. Is auto-mic ceasing for*  
18 *P1 and P2 as per Cathie below, or just P2*  
19 *as per Options Paper?*  
20

21 A. Yes.  
22

23 Q. So I want to suggest to you it can't be that this  
24 issue of P1 or P2 samples just passed you by at the time,  
25 because you were copied in to the email from Mr Ryan, who  
26 reported to you, who had picked up on the obvious point,  
27 which is option 2 didn't include P1, and Cathie was saying  
28 both that the QPS had accepted option 2, and also that  
29 there would be no auto-concentration of priority 1 or  
30 priority 2?

31 A. Yes.  
32

33 Q. Can you explain it to us?

34 A. That a response was provided from Justin. I looked  
35 for that email. I found that email last night. I'm not  
36 cc'd in any reply, so I don't know what further discussions  
37 may have been done after that to clarify. The things  
38 I could find after that was Luke submitting the VSTS  
39 request and the minor change entry by Justin for all  
40 priorities.  
41

42 THE COMMISSIONER: Q. Well, you would have assumed,  
43 I take it, that - if you'd seen it at the time, that if  
44 Ms Allen was saying that they had agreed to P1 and P2,  
45 they'd agreed to P1 and P2?

46 A. Yes, I wouldn't have had another opinion.  
47

1 Q. You wouldn't think she was lying to you, so you would  
2 have accepted it?

3 A. Mmm-hmm.

4

5 MR HODGE: Q. I understand you've adopted that  
6 suggestion from the Commissioner, but let me just test this  
7 with you. You knew that the Options Paper only put forward  
8 ceasing auto-microcon for priority 2 samples, not  
9 priority 1 samples?

10 A. Yes.

11

12 Q. You had received the email from Superintendent  
13 Freiburg saying she agreed with the proposal and  
14 specifically quoting the part of option 2 that referred to  
15 ceasing auto-microcon for priority 2 samples?

16 A. Yes.

17

18 Q. You saw the email from Ms Allen to the senior  
19 management saying "QPS have adopted or chosen option 2" and  
20 then described it as ceasing auto-microcon for P1 and P2  
21 samples?

22 A. Yes.

23

24 Q. And then you saw an email from Luke Ryan raising the  
25 obvious question, which was: how could, on the one hand,  
26 the police have adopted option 2, which doesn't refer to P1  
27 samples, and on the other hand, having decided to not  
28 process priority 1 samples?

29 A. Yes.

30

31 Q. But you say you were totally oblivious to it?

32 A. Given that Cathie said priority 1 and priority 2, it  
33 was followed up by Luke. A response was provided,  
34 obviously, because the VSTS request was put in for all  
35 priorities.

36

37 THE COMMISSIONER: Q. What is VSTS?

38 A. VSTS is the program that we can put - was at the time,  
39 sorry, put enhancements into the forensic-register. So the  
40 request to change the programming in the forensic-register  
41 to accommodate the change in process for all priorities.

42

43 Q. So a quant within the range for P1 and P2 samples  
44 would automatically then, subject to review, be given  
45 a DIFP designation?

46 A. Yes.

47

1 THE COMMISSIONER: Yes, I understand. Thanks.

2

3 MR HODGE: I tender that email, Commissioner.

4

5 THE COMMISSIONER: Exhibit 120.

6

7 EXHIBIT #120 EMAIL ON 6 FEBRUARY 2018 FROM LUKE RYAN TO  
8 JUSTIN HOWES, CC'D TO PAULA BRISOTTO, BARCODED  
9 [FSS.0001.0011.2149]

10

11 MR HODGE: Q. Did Mr Ryan email you further about the --  
12 A. Further from this email?

13

14 Q. Yes.

15 A. No. Not that I could find.

16

17 Q. Did he discuss the change with you at all?

18 A. The change? Only prior to that, should he request the  
19 VSTS request, yes.

20

21 Q. I'll just show you that email. Can we bring up  
22 [FSS.0001.0011.2150]. Is that the email you're referring  
23 to?

24 A. Yes.

25

26 Q. So he was emailing you to ask you whether there was  
27 going to be an enhancement made, which presumably was an  
28 enhancement made to the forensic-register, was it?

29 A. Yes.

30

31 Q. And he's asking you whether or not he should do it?

32 A. Yes.

33

34 Q. And you're engaging with him about that?

35 A. Yes.

36

37 Q. Again, I just want to test that. You say you didn't  
38 turn your mind to the question, have any doubt about how it  
39 was that P1 samples were somehow now not going to be  
40 auto-microconned?

41 A. Not if that advice was being provided.

42

43 MR HODGE: I tender that email, Commissioner.

44

45 THE COMMISSIONER: The email of 6 February from  
46 Ms Brisotto to Mr Ryan is exhibit 121.

47

1 EXHIBIT #121 EMAIL OF 6 FEBRUARY FROM PAULA BRISOTTO TO  
2 LUKE RYAN, BARCODED [FSS.0001.0011.2150]  
3

4 MR HODGE: Q. So that I understand it, you didn't even  
5 ask Ms Allen, "In your email, you say they've chosen  
6 option 2, but you also say they're going to cease  
7 auto-microconning P1 and P2 samples, but that's not the  
8 same thing as option 2", you just didn't even ask her about  
9 it?

10 A. No, it doesn't appear I did.  
11

12 Q. It doesn't appear that you did?

13 A. No, there was no email.  
14

15 Q. You don't remember having done it?

16 A. There's no email record of that.  
17

18 Q. You say you just can't remember?

19 A. I can't remember a discussion about it. All I've got  
20 is emails.  
21

22 Q. Does it seem out of character for you?

23 A. To not ask?  
24

25 Q. Yes.

26 A. If that advice was provided, I don't know what verbal  
27 advice might have been provided. No.  
28

29 Q. Are you reluctant to challenge Cathie Allen?

30 A. I'll ask for clarification.  
31

32 Q. But in this case, where, if you're going to stop as  
33 a matter of course processing the most important - the  
34 samples from the most important crimes, you say you  
35 probably didn't even seek clarification?

36 A. I might have - I don't know what conversations  
37 happened at the time.  
38

39 Q. All right. I want to move forward to this year. By  
40 the beginning of this year, or some time early this year,  
41 it was apparent to you that a very serious issue had arisen  
42 in relation to this DIFP process?

43 A. Yes, there was discussion.  
44

45 Q. It was much more than that, wasn't it?

46 A. Yes.  
47

1 Q. It was a serious issue?

2 A. Yes.

3

4 Q. And the serious issue was that the police were  
5 pursuing you, pursuing the lab vigorously to try to  
6 understand what had happened and why it seemed like they  
7 were getting results when they asked for samples to be  
8 retested?

9 A. There was, yes, some emails.

10

11 Q. And at a certain point in time the police were simply  
12 requiring every DIFP sample to be reworked?

13 A. They were - I don't know if they were requiring every  
14 DIFP sample. They were requesting a lot, yes.

15

16 Q. Do you remember that a paper began being worked upon  
17 by you and Mr Howse?

18 A. A paper?

19

20 Q. Yes.

21 A. By me?

22

23 Q. I'll put it a different way. Do you remember that by  
24 March of this year, Mr Howse and you and Ms Allen were  
25 preparing an update paper in relation to the Options Paper?

26 A. Yes, Justin started drafting one, yes.

27

28 Q. And again, like the Options Paper from 2018, that  
29 wasn't being done as a project?

30 A. The request from both myself and Justin was to create  
31 it as a project.

32

33 Q. I understand. Tell me if this is what happened: you  
34 and - Mr Howse, anyway, suggested on more than one occasion  
35 by email that it should be done as a project?

36 A. I believe I offered it.

37

38 Q. By email?

39 A. (Nodded).

40

41 Q. And Ms Allen rejected that?

42 A. Yes.

43

44 Q. And why did she tell you that she was rejecting that?

45 A. She said, "Hold off", I believe, in an email, at least  
46 one. I can't remember what was in the other one.

47

1 Q. I'll come to that in a moment. Did you discuss it  
2 with her?

3 A. No.

4  
5 Q. You never discussed it with her?

6 A. I don't think so.

7  
8 Q. This is this year?

9 A. Yes.

10  
11 Q. This is in a context where a very serious issue has  
12 arisen in relation to the lab not having tested samples for  
13 the most serious crimes in the state. You and Mr Howse  
14 were asking for it to be done as a project in accordance  
15 with orthodox processes that you had within the lab, and  
16 Ms Allen was saying no, and you didn't discuss it with her?

17 A. The first draft, I believe, was at the end of March.  
18 Not long after that, Cathie advised us that Lara had asked  
19 her to hold.

20  
21 Q. That is, Lara Keller?

22 A. Yes. Sorry.

23  
24 Q. Did she tell you why?

25 A. I believe - it wasn't in the email, but I believe it  
26 was the DNA review had been announced by then.

27  
28 Q. When you say "the DNA review", do you mean this  
29 Commission of Inquiry or the other review?

30 A. The earlier one.

31  
32 Q. I see.

33 A. And in the email from Cathie - and I might be stating  
34 this wrong - Lara Keller had advised the superintendent of  
35 this.

36  
37 Q. Lara Keller had what?

38 A. Had advised the Superintendent, Bruce McNab, of that.

39  
40 Q. I'm sorry --

41 A. That it was on hold.

42  
43 Q. You'll need to - I'll show you an email. Can we bring  
44 up [FSS.0001.0051.4969]. This is a chain of emails from  
45 June?

46 A. Yes.

47

1 Q. If we perhaps go to the second page, which is 4970, we  
2 see on 10 June Mr Howse is emailing you and Ms Allen  
3 saying:

4  
5 *Please find attached [version] 2 of*  
6 *a report for review.*

7  
8 A. Yes.

9  
10 Q. And:

11  
12 *Allen has been through the corrections*  
13 *I made to the data and graphs ...*

14  
15 A. Yes.

16  
17 Q. That's Allan McNevin?

18 A. Yes.

19  
20 Q. Then you respond on 10 June and say:

21  
22 *As this is the report, and a tech review*  
23 *has been undertaken, should a project be*  
24 *created for it?*

25  
26 A. Yes.

27  
28 Q. Then if we go up to the first page, also on 10 June  
29 Justin Howes agrees and says:

30  
31 *Yes I think we should have a Project #.*

32  
33 A. Yes.

34  
35 Q. And says:

36  
37 *Should I also add in Mgt Team review table*  
38 *for signature.*

39  
40 A. Yes.

41  
42 Q. This wasn't the first time, was it, though, that  
43 Mr Howse had raised that there should be a project?

44 A. Yes.

45  
46 Q. He'd raised it earlier?

47 A. Yes.

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Q. Do you think you'd raised it earlier as well?  
A. I thought I did or I - yes.

Q. Then Ms Allen responds and says at the top of the page:

*Hi Justin & Paula*

*Let's just hold off on creating anything  
for the moment. I'm still awaiting  
feedback from Lara and Legal.*

A. Yes.

Q. Is this the email that you were referring to?  
A. No, there was something previous, at the start of April.

Q. I see, all right.

MR HODGE: I tender that email, Commissioner.

THE COMMISSIONER: The email of 10 June from - when I say the exhibit number is the top email, I mean the whole document, of course.

MR HODGE: Yes.

THE COMMISSIONER: The email of 10 June from Ms Allen to Mr Howse and Ms Brisotto is exhibit 122.

**EXHIBIT #122 EMAIL OF 10 JUNE FROM CATHIE ALLEN TO  
JUSTIN HOWSE AND PAULA BRISOTTO, BARCODED  
[FSS.0001.0051.4969]**

MR HODGE: Q. I just want to understand, when you're talking about April, do you mean that you have a recollection that in April Ms Allen said to you by email that Lara Keller didn't want it turned into a project?  
A. No, that we were to hold.

Q. Oh, I see. She didn't, in April, tell you why; she just said to hold or something to that effect?  
A. In the email, yes. I understood it - I'm not sure why - to be because of the DNA review being announced, and this particular one here refers to "legal", and I'm not



1 sure what legal advice that was.

2

3 Q. I'll show you that earlier email. Can we bring up  
4 [FSS.0001.0051.4964]. This is a chain of emails. We might  
5 begin with the first in time, which, Mr Operator, is on the  
6 last page, .4967. You'll see it's an email from Ms Allen  
7 to you and Mr Howse titled "Exec Briefing" and says:

8

9 *Can you please review and track changes on*  
10 *the attached? I've kept it really short to*  
11 *be succinct.*

12

13 A. Yes.

14

15 Q. By this stage - we'll come back to this in a moment -  
16 but by this stage, there was already a draft of a document  
17 that had been prepared by Mr Howse and that you had made  
18 comments on?

19 A. I believe so.

20

21 Q. In any event, if we then go to the page which  
22 is .4965, can we blow up that email in the middle of the  
23 page from Mr Howse to Ms Allen and you. Do you see  
24 Mr Howse says in the second line:

25

26 *I should raise as a Project #.*

27

28 A. Yes.

29

30 Q. And then if we go to the first page, we see Ms Allen's  
31 response, which is:

32

33 *Please don't raise it as a project just*  
34 *yet, but yes, we should have the data tech*  
35 *reviewed.*

36

37 A. Yes.

38

39 Q. And that's the email you're referring to?

40 A. No.

41

42 Q. Oh, there's another email?

43 A. There is.

44

45 Q. A later email, where you think --

46 A. Slightly, I think it was only a couple of days later,  
47 where Cathie advised us that Lara had advised not to

1 progress, and she'd informed the - Superintendent McNab of  
2 that.

3

4 Q. Had advised not to progress the review?

5 A. To progress any work on them, on these documents.

6

7 Q. Oh, I see. So at some stage in April of this year,  
8 Ms Allen told you that Ms Keller had said not to progress  
9 it any further?

10 A. Yes.

11

12 Q. Did you challenge that?

13 A. No.

14

15 Q. Why not?

16 A. Because it was - it didn't seem like it needed to be  
17 challenged. It was from Lara. Lara had already informed  
18 the superintendent.

19

20 Q. Did you ask for any explanation for why you weren't  
21 progressing it?

22 A. I don't believe so. I think the response from Justin  
23 was something along the lines of, "Yeah, sure."

24

25 Q. Did it occur to you that this was, to put it rather  
26 bluntly, a bizarre and unsatisfactory situation?

27 A. If my understanding is correct and it was being put on  
28 hold for the DNA review, and because at that stage the DNA  
29 review had been announced, if the review showed that  
30 something different needed to progress or to ensure that  
31 any data analysis or project was capturing the  
32 recommendations from the review, that was what it was  
33 waiting for.

34

35 Q. This work that you were undertaking in March of 2022,  
36 was it for the benefit of more senior people in Queensland  
37 Health or for police or both?

38 A. Both, I believe.

39

40 Q. How was it decided to undertake?

41 A. The specific decision point?

42

43 Q. Yes. Who came to you and said, "We need to do some  
44 work" and for whom?

45 A. I don't have records of that. As I said in my  
46 statement, I believe, the first emails that I have in  
47 relation to this are Justin providing the parameters for

1 the information grab, for lack of a better word, from the  
2 forensic-register, which was mid-February.

3

4 Q. Do you remember a conversation or a meeting that you  
5 and Ms Allen and Mr Howse had to talk about it?

6 A. Not specifically. It might have come out of  
7 a meeting, but I don't remember specifically, because that  
8 wasn't a task for me.

9

10 Q. Sorry, what wasn't a task for you?

11 A. The parameters for the forensic-register grab.

12

13 Q. I understand. Why, though - just do the best you can  
14 for us. Why was it that the three of you were sitting atop  
15 this problem and not including the rest of the senior  
16 management and not raising a project and not urgently  
17 reviewing the processes in the lab and not being seemingly  
18 catastrophically concerned about what it is that had  
19 happened for the last four years?

20 A. I don't - I don't know. I honestly don't. The data  
21 assessment, I know with - the emails that we were provided  
22 or included with later said a data assessment was going to  
23 be provided to the QPS within - I think at the end of  
24 February or the start of March, Cathie had advised the QPS  
25 that it was about two weeks for that, and so that's the  
26 information that I had.

27

28 Q. So did you understand part of the reason you were  
29 dealing with this issue was because the QPS had raised  
30 a concern?

31 A. Based on those emails, yes, that was the - given the  
32 time frame was given.

33

34 MR HODGE: Commissioner, I'll tender that email chain.

35

36 THE COMMISSIONER: The email of 30 March 2022 from  
37 Ms Allen to Mr Howse and Ms Brisotto is exhibit 123.

38

39 **EXHIBIT #123 EMAIL OF 30 MARCH 2022 FROM CATHIE ALLEN TO**  
40 **JUSTIN HOWSE AND PAULA BRISOTTO, BARCODED**  
41 **[FSS.0001.0051.4964]**

42

43 MR HODGE: Q. Then can we bring up [FSS.0001.0067.9288].  
44 You can see this is an email that you send to Mr Howse and  
45 copied to Ms Allen, with your tracked changes on a version  
46 of the review report?

47

A. Yes.

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Q. And if we move that to one side and then on the other side of the screen bring up [FSS.0001.0067.9289]. This is the attachment to that email, so this is the document where you've gone through and put comments in?

A. Yes.

Q. I can show you an example. If we go to page .9289\_0004, we can see you've gone through this document and you've added - we can see the first comment there, you've made a comment, and your comment is:

*The project assessed the results as suitable or unsuitable, and provided options to QPS. This reads as if a recommendation was put forward, which QPS accepted.*

A. Yes.

Q. Now, I'm interested in that. Project #184 was never completed?

A. Yes.

Q. You knew that?

A. Yes.

Q. And you knew that Project #184, as it had been intended to be before it was aborted, was not simply assessing the results as suitable or unsuitable?

A. Yes.

Q. It was intended to make recommendations to QPS?

A. Yes, at that stage, yes.

Q. And it wasn't doing results simply as suitable or unsuitable; it was identifying different ways of analysing information in relation to priority 2 samples?

A. Yes.

Q. So why did you put as a comment:

*The project assessed the results as suitable or unsuitable, and provided options to QPS.*

A. In reading that one, that was I guess my recall at the

1 time, without going back to the projects, because I didn't  
2 go back to 184 or the Options Paper, I don't believe.

3

4 Q. So you made a comment about what Project #184 was  
5 without going back to the project?

6 A. Yes.

7

8 Q. And did you go back to the Options Paper?

9 A. No, I don't believe I did.

10

11 Q. So you didn't go back to any of the documents at the  
12 time, but you were confident in saying, "This is what the  
13 project did", "and provided options to QPS", and made that  
14 specific point:

15

16 *This reads as if a recommendation was put*  
17 *forward, which QPS accepted.*

18

19 A. Yes, that was my understanding.

20

21 Q. The thing you were focused on was trying to make sure  
22 that this document didn't suggest that there had been  
23 a recommendation made to the QPS?

24 A. There's I think more feedback in the document, but  
25 that particular point, yes, because that was my  
26 understanding.

27

28 Q. But you didn't go back to look at the project, you  
29 didn't go back to look at the Options Paper; you just  
30 wanted to add this comment to make sure that this new  
31 document didn't suggest that a recommendation had been made  
32 to QPS?

33 A. Yes.

34

35 Q. Why?

36 A. Because that's - it didn't read like that.

37

38 Q. What didn't read like that?

39 A. The comment that was put in there, because it doesn't  
40 even talk about an Options Paper, I guess, in that  
41 particular point.

42

43 Q. But why were you even making that comment? You can't  
44 remember anything, seemingly, from now four and  
45 a half years ago. Why were you so fixated on making that  
46 point, that there was no recommendation made?

47 A. Because that was my understanding.

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Q. But you didn't go back to look at any of the documents?

A. No.

Q. You just had that understanding, so you just wanted to make that point?

A. Yes, I imagine so.

Q. I beg your pardon?

A. Yes, I believe so.

THE COMMISSIONER: Q. But why were you concerned about the appearance?

A. I don't know.

MR HODGE: Q. You do know, don't you? This evidence that you're giving - I have to put this to you - it's not true. By March of this year, you had recognised that what had happened back in 2018 was a very serious problem?

A. I think I had realised by that time that there was a concern that needed to be reassessed, yes.

Q. Are you agreeing with me? I just want to understand, do you really say in March of this year, even then, you didn't understand that there was a really serious problem that had arisen from what had been done in 2018?

A. Yes.

Q. You understood that then, didn't you?

A. Yes.

Q. And what you were trying to do was to shift the responsibility for that problem to the QPS?

A. I don't believe that is what that was alluding to.

Q. Why didn't you go back, once you'd recognised that there was a serious problem, to look at your own internal documents to say, "What did we" - "What were we going to recommend? Why were we going to recommend this? What did we say to the QPS?"

A. I don't know.

Q. But you do know, don't you? You know that it wasn't about what had actually happened; it was about taking a position to shift the blame to the QPS?

1 THE COMMISSIONER: Q. Come, come, Ms Brisotto. The  
2 whole sequence of events in making it an Options Paper and  
3 having them decide, so to speak, and putting the Options  
4 Paper to the management team without explaining the process  
5 that had undergone and the content of the interview,  
6 putting to the management team and to the scientists that  
7 henceforth P1 samples would also not be auto-microconned  
8 automatically if they fell within that range, and you're  
9 concerned that nothing that's now written should appear as  
10 though a recommendation was ever made - that was all to do  
11 with ensuring that if any blame fell for anything that had  
12 happened, which was now in the newspapers and had attracted  
13 ministerial attention, that any responsibility would lie  
14 with QPS, not FSS. That's what it's all about; it's  
15 obvious, isn't it?

16 A. I think it's a shared responsibility as well. I think  
17 the Options Paper at the time, and as I've stated before,  
18 didn't provide suitable information.

19  
20 MR HODGE: I tender those documents, Commissioner.

21  
22 THE COMMISSIONER: The email of 25 March attaching a draft  
23 of the review document is exhibit 124.

24  
25 **EXHIBIT #124 EMAIL OF 25 MARCH, BARCODED**  
26 **[FSS.0001.0067.9288], TOGETHER WITH ATTACHMENT, BEING A**  
27 **DRAFT OF THE REVIEW DOCUMENT, BARCODED [FSS.0001.0067.9289]**  
28

29 MR HODGE: Thank you, Commissioner.

30  
31 Q. And then I think we've identified the document that  
32 you were referring to before, Ms Brisotto. Can we bring up  
33 [WIT.0016.0047.0001]. This seems to be a further email in  
34 the chain that we looked at earlier, if we just blow up the  
35 email at the bottom of the page. Ms Allen said to you and  
36 Mr Howse:

37  
38 *Hi Paula & Justin*

39  
40 *Lara Keller ... verbally confirmed that she*  
41 *spoke with Supt McNab and advised that we*  
42 *wouldn't be issuing the document yet.*  
43 *Supt McNab confirmed that he understood*  
44 *this. Lara advised me that she will advise*  
45 *when this can be issued.*  
46

47 That doesn't seem to say that it shouldn't be raised as

1 a project.

2 A. No, but I believe some emails, based on feedback, if  
3 feedback was provided, Cathie indicated that "Hold that  
4 until we get the go-ahead." So no further work, no  
5 feedback incorporated beyond that email, I don't believe.

6

7 Q. And you said you thought that this was because the  
8 review had been called?

9 A. I believe so, and I'm not sure where that information  
10 has come from - if I've read it in another email.

11

12 MR HODGE: I tender that chain of emails.

13

14 THE COMMISSIONER: The email chain beginning with the  
15 email from Ms Allen to Mr Howse and Ms Brisotto of 5 April  
16 2022 is exhibit 124.

17

18 **EXHIBIT #124 EMAIL CHAIN BEGINNING WITH THE EMAIL FROM**  
19 **CATHIE ALLEN TO JUSTIN HOWSE AND PAULA BRISOTTO, DATED**  
20 **5 APRIL 2022, BARCODED [WIT.0016.0047.0001]**

21

22 MR HODGE: Q. Do you say you didn't, at the time, have  
23 an understanding of why exactly it was that Ms Allen was  
24 trying to restrict who knew about this work?

25 A. I don't know - no, I can't say with any certainty, no.

26

27 Q. You didn't ask her about it?

28

A. No.

29

30 Q. You didn't think: this serious issue has arisen;  
31 we're not even raising a project; that is bad scientific  
32 practice?

33 A. At that point in time, I mean, we asked, both Justin  
34 and I, about a tech review which is part of a project and  
35 creating a project. If Cathie has advised us to hold, and  
36 Lara has advised us to - well, Lara advised through Cathie  
37 to hold it, then there would be other reasons that we might  
38 not be privy to. I don't know.

39

40 Q. Let's come back and think about Project #184. The  
41 whole point of it in the first place was to attempt to  
42 scientifically evaluate whether it was a good or bad idea  
43 or whether there were good reasons not to test all of these  
44 samples. That was the point of the project four and  
45 a half years earlier?

46

A. Mmm-hmm.

47



1 Q. And four and a half years later, serious concerns,  
2 serious issues, had arisen about the decision that had been  
3 made back in 2018; do you agree?

4 A. Yes.

5  
6 Q. Why, as a matter of just basic good scientific  
7 practice within the lab, would you not have a project to  
8 evaluate this serious challenge to the scientific  
9 legitimacy of the lab?

10 A. I don't know. It was obviously Justin and my  
11 preference to do that.

12  
13 Q. But did you ask Ms Allen about it?

14 A. Not further, no. I don't believe so.

15  
16 Q. Did you ask Ms Allen to confirm that Lara Keller was  
17 saying, "Don't have a project"?

18 A. No. She didn't say - Lara didn't say, "Don't have  
19 a project"; she said, "Don't progress".

20  
21 Q. So it wasn't coming from Lara Keller not to have  
22 a project?

23 A. No, I don't believe so.

24  
25 Q. It was coming from Cathie Allen?

26 A. Yes.

27  
28 Q. And did you ask why?

29 A. I don't think we did.

30  
31 Q. Now, in June of this year, do you remember that you  
32 did some work at Ms Allen's request to check what the  
33 process had been in the lab before the February 2018  
34 decision?

35 A. Yes.

36  
37 Q. Did Ms Allen ask you to undertake that work?

38 A. I think - so this is just the email where I provided  
39 her with screenshots of information, I believe, is what  
40 you're referring to?

41  
42 Q. I've seen the email, but you must have a recollection  
43 of it. This is now four months ago.

44 A. I think - and my recollection is she called to ask,  
45 "Do you remember?", and I said, no, because I think the  
46 changeover for P+ to PP21 - oh, sorry, the reverse, PP21 to  
47 P+ for Profiler Plus occurred when I was on maternity

1 leave, so I actually had to go searching for it, and  
2 I said, "I'll search for you", so I did.

3

4 Q. Did she tell you why she wanted to know?

5 A. Not specifically, no, because a lot of information was  
6 being discussed at that time, too.

7

8 Q. Sorry, discussed at what time?

9 A. About creating - because I was creating a timeline of  
10 all changes that had occurred since quite early on, 2008,  
11 so I was going through all of that and creating it into  
12 a register, I guess, and she might have called me just to  
13 ask if I knew. I don't remember specifically the reasons  
14 why.

15

16 Q. Can we bring up [WIT.0014.0044.0001]. This is the  
17 email that Luke Ryan sent out to his team, copied to you?

18

19

20 Q. He said:

21

22 *The Premier has requested we test (amp) all*  
23 *samples in the current DNA Insufficient*  
24 *Range ...*

25

26 A. Yes.

27

28 Q. The consequence of that was that the samples in that  
29 low-quant range would now be tested, but they wouldn't be  
30 concentrated before being tested?

31

32

33 Q. Can you explain to us who gave him the instructions to  
34 send that email?

35

36

37 Q. He reported to you.

38

39 A. Yes. So whether I was advised because I believe the  
40 announcement happened about 1pm - honestly there has been  
41 so many phone calls and directions and change in process  
42 since that point in time, I can't remember specifically  
43 what phone calls were made. I might have called him  
44 shortly before that to say there's this change, because he  
45 would have received all the emails, the news alerts, which  
46 is what we receive from our library, would have advised  
47 that change was already announced, and because he is the  
supervisor of that team, his next thought will always be,

1 what processes need to change?

2

3 Q. So when you saw this email, were you surprised?

4 A. Probably not at that stage.

5

6 THE COMMISSIONER: Q. At some stage were you surprised?

7 A. By that particular email, no, because I believe the  
8 announcement or the --

9

10 Q. No, no, by the idea that samples within the range  
11 would not be micro-concentrated before amplification.

12 A. I don't recall being surprised or not surprised.  
13 I think at that point in time, the announcement happened at  
14 the same time as the Commission of Inquiry was announced,  
15 so that might have been more a focus.

16

17 MR HODGE: Q. You say the Commission of Inquiry might  
18 have been more of a focus?

19 A. Because I don't think any of us knew what it was --

20

21 Q. Going to be like?

22 A. Yes.

23

24 Q. But I'm interested in understanding this: were you  
25 surprised at any stage to discover that for samples in the  
26 low-quant range, they would be proceeding straight to  
27 amplification without micro-concentration first?

28 A. I don't think so, no, because it was an option. My  
29 understanding was that options were put forward.

30

31 Q. So I just want to understand this. Do you say you  
32 understood that somebody had put forward options to  
33 somebody else, and a decision had been made by somebody  
34 more senior not to do micro-concentration?

35 A. That is my understanding, yes.

36

37 Q. Who gave you that understanding?

38 A. Cathie, I believe.

39

40 Q. So Cathie Allen at some stage told you somebody else  
41 has made this decision?

42 A. Yes.

43

44 Q. Who did she say had made the decision?

45 A. I think she said - she may have referred to Cabinet,  
46 but I don't particularly know what that means, whether it  
47 was the Premier or the Health Minister or someone.

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Q. Who did she say had put forward information to her relating to this decision?

A. At a point in time, and I'm not remembering - I don't know where it falls within the timeline, but she's advised she had.

Q. She told you at some stage that she had provided information?

A. Yes.

Q. And was it the case that the reason that she came to you a few days earlier than this email was to get information that she could provide to that decision?

A. It might have been.

Q. You say you didn't discuss it with her?

A. No.

MR HODGE: I'll tender that email, Commissioner.

THE COMMISSIONER: The email from Mr Ryan to his team, copied to Ms Brisotto and Ms Allen dated 6 June 2022 is exhibit 125.

**EXHIBIT #125 EMAIL FROM LUKE RYAN TO HIS TEAM, COPIED TO PAULA BRISOTTO AND CATHIE ALLEN, DATED 6 JUNE 2022, BARCODED [WIT.0014.0044.0001]**

MR HODGE: Q. Can we then bring up [WIT.0014.0046.0001]. This is a chain of emails, but it's a chain you've looked at recently, I think, haven't you?

A. Yes.

Q. So I don't need to take you through it?

A. No.

Q. And it's a chain of emails where you're telling Ms Allen about what you found about what the process was immediately before the February 2018 decision?

A. No, this - this is back to 2012, I think.

Q. I see.

A. I think it's all of the process - sorry?

Q. You were going back to check all of the processes before February 2018; is that right?

1 A. Yes.

2

3 Q. Just out of curiosity, I had thought, but I might be  
4 wrong about this, that the version of the SOP immediately  
5 before the February 2018 decision was version 19.

6 A. You could be right.

7

8 Q. Okay. I'm just interested in, do you know why you  
9 were providing Ms Allen with information about the  
10 version 16 and version 17 SOPs?

11 A. As I said before, I think it was more about the  
12 question of when things changed and the whole process  
13 about, you know, what the samples went through and what  
14 ranges they went through and when it changed, because there  
15 has been a lot of changes.

16

17 Q. In this last email in time, on 2 June, you extract  
18 what was to happen from the version 17 SOP, so at that  
19 stage, the bottom end to the limit of detection that was  
20 being used was higher than 0.001; it was at that stage  
21 0.00214?

22 A. Yes.

23

24 Q. And you had identified that, just relevantly, for P1  
25 and P2 samples in a range of 0.00214 to 0.0088, they were  
26 being auto-microconned?

27 A. Yes.

28

29 Q. And you knew, didn't you, in early June 2022 that  
30 immediately before the February 2018 decision, P1 and P2  
31 samples in that low-quant range were being  
32 auto-microconned?

33 A. Yes.

34

35 Q. And so as you understood it on 6 June 2022, somebody  
36 very senior, apparently, had made the specific decision not  
37 to return to the pre-February 2018 workflow but to,  
38 instead, modify it and process all samples but not microcon  
39 them?

40 A. Yes, that appeared to be the case.

41

42 Q. Tell me if I'm right about this: you must have  
43 regarded that as fundamentally bad science?

44 A. I don't - not necessarily, no.

45

46 Q. But you auto-microcon for a reason, don't you?

47 A. To concentrate, yes.

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Q. No, you auto-microcon to concentrate --  
A. Yes.

Q. -- because it improves across the whole lot of samples  
in a general way the results that you obtain?  
A. Yes.

THE COMMISSIONER: Q. It improves the concentration?  
A. Yes.

MR HODGE: Q. And therefore improves your prospect of  
obtaining a profile?  
A. Yes.

Q. The reason that you had been auto-microconning  
pre-February 2018 was because you'd undertaken a project  
and identified that there was this benefit of  
auto-microconning; is that right?  
A. Yes.

Q. And you knew that in June of this year?  
A. Yes.

Q. So you must have thought, there is no scientific  
reason for us to not be auto-microconning these low-quant  
samples?  
A. It was - from my perspective I guess, it was - you  
know, we were told this is what was happening.

Q. And the consequence would be, wouldn't it, that you  
would expect that these samples in this low-quant range  
would be tested, but they would be far less likely to  
obtain a profile than if the auto-microcon process was  
used?  
A. I guess that's an evaluation that hadn't been done  
since the project.

Q. That's right. The last evaluation that you knew of  
gave you the knowledge that, barring some change, which  
no-one had identified, it would be far less likely that  
a profile would be obtained from these samples in the  
low-quant range that would now be tested as compared to if  
auto-microcon was happening?  
A. A suitable profile. Yes, it could improve some of the  
profiles. It might not have much of an effect on others,  
either.

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Q. I understand, but I think you're agreeing with me you knew on 6 June this year that the consequence of the decision that had apparently been made was that all of these samples would be tested, but they were far less likely to obtain a suitable profile than if auto-microconning was used?

A. Based on the validation, yes.

Q. And did you discuss that with Ms Allen?

A. No.

Q. Never?

A. No.

Q. Did you discuss it with Mr Howse?

A. No, I don't think so.

Q. You didn't discuss it with anyone?

A. I think I've discussed it with someone about, you know, the decision not being ours to make. It was much higher than us. And it is an opportunity for us to do some data-gathering as well. There are benefits to both, I think is what I said.

Q. To whom?

A. There was an email to Kylie Rika at the stage - at one point in time, but I don't remember talking to others because I think there was differing opinions.

Q. Ms Rika raised a concern about it?

A. She raised something in an email to me later. I don't know whether that was in later June or July, though.

THE COMMISSIONER: Q. But did you have conversations with your colleagues about the fact that somebody not in the lab, you know, it said the Premier, so somebody in government, had made this decision and you're being told to do this and that it appeared an odd thing to do? You must have --

A. I think there was - I could be wrong - there might have been a meeting post that where it was discussed, but I think the takeaway was the decision was announced.

MR HODGE: Q. So your takeaway?

A. My takeaway, sorry.

1 Q. Again, you tell me what you think about this  
2 proposition: what it looks like is that in February 2018,  
3 you and Mr Howse and Ms Allen kept things away from the  
4 management team so that you could procure a result from the  
5 QPS, and then in March through to June of this year you  
6 kept - whether at Ms Allen's direction or by your  
7 agreement, but you kept the re-evaluation of what had  
8 happened away from the rest of the management team, and  
9 then in June of this year Ms Allen asked you for  
10 information about what the process had been beforehand, and  
11 instead of it reverting to the process as it was  
12 immediately before February 2018, an entirely different  
13 process, which you must have regarded as scientifically  
14 invalid, was adopted, but the one advantage that it would  
15 have was that for those responsible for bringing about the  
16 decision in the first place, this reversion would make it  
17 look like the change had been less significant, because you  
18 would get fewer useable profiles with what everyone was on  
19 the surface thinking was a reversion from the February 2018  
20 decision. You know that, don't you?

21 A. No. No, I don't agree with that.

22  
23 Q. Why not?

24 A. Because I don't think the outcome of the change was to  
25 make it look like the samples weren't suitable. They still  
26 had an opportunity to be microconned. And also, there may  
27 be results within that range that didn't require  
28 concentration.

29  
30 THE COMMISSIONER: Q. Are you saying that from  
31 a scientific point of view, the approach that was  
32 attributed to the Premier could be justified?

33 A. I think there are, as I said, pros and cons to it  
34 because it was --

35  
36 Q. What are the pros?

37 A. The pros are that you could evaluate, I guess, those  
38 samples to see if they were getting suitable profiles  
39 without a concentration step, because a concentration step  
40 can also lose DNA - as I think it's been attested to - and  
41 a lot of them might not even need to be microconned,  
42 because if they're unsuitable because of their complex  
43 nature or there's no DNA profile obtained, so it gives an  
44 ability to have a look at the actual DNA profile obtained  
45 from the amplification to determine, I guess, the next best  
46 step.  
47



1 Q. Now, you knew from the Options Paper and the project  
2 work that had been done that samples within that range are  
3 expected to return a useable result only 10 per cent of the  
4 time?

5 A. That was after microcon and potentially --

6  
7 Q. Yes, that's right, so without microcon, it will be  
8 even less?

9 A. It might be, but --

10

11 Q. Might be? That was why microcon was introduced,  
12 according to the project report, wasn't it?

13 A. There was some, I guess, communication at a point in  
14 time where some of the reporting scientists were also  
15 sending straight to amplification without microcon  
16 something that was close to the upper limit of the range.

17

18 Q. But that was by the application of scientific  
19 judgment.

20 A. Mmm.

21

22 Q. This is an arbitrary rule which would result in it  
23 being certain, I suggest to you, that you would get less  
24 than 10 per cent useable results; isn't that so?

25 A. Yes, based on the data at the time.

26

27 THE COMMISSIONER: Yes, Mr Hodge.

28

29 MR HODGE: Q. Now, by July of this year, the police had  
30 realised what you were doing?

31 A. Yes, I guess, yes.

32

33 Q. Can we bring up [WIT.0014.0045.0001], and if we go  
34 to - this is a chain of emails, but I just need to start,  
35 Mr Operator, with an earlier email in the chain. If we go  
36 to the page which is .0002, do you see at the very bottom  
37 of that page there's an email from Acting Superintendent  
38 Pobar to Helen Gregg dated 20 July 2022?

39 A. Yes.

40

41 Q. If we go over the page, you'll see Acting  
42 Superintendent Pobar says:

43

44 *Further to the below query, I am seeking*  
45 *further clarification of the current*  
46 *testing process by QHFSS announced by the*  
47 *Minister. With the 0.0088ng/ $\mu$ L threshold*

1           *removed, are some samples now being*  
2           *processed without any microconcentration*  
3           *step in place. Ie those between .001*  
4           *and .0088 which would potentially benefit*  
5           *from concentration.*

6  
7       A.    Yes.

8  
9       Q.    Then the next email in the chain is, if we go back to  
10       that page, we see Ms Gregg forwards the email to Cathie  
11       Allen and says:

12                   *Could you please advise me asap?*

13                   *I understood that we were concentrating*  
14                   *everything now. Is that correct?*

15  
16  
17  
18       If we then go to the first page, we see an email from  
19       Ms Allen to Ms Gregg, and I just want to note something, if  
20       we just scroll up a little bit further, Mr Operator, keep  
21       going, you see then Cathie Allen later that day forwards  
22       the email chain to you and Mr Howse?

23       A.    Yes.

24  
25       Q.    And says "FYI"?

26       A.    Yes.

27  
28       Q.    Was this something you were discussing with her at the  
29       time?

30       A.    I don't believe so.

31  
32       Q.    Did you read the email chain?

33       A.    I think I did.

34  
35       Q.    So you were aware that the police were asking whether  
36       you were concentrating, and you were aware that Ms Gregg  
37       had said, "I assumed you were concentrating"?

38       A.    I don't think I read all the way down to the bottom  
39       because I didn't realise it was from Inspector Pobar.

40  
41       Q.    Then you see what Ms Allen says in the third  
42       paragraph:

43                   *Prior to the announcement of the commission*  
44                   *of inquiry, the [director-general]*  
45                   *requested options for processing that did*  
46                   *not include the "DNA insufficient" process.*  
47

Options were provided and the Premier announced that Cabinet had decided that the DNA insufficient process was no longer being used, and all samples were being processed. From this, we take it that the Premier and Cabinet did not appear to choose the option that included concentration of samples within a particular range, given potential workplace health and safety issues.

A. Yes.

Q. Then you see in the last paragraph, it says:

*From a Forensic DNA Analysis perspective, the most conservative option has been chosen - in that all samples are being profiled, concentration can be done once an appropriate evaluation of the resulting profile has been reviewed, and allows the work unit to gather data on the effectiveness of the concentration step when applied to samples with low quantitation values.*

A. Yes.

THE COMMISSIONER: Q. Now, that's the proposition you advanced a moment ago, isn't it?

A. Yes.

Q. Let's examine that. We know that more than 90 per cent of samples will not return a useable result, don't we?

A. Yes, that was based on all of the instruments and equipment we had at the time, too.

Q. And so we know that in 90 per cent of cases, a concentration step will have to be taken after the first processing of the sample?

A. Yes.

Q. And by that stage - you spoke about waste. By that stage, 15 microlitres of the sample will have been used up; yes?

A. Yes.

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Q. So you spoke about the potential for waste, because you might get a profile, so if we adopt the microcon process automatically for these samples, we might waste some part of the sample in the microcon process, but that would pertain to less than 10 per cent of the samples; but if we progress without microconning, we know for certain that we'll have wasted the amount of DNA contained in the 15 microlitres in over 90 per cent of the samples. So the waste argument doesn't work, does it; would you agree?

A. Yes, I would agree from that perspective.

Q. So why are you trying to defend the indefensible, Ms Brisotto?

A. I think with the new instruments - I mean, with the decision that was I guess placed on us from our - well, my understanding at the time, looking at it as an opportunity to gather data and see what we can assess from that as well is something that, you know, we can take away from it as well. Whether it's microconned or whether it's straight to amplification, I felt the choice wasn't ours, it was made for us. This email here was the, I guess, first information in writing to me that discussed what was actually done in the process. I didn't know options were provided to the DG before this. So in --

Q. No, I'm asking you why are you attempting to defend the indefensible now, in the witness box?

A. I still think there's - there is opportunity to gather data. The microcon process is a process that can be better refined, I think, still. We had new instruments at the time that we haven't reassessed post implementation --

Q. Are you saying you thought this would be a good time to experiment?

A. No, I don't say that.

THE COMMISSIONER: Mr Hodge.

MR HODGE: Q. So when you had this email forwarded from Ms Allen, you said this was the first time that you discovered that options had been provided to the director-general?

THE COMMISSIONER: Mr Hodge, perhaps we might take a break.

1 MR HODGE: Yes, thank you.

2

3 THE COMMISSIONER: We will break until 10 to 12.

4

5 **SHORT ADJOURNMENT**

6

7 THE COMMISSIONER: Yes, Mr Hodge.

8

9 MR HODGE: Q. Thank you, Commissioner.

10

11 Q. Ms Brisotto, just before we broke, we were looking at  
12 this email from Ms Allen on 20 July 2022.

13

14

15 Q. I might have misunderstood something that you said.

16 Did you say this was the first time that you became aware  
17 that options had been presented to somebody?

18

19 A. No. No. The detail within this. It was I think

20

21 I believe, that options had been provided for a decision,

22

23 so, because I didn't realise the DG was involved at that

24

25 Q. You didn't realise the director-general was involved?

26

27

28 Q. I see. But you must have known back on 2 or 3 June  
29 that there were options that were being prepared?

30

31

32 Q. Surely you realised the reason you were undertaking  
33 this work to go back and look at what the previous SOPs  
34 were was for the purposes of options?

35

36

37 Q. You spoke to Ms Allen about why you were undertaking  
38 the work?

39

40 A. She asked a question. I don't think she needed me to  
41 find out. She said, "Do you remember?", and I said, "No,  
42 I'll have a look." "Oh, don't worry about it", and I did  
43 find the information.

44

45 Q. Let's go back to the email chain. If we go to

46

47 [WIT.0014.0046.0001], I think looking at this first

48

49 page will be sufficient. Do you see halfway down that

50

51 page there's the first email you send on 2 June 2022 at

1 5.34pm?

2 A. Yes.

3

4 Q. You were saying:

5

6 *Hi Cathie*

7

8 *I found this in the ... [version] 16*

9 *SOP ...*

10

11 A. Yes.

12

13 Q. Then you set out what it is that you found?

14 A. Yes.

15

16 Q. Then if we go to the email at the top of the page, do  
17 you see you then say further to Ms Allen - you sent her  
18 another email at 6.12pm and you say "Yay!"

19 A. Yes.

20

21 Q. Just ell us what you say was going on. Why were you  
22 saying, for example, "Yay"?

23 A. Because this information was, I believe, in relation  
24 to changes that had occurred in 2013 after the reversion  
25 back to Profiler Plus, basically, what were the processes,  
26 what was the range and what the process - occurred during  
27 the analytical steps. So it was basically post  
28 implementation of PP21, what were the steps.

29

30 Q. But you sent Ms Allen an initial email with what you  
31 found?

32 A. Yes.

33

34 Q. And presumably you sent that email because she had had  
35 a discussion with you and asked you to find information?

36 A. She asked me a question. I believe it was, "What was  
37 the process after", or something along those lines.

38

39 Q. Then you send her another email 40 minutes later. Did  
40 you speak in between?

41 A. No.

42

43 Q. You said "Yay" because you had found the version 17  
44 SOP?

45 A. I'd found that specific information that seemed to  
46 relate to February 2013 processes.

47

1 Q. What was the information that she wanted to find?  
2 A. I believe it was just about when, maybe, auto-microcon  
3 started. I don't remember specifically. It was a phone  
4 call.  
5  
6 Q. Why?  
7 A. I would have assumed because she wanted the  
8 information for something. I don't know what.  
9  
10 Q. But you say she didn't tell you?  
11 A. She didn't tell me, no.  
12  
13 Q. She just said, "Can you find" --  
14 A. Yes.  
15  
16 Q. -- "information about the auto-microcon" --  
17 A. I think she said something along the lines of "Do you  
18 remember" or "Do you know". I wouldn't have known at that  
19 time without going and looking for SOPs.  
20  
21 Q. So after hours on 2 June, you were searching out this  
22 information?  
23 A. I would have been working from home at that stage.  
24  
25 Q. Yes, but that is at 6.12pm?  
26 A. Yes.  
27  
28 Q. You're searching out this information?  
29 A. Yes, not because she asked me to.  
30  
31 Q. She didn't tell you it was urgent?  
32 A. No.  
33  
34 Q. She didn't tell you why she wanted it?  
35 A. No.  
36  
37 Q. You were just searching it out?  
38 A. Yes.  
39  
40 Q. And then you say some time later you found out that  
41 there were options that had been presented to somebody?  
42 A. I believe she advised the management team that options  
43 were provided.  
44  
45 Q. And then to come back to that email, which is  
46 [WIT.0014.0045.0001] and blowing up that third paragraph,  
47 when she said:

1  
2           *From this, we take it that the Premier and*  
3           *Cabinet did not appear to choose the option*  
4           *that included concentration of samples ...*  
5

6           Who was the "we" as you understood it?

7           A.    Cathie and above.  
8

9           Q.    So you thought you were being told, or by reading this  
10           email you were understanding, that all that had come from  
11           the Premier and Cabinet was that they didn't want the DNA  
12           insufficient process to be used, and therefore it was  
13           thought that Premier and Cabinet had chosen not to do  
14           micro-concentration?

15          A.    That's what we thought, yes.  
16

17          Q.    When you say "we thought", did you think it as well?

18          A.    Yes, I did think that they - Cabinet, whoever made  
19           that announcement or decision - chose the direct to  
20           amplification.  
21

22          Q.    I want to understand that. Do you say you - who told  
23           you that Premier and Cabinet had chosen direct  
24           amplification?

25          A.    Cathie.  
26

27          Q.    Cathie told you?

28          A.    I believe so, yes.  
29

30          Q.    And tell me if you agree with this: even if on 2 June  
31           of this year you had been oblivious as to why it was that  
32           Ms Allen was asking you what the auto-microcon process had  
33           been a few years ago, you must have realised on 6 June,  
34           when the announcement was made, why she'd been seeking that  
35           information?

36          A.    Yes, I might have put it together. I --  
37

38          Q.    Did you put it together?

39          A.    There was a lot of questions around that, to the point  
40           where we actually created a timeline, because it was -  
41           I was getting questions like that all the time.  
42

43          Q.    From whom?

44          A.    A variety of different people.  
45

46          Q.    In June?

47          A.    Not in June. I think in - later than that, we put



1 a timeline together because we had been asked those  
2 questions a number of times - well, I had been.

3

4 Q. And who were the people asking you those questions?

5 A. I think - well, in relation to some of the notices as  
6 well, it was trying to figure out when things fit in in the  
7 timeline, so we created a timeline for the no DNA detected  
8 and DNA insufficient processes.

9

10 Q. When did you first realise that somebody had been  
11 misled, up in government, about what the process had been  
12 before February 2018?

13 A. I'm not sure when I became aware of that. It might  
14 have been after the next decision. I'm not sure.

15

16 Q. Before the next decision, which was in August of this  
17 year --

18 A. Yes.

19

20 Q. -- you were already fielding queries as to what the  
21 process had been before February 2018?

22 A. And back to 2012 and 2013 as well. It was all the way  
23 through.

24

25 Q. You were already fielding queries, before the decision  
26 in August 2019, about what the process had been before DIFP  
27 was introduced?

28 A. Yes, for a variety of reasons.

29

30 Q. What do you mean, "for a variety of reasons"? What  
31 are the variety of reasons?

32 A. When the DNA insufficient line came back in to be  
33 used, when it stopped being used, what were the different  
34 limit of detection thresholds - so all of those sort of  
35 questions were being asked in provision of information for  
36 the Commission but also - yes, basically the Commission.

37

38 Q. When did you become aware that Cathie Allen had told  
39 somebody superior to her that the process before February  
40 2018 had been to go straight to concentration for samples  
41 in the DIFP range - sorry, straight to amplification for  
42 samples in the DIFP range?

43 A. I don't remember specifically. I don't know whether  
44 it was on or after or around the next decision, because  
45 I am aware through a number of different, I guess,  
46 mechanisms now that she said she made a mistake.

47

1 Q. Have you seen the communication that she sent or that  
2 was sent as to what the process had been immediately before  
3 the February 2018 decision?

4 A. I don't recall if I have, no.

5

6 Q. You know, don't you, that it must have been sent after  
7 you had told her on 2 June what the process had been?

8 A. I imagine it would be.

9

10 Q. Did you speak to her on 2 or 3 June about what the  
11 process had been as you had found it from looking through  
12 the SOPs?

13 A. No, not after sending the emails.

14

15 Q. Have you spoken to her since then about how it is that  
16 she could have told somebody that the process was to go  
17 straight to amplification, given your emails to her about  
18 what the process had been?

19 A. No, I haven't.

20

21 Q. Have you spoken or discussed that with anyone else?

22 A. No.

23

24 Q. Can we bring up [WIT.0014.0052.0001].

25

26 THE COMMISSIONER: Mr Hodge --

27

28 MR HODGE: We don't need to tender that one, Commissioner,  
29 because it's part of Ms Brisotto's witness statement.  
30 Sorry, I may have been jumping the gun on the answer.

31

32 THE COMMISSIONER: No, the email from Ms Brisotto to  
33 Ms Allen of 2 June about her findings about the SOP hasn't  
34 been tendered.

35

36 MR HODGE: No, but it's part of Ms Brisotto's witness  
37 statement.

38

39 THE COMMISSIONER: I see. All right, thank you.

40

41 MR HODGE: Q. This is an email that you sent on  
42 16 August 2022 to Helen Gregg?

43 A. Yes.

44

45 Q. Where you say:

46

47 *Hi Helen.*

1  
2 *I provided this info below to Cathie some*  
3 *time ago, which may be useful to you ...*  
4

5 A. Yes, yes.  
6

7 Q. So by this time, by 16 August 2022, Ms Gregg must have  
8 spoken to you?

9 A. She was asking me about the process in place, too.  
10

11 Q. Why?

12 A. Because she was in the executive - acting executive  
13 role and she was asking me about some of the standard  
14 operating procedures in relation to basically the  
15 timelines.  
16

17 Q. I just want to understand it. Do you say that that is  
18 the limit of what she explained to you as to why she was  
19 asking about it?

20 A. Yes, I believe so.  
21

22 Q. So nobody told you at this time that there had been  
23 information provided up in Queensland Health that had been  
24 incorrect about what the process had been before February  
25 2018?

26 A. I don't believe so.  
27

28 Q. And so you say it was after the second decision that  
29 was made that you became aware that incorrect information  
30 had been provided?

31 A. It might have been the day of or after.  
32

33 Q. And how did you become aware?

34 A. I don't know whether it was Cathie who advised, but  
35 I don't remember the specific date.  
36

37 Q. This is now two months ago.

38 A. Yes.  
39

40 Q. You don't remember?

41 A. There has been a lot of changes, whether it was on the  
42 day or after, no, I don't.  
43

44 Q. This surely must be, in your professional career, one  
45 of the most significant things that you have experienced?

46 A. It is, and it's also one of the busiest times and the  
47 most stressful times I've experienced.

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Q. And so you just can't remember, you can't help us?

A. There is - not specific days, not specific times. There's been phone calls, conversations - there's been a lot. So in order of where that would have fit in the timeline, I can't pinpoint it with any certainty.

Q. Were you upset?

A. Upset?

Q. To discover what had happened?

A. I don't think I was upset. It was a decision that was - it was a decision that was reverted back, and we got the DG direction to microcon everything and then retrospectively do that. So it was just then the next step of, how do we do that, how do we achieve that?

Q. Just looking at what you say on the face of it, on 2 June of this year you're having a discussion with Ms Allen about what the historical process had been about micro-concentration before the February 2018 decision, and you'd gone back and you'd investigated it and you'd sent her an email - yes?

A. Yes.

Q. And then on 6 June, a decision was announced which did not accord with what you knew was the process immediately before the February 2018 decision?

A. I don't think I - no. It was a decision made, and the way it was presented was straight to amplification.

Q. And it was a decision that did not accord with what you understood to be good science?

A. It was a decision that was made. I think at this point in time we were - I felt like we were being directed to change to that.

Q. And then at some point you were told by Cathie Allen that options had been presented to somebody and they'd apparently chosen an option which you regarded as bad science?

A. I didn't say it was bad science. It was an option that was chosen. I can't decide what their reasons were.

Q. But you thought it was bad science?

A. I thought - there was, as I said - micro-concentration was one option, but also another option is the direct to

1 amplification, which is still a process of progressing  
2 through DNA testing.

3

4 Q. Yes, but to come back to my question, it's bad science  
5 based on the information that you had?

6 A. It wasn't the process pre-2018, no.

7

8 Q. The process pre-2018 was based on a scientific  
9 evaluation?

10 A. Yes.

11

12 Q. So it was bad science?

13 A. It was still a decision we were directed, is my  
14 belief; is what I was told, sorry.

15

16 Q. By Cathie Allen?

17 A. Yes.

18

19 Q. And then in July 2018 - sorry, July 2022, suddenly the  
20 police are expressing concern because they've just realised  
21 that you're not doing auto micro-concentration, and you  
22 knew that?

23 A. Yes.

24

25 Q. And then you saw an email from Cathie Allen where she  
26 said something that you must have regarded as ambiguous, or  
27 strange, which was that some unknown people had taken it  
28 that the Premier and Cabinet had chosen the option of not  
29 concentrating?

30 A. Yes.

31

32 Q. And so you apparently understood, in July 2022, that  
33 unknown people, Cathie Allen and above, had thought that  
34 the Premier and Cabinet had chosen an option that you  
35 regarded as bad science?

36 A. And they still - well, my belief or my understanding  
37 is still that was a decision we were directed to do, so we  
38 implemented.

39

40 Q. I'm not asking you about that. I think you know that.  
41 I'm asking you about your understanding of what was in this  
42 email. Your understanding was that Cathie Allen was now  
43 saying that she and unknown people above her had understood  
44 that the Premier and Cabinet had chosen the option that you  
45 regarded as bad science?

46 A. Without knowing what exactly - the details that were  
47 in the options put forward, I don't know, I don't know what

1 the reasons or the rationale was --

2

3 Q. I'm not asking you about why they made the decision.  
4 I'm asking you about what you understood to be what had  
5 occurred. You know that, and I need you to answer that  
6 question, please. Do you say that in July of this year,  
7 you understood from this email from Ms Allen that she and  
8 people superior to her in Queensland Health had taken it  
9 that the Premier and Cabinet had chosen the option that you  
10 regarded as bad science?

11 A. It was - I wouldn't call it bad science. Possibly  
12 not - not the option pre-2018.

13

14 Q. And then at some later point, in about August of this  
15 year, you became aware that Ms Allen had provided incorrect  
16 information about what the process had been immediately  
17 before the February 2018 decision?

18 A. Yes, at some point in time.

19

20 Q. And you say now you can't remember exactly when it was  
21 that you discovered that she'd provided incorrect  
22 information?

23 A. No, I don't know if it was after the decision was  
24 made. That was discussed above my level.

25

26 Q. Did you draw a connection at all in your own mind  
27 between the fact that she must have provided this incorrect  
28 information almost immediately after you had provided the  
29 correct information to her?

30 A. Yes.

31

32 Q. And did you raise that with anyone?

33 A. No.

34

35 Q. Why not?

36 A. They're standard operating procedures. Anyone could  
37 find this information as well. I don't know what was put  
38 in the options or what was provided in the email to the DG.

39

40 Q. And suddenly in mid-August this year, you were  
41 receiving urgent inquiries, weren't you, from people  
42 superior to you about what exactly it was that the process  
43 had been?

44 A. Helen was asking questions, and because I'd already  
45 prepared that, I provided it.

46

47 Q. This situation or this discovery of what had

1 occurred - I just want to understand, as a professional,  
2 did you regard this as appalling?

3 A. Appalling? It was something that happened. It was  
4 a mistake - I mean, my perspective now, it was a mistake  
5 that was made and it was something that now was being  
6 fixed.

7

8 Q. Do you regard it as satisfactory management within the  
9 DNA lab of Forensic and Scientific Services?

10

11 MR DIEHM: Could I ask for the question to be clarified as  
12 to precisely Mr Hodge is asking about.

13

14 THE COMMISSIONER: Yes, do you regard what as  
15 satisfactory?

16

17 MR HODGE: Q. Do you regard the saga from June to August  
18 of this year in relation to not processing samples through  
19 to auto micro-concentration and providing the wrong  
20 information to superiors and treating a decision to revert  
21 to the pre-2018 decision as not involving going straight to  
22 auto micro-concentration - do you regard that as  
23 satisfactory management within the DNA lab?

24

25 A. I think - I mean, that's a difficult question to  
26 answer. I don't think - it's not obviously ideal, but it  
27 was a mistake that, from my understanding, Cathie owned up  
28 to and acknowledged.

28

29 MR HODGE: I see. Could you just give me one moment,  
30 Commissioner? Commissioner, I'm going to move to  
31 a different topic.

32

33 THE COMMISSIONER: Yes.

34

35 MR HODGE: Q. I want to now ask you about a series of  
36 different things, Ms Brisotto. The first is, can we bring  
37 up [FSS.0001.0051.5008]. You'll see this is a chain of  
38 emails where the latest email in time is an email that  
39 Mr Howse is forwarding to you on 8 March 2019?

40

41 A. Yes.

42

43 Q. The subject is "Forward: DNA Insufficient for further  
44 processing"?

45

46 Q. Do you see it's forwarding an email from Alicia  
47 Quartermain?

1 A. Yes.  
2  
3 Q. Have you looked at this document recently?  
4 A. Yes, I have  
5  
6 Q. You know, then - I don't need to take you through it -  
7 Ms Quartermain was raising a concern about reporting DIFP  
8 in statements and its potential falsity?  
9 A. Yes.  
10  
11 Q. And Mr Howse was then passing on that concern to you?  
12 A. He was, yes, providing it for my information.  
13  
14 Q. And did you discuss it with him?  
15 A. No, I don't believe so.  
16  
17 Q. Did you do anything about it?  
18 A. No. It was an FYI.  
19  
20 Q. It was an FYI?  
21 A. Email, yes.  
22  
23 Q. Just take a moment to think about this. The FYI that  
24 you were being sent was by a person at the same level as  
25 you informing you that a member of the DNA lab is concerned  
26 that the statements being made to courts and to criminal  
27 law practitioners are false?  
28 A. Yes.  
29  
30 Q. That was how you understood it?  
31 A. In reading that, yes, but I guess from my perspective,  
32 this email was raised to the senior scientist of that team  
33 and also included four of the management team members or  
34 all of the management team members of the FRIT team, who  
35 are the team responsible for reporting.  
36  
37 Q. Why was he forwarding it to you?  
38 A. For my information.  
39  
40 Q. You say he never discussed it with you?  
41 A. I don't believe so.  
42  
43 Q. You never took - you never did anything about it?  
44 A. I don't believe so.  
45  
46 Q. You thought it was irrelevant to your --  
47 A. Not irrelevant. It was already being handled from -



1 I guess reading this email now, for the team leader of the  
2 reporting team as well as the three senior scientists  
3 within that team.  
4

5 Q. But when you say it was "being handled", it's an email  
6 that's sent to Ms Rika and copied to Mr Howse and Ms Lloyd  
7 and Ms Johnstone, and then if we just scroll up, operator,  
8 he then forwards this email that he's copied to to you, and  
9 you say you never discussed it with him?

10 A. I don't believe so. I cannot recall.  
11

12 Q. Can you think of any reason why he'd forward it to  
13 you?

14 A. Not - no, not specifically, no.  
15

16 Q. Was there any discussion of it at management team  
17 meetings that you attended?

18 A. Not that I can recall, no.  
19

20 Q. Did anyone provide any information to you that  
21 suggested that it had been addressed in some way?

22 A. No. I don't believe so. I've looked, and I could not  
23 find anything further than that.  
24

25 Q. So do the best you can for us. What explanation can  
26 you offer for why you did nothing about it?

27 A. If it was already raised to the team leader  
28 responsible for reporting of results and interpretation of  
29 results, then it's not something for me to action.  
30

31 Q. Can you see the problem for the credibility of the  
32 Queensland lab of the possibility that scientists are  
33 signing statements that they believe contain false  
34 language?

35 A. Yes.  
36

37 Q. Could you see it at the time?  
38

39 THE COMMISSIONER: Q. You didn't see it at the time,  
40 obviously, otherwise it would have provoked you to do  
41 something, wouldn't it?

42 A. I would like to think so, yes.  
43

44 Q. So why didn't it provoke you to do something?

45 A. I don't know whether that - and I guess that's the  
46 thing, is, you know, what discussions happened within the  
47 group of people there, I don't know. I don't attend the

1 reporting meetings. I --

2

3 Q. You were the team leader for evidence recovery and  
4 quality?

5 A. Yes.

6

7 Q. Does evidence recovery encompass the quantitation  
8 process or not?

9 A. Yes.

10

11 Q. Yes, so what you were being told is that the work  
12 you're doing in quantitation, the work that your team was  
13 doing for which you're responsible, arriving at quants and  
14 in designating them as insufficient for further processing  
15 was leading to falsehoods being stated in evidence in  
16 court, and you thought it wasn't your business? I think  
17 that's how you - the effect of what you said earlier.

18 A. In relation to the wording in the statements?

19

20 Q. No. In relation to the fact that your work was  
21 falsely describing these as insufficient for further  
22 processing. You don't see that?

23 A. Yes, I do, but I've also - I guess I've read that  
24 email to also allude to the wording in the statements.

25

26 Q. Well, what are they supposed to do when your team  
27 submits a result as DNA insufficient for further  
28 processing, are they supposed to ignore that? Aren't they  
29 supposed to adopt that? Isn't that the SOP?

30 A. The SOP is to adopt it. The wording in the statements  
31 is something separate to that, because of - the "DNA  
32 insufficient" line and the expanded comment is not  
33 reflective in the wording in the statement.

34

35 Q. Then why do so many statements that I've seen contain  
36 "DNA insufficient for further processing"?

37 A. I think that's been addressed recently.

38

39 Q. Yes, and why - what's the answer?

40 A. The further information or clarification needed to be  
41 provided in the expanded wording to encompass that it was  
42 low level and further reworking may obtain a DNA profile.

43

44 THE COMMISSIONER: Yes, Mr Hodge.

45

46 MR HODGE: Q. Can we just go down that email, back to  
47 the body of it. Do you see the first paragraph of what

1 Ms Quartermain says is, she is identifying that P1 samples  
2 have been going straight through to  
3 auto-micro-concentration based on their quant values and:

4  
5 *A number of them have produced useable*  
6 *profiles ...*  
7

8 A. Yes.  
9

10 Q. I'm interested in understanding, was there a reason  
11 this didn't provoke you to take steps to re-evaluate  
12 whether it was a good idea not to be processing samples in  
13 that low-quant range?

14 A. No, I don't think - I don't remember anything further  
15 being raised from this.  
16

17 Q. But this is information that's provided to you.  
18 You're a senior manager.

19 A. Yes.  
20

21 Q. None of this provoked you to think, we need to  
22 re-evaluate what we're doing?

23 A. No, obviously not.  
24

25 Q. Is it because you just do whatever Cathie Allen tells  
26 you to do?

27 A. No, I don't think so.  
28

29 THE COMMISSIONER: Q. Have you ever opposed her in  
30 anything, in the whole of your career?

31 A. Yes.  
32

33 Q. Yes? What?

34 A. I can't think of anything at the moment.  
35

36 THE COMMISSIONER: Yes.  
37

38 MR HODGE: I tender that email, Commissioner.  
39

40 THE COMMISSIONER: The email from Ms Quartermain of  
41 7 March 2019 is exhibit 126.  
42

43 **EXHIBIT #126 EMAIL OF 7 MARCH 2019 FROM ALICIA QUARTERMAIN**  
44 **TO KYLIE RIKA AND OTHERS, FORWARDED TO PAULA BRISOTTO BY**  
45 **JUSTIN HOWES, BARCODED [FSS.0001.0051.5008]**  
46

47 MR HODGE: Q. I want to then ask you something about the

1 process by which DIFP and no DNA results are validated.

2 A. Yes.

3

4 Q. Do you accept these propositions: that items have  
5 been reported as no DNA or DIFP which may have come from  
6 rich sources of DNA, like blood or sperm?

7 A. Yes, they - if they fell within that quant range, yes,  
8 they would have been reported as that.

9

10 Q. And also that items were reported as no DNA or DIFP  
11 where there was a photograph available which would show  
12 that the sample was clearly from blood?

13 A. It would indicate that there might be staining that  
14 could be blood.

15

16 Q. And do you accept that QPS photographs are available  
17 on the forensic-register?

18 A. They are available. Sometimes they're not very clear.

19

20 Q. For scientists, it would not be laborious for them to  
21 check those photographs for samples, or certain classes of  
22 samples, before validating no DNA or DIFP?

23 A. It depends on where in the process they were looking,  
24 because if they're navigating to different screens of the  
25 forensic-register, it could take some time.

26

27 Q. Do you accept that it's not part of the process --

28 A. Yes, I accept that.

29

30 Q. -- to check the photographs of samples before  
31 validating it as no DNA or DIFP?

32 A. Yes.

33

34 Q. And do you accept that you, given your role, should  
35 have instituted a change to the policy to ensure that there  
36 was some form of checking against the photographs?

37 A. It depends on if checking against the photograph is  
38 going to provide any additional information, because  
39 sometimes the photographs are from information that's not  
40 going to be useful.

41

42 THE COMMISSIONER: Q. Well, how do you know that if you  
43 don't check the photos? That's what you're being asked.

44 A. Yes, whether there is information there or not, you  
45 might not be able to make an assessment of it.

46

47 Q. But there might be?

1 A. There might be, yes.

2

3 Q. So the question to you is, wasn't it part of your job,  
4 your responsibility, to see that the process of  
5 quantitation involved the relevant scientist looking at the  
6 photographs for what information that might be there that  
7 might be useful in determining what to do with the sample  
8 or not?

9 A. Yes, if that was deemed as part of the process that we  
10 wanted, we would have, yes, implemented it. It would have  
11 required forensic-register changes, but yes.

12

13 MR HODGE: Q. So why didn't you?

14 A. It wasn't, at that point in time - at this point in  
15 time, it's not considered part of the role of the  
16 analytical scientist reviewing that. They're assessing the  
17 aspects of the quantification process.

18

19 Q. But the problem is, as you know, that you have  
20 a process in which samples will be - there will be  
21 quantitation in relation to the samples, and they will be  
22 validated as either no DNA or DIFP, accepting there has  
23 been a change recently in relation to DIFP, and then they  
24 won't be further tested?

25 A. Not at that point, no.

26

27 Q. When you say "not at that point", unless somebody  
28 specifically asks for them to be further tested --

29 A. Yes.

30

31 Q. -- they won't be further tested?

32 A. That is correct.

33

34 Q. And there's no reason why they will go over to the  
35 reporting team unless they - if they've been put as either  
36 no DNA or DIFP?

37 A. They would if there was other samples within the case  
38 that they were assessing.

39

40 Q. I see, they might have gone over if there was some  
41 other sample?

42 A. Yes.

43

44 Q. And do you say if it had gone over, they then would  
45 look at that again?

46 A. They could, yes, as a case assessment, yes.

47

1 Q. Why not, why not, given that you were in control of  
2 what was going on on that analytical side, why not have  
3 some process to actually check what these samples were  
4 from?

5 A. It would have - I mean, we could have, we could have  
6 created a workflow around it and implemented changes within  
7 the forensic-register, and that would have been after the  
8 implementation in 2017.

9

10 Q. Can we bring up [WIT.0020.0007.0001]. We might come  
11 back to that in a moment. Have you read Inspector  
12 Neville's statement?

13 A. No.

14

15 Q. Do you know that Inspector Neville identifies in his  
16 statement some examples of things that were validated as no  
17 DNA?

18 A. No.

19

20 Q. I see. Has anybody brought to your attention, before  
21 this Commission commenced, that samples that were from, for  
22 example, a pool of blood had been validated as no DNA?

23 A. Not before the Commission, or not before this recent  
24 investigation.

25

26 THE COMMISSIONER: Q. That's because you and your staff  
27 don't look at photos; isn't that right?

28 A. Yes.

29

30 MR HODGE: I'll come back to that in a moment.

31

32 Q. So would it have been, or do you think it would have  
33 been accepted by Ms Allen if you had raised the possibility  
34 of having a workflow process where your scientists were  
35 going to start looking at photographs before validating no  
36 DNA or DIFP?

37

38 THE COMMISSIONER: I'm sorry, what was the question?

39

40 MR HODGE: I asked her if she thought it would be accepted  
41 by Ms Allen, but that might be slightly unfair.

42

43 Q. I'm wondering, what I want to understand is, is  
44 a reason why you never raised it because you didn't think  
45 it would be received positively by Ms Allen or somebody  
46 else in the lab?

47 A. No.

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Q. It just never occurred to you?

A. No, it didn't.

Q. I want to then ask you about the sperm microscopy issue.

A. Yes.

MR HODGE: I'm told I have the pinpoint that I was looking to. Operator, can we go to .0010.

Q. Maybe if we blow up the bottom part. So that's an example of what Inspector Neville had identified as the source of the sample that was validated as no DNA.

A. Okay, yes.

Q. Do you think if - we're interested in understanding this. Do you think if scientists were routinely checking the photographs before they validated a sample as no DNA or DIFP, that that would be more likely to cause them to retest something like that or look at it further?

A. Yes, they might, in assessing that sample and other samples within the case as well. That wouldn't be the analytical scientists doing that, because they don't do that case assessment. That would have to be a shift.

Q. Do you think part of the problem at the moment is this division where you don't have somebody who is effectively managing the case from the very beginning when it comes in?

A. That is - and I guess the way the workflow has been set up for, you know, sample-by-sample reporting, it is - it's a contributing factor. It can be something that can be, I guess, managed within the forensic-register if we do change some workflows.

THE COMMISSIONER: Q. The way this works is that the scientist doing the quant work takes a sample, not knowing what it is or what the context is from which the sample was taken, and doesn't know whether it's blood or semen or saliva or anything else, and runs it through the quant process and gets a quant and then enters that onto the computer?

A. Yes.

Q. So that doesn't require any thinking, does it?

A. They need to assess the quantification batch to ensure it's passed all the quality checks, but other than that --

1  
2 Q. That's right, so absolutely no thinking apart from  
3 ensuring that the work has been done correctly according to  
4 scientific standards, and so on through the lab up to the  
5 point where the case managers come into play, nobody is  
6 required to apply any thought or context to the work  
7 they're doing except to get the technical side of it done  
8 correctly?

9 A. Yes, in the analytical team, yes.

10  
11 Q. And so the model is a production line where each  
12 person has a particular practical duty to perform and  
13 performs it, and part of that involves not taking the time  
14 to ask the question, "What am I dealing with here; let's  
15 look at the evidence, the photograph, in order to determine  
16 whether the result that I'm getting will make sense",  
17 because that would involve time taken to think - is that  
18 right?

19 A. Part of their role is not to do the case assessment.  
20 That's not what they're trained to do, so --

21  
22 Q. No, that's not what they're trained to do and that's  
23 because it would take time to do it, and you, as the person  
24 responsible for that team, don't want them to take time to  
25 do it; you want them to get the results out, whatever they  
26 are - good or bad, reliable or not reliable, just get them  
27 out?

28 A. No --

29  
30 Q. Well, explain, then, why your staff aren't required to  
31 do something as basic as look at the photos? What's the  
32 reason for that?

33 A. The reason - it is not built into the  
34 forensic-register --

35  
36 Q. I know. What's the reason for it?

37 A. The reason it's not something they've done in the  
38 past. It's --

39  
40 Q. So you haven't thought about it, have you?

41 A. No, I haven't.

42  
43 MR HODGE: Q. Do you think it's fair to say that the lab  
44 in Queensland is really set up as if it is dealing just  
45 with volume crime?

46 A. I don't know, in comparison to other labs, how they  
47 set up. I mean, they - it is an item-based lab. We have



1 been that way for some time. And that processing does  
2 enable samples to be - or results to be released when the  
3 sample itself is ready, not the whole case. So there are  
4 benefits to that. And, yes, with the case assessment of  
5 volume cases, they can be item based like that. There is,  
6 I guess, more case allocation for major cases within the  
7 laboratory.

8  
9 Q. It's still sample by sample for a priority 2 case that  
10 comes in?

11 A. Yes.

12  
13 Q. So, for example, that means that no-one is, right from  
14 the very beginning, looking at all of the samples for  
15 a case, which is a serious case - a rape or a sexual  
16 assault or a murder - and evaluating what are the best  
17 samples to test and by what method?

18 A. Only the - so once it's within the lab, no, because  
19 most of the items are received in tube ready for testing.

20  
21 Q. The consequence is no-one, for example, is even  
22 looking at photographs to see, where is this sample from?

23 A. At the reporting stage when they're doing a statement,  
24 they will be, yes.

25  
26 Q. But not at the analytical stage?

27 A. Not at the analytical stage.

28  
29 Q. Not at the gateway stage, as to whether something is  
30 going to go through for further processing?

31 A. No, they're not.

32  
33 Q. And no-one is looking at the samples and, for example,  
34 evaluating which samples it would be best to test and in  
35 what order and with what methods? For example, no-one is  
36 saying there are two samples here; one is a high vaginal  
37 swab, one is a low vaginal swab; it would make sense in  
38 this case to first test the high vaginal swab, which may  
39 mean that it is not necessary to test the low vaginal swab  
40 at that time?

41 A. Sexual assault cases, or SAIK cases, do get an  
42 examination strategy by the evidence recovery team.

43  
44 Q. Oh, so you do go through and --

45 A. For SAIKs, yes.

46  
47 Q. -- make that sort of evaluation?

1 A. Yes, for SAIKs.

2

3 Q. But if you were dealing with a murder, you wouldn't do  
4 it?

5 A. The murders will often come with samples in a tube  
6 ready for testing.

7

8 THE COMMISSIONER: Q. How do you go about working out  
9 a strategy for SAIK cases?

10 A. Well, that is not something that I do, so I would  
11 refer to the SOP. But the evidence recovery staff would  
12 have a look at the examination notes provided by the doctor  
13 collecting, which will have some history and other details  
14 within it. That is one of the, I guess, case histories  
15 that we get, and they will have a look at that and  
16 basically come up with an examination strategy based on  
17 standard operating procedures as well. At this moment, all  
18 samples do get submitted for differential lysis, and they  
19 will then check the microscopy after that.

20

21 THE COMMISSIONER: Yes, thanks.

22

23 MR HODGE: We can take that photo down, Commissioner.

24

25 Q. I just want to then understand one other aspect of the  
26 process. Can we go back to a document I showed you  
27 yesterday, which is [FSS.0001.0051.4999]. This is the  
28 chain of emails where Cathie Allen is forwarding emails on  
29 to you and Justin Howes?

30 A. Yes.

31

32 Q. The email she's forwarding on, if we look at the  
33 bottom of the page, is her email exchange with Acting  
34 Inspector Simpfendorfer?

35 A. Yes.

36

37 Q. If we go over the page to page .5000 and just blow up  
38 the last full paragraph on that page, which begins:

39

40 *Whilst the Microcon process ...*

41

42 Do you see it says:

43

44 *... since mid Feb, scientists have reviewed*  
45 *those results and requested a Microcon*  
46 *process if in the context of the case it*  
47 *could have been of potential benefit.*

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A. Yes.

Q. Is that true?

A. For the cases that they're assessing.

Q. No, I'm sorry, I'll read you the whole sentence. It says:

*Whilst the Microcon process has not been automatically applied to Major crime samples ... since mid Feb, scientists have reviewed those results and requested a Microcon process if in the context of the case it could have been of potential benefit.*

A. Yes.

Q. Is that sentence true?

A. Not for every sample, no.

Q. How often, if ever, was it true as at the end of 2018?

A. I wouldn't be able to comment on that. I would have to go and search the data.

Q. Would it be in most DIFP cases that they would be assessed by a scientist?

A. For priority 2s, if they were allocated to a scientist, yes, but possibly not most.

Q. You know it wasn't most, don't you?

A. Yes, no, it probably wouldn't have been most, because some of the cases would not have been allocated, no.

Q. It would only be a fraction?

A. It would be a fraction, yes.

Q. It would only be if they were looking at it because other samples had come through?

A. Yes.

Q. And therefore prompted them to look at other samples?

A. Yes.

Q. I suspect I know what your answer is going to be, but were you aware that Ms Allen had provided this information

1 to the police in November 2018?  
 2 A. I received - was I on the receiving end of this email?  
 3 I think I was. Again, I might not have read it in any  
 4 great detail.  
 5  
 6 Q. Did you have a discussion with Ms Allen at any stage  
 7 about what information she was providing to police?  
 8 A. No, not the detailed information that she was  
 9 providing.  
 10  
 11 Q. She forwarded you, though, a number of emails, didn't  
 12 she?  
 13 A. Yes.  
 14  
 15 Q. Did she forward you the correspondence she was having  
 16 with police?  
 17 A. Yes.  
 18  
 19 Q. But you don't remember reading those in any detail?  
 20 A. It - not in any detail. They were very long emails.  
 21  
 22 Q. And you don't remember discussing them with her?  
 23 A. I - no, I don't recall.  
 24  
 25 Q. Doing the best you can for us, can you think of  
 26 a reason why she would have said this to the police?  
 27 A. That scientists were assessing?  
 28  
 29 Q. Yes.  
 30  
 31 THE COMMISSIONER: Q. That scientists have reviewed  
 32 those results.  
 33 A. And would auto-microcon. Because that was her  
 34 understanding.  
 35  
 36 Q. Where could she have gotten that from?  
 37  
 38 THE COMMISSIONER: Oh, it doesn't matter. You go ahead,  
 39 Mr Hodge.  
 40  
 41 MR HODGE: I'm told that hasn't been tendered. I tender  
 42 that email.  
 43  
 44 THE COMMISSIONER: What's the date of it?  
 45  
 46 MR HODGE: 15 November 2018.  
 47

1 THE COMMISSIONER: The email from Ms Allen to Ms Brisotto  
2 and Mr Howse of 15 November 2018 is exhibit 127.

3  
4 **EXHIBIT #127 EMAIL FROM CATHIE ALLEN TO PAULA BRISOTTO AND**  
5 **JUSTIN HOWSE, DATED 15 NOVEMBER 2018, BARCODED**  
6 **[FSS.0001.0051.4999]**  
7

8 MR HODGE: Q. I want to move to another topic. In  
9 mid-2016, you returned from maternity leave?

10 A. Yes.

11  
12 THE COMMISSIONER: What date was that?

13  
14 MR HODGE: Mid-2016.

15  
16 THE COMMISSIONER: Thank you.

17  
18 MR HODGE: Q. When you returned, at that time there was  
19 the sperm microscopy issue that had arisen?

20 A. Yes.

21  
22 Q. Do you remember whether you had any discussions with  
23 anyone about the urgency of the issue?

24 A. No, I can't recall. I think the main topic of  
25 discussion on my return was a HR issue.

26  
27 Q. Did you have any involvement in the implementation of  
28 what's described as the workaround?

29 A. I possibly did have, as part of the management team.

30  
31 Q. But you can't specifically remember now?

32 A. No. I know it was at the start of August that it was  
33 implemented.

34  
35 Q. Did you have any involvement in any discussion about  
36 whether retrospective testing needed to be carried out?

37 A. I don't think at that time I did, no.

38  
39 Q. Was that not your role?

40 A. Retrospective testing?

41  
42 THE COMMISSIONER: Q. No. Deciding how to handle  
43 samples in the extraction phase.

44 A. For differential lysis?

45  
46 Q. For everything that - once it's pointed out to you  
47 that something has gone wrong, wasn't it your

1 responsibility to consider what ought to be done?

2 A. Yes.

3

4 Q. Whether something might have been missed and, if so,  
5 what?

6 A. So the modified process was in place, and Project #181  
7 was already being commenced to investigate that.

8

9 Q. But that was for the future. What about what might  
10 have been missed and how long this has been going on for -  
11 isn't that your bailiwick?

12 A. It would have, I guess, come out of the initial  
13 investigations from 181 - from the Project #181 to  
14 determine what the issue was and the potential impact to --

15

16 Q. And do you know if Project #181 was concerned with  
17 examining how many samples might have been missed and when  
18 the problem first arose?

19 A. I don't believe at that stage it was.

20

21 Q. So that wasn't going to look after it, and this is  
22 completely within your department, namely, extraction of  
23 DNA, and I gather from what you're saying that you didn't -  
24 and it didn't occur to you that samples that could have  
25 been evidentiary might have been missed, and you didn't  
26 know for how long the problem that had been identified by  
27 the scientists who brought their concerns to Ms Reeves -  
28 for how long that problem had existed?

29 A. No, I didn't.

30

31 MR HODGE: Q. Did you take any steps to answer those  
32 questions?

33 A. No.

34

35 Q. Why not?

36 A. I expect that I was awaiting the outcome of 181.

37

38 Q. How long were you prepared to wait?

39 A. I don't think anyone anticipated the project to go for  
40 as long as it did.

41

42 Q. The project also changed, didn't it?

43 A. It did, as it was - I guess depending on the results,  
44 which projects can do.

45

46 Q. So at the end of Project #181 after the four years,  
47 the result of that wasn't to say, "We don't need to be

1 concerned about samples from 2010 to 2016", was it?

2 A. No, it didn't.

3

4 Q. So does that mean you've never satisfied yourself  
5 about whether or not there was an issue for samples between  
6 2010 and 2016?

7 A. I don't - I think - yes, it needed to, I guess, look  
8 for the parameters of what samples could be missed and what  
9 we needed to further reassess.

10

11 Q. When you say "it" needed to, it's your team, it's your  
12 responsibility?

13 A. It is the team that actually performs the tasks.  
14 I didn't think it was - well, I don't think it would be  
15 just an isolated process for evidence recovery and quality.  
16 I think it would require case assessment as well.

17

18 Q. But even assuming that's true, why is it that even  
19 today you've not satisfied yourself as to this question of  
20 whether there needs to be retesting for samples for 2010 to  
21 2016?

22 A. I can't answer that.

23

24 THE COMMISSIONER: Q. But, you know, you must have been  
25 aware that this spermatozoa issue was being aired in public  
26 in this Commission?

27 A. Yes.

28

29 Q. And even then, it didn't strike you that you had  
30 better do something about it and find out for how long it  
31 had been going on for and what might have been missed?

32 A. It has been discussed recently about what potentially  
33 that we could look for in a review.

34

35 MR HODGE: Q. How recently?

36 A. Within the last couple of days.

37

38 Q. And who has discussed it?

39 A. Helen Gregg.

40

41 Q. She has raised the issue with you?

42 A. Yes.

43

44 Q. That's after the Commission called an expert - after  
45 Clint Cochrane gave evidence?

46 A. Yes.

47

1 Q. I want to then ask about something else. There was  
2 some evidence that was given by Ms Caunt which was about  
3 having raised a concern about PP21 at half volume?

4 A. Yes.

5

6 Q. I think you're familiar with that evidence, because  
7 you've been directed to what it is that Ms Caunt said and  
8 you've responded to it in your statement?

9 A. Yes.

10

11 Q. I just want to understand that a little bit. Do you  
12 recall Ms Caunt raising an issue with you or a concern  
13 about doing it at half volume?

14 A. No, I can't remember an issue being raised directly to  
15 me.

16

17 Q. But is it possible that she raised it directly with  
18 you?

19 A. She might have. I can't recall. That was --

20

21 Q. It was certainly the case, wasn't it, that it has been  
22 known or it was known within the lab some years ago that  
23 there was an issue with half volume?

24 A. It was certainly something that was highlighted post  
25 implementation.

26

27 Q. Yes, I understand. So after it was implemented, it  
28 was apparent that there was an issue with doing it at half  
29 volume?

30 A. Yes, it became apparent.

31

32 Q. Do you remember whether an issue or concern had been  
33 raised beforehand?

34 A. No, I can't.

35

36 Q. Is it possible that it was?

37 A. It might have been, but I can't remember.

38

39 Q. Is it the case that doing PP21 at half volume is  
40 a cost saving compared to doing it at full volume?

41 A. It is a cost saving, yes.

42

43 Q. Do you remember whose idea it was to do it at half  
44 volume?

45 A. It was part of the validation to assess at both half  
46 and full --

47



1 Q. Yes, but who suggested it?

2 A. I think it was common practice for a lot of  
3 laboratories to look at half and full volume at that time.

4  
5 Q. You know that Ms Caunt says that you said to her that  
6 Cathie said that it was to be done at half volume or  
7 something to that effect?

8 A. Yes, I believe that's what she said.

9  
10 Q. And do you say you wouldn't have said that or didn't  
11 say that to Ms Caunt, or you're not sure?

12 A. I really can't remember the conversation, so I can't  
13 say what I said. And I guess in thinking about that, half  
14 and full volume were both validated as being fit for  
15 purpose in the validation report, and half volume was the  
16 one recommended to implement.

17  
18 Q. I'm just interested, though, just focusing on the idea  
19 that it was necessary to implement at half volume, because  
20 what Ms Caunt suggests is that you said to her that you had  
21 to implement at half volume because Cathie had said so?

22 A. I certainly think that was a management team decision  
23 which Cathie was part of, to implement at half volume.

24  
25 Q. Does that mean your understanding is Ms Allen wanted  
26 to implement at half volume?

27 A. Yes, if it was fit for purpose, yes.

28  
29 Q. Because it was a cost saving?

30 A. It was --

31  
32 Q. Is that right, that's what you understood?

33 A. Yes, yes.

34  
35 Q. She wanted to do it at half volume because it was  
36 a cost saving?

37 A. Yes, but that was after assessment that it was  
38 suitable to implement.

39  
40 Q. I want to then ask about another validation, which is  
41 in relation to QuantStudio 5. Can we bring up  
42 [FSS.0001.0005.0767]. This is the project report for  
43 QuantStudio 5.

44 A. Yes.

45  
46 Q. You're not an author of this report?

47 A. No.

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Q. But you would have, if we go over to I think the second or the third page --

A. I would have been an endorser.

Q. Yes, it looks like that's not signed. In any event, you would have endorsed it?

A. Yes.

Q. In relation to the limit of detection, you're aware of an issue that has been raised in this Commission about problems with the limit of detection?

A. In relation to - sorry?

Q. Are you aware of evidence that was given about an issue with the limit of detection being 0.001 ng/ $\mu$ L not having been properly validated?

A. Not in detail in this Commission, no.

Q. Do you agree with the proposition that in order to validate the limit of detection, you would need to test samples that went below --

A. Yes.

Q. -- what was the limit of detection?

A. Sorry. Yes, I do. I do recall that being raised.

Q. In accepting a limit of detection validation, would you have reviewed the data that was used?

A. I would have reviewed what information was in the experimental design and the final report. I wouldn't have gone to the raw data.

Q. I'm just trying to understand, was there a reason that you didn't realise that the limit of detection hadn't been properly validated?

A. No. Basically, reading this report, I would have assessed it as being suitable. I wouldn't have signed it, otherwise.

Q. Then I want to move to a different topic, which is in relation to the cleaning method for bones.

A. Yes.

Q. You're aware that an issue has arisen in the Commission --

1 THE COMMISSIONER: Mr Hodge, it's just after 1 o'clock.  
2 How long are you going to be?

3  
4 MR HODGE: If I tell you that, then you'll double it.  
5 I think I'll be less than 15 minutes.  
6

7 THE COMMISSIONER: All right, then we will adjourn now  
8 until - Ms Brisotto, would you prefer 2.15 or 2.30?  
9

10 THE WITNESS: I don't mind.  
11

12 THE COMMISSIONER: All right. Is there anybody else  
13 giving evidence today?  
14

15 MR HODGE: No. No-one wants to ask Linzi Wilson-Wilde any  
16 questions about her report.  
17

18 THE COMMISSIONER: So we'll just tender that?  
19

20 MR HODGE: Yes, and there will be perhaps just a very  
21 short summary from Ms Hedge about it.  
22

23 THE COMMISSIONER: All right. We will make it 2.30, then.  
24

25 MR HODGE: Thank you.  
26

27 **LUNCHEON ADJOURNMENT**  
28

29 THE COMMISSIONER: Yes, Mr Hodge.  
30

31 MR HODGE: Thank you, Commissioner.  
32

33 Q. Ms Brisotto, I want to now ask you about the change to  
34 the protocol for cleaning bones.  
35

36 A. Yes.  
37

38 Q. I can take you to some documents, but you're aware  
39 that there's evidence has been given to the Commission  
40 about the change that Mr McNevin made in relation to the  
41 cleaning of bones?  
42

43 A. Yes.  
44

45 Q. That was a change that was made in consultation with  
46 you?  
47

48 A. Yes.  
49

50 Q. Perhaps I will bring up the first email. Can we bring  
51

1 up [FSS.0001.0056.8817], and could we go to the second  
2 page of that email. We see at the bottom of the chain  
3 there's an email that Mr McNevin sent to you saying:

4  
5 *Given some issues with using/disposing of*  
6 *Tergazyme as outlined by Michael below,*  
7 *should we implement the alternative*  
8 *protocol using the dishwasher as outlined*  
9 *in Proposal #148 - Cleaning bone processing*  
10 *equipment?*

11  
12 A. Yes.

13  
14 Q. Then you respond, if we go up to the middle, and say:

15  
16 *Anything that removes a [workplace health*  
17 *and safety] risk is worthwhile, and from*  
18 *memory the use of the dishwasher was the*  
19 *preferred method - so a yes from me.*

20  
21 A. Yes.

22  
23 Q. So it looks like you agreed to the proposal to make  
24 a change to the cleaning method without even going back to  
25 read the project report; is that right?

26 A. Yes.

27  
28 Q. Is that something that, in terms of your view about  
29 proper management within the lab, do you think that was an  
30 appropriate thing to do?

31 A. My memory was that the dishwasher was the preferred  
32 option, so it would have been based on that memory.

33  
34 Q. Then if we go up to the next page, you see Mr McNevin  
35 sends an email saying:

36  
37 *I'll do all the right comms as soon as*  
38 *practical.*

39  
40 A. Yes.

41  
42 Q. Then subsequently he sends you a draft set of  
43 communications. Can we bring up [FSS.0001.0056.8823]. If  
44 you look at bottom of the first page, you see you send an  
45 email back to Mr McNevin saying:

46  
47 *Couple of typos in red.*

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A. Yes.

Q. You also asked him:

*... can you recall a reason Tergazyme was  
used above other methods?*

A. Yes.

Q. So do you agree with me you were approving a change to the existing method without knowing why it was that Tergazyme had been chosen to be used in the first place?

A. Yes, based on the email.

Q. Well, do you remember now?

A. I would have had to go back and check specifically, because I asked him if he could recall. I mean, I would have - if he couldn't recall, I would have gone back myself, too.

Q. But you were approving a communication out to the scientists making a change to the cleaning process without knowing why the existing process had been chosen in the first place?

A. For a wording - for wording to go out for voting, I believe.

Q. Oh, I see. Then if we go over the page, this is the wording that you've proposed?

A. That I reviewed.

Q. I'm sorry, you're quite right, that you reviewed. And you see it refers to "Proposal #148", which we've talked about already, but then it refers to Proposal #153"?

A. Yes.

Q. Did you go back and review the report for 153?

A. I don't believe so.

Q. Have you gone back since then and reviewed the report?

A. I have - I've looked at it, yes.

Q. Recently?

A. Yes, I think so, yes.

Q. We'll come back to that in a moment. You see then

1 what Mr McNevin has put is:

2  
3 *Therefore I am proposing that we eliminate*  
4 *the use of Tergazyme from the laboratory*  
5 *and implement the following ...*  
6

7 And then he says:

8  
9 *- implement the cleaning of the bone*  
10 *crushing equipment using the dishwasher as*  
11 *per Proposal #138 [a typo].*  
12

13 *- use bleach and/or TriGene followed by 70%*  
14 *ethanol to clean the remaining equipment in*  
15 *line with other Evidence Recovery and*  
16 *Analytical laboratory equipment.*  
17

18 A. Yes.

19  
20 Q. I'm interested in understanding, did you regard this  
21 approach as an appropriate way to make the decision as to  
22 how to clean all of the equipment in relation to bones?

23 A. If it was - well, certainly for Project #148, that was  
24 within the validation or verification that the dishwasher  
25 was the preferred method. In relation to bleach or  
26 TriGene, in proposal 153, the bleach and ethanol is  
27 actually a regularly used cleaning process for all  
28 laboratory equipment and has been for a very long time.  
29

30 Q. Bleach and ethanol?

31 A. Yes.

32  
33 Q. But you surely didn't want bleach being used on steel  
34 equipment in the bone room or in relation to cleaning the  
35 bone equipment?

36 A. Bleach and ethanol have been used regularly on other  
37 metal equipment within laboratory areas for a long time.  
38

39 Q. Have you gone back and read Project #148's report?

40 A. 148?

41  
42 Q. Yes. Recently?

43 A. It's talking about the bone crushing components.  
44

45 Q. I'm just interested in understanding, are you - maybe  
46 if we put that email on one side of the screen, can we  
47 bring up [WIT.0003.0456.0001]. This is Project #148 on the

1 right-hand side of the screen?

2 A. Yes.

3

4 Q. And then if you just go to, I think, Mr Operator, it's  
5 the second page - actually, it might be the third page.  
6 Keep going. Keep going. Keep going. Stop there. Then  
7 can you blow up the second-last paragraph on that page. So  
8 you knew in relation to bone equipment and stainless steel  
9 that you needed to make sure that any suitable cleaning  
10 protocol wouldn't cause rusting or pitting of the stainless  
11 steel components?

12 A. But those were components that went into the  
13 dishwasher, I believe.

14

15 Q. Did you think there were no other steel or stainless  
16 steel components that were used in relation to bone?

17 A. I would assume the chisels and other equipment that  
18 are used as well.

19

20 Q. So it may be the answer is you never went back to  
21 Project #148, so you weren't reminded of the need to be  
22 careful with stainless steel components, but do you  
23 remember thinking or turning your mind to that?

24 A. I guess it wouldn't have been different than my  
25 understanding of the bleach and ethanol that they use  
26 within the laboratory area to clean the forceps and  
27 scissors and other equipment that they use for normal  
28 sampling.

29

30 Q. Can we bring up Project #153, which is  
31 [FSS.0205.0001.0001]. This is Project #153?

32 A. Yes.

33

34 Q. Could you just go in about four or five pages to that,  
35 Mr Operator. Keep going. Thank you, just stop there. I'm  
36 sorry, no, keep going. Just give me one moment. When  
37 we've looked at this version, I'll bring up the relevant  
38 section in a moment. Do you recall that it refers  
39 specifically to the issue of bleach causing pitting?

40 A. Not specifically, sorry.

41

42 Q. I apologise, Ms Brisotto. Are you aware of issues  
43 with bleach causing pitting?

44 A. Not specifically. If the bleach remained on a piece  
45 of equipment, yes, it would oxidise that eventually, but  
46 the protocol is generally to use ethanol after to remove  
47 the bleach.

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Q. Do you agree with me that Project #153 is a project concerned with evaluating the cleaning of blood off a plastic Petri dish?

A. Yes. Is that experiment 2?

Q. Perhaps if I start at a more general level. Have you gone back and reread --

A. Not specifically 153. I think I looked at one of the graphs that were presented.

Q. Sorry, did you say you've looked at one of the graphs?

A. One of the graphs that was highlighted.

Q. If I suggest to you that Project #153 is about an appropriate cleaning substance where the test that's used is blood on a Petri dish, a plastic Petri dish, do you disagree with that?

A. No, I won't disagree with that.

Q. Do you agree with me that the substance being cleaned in relation to bone is not blood?

A. Yes, I would agree.

Q. Do you agree it's not a liquid?

A. No, it's not a liquid.

Q. Do you agree that it's not plastic?

A. It's not plastic.

Q. So do you agree that Project #153 could tell you little, if anything, about what an appropriate cleaning substance was to use in relation to the bone equipment?

A. Yes.

Q. And so can you explain, then, why you would have approved this potential change to the cleaning method without having any validation in relation to the cleaning to be used for the type of substance or the type of equipment which you were making the change for?

A. I think in the end what was implemented was bleach followed by ethanol for the remaining equipment, as per every SOP, every general SOP that we have for evidence recovery and analytical lab areas.

Q. Yes, I understand. My question is, given that Project #153 is not a verification of cleaning either the



1 substance or the type of material on which the substance is  
2 found for which the change is being made, why did you  
3 approve it?

4 A. I'm not sure why I approved 153 to be added to it.  
5 Definitely 148 was appropriate.

6  
7 Q. Yes, but 148 was only going to be used in relation to  
8 the vials?

9 A. Yes.

10  
11 Q. So all of the other equipment was going to be cleaned,  
12 under this proposal, using the method from 153?

13 A. If it went to TriGene, but it didn't end up going to  
14 TriGene.

15  
16 Q. Are you saying it just went to bleach?

17 A. What was actually implemented and what is against the  
18 SOP in the comment is bleach and ethanol.

19  
20 Q. Sorry, did you say against the SOP?

21 A. Yes.

22  
23 Q. What do you mean by that?

24 A. So post this request for change in 2019 a comment was  
25 added against the standard operating procedure to use  
26 bleach and ethanol for cleaning of standard laboratory  
27 equipment in relation to bone as per other processes within  
28 the lab.

29  
30 Q. Who added that?

31 A. From memory, I think it was Abigail Ryan.

32  
33 Q. When you say "from memory", you must have gone back  
34 and reviewed it?

35 A. Yes, I think - yes, there was a number of names  
36 against it and I had to go through each one.

37  
38 Q. So you went through each one --

39 A. So against the SOP in QIS, there is a number of  
40 comments that can be against it and there are a number of  
41 names against it, and I basically tabbed through each one,  
42 so I believe it was Abigail Ryan.

43  
44 Q. And what is her role?

45 A. Her role is an evidence recovery scientist. She's  
46 also a competent bone examiner.

47

1 Q. And when did you say she changed the process to just  
2 use bleach?

3 A. Some time in 2019, I think it was against the SOP that  
4 preceded - that would have been current at the time of this  
5 change, so it would have been what was updated into the  
6 next revision.

7  
8 Q. And I'm slightly confused, but did you approve the  
9 change to just use bleach?

10 A. Anyone that was on - I'm guessing the voting did, and  
11 anyone that was on the review of the SOP would have  
12 approved that change.

13  
14 Q. Have you gone back to look at who approved it?

15 A. No, I haven't.

16  
17 Q. Was there any validation that supported it?

18 A. No validation specifically, but that's also been  
19 something that's been used in the laboratory for cleaning  
20 metal instruments for sampling since I commenced, really.

21  
22 Q. Sorry, bleach has been used for cleaning metal  
23 instruments in the laboratory routinely?

24 A. Followed by ethanol, yes.

25  
26 Q. Mr Operator, if we go to what is - I think you might  
27 remember our confusion yesterday. There's multiple page 1s  
28 of this document. So if we can go to what I think is the  
29 second page 1 - that's it. Then can you blow up the  
30 paragraph just under heading 2. Do you see it says:

31  
32 *Forensic DNA analysis has previously been*  
33 *using TriGene II ... for routine*  
34 *decontamination as an alternative to 0.5%*  
35 *v/v bleach, which can cause pitting and*  
36 *corrosion of metallic apparatus and work*  
37 *surfaces.*

38  
39 A. Yes.

40  
41 Q. And this is a validation of using TriGene Advance?

42 A. Yes.

43  
44 Q. I think this is where I'm quite confused. Is it  
45 routine in the laboratory to now use TriGene Advance for  
46 cleaning?

47 A. TriGene Advance is usually used on, my understanding

1 is, the large pieces of equipment where we cannot use  
2 bleach.

3  
4 Q. So bleach is being routinely used on metallic  
5 apparatus?

6 A. On small pieces of equipment, yes.

7  
8 Q. And is that validated?

9 A. I would have to go back and have a look. That has  
10 been in place since I commenced.

11  
12 Q. What I'm interested in, then, is from your perspective  
13 as a manager within the lab, do you think it's appropriate  
14 to be using a cleaning substance that hasn't been validated  
15 in relation to the particular thing that you're cleaning?

16 A. I can't confirm that it hasn't been validated. We  
17 would have, I'm assuming, validated bleach followed by  
18 ethanol since - at a point in time. It's used for  
19 environmental cleaning for all surfaces within the  
20 laboratory area as well.

21  
22 Q. Do you agree you hadn't validated it in relation to  
23 the bone equipment?

24 A. Not at this - I can't confirm if it has been done  
25 prior to this, but in relation to this particular  
26 experiment, no.

27  
28 Q. You can take that down document, Mr Operator. When  
29 Mr McNevin is proposing this wording to you for a change  
30 that's going to be made to the cleaning substance that's  
31 going to be used in the laboratory from what is already  
32 being used to something else, did you have a validation to  
33 support that change that he's putting forward, other than  
34 Project #148 for the vials?

35 A. So I'd have to go back and have a look what was  
36 proposed and what was in place for cleaning the chisels  
37 prior to Tergazyme, because we've been doing, my  
38 understanding, bone sampling for many years prior to that  
39 experiment.

40  
41 Q. You've obviously gone back and reviewed the change in  
42 relation to the cleaning products that were used for bone  
43 equipment?

44 A. The 148, yes, I've glanced at it, yes.

45  
46 Q. But more than that, some time in the last few weeks,  
47 you've gone back, you've become aware of the issue and

1 you've looked at the emails in relation to the change?

2 A. These particular emails, yes.

3

4 Q. So sitting here now and given your experience and  
5 reflecting on it, do you think there is any problem with  
6 the process that was used for changing the cleaning  
7 substance in relation to bone equipment?

8 A. I don't believe there's any issue with moving towards  
9 the dishwasher, given Project #148, and what has obviously  
10 been accepted by all of management team was that bleach and  
11 ethanol, which was what ended up being put into place, was  
12 an accepted method of cleaning.

13

14 Q. Yes, do you, sitting here now, in your experience as  
15 a manager, think that there was any problem with the change  
16 in process in relation to cleaning the bone equipment?

17 A. I don't - no, I don't believe so. If we had gone to  
18 TriGene, yes, but we didn't move to TriGene. We moved to  
19 an accepted method for cleaning.

20

21 Q. Sorry, why would it have been a problem to go to  
22 TriGene, but it wasn't a problem to go to bleach?

23 A. Bleach and ethanol, as I've said, has been an accepted  
24 method of cleaning small pieces of equipment for a very  
25 long time. TriGene, on the other hand, would have required  
26 further validation to ensure it was as effective.

27

28 Q. Are you aware of concerns that have been raised about  
29 the change to the cleaning equipment and, in particular,  
30 issues raised by Angelina Keller?

31 A. I'm aware that there was an OQI raised that is still  
32 under investigation.

33

34 Q. I see. And you haven't, as a result of that OQI,  
35 reversed the change?

36 A. It's still under investigation, so the finding of that  
37 hasn't actually been established.

38

39 Q. I see. Could I ask you just about a few other things  
40 that have been raised in the Commission over the last few  
41 weeks. Are you aware of an issue that's been raised in  
42 relation to Model Maker?

43 A. I believe so, yes.

44

45 Q. Are you aware of whether any work has been done within  
46 the lab in relation to that issue?

47 A. I believe that there has been some - I haven't read in

1 detail some of the emails for the last couple of days.  
2 However, I believe over the weekend, work was done and  
3 something was implemented at the start of the week.  
4

5 Q. I see. In relation to the limit of detection, are you  
6 aware of whether any work has been done over the last month  
7 in relation to the limit of detection?

8 A. Is this in relation to the --  
9

10 Q. Yes.

11 A. Okay. I believe there was a meeting organised either  
12 earlier this week or late last week - I could not recall  
13 specifically when the email was sent - where Helen Gregg  
14 was following up with Luke Ryan in relation to what that  
15 could mean.  
16

17 Q. Have you been involved in that?

18 A. I haven't been at work.  
19

20 Q. Has there been any work done, to your knowledge, in  
21 relation to the issue of elution volumes and why it is that  
22 in the Queensland lab there's elution to 90 or  
23 100 microlitres?

24 A. I don't believe there's any work on that yet.  
25

26 Q. Now, I need to just put a few final things to you,  
27 I think in fairness. The first proposition is, I want to  
28 suggest to you, in giving evidence to this Commission you  
29 have adopted a strategy in your evidence of claiming not to  
30 remember things when you think that it might lead to  
31 criticism of you if you were frank about what you could  
32 remember.

33 A. I don't believe that's the case, no.  
34

35 Q. And I want to suggest to you that when it has come to  
36 the Options Paper, the things that you have been willing to  
37 accept and acknowledge in relation to the Options Paper and  
38 its presentation are really limited only to things that are  
39 recorded in documents.

40 A. Yes, I can't recall.  
41

42 Q. And you've otherwise insisted that you can't recall  
43 anything of any substance other than what is recorded in  
44 documents.

45 A. It's true, I can't recall.  
46

47 Q. I want to suggest to you your evidence about not

1 remembering why Project #184 was stopped and the switch was  
2 made to an Options Paper is untrue.

3 A. No, I don't believe so.

4

5 Q. And your evidence about not remembering whether you  
6 were aware of concerns or criticisms from other scientists  
7 of the recommendations in the Project #184 draft reports is  
8 untrue?

9 A. No.

10

11 Q. And your evidence about not thinking that Cathie Allen  
12 had recommended option 2 to the police is untrue.

13 A. No. I wasn't there. I can't claim that.

14

15 MR HODGE: I don't have any further questions.

16

17 THE COMMISSIONER: Thank you. Mr Hunter?

18

19 <EXAMINATION BY MR HUNTER:

20

21 MR HUNTER: Q. Ms Brisotto, do you agree with this  
22 proposition, that as far as you knew, as at early 2018  
23 there was no-one in the Queensland Police Service who had  
24 the level of technical expertise concerning what I'll call  
25 DNA analysis that the staff at your laboratory collectively  
26 had?

27 A. No. I agree.

28

29 Q. You agree?

30 A. Yes.

31

32 Q. You agree with me that given the longstanding  
33 relationship between the Queensland Police Service and your  
34 laboratory that the Queensland Police Service had come to  
35 depend upon the scientists at your laboratory for advice?

36 A. Yes.

37

38 Q. And so when, for example, something like the Options  
39 Paper was presented to the service, there was no-one within  
40 the service with the scientific expertise to critically  
41 analyse a document like that?

42 A. Yes.

43

44 Q. You also understood that police officers were required  
45 to exercise discretion or discrimination when they were  
46 submitting items to the laboratory for analysis?

47 A. Yes.

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Q. There were strict limits as to the number of swabs that they could submit in some cases?

A. Yes, that was a decision by QPS, yes.

Q. But it was done with a view to not overwhelming the laboratory with work, and so you understood that when a sample was submitted to the laboratory for analysis by a police officer, that police officer had determined that the sample was potentially very important?

A. Yes, yes, we also still do get requests, then and now, once it's submitted for testing to cease.

Q. Yes, but in the overwhelming majority of cases you understand that when a sample is submitted, it's being submitted by a police officer who is of the view that it's likely to be important?

A. Yes.

Q. And you understand that that police officer is trusting your lab to use its best endeavours to see whether or not the sample reveals important evidence?

A. Yes.

Q. You also understand, don't you, that the samples that are submitted, whilst they might be swabs in a tube, they're not abstract concepts, are they?

A. No.

Q. They relate to real people?

A. Yes.

Q. Real victims?

A. Yes.

Q. Real crimes?

A. Yes.

Q. Real defendants?

A. Yes.

Q. So whilst they might be analysed in the sterile confines of your laboratory, they relate to events that are likely to be of great significance to a variety of people?

A. Yes.

Q. And to the community?

1 A. Yes.

2

3 Q. Did you, over the course of this DIFP process - I'm  
4 asking about you personally - did you lose sight of the  
5 true importance of your work?

6 A. I don't think so. I think it was - and I guess the  
7 understanding that we had was police officers, scientific  
8 officers would collect any number of samples and would  
9 submit the first ones, evaluate the results, and then there  
10 would potentially be others that they wished to submit.

11

12 Q. Do you accept that a consequence of what I'll call the  
13 DIFP process --

14 A. Yes.

15

16 Q. -- is that when it comes to samples that were quanted  
17 between February 2018 and August of this year, it's highly  
18 likely, if not inevitable, that sitting out at Coopers  
19 Plains at the moment there are untested samples that, when  
20 they finally do get tested, will reveal forensically  
21 relevant information?

22 A. Yes.

23

24 Q. And so do you accept that the DIFP process has been  
25 a disaster?

26 A. I don't think it was a disaster. I think it was  
27 a workflow idea that execution could have been better.

28

29 Q. Well, it's been a disaster for the laboratory, hasn't  
30 it?

31 A. Yes.

32

33 Q. We're yet to see the impact on the criminal justice  
34 system, but you understand that already trials are being  
35 adjourned as a result of the revelations from this inquiry?

36 A. I wasn't aware, but I am now.

37

38 Q. And you understand that the community has an interest  
39 in seeing the system of criminal justice properly  
40 administered?

41 A. Yes, of course.

42

43 Q. What I want to suggest to you is, consistently with  
44 some questions that you've already been asked by Mr Hodge,  
45 that you well and truly understood the significance of the  
46 Options Paper?

47 A. The Options Paper was implemented with the



1 understanding, I believe, that the officer on the other end  
2 would understand how to request a further rework.

3  
4 Q. But you understood, you have always understood, that  
5 the effect of that Options Paper was to present the  
6 Queensland Police Service, in reality, with a single  
7 choice?

8 A. That's not my understanding. It's come out that that  
9 is how it's swayed, but at the time --

10  
11 Q. Surely you don't, sitting here today, suggest to the  
12 Commissioner that the Options Paper is not heavily slanted  
13 in favour of option 2?

14 A. No, I agree that that Options Paper is.

15  
16 Q. Heavily slanted in favour of option 2; you accept  
17 that?

18 A. (Nodded).

19  
20 Q. All right. Are you saying that you did not, in late  
21 2017 or early 2018, when it was in the process of coming  
22 into existence, see it in that light?

23 A. I don't believe I did.

24  
25 Q. See, your work area - you sat, didn't you, at the -  
26 you were one below Cathie Allen?

27 A. Yes.

28  
29 Q. Your position was as - you were the team leader of  
30 evidence recovery and quality?

31 A. Yes.

32  
33 Q. The micro-concentration process was something that was  
34 undertaken in your area?

35 A. Yes.

36  
37 Q. Done in the analytical section?

38 A. Yes.

39  
40 Q. I think you've already agreed that the implementation  
41 of option 2 would have had the effect of reducing the  
42 workload of the analytical section?

43 A. It would have reduced it. They were already doing it,  
44 though, so continuing it wouldn't have had an impact.

45  
46 Q. But by not doing it, it would have had an impact of  
47 reducing the workload; correct?

1 A. Yes.

2

3 Q. You had undertaken an options paper process in respect  
4 of an earlier body of work, hadn't you?

5 A. Yes.

6

7 Q. That was in connection with the shift of bulk crime,  
8 or P3 --

9 A. Yes.

10

11 Q. -- from Profiler Plus to PP21?

12 A. Yes.

13

14 Q. That options paper that was generated was generated in  
15 accordance with well-established procedures at the  
16 laboratory?

17 A. I think that was - the options paper or options for  
18 volume crime processing was based off a previous paper that  
19 had been drafted and was created into an options paper for  
20 volume processing.

21

22 Q. But it was promulgated amongst staff, wasn't it?

23 A. I believe so, yes. There was a number of reviews.

24

25 Q. And the laboratory has a particular place on its  
26 computer server where change management, such as the one  
27 contemplated by that options paper, is conventionally  
28 stored; correct?

29 A. Yes, I --

30

31 Q. It's on the I-drive?

32 A. One of the drives, yes, I-drive, yes.

33

34 Q. In a subdirectory called "Change Management"?

35 A. Yes.

36

37 Q. Typically what happens is an Excel spreadsheet is  
38 created?

39 A. Yes, of projects, yes.

40

41 Q. And that Excel spreadsheet is used so that various  
42 staff members can provide feedback; correct?

43 A. The project manager can record the feedback.

44

45 Q. So do you say that it's not the case that individual  
46 staff members would make their own entries in the Excel  
47 spreadsheet?

1 A. No.

2

3 Q. How is the feedback communicated to the project  
4 manager?

5 A. They send out a report for review, and the reviewers  
6 will provide that back and they will record either the  
7 email, they'll have the email, and they'll copy either the  
8 essence of it or the whole text into the spreadsheet.

9

10 Q. Was that Excel spreadsheet used in connection with the  
11 change from Profiler Plus to PP21?

12 A. No.

13

14 Q. There was no Excel spreadsheet for that one?

15 A. No.

16

17 Q. Did you not use that method with Emma Caunt in 2012?

18 A. For recording the - I'm sorry, in 2012?

19

20 Q. Sorry, I beg your pardon, I've confused you. This was  
21 when you were collaborating on the "no DNA" wording in  
22 2012?

23 A. Yes, that was for all the expanded result lines, and  
24 that's - a spreadsheet, I guess, is an easy form of  
25 recording them.

26

27 Q. Obviously we know there's a spreadsheet with respect  
28 to Project #184?

29 A. Yes.

30

31 Q. Which records you providing feedback?

32 A. It has got - yes.

33

34 Q. It records you saying, on 9 January 2018, "Doesn't  
35 apply to P3 with PP21, best to be options paper as QPS  
36 should make the decision on this"?

37 A. That has been what has been entered against my name,  
38 yes.

39

40 Q. Well, do you suggest that it's at all likely that --

41 A. Um --

42

43 Q. Just let me finish.

44 A. Sorry.

45

46 Q. Do you accept that it's at all likely that someone has  
47 wrongly attributed that feedback to you?

1 A. I'm not sure. Potentially. They are not my words,  
2 because I didn't enter them.

3

4 THE COMMISSIONER: Q. But did you communicate something  
5 to that effect to Mr Howse?

6 A. I may have communicated something to that effect, I'm  
7 not sure.

8

9 MR HUNTER: Q. Well, whose responsibility would it have  
10 been to populate the Excel spreadsheet with the feedback?

11 A. For 184?

12

13 Q. Yes.

14 A. Justin Howes.

15

16 Q. So do you think it likely that Mr Howse would have  
17 attributed to you the feedback that's set out there, when  
18 in fact you didn't say anything of the sort?

19 A. I don't know if I didn't say anything of the sort.  
20 But what I said, if it was orally, I wasn't able to peer  
21 review or confirm the wording.

22

23 Q. Was it your idea that the Project #184 become an  
24 Options Paper?

25 A. I don't believe so.

26

27 Q. Could it have been your idea that it became an Options  
28 Paper?

29 A. I may have suggested that the decision wasn't ours to  
30 make.

31

32 Q. You've already agreed with me that the change  
33 contemplated by the Options Paper was likely to have an  
34 immediate - a direct impact upon your area of  
35 responsibility?

36 A. It would have, yes.

37

38 Q. And this was something that you had been having in  
39 mind, can I suggest, for quite some time, some months?

40 A. I'm not sure if it was contemplated like that.

41

42 Q. Could we please have [FSS.0001.0010.7059]. If we  
43 could just scroll down, please, this is an email that went  
44 out from you and Mr Howse; correct?

45 A. Yes.

46

47 Q. It's got your signature block at the bottom, so

1 although it's said to come from him, it seems that it was  
2 sent from your email address?

3 A. Yes.

4

5 Q. Do we see at the top of that second page:

6

7 *- Microcon project proposal is progressing,*  
8 *which aims to re-evaluate the number of*  
9 *samples proceeding to auto-microcon.*

10

11 A. Yes.

12

13 Q. That email, of course, was after you had signed off on  
14 the Project #184 project plan?

15 A. Yes.

16

17 Q. We can go to the documents if you need to, but I'm  
18 suggesting you signed that off on 3 August 2017; does that  
19 sound right?

20 A. Yes.

21

22 Q. And that you then signed the project proposal  
23 endorsing it on 31 August 2017 - yes?

24 A. Yes.

25

26 Q. You were then shown the first draft of the project  
27 report?

28 A. Yes.

29

30 Q. Can I suggest to you that you sent an email on  
31 19 December 2018 [sic], where you said, "I'm happy with the  
32 theory and recommendations"?

33 A. Yes.

34

35 THE COMMISSIONER: 2017, do you mean?

36

37 MR HUNTER: 2017, I'm sorry, thank you.

38

39 Q. You wouldn't have sent an email saying that you were  
40 happy with the theory and recommendations if you had not  
41 properly looked at the report; do you agree?

42 A. Yes.

43

44 Q. Are you telling us that you were, though, essentially  
45 a disinterested bystander when it came to Project #184 and  
46 the Options Paper?

47 A. Not a disinterested bystander, I don't believe I would

1 use those words.

2

3 Q. But is it your evidence that you really didn't have  
4 any involvement in it?

5 A. No. I didn't say that I didn't have involvement.  
6 I fed back on version 1. I have no records of feeding back  
7 on the other versions.

8

9 Q. We've got your email of 19 December, and then there's  
10 the feedback entry, however that got there, from 9 January  
11 2018?

12 A. Yes.

13

14 Q. Three days later - Mr Woolridge, if we could have  
15 [FSS.0001.0066.4614] --

16

17 THE COMMISSIONER: Is this email on the screen in  
18 evidence, Mr Hunter?

19

20 MR HUNTER: I believe it is, Commissioner, yes.

21

22 Q. If we could just highlight the central portion,  
23 please. This is a conversation that I understand you  
24 accept you had with Ms Allen?

25 A. Yes.

26

27 Q. In which you discussed the very subject matter of both  
28 the project and what ultimately became the Options Paper?

29 A. Yes.

30

31 Q. The same day, we know that Mr Howse asked you to send  
32 him version 2 of what he called the "mic report" to convert  
33 to an Options Paper?

34 A. Yes.

35

36 Q. Where was version 2 of the report kept?

37 A. The original version would have been kept in the  
38 project folder, but from my email records I sent it from  
39 the one that was sent.

40

41 Q. The one that was distributed around to the staff?

42 A. Yes.

43

44 Q. All right, okay. So we've got feedback attributed to  
45 you on 9 January in which it's said that it should become  
46 an Options Paper. Three days later, you're speaking with  
47 Cathie Allen about the "need to request QPS if they still

1 agree to the above and want to extend to major"?

2 A. Yes.

3

4 Q. Then the very same day, Mr Howse is asking you to send  
5 him version 2 of the report in order that he can convert it  
6 to an Options Paper, as the feedback attributed to you  
7 suggested?

8 A. Yes.

9

10 Q. There were then these two further emails where  
11 versions of the Options Paper were sent to you by Mr Howse.  
12 We know from evidence you gave earlier today that that was  
13 on 19 January and 22 January.

14 A. Yes.

15

16 Q. And it was sent to you by Mr Howse, but only to you  
17 and Ms Allen?

18 A. Yes.

19

20 Q. I don't recall hearing you explain this morning why it  
21 might have been that Mr Howse would be sending the Options  
22 Paper to you and Ms Allen but to nobody else. Can you  
23 explain why he would have done that?

24 A. Because he wanted both Cathie and I to review it.

25

26 Q. Given that he wanted you to review it, can we take it  
27 that you did?

28 A. I have not provided feedback. I wouldn't have  
29 reviewed the 19th, because I wasn't there at that point in  
30 time, and I don't have records of reviewing the one  
31 received on the 22nd.

32

33 Q. Regardless of the presence or otherwise of records, do  
34 you recall critically considering --

35 A. No --

36

37 Q. Just let me finish the question - critically  
38 considering the version of the Options Paper that was sent  
39 on 22 January 2018?

40 A. No, I don't recall that.

41

42 Q. Do you agree with me that if you had critically  
43 considered the Options Paper, it would have been abundantly  
44 clear to you that it was weighted heavily in favour of the  
45 acceptance of option 2?

46 A. It may have at the time. It was different than the  
47 project report.

1  
2 Q. We know that the meeting with Queensland Police was on  
3 2 February. Three days after that decision, we have your  
4 email in which you describe what occurred - that is, the  
5 decision by the QPS - you say, "The decision is theirs (so  
6 to speak)"?

7 A. Yes.

8  
9 Q. What do you say to the proposition that that was you  
10 cynically observing that although technically the police  
11 had made the decision, everyone knew - that is, everyone  
12 who was involved in that email chain - everyone knew that  
13 the police had, in reality, only been presented with one  
14 viable option?

15 A. I don't believe I'm cynical in my emails. I believe  
16 I used "(so to speak)" incorrectly.

17  
18 Q. What on earth were you trying to convey when you said,  
19 "The decision is theirs (so to speak)"?

20 A. That the decision was theirs.

21  
22 Q. But the use of the words "so to speak" are used as  
23 a qualifier, aren't they?

24 A. And that's what I mean, I don't think I used them in  
25 the right context. I mean --

26  
27 THE COMMISSIONER: Q. What meaning do you think - what  
28 did you intend to convey by those words? Mistaken though  
29 it might be, what was it?

30 A. That it was QPS's decision, in other words.

31  
32 MR HUNTER: Q. But you could have conveyed that simply  
33 by saying "The decision is theirs", couldn't you?

34 A. I know. Yes, I agree.

35  
36 Q. Well, did you mean that "The decision" in inverted  
37 commas, was theirs?

38 A. I don't believe I did.

39  
40 Q. Well, I'm suggesting to you that you were, in that  
41 email, cynically acknowledging that, well, it was their  
42 decision, but it was one that was effectively foisted on  
43 them?

44 A. I don't agree with that.

45  
46 Q. Now, we know that Ms Allen sent around an email the  
47 same day - that is, 5 February 2018 - asserting that the



1 police had confirmed both verbally and in writing that  
2 there was to be no auto-microcon for P1 and P2 samples;  
3 right?

4 A. Yes.

5

6 Q. Later that day, Luke Ryan sends an email to you asking  
7 you whether it's P1 and P2 or just P2; do you recall the  
8 email? I mean, I can show it to you if you need to see it.

9 A. No, I remember that was sent to Justin with a cc me.

10

11 Q. Do you know if there was any response to that email?

12 A. If there was, I wasn't a recipient of it.

13

14 Q. Did it strike you as odd that the police would have  
15 agreed to not automatically microcon priority 1 samples?

16 A. Not if that was the discussion that occurred.

17

18 Q. Why on earth do you think the police might think it  
19 was a good idea to not automatically microcon P1 samples?

20 A. I don't know.

21

22 Q. So to be quite clear about this, you can't think of  
23 a sensible reason why the Police Service would agree to  
24 that workflow?

25 A. No, I can't.

26

27 Q. Okay, so we know, then, what ultimately occurred,  
28 putting aside the whole P1 versus P2 issue that I've just  
29 asked you about - we know that you were discussing this  
30 project to potentially reduce the number of samples that  
31 were proceeding to auto-microcon from the second half of  
32 2017?

33 A. That it was in place, yes.

34

35 Q. You'd actually approved a project plan in that  
36 respect?

37 A. Yes.

38

39 Q. It would concern work done by your work unit?

40 A. Part of the work, yes.

41

42 Q. Well, the micro-concentration part was definitely done  
43 by your work unit?

44 A. Yes, that was.

45

46 Q. And it's a manual process?

47

A. Yes.

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Q. Fiddly?

A. It can be, yes.

Q. Not exactly beloved by the staff that have to do it?

A. I'd have to ask them.

Q. Has no-one ever suggested to you that they don't like doing microcon?

A. They had been doing it for five years, so I think it was part of their daily tasks.

Q. Have you ever heard anyone complain about doing microcon?

A. It's part of their tasks --

THE COMMISSIONER: Q. You're not being asked that. We know it's part of their work. You're being asked whether you're aware that any staff found it tedious or something that they dislike doing?

A. I'm not aware of any direct complaints in relation to that. It could be other pipetting and RSI issues, but there is a number of pipetting steps in other processes as well.

MR HUNTER: Q. All right. You say there's no direct - you're not aware of any direct complaints. Have you heard some indirect complaints?

A. RSI issues being raised through the workplace health and safety software.

Q. So you knew that people didn't like doing it?

A. Pipetting.

Q. Well, pipetting is part of micro-concentrating, isn't it?

A. And a number of other tasks.

Q. Well, removing the micro-concentration step would remove or reduce the amount of pipetting that had to be done?

A. Yes. It is a small task and a short task.

Q. We know, I think, that in the four and a half years that the DIFP process was under way, there's something like 21,000 samples that weren't tested?

A. Is that both DNA insufficient and no DNA detected or

1 just --

2

3 Q. I might stand corrected, but it's certainly in the  
4 thousands.

5

6 THE COMMISSIONER: I thought it was 7,000 that weren't  
7 tested, Mr Hunter, out of 21,000.

8

9 MR HUNTER: I see.

10

11 Q. Well, 7,000, so it's a not-insubstantial amount of  
12 work; do you agree?

13 A. No, it's not.

14

15 Q. So we know it relates to work that's done by your  
16 unit. There's a feedback form that shows some feedback by  
17 you, and it's entered in what appears to be the  
18 conventional manner?

19 A. Yes.

20

21 Q. Three days later, Mr Howse asks you to email him  
22 version 2?

23 A. Yes.

24

25 Q. And the same day, you talk to Ms Allen about exactly  
26 the same subject matter?

27 A. The priority 3s, yes.

28

29 Q. And trying to get the police to agree to the same  
30 approach with major crime?

31 A. Yes.

32

33 Q. You're part of a group of three people who has vision  
34 of the Options Paper on the 19th and the 22nd of January?

35 A. Yes, I would agree.

36

37 Q. And then after the police agreed, it was you who  
38 emailed your staff to tell them what the new process was?

39 A. With - sorry, after the Options Paper?

40

41 Q. Yes.

42 A. I'm not sure.

43

44 Q. Just bear with me a moment. I may have to come back  
45 to that point.

46

47 Now, can I ask you, please, about the events from

1 earlier this year?

2 A. Yes.

3

4 Q. In particular, the decision to directly amplify  
5 samples that were in the DIFP range?

6 A. Yes.

7

8 Q. Can I suggest to you that when you heard that that was  
9 what was being proposed, it must surely have struck you as  
10 bizarre?

11 A. It was - I mean, the questions were - "bizarre",  
12 different, yes, but again it was, from my perspective,  
13 a direction.

14

15 Q. Yes, but a direction that was devoid of any scientific  
16 merit, surely?

17 A. Straight to amplification is still a standard process  
18 irrespective of level.

19

20 Q. But it was a process that had been identified, back in  
21 2017 or 2018, as one likely to result in marked stochastic  
22 effects?

23 A. Below that, yes, at that time.

24

25 Q. So surely you would agree that directly amping those  
26 low-quant samples was an idea that was devoid of scientific  
27 merit?

28 A. I don't think it was devoid. I think it was a process  
29 that hadn't been adopted for a long period of time.

30

31 Q. For perfectly intelligible scientific reasons?

32 A. I don't know if any other jurisdiction actually  
33 microcons all samples within the low range. I believe they  
34 will do direct amplification as well.

35

36 Q. My question was that the direct amplification of those  
37 samples had been abandoned years earlier because of  
38 perfectly sensible scientific reasons?

39 A. The PP21 validation, yes.

40

41 Q. You've already agreed with me that there had been no  
42 validation of the direct amplification of those low-quant  
43 samples, had there?

44 A. The validation was in PP21. That was when they were  
45 validated.

46

47 Q. You, though, had done some work on the likelihood of

1 success, if I can call it that - and we'll come to what  
2 I mean by "success" in a moment - in March of this year,  
3 hadn't you, when it came to looking at, well, what happens  
4 when these low-quant samples are microconned on request?  
5 A. Yes, the work drafted by Justin.

6  
7 Q. Well, you actually emailed Cathie, didn't you, on --  
8 A. With the feedback?

9  
10 Q. Yes.  
11 A. Yes.

12  
13 Q. You referred to some work that Justin had done  
14 previously? Perhaps if the witness could see  
15 [FSS.0001.0051.5032], please. Can we scroll to page 2,  
16 please, and if we could just enlarge the centre section  
17 commencing, "Hi Cathie" and ending, "Thanks, Paula", which  
18 will obviate the need to redact. Thank you.

19  
20 So this is an email you sent to Ms Allen on 28 March  
21 2022?

22 A. Yes.

23  
24 Q. In which you looked at the rate of success of  
25 micro-concentration when it was requested in relation to  
26 low-quant samples?

27 A. Yes.

28  
29 Q. The success for priority 2 samples when they were  
30 micro-concentrated was 26.8 per cent?

31 A. Yes.

32  
33 Q. You understood "success" to mean, well, there was  
34 a forensically useful profile generated?

35 A. Yes, that was based on the success or fail, I guess,  
36 allocated by Justin in the data.

37  
38 Q. And for priority 3 samples, it was 15.7 per cent?

39 A. Yes.

40  
41 Q. So when, less than three months later, you heard that  
42 a decision had been made to --

43  
44 THE COMMISSIONER: What date is this, Mr Hunter?

45  
46 MR HUNTER: This is 28 March 2022. It has not been  
47 tendered, so I'll tender it.

1  
2 THE COMMISSIONER: Could I see the header, please. The  
3 email from Ms Brisotto to Ms Allen of 29 March 2022 is  
4 exhibit 128.  
5

6 **EXHIBIT #128 EMAIL FROM PAULA BRISOTTO TO CATHIE ALLEN OF**  
7 **29 MARCH 2022 BARCODED [FSS.0001.0051.5032]**  
8

9 MR HUNTER: Commissioner, just so I'm clear, the email  
10 about which I just asked the witness was on page 2 of that.  
11

12 THE COMMISSIONER: Yes.  
13

14 MR HUNTER: It's actually dated 28 March.  
15

16 THE COMMISSIONER: Yes. I'm identifying the bundle.  
17

18 MR HUNTER: I apologise.  
19

20 Q. So my question to you, then, is so that's 28 March, so  
21 6 June is two and a bit months later.  
22

23 A. Yes.  
24

25 Q. You hear that what's going to happen is that these  
26 low-quant samples are going to be directly amplified?  
27

28 A. Yes.  
29

30 Q. In circumstances where, maybe nine weeks earlier, you  
31 had identified that when some discrimination was used in  
32 terms of micro-concentrating them, there were quite  
33 significant rates of success?  
34

35 A. Yes.  
36

37 Q. So again my question to you is, it must surely have  
38 struck you as just utterly bewildering that anyone could  
39 possibly think that directly amplifying these low-quant  
40 samples was a good idea?  
41

42 A. I think I've conceded to that before.  
43

44 Q. Bearing in mind what you knew, did you think, well,  
45 hang on, maybe I should raise this with somebody?  
46

47 A. My impression was that it wasn't a decision that we  
could really overturn.

Q. Well, did you attempt to overturn it?

A. No. No.

1 Q. Did you go and see Ms Allen and say, "Look, I'm not  
2 quite sure who's responsible for this, but they need to be  
3 told that this is a mistake"?

4 A. No, I didn't.

5

6 Q. You've already agreed that you understood that the  
7 police trusted your lab to use its best endeavours to  
8 obtain evidence from these samples.

9

10 THE COMMISSIONER: Q. You know, Ms Brisotto, you have  
11 Ms Rika and Ms Reeves giving feedback in relation to the  
12 project report, which they had taken the trouble to  
13 generate by referring to Mr Parry and asking him for his  
14 advice about some statistical aspects; you have  
15 Ms Quartermain writing a long email explaining the  
16 difficulties of some of the problems arising because the  
17 process seems to be missing important evidence in the way  
18 that she explained, potentially rendering some of the  
19 evidence given by FSS scientists in court false; and you're  
20 being asked, you must have known that if the politicians  
21 had made this decision, as you'd been told they had, then  
22 it was a wrong decision, and of course you're right that it  
23 was their decision, on your understanding, and it wasn't  
24 for you to override it, but having regard to the example  
25 set by two other scientists, wasn't it your role, as  
26 a scientist of integrity, who, unlike those two, was in  
27 a more senior position, having the ear of Mr Howse and  
28 Ms Allen, to say to them, "I'm concerned about this. They  
29 seem to have made the wrong decision. Has anybody told  
30 them what the ramifications are?"

31

32 You seemed to have no sense of professional obligation  
33 to give advice to government through the chain of command,  
34 of course, but nevertheless you seemed to feel no  
35 obligation to do anything but your simple job of making  
36 sure that samples moved through the process, which is  
37 a process that involves no thought by anybody. Would that  
38 be a fair description?

39 A. No.

40

41 Q. Or would you like to reject it in some way? Tell me  
42 if you do.

43 A. Different feedback that I've had is also that staff  
44 don't want to automatically microcon as well. I've had  
45 feedback from some of the people that you mentioned that  
46 they would want to assess it for amplification instead of  
47 straight to microcon.

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Q. Yes.

A. So as I said, there is benefit to some samples going direct to amplification but also some samples being microconned.

Q. Yes, and that's, as I understand it, the Tasmanian method. But here, the person who would be in a position to make that decision, having the quant in her hand, in order to exercise discretion would need to know the nature of the sample - is it blood or is it a trace sample; what is the significance of it in terms of the number of samples in the case that might have much higher quants and might be of a much more rich source of DNA; and what is the significance to the case from the point of view of police of this particular sample. Those are things that that person exercising discretion would want to know?

A. Yes.

Q. And you don't have any process for doing that, do you?

A. No.

Q. So there's no point talking about "some people would like to think that you shouldn't amplify all samples", is there?

A. No.

Q. Then don't waste my time with empty answers, please.

MR HUNTER: Q. Now, you agreed with me that you understood that the police were trusting your lab to use its best endeavours to identify evidence from the samples that were submitted; correct?

A. Yes.

Q. You had had it pointed out to you by two other scientists that evidence could well be missed as a result of this process?

A. In the feedback?

Q. Yes.

A. Yes.

Q. You yourself had identified, only a little while earlier, that when you did microcon these samples, or some of them, you got results - yes?

A. Yes.



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Q. Did it occur to you that, "Hang on, we might be missing critical pieces of evidence"?

A. The ability to still microcon was still there.

Q. Well, can I ask [zoom screen froze for 11 seconds] get a profile that's unsuitable for interpretation; correct?

A. Yes.

Q. If that's reported to the police, all the police will see is something like "Complex mixture, unsuitable for further interpretation"; correct?

A. Yes.

Q. At least with the DIFP process, they got told, "If you want this to be retested, let us know"; correct?

A. Yes.

Q. But when something is directly amped and produces a rubbish profile, the police would see a result line that would lead them to think, well, that's it?

A. If it was a suitable profile to microcon because it indicated that there was potentially a single source or a larger contributor, that would be microconned then.

Q. But a lot of the time, the result that you would get would be just rubbish, wouldn't it, uninterpretable?

A. It could be, but I guess looking at that DNA profile that was amplified gives you an assessment of the quality of the DNA profile.

Q. But, see, the police wouldn't know that they had any option, because they'd simply get told, wouldn't they, "This is the result. We've tested it. Here's what we got. It's useless"?

A. And the case scientist would make an assessment, based on the DNA profile, if there was something additional to do to that --

Q. And that's if the profile presented as possibly benefiting from micro-concentration; correct?

A. Yes.

Q. But you're not suggesting, are you, that in all cases a direct amplification will reveal whether something ought to be micro-concentrated or not?

A. It will give an indication, I believe.

1  
2 Q. But you might have just been unlucky, mightn't you, in  
3 a low-quant sample: when you selected the 15 microlitres  
4 of sample for testing, you might have just got a portion of  
5 it that didn't have very much DNA in it?  
6 A. The process is about ensuring that that sample is  
7 mixed before you add the 15 microlitres.  
8  
9 Q. But my point is that it's not necessarily the case  
10 that directly amping something will tell you whether it's  
11 worth micro-concentrating or not?  
12 A. Not all the time, no.  
13  
14 Q. You've already agreed with me that most of the time,  
15 the results you're going to get are going to be unsuitable  
16 for further interpretation; correct?  
17 A. Yes.  
18  
19 Q. And if that's the result line that gets generated, the  
20 police would have no inkling that there might be the  
21 possibility of micro-concentrating what's left?  
22 A. They wouldn't - I would guess that - well, I would  
23 assume that that assessment would be made by the reviewing  
24 scientist or the case managing scientist.  
25  
26 Q. Why would an assessing scientist make that decision,  
27 when you have a complex mixture that's unsuitable for  
28 further interpretation?  
29 A. A complex mixture might not result at anything further  
30 useful after microcon. It might just become complex with  
31 slightly larger peak heights.  
32  
33 Q. All of that really serves to highlight the benefits of  
34 micro-concentrating them in the first place; do you agree?  
35 A. Yes.  
36  
37 Q. Can I ask you, please, about the forensic-register.  
38 You have agreed that scientists in the analytical section  
39 don't, as a matter of routine, look at the  
40 forensic-register to see the photographs of the substrate  
41 from which the sample's been taken?  
42 A. No, they don't.  
43  
44 Q. Can I suggest to you that doing that is a relatively  
45 straightforward process, though?  
46 A. For the way the batch is set up, it would take  
47 a number of additional steps to do that, but they could.

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Q. The forensic-register itself is relatively simple to use, isn't it?

A. It is simple to use. It is navigating around the different screens when you've got 70 samples that that can take longer.

Q. But it's possible, isn't it, to filter the output so that you get a list of results that are DIFP, for example?

A. I'm not sure if it's filterable on that particular quant transition page.

Q. Even if it were not, it's possible, if you see a result that is DIFP, and you're only looking at a maximum of is it 70 samples that go through in each batch?

A. I think it's 70, yes, about that.

Q. So it's possible, though, to look at a result that is DIFP, and it's a matter of a couple of clicks of the mouse before you're looking at a photograph of the substrate?

A. It could be that, yes.

MR HUNTER: Commissioner, we've arranged to be transmitted to the Commission a PDF that shows a printout of the forensic-register by way of example.

THE COMMISSIONER: Yes.

MR HUNTER: We understand it's - we hope it has been sent to Mr Woolridge. He's looking blankly at me, which is not encouraging.

THE COMMISSIONER: Perhaps one of Mr Hodge's team can go outside and make a phone call to get that confirmed. Can you proceed with something else?

MR HUNTER: It's really the last topic.

THE COMMISSIONER: Is it?

MR HUNTER: Yes.

THE COMMISSIONER: You can come back to it, if you like. See what Mr Rice has. Nothing?

MR RICE: No, thank you.

1 THE COMMISSIONER: Nothing. Anybody else? Mr Diehm, you  
2 have some questions?

3  
4 MR DIEHM: Yes.

5  
6 THE COMMISSIONER: You might as well proceed. Are you  
7 happy to proceed?

8  
9 MR DIEHM: I am.

10  
11 THE COMMISSIONER: And you can have another go.

12  
13 MR DIEHM: If necessary.

14  
15 THE COMMISSIONER: Yes, if you need to, yes.

16  
17 MR DIEHM: Thank you, Commissioner.

18  
19 <EXAMINATION BY MR DIEHM:

20  
21 MR DIEHM: Commissioner, could I ask through you for  
22 Mr Woolridge to bring up on the screen  
23 [FSS.0205.0001.0001]. It should be what is exhibit 93,  
24 Project #153 report. Yes, it is.

25  
26 Q. You've seen that, Ms Brisotto, the cover page?

27 A. Yes.

28  
29 Q. Could I ask Mr Woolridge to scroll through to the 12th  
30 page of the document, trusting that I've got that right.  
31 Page 12 of the document in the bottom right-hand corner.  
32 Yes, thank you. Ms Brisotto, I'm bringing this up not for  
33 the particular content of the document but, rather, for the  
34 process with respect to project reports as they were when  
35 this project report was generated in 2015 and, indeed, when  
36 project 184 was being worked upon in late 2017 into the  
37 beginning of 2018.

38  
39 We've seen, the Commission has plenty of evidence  
40 before it to see, that there's a project proposal that's  
41 signed off by the management committee?

42 A. Yes.

43  
44 Q. It tasks certain members of staff, some of whom may be  
45 on the management committee, and others not, with the  
46 generation of a report for the consideration of the  
47 committee; is that right?

1 A. Yes.

2

3 Q. The answer to that question probably is sufficient,  
4 but to be clear about it, the audience for a project report  
5 in draft is the management committee?

6 A. Yes.

7

8 Q. And a project report, whether in draft or in a final  
9 report, would ordinarily conclude with recommendations?

10 A. Yes.

11

12 Q. And those, would it be the case in the ordinary course  
13 of things, are recommendations being made by the project  
14 authors, the report authors, to the management committee?

15 A. Yes.

16

17 Q. For the committee to then consider and to choose to  
18 accept or reject?

19 A. Yes.

20

21 Q. Of course, if in turn they accept the recommendations,  
22 then it falls to others to implement them?

23 A. Yes.

24

25 Q. And so what we can see, for instance, under the  
26 heading of "Conclusions and Recommendations" there with  
27 respect to Project #153 is an example of that - that is to  
28 say, there are some conclusions expressed but ultimately  
29 some recommendations made as to what is to occur?

30 A. Yes.

31

32 Q. Now, if that can be taken down off the screen,  
33 thank you, Mr Woolridge. With respect to Project #184, as  
34 Mr Hodge suggested to you yesterday and you agreed, the  
35 project proposal included ultimately for there to be the  
36 generation of recommendations to be made to the QPS?

37 A. Yes.

38

39 Q. Could I ask if the first draft of the Project #184  
40 report can be put on the screen. It's  
41 [FSS.0001.0001.0914]. You can see that, November 2017, the  
42 first draft therefore of the Project #184 report?

43 A. Yes.

44

45 Q. Can I ask if we can scroll through to the  
46 recommendations part of the report - I don't have the page  
47 number, I'm sorry, Mr Woolridge, but a little further in.

1 Back one page, thank you. If we can concentrate, then, on  
2 the numbered paragraphs 1 through to 5 - thank you.

3

4 Now, Mr Hodge looked at these with you yesterday, but  
5 we can see there that the recommendations as they are  
6 expressed, 1 through to 4, propose specific actions. Do  
7 you see that?

8 A. Yes.

9

10 Q. And is it right to see those as being actions to be  
11 taken by laboratory staff?

12 A. Yes.

13

14 Q. Then the fifth and final recommendation that is being  
15 made is that that change in process reflected by 1 through  
16 to 4 be communicated to the QPS and other information  
17 relevant to that change in process be provided?

18 A. Yes.

19

20 Q. So, insofar as the first draft of the report for  
21 Project #184 was concerned, is it right that you see that  
22 as being the usual kind of structure for recommendations in  
23 project reports, as you described before, being  
24 recommendations made to the audience of the management  
25 committee that it might accept and, if it does, then they  
26 are to be implemented?

27 A. Yes.

28

29 Q. Do you see them as being recommendations directed  
30 towards the QPS, ie, recommendations to be made to the QPS  
31 or recommendations to be made to the management committee?

32 A. The 1 to 4, recommendations for the management team.

33

34 Q. Yes, but then the action in 5 is also a recommendation  
35 for action by the laboratory itself, isn't it?

36 A. Yes.

37

38 Q. In other words, to tell the QPS about what's been  
39 done?

40 A. Yes.

41

42 Q. So in that respect, even though you didn't note it in  
43 your feedback that you provided to the first draft, do you  
44 consider that the recommendations as drafted at that point  
45 in time were not consistent with the project proposal, in  
46 that they weren't providing recommendations to the QPS?

47 A. No.

1  
2 Q. Thank you, that can be taken down, please,  
3 Mr Woolridge, and if we can now have up on the screen the  
4 second draft, which is - I can give you this number; it's  
5 no doubt got others - [QPS.0013.0650.0001]. You can see  
6 therefore, Ms Brisotto, January 2018, this is the second  
7 draft of the Project #184 report?

8 A. Yes.

9

10 Q. If I can ask if we can scroll, Mr Woolridge, through  
11 again to the recommendations at the end of the document,  
12 second-last page, I think it should be. If we can go back  
13 up there - bear with me, please, Commissioner.  
14 Mr Woolridge, this might be a different version of the  
15 document. I'm looking for version 2. Perhaps,  
16 Mr Woolridge, I'll apologise and give you a different  
17 document number, [WIT.0014.0149.0001].

18

19 So again the same cover sheet, but if we can go  
20 through to what is section 8 on page 19 of the document and  
21 if we can zoom in on the 1 through to 4 at the bottom of  
22 the page. Thank you. With respect to version 2 of the  
23 Project #184 report, if you can just refamiliarise yourself  
24 with the content of those four recommendations there?

25 A. Yes.

26

27 Q. That, Ms Brisotto, on the wording that is used there,  
28 is similar in style and content to that from version 1,  
29 that is to say that there are in 1, 2 and 3 actions, if the  
30 recommendations are adopted, to be enacted by the  
31 laboratory, followed by a communication of that change in  
32 process to the QPS?

33 A. Yes.

34

35 Q. Again, in terms of the structure of the report, those  
36 are recommendations being made not to the QPS but to the  
37 management committee?

38 A. Yes.

39

40 Q. We know from the evidence before the Commissioner that  
41 events occurred that saw the generation of an Options Paper  
42 that was finally the subject of a meeting between QPS and  
43 staff on behalf of the laboratory on 2 February 2018?

44 A. Yes.

45

46 Q. I won't traverse that ground, but before that meeting  
47 on 2 February, there was a meeting on 1 February of the

1 management committee of the laboratory; do you recall that?

2 A. Yes.

3

4 Q. If, Commissioner, I can ask, please, for document  
5 [WIT.0014.0019.0001] to be put on the screen. Now, what's  
6 up there at the moment is the first page of minutes for the  
7 management team of Forensic DNA Analysis for 1 February  
8 2018; you can see that?

9 A. Yes.

10

11 Q. And from it, we can also see obviously who was in  
12 attendance at the meeting?

13 A. Yes.

14

15 Q. Is that the usual format for minutes of the meeting,  
16 at least at that first page that you can see there?

17 A. Yes.

18

19 Q. If I can ask, please, if we can scroll to the second  
20 page, we can see there that there is a list of project  
21 updates and there are three columns, obviously, with  
22 reference to an item number, the item itself and the  
23 action. Now, would it be fair to say, Ms Brisotto, that  
24 the minutes in that section at least, section 5, of the  
25 report aren't purporting to be some sort of transcript of  
26 the discussion that went on between the participants?

27 A. Yes.

28

29 Q. The item number in the left-hand column, what's that  
30 referable to, do you know?

31 A. That is just the numbering system for the report.

32

33 Q. For the item on the agenda?

34 A. Yes, essentially, yes.

35

36 Q. Where project updates are being provided to the  
37 management committee - sorry, I pause to say, is it right  
38 that you don't have a particular recollection of relevant  
39 discussions in this management committee meeting?

40 A. No, I don't.

41

42 Q. So in terms of the usual process that would go on at  
43 a management committee meeting, was it usual for there to  
44 be project updates provided?

45 A. Yes, it would generally be going down the list and the  
46 project managers would discuss the update.

47



1 Q. So it would turn to each project manager to provide  
2 that update?

3 A. Yes.

4

5 Q. In the case of Project #184, that was Justin Howes?

6 A. Yes.

7

8 Q. And we saw from the first page of the meeting that, on  
9 that particular day, he was the chair of the meeting?

10 A. Yes.

11

12 Q. In terms of the recording of a summary of what was  
13 provided in the minutes as we see for the item 5.7 there  
14 with respect to Project #184, would there usually be some  
15 sort of narrative about where things were at and that's  
16 then reflected in the summary?

17 A. Yes.

18

19 Q. We can see from those minutes that there was reference  
20 to there being an Options Paper being drafted for  
21 priority 2 samples to be provided to the QPS for decision?

22 A. Yes.

23

24 Q. As far as the column, then, on the right-hand side is  
25 concerned, we have "Action", what's the "Action" column  
26 meant to represent?

27 A. What the current action is.

28

29 Q. If there's something someone in the management  
30 committee wanted to raise about a particular project and  
31 ask for something to be done, if that was to be done, where  
32 would that be recorded?

33 A. That would generally be recorded, I guess, in the body  
34 of the page there, so in the "Project Updates", if there  
35 was discussion.

36

37 Q. The action column with respect to Project #184 repeats  
38 that information. There it says an Options Paper has been  
39 drafted for QPS consideration?

40 A. Yes.

41

42 Q. Which we know from evidence before the Commission is  
43 true, that is to say, it had been drafted. The evidence  
44 before the Commission would show that it had been sent but  
45 was not yet the subject of a final meeting?

46 A. Yes.

47

1 Q. Thank you, Commissioner, if that can be taken down.  
2 If I can ask then for document [WIT.0014.0020.0001] to be  
3 brought up on to the screen. I want to ask you about the  
4 email in the centre of that page, if that can be  
5 highlighted, please. This is your email on 5 February  
6 2018?

7 A. Yes.

8  
9 Q. To Ms Allen and Mr Howse, which you will recall was  
10 responding to Ms Allen's email --

11 A. Yes.

12  
13 Q. -- asking as to whether there was any difficulty with  
14 respect to her proposal to email the management team  
15 letting them know that the Options Paper had been  
16 presented, the QPS had elected for option 2 and that she  
17 would attach the Options Paper to that email?

18 A. Yes.

19  
20 Q. We can see that, as has been established, you respond  
21 saying, no, you don't have any issues with that.  
22 Appreciating your evidence that you don't recall what was  
23 in your mind with respect to these things as you were  
24 sending the email, I just want to ask you about the first  
25 thing that follows the, "No, I don't, where it says:

26  
27 *... as the information in the Options Paper*  
28 *was taken from the report that they had*  
29 *already read.*

30  
31 A. Yes.

32  
33 Q. Now, doing the best you can to recall what you knew at  
34 around about that time, was it true, as far as you were  
35 concerned, that the information that was in the Options  
36 Paper was taken from the draft report that had been  
37 circulated to the management committee?

38 A. Yes, that is the belief I had.

39  
40 Q. And given that we know that both versions 1 and 2 of  
41 the 184 paper had been sent to the management committee,  
42 the very same committee that was, if your answer was acted  
43 upon, about to receive a copy of the Options Paper, would  
44 you have had any reason to think that if that turned out  
45 not to be true, that that wouldn't be discovered?

46 A. No, no, they would have - I would assume they would  
47 pick it up straightaway.

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Q. The next sentence in the email says that you also thought at that point in time that:

*... the Options Paper shows the information that was presented to the QPS did not offer opinions or recommendations, only options for them to consider.*

A. Yes.

Q. Going back to the project proposal in late 2017 --

A. Yes.

Q. -- that proposal then was, as Mr Hodge put to you yesterday, that there be recommendations made to the QPS; do you recall?

A. Yes.

Q. On 1 February, the management committee was told by Justin Howes that what was being prepared to be given to the QPS was an Options Paper?

A. Yes.

Q. So again, appreciating that you don't have a particular recollection of what was in your mind at that point in time, if it could be accepted that you knew those two things, then would that statement you've made there have been, in your belief at the time, true?

A. Yes, I believe it would have.

Q. One final question on a different topic, Ms Brisotto. You answered some questions from Mr Hodge earlier concerning the cleaning of bone tools.

A. Yes.

Q. And leaving aside the bone crushing equipment itself?

A. Yes.

Q. The chisels and other objects that you identified?

A. Yes.

Q. You spoke about the use of bleach followed by 70 per cent ethanol as a cleaning protocol?

A. Yes.

Q. As something that had been employed for metal tools

1 that included forceps?

2 A. Yes, forceps, scissors.

3

4 Q. Yes, all right - tweezers, was that one of the ones  
5 you mentioned?

6 A. Forceps, tweezers - same.

7

8 Q. Same sort of thing, all right. And that had been in  
9 use at the laboratory, in your experience, from the time  
10 you had been there?

11 A. Yes.

12

13 Q. If not longer?

14 A. I'm sure it was before.

15

16 Q. If it is to be assumed that, whatever other issues  
17 there might be about using bleach, that bleach is effective  
18 for removing remnant DNA as part of a cleaning process --

19 A. Yes, that is why we use it for environmental cleaning.

20

21 Q. You say that the experience of the laboratory from  
22 that many years is consistent with it being effective for  
23 that purpose?

24 A. Yes.

25

26 Q. Certainly no signs of problems across all of those  
27 years?

28 A. No.

29

30 Q. From a scientific point of view, if the bleach was  
31 removed as part of the cleaning process, promptly, by the  
32 use of mechanical action involving ethanol 70 per cent --

33 A. Yes.

34

35 Q. -- then in your experience, has there been any damage  
36 caused to those steel or metal implements?

37 A. No. We do ensure that staff identify if they need  
38 replacing, because implements wear out after a while, but,  
39 no.

40

41 Q. If ethanol was something that - I'm sorry, if bleach,  
42 as something that is effective for removing DNA, is not  
43 cleaned off tools that are then applied to extracting DNA,  
44 as a scientist, in your expectation, what would that result  
45 in in terms of trying to sample new DNA using those tools?

46 A. You would potentially expose your sample to bleach.

47

1 Q. So there seem to be two good reasons, in that sense,  
2 from a practical point of view to the cleaning off of the  
3 bleach with the mechanical cleaning using ethanol?

4 A. Yes.

5

6 MR DIEHM: Thank you, Commissioner.

7

8 THE COMMISSIONER: Thank you, Mr Diehm. Ms Hedge, has  
9 that document been sorted out for Mr Hunter?

10

11 MR HUNTER: Yes. If it might be displayed.

12

13 <EXAMINATION BY MR HUNTER:

14

15 MR HUNTER: Q. What I'm suggesting to you is that what  
16 we can see here is a screenshot, if you like, of at least  
17 one of the pages that one can see when using the  
18 forensic-register?

19

20 A. Yes, that is one of the pages.

21

22 Q. And it's described at the top of the page as being an

23

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- 1 Q. So that's the "Exhibit Analytical Detail" page?
- 2 A. Yes.
- 3
- 4 Q. Which gives you a barcode number?
- 5 A. Yes.
- 6
- 7 Q. It tells you there what the sample consisted of?
- 8 A. Yes.
- 9
- 10 Q. It was, what, a tape-lift from a steering wheel?
- 11 A. Yes.
- 12
- 13 Q. It's possible, although the barcode number is in
- 14 orange, that's actually normally a hyperlink; do you agree?
- 15 A. To get to that page, yes.
- 16
- 17 Q. If one clicked on that barcode number, you'd then go
- 18 to what we can see on the next page?
- 19 A. Yes.
- 20
- 21 Q. We can see the exhibit record?
- 22 A. Yes.
- 23
- 24 Q. Which shows, obviously, that exhibit number, again
- 25 some more information about what it was and where it came
- 26 from?
- 27 A. Yes.
- 28
- 29 Q. If we could scroll down the page, please - not quite
- 30 that far - we can see the presumptive screening test, if
- 31 that had been done?
- 32 A. Yes.
- 33
- 34 Q. Because this is a trace DNA test, there would be no
- 35 presumptive testing done; do you agree?
- 36 A. Yes.
- 37
- 38 Q. But if there was presumptive testing, we can see there
- 39 the first three are different types of presumptive tests -
- 40 for blood?
- 41 A. Yes.
- 42
- 43 Q. Then we have acid phosphatase and P30, which are tests
- 44 for semen?
- 45 A. Yes.
- 46
- 47 Q. Then the last one is a forensic light source?

1 A. Yes.

2

3 Q. Then if we go to the next screen, please, we see the  
4 photographs of the place from which the sample was taken,  
5 at the bottom?

6 A. Yes.

7

8 Q. You agree with me that that demonstrates how  
9 relatively straightforward it is for someone to look at  
10 a photograph that shows what it was that a particular  
11 sample was taken from on the forensic-register?

12 A. Yes, that's what the evidence recovery team would look  
13 at.

14

15 Q. There's no reason, do you agree, with perhaps a bit of  
16 a modification to the workflow, why someone in the  
17 analytical team couldn't do the same exercise?

18 A. They could do the same exercise with some  
19 modification. It would require, I guess, as I said before,  
20 a change of workflow and also training.

21

22 Q. But it wouldn't require a change to the  
23 forensic-register?

24 A. They could - I guess if there was - and I'd have to go  
25 to the quant transition page or the workflow that they  
26 actually use to go through and see if that would hyperlink  
27 to those pages as well, but --

28

29 Q. It would, wouldn't it?

30 A. If the worklist for - like, this is a worklist for the  
31 received list. It would depend on the worklist that  
32 analytical staff accessed to do that task.

33

34 Q. But once the quant had been done and, for example, the  
35 result line, let's say, "DNA insufficient for further  
36 processing" had been allocated --

37 A. Yes.

38

39 Q. -- it would be a matter of someone scrolling through  
40 that list of results from that batch, clicking on the  
41 various DIFP examples --

42 A. Yes.

43

44 Q. -- and then looking at the photographs?

45 A. Yes.

46

47 MR HUNTER: Commissioner, I tender those.

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THE COMMISSIONER: Exhibit 128.

**EXHIBIT #128 REDACTED ANALYTICAL WORKLIST FROM  
FORENSIC-REGISTER**

MR HUNTER: That's all I have.

THE COMMISSIONER: Thank you. Mr Diehm?

MR DIEHM: Nothing arising.

THE COMMISSIONER: No. Anybody else? Sorry, Mr Hodge?

MR HODGE: I just had a few questions.

THE COMMISSIONER: Yes.

**<EXAMINATION BY MR HODGE:**

MR HODGE: Q. Most of these, in fact I think all of these, are just in relation to some questions Mr Diehm asked you. At one point, Mr Diehm said to you Justin Howes had told the management committee at the meeting on 1 February 2018 that what was being prepared to be given to police was an Options Paper?

A. That's what the minutes state.

Q. Yes, but tell me if you agree with this: you don't remember that management committee meeting?

A. No.

Q. When you say, "That's what the minutes state" - we can bring them up - do you say the minutes identify Justin Howes as saying that?

A. The minutes will generally record the update from the project manager.

Q. I see. The minutes - I'll ask a different question, actually. That agenda in the minutes, is that prepared in advance?

A. The agenda is, and the date that that information is provided, if it's pre the meeting, will be recorded in there.

Q. Can we bring up [WIT.0014.0019.0001]. These are those minutes, and tell me if I'm right, but just looking



1 at that first page, so taking for example item 1.2, where  
2 it says, "Conflicts of interest" and it has:

3  
4 - Nil. Agenda sent out prior to meeting.  
5 If any conflicts exist, these are to be  
6 discussed with chair prior to meeting.

7  
8 A. Yes.

9  
10 Q. Presumably that's just pre-populated?

11 A. That one is, yes.

12  
13 Q. Then if we go over the page, we can see a series of  
14 these item 5 agenda items, where it has "Project" and then  
15 the number and then some information next to it?

16 A. Yes.

17  
18 Q. We can see in some of the items, there's an update  
19 where it has a date and then some information next to it?

20 A. Yes.

21  
22 Q. In Project #184, which is 5.7 in the middle of the  
23 page, it says:

24  
25 *Evaluation of the efficacy of microcons ...*

26  
27 and then there's the date, and the dash says:

28  
29 *Options paper drafted for Priority 2*  
30 *samples - to be provided to QPS for*  
31 *decision.*

32  
33 A. Yes.

34  
35 Q. I just wanted to understand, are you saying you read -  
36 you don't remember, but in accordance with the ordinary  
37 practice of the meeting, that would mean that at that  
38 meeting on 1 February 2018, somebody said to the people  
39 present at the meeting, "The Options Paper has been drafted  
40 and it is to be provided to QPS for decision"?

41 A. I imagine, yes, that would be the case.

42  
43 Q. And you are saying that would have been Justin Howes?

44 A. It would generally be the project manager talking  
45 about their project, yes.

46  
47 THE COMMISSIONER: What was the date of this meeting?

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MR HODGE: This was 1 February 2018.

Q. So I just want to understand, if that's true - that is, if what you say is true, then that means that the management committee were lied to?

A. In what way, sorry?

Q. Because the paper had already been provided to the QPS, hadn't it?

THE COMMISSIONER: And the next entry relates to something that is said to have happened on 5 February, which was days away.

MR HODGE: Yes. I will come to that in a moment. Sorry, Commissioner.

THE COMMISSIONER: No, go ahead.

MR HODGE: Q. I think it's probably just important that I - particularly for Mr Howse, who's going to give evidence next week. Are you saying that your belief based on your years of experience in accordance with the ordinary practice of the meeting and the creation of the minutes is that if the date says 1 February 2018, what follows is information that was provided by the project manager, who would have been Mr Howse, to the meeting at that time?

A. If that - that was his understanding. I'm not sure if we were aware of when the Options Paper was actually provided to the QPS.

Q. Cathie Allen knew, and she was at the meeting. In any event, that's your evidence, that your understanding of the ordinary practice of the meeting is that if it's recorded in that way - and could you just blow that up again for us, operator - if it's recorded in that way, then that must have been the way it was explained at the meeting?

A. That would be my understanding, yes.

Q. Then to go back to the Commissioner's question, this document is not actually minutes of what occurs at the meeting; it's more like a record of issues that are to be discussed as part of a particular management committee meeting and follow-up to those issues?

A. It can be. It does also incorporate the discussion that is had at the time.

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Q. So that entry, "5 February 2018", that presumably is something that somebody must have added afterwards?

A. It must be.

Q. And that is also not unusual?

A. It is unusual for the practices now, because that would not normally happen.

Q. You wouldn't normally add further information later?

A. No. If it wasn't minuted at the meeting or provided in the agenda, it would not be able to be accepted.

Q. I see. You say you just can't remember now whether you knew by 1 February whether or not the Options Paper had already been provided?

A. No, I don't - I don't know - I think we knew - potentially from the emails knew that the meeting was happening the following day, but I'm not sure if we knew when the Options Paper was actually provided to the QPS, because that didn't include us in the email.

Q. Is it likely, if you had known that the Options Paper had already been provided to QPS, that you would have sat by in the meeting whilst Justin Howes told the meeting that the Options Paper was to be provided to QPS?

A. If - if I had've known, he would have known as well.

Q. I'm just trying to understand, if he had said this thing to the meeting, on its face, if what you say is right, then what he said to the meeting or what somebody said to the meeting was false - it doesn't mean they knew it was false, but it was false; do you agree with that?

A. At that time, yes, it had been emailed to the superintendent.

Q. I'm just interested as to whether you think it's likely that you would have sat by in the meeting and said nothing if something false was said to the meeting?

A. I think I would have corrected it.

Q. I see. Then there's another question that Mr Diehm asked you, which I might have misheard, but do you remember he was asking you about that first sentence of your email on 5 February, and he said to you you understood the Options Paper reflected version 2 of the Project #184 report?

1 A. I don't think he said - he said version 1 and  
2 version 2 followed the same format with the  
3 recommendations, I believe.  
4

5 Q. That's what I just wanted to understand. Your view  
6 isn't that the Options Paper records or reflects the  
7 recommendations that were contained in version 1 or  
8 version 2 of the report?

9 A. My view isn't that, sorry?

10

11 Q. Yes.

12 A. Based on that email, my view was that it was based on  
13 the experimental - sorry, the reports at the time.  
14

15 Q. It contained similar content to what was in the drafts  
16 of the reports?

17 A. Yes.  
18

19 Q. But I think, based on your evidence, you say you don't  
20 even know whether you ever read version 2 of the report?

21 A. I don't have - no.  
22

23 Q. And so this is a view you formed later, that version 2  
24 of the report's content is reflected in the Options Paper?

25 A. Based - yes, based on reflection.  
26

27 Q. Then I just want to ask you about one other topic,  
28 which is in relation to this issue of the bone equipment.

29 A. Yes.  
30

31 Q. I had understood you to say in answer to a question  
32 Mr Diehm asked you that you weren't aware of any issues in  
33 relation to the equipment arising from the cleaning method?  
34

35 MR DIEHM: That wasn't the question. The question was  
36 about whether the witness knew of any issues with respect  
37 to the cleaning of metal equipment using bleach and ethanol  
38 70 per cent.  
39

40 THE COMMISSIONER: Mr Hodge?  
41

42 MR HODGE: Thank you, that's fine.  
43

44 Q. As I understood it, your answer was, no, you weren't  
45 aware of any issues?

46 A. Not - no.  
47

1 Q. Not those particular issues?  
 2 A. No.  
 3  
 4 Q. Are you aware of issues with rusting or pitting on any  
 5 of the chisels?  
 6 A. I have - I don't know if it's an issue. I think  
 7 they're replaced when something is observed or  
 8 semi-regularly, but so are other equipment, too.  
 9  
 10 Q. And are you aware that in May of this year, Allison  
 11 Lloyd purchased new chisels for the bone and teeth samples?  
 12 A. I think that I'd heard about that very recently.  
 13  
 14 Q. You weren't aware of that at the time?  
 15 A. No.  
 16  
 17 Q. She's the current manager of evidence recovery?  
 18 A. Yes.  
 19  
 20 Q. Does she report to you?  
 21 A. Yes.  
 22  
 23 Q. Were you aware of why she replaced them?  
 24 A. No.  
 25  
 26 Q. Okay. And are you aware of where she replaced them  
 27 from?  
 28 A. No.  
 29  
 30 Q. Is it likely to have been from a hardware store?  
 31 A. I'm not sure where she purchased them from.  
 32  
 33 Q. Is it the case that some of the other steel equipment  
 34 that you've referred to being cleaned, things like scalpels  
 35 and tweezers - is that, to your knowledge, a different  
 36 grade of steel from the kinds of chisels used in relation  
 37 to bone and teeth sampling?  
 38  
 39 MR DIEHM: Forceps rather than scalpels.  
 40  
 41 THE COMMISSIONER: I thought you said - anyway, it doesn't  
 42 matter, whatever it was that Ms Brisotto was referring to.  
 43  
 44 THE WITNESS: I'm not sure. I would have to check. I'm  
 45 sure there are different grades among them.  
 46  
 47 MR HODGE: Q. I understand. I'm interested, though, in

1 understanding, is that something you've turned your mind to  
2 before, whether the grades of metal being used in relation  
3 to the bone sampling equipment is different from the kind  
4 of small items that you've referred to in the rest of the  
5 laboratory?

6 A. No, because I thought initially we had purchased bone  
7 chisels specifically for bone, but I would have to check.

8  
9 Q. In relation to scalpels, am I right in thinking, when  
10 you're using a scalpel, each time you're using it you're  
11 using a replaceable blade?

12 A. Yes.

13  
14 Q. So the piece of metal that's coming into contact with  
15 the material that you're taking a sample from is being  
16 replaced each time?

17 A. Yes, for scalpels.

18  
19 Q. Yes, whereas if it comes to, say, a chisel that's  
20 being used in relation to bone, you're not replacing that  
21 on each occasion?

22 A. No, but I thought I'd referred to forceps and  
23 scissors.

24  
25 MR HODGE: Thank you, Commissioner.

26  
27 THE COMMISSIONER: Thank you. Anything arising out of  
28 that, Mr Diehm?

29  
30 MR DIEHM: No, thank you.

31  
32 THE COMMISSIONER: Thank you, Ms Brisotto. You are free  
33 to go.

34  
35 THE WITNESS: Thank you very much, Commissioner.

36  
37 <THE WITNESS WITHDREW

38  
39 THE COMMISSIONER: Mr Hodge, we'll adjourn now, but what's  
40 the plan for Monday?

41  
42 MR HODGE: I'm told that it's going to be 9.30 on Monday.

43  
44 THE COMMISSIONER: And who are our witnesses?

45  
46 MR HODGE: The first witness on Monday, and the only  
47 witness I expect on Monday, is Lara Keller.

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THE COMMISSIONER: Yes.

MR HODGE: We'll probably also have a short opening, closing from Ms Hedge in relation to the issue of the DNAIQ machine and the report that has come from Professor Linzi Wilson-Wilde, but we won't call her.

THE COMMISSIONER: Yes, all right. All right, does anybody else have anything to raise? No. We will adjourn until 9.30 on Monday, then.

**AT 4.35PM THE COMMISSION WAS ADJOURNED TO  
MONDAY, 24 OCTOBER 2022 AT 9.30AM**

#	<div>001<sup>[1]</sup> - 1973:3</div> <div>0010<sup>[1]</sup> - 1994:10</div> <div>0088<sup>[1]</sup> - 1973:4</div> <div>0918<sup>[2]</sup> - 1933:8, 1934:6</div> <div>0920<sup>[1]</sup> - 1925:36</div> <div>0921<sup>[1]</sup> - 1926:8</div> <div>0923<sup>[1]</sup> - 1926:34</div> <div>0925<sup>[1]</sup> - 1927:5</div> <div>0930<sup>[1]</sup> - 1933:29</div> <div>0931<sup>[1]</sup> - 1927:23</div> <div>1</div> <div>1<sup>[39]</sup> - 1925:10, 1929:39, 1930:4, 1943:39, 1943:44, 1944:2, 1944:9, 1944:18, 1944:29, 1944:43, 1945:27, 1946:45, 1947:19, 1948:29, 1949:9, 1949:28, 1949:32, 2006:1, 2013:29, 2025:6, 2028:15, 2041:2, 2041:6, 2041:15, 2041:32, 2042:21, 2042:28, 2042:29, 2042:47, 2043:7, 2045:40, 2046:20, 2051:25, 2052:38, 2053:2, 2053:26, 2054:15, 2055:1, 2055:7</div> <div>1.2<sup>[1]</sup> - 2052:1</div> <div>1.45<sup>[2]</sup> - 1927:18, 1927:38</div> <div>1/363<sup>[1]</sup> - 1924:23</div> <div>10<sup>[20]</sup> - 1928:24, 1928:25, 1928:31, 1928:41, 1929:1, 1933:37, 1934:34, 1935:10, 1935:17, 1935:46, 1954:2, 1954:20, 1954:28, 1955:24, 1955:30, 1955:33, 1972:3, 1972:24, 1975:6, 1976:3</div> <div>100<sup>[1]</sup> - 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2032:38</div> <div>153<sup>[5]</sup> - 2008:38, 2009:26, 2011:9, 2012:4, 2012:12</div> <div>16<sup>[4]</sup> - 1968:10, 1977:8, 1981:42, 1982:7</div> <div>17<sup>[3]</sup> - 1968:10, 1968:18, 1977:43</div> <div>181<sup>[2]</sup> - 2001:13, 2001:36</div> <div>184<sup>[4]</sup> - 1960:2, 2023:11, 2039:36, 2045:41</div> <div>19<sup>[13]</sup> - 1939:28, 1939:31, 1943:9, 1943:18, 1947:24, 1947:33, 1947:34, 1947:36, 1968:5, 2024:31, 2025:9, 2026:13, 2042:20</div> <div>19th<sup>[3]</sup> - 1940:5, 2026:29, 2030:34</div> <div>1pm<sup>[1]</sup> - 1965:39</div> <div>1s<sup>[1]</sup> - 2013:27</div> <div>2</div> <div>2<sup>[67]</sup> - 1926:7, 1927:33, 1927:44, 1929:41, 1930:12, 1938:31, 1943:38, 1943:39, 1943:43, 1944:1, 1944:9, 1944:29, 1945:15, 1946:40, 1946:41, 1948:27, 1948:28, 1948:30, 1949:8, 1949:14, 1949:15, 1949:19, 1949:26, 1949:32, 1951:6, 1951:8, 1954:5, 1959:38, 1968:17, 1976:28, 1976:47, 1978:21, 1979:30, 1981:7, 1981:10, 1981:33, 1983:19, 1996:9, 2011:5, 2013:30, 2017:12, 2020:13, 2020:16, 2020:41, 2025:32, 2025:36, 2026:5, 2026:45, 2027:3, 2030:22, 2032:15, 2032:29, 2033:10, 2042:15, 2042:22, 2042:29, 2042:43, 2042:47, 2044:21, 2045:16, 2045:40, 2052:29, 2054:46,</div>	<div>2055:2, 2055:8, 2055:20, 2055:23</div> <div>2.15<sup>[1]</sup> - 2006:8</div> <div>2.30<sup>[2]</sup> - 2006:8, 2006:23</div> <div>20<sup>[2]</sup> - 1972:38, 1976:12</div> <div>2008<sup>[1]</sup> - 1965:10</div> <div>2010<sup>[3]</sup> - 2002:1, 2002:6, 2002:20</div> <div>2012<sup>[5]</sup> - 1967:41, 1980:22, 2022:17, 2022:18, 2022:22</div> <div>2013<sup>[3]</sup> - 1977:24, 1977:46, 1980:22</div> <div>2015<sup>[1]</sup> - 2039:35</div> <div>2016<sup>[3]</sup> - 2002:1, 2002:6, 2002:21</div> <div>2017<sup>[11]</sup> - 1993:8, 2020:21, 2024:18, 2024:23, 2024:35, 2024:37, 2028:32, 2031:21, 2039:36, 2040:41, 2046:12</div> <div>2018<sup>[61]</sup> - 1937:13, 1938:44, 1939:28, 1939:31, 1943:8, 1943:9, 1943:25, 1944:22, 1947:17, 1947:24, 1947:26, 1947:42, 1948:1, 1950:7, 1952:28, 1961:20, 1961:27, 1964:3, 1964:33, 1967:40, 1967:47, 1968:5, 1968:30, 1968:37, 1969:17, 1971:2, 1971:12, 1971:19, 1980:12, 1980:21, 1980:40, 1981:3, 1982:25, 1983:21, 1983:28, 1984:19, 1985:17, 1998:23, 1999:1, 1999:46, 2000:2, 2000:5, 2017:22, 2019:17, 2020:21, 2022:34, 2024:31, 2025:11, 2026:39, 2027:47, 2031:21, 2039:37, 2042:6, 2042:43, 2043:8, 2045:6, 2051:25, 2052:38, 2053:2, 2053:26, 2054:2</div> <div>2019<sup>[6]</sup> - 1980:26, 1986:39, 1990:41, 1990:43, 2012:24, 2013:3</div> <div>2022<sup>[22]</sup> - 1924:26, 1957:35, 1958:36, 1958:39, 1963:16, 1963:20, 1967:23, 1967:27, 1968:29, 1968:35, 1972:38, 1976:12, 1976:47, 1981:42, 1982:7, 1984:19, 1984:32, 2032:21, 2032:46, 2033:3, 2033:7, 2058:14</div>	<div>21<sup>[2]</sup> - 1924:26, 1929:1</div> <div>21,000<sup>[2]</sup> - 2029:46, 2030:7</div> <div>21.5<sup>[2]</sup> - 1928:45, 1928:47</div> <div>22<sup>[6]</sup> - 1943:8, 1943:11, 1943:14, 1945:31, 2026:13, 2026:39</div> <div>22nd<sup>[2]</sup> - 2026:31, 2030:34</div> <div>24<sup>[1]</sup> - 2058:14</div> <div>25<sup>[2]</sup> - 1962:22, 1962:25</div> <div>26.8<sup>[1]</sup> - 2032:30</div> <div>28<sup>[4]</sup> - 2032:20, 2032:46, 2033:14, 2033:20</div> <div>29<sup>[2]</sup> - 2033:3, 2033:7</div> <div>2s<sup>[1]</sup> - 1998:29</div> <div>3</div> <div>3<sup>[9]</sup> - 1926:29, 1929:6, 1944:18, 1944:29, 1976:28, 1981:10, 2024:18, 2032:38, 2042:29</div> <div>30<sup>[2]</sup> - 1958:36, 1958:39</div> <div>31<sup>[1]</sup> - 2024:23</div> <div>3s<sup>[1]</sup> - 2030:27</div> <div>4</div> <div>4<sup>[4]</sup> - 2041:6, 2041:16, 2041:32, 2042:21</div> <div>4.35PM<sup>[1]</sup> - 2058:13</div> <div>40<sup>[1]</sup> - 1977:39</div> <div>4965<sup>[1]</sup> - 1956:22</div> <div>4967<sup>[1]</sup> - 1956:6</div> <div>4970<sup>[1]</sup> - 1954:1</div> <div>5</div> <div>5<sup>[20]</sup> - 1930:18, 1943:25, 1947:26, 1947:41, 1947:44, 1948:1, 1948:9, 1963:15, 1963:20, 2004:41, 2004:43, 2027:47, 2041:2, 2041:34, 2043:24, 2045:5, 2052:14, 2053:13, 2054:2, 2054:45</div> <div>5.34pm<sup>[1]</sup> - 1977:1</div> <div>5.7<sup>[2]</sup> - 2044:13, 2052:22</div> <div>50<sup>[1]</sup> - 1929:15</div> <div>5000<sup>[1]</sup> - 1997:37</div> <div>5th<sup>[1]</sup> - 1944:45</div> <div>6</div> <div>6<sup>[10]</sup> - 1950:7, 1950:45, 1951:1, 1967:23, 1967:27, 1968:35, 1970:3, 1979:33, 1983:26, 2033:21</div> <div>6.12pm<sup>[2]</sup> - 1977:18,</div>
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2006:8</p> <p><b>preference</b> <sup>[2]</sup> - 1947:9, 1964:11</p>	<p><b>preferred</b> <sup>[4]</sup> - 1943:37, 2007:19, 2007:31, 2009:25</p> <p><b>prejudicial</b> <sup>[1]</sup> - 1932:35</p> <p><b>Premier</b> <sup>[14]</sup> - 1965:22, 1966:47, 1970:37, 1971:32, 1974:1, 1974:6, 1979:2, 1979:11, 1979:13, 1979:23, 1984:28, 1984:34, 1984:44, 1985:9</p> <p><b>prepared</b> <sup>[8]</sup> - 1941:37, 1956:17, 1976:29, 1985:45, 2001:38, 2046:21, 2051:25, 2051:40</p> <p><b>preparing</b> <sup>[1]</sup> - 1952:25</p> <p><b>presence</b> <sup>[1]</sup> - 2026:33</p> <p><b>present</b> <sup>[4]</sup> - 1929:10, 1936:21, 2020:5, 2052:39</p> <p><b>presentation</b> <sup>[1]</sup> - 2016:38</p> <p><b>presented</b> <sup>[11]</sup> - 1929:28, 1976:17, 1978:41, 1983:30, 1983:39, 2011:10, 2017:39, 2027:13, 2036:40, 2045:16, 2046:6</p> <p><b>presumably</b> <sup>[5]</sup> - 1945:39, 1950:27, 1977:34, 2052:10, 2054:2</p> <p><b>presumptive</b> <sup>[4]</sup> - 2049:30, 2049:35, 2049:38, 2049:39</p> <p><b>previous</b> <sup>[4]</sup> - 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1969:12</p> <p><b>protocol</b> <sup>[6]</sup> - 1941:35, 2006:34, 2007:8, 2010:10, 2010:46, 2046:44</p> <p><b>provide</b> <sup>[12]</sup> - 1929:31, 1933:15, 1934:9, 1935:46, 1942:1, 1962:18, 1967:14, 1988:20, 1991:38, 2021:42, 2022:6, 2044:1</p> <p><b>provided</b> <sup>[56]</sup> - 1930:14, 1932:4, 1932:46, 1939:23, 1939:47, 1940:29, 1943:35, 1948:34, 1949:33, 1950:41, 1951:26, 1951:27, 1958:21, 1958:23, 1959:14, 1959:44, 1960:13, 1963:3, 1964:38, 1967:8, 1974:1, 1975:25, 1975:42, 1976:20, 1978:43, 1982:2, 1982:23, 1982:30, 1985:15, 1985:21, 1985:27, 1985:28, 1985:38, 1985:45, 1989:41, 1990:17, 1997:12, 1998:47, 2026:28, 2041:17, 2041:43, 2043:36, 2043:44, 2044:13, 2044:21, 2051:43, 2052:30, 2052:40, 2053:9, 2053:27, 2053:31, 2054:11, 2054:16, 2054:20, 2054:24, 2054:26</p> <p><b>provides</b> <sup>[3]</sup> - 1927:9, 1941:11, 1976:21</p> <p><b>providing</b> <sup>[8]</sup> - 1957:47, 1968:9, 1986:19,</p>	<p>1987:12, 1999:7, 1999:9, 2022:31, 2041:46</p> <p><b>provision</b> <sup>[1]</sup> - 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