

COMMISSION OF INQUIRY  
INTO FORENSIC DNA TESTING IN QUEENSLAND

Brisbane Magistrates Court  
Level 8/363 George Street, Brisbane

On Tuesday, 27 September 2022 at 9.00am

Before: The Hon Walter Sofronoff KC, Commissioner

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

1 <MS KYLIE DALE RIKA, on former oath

2  
3 MR HODGE: Just before we begin, can I just note about  
4 appearances, we didn't have appearances yesterday.

5  
6 THE COMMISSIONER: Yes.

7  
8 MR HODGE: There are now two additional appearances from  
9 the original hearing, and I just wondered if you would want  
10 to call on them.

11  
12 THE COMMISSIONER: Yes. Just excuse me. Yes, and who is  
13 that, Mr Hodge?

14  
15 MR HODGE: One appearance is for the Police Employees  
16 Union and then the other appearance is for Superintendent  
17 Frieberg and Inspector Neville. So I just wonder if they  
18 might be called.

19  
20 THE COMMISSIONER: Yes. Who is appearing for both  
21 parties?

22  
23 MR CR GNECH: Thank you, you Honour. If the Commission  
24 pleases, my name is Gnech, initials CR. Solicitor with  
25 Gnech & Associates. Your Honour, I did appear yesterday,  
26 just for the record, appearing on behalf of the Police  
27 Union of Employees and also Senior Constable Ewen Taylor.

28  
29 THE COMMISSIONER: Thank you, Mr Gnech. And who is for -  
30 yes?

31  
32 MS B MCKENZIE: May it please the Commission, McKenzie  
33 initial B, instructed by McGinness & Associates. I seek  
34 leave to appear on behalf of Superintendent Dale Frieberg  
35 and Inspector David Neville.

36  
37 THE COMMISSIONER: Thank you, Ms McKenzie. You have leave  
38 to appear for them. Who is going first? Mr Hunter?

39  
40 MR HUNTER: We agreed that I would.

41  
42 <EXAMINATION BY MR HUNTER

43  
44 MR HUNTER: Q. Ms Rika, can I ask you about the way  
45 things were done in the laboratory prior to the change in  
46 2018. In particular, it used to be the case that items  
47 thought to be of forensic significance were themselves

1 delivered to the laboratory?

2 A. That's correct, yes.

3

4 Q. And the sampling from them was then done at the  
5 laboratory?

6 A. That is correct, yes.

7

8 Q. But I think it was 2008 that the system changed and  
9 the sampling was done by QPS?

10 A. That's right, yes.

11

12 Q. And the samples themselves were the only things that  
13 were delivered to the laboratory?

14 A. The majority, yes.

15

16 Q. But if we go back to the way it was before that  
17 change, when these items were submitted to the laboratory,  
18 there was a form that was submitted with them?

19 A. Yes, correct.

20

21 Q. I can't recall the number of it, but it was entitled,  
22 "Submission of Articles for Forensic Examination" or  
23 something along those lines?

24 A. Yes, I believe it was QP127, yes.

25

26 Q. Thank you. On that form, there was an opportunity for  
27 the person submitting the items to give some background  
28 about the case and assist the scientist in determining what  
29 items were likely to be of significance and why?

30 A. That's correct, yes.

31

32 Q. What approach did you take then, because you were a  
33 reporting scientist back then too, weren't you?

34 A. Yes, I was.

35

36 Q. Can you tell us about how the procedure worked back  
37 then?

38 A. So, all cases were allocated. So, back then, I was in  
39 charge of a team known as the Blue Team or the Complex Case  
40 Team, so cases like double homicides, things like that.

41 And so, I had carriage of a case from the beginning, and so  
42 when that case was given to me, I - the first thing I would  
43 do was go through, read as much information as I could  
44 about the case, decide whether it would be worthwhile to  
45 case conference with the Queensland Police and/or other  
46 experts to work out examination strategy to best address  
47 the allegations, and then once we had agreed on examination

1 strategy, I would talk that through with one of my staff  
2 members who was a sampling scientist within the lab, or an  
3 examining scientist, and I would explain the instructions  
4 for the exam strategy, item prioritisation. "If you see  
5 this, then do this", et cetera. And the examining  
6 scientist and sometimes myself would then examine the items  
7 and then see what results we got. And if we - for me as  
8 the reporter, if I felt that, actually, it might be a good  
9 idea to go back to another item that we haven't tested in  
10 the first round, I would go and do that, and take more  
11 samples.

12

13 Q. When it came to the progress of the case through the  
14 laboratory, you would be involved at every step of the way?

15 A. So the analytical processing, so the extraction,  
16 quant, amplification, that was still fairly automated - not  
17 automated, but once I submitted samples to the Analytical  
18 section, they would do their job. And I remember at the  
19 time there was a workbook system with Analytical, and there  
20 were often times I would go over to the Analytical  
21 section and talk to them about, "You know, I think this  
22 sample might be good to have a concentration. What do you  
23 think?", and we would have those discussions and then we  
24 would process the samples.

25

26 Q. I suppose I didn't put it properly, but what I meant  
27 was, after the analysis has been done, you are then the  
28 person who interpreted the results?

29 A. Yes, yes.

30

31 Q. You reported on those results?

32 A. Yes.

33

34 Q. Did a statement?

35 A. Yes.

36

37 Q. And gave evidence if necessary?

38 A. Yes.

39

40 Q. Did you feel that that process, from a professional  
41 point of view, was a satisfying one?

42 A. Yes.

43

44 Q. Why was that?

45 A. Because I felt that it was a collaborative exercise  
46 with all of the relevant people who have knowledge and  
47 expertise to gather together, look at all the information

1 in the case, and together devise a good examination  
2 strategy to best address the allegations.

3  
4 Q. We know about the Forensic Register.

5 A. Yes.

6  
7 Q. Does the Forensic Register, in your experience,  
8 contain the same sort of detail or information that you  
9 would see on the QP127 form?

10 A. No, not in my view. We can see some information, but  
11 often times with the Forensic Register in combination with  
12 the sample-by-sample process, it's actually quite difficult  
13 for us to actually know the full context of a case and the  
14 relevance of those samples.

15  
16 Q. It is possible, though, isn't it, to look at the  
17 Forensic Register and see a photograph of the item from  
18 which a particular swab - let's talk about a swab for the  
19 time being - the item from which a swab was taken?

20 A. Yes.

21  
22 Q. And you will also see a notation as to what was  
23 thought might be on the swab?

24 A. Yes, and that testing was done by QPS.

25  
26 Q. But you're able to see, for example, if it was a  
27 presumptively positive for blood?

28 A. Yes.

29  
30 Q. Presumptively positive for semen?

31 A. Yes. Sometimes we also do the - those tests in our  
32 lab as well, but yes.

33  
34 Q. But that's something that you would see at the point  
35 in time when you are preparing a statement?

36 A. Yes.

37  
38 Q. Would there be any cause for you to look at the  
39 Forensic Register at any earlier point in time?

40 A. Sometimes during the first round of profile  
41 interpretation. We call that first round case management,  
42 where we're taking a sample off the list and looking at  
43 that sample and thinking about how we want to interpret  
44 that sample, do we need to do reworks, that kind of thing.  
45 So sometimes at that stage we can look at that information,  
46 but also at the statement stage.

47

1 Q. Am I right in thinking that something that might  
2 prompt rework from your end is looking at a sample that was  
3 either DIFP or no DNA, but it looked to you like something  
4 where there ought to be DNA?

5 A. Yes. So if I came across - if I came across a sample  
6 that was "no DNA detected" or DIFP, and I was able to see,  
7 you know, this looks like an semen sample or a blood sample  
8 with rich sources of DNA, I would think that it might be  
9 worth pushing this one through. And I'd also be looking at  
10 other things like the quant value, the degradation value,  
11 things like that as well.

12

13 Q. That's at the stage that you are looking at it. Is  
14 the Forensic Register something that is referred to or  
15 consulted, looked at, by the analysts who are involved in  
16 the extraction phase?

17 A. They do have access to the Forensic Register, but my  
18 understanding is that they don't look at the information I  
19 would look at to assess the best thing for the best working  
20 of that sample, because it is automated and, as we heard  
21 yesterday, my understanding is the Analytical staff, if a  
22 sample falls under 0.0088, it just stops.

23

24 THE COMMISSIONER: Excuse me, Mr Hunter.

25

26 Q. Just two things, is it your understanding, that the  
27 staff who perform the analytical work, which is the  
28 chemistry up to the point the profile is produced, that's  
29 right, isn't it?

30 A. Yes.

31

32 Q. That those staff are given a sample or a batch of  
33 samples to process, and they process them without being  
34 asked to enquire or their history --

35 A. Yes.

36

37 Q. -- or the provenance? They are samples to be  
38 amplified or the are samples to be analysed by the genetic  
39 analyser as the case may be; is that right?

40 A. That's right, yes.

41

42 Q. I see. And you said earlier that originally somebody  
43 like you would be appointed a case manager and you would  
44 look at a sample from a particular case from the beginning  
45 to the end and manage that case.

46 A. Yes, in the old days, yes.

47

1 Q. And now you come at it at two stages at the end of the  
2 process. One is where it is your job that week to take  
3 samples off the work list, one by one?

4 A. Yes.

5

6 Q. Without reference to the particular case to which they  
7 pertain?

8 A. Yes.

9

10 Q. You take them one by one?

11 A. Yes.

12

13 Q. And then, at the end, if you are obliged to make a  
14 witness statement, if it's your turn to make a statement, I  
15 gather, then you get all of the results for samples within  
16 that case and put them together onto the witness statement  
17 and you do certain work in relation to that; is that right?

18 A. That's right, yes.

19

20 Q. But you are still called the case manager?

21 A. Yes. Yes. At the - in the first stage, yes.

22

23 Q. What I mean is your reporters are called case  
24 managers, I think?

25 A. Yes.

26

27 Q. But you don't manage cases?

28 A. Not in that sense, no.

29

30 THE COMMISSIONER: All right. Thanks. Sorry, Mr Hunter,  
31 go ahead.

32

33 MR HUNTER: Q. I think your evidence may have been clear  
34 yesterday, but just so I am absolutely clear on it, if  
35 every sample in a particular case comes back as either "no  
36 DNA" or "DIFP", it would never, ever come under your eye?

37 A. Only in the situations where - in the initial stage of  
38 case management. If I take a sample from the work list and  
39 I decide to look at all of the other samples in the case at  
40 that stage, which is a rare event in my experience, then I  
41 may see it. Or the other way is at the statement stage,  
42 where I pick up a case to write a statement and I look at  
43 all the samples and I see "DIFP" or "no DNA" at that stage.  
44 But there are also cases or situations where the only  
45 samples in a case might be "DIFP" or "no DNA".

46

47 Q. That's what I am asking you about.

1 A. Yes, right, sorry. Yes. So those ones, they get  
2 stopped at the analytical processing stage and they just -  
3 that's it. They fall off a list. That, we would never  
4 see.

5

6 Q. Thank you. Can I come to Project #184, and what then  
7 became the Options Paper. Can I ask you as a scientist  
8 whether you agree or disagree with this proposition: that  
9 it is fundamentally flawed as a matter of science to state  
10 a particular hypothesis and then set out to prove it?

11 A. Yes. My understanding of a good experimental design  
12 is to have an aim or a hypothesis that you are putting  
13 forward and then an experimental design to test that  
14 hypothesis, and then at the end see what you have, rather  
15 than a sub-standard way to do it would be to have your end  
16 goal already in mind and then use the project plan or the  
17 experimental design to kind of lead you towards that end  
18 goal.

19

20 Q. Something that a good scientist would do would be to  
21 attempt to disprove the hypothesis as part of the project?

22 A. Yes. Both. Both ways, yes. Just see what the  
23 evidence is.

24

25 Q. Can I then talk about the data that was used in  
26 connection with that project. Am I right that it's not  
27 just the quant that will influence the likelihood of  
28 generating a forensically useful profile?

29 A. Yes, that's right.

30

31 Q. And Quant Trio gives you three pieces of data?

32 A. Yes.

33

34 Q. It gives you the quant?

35 A. Yes.

36

37 Q. But it also tells you the extent to which the DNA is  
38 degraded?

39 A. Yes.

40

41 Q. And the third is the amount of male DNA?

42 A. Yes.

43

44 Q. So the degradation factor is also relevant in terms of  
45 whether you are likely to get a profile?

46 A. Yes.

47



- 1 Q. And, obviously, the type of sample is critical in  
2 terms of the likelihood or otherwise of getting a profile?  
3 A. Yes.  
4
- 5 Q. If it is from a rich source of DNA, for example, so  
6 blood or semen?  
7 A. Yes.  
8
- 9 Q. And so, in your view, if one was going to look at the  
10 data that was used in that project, should there have been  
11 an attempt to discriminate on the basis of degradation?  
12 A. Yes. I think a good data analysis would include quite  
13 a few different factors.  
14
- 15 Q. It should also have discriminated on the basis of the  
16 type of sample?  
17 A. Yes. Yeah.  
18
- 19 Q. I take it from what you have already told us that the  
20 simple abandonment of testing everything below 0.0088 would  
21 mean that things that might actually be rich sources of DNA  
22 with good quality, even though they were of low quant --  
23 A. Yes.  
24
- 25 Q. -- were simply never tested?  
26 A. Yes, correct.  
27
- 28 Q. Thank you. You were asked about Profiler Plus?  
29 A. Yes.  
30
- 31 Q. And the migration to PP21?  
32 A. Yes.  
33
- 34 Q. Am I right that Profiler Plus had been used for bulk  
35 crime, that is P3?  
36 A. Yes.  
37
- 38 Q. Even after PowerPlex 21 was implemented for P1 and P2  
39 samples?  
40 A. Yes, correct.  
41
- 42 Q. But by the end of 2017, early 2018, you were aware  
43 that Profiler Plus was no longer available?  
44 A. Yes.  
45
- 46 Q. And I think it might even be the case that --  
47

1 THE COMMISSIONER: What year was that, Mr Hunter?  
2  
3 MR HUNTER: The end of 2017.  
4  
5 THE COMMISSIONER: Thank you.  
6  
7 MR HUNTER: Q. And it may actually have been the case  
8 that your lab had in its possession the last kit for  
9 Profiler Plus in the whole world?  
10 A. We may have.  
11  
12 Q. But in any event, the lack of support for Profiler  
13 Plus, and that meant that you had to migrate bulk crime to  
14 PP21?  
15 A. Yes, correct.  
16  
17 Q. That was going to be a pretty significant problem for  
18 the lab, do you agree?  
19 A. It would significantly increase our workload, yes.  
20  
21 Q. That was well-known amongst the laboratory?  
22 A. I assume so. I was aware of it, yes.  
23  
24 Q. I have just two more topics. You spoke about how you  
25 escalated some concerns you had to your Executive Director,  
26 Ms Keller?  
27 A. Yes.  
28  
29 Q. She had a science background, correct?  
30 A. Yes.  
31  
32 Q. But she wasn't a forensic biologist?  
33 A. That's correct.  
34  
35 Q. And certainly didn't have expertise when it came to  
36 DNA?  
37 A. No, that's right.  
38  
39 Q. Is it right then that if you wanted to escalate a  
40 problem above the level of Ms Allen --  
41 A. Yes.  
42  
43 Q. -- that necessarily meant that you were escalating it  
44 to someone who didn't have subject matter expertise?  
45 A. Yes.  
46  
47 Q. The likelihood being that whoever you did excavate it

1 to was going to have to revert back to Ms Allen--

2 A. Yes.

3

4 Q. -- to check on what it was that you were saying.

5 A. Yes, that's right.

6

7 Q. Lastly, can I ask you about the new machine, the  
8 3500xL. You told us that you devised the implementation  
9 plan for that piece of equipment?

10 A. Yes.

11

12 Q. And you did, as part of that process, recommend a  
13 review of the DIFP process?

14 A. Yes. So my first draft implementation plan suggested  
15 that a review of DIFP be done before implementation; part  
16 of implementation, but when that first recommendation  
17 report went to the management team, I received feedback  
18 that it was deemed not necessary to do it, to allow  
19 implementation to occur, and part of the feedback actually  
20 stated "not relevant for implementation", "may be possible  
21 for post-implementation review, if at all".

22

23 Q. Was there a later draft? Or was that how it --

24 A. So my second draft then, based on the feedback, I  
25 moved the DIFP - based on the team leader's feedback, my  
26 team leader's feedback, I moved the DIFP recommendation  
27 into a separate thing that said, basically, if we're not  
28 going to do it as part of implementation, we need to do it  
29 as a post-implementation review.

30

31 Q. Were you aware that a post-implementation review of  
32 DIFP occurred?

33 A. No.

34

35 Q. You have become aware of this June 2022 paper --

36 A. Yes.

37

38 Q. -- that was done by Ms Allen and Mr Howes.

39 A. Yes.

40

41 Q. But you only found out about that very recently; is  
42 that right?

43 A. Yes. The Commission of Inquiry sent me a copy of it.

44

45 Q. Well, were you aware that that paper was prepared in  
46 response to your suggestion that there should be a  
47 post-implementation review of DIFP?

1 A. No.

2

3 THE COMMISSIONER: Are you putting that as a fact, that it  
4 was prepared as a consequence of Ms Rika's recommendation?

5

6 MR HUNTER: That is what is said in Ms Allen's witness  
7 statement at page 186.

8

9 THE COMMISSIONER: Yes, I just want to be clear.

10

11 MR HUNTER: Q. Did anyone - Ms Allen, Mr Howes, anyone -  
12 speak to you about the fact that this review you  
13 recommended was being undertaken?

14

15 A. No, not in the sense of a - my recommendation for a  
16 post-implementation review. And also bearing in mind that  
17 we implemented the 3500 January 2021, and I believe this  
18 recent data analysis that was done on my last four years'  
19 worth of data was done this year. So there's a big gap  
20 there.

20

21 Q. Given that it was something that you recommended --

22

23

24 Q. -- as part of the post-implementation of the 3500xL,  
25 would you have expected to have been consulted or at least  
26 informed about it?

27

28

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MR HUNTER: I have no further questions.

THE COMMISSIONER: Thank you, Mr Hunter. Mr Rice?

**<EXAMINATION BY MR RICE**

MR RICE: Q. Ms Rika, I would like to take up to you  
with that first subject that Mr Hunter spoke to you about.  
It has to do with the normal case flows and what exceptions  
there may be to the piecework approach. In the way that  
the lab operates currently, as you explained yesterday and  
again this morning, the Analytical section operates on the  
basis of lists of samples?

A. Yes.

Q. With respect to which there may or may not be any  
connection between the items on the list?

A. That's right.

1 Q. As being drawn from a particular case?

2 A. That's right.

3

4 Q. And plainly enough, if no profile is developed, for  
5 example, in the DIFP cases because the quant is not  
6 sufficient to proceed --

7 A. Yes.

8

9 Q. -- then, as you have explained, that sample doesn't  
10 then come to your attention?

11 A. That's right.

12

13 Q. And, indeed, a case won't come to your attention,  
14 ordinarily, if the samples comprise either "no DNA  
15 detected" or "DIFP" results?

16 A. That's correct.

17

18 Q. Likewise, in the reporting section, ordinarily the  
19 primary workflow is again a piecework approach?

20 A. Yes.

21

22 Q. You are given a list, are you, of samples?

23 A. Yes.

24

25 Q. With respect to which a profile has been developed in  
26 some fashion?

27 A. Yes.

28

29 Q. And you set about analysing and interpreting it?

30 A. Yes.

31

32 Q. And then having done so, do you report in some way the  
33 result of that on to the Forensic Register?

34 A. Yes.

35

36 Q. And then that result becomes available, does it not,  
37 to the Police DNA Management area for review?

38 A. So what happens is we have an interpretation work list  
39 where I will pick a sample off, interpret it, put the  
40 result into the Forensic Register and then that result pops  
41 on to a review work list. So one of my colleagues then  
42 picks it up, checks all of my work, and then reviews that.  
43 And when they press that, "Validate" or "Review" button,  
44 that goes over to DNA results management unit at QPS.

45

46 Q. You are explaining there is an intervening process of  
47 peer review, is that the correct expression?

- 1 A. Yes.  
2
- 3 Q. So as to validate your work?  
4 A. Yes.  
5
- 6 Q. And then, what I put to you originally, the result  
7 then becomes available to the DNA Management section?  
8 A. That's right, yes.  
9
- 10 Q. And they do some kind of quality review themselves, do  
11 they not?  
12 A. Yes.  
13
- 14 Q. Do you know what that consists of?  
15 A. I don't know exactly what they do over there with  
16 that.  
17
- 18 Q. But at some point once the people in that unit are  
19 content --  
20 A. Yes.  
21
- 22 Q. -- that result then becomes available to the  
23 investigator, is that how it works?  
24 A. That's right, yes.  
25
- 26 Q. You referred in answer to questions from Mr Hunter to  
27 the old days --  
28 A. Yes.  
29
- 30 Q. -- when a case might be assigned to you?  
31 A. Yes.  
32
- 33 Q. And to reference that, you were asked about 2008?  
34 A. Yes.  
35
- 36 Q. Was that the scenario that was in application in 2008,  
37 that you could expect not just a list of items to be  
38 presented to you, but that you would be assigned to a case,  
39 essentially, to manage?  
40 A. That's right. So I started at the lab in 2005, and up  
41 until - I think it might have been 2008, yes, that was the  
42 process.  
43
- 44 Q. Were all cases, incoming cases, assigned in that way  
45 in that period, 2005 to 2008?  
46 A. I only worked in the Major Crime section, and those  
47 cases generally had a dedicated person assigned to them.

1 There were - so for - in Major Crime, we had Blue team,  
2 Yellow team, Red team. Blue team had a person assigned to  
3 each case, Yellow team same. The Red team were still major  
4 crime cases, but of a - like, a - not as big or complicated  
5 as a double homicide or a sexual assault. And those ones,  
6 they still had, like, a case management approach. Like, a  
7 full approach applied to them. But then we also had a  
8 Volume Crime section, and I never worked in the  
9 Volume Crime section so I'm not sure if they had the same  
10 way of working or a list system or - I'm not sure on that.  
11

12 Q. Well, the terminology that you use to describe the  
13 operation of those teams was "Major Crime". Would the  
14 current equivalent of that be P1 and P2?

15 A. Yes.

16

17 Q. So the result from what you are saying is that at that  
18 time, all P1 and P2 cases were assigned to a case manager  
19 for case management?

20 A. Yes. Yes.

21

22 Q. Now, 2008 was a watershed year, was it not, in which  
23 there is a major shift from submission of full exhibit  
24 items to the lab and, instead, replacing that with  
25 submission of the now familiar tube approach?

26 A. Yes.

27

28 Q. Where a sample comes already ready for processing?

29 A. Yes, robot ready.

30

31 Q. Robot ready. Okay.

32 A. Yes.

33

34 Q. Was that change, in that manner of submission of  
35 exhibits, the trigger for a change in the workflow to  
36 towards the - what I call the piecework approach?

37 A. Yes, yes.

38

39 Q. Can you explain why that change in the manner of  
40 submission of exhibits prompted a change from a case  
41 management approach to a piecework approach?

42

43 THE COMMISSIONER: Mr Rice, aren't you assuming that the  
44 manner in which samples were delivered prompted the change  
45 rather than that there was a change? I mean, you are  
46 asking her to explain why the change in the sample  
47 collection method prompted the general change, whereas it

1 may be that there is a more general question you want to  
2 ask.

3

4 MR RICE: Q. I won't prompt you towards any result. Can  
5 you explain what was the trigger, so far as you recall it,  
6 for a change from the case management approach towards the  
7 piecework approach?

8 A. I understand, based on my memory of that time,  
9 conversations around - I was told by my managers that the  
10 Queensland Police wanted to free up as much of our time as  
11 possible by holding on to all of the items and doing the  
12 sampling themselves and just sending us a sample in a tube,  
13 to free up as much of our time as they could, because the  
14 examination of large items is a very time-consuming  
15 process.

16

17 Q. We understand that, but what was it that caused the  
18 change in the laboratory process from the case management  
19 allocation method --

20 A. Yes.

21

22 Q. -- in major crime to the piecework approach? What  
23 caused that? If you don't know, just say so, but --

24 A. I can't remember. I don't - I don't know.

25

26 THE COMMISSIONER: Q. But your memory insofar as you  
27 have said so far is that the Queensland Police Service  
28 wanted to take over the work of preparing samples because  
29 they wanted to free up the scientists in the lab, to the  
30 extent that they were freed up from doing that work, to  
31 concentrating upon the remaining work?

32 A. Yes.

33

34 Q. But you, yourself, were never involved in preparing  
35 samples from the actual physical evidence, were you? Or  
36 were you?

37 A. At --

38

39 Q. Back in - before 2008, did you ever take a pair of  
40 jeans and cut a swath from it, a piece of cloth from it?

41 A. Yes.

42

43 Q. Did you do that?

44 A. A combination of myself and one of my staff members  
45 would examine those items, yes.

46

47 Q. I see. I misunderstood that then.



1 A. Yes.  
2  
3 Q. So you understood the QPS wanted to take over that  
4 work to free you up to do other work?  
5 A. Yes.  
6  
7 Q. And what Mr Rice is asking is really on the assumption  
8 that a lot of things changed at that point. So at that  
9 point, did the process at the lab change from a case  
10 management style to a production line style?  
11 A. Yes.  
12  
13 Q. Was it around that time?  
14 A. Yes.  
15  
16 Q. The same time?  
17 A. Yes, that's right.  
18  
19 Q. And what you are being asked is do you remember what  
20 was the thinking or what was the initiative or what was the  
21 trigger for that substantial change in approach.  
22 A. I do recall one conversation I had --  
23  
24 THE COMMISSIONER: Is that what you are asking, Mr Rice?  
25  
26 MR RICE: Yes.  
27  
28 THE WITNESS: I do recall I had one conversation with my  
29 manager, Justin, about the change in process of us  
30 receiving samples in tubes and that maybe a more efficient  
31 way to handle that is to set up some work list system to  
32 handle that.  
33  
34 MR RICE: Q. Apart from that one conversation that you  
35 just described --  
36 A. Yes.  
37  
38 Q. -- I take it you weren't involved in whatever decision  
39 making and design --  
40 A. Oh, no.  
41  
42 Q. -- thinking there was at the time --  
43 A. No.  
44  
45 Q. -- which resulted in, would you agree, a major change  
46 in the style of work?  
47 A. Yes, no, I wasn't.

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THE COMMISSIONER: Excuse me, Mr Rice.

Q. He said it was more efficient? That it was hoped it would be more efficient?

A. Yes.

Q. What did you understand by the word "efficient"? What kind of efficient would it be?

A. Because a sample was coming in to us, just a sample in a tube, we had no context around it. My understanding is that the thoughts in the lab around that was that that sample would go right through the whole system, it's just a sample, and we could therefore just turn to a sample-by-sample work list system to make things faster.

Q. You didn't have to waste time thinking?

A. Yes.

Q. Thank you.

MR RICE: Q. Well, did that production line approach assist with timely throughput of assessment of samples?

A. In some ways, yes. Yes, it did. But in other ways no, because now we are here and, because I've spent the last however long preparing work for the Commission of Inquiry because of the changes that were made back then, we are now accumulating, for want of a better word, a backlog. So it may have increased the speed of samples going through the system initially, but with the downside of the quality issues that that factory-style brought whereby we weren't looking at cases in their entirety and, possibly missing cases with "DIFP" and "no DNA" only, we are now in a situation where we probably have to go back and look at lots and lots of cases, which has made a huge impact on our workload now.

Q. Without taking you to your statement, is it fair to say that one of the themes that you develop is that you are a strong advocate for maximum discretion to be given to a scientist such as yourself?

A. Yes.

Q. Could we take it that, at least as part of that, you would be an advocate for perhaps a return to the case management approach that applied back in the old days?

A. Yes. Yes.

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Q. You think that's the best model?

A. Yes.

Q. That would need a major change, if that were to be considered.

A. Yes.

Q. Would need a major change to the structure of the laboratory, would it not?

A. That's right, yes.

Q. And there would need to be, if that were to be seriously considered, a major cost-benefit analysis of the merits or the pros and cons of taking that route?

A. Yes.

Q. But professionally, your opinion is that that is the preferable model?

A. Yes.

Q. Well, given that the default position is the production line style, there are nonetheless exceptions to that, are there not --

A. Yes, there are.

Q. -- in the way the lab operates? And you mentioned one yesterday. In fact, if I understand correctly, you say it is the materially the only exception, being the scenario where a statement is requested of a Reporting scientist?

A. Yes.

Q. Well --

A. Yes.

Q. You are looking quizzically as if you perhaps don't understand the question, so I will try again.

A. Sorry, yes.

Q. If we accept that the default position is to work off the lists --

A. Yes.

Q. -- I understood you to say yesterday that one exception to that style was when a statement was requested which could prompt, in the course of that, a whole-of-case review?

1 A. Oh, yes. Yes, that's right.

2

3 Q. As I understood you yesterday, that was the principal  
4 and perhaps the only material exception to the production  
5 line approach?

6 A. There is also - I think I put in my statement about a  
7 rare occurrence where if a person takes a sample off the  
8 list, there is an informal arrangement, but it's not  
9 standard, but an informal arrangement where a scientist may  
10 assign a whole case to themselves at that point. But  
11 that's not - that's not the routine process.

12

13 Q. No.

14 A. And also --

15

16 THE COMMISSIONER: Q. Is that an unofficial thing, that  
17 you look at something and you think, "I'm going to adopt  
18 this case"? Is that what you mean?

19 A. Yes. Yes. So we have had discussions with Reporting  
20 staff around the pros and cons of the work list system and,  
21 for want of a better word, a workaround is that if a  
22 reporter identifies a case, early on, that they think may  
23 warrant one case manager assigned to that case, then they  
24 can do that. But that's not how the system was set up.  
25 That's a workaround.

26

27 Q. But the particular scientist in your team, for  
28 example, who does that just does it? There's no system for  
29 it. That scientist just chooses to do it?

30 A. Yes, that's right.

31

32 Q. Can you think of an example to illustrate it for us?

33 A. So, for example, if I'm a reporter, I go on to the  
34 list, I pull a sample and I see that it is quite a complex  
35 case. It may be a sexual assault case with a lot of  
36 complex items. I may decide to --

37 Q. What makes it complicated? You said "complicated  
38 case"; what do you mean by that?

39 A. So both in size and the interpretation - the level of  
40 interpretation that may be required across the items.

41

42 Q. What do you mean by that?

43 A. So, with a sexual assault case, for example, there's a  
44 lot of extra interpretation that is required, because we  
45 like to do a task called "conditioning" where we assume the  
46 presence of a complainant on her own body sample and then  
47 we remove - sorry, what's left when we take that person out

1 of the profile in a mixture is the remaining component. So  
2 cases like sexual assault cases often have a lot of mixed  
3 DNA samples in them and also there is a possibility that  
4 with a sexual assault case, for example, you may wish to -  
5 if you take the case on and you look through everything in  
6 the case, you may wish to at some point say, "Well, we've  
7 gone through all of the sexual assault intimate swabs. We  
8 haven't really obtained anything. I will talk to the QPS  
9 about maybe they would like to submit the underpants", or  
10 something like that.

11

12 Q. But there is no standard operating procedure to cover  
13 that? You just do it?

14 A. No, that's right.

15

16 THE COMMISSIONER: Yes, thanks.

17

18 MR RICE: Q. That it is the self-allocation approach, is  
19 it?

20 A. Yes, yes. That's right, yes.

21

22 Q. Applied by the Reporting teams.

23 A. Yes.

24

25 Q. We were speaking earlier about discretion.

26 A. Yes.

27

28 Q. You have the discretion to self-allocate; is that  
29 right?

30 A. Yes.

31

32 Q. If you think it is appropriate, according to your  
33 skill and judgment?

34 A. Yes, that's right.

35

36 Q. Just getting back to the scenario involving where a  
37 statement is requested which can prompt a whole-of-case  
38 review --

39

40 THE COMMISSIONER: Mr Rice, could I just ask something?

41

42 MR RICE: Yes.

43

44 THE COMMISSIONER: Q. Mr Rice put it to you that you  
45 have the discretion to self-allocate. Do I understand that  
46 to be part of the lab procedure or just something that  
47 scientists do in cases where they are not satisfied with

1 the usual approach?

2 A. That's right. That's right.

3

4 Q. Thanks.

5 A. So our routine procedure is to work from the work  
6 list, sample by sample, oldest to newest.

7

8 THE COMMISSIONER: Yes. Thank you.

9

10 MR RICE: Q. Well, the self-allocation is another  
11 exception to the default production line method, correct?  
12 The other one that we have identified is the scenario where  
13 a statement is requested.

14 A. Yes.

15

16 Q. Is there any data on either of those scenarios? Take  
17 the scenario where a statement is requested. Any data on  
18 the number of cases in Major Crime where a statement is  
19 requested? Is there any data?

20 A. There would be, but I don't - I don't have it. I  
21 don't know where to find it.

22

23 Q. You think it should be available?

24 A. Yeah, I think that would be --

25

26 Q. Because that would give you the size of the exception?

27 A. Yes, that's right. Yes.

28

29 Q. Would it not?

30 A. Yes.

31

32 Q. And, likewise, the other exception we have been  
33 speaking about is the self-allocation.

34 A. Yes.

35

36 Q. Would there be any data, would you expect, on the  
37 number of major crime cases that have been self-allocated  
38 by a Reporting scientist in this 2018-2022 period?

39 A. There might be a way to get that data, but I don't  
40 have it.

41

42 Q. No, I didn't expect you would.

43 A. Yes. Yes. In my role, the number of cases that staff  
44 members self-allocate is minimal compared to just the  
45 standard work list system.

46

47 Q. There is in fact a standard operating procedure to do

1 with case management, is there not?  
2 A. Yes.  
3  
4 Q. Would it be right to say that although there are many  
5 SOPs, this is one that you would be fairly familiar with?  
6 A. Yes, it's quite big though.  
7  
8 Q. Yes.  
9 A. I don't know it word-for-word.  
10  
11 Q. But it contains some criteria for case allocation,  
12 does it not?  
13 A. Yes, I think so.  
14  
15 Q. Perhaps we should go to it and not just trying to test  
16 your memory.  
17 A. Yes, okay.  
18  
19 Q. There are various versions, but if I refer you to  
20 version 19. Perhaps, Mr Operator, if you could bring it  
21 up. Its number is [FSS.0001.0001.9355]. If we were to go  
22 to [FSS.0001.0001.9355 at 9359]. We see a number of  
23 definitions there, but about halfway down the page do you  
24 see the words "Case Scientist"?  
25 A. Yes.  
26  
27 Q. And the description there is:  
28  
29 *- scientist who has been allocated the*  
30 *case, generally the reporter.*  
31  
32 A. Yes.  
33  
34 Q. So that, plainly enough, contemplates cases to be  
35 allocated to a reporter, at least that the reporter will  
36 generally be the one to whom a case is allocated; is that  
37 right?  
38 A. Yes.  
39  
40 Q. Mr Operator, could we go to [FSS.0001.0001.9355 at  
41 9363]. We see under the heading, "Case management  
42 workflows", perhaps that paragraph starting, "Allocation of  
43 cases", could be enlarged. It identifies, doesn't it, in  
44 the first couple of sentences, some criteria for case  
45 allocation?  
46 A. Yes, that's right.  
47

- 1 Q. The first is a scenario of what we have already  
2 discussed, that a statement is required?  
3 A. Yes.  
4
- 5 Q. The second criterion is that the case may be large?  
6 A. Yes, that's right.  
7
- 8 Q. What about P1 cases? Are they - being the highest  
9 category --  
10 A. Yes.  
11
- 12 Q. -- are they always allocated to a scientist?  
13 A. Yes, they are.  
14
- 15 Q. So all P1 get allocated to this approach?  
16 A. Yes.  
17
- 18 Q. And large cases in P2 would fit this criterion, would  
19 they not?  
20 A. Some, yes.  
21
- 22 Q. Well, some P2 cases can be large, can they not?  
23 A. That's right, yes.  
24
- 25 Q. Are you saying that not all large cases that are P2  
26 are assigned to a case manager?  
27 A. No, because it comes down to the discretion of the  
28 person who notices a case when they're working through the  
29 work list system to say to themselves, or to a manager, "I  
30 think this one would be a good one for allocation".  
31
- 32 Q. Well, it raises the question of who decides that a  
33 case should be allocated to an individual. Is it the same  
34 as the self-allocation concept that you described earlier?  
35 Is it the same thing?  
36 A. Yes. That's right, yes.  
37
- 38 Q. And the other criterion seems to be that where the  
39 Queensland Police are conducting an operation?  
40 A. Yes.  
41
- 42 Q. All operations get allocated to a scientist; is that  
43 right?  
44 A. Most operations start off as Priority 1 cases and all  
45 Priority 1 cases get allocated to a scientist.  
46
- 47 Q. You are saying there aren't any operations in P2,



1 although they involve major crime scenarios?

2 A. Well, there are some operations that don't come in to  
3 us as a Priority 1, but generally most operations and P1s  
4 are handled the same way.

5

6 Q. Right.

7

8 THE COMMISSIONER: Mr Rice, for my benefit, will you tell  
9 me what an operation is?

10

11 MR RICE: It's probably a police officer's --

12

13 THE COMMISSIONER: What do you mean by it? We will ask a  
14 police officer later, but just to help me now.

15

16 MR RICE: An operation is an investigation which carries  
17 an operational name, as I understand it.

18

19 THE COMMISSIONER: All right. So it has some kind of a  
20 greater significance in QPS, as opposed to every other kind  
21 of investigation of serious crime?

22

23 MR RICE: It signifies a level of importance and  
24 complexity.

25

26 THE COMMISSIONER: Yes, thank you.

27

28 MR RICE: Certainly, in my experience.

29

30 THE COMMISSIONER: Q. Yes. So are all P1 cases  
31 operations?

32

33 A. Yes. All P1 cases are operations, but not all  
34 operations are P1s.

34

35 THE COMMISSIONER: Thank you. Thanks, Mr Rice.

36

37 MR RICE: Q. As to what a case manager might do,  
38 Mr Operator, could we go to page 9369. [FSS.0001.0001.9355  
39 at 9369]. Although there are various things that any  
40 reader of this document could see for themselves, could I  
41 just draw attention to the heading, 6.3 and the second  
42 paragraph under that heading. If you look at that - I will  
43 just give you a minute to look at that second paragraph.  
44 This case manager approach clearly enough contemplates a  
45 sample by sample assessment in the context of the case as a  
46 whole, does it not?

47

A. Yes.

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Q. To try to ascertain the extent to which DIFP samples were not assessed on their merits, so to speak, you would need to understand the size of the exceptions to the production line process that existed?

A. Yes.

Q. We have identified probably four or five, maybe more, and we don't know the size of them?

A. Yes.

Q. Is that right?

A. Yes.

Q. You mentioned, I think, that the merits of a case management approach may have been discussed amongst some of your colleagues?

A. Yes.

Q. You're in favour of it, but can I ask you this: are you aware of any disadvantages to that? For example, timeliness, turnaround time?

A. Yes. Yes, that's the disadvantage.

Q. So --

A. I can't think of another. I cannot think of a reason other than timeliness for us to be working on a work list system.

Q. So if someone were to think about changing the model --

A. Yes.

Q. -- to a case management style, whoever was doing it would want to think about --

THE COMMISSIONER: I'm doing it.

MR RICE: Thank you, Commissioner.

THE COMMISSIONER: I am pointing it out to you, because don't proceed on the assumption that one day somebody is going to look at it. Whether I make any recommendations finally, I have to look at it.

MR RICE: Yes.

1 THE COMMISSIONER: And you may be right, your assumption  
2 may be right, that I will have to put it off and ask  
3 somebody else to look at it, recommend that somebody look  
4 at it, but in the first instance I better look at it. So  
5 make that a part of it because it will assist me, is what  
6 I am saying.  
7

8 MR RICE: Q. Well, that case management approach affects  
9 timeliness, is what you are saying?  
10 A. Yes.  
11

12 Q. That means turnaround times would increase?  
13 A. Yes.  
14

15 Q. And to maintain turnaround times at something like the  
16 present, you would need extra resources and quite probably  
17 substantially extra resources; would that be fair?  
18 A. Yes.  
19

20 Q. Substantial extra resources?  
21 A. Yes.  
22

23 Q. How substantial?  
24 A. A lot. I'm not sure.  
25

26 Q. Okay. It's the best you can do.  
27 A. In terms of people, I'm not sure.  
28

29 Q. It would be a big change and involve a much greater  
30 expense?  
31 A. Yes, I think so.  
32

33 Q. And you would need extra people?  
34 A. Yes.  
35

36 Q. With suitable qualifications and experience?  
37 A. Yes.  
38

39 Q. And they're thin on the ground, are they not, because  
40 of the complexity of your work and the speciality of it?  
41 A. Yes.  
42

43 Q. Is that right?  
44 A. Yes, it is. Yes.  
45

46 Q. As an aspect of your advocating for maximum discretion  
47 to scientists, you have referenced the decision that was

1 made by the Acting Director-General in August 2019.

2 A. Yes.

3

4 Q. And one aspect of that is that you would wish the  
5 discretion to micro-concentrate a sample to the full  
6 according to your judgment; is that right?

7 A. Yes.

8

9 Q. And that is not available to you in the terms of the  
10 memorandum of that date.

11 A. That's right, yes.

12

13 Q. You would have appreciated, would you not, from  
14 reading the memorandum that it was intended to describe and  
15 implement a work flow on a temporary basis while this very  
16 issue of thresholds and the exercising of discretion was  
17 considered by this Commission?

18 A. Yes.

19

20 Q. On the subject, in particular, of micro-concentrating  
21 to the full, that in every case involves exhausting the  
22 sample, does it not?

23 A. Yes, down to around about 15 microlitres for us to  
24 then use to amplify, yes. So, yes.

25

26 Q. You told us yesterday that you listened to Mr Hodge's  
27 opening in which he said that the Commission would hear  
28 later in the week, from an international expert, evidence  
29 to the effect that there ought be well-defined, documented  
30 criteria for the carrying out of the micro-concentration  
31 step and, in particular, whether and when  
32 micro-concentration to the full should take place. Do you  
33 accept that there ought be such criteria?

34 A. I think criteria or guidelines to help a scientist in  
35 their overall judgment is always helpful, yes.

36

37 Q. Well, more than that. It's really a requirement, as I  
38 understand the evidence that is going to be led later in  
39 the week, there ought be written criteria, probably as part  
40 of an SOP, so that scientists are applying their discretion  
41 according to designated criteria?

42 A. Oh, yes, I see. Yes. Yes.

43

44 Q. That should be the case, should it not?

45 A. Yes, I think so.

46

47 Q. Well, it's not the case at the moment, is it?

1 A. No.  
2  
3 Q. There aren't any clearly defined, written --  
4 A. No, there's not, no.  
5  
6 Q. Okay. Well, that again carts back to the decision of  
7 19 August made in the context that although it is desirable  
8 to have written criteria to work out all these things about  
9 how the discretion is to be applied, that didn't exist at  
10 that time?  
11 A. No.  
12  
13 Q. And still doesn't?  
14 A. No.  
15  
16 Q. And presumably arising from this process some criteria  
17 will be developed and then we can all go forward?  
18 A. Yes.  
19  
20 Q. Perhaps to the outcome that you actually wish for?  
21 A. Yes, yes. Sounds good.  
22  
23 THE COMMISSIONER: Mr Rice, is it your concern to  
24 establish the groundwork for a submission that that latest  
25 decision that was made was something that was done in the  
26 circumstances obtaining at the time and ought to be viewed  
27 in that fashion?  
28  
29 MR RICE: Correct.  
30  
31 THE COMMISSIONER: Well, you won't have to work very hard  
32 to persuade me of that.  
33  
34 MR RICE: I don't know what's to come.  
35  
36 THE COMMISSIONER: No, no, no. I am just telling you  
37 that.  
38  
39 MR RICE: But I am grateful to you. Thank you.  
40  
41 Q. There are just a few other things. Do you have your  
42 statement?  
43 A. Yes.  
44  
45 Q. Could you go to paragraph 20 [WIT.0006.0095.0001\_R at  
46 0005]. You set out in that paragraph, essentially, your  
47 perceptions of various things as they appear to bear to you

1 on the feedback you provided for project #184.

2 A. Yes.

3

4 Q. You mentioned the incident involving Amanda Reeves.  
5 You see that in the middle of that paragraph, the sentence  
6 commencing:

7

8 *For instance, at the time of Project*  
9 *#184 ...*

10

11 A. Yes.

12

13 Q. Can I suggest your memory has failed you in terms of  
14 the timing connection between that incident and Project  
15 #184?

16 A. So what I haven't described in my statement is the  
17 ongoing - so the Amanda Reeves incident happened before  
18 Project #184, but the ongoing drama, in my opinion, that  
19 unfolded, was still going on at the time of Project #184.

20

21 Q. Well, that's not how you have expressed it, is it?

22 A. No. I should have added an extra line for that.

23

24 Q. Well, to be clear, the incident occurred on 9 June  
25 2016, did it not?

26 A. Yes, that sounds right.

27

28 Q. It is fully 18 months before the circulation of draft  
29 papers for Project #184?

30 A. Yes, yes. But as I mentioned the culture fallout from  
31 what happened with Amanda persisted, actually, even to this  
32 day.

33

34 Q. Well, persisted until - certainly until the time she  
35 actually left the lab?

36 A. No, beyond that.

37

38 Q. And beyond that?

39 A. Yes.

40

41 Q. Look, to be fair to the gentleman whom you have named  
42 adversely, it is correct, is it not, that shortly following  
43 the meeting where this incident occurred, he made a full  
44 and reasonable apology to Ms Reeves, offered to speak to  
45 her in person and conciliate with her; is that not true?

46 A. I wasn't part of any of that, so I don't know.

47

1 Q. Well, see if this prompts your memory. I'd suggest to  
2 you that Mr McNevin wrote to Ms Reeves that morning,  
3 [FSS.0001.0066.8657] saying:  
4

5 *I'd like to apologise for spitting the*  
6 *dummy at you in the management team this*  
7 *morning in person, I should not have let my*  
8 *frustration out like I did, so if you have*  
9 *some spare time today, can we talk*

10  
11 A. Okay.

12  
13 Q. Do you know of that apology?

14 A. I am trying to remember. Maybe, at the time.

15  
16 Q. Does that strike you in its terms as a fair and  
17 reasonable approach to take where the gentleman momentarily  
18 lost his temper?

19 A. I mean, an apology - in my view, an apology from  
20 Mr McNevin was the least that needed to happen.

21  
22 Q. Was what, sorry?

23 A. Was the least that needed to happen.

24  
25 Q. Well, it did, I am suggesting to you.

26 A. Okay, if it is did, that's good.

27  
28 Q. But you weren't aware of that?

29 A. No.

30  
31 Q. I suggest he apologised again on a later occasion.

32 A. Okay.

33  
34 Q. You don't know about that?

35 A. I did attend a meeting with - I was acting team  
36 leader, so Justin's position, at a time where I was asked  
37 to attend a meeting with Amanda and Deborah Wheelan to  
38 discuss ways forward, I guess, between Amanda and Alan.  
39 And in that meeting, I recall that Deborah had mentioned  
40 that Alan felt that he had apologised. I am trying to  
41 remember the details of that meeting. But, yes, I do  
42 remember that meeting between myself and Amanda and  
43 Deborah. And also, I think, Emma Caunt came to the meeting  
44 as well.

45  
46 Q. Well, can I suggest to you this: that having declined  
47 to meet with the gentleman, Ms Reeves was invited to a

1 mediation session. She refused to attend that; is that  
2 true? Do you know that?

3 A. I don't know about that.

4  
5 Q. And as things went on, an external employment  
6 consultant had to be brought in to try to mediate and bring  
7 some harmony to the place. That occurred in 2017, did it  
8 not?

9 A. Yes.

10  
11 Q. Unsuccessfully?

12 A. Yes.

13  
14 Q. Ms Reeves, can I suggest, was herself a divisive  
15 figure in the laboratory?

16 A. Not in my opinion.

17  
18 Q. But you are a friend of hers, are you not?

19 A. Oh, yes, I am. Yes.

20  
21 Q. Some viewed her as a divisive figure, did they not?

22 A. And that's fair, for those people's opinions.

23  
24 Q. And the reality is that this incident and the  
25 aftermath of it, would you at least acknowledge that there  
26 are two sides to that story?

27 A. Yes. There is always two sides to a story.

28  
29 Q. Thank you. The gentleman, were he to be invited,  
30 could give his side of the story?

31 A. Oh, yes.

32  
33 Q. There is one more thing that I would just like to take  
34 up with you. It concerns some emails that you were being  
35 asked about yesterday, and some interest was expressed in  
36 them. They are contained in exhibit KR-08 to your  
37 statement. That exhibit is document [WIT.0006.0110.0001\_R]  
38 and in the sequence of that exhibit, Mr Operator, could we  
39 go to page 4, which is [WIT.0006.0110.0001 at 0004]. Just  
40 take a moment to have a look at that and satisfy yourself  
41 that that email that is displayed and others later in time  
42 were discussed with you yesterday?

43 A. Yes, that's right.

44  
45 Q. The email that is on display is the one shortly after  
46 the decision by the Queensland Police concerning the  
47 Options Paper. In the last paragraph of that, Mr Howes



1 identifies for the circulation list that there will be an  
2 enhancement to the expanded meaning of the DIFP to be  
3 displayed on Forensic Register.

4 A. Yes.

5  
6 Q. If we go to page 0003, at the bottom of that, you will  
7 see Ms Caunt's email. This was discussed yesterday; I  
8 won't go over it. But then if we could go to page 4, where  
9 the wording contains in that email is shown, and it was  
10 looked at in some detail yesterday.

11  
12 Mr Howes, upon receipt of this email, acknowledged  
13 that the wording there needed improvement and that he  
14 intended to do so.

15 A. Yes.

16  
17 Q. Correct?

18 A. Yes.

19  
20 Q. Tell me if you know this. I am going to suggest to  
21 you that the wording that is displayed there on page 0004  
22 was either never uploaded to Forensic Register or, if it  
23 was, it was for a very brief period. Do you know anything  
24 about that?

25 A. No, I don't recall that.

26  
27 Q. Okay. Well, there are some records that Inspector  
28 Neville has produced that indicate that by 12 February  
29 quite a different wording was in place.

30 A. Right.

31  
32 Q. You don't know whether that's true or not?

33 A. To be honest, there was lots of different wordings  
34 floating around the place, so I can't pin down at what  
35 point in time different wordings were used.

36  
37 Q. No. It is asking too much really, isn't it?

38 A. Yes.

39  
40 Q. This set of emails on the 7th, can I suggest to you,  
41 is really no more that Mr Howes had indicated that there  
42 needed to be an enhancement produced for the Forensic  
43 Register to go with this DIFP description?

44 A. Yes.

45  
46 Q. And that something would be worked out?

47 A. Yes.

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Q. And what was worked out, I'm suggesting, was not the wording that appears on the top of that page.

A. Yes.

Q. Okay. Just one other thing I need to ask you. You said in response to a question from the Commissioner yesterday in relation to Ms Allen, Mr Howes and Ms Brisotto that neither of those people refer to any other entity beyond the Queensland Police as the client.

A. Yes.

Q. Well, I am just going to suggest to you that that's incorrect, that each of those people in a public forum, such as management meetings, acknowledged wider stakeholders than the Queensland Police, including the courts and the community.

A. Yes.

Q. Would you now accept that on reflection?

A. Yes, but the question was around "client", and so my response was that in my view, the focus from these people on "client" was Queensland Police Service. I acknowledge that everybody, including Justin, Paula and Cathie, know that we have a wide range of stakeholders. But the word "client" is always used in relation to the Queensland Police.

Q. That would hardly be surprising, would it, considering the Queensland Police pay \$3 million a year for the service?

A. Yes.

Q. It is quite understandable, is it not?

A. Yes, yes.

MR RICE: Thank you.

THE COMMISSIONER: Thank you. Who is next? Yes, Mr Gnech.

**<EXAMINATION BY MR GNECH**

MR GNECH: Q. Ms Rika, can I take you to paragraph 24 of your statement. [WIT.0006.0095.0001\_R at 0006]

A. Yes.

1 Q. You say at the bottom of that page, paragraph 24 over  
2 to the next page, you expect that it became clear to Cathie  
3 and Justin that they were not going to receive the required  
4 approval of the document and this may lead to the creation  
5 of the Options Paper. Had there ever been an Options Paper  
6 created for any other project in your experience?

7 A. Not that I am aware of, no.

8

9 Q. In regards to that sentence I just read out, had there  
10 been either oral or any other written support for the  
11 contents of Project #184? Did you know certainly that  
12 there wasn't support to get the senior scientists and the  
13 managers or a quorum of those to sign off on Project #184?

14 A. Was there - are you asking if there was something  
15 orally or in writing that said we --

16

17 Q. Did not support what was in the proposed options  
18 paper, the first draft of the options paper? Let me start  
19 again. Paragraph 24, you say that you expect that the  
20 reason Options Paper was created because you didn't think  
21 there would be support.

22 A. Yes.

23

24 Q. Okay. How did you know that?

25 A. So that's just --

26

27 THE COMMISSIONER: Q. Is that your present opinion?

28 A. Yes. Yes. There's no - I don't have evidence for  
29 that. That's just my thought.

30

31 MR GNECH: Q. Okay. Was your thought that there was  
32 support or favouritism from Mr Howes and Ms Allen for

33 Option 2 in the Options Paper? Is that what you believed?

34 A. Yes.

35

36 THE COMMISSIONER: Are you speaking about at the time or  
37 now?

38

39 MR GNECH: Sorry, at the time.

40

41 Q. In your discussions, once the Options Paper became  
42 known to you, did you believe there was support for  
43 Option 2 in the Options Paper?

44 A. From who?

45

46 Q. From both Mr Howes and Ms Allen?

47 A. I assume there was, because we implemented that

1 process.

2

3 Q. Thank you. You have given evidence already about the  
4 contents of the Options Paper. I won't take you back  
5 through those, but do you believe that the Options Paper  
6 generally makes it clear about the true state of affairs?

7 A. No.

8

9 Q. And that is why yesterday you gave evidence  
10 particularly about the statement about 1.45 per cent being  
11 the pertinent value being an attractive statement?

12 A. Yes.

13

14 Q. Mr Operator, could we go to exhibit  
15 [WIT.0006.0110.0001\_R]. It is exhibit KR-08 to the witness  
16 statement. Thank you. If we could just scroll down. This  
17 is an email from you to Mr Howes on 9 February. You say:

18

19 *I guess it's one thing for the QPS to*  
20 *understand this risk (if they do) ...*

21

22 Did you have a suspicion back at this time that the QPS  
23 didn't understand what the Options Paper meant?

24 A. Yes.

25

26 Q. Why did you have that suspicion?

27 A. Because, first of all, for myself, I - it wasn't even  
28 clear to myself how the data analysis had been conducted,  
29 but with the information that I had access to, I was still  
30 able to, as a scientist, work out that that didn't quite  
31 look right to me. And so, given the amount of confusion  
32 for me as a scientist that works within the lab, what  
33 chance would - in my opinion - what chance would QPS have  
34 of understanding everything that went into the proposal of  
35 those options.

36

37 Q. Thank you.

38

39 MR GNECH: Thank you, Commissioner, they are all my  
40 questions.

41

42 THE COMMISSIONER: Yes. Mr Hickey.

43

44 MR HICKEY: Thank you, Commissioner.

45

46 <EXAMINATION BY MR HICKEY

47

- 1 MR HICKEY: Q. Ms Rika, you gave some evidence yesterday  
2 that you have had ongoing employment with FFS or its  
3 previous incarnation since 2006?  
4 A. Since 2005.  
5
- 6 Q. And have held managerial roles throughout that period?  
7 A. Yes.  
8
- 9 Q. I am going to ask you some questions, and I want you  
10 to, in considering your answers, draw upon the experience  
11 that you have had both as a reporting scientist and as a  
12 manager throughout that 16-year period. Do you understand  
13 what I mean?  
14 A. Yes.  
15
- 16 Q. It is your experience, isn't it, that the lab does not  
17 have unlimited resources?  
18 A. Yes.  
19
- 20 Q. And the lab always has fewer resources than scientists  
21 would regard as ideal in order to do their tasks?  
22 A. Yes.  
23
- 24 Q. The lab is expected to deliver results efficiently?  
25 A. Yes.  
26
- 27 Q. And the people who work within the lab are conscious  
28 of that?  
29 A. Yes.  
30
- 31 Q. And those who manage those who work within the lab are  
32 also conscious of that imperative?  
33 A. Yes.  
34
- 35 Q. The lab is expected to deliver results to the QPS as  
36 quickly as possible?  
37 A. Yes.  
38
- 39 Q. That's something you're aware of as a manager?  
40 A. Yes.  
41
- 42 Q. And something that the reporting scientists are also  
43 aware of?  
44 A. Yes.  
45
- 46 Q. The QPS investigators are best placed to understand  
47 which cases are their highest priority?

1 A. Yes.  
2  
3 Q. And what the reasons for those priorities might be?  
4 A. Yes.  
5  
6 Q. Over time the workload of the lab has increased?  
7 A. Yes.  
8  
9 Q. The FSS or, indeed, its previous incarnations before  
10 it became that, has an operational hierarchy?  
11 A. Yes.  
12  
13 Q. And efficiency requires each person do the job they  
14 are employed to do to the best of their ability?  
15 A. Yes.  
16  
17 Q. And that to duplicate work is inefficient?  
18 A. Yes.  
19  
20 Q. That's your view, both as a Reporting scientist --  
21 A. Yes.  
22  
23 Q. -- and as a manager?  
24 A. Yes.  
25  
26 Q. Managers have an obligation to ensure their teams  
27 perform as efficiently as possible?  
28 A. Yes.  
29  
30 Q. And in your role as a manager, there are things which  
31 come within your sphere of knowledge that it is  
32 inappropriate for you to reveal to those who report to you?  
33 A. I don't understand --  
34  
35 Q. Let me ask it in a simpler way. There are some things  
36 which it is appropriate for manager to know about, but not  
37 necessarily to reveal to those who report to them?  
38 A. Yes, I see, yes.  
39  
40 Q. You agree with that?  
41 A. Yes.  
42  
43 Q. So it is not necessarily inappropriate that an  
44 "underling", if I can use that term, and I don't mean it  
45 pejoratively --  
46 A. Yes.  
47

- 1 Q. -- might not know things that their manager might  
2 know?  
3 A. Yes.  
4
- 5 Q. Would you agree with this: each scientist has an  
6 obligation to ensure the scientific integrity of lab  
7 procedures?  
8 A. Yes.  
9
- 10 Q. And that is an obligation they hold as an employee?  
11 A. Yes.  
12
- 13 Q. And as a public servant?  
14 A. Yes.  
15
- 16 Q. And as a scientist?  
17 A. Yes.  
18
- 19 Q. And would you agree with me that a scientist who fails  
20 to properly escalate legitimate concerns when they arise  
21 would have failed in their professional duty as an  
22 employee?  
23
- 24 THE COMMISSIONER: If they what?  
25
- 26 MR HICKEY: If they failed to properly escalate legitimate  
27 concerns when they arise?  
28 A. Yes.  
29
- 30 Q. And that that would be a breach of their obligation as  
31 a public servant?  
32 A. Yes.  
33
- 34 Q. And, indeed, it would be a breach of their duty as a  
35 person of science?  
36 A. Yes.  
37
- 38 Q. Now, you have worked at FSS or its previous  
39 incarnations for some 16 years?  
40 A. Yes.  
41
- 42 Q. I take it you enjoy working there?  
43 A. I enjoy the work that I do.  
44
- 45 Q. You would leave if you didn't enjoy working there?  
46 A. I have not enjoyed the cultural aspects of my  
47 workplace, but I feel that because I love my actual job,

1 which is DNA profiling, and because we are the only  
2 forensic DNA profiling lab in Queensland, I do feel  
3 somewhat stuck in that environment.  
4

5 Q. The culture is not so poor that you feel compelled to  
6 leave?

7 A. I have - I have stuck it out at the expense of my  
8 health, both physical and mental, but I love my job in  
9 terms of the work that I do.  
10

11 Q. All right. Thank you. You agree that the mere fact  
12 that an idea or suggestion has not been accepted by the  
13 person to whom it's put does not mean that it was not  
14 considered or entertained?

15 A. Yes, in some cases.  
16

17 Q. All right. Could I ask you then to consider some  
18 evidence that you gave yesterday. And for the benefit of  
19 others, I am referring to the transcript at page 103  
20 [TRA.500.001.0001]. You were asked this question:  
21

22 *Q. Generally at around this time of*

23 *2018, was Mr Howes responsive to feedback?*

24 *A. So around about 2018, my perception of*  
25 *the Management Team's responsiveness to*  
26 *feedback was that if the feedback was in*  
27 *line with the and agenda, then it was*  
28 *received quite positively. But if it*  
29 *wasn't, then it seemed the feedback was a*  
30 *nuisance.*  
31

32 Now, could I ask you some questions about that answer?

33 A. Yes.  
34

35 Q. In particular, I am interested in the words "my  
36 perception".

37 A. Yes.  
38

39 Q. What was your perception based upon?

40 A. My perception was based upon not just Project #184,  
41 but other items that - many other items that I have raised  
42 and been met, in my view, with contempt or continuing not  
43 accepting a decision when I feel that it is a bad decision.  
44

45 Q. Can I suggest to you that you never explained that  
46 that was your perception to Justin Howes?

47 A. So during that time maybe I - I don't recall



1 conversations of that, but I do know at that time, around  
2 2018, as I mentioned previously, because of all the  
3 cultural issues that were made worse after the incident  
4 with Amanda, that continued on, I went through periods of  
5 feeling like I had no fight left. So a lot of times I  
6 would just almost shut down, but then other times I would -  
7 my integrity was such that I would go, "You know what, I  
8 need to raise this again", or, "I need to raise this, it's  
9 too important". But the culture of the lab, in my view,  
10 impacted on my perception on how I would be received when  
11 raising issues that, in my view, often were put in the  
12 too-hard basket.

13

14 Q. Please understand that I don't intend at all to  
15 trivialise your feelings or your perceptions, but I am  
16 interested in particular in a very confined thing, and that  
17 is you did not express to Mr Howes, you did not tell him  
18 orally, about any of these concerns?

19 A. Oh, yes, I have. I have. Over the years, I have had  
20 many conversations with Justin about how I feel in relation  
21 to the management team and the way that I feel I've been  
22 treated.

23

24 Q. All right. I will be even clearer again in fairness  
25 both to you and to Mr Howes. Can I suggest to you that you  
26 never said to him that your perception was that the  
27 management team's responsiveness to feedback was that if  
28 the feedback was in line with the agenda, then it was  
29 received positively, but if it wasn't, then it seemed that  
30 the feedback was a nuisance. You didn't say anything to  
31 that effect to Mr Howes at any time?

32 A. No.

33

34 Q. And you didn't put that complaint in writing to  
35 Mr Howes at any time?

36 A. Not that specific complaint.

37

38 Q. Thank you. Nor did you make that specific complaint  
39 to Ms Allen at any particular time?

40 A. Not that specific complaint.

41

42 Q. And nor did you put that complaint in writing to  
43 Ms Allen at any time?

44 A. Not that specific complaint.

45

46 Q. Would you accept that it is impossible for others to  
47 know what you're feeling unless you tell them what you're

1 feeling?

2 A. Oh, I have been very open and candid with the entire  
3 management team about my feelings of being on the outer  
4 with them. And, in fact, we had many, many management team  
5 meetings that had a cultural focus, where we had  
6 consultants that would come in and help us put - try to put  
7 issues on the table and talk through how to maturely and  
8 respectfully, and responsibly, deal with those issues. And  
9 I, at least twice, said to the entire management team, "I  
10 feel like" - in front of the change consultant and in front  
11 of the ED at the time, John Doherty - I said on at least  
12 two occasions, "I feel like there is some issue with the  
13 management team towards me and I don't know what that is  
14 and why that is, because nobody will sit down and talk to  
15 me about it", and there was silence.

16

17 Q. All right. You never told Catherine Allen that you  
18 considered the culture of the lab was, in your words,  
19 "quite toxic"?

20 A. I probably didn't say it in those words.

21

22 Q. And similarly, you didn't tell Justin Howes that that  
23 was your view either?

24 A. Not in those words.

25

26 Q. All right.

27

28 THE COMMISSIONER: Q. Did you use any other words?

29 A. I have used words like - I've had conversations that I  
30 feel, like I said, "I'm on the outer with the management  
31 team. I feel like I don't get listened to. I feel like my  
32 personal and private - sorry, personal and work  
33 relationship with Amanda Reeves has tarnished the way they  
34 perceive me". I feel that - I've told them all of these  
35 things in terms of how I feel isolated and disempowered.

36

37 Q. And what responses did you get?

38 A. That basically there was - there was no issue. That -  
39 there was one conversation I recall when I talked about the  
40 impact that my association with Amanda had on me, and their  
41 view was that that I feel like I've been tarnished with  
42 some brush because I tried to have a very respectful  
43 relationship with all of my management team members. And  
44 in one conversation Justin did say to me, "Well, you know,  
45 it's been noted with higher up managers that Amanda was  
46 just a very angry person ", so - "And you know that she has  
47 named you in all of her documents". So I felt like, you

1 know, I was - my feelings on it were that my view of what  
2 happened with Amanda was not relevant to them. And I took  
3 my concerns about feeling bullied by the management team to  
4 Executive Director John Doherty and I said, "I don't know  
5 what to do because if I raise a grievance or a formal  
6 complaint, I fear retribution", and he kind of agreed with  
7 me that, based on what he's seen about how things operate,  
8 that grievances tend to fall on the side of the manager and  
9 not the employee.

10  
11 MR HICKEY: Q. All right. Could I ask you then,  
12 please - the Commissioner has received some evidence from  
13 Lara Keller in which - and for the benefit of others, I am  
14 referring to document - it need not be brought up  
15 [WIT.0017.0003.0001]. Ms Keller says that her view should  
16 be free to raise any issue with their colleagues, managers,  
17 union, via any other avenue and/or HR practitioner, either  
18 formally or informally any time. Do you agree with that  
19 proposition?

20 A. Yes.

21  
22 Q. All right. Could I deal with that in parts.  
23 Ms Keller refers to an HR practitioner. You have mentioned  
24 the ED, Mr Doherty. To whom you raised a particular  
25 concern?

26 A. Yes.

27  
28 Q. There was an HR practitioner in place who was  
29 responsible for you at the time?

30 A. An HR practitioner?

31  
32 THE COMMISSIONER: What do you mean by that, Mr Hickey,  
33 for my benefit? An "HR practitioner", what is that? And  
34 what is "responsibility" in this context?

35  
36 MR HICKEY: Thank you, Commissioner.

37  
38 Q. Was there an HR Department responsible for the  
39 section of the lab in which you worked?

40 A. Yes.

41  
42 Q. There was a person who was responsible for dealing  
43 with all manner of HR-related activities?

44 A. Yes.

45  
46 Q. Did you understand them to be also responsible for  
47 dealing with grievances where they might arise?

1 A. Yes.

2

3 Q. You understood that they were somebody to whom you  
4 could - somebody you could avail yourself of if you had  
5 particular issues?

6 A. Yes.

7

8 Q. Am I right then in assuming that, notwithstanding all  
9 of that, you didn't at any time raise these particular  
10 issues you have given evidence about in my line of  
11 questioning this morning with them?

12 A. Oh, yes, I took my concerns about the culture of the  
13 laboratory to at the time Andria Wyman-Clarke and Therese  
14 O'Connor. Andria at the time held the position of - I  
15 think it was general manager of HR for HSQ, and she met  
16 with me regularly to try and help me through the issues  
17 that I was experiencing.

18

19 Q. All right. You mentioned, "at the time". Just for  
20 clarity, when was that?

21 A. It would have been - oh - it was in the year leading  
22 up to John Doherty starting, and when he started.

23

24 Q. Just so I can orientate myself, was that in the period  
25 between the traumatic event that you have described with  
26 Amanda and #184? Was it within that period?

27 A. Yes, and also after.

28

29 Q. Thank you. Could I go then briefly to your second  
30 statement, please. That is the one we have been looking at  
31 all day. My learned friend Mr Rice asked you some  
32 questions about the matters in paragraph 20. I don't  
33 intend to cover over things that he has already asked you  
34 about, but I did want to ask you about this. Exhibit KR-06  
35 to your statement is a series of correspondence from you.  
36 [WIT.0006.0108.0001\_R]. At the bottom of that page 0001,  
37 at 11.00am you write to Mr Howes and you say you felt very  
38 scared and intimidated in today's management meeting  
39 because of - you know who we are talking about.

40

41 THE COMMISSIONER: Sorry, can you just give me a moment,  
42 Mr Hickey.

43

44 MR HICKEY: Yes, of course, Commissioner.

45

46 THE COMMISSIONER: Are you looking at KR-06?

47 [WIT.0006.0108.0001\_R]

1  
2 MR HICKEY: That's it, yes.

3  
4 THE COMMISSIONER: Let me see if I can find it. Yes,  
5 I have got it now. Thank you.

6  
7 MR HICKEY: Q. You write to Mr Howes at 11.00 am. We  
8 see that at the bottom of the screen?

9 A. Yes.

10  
11 Q. If we scroll to the top of that page, please,  
12 Mr Operator, we see that two minutes later, Mr Howes writes  
13 back to you and says he appreciates that and wants to chat  
14 with you about it sometime today; he will be in touch later  
15 to see if you are available.

16 A. Yes.

17  
18 Q. Do you recall that?

19 A. Yes.

20  
21 Q. And in fact Mr Howes did speak to you about this later  
22 that day, didn't he?

23 A. Oh, I can't recall.

24  
25 Q. Well, can I suggest to you that he did.

26 A. Okay.

27  
28 Q. And he spoke to you about it after that particular day  
29 to ensure that your concerns about it had been addressed.

30 A. I don't know - so in terms of what action was taken,  
31 if any, with regards to the yelling and slamming and  
32 pushing-the-chair-back event, obviously I'm not privy to  
33 any what, if at all, there was any disciplinary action  
34 around that - and rightfully so, it's a private matter -  
35 but I did get a sense of, after that, and for a long time -  
36 in fact, even to this very day - that there was, for me, a  
37 feeling that the management saw Allen on the right side of  
38 that. And in my view, I have seen Allen be supported  
39 fairly well by the management team, and so I feel like  
40 there was - you mentioned divisiveness previously. I feel  
41 that there is a big divisiveness within the management team  
42 that got exasperated by the event that we're talking about.

43  
44 Q. I think my learned friend might have mentioned  
45 divisiveness, but it is of no particular moment?

46 A. Oh, sorry.

47

1 Q. No, not at all. Can I ask you some questions about  
2 that, though. My learned friend Mr Rice asked you some  
3 questions about the circumstances of that matter with  
4 Ms Reeves.

5 A. Yes.

6

7 Q. And you recall that he asked you some questions about  
8 whether an apology had been proffered to her. You said you  
9 didn't know about that.

10 A. Oh, sorry, and then I said I remember going to a  
11 meeting with Ms Reeves and Deborah Wheelan and Emma Caunt.

12

13 Q. All right. I don't intend to be unfair. In  
14 particular what I have in mind is what my learned friend  
15 asked you about was some email correspondence that the  
16 gentleman in question had sent to Ms Reeves extending an  
17 apology.

18 A. Yes.

19

20 Q. And you said you didn't know anything about that.

21 A. Yes.

22

23 Q. Would you accept that it might well be the case that  
24 there's more to that entire scenario than what Ms Reeves  
25 made you aware of?

26 A. Oh, there might be, yes.

27

28 Q. And would you accept that given that you and Ms Reeves  
29 are friends, you were really in her corner, weren't you?  
30 Can I put it that way?

31 A. I don't know if "corner" is the right way to put it.  
32 I pride myself on my ability to have colleagues who may be  
33 my friend, but that I still continue to do my work with an  
34 even keel.

35

36 Q. All right. You have already agreed with me that there  
37 might well be some things that a manager might know that it  
38 is not appropriate to tell somebody who reports to them?

39 A. Oh, yes, yes.

40

41 Q. And so it is conceivable, isn't it, that there are  
42 things that are known to the management team, as you  
43 described them, that you might not be aware of?

44 A. Yes.

45

46 Q. And for that reason it might well seem entirely  
47 appropriate, given the knowledge, they have that Ms Reeves

1 is seen as divisive?

2 A. Yes. Sure. Yes.

3

4 Q. And that your support of her either expressly or  
5 implicitly signals to them that you also intend to be  
6 divisive.

7 A. I - that could be their view on me, but I would  
8 disagree that my intentions are to be divisive. My  
9 intentions have always been to do the best thing by the  
10 science within the lab.

11

12 Q. And when you say that could be their "intention", I  
13 think was the word you used?

14 A. Yes.

15

16 Q. Would you agree with me that "perception" is another  
17 way of describing that?

18 A. Yes.

19

20 Q. And that people may well have perceptions which are  
21 simply incorrect?

22 A. Yes. Yes, that's the general definition, I think, of  
23 a perception.

24

25 Q. Indeed. So it is quite possible, isn't it, given  
26 everything that I have asked you about this morning, that  
27 some of your perceptions about the way you were dealt with  
28 by the management team - and that's the term, I think, you  
29 use --

30 A. Yes.

31

32 Q. -- were simply incorrect?

33 A. Oh, well, my perceptions are my perceptions. But I do  
34 know that there have been occasions - perception aside -  
35 where I have been ignored and I have been excluded from  
36 certain things, rightfully or wrongfully, but the overall  
37 culture - and I don't - probably don't have time today to  
38 explain every piece of that - but the overall culture of  
39 the laboratory and all the things that have happened over  
40 the years has given me a sickening feeling about coming to  
41 work and having to constantly fight for what I think is the  
42 right thing to do by the science, by the cases, and even by  
43 my own staff members, because I advocate very strongly for  
44 them and what they need to do their job properly.

45

46 Q. All right.

47

1 MR HICKEY: Commissioner, I am conscious of the fact that  
2 culture will feature in another module, so I am trying to  
3 ask questions --

4  
5 THE COMMISSIONER: No, no. There is no pressure on you,  
6 Mr Hickey.

7  
8 MR HICKEY: Thank you.

9  
10 THE COMMISSIONER: And a Commissioner of Inquiry is not  
11 like a conventional trial where it is easy to  
12 compartmentalise issues, so you proceed as you think fit.

13  
14 MR HICKEY: Thank you, I appreciate it.

15  
16 THE COMMISSIONER: And you are being very helpful to this  
17 point. I propose to adjourn at 11 o'clock for 20 minutes,  
18 if that helps you.

19  
20 MR HICKEY: Thank you, Mr Commissioner.

21  
22 THE COMMISSIONER: If that's a convenient time for you.

23  
24 MR HICKEY: Yes, of course.

25  
26 Q. You mentioned a moment ago there were occasions where  
27 you were either ignored or excluded.

28 A. Yes.

29  
30 Q. Could I ask you about that. It's not the case, is  
31 it - and in fairness, I think you probably know but I  
32 should explain to you, I act for Justin Howes and Cathie  
33 Allen?

34 A. Yes.

35  
36 Q. It's not the case those people ever said to you, "I am  
37 ignoring you, Kylie"?

38 A. No, they did not say that.

39  
40 Q. And it is not the case that either of them ever said  
41 to you, "I'm excluding you"?

42 A. No.

43  
44 Q. And so you would agree with me, wouldn't you, that  
45 when you say you were ignored or excluded, those are simply  
46 your perceptions?

47 A. Yes.



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Q. And you might be wrong in your perceptions?

A. Well, my perceptions are my perceptions. So I believe them.

Q. Of course. But could I ask you as a scientist. As a scientist you are trained to look at the evidence?

A. Yes.

Q. And to consider the conclusions that might flow from the particular evidence that you have had in regard to a hypothesis that you've got?

A. Yes.

Q. It is not simply good enough, is it, to have regard to your feelings as a scientist and then conclude that it must follow that something is true?

A. I have feelings about things that are, in my opinion, toxic cultural issues. But that aside, the fact of the matter is there are events that have occurred within the laboratory that are not my perception, but they actually occurred.

Q. We find those in your statement or the oral evidence you have given here today and yesterday?

A. Yes, and other things which might form part of the future cultural discussions.

Q. All right. We will deal with those then. I will deal with one more point shortly before the break. You mentioned yesterday that you ultimately took the opportunity to raise a Public Interest Disclosure.

A. At the suggestion of the ED Lara Keller.

Q. Yes. And that was a relatively recent thing, I think you said late last year or early this year?

A. Yes.

Q. Was that prompted by the fact that there had begun to be some publicity as a consequence of the work that Ms Thomas was doing in the public consciousness around DNA profiling?

A. Mr Thomas?

Q. Emily Thomas the journalist of The Australian?

A. No. So in fact, the week before any media articles arose --

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THE COMMISSIONER: Q. The week before any media articles? You are speaking about a week before --  
A. Yes, a week before anything came in the media about any potential issues with our laboratory, my colleague Adrian and myself, we were already collecting examples of samples that staff were concerned about. And we took that to the management team meeting - I think it was about one week before anything came out in the media.

MR HICKEY: Q. Thank you. I have not seen the Publishing Interest Disclosure document; I don't know whether it is available to the Commission. And I flag that only because it might demonstrate why I am being ignorant in asking you this question. But was any part of the substance of the disclosure that you made a suggestion that there had been some deliberate dishonesty on the part of Justin Howes?

A. Look, I don't actually know what was put forward in the Public Interest Disclosure, because I gave all of the information that I had about my concerns to Lara Keller, and she took - whatever. I don't know what she took out of that stack of paperwork. I don't know what she took up.

Q. Did you see the disclosure before it was disclosed?

A. No.

Q. So I am clear about this --

THE COMMISSIONER: The disclosure was not disclosed to her.

MR HICKEY: Pardon me, Commissioner?

THE COMMISSIONER: It doesn't matter.

MR HICKEY: I see.

THE COMMISSIONER: Sorry, keep up with me. Sorry, I couldn't resist. Look, we'd better have a hunt for that document. Yes, you go ahead, Mr Hickey.

MR HICKEY: Q. Do I understand that the disclosure was made in your name or in Ms Keller's name?

A. I actually don't know.

MR HICKEY: Thank you. Is that a convenient time?

1  
2 THE COMMISSIONER: Yes, yes. We will adjourn for  
3 20 minutes.

4  
5 **SHORT ADJOURNMENT**

[11.02am]

6  
7 THE COMMISSIONER: Yes, Mr Hickey.

8  
9 MR HICKEY: Thank you, Commissioner.

10  
11 Q. Ms Rika, could I ask you now about some evidence that  
12 you gave during the course of yesterday. In particular,  
13 you gave some evidence to my learned friend Ms Hedge about  
14 some statistical analysis that you had undertaken with Rhys  
15 Parry, do you recall that?

16 A. Yes.

17  
18 Q. In particular, what you said - and for the benefits of  
19 others I am reading from page 100 of Day 1's transcript.  
20 You were taken to a document, do you recall? You were  
21 taken to an edited version of the Project #184 report and  
22 the draft of that, which contained your feedback, such as  
23 it was.

24 A. Yes.

25  
26 Q. Do you recall that? You said:

27  
28 *All of that red text, at the time Amanda*  
29 *and I decided to seek advice from somebody*  
30 *within our teams who is quite good with*  
31 *statistical analysis and his name is Rhys*  
32 *Parry.*

33  
34 Can I pause there. Rhys Parry has a particular job, which  
35 is responsible for statistical-type activity; is that so?

36 A. His job is a reporting scientist, but he is often  
37 called upon, him and a couple of other people are often  
38 called upon with data analysis or statistical-type analysis  
39 tasks.

40  
41 Q. That's because Mr Parry has some particular skill or  
42 expertise in that area; is that so?

43 A. Yes.

44  
45 Q. And would you agree that his ability, his experience  
46 or expertise in that particular area, statistical analysis,  
47 is superior to yours?

1 A. Yes.

2

3 Q. And that's why you went to him to enquire of him about  
4 his thoughts about this particular issue rather than simply  
5 doing it yourself with Amanda?

6 A. Yes.

7

8 Q. All right. And so you say you:

9

10 *... asked him to look at data analysis and*  
11 *what, if any, statistical methods were*  
12 *applied to that, and so we incorporated -*  
13 *Amanda and I incorporated Rhys's feedback*  
14 *into our own to give back to Justin, and so*  
15 *all of this information on this page is*  
16 *basically from Rhys ...*

17

18 So when you say you "incorporated" it, what you really mean  
19 by that evidence is to say that you went to Rhys, he gave  
20 you some written feedback and you cut and pasted it and put  
21 it in the document?

22 A. Yes, correct.

23

24 Q. All right. Then you say:

25

26 *... which Amanda and I, we went through it,*  
27 *we considered it, it made sense to us.*

28

29 And then you say this:

30

31 *And so, that's why we put it forward, on*  
32 *behalf of Rhys.*

33

34 Now, would you agree with me that there was nothing in that  
35 document to identify that those passages had been drafted  
36 or prepared by Rhys?

37 A. That's right.

38

39 Q. And you didn't tell Justin Howes that that section had  
40 been prepared by Rhys?

41 A. I don't recall.

42

43 Q. You don't recall telling him or you don't recall at  
44 all whether you told him?

45 A. I don't recall at all.

46

47 Q. Can I suggest to you that you didn't tell him that

1 that part of your feedback had, indeed, been prepared by  
2 somebody else, not by you?

3 A. That's - that's possible, yes.

4

5 Q. Given that, would you agree with me that Mr Howes  
6 might have placed greater weight on that feedback if he had  
7 known it had come from Mr Parry undertaking that  
8 statistical analysis rather than you and Amanda?

9 A. He may have.

10

11 Q. And that's because Mr Parry was recognised within the  
12 team as being somebody who had superior skills in that  
13 particular area?

14 A. Yes.

15

16 Q. Thank you.

17 A. I do recall - and you'd probably have to check with  
18 Mr Parry - but I am pretty sure that he did also have a  
19 conversation, or at least provide some material to  
20 Justin Howes.

21

22 Q. You can't be sure of that, though?

23 A. I'm not 100 per cent sure. You'll have to talk to  
24 Rhys Parry about that.

25

26 Q. We really would need to talk to somebody else and not  
27 accept your version of those events?

28 A. Yes.

29

30 Q. All right. Thank you. Towards the end of yesterday's  
31 session, you were asked some questions about the standard  
32 opening procedures in respect of the making of statements  
33 to court. Do you recall that?

34 A. Yes.

35

36 Q. In particular, you were taken to an email from  
37 Mr Howes in 2016. Do you recall that?

38 A. Yes, probably.

39

40 Q. It is of no particular moment. I can bring it up if  
41 you think you need to see it, but can I tell you this: the  
42 effect of the email was to say: please use the standard  
43 opening procedures, and the effect of your evidence was to  
44 say, as you understood it, you had to follow the standard  
45 operating procedures.

46 A. Yes, that's right.

47

1 Q. Do you recall that?

2 A. Yes.

3

4 Q. Am I correct in restating your evidence in summary  
5 form? ?

6 A. Yes.

7

8 Q. Can I ask you some questions about that process. Am I  
9 right in saying that you hold roles both as a Reporting  
10 scientist?

11 A. Yes.

12

13 Q. And sometimes peer reviewing the reports that others  
14 make?

15 A. Yes.

16

17 Q. Those reports are intended to be used in court  
18 proceedings?

19 A. Yes.

20

21 Q. You are aware that that's their purpose?

22 A. Yes.

23

24 Q. And you're aware, aren't you, that it is essential  
25 that the statements that you make as an expert to the court  
26 are accurate?

27 A. Yes.

28

29 Q. And you wouldn't willingly make dishonest statements  
30 to the court?

31 A. No.

32

33 Q. You wouldn't permit those who you peer review to make  
34 what you know to be dishonest statements to the court?

35 A. That's right. No.

36

37 Q. And we shouldn't understand your evidence to be  
38 suggesting that anybody within the management team was  
39 trying to impose upon you or direct you to make knowingly,  
40 unwillingly, dishonest statements to the court at any time?

41 A. No.

42

43 Q. All right. Thank you. It is the case, isn't it, that  
44 although there were those standard operating procedures,  
45 there was a discretion which enured to you as the Reporting  
46 scientist or peer reviewer to use your own language in  
47 those reports if you thought it was appropriate to do so?

1 A. Theoretically, a practice with regards to standard  
2 operating procedures is that if you choose to deviate from  
3 the standard opening procedure, you must have good reason  
4 to do so and document that. That's in theory. In  
5 practice, in our laboratory, we are discouraged from  
6 deviating from the standard opening procedure.  
7  
8 Q. All right. Could I ask you by whom you were  
9 discouraged?  
10 A. So generally speaking - and I think I said this  
11 yesterday - we have always been told to follow the standard  
12 operating procedures by Cathie because there is safety in  
13 everyone doing things the same way.  
14  
15 Q. Yes.  
16 A. I have actually made some notes around this particular  
17 point. If I may refer?  
18  
19 THE COMMISSIONER: Q. What do you mean? You have made  
20 notes about what?  
21 A. About --  
22  
23 Q. Being told?  
24 A. About if we can or cannot deviate from standard  
25 opening procedures.  
26  
27 Q. That is, you have made some notes of your  
28 recollections about being required to conform to SOPs?  
29 A. Yes.  
30  
31 Q. Yes, go ahead.  
32 A. Yes. So as I mentioned, we'd been told there's safety  
33 in following the SOPs. Over the years, we've become an  
34 automated high-throughput lab in the interests of  
35 turnaround times. There is little room for Reporting  
36 scientists to have full autonomy over their work, including  
37 deviating from SOPs.  
38  
39 MR HICKEY: Q. Could I interrupt you, please. The  
40 question I asked you was directed to a very specific thing,  
41 which was who it is that discouraged you from diverting  
42 from the standard opening procedures?  
43 A. So I have had discouragement from Cathie, from Justin  
44 and from John Doherty, the previous ED.  
45  
46 Q. Can you tell me, please, is that discouragement - did  
47 it occur by way of conversations or by way of written

1 documentation?

2 A. The discouragement in writing I have from Justin, and  
3 the others have been conversations.

4  
5 Q. All right. As to the written document, is that  
6 something that you have already provided to the Commission?

7 A. Yes.

8  
9 Q. I presume we'll see that in due course. As to the  
10 conversations that you have just mentioned, when did they  
11 occur?

12 A. The conversations from Cathie about "Everyone follow  
13 the SOPs, there's safety in doing so", that's just a  
14 general message over many years. I can't pinpoint exact  
15 times that I have heard that. With John Doherty, I  
16 actually had an example where Justin had directed me to  
17 finalise my interpretation of a sample as per the standard  
18 operating procedures. In this particular sample, I didn't  
19 agree with what was in the standard operating procedure and  
20 in my view I had a really good case to argue that, "This is  
21 a situation where I would like to deviate and here are all  
22 my reasons".

23  
24 As I said, he emailed me to say, "I direct you to  
25 follow the standard opening procedure", and I took the  
26 matter further to the ED at the time. He also wanted to  
27 confirm with me that I follow standard operating  
28 procedures.

29  
30 Q. All right. That is the document you referred to a few  
31 minutes ago to say it had already been provided to the  
32 Commission?

33 A. Yes, correct. It's relating to a limit of detection,  
34 LOD.

35  
36 Q. Thank you. Am I right, though, in saying that your  
37 evidence in respect of Cathie Allen is that hers was a  
38 general exhortation to follow standard operating procedures  
39 generally?

40 A. Yes, but also we have been given written information.  
41 So when we - so there are two types of reports that we  
42 release. There are statements, statements of witness and  
43 also intelligence reports. I have examples of - I know of  
44 an example/examples of intelligence reports where,  
45 basically, if we - we use intelligence reports for a number  
46 of purposes. One of the reasons is if we've reported a  
47 result but then sometime down the track, we want to change



1 that result because of a number of different reasons, the  
2 only reasons we're allowed to put in our intel report to  
3 explain that are around unintentional human error, case  
4 consistency, and receipt of a new reference sample or new  
5 information from the police. We are not allowed to say,  
6 for example, the change in result is due to a difference of  
7 opinion between two scientists, which is well-known in the  
8 forensic community that different experts at our level will  
9 have difference of opinions.

10  
11 Q. I am not presently concerned with intelligence  
12 reports.

13 A. Yes.

14  
15 Q. What I am asking you about is statements that are made  
16 to the court. Do you understand?

17 A. Yes.

18  
19 THE COMMISSIONER: Mr Hickey, you asked her to, in effect,  
20 support her statement that she was being directed not to  
21 deviate from standard operating procedure.

22  
23 MR HICKEY: Yes.

24  
25 THE COMMISSIONER: And that last answer, as I understood  
26 it, was that, "Here is an instance of that policy in  
27 action", and so she is demonstrating it by reference to  
28 instances that, as I understand her evidence, led her to  
29 conclude that this is what you ought to do.

30  
31 MR HICKEY: I deliberately didn't interrupt because it is  
32 obvious that that answer would be of assistance to the  
33 Commissioner.

34  
35 THE COMMISSIONER: Yes.

36  
37 MR HICKEY: I don't intend to be critical by framing my  
38 last statement as I did, but rather to simply redirect the  
39 witness to the issue that I am particularly interested in  
40 for the next question.

41  
42 THE COMMISSIONER: No, that's right. You go ahead. Yes.

43  
44 MR HICKEY: Q. What I am interested in asking you about  
45 is the statements that are made to the court. As I  
46 understand what you've just explained to us, there are  
47 statements that are made to the court, statements of

1 evidence, and then there are intelligence reports. And you  
2 have given very helpful evidence about the intelligence  
3 reports?

4 A. Yes, and intelligence reports can also be presented to  
5 the courts, I believe.

6

7 Q. Well, be that as it may, what I am particularly now  
8 interested in asking you to direct your mind to is the  
9 statements that are prepared for the purpose of going to  
10 the court and being used in evidence in criminal  
11 proceedings.

12 A. Yes.

13

14 Q. Do you understand that?

15 A. Yes.

16

17 Q. You have never been directly exhorted by Cathie Allen  
18 to not provide whatever statement you think is most  
19 appropriate, as a reporting scientist, in your report to  
20 the court, have you? Is there a reason that you need to  
21 have regard to your notes rather than being able to tell me  
22 your answer from your memory?

23 A. Because I - there are a lot of things that have  
24 happened over the course of the years in terms of  
25 directions, and I sort of made a list of a few of them  
26 because I don't want to miss anything out.

27

28 Q. Did anybody assist you in the preparation of those  
29 notes?

30 A. Just myself.

31

32 Q. All right. Did you discuss those issues with any of  
33 your colleagues?

34 A. Ah, no, I don't think so.

35

36 Q. To remind you, my question was: it isn't the case, is  
37 it, that Ms Allen has ever directed you not to use whatever  
38 language you think is most appropriate to express your  
39 scientific opinion in statements to the court?

40 A. Not in that way, no.

41

42 Q. And you accept, don't you, that that's a different  
43 thing from a general exhortation that it is a good idea as  
44 a matter of policy, and safety, I think was the language  
45 you used, to refer to standard operating procedures  
46 wherever possible?

47 A. Yes.

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Q. Thank you. To move to my last point, you have obviously given a wide range of evidence, both in your statements and here in court. Can I ask you this: you don't intend, do you, by your evidence, to be taken to be suggesting that in your evidence as a scientist and as a professional colleague that Cathie Allen is a dishonest person?

A. Ah, in giving evidence in court? Is that the question?

THE COMMISSIONER: Q. No. No. Mr Hickey used the word "court", but he meant in this hearing?

A. Right.

MR HICKEY: Q. Would you like me to ask it again?

A. Sure.

Q. You don't intend in your evidence, the evidence that you give to this Commission, to suggest that in your experience as a scientist and a professional colleague of long-standing that Cathie Allen is a dishonest person?

A. I don't have black and white proof or evidence that she's honest or dishonest. I have views about my opinion of her behaviours and I can talk about that.

Q. All right. But that's not what I am asking you about. I am asking you about a very particular thing. You don't intend to suggest that she is a dishonest person?

A. Not for the purpose of that question.

Q. You don't intend by any of your evidence to suggest that she is corrupt in her duties?

A. Ah, well --

THE COMMISSIONER: Just to be clear, Mr Hickey - it is an important question - you are asking Ms Rika whether, by her evidence, she intends to say or to imply what you have put?

MR HICKEY: Yes.

THE COMMISSIONER: You are not asking her what she thinks or what she thinks outside the context of this Commission. You are asking whether, by the evidence she is giving, she intends to assert, expressly or implicitly, to reflect on Ms Allen's character in that way?

1 MR HICKEY: Yes. And can I, in the interests of other  
2 transparency, I am asking this so that your evidence can be  
3 fairly understood, and also so that, in due course --

4  
5 THE COMMISSIONER: No, it is a proper question. I just  
6 wanted to be clear --

7  
8 MR HICKEY: Yes.

9  
10 THE COMMISSIONER: -- because it is a big question you're  
11 asking and the witness ought to be clear what the scope of  
12 it is.

13  
14 MR HICKEY: Thank you, Commissioner.

15  
16 THE COMMISSIONER: Q. Are you clear, Ms Rika? If not,  
17 ask Mr Hickey. He can explain.

18 A. Do you have an example of what you mean by "corrupt"?

19  
20 MR HICKEY: Q. You understand, don't you, that there is  
21 a standing commission in Queensland which deals with  
22 corruption and misconduct by people in public office?

23 A. Yes.

24  
25 Q. So you have a general understanding, don't you, of the  
26 kind of conduct that might cause a person to be referred to  
27 that kind of body?

28 A. Yes.

29  
30 Q. And have you a general understanding, don't you, of  
31 the kind of conduct that that body might well make adverse  
32 findings about in respect of a public official?

33 A. Yes.

34  
35 Q. That's what I mean when I ask you about corruption.  
36 So I'll ask the question again. You don't intend your  
37 evidence to be taken to suggest that, in your experience as  
38 a scientist and a professional colleague of long-standing,  
39 that Cathie Allen is corrupt?

40 A. If you were to give me specific examples of things she  
41 may have done, I could give you an answer on those.

42  
43 Q. I am not going to do that. I am going to ask my  
44 question again if I need to. You have already accepted  
45 that you understand what the CMC is?

46 A. Yes.

47

1 Q. You have already accepted that you understand the  
2 kinds of things it investigates?

3 A. Yes.

4

5 Q. You have already accepted that you know the kinds of  
6 matters that might lead a public official to be referred to  
7 that body?

8 A. Yes.

9

10 Q. And the kinds of things that might lead to a public  
11 official having adverse findings made against them?

12

13 THE COMMISSIONER: Mr Hickey, we can have this debate in  
14 the absence of the witness if you like, it is up to you -  
15 I am just giving you leave if that's what you want - but  
16 I am not sure that the question is a proper one, in that  
17 the witness gives direct evidence about events, the witness  
18 gives evidence about her perceptions, and she has not  
19 asserted expressly that Ms Allen is dishonest or corrupt.

20

21 So you are really asking about the effect of her  
22 evidence. And that's a question for me, isn't it; not for  
23 her? You are asking her whether by her evidence she  
24 intends to imply or to assert, to lead to a conclusion,  
25 that Ms Allen is this or that.

26

27 Now, what she intends by her evidence, I don't know  
28 matters. Her evidence matters, but the effect of it is a  
29 matter for me rather than for her to characterise. That is  
30 what is troubling me as I have been sitting here thinking  
31 about your question.

32

33 MR HICKEY: I understand your concerns.

34

35 THE COMMISSIONER: And I know you have a proper aim, but  
36 I wonder whether that question is the way to go about it.

37

38 MR HICKEY: I will come to it a different way.

39

40 THE COMMISSIONER: I leave it in your hands, but do you  
41 see the difficulty?

42

43 MR HICKEY: I appreciate what the Commissioner says. I  
44 will come at it in a different way.

45

46 THE COMMISSIONER: All right. Thanks.

47

1 MR HICKEY: Q. You heard what the Commissioner says.  
2 You don't say expressly that you consider Ms Allen to be  
3 corrupt; that's right, isn't it?

4 A. Yes.

5

6 Q. When I use the word "corrupt", can you tell me what  
7 you understand that to mean?

8 A. Well, I guess there's corruption that's proved and  
9 then there's corruption that is, I guess, not proved.

10

11 Q. I will move on and approach it in a different way.  
12 You don't intend by your evidence to suggest that Ms Allen,  
13 at any point that she has worked with you, was deliberately  
14 working in bad faith?

15 A. I think that Cathie has made some bad decisions. In  
16 terms of the legal meanings around "corrupt", I'm not sure  
17 I can answer that.

18

19 THE COMMISSIONER: I don't think - since, I guess, it is  
20 my opinion that matters, can I say this to you.

21

22 MR HICKEY: Yes.

23

24 THE COMMISSIONER: No, I won't. You go ahead. You go  
25 ahead.

26

27 MR HODGE: Can I be heard on this?

28

29 THE COMMISSIONER: Yes.

30

31 MR HODGE: I think this might not necessarily be helpful  
32 to you for this reason: the witness can give evidence, and  
33 is coming to give evidence, about the things that she  
34 observed and, to some extent, she has got into the  
35 perception she has of particular things, about her  
36 perceptions as to how things have affected her. But what  
37 she is now really being asked about is to express an  
38 opinion to try to connect whether anything that she has  
39 said connects into what is ultimately a legal standard and  
40 something that you will have to form a view about, and you  
41 can see the obvious difficulty that that poses for her,  
42 because even understanding what that technical word means  
43 of "corrupt" is something that is challenging for any  
44 layperson. And so, it seems to me that this is at a point  
45 where it is not helpful in the way that it is being framed,  
46 and it would probably be more helpful if the questions are  
47 just about what she observed or whether she saw particular

1 things, rather than about characterisation in terms of  
2 particular legal standards. That would be something that,  
3 in my submission, would be of assistance to you.

4  
5 THE COMMISSIONER: Yes. Thank you, Mr Hodge. Mr Hodge,  
6 in terms of the meaning of the word "corrupt" in that  
7 statute --

8  
9 MR HODGE: Yes.

10  
11 THE COMMISSIONER: -- nothing that you have led in  
12 evidence or that Ms Hedge has led in evidence thus far is  
13 meant to lead to a conclusion by me that anybody has done  
14 anything worthy of referral to the CCC.

15  
16 MR HODGE: That's right.

17  
18 THE COMMISSIONER: Is that right? Then as to dishonesty,  
19 in relation to the content of the Options Paper, the  
20 characterisation of the scientific arguments in there is an  
21 open question, but I didn't understand this witness to be  
22 giving any evidence about the character of that content,  
23 except that she disagreed with its - she had a view that  
24 parts of it were, to use a broader neutral term, parts of  
25 it were invalid, scientifically invalid in her opinion or  
26 inadequate scientifically. But the question of whether the  
27 content of that paper was apt to mislead and in that sense  
28 dishonest, or dishonest in any other sense, isn't anything  
29 that this witness has given evidence about except to assert  
30 the doubts that I have expressed; is that right?

31  
32 MR HODGE: That's right. And the only, as I have heard  
33 her evidence, the only thing that she has said which could  
34 in some way be said to go to the state of mind of a  
35 particular person, or a particular person other than her,  
36 is that she gave some evidence about a possible reason,  
37 which I think she accepted was speculation, as to why  
38 Justin Howes - why the use of the Options Paper might have  
39 occurred rather than continuing through the project status.  
40 But that has already been dealt with by Mr Hickey. There  
41 is not a more general thing that she gives evidence about,  
42 about state of mind, because she couldn't.

43  
44 THE COMMISSIONER: Yes, thanks. Mr Hickey, I don't think  
45 it is a proper question, because it is a question for me.  
46 And I can tell you that I don't understand anything that  
47 Ms Rika has said that could give rise to a finding, based

1 on her evidence, that anybody was involved in corrupt  
2 conduct of a kind with which the CCC is concerned.

3  
4 As to dishonesty, that's a broad class of behaviour.  
5 And to the extent that anything that - I asked the witness  
6 a question yesterday, I think, whether she could think of  
7 any proper reason for something to have been done, and she  
8 answered in the negative. Now, it's not for her, I think,  
9 to give evidence about whether she intended by that to  
10 impute anything to anybody. She was answering a distinct  
11 question about whether she could think of a reason or not.  
12 So, in short, the questions you are putting to her are  
13 propositions that you will be putting to me in due course.  
14 It's not helpful.

15  
16 MR HICKEY: I understand. I had intended by the last  
17 question to move on from the corruption point.

18  
19 THE COMMISSIONER: Yes.

20  
21 MR HICKEY: I accept perhaps there is conflation with the  
22 next question. I will move on. There is no difficulty.

23  
24 THE COMMISSIONER: I understand why you ask those  
25 questions.

26  
27 MR HICKEY: Can I say something about that, though,  
28 Commissioner?

29  
30 THE COMMISSIONER: Yes, go on.

31  
32 MR HICKEY: Particularly given your reference to that  
33 question yesterday, there are two other issues that cause  
34 me some concern, given my responsibility for whom I appear.

35  
36 THE COMMISSIONER: Yes, go on.

37  
38 MR HICKEY: The first of them is that during the opening  
39 yesterday, and the relevant passage is at page 40 of Day 1,  
40 [TRA.500.001.0001 at 0040]. You, Commissioner, said:

41  
42 *It is understandable why [Mr Howes], did*  
43 *that. How could you choose Option 2 the*  
44 *way it is presented? You'd be mad to*  
45 *choose Option 2 when you are told that the*  
46 *scientists don't prefer it and that it will*  
47 *take longer to do the work, it will be more*



1           *expensive. So there's really only one*  
2           *choice, isn't there? That's how you*  
3           *present options, apparently. Anyway, go*  
4           *on.*

5  
6 THE COMMISSIONER: Yes.

7  
8 MR HICKEY: That's the first one. The second one is in  
9 respect of Ms Allen, and the relevant reference is at page  
10 46 of Day 1. Where the Commissioner will recall Ms Hedge  
11 was taking the Commissioner to that document with the  
12 highlighted parts --

13  
14 THE COMMISSIONER: Yes, yes.

15  
16 MR HODGE: -- which identifies the difference from the  
17 most recent changes. And the comment was made by you, with  
18 respect, Commissioner, "A lot of human errors", with  
19 respect to Ms Allen. So the concern I have is that there  
20 might be, in your mind already, some concern about the  
21 propriety or honesty or improper discharge of their  
22 responsibilities, but I am comforted by the things that the  
23 Commissioner has said.

24  
25 THE COMMISSIONER: Those questions have arisen, and they  
26 have arisen in information that will become evidence in due  
27 course as well, but they arise on the face of the Options  
28 Paper itself.

29  
30 MR HICKEY: Yes.

31  
32 THE COMMISSIONER: But the point is they are issues which  
33 will not be concluded by this witness characterising the  
34 effect of her evidence; they will be issues that will be  
35 concluded by the evidence and the submissions in due  
36 course.

37  
38 MR HICKEY: Yes. But with respect, Commissioner, it  
39 really avails us of little for me to have Ms Allen or  
40 Mr Howes in the box and to ask them to speak to their  
41 general honesty or approach in the box. By contrast to  
42 that, asking people who have worked with them for 16 years  
43 whether the intention of their evidence, especially in  
44 circumstances where --

45  
46 THE COMMISSIONER: No, I could understand if you asked  
47 Ms Rika - I am not suggesting you should ask this, but I am

1 saying I could understand it if you, in the context of this  
2 Commission - which is not a trial - if you asked her, "In  
3 your opinion, do you think Mr X or Ms Y is honest? Are you  
4 saying you think they're dishonest?"

5

6 MR HICKEY: Yes.

7

8 THE COMMISSIONER: Right? I am not suggesting you ask  
9 that, but I could understand you asking the opinion of  
10 somebody in that respect. But you are asking about the  
11 effect of the evidence; it is a different thing. And I  
12 don't see how that is something that she can answer, and if  
13 she answered it, what does it matter to me what she intends  
14 by her evidence?

15

16 MR HICKEY: Yes. I will move on then, Commissioner.

17

18 Q. Could I ask you then to finish. I asked you questions  
19 that were directed to Ms Allen. Can I ask you this: you  
20 don't intend by your evidence to be taken to suggest that  
21 in your experience as a scientist and professional  
22 colleagues of Mr Howes that he is a dishonest person?

23

24 THE COMMISSIONER: Didn't we just deal with that?

25

26 MR HICKEY: Well --

27

28 THE COMMISSIONER: "You didn't intend to suggest by your  
29 evidence" is what we have been debating, Mr Hickey.

30

31 MR HICKEY: Sorry, I misconceived the Commissioner's  
32 point.

33

34 THE COMMISSIONER: Yes.

35

36 MR HICKEY: I will come at it a different way.

37

38 THE COMMISSIONER: All right.

39

40 MR HICKEY: Q. It is not your opinion, is it, that  
41 Justin Howes is a dishonest person?

42 A. My opinion is that Justin comes to work and tries his  
43 best to do things in good faith.

44

45 Q. And the same is true of Catherine Allen?

46 A. I - I'm not as certain of that with Ms Allen as - as  
47 Justin Howes.

1  
2 MR HICKEY: Thank you, Commissioner.

3  
4 THE COMMISSIONER: Ms Hedge?

5  
6 <EXAMINATION BY MS HEDGE

7  
8 MS HEDGE: Q. A few questions, Ms Rika. Can I go back  
9 to a topic that Mr Rice raised with you about the  
10 exceptions to the work list system that is in place at the  
11 lab?

12 A. Yes.

13  
14 Q. You were asked about, firstly, the statement exception  
15 when someone, when QPS requests a statement?

16 A. Yes.

17  
18 Q. Would it be right to say that if you were - that that  
19 generally happens at the time after the Analytical  
20 section has done the first pass of testing the sample?

21 A. That we get a statement?

22  
23 Q. Request for a statement.

24 A. Yes.

25  
26 Q. So you might at that stage ask for the samples to go  
27 back to Analytical and do some rework or other things?

28 A. Yes.

29  
30 Q. But you are never in a position, when a statement is  
31 requested, before Analytical has done anything?

32 A. Yes. No. No.

33  
34 Q. That is the same for Evidence Recovery? That is, you  
35 don't get a statement request before Evidence Recovery has  
36 done anything?

37 A. No, that's right.

38  
39 Q. So when you get a statement request and you are able  
40 to look at the whole case, that can have no influence at  
41 that time?

42 A. That's right, yes.

43  
44 Q. On the first pass through evidence recovery?

45 A. Yes.

46  
47 Q. And on the first pass through Analytical?

- 1 A. Yes, correct.  
2
- 3 Q. You might send things back?  
4 A. Yes.  
5
- 6 Q. But you've missed out on whatever amount of sample has  
7 been used in the first part; it's gone?  
8 A. Yes.  
9
- 10 Q. The second exception that Mr Rice raised, or one of  
11 them - I shouldn't say the order - was of self-allocation?  
12 A. Yes.  
13
- 14 Q. As I understood your evidence, that also occurs at the  
15 time that the sample has already had the first pass through  
16 Evidence Recovery and Analytical?  
17 A. For which part, sorry?  
18
- 19 Q. For the self-allocation?  
20 A. Yes.  
21
- 22 Q. When you allocate a case yourself?  
23 A. Yes. Yes.  
24
- 25 Q. That's when the sample comes up on your work list for  
26 interpretation?  
27 A. Yes, that's right. Yes.  
28
- 29 Q. So the sample has already had the first pass through  
30 Evidence Recovery?  
31 A. Yes.  
32
- 33 Q. And Analytical?  
34 A. Yes. That's right, yes.  
35
- 36 Q. So you have no influence over the first pass through  
37 both of those sections --  
38 A. No.  
39
- 40 Q. -- in a self-allocation situation?  
41 A. That's right.  
42
- 43 Q. One of the other exceptions was said to be when there  
44 is an operation?  
45 A. Yes.  
46
- 47 Q. When a case is allocated to a specific Reporting

1 scientist for an operation --

2 A. Yes.

3

4 Q. -- when is that? When does that happen?

5 A. That - so what happens for a Priority 1 case, and we  
6 allocate those cases to a reporter and a reviewer at that  
7 time, Inspector Neville - any requests for Priority 1  
8 processing has to be approved by Inspector Neville, and  
9 then he will send a communication email to Cathie. And  
10 then it filters down to the rest of the management team  
11 that this case, these particular samples within this case,  
12 are Priority 1. And as soon as I see that email that says  
13 we've got a Priority 1 samples coming in - sometimes they  
14 might already actually be at the lab partway processing,  
15 but they just want us to bump them up to a Priority 1.  
16 It's at that point that I will look around for a reporter  
17 and a reviewer to take the case on at that point.

18

19 Q. So sometimes the samples have not yet arrived at the  
20 lab when do you that?

21 A. Yes.

22

23 Q. And sometimes the samples are there and might be  
24 partway through processing?

25 A. Yes, correct.

26

27 Q. If the samples are not yet at the lab --

28 A. Yes.

29

30 Q. -- or have arrived but no one from the lab has touched  
31 them yet --

32 A. Yes.

33

34 Q. -- so in that situation --

35 A. Yes.

36

37 Q. Does that Reporting scientist who has been allocated  
38 as the case manager have any input into how they are  
39 processed by Evidence Recovery or Analytical?

40 A. If they are received in tube, just little samples in  
41 tubes, they just go straight through to Analytical  
42 processing with no involvement. If we have received larger  
43 items, which is not common these days, the reporter may  
44 wish to speak to Evidence Recovery and say things like, you  
45 know, "I understand we're getting a Priority 1 pair of  
46 underpants. This is what I'm thinking. Is that what  
47 you're thinking?" That may happen. But my understanding

1 is that's quite rare.

2

3 Q. Is there a standard operating procedure for that sort  
4 of consultation and collaboration?

5 A. I'm not - I'm not aware of that specific "reporter  
6 talks to the sampling scientist" process.

7

8 Q. Thank you. While we are talking of statements,  
9 Mr Hunter asked you a question about in what circumstances  
10 you would see a case if all of the results were "no DNA" or  
11 "DIFP"?

12 A. Yes.

13

14 Q. Is it the case that in fact you might see that  
15 situation if the QPS request a statement for some reason?  
16 So that's a rare occurrence?

17 A. Yes.

18

19 Q. Rarely would the QPS ask for a statement if it was all  
20 "no DNA" or "DIFP"?

21 A. Yes.

22

23 Q. But it might happen in some off chance for whatever  
24 reason; you wouldn't know the reason?

25 A. Yes, that's right.

26

27 Q. Can we come back to something else that Mr Rice asked  
28 you some questions about, about case management --

29 A. Yes.

30

31 Q. -- and the situation before 2008?

32 A. Yes.

33

34 Q. I understand your evidence to be that the case  
35 management you have the opportunity to engage in now is far  
36 smaller than what was happening pre-2008?

37 A. Yes.

38

39 Q. But is it also the case that there are case management  
40 approaches that you would support that are between pre-2008  
41 and what's happening now?

42 A. Yes, I think so.

43

44 Q. Perhaps I should give an example. In pre-2008, the  
45 scientists were doing the evidence recovery.

46 A. Yes.

47

- 1 Q. But not, as I understand it, going to the crime scene?  
2 A. Oh, no. Yes.  
3
- 4 Q. So there are in fact around the world --  
5 A. Case.  
6
- 7 Q. -- case management strategies that are even larger for  
8 Reporting scientists than what was happening in pre-2008?  
9 A. Yes, correct.  
10
- 11 Q. And equally, there are other case management  
12 strategies that are on the scale between pre-2008 and now?  
13 A. Oh, yes. Yes.  
14
- 15 Q. That is, just as an example, that whenever a P1 or P2  
16 sample arrived at your laboratory --  
17 A. Yes.  
18
- 19 Q. -- that someone is immediately --  
20 A. Oh, yes. Yes, I see.  
21
- 22 Q. -- allocated do a full examination strategy, decide  
23 everything that everything Evidence Recovery and Analytical  
24 will do, take that case all the way through?  
25 A. Yes, I see. Yes. Yes. Yes, correct.  
26
- 27 Q. That example that I described, do you think that would  
28 be a better position than the current position?  
29 A. Yes.  
30
- 31 Q. And do you think it would be a better or worse  
32 position than the pre-2008 position where you were also  
33 doing the evidence recovery? Or if you don't have a view,  
34 then you can say you don't have a view.  
35 A. I think the point - the point to consider is: has the  
36 appropriate consultation and collaboration with all the  
37 appropriate people who have the information, whether it be  
38 DNA people, crime scene people, QPS investigating officers,  
39 has that consultation and collaboration process been  
40 sufficient, enough on a holistic view, to best address the  
41 allegations in the case forensically.  
42
- 43 Q. And if that were to happen - my example - that is,  
44 that the police still do the evidence recovery and put  
45 things in tubes, but that everything within the lab is  
46 under a case manager's authorisation --  
47 A. Yes.

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Q. -- under that situation, to achieve what you are describing of full collaboration, would you need more information from the police to do that? More information than you get currently?

A. Yes. Yes. And the other - the other situation is that currently we don't have - I mean, I don't know what Queensland Police Scientific do, but with their evidence about clinical testing for certain body fluids, but before 2008, if I saw - if I had an item and I saw a nice red-brown stain, and I tested it with a chemical test that tested positive for the possible presence of blood and I obtained a nice strong profile, it would be my opinion that that DNA is more likely to have come from blood than something else. I'm not - I don't know how that works now, because I haven't seen the red-brown stain. I haven't presumptively tested it. All I have is the profile at the end. And, likewise, QPS Scientific, they haven't seen the profile evidence; they've got the first two pieces. So for me, in my opinion, there is a missing link in that opinion evidence.

Q. Is that one example of the sort of things that you might need from police to have a full case management approach?

A. Yes.

Q. But that's just one example. There would be many, is that fair?

A. Yes.

THE COMMISSIONER: Q. As I understand it, the substance of what you are saying is that a good system of testing with a view to getting a profile requires there to be an opportunity for the full sharing of investigative information and the resulting scientific information at appropriate points of the process --

A. Yes.

Q. -- so that opportunities to apply the best process are not missed?

A. Yes.

Q. And so that in the event that unexpected results arise, the true reasons for them have the best chance of being identified?

A. Yes.



1  
2 Q. So whatever system is adopted, it is a system that  
3 must have at its core the availability of primary police  
4 information made available to a scientist who has mastery  
5 over the case within the lab and an opportunity for  
6 scientific information in appropriate cases to go back to  
7 police so that the scientist can then be better advised,  
8 further advised and better advised, to allow the scientist  
9 to formulate an appropriate technical approach to trying to  
10 obtain a profile?

11 A. Yes.

12  
13 Q. So provided you have those elements, however you  
14 achieve them, that's what you would strive to do?

15 A. Yes.

16  
17 Q. And the position at the moment is one that you  
18 criticised because it deprives you - deprives police of  
19 information from laboratory scientists - I will start  
20 again. It deprives police of the opportunity to obtain  
21 information and opinions from scientists about what might  
22 be an approach, and it deprives the scientists of  
23 information from police that might be valuable in  
24 formulating an approach. You just can't do that at the  
25 moment unless it arises ad hoc?

26 A. That's right, yes.

27  
28 Q. Thanks.

29  
30 MS HEDGE: Q. In terms of the case management strategy,  
31 do you consider there should be a difference between how a  
32 P1 and a P2 sample is treated versus P3?

33 A. Yes.

34  
35 Q. What's that difference?  
36 A. So currently Priority 3 samples are generally volume  
37 crime, so burglaries and car thefts and things. And my  
38 understanding is that the Queensland Police only take one  
39 or two samples per occurrence. And so for those cases,  
40 even though the work list streamlined system still has some  
41 disadvantages, you know, Priority 3 samples could probably  
42 still go through that channel if there were positive  
43 changes made to the work list system. But Priority 1 and 2  
44 samples, because they are major crimes and they are bigger  
45 cases and have more complex allegations to address, they  
46 need a bigger and more holistic case management approach.

47

- 1 Q. Can I also ask you about the pre-2008 procedure where  
2 there was case management of major crime samples where you  
3 worked at that time.
- 4 A. Yes.
- 5
- 6 Q. You were asked about whether there was - that that  
7 procedure took longer; had longer turnaround times.
- 8 A. Yes.
- 9
- 10 Q. And you were asked about what the - you agreed that  
11 one of the advantages of moving to the work list system was  
12 decreased turnaround times?
- 13 A. Yes.
- 14
- 15 Q. And you said one of the downsides of moving to the  
16 work list system was quality issues?
- 17 A. Yes.
- 18
- 19 Q. The quality of the work done was less, as I understood  
20 your answer.
- 21 A. Yes. The potential to - the potential to pick up -  
22 because oftentimes when you look at a case holistically,  
23 certain things strike you as being a little bit odd, they  
24 don't quite fit with the case, and that may indicate to you  
25 that there is some kind of adverse event that's happened,  
26 but it's harder to see those "flags", if you like, on a  
27 sample-by-sample basis.
- 28
- 29 Q. I understand. May I ask whether you have noticed an  
30 increase in incorrect results since the change of 2008?
- 31 A. Yes.
- 32
- 33 Q. Why would the change in 2008 - can you connect those  
34 two things, that there is more incorrects? And when I say  
35 "incorrects", I mean a result that has to be changed from  
36 something that has been reported to Police to something  
37 else that has been reported to Police?
- 38 A. Yes.
- 39
- 40 Q. That is what I mean by that word.
- 41 A. Yes.
- 42
- 43 Q. Is that what you call it in the lab, an "incorrect"?
- 44 A. Yes.
- 45
- 46 Q. So you noticed an increase in them since 2008?
- 47 A. Yes.

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Q. And what do you attribute that increase to?

A. Sometimes the - are you asking for what causes result amendments or just the increase?

Q. No, I mean more high level than that. Perhaps I will put it to you like this, and you tell me whether it is right. Pre-2008, one scientist would look at all of the samples in a case?

A. Yes.

Q. So if there was an incorrect, it was because that one scientist had changed their view?

A. Yes.

Q. Whereas post-2008, you might have one scientist and one reviewer take it off the work list?

A. Yes.

Q. And then another scientist and another reviewer look at it at statement stage?

A. Yes.

Q. Then you have got four scientists looking at it?

A. Yes.

Q. And there might be more differences of opinion in that scenario?

A. Correct. Yes, correct.

Q. So is that why you think there's more incorrects now --

A. Yes.

Q. -- than pre-2008? Or some other reason?

A. No, I think that's probably the main reason.

Q. And incorrects cause the police a fair amount of concern, don't they?

A. Yes, they do.

Q. Can I just deal with one final point. You mentioned an email where it had been put in writing by Mr Howes that you should follow a standard operating procedure in relation to a limit of detection issue.

A. Oh, yes.

1 Q. Could I just have that put on the screen. It is  
2 something that has been disclosed. It is  
3 [WIT.0006.0075.0001\_R].  
4

5 THE COMMISSIONER: Is that different from the one we  
6 looked at yesterday from Mr Howes in 2013?  
7

8 MS HEDGE: Yes. This is not about statements; it is about  
9 a limit of detection issue. And if you turn to page 3 in  
10 the middle of that document, and in the middle of the page,  
11 that email.  
12

13 Q. This is an email from Mr Howes to you of 1 May, and  
14 this is the - this is what you were referring to, is it, Ms  
15 Rika?

16 A. Yes.  
17

18 Q. Where Mr Howes said:  
19

20 *... I direct you to use our Standard*  
21 *Operating Procedures and Associated*  
22 *guidelines to complete the review*  
23 *interpretation of ...*  
24

25 And behind that blank, do you understand, is a sample  
26 number?

27 A. Yes.  
28

29 Q. Or a case number?

30 A. Yes. A sample number.  
31

32 Q. A sample number. All right.

33 A. And further to that, for context, when I - when I  
34 refused that direction for this particular sample, because  
35 I did not want to sign off on a result that I believed to  
36 be untrue, I also received another email from Justin to say  
37 that my assistance with this sample is no longer required.  
38

39 Q. Let's look at that, because I believe it is in the  
40 same document.  
41

42 THE COMMISSIONER: Should we not have the whole email  
43 chain?  
44

45 MS HEDGE: We do have the whole email chain. I just was  
46 taking her - so we'll just look at that part that she just  
47 mentioned. If we could go up to page 2, please.

1 [WIT.0006.0075.0001\_R at 0002]. This email here that we  
2 see starting a third of the way down the page, Kylie Rika,  
3 14 May.

4  
5 THE COMMISSIONER: But Ms Hedge, the email you just  
6 displayed was a response by Mr Howes to a communication,  
7 wasn't it?

8  
9 MS HEDGE: Yes.

10  
11 THE COMMISSIONER: Can we see the communication to which  
12 he responded?

13  
14 MS HEDGE: Yes, all right. So if we could go to the last  
15 page of this document. The second-last page, please  
16 [WIT.0006.0075.0001\_R at 0008].

17  
18 Q. Do we see the email at the bottom of the page?

19 A. Yes.

20  
21 Q. What is the situation here? Were you the reviewer for  
22 a sample already interpreted by Mr McNevin?

23 A. Yes. So this was just a sample taken off the work  
24 list that Allan did the interpretation on. He put it to  
25 the review work list. I took it off the review work list  
26 to review his work, independently make my own assessment of  
27 that profile. And as common practice in our laboratory if  
28 we have feedback to give to each other about, "I think you  
29 might have missed this", or, "Can you consider this", or  
30 whatever, we often email, and that's because a lot of times  
31 now a lot of people are working from home post the  
32 pandemic.

33  
34 Q. Is this you saying to Mr McNevin, "My opinion is this  
35 is more than a three-person mixture"? Is that what you  
36 mean by that?

37 A. Yes. So I just said, "Could you please have another  
38 look?"

39  
40 Q. Could we scroll up the page please, operator. And  
41 Mr McNevin said:

42  
43 *I'm still not seeing greater than 3P ...*

44  
45 Now, of course, this is all a very normal interaction  
46 between scientists?

47 A. Yes.

1  
2  
3  
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47

Q. And he said:

*... can you point me in the direction of  
what you are seeing?*

And you said, "D2". That's one of the locations on the DNA  
that you look at?

A. Yes.

Q. Can we go up to the next page, please, operator.  
Mr McNevin has zoomed in on that location to look a bit  
further; is that right?

A. Yes.

Q. All right:

*... Everything else is below LOD.*

Now, this is a different limit of detection than the one we  
talked about yesterday, isn't it?

A. Yes.

Q. The limit of detection we were talking about yesterday  
was on the Quantifiler machine?

A. Yes.

Q. Or the quantitation machine. This is a limit of  
detection about how high a peak has to be before you  
consider it; is that right?

A. Yes, that's right.

THE COMMISSIONER: Just pausing there.

Q. When you are looking at a profile --

A. Yes.

Q. -- you are looking at, relevantly, 20 locations along  
the baseline of what one would think of is a sheet of graph  
paper?

A. Yes.

Q. And at each of the 20 locations, in a perfect profile,  
you would see two peaks, correct?

A. Yes. If it was --

Q. In a perfect profile.

- 1 A. -- a single source, yes.  
2
- 3 Q. You would see two peaks at each of those 20 locations?  
4 A. Yes.  
5
- 6 Q. And certain characteristics on the graph attached to  
7 those two peaks are the interesting things that you look  
8 for to compare that profile to another profile?  
9 A. Yes.  
10
- 11 Q. And when you have then a perfect profile with one  
12 person, one person's DNA, you have 20 locations and two  
13 peaks at each of those 20 locations, but if you have two  
14 people who have contributed DNA, you are going to get two  
15 pairs of peaks at each location?  
16 A. Yes.  
17
- 18 Q. And so on. If you have three people, you will have  
19 three pairs of peaks at each location - in a perfect  
20 sample?  
21 A. Yes.  
22
- 23 Q. And, of course, in imperfect samples, if you have more  
24 than three people, you will get four sets of peaks, but  
25 they might be of different heights and they might be so low  
26 that you wonder whether they are an artefact or stochastic  
27 effect?  
28 A. Yes.  
29
- 30 Q. And so, what you are debating here with Mr McNevin is  
31 whether what you see on the profile, which we needn't be  
32 concerned with today, should be regarded as three people or  
33 as more than three people?  
34 A. Yes.  
35
- 36 Q. He saw something that he said, in his opinion, he  
37 should disregard as a fourth person?  
38 A. Yes.  
39
- 40 Q. And you saw the same thing and had a different  
41 opinion, that you thought it might be a fourth person and  
42 should be considered as a fourth person, greater than three  
43 people; is that right?  
44 A. Yes, that's right.  
45
- 46 Q. So that's the content of your debate?  
47 A. Yes. Yes.

1  
2 THE COMMISSIONER: All right. Yes. I just wanted to make  
3 it clear.

4  
5 MS HEDGE: Thank you, your Honour - thank you,  
6 Commissioner.

7  
8 THE COMMISSIONER: You can call me "your Honour" if you  
9 want.

10  
11 MS HEDGE: Q. Can I just deal with one extra part about  
12 a limit of detection. Back pre-2012, before you had  
13 STRmix, you did manual interpretations of  
14 electropherograms?

15 A. Yes.

16  
17 Q. And so there was, as I understand it, correct me if I  
18 am wrong, at that time what was called the binary system?

19 A. Yes. Correct.

20  
21 Q. It was a line across the electropherogram at a certain  
22 height?

23 A. Yes.

24  
25 Q. And below that, any peaks below that, were ignored?

26 A. Yes.

27  
28 Q. Peaks above that were taken into account?

29 A. Yes.

30  
31 Q. What level was that line at? Was it --

32  
33 THE COMMISSIONER: It doesn't matter, Ms Hedge.

34  
35 MS HEDGE: Q. It doesn't matter? All right.

36 A. I can't remember, sorry.

37  
38 Q. That's all right. Now, because of STRmix and because  
39 it uses a computer program, it can take into account  
40 smaller peaks; is that right?

41 A. Yes, it can.

42  
43 Q. And it can take into account very small peaks as part  
44 of determining the likelihood ratio?

45 A. Yes. Yes.

46  
47 Q. And after STRmix was brought in, the laboratory did



1 reassess where the limit of detection is for peaks?

2 A. Yes. So in relation to this sample --

3

4 Q. Yes.

5 A. -- so, years back when we had the 3130 Genetic  
6 Analyser, not the 3500 we have now, a new base line was  
7 assessed as part of a post-laser change. And the data for  
8 that supported the LOD to be 8.

9

10 THE COMMISSIONER: Ms Hedge, I don't know that we need to  
11 get into all of this at the moment. Or do we, for some  
12 reason?

13

14 MS HEDGE: I just --

15

16 THE COMMISSIONER: Isn't the point that she and McNevin  
17 were in disagreement and Ms Rika then comes to a point  
18 where she's not prepared to subscribe to a particular  
19 conclusion; is that right? That's the point that we're --

20

21 MS HEDGE: It is. Well, as I understand it in the emails  
22 above, what Mr Howes is saying is: use the limit of  
23 detection and the standard opening procedures.

24

25 THE COMMISSIONER: Yes.

26

27 MS HEDGE: And Ms Rika is - I will do it as quickly as  
28 I can, but there is a point.

29

30 THE COMMISSIONER: But the point is, it doesn't matter who  
31 was right.

32

33 MS HEDGE: No, of course.

34

35 THE COMMISSIONER: The point you want to make is a  
36 different one, isn't it? Anyway, you go ahead. You know  
37 your brief. You go ahead.

38

39 MS HEDGE: Thank you.

40

41 Q. Perhaps could I just put it like this --

42 A. Yes.

43

44 Q. After 2012, when you had the 3130s --

45 A. Yes.

46

47 Q. -- there was a reassessment of the limit of detection?

1 A. Yes.

2

3 Q. But there was not a reassessment of it after the 3500  
4 was introduced? Or was there?

5 A. There was.

6

7 Q. Okay. You didn't agree, though, with what the limit  
8 of detection was in the standard operating procedure? At  
9 this time when you were writing these emails; is that fair?

10 A. Yes. I felt that we needed to be more flexible in our  
11 thinking, because we had moved to a continuous  
12 interpretation model, not binary anymore. And so, we  
13 needed to think about our baseline as being a bit more  
14 dynamic, not a set threshold.

15

16 Q. Tell me if we do need to go through each of the  
17 emails, but as I understand it, the context in which  
18 Mr Howes said, "I direct you to use the Standard Operating  
19 Procedure" was that you were suggesting a more flexible  
20 approach to that limit of detection and he was suggesting  
21 you look at nothing below that limit of detection?

22 A. That's right.

23

24 MS HEDGE: Does that assist with the context of the --

25

26 THE COMMISSIONER: Mm.

27

28 MS HEDGE: Q. And then as you say, after he directed  
29 you, you said you still believed in the flexible approach?

30 A. Yes.

31

32 Q. And then if we can go to page 1 of this document  
33 [WIT.0006.0075.0001\_R] and the email at the top - I'm  
34 sorry, in the middle of the page - this is the email, is  
35 it, where you say - where Mr Howes said, "Your assistance  
36 is no longer required", which appears at the bottom of the  
37 second paragraph?

38 A. Yes, that's right.

39

40 Q. All right. So that is the email you are referring to?

41 A. Yes.

42

43 MS HEDGE: I think that is sufficient, Commissioner, but  
44 do you wish to go through each of the emails in the three?

45

46 THE COMMISSIONER: No, no, it is up to you. I see the  
47 point.

1  
2 MS HEDGE: Thank you. That is all my questions. Might  
3 Ms Rika be excused?  
4

5 THE COMMISSIONER: Thank you. That is your evidence for  
6 the moment, Ms Rika. You can leave or you can stay if you  
7 wish.  
8

9 MS HEDGE: Can we adjourn now for lunch and restart at  
10 perhaps 2 o'clock just to allow - there might need to be  
11 some change to this order, given the --  
12

13 THE COMMISSIONER: Mr Hunter and all of you, really,  
14 Ms Mckenzie and Mr Gnech, does 2 o'clock suit you?  
15

16 MS MCKENZIE: Yes, yes.  
17

18 THE COMMISSIONER: All right. We will adjourn until  
19 2 o'clock.  
20

21 **LUNCHEON ADJOURNMENT** [12.48pm]  
22

23 THE COMMISSIONER: Yes, Mr Hodge.  
24

25 MR HODGE: Commissioner, just before you commence with the  
26 next witness, can I hand up a document which is a list of  
27 documents to be tendered. It is a list in order of all of  
28 the documents that were referred to yesterday, and it  
29 includes the first two exhibits that you noted, which were  
30 statements of Kylie Rika.  
31

32 THE COMMISSIONER: Thank you.  
33

34 MR HODGE: What I propose was I will get a similar  
35 document done at the end of today for everything that has  
36 been done today. I will hand that up at the beginning of  
37 tomorrow and then, from that point onwards, we could  
38 perhaps, in hindsight, a better idea might be just to  
39 number the exhibits as we go.  
40

41 THE COMMISSIONER: All right. I will use the exhibit  
42 numbers that you have assigned to the documents here and at  
43 some point we will need to define, with precision, by  
44 definition, the information, the evidence, that I will rely  
45 upon in writing my report so that everybody here knows what  
46 I'm - they needn't concern themselves with things of which  
47 they're unaware, and one way of dealing with it is to, as

1 it were, tender everything that I am going to rely upon,  
2 and anything that hasn't been tendered will be disregarded  
3 by me.

4  
5 MR HODGE: Yes.

6  
7 THE COMMISSIONER: But for the moment, we will proceed and  
8 you might talk to your colleagues about the approach that  
9 would suit them so that they don't miss anything.

10  
11 MR HODGE: Thank you, Commissioner.

12  
13 THE COMMISSIONER: Thank you. Yes, Mr Jones.

14  
15 MR JONES: Commissioner, I call David Harold Neville and  
16 he will take an oath.

17  
18 THE COMMISSIONER: Thank you. It is inspector; is it?

19  
20 <DAVID HAROLD NEVILLE, SWORN

21  
22 <EXAMINATION BY MR JONES

23  
24 MR JONES: Q. You are David Neville?

25 A. I am.

26  
27 Q. You are an inspector with the Queensland Police  
28 Service?

29 A. Yes, I am.

30  
31 Q. And you are the inspector attached to the DNA  
32 Management Unit which sits within the forensic services  
33 group of the Queensland Police Service?

34 A. I am. I manage the DNA Management section, plus the  
35 Fingerprint Bureau.

36  
37 Q. You have provided a statement dated 26 August 2022 to  
38 the Commission of Inquiry? Would document  
39 [WIT.0020.0001.0001\_R] be brought up, please. Is that a  
40 copy of your statement from 26 August 2022?

41 A. It is.

42  
43 Q. Can you turn to page 78, please. You might not be  
44 able to see a signature there, but is it true and correct?

45 A. It is.

46  
47 Q. Is there anything you wish to change?

1 A. No.

2

3 MR JONES: I tender that.

4

5 THE COMMISSIONER: Thank you.

6

7 **EXHIBIT #21 WITNESS STATEMENT OF DAVID HAROLD NEVILLE DATED**  
8 **26/08/2022**

9

10 MR JONES: Q. Did you also provide a statement on 8  
11 September 2022?

12 A. Yes.

13

14 Q. Could [WIT.0020.0007.0001] be brought up, please. Is  
15 that a copy of your statement signed 8 September 2022?

16 A. It is.

17

18 Q. Is everything in it true and correct?

19 A. It is.

20

21 Q. Do you have any changes?

22 A. No.

23

24 MR JONES: I tender that, Commissioner.

25

26 THE COMMISSIONER: Thank you. I suppose for the record  
27 the first statement is exhibit 21.

28

29 THE COMMISSIONER: The second statement is exhibit 22.

30

31 **EXHIBIT #22 WITNESS STATEMENT OF DAVID HAROLD NEVILLE DATED**  
32 **08/09/2022**

33

34 MR JONES: Q. Did you provide a third statement to the  
35 Commission of Inquiry signed 14 September 2022?

36 A. I did.

37

38 Q. Could [WIT.0020.0008.0001] be brought up, please. Is  
39 that a copy of your statement from 14 September 2022?

40 A. Yes.

41

42 Q. And is everything in it true and correct?

43 A. It is.

44

45 Q. Do you have anything you wish to change?

46 A. No.

47

1 MR JONES: I tender that, Commissioner.

2

3 THE COMMISSIONER: Exhibit 23.

4

5 **EXHIBIT #23 WITNESS STATEMENT OF DAVID HAROLD NEVILLE DATED**  
6 **14/09/2022**

7

8 MR RICE: I am sorry to interrupt. We don't seem to have  
9 been provided that statement, Commissioner. Perhaps at  
10 some point it could be even emailed to us?

11

12 THE COMMISSIONER: That will be done, Mr Rice.

13

14 MR RICE: Thank you.

15

16 MR JONES: The majority of the evidence will come,  
17 Mr Commissioner, from the statement from 26 August 2022,  
18 and the bundle should be to your left.

19

20 THE COMMISSIONER: And that's what you call the first  
21 statement?

22

23 MR JONES: Yes, that's right.

24

25 Q. You first became a police officer in 1990?

26

A. That's right.

27

28 Q. You commenced training as a scientific officer in  
29 1990?

30

A. December 1991.

31

32 Q. And you started in the forensic services group also?

33

A. Yes.

34

35 Q. Since 1991, you have held various jobs and ranks  
36 within the scientific services group?

37

A. Within forensic services, correct.

38

39 Q. And you became the manager or the inspector attached  
40 to the DNA Management Unit in June 2018?

41

42 A. I was appointed to the role in about October 2017, but  
43 I didn't take up the role at that point. I did a project  
44 until June 2018, when I took up the role at that point.

44

45 Q. What does the role of the Inspector of the DNA  
46 Management Unit do? What does it involve?

47

A. Well, I'm responsible for managing the content

1 holdings of the DNA database, which is called the National  
2 Criminal Investigative DNA Database, NCIDD. There is some  
3 legislation that we have to abide by to make sure that all  
4 the profiles on that database are lawfully obtained and  
5 held. So it involves managing all the processes and  
6 collection of those samples, and having them profiled by  
7 Queensland Health. I also prioritise and triage samples  
8 collected from crime scenes that are delivered to  
9 Queensland Health for analysis, and in addition to that at  
10 the moment I manage the operations of the Fingerprint  
11 Bureau.

12

13 Q. Thank you. You have a Bachelor of Applied Science,  
14 majoring in biology?

15 A. Correct.

16

17 Q. That was awarded to you in 1996?

18 A. Yes.

19

20 Q. You have a master of science, majoring in forensic  
21 science?

22 A. That's correct.

23

24 Q. That was awarded to you in 1999?

25 A. Yes.

26

27 Q. And you have completed various scientific or forensic  
28 courses and diplomas whilst in the Police Service.

29 A. Yes.

30

31 Q. You have sat on a number of scientific and forensic  
32 boards and committees since 2012?

33 A. Yes, I have.

34

35 Q. And you continue to sit on those boards?

36 A. Yes.

37

38 Q. Some of those boards?

39 A. Yes.

40

41 Q. What are they, that you currently sit on?

42 A. I'm currently a member of the International Standards  
43 Organisation Forensic Science Committee. It is called  
44 TC272, Technical Committee 272. That was established some  
45 time ago to put together or develop standards for the  
46 delivery of forensic science throughout the world. I sit  
47 on the Standards Australia Forensic Science Board, which is

1 the mirror committee of that international body within  
2 Australia, and it develops Australian standards for the  
3 delivery of forensic science. Previously, I was on the  
4 NATA board as one of the board of directors from 2015 to, I  
5 think, 2018. For the NATA council I was a technical  
6 advisor on - for audits as well.

7  
8 Q. Could you tell us what the acronym QPRIME stands for?

9 A. Queensland Police Records Information Management  
10 Exchange.

11  
12 Q. What is QPRIME?

13 A. It's the corporate information management system used  
14 throughout the Queensland Police Service for recording  
15 crimes and other incidents; for keeping records, for  
16 instance, criminal histories; for recording continuity of  
17 property and exhibits. So, yeah, it's our main case record  
18 management system.

19  
20 Q. It's a system whereby jobs and information are tasked  
21 to investigators?

22 A. Yes, it is. So there is a tasking process through it.  
23 And, as I said, you can update case reports to it for a  
24 particular matter or whatever. So when our staff  
25 undertake - or forensic officers undertake a forensic  
26 examination, they will put a forensic supplementary report  
27 to QPRIME.

28  
29 Q. Is it also a way in which DNA results are communicated  
30 to frontline police?

31 A. Yes. So DNA results are - they are received from  
32 Queensland Health by my staff and at that point they're  
33 actually de-identified. So they have a unique barcode. So  
34 if a person is identified, my staff put in or substitute  
35 the barcode with the name of the person, and it's then  
36 transferred from the Forensic Register, through an  
37 interface that transfers the information across, to QPRIME  
38 for the information of the investigators.

39  
40 Q. You mentioned the Forensic Register. What is the  
41 Forensic Register?

42 A. The Forensic Register is a case management system  
43 that's used exclusively by the forensic officers within  
44 Queensland Police Service. It is actually used now by  
45 Queensland Health, I think, since 2017. It's again an  
46 information management system where our case records are  
47 stored and any sort of associated files, for instance,



1 images and the like, recordings, taken. We record data or  
2 our observations on there. It's used to track exhibits or  
3 copy items within the forensic labs, and it also reports  
4 the results, as I said, through an interface or just an  
5 exchange system, for want of a better word, to QPRIME.  
6

7 Q. So is it the case that all police have access to  
8 QPRIME, but only selected police have access to the  
9 Forensic Register?

10 A. That's correct.  
11

12 Q. And those with access are the police or administrative  
13 staff in the DNA Management Unit?

14 A. Yes.  
15

16 Q. And in fact all police in the forensic services group?

17 A. That's right.  
18

19 Q. And scientific officers?

20 A. That's right.  
21

22 Q. And scenes of crime officers?

23 A. That's right. There are, of recent years, some of the  
24 intel officers have been given access to the Forensic  
25 Register. I couldn't tell you exactly how many, but  
26 there's not many. But generally, investigators do not have  
27 access to it.  
28

29 Q. You said that FSS, the Forensic Services Scientific  
30 Services, they have access to the Forensic Register on  
31 their side as well?

32 A. That's right. We share, now, a common case management  
33 system. That's correct.  
34

35 Q. Relevant to a crime scene the collection of biological  
36 material for forensic testing, what information is uploaded  
37 by those within the Police Service who collect it on to the  
38 Forensic Register and pushed through and visible for the  
39 Forensic Services Scientific Services?

40 A. The information on the exhibit screen generally is  
41 shared and visible to both Queensland Health and to QPS.  
42 Our examination summaries are somewhat masked. So we don't  
43 see Health's and they don't see ours. As a result,  
44 information is placed on the exhibit screen. For instance,  
45 the staff take a photo - if they collect a sample of DNA,  
46 they'll take a photo of the stain or the background so that  
47 it is visible to the scientist to assist them with making

1 analytical decisions. The results of presumptive screening  
2 tests. So for instance, if you undertake a test like a  
3 Combur test to test if it's potentially blood or an acid  
4 phosphatase test to see if it is potentially semen, those  
5 results are included on the exhibit screen.  
6

7 Q. What about whether it is an intimate examination, an  
8 internal examination? Is that information, where it was a  
9 SAIK, a sexual assault kit?

10 A. Look, I believe it is, because there will be a  
11 description of the exhibit. And I think they placed  
12 "SAIK", or Sexual Assault Investigation Kit, within the  
13 description. So there are some drop down menus to select  
14 exhibit type and, for instance, there might be "swab blood"  
15 or "swab semen" and things like that.  
16

17 Q. Was there a point in time where the DNA Management  
18 Unit had greater access to, or visual access to information  
19 being produced by the lab? When I say "lab", I am talking  
20 about FSS?

21 A. Yeah. I think briefly for 2019 and for the first  
22 month or so of 2020, I think, from memory, there was a  
23 window there where there was a change and there was some  
24 information around, for instance, how an exhibit had  
25 progressed through the lab there. And some information,  
26 for instance, the quantification results were visible.  
27

28 Q. That includes some information about the quality of  
29 the DNA that --

30 A. I understand it was how much was there and the  
31 degradation value, which gives us some sort of indication  
32 of the quality.  
33

34 Q. Was that information useful in any way?

35 A. I understand it was useful - I think the cold case  
36 people - so we would have some forensic officers embedded  
37 within the Homicide Investigation Unit, and they are tasked  
38 with reviewing the cases that are historical and unsolved  
39 to see if some of the biological samples may benefit from  
40 testing, and that information they were using to determine  
41 whether those samples should be submitted again, either to  
42 Queensland Health or elsewhere for testing, so it was  
43 helpful, and I think it might have been there that I  
44 believe Justin Howes sort of had access to it, reported  
45 that back to Cathie and, as a result, it was brought to our  
46 attention and the capability or the change that allowed  
47 that was reversed back and then it was invisible again.

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Q. Two questions about that. You're responsible for ordering the rework or the work to be done on results that used to come back as "DNA insufficient for further processing"?

A. No, that's the responsibility of the investigating officers. My staff had started doing that at the end of 2021 and during 2022. That's not our responsibility. It is our responsibility, if the investigators seek to have that to occur, they would contact the DNA Management section and we would then make a request to Queensland Health.

Q. Physically, your unit was responsible for triggering the retesting or the reworking?

A. Yes.

Q. And providing advice to investigators about which samples and whether it was advisable?

A. No. No, no. We - my staff are not scientists, they're not technical experts. Sometimes we gave advice on how to interpret or understand the results, because they are complex and there are a lot of result reporting lines. But, no, we didn't give advice on success of potential testing or any type of recommendation, whether this sample or that sample, that I'm aware of, you know, should be retested. That was something that was left to the investigators and forensic officers that might have been involved in the actual forensic examination. My staff are generally administrative officers with no particular forensic training.

Q. You've mentioned forensic officers and you have included in that scientific officers and scenes of crime. Can you just tell the Commissioner what is it a scientific officer?

A. Well, there are two - generally two different types of forensic officers that would attend crime scenes. Scientific officers generally attend the major crime matters. To become a scientific officer, you have to have some type of science qualification at a bachelor level before you can enter the section. They undertake, I believe it's a three to four-year training program that involves completion of a graduate diploma, I think the level is now. So they're specialists; they're not generalists. So they train in the detection, the enhancement, the interpretation of physical evidence other

1 than fingerprint evidence at scenes of crime. So that  
2 might be pressured evidence like footwear. They might  
3 undertake blood splash interpretation. All those types of  
4 things. Then there are scenes of crime officers, and there  
5 is no requirement for a tertiary qualification. Generally,  
6 they are police that have an interest in forensics and  
7 join. They undertake a 12-month training program. The  
8 initial part is face-to-face, and the rest of it is in the  
9 field under some sort of tutelage, almost like an  
10 apprentice process. They are more generalists in that they  
11 do a little bit of everything. So they have high-level  
12 skills in photography. They are trained in collecting  
13 fingerprints, and there is quite a variety of different  
14 fingerprint development techniques, and they also will  
15 collect DNA samples. But their focus will be, generally,  
16 volume crime. So volume crime is property crime, as we  
17 term it as, so offences that aren't against the person.

18  
19 When there is a major crime, they will assist the  
20 scientific officers because they can undertake  
21 fingerprinting and the like, and they will do it  
22 collaboratively. So there is scenes of crime officers  
23 located in every district, every police district, and  
24 there's quite a few of them. I don't know exactly how  
25 many, 30-odd, 35 or so. There are scientific sections in  
26 all of the major regional towns. For instance, Brisbane,  
27 obviously; the Gold Coast; Rockhampton; Townsville and  
28 Cairns.

29  
30 Q. You mentioned volume crime and major crime?  
31 A. Yes.

32  
33 Q. Major crime is crimes against the person?  
34 A. Generally, yes, that's right.

35  
36 Q. And the lion's share of volume crime, if not all of  
37 it, is attended to by scenes of crime officers?  
38 A. Yes.

39  
40 Q. And scenes of crime officers may attend some major  
41 crime?  
42 A. Sometimes. Generally, they will attend to assist,  
43 yes.

44  
45 Q. Just as a scientific officer --  
46 A. Yes.

47

1 Q. -- in a murder investigation, for example?

2 A. Correct.

3

4 Q. Okay. There has been an attempt to prioritise the  
5 processing of DNA attributed to the nature of the crime,  
6 but also a turnaround time. P1, what does P1, Priority 1,  
7 mean?

8 A. P1 is a major crime where we deem it, for public  
9 safety, it is a priority to get them tested. So if they're  
10 P1 category, we get a five-day turnaround time, or less  
11 than five days sometimes, with Queensland Health. There is  
12 a bit of a limit to that capability. So I think they are  
13 limited to 15. I generally cap it at 15.

14

15 Q. 15?

16 A. 15 samples.

17

18 Q. Per case? Per week?

19 A. Per time. Per those five days. The problem - the  
20 issue is that it does sort of absorb a lot of the  
21 resources, I'm told, from Queensland Health to divert to do  
22 that, so it has an impact on all other major crime matters.  
23 So we do try to, I guess, meter it a little bit so it  
24 doesn't impact on the investigations of other major crimes.  
25 But it is generally for the most serious crimes, murders  
26 and the like, where, you know, offenders are known or at  
27 large or there is no one in custody or, you know, for a  
28 public safety reason we really need to get those results  
29 fast.

30

31 Q. If there is a pattern of offending appearing or an  
32 unknown suspect, often that would be a P1, requiring a  
33 five-day turnaround time?

34 A. Yes.

35

36 Q. What about a P2?

37 A. P2 is any major crime. So categorised major crime as  
38 any offence that is not a property offence.

39

40 Q. And a P3?

41 A. Property offences.

42

43 Q. Volume crime?

44 A. Volume crime, yes.

45

46 Q. And are there any limits in terms of samples,  
47 biological material, that can be submitted for a P2?

- 1 A. Ah, look, the procedure indicates there is a limit of  
2 25. They need to ask me if they want to submit more.  
3 I don't think I have been asked in the last few years; they  
4 just submit it. And if someone asked, I say, "Submit  
5 them." So, yes, strictly speaking they're supposed to be,  
6 but no I don't.  
7
- 8 Q. Could [WIT.0020.0001.0001\_R at 0121] be brought up,  
9 please.  
10
- 11 THE COMMISSIONER: Is that attached to --  
12
- 13 MR JONES: Q. It is exhibit 8, Commissioner.  
14 Inspector Neville's 24 August statement. Does that - that  
15 just occurred now, or? That doesn't need to be redacted.  
16 Thank you.  
17
- 18 This is the crime scene examination 101 protocol.  
19 A. Yes.  
20
- 21 Q. And it is version 36?  
22 A. Yes.  
23
- 24 Q. That's the current version the last time you checked?  
25 A. Look, I assume so, I don't know.  
26
- 27 Q. It was exhibit 8 to your statement.  
28 A. Is it? Okay. I had missed that. Yes. It was only  
29 published in November last year, so, yes, I assume it is,  
30 yes.  
31
- 32 Q. At the time of doing your statement? You said before,  
33 strictly speaking, there are, on paper, restrictions. Are  
34 they captured in this document?  
35 A. There are.  
36
- 37 Q. Can we turn to [WIT.0020.0001.0001\_R at 0122], please.  
38 And are they captured there in section 8, "DNA Sample  
39 Triage Policy"?  
40 A. Yes, yes.  
41
- 42 Q. Who came up with that policy?  
43 A. I think I had quite a hand in it when I was quality  
44 manager before coming to DNA, but I certainly had a hand in  
45 modifying the policy in 2018 when I was the DNA manager.  
46
- 47 Q. You will see underneath that in section 9, "Reporting

1 DNA Results"?

2 A. Yes.

3

4 Q. That doesn't relate to results being received from the  
5 lab, so to speak. That relates to or places restrictions  
6 on what officers can speak to about results in court; is  
7 that right?

8 A. There was a process for a period and there is still in  
9 the procedure where we did indicate in our statements that  
10 we'd viewed records provided by Queensland Health and that  
11 was the result. It was there - if the result wasn't  
12 contested, it just assisted the courts, but I don't think  
13 that anyone is actually using that, reporting those results  
14 in that way at all. We have actually had discussions  
15 recently around removing that from the procedure.

16

17 Q. There is nothing in this document that deals with  
18 understanding results from the lab, is there?

19 A. No.

20

21 Q. And there is nothing in this document that deals with  
22 the options available to investigators upon receipt of  
23 different types of results?

24 A. No.

25

26 Q. And as of - I am talking about from February 2018 to  
27 current? It's never had that information in it?

28 A. I don't think so.

29

30 Q. Turn to [WIT.0020.0001.0001\_R at 0136] and blow up  
31 8.1, please. 8.1.1 puts the limit of two samples for  
32 property crime or volume crime?

33 A. That's right.

34

35 Q. It says there, "per QPRIME Occurrence". What does  
36 that mean?

37 A. Well, per offence, really. Sometimes, for instance,  
38 if someone breaks into a house that's one occurrence. If  
39 they stole a car, that's another occurrence. So you get an  
40 option to take multiple samples; you take more than two.

41

42 Q. Of those two samples, is there a limit of trace  
43 samples?

44 A. There is. So of the two samples, you are only allowed  
45 to submit one trace in the first instance. And a trace -  
46 trace samples are samples that are sort of speculative in  
47 that there's no visible stain. So someone might take a

1 tape-lift or swab of a steering wheel or a door handle or a  
2 light switch, things like that, and the likelihood of  
3 getting a result is low.

4

5 Q. Then at 8.1.3, there is the option to submit further  
6 samples after an application or approval from the DNA  
7 Management Section Inspector?

8 A. That's right.

9

10 Q. That's you?

11 A. That's correct. So if they believe there's multiple  
12 offenders or if the initial testing didn't yield a profile,  
13 you could always submit more. I've never declined anyone  
14 asking. If they go to the effort of asking, I say yes.

15

16 Q. Is that request done by email or the Forensic Register  
17 or QPRIME?

18 A. No. It is an email to the Forensic Coordinator or  
19 Forensic Manager, and then it's passed to me. Sometimes  
20 people email me directly. I don't strictly follow. If  
21 they ask, I generally say yes.

22

23 Q. What is a Forensic Coordinator and what is a Forensic  
24 Manager?

25 A. A Forensic Coordinator it is someone, say, at the rank  
26 of sergeant who has a management or coordination role  
27 within a region or district. Forensic Manager is similar,  
28 but at the rank of inspector.

29

30 Q. Over the page at [WIT.0020.0001.0001\_R at 0137], at  
31 8.2, please, Mr Woolridge. Before we go into that, how  
32 often are you asked to submit more samples for  
33 volume crime?

34 A. I can't think of the last one. People just submit  
35 them. There should be more regress made.

36

37 Q. Beg your pardon?

38 A. There should be more regress, but no, they just get  
39 submitted.

40

41 Q. Do you have an idea roughly in the last 12 months how  
42 many times you have been asked to approve further samples?

43 A. It was so irregular I can't remember.

44

45 Q. Not many?

46 A. Not many.

47



- 1 Q. What about for major crime?  
2 A. Sorry, I thought you were talking about major crime.  
3  
4 Q. No, sorry. Volume crime?  
5 A. Volume crime, I do get regularly asked, yes. And I  
6 would say weekly or fortnightly basis.  
7  
8 Q. Yes.  
9 A. Sometimes more frequently.  
10  
11 Q. You are asked by one officer to submit an extra sample  
12 for volume crime --  
13 A. That's right.  
14  
15 Q. -- around about once a week, roughly?  
16 A. Roughly, yeah.  
17  
18 Q. And major crime is?  
19 A. Major crime, I can't remember the last time I was  
20 asked. They just submit them. But they're major crime, so  
21 I'm not going to impede the investigation.  
22  
23 Q. At 8.2, there, that identifies that it is 25 untested  
24 samples associated with a single QPRIME occurrence --  
25 A. Yes.  
26  
27 Q. -- should be held at the lab at any one time. Do we  
28 take it then that there is a murder, there's 150 or 200  
29 samples taken?  
30 A. No. Generally, these larger jobs are managed by a  
31 Forensic Coordinator or a Forensic Manager. I would - I'm  
32 assuming that they actually meter this themselves without  
33 my approval. So they submit 25 and then 25 and 25.  
34 Sometimes maybe more, but submitting 100 or more, you know,  
35 that type of number at the lab at once, I don't think that  
36 occurs.  
37  
38 Q. Sorry, what I was suggesting there might be that  
39 number of samples taken from a scene?  
40 A. Yes. Yes, of course.  
41  
42 Q. And then they will self-triage, if you like?  
43 A. Yes.  
44  
45 Q. Or self-select their best 25 and submit those?  
46 A. Yes.  
47

1 Q. When they have those results back --

2 A. Yes.

3

4 Q. -- they can then submit another 25; is that how it  
5 works?

6 A. As I said, I haven't played an effective role in this  
7 for a while because I've left it to the Forensic Manager  
8 and the coordinators to do. Now, whether at Queensland  
9 Health, at the other end, there's some resistance to  
10 receiving more than 25, I - I don't - I've never heard of  
11 it. But I can't say there's not. I'm assuming that  
12 they're sent in there in a metered way that appropriate,  
13 that is not overwhelming the laboratory.

14

15 Q. But this is your policy, isn't it? This is something  
16 you developed sometime, perhaps when you were in the  
17 quality management section?

18 A. Yes, it is.

19

20 Q. In order to avoid putting a significant burden on the  
21 lab?

22 A. Correct.

23

24 Q. What was your motivation for avoiding putting a  
25 significant burden on the lab?

26 A. Well, I guess it's not to overwhelm them. I mean,  
27 there is only - it is a bucket; it is only so big. You  
28 can't overflow a bucket. There is no point giving them a  
29 large number of samples they can't deal with at one time.  
30 And the idea, too, is to have them triage them and give the  
31 samples in a prioritised fashion so that the most important  
32 samples, the most probative ones, are being analysed first.  
33 It would not be fair on the lab just to throw a large  
34 number of samples out there and say, "Here, deal with it.  
35 You prioritise it", because they don't have the case  
36 context.

37

38 Q. And the best people to make that decision at the start  
39 are those collecting it and involved in the investigation  
40 who know what the allegation is?

41 A. Yes.

42

43 Q. What the hypothesis is?

44 A. Yes, yes, yes. Yes.

45

46 Q. Okay. What's the funding arrangement between the  
47 Queensland Police Service DNA Management Unit and the lab

1 for the submitting of these samples?

2 A. Look, we fund Queensland Health - I pay \$3 million a  
3 year out of my budget in a monthly instalment of \$275,000  
4 and that is - I describe it as an all-you-can-eat  
5 arrangement. It doesn't matter how many samples we submit,  
6 you get paid the same amount.

7  
8 Q. Do you know when that funding arrangement in that  
9 amount first was introduced?

10 A. So there was a task force, a ministerial task force  
11 around 2000-2005, and additional funding was injected  
12 around then and \$3 million was given to the QPS to fund  
13 this testing. And that's been in place ever since. Yeah,  
14 it became a recurrent funding for the QPS.

15  
16 Q. So around 2005, \$3 million was allocated?

17 A. Yes.

18  
19 Q. By Police, for this "eat-all-you-can" sample?

20 A. Yes, it is a part-funding. I understand that  
21 Queensland Health is directly funded also to deliver the  
22 service. But that's correct, yes.

23  
24 Q. And today in 2022, has the funding changed?

25 A. No. It's the same.

26  
27 Q. Have you had any requests for further funding?

28 A. Not since I've been there.

29  
30 THE COMMISSIONER: Q. So from the point of view of  
31 Queensland Police, whatever \$3 million was worth in 2005,  
32 since then Police have been paying the same sum annually,  
33 \$3 million, that's what you said, and the Queensland Health  
34 or, I guess, Queensland Health or FSS haven't asked Police  
35 for that sum to be increased?

36 A. Not that I'm aware of. So there is a separate budget  
37 for person samples. So we pay per sample for reference  
38 samples taken from offenders for the database or from  
39 potentially victims of crime, et cetera, for elimination  
40 purposes. We pay - I am going to say \$115, roughly, per  
41 sample, that has increased over the years. Not  
42 substantially, but there's been a few increases. I don't -  
43 it hasn't increased since I was there, since 2018, and I'll  
44 be honest with you, I can't remember the year that it was  
45 increased previously. But that has increased. And there  
46 is an MOU and an agreement around that, that person sample  
47 testing.

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MR JONES: Q. What is an MOU?

A. Memorandum of understanding. But there is no agreement or MOU or any sort of performance criteria between the two agencies for the testing of crime scene samples. It's just the government gave us this amount in 2005 to Police to pay Health for testing and that has continued.

THE COMMISSIONER: Q. And I guess if FSS and Police agreed, for argument's sake, to increase the sum from \$3 million to \$3.5 million, this year, Police would have to make application in their budget request to government to increase the Police budget by half a million dollars to take that into account?

A. Either that or we'd have to absorb it, but one or the other.

Q. But plainly in the first instance you would ask for the half million?

A. Yes, of course.

Q. And so long as nobody asks you to increase the \$3 million, that --

A. Well, no-one has - Queensland Health have never asked us, Commissioner.

Q. No, no. I understand, I understand. But provided that they don't ask you to increase the \$3 million, there's absolutely no reason why you would volunteer to increase it?

A. Probably not, no.

Q. No, I understand. There's nothing wrong with that.

A. Now, I don't know whether, as I said, they are funded separately.

Q. No, they are undoubtedly funded separately as well, but we'll get into that later.

A. I'm not really sure. I assume they would have been.

THE COMMISSIONER: Thanks.

MR JONES: Q. In any event, you have tried to take measures to avoid filling the bucket?

A. That's right.

1 Q. By having policies on your side to restrict Police  
2 about what samples are submitted?

3 A. Yes.

4  
5 Q. Make them think about what are their best and most  
6 probative samples?

7 A. Yes. Yes, yes.

8  
9 Q. What are the consequences of over-submission of  
10 samples to the lab?

11 A. Backlogs.

12  
13 Q. Let's talk about those, then. What is a backlog?

14 A. Well, there have been problems with what is defined as  
15 a "backlog", but for me it is samples that remain untested.

16  
17 Q. What is a turnaround time, a TAT?

18 A. The time from submission to the lab to the receipt of  
19 the results.

20  
21 Q. Why do turnaround times matter to Police?

22 A. Well, for volume crime, generally there are a small  
23 number of recidivist offenders that commit the bulk of the  
24 crime, and they are prolific. So if you can identify them  
25 fast, (a), you get them with the property that they might  
26 have, because they're property offences, and you can return  
27 the property to the victims; and (b) if you catch them, it  
28 stops the offending cycle. So there is a big advantage in  
29 volume crime being - those offenders being detected and  
30 apprehended rapidly.

31  
32 For major crime, well, we're looking for links -  
33 sorry, for intelligence to direct investigations. You  
34 don't want to be in a situation where you are getting a  
35 result some months later that confirms to investigators  
36 that they have got the right person. We want to direct and  
37 to lead investigators to apprehend the perpetrator.

38  
39 Q. You mentioned something, there's some confusion or  
40 some difficulty about how backlogs or turnaround times are  
41 measured?

42  
43 MR JONES: Commissioner, could Inspector Neville be shown  
44 his statement on the screen, please, a paragraph.

45  
46 THE COMMISSIONER: Of course, but ask the operator.

47

1 MR JONES: Q. Paragraph 84 is found at page18  
2 [WIT.0020.0001.0001\_R at 0018]. Do you see that there? Is  
3 that the measure that is normally used to measure  
4 turnaround times?

5 A. That's the metric that I have in place at the moment,  
6 yes. So it is the number of days from sample submission to  
7 receiving a cold link.

8  
9 Q. And what is a cold link?

10 A. Cold link is basically the identification of an  
11 unknown person by obtaining a profile and searching that  
12 against the National Database and learning who that person  
13 is. So that's then a cold link. So you didn't know at  
14 that point, until you've searched against the database.

15  
16 THE COMMISSIONER: Q. Inspector, I think I didn't  
17 understand this until now. In volume crime, you are  
18 generally dealing with offences in which there is no  
19 immediate suspect?

20 A. Yes, that's correct.

21  
22 Q. And so, with volume crime, if you have DNA evidence  
23 available, your urgent interest is to obtain, if you can, a  
24 link from the National Database to identify that unknown  
25 suspect?

26 A. Yes.

27  
28 Q. Whereas with major crime, in general, you have a  
29 suspect or a range of suspects, and so your interest is not  
30 primarily in the National Database, but in the comparison  
31 of a crime scene sample with a reference sample?

32 A. In most cases that's correct, but there are cases  
33 where it is an unknown offender.

34  
35 Q. Of course.

36 A. And we have had some remarkable results by identifying  
37 those through the database.

38  
39 Q. Yes. But that's the usual distinction between most  
40 cases of volume crime and most cases of major crime; is  
41 that right or not?

42 A. I couldn't say the proportion of which, but I think  
43 generally that's right.

44  
45 Q. Yes. The reason I ask that is that that explains why,  
46 in the case of volume crime, the measure of efficiency --

47 A. Yes.

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Q. -- is submission of sample to receiving a cold link?

A. That's right.

Q. Whereas with major crime, you would use a different measure of efficiency? Or not?

A. That's correct. It would be unfair for major crime and warm links - and a warm link is when you know - you've got a reference sample from an individual and you're comparing that reference sample to the crime scene sample, so it is a one-to-one match. Now, there is delays in getting those sample. So, (a), you might have to get a court order to get the sample and, (b), it has to be hand-delivered to the laboratory for continuity in evidence purposes. So, essentially, there are factors outside the control of the laboratory, because they'll have the crime scene sample waiting for - and so here is a limiting factor that is outside of our control. And to measure that metric for the lab for warm links is now unfair on the lab, because they don't have control of that limiting factor.

The other thing is that warm links generally follow cold links. So if it's - for some unsolved crimes. So you might get a cold link, and then particularly for volume crime as well, it's hard to distinguish between the both. But for volume crime, you would work out who it is in the cold link. Investigators will go and take an evidence sample from the accused or the offender. Then that is taken into lab, there will be delay because it has to be hand-delivered, et cetera, and then that would be reported as a warm link once they've done that. So they are two very different things.

I would like to have a metric that monitored, perhaps, success rates, would be a good thing, but we have had a hiatus on the Forensic Register for a couple years in development and we haven't been able to do that because --

Q. You haven't been able to do what?

A. The Forensic Register is where the stats derive from for the cold links. So it simply registers the day that the sample is received and the day that the cold link is reported, and that metric is then collated and we get a mean or an average for the samples that we receive results on. I would like to have a similar metric for just success rate of getting a profile, because it's an important metric.

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Q. What is wrong with the time between the receipt of the sample by FSS and the posting of the resulting profile on the Forensic Register as a metric?

A. You mean for cold links or warm links?

Q. I mean generally, the efficiency of the lab. I am putting to you this as a proposition, that we can measure the efficiency of the lab --

A. It might provide --

Q. -- in terms of speed, by measuring the time taken between receipt of the sample and posting a profile on the Forensic Register.

A. Well, the problem might be is that they analyse the crime scene sample, get a profile. It's either a match or doesn't match against NCIDD. And then later on there's a delay in getting the reference sample and it's that delay then to the second match, I guess, the warm link, that they have no - it will be impacted by the speed of delivery of that reference sample.

Q. Actually, I put it badly. I think I put it wrongly, in fact, to you. We can measure the efficiency of the lab first by asking how long does it take them from the date that they receive a sample to obtaining a usable profile.

A. Yes.

Q. So we can measure their efficiency that way.

A. Yes.

Q. And then the next step is up to you, in a sense, to obtain a reference sample and invite them to compare it.

A. Yes.

Q. And then we can have a different efficiency measure. How long from the date of receipt of a reference sample to a reporter's opinion of a match or non-match?

A. I think that potentially has merit. My concern might be that - a focus on speed over quality.

Q. Well, that is the next thing.

A. Right.

Q. Are we asking the wrong question in concentrating on turnaround time?

A. I think it's got to be balanced. It's both, because



1 speed is essential to police, for the reasons I have  
 2 outlined before, but it can't be at the expense of quality.  
 3 So I would like to have a metric on quality, but as I  
 4 mentioned, the Forensic Register, we haven't had any  
 5 opportunity to develop that for a couple - well, since I  
 6 started in 2018, because we went to - rather than  
 7 supporting it internally, it went to an outside provider.  
 8 And there was basically an agreement - because we were  
 9 going to move to a commercial version of that product that  
 10 they were building, and we haven't had any development of  
 11 the Forensic Register for a couple of years. So it's  
 12 really - we've been unable to get that metric, I guess. I  
 13 haven't been able to consider it, because we weren't able  
 14 to develop stuff in that Forensic Register.

15  
 16 THE COMMISSIONER: Thank you.

17  
 18 MR JONES: Q. Just to explore the reference sample,  
 19 there are three ways in which Police can get a reference  
 20 sample. One is they charge an accused and they're  
 21 entitled, if it is an indictable offence, to take a  
 22 reference sample.

23 A. Correct.

24  
 25 Q. So a police officer will take a buccal swab at the  
 26 time of charging that person; is that right?

27 A. Yes.

28  
 29 Q. The second is --

30 A. Provided they are an adult, of course.

31  
 32 Q. The second is via a court order.

33 [REDACTED]  
 34 [REDACTED]  
 35 [REDACTED]  
 36 [REDACTED]  
 37 [REDACTED]  
 38 [REDACTED]  
 39 [REDACTED]  
 40 [REDACTED]  
 41 [REDACTED]  
 42 [REDACTED]  
 43 [REDACTED]  
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

THE COMMISSIONER: Yes. Very well. I direct that the questioning of Inspector Neville in relation to covert obtaining of DNA samples not be published.

MR JONES: Q. A rape complainant not always, but often, will know who their rapist is?

A. Yes. That's correct.

Q. Generally speaking?

A. Yes.

Q. And often a homicide will have links to suspects; that is, relatives and so forth?

A. Generally, people need a motive. So, yes.

Q. And so linking someone in that way is a warm link?

A. Correct.

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Q. And a future link, do you understand to be something that is uploaded to the database?

A. It is a term I haven't used, but I would assume it is an unknown profile that is left on the database in case in the future someone is arrested and a sample is taken from them and they identify it's them.

Q. The use that's made of DNA for police investigations, I've just touched on that before. There is the uploading for a database for future link potential?

A. Yes.

Q. There's to consider a hypothesis within a crime scene?

A. Yes.

Q. Whether someone touched something or didn't touch something or went into a particular room?

A. To corroborate a version, yes

Q. To corroborate an account?

A. Or to discount a version.

Q. Match the reference samples, as we've just spoken about?

A. Yes.

Q. But also to expose lies that have been told to police?

A. I guess that's, as I said, discounting a version, yes.

Q. If an accused, for example, in a rape case said there has been zero sexual contact and male accused and his DNA is found in a high vaginal swab?

A. It would seem to be a lie, wouldn't it? Yes.

Q. And of course those lies are particularly useful, aren't they?

A. Absolutely.

Q. To expose?

A. Yes.

Q. You started as the inspector of the DNA Management Unit in the actual job in June 2018?

A. I did.

Q. And you took over from Senior Sergeant Ewen Taylor?

1 A. Yes.  
2  
3 Q. And he was acting in that role as Acting Inspector at  
4 the time?  
5 A. He was.  
6  
7 Q. His background is scenes of crime?  
8 A. That's right.  
9  
10 Q. He provided you a handover note on 14 June 2018?  
11 A. Yes.  
12  
13 Q. Via email?  
14 A. Yes.  
15  
16 Q. Mr Woodridge, could [WIT.0020.0001.0001\_R at 0033] be  
17 brought up, and could you redact the body of the email,  
18 please  
19  
20 THE COMMISSIONER: What exhibit is that in this case?  
21  
22 MR JONES: Exhibit 4, Commissioner.  
23  
24 THE COMMISSIONER: Thank you.  
25  
26 MR JONES: Sorry, it is [WIT.0020.0001.0001\_R at 0111].  
27 And just redact the dot points, please, and the mobile  
28 telephone number.  
29  
30 Q. This is an email from Ewen Taylor to you on 14 June  
31 2018 at 15:09?  
32 A. Yes.  
33  
34 Q. And above that is an email, 5 July 2022, at 10:14?  
35 A. Yes.  
36  
37 Q. And Senior Sergeant Taylor says that he has found the  
38 handover sheet, and there's some sensitive information in  
39 it.  
40 A. Yes.  
41  
42 Q. Do you see that?  
43 A. Yes, yes.  
44  
45 Q. Can we take it from that that you haven't either  
46 received it or couldn't find it in July, and asked him to  
47 send it again to you?

1 A. Well, when I was preparing my statement, I couldn't  
2 find it. So I asked him to forward it to me, and he did.

3

4 Q. Thank you. Could you turn to [WIT.0020.0001.0001\_R at  
5 0115] and redact all the way down to the last dot point,  
6 not including the last dot point, please. He is telling  
7 you there - can you see that there, Inspector?

8 A. Yes.

9

10 Q.

11 *Request for Priority 1 exhibits. Monitor*  
12 *these carefully, most FCs ...*

13

14 I take that to be "Forensic Coordinators"?

15 A. Yes.

16

17 Q.

18 *... are aware that these are carefully*  
19 *restricted, however you will receive*  
20 *pressure from I/O's.*

21

22 "Investigating officers"?

23

24 *I have not approved many this year, but*  
25 *apparently I set a record last year (Due to*  
26 *[an operation]). I have kept a folder with*  
27 *Approved P1's for reference. Once again*  
28 *this is an email from the Inspector DMS to*  
29 *Cathie, Justin and Paula, listing the*  
30 *exhibits.*

31

32 He is suggesting to you there that when you get requests  
33 for P1s or extra P1s, then you do it via an email to  
34 Cathie, Justin and Paula; is that right?

35 A. That's right. That process is still in place.

36

37 Q. And exhibits will need to be checked to ensure  
38 administrative things are done correctly?

39 A. Yes. I'm guilty sometimes I don't do that, but I send  
40 the email.

41

42 Q. And then he said:

43

44 *... I have submitted another User Story to*  
45 *have this process streamlined to a check*  
46 *box.*

47

1 What does he mean there by that?

2 A. Well, a user story is a request for an enhancement to  
3 the Forensic Register. As I mentioned that up until  
4 recently, none of those enhancements were actioned because  
5 we were shifting to a new version and there was no point  
6 in doing that in the legacy version and the new version as  
7 well. So --

8

9 Q. Over the page at [WIT.0020.0001.0001\_R at 0116] there  
10 is:

11

12 *Request for additional exhibits above 2 ...*

13

14 THE COMMISSIONER: Did you want any of this redacted? Did  
15 you want that page shown or not?

16

17 MR JONES: Q. Yes, I do want it shown. And how it was  
18 shown first is correct. Thank you:

19

20 *Request for additional exhibits above 2 for*  
21 *Volume crime. Once again an email to FSS*  
22 *with exhibit details. Another user story*  
23 *has been submitted for a streamlined check*  
24 *box. I usually write a comment on the*  
25 *exhibit page, and make a case file*  
26 *notation. You may wish to delegate this to*  
27 *Gerard? Monitor carefully, as you will get*  
28 *a few requests.*

29

30 Now, again, that's talking about communicating through the  
31 Forensic Register, and the notation that appears in the  
32 Forensic Register for a request of further samples?

33

34 A. Yes. He's requesting a modification to the Forensic  
35 Register, by the sounds of it, to make that more  
36 streamlined. But I - if I get a request with a couple of  
37 samples to be submitted for volume crime, I just redirect  
38 that to the Property section out at Queensland Health and,  
39 say, "This has been approved."

39

40 Q. Via email, do you?

41

42 A. Yeah.

43

44 Q. Not via the Forensic Register?

45

46 A. No.

47

48 Q. Underneath that, he's said:

49

1           *Request for sample reworks. Please read 'A*  
2           *review of automatic concentration of DNA*  
3           *extracts using Microcon' document on your*  
4           *desk. FSS are currently trialling a*  
5           *process where reworks are only being*  
6           *conducted (Below 10% chance of success)*  
7           *when requested by Inspector DNA. This was*  
8           *agreed between Supt, Paul CSOBAN, Cathie*  
9           *and myself, to better funnel effects and*  
10           *funds. Investigators are advised that they*  
11           *can request a rework if exhibit is still*  
12           *pertinent via Qprime unit - 3209. You will*  
13           *be forwarded a task for decision on*  
14           *re-testing if the investigators decide to*  
15           *request it. If approved to reactivate,*  
16           *send an FR task to Luke Ryan: eg.*

17

18           And then there is some text that has been quoted there:

19

20                   *"I have received a request for further*  
21                   *processing of the below exhibit.*

22

23           Et cetera and then he has got a phone number there and his  
24           name, and then underneath that, it's:

25

26                   *"FSS result: [some numbers] DNA*  
27                   *INSUFFICIENT FOR FURTHER PROCESSING.*  
28                   *This item/sample was submitted for DNA*  
29                   *analysis. Low levels of DNA were detected*  
30                   *in this sample and it was not submitted for*  
31                   *further DNA profiling. Please contact the*  
32                   *DNA Management Section if this sample is*  
33                   *requested to be assessed for further*  
34                   *processing via QPRIME task to Unit Code*  
35                   *3209".*

36

37           What is the reference to Unit Code QPRIME 3209?

38           A.   That's the code for the DNA Management Section .

39

40           Q.   And what is the reference, the relevance of that FSS  
41           result text? Where is that from, the last paragraph of  
42           that --

43           A.   I think he has cut and pasted that from the QPRIME  
44           supplementary report, that's uploaded when the result is  
45           received. Either that or from the Forensic Register. One  
46           or the other. It's the same wording on both.

47

1 Q. Just side-by-side with that could we have  
2 [WIT.0020.0001.0001\_R at 0033] at paragraph 69. See there  
3 at the bottom - can you blow up the quote at the bottom of  
4 paragraph 169, please. That is, in part:

5  
6 *This item/sample was submitted ...*

7  
8 Do you see that there?

9 A. Yes.

10  
11 Q. It is the same as that text, the same in his  
12 memorandum to you or email to you?

13 A. I believe it is.

14  
15 Q. Thank you. Is that the text that goes on QPRIME to  
16 investigators at the time, in 2018, to alert them of the  
17 result of the DNA and, over the page at

18 [WIT.0020.0001.0001\_R at 0034] is the rest of the quote?

19 A. Yes, that is the wording that is uploaded to QPRIME,  
20 to let the investigators know the outcome of the testing  
21 for that item.

22  
23 Q. And so, Senior Sergeant Taylor is pointing out to you  
24 that that is the information that is published to the  
25 investigators when you took over in 2018?

26 A. Yes. Basically, yes, that's right.

27  
28 Q. That wording then changed. Could you blow up the next  
29 paragraph, please, to have an extra sentence:

30  
31 *Further processing could include*  
32 *concentration of the low levels of DNA*  
33 *obtained, pooling with other samples (where*  
34 *appropriate), resampling of the parent item*  
35 *(where appropriate), or a combination of*  
36 *processes.*

37  
38 A. Yes. That information was added to highlight to  
39 investigators some of the options that Queensland Health  
40 might adopt, should they choose to seek further testing.

41  
42 Q. We will get into the detail of how that came about,  
43 but some things happened in November 2018 and you set in  
44 motion some communication with Ms Allen, and you went on  
45 leave, and when you came back in 2019, this was the new  
46 text; is that right?

47 A. That's right, yes.



1  
2 Q. Thank you. We will get to that detail a little later.  
3 That can come down. Just to assist the Commissioner,  
4 could - this is exhibit 55 [WIT.0020.0002.0001\_R at 0386] -  
5 be brought up on the screen, please. Can you zoom in on  
6 the top box, please, Mr Woolridge.  
7  
8 THE COMMISSIONER: Did you want to redact the numbers  
9 there?  
10  
11 THE WITNESS: I haven't made it through it all, sorry.  
12  
13 THE COMMISSIONER: Mr Jones, did you want to redact the  
14 numbers there?  
15  
16 THE WITNESS: I think so, yes.  
17  
18 MR JONES: It's not a fake.  
19  
20 THE WITNESS: It's a real case.  
21  
22 MR HUNTER: We would ask that the QP number and the FR  
23 number be redacted, please.  
24  
25 MR JONES: Q. Is this a screenshot, as of 2022, of what  
26 an officer, an investigating officer, would see when a  
27 result is showing in QPRIME? The first screen that they  
28 would see?  
29 A. Yes, all of the summaries with the forensic  
30 supplementary reports will look pretty much the same as a  
31 forensic supplementary report, and they have to go to the  
32 narrative then to see what it is.  
33  
34 Q. So they click on the tab like an Excel sheet at the  
35 top there, at the moment it's on "Details". They click on  
36 "narrative"?  
37 A. That's right.  
38  
39 Q. And, Mr Woolridge, could the bottom be blown up but  
40 could you redact the Forensic Register number there and the  
41 FS result number, please. That is in blue text. Thank  
42 you. This is the detail that is given to investigating  
43 officers as of 2022 when a result was coming back as "DNA  
44 insufficient for further processing"?  
45 A. Yes.  
46  
47 Q. And it has in capital letters there, "DNA INSUFFICIENT

1 FOR FURTHER PROCESSING", and then underneath it, it goes on  
2 to have that improved spiel from 2019?

3 A. Yes.

4  
5 Q. Thank you. That can be taken down. Thank you. When  
6 you took over in June 2018 and you saw the handover memo,  
7 save for the changes you put in train in late 2018 and  
8 2019, there were no changes made by the Queensland Police  
9 Service to any of the training protocols or operation  
10 procedures for investigating police or scientific - sorry,  
11 forensic officers surrounding the types of results that  
12 would come back - sorry, let me start again. DNA  
13 insufficient for processing, and the options available to  
14 them to have them reworked?

15 A. I don't think so.

16  
17 Q. Why not?

18 A. Well, I'm not sure what additional information would  
19 you need for those results. It's pretty plain text to the  
20 investigator. It's not in any type of scientific jargon or  
21 anything like that. In fact, out of all the results - and  
22 there's about 250-odd that are reported - they're the  
23 easiest ones to understand. So, look, I didn't initiate  
24 the process and I wasn't involved in the adoption of the  
25 Options Paper or this entire process, but I didn't see a  
26 need to change it when I got there either - until November  
27 that year, 2018.

28  
29 So every time one of these results is reported, it's  
30 reported in that wording to the Forensic Register for the  
31 information of the forensic officer and it's also  
32 transferred to QPRIME. I don't particularly like the  
33 wording now, with the benefit of hindsight, the fact that  
34 it's confusing. It says:

35  
36 *"DNA INSUFFICIENT FOR FURTHER PROCESSING"*

37  
38 But then it says, "If you want to have a processed, you can  
39 do this." I don't know how the words "DNA insufficient for  
40 further processing" was actually added to it, but I think  
41 it detracts from the whole script. If it wasn't there, it  
42 would be much better. But that's with hindsight.

43  
44 And with hindsight, now knowing that the true success  
45 rate of testing is worlds apart what I thought it was in  
46 2018 and up until December last year. So my thoughts are  
47 the information was there, it was reported 21,000 times for

1 every result. So the investigators knew what options were  
2 available to them.

3  
4 Q. You says that it says in plain English there, "Contact  
5 the DNA Management Unit for further testing"?

6 A. It says that "there were low levels of DNA present.  
7 It wasn't subject to further testing. But if you want to  
8 have it tested, contact the DNA Management Section."  
9 Pretty straightforward. If you were a tenacious  
10 investigator and it was an important sample for your case,  
11 I would hope they would have the motivation to do that,  
12 because if they asked, it was done.

13  
14 Q. Can I ask you this then: you were aware then, as of  
15 receiving that email in June, that low levels of DNA were  
16 or may have been detected in these DNA insufficient  
17 samples?

18 A. In June when, sorry?

19  
20 Q. In June 2018 when you stepped into the role and you  
21 received the handover memorandum from Ewen Taylor, you were  
22 aware that "DNA insufficient for further processing" --

23 A. I'll be honest. The first time I had time to turn my  
24 mind to reading the Options Paper was in around August  
25 2018.

26  
27 Q. We're at crossed purposes. In June, you received a  
28 handover memorandum from Ewen Taylor?

29 A. I did. It was extensive. A lot of information in  
30 there, yes.

31  
32 Q. In it, you are saying the text to be published on  
33 QPRIME to all police, investigating police and forensic  
34 officers --

35 A. Yes.

36  
37 Q. -- identifies that low levels of "DNA were detected in  
38 this sample"?

39 A. Yes.

40  
41 Q. You understand? So you were aware of that, "DNA  
42 insufficient for further procession", in June 2018, you  
43 were aware that low levels of DNA had been detected in  
44 those samples?

45 A. Plus the wording. I will be honest. There was a lot  
46 of information in that --

47

1 THE COMMISSIONER: Q. Are you saying at that time,  
2 although the memo said that, you didn't turn your attention  
3 to it because you had more urgent things to be considering  
4 on the handover?

5 A. Correct. The briefing was very long.

6  
7 Q. Yes, I understand.

8 A. This is one small part of it. And, in fact, I didn't  
9 even pick up that it was in the memo until my second draft  
10 of my statement that it was there and looked at it.

11  
12 Q. Yes.

13 A. You know, I wasn't aware at that time. I can't recall  
14 it.

15  
16 MR JONES: Q. When did you become aware that "DNA  
17 insufficient for further processing" contained low levels  
18 of DNA?

19 A. I first read the Options Paper in August 2018. So a  
20 month or so or two into the role. I found it a very  
21 difficult read. I'll be honest with you, I didn't  
22 understand. I didn't know a lot about the full - you know,  
23 the details of DNA analysis and I certainly didn't  
24 understand, you know, the quantification and the fact that  
25 they were stopping it. I read it and thought, "Okay, this  
26 is a difficult read." It was written by a scientific  
27 journal article rather than something that is, you know,  
28 delivered to police for their consideration, and I thought  
29 it was in an inappropriate format.

30  
31 I read it. There were a couple of lines in there. It  
32 was confusing about success rates. I read that the  
33 pertinent value for the customer was 1.45 per cent, and I  
34 emailed Cathie Allen at that point and said, basically,  
35 "I've read the Options Paper, good example of a LEAN  
36 initiative, rah, rah". And my interest was - I actually  
37 acknowledged that I thought there was a 1.45 per cent  
38 success rate then. But the motivation was it said there  
39 were going to be some benefits. And I asked, "What are the  
40 benefits realised, please, out of this initiative?" There  
41 was no response.

42  
43 THE COMMISSIONER: Q. Just pausing there. The Options  
44 Paper was presented as a procedure that might be adopted  
45 which, if it was adopted, would allow the time saved to be  
46 used for other work?

47 A. Yes.

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Q. And with a view to making that work speedier, I guess?

A. Was it Speedier? Or --

Q. Or whatever it was?

A. Or more time to look at complex profiles, to actually pick out processes?

Q. To allow resources to be applied?

A. Yes.

Q. In the years since 2018, have you been given any information by anybody about the gains?

A. No. So I asked --

Q. That's all I wanted to know. Mr Jones has some questions.

MR JONES: Q. My question is about when - you understood at some stage that "DNA insufficient for further processing" captured a quant range between 0.001 to 0.0088.

A. Yes.

Q. So you knew at some stage there was some DNA there, correct?

A. Yes, yes.

Q. When did you become aware that in that reporting line, "DNA insufficient for further processing", there was in fact some DNA there?

A. I think it would be around August 2018.

Q. Did you make any attempts to inform the Prosecution Corp or the Director of Public Prosecutions --

A. No.

Q. -- that there was DNA in the samples that were reported as "DNA insufficient for further processing"?

A. No.

Q. Thank you. Why not?

A. Well, there's a process that was in train before I got there, and assumed that there needed to be some liaison, I guess, that had already occurred. So it had been in place for five months.

Q. You are aware, though, that Prosecution Corp, the

1 Police Prosecution Corp and Director of Public  
2 Prosecutions, has disclosure obligations to defendants?

3 A. Yes.

4

5 Q. And you were aware, were you, that statements were  
6 being produced saying that there was "DNA insufficient for  
7 further processing"?

8 A. No, I didn't know that. I wasn't aware of that until  
9 just before the finding.

10

11 Q. Just before the finding?

12 A. Yes.

13

14 Q. Thank you.

15

16 THE COMMISSIONER: Just before what?

17

18 MR JONES: The finding, Commissioner, your Interim Report.

19

20 THE COMMISSIONER: Yes.

21

22 MR JONES: Q. Can you say between taking over in June  
23 2018 and 2021, November 2021 or December 2021, how many  
24 times you were asked by investigating police or forensic  
25 officers to rework a "DNA insufficient for further  
26 processing"?

27 A. I have some --

28 Q. And I mean prior to conducting your review and  
29 retrospectively, I'm asking the number of times you were  
30 asked by the investigating officers before you commenced  
31 your full review?

32 A. Okay. So although Ewen indicated in his handover to  
33 me that it was appropriate for me to approve them, I quite  
34 quickly shifted that responsibility to my administration  
35 officers. If a request was made, "Just approve it" or just  
36 send the task. It didn't warrant my approval. If they  
37 went to the effort, we'll just do it. So I had no  
38 visibility over than that.

39

40 Q. And you don't know now? You haven't had a look at  
41 that to see how many were requested between --

42 A. Yes, I have. So, recent times I have. I have some  
43 figures on the total number of results.

44

45 Q. No, no. I am talking about requests by officers,  
46 investigators. Them getting the QPRIME, how many requests  
47 has the DNA Management Unit, between June 2018 and December

1 2021, how many requests by investigators is the unit  
2 receiving to have those samples reworked?

3 A. Well, the information I have is the number of examples  
4 that were reworked - well, not reworked but worked, tested.  
5 Having previously received a "DNA insufficient for further  
6 processing" result, I know how many were activated, and I  
7 can tell you how many of those you will profile.

8  
9 Q. We will get to that.

10  
11 THE COMMISSIONER: Q. How many were activated?

12 A. Do you mind read my notes?

13  
14 Q. No, no. Refer to whatever you like, Inspector.

15 A. So in the whole time period that the result was used,  
16 there were 21,000 - well, just approximately - just over  
17 21,000 samples reported as "DNA insufficient" or DIFP. Out  
18 of those, there were 1,410 were further tested. Out of  
19 those, 549 yielded a profile. So in excess of a 30 per  
20 cent success rate. There remains 7,000 samples for a major  
21 crime that haven't been tested. They're still waiting or  
22 shelved.

23  
24 MR JONES: Q. Haven't been requested to be tested or --

25 A. They haven't at this point. We are examining those to  
26 see which ones may yield probative evidence, and if they  
27 might, they will be requested to be tested. The remaining  
28 would be probably for volume crime. There is yet to be an  
29 assessment of what to do with those, because there is a  
30 substantial number, and the testing of those would impact  
31 on the lab - there's only a certain capacity - and on  
32 current major crime. So there needs to be some decisions  
33 internally around what we do with those.

34  
35 THE COMMISSIONER: Q. Now, the 21,000 DIFP results  
36 between those dates, are they volume crime and major crime?

37 A. Correct. It's a mixture. So worst case out of the 14  
38 or 1,410 that were resubmitted, I suspect most were major  
39 crime. So you would be looking at around 7,500 reporting  
40 for major crime.

41  
42 Q. So of the 21,000, you think a third of them might have  
43 been major crime samples?

44 A. Correct.

45  
46 Q. Thanks.

47

1 MR JONES: Q. Can I take it, though, that you are not in  
2 a position to tell the Commissioner how many requests you  
3 received, your unit received, prior to becoming aware of  
4 problems with the Options Paper? That is, between its  
5 inception in 2018 or when you took over in June 2018,  
6 through till about November/December 2018.

7 A. Sorry, I don't have those stats.

8

9 Q. Sorry, December 2021.

10

11 THE COMMISSIONER: Just excuse me, Mr Jones. Just before  
12 you go ahead. Mr Hodge yesterday mentioned questions of  
13 adjournments during the afternoon. Do you and your  
14 colleagues have any view about whether you wanted an  
15 adjournment during the afternoon?

16

17 MR HODGE: I haven't discussed with my colleagues. I am  
18 relaxed about it.

19

20 THE COMMISSIONER: Q. How are you about going ahead,  
21 Inspector? Are you happy to go ahead or would you like a  
22 break?

23 A. No, I'm fine.

24

25 THE COMMISSIONER: We will continue then.

26

27 MR JONES: Q. You have become aware from this Commission  
28 of Inquiry that some frontline police officers did not have  
29 samples in the DIFP category reworked upon receipt of the  
30 results, correct?

31 A. Yes. Yes.

32

33 Q. And you have become aware of some very concerning - a  
34 lack of understanding of what is produced on QPRIME when a  
35 DIFP result is published to them?

36 A. I've become aware the Police didn't tend to request it  
37 to occur.

38

39 Q. Are you able to tell the Commissioner how many  
40 requests were made for reworks of DIFP between 2018 and  
41 2021?

42 A. I don't have that value. All I can tell you is the  
43 total number between 2018 and today - well, not even today.  
44 At the time I prepared my statement. And that was the  
45 1,410. I don't know what proportion were before. I take  
46 it, it was proportional.

47



1 THE COMMISSIONER: Q. That 1,410 doesn't include the  
2 work that you requested to be done? Or does it?

3 A. No, some of it will, Commissioner. It will, yes. So  
4 it is the total number.

5

6 Q. Sorry?

7 A. It was the total number.

8

9 Q. Total, including all the work that you asked to be  
10 done after you decided to embark on that course?

11 A. That's right.

12

13 Q. Yes.

14 A. So from - I want to be conservative and say April, but  
15 it may have been March. I'm going to say April. When I  
16 was alive to this as a real issue, I told my staff, "If you  
17 get that result from Major Crime, just send it back. Send  
18 the task to the lab to test it." And around the same time,  
19 I was lucky enough to have a Detective Sergeant John  
20 Saunders posted in my unit on a rehab program. So I had  
21 tasked him, with the assistance of some other staff from my  
22 area, to have a look at all the sexual offences, all the  
23 unsolved ones, given the disturbingly high rate of success  
24 we had observed for samples taken from rape victims or  
25 sexual assault victims. It was like 66 per cent success  
26 rate if they had asked for the sample to be tested, having  
27 already received a DIFP result.

28

29 THE COMMISSIONER: Q. So you are saying that after you  
30 began your program of requiring work to be done on these --

31 A. Yes.

32

33 Q. -- you then began to send all DIFP results back with a  
34 request to be worked; is that right?

35 A. All of the contemporary ones as they were being  
36 received, correct.

37

38 Q. And of those, the samples that had DIFP results in  
39 sexual assault cases, including rapes --

40 A. Yes.

41

42 Q. -- when you asked for the sample actually to be  
43 processed, having been reported as "insufficient for  
44 further processing" --

45 A. Yes.

46

47 Q. -- you got a 66 per cent success rate, that is usable

1 profile?

2 A. Yes.

3

4 Q. And that wasn't cherry-picking, that was just sending  
5 all of them back; is that right or not?

6 A. Look, the samples taken from rape victims are  
7 generally high yielding.

8

9 Q. I understand that, but you weren't cherry-picking  
10 particular samples and particular cases with cases or were  
11 you?

12 A. I wouldn't describe it as cherry-picking, but the fact  
13 of the nature of the samples taken from rape victims,  
14 because I am not surprised that it is high. But, no,  
15 I don't think it was cherry-picking.

16

17 Q. Right. I understand. Thanks?

18

19 MR JONES: What proportion of the 1,410 that you sent for  
20 reworking --

21

22 THE COMMISSIONER: It wasn't actually reworking, it was  
23 actually working.

24

25 MR JONES: Yes.

26

27 Q. -- working/processing, do you say were requested by  
28 you?

29 A. For the tasks - well, when I say "the task force", my  
30 staff who looked at - the only figures I can tell you, I'm  
31 sorry, would be for the sexual assault reviews. There were  
32 391 submitted by the team from March 2022. So a  
33 proportion - it will be a proportion of the 1,400. It may  
34 not be all of them, because some may have been submitted  
35 after I prepared my statement, I'm afraid, so --

36

37 MR JONES: Q. You understand that --

38

39 THE COMMISSIONER: Mr Jones, this may be quite important.  
40 I wonder whether it is best to leave these numbers until  
41 tomorrow and to give Inspector Neville a chance to get  
42 whatever numbers you think you ought to get and lead them  
43 tomorrow, while you move on with something else?

44

45 MR JONES: Q. Could [WIT.0020.0001.0001\_R at 0116] be  
46 brought back up, please. Can we zoom into the second dot  
47 point, please. Now, Senior Sergeant --

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THE COMMISSIONER: Did you want to redact some of the numbers there?

MR JONES: I just want the black text, if you want to get rid of the blue text.

Q. It reads:

*FSS are currently trialling a process where reworks are only being conducted (Below 10% chance of success) when requested by Inspector DNA.*

The process was not being trialled; it had been implemented by the time you took over, correct?

A. I haven't heard it being described as a trial. That's the first time I've seen this.

Q. And what did you understand as a "below 10% chance of success"?

A. I indicated before, as I said before, I don't recall reading this paragraph in June 2018. In fact, my only recollection of reading it is after Ewen had sent me the email again in --

Q. 2021.

A. -- 2022.

Q. You read the Options Paper in due course, as you've describe, because it was relevant to your job?

A. That's right.

Q. But as far as that part of the handover note was concerned, well, you read it at the time but you didn't see any significance so you didn't concentrate on the precise language. Is that how I should understand it?

A. Exactly. It was a long brief and lots of issues.

Q. Yes.

A. And personnel.

Q. I understand?

A. And history and things like that. I read it, and, "Okay, I'll learn about it later." And I later read the Options Paper, but I'll be honest with you, by the time I read the Options Paper I didn't recollect what was in this.

1 So I didn't draw the nexus between the two.

2

3 MR JONES: Q. You can't recall what your understanding  
4 of "Below 10% chance of success" was a reference to?

5 A. No. I now believe the success rate is way higher than  
6 10 per cent. I think it is close to 30 per cent. But up  
7 until December --

8

9 THE COMMISSIONER: Excuse me, inspector. I think we have  
10 exhausted this, Mr Jones.

11

12 MR JONES: I was just going to let him finish his answer,  
13 but could [WIT.0020.0002.0001] be brought up, please.

14

15 MR HICKEY: Commissioner, before my learned friend moves  
16 on to the next question, could I just ask the inspector to  
17 keep his voice up a little? It's a difficult --

18

19 THE COMMISSIONER: Are you having a hard time hearing him?

20

21 MR HICKEY: Yes.

22

23 THE COMMISSIONER: Q. If you wouldn't mind, you have to  
24 project to the cheap seats, inspector.

25 A. I apologise.

26

27 Q. No, that's all right. You just speak up. And, in  
28 fact, I am having a little trouble hearing you.

29 A. I didn't know. I'm sorry. My apologies.

30

31 Q. No, that's all right. Do your best.

32

33 MR JONES: Q. Do you recognise that document?

34 A. Yes, I certainly do.

35

36 Q. All right. Mr Woolridge, could we have  
37 [WIT.0020.0002.0001\_R at 0436], please. What is that  
38 document, I should say?

39 A. That's the Options Paper.

40

41 Q. Can you zoom in to the definition of "Success",  
42 please. Success was defined in section 2 of the Options  
43 Paper as:

44

45 *In this report, this is DNA profile*  
46 *information that was obtained that was*  
47 *suitable for comparing to reference DNA*

1           *profiles and other casework samples. This*  
2           *word was used to filter the data into two*  
3           *possible outcomes (fail/success).*  
4

5           What did you understand that to mean? What did you  
6           understand?

7           A. I can't recall exactly what I understood about any of  
8           it, but what I can tell you is that having read it, the  
9           entire paper - because it is a difficult read. It's - I'll  
10          be honest with you, and maybe this is my intellect, but I  
11          didn't completely understand it. The thing I did  
12          understand was there was a statistic of 1.45 per cent and a  
13          statistic of 1.86 per cent. I was confused about those two  
14          statistics. I didn't know which one was which, but they  
15          were both below 2 per cent, and so up until 2021 - December  
16          2021 - my belief was a success rate was below 2 per cent.  
17          And there's numerous correspondence you will see between  
18          myself and Cathie Allen where that is reinforced back to  
19          me, that the success rate is very low. And I say, "Is it  
20          2 per cent?", and, "yes". And it wasn't until I became  
21          really alive to this - so even in 2018 and November 2018  
22          when I - there was some concern about some examples, three  
23          out of four.

24  
25          Q. We will get to that. But at the moment, you've said  
26          that the paper, as in from front-to-finish, it was complex  
27          and you didn't understand it? Right?

28          A. I didn't understand it all, no.

29  
30          Q. But "Success", this is DNA profile information that  
31          was obtained, that was suitable for comparing to reference  
32          DNA profiles. You know what reference DNA profiles are?

33          A. Look, I understand it now entirely with the benefit of  
34          hindsight. Yes.

35  
36          Q. You accept that, don't you, that is not science,  
37          science-y language? It is difficult language?

38  
39          THE COMMISSIONER: But, Mr Jones, why are we asking  
40          Inspector Neville what he understands by the definition or  
41          by the Options Paper?

42  
43          MR JONES: Because in the Options Paper "Success", at the  
44          time it was presented, produced a result of 10.6 per  
45          cent --

46  
47          THE COMMISSIONER: Yes.

1  
2 MR JONES: -- of samples that were particularly probative  
3 to policing.

4  
5 THE COMMISSIONER: Yes

6  
7 MR JONES: He took over in June 2018. He says in his  
8 statement that he read the report in August 2018.

9  
10 THE COMMISSIONER: Yes.

11  
12 MR JONES: He misunderstood it, and that might be his  
13 explanation for not putting a stop to it. But there was an  
14 opportunity there to appreciate 10.6 per cent of samples  
15 were rendering profiles, in plain English.

16  
17 THE COMMISSIONER: Yes.

18  
19 MR JONES: I was going to give him an opportunity to  
20 comment on those. I will move on.

21  
22 THE COMMISSIONER: Yes.

23  
24 MR JONES: Q. I want to ask you some questions about  
25 your relationship with Ms Allen. Cathie Allen is your  
26 contact point within FSS?

27 A. Yes. So I'm the key point of contact for QPS in  
28 relation to DNA testing, and she's my counterpart at the  
29 lab, yes. Is that loud enough?

30  
31 THE COMMISSIONER: Can you hear now?

32  
33 MR HICKEY: Honestly, it isn't. But if that is the best  
34 you can do, Mr Neville.

35  
36 THE COMMISSIONER: I don't think this is - does this  
37 actually broadcast? It does. I see. Well, if you - let's  
38 just have a seat and I wonder if perhaps one of you might -  
39 I know this isn't your department, but perhaps you might  
40 see what you can do with the microphone to assist.

41  
42 THE WITNESS: I will just lean in. Is that better?

43  
44 MR HICKEY: Now yours is (indistinct) for some reason.

45  
46 THE WITNESS: Sorry?

47

1 MR HUNTER: I am not sure the inspector's microphone is  
2 actually working.

3  
4 THE WITNESS: No, it is. It is my monotone voice that  
5 won't pick up.

6  
7 THE COMMISSIONER: Q. Now, can you lift that microphone  
8 at all or is it attached to the bench?

9 A. No. And the seat is fixed.

10  
11 Q. The seat doesn't go down?

12 A. No. It's fixed.

13  
14 Q. Do your best. Lean forward and do your best, and we  
15 will see if we can improve things tomorrow.

16 A. Okay. Thank you, Commissioner.

17  
18 MR JONES: Q. You have been interacting with Ms Allen  
19 for a long time, haven't you?

20 A. Yes. For - yes. More than 10 years.

21  
22 Q. Back to 2008?

23 A. Oh, at least. Yes, yes.

24  
25 Q. Did you both receive an award for an initiative that  
26 you implemented together in 2008?

27 A. We did. So we collaborated, with others, between the  
28 two departments on a project. And that was recognised by  
29 the Institute of Public Administration Australia, and we  
30 won a Prime Minister's award for that.

31  
32 Q. Was that to do with the implementation of the  
33 sub-sampling robot ready?

34 A. Yes, it was.

35  
36 Q. We have heard about that. In 2008, police started  
37 sub-sampling and producing the majority of almost all of  
38 their samples robot ready?

39 A. Correct, which is something that was replicated in  
40 other states afterwards, so --

41 Q. And the only real items now that make their way to the  
42 lab are chewing gum, tampons, condoms and cigarette butts?

43 A. Yes. Most things are reduced to a tube.

44  
45 Q. And as a consequence of that initiative, did that  
46 bring back logs and turnaround times down?

47 A. It virtually - well, there were two things that

1 occurred at once that had a massive impact. As a result of  
2 that and, basically, the backlog for volume crime was  
3 quarantined and later on discarded. But turnaround times  
4 immediately went to about 10 days as a matter of routine.  
5 And that was in place until - oh, we saw that turnaround  
6 time up until about 2012.

7  
8 Q. Was your relationship then in 2008 a good relationship  
9 with Ms Allen?

10 A. Yeah, it was quite affable.

11  
12 Q. And effective in terms of communication resolving  
13 issues between QPS and the lab?

14 A. We didn't have daily contact - well, not daily, but -  
15 regular contact as regular contact as I would in the role  
16 as I am. But, yeah, I think the relationship was fine.

17  
18 Q. Did that relationship break down somewhat in 2012?

19 A. A few incidents occurred that made me feel  
20 uncomfortable. So in 2012, I had been acting - sorry.

21  
22 Q. Just before you go on, sorry. Could  
23 [WIT.0020.0002.0001\_R at 0343] be brought up, please. Were  
24 you go on to talk about a telephone call with Ms Allen?

25 A. I was. I was.

26  
27 Q. Did you take some notes of that telephone call?

28 A. I did. So this was in February 2012. I had been  
29 acting as the superintendent in charge of Forensic Services  
30 Group at that point and Cathie had rung me with some  
31 concerns about another officer submitting, at a late time,  
32 34 samples for a case that was going to be presented in  
33 court the following month, and there was concern that that  
34 might end up in some negative publicity if Health didn't  
35 meet the deadline.

36  
37 Q. If you turn over to page 344, please, and zoom in at  
38 the bottom half of the note, please, halfway down. Thank  
39 you. Go on.

40 A. So I - given that the officer was, I said something  
41 along the lines of, "Are you surprised by that?", meaning  
42 that the officer might have done that before, Cathie became  
43 quite aggressive or terse and said to me, "You can either  
44 be my friend or my foe. And once you are my foe, there is  
45 no coming back." So I said to her, "Look."

46  
47 Q. Turn over to the next page?



1 A. Yes, sorry. "We have no choice but to be friends on  
2 this; we're both on the same team." She said, "No, we  
3 don't. We are in different government departments, and  
4 other government departments don't get along and still get  
5 the work done." I said - sorry, I said then, "We are on the  
6 same page, please settle down", or, "settle down." Cathie  
7 said to me, "I don't need the QPS to tell me what strategic  
8 direction we are to take. I know more about this than most  
9 of the RFSCs. I don't care about this blip on the radar at  
10 the moment. What I don't want is for this blame" - sorry -  
11 "for the blame for QPS submitting samples at the last  
12 minute." I told her that we would accept the blame, QPS  
13 would accept the blame if there was any adverse comment,  
14 and that I would speak to the officer and I would get back  
15 to her, and the call ended. So --

16  
17 Q. The document can be taken down. When was that diary  
18 note made?

19 A. Immediately. It made me feel very uncomfortable.  
20 I'll be honest with you. It was the first time I had that  
21 type of confrontation with someone from another government  
22 department who I thought you should be professional with.  
23 So I diarised it immediately.

24  
25 THE COMMISSIONER: Q. She said she knows more about  
26 something than RFSCs. What is that?

27 A. Look, I'm not really sure. This was a long time ago.  
28 I think there was some commentary in the media or  
29 potentially some adverse comments from courts around delays  
30 at the time, and she was sensitive around that.

31  
32 Q. I see. Thanks.

33 A. Yeah.

34  
35 MR JONES: Q. Did you choose to become her friend or her  
36 foe?

37  
38 THE COMMISSIONER: I'm not going to - don't answer that.

39  
40 MR JONES: Q. When you started in the job in June 2018,  
41 as the Inspector to the DNA Management Unit, did you  
42 organise another meeting with Ms Allen?

43 A. I did. We met for coffee out at the campus at Nathan  
44 at the Queensland Health Campus and, look, it was a  
45 pleasant conversation. I didn't keep notes of it, but I  
46 have a distinct memory that I was told, basically, not to  
47 interfere with any of the operations or try to influence

1 the operations out there, and I remember that she also told  
2 me that she could deal with anyone after having to deal  
3 with my predecessor for a couple of years. Not  
4 Ewen Taylor, the previous substantive inspector.

5  
6 Q. During that meeting did you also raise an issue with  
7 turnaround times?

8 A. No, I don't think so.

9  
10 Q. Look at your statement at about 122 if you need to  
11 remind yourself, paragraph 122 [WIT.0020.0001.0001\_R at  
12 0024]?

13 A. No, no. That was subsequent to that meeting. So  
14 there were other conversations and meetings. I became  
15 concerned, because when I took up the role, the turnaround  
16 times were about 10 weeks. And that's certainly above my  
17 comfort level, because it gives offenders the opportunity  
18 to reoffend and victimise. So I wanted to get a handle on  
19 what the actual capacity of the lab was because, as I said,  
20 it's a bucket, and I wanted to meter or moderate the number  
21 of samples that we give the laboratory so that we got a  
22 turnaround time that was timely. And so, I was trying to  
23 get a handle on what is that capacity. And I appreciate  
24 it's probably a different - a difficult, I should say -  
25 question to answer because not every sample is the same,  
26 but I didn't get an answer. And it was raised at a  
27 meeting, too, but I can't remember the actual date, and she  
28 declined to answer that. There was some - during that  
29 meeting, from recollection, there was an acting ED Craig --

30  
31 Q. Russell?

32 A. Craig Russell - thank you - was there. I had asked  
33 for some information during the meeting. You know, "Can  
34 you please tell us what your capacity is so that I can take  
35 steps to meter what we give you?" Cathie wasn't keen on  
36 answering. But Craig indicated, "We will give that advice  
37 in due course," but I never received that advice.

38  
39 Q. Did you raise these issues with Ms Allen in emails?

40 A. I believe I did, but they weren't - either she  
41 responded and didn't answer the question.

42  
43 Q. Then in October 2018, did you raise another issue in  
44 terms of the retraction of results?

45 A. Yes. We had an issue where results were being issued,  
46 or initial link was being reported with a likelihood ratio  
47 of 100 billion, and these were three person mixture results

1 usually. And when police would ask for a statement, the  
2 result would be retracted. So it would go basically from  
3 a, you know, a match to, "Sorry, we can't say that any  
4 more", which caused us some difficulties, especially when  
5 people had been charged.  
6

7 So we were trying to resolve that issue. And there  
8 was a process, a temporary process, put in place where  
9 Justin Howes, when we received one of those results, would  
10 confirm that it was suitable to be put in a Court Report  
11 and - sorry, but it wasn't, like, a definitive. It says  
12 "unlikely to change". And I said I needed something more  
13 definitive so I can tell investigators so they could act on  
14 this.  
15

16 I emailed Cathie a number of times: on 17 October,  
17 23 October --  
18

19 THE COMMISSIONER: Q. What year, Inspector?

20 A. 2018. Sorry. 17 October, 23 October, 29 October,  
21 30 October. And the reason for that was I was withholding  
22 results that identified offenders, and I didn't want to  
23 release them because I was worried that they might be  
24 withdrawn if they were acted upon. And now we've got  
25 people identified, free to reoffend, and I wanted some  
26 confirmation that there would be some certainty around  
27 these results.  
28

29 MR JONES: Q. Did Ms Allen respond to your emails after  
30 30 October? The following email you sent?

31 A. She responded finally on the 30th and told me that  
32 this process where Justin would send a task, or something  
33 that - you know, saying it's unlikely to change - would be  
34 replaced by something else in the lab, some other check  
35 they were doing. But I still wanted confirmation that  
36 these results were not going to change. So I called her  
37 and discussed the matter. And she explained to me what was  
38 going to occur, or that there had been a change in the lab  
39 that obviated the need for Justin to send this task for  
40 every result.  
41

42 At that point I said, "Well, will this be to a court  
43 standard?" And she said, "yes". And I said, "Well, can  
44 you please put that in an email to me so that I've got firm  
45 advice to that effect?" She became terse then and I  
46 remember words to the effect that I was creating this - the  
47 urgency for my own purpose, and she said that she was going

1 to speak to her manager, Craig Russell, about it, who was  
2 fully across her approach to dealing with me, and virtually  
3 abruptly ended the phone call, like she was going to make a  
4 complaint about me, and that was it. So I said, "Goodbye",  
5 and she said, "Goodbye", and I - I was concerned. I  
6 thought, "Okay, that's concerning", so I sent an email to  
7 Superintendent McNabb not of the entire conversation, just  
8 a precis of what occurred, in case Craig Russell, who was  
9 the ED, acting ED, was to contact him to relay the  
10 complaint.

11

12 Q. Did you make a decision then that you would only  
13 communicate with Ms Allen in a certain format?

14 A. I found the conversations on the telephone very  
15 unpleasant. Unnecessary. Unnecessarily unpleasant. And I  
16 thought, "I'm just going to deal with them via email from  
17 now on."

18

19 Q. You discovered a problem in November 2018 when some  
20 results were brought to your attention?

21 A. Yes.

22

23 Q. Could [WIT.0020.0002.0001\_R at 0411] be brought up and  
24 redacted?

25

26 THE COMMISSIONER: Is that exhibited to?

27

28 MR JONES: Exhibit 61, Commissioner.

29

30 THE COMMISSIONER: 61?

31

32 MR JONES: 61.

33

34 THE COMMISSIONER: Yes.

35

36 MR JONES: Q. This is an email from Olivia McIntyre?

37 A. Yes.

38

39 Q. Who is Olivia McIntyre?

40 A. She is an administrative officer, a senior  
41 administrative officer, who works in the DNA Management  
42 section for me.

43

44 Q. What is her role?

45 A. She works across two areas, so results management, so  
46 assisting with the processing results as they come from  
47 Queensland Health. But also she does a lot of work with

1 the Forensic Coordinators and Forensic Managers and  
2 assisting them to understand the forensic results and  
3 preparing spreadsheets and things like that for them.  
4

5 Q. She sent this email to you on 14 November 2018 at 11.  
6 22.

7 A. Yes.  
8

9 Q. Ms McIntyre raises with you an issue in relation to a  
10 P1 case?

11 A. Yes.  
12

13 Q. Without identifying the case, are you able to tell us  
14 what type of offence it was?

15 A. It was a murder.  
16

17 Q. And we know from your earlier evidence that P1s are  
18 the most urgent of samples?

19 A. Correct.  
20

21 Q. Can I ask you this: did you ever understand the  
22 Options Paper to apply to P1 samples? That is, the  
23 discontinuation of?

24 A. Yes. My understanding was that the QPS agreed that  
25 the P1 samples would still be auto-micro-concentrated and  
26 processed. And in this matter, it is an unsolved murder,  
27 P1, and results are coming back as "DNA insufficient for  
28 further processing". So we shouldn't have got those  
29 results to for that category of exhibit. It should have  
30 been concentrated and profiled.  
31

32 Q. Did that cause you some alarm?

33 A. Well, there were two alarms there. One is that  
34 they're not testing the samples in the P1 category and,  
35 two, the DIFP results when we submitted them for further  
36 testing, there was four of them. Three of them came back  
37 with a profile. Admittedly, to the deceased, so it didn't  
38 assist the investigation, but it was alarming that three or  
39 75 per cent out of the small number of samples actually  
40 yielded a result.  
41

42 Q. Ms McIntyre signs off with a recommendation to  
43 ascertain if this is a one-off scenario or not?

44 A. Yes.  
45

46 Q. Did you then email Ms Allen on 14 November 2018 to  
47 discover whether it was a one-off scenario or not?

1 A. Yes, I did.

2

3 Q. Could [WIT.0020.0002.0001\_R at 0430] be brought up.  
4 And this is exhibit 62, Commissioner.

5

6 THE COMMISSIONER: Thank you.

7

8 MR JONES: Q. Page 0430. Could we zoom in into the  
9 email of 14 November, please. Thank you. What did you  
10 raise with Ms Allen in that email of 14 November 2018 at  
11 2:47 pm, Inspector?

12 A. So I advised that on initial testing four samples - so  
13 there were 15 samples submitted as P1. Four samples were  
14 reported as having "insufficient DNA present for further  
15 testing." Upon receipt of that result, my staff requested  
16 additional testing. And each of those samples yielded a  
17 result as follows, so that - well, three out of the four  
18 gave a profile matched to, I believe, to the deceased, I  
19 believe. Two of them with 100 billion likelihood ratio and  
20 the other assumed contributor, and the fourth one they  
21 didn't, it became - gave a result of "Unsuitable for  
22 interpretation or comparison". But, essentially, three out  
23 of the four gave a profile. I asked:

24

25 *Could you confirm if the profiles for the*  
26 *four samples listed above were obtained*  
27 *after micro-concentration was performed,*  
28 *please. Could you also confirm if the*  
29 *microcon step has been removed from the*  
30 *workflow as a matter of routine for P1*  
31 *samples. My understanding as per the below*  
32 *was that this was only to occur for P2. If*  
33 *this process has been removed from the P1*  
34 *workflow, could it please be reintroduced*  
35 *as it will stop delays in obtaining results*  
36 *that are considered urgent, please.*

37

38 Q. All right. And if we turn over to 0431 --

39

40 THE COMMISSIONER: Q. But the point here is the most  
41 urgent category of case are major crime in the Priority 1  
42 category where you want a fast turnaround time, and you  
43 learned that if the quants were within the range that we're  
44 talking about --

45

46

47

Q. -- samples in such cases were not being further

1 tested?

2 A. They were being shelved. And these were urgent  
3 matters. We didn't have time to shelf and then ask an  
4 investigator to reactivate the sample.

5

6 Q. Yes.

7 A. So --

8

9 Q. So the next - so in this email you asked for, "Has  
10 this been happening?", and, "Change it back." "Is this  
11 unique or is it happening? And if it is happening, stop it  
12 happening." Is that the substance of it?

13 A. Yes.

14

15 THE COMMISSIONER: Thanks. Yes, go on, Mr Jones.

16

17 MR JONES: Q. "As per the below", your reference to,  
18 "My understanding as per the below", is a reference to what  
19 is being screenshotted, which is an email from  
20 Superintendent Dale Frieberg, in effect, accepting the  
21 Options Paper in February 2018?

22 A. Yes.

23

24 Q. And you have highlighted:

25

26 *Option 2. "Cease the 'auto-microcon'*  
27 *process for Priority 2 casework..."*

28

29 A. Yes.

30

31 Q. Underneath that, there is some text, beginning:

32

33 *The removal ...*

34

35 A. Yes.

36

37 Q. And that is a continuation of your email?

38 A. Yes.

39

40 Q. What do you continue to say?

41 A. So I said:

42

43 *The removal of the microcon step in the*  
44 *process was agreed ... on 2 February 2018*  
45 *by Supt Frieberg based on the advice*  
46 *included in the attached paper. This paper*  
47 *estimates that there would be less than a*

1           2% reduction in the number of useable  
2           results if the step was eliminated.

3  
4           Based on the fact that 3 out of 4 samples  
5           for this case yielded a result when testing  
6           was continued, anecdotally it would seem  
7           that we may be missing out on more than 2%  
8           of results.

9  
10          Since eliminating this step, has your  
11          laboratory undertaken any statistical  
12          analysis to determine if there has been a  
13          drop in the proportion of samples that give  
14          a usable profile, please.

15  
16          There are other serious matters including  
17          homicides where testing has stopped once  
18          advice was received that there is  
19          insufficient DNA for further testing.  
20          Based on the results of this case (75%  
21          success rate for the ones received back so  
22          far), would you recommend that these cases  
23          be re-examined please.

24  
25          Q.    And then --

26  
27          THE COMMISSIONER:   Q.    That email, the content of that  
28          email that you have just read, suggests that at that point  
29          in late 2018, you were under the impression that this  
30          process had been adopted because samples with quants within  
31          the range only gave rise to 2 per cent of usable or  
32          profitable results?

33          A.    Well, less than 2 per cent.

34  
35          Q.    Less than 2 per cent.   Yes.

36          A.    Yes.

37  
38          Q.    All right.   I understand.   Go ahead, Mr Jones.

39  
40          MR JONES:   Q.    Turn to [WIT.0020.0002.0001\_R at 0429].  
41          This is a response to your email from Ms Allen on  
42          15 November 2018?

43          A.    Yes.   I had commenced leave on that day.   And I had  
44          travelled to Mexico, actually, but had checked emails when  
45          I got there and I saw this.   And I had asked Cathie to  
46          response to Bruce and to Gerard Simpfendorfer.   So Bruce  
47          McNab, I'm sorry, the Superintendent, and to Bruce



1       Simpfendorfer, who was relieving in my role, so they could  
2       appropriately deal with it. But this is the response. It  
3       is titled to Gerard and to Bruce for that reason. Can it  
4       be blown up, please. Thanks.

5

6       Q.    There is confirmation in that first paragraph that the  
7       microcon process has been applied to the below four  
8       samples?

9       A.    Yes.

10

11      Q.    Which is one of your questions?

12      A.    Yes.

13

14      Q.    "Have these samples" that is, P1s, "been  
15      micro-concentrated?" And then under it is a request, and  
16      it identifies the requests. So they were originally DIFP  
17      and then requested to be micro-concentrated?

18      A.    Yes.

19

20      Q.    Were you asking whether they had been  
21      micro-concentrated after the request or, in your email,  
22      were you asking whether they had been micro-concentrated  
23      before the result had been --

24      A.    No, I knew - sorry. At that point, I knew that they  
25      hadn't been micro-concentrated when the DIFP result was  
26      received. So it might have been a redundant question.  
27      But, yes, it was confirmed that they were  
28      micro-concentrated and that's how they got the result. I  
29      guess my query was: was micro-concentration involved?  
30      Because I had seen a 75 per cent success rate. The Options  
31      Paper had said that micro-concentration was only at 2 per  
32      cent. Well, it didn't, but at that point I believed it  
33      was. But that's a mistake or whatever, and was my  
34      operating belief at the time was 2 per cent.

35

36      Q.    And then Ms Allen goes on to identify the meeting that  
37      she had on 1 February 2018 with Paul Csoban, who was the  
38      previous Executive Director of FSS?

39      A.    Yes.

40

41      Q.    And your superintendent and your former  
42      superintendent, Dale Frieberg?

43      A.    Yes.

44

45      Q.    Where they discuss the Options Paper and Option 2 was  
46      agreed?

47      A.    Yes.

1  
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Q. And then Ms Allen informs you that during the discussion, the second part of Option 2, section A, was discussed, which related to Priority 1 samples, and the superintendent indicated that Priority 1 samples - that is a reference to Superintendent Dale Frieberg - indicated that Priority 1 samples should be processed the same as major crime and volume crime examples.

A. Yes.

Q. In all, whether it be a handover or discussions that you had had when you took over the role, had it ever been suggested to you that Priority 1 samples had been agreed?

A. No.

Q. Thank you. Then Ms Allen says:

*The QPS or a forensic DNA Analysis staff member can request a Microcon process for a sample at any time.*

A. Yes.

Q. At the time of receiving this email, what was your understanding of what the Analytical team, the FSS scientists, were seeing when they received a sample to extract DNA from?

A. Well, from the inception of the whole process of us putting samples into tubes, the agreement was that we would upload, as I said, the image of the stain to show the physical stain or its background, plus the presumptive testing results, to the exhibits screen which was visible to the scientist. In fact, before 2017, Queensland Health was using Auslab as their information management system and they couldn't view the images on that because it didn't transfer that. So we provided QPS terminals at the laboratory so they could view those images and that information on the Forensic Register. Is that what you are asking? Okay.

So my thoughts - and in fact, in procedure, I, much to the dismay of many forensic officers, because it was extra effort to save these images to the exhibit screen - because it is much easier to bulk them all, put them all in the examination summary, but they had to transfer them to the individual exhibits. I made that the procedure they had to do that for that very purpose when I was the Quality

1 Manager.

2

3 Q. At the time of receiving this email, what did you  
4 understand the scientists who were extracting the DNA - I  
5 will rephrase that question. At the time of this email,  
6 did you understand that the scientists who were extracting  
7 the DNA were in a position to recommend samples to be  
8 micro-concentrated?

9 A. Yes. Yes.

10

11 THE COMMISSIONER: Q. So the story so far, Inspector, is  
12 if we go to the page of your email to Ms Allen in which you  
13 quote the February 18 email from Superintendent Frieberg  
14 agreeing to this new protocol --

15 A. Yes.

16

17 Q. -- having got the results which surprised you and  
18 having learned that Priority 1 samples weren't being  
19 processed fully, you reminded Ms Allen that the arrangement  
20 was, as you understood it, as Superintendent Frieberg put  
21 it in her email of 2 February 2018, which she put in this  
22 way, relevantly:

23

24 *As discussed, I am in agreement that:*

25

26 ...

27

28 *- Option 2. "Cease the 'auto-microcon'*  
29 *process for Priority 2 casework...." Would*  
30 *appear to be a good idea.*

31

32 Yes?

33 A. Yes.

34

35 Q. And what you were told by Ms Allen by way of reply to  
36 your email in November 2018 was that during the discussion,  
37 it was agreed that Priority 1 samples should be treated in  
38 the same way as, indeed, volume crime?

39 A. Yes.

40

41 Q. In that respect?

42 A. Yes.

43

44 Q. So on the one hand you have an email, "As discussed, I  
45 am in agreement that Option 2 should apply to Priority 2  
46 case work." And on the other hand, you have Ms Allen's  
47 email saying, "During discussion, it was agreed that

1 Priority 1 samples would be treated in the same way."  
2 That's the position that was reached on 15 November 2018?  
3 A. I'm sorry, Commissioner. I got a little bit lost.  
4  
5 Q. No, it has been a long day. I am just clarifying that  
6 at that point as you understood it, Superintendent Frieberg  
7 had confirmed in February of that year that during the  
8 discussion at the meeting that they had to discuss  
9 Option 2 --  
10 A. Yes.  
11  
12 Q. -- it was agreed that the new process would apply to  
13 Priority 2 cases?  
14 A. Correct, and P2 and P3 --  
15  
16 Q. Yes.  
17 A. -- and P1 would be automatically micro-concentrated.  
18  
19 Q. Yes. Well, it wasn't mentioned, so nothing changed?  
20 A. Yes.  
21  
22 Q. But here you are being told during that discussion P1  
23 cases would also not be tested?  
24 A. That's right. That was the first time that - that's  
25 why my staff, I think, brought it to my attention.  
26  
27 Q. Sorry?  
28 A. That's the primary reason it was brought to my  
29 attention.  
30  
31 MR JONES: Q. That is in email from Ms McIntyre, but it  
32 is not the DIFP that they are bringing to your attention as  
33 in, "We have success on DIFP". It is, "Hang on, we've got  
34 DIFP on P1s and we've got success"?  
35 A. Yes, there's both.  
36  
37 Q. Mr Woolridge, would be zoom in on the  
38 paragraph starting "automatic progression", please. And  
39 Inspector, would you plead the first sentence of that  
40 paragraph out loud?  
41 A.  
42 *Automatic progression of samples through*  
43 *the Microcon process means that all*  
44 *available DNA extract will be consumed, so*  
45 *no further testing can be conducted on*  
46 *these samples after this step.*  
47

1 Q. And then the next sentence?

2 A.

3 *This means that if a sample could yield a*  
4 *profile by specific Y chromosome testing*  
5 *for example, there would be no extract*  
6 *available for that testing to be conducted.*

7

8 Q. What did you understand Ms Allen to be telling you  
9 there?

10 A. It was fairly categorical that if we had implemented  
11 auto-microcon process again, the downside is, well, for a  
12 very low success rate, you're going to exhaust the sample.  
13 And if there was any future testing, you've just lost that.  
14 So it was quite an unequivocal warning of the danger of  
15 re-implementing or going back to an auto-microcon process.

16

17 Q. I asked a question a little earlier and it wasn't  
18 particularly articulate, but at this time, in 2018, you  
19 understood that prior to getting a DIFP result back, the  
20 scientists were looking at photos and information about the  
21 case?

22 A. Yes. I assumed that, yes.

23

24 Q. Because they had, in the Options Paper and the  
25 discussions, they had the option to have things properly  
26 worked through?

27 A. Yes.

28

29 Q. Right. Can you read the remainder of that paragraph,  
30 please.

31 A.

32

33 *It also means that samples that are*  
34 *eligible to be pooled together, as they are*  
35 *from the same item or area, are not able to*  
36 *be as there is no DNA extract left to*  
37 *undertake pooling.*

38

39

40 Q. And then the next sentence?

41 A.

42

43 *Scientists or Forensic officers reviewing*  
44 *results in the context of a case are able*  
45 *to request a Microcon process for a sample*  
46 *or samples.*

47

1 Q. Which scientists did you understand her to be  
2 referring to there?

3 A. That would be the Health scientists.  
4

5 Q. And in terms of the process, prior to you getting a  
6 DIFP result, having reviewed the case?

7 A. Yes. Yes.  
8

9 Q. The next paragraph, please:  
10

11 *As the decision on the automatic Microcon*  
12 *process was made last financial year, the*  
13 *budget for this financial year has been*  
14 *adjusted for that consumable, so this will*  
15 *increase the cost.*  
16

17 What did you understand Ms Allen to be telling you there?

18 A. If you wanted to do this, they'll charge us more.  
19

20 Q. And the next paragraph:  
21

22 *If the QPS wishes for P1 samples to*  
23 *automatically be processed through the*  
24 *Microcon process, which leaves no available*  
25 *extract for other testing, this process can*  
26 *be re-introduced. Please confirm if the*  
27 *QPS requires the re-introduction of this*  
28 *step.*  
29

30 Now, that was confirmed at some later stage by the police?

31 A. In my absence, I understand, yes.  
32

33 Q. And it is this email that triggers the change to  
34 QPRIME to include the expanded definition or wording that  
35 we saw earlier on?

36 A. That's right. It was expanded to give more  
37 information to investigators so they understood what the  
38 lab could do to tweak the sample, I guess, to get a result.  
39 And some of that was micro-concentration, or it might have  
40 been pooling of samples and other options, so --  
41

42 THE COMMISSIONER: Q. Well, you have called it microcon,  
43 the microcon process, because that's what people called it.  
44 But actually, it was the difference between testing the  
45 sample and not testing the sample?

46 A. Essentially, yes. So they just stopped before the  
47 micro-concentration stage.

1  
2 THE COMMISSIONER: Mr Jones, are you moving on to a  
3 substantive new area or - I mean, you are in the same area  
4 of course.

5  
6 MR JONES: I am happy to stop now. There are more  
7 questions on that, but --

8  
9 THE COMMISSIONER: Well, if you are going to finish in  
10 10 minutes, go ahead.

11  
12 MR JONES: I will just finish this email.

13  
14 THE COMMISSIONER: Yes, certainly.

15  
16 MR JONES: Q. Then Ms Allen says:

17  
18 *The Options Paper reviewed 1449 ... Major*  
19 *crime [cases] that had been progressed*  
20 *through the Microcon process over a one*  
21 *year period, as this was considered to be*  
22 *sufficient sample numbers to demonstrate a*  
23 *clear trend.*

24  
25 What trend did you understand her to be --

26 A. Well, I had asked about the 2 per cent success rate.  
27 That was operating in my mind. That reinforced to me -  
28 that was - I wasn't corrected - that they had --

29 Q. Sorry, by that you mean Ms Allen didn't say, "No, no,  
30 2 per cent is a not profile. It is a database upload that  
31 no other sample from the same case has been uploaded to"?

32 A. And there was no, "Sorry, David, it is actually 10 per  
33 cent". You know, so it reinforced in my mind that the  
34 success rate is low. And I think that is mentioned  
35 somewhere else, too, in the email. But, anyway.

36  
37 Q. Maybe over the page.

38 A. Yeah.

39  
40 Q. And then in the next paragraph she says she is unable  
41 to search the Forensic Register to give you some  
42 information that you have sought?

43 A. Yes. Yes.

44  
45 Q. About usable profile numbers?

46 A. Yes.

47

1 Q. And has invited you to collect the data, correct?

2 A. Correct.

3

4 Q. And provide it to the lab?

5 A. Which is probably unusual, but yes.

6

7 Q. And then over the page at [WIT.0020.0002.0001\_R at  
8 0430], Ms Allen confirms that it is no longer - that is,  
9 the Microcon process - applying to P1 or P2 examples from  
10 12 February 2018?

11 A. Yes.

12

13 Q. And in the next paragraph reaffirms that if you were  
14 to go back to that, you would require resources and would  
15 reduce the number of results that are reviewed by the lab  
16 until this analysis was completed. You understand that to  
17 be a reference to: there would be an increase in turnaround  
18 times and backlogs?

19 A. Yes.

20

21 Q. And you wouldn't get the samples that you wanted in  
22 the timeframes that you wanted them?

23 A. Yes.

24

25 Q. Can you take some reassurance from this email that  
26 Ms Allen was telling you that scientists were looking at  
27 samples?

28 A. Absolutely. So in the last or second-last paragraph,  
29 it is said:

30

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

38

39 Q. Were you concerned about making a decision that would  
40 increase budget/turnaround times because of the email?

41 A. Budgetary was minor. Turnaround times was minor. I  
42 took comfort --

43

44 Q. What about the consumption of full samples?

45 A. Absolutely. It was a - I thought it's not a wise  
46 decision to automatically concentrate everything, so -  
47 based on those warnings. Especially when you are operating



1 on the assumption that it has a very low success rate. Why  
2 would you risk exhausting the sample with a test that has a  
3 very low success rate when perhaps in the future an  
4 alternative service provider might be able to examine it  
5 and provide a result?  
6

7 That was a warning, I think, but I drew a lot of  
8 comfort from the - that, the discussion about the  
9 scientists actually looking at the data for every sample,  
10 I'm assuming, and making a decision in the context of the  
11 case: "Should we Microcon or not?" You know, so they have  
12 information at their disposal to make a - you know, form a  
13 conclusion on whether that would be likely or not. And so,  
14 realistically, you know, it's - to me, all of those things  
15 satisfied me that the risk had been mitigated or resolved,  
16 and so I left it at that point, based on that advice.  
17

18 THE COMMISSIONER: Q. And so, since in the time that has  
19 passed, what is your understanding about your then beliefs  
20 that you have just described?

21 A. I think the success rate is in excess of 30 per cent.  
22 That's what we've seen. It may be a little bit lower, I  
23 don't know, but it's around that. There is a paper that  
24 you will see later that Queensland Health actually  
25 confirmed that they think it is 25 per cent. So the  
26 2 per cent, I don't know how that was derived. I believe  
27 it was inappropriate. I believe it was inappropriate  
28 because it discounts the probative value of evidence that  
29 might come. It is sort of, for instance, you know, it  
30 discounts any new profile in the case. But that might be a  
31 difference between a sample taken from the body and a  
32 cigarette butt, you know, 300 metres up the road, that  
33 really has no probative value, but the sample from the body  
34 has. You know, I've looked at the data, and it's - now,  
35 and in a closer - it's skewed towards the number of samples  
36 at the lower end of the grading that --  
37

38 Q. The data in the Options Paper?

39 A. That's right. So that would have brought down, you  
40 know, the success rate.  
41

42 Q. And do you know whether, testing samples in the normal  
43 way but including micro-concentration, do you know whether  
44 that exhausts the sample or not? To today?

45 A. I don't think so it does. So when you read the  
46 Options Paper now - so now I'm aware - I wish I knew it in  
47 2018 - but the Options Paper says that they

1 micro-concentrate to 35 microlitres.

2

3

4

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Now, I understand there is a small amount used to quantify again, but they only need 15 microlitres of template DNA to run for the analysis and to get a profile. So it leaves 15 microlitres left to run it again. So it's not - I mean, if that's what they were doing - I'm told that was the process back then; that's what the Options Paper says. So that was incorrect advice, quite incorrect. And I have some reservations --

Q. Sorry, what did you say? It is incorrect advice?

A. Incorrect advice. So incorrect to unequivocally say in three different sentences in the same paragraph and then double down again in the next paragraph that you are going to exhaust all the sample if you do this, I think is not right. I think it's quite incorrect; perhaps untrue. Untrue. And that the samples are all being reviewed by scientists and if in the context of the case they may add value and be tested, well, I don't believe that occurs, because - I'll talk about it later, maybe. Well, there were sexual assaults that were spermatozoa positive that weren't tested. They stopped at the DIFP. There was blood, presumptive positive blood samples, and the photographs clearly show they're blood. They were just DIFP. Stopped. You know, so if a scientist was actually looking at this information, they would have to have formed the conclusion they need to be tested. So I don't think that assurance was right.

THE COMMISSIONER: Is this a convenient time?

MR JONES: Thank you, Commissioner.

THE COMMISSIONER: What time are we starting in the morning, ladies and gentlemen?

MR RICE: 9.30am?

THE COMMISSIONER: Yes. 9.30am?

MR HODGE: That's fine, thank you.

THE COMMISSIONER: Thank you. We will adjourn to 9.30am.

**THE HEARING WAS ADJOURNED TO 9.30 AM ON WEDNESDAY,  
28 SEPTEMBER 2022**



229:12, 229:24, 229:27, 229:30, 230:18, 230:44  
**according** [3] - 161:32, 168:6, 168:41  
**account** [6] - 220:28, 220:39, 220:43, 240:15, 246:6, 247:21  
**accumulating** [1] - 158:28  
**accurate** [1] - 194:26  
**accused** [4] - 243:28, 245:20, 247:31, 247:32  
**achieve** [2] - 212:2, 213:14  
**acid** [1] - 230:3  
**acknowledge** [2] - 172:25, 174:23  
**acknowledged** [3] - 173:12, 174:15, 256:37  
**acronym** [1] - 228:8  
**act** [2] - 188:32, 271:13  
**acted** [1] - 271:24  
**Acting** [2] - 168:1, 248:3  
**acting** [6] - 171:35, 248:3, 268:20, 268:29, 270:29, 272:9  
**action** [3] - 185:30, 185:33, 197:27  
**actioned** [1] - 250:4  
**activated** [2] - 259:6, 259:11  
**activities** [1] - 183:43  
**activity** [1] - 191:35  
**actual** [6] - 156:35, 179:47, 231:29, 247:44, 270:19, 270:27  
**ad** [1] - 213:25  
**add** [1] - 286:19  
**added** [3] - 170:22, 252:38, 254:40  
**addition** [1] - 227:9  
**additional** [6] - 142:8, 239:11, 250:12, 250:20, 254:18, 274:16  
**address** [4] - 143:46, 145:2, 211:40, 213:45  
**addressed** [1] - 185:29  
**adjourn** [5] - 188:17, 191:2, 223:9, 223:18, 286:44  
**ADJOURNED** [1] - 286:46  
**ADJOURNMENT** [2] - 191:5, 223:21  
**adjournment** [1] - 260:15  
**adjournments** [1] - 260:13  
**adjusted** [1] - 282:14  
**Administration** [1] - 267:29  
**administration** [1] - 258:34  
**administrative** [5] - 229:12, 231:30, 249:38, 272:40, 272:41  
**admittedly** [1] - 273:37  
**adopt** [2] - 160:17, 252:40  
**adopted** [4] - 213:2, 256:44, 256:45, 276:30  
**adoption** [1] - 254:24  
**Adrian** [1] - 190:6  
**adult** [1] - 245:30  
**advantage** [1] - 241:28  
**advantages** [1] - 214:11  
**adverse** [5] - 200:31, 201:11, 214:25, 269:13, 269:29  
**adversely** [1] - 170:42  
**advice** [13] - 191:29, 231:18, 231:21, 231:24, 270:36, 270:37, 271:45, 275:45, 276:18, 285:16, 286:9, 286:12, 286:13  
**advisable** [1] - 231:19  
**advised** [5] - 213:7, 213:8, 251:10, 274:12  
**advisor** [1] - 228:6  
**advocate** [3] - 158:40, 158:45, 187:43  
**advocating** [1] - 167:46  
**affable** [1] - 268:10  
**affairs** [1] - 176:6  
**affected** [1] - 202:36  
**affects** [1] - 167:8  
**afraid** [1] - 262:35  
**aftermath** [1] - 172:25  
**afternoon** [2] - 260:13, 260:15  
**afterwards** [1] - 267:40  
**agencies** [1] - 240:5  
**agenda** [2] - 180:27, 181:28  
**aggressive** [1] - 268:43  
**ago** [4] - 188:26, 196:31, 227:45, 269:27  
**agree** [15] - 148:8, 150:18, 157:45, 178:40, 179:5, 179:19, 180:11, 183:18, 187:16, 188:44, 191:45, 192:34, 193:5, 196:19, 222:7  
**agreed** [14] - 142:40, 143:47, 183:6, 186:36, 214:10, 240:11, 251:8, 273:24, 275:44, 277:46, 278:13, 279:37, 279:47, 280:12  
**agreeing** [1] - 279:14  
**agreement** [6] - 239:46, 240:4, 245:8, 278:29, 279:24, 279:45  
**ahead** [13] - 147:31, 190:41, 195:31, 197:42, 202:24, 202:25, 221:36, 221:37, 260:12, 260:20, 260:21, 276:38, 283:10  
**aim** [2] - 148:12, 201:35  
**Alan** [2] - 171:38, 171:40  
**alarm** [1] - 273:32  
**alarming** [1] - 273:38  
**alarms** [1] - 273:33  
**alert** [1] - 252:16  
**alive** [2] - 261:16, 265:21  
**all** [1] - 151:21  
**all-you-can-eat** [1] - 239:4  
**Allan** [1] - 217:24  
**allegation** [1] - 238:40  
**allegations** [5] - 143:47, 145:2, 211:41, 213:45, 246:6  
**Allen** [56] - 150:40, 151:1, 151:38, 152:11, 174:8, 175:32, 175:46, 181:39, 181:43, 182:17, 185:37, 185:38, 188:33, 196:37, 198:17, 198:37, 199:7, 199:22, 200:39, 201:19, 201:25, 202:2, 202:12, 205:9, 205:19, 205:39, 206:19, 206:45, 206:46, 252:44, 256:34, 265:18, 266:25, 267:18, 268:9, 268:24, 269:42, 270:39, 271:29, 272:13, 273:46, 274:10, 276:41, 277:36, 278:2, 278:16, 279:12, 279:19, 279:35, 281:8, 282:17, 283:16, 283:29, 284:8, 284:26  
**Allen's** [3] - 152:6, 199:46, 279:46  
**allocate** [5] - 161:28, 161:45, 162:44, 208:22, 209:6  
**allocated** [14] - 143:38, 162:37, 163:29, 163:35, 163:36, 164:12, 164:15, 164:33, 164:42, 164:45, 208:47, 209:37, 211:22, 239:16  
**allocation** [10] - 156:19, 161:18, 162:10, 162:33, 163:11, 163:45, 164:34, 208:11, 208:19, 208:40  
**Allocation** [1] - 163:42  
**allocation** [1] - 164:30  
**allow** [5] - 151:18, 213:8, 223:10, 256:45, 257:9  
**allowed** [4] - 197:2, 197:5, 230:46, 235:44  
**almost** [3] - 181:6, 232:9, 267:37  
**alternative** [1] - 285:4  
**AM** [1] - 286:46  
**Amanda** [17] - 170:4, 170:17, 170:31, 171:37, 171:38, 171:42, 181:4, 182:33, 182:40, 182:45, 183:2, 184:26, 191:28, 192:5, 192:13, 192:26, 193:8  
**amendments** [1] - 215:4  
**amount** [8] - 148:41, 176:31, 208:6, 215:38, 239:6, 239:9, 240:6, 286:3  
**amplification** [1] - 144:16  
**amplified** [1] - 146:38  
**amplify** [1] - 168:24  
**analyse** [1] - 244:15  
**analysed** [2] - 146:38, 238:32  
**Analysed** [1] - 221:6  
**analysed** [1] - 146:39  
**analysing** [1] - 153:29  
**analysis** [18] - 144:27, 149:12, 152:17, 159:14, 176:28, 191:14, 191:31, 191:38, 191:46, 192:10, 193:8, 227:9, 251:29, 256:23, 276:12, 284:16, 286:5  
**Analysis** [1] - 278:18  
**analysts** [1] - 146:15  
**analytical** [4] - 144:15, 146:27, 148:2, 230:1  
**Analytical** [15] - 144:17, 144:19, 144:20, 146:21, 152:40, 207:19, 207:27, 207:31, 207:47, 208:16, 208:33, 209:39, 209:41, 211:23, 278:25  
**Andria** [2] - 184:13, 184:14  
**anecdotally** [1] - 276:6  
**angry** [1] - 182:46  
**annually** [1] - 239:32  
**answer** [15] - 154:26, 180:32, 197:25, 197:32, 198:22, 200:41, 202:17, 206:12, 214:20, 264:12, 269:38, 270:25, 270:26, 270:28, 270:41  
**answered** [2] - 204:8, 206:13  
**answering** [3] - 204:10, 245:37, 270:36  
**answers** [1] - 177:10  
**anyway** [4] - 205:3, 221:36, 245:40, 283:35  
**apart** [2] - 157:34, 254:45  
**apologies** [1] - 264:29  
**apologise** [2] - 171:5, 264:25  
**apologised** [2] - 171:31, 171:40  
**apology** [6] - 170:44, 171:13, 171:19, 186:8, 186:17  
**appear** [6] - 142:25, 142:34, 142:38, 169:47, 204:34, 279:30  
**appearance** [2] - 142:15, 142:16  
**appearances** [3] - 142:4, 142:8  
**appearing** [3] - 142:20, 142:26, 233:31  
**application** [3] - 154:36, 236:6, 240:13  
**Applied** [1] - 227:13  
**applied** [8] - 155:7, 158:46, 161:22, 169:9, 192:12, 257:9, 277:7, 284:32  
**apply** [4] - 212:40, 273:22, 279:45, 280:12  
**applying** [2] - 168:40, 284:9  
**appointed** [2] - 146:43, 226:41  
**appreciate** [4] - 188:14, 201:43, 266:14, 270:23  
**appreciated** [1] - 168:13  
**appreciates** [1] - 185:13  
**apprehend** [1] - 241:37  
**apprehended** [1] - 241:30  
**apprentice** [1] - 232:10  
**approach** [34] - 143:32, 152:38, 153:19, 155:6, 155:7, 155:25, 155:36, 155:41, 156:6, 156:7, 156:22, 157:21, 158:22, 158:46, 160:5, 161:18, 162:1, 164:15, 165:44, 166:16, 167:8, 171:17, 202:11, 205:41, 212:25, 213:9, 213:22, 213:24, 213:46, 222:20, 222:29, 224:8, 272:2  
**approaches** [1] - 210:40  
**appropriate** [16] - 161:32, 178:36, 186:38, 186:47, 194:47, 198:19, 198:38, 211:36, 211:37, 212:37, 213:6, 213:9, 238:12, 252:34, 252:35, 258:33  
**appropriately** [1] - 277:2  
**approval** [4] - 175:4, 236:6, 237:33, 258:36  
**approve** [3] - 236:42, 258:33, 258:35  
**Approved** [1] - 249:27  
**approved** [4] - 209:8, 249:24, 250:38, 251:15  
**April** [2] - 261:14, 261:15  
**apt** [1] - 203:27  
**area** [8] - 153:37, 191:42, 191:46, 193:13, 261:22, 281:35, 283:3  
**areas** [1] - 272:45  
**argue** [1] - 196:20  
**argument's** [1] - 240:11  
**arguments** [1] - 203:20  
**arise** [5] - 179:20, 179:27, 183:47, 205:27, 212:45  
**arisen** [2] - 205:25, 205:26  
**arises** [1] - 213:25  
**arising** [1] - 169:16  
**arose** [1] - 189:47  
**arrangement** [6] - 160:8, 160:9, 238:46, 239:5, 239:8, 279:19  
**arrested** [1] - 247:6  
**arrived** [3] - 209:19, 209:30, 211:16  
**artifact** [1] - 219:26  
**article** [1] - 256:27  
**articles** [2] - 189:46, 190:3  
**Articles** [1] - 143:22  
**articulate** [1] - 281:18  
**ascertain** [2] - 166:2, 273:43  
**aside** [2] - 187:34, 189:19  
**aspect** [2] - 167:46, 168:4  
**aspects** [1] - 179:46  
**Assault** [1] - 230:12  
**assault** [10] - 155:5, 160:35, 160:43, 161:2, 161:4, 161:7, 230:9,

261:25, 261:39, 262:31  
**assaults** [1] - 286:22  
**assert** [3] - 199:45, 201:24, 203:29  
**asserted** [1] - 201:19  
**assess** [1] - 146:19  
**assessed** [3] - 166:3, 221:7, 251:33  
**assessment** [4] - 158:23, 165:45, 217:26, 259:29  
**assign** [1] - 160:10  
**assigned** [9] - 154:30, 154:38, 154:44, 154:47, 155:2, 155:18, 160:23, 164:26, 223:42  
**assist** [11] - 143:28, 158:23, 167:5, 198:28, 222:24, 229:47, 232:19, 232:42, 253:3, 266:40, 273:38  
**assistance** [5] - 197:32, 203:3, 216:37, 222:35, 261:21  
**assisted** [1] - 235:12  
**Assisting** [1] - 141:30  
**assisting** [2] - 272:46, 273:2  
**associated** [2] - 228:47, 237:24  
**Associated** [1] - 216:21  
**Associates** [2] - 142:25, 142:33  
**association** [1] - 182:40  
**assume** [7] - 150:22, 160:45, 175:47, 234:25, 234:29, 240:40, 247:4  
**assumed** [3] - 257:43, 274:20, 281:22  
**assuming** [5] - 155:43, 184:8, 237:32, 238:11, 285:10  
**assumption** [4] - 157:7, 166:42, 167:1, 285:1  
**assurance** [1] - 286:29  
**attached** [6] - 219:6, 224:31, 226:39, 234:11, 267:8, 275:46  
**attempt** [3] - 148:21, 149:11, 233:4  
**attempts** [1] - 257:33  
**attend** [7] - 171:35, 171:37, 172:1, 231:38, 231:39, 232:40, 232:42  
**attended** [1] - 232:37  
**attention** [9] - 153:10, 153:13, 165:41, 230:46, 256:2, 272:20, 280:25, 280:29, 280:32  
**attractive** [1] - 176:11  
**attribute** [1] - 215:2  
**attributed** [1] - 233:5  
**audits** [1] - 228:6  
**August** [10] - 168:1, 169:7, 224:37, 224:40, 226:17, 234:14, 255:24, 256:19, 257:31, 266:8  
**Auslab** [1] - 278:34  
**Australia** [3] - 227:47,

228:2, 267:29  
**Australian** [2] - 189:45, 228:2  
**authorisation** [1] - 211:46  
**auto** [3] - 273:25, 281:11, 281:15  
**auto-micro-concentrated** [1] - 273:25  
**auto-microcon** [2] - 281:11, 281:15  
**automated** [4] - 144:16, 144:17, 146:20, 195:34  
**automatic** [4] - 251:2, 280:38, 280:42, 282:11  
**automatically** [4] - 280:17, 282:23, 284:32, 284:46  
**autonomy** [1] - 195:36  
**avail** [1] - 184:4  
**availability** [1] - 213:3  
**available** [16] - 149:43, 153:36, 154:7, 154:22, 162:23, 168:9, 185:15, 190:13, 213:4, 235:22, 242:23, 254:13, 255:2, 280:44, 281:6, 282:24  
**avails** [1] - 205:39  
**avenue** [1] - 183:17  
**average** [1] - 243:44  
**avoid** [2] - 238:20, 240:45  
**avoiding** [1] - 238:24  
**award** [2] - 267:25, 267:30  
**awarded** [2] - 227:17, 227:24  
**aware** [33] - 149:42, 150:22, 151:31, 151:35, 151:45, 166:21, 171:28, 175:7, 177:39, 177:43, 186:25, 186:43, 194:21, 194:24, 210:5, 231:26, 239:36, 249:18, 255:14, 255:22, 255:41, 255:43, 256:13, 256:16, 257:28, 257:47, 258:5, 258:8, 260:3, 260:27, 260:33, 260:36, 285:46

**B**

**bachelor** [1] - 231:41  
**Bachelor** [1] - 227:13  
**background** [5] - 143:27, 150:29, 229:46, 248:7, 278:31  
**backlog** [4] - 158:28, 241:13, 241:15, 268:2  
**backlogs** [3] - 241:11, 241:40, 284:18  
**bad** [3] - 180:43, 202:14, 202:15  
**badly** [1] - 244:23  
**balanced** [1] - 244:47  
**barcode** [2] - 228:33, 228:35  
**base** [1] - 221:6  
**based** [12] - 151:24, 151:25, 156:8, 180:39,

180:40, 183:7, 203:47, 275:45, 276:4, 276:20, 284:47, 285:16  
**baseline** [2] - 218:39, 222:13  
**basis** [6] - 149:11, 149:15, 152:41, 168:15, 214:27, 237:6  
**basket** [1] - 181:12  
**batch** [1] - 146:32  
**bear** [1] - 169:47  
**bearing** [1] - 152:15  
**became** [12] - 148:7, 175:2, 175:41, 178:10, 226:25, 226:39, 239:14, 265:20, 268:42, 270:14, 271:45, 274:21  
**become** [10] - 151:35, 195:33, 205:26, 231:40, 256:16, 257:28, 260:27, 260:33, 260:36, 269:35  
**becomes** [3] - 153:36, 154:7, 154:22  
**becoming** [1] - 260:3  
**beg** [1] - 236:37  
**began** [2] - 261:30, 261:33  
**begin** [1] - 142:3  
**beginning** [4] - 143:41, 146:44, 223:36, 275:31  
**begun** [1] - 189:39  
**behalf** [3] - 142:26, 142:34, 192:32  
**behaviour** [1] - 204:4  
**behaviours** [1] - 199:25  
**behind** [1] - 216:25  
**belief** [2] - 265:16, 277:34  
**beliefs** [1] - 285:19  
**below** [13] - 149:20, 218:18, 220:25, 222:21, 251:21, 263:20, 265:15, 265:16, 274:31, 275:17, 275:18, 277:7  
**Below** [3] - 251:6, 263:11, 264:4  
**bench** [1] - 267:8  
**benefit** [9] - 159:14, 165:8, 180:18, 183:13, 183:33, 230:39, 254:33, 265:33, 284:37  
**benefits** [3] - 191:18, 256:39, 256:40  
**best** [21] - 143:46, 145:2, 146:19, 159:2, 167:26, 177:46, 178:14, 187:9, 206:43, 211:40, 212:40, 212:45, 237:45, 238:38, 241:5, 262:40, 264:31, 266:33, 267:14  
**better** [13] - 158:28, 160:21, 167:4, 190:40, 211:28, 211:31, 213:7, 213:8, 223:38, 229:5, 251:9, 254:42, 266:42  
**between** [31] - 152:45, 170:14, 171:38, 171:42, 184:25, 197:7, 210:40, 211:12, 213:31, 217:46, 238:46, 240:5, 242:39,

243:25, 244:2, 244:13, 251:8, 257:21, 258:22, 258:41, 258:47, 259:36, 260:4, 260:40, 260:43, 264:1, 265:17, 267:27, 268:13, 282:44, 285:31  
**beyond** [3] - 170:36, 170:38, 174:10  
**big** [8] - 152:18, 155:4, 163:6, 167:29, 185:41, 200:10, 238:27, 241:28  
**bigger** [2] - 213:44, 213:46  
**billion** [2] - 270:47, 274:19  
**binary** [2] - 220:18, 222:12  
**biological** [3] - 229:35, 230:39, 233:47  
**biologist** [1] - 150:32  
**biology** [1] - 227:14  
**bit** [9] - 214:23, 218:12, 222:13, 232:11, 233:12, 233:23, 246:22, 280:3, 285:22  
**black** [2] - 199:23, 263:5  
**blame** [4] - 269:10, 269:11, 269:12, 269:13  
**blank** [1] - 216:25  
**blip** [1] - 269:9  
**blood** [11] - 145:27, 146:7, 149:6, 212:12, 212:14, 230:3, 230:14, 232:3, 286:24, 286:25  
**blow** [3] - 235:30, 252:3, 252:28  
**blown** [2] - 253:39, 277:4  
**Blue** [2] - 143:39, 155:1  
**blue** [3] - 155:2, 253:41, 263:6  
**Board** [1] - 227:47  
**board** [2] - 228:4  
**boards** [3] - 227:32, 227:35, 227:38  
**body** [9] - 160:46, 200:27, 200:31, 201:7, 212:9, 228:1, 248:17, 285:31, 285:33  
**bottom** [10] - 173:6, 175:1, 184:36, 185:8, 217:18, 222:36, 252:3, 253:39, 268:38  
**box** [5] - 205:40, 205:41, 249:46, 250:24, 253:6  
**breach** [2] - 179:30, 179:34  
**break** [3] - 189:30, 260:22, 268:18  
**breaks** [1] - 235:38  
**brief** [3] - 173:23, 221:37, 263:38  
**briefing** [1] - 256:5  
**briefly** [2] - 184:29, 230:21  
**bring** [4] - 163:20, 172:6, 193:40, 267:46  
**bringing** [1] - 280:32  
**Brisbane** [3] - 141:14, 141:15, 232:26  
**Brisotto** [1] - 174:8  
**broad** [1] - 204:4

**broadcast** [1] - 266:37  
**broader** [1] - 203:24  
**brought** [20] - 158:31, 172:6, 183:14, 220:47, 224:39, 225:14, 225:38, 230:45, 234:8, 248:17, 253:5, 262:46, 264:13, 268:23, 272:20, 272:23, 274:3, 280:25, 280:28, 285:39  
**brown** [2] - 212:11, 212:16  
**Bruce** [4] - 276:46, 276:47, 277:3  
**brush** [1] - 182:42  
**buccal** [1] - 245:25  
**bucket** [4] - 238:27, 238:28, 240:45, 270:20  
**budget** [5] - 239:3, 239:36, 240:13, 240:14, 282:13  
**budget/turnaround** [1] - 284:40  
**budgetary** [1] - 284:41  
**building** [1] - 245:10  
**bulk** [4] - 149:34, 150:13, 241:23, 278:44  
**bullied** [1] - 183:3  
**bump** [1] - 209:15  
**bundle** [1] - 226:18  
**burden** [2] - 238:20, 238:25  
**Bureau** [2] - 224:35, 227:11  
**burglaries** [1] - 213:37  
**butt** [2] - 245:33, 285:32  
**button** [1] - 153:43  
**buttons** [2] - 246:28, 267:42  
**BY** [6] - 142:42, 152:33, 174:42, 176:46, 207:6, 224:22

**C**

**Cairns** [1] - 232:28  
**campus** [1] - 269:43  
**Campus** [1] - 269:44  
**candid** [1] - 182:2  
**cannot** [2] - 166:26, 195:24  
**cap** [1] - 233:13  
**capability** [2] - 230:46, 233:12  
**capacity** [4] - 259:31, 270:19, 270:23, 270:34  
**capital** [1] - 253:47  
**captured** [3] - 234:34, 234:38, 257:21  
**car** [2] - 213:37, 235:39  
**care** [1] - 269:9  
**carefully** [3] - 249:12, 249:18, 250:27  
**carriage** [1] - 143:41  
**carries** [1] - 165:16  
**carrying** [1] - 168:30  
**carts** [1] - 169:6  
**Case** [2] - 143:39, 163:24  
**case** [142] - 142:46, 143:28, 143:41, 143:42,

143:44, 143:45, 144:13, 145:1, 145:13, 145:41, 146:39, 146:43, 146:44, 146:45, 147:6, 147:16, 147:20, 147:23, 147:35, 147:38, 147:39, 147:42, 147:45, 149:46, 150:7, 152:37, 153:1, 153:13, 154:30, 154:38, 155:3, 155:6, 155:18, 155:19, 155:40, 156:6, 156:18, 157:9, 158:45, 159:46, 160:10, 160:18, 160:22, 160:23, 160:35, 160:38, 160:43, 161:4, 161:5, 161:6, 161:37, 163:1, 163:11, 163:30, 163:36, 163:41, 163:44, 164:5, 164:26, 164:28, 164:33, 165:37, 165:44, 165:45, 166:15, 166:34, 167:8, 168:21, 168:44, 168:47, 186:23, 188:30, 188:36, 188:40, 194:43, 196:20, 197:3, 198:36, 207:40, 208:22, 208:47, 209:5, 209:11, 209:17, 209:38, 210:10, 210:14, 210:28, 210:34, 210:39, 211:5, 211:7, 211:11, 211:24, 211:41, 211:46, 212:24, 213:5, 213:30, 213:46, 214:2, 214:22, 214:24, 215:9, 216:29, 228:17, 228:23, 228:42, 228:46, 229:7, 229:32, 230:35, 233:18, 238:35, 242:46, 247:5, 247:31, 248:20, 250:25, 253:20, 255:10, 259:37, 268:32, 272:8, 273:10, 273:13, 274:41, 276:5, 276:20, 279:46, 281:21, 281:44, 282:6, 283:31, 284:36, 285:11, 285:30, 286:19

**cases** [49] - 143:38, 143:40, 147:27, 147:44, 153:5, 154:44, 154:47, 155:4, 155:18, 158:32, 158:33, 158:35, 161:2, 161:47, 162:18, 162:37, 162:43, 163:34, 163:43, 164:8, 164:18, 164:22, 164:25, 164:44, 164:45, 165:30, 165:32, 177:47, 180:15, 187:42, 209:6, 213:6, 213:39, 213:45, 230:38, 242:32, 242:40, 261:39, 262:10, 274:47, 276:22, 280:13, 280:23, 283:19

**casework** [1] - 265:1

**casework..** [1] - 275:27

**casework...** [1] - 279:29

**catch** [1] - 241:27

**categorical** [1] - 281:10

**categorised** [1] - 233:37

**category** [7] - 164:9, 233:10, 260:29, 273:29, 273:34, 274:41, 274:42

**Catherine** [2] - 182:17, 206:45

**Cathie** [26] - 174:24, 175:2, 188:32, 195:12, 195:43, 196:12, 196:37, 198:17, 199:7, 199:22, 200:39, 202:15, 209:9, 230:45, 249:29, 249:34, 251:8, 256:34, 265:18, 266:25, 268:30, 268:42, 269:6, 270:35, 271:16, 276:45

**Caunt** [2] - 171:43, 186:11

**Caunt's** [1] - 173:7

**caused** [3] - 156:17, 156:23, 271:4

**causes** [1] - 215:3

**CCC** [2] - 203:14, 204:2

**cease** [1] - 275:26

**Cease** [1] - 279:28

**cent** [28] - 176:10, 193:23, 256:33, 256:37, 259:20, 261:25, 261:47, 264:6, 265:12, 265:13, 265:15, 265:16, 265:20, 265:45, 266:14, 273:39, 276:31, 276:33, 276:35, 277:30, 277:32, 277:34, 283:26, 283:30, 285:21, 285:25, 285:26

**cent"** [1] - 283:33

**certain** [9] - 147:17, 187:36, 206:46, 212:9, 214:23, 219:6, 220:21, 259:31, 272:13

**certainly** [9] - 150:35, 165:28, 170:34, 175:11, 234:44, 256:23, 264:34, 270:16, 283:14

**certainty** [1] - 271:26

**cetera** [4] - 144:5, 239:39, 243:30, 251:23

**chain** [2] - 216:43, 216:45

**chair** [1] - 185:32

**challenging** [1] - 202:43

**chance** [9] - 176:33, 210:23, 212:45, 251:6, 262:41, 263:12, 263:20, 264:4

**Change** [1] - 275:10

**change** [35] - 142:45, 143:17, 155:34, 155:35, 155:39, 155:40, 155:44, 155:45, 155:46, 155:47, 156:6, 156:18, 157:9, 157:21, 157:29, 157:45, 159:5, 159:9, 167:29, 182:10, 196:47, 197:6, 214:30, 214:33, 221:7, 223:11, 224:47, 225:45, 230:23, 230:46, 254:26, 271:33, 271:36, 271:38, 282:33

**change"** [1] - 271:12

**changed** [7] - 143:8, 157:8, 214:35, 215:13, 239:24, 252:28, 280:19

**changes** [6] - 158:27, 205:17, 213:43, 225:21, 254:7, 254:8

**changing** [1] - 166:30

**channel** [1] - 213:42

**character** [2] - 199:46, 203:22

**characterisation** [2] - 203:1, 203:20

**characterise** [1] - 201:29

**characterising** [1] - 205:33

**characteristics** [1] - 219:6

**charge** [4] - 143:39, 245:20, 268:29, 282:18

**charged** [1] - 271:5

**charging** [1] - 245:26

**chat** [1] - 185:13

**cheap** [1] - 264:24

**check** [5] - 151:4, 193:17, 249:45, 250:23, 271:34

**checked** [3] - 234:24, 249:37, 276:44

**checks** [1] - 153:42

**chemical** [1] - 212:11

**chemistry** [1] - 146:28

**cherry** [4] - 262:4, 262:9, 262:12, 262:15

**cherry-picking** [4] - 262:4, 262:9, 262:12, 262:15

**chewing** [1] - 267:42

**choice** [2] - 205:2, 269:1

**choose** [5] - 195:2, 204:43, 204:45, 252:40, 269:35

**chooses** [1] - 160:29

**chromosome** [1] - 281:4

**cigarette** [4] - 245:33, 246:28, 267:42, 285:32

**circulation** [2] - 170:28, 173:1

**circumstances** [4] - 169:26, 186:3, 205:44, 210:9

**clarifying** [1] - 280:5

**clarity** [1] - 184:20

**Clarke** [1] - 184:13

**class** [1] - 204:4

**clear** [14] - 147:33, 147:34, 152:9, 170:24, 175:2, 176:6, 176:28, 190:28, 199:36, 200:6, 200:11, 200:16, 220:3, 283:23

**clearer** [1] - 181:24

**clearly** [3] - 165:44, 169:3, 286:25

**click** [2] - 253:34, 253:35

**client** [4] - 174:10, 174:21, 174:23, 174:26

**clinical** [1] - 212:9

**close** [1] - 264:6

**closer** [1] - 285:35

**cloth** [1] - 156:40

**CMC** [1] - 200:45

**Coast** [1] - 232:27

**Code** [2] - 251:34, 251:37

**code** [1] - 251:38

**coffee** [1] - 269:43

**cold** [12] - 230:35, 242:7, 242:9, 242:10, 242:13, 243:2, 243:23, 243:24, 243:27, 243:41, 243:42, 244:5

**collaborated** [1] - 267:27

**collaboration** [4] - 210:4, 211:36, 211:39, 212:3

**collaborative** [1] - 144:45

**collaboratively** [1] - 232:22

**collated** [1] - 243:43

**colleague** [4] - 190:5, 199:7, 199:21, 200:38

**colleagues** [9] - 153:41, 166:17, 183:16, 186:32, 198:33, 206:22, 224:8, 260:14, 260:17

**collect** [4] - 229:37, 229:45, 232:15, 284:1

**collected** [1] - 227:8

**collecting** [3] - 190:6, 232:12, 238:39

**collection** [3] - 155:47, 227:6, 229:35

**combination** [3] - 145:11, 156:44, 252:35

**Combur** [1] - 230:3

**comfort** [3] - 270:17, 284:42, 285:8

**comfortable** [1] - 245:37

**comforted** [1] - 205:22

**coming** [8] - 158:10, 187:40, 202:33, 209:13, 234:44, 253:43, 268:45, 273:27

**commence** [1] - 223:25

**commenced** [3] - 226:28, 258:30, 276:43

**commencing** [1] - 170:6

**comment** [4] - 205:17, 250:24, 266:20, 269:13

**commentary** [1] - 269:28

**comments** [1] - 269:29

**commercial** [1] - 245:9

**COMMISSION** [1] - 141:4

**commission** [1] - 200:21

**Commission** [15] - 142:23, 142:32, 151:43, 158:26, 168:17, 168:27, 190:13, 196:6, 196:32, 199:20, 199:43, 206:2, 224:38, 225:35, 260:27

**Commissioner** [51] - 141:26, 166:39, 174:7, 176:39, 176:44, 183:12, 183:36, 184:44, 188:1, 188:10, 188:20, 190:33, 191:9, 197:33, 200:14, 201:43, 202:1, 204:28, 204:40, 205:10, 205:11, 205:18, 205:23, 205:38, 206:16, 207:2, 220:6, 222:43, 223:25, 224:11, 224:15, 225:24, 226:1, 226:9, 226:17, 231:35, 234:13, 240:26, 241:43, 248:22, 253:3, 258:18, 260:2, 260:39, 261:3, 264:15, 267:16, 272:28, 274:4, 280:3, 286:33

**COMMISSIONER** [183] - 142:6, 142:12, 142:20, 142:29, 142:37, 146:24, 147:30, 150:1, 150:5, 152:3, 152:9, 152:31, 155:43, 156:26, 157:24, 158:2, 160:16, 161:16, 161:40, 161:44, 162:8, 165:8, 165:13, 165:19, 165:26, 165:30, 165:35, 166:37, 166:41, 167:1, 169:23, 169:31, 169:36, 174:39, 175:27, 175:36, 176:42, 179:24, 182:28, 183:32, 184:41, 184:46, 185:4, 188:5, 188:10, 188:16, 188:22, 190:2, 190:30, 190:35, 190:39, 191:2, 191:7, 195:19, 197:19, 197:25, 197:35, 197:42, 199:12, 199:36, 199:42, 200:5, 200:10, 200:16, 201:13, 201:35, 201:40, 201:46, 202:19, 202:24, 202:29, 203:5, 203:11, 203:18, 203:44, 204:19, 204:24, 204:30, 204:36, 205:6, 205:14, 205:25, 205:32, 205:46, 206:8, 206:24, 206:28, 206:34, 206:38, 207:4, 212:32, 216:5, 216:42, 217:5, 217:11, 218:33, 220:2, 220:8, 220:33, 221:10, 221:16, 221:25, 221:30, 221:35, 222:26, 222:46, 223:5, 223:13, 223:18, 223:23, 223:32, 223:41, 224:7, 224:13, 224:18, 225:5, 225:26, 225:29, 226:3, 226:12, 226:20, 234:11, 239:30, 240:10, 240:42, 241:46, 242:16, 245:16, 245:39, 245:45, 246:25, 246:31, 248:20, 248:24, 250:14, 253:8, 253:13, 256:1, 256:43, 258:16, 258:20, 259:11, 259:35, 260:11, 260:20, 260:25, 261:1, 261:29, 262:22, 262:39, 263:2, 264:9, 264:19, 264:23, 265:39, 265:47, 266:5, 266:10, 266:17, 266:22, 266:31, 266:36, 267:7, 269:25, 269:38, 271:19, 272:26, 272:30, 272:34, 274:6, 274:40, 275:15, 276:27, 279:11, 282:42, 283:2, 283:9, 283:14, 285:18, 286:31, 286:35, 286:40, 286:44

**Commissioner's** [1] -

206:31  
**commit** [1] - 241:23  
**Committee** [2] - 227:43, 227:44  
**committee** [1] - 228:1  
**committees** [1] - 227:32  
**common** [3] - 209:43, 217:27, 229:32  
**communicate** [1] - 272:13  
**communicated** [1] - 228:29  
**communicating** [1] - 250:30  
**communication** [5] - 209:9, 217:6, 217:11, 252:44, 268:12  
**community** [2] - 174:17, 197:8  
**compare** [2] - 219:8, 244:33  
**compared** [1] - 162:44  
**comparing** [3] - 243:10, 264:47, 265:31  
**comparison** [1] - 242:30  
**comparison"** [1] - 274:22  
**compartmentalise** [1] - 188:12  
**compelled** [1] - 180:5  
**complainant** [2] - 160:46, 246:35  
**complaint** [9] - 181:34, 181:36, 181:38, 181:40, 181:42, 181:44, 183:6, 272:4, 272:10  
**complete** [1] - 216:22  
**completed** [2] - 227:27, 284:16  
**completely** [1] - 265:11  
**completion** [1] - 231:44  
**Complex** [1] - 143:39  
**complex** [6] - 160:34, 160:36, 213:45, 231:23, 257:6, 265:26  
**complexity** [2] - 165:24, 167:40  
**complicated** [3] - 155:4, 160:37  
**component** [1] - 161:1  
**comprise** [1] - 153:14  
**computer** [1] - 220:39  
**conceivable** [1] - 186:41  
**concentrate** [4] - 168:5, 263:36, 284:46, 286:1  
**concentrated** [10] - 273:25, 273:30, 277:15, 277:17, 277:21, 277:22, 277:25, 277:28, 279:8, 280:17  
**concentrating** [3] - 156:31, 168:20, 244:45  
**concentration** [11] - 144:22, 168:30, 168:32, 251:2, 252:32, 274:27, 277:29, 277:31, 282:39, 282:47, 285:43  
**concept** [1] - 164:34  
**concern** [10] - 169:23, 183:25, 204:34, 205:19, 205:20, 215:39, 223:46, 244:39, 265:22, 268:33  
**concerned** [9] - 190:7, 197:11, 204:2, 219:32, 246:27, 263:35, 270:15, 272:5, 284:39  
**concerning** [3] - 172:46, 260:33, 272:6  
**concerns** [11] - 150:25, 172:34, 179:20, 179:27, 181:18, 183:3, 184:12, 185:29, 190:21, 201:33, 268:31  
**conciliate** [1] - 170:45  
**conclude** [2] - 189:16, 197:29  
**concluded** [2] - 205:33, 205:35  
**conclusion** [5] - 201:24, 203:13, 221:19, 285:13, 286:28  
**conclusions** [1] - 189:10  
**conditioning** [1] - 160:45  
**condoms** [1] - 267:42  
**conduct** [3] - 200:26, 200:31, 204:2  
**conducted** [5] - 176:28, 251:6, 263:11, 280:45, 281:6  
**conducting** [2] - 164:39, 258:28  
**conference** [1] - 143:45  
**confined** [1] - 181:16  
**confirm** [5] - 196:27, 271:10, 274:25, 274:28, 282:26  
**confirmation** [3] - 271:26, 271:35, 277:6  
**confirmed** [4] - 277:27, 280:7, 282:30, 285:25  
**confirms** [2] - 241:35, 284:8  
**conflation** [1] - 204:21  
**conform** [1] - 195:28  
**confrontation** [1] - 269:21  
**confused** [1] - 265:13  
**confusing** [2] - 254:34, 256:32  
**confusion** [2] - 176:31, 241:39  
**connect** [2] - 202:38, 214:33  
**connection** [3] - 148:26, 152:45, 170:14  
**connects** [1] - 202:39  
**cons** [2] - 159:15, 160:20  
**conscious** [3] - 177:27, 177:32, 188:1  
**consciousness** [1] - 189:41  
**consequence** [3] - 152:4, 189:40, 267:45  
**consequences** [1] - 241:9  
**conservative** [1] - 261:14  
**consider** [9] - 180:17, 189:10, 202:2, 211:35, 213:31, 217:29, 218:30, 245:13, 247:14  
**consideration** [1] - 256:28  
**considered** [9] - 159:6, 159:14, 168:17, 180:14, 182:18, 192:27, 219:42, 274:36, 283:21  
**considering** [3] - 174:29, 177:10, 256:3  
**consistency** [1] - 197:4  
**consists** [1] - 154:14  
**Constable** [1] - 142:27  
**constantly** [1] - 187:41  
**consultant** [2] - 172:6, 182:10  
**consultants** [1] - 182:6  
**consultation** [3] - 210:4, 211:36, 211:39  
**consulted** [2] - 146:15, 152:25  
**consumable** [1] - 282:14  
**consumed** [1] - 280:44  
**consuming** [1] - 156:14  
**consumption** [1] - 284:44  
**contact** [10] - 231:10, 247:32, 251:31, 255:8, 266:26, 266:27, 268:14, 268:15, 272:9  
**Contact** [1] - 255:4  
**contain** [1] - 145:8  
**contained** [3] - 172:36, 191:22, 256:17  
**contains** [2] - 163:11, 173:9  
**contemplates** [2] - 163:34, 165:44  
**contemporary** [1] - 261:35  
**contempt** [1] - 180:42  
**content** [7] - 154:19, 203:19, 203:22, 203:27, 219:46, 226:47, 276:27  
**contents** [2] - 175:11, 176:4  
**contested** [1] - 235:12  
**context** [15] - 145:13, 158:11, 165:45, 169:7, 183:34, 199:43, 206:1, 216:33, 222:17, 222:24, 238:36, 281:44, 284:35, 285:10, 286:19  
**continuation** [1] - 275:37  
**continue** [4] - 186:33, 227:35, 260:25, 275:40  
**continued** [3] - 181:4, 240:8, 276:6  
**continuing** [2] - 180:42, 203:39  
**continuity** [2] - 228:16, 243:14  
**continuous** [1] - 222:11  
**contrast** [1] - 205:41  
**contributed** [1] - 219:14  
**contributor** [1] - 274:20  
**control** [3] - 243:16, 243:18, 243:20  
**convenient** [3] - 188:22, 190:47, 286:31  
**conventional** [1] - 188:11  
**conversation** [8] - 157:22, 157:28, 157:34, 182:39, 182:44, 193:19, 269:45, 272:7  
**conversations** [10] - 156:9, 181:1, 181:20, 182:29, 195:47, 196:3, 196:10, 196:12, 270:14, 272:14  
**coordination** [1] - 236:26  
**Coordinator** [4] - 236:18, 236:23, 236:25, 237:31  
**Coordinators** [2] - 249:14, 273:1  
**coordinators** [1] - 238:8  
**copy** [5] - 151:43, 224:40, 225:15, 225:39, 229:3  
**core** [1] - 213:3  
**corner** [2] - 186:29, 186:31  
**Corp** [3] - 257:34, 257:47, 258:1  
**corporate** [1] - 228:13  
**correct** [58] - 143:2, 143:6, 143:19, 143:30, 149:26, 149:40, 150:15, 150:29, 150:33, 153:16, 153:47, 162:11, 169:29, 170:42, 173:17, 192:22, 194:4, 196:33, 208:1, 209:25, 211:9, 211:25, 215:29, 218:44, 220:17, 220:19, 224:44, 225:18, 225:42, 226:37, 227:15, 227:22, 229:10, 229:33, 233:2, 236:11, 238:22, 239:22, 242:20, 242:32, 243:7, 245:23, 246:37, 246:47, 250:18, 256:5, 257:25, 259:37, 259:44, 260:30, 261:36, 263:16, 267:39, 273:19, 280:14, 284:1, 284:2  
**corrected** [1] - 283:28  
**correctly** [2] - 159:28, 249:38  
**correspondence** [3] - 184:35, 186:15, 265:17  
**corroborate** [2] - 247:19, 247:21  
**corroborating** [1] - 246:6  
**corrupt** [10] - 199:33, 200:18, 200:39, 201:19, 202:3, 202:6, 202:16, 202:43, 203:6, 204:1  
**corruption** [5] - 200:22, 200:35, 202:8, 202:9, 204:17  
**cost** [2] - 159:14, 282:15  
**cost-benefit** [1] - 159:14  
**council** [1] - 228:5  
**Counsel** [1] - 141:30  
**counterpart** [1] - 266:28  
**couple** [8] - 163:44, 191:37, 243:36, 245:5, 245:11, 250:35, 256:31, 270:3  
**course** [24] - 159:46, 184:44, 188:24, 189:6, 191:12, 196:9, 198:24, 200:3, 204:13, 205:27, 205:36, 217:45, 219:23, 221:33, 237:40, 240:21, 241:46, 242:35, 245:30, 247:36, 261:10, 263:30, 270:37, 283:4  
**courses** [1] - 227:28  
**court** [20] - 193:33, 194:17, 194:25, 194:30, 194:34, 194:40, 197:16, 197:45, 197:47, 198:10, 198:20, 198:39, 199:4, 199:9, 199:13, 235:6, 243:13, 245:32, 268:33, 271:42  
**Court** [1] - 141:14, 271:10  
**courts** [4] - 174:17, 198:5, 235:12, 269:29  
**cover** [2] - 161:12, 184:33  
**covert** [2] - 245:33, 246:32  
**CR** [2] - 142:23, 142:24  
**Craig** [5] - 270:29, 270:32, 270:36, 272:1, 272:8  
**created** [2] - 175:6, 175:20  
**creating** [1] - 271:46  
**creation** [1] - 175:4  
**Crime** [6] - 154:46, 155:1, 155:8, 155:9, 162:18, 261:17  
**crime** [92] - 149:35, 150:13, 155:4, 156:22, 162:37, 165:1, 165:21, 211:1, 211:38, 213:37, 214:2, 227:8, 229:22, 229:35, 231:34, 231:38, 231:39, 232:1, 232:4, 232:16, 232:19, 232:22, 232:30, 232:33, 232:36, 232:37, 232:40, 232:41, 233:5, 233:8, 233:22, 233:37, 233:43, 233:44, 234:18, 235:32, 236:33, 237:1, 237:2, 237:4, 237:5, 237:12, 237:18, 237:19, 237:20, 239:39, 240:5, 241:22, 241:24, 241:29, 241:32, 242:17, 242:22, 242:28, 242:31, 242:40, 242:46, 243:5, 243:7, 243:10, 243:16, 243:25, 243:26, 244:16, 246:3, 246:12, 246:22, 247:14, 248:7, 250:21, 250:36, 259:21, 259:28, 259:32, 259:36, 259:39, 259:40, 259:43, 268:2, 274:41, 278:8, 279:38, 283:19, 284:32  
**Crime"** [1] - 155:13  
**crimes** [6] - 213:44, 228:15, 232:33, 233:24, 233:25, 243:23  
**Criminal** [1] - 227:2  
**criminal** [2] - 198:10, 228:16  
**criteria** [10] - 163:11,

163:44, 168:30, 168:33,  
168:34, 168:39, 168:41,  
169:8, 169:16, 240:4  
**criterion** [3] - 164:5,  
164:18, 164:38  
**critical** [2] - 149:1, 197:37  
**criticised** [1] - 213:18  
**crossed** [1] - 255:27  
**Csoban** [1] - 277:37  
**CSOBAN** [1] - 251:8  
**cultural** [5] - 179:46,  
181:3, 182:5, 189:19,  
189:27  
**culture** [8] - 170:30, 180:5,  
181:9, 182:18, 184:12,  
187:37, 187:38, 188:2  
**current** [5] - 155:14,  
211:28, 234:24, 235:27,  
259:32  
**custody** [1] - 233:27  
**customer** [1] - 256:33  
**cut** [3] - 156:40, 192:20,  
251:43  
**cycle** [1] - 241:28

**D**

**D2**" [1] - 218:7  
**daily** [2] - 268:14  
**Dale** [4] - 142:34, 275:20,  
277:42, 278:6  
**DALE** [1] - 142:1  
**danger** [1] - 281:14  
**data** [21] - 148:25, 148:31,  
149:10, 149:12, 152:17,  
152:18, 162:16, 162:17,  
162:19, 162:36, 162:39,  
176:28, 191:38, 192:10,  
221:7, 229:1, 265:2,  
284:1, 285:9, 285:34,  
285:38  
**database** [9] - 227:1,  
227:4, 239:38, 242:14,  
242:37, 247:3, 247:5,  
247:11, 283:30  
**Database** [4] - 227:2,  
242:12, 242:24, 242:30  
**date** [4] - 168:10, 244:25,  
244:37, 270:27  
**dated** [1] - 224:37  
**DATED** [3] - 225:7,  
225:31, 226:5  
**dates** [1] - 259:36  
**David** [4] - 142:35, 224:15,  
224:24, 283:32  
**DAVID** [4] - 224:20, 225:7,  
225:31, 226:5  
**days** [8] - 146:46, 154:27,  
158:46, 209:43, 233:11,  
233:19, 242:6, 268:4  
**de** [1] - 228:33  
**de-identified** [1] - 228:33  
**deadline** [1] - 268:35  
**deal** [13] - 182:8, 183:22,  
189:29, 206:24, 215:42,  
220:11, 238:29, 238:34,  
270:2, 272:16, 277:2

**dealing** [5] - 183:42,  
183:47, 223:47, 242:18,  
272:2  
**deals** [3] - 200:21, 235:17,  
235:21  
**dealt** [2] - 187:27, 203:40  
**debate** [2] - 201:13,  
219:46  
**debating** [2] - 206:29,  
219:30  
**Deborah** [4] - 171:37,  
171:39, 171:43, 186:11  
**deceased** [2] - 273:37,  
274:18  
**December** [7] - 226:30,  
254:46, 258:23, 258:47,  
260:9, 264:7, 265:15  
**decide** [5] - 143:44,  
147:39, 160:36, 211:22,  
251:14  
**decided** [2] - 191:29,  
261:10  
**decides** [1] - 164:32  
**decision** [14] - 157:38,  
167:47, 169:6, 169:25,  
172:46, 180:43, 238:38,  
251:13, 272:12, 282:11,  
284:39, 284:46, 285:10  
**decisions** [3] - 202:15,  
230:1, 259:32  
**declined** [3] - 171:46,  
236:13, 270:28  
**decreased** [1] - 214:12  
**dedicated** [1] - 154:47  
**deem** [1] - 233:8  
**deemed** [1] - 151:18  
**default** [3] - 159:22,  
159:40, 162:11  
**defendants** [1] - 258:2  
**define** [1] - 223:43  
**defined** [4] - 168:29,  
169:3, 241:14, 264:42  
**definition** [5] - 187:22,  
223:44, 264:41, 265:40,  
282:34  
**definitions** [1] - 163:23  
**definitive** [2] - 271:11,  
271:13  
**degradation** [4] - 146:10,  
148:44, 149:11, 230:31  
**degraded** [1] - 148:38  
**delay** [3] - 243:29, 244:18  
**delays** [3] - 243:11,  
269:29, 274:35  
**delegate** [1] - 250:26  
**deliberate** [1] - 190:17  
**deliberately** [2] - 197:31,  
202:13  
**deliver** [3] - 177:24,  
177:35, 239:21  
**delivered** [7] - 143:1,  
143:13, 155:44, 227:8,  
243:14, 243:30, 256:28  
**delivery** [3] - 227:46,  
228:3, 244:20  
**delving** [1] - 245:35  
**demonstrate** [2] - 190:14,

283:22  
**demonstrating** [1] -  
197:27  
**Department** [1] - 183:38  
**department** [2] - 266:39,  
269:22  
**departments** [3] - 267:28,  
269:3, 269:4  
**deprives** [4] - 213:18,  
213:20, 213:22  
**derive** [1] - 243:40  
**derived** [1] - 285:26  
**describe** [5] - 155:12,  
168:14, 239:4, 262:12,  
263:31  
**described** [8] - 157:35,  
164:34, 170:16, 184:25,  
186:43, 211:27, 263:17,  
285:20  
**describing** [2] - 187:17,  
212:3  
**description** [4] - 163:27,  
173:43, 230:11, 230:13  
**design** [4] - 148:11,  
148:13, 148:17, 157:39  
**designated** [1] - 168:41  
**desirable** [1] - 169:7  
**desk** [1] - 251:4  
**detail** [5] - 145:8, 173:10,  
252:42, 253:2, 253:42  
**details** [3] - 171:41,  
250:22, 256:23  
**Details**" [1] - 253:35  
**detected** [7] - 146:6,  
153:15, 241:29, 251:29,  
255:16, 255:37, 255:43  
**detection** [14] - 196:33,  
215:45, 216:9, 218:20,  
218:24, 218:29, 220:12,  
221:1, 221:23, 221:47,  
222:8, 222:20, 222:21,  
231:46  
**Detective** [1] - 261:19  
**determine** [2] - 230:40,  
276:12  
**determining** [2] - 143:28,  
220:44  
**detracts** [1] - 254:41  
**develop** [4] - 158:39,  
227:45, 245:5, 245:14  
**developed** [4] - 153:4,  
153:25, 169:17, 238:16  
**development** [3] - 232:14,  
243:37, 245:10  
**develops** [1] - 228:2  
**deviate** [4] - 195:2,  
195:24, 196:21, 197:21  
**deviating** [2] - 195:6,  
195:37  
**devise** [1] - 145:1  
**devised** [1] - 151:8  
**diarised** [1] - 269:23  
**diary** [1] - 269:17  
**difference** [7] - 197:6,  
197:9, 205:16, 213:31,  
213:35, 282:44, 285:31  
**differences** [1] - 215:27

**different** [26] - 149:13,  
173:29, 173:33, 173:35,  
197:1, 197:8, 198:42,  
201:38, 201:44, 202:11,  
206:11, 206:36, 216:5,  
218:20, 219:25, 219:40,  
221:36, 231:37, 232:13,  
235:23, 243:5, 243:32,  
244:36, 269:3, 270:24,  
286:14  
**difficult** [7] - 145:12,  
256:21, 256:26, 264:17,  
265:9, 265:37, 270:24  
**difficulties** [1] - 271:4  
**difficulty** [4] - 201:41,  
202:41, 204:22, 241:40  
**DIFP** [36] - 146:3, 146:6,  
147:36, 147:43, 147:45,  
151:13, 151:15, 151:25,  
151:26, 151:32, 151:47,  
153:5, 153:15, 158:33,  
166:2, 173:2, 173:43,  
210:11, 210:20, 259:17,  
259:35, 260:29, 260:35,  
260:40, 261:27, 261:33,  
261:38, 273:35, 277:16,  
277:25, 280:32, 280:34,  
281:19, 282:6, 286:23,  
286:26  
**DIFP**" [1] - 280:33  
**diploma** [1] - 231:44  
**diplomas** [1] - 227:28  
**direct** [9] - 194:39, 196:24,  
198:8, 201:17, 216:20,  
222:18, 241:33, 241:36,  
246:31  
**directed** [6] - 195:40,  
196:16, 197:20, 198:37,  
206:19, 222:28  
**direction** [3] - 216:34,  
218:4, 269:8  
**directions** [1] - 198:25  
**directly** [3] - 198:17,  
236:20, 239:21  
**Director** [6] - 150:25,  
168:1, 183:4, 257:34,  
258:1, 277:38  
**Director-General** [1] -  
168:1  
**directors** [1] - 228:4  
**disadvantage** [1] - 166:23  
**disadvantages** [2] -  
166:21, 213:41  
**disagree** [2] - 148:8, 187:8  
**disagreed** [1] - 203:23  
**disagreement** [1] - 221:17  
**discarded** [1] - 268:3  
**discharge** [1] - 205:21  
**disciplinary** [1] - 185:33  
**disclosed** [3] - 190:25,  
190:30, 216:2  
**Disclosure** [3] - 189:32,  
190:12, 190:20  
**disclosure** [5] - 190:16,  
190:25, 190:30, 190:43,  
258:2  
**discontinuation** [1] -  
273:23

**discount** [1] - 247:22  
**discounting** [1] - 247:29  
**discounts** [2] - 285:28,  
285:30  
**discouraged** [3] - 195:5,  
195:9, 195:41  
**discouragement** [3] -  
195:43, 195:46, 196:2  
**discover** [1] - 273:47  
**discovered** [1] - 272:19  
**discretion** [11] - 158:40,  
161:25, 161:28, 161:45,  
164:27, 167:46, 168:5,  
168:16, 168:40, 169:9,  
194:45  
**discriminate** [1] - 149:11  
**discriminated** [1] - 149:15  
**discuss** [4] - 171:38,  
198:32, 277:45, 280:8  
**discussed** [9] - 164:2,  
166:16, 172:42, 173:7,  
260:17, 271:37, 278:4,  
279:24, 279:44  
**discussion** [6] - 278:3,  
279:36, 279:47, 280:8,  
280:22, 285:8  
**discussions** [7] - 144:23,  
160:19, 175:41, 189:27,  
235:14, 278:11, 281:25  
**disempowered** [1] -  
182:35  
**dishonest** [13] - 194:29,  
194:34, 194:40, 199:7,  
199:22, 199:24, 199:29,  
201:19, 203:28, 206:4,  
206:22, 206:41  
**dishonesty** [3] - 190:17,  
203:18, 204:4  
**dismay** [1] - 278:42  
**display** [1] - 172:45  
**displayed** [4] - 172:41,  
173:3, 173:21, 217:6  
**disposal** [1] - 285:12  
**disposed** [1] - 245:34  
**disprove** [1] - 148:21  
**disregard** [1] - 219:37  
**disregarded** [1] - 224:2  
**distinct** [2] - 204:10,  
269:46  
**distinction** [1] - 242:39  
**distinguish** [1] - 243:25  
**district** [3] - 232:23,  
236:27  
**disturbingly** [1] - 261:23  
**divert** [1] - 233:21  
**diverting** [1] - 195:41  
**divisive** [5] - 172:14,  
172:21, 187:1, 187:6,  
187:8  
**divisiveness** [3] - 185:40,  
185:41, 185:45  
**DMS** [1] - 249:28  
**DNA** [112] - 141:6, 146:3,  
146:4, 146:6, 146:8,  
147:36, 147:43, 148:37,  
148:41, 149:5, 149:21,  
150:36, 153:14, 153:37,



153:44, 154:7, 158:33, 161:3, 180:1, 180:2, 189:41, 210:10, 210:20, 211:38, 212:14, 218:7, 219:12, 219:14, 224:31, 224:34, 226:40, 226:45, 227:1, 227:2, 228:29, 228:31, 229:13, 229:45, 230:17, 230:29, 231:4, 231:10, 232:15, 233:5, 234:38, 234:44, 234:45, 235:1, 236:6, 238:47, 242:22, 246:33, 247:9, 247:32, 247:43, 251:2, 251:7, 251:26, 251:28, 251:29, 251:31, 251:32, 251:38, 252:17, 252:32, 253:43, 253:47, 254:12, 254:36, 254:39, 255:5, 255:6, 255:8, 255:15, 255:16, 255:22, 255:37, 255:41, 255:43, 256:16, 256:18, 256:23, 257:20, 257:24, 257:29, 257:30, 257:37, 257:38, 258:6, 258:25, 258:47, 259:5, 259:17, 263:13, 264:45, 264:47, 265:30, 265:32, 266:28, 269:41, 272:41, 273:27, 274:14, 276:19, 278:18, 278:27, 279:4, 279:7, 280:44, 281:36, 286:5

**DNA** [1] - 147:45

**document** [27] - 165:40, 172:37, 175:4, 183:14, 190:12, 190:41, 191:20, 192:21, 192:35, 195:4, 196:5, 196:30, 205:11, 216:10, 216:40, 217:15, 222:32, 223:26, 223:35, 224:38, 234:34, 235:17, 235:21, 251:3, 264:33, 264:38, 269:17

**documentation** [1] - 196:1

**documented** [1] - 168:29

**documents** [3] - 223:27, 223:28, 223:42

**documents** [1] - 182:47

**Doherty** [6] - 182:11, 183:4, 183:24, 184:22, 195:44, 196:15

**dollars** [1] - 240:14

**done** [31] - 142:45, 143:4, 143:9, 144:27, 145:24, 151:15, 151:38, 152:17, 152:18, 153:32, 169:25, 200:41, 203:13, 204:7, 207:20, 207:31, 207:36, 214:19, 223:35, 223:36, 226:12, 231:3, 236:16, 243:31, 249:38, 255:12, 261:2, 261:10, 261:30, 268:42, 269:5

**door** [1] - 236:1

**dot** [4] - 248:27, 249:5, 249:6, 262:46

**double** [3] - 143:40, 155:5,

286:15

**doubts** [1] - 203:30

**dow** [23] - 163:23, 164:27, 168:23, 173:34, 176:16, 181:6, 182:14, 196:47, 209:10, 217:2, 230:13, 249:5, 253:3, 254:5, 267:11, 267:46, 268:18, 268:38, 269:6, 269:17, 285:39, 286:15

**downside** [2] - 158:30, 281:11

**downsides** [1] - 214:15

**draft** [7] - 151:14, 151:23, 151:24, 170:28, 175:18, 191:22, 256:9

**drafted** [1] - 192:35

**drama** [1] - 170:18

**draw** [3] - 165:41, 177:10, 264:1

**drawn** [2] - 153:1, 245:42

**drew** [1] - 285:7

**drop** [2] - 230:13, 276:13

**Due** [1] - 249:25

**due** [8] - 196:9, 197:6, 200:3, 204:13, 205:26, 205:35, 263:30, 270:37

**dummy** [1] - 171:6

**duplicate** [1] - 178:17

**During** [1] - 279:47

**during** [14] - 145:40, 180:47, 191:12, 204:38, 231:8, 260:13, 260:15, 270:6, 270:28, 270:33, 278:2, 279:36, 280:7, 280:22

**duties** [1] - 199:33

**duty** [2] - 179:21, 179:34

**dynamic** [1] - 222:14

**E**

**early** [3] - 149:42, 160:22, 189:36

**easier** [1] - 278:44

**easiest** [1] - 254:23

**easy** [1] - 188:11

**eat** [2] - 239:4, 239:19

**eat-all-you-can** [1] - 239:19

**ED** [8] - 182:11, 183:24, 189:33, 195:44, 196:26, 270:29, 272:9

**edited** [1] - 191:21

**effect** [14] - 168:29, 181:31, 193:42, 193:43, 197:19, 201:21, 201:28, 205:34, 206:11, 219:27, 246:21, 271:45, 271:46, 275:20

**effective** [2] - 238:6, 268:12

**effects** [1] - 251:9

**efficiency** [8] - 178:13, 242:46, 243:6, 244:7, 244:9, 244:24, 244:29, 244:36

**efficient** [5] - 157:30, 158:4, 158:5, 158:8, 158:9

**efficiently** [2] - 177:24, 178:27

**effort** [3] - 236:14, 258:37, 278:43

**eg** [1] - 251:16

**either** [19] - 146:3, 147:35, 153:14, 162:16, 173:22, 175:10, 182:23, 183:17, 187:4, 188:27, 188:40, 230:41, 240:16, 244:16, 248:45, 251:45, 254:26, 268:43, 270:40

**electropherogram** [1] - 220:21

**electropherograms** [1] - 220:14

**elements** [1] - 213:13

**eligible** [1] - 281:34

**eliminated** [1] - 276:2

**eliminating** [1] - 276:10

**elimination** [1] - 239:39

**elsewhere** [1] - 230:42

**email** [70] - 172:41, 172:45, 173:7, 173:9, 173:12, 176:17, 186:15, 193:36, 193:42, 209:9, 209:12, 215:43, 216:11, 216:13, 216:36, 216:42, 216:45, 217:1, 217:5, 217:18, 217:30, 222:33, 222:34, 222:40, 236:16, 236:18, 236:20, 248:13, 248:17, 248:30, 248:34, 249:28, 249:33, 249:40, 250:21, 250:40, 252:12, 255:15, 263:25, 271:30, 271:44, 272:6, 272:16, 272:36, 273:5, 273:46, 274:9, 274:10, 275:9, 275:19, 275:37, 276:27, 276:28, 276:41, 277:21, 278:24, 279:3, 279:5, 279:12, 279:13, 279:21, 279:36, 279:44, 279:47, 280:31, 282:33, 283:12, 283:35, 284:25, 284:40

**emailed** [4] - 196:24, 226:10, 256:34, 271:16

**emails** [9] - 172:34, 173:40, 221:21, 222:9, 222:17, 222:44, 270:39, 271:29, 276:44

**embark** [1] - 261:10

**embedded** [1] - 230:36

**Emily** [1] - 189:45

**Emma** [2] - 171:43, 186:11

**employed** [1] - 178:14

**employee** [3] - 179:10, 179:22, 183:9

**Employees** [2] - 142:15, 142:27

**employment** [2] - 172:5, 177:2

**end** [16] - 146:2, 146:45, 147:1, 147:13, 148:14,

148:15, 148:17, 149:42, 150:3, 193:30, 212:18, 223:35, 231:7, 238:9, 268:34, 285:36

**ended** [2] - 269:15, 272:3

**engage** [1] - 210:35

**English** [2] - 255:4, 266:15

**enhancement** [4] - 173:2, 173:42, 231:47, 250:2

**enhancements** [1] - 250:4

**enjoy** [3] - 179:42, 179:43, 179:45

**enjoyed** [1] - 179:46

**enlarged** [1] - 163:43

**enquire** [2] - 146:34, 192:3

**ensure** [4] - 178:26, 179:6, 185:29, 249:37

**enter** [1] - 231:42

**entertained** [1] - 180 14

**entire** [6] - 182:2, 182:9, 186:24, 254:25, 265:9, 272:7

**entirely** [2] - 186:46, 265:33

**entirety** [1] - 158:32

**entitled** [2] - 143:21, 245:21

**entity** [1] - 174:9

**enured** [1] - 194:45

**environment** [1] - 180:3

**equally** [1] - 211:11

**equipment** [1] - 151:9

**equivalent** [1] - 155:14

**error** [1] - 197:3

**errors** [1] - 205:18

**escalate** [3] - 150:39, 179:20, 179:26

**escalated** [1] - 150:25

**escalating** [1] - 150:43

**especially** [3] - 205:43, 271:4, 284:47

**essential** [2] - 194:24, 245:1

**essentially** [5] - 154:39, 169:46, 243:15, 274:22, 282:46

**establish** [1] - 169:24

**established** [1] - 227:44

**estimates** [1] - 275:47

**et** [4] - 144:5, 239:39, 243:30, 251:23

**event** [8] - 147:40, 150:12, 184:25, 185:32, 185:42, 212:44, 214:25, 240:44

**events** [3] - 189:20, 193:27, 201:17

**evidence** [86] - 144:37, 147:33, 148:23, 156:35, 168:28, 168:38, 175:28, 176:3, 176:9, 177:1, 180:18, 183:12, 184:10, 189:7, 189:11, 189:24, 191:11, 191:13, 192:19, 193:43, 194:4, 194:37, 196:37, 197:28, 198:1, 198:2, 198:10, 199:3, 199:5, 199:6, 199:9,

199:19, 199:23, 199:32, 199:38, 199:44, 200:2, 200:37, 201:17, 201:18, 201:22, 201:23, 201:27, 201:28, 202:12, 202:32, 202:33, 203:12, 203:22, 203:29, 203:33, 203:36, 203:41, 204:1, 204:9, 205:26, 205:34, 205:35, 205:43, 206:11, 206:14, 206:20, 206:29, 207:44, 208:14, 210:34, 210:45, 211:33, 211:44, 212:8, 212:19, 212:21, 223:5, 223:44, 226:16, 231:47, 232:1, 232:2, 242:22, 243:14, 243:28, 259:26, 273:17, 285:28

**Evidence** [7] - 207:34, 207:35, 208:16, 208:30, 209:39, 209:44, 211:23

**Ewen** [8] - 142:27, 247:47, 248:30, 255:21, 255:28, 258:32, 263:24, 270:4

**exact** [1] - 196:14

**exactly** [5] - 154:15, 229:25, 232:24, 263:38, 265:7

**exam** [1] - 144:4

**EXAMINATION** [6] - 142:42, 152:33, 174:42, 176:46, 207:6, 224:22

**Examination** [1] - 143:22

**examination** [12] - 143:46, 143:47, 145:1, 156:14, 211:22, 228:26, 229:42, 230:7, 230:8, 231:29, 234:18, 278:45

**examine** [3] - 144:6, 156:45, 285:4

**examined** [1] - 276:23

**examining** [3] - 144:3, 144:5, 259:25

**example** [22] - 145:26, 149:5, 153:5, 160:28, 160:32, 160:33, 160:43, 161:4, 166:21, 196:16, 197:6, 200:18, 210:44, 211:15, 211:27, 211:43, 212:23, 212:28, 233:1, 247:31, 256:35, 281:5

**example/examples** [1] - 196:44

**examples** [7] - 190:6, 196:43, 200:40, 259:3, 265:22, 278:8, 284:9

**exasperated** [1] - 185:42

**excavate** [1] - 150:47

**Excel** [1] - 253:34

**except** [2] - 203:23, 203:29

**exception** [8] - 159:29, 159:45, 160:4, 162:11, 162:26, 162:32, 207:14, 208:10

**exceptions** [5] - 152:37, 159:23, 166:4, 207:10, 208:43

**excess** [2] - 259:19, 285:21  
**Exchange** [1] - 228:10  
**exchange** [1] - 229:5  
**excluded** [3] - 187:35, 188:27, 188:45  
**excluding** [1] - 188:41  
**exclusively** [1] - 228:43  
**excuse** [6] - 142:12, 146:24, 158:2, 246:25, 260:11, 264:9  
**excused** [1] - 223:3  
**Executive** [3] - 150:25, 183:4, 277:38  
**exercise** [1] - 144:45  
**exercising** [1] - 168:16  
**exhaust** [2] - 281:12, 286:16  
**exhausted** [1] - 264:10  
**exhausting** [2] - 168:21, 285:2  
**exhausts** [1] - 285:44  
**exhibit** [30] - 155:23, 172:36, 172:37, 172:38, 176:14, 176:15, 184:34, 223:41, 225:27, 225:29, 226:3, 229:40, 229:44, 230:5, 230:11, 230:14, 230:24, 234:13, 234:27, 248:20, 248:22, 250:22, 250:25, 251:11, 251:21, 253:4, 272:28, 273:29, 274:4, 278:43  
**EXHIBIT** [3] - 225:7, 225:31, 226:5  
**exhibited** [1] - 272:26  
**exhibits** [13] - 155:35, 155:40, 223:29, 223:39, 228:17, 229:2, 249:11, 249:30, 249:37, 250:12, 250:20, 278:32, 278:46  
**exhortation** [2] - 196:38, 198:43  
**exhorted** [1] - 198:17  
**exist** [1] - 169:9  
**existed** [1] - 166:5  
**expanded** [3] - 173:2, 282:34, 282:36  
**expect** [5] - 154:37, 162:36, 162:42, 175:2, 175:19  
**expected** [3] - 152:25, 177:24, 177:35  
**expense** [3] - 167:30, 180:7, 245:2  
**expensive** [1] - 205:1  
**experience** [11] - 145:7, 147:40, 165:28, 167:36, 175:6, 177:10, 177:16, 191:45, 199:21, 200:37, 206:21  
**experiencing** [1] - 184:17  
**experimental** [3] - 148:11, 148:13, 148:17  
**expert** [2] - 168:28, 194:25  
**expertise** [5] - 144:47, 150:35, 150:44, 191:42, 191:46

**experts** [3] - 143:46, 197:8, 231:21  
**explain** [8] - 144:3, 155:39, 155:46, 156:5, 187:38, 188:32, 197:3, 200:17  
**explained** [5] - 152:39, 153:9, 180:45, 197:46, 271:37  
**explaining** [1] - 153:46  
**explains** [1] - 242:45  
**explanation** [1] - 266:13  
**explore** [1] - 245:18  
**expose** [2] - 247:28, 247:40  
**express** [3] - 181:17, 198:38, 202:37  
**expressed** [3] - 170:21, 172:35, 203:30  
**expression** [1] - 153:47  
**expressly** [4] - 187:4, 199:45, 201:19, 202:2  
**extending** [1] - 186:16  
**extensive** [1] - 255:29  
**extent** [5] - 148:37, 156:30, 166:2, 202:34, 204:5  
**external** [1] - 172:5  
**extra** [11] - 160:44, 167:16, 167:17, 167:20, 167:33, 170:22, 220:11, 237:11, 249:33, 252:29, 278:42  
**extract** [5] - 278:27, 280:44, 281:5, 281:36, 282:25  
**extracting** [2] - 279:4, 279:6  
**extraction** [2] - 144:15, 146:16  
**extracts** [1] - 251:3  
**eye** [1] - 147:36

**F**

**face** [3] - 205:27, 232:8  
**face-to-face** [1] - 232:8  
**fact** [27] - 152:3, 152:12, 159:28, 162:47, 180:11, 182:4, 185:21, 185:36, 188:1, 189:19, 189:39, 189:46, 210:14, 211:4, 229:16, 244:24, 254:21, 254:33, 256:8, 256:24, 257:30, 262:12, 263:23, 264:28, 276:4, 278:33, 278:41  
**factor** [3] - 148:44, 243:17, 243:20  
**factors** [2] - 149:13, 243:15  
**factory** [1] - 158:31  
**factory-style** [1] - 158:31  
**fail/success** [1] - 265:3  
**failed** [3] - 170:13, 179:21, 179:26  
**fails** [1] - 179:19  
**fair** [9] - 158:38, 167:17,

170:41, 171:16, 172:22, 212:29, 215:38, 222:9, 238:33  
**fairly** [5] - 144:16, 163:5, 185:39, 200:3, 281:10  
**fairness** [2] - 181:24, 188:31  
**faith** [2] - 202:14, 206:43  
**fake** [1] - 253:18  
**fall** [2] - 148:3, 183:8  
**fallout** [1] - 170:30  
**falls** [1] - 146:22  
**familiar** [2] - 155:25, 163:5  
**far** [7] - 156:5, 156:27, 203:12, 210:35, 263:34, 276:22, 279:11  
**fashion** [3] - 153:26, 169:27, 238:31  
**fast** [3] - 233:29, 241:25, 274:42  
**faster** [1] - 158:15  
**favour** [1] - 166:20  
**favouritism** [1] - 175:32  
**FCs** [1] - 249:12  
**fear** [1] - 183:6  
**feature** [1] - 188:2  
**Feb** [1] - 284:33  
**February** [11] - 173:28, 176:17, 235:26, 268:28, 275:21, 275:44, 277:37, 279:13, 279:21, 280:7, 284:10  
**feedback** [19] - 151:17, 151:19, 151:24, 151:25, 151:26, 170:1, 180:23, 180:26, 180:29, 181:27, 181:28, 181:30, 191:22, 192:13, 192:20, 193:1, 193:6, 217:28  
**feelings** [5] - 181:15, 182:3, 183:1, 189:16, 189:18  
**felt** [6] - 144:8, 144:45, 171:40, 182:47, 184:37, 222:10  
**few** [10] - 149:13, 169:41, 196:30, 198:25, 207:8, 232:24, 234:3, 239:42, 250:28, 268:19  
**fewer** [1] - 177:20  
**FFS** [1] - 177:2  
**field** [1] - 232:9  
**fight** [2] - 181:5, 187:41  
**figure** [2] - 172:15, 172:21  
**figures** [2] - 258:43, 262:30  
**file** [1] - 250:25  
**files** [1] - 228:47  
**filling** [1] - 240:45  
**filter** [1] - 265:2  
**filters** [1] - 209:10  
**final** [1] - 215:42  
**finalise** [1] - 196:17  
**finally** [2] - 166:44, 271:31  
**financial** [2] - 282:12, 282:13  
**findings** [2] - 200:32,

201:11  
**fine** [3] - 260:23, 268:16, 286:42  
**fingerprint** [2] - 232:1, 232:14  
**Fingerprint** [2] - 224:35, 227:10  
**fingerprinting** [1] - 232:21  
**fingerprints** [1] - 232:13  
**finish** [5] - 206:18, 264:12, 265:26, 283:9, 283:12  
**firm** [1] - 271:44  
**first** [43] - 142:38, 143:42, 144:10, 145:40, 145:41, 147:21, 151:14, 151:16, 152:36, 163:44, 164:1, 167:4, 175:18, 176:27, 204:38, 205:8, 207:20, 207:44, 207:47, 208:7, 208:15, 208:29, 208:36, 212:19, 223:29, 225:27, 226:20, 226:25, 230:21, 235:45, 238:32, 239:9, 240:19, 244:25, 250:18, 253:27, 255:23, 256:19, 263:18, 269:20, 277:6, 280:24, 280:39  
**firstly** [1] - 207:14  
**fit** [3] - 164:18, 188:12, 214:24  
**five** [6] - 166:8, 233:10, 233:11, 233:19, 233:33, 257:45  
**five-day** [2] - 233:10, 233:33  
**fixed** [2] - 267:9, 267:12  
**flag** [1] - 190:13  
**flags** [1] - 214:26  
**flawed** [1] - 148:9  
**flexible** [3] - 222:10, 222:19, 222:29  
**floating** [1] - 173:34  
**flow** [2] - 168:15, 189:10  
**flows** [1] - 152:37  
**fluids** [1] - 212:9  
**focus** [4] - 174:22, 182:5, 232:15, 244:40  
**foe** [3] - 268:44, 269:36  
**folder** [1] - 249:26  
**follow** [10] - 189:17, 193:44, 195:11, 196:12, 196:25, 196:27, 196:38, 215:44, 236:20, 243:22  
**following** [4] - 170:42, 195:33, 268:33, 271:30  
**follows** [1] - 274:17  
**footwear** [1] - 232:2  
**FOR** [3] - 251:27, 254:1, 254:36  
**force** [3] - 239:10, 262:29  
**FORENSIC** [1] - 141:6  
**forensic** [34] - 142:47, 150:32, 180:2, 197:8, 224:32, 226:32, 226:37, 227:20, 227:27, 227:31, 227:46, 228:3, 228:25, 228:26, 228:43, 229:3, 229:16, 229:36, 230:36,

231:28, 231:29, 231:31, 231:33, 231:38, 253:29, 253:31, 254:11, 254:31, 255:33, 258:24, 273:2, 278:18, 278:42  
**Forensic** [57] - 143:22, 145:4, 145:7, 145:11, 145:17, 145:39, 146:14, 146:17, 153:33, 153:40, 173:3, 173:22, 173:42, 227:43, 227:47, 228:36, 228:40, 228:41, 228:42, 229:9, 229:24, 229:29, 229:30, 229:38, 229:39, 236:16, 236:18, 236:19, 236:23, 236:25, 236:27, 237:31, 238:7, 243:36, 243:40, 244:4, 244:14, 245:4, 245:11, 245:14, 249:14, 250:3, 250:31, 250:32, 250:33, 250:43, 251:45, 253:40, 254:30, 268:29, 273:1, 278:38, 281:43, 283:41  
**forensically** [2] - 148:28, 211:41  
**forensics** [1] - 232:6  
**form** [7] - 143:18, 143:26, 145:9, 189:26, 194:5, 202:40, 285:12  
**formal** [1] - 183:5  
**formally** [1] - 183:18  
**format** [2] - 256:29, 272:13  
**formed** [1] - 286:27  
**former** [2] - 142:1, 277:41  
**formulate** [1] - 213:9  
**formulating** [1] - 213:24  
**forth** [1] - 246:43  
**fortnightly** [1] - 237:6  
**forum** [1] - 174:14  
**forward** [7] - 148:13, 169:17, 171:38, 190:19, 192:31, 249:2, 267:14  
**forwarded** [1] - 251:13  
**four** [13] - 152:17, 166:8, 215:24, 219:24, 231:43, 265:23, 273:36, 274:12, 274:13, 274:17, 274:23, 274:26, 277:7  
**four-year** [1] - 231:43  
**fourth** [4] - 219:37, 219:41, 219:42, 274:20  
**FR** [2] - 251:16, 253:22  
**framed** [1] - 202:45  
**framing** [1] - 197:37  
**free** [6] - 156:10, 156:13, 156:29, 157:4, 183:16, 271:25  
**freed** [1] - 156:30  
**frequently** [1] - 237:9  
**Friberg** [9] - 142:17, 142:34, 275:20, 275:45, 277:42, 278:6, 279:13, 279:20, 280:6  
**friend** [10] - 172:18, 184:31, 185:44, 186:2, 186:14, 186:33, 191:13,

264:15, 268:44, 269:35  
**friends** [2] - 186:29, 269:1  
**front** [3] - 182:10, 265:26  
**front-to-finish** [1] - 265:26  
**frontline** [2] - 228:30, 260:28  
**frustration** [1] - 171:8  
**FS** [1] - 253:41  
**FSS** [15] - 178:9, 179:38, 229:29, 230:20, 239:34, 240:10, 244:3, 250:21, 251:4, 251:26, 251:40, 263:10, 266:26, 277:38, 278:25  
**FSS.0001.0001.9355** [3] - 163:22, 163:40, 165:38  
**FSS.0001.0001.9355** [1] - 163:21  
**FSS.0001.0066.8657** [1] - 171:3  
**full** [15] - 145:13, 155:7, 155:23, 168:5, 168:21, 168:32, 170:43, 195:36, 211:22, 212:3, 212:24, 212:35, 256:22, 258:31, 284:44  
**fully** [3] - 170:28, 272:2, 279:19  
**fund** [2] - 239:2, 239:12  
**fundamentally** [1] - 148:9  
**funded** [3] - 239:21, 240:35, 240:38  
**funding** [7] - 238:46, 239:8, 239:11, 239:14, 239:20, 239:24, 239:27  
**funds** [1] - 251:10  
**funnel** [1] - 251:9  
**FURTHER** [3] - 251:27, 254:1, 254:36  
**future** [6] - 189:27, 247:2, 247:6, 247:11, 281:13, 285:3

**G**

**gains** [1] - 257:13  
**gap** [1] - 152:18  
**gather** [2] - 144:47, 147:15  
**General** [1] - 168:1  
**general** [12] - 155:47, 156:1, 184:15, 187:22, 196:14, 196:38, 198:43, 200:25, 200:30, 203:41, 205:41, 242:28  
**generalists** [2] - 231:46, 232:10  
**generally** [31] - 154:47, 163:30, 163:36, 165:3, 176:6, 180:22, 195:10, 196:39, 207:19, 213:36, 229:26, 229:40, 231:30, 231:37, 231:39, 232:5, 232:15, 232:34, 232:42, 233:13, 233:25, 236:21, 237:30, 241:22, 242:18, 242:43, 243:22, 244:7, 246:39, 246:44, 262:7

**generating** [1] - 148:28  
**genetic** [1] - 146:38  
**Genetic** [1] - 221:5  
**gentleman** [5] - 170:41, 171:17, 171:47, 172:29, 186:16  
**gentlemen** [1] - 286:36  
**George** [1] - 141:15  
**Gerard** [3] - 250:27, 276:46, 277:3  
**given** [29] - 143:42, 146:32, 152:21, 153:22, 158:40, 159:22, 176:3, 176:31, 184:10, 186:28, 186:47, 187:25, 187:40, 189:25, 193:5, 196:40, 198:2, 199:3, 203:29, 204:32, 204:34, 223:11, 229:24, 239:12, 246:9, 253:42, 257:12, 261:23, 268:40  
**GNECH** [6] - 142:23, 174:42, 174:44, 175:31, 175:39, 176:39  
**Gnech** [5] - 142:24, 142:25, 142:29, 174:40, 223:14  
**goal** [2] - 148:16, 148:18  
**Gold** [1] - 232:27  
**Goodbye** [2] - 272:4, 272:5  
**government** [5] - 240:6, 240:13, 269:3, 269:4, 269:21  
**grading** [1] - 285:36  
**graduate** [1] - 231:44  
**graph** [2] - 218:39, 219:6  
**grateful** [1] - 169:39  
**greater** [6] - 165:20, 167:29, 193:6, 217:43, 219:42, 230:18  
**grievance** [1] - 183:5  
**grievances** [2] - 183:8, 183:47  
**ground** [1] - 167:39  
**groundwork** [1] - 169:24  
**Group** [1] - 268:30  
**group** [4] - 224:33, 226:32, 226:36, 229:16  
**guess** [16] - 171:38, 176:19, 202:8, 202:9, 202:19, 233:23, 238:26, 239:34, 240:10, 244:19, 245:12, 247:29, 257:2, 257:44, 277:29, 282:38  
**guidelines** [2] - 168:34, 216:22  
**guilty** [1] - 249:39  
**gum** [1] - 267:42

**H**

**half** [3] - 240:14, 240:20, 268:38  
**halfway** [2] - 163:23, 268:38  
**hand** [8] - 223:26, 223:36,

234:43, 234:44, 243:14, 243:30, 279:44, 279:46  
**hand-delivered** [2] - 243:14, 243:30  
**handle** [5] - 157:31, 157:32, 236:1, 270:18, 270:23  
**handled** [1] - 165:4  
**handover** [9] - 248:10, 248:38, 254:6, 255:21, 255:28, 256:4, 258:32, 263:34, 278:11  
**hands** [1] - 201:40  
**hang** [1] - 280:33  
**happy** [2] - 260:21, 283:6  
**hard** [4] - 169:31, 181:12, 243:25, 264:19  
**harder** [1] - 214:26  
**hardly** [1] - 174:29  
**harmony** [1] - 172:7  
**Harold** [1] - 224:15  
**HAROLD** [4] - 224:20, 225:7, 225:31, 226:5  
**heading** [3] - 163:41, 165:41, 165:42  
**health** [1] - 180:8  
**Health** [25] - 227:7, 227:9, 228:32, 228:45, 229:41, 230:42, 231:12, 233:11, 233:21, 235:10, 238:9, 239:2, 239:21, 239:33, 239:34, 240:7, 240:25, 250:37, 252:39, 268:34, 269:44, 272:47, 278:33, 282:3, 285:24  
**Health's** [1] - 229:43  
**hear** [2] - 168:27, 266:31  
**heard** [8] - 146:20, 196:15, 202:1, 202:27, 203:32, 238:10, 263:17, 267:36  
**hearing** [4] - 142:9, 199:13, 264:19, 264:28  
**HEARING** [1] - 286:46  
**HEDGE** [20] - 207:6, 207:8, 213:30, 216:8, 216:45, 217:9, 217:14, 220:5, 220:11, 220:35, 221:14, 221:21, 221:27, 221:33, 221:39, 222:24, 222:28, 222:43, 223:2, 223:9  
**hedge** [1] - 220:33  
**Hedge** [7] - 141:33, 191:13, 203:12, 205:10, 207:4, 217:5, 221:10  
**height** [1] - 220:22  
**heights** [1] - 219:25  
**held** [5] - 177:6, 184:14, 226:35, 227:5, 237:27  
**help** [4] - 165:14, 168:34, 182:6, 184:16  
**helpful** [8] - 168:35, 188:16, 198:2, 202:31, 202:45, 202:46, 204:14, 230:43  
**helps** [1] - 188:18  
**herself** [1] - 172:14  
**hesitant** [1] - 246:14

**hiatus** [1] - 243:36  
**Hickey** [14] - 176:42, 183:32, 184:42, 188:6, 190:41, 191:7, 197:19, 199:12, 199:36, 200:17, 201:13, 203:40, 203:44, 206:29  
**HICKEY** [55] - 176:44, 176:46, 177:1, 179:26, 183:11, 183:36, 184:44, 185:2, 185:7, 188:1, 188:8, 188:14, 188:20, 188:24, 190:11, 190:33, 190:37, 190:43, 190:47, 191:9, 195:39, 197:23, 197:31, 197:37, 197:44, 199:16, 199:40, 200:1, 200:8, 200:14, 200:20, 201:33, 201:38, 201:43, 202:1, 202:22, 204:16, 204:21, 204:27, 204:32, 204:38, 205:8, 205:30, 205:38, 206:6, 206:16, 206:26, 206:31, 206:36, 206:40, 207:2, 264:15, 264:21, 266:33, 266:44  
**hierarchy** [1] - 178:10  
**high** [8] - 195:34, 215:6, 218:29, 232:11, 247:33, 261:23, 262:7, 262:14  
**high-level** [1] - 232:11  
**high-throughput** [1] - 195:34  
**higher** [2] - 182:45, 264:5  
**highest** [2] - 164:8, 177:47  
**highlight** [1] - 252:38  
**highlighted** [2] - 205:12, 275:24  
**hindsight** [5] - 223:38, 254:33, 254:42, 254:44, 265:34  
**historical** [1] - 230:38  
**histories** [1] - 228:16  
**history** [2] - 146:34, 263:44  
**hoc** [1] - 213:25  
**Hodge** [6] - 141:30, 142:13, 203:5, 223:23, 260:12  
**HODGE** [15] - 142:3, 142:8, 142:15, 202:27, 202:31, 203:9, 203:16, 203:32, 205:16, 223:25, 223:34, 224:5, 224:11, 260:17, 286:42  
**Hodge's** [1] - 168:26  
**hold** [2] - 179:10, 194:9  
**holding** [1] - 156:11  
**holdings** [1] - 227:1  
**holistic** [2] - 211:40, 213:46  
**holistically** [1] - 214:22  
**home** [1] - 217:31  
**Homicide** [1] - 230:37  
**homicide** [2] - 155:5, 246:42  
**homicides** [2] - 143:40, 276:17

**Hon** [1] - 141:26  
**honest** [10] - 173:33, 199:24, 206:3, 239:44, 255:23, 255:45, 256:21, 263:46, 265:10, 269:20  
**honestly** [1] - 266:33  
**honesty** [2] - 205:21, 205:41  
**Honour** [4] - 142:23, 142:25, 220:5, 220:8  
**hope** [1] - 255:11  
**hoped** [1] - 158:4  
**house** [1] - 235:38  
**Howes** [42] - 151:38, 152:11, 172:47, 173:12, 173:41, 174:8, 175:32, 175:46, 176:17, 180:23, 180:46, 181:17, 181:25, 181:31, 181:35, 182:22, 184:37, 185:7, 185:12, 185:21, 188:32, 190:18, 192:39, 193:5, 193:20, 193:37, 203:38, 204:42, 205:40, 206:22, 206:41, 206:47, 215:43, 216:6, 216:13, 216:18, 217:6, 221:22, 222:18, 222:35, 230:44, 271:9  
**HR** [8] - 183:17, 183:23, 183:28, 183:30, 183:33, 183:38, 183:43, 184:15  
**HR-related** [1] - 183:43  
**HSQ** [1] - 184:15  
**huge** [1] - 158:35  
**human** [2] - 197:3, 205:18  
**hunt** [1] - 190:40  
**Hunter** [7] - 146:24, 150:1, 152:31, 152:36, 154:26, 210:9, 223:13  
**hunter** [2] - 142:38, 147:30  
**HUNTER** [11] - 142:40, 142:42, 142:44, 147:33, 150:3, 150:7, 152:6, 152:11, 152:29, 253:22, 267:1  
**hypothesis** [7] - 148:10, 148:12, 148:14, 148:21, 189:12, 238:43, 247:14

**I**

**I/O's** [1] - 249:20  
**idea** [7] - 144:9, 180:12, 198:43, 223:38, 236:41, 238:30, 279:30  
**ideal** [1] - 177:21  
**identification** [1] - 242:10  
**identified** [7] - 162:12, 166:8, 212:46, 228:33, 228:34, 271:22, 271:25  
**identifies** [7] - 160:22, 163:43, 173:1, 205:16, 237:23, 255:37, 277:16  
**identify** [5] - 192:35, 241:24, 242:24, 247:7, 277:36

**identifying** [2] - 242:36, 273:13  
**ignorant** [1] - 190:14  
**ignored** [4] - 187:35, 188:27, 188:45, 220:25  
**ignoring** [1] - 188:37  
**illustrate** [1] - 160:32  
**image** [1] - 278:30  
**images** [4] - 229:1, 278:35, 278:37, 278:43  
**immediate** [1] - 242:19  
**immediately** [4] - 211:19, 268:4, 269:19, 269:23  
**impact** [6] - 158:35, 182:40, 233:22, 233:24, 259:30, 268:1  
**impacted** [2] - 181:10, 244:20  
**impede** [1] - 237:21  
**imperative** [1] - 177:32  
**imperfect** [1] - 219:23  
**implement** [1] - 168:15  
**implementation** [14] - 151:8, 151:14, 151:15, 151:16, 151:19, 151:20, 151:21, 151:28, 151:29, 151:31, 151:47, 152:15, 152:24, 267:32  
**implemented** [6] - 149:38, 152:16, 175:47, 263:15, 267:26, 281:10  
**implementing** [1] - 281:15  
**implicitly** [2] - 187:5, 199:45  
**imply** [2] - 199:38, 201:24  
**importance** [1] - 165:23  
**important** [5] - 199:37, 238:31, 243:46, 255:10, 262:39  
**important"** [1] - 181:9  
**impose** [1] - 194:39  
**impossible** [1] - 181:46  
**impression** [1] - 276:29  
**improper** [1] - 205:21  
**improve** [1] - 267:15  
**improved** [1] - 254:2  
**improvement** [1] - 173:13  
**impute** [1] - 204:10  
**IN** [1] - 141:6  
**inadequate** [1] - 203:26  
**inappropriate** [5] - 178:32, 178:43, 256:29, 285:27  
**incarnation** [1] - 177:3  
**incarnations** [2] - 178:9, 179:39  
**inception** [2] - 260:5, 278:28  
**incident** [7] - 170:4, 170:14, 170:17, 170:24, 170:43, 172:24, 181:3  
**incidents** [2] - 228:15, 268:19  
**include** [4] - 149:12, 252:31, 261:1, 282:34  
**included** [3] - 230:5, 231:34, 275:46  
**includes** [2] - 223:29, 230:28  
**including** [8] - 174:16, 174:24, 195:36, 249:6, 261:9, 261:39, 276:16, 285:43  
**incoming** [1] - 154:44  
**incorporated** [3] - 192:12, 192:13, 192:18  
**incorrect** [12] - 174:14, 187:21, 187:32, 214:30, 214:43, 215:12, 286:9, 286:12, 286:13, 286:17  
**incorrects** [4] - 214:34, 214:35, 215:31, 215:38  
**increase** [14] - 150:19, 167:12, 214:30, 214:46, 215:2, 215:4, 240:11, 240:14, 240:23, 240:29, 240:30, 282:15, 284:17, 284:40  
**increased** [7] - 158:29, 178:6, 239:35, 239:41, 239:43, 239:45  
**increases** [1] - 239:42  
**indeed** [6] - 153:13, 178:9, 179:34, 187:25, 193:1, 279:38  
**independently** [1] - 217:26  
**indicate** [3] - 173:28, 214:24, 235:9  
**indicated** [6] - 173:41, 258:32, 263:22, 270:36, 278:5, 278:6  
**indicates** [1] - 234:1  
**indication** [1] - 230:31  
**indictable** [1] - 245:21  
**indistinct** [1] - 266:44  
**individual** [3] - 164:33, 243:9, 278:46  
**inefficient** [1] - 178:17  
**influence** [4] - 148:27, 207:40, 208:36, 269:47  
**inform** [1] - 257:33  
**informal** [2] - 160:8, 160:9  
**informally** [1] - 183:18  
**information** [59] - 143:43, 144:47, 145:8, 145:10, 145:45, 146:18, 176:29, 190:21, 192:15, 196:40, 197:5, 205:26, 211:37, 212:4, 212:36, 213:4, 213:6, 213:19, 213:21, 213:23, 223:44, 228:13, 228:20, 228:37, 228:38, 228:46, 229:36, 229:40, 229:44, 230:8, 230:18, 230:24, 230:25, 230:28, 230:34, 230:40, 235:27, 248:38, 252:24, 252:38, 254:18, 254:31, 254:47, 255:29, 255:46, 257:13, 259:3, 264:46, 265:30, 270:33, 278:34, 278:38, 281:20, 282:37, 283:42, 285:12, 286:27  
**Information** [1] - 228:9  
**informed** [1] - 152:26  
**informs** [1] - 278:2  
**initial** [6] - 142:33, 147:37, 232:8, 236:12, 270:46, 274:12  
**initials** [1] - 142:24  
**initiate** [1] - 254:23  
**initiative** [5] - 157:20, 256:36, 256:40, 267:25, 267:45  
**injected** [1] - 239:11  
**input** [1] - 209:38  
**INQUIRY** [1] - 141:4  
**Inquiry** [6] - 151:43, 158:27, 188:10, 224:38, 225:35, 260:28  
**insofar** [1] - 156:26  
**Inspector** [24] - 142:17, 142:35, 173:27, 209:7, 209:8, 226:45, 234:14, 236:7, 241:43, 246:32, 248:3, 249:7, 249:28, 251:7, 259:14, 260:21, 262:41, 263:13, 265:40, 269:41, 271:19, 274:11, 279:11, 280:39  
**inspector** [12] - 224:18, 224:27, 224:31, 226:39, 236:28, 242:16, 246:27, 247:43, 264:9, 264:16, 264:24, 270:4  
**inspector's** [1] - 267:1  
**instalment** [1] - 239:3  
**instance** [15] - 167:4, 170:8, 197:26, 228:16, 228:47, 229:44, 230:2, 230:14, 230:24, 230:26, 232:26, 235:37, 235:45, 240:19, 285:29  
**instances** [1] - 197:28  
**instead** [1] - 155:24  
**instinctively** [1] - 246:15  
**Institute** [1] - 267:29  
**instructed** [1] - 142:33  
**instructions** [1] - 144:3  
**INSUFFICIENT** [3] - 251:27, 253:47, 254:36  
**insufficient** [19] - 231:4, 253:44, 254:13, 254:39, 255:16, 255:22, 255:42, 256:17, 257:20, 257:29, 257:38, 258:6, 258:25, 259:5, 259:17, 261:43, 273:27, 274:14, 276:19  
**integrity** [2] - 179:6, 181:7  
**intel** [2] - 197:2, 229:24  
**intellect** [1] - 265:10  
**intelligence** [8] - 196:43, 196:44, 196:45, 197:11, 198:1, 198:2, 198:4, 241:33  
**intend** [13] - 181:14, 184:33, 186:13, 187:5, 197:37, 199:5, 199:19, 199:29, 199:32, 200:36, 202:12, 206:20, 206:28  
**intended** [5] - 168:14, 173:14, 194:17, 204:9, 204:16  
**intends** [5] - 199:38, 199:45, 201:24, 201:27, 206:13  
**intention** [2] - 187:12, 205:43  
**intentions** [2] - 187:8, 187:9  
**interacting** [1] - 267:18  
**interaction** [1] - 217:45  
**Interest** [3] - 189:32, 190:12, 190:20  
**interest** [5] - 172:35, 232:6, 242:23, 242:29, 256:36  
**interested** [5] - 180:35, 181:16, 197:39, 197:44, 198:8  
**interesting** [1] - 219:7  
**interests** [2] - 195:34, 200:1  
**interface** [2] - 228:37, 229:4  
**interfere** [1] - 269:47  
**Interim** [1] - 258:18  
**internal** [1] - 230:8  
**internally** [2] - 245:7, 259:33  
**International** [1] - 227:42  
**international** [2] - 168:28, 228:1  
**interpret** [3] - 145:43, 153:39, 231:22  
**interpretation** [13] - 145:41, 153:38, 160:39, 160:40, 160:44, 196:17, 208:26, 216:23, 217:24, 222:12, 231:47, 232:3, 274:22  
**interpretations** [1] - 220:13  
**interpreted** [2] - 144:28, 217:22  
**interpreting** [1] - 153:29  
**interrupt** [3] - 195:39, 197:31, 226:8  
**intervening** [1] - 153:46  
**intimate** [2] - 161:7, 230:7  
**intimidated** [1] - 184:38  
**INTO** [1] - 141:6  
**introduced** [3] - 222:4, 239:9, 282:26  
**introduction** [1] - 282:27  
**invalid** [2] - 203:25  
**investigates** [1] - 201:2  
**investigating** [9] - 211:38, 231:6, 249:22, 253:26, 253:42, 254:10, 255:33, 258:24, 258:30  
**Investigation** [2] - 230:12, 230:37  
**investigation** [6] - 165:16, 165:21, 233:1, 237:21, 238:39, 273:38  
**investigations** [3] - 233:24, 241:33, 247:9  
**Investigative** [1] - 227:2  
**investigative** [1] - 212:35  
**investigator** [4] - 154:23, 254:20, 255:10, 275:4  
**investigators** [22] - 177:46, 228:21, 228:38, 229:26, 231:9, 231:18, 231:28, 235:22, 241:35, 241:37, 243:27, 251:10, 251:14, 252:16, 252:20, 252:25, 252:39, 255:1, 258:46, 259:1, 271:13, 282:37  
**invisible** [1] - 230:47  
**invite** [1] - 244:33  
**invited** [3] - 171:47, 172:29, 284:1  
**involve** [3] - 165:1, 167:29, 226:46  
**involved** [9] - 144:14, 146:15, 156:34, 157:38, 204:1, 231:29, 238:39, 254:24, 277:29  
**involvement** [1] - 209:42  
**involves** [3] - 168:21, 227:5, 231:44  
**involving** [2] - 161:36, 170:4  
**irregular** [1] - 236:43  
**isolated** [1] - 182:35  
**issue** [15] - 168:16, 182:12, 182:38, 183:16, 192:4, 197:39, 215:45, 216:9, 233:20, 261:16, 270:6, 270:43, 270:45, 271:7, 273:9  
**issued** [1] - 270:45  
**issues** [19] - 158:31, 181:3, 181:11, 182:7, 182:8, 184:5, 184:10, 184:16, 188:12, 189:19, 190:5, 198:32, 204:33, 205:32, 205:34, 214:16, 263:38, 268:13, 270:39  
**item** [8] - 144:4, 144:9, 145:17, 145:19, 212:10, 252:21, 252:34, 281:35  
**item/sample** [2] - 251:28, 252:6  
**items** [18] - 142:46, 143:17, 143:27, 143:29, 144:6, 152:45, 154:37, 155:24, 156:11, 156:14, 156:45, 160:36, 160:40, 180:41, 209:43, 229:3, 267:41  
**itself** [1] - 205:28

**J**

**January** [1] - 152:16  
**jargon** [1] - 254:20  
**jeans** [1] - 156:40  
**job** [11] - 144:18, 147:2, 178:13, 179:47, 180:8, 187:44, 191:34, 191:36, 247:44, 263:31, 269:40  
**jobs** [3] - 226:35, 228:20, 237:30

**John** [6] - 182:11, 183:4, 184:22, 195:44, 196:15, 261:19  
**join** [1] - 232:7  
**JONES** [60] - 224:15, 224:22, 224:24, 225:3, 225:10, 225:24, 225:34, 226:1, 226:16, 226:23, 234:13, 240:2, 240:44, 241:43, 242:1, 245:18, 245:42, 245:47, 246:35, 248:22, 248:26, 250:17, 253:18, 253:25, 256:16, 257:19, 258:18, 258:22, 259:24, 260:1, 260:27, 262:19, 262:25, 262:37, 262:45, 263:5, 264:3, 264:12, 264:33, 265:43, 266:2, 266:7, 266:12, 266:19, 266:24, 267:18, 269:35, 269:40, 271:29, 272:28, 272:32, 272:36, 274:8, 275:17, 276:40, 280:31, 283:6, 283:12, 283:16, 286:33  
**Jones** [12] - 141:32, 224:13, 246:25, 253:13, 257:16, 260:11, 262:39, 264:10, 265:39, 275:15, 276:38, 283:2

**Joshua** [1] - 141:32  
**journal** [1] - 256:27  
**journalist** [1] - 189:45  
**journalment** [3] - 161:33, 168:6, 168:35  
**July** [2] - 248:34, 248:46  
**June** [19] - 151:35, 170:24, 226:40, 226:43, 247:44, 248:10, 248:30, 254:6, 255:15, 255:18, 255:20, 255:27, 255:42, 258:22, 258:47, 260:5, 263:23, 266:7, 269:40  
**Justin** [26] - 157:29, 174:24, 175:3, 180:46, 181:20, 182:22, 182:44, 188:32, 190:18, 192:14, 192:39, 193:20, 195:43, 196:2, 196:16, 203:38, 206:41, 206:42, 206:47, 216:36, 230:44, 249:29, 249:34, 271:9, 271:32, 271:39

**Justin's** [1] - 171:36

**K**

**KC** [2] - 141:26, 141:30  
**keel** [1] - 186:34  
**keen** [1] - 270:35  
**keep** [3] - 190:39, 264:17, 269:45  
**keeping** [1] - 228:15  
**Keller** [6] - 150:26, 183:13, 183:15, 183:23, 189:33, 190:21  
**Keller's** [1] - 190:44

**kept** [1] - 249:26  
**key** [1] - 266:27  
**kind** [13] - 145:44, 148:17, 154:10, 158:9, 165:19, 165:20, 183:6, 200:26, 200:27, 200:31, 204:2, 214:25, 245:42  
**kinds** [3] - 201:2, 201:5, 201:10  
**kit** [2] - 150:8, 230:9  
**Kit** [1] - 230:12  
**knowing** [2] - 245:34, 254:44  
**knowingly** [1] - 194:39  
**knowledge** [3] - 144:46, 178:31, 186:47  
**known** [8] - 143:39, 150:21, 175:42, 186:42, 193:7, 197:7, 233:26, 246:12  
**knows** [3] - 223:45, 245:40, 269:25  
**KR-06** [2] - 184:34, 184:46  
**KR-08** [2] - 172:36, 176:15  
**Kylie** [3] - 188:37, 217:2, 223:30  
**KYLIE** [1] - 142:1

**L**

**lab** [66] - 144:2, 145:32, 150:8, 150:18, 152:39, 154:40, 155:24, 156:29, 157:9, 158:12, 159:27, 161:46, 170:35, 176:32, 177:16, 177:20, 177:24, 177:27, 177:31, 177:35, 178:6, 179:6, 180:2, 181:9, 182:18, 183:39, 187:10, 195:34, 207:11, 209:14, 209:20, 209:27, 209:30, 211:45, 213:5, 214:43, 230:19, 230:25, 235:5, 235:18, 237:27, 237:35, 238:21, 238:25, 238:33, 238:47, 241:10, 241:18, 243:19, 243:29, 244:7, 244:9, 244:24, 259:31, 261:18, 266:29, 267:42, 268:13, 270:19, 271:34, 271:38, 282:38, 284:4, 284:15  
**laboratory** [25] - 142:45, 143:1, 143:5, 143:13, 143:17, 144:14, 150:21, 156:18, 159:10, 172:15, 184:13, 187:39, 189:21, 190:5, 195:5, 211:16, 213:19, 217:27, 220:47, 238:13, 243:14, 243:16, 270:21, 276:11, 278:37  
**labs** [1] - 229:3  
**lack** [2] - 150:12, 260:34  
**ladies** [1] - 286:36  
**language** [6] - 194:46, 198:38, 198:44, 263:37, 265:37  
**Lara** [3] - 183:13, 189:33, 190:21  
**large** [8] - 156:14, 164:5, 164:18, 164:22, 164:25, 233:27, 238:29, 238:33  
**larger** [3] - 209:42, 211:7, 237:30  
**laser** [1] - 221:7  
**last** [26] - 150:8, 152:17, 158:26, 172:47, 189:36, 197:25, 197:38, 199:2, 204:16, 217:14, 217:15, 234:3, 234:24, 234:29, 236:34, 236:41, 237:19, 249:5, 249:6, 249:25, 251:41, 254:46, 269:11, 282:12, 284:28  
**lastly** [1] - 151:7  
**late** [4] - 189:36, 254:7, 268:31, 276:29  
**latest** [1] - 169:24  
**Laura** [1] - 141:31  
**lawfully** [1] - 227:4  
**layperson** [1] - 202:44  
**lead** [8] - 148:17, 175:4, 201:6, 201:10, 201:24, 203:13, 241:37, 262:42  
**leader** [1] - 171:36  
**leader's** [2] - 151:25, 151:26  
**leading** [1] - 184:21  
**lean** [2] - 266:42, 267:14  
**LEAN** [1] - 256:35  
**learn** [1] - 263:45  
**learned** [8] - 184:31, 185:44, 186:2, 186:14, 191:13, 264:15, 274:43, 279:18  
**learning** [1] - 242:12  
**least** [10] - 152:25, 158:44, 163:35, 171:20, 171:23, 172:25, 182:9, 182:11, 193:19, 267:23  
**leave** [10] - 142:34, 142:37, 179:45, 180:6, 201:15, 201:40, 223:6, 252:45, 262:40, 276:43  
**leaves** [2] - 282:24, 286:6  
**led** [4] - 168:38, 197:28, 203:11, 203:12  
**left** [10] - 160:47, 170:35, 181:5, 226:18, 231:27, 238:7, 247:5, 281:36, 285:16, 286:6  
**legacy** [1] - 250:6  
**legal** [3] - 202:16, 202:39, 203:2  
**legislation** [1] - 227:3  
**legitimate** [2] - 179:20, 179:26  
**less** [5] - 214:19, 233:10, 275:47, 276:33, 276:35  
**letters** [1] - 253:47  
**Level** [1] - 141:15  
**level** [10] - 150:40, 160:39, 165:23, 197:8, 215:6, 220:31, 231:41, 231:45, 232:11, 270:17

**levels** [7] - 251:29, 252:32, 255:6, 255:15, 255:37, 255:43, 256:17  
**liaison** [1] - 257:43  
**lie** [1] - 247:34  
**lies** [2] - 247:28, 247:36  
**lift** [2] - 236:1, 267:7  
**light** [1] - 236:2  
**likelihood** [7] - 148:27, 149:2, 150:47, 220:44, 236:2, 270:46, 274:19  
**likely** [4] - 143:29, 148:45, 212:14, 285:13  
**likewise** [3] - 153:18, 162:32, 212:18  
**limit** [17] - 196:33, 215:45, 216:9, 218:20, 218:24, 218:28, 220:12, 221:1, 221:22, 221:47, 222:7, 222:20, 222:21, 233:12, 234:1, 235:31, 235:42  
**limited** [1] - 233:13  
**limiting** [2] - 243:17, 243:20  
**limits** [1] - 233:46  
**line** [14] - 157:10, 158:22, 159:23, 160:5, 162:11, 166:5, 170:22, 180:27, 181:28, 184:10, 220:21, 220:31, 221:6, 257:28  
**lines** [4] - 143:23, 231:23, 256:31, 268:41  
**link** [18] - 212:20, 242:7, 242:9, 242:10, 242:13, 242:24, 243:2, 243:8, 243:24, 243:27, 243:31, 243:42, 244:19, 246:3, 246:46, 247:2, 247:11, 270:46  
**linking** [1] - 246:46  
**links** [9] - 241:32, 243:8, 243:19, 243:22, 243:23, 243:41, 244:5, 246:42  
**lion's** [1] - 232:36  
**list** [33] - 145:42, 147:3, 147:38, 148:3, 152:45, 153:22, 153:38, 153:41, 154:37, 155:10, 157:31, 158:15, 160:8, 160:20, 160:34, 162:6, 162:45, 164:29, 166:27, 173:1, 198:25, 207:10, 208:25, 213:40, 213:43, 214:11, 214:16, 215:17, 217:24, 217:25, 223:26, 223:27  
**listed** [1] - 274:26  
**listened** [2] - 168:26, 182:31  
**listing** [1] - 249:29  
**lists** [2] - 152:41, 159:41  
**located** [1] - 232:23  
**location** [3] - 218:12, 219:15, 219:19  
**locations** [6] - 218:7, 218:38, 218:43, 219:3, 219:12, 219:13  
**LOD** [3] - 196:34, 218:18, 221:8

**logs** [1] - 267:46  
**long-standing** [2] - 199:22, 200:38  
**Look** [1] - 268:45  
**look** [53] - 144:47, 145:16, 145:38, 145:45, 146:18, 146:19, 146:44, 147:39, 147:42, 149:9, 158:34, 160:17, 161:5, 165:42, 165:43, 166:43, 166:44, 167:3, 167:4, 170:41, 172:40, 176:31, 189:7, 190:19, 190:40, 192:10, 207:40, 209:16, 214:22, 215:8, 215:20, 216:39, 216:46, 217:38, 218:8, 218:12, 219:7, 222:21, 230:10, 234:1, 234:25, 239:2, 253:30, 254:23, 257:6, 258:40, 261:22, 262:6, 265:33, 269:27, 269:44, 270:10  
**looked** [8] - 146:3, 146:15, 173:10, 216:6, 246:14, 256:10, 262:30, 285:34  
**looking** [17] - 145:42, 146:2, 146:9, 146:13, 158:32, 159:36, 184:30, 184:46, 215:24, 218:35, 218:38, 241:32, 259:39, 281:20, 284:26, 285:9, 286:27  
**looks** [1] - 146:7  
**lost** [3] - 171:18, 280:3, 281:13  
**loud** [2] - 266:29, 280:40  
**love** [2] - 179:47, 180:8  
**low** [15] - 149:22, 219:25, 236:3, 251:29, 252:32, 255:6, 255:15, 255:37, 255:43, 256:17, 265:19, 281:12, 283:34, 285:1, 285:3  
**lower** [2] - 285:22, 285:36  
**lucky** [1] - 261:19  
**Luke** [1] - 251:16  
**lunch** [1] - 223:9  
**LUNCHEON** [1] - 223:21

**M**

**machine** [3] - 151:7, 218:25, 218:28  
**mad** [1] - 204:44  
**Magistrates** [1] - 141:14  
**main** [2] - 215:36, 228:17  
**maintain** [1] - 167:15  
**Major** [7] - 154:46, 155:1, 155:13, 162:18, 261:17, 283:18, 284:32  
**major** [42] - 155:3, 155:23, 156:22, 157:45, 159:5, 159:9, 159:14, 162:37, 165:1, 213:44, 214:2, 231:39, 232:19, 232:26, 232:30, 232:33, 232:40, 233:8, 233:22, 233:24, 233:28

233:37, 237:1, 237:2, 237:18, 237:19, 237:20, 241:32, 242:28, 242:40, 243:5, 243:7, 246:12, 246:22, 259:20, 259:32, 259:36, 259:38, 259:40, 259:43, 274:41, 278:8

**majoring** [2] - 227:14, 227:20

**majority** [3] - 143:14, 226:16, 267:37

**male** [2] - 148:41, 247:32

**manage** [6] - 146:45, 147:27, 154:39, 177:31, 224:34, 227:10

**managed** [1] - 237:30

**Management** [21] - 153:37, 154:7, 180:25, 224:32, 224:34, 226:40, 226:46, 228:9, 229:13, 230:17, 231:10, 236:7, 238:47, 247:43, 251:32, 251:38, 255:5, 255:8, 258:47, 269:41, 272:41

**management** [54] - 145:41, 147:38, 151:17, 153:44, 155:6, 155:19, 155:41, 156:6, 156:18, 157:10, 158:46, 163:1, 163:41, 166:16, 166:34, 167:8, 171:6, 174:15, 181:21, 181:27, 182:3, 182:4, 182:9, 182:13, 182:30, 182:43, 183:3, 184:38, 185:37, 185:39, 185:41, 186:42, 187:28, 190:8, 194:38, 209:10, 210:28, 210:35, 210:39, 211:7, 211:11, 212:24, 213:30, 213:46, 214:2, 228:13, 228:18, 228:42, 228:46, 229:32, 236:26, 238:17, 272:45, 278:34

**Manager** [6] - 236:19, 236:24, 236:27, 237:31, 238:7, 279:1

**manager** [23] - 146:43, 147:20, 155:18, 157:29, 160:23, 164:26, 164:29, 165:37, 165:44, 177:12, 177:39, 178:23, 178:30, 178:36, 179:1, 183:8, 184:15, 186:37, 209:38, 226:39, 234:44, 234:45, 272:1

**manager's** [1] - 211:46

**managerial** [1] - 177:6

**Managers** [1] - 273:1

**managers** [6] - 147:24, 156:9, 175:13, 178:26, 182:45, 183:16

**managing** [2] - 226:47, 227:5

**manner** [4] - 155:34, 155:39, 155:44, 183:43

**manual** [1] - 220:13

**March** [2] - 261:15, 262:32

**masked** [1] - 229:42

**massive** [1] - 268:1

**master** [1] - 227:20

**mastery** [1] - 213:4

**match** [8] - 243:11, 244:16, 244:17, 244:19, 244:38, 247:24, 271:3

**matched** [1] - 274:18

**material** [4] - 160:4, 193:19, 229:36, 233:47

**materially** [1] - 159:29

**matter** [20] - 148:9, 150:44, 185:34, 186:3, 189:20, 190:35, 196:26, 198:44, 201:29, 206:13, 220:33, 220:35, 221:30, 228:24, 239:5, 241:21, 268:4, 271:37, 273:26, 274:30

**matters** [9] - 184:32, 201:6, 201:28, 202:20, 231:40, 233:22, 275:3, 276:16

**maturely** [1] - 182:7

**maximum** [2] - 158:40, 167:46

**McGinness** [1] - 142:33

**Mcintyre** [5] - 272:36, 272:39, 273:9, 273:42, 280:31

**MCKENZIE** [2] - 142:32, 223:16

**Mckenzie** [3] - 142:32, 142:37, 223:14

**McNab** [1] - 276:47

**McNabb** [1] - 272:7

**McNevin** [8] - 171:2, 171:20, 217:22, 217:34, 217:41, 218:12, 219:30, 221:16

**me** [1] - 182:34

**mean** [34] - 147:23, 149:21, 155:45, 160:18, 160:38, 160:42, 165:13, 171:19, 177:13, 178:44, 180:13, 183:32, 192:18, 195:19, 200:18, 200:35, 202:7, 212:7, 214:35, 214:40, 215:6, 217:36, 233:7, 235:36, 238:26, 243:44, 244:5, 244:7, 250:1, 258:28, 265:5, 283:3, 283:29, 286:7

**meaning** [3] - 173:2, 203:6, 268:41

**meanings** [1] - 202:16

**means** [5] - 167:12, 202:42, 280:43, 281:3, 281:33

**meant** [6] - 144:26, 150:13, 150:43, 176:23, 199:13, 203:13

**measure** [9] - 242:3, 242:46, 243:6, 243:18, 244:8, 244:24, 244:29, 244:36

**measured** [1] - 241:41

**measures** [1] - 240:45

**measuring** [1] - 244:12

**media** [5] - 189:46, 190:2, 190:4, 190:9, 269:28

**mediate** [1] - 172:6

**mediation** [1] - 172:1

**meet** [2] - 171:47, 268:35

**meeting** [18] - 170:43, 171:35, 171:37, 171:39, 171:41, 171:42, 171:43, 184:38, 186:11, 190:8, 269:42, 270:6, 270:13, 270:27, 270:29, 270:33, 277:36, 280:8

**meetings** [3] - 174:15, 182:5, 270:14

**member** [2] - 227:42, 278:19

**members** [5] - 144:2, 156:44, 162:44, 182:43, 187:43

**memo** [3] - 254:6, 256:2, 256:9

**memorandum** [6] - 168:10, 168:14, 240:3, 252:12, 255:21, 255:28

**memory** [8] - 156:8, 156:26, 163:16, 170:13, 171:1, 198:22, 230:22, 269:46

**mental** [1] - 180:8

**mentioned** [25] - 159:27, 166:15, 170:4, 170:30, 171:39, 181:2, 183:23, 184:19, 185:40, 185:44, 188:26, 189:31, 195:32, 196:10, 215:42, 216:47, 228:40, 231:33, 232:30, 241:39, 245:4, 250:3, 260:12, 280:19, 283:34

**menus** [1] - 230:13

**mere** [1] - 180:11

**merit** [1] - 244:39

**merits** [3] - 159:15, 166:3, 166:15

**message** [1] - 196:14

**met** [3] - 180:42, 184:15, 269:43

**meter** [4] - 233:23, 237:32, 270:20, 270:35

**metered** [1] - 238:12

**method** [3] - 155:47, 156:19, 162:11

**methodology** [1] - 245:35

**methods** [1] - 192:11

**metres** [1] - 285:32

**metric** [9] - 242:5, 243:18, 243:34, 243:43, 243:45, 243:47, 244:4, 245:3, 245:12

**Mexico** [1] - 276:44

**Michael** [1] - 141:30

**micro** [20] - 168:5, 168:20, 168:30, 168:32, 273:25, 274:27, 277:15, 277:17, 277:21, 277:22, 277:25, 277:25, 279:8, 280:17, 282:39, 282:47, 285:43, 286:1

**micro-concentrate** [2] - 168:5, 286:1

**micro-concentrated** [8] - 277:15, 277:17, 277:21, 277:22, 277:25, 277:28, 279:8, 280:17

**micro-concentrating** [1] - 168:20

**micro-concentration** [8] - 168:30, 168:32, 274:27, 277:29, 277:31, 282:39, 282:47, 285:43

**microcon** [7] - 274:29, 275:43, 277:7, 281:11, 281:15, 282:42, 282:43

**Microcon** [10] - 278:19, 280:43, 281:45, 282:11, 282:24, 283:20, 284:9, 284:31, 284:35, 285:11

**Microcon'** [1] - 251:3

**microcon'** [2] - 275:26, 279:28

**microlitres** [4] - 168:23, 286:1, 286:4, 286:6

**microphone** [3] - 266:40, 267:1, 267:7

**mid** [1] - 284:33

**middle** [4] - 170:5, 216:10, 222:34

**might** [85] - 142:18, 144:8, 144:22, 145:23, 146:1, 146:8, 147:45, 149:21, 149:46, 154:30, 154:41, 162:39, 165:37, 178:3, 179:1, 183:47, 185:44, 186:23, 186:26, 186:37, 186:43, 186:46, 189:2, 189:10, 189:26, 190:14, 193:6, 200:26, 200:31, 201:6, 201:10, 202:31, 203:38, 205:20, 207:26, 208:3, 209:14, 209:23, 210:14, 210:23, 212:24, 213:21, 213:23, 215:16, 215:27, 217:29, 219:25, 219:41, 223:2, 223:10, 223:38, 224:8, 224:43, 230:14, 230:43, 231:28, 232:2, 235:47, 237:38, 241:25, 243:12, 243:24, 244:10, 244:15, 244:39, 245:33, 252:40, 256:44, 259:27, 259:42, 266:12, 266:38, 266:39, 268:34, 268:42, 271:23, 277:26, 282:39, 285:4, 285:29, 285:30

**migrate** [1] - 150:13

**migration** [1] - 149:31

**million** [12] - 174:30, 239:2, 239:12, 239:16, 239:31, 239:33, 240:12, 240:14, 240:20, 240:24, 240:29

**mind** [12] - 148:16, 152:15, 186:14, 198:8, 203:34, 203:42, 205:20, 255:24, 259:12, 264:23, 283:27, 283:33

**minimal** [1] - 162:44

**Minister's** [1] - 267:30

**ministerial** [1] - 239:10

**minor** [2] - 284:41

**minute** [2] - 165:43, 269:12

**minutes** [5] - 185:12, 188:17, 191:3, 196:31, 283:10

**mirror** [1] - 228:1

**misconceived** [1] - 206:31

**misconduct** [1] - 200:22

**mislead** [1] - 203:27

**miss** [2] - 198:26, 224:9

**missed** [4] - 208:6, 212:41, 217:29, 234:28

**missing** [3] - 158:32, 212:20, 276:7

**mistake** [1] - 277:33

**misunderstood** [2] - 156:47, 266:12

**mitigated** [1] - 285:15

**mixed** [1] - 161:2

**mixture** [4] - 161:1, 217:35, 259:37, 270:47

**mobile** [1] - 248:27

**model** [4] - 159:2, 159:19, 166:31, 222:12

**moderate** [1] - 270:20

**modification** [1] - 250:33

**modifying** [1] - 234:45

**module** [1] - 188:2

**moment** [16] - 168:47, 172:40, 184:41, 185:45, 188:26, 193:40, 213:17, 213:25, 221:11, 223:6, 224:7, 227:10, 242:5, 253:35, 265:25, 269:10

**momentarily** [1] - 171:17

**monitor** [2] - 249:11, 250:27

**monitored** [1] - 243:34

**monotone** [1] - 267:4

**month** [3] - 230:22, 256:20, 268:33

**monthly** [1] - 239:3

**months** [4] - 170:28, 236:41, 241:35, 257:45

**morning** [6] - 152:40, 171:2, 171:7, 184:11, 187:26, 286:36

**most** [19] - 164:44, 165:3, 198:18, 198:38, 205:17, 233:25, 238:31, 238:32, 241:5, 242:32, 242:39, 242:40, 246:22, 249:12, 259:38, 267:43, 269:8, 273:18, 274:40

**motion** [1] - 252:44

**motivation** [3] - 238:24, 255:11, 256:38

**motive** [1] - 246:44

**MOU** [3] - 239:46, 240:2, 240:4

**move** [8] - 199:2, 202:11, 204:17, 204:22, 206:16, 245:9, 262:43, 266:20

**moved** [3] - 151:25, 151:26, 222:11  
**moves** [1] - 264:15  
**moving** [3] - 214:11, 214:15, 283:2  
**MR** [171] - 142:3, 142:8, 142:15, 142:23, 142:40, 142:42, 142:44, 147:33, 150:3, 150:7, 152:6, 152:11, 152:29, 152:33, 152:35, 156:4, 157:26, 157:34, 158:22, 161:18, 161:42, 162:10, 165:11, 165:16, 165:23, 165:28, 165:37, 166:39, 166:46, 167:8, 169:29, 169:34, 169:39, 174:37, 174:42, 174:44, 175:31, 175:39, 176:39, 176:44, 176:46, 177:1, 179:26, 183:11, 183:36, 184:44, 185:2, 185:7, 188:1, 188:8, 188:14, 188:20, 188:24, 190:11, 190:33, 190:37, 190:43, 190:47, 191:9, 195:39, 197:23, 197:31, 197:37, 197:44, 199:16, 199:40, 200:1, 200:8, 200:14, 200:20, 201:33, 201:38, 201:43, 202:1, 202:22, 202:27, 202:31, 203:9, 203:16, 203:32, 204:16, 204:21, 204:27, 204:32, 204:38, 205:8, 205:16, 205:30, 205:38, 206:6, 206:16, 206:26, 206:31, 206:36, 206:40, 207:2, 223:25, 223:34, 224:5, 224:11, 224:15, 224:22, 224:24, 225:3, 225:10, 225:24, 225:34, 226:1, 226:8, 226:14, 226:16, 226:23, 234:13, 240:2, 240:44, 241:43, 242:1, 245:18, 245:42, 245:47, 246:35, 248:22, 248:26, 250:17, 253:18, 253:22, 253:25, 256:16, 257:19, 258:18, 258:22, 259:24, 260:1, 260:17, 260:27, 262:19, 262:25, 262:37, 262:45, 263:5, 264:3, 264:12, 264:15, 264:21, 264:33, 265:43, 266:2, 266:7, 266:12, 266:19, 266:24, 266:33, 266:44, 267:1, 267:18, 269:35, 269:40, 271:29, 272:28, 272:32, 272:36, 274:8, 275:17, 276:40, 280:31, 283:6, 283:12, 283:16, 286:33, 286:38, 286:42  
**MS** [23] - 142:1, 142:32, 207:6, 207:8, 213:30, 216:8, 216:45, 217:9, 217:14, 220:5, 220:11, 220:35, 221:14, 221:21,

221:27, 221:33, 221:39, 222:24, 222:28, 222:43, 223:2, 223:9, 223:16  
**multiple** [2] - 235:40, 236:11  
**murder** [4] - 233:1, 237:28, 273:15, 273:26  
**murders** [1] - 233:25  
**must** [3] - 189:16, 195:3, 213:3

**N**

**name** [7] - 142:24, 165:17, 190:44, 191:31, 228:35, 251:24  
**named** [2] - 170:41, 182:47  
**narrative** [2] - 253:32, 253:36  
**NATA** [2] - 228:4, 228:5  
**Nathan** [1] - 269:43  
**National** [4] - 227:1, 242:12, 242:24, 242:30  
**nature** [2] - 233:5, 262:13  
**NCIDD** [2] - 227:2, 244:17  
**necessarily** [4] - 150:43, 178:37, 178:43, 202:31  
**necessary** [2] - 144:37, 151:18  
**need** [36] - 145:44, 151:28, 159:5, 159:9, 159:13, 166:4, 167:16, 167:33, 174:6, 181:8, 183:14, 187:44, 193:26, 193:41, 198:20, 200:44, 212:3, 212:24, 213:46, 221:10, 222:16, 223:10, 223:43, 233:28, 234:2, 234:15, 246:44, 249:37, 254:19, 254:26, 269:7, 270:10, 271:39, 286:4, 286:28  
**needed** [8] - 171:20, 171:23, 173:13, 173:42, 222:10, 222:13, 257:43, 271:12  
**needn't** [2] - 219:31, 223:46  
**needs** [1] - 259:32  
**negative** [2] - 204:8, 268:34  
**neutral** [1] - 203:24  
**never** [17] - 147:36, 148:3, 149:25, 155:8, 156:34, 173:22, 180:45, 181:26, 182:17, 198:17, 207:30, 235:27, 236:13, 238:10, 240:25, 246:14, 270:37  
**NEVILLE** [4] - 224:20, 225:7, 225:31, 226:5  
**Neville** [12] - 142:17, 142:35, 173:28, 209:7, 209:8, 224:15, 224:24, 241:43, 246:32, 262:41, 265:40, 266:34  
**Neville's** [1] - 234:14  
**new** [11] - 151:7, 197:4,

221:6, 250:5, 250:6, 252:45, 279:14, 280:12, 283:3, 285:30  
**newest** [1] - 162:6  
**next** [19] - 174:39, 175:2, 197:40, 204:22, 218:11, 223:26, 244:32, 244:42, 252:28, 264:16, 268:47, 275:9, 281:1, 281:40, 282:9, 282:20, 283:40, 284:13, 286:15  
**nexus** [1] - 264:1  
**nice** [2] - 212:10, 212:13  
**no-one** [1] - 240:25  
**nobody** [2] - 182:14, 240:23  
**non** [1] - 244:38  
**non-match** [1] - 244:38  
**none** [1] - 250:4  
**nonetheless** [1] - 159:23  
**normal** [3] - 152:37, 217:45, 285:42  
**normally** [1] - 242:3  
**notation** [3] - 145:22, 250:26, 250:31  
**note** [5] - 142:3, 248:10, 263:34, 268:38, 269:18  
**noted** [2] - 182:45, 223:29  
**notes** [8] - 195:16, 195:20, 195:27, 198:21, 198:29, 259:12, 268:27, 269:45  
**nothing** [7] - 192:34, 203:11, 222:21, 235:17, 235:21, 240:34, 280:19  
**noticed** [2] - 214:29, 214:46  
**notices** [1] - 164:28  
**notwithstanding** [1] - 184:8  
**November** [13] - 234:29, 252:43, 254:26, 258:23, 265:21, 272:19, 273:5, 273:46, 274:9, 274:10, 276:42, 279:36, 280:2  
**November/December** [1] - 260:6  
**nuisance** [2] - 180:30, 181:30  
**number** [39] - 143:21, 162:18, 162:37, 162:43, 163:21, 163:22, 196:45, 197:1, 216:26, 216:29, 216:30, 216:32, 223:39, 227:31, 237:35, 237:39, 238:29, 238:34, 241:23, 242:6, 248:28, 251:23, 253:22, 253:23, 253:40, 253:41, 258:29, 258:43, 259:3, 259:30, 260:43, 261:4, 261:7, 270:20, 271:16, 273:39, 276:1, 284:15, 285:35  
**numbers** [9] - 223:42, 251:26, 253:8, 253:14, 262:40, 262:42, 263:3, 283:22, 283:45  
**numerous** [1] - 265:17

**O**

**o'clock** [4] - 188:17, 223:10, 223:14, 223:19  
**O'Connor** [1] - 184:14  
**oath** [2] - 142:1, 224:16  
**obligation** [4] - 178:26, 179:6, 179:10, 179:30  
**obligations** [1] - 258:2  
**obliged** [1] - 147:13  
**observations** [1] - 229:2  
**observed** [3] - 202:34, 202:47, 261:24  
**obtain** [4] - 213:10, 213:20, 242:23, 244:33  
**obtained** [7] - 161:8, 212:13, 227:4, 252:33, 264:46, 265:31, 274:26  
**obtaining** [5] - 169:26, 242:11, 244:26, 246:33, 274:35  
**obviated** [1] - 271:39  
**obvious** [2] - 197:32, 202:41  
**obviously** [4] - 149:1, 185:32, 199:3, 232:27  
**occasion** [1] - 171:31  
**occasions** [3] - 182:12, 187:34, 188:26  
**occur** [7] - 151:19, 195:47, 196:11, 231:10, 260:37, 271:38, 274:32  
**occurred** [12] - 151:32, 170:24, 170:43, 172:7, 189:20, 189:22, 203:39, 234:15, 257:44, 268:1, 268:19, 272:8  
**occurrence** [6] - 160:7, 210:16, 213:39, 235:38, 235:39, 237:24  
**Occurrence"** [1] - 235:35  
**occurs** [3] - 208:14, 237:36, 286:20  
**October** [9] - 226:41, 270:43, 271:16, 271:17, 271:20, 271:21, 271:30  
**odd** [1] - 214:23  
**OF** [4] - 141:4, 225:7, 225:31, 226:5  
**offence** [5] - 233:38, 235:37, 245:21, 273:14  
**offences** [5] - 232:17, 233:41, 241:26, 242:18, 261:22  
**offender** [2] - 242:33, 243:28  
**offenders** [7] - 233:26, 236:12, 239:38, 241:23, 241:29, 270:17, 271:22  
**offending** [2] - 233:31, 241:28  
**offered** [1] - 170:44  
**office** [1] - 200:22  
**officer** [17] - 165:14, 226:25, 226:28, 231:36, 231:40, 232:45, 237:11, 245:25, 253:26, 254:31,

268:31, 268:40, 268:42, 269:14, 272:40, 272:41  
**officer's** [1] - 165:11  
**officers** [31] - 211:38, 228:25, 228:43, 229:19, 229:22, 229:24, 230:36, 231:7, 231:28, 231:30, 231:33, 231:34, 231:38, 231:39, 232:4, 232:20, 232:22, 232:37, 232:40, 235:6, 249:22, 253:43, 254:11, 255:34, 258:25, 258:30, 258:35, 258:45, 260:28, 278:42, 281:43  
**official** [3] - 200:32, 201:6, 201:11  
**often** [11] - 144:20, 145:11, 161:2, 181:11, 191:36, 191:37, 217:30, 233:32, 236:32, 246:35, 246:42  
**oftentimes** [1] - 214:22  
**old** [3] - 146:46, 154:27, 158:46  
**oldest** [1] - 162:6  
**Olivia** [2] - 272:36, 272:39  
**ON** [1] - 286:46  
**once** [12] - 143:47, 144:17, 154:18, 175:41, 237:15, 237:35, 243:31, 249:27, 250:21, 268:1, 268:44, 276:17  
**one** [89] - 142:15, 144:1, 144:41, 146:9, 147:2, 147:3, 147:10, 149:9, 153:41, 156:44, 157:22, 157:28, 157:34, 158:39, 159:27, 159:44, 160:23, 162:12, 163:5, 163:36, 164:30, 166:42, 168:4, 172:33, 172:45, 174:6, 176:19, 182:39, 182:44, 184:30, 189:30, 190:8, 196:46, 201:16, 205:1, 205:8, 208:10, 208:43, 209:30, 212:23, 212:28, 213:17, 213:38, 214:11, 214:15, 215:8, 215:12, 215:16, 215:17, 215:42, 216:5, 218:7, 218:20, 218:39, 219:11, 219:12, 220:11, 221:36, 223:47, 228:4, 233:27, 235:38, 235:45, 236:34, 237:11, 237:27, 238:29, 240:16, 240:25, 243:11, 245:20, 251:45, 254:29, 256:8, 265:14, 266:38, 271:9, 273:33, 273:43, 273:47, 274:20, 277:11, 279:44, 283:20  
**one-off** [2] - 273:43, 273:47  
**one-to-one** [1] - 243:11  
**ones** [8] - 148:1, 155:5, 238:32, 254:23, 259:26, 261:23, 261:35, 276:21  
**ongoing** [3] - 170:17,

170:18, 177:2  
**onwards** [1] - 223:37  
**open** [2] - 182:2, 203:21  
**opening** [10] - 168:27, 193:32, 193:43, 195:3, 195:6, 195:25, 195:42, 196:25, 204:38, 221:23  
**operate** [1] - 183:7  
**operates** [3] - 152:39, 152:40, 159:27  
**Operating** [2] - 216:21, 222:18  
**operating** [18] - 161:12, 162:47, 193:45, 194:44, 195:2, 195:12, 196:18, 196:19, 196:27, 196:38, 197:21, 198:45, 210:3, 215:44, 222:8, 277:34, 283:27, 284:47  
**operation** [7] - 155:13, 164:39, 165:9, 165:16, 208:44, 209:1, 254:9  
**operation]]** [1] - 249:26  
**operational** [2] - 165:17, 178:10  
**operations** [11] - 164:42, 164:44, 164:47, 165:2, 165:3, 165:31, 165:32, 165:33, 227:10, 269:47, 270:1  
**operator** [9] - 163:20, 163:40, 165:38, 172:38, 176:14, 185:12, 217:40, 218:11, 241:46  
**opinion** [24] - 159:18, 170:18, 172:16, 175:27, 176:33, 189:18, 197:7, 198:39, 199:24, 202:20, 202:38, 203:25, 206:3, 206:9, 206:40, 206:42, 212:13, 212:20, 215:27, 217:34, 219:36, 219:41, 244:38  
**opinions** [3] - 172:22, 197:9, 213:21  
**opportunities** [1] - 212:40  
**opportunity** [10] - 143:26, 189:32, 210:35, 212:35, 213:5, 213:20, 245:5, 266:14, 266:19, 270:17  
**opposed** [1] - 165:20  
**Option** [10] - 175:33, 175:43, 204:43, 204:45, 275:26, 277:45, 278:3, 279:28, 279:45, 280:9  
**option** [3] - 235:40, 236:5, 281:25  
**Options** [37] - 148:7, 172:47, 175:5, 175:20, 175:33, 175:41, 175:43, 176:4, 176:5, 176:23, 203:19, 203:38, 205:27, 254:25, 255:24, 256:19, 256:35, 256:43, 260:4, 263:30, 263:46, 263:47, 264:39, 264:42, 265:41, 265:43, 273:22, 275:21, 277:30, 277:45, 281:24,

283:18, 285:38, 285:46, 285:47, 286:8  
**options** [9] - 175:17, 175:18, 176:35, 205:3, 235:22, 252:39, 254:13, 255:1, 282:40  
**oral** [2] - 175:10, 189:24  
**orally** [2] - 175:15, 181:18  
**order** [7] - 177:21, 208:11, 223:11, 223:27, 238:20, 243:13, 245:32  
**ordering** [1] - 231:3  
**ordinarily** [2] - 153:14, 153:18  
**Organisation** [1] - 227:43  
**organise** [1] - 269:42  
**orientate** [1] - 184:24  
**original** [1] - 142:9  
**originally** [3] - 146:42, 154:6, 277:16  
**otherwise** [1] - 149:2  
**ought** [8] - 146:4, 168:29, 168:33, 168:39, 169:26, 197:29, 200:11, 262:42  
**outcome** [2] - 169:20, 252:20  
**outcomes** [1] - 265:3  
**outer** [2] - 182:3, 182:30  
**outlined** [1] - 245:2  
**outside** [4] - 199:43, 243:15, 243:18, 245:7  
**over-submission** [1] - 241:9  
**overall** [3] - 168:35, 187:36, 187:38  
**overfill** [1] - 238:28  
**overwhelm** [1] - 238:26  
**overwhelming** [1] - 238:13  
**overwhelmingly** [2] - 246:12, 246:13  
**own** [6] - 160:46, 187:43, 192:14, 194:46, 217:26, 271:47

**P**

**P1** [26] - 149:38, 155:14, 155:18, 164:8, 164:15, 165:30, 165:32, 211:15, 213:32, 233:6, 233:8, 233:10, 233:32, 273:10, 273:22, 273:25, 273:27, 273:34, 274:13, 274:30, 274:33, 280:17, 280:22, 282:22, 284:9  
**P1's** [1] - 249:27  
**P1s** [7] - 165:3, 165:33, 249:33, 273:17, 277:14, 280:34  
**P2** [15] - 149:38, 155:14, 155:18, 164:18, 164:22, 164:25, 164:47, 211:15, 213:32, 233:36, 233:37, 233:47, 274:32, 280:14, 284:9  
**P3** [4] - 149:35, 213:32,

233:40, 280:14  
**page** [41] - 152:7, 163:23, 165:38, 172:39, 173:6, 173:8, 173:21, 174:3, 175:1, 175:2, 180:19, 184:36, 185:11, 191:19, 192:15, 204:39, 205:9, 216:9, 216:10, 216:47, 217:2, 217:15, 217:18, 217:40, 218:11, 222:32, 222:34, 224:43, 236:30, 250:9, 250:15, 250:25, 252:17, 268:37, 268:47, 269:6, 274:8, 279:12, 283:37, 284:7  
**page18** [1] - 242:1  
**paid** [1] - 239:6  
**pair** [2] - 156:39, 209:45  
**pairs** [2] - 219:15, 219:19  
**pandemic** [1] - 217:32  
**paper** [12] - 151:35, 151:45, 175:18, 203:27, 218:40, 234:33, 265:9, 265:26, 275:46, 285:23  
**Paper** [37] - 148:7, 172:47, 175:5, 175:20, 175:33, 175:41, 175:43, 176:4, 176:5, 176:23, 203:19, 203:38, 205:28, 254:25, 255:24, 256:19, 256:35, 256:44, 260:4, 263:30, 263:46, 263:47, 264:39, 264:43, 265:41, 265:43, 273:22, 275:21, 277:31, 277:45, 281:24, 283:18, 285:38, 285:46, 285:47, 286:9  
**papers** [1] - 170:29  
**paperwork** [1] - 190:23  
**paragraph** [31] - 163:42, 165:42, 165:43, 169:45, 169:46, 170:5, 172:47, 174:44, 175:1, 175:19, 184:32, 222:37, 241:44, 242:1, 251:41, 252:2, 252:4, 252:29, 263:23, 270:11, 277:6, 280:38, 280:40, 281:29, 282:9, 282:20, 283:40, 284:13, 284:28, 286:14, 286:15  
**pardon** [2] - 190:33, 236:37  
**parent** [1] - 252:34  
**Parry** [8] - 191:15, 191:32, 191:34, 191:41, 193:7, 193:11, 193:18, 193:24  
**part** [27] - 148:21, 151:12, 151:15, 151:19, 151:28, 152:24, 158:44, 161:46, 167:5, 168:39, 170:46, 189:26, 190:15, 190:17, 193:1, 208:7, 208:17, 216:46, 220:11, 220:43, 221:7, 232:8, 239:20, 252:4, 256:8, 263:34, 278:3  
**part-funding** [1] - 239:20  
**particular** [45] - 142:46,

145:18, 146:44, 147:6, 147:35, 148:10, 153:1, 160:27, 168:20, 168:31, 180:35, 181:16, 181:39, 183:24, 184:5, 184:9, 185:28, 185:45, 186:14, 189:11, 191:12, 191:18, 191:34, 191:41, 191:46, 192:4, 193:13, 193:36, 193:40, 195:16, 196:18, 199:28, 202:35, 202:47, 203:2, 203:35, 209:11, 216:34, 221:18, 228:24, 231:30, 247:18, 262:10  
**particularly** [9] - 176:10, 197:39, 198:7, 204:32, 243:24, 247:36, 254:32, 266:2, 281:18  
**parties** [1] - 142:21  
**parts** [4] - 183:22, 203:24, 205:12  
**partway** [2] - 209:14, 209:24  
**pass** [6] - 207:20, 207:44, 207:47, 208:15, 208:29, 208:36  
**passage** [1] - 204:39  
**passages** [1] - 192:35  
**passed** [2] - 236:19, 285:19  
**pasted** [2] - 192:20, 251:43  
**pattern** [1] - 233:31  
**Paul** [2] - 251:8, 277:37  
**Paula** [3] - 174:24, 249:29, 249:34  
**pause** [1] - 191:34  
**pausing** [2] - 218:33, 256:43  
**pay** [5] - 174:30, 239:2, 239:37, 239:40, 240:7  
**paying** [1] - 239:32  
**peak** [1] - 218:29  
**peaks** [12] - 218:44, 219:3, 219:7, 219:13, 219:15, 219:19, 219:24, 220:25, 220:28, 220:40, 220:43, 221:1  
**peer** [4] - 153:47, 194:13, 194:33, 194:46  
**pejoratively** [1] - 178:45  
**people** [32] - 144:46, 154:18, 167:27, 167:33, 174:9, 174:14, 174:22, 177:27, 187:20, 188:36, 191:37, 200:22, 205:42, 211:37, 211:38, 217:31, 219:14, 219:18, 219:24, 219:32, 219:33, 219:43, 230:36, 236:20, 236:34, 238:38, 246:3, 246:44, 271:5, 271:25, 282:43  
**people's** [1] - 172:22  
**per** [42] - 176:10, 193:23, 196:17, 213:39, 233:18, 233:19, 235:35, 235:37, 239:37, 239:40, 256:33, 256:37, 259:19, 261:25,

261:47, 264:6, 265:12, 265:13, 265:15, 265:16, 265:20, 265:44, 266:14, 273:39, 274:31, 275:17, 275:18, 276:31, 276:33, 276:35, 277:30, 277:31, 277:34, 283:26, 283:30, 283:32, 285:21, 285:25, 285:26  
**perceive** [1] - 182:34  
**perception** [11] - 180:24, 180:39, 180:40, 180:46, 181:10, 181:26, 187:16, 187:23, 187:34, 189:21, 202:35  
**perception"** [1] - 180:36  
**perceptions** [12] - 169:47, 181:15, 187:20, 187:27, 187:33, 188:46, 189:2, 189:3, 201:18, 202:36  
**perfect** [4] - 218:43, 218:47, 219:11, 219:19  
**perform** [2] - 146:27, 178:27  
**performance** [1] - 240:4  
**performed** [1] - 274:27  
**perhaps** [20] - 158:45, 159:36, 160:4, 163:15, 163:20, 163:42, 169:20, 204:21, 210:44, 215:6, 221:41, 223:10, 223:38, 226:9, 238:16, 243:34, 266:38, 266:39, 285:3, 286:17  
**period** [10] - 154:45, 162:38, 173:23, 177:6, 177:12, 184:24, 184:26, 235:8, 259:15, 283:21  
**periods** [1] - 181:4  
**permit** [1] - 194:33  
**perpetrator** [1] - 241:37  
**persisted** [2] - 170:31, 170:34  
**person** [38] - 143:27, 144:28, 154:47, 155:2, 160:7, 160:47, 164:28, 170:45, 171:7, 178:13, 179:35, 180:13, 182:46, 183:42, 199:8, 199:22, 199:29, 200:26, 203:35, 206:22, 206:41, 217:35, 219:12, 219:37, 219:41, 219:42, 228:34, 228:35, 232:17, 232:33, 239:37, 239:46, 241:36, 242:11, 242:12, 245:26, 270:47  
**person's** [1] - 219:12  
**personal** [2] - 182:32  
**personnel** [1] - 263:41  
**persuade** [1] - 169:32  
**pertain** [1] - 147:7  
**pertinent** [3] - 176:11, 251:12, 256:33  
**phase** [1] - 146:16  
**phone** [2] - 251:23, 272:3  
**phosphatase** [1] - 230:4  
**photo** [2] - 229:45, 229:46  
**photograph** [1] - 145:17



**photographs** [1] - 286:25  
**photography** [1] - 232:12  
**photos** [1] - 281:20  
**physical** [4] - 156:35, 180:8, 231:47, 278:31  
**physically** [1] - 231:14  
**pick** [6] - 147:42, 153:39, 214:21, 256:9, 257:7, 267:5  
**picking** [4] - 262:4, 262:9, 262:12, 262:15  
**picks** [1] - 153:42  
**piece** [3] - 151:9, 156:40, 187:38  
**pieces** [2] - 148:31, 212:19  
**piecework** [6] - 152:38, 153:19, 155:36, 155:41, 156:7, 156:22  
**pin** [1] - 173:34  
**pinpoint** [1] - 196:14  
**place** [12] - 168:32, 172:7, 173:29, 173:34, 183:28, 207:10, 239:13, 242:5, 249:35, 257:44, 268:5, 271:8  
**placed** [4] - 177:46, 193:6, 229:44, 230:11  
**places** [1] - 235:5  
**plain** [3] - 254:19, 255:4, 266:15  
**plainly** [3] - 153:4, 163:34, 240:19  
**plan** [3] - 148:16, 151:9, 151:14  
**played** [1] - 238:6  
**plead** [1] - 280:39  
**pleasant** [1] - 269:45  
**pleases** [1] - 142:24  
**Plus** [5] - 149:28, 149:34, 149:43, 150:9, 150:13  
**plus** [3] - 224:34, 255:45, 278:31  
**pm** [1] - 274:11  
**point** [58] - 144:41, 145:34, 145:39, 146:28, 154:18, 157:8, 157:9, 160:10, 161:6, 173:35, 188:17, 189:30, 195:17, 199:2, 202:13, 202:44, 204:17, 205:32, 206:32, 209:16, 209:17, 211:35, 215:42, 218:4, 221:16, 221:17, 221:19, 221:28, 221:30, 221:35, 222:47, 223:37, 223:43, 226:10, 226:42, 226:43, 228:32, 230:17, 238:28, 239:30, 242:14, 249:5, 249:6, 250:5, 256:34, 259:25, 262:47, 266:26, 266:27, 268:30, 271:42, 274:40, 276:28, 277:24, 277:32, 280:6, 285:16  
**pointing** [2] - 166:41, 252:23  
**points** [2] - 212:37, 248:27  
**police** [33] - 165:11, 165:14, 197:5, 211:44, 212:4, 212:24, 213:3, 213:7, 213:18, 213:20, 213:23, 215:38, 226:25, 228:30, 229:7, 229:8, 229:12, 229:16, 232:6, 232:23, 245:1, 245:25, 247:9, 247:28, 254:10, 255:33, 256:28, 258:24, 260:28, 267:36, 271:1, 282:30  
**Police** [39] - 142:15, 142:26, 143:45, 153:37, 156:10, 156:27, 164:39, 172:46, 174:10, 174:16, 174:23, 174:27, 174:30, 212:8, 213:38, 214:36, 214:37, 224:27, 224:33, 227:28, 228:9, 228:14, 228:44, 229:37, 238:47, 239:19, 239:31, 239:32, 239:34, 240:7, 240:10, 240:12, 240:14, 241:1, 241:21, 245:19, 254:8, 258:1, 260:36  
**policies** [1] - 241:1  
**policing** [1] - 266:3  
**policy** [5] - 197:26, 198:44, 234:42, 234:45, 238:15  
**Policy** [1] - 234:39  
**pooled** [1] - 281:34  
**pooling** [3] - 252:33, 281:37, 282:40  
**poor** [1] - 180:5  
**pops** [1] - 153:40  
**poses** [1] - 202:41  
**position** [13] - 159:22, 159:40, 171:36, 184:14, 207:30, 211:28, 211:32, 213:17, 260:2, 279:7, 280:2  
**positive** [6] - 145:27, 145:30, 212:12, 213:42, 286:22, 286:24  
**positively** [2] - 180:28, 181:29  
**possession** [1] - 150:8  
**possibility** [1] - 161:3  
**possible** [11] - 145:16, 151:20, 156:11, 177:36, 178:27, 187:25, 193:3, 198:46, 203:36, 212:12, 265:3  
**possibly** [1] - 158:32  
**post** [8] - 151:21, 151:29, 151:31, 151:47, 152:15, 152:24, 217:31, 221:7  
**post-2008** [1] - 215:16  
**post-implementation** [6] - 151:21, 151:29, 151:31, 151:47, 152:15, 152:24  
**post-laser** [1] - 221:7  
**posted** [1] - 261:20  
**posting** [2] - 244:3, 244:13  
**potential** [6] - 190:5, 214:21, 231:24, 247:11, 284:36  
**potentially** [5] - 230:3, 230:4, 239:39, 244:39, 269:29  
**PowerPlex** [1] - 149:38  
**PP21** [2] - 149:31, 150:14  
**practice** [3] - 195:1, 195:5, 217:27  
**practitioner** [5] - 183:17, 183:23, 183:28, 183:30, 183:33  
**pre-2008** [9] - 210:36, 210:40, 210:44, 211:8, 211:12, 211:32, 214:1, 215:8, 215:35  
**pre-2012** [1] - 220:12  
**precis** [1] - 272:8  
**precise** [1] - 263:36  
**precision** [1] - 223:43  
**predecessor** [1] - 270:3  
**prefer** [1] - 204:46  
**preferable** [1] - 159:19  
**preparation** [1] - 198:28  
**prepared** [9] - 151:45, 152:4, 192:36, 192:40, 193:1, 198:9, 221:18, 260:44, 262:35  
**preparing** [6] - 145:35, 156:28, 156:34, 158:26, 249:1, 273:3  
**presence** [2] - 160:46, 212:12  
**present** [5] - 167:16, 175:27, 205:3, 255:6, 274:14  
**presented** [6] - 154:38, 198:4, 204:44, 256:44, 265:44, 268:32  
**presently** [1] - 197:11  
**press** [1] - 153:43  
**pressure** [2] - 188:5, 249:20  
**pressured** [1] - 232:2  
**presumably** [1] - 169:16  
**presume** [1] - 196:9  
**presumptive** [3] - 230:1, 278:31, 286:24  
**presumptively** [3] - 145:27, 145:30, 212:17  
**pretty** [5] - 150:17, 193:18, 253:30, 254:19, 255:9  
**previous** [6] - 177:3, 178:9, 179:38, 195:44, 270:4, 277:38  
**previously** [5] - 181:2, 185:40, 228:3, 239:45, 259:5  
**pride** [1] - 186:32  
**primarily** [1] - 242:30  
**primary** [3] - 153:19, 213:3, 280:28  
**Prime** [1] - 267:30  
**principal** [1] - 160:3  
**priorities** [1] - 178:3  
**prioritisation** [1] - 144:4  
**prioritise** [3] - 227:7, 233:4, 238:35  
**prioritised** [1] - 238:31  
**priority** [2] - 177:47, 233:9  
**Priority** [26] - 164:44, 164:45, 165:3, 209:5, 209:7, 209:12, 209:13, 209:15, 209:45, 213:36, 213:41, 213:43, 233:6, 249:11, 274:41, 275:27, 278:4, 278:5, 278:7, 278:13, 279:18, 279:29, 279:37, 279:45, 280:1, 280:13  
**private** [2] - 182:32, 185:34  
**privy** [1] - 185:32  
**probative** [6] - 238:32, 241:6, 259:26, 266:2, 285:28, 285:33  
**problem** [5] - 150:17, 150:40, 233:19, 244:15, 272:19  
**problems** [2] - 241:14, 260:4  
**procedure** [21] - 143:36, 161:12, 161:46, 162:5, 162:47, 195:3, 195:6, 196:19, 196:25, 197:21, 210:3, 214:1, 214:7, 215:44, 222:8, 234:1, 235:9, 235:15, 256:44, 278:41, 278:46  
**Procedure** [1] - 222:19  
**Procedures** [1] - 216:21  
**procedures** [15] - 179:7, 193:32, 193:43, 193:45, 194:44, 195:2, 195:12, 195:25, 195:42, 196:18, 196:28, 196:38, 198:45, 221:23, 254:10  
**proceed** [4] - 153:6, 166:42, 188:12, 224:7  
**proceedings** [2] - 194:18, 198:11  
**process** [60] - 144:24, 144:40, 145:12, 146:33, 147:2, 151:12, 151:13, 153:46, 154:42, 156:15, 156:18, 157:9, 157:29, 160:11, 166:5, 169:16, 176:1, 194:8, 210:6, 211:39, 212:37, 212:40, 228:22, 232:10, 235:8, 249:35, 249:45, 251:5, 254:24, 254:25, 257:42, 263:10, 263:15, 271:8, 271:32, 274:33, 275:27, 275:44, 276:30, 277:7, 278:19, 278:28, 279:29, 280:12, 280:43, 281:11, 281:15, 281:45, 282:5, 282:12, 282:24, 282:25, 282:43, 283:20, 284:9, 284:31, 284:35, 286:8  
**processed** [7] - 209:39, 254:38, 261:43, 273:26, 278:7, 279:19, 282:23  
**processes** [3] - 227:5, 252:36, 257:7  
**processing** [25] - 144:15, 148:2, 155:28, 209:8, 209:14, 209:24, 209:42, 231:5, 233:5, 251:21, 251:34, 252:31, 253:44, 254:13, 254:40, 255:22, 256:17, 257:21, 257:29, 257:38, 258:7, 258:26, 259:6, 261:44, 272:46  
**PROCESSING** [3] - 251:27, 254:1, 254:36  
**processing"** [1] - 273:28  
**procession** [1] - 255:42  
**produced** [7] - 146:28, 173:28, 173:42, 230:19, 258:6, 260:34, 265:44  
**producing** [1] - 267:37  
**product** [1] - 245:9  
**production** [6] - 157:10, 158:22, 159:23, 160:4, 162:11, 166:5  
**professional** [7] - 144:40, 179:21, 199:7, 199:21, 200:38, 206:21, 269:22  
**professionally** [1] - 159:18  
**proffered** [1] - 186:8  
**profile** [43] - 145:40, 146:28, 148:28, 148:45, 149:2, 153:4, 153:25, 161:1, 212:13, 212:17, 212:19, 212:34, 213:10, 217:27, 218:35, 218:43, 218:47, 219:8, 219:11, 219:31, 236:12, 242:11, 243:46, 244:3, 244:13, 244:16, 244:26, 247:5, 259:7, 259:19, 262:1, 264:45, 265:30, 273:37, 274:18, 274:23, 276:14, 281:4, 283:30, 283:45, 285:30, 286:5  
**profiled** [2] - 227:6, 273:30  
**Profiler** [5] - 149:28, 149:34, 149:43, 150:9, 150:12  
**profiles** [7] - 227:4, 257:6, 265:1, 265:32, 266:15, 274:25  
**profiling** [4] - 180:1, 180:2, 189:42, 251:31  
**profitable** [1] - 276:32  
**program** [5] - 220:39, 231:43, 232:7, 261:20, 261:30  
**progress** [1] - 144:13  
**progressed** [2] - 230:25, 283:19  
**progression** [2] - 280:38, 280:42  
**Project** [10] - 148:6, 170:8, 170:14, 170:18, 170:19, 170:29, 175:11, 175:13, 180:40, 191:21  
**project** [10] - 148:16, 148:21, 148:26, 149:10, 170:1, 175:6, 203:39, 226:42, 264:24, 267:28

**prolific** [1] - 241:24  
**prompt** [4] - 146:2, 156:4, 159:46, 161:37  
**prompted** [4] - 155:40, 155:44, 155:47, 189:39  
**prompts** [1] - 171:1  
**proof** [1] - 199:23  
**proper** [5] - 200:5, 201:16, 201:35, 203:45, 204:7  
**properly** [5] - 144:26, 179:20, 179:26, 187:44, 281:25  
**Property** [1] - 250:37  
**property** [8] - 228:17, 232:16, 233:38, 233:41, 235:32, 241:25, 241:26, 241:27  
**proportion** [6] - 242:42, 260:45, 262:19, 262:33, 276:13  
**proportional** [1] - 260:46  
**proposal** [1] - 176:34  
**propose** [2] - 188:17, 223:34  
**proposed** [1] - 175:17  
**proposition** [3] - 148:8, 183:19, 244:8  
**propositions** [1] - 204:13  
**propriety** [1] - 205:21  
**pros** [2] - 159:15, 160:20  
**Prosecution** [3] - 257:33, 257:47, 258:1  
**Prosecutions** [2] - 257:34, 258:2  
**protocol** [2] - 234:18, 279:14  
**protocols** [1] - 254:9  
**prove** [1] - 148:10  
**proved** [2] - 202:8, 202:9  
**provenance** [1] - 146:37  
**provide** [7] - 193:19, 198:18, 225:10, 225:34, 244:10, 284:4, 285:5  
**provided** [11] - 170:1, 196:6, 196:31, 213:13, 224:37, 226:9, 235:10, 240:28, 245:30, 248:10, 278:36  
**provider** [2] - 245:7, 285:4  
**providing** [1] - 231:18  
**public** [11] - 174:14, 179:13, 179:31, 189:41, 200:22, 200:32, 201:6, 201:10, 233:8, 233:28, 267:29  
**Public** [4] - 189:32, 190:20, 257:34, 258:1  
**publicised** [1] - 246:28  
**publicity** [2] - 189:40, 268:34  
**published** [5] - 234:29, 246:33, 252:24, 255:32, 260:35  
**Publishing** [1] - 190:12  
**pull** [1] - 160:34  
**purpose** [5] - 194:21, 198:9, 199:30, 271:47,

278:47  
**purposes** [4] - 196:46, 239:40, 243:15, 255:27  
**pursue** [1] - 245:39  
**pushed** [1] - 229:38  
**pushing** [2] - 146:9, 185:32  
**pushing-the-chair-back** [1] - 185:32  
**put** [38] - 144:26, 147:16, 153:39, 154:6, 160:6, 161:44, 167:2, 180:13, 181:11, 181:34, 181:42, 182:6, 186:30, 186:31, 190:19, 192:20, 192:31, 197:2, 199:38, 211:44, 215:7, 215:43, 216:1, 217:24, 221:41, 227:45, 228:26, 228:34, 244:23, 254:7, 271:8, 271:10, 271:44, 278:44, 279:20, 279:21  
**puts** [1] - 235:31  
**putting** [10] - 148:12, 152:3, 204:12, 204:13, 238:20, 238:24, 244:8, 246:21, 266:13, 278:29

**Q**

**QP** [1] - 253:22  
**QP127** [2] - 143:24, 145:9  
**Qprime** [1] - 251:12  
**QPRIME** [20] - 228:8, 228:12, 228:27, 228:37, 229:5, 229:8, 235:35, 236:17, 237:24, 251:34, 251:37, 251:43, 252:15, 252:19, 253:27, 254:32, 255:33, 258:46, 260:34, 282:34  
**QPS** [29] - 143:9, 145:24, 153:44, 157:3, 161:8, 165:20, 176:19, 176:22, 176:33, 177:35, 177:46, 207:15, 210:15, 210:19, 211:38, 212:18, 229:41, 239:12, 239:14, 266:27, 268:13, 269:7, 269:11, 269:12, 273:24, 278:18, 278:36, 282:22, 282:27  
**qualification** [2] - 231:41, 232:5  
**qualifications** [1] - 167:36  
**quality** [12] - 149:22, 154:10, 158:30, 214:16, 214:19, 230:28, 230:32, 234:43, 238:17, 244:40, 245:2, 245:3  
**Quality** [1] - 278:47  
**quant** [7] - 144:16, 146:10, 148:27, 148:34, 149:22, 153:5, 257:21  
**Quant** [1] - 148:31  
**quantification** [2] - 230:26, 256:24  
**Quantifiler** [1] - 218:25

**quantify** [1] - 286:4  
**quantitation** [1] - 218:28  
**quants** [2] - 274:43, 276:30  
**quarantined** [1] - 268:3  
**QUEENSLAND** [1] - 141:6  
**Queensland** [44] - 143:45, 156:10, 156:27, 164:39, 172:46, 174:10, 174:16, 174:23, 174:26, 174:30, 180:2, 200:21, 212:8, 213:38, 224:27, 224:33, 227:7, 227:9, 228:9, 228:14, 228:32, 228:44, 228:45, 229:41, 230:42, 231:11, 233:11, 233:21, 235:10, 238:8, 238:47, 239:2, 239:21, 239:31, 239:33, 239:34, 240:25, 250:37, 252:39, 254:8, 269:44, 272:47, 278:33, 285:24  
**query** [1] - 277:29  
**questioning** [2] - 184:11, 246:32  
**questions** [26] - 152:29, 154:26, 176:40, 177:9, 180:32, 184:32, 186:1, 186:3, 186:7, 188:3, 193:31, 194:8, 202:46, 204:12, 204:25, 205:25, 206:18, 207:8, 210:28, 223:2, 231:2, 257:17, 260:12, 266:24, 277:11, 283:7  
**quickly** [3] - 177:36, 221:27, 258:34  
**quite** [24] - 145:12, 149:12, 160:34, 163:6, 167:16, 173:29, 174:34, 176:30, 180:28, 182:19, 187:25, 191:30, 210:1, 214:24, 232:13, 232:24, 234:43, 258:33, 262:39, 268:10, 268:43, 281:14, 286:9, 286:17  
**quizzically** [1] - 159:36  
**quorum** [1] - 175:13  
**quote** [3] - 252:3, 252:18, 279:13  
**quoted** [1] - 251:18

**R**

**radar** [1] - 269:9  
**rah** [1] - 256:36  
**rah** [1] - 256:36  
**raise** [10] - 181:8, 183:5, 183:16, 184:9, 189:32, 270:6, 270:39, 270:43, 274:10  
**raised** [5] - 180:41, 183:24, 207:9, 208:10, 270:26  
**raises** [2] - 164:32, 273:9  
**raising** [1] - 181:11  
**range** [6] - 174:25, 199:3,

242:29, 257:21, 274:43, 276:31  
**rank** [2] - 236:25, 236:28  
**ranks** [1] - 226:35  
**rape** [5] - 246:35, 247:31, 261:24, 262:6, 262:13  
**rapes** [1] - 261:39  
**rapidly** [1] - 241:30  
**rapist** [1] - 246:36  
**rare** [4] - 147:40, 160:7, 210:1, 210:16  
**rarely** [1] - 210:19  
**rate** [19] - 243:46, 254:45, 256:38, 259:20, 261:23, 261:26, 261:47, 264:5, 265:16, 265:19, 276:21, 277:30, 281:12, 283:26, 283:34, 285:1, 285:3, 285:21, 285:40  
**rates** [2] - 243:35, 256:32  
**rather** [11] - 148:14, 155:45, 192:4, 193:8, 197:38, 198:21, 201:29, 203:1, 203:39, 245:6, 256:27  
**ratio** [3] - 220:44, 270:46, 274:19  
**re** [5] - 251:14, 276:23, 281:15, 282:26, 282:27  
**re-examined** [1] - 276:23  
**re-implementing** [1] - 281:15  
**re-introduced** [1] - 282:26  
**re-introduction** [1] - 282:27  
**re-testing** [1] - 251:14  
**reached** [1] - 280:2  
**reactivate** [2] - 251:15, 275:4  
**read** [22] - 143:43, 175:9, 251:1, 256:19, 256:21, 256:25, 256:26, 256:31, 256:32, 256:35, 259:12, 263:30, 263:35, 263:44, 263:45, 263:47, 265:8, 265:9, 266:8, 276:28, 281:29, 285:45  
**reader** [1] - 165:40  
**reading** [5] - 168:14, 191:19, 255:24, 263:23, 263:24  
**reads** [1] - 263:8  
**ready** [5] - 155:28, 155:29, 155:31, 267:33, 267:38  
**reaffirms** [1] - 284:13  
**real** [3] - 253:20, 261:16, 267:41  
**realised** [1] - 256:40  
**realistically** [1] - 285:14  
**reality** [1] - 172:24  
**really** [21] - 157:7, 161:8, 168:37, 173:37, 173:41, 186:29, 192:18, 193:26, 196:20, 201:21, 202:37, 205:1, 205:39, 223:13, 233:28, 235:37, 240:40, 245:12, 265:21, 269:27, 285:33

**reason** [22] - 166:26, 175:20, 186:46, 195:3, 198:20, 202:32, 203:36, 204:7, 204:11, 210:15, 210:24, 215:35, 215:36, 221:12, 233:28, 240:30, 242:45, 266:44, 271:21, 277:3, 280:28  
**reasonable** [2] - 170:44, 171:17  
**reasons** [6] - 178:3, 196:46, 197:1, 197:2, 212:45, 245:1  
**reasons"** [1] - 196:22  
**reassess** [1] - 221:1  
**reassessment** [2] - 221:47, 222:3  
**reassurance** [1] - 284:25  
**receipt** [9] - 173:12, 197:4, 244:13, 244:37, 260:29, 274:15  
**receive** [5] - 175:3, 243:44, 244:26, 249:19, 267:25  
**received** [27] - 151:17, 180:28, 181:10, 181:29, 183:12, 209:40, 209:42, 216:36, 228:31, 235:4, 243:42, 248:46, 251:20, 251:45, 255:21, 255:27, 259:5, 260:3, 261:27, 261:36, 270:37, 271:9, 276:18, 276:21, 277:26, 278:26  
**receiving** [8] - 157:30, 238:10, 242:7, 243:2, 255:15, 259:2, 278:24, 279:3  
**recent** [5] - 152:17, 189:35, 205:17, 229:23, 258:42  
**recently** [3] - 151:41, 235:15, 250:4  
**recidivist** [1] - 241:23  
**recognise** [1] - 264:33  
**recognised** [2] - 193:11, 267:28  
**recollect** [1] - 263:47  
**recollection** [2] - 263:24, 263:29  
**recollections** [1] - 195:28  
**recommend** [4] - 151:12, 167:3, 276:22, 279:7  
**recommendation** [6] - 151:16, 151:26, 152:4, 152:14, 231:25, 273:42  
**recommendations** [1] - 166:43  
**recommended** [2] - 152:13, 152:21  
**record** [5] - 142:26, 225:26, 228:17, 229:1, 249:25  
**recording** [2] - 228:14, 228:16  
**recordings** [1] - 229:1  
**records** [4] - 173:27,

228:15, 228:46, 235:10  
**Records** [1] - 228:9  
**Recovery** [7] - 207:34, 207:35, 208:16, 208:30, 209:39, 209:44, 211:23  
**recovery** [4] - 207:44, 210:45, 211:33, 211:44  
**recurrent** [1] - 239:14  
**red** [3] - 191:28, 212:11, 212:16  
**Red** [2] - 155:2, 155:3  
**red-brown** [2] - 212:11, 212:16  
**redact** [7] - 248:17, 248:27, 249:5, 253:8, 253:13, 253:40, 263:2  
**redacted** [4] - 234:15, 250:14, 253:23, 272:24  
**redirect** [2] - 197:38, 250:36  
**reduce** [1] - 284:15  
**reduced** [1] - 267:43  
**reduction** [1] - 276:1  
**redundant** [1] - 277:26  
**Reece** [1] - 141:31  
**Reeves** [13] - 170:4, 170:17, 170:44, 171:2, 171:47, 172:14, 182:33, 186:4, 186:11, 186:16, 186:24, 186:28, 186:47  
**refer** [5] - 163:19, 174:9, 195:17, 198:45, 259:14  
**reference** [30] - 147:6, 154:33, 197:4, 197:27, 204:32, 205:9, 239:37, 242:31, 243:9, 243:10, 244:18, 244:21, 244:33, 244:37, 245:18, 245:19, 245:22, 246:2, 247:24, 249:27, 251:37, 251:40, 264:4, 264:47, 265:31, 265:32, 275:17, 275:18, 278:6, 284:17  
**referenced** [1] - 167:47  
**referral** [1] - 203:14  
**referred** [6] - 146:14, 154:26, 196:30, 200:26, 201:6, 223:28  
**referring** [5] - 180:19, 183:14, 216:14, 222:40, 282:2  
**refers** [1] - 183:23  
**reflect** [1] - 199:45  
**reflection** [1] - 174:20  
**refused** [2] - 172:1, 216:34  
**regard** [4] - 177:21, 189:11, 189:15, 198:21  
**regarded** [1] - 219:32  
**regards** [3] - 175:9, 185:31, 195:1  
**region** [1] - 236:27  
**regional** [1] - 232:26  
**Register** [38] - 145:4, 145:7, 145:11, 145:17, 145:39, 146:14, 146:17, 153:33, 153:40, 173:3, 173:22, 173:43, 228:36, 228:40, 228:41, 228:42, 229:9, 229:25, 229:30, 229:38, 236:16, 243:36, 243:40, 244:4, 244:14, 245:4, 245:11, 245:14, 250:3, 250:31, 250:32, 250:34, 250:43, 251:45, 253:40, 254:30, 278:38, 283:41  
**registers** [1] - 243:41  
**regress** [2] - 236:35, 236:38  
**regular** [2] - 268:15  
**regularly** [2] - 184:16, 237:5  
**rehab** [1] - 261:20  
**reinforced** [3] - 265:18, 283:27, 283:33  
**reintroduced** [1] - 274:34  
**relate** [1] - 235:4  
**related** [2] - 183:43, 278:4  
**relates** [1] - 235:5  
**relating** [1] - 196:33  
**relation** [10] - 147:17, 174:8, 174:26, 181:20, 203:19, 215:45, 221:2, 246:32, 266:28, 273:9  
**relationship** [7] - 182:33, 182:43, 266:25, 268:8, 268:16, 268:18  
**relatively** [1] - 189:35  
**relatives** [1] - 246:43  
**relaxed** [1] - 260:18  
**relay** [1] - 272:9  
**release** [2] - 196:42, 271:23  
**relevance** [2] - 145:14, 251:40  
**relevant** [8] - 144:46, 148:44, 151:20, 183:2, 204:39, 205:9, 229:35, 263:31  
**relevantly** [2] - 218:38, 279:22  
**relieving** [1] - 277:1  
**rely** [2] - 223:44, 224:1  
**remain** [1] - 241:15  
**remainder** [1] - 281:29  
**remaining** [3] - 156:31, 161:1, 259:27  
**remains** [1] - 259:20  
**remarkable** [1] - 242:36  
**remember** [14] - 144:18, 156:24, 157:19, 171:14, 171:41, 171:42, 186:10, 220:36, 236:43, 237:19, 239:44, 270:1, 270:27, 271:46  
**remind** [2] - 198:36, 270:11  
**reminded** [1] - 279:19  
**removal** [2] - 275:33, 275:43  
**remove** [1] - 160:47  
**removed** [2] - 274:29, 274:33  
**removing** [1] - 235:15  
**rendering** [1] - 266:15  
**reoffend** [2] - 270:18, 271:25  
**rephrase** [1] - 279:5  
**replaced** [1] - 271:34  
**replacing** [1] - 155:24  
**replicated** [1] - 267:39  
**reply** [1] - 279:35  
**Report** [2] - 258:18, 271:10  
**report** [13] - 151:17, 153:32, 178:32, 178:37, 191:21, 197:2, 198:19, 223:45, 228:26, 251:44, 253:31, 264:45, 266:8  
**reported** [16] - 144:31, 196:46, 214:36, 214:37, 230:44, 243:31, 243:43, 254:22, 254:29, 254:30, 254:47, 257:38, 259:17, 261:43, 270:46, 274:14  
**reporter** [10] - 144:8, 160:22, 160:33, 163:30, 163:35, 209:6, 209:16, 209:43, 210:5  
**reporter's** [1] - 244:38  
**reporters** [1] - 147:23  
**Reporting** [12] - 159:30, 160:19, 161:22, 162:38, 178:20, 194:9, 194:45, 195:35, 208:47, 209:37, 211:8, 234:47  
**reporting** [10] - 143:33, 153:18, 177:11, 177:42, 191:36, 198:19, 231:23, 235:13, 257:28, 259:39  
**reports** [15] - 186:38, 194:13, 194:17, 194:47, 196:41, 196:43, 196:44, 196:45, 197:12, 198:1, 198:3, 198:4, 228:23, 229:3, 253:30  
**Request** [2] - 249:11, 250:12  
**request** [22] - 207:23, 207:35, 207:39, 210:15, 231:11, 236:16, 240:13, 250:2, 250:20, 250:32, 250:35, 251:1, 251:11, 251:15, 251:20, 258:35, 260:36, 261:34, 277:15, 277:21, 278:19, 281:45  
**requested** [18] - 159:30, 159:45, 161:37, 162:13, 162:17, 162:19, 207:31, 251:7, 251:33, 258:41, 259:24, 259:27, 261:2, 262:27, 263:12, 274:15, 277:17, 284:34  
**requesting** [1] - 250:33  
**requests** [11] - 207:15, 209:7, 239:27, 249:32, 250:28, 258:45, 258:46, 259:1, 260:2, 260:40, 277:16  
**require** [1] - 284:14  
**required** [7] - 160:40, 160:44, 164:2, 175:3, 195:28, 216:37, 222:36  
**requirement** [2] - 168:37, 232:5  
**requires** [3] - 178:13, 212:34, 282:27  
**requiring** [2] - 233:32, 261:30  
**resampling** [1] - 252:34  
**reservations** [1] - 286:10  
**resist** [1] - 190:40  
**resistance** [1] - 238:9  
**resolve** [1] - 271:7  
**resolved** [1] - 285:15  
**resolving** [1] - 268:12  
**resources** [8] - 167:16, 167:17, 167:20, 177:17, 177:20, 233:21, 257:9, 284:14  
**respect** [11] - 152:44, 153:25, 193:32, 196:37, 200:32, 205:9, 205:18, 205:19, 205:38, 206:10, 279:41  
**respectful** [1] - 182:42  
**respectfully** [1] - 182:8  
**respond** [1] - 271:29  
**responded** [3] - 217:12, 270:41, 271:31  
**response** [8] - 151:46, 174:7, 174:22, 217:6, 256:41, 276:41, 276:46, 277:2  
**responses** [1] - 182:37  
**responsibilities** [1] - 205:22  
**responsibility** [6] - 183:34, 204:34, 231:6, 231:8, 231:9, 258:34  
**responsible** [8] - 183:29, 183:38, 183:42, 183:46, 191:35, 226:47, 231:2, 231:14  
**responsibly** [1] - 182:8  
**responsive** [1] - 180:23  
**responsiveness** [2] - 180:25, 181:27  
**rest** [3] - 209:10, 232:8, 252:18  
**restart** [1] - 223:9  
**restating** [1] - 194:4  
**restrict** [1] - 241:1  
**restricted** [1] - 249:19  
**restrictions** [2] - 234:33, 235:5  
**resubmitted** [1] - 259:38  
**result** [50] - 153:33, 153:36, 153:40, 154:6, 154:22, 155:17, 156:4, 196:47, 197:1, 197:6, 214:35, 215:3, 216:35, 229:43, 230:45, 231:23, 235:11, 236:3, 241:35, 251:26, 251:41, 251:44, 252:17, 253:27, 253:41, 253:43, 255:1, 259:6, 259:15, 260:35, 261:17, 261:27, 265:44, 268:1, 271:2, 271:40, 273:40, 274:15, 274:17, 274:21, 276:5, 277:23, 277:25, 277:28, 281:19, 282:6, 282:38, 285:5  
**resulted** [1] - 157:45  
**resulting** [2] - 212:36, 244:3  
**results** [62] - 144:7, 144:28, 144:31, 147:15, 153:15, 153:44, 177:24, 177:35, 210:10, 212:44, 214:30, 228:29, 228:31, 229:4, 230:1, 230:5, 230:26, 231:3, 231:22, 233:28, 235:4, 235:6, 235:13, 235:18, 235:23, 238:1, 241:19, 242:36, 243:44, 254:11, 254:19, 254:21, 254:29, 258:43, 259:35, 260:30, 261:33, 261:38, 270:44, 270:45, 270:47, 271:9, 271:22, 271:27, 271:36, 272:20, 272:45, 272:46, 273:2, 273:27, 273:29, 273:35, 274:35, 276:2, 276:8, 276:20, 276:32, 278:32, 279:17, 281:44, 284:15, 284:34  
**Results** [1] - 235:1  
**retested** [1] - 231:27  
**retesting** [1] - 231:15  
**retracted** [1] - 271:2  
**retraction** [1] - 270:44  
**retribution** [1] - 183:6  
**retrospectively** [1] - 258:29  
**return** [2] - 158:45, 241:26  
**reveal** [2] - 178:32, 178:37  
**reversed** [1] - 230:47  
**revert** [1] - 151:1  
**Review** [1] - 153:43  
**review** [22] - 151:13, 151:15, 151:21, 151:29, 151:31, 151:47, 152:12, 152:15, 153:37, 153:41, 153:47, 154:10, 159:47, 161:38, 194:33, 216:22, 217:25, 217:26, 251:2, 258:28, 258:31  
**reviewed** [5] - 282:6, 283:18, 284:15, 284:34, 286:18  
**reviewer** [6] - 194:46, 209:6, 209:17, 215:17, 215:20, 217:21  
**reviewing** [3] - 194:13, 230:38, 281:43  
**reviews** [2] - 153:42, 262:31  
**rework** [5] - 146:2, 207:27, 231:3, 251:11, 258:25  
**reworked** [5] - 254:14, 259:2, 259:4, 260:29  
**reworking** [3] - 231:15, 262:20, 262:22  
**reworks** [5] - 145:44, 251:1, 251:5, 260:40, 263:11

**RFSCs** [2] - 269:9, 269:26  
**Rhys** [9] - 191:14, 191:31, 191:34, 192:16, 192:19, 192:32, 192:36, 192:40, 193:24  
**Rhys's** [1] - 192:13  
**Rice** [16] - 152:31, 155:43, 157:7, 157:24, 158:2, 161:40, 161:44, 165:8, 165:35, 169:23, 184:31, 186:2, 207:9, 208:10, 210:27, 226:12  
**RICE** [24] - 152:33, 152:35, 156:4, 157:26, 157:34, 158:22, 161:18, 161:42, 162:10, 165:11, 165:16, 165:23, 165:28, 165:37, 166:39, 166:46, 167:8, 169:29, 169:34, 169:39, 174:37, 226:8, 226:14, 286:38  
**rich** [3] - 146:8, 149:5, 149:21  
**rid** [1] - 263:6  
**rightfully** [2] - 185:34, 187:36  
**RIKA** [1] - 142:1  
**Rika** [17] - 142:44, 152:35, 174:44, 177:1, 191:11, 199:37, 200:16, 203:47, 205:47, 207:8, 216:15, 217:2, 221:17, 221:27, 223:3, 223:6, 223:30  
**Rika's** [1] - 152:4  
**rise** [2] - 203:47, 276:31  
**risk** [3] - 176:20, 285:2, 285:15  
**road** [1] - 285:32  
**robot** [4] - 155:29, 155:31, 267:33, 267:38  
**Rockhampton** [1] - 232:27  
**role** [16] - 162:43, 178:30, 226:41, 226:42, 226:43, 226:45, 236:26, 238:6, 248:3, 255:20, 256:20, 268:15, 270:15, 272:44, 277:1, 278:12  
**roles** [2] - 177:6, 194:9  
**room** [2] - 195:35, 247:18  
**roughly** [4] - 236:41, 237:15, 237:16, 239:40  
**round** [3] - 144:10, 145:40, 145:41  
**route** [1] - 159:15  
**routine** [4] - 160:11, 162:5, 268:4, 274:30  
**run** [2] - 286:5, 286:6  
**rung** [1] - 268:30  
**Russell** [4] - 270:31, 270:32, 272:1, 272:8  
**Ryan** [1] - 251:16

---

**S**

---

**safety** [6] - 195:12, 195:32, 196:13, 198:44, 233:9, 233:28  
**SAIK** [2] - 230:9, 230:12  
**sake** [1] - 240:11  
**Sample** [1] - 234:38  
**sample** [117] - 144:22, 145:12, 145:42, 145:43, 145:44, 146:2, 146:5, 146:7, 146:20, 146:22, 146:32, 146:44, 147:35, 147:38, 149:1, 149:16, 153:9, 153:39, 155:28, 155:46, 156:12, 158:10, 158:13, 158:14, 158:15, 160:7, 160:34, 160:46, 162:6, 165:45, 168:5, 168:22, 196:17, 196:18, 197:4, 207:20, 208:6, 208:15, 208:25, 208:29, 211:16, 213:32, 214:27, 216:25, 216:30, 216:32, 216:34, 216:37, 217:22, 217:23, 219:20, 221:2, 229:45, 231:25, 231:26, 237:11, 239:19, 239:37, 239:41, 239:46, 242:6, 242:31, 243:2, 243:9, 243:10, 243:12, 243:13, 243:17, 243:28, 243:42, 244:3, 244:13, 244:16, 244:18, 244:21, 244:26, 244:33, 244:37, 245:18, 245:20, 245:22, 245:33, 247:6, 251:1, 251:30, 251:32, 255:10, 255:38, 261:26, 261:42, 270:25, 275:4, 278:20, 278:26, 281:3, 281:12, 281:45, 282:38, 282:45, 283:22, 283:31, 285:2, 285:9, 285:31, 285:33, 285:44, 286:16  
**sample-by-sample** [3] - 145:12, 158:15, 214:27  
**samples** [141] - 143:12, 144:11, 144:17, 144:24, 145:14, 146:33, 146:37, 146:38, 147:3, 147:15, 147:39, 147:43, 147:45, 149:39, 152:41, 153:14, 153:22, 155:44, 156:28, 156:35, 157:30, 158:23, 158:29, 161:3, 166:2, 190:7, 207:26, 209:11, 209:13, 209:19, 209:23, 209:27, 209:40, 213:36, 213:39, 213:41, 213:44, 214:2, 215:9, 219:23, 227:6, 227:7, 230:39, 230:41, 231:19, 232:15, 233:16, 233:46, 235:31, 235:40, 235:42, 235:43, 235:44, 235:46, 236:6, 236:32, 236:42, 237:24, 237:29, 237:39, 238:29, 238:31, 238:32, 238:34, 239:1, 239:5, 239:37, 239:38, 240:6, 241:2, 241:6, 241:10, 241:15, 243:44, 246:2, 246:33, 247:24, 250:32, 250:36, 252:33, 255:17, 255:44, 257:37, 259:2, 259:17, 259:20, 259:43, 260:29, 261:24, 261:38, 262:6, 262:10, 262:13, 265:1, 266:2, 266:14, 267:38, 268:32, 269:11, 270:21, 273:18, 273:22, 273:25, 273:34, 273:39, 274:12, 274:13, 274:16, 274:26, 274:31, 274:47, 276:4, 276:13, 276:30, 277:8, 277:14, 278:4, 278:5, 278:7, 278:13, 278:29, 279:7, 279:18, 279:37, 280:1, 280:42, 280:46, 281:33, 281:46, 282:22, 282:40, 284:21, 284:27, 284:33, 284:44, 285:35, 285:42, 286:18, 286:24  
**sampling** [7] - 143:4, 143:9, 144:2, 156:12, 210:6, 267:33, 267:37  
**sat** [1] - 227:31  
**satisfied** [2] - 161:47, 285:15  
**satisfy** [1] - 172:40  
**satisfying** [1] - 144:41  
**Saunders** [1] - 261:20  
**save** [2] - 254:7, 278:43  
**saved** [1] - 256:45  
**saw** [10] - 185:37, 202:47, 212:10, 219:36, 219:40, 254:6, 268:5, 276:45, 282:35  
**scale** [1] - 211:12  
**scared** [1] - 184:38  
**scenario** [10] - 154:36, 159:29, 161:36, 162:12, 162:17, 164:1, 186:24, 215:28, 273:43, 273:47  
**scenarios** [2] - 162:16, 165:1  
**scene** [11] - 211:1, 211:38, 229:35, 234:18, 237:39, 240:5, 242:31, 243:10, 243:17, 244:16, 247:14  
**scenes** [11] - 227:8, 229:22, 231:34, 231:38, 232:1, 232:4, 232:22, 232:37, 232:40, 246:3, 248:7  
**science** [12] - 148:9, 150:29, 179:35, 187:10, 187:42, 227:20, 227:21, 227:46, 228:3, 231:41, 265:36, 265:37  
**Science** [3] - 227:13, 227:43, 227:47  
**science-y** [1] - 265:37  
**Scientific** [4] - 212:8, 212:18, 229:29, 229:39  
**scientific** [20] - 179:6, 198:39, 203:20, 212:36, 213:6, 226:28, 226:36, 227:27, 227:31, 229:19, 231:34, 231:35, 231:39, 231:40, 232:20, 232:25, 232:45, 254:10, 254:20, 256:26  
**scientifically** [2] - 203:25, 203:26  
**Scientist** [1] - 163:24  
**scientist** [49] - 143:28, 143:33, 144:2, 144:3, 144:6, 148:7, 148:20, 158:41, 159:30, 160:9, 160:27, 160:29, 162:38, 163:29, 164:12, 164:42, 164:45, 168:34, 176:30, 176:32, 177:11, 178:20, 179:5, 179:16, 179:19, 189:6, 189:7, 189:16, 191:36, 194:10, 194:46, 198:19, 199:6, 199:21, 200:38, 206:21, 209:1, 209:37, 210:6, 213:4, 213:7, 213:8, 215:8, 215:13, 215:16, 215:20, 229:47, 278:33, 286:26  
**scientists** [29] - 156:29, 161:47, 167:47, 168:40, 175:12, 177:20, 177:42, 195:36, 197:7, 204:46, 210:45, 211:8, 213:19, 213:21, 213:22, 215:24, 217:46, 231:20, 278:26, 279:4, 279:6, 281:20, 281:43, 282:1, 282:3, 284:26, 284:33, 285:9, 286:19  
**scope** [1] - 200:11  
**screen** [10] - 185:8, 216:1, 229:40, 229:44, 230:5, 241:44, 253:5, 253:27, 278:32, 278:43  
**screening** [1] - 230:1  
**screenshot** [1] - 253:25  
**screenshotted** [1] - 275:19  
**script** [1] - 254:41  
**scroll** [3] - 176:16, 185:11, 217:40  
**search** [1] - 283:41  
**searched** [1] - 242:14  
**searching** [1] - 242:11  
**seat** [3] - 266:38, 267:9, 267:11  
**seats** [1] - 264:24  
**second** [17] - 151:24, 164:5, 165:41, 165:43, 184:29, 205:8, 208:10, 217:15, 222:37, 225:29, 244:19, 245:29, 245:32, 256:9, 262:46, 278:3, 284:28  
**second-last** [2] - 217:15, 284:28  
**section** [21] - 144:18, 144:21, 152:40, 153:18, 154:7, 154:46, 155:8, 155:9, 183:39, 192:39, 207:20, 224:34, 231:11, 231:42, 234:38, 234:47, 238:17, 250:37, 264:42, 272:42, 278:3  
**Section** [4] - 236:7, 251:32, 251:38, 255:8  
**sections** [2] - 208:37, 232:25  
**see** [74] - 144:4, 144:7, 145:9, 145:10, 145:17, 145:22, 145:26, 145:34, 146:6, 146:42, 147:41, 147:43, 148:4, 148:14, 148:22, 156:47, 160:34, 163:22, 163:24, 163:41, 165:40, 168:42, 170:5, 171:1, 173:7, 178:38, 185:4, 185:8, 185:12, 185:15, 190:25, 190:37, 193:41, 196:9, 201:41, 202:41, 206:12, 209:12, 210:10, 210:14, 211:20, 211:25, 214:26, 217:2, 217:11, 217:18, 218:44, 219:3, 219:31, 222:46, 224:44, 229:43, 230:4, 230:39, 234:47, 242:2, 248:42, 249:7, 252:2, 252:8, 253:26, 253:28, 253:32, 254:25, 258:41, 259:26, 263:35, 265:17, 266:37, 266:40, 267:15, 269:32, 285:24  
**seeing** [3] - 217:43, 218:5, 278:26  
**seek** [4] - 142:33, 191:29, 231:9, 252:40  
**seem** [4] - 186:46, 226:8, 247:34, 276:6  
**select** [2] - 230:13, 237:45  
**selected** [1] - 229:8  
**self** [13] - 161:18, 161:28, 161:45, 162:10, 162:33, 162:37, 162:44, 164:34, 208:11, 208:19, 208:40, 237:42, 237:45  
**self-allocate** [3] - 161:28, 161:45, 162:44  
**self-allocated** [1] - 162:37  
**self-allocation** [7] - 161:18, 162:10, 162:33, 164:34, 208:11, 208:19, 208:40  
**self-select** [1] - 237:45  
**self-triage** [1] - 237:42  
**semen** [5] - 145:30, 146:7, 149:6, 230:4, 230:15  
**send** [11] - 208:3, 209:9, 248:47, 249:39, 251:16, 258:36, 261:17, 261:33, 271:32, 271:39  
**sending** [2] - 156:12, 262:4  
**Senior** [5] - 142:27, 247:47, 248:37, 252:23, 262:47  
**senior** [2] - 175:12, 272:40  
**sense** [7] - 147:28, 152:14, 185:35, 192:27, 203:27, 203:28, 244:32  
**sensitive** [2] - 248:38,

269:30  
**sent** [8] - 151:43, 186:16, 238:12, 262:19, 263:24, 271:30, 272:6, 273:5  
**sentence** [6] - 170:5, 175:9, 252:29, 280:39, 281:1, 281:40  
**sentences** [2] - 163:44, 286:14  
**separate** [2] - 151:27, 239:36  
**separately** [2] - 240:36, 240:38  
**SEPTEMBER** [1] - 286:47  
**September** [5] - 141:20, 225:11, 225:15, 225:35, 225:39  
**sequence** [1] - 172:38  
**sergeant** [1] - 236:26  
**Sergeant** [5] - 247:47, 248:37, 252:23, 261:19, 262:47  
**series** [1] - 184:35  
**serious** [3] - 165:21, 233:25, 276:16  
**seriously** [1] - 159:14  
**servant** [2] - 179:13, 179:31  
**Service** [10] - 156:27, 174:23, 224:28, 224:33, 227:28, 228:14, 228:44, 229:37, 238:47, 254:9  
**service** [3] - 174:31, 239:22, 285:4  
**services** [5] - 224:32, 226:32, 226:36, 226:37, 229:16  
**Services** [5] - 229:29, 229:30, 229:39, 268:29  
**session** [2] - 172:1, 193:31  
**set** [9] - 148:10, 153:29, 157:31, 160:24, 169:46, 173:40, 222:14, 249:25, 252:43  
**sets** [1] - 219:24  
**settle** [2] - 269:6  
**Sexual** [1] - 230:12  
**sexual** [13] - 155:5, 160:35, 160:43, 161:2, 161:4, 161:7, 230:9, 247:32, 261:22, 261:25, 261:39, 262:31, 286:22  
**share** [2] - 229:32, 232:36  
**shared** [1] - 229:41  
**sharing** [1] - 212:35  
**sheet** [3] - 218:39, 248:38, 253:34  
**shelf** [1] - 275:3  
**shelved** [2] - 259:22, 275:2  
**shift** [1] - 155:23  
**shifted** [1] - 258:34  
**shifting** [1] - 250:5  
**SHORT** [1] - 191:5  
**short** [1] - 204:12  
**shortly** [3] - 170:42, 172:45, 189:30  
**show** [2] - 278:30, 286:25  
**showing** [1] - 253:27  
**shown** [5] - 173:9, 241:43, 250:15, 250:17, 250:18  
**shut** [1] - 181:6  
**sickening** [1] - 187:40  
**side** [7] - 172:30, 183:8, 185:37, 229:31, 241:1, 252:1  
**side-by-side** [1] - 252:1  
**sides** [2] - 172:26, 172:27  
**sign** [2] - 175:13, 216:35  
**signals** [1] - 187:5  
**signature** [1] - 224:44  
**signed** [2] - 225:15, 225:35  
**significance** [4] - 142:47, 143:29, 165:20, 263:36  
**significant** [3] - 150:17, 238:20, 238:25  
**significantly** [1] - 150:19  
**signifies** [1] - 165:23  
**signs** [1] - 273:42  
**silence** [1] - 182:15  
**similar** [3] - 223:34, 236:27, 243:45  
**similarly** [1] - 182:22  
**Simpfendorfer** [2] - 276:46, 277:1  
**simple** [1] - 149:20  
**simpler** [1] - 178:35  
**simply** [8] - 149:25, 187:21, 187:32, 188:45, 189:15, 192:4, 197:38, 243:41  
**single** [2] - 219:1, 237:24  
**sit** [4] - 182:14, 227:35, 227:41, 227:46  
**sits** [1] - 224:32  
**sitting** [1] - 201:30  
**situation** [10] - 158:34, 196:21, 208:40, 209:34, 210:15, 210:31, 212:2, 212:6, 217:21, 241:34  
**situations** [2] - 147:37, 147:44  
**size** [4] - 160:39, 162:26, 166:4, 166:9  
**skewed** [1] - 285:35  
**skill** [2] - 161:33, 191:41  
**skills** [2] - 193:12, 232:12  
**slamming** [1] - 185:31  
**small** [5] - 220:43, 241:22, 256:8, 273:39, 286:3  
**smaller** [2] - 210:36, 220:40  
**Sofronoff** [1] - 141:26  
**solicitor** [1] - 142:24  
**someone** [13] - 150:44, 166:30, 207:15, 211:19, 234:4, 235:38, 235:47, 236:25, 245:34, 246:46, 247:6, 247:17, 269:21  
**sometime** [3] - 185:14, 196:47, 238:16  
**sometimes** [17] - 144:6, 145:31, 145:40, 145:45, 194:13, 209:13, 209:19, 209:23, 215:3, 231:21, 232:42, 233:11, 235:37, 236:19, 237:9, 237:34, 249:39  
**somewhat** [3] - 180:3, 229:42, 268:18  
**somewhere** [1] - 283:35  
**soon** [1] - 209:12  
**SOP** [1] - 168:40  
**SOPs** [5] - 163:5, 195:28, 195:33, 195:37, 196:13  
**Sorry** [3] - 190:39, 260:9, 266:46  
**sorry** [44] - 147:30, 148:1, 159:38, 160:47, 171:22, 175:39, 182:32, 184:41, 185:46, 186:10, 190:39, 206:31, 208:17, 220:36, 222:34, 226:8, 237:2, 237:4, 237:38, 241:33, 248:26, 253:11, 254:10, 254:12, 255:18, 260:7, 261:6, 262:31, 264:29, 268:20, 268:22, 269:1, 269:5, 269:10, 271:3, 271:11, 271:20, 276:47, 277:24, 280:3, 280:27, 283:29, 283:32, 286:12  
**sort** [14] - 145:8, 198:25, 210:3, 212:23, 228:47, 230:31, 230:44, 232:9, 233:20, 235:46, 240:4, 245:35, 246:14, 285:29  
**sought** [1] - 283:42  
**sounds** [3] - 169:21, 170:26, 250:34  
**source** [2] - 149:5, 219:1  
**sources** [2] - 146:8, 149:21  
**spare** [1] - 171:9  
**speaking** [8] - 161:25, 162:33, 175:36, 190:3, 195:10, 234:5, 234:33, 246:39  
**specialists** [1] - 231:45  
**speciality** [1] - 167:40  
**specific** [9] - 181:36, 181:38, 181:40, 181:44, 195:40, 200:40, 208:47, 210:5, 281:4  
**speculation** [1] - 203:37  
**speculative** [1] - 235:46  
**speed** [5] - 158:29, 244:12, 244:20, 244:40, 245:1  
**speedier** [1] - 257:2  
**Speedier** [1] - 257:3  
**spent** [1] - 158:25  
**spermatozoa** [1] - 286:22  
**sphere** [1] - 178:31  
**spiel** [1] - 254:2  
**spitting** [1] - 171:5  
**splash** [1] - 232:3  
**spoken** [1] - 247:24  
**spreadsheets** [1] - 273:3  
**stack** [1] - 190:23  
**staff** [23] - 144:1, 146:21, 146:27, 146:32, 156:44, 160:20, 162:43, 187:43, 190:7, 228:24, 228:32, 228:34, 229:13, 229:45, 231:7, 231:20, 231:29, 261:16, 261:21, 262:30, 274:15, 278:18, 280:25  
**stage** [15] - 145:45, 145:46, 146:13, 147:21, 147:37, 147:40, 147:41, 147:43, 148:2, 207:26, 215:21, 257:20, 257:24, 282:30, 282:47  
**stages** [1] - 147:1  
**stain** [6] - 212:11, 212:16, 229:46, 235:47, 278:30, 278:31  
**stakeholders** [2] - 174:16, 174:25  
**Standard** [2] - 216:20, 222:18  
**standard** [28] - 148:15, 160:9, 161:12, 162:45, 162:47, 193:31, 193:42, 193:44, 194:44, 195:1, 195:3, 195:6, 195:11, 195:24, 195:42, 196:17, 196:19, 196:25, 196:27, 196:38, 197:21, 198:45, 202:39, 210:3, 215:44, 221:23, 222:8, 271:43  
**Standards** [2] - 227:42, 227:47  
**standards** [3] - 203:2, 227:45, 228:2  
**standing** [3] - 199:22, 200:21, 200:38  
**stands** [1] - 228:8  
**start** [5] - 164:44, 175:18, 213:19, 238:38, 254:12  
**started** [8] - 154:40, 184:22, 226:32, 231:7, 245:6, 247:43, 267:36, 269:40  
**starting** [5] - 163:42, 184:22, 217:2, 280:38, 286:35  
**state** [4] - 148:9, 176:6, 203:34, 203:42  
**statement** [63] - 144:34, 145:35, 145:46, 147:14, 147:16, 147:41, 147:42, 152:7, 158:38, 159:30, 159:45, 160:6, 161:37, 162:13, 162:17, 162:18, 164:2, 169:42, 170:16, 172:37, 174:45, 176:10, 176:11, 176:16, 184:30, 184:35, 189:24, 197:20, 197:38, 198:18, 207:14, 207:15, 207:21, 207:23, 207:30, 207:35, 207:39, 210:15, 210:19, 215:21, 224:37, 224:40, 225:10, 225:15, 225:27, 225:29, 225:34, 225:39, 226:9, 226:17, 226:21, 234:14, 234:27, 234:32, 241:44, 249:1, 256:10, 260:44, 262:35, 266:8, 270:10, 271:1  
**STATEMENT** [3] - 225:7, 225:31, 226:5  
**statements** [20] - 193:32, 194:25, 194:29, 194:34, 194:40, 196:42, 197:15, 197:45, 197:47, 198:9, 198:39, 199:4, 210:8, 216:8, 223:30, 235:9, 246:17, 258:5  
**states** [1] - 267:40  
**statistic** [2] - 265:12, 265:13  
**statistical** [8] - 191:14, 191:31, 191:35, 191:38, 191:46, 192:11, 193:8, 276:11  
**statistical-type** [2] - 191:35, 191:38  
**statistics** [1] - 265:14  
**stats** [2] - 243:40, 260:7  
**status** [1] - 203:39  
**statute** [1] - 203:7  
**stay** [1] - 223:6  
**steering** [1] - 236:1  
**step** [9] - 144:14, 168:31, 244:32, 274:29, 275:43, 276:2, 276:10, 280:46, 282:28  
**stepped** [1] - 255:20  
**steps** [1] - 270:35  
**still** [20] - 144:16, 147:20, 155:3, 156:6, 169:13, 170:19, 176:29, 186:33, 211:44, 213:40, 213:42, 217:43, 222:29, 235:8, 249:35, 251:11, 259:21, 269:4, 271:35, 273:25  
**stochastic** [1] - 219:26  
**stole** [1] - 235:39  
**stop** [4] - 266:13, 274:35, 275:11, 283:6  
**stopped** [5] - 148:2, 276:17, 282:46, 286:23, 286:26  
**stopping** [1] - 256:25  
**stops** [2] - 146:22, 241:28  
**stored** [1] - 228:47  
**story** [6] - 172:26, 172:27, 172:30, 250:2, 250:22, 279:11  
**Story** [1] - 249:44  
**straight** [1] - 209:41  
**straightforward** [1] - 255:9  
**strategic** [1] - 269:7  
**strategies** [2] - 211:7, 211:12  
**strategy** [6] - 143:46, 144:1, 144:4, 145:2, 211:22, 213:30  
**streamlined** [4] - 213:40, 249:45, 250:23, 250:35  
**Street** [1] - 141:15  
**strictly** [3] - 234:5, 234:33,

236:20  
**strike** [2] - 171:16, 214:23  
**strive** [1] - 213:14  
**STRmix** [3] - 220:13, 220:38, 220:47  
**strong** [2] - 158:40, 212:13  
**stronger** [1] - 246:22  
**strongly** [1] - 187:43  
**structure** [1] - 159:9  
**stuck** [2] - 180:3, 180:7  
**stuff** [1] - 245:14  
**style** [7] - 157:10, 157:46, 158:31, 159:23, 159:45, 166:34  
**sub** [3] - 148:15, 267:33, 267:37  
**sub-sampling** [2] - 267:33, 267:37  
**sub-standard** [1] - 148:15  
**subject** [4] - 150:44, 152:36, 168:20, 255:7  
**submission** [11] - 143:22, 155:23, 155:25, 155:34, 155:40, 169:24, 203:3, 241:9, 241:18, 242:6, 243:2  
**submissions** [1] - 205:35  
**submit** [14] - 161:9, 234:2, 234:4, 235:45, 236:5, 236:13, 236:32, 236:34, 237:11, 237:20, 237:33, 237:45, 238:4, 239:5  
**Submit** [1] - 234:4  
**submitted** [17] - 143:17, 143:18, 144:17, 230:41, 233:47, 236:39, 241:2, 249:44, 250:23, 250:36, 251:28, 251:30, 252:6, 262:32, 262:34, 273:35, 274:13  
**submitting** [5] - 143:27, 237:34, 239:1, 268:31, 269:11  
**subscribe** [1] - 221:18  
**subsequent** [1] - 270:13  
**substance** [3] - 190:16, 212:32, 275:12  
**substantial** [4] - 157:21, 167:20, 167:23, 259:30  
**substantially** [2] - 167:17, 239:42  
**substantive** [2] - 270:4, 283:3  
**substitute** [1] - 228:34  
**success** [29] - 231:24, 243:35, 243:45, 251:6, 254:44, 256:32, 256:38, 259:20, 261:23, 261:25, 261:47, 263:12, 263:21, 264:4, 264:5, 264:42, 265:16, 265:19, 276:21, 277:30, 280:33, 280:34, 281:12, 283:26, 283:34, 285:1, 285:3, 285:21, 285:40  
**Success** [3] - 264:41, 265:30, 265:43

**sufficient** [4] - 153:6, 211:40, 222:43, 283:22  
**suggest** [19] - 170:13, 171:1, 171:31, 171:46, 172:14, 173:20, 173:40, 174:13, 180:45, 181:25, 185:25, 192:47, 199:20, 199:29, 199:32, 200:37, 202:12, 206:20, 206:28  
**suggested** [2] - 151:14, 278:13  
**suggesting** [10] - 171:25, 174:2, 194:38, 199:6, 205:47, 206:8, 222:19, 222:20, 237:38, 249:32  
**suggestion** [4] - 151:46, 180:12, 189:33, 190:16  
**suggests** [1] - 276:28  
**suit** [2] - 223:14, 224:9  
**suitable** [4] - 167:36, 264:47, 265:31, 271:10  
**sum** [3] - 239:32, 239:35, 240:11  
**summaries** [2] - 229:42, 253:29  
**summary** [2] - 194:4, 278:45  
**superintendent** [4] - 268:29, 277:41, 277:42, 278:5  
**Superintendent** [9] - 142:16, 142:34, 272:7, 275:20, 276:47, 278:6, 279:13, 279:20, 280:6  
**superior** [2] - 191:47, 193:12  
**supplementary** [4] - 228:26, 251:44, 253:30, 253:31  
**support** [10] - 150:12, 175:10, 175:12, 175:17, 175:21, 175:32, 175:42, 187:4, 197:20, 210:40  
**supported** [2] - 185:38, 221:8  
**supporting** [1] - 245:7  
**suppose** [2] - 144:26, 225:26  
**supposed** [1] - 234:5  
**Supt** [2] - 251:8, 275:45  
**surprised** [3] - 262:14, 268:41, 279:17  
**surprising** [1] - 174:29  
**surrounding** [1] - 254:11  
**Susan** [1] - 141:33  
**suspect** [6] - 233:32, 242:19, 242:25, 242:29, 246:13, 259:38  
**suspects** [2] - 242:29, 246:42  
**suspicion** [2] - 176:22, 176:26  
**swab** [9] - 145:18, 145:19, 145:23, 230:14, 230:15, 236:1, 245:25, 247:33  
**swabs** [1] - 161:7  
**swath** [1] - 156:40  
**switch** [1] - 236:2

**SWORN** [1] - 224:20  
**system** [30] - 143:8, 144:19, 155:10, 157:31, 158:13, 158:15, 158:30, 160:20, 160:24, 160:28, 162:45, 164:29, 166:28, 207:10, 212:33, 213:2, 213:40, 213:43, 214:11, 214:16, 220:18, 228:13, 228:18, 228:20, 228:42, 228:46, 229:5, 229:33, 278:34

**T**

**tab** [1] - 253:34  
**table** [1] - 182:7  
**talks** [1] - 210:6  
**tampons** [1] - 267:42  
**tape** [1] - 236:1  
**tape-lift** [1] - 236:1  
**tarnished** [2] - 182:33, 182:41  
**task** [11] - 160:45, 239:10, 251:13, 251:16, 251:34, 258:36, 261:18, 262:29, 271:32, 271:39  
**tasked** [3] - 228:20, 230:37, 261:21  
**tasking** [1] - 228:22  
**tasks** [3] - 177:21, 191:39, 262:29  
**TAT** [1] - 241:17  
**Taylor** [8] - 142:27, 247:47, 248:30, 248:37, 252:23, 255:21, 255:28, 270:4  
**TC272** [1] - 227:44  
**team** [32] - 143:39, 151:17, 151:25, 151:26, 155:1, 155:2, 155:3, 160:27, 171:6, 171:35, 181:21, 182:3, 182:4, 182:9, 182:13, 182:31, 182:43, 183:3, 185:39, 185:41, 186:42, 187:28, 190:8, 193:12, 194:38, 209:10, 262:32, 269:2, 278:25  
**Team** [2] - 143:39, 143:40  
**Team's** [1] - 180:25  
**team's** [1] - 181:27  
**teams** [4] - 155:13, 161:22, 178:26, 191:30  
**technical** [4] - 202:42, 213:9, 228:5, 231:21  
**Technical** [1] - 227:44  
**techniques** [1] - 232:14  
**telephone** [4] - 248:28, 268:24, 268:27, 272:14  
**temper** [1] - 171:18  
**template** [1] - 286:5  
**temporary** [2] - 168:15, 271:8  
**tenacious** [1] - 255:9  
**tend** [2] - 183:8, 260:36  
**tender** [4] - 224:1, 225:3, 225:24, 226:1

**tendered** [2] - 223:27, 224:2  
**term** [5] - 178:44, 187:28, 203:24, 232:17, 247:4  
**terminals** [1] - 278:36  
**terminology** [1] - 155:12  
**terms** [19] - 148:44, 149:2, 167:27, 168:9, 170:13, 171:16, 180:9, 182:35, 185:30, 198:24, 202:16, 203:1, 203:6, 213:30, 233:46, 244:12, 268:12, 270:44, 282:5  
**terse** [2] - 268:43, 271:45  
**tertiary** [1] - 232:5  
**test** [9] - 148:13, 163:15, 212:11, 230:2, 230:3, 230:4, 261:18, 285:2  
**tested** [18] - 144:9, 149:25, 212:11, 212:12, 212:17, 233:9, 255:8, 259:4, 259:18, 259:21, 259:24, 259:27, 261:26, 275:1, 280:23, 286:20, 286:23, 286:28  
**testing** [39] - 145:24, 149:20, 207:20, 212:9, 212:33, 229:36, 230:40, 230:42, 231:25, 236:12, 239:13, 239:47, 240:5, 240:7, 251:14, 252:20, 252:40, 254:45, 255:5, 255:7, 259:30, 266:28, 273:34, 273:36, 274:12, 274:15, 274:16, 276:5, 276:17, 276:19, 278:32, 280:45, 281:4, 281:6, 281:13, 282:25, 282:44, 282:45, 285:42  
**TESTING** [1] - 141:6  
**tests** [2] - 145:31, 230:2  
**text** [12] - 191:28, 251:18, 251:41, 252:11, 252:15, 252:46, 253:41, 254:19, 255:32, 263:5, 263:6, 275:31  
**THE** [19] - 142:6, 142:12, 142:20, 142:29, 142:37, 146:24, 147:30, 150:1, 150:5, 152:3, 152:9, 152:31, 155:43, 156:26, 157:24, 157:28, 158:2, 160:16, 161:16, 161:40, 161:44, 162:8, 165:8, 165:13, 165:19, 165:26, 165:30, 165:35, 166:37, 166:41, 167:1, 169:23, 169:31, 169:36, 174:39, 175:27, 175:36, 176:42, 179:24, 182:28, 183:32, 184:41, 184:46, 185:4, 188:5, 188:10, 188:16, 188:22, 190:2, 190:30, 190:35, 190:39, 191:2, 191:7, 195:19, 197:19, 197:25, 197:35, 197:42, 199:12, 199:36, 199:42, 200:5, 200:10, 200:16,

201:13, 201:35, 201:40, 201:46, 202:19, 202:24, 202:29, 203:5, 203:11, 203:18, 203:44, 204:19, 204:24, 204:30, 204:36, 205:6, 205:14, 205:25, 205:32, 205:46, 206:8, 206:24, 206:28, 206:34, 206:38, 207:4, 212:32, 216:5, 216:42, 217:5, 217:11, 218:33, 220:2, 220:8, 220:33, 221:10, 221:16, 221:25, 221:30, 221:35, 222:26, 222:46, 223:5, 223:13, 223:18, 223:23, 223:32, 223:41, 224:7, 224:13, 224:18, 225:5, 225:26, 225:29, 226:3, 226:12, 226:20, 234:11, 239:30, 240:10, 240:42, 241:46, 242:16, 245:16, 245:39, 245:45, 246:25, 246:31, 248:20, 248:24, 250:14, 253:8, 253:11, 253:13, 253:16, 253:20, 256:1, 256:43, 258:16, 258:20, 259:11, 259:35, 260:11, 260:20, 260:25, 261:1, 261:29, 262:22, 262:39, 263:2, 264:9, 264:19, 264:23, 265:39, 265:47, 266:5, 266:10, 266:17, 266:22, 266:31, 266:36, 266:42, 266:46, 267:4, 267:7, 269:25, 269:38, 271:19, 272:26, 272:30, 272:34, 274:6, 274:40, 275:15, 276:27, 279:11, 282:42, 283:2, 283:9, 283:14, 285:18, 286:31, 286:35, 286:40, 286:44, 286:46  
**thefts** [1] - 213:37  
**themes** [1] - 158:39  
**themselves** [9] - 142:47, 143:12, 154:10, 156:12, 160:10, 164:29, 165:40, 223:46, 237:32  
**theoretically** [1] - 195:1  
**theory** [1] - 195:4  
**therefore** [1] - 158:14  
**Therese** [1] - 184:13  
**they've** [2] - 212:19, 243:31  
**thin** [1] - 167:39  
**thinking** [9] - 145:43, 146:1, 157:20, 157:42, 158:17, 201:30, 209:46, 209:47, 222:11  
**thinks** [2] - 199:42, 199:43  
**third** [5] - 148:41, 217:2, 225:34, 245:32, 259:42  
**Thomas** [3] - 189:41, 189:43, 189:45  
**thoughts** [4] - 158:12, 192:4, 254:46, 278:41  
**three** [18] - 148:31, 217:35, 219:18, 219:19,

219:24, 219:32, 219:33, 219:42, 222:44, 231:43, 245:19, 265:22, 270:47, 273:36, 273:38, 274:17, 274:22, 286:14  
**three-person** [1] - 217:35  
**threshold** [1] - 222:14  
**thresholds** [1] - 168:16  
**throughout** [4] - 177:6, 177:12, 227:46, 228:14  
**throughput** [2] - 158:23, 195:34  
**throw** [1] - 238:33  
**time** [1] - 184:19  
**time-consuming** [1] - 156:14  
**timeframes** [1] - 284:22  
**timeliness** [3] - 166:22, 166:27, 167:9  
**timely** [2] - 158:23, 270:22  
**timing** [1] - 170:14  
**titled** [1] - 277:3  
**TO** [1] - 286:46  
**today** [11] - 171:9, 185:14, 187:37, 189:25, 219:32, 223:35, 223:36, 239:24, 260:43, 285:44  
**today's** [1] - 184:38  
**together** [6] - 144:47, 145:1, 147:16, 227:45, 267:26, 281:34  
**tomorrow** [4] - 223:37, 262:41, 262:43, 267:15  
**too-hard** [1] - 181:12  
**took** [20] - 183:2, 184:12, 189:31, 190:7, 190:22, 190:23, 196:25, 214:7, 217:25, 226:43, 247:47, 252:25, 254:6, 260:5, 263:16, 266:7, 270:15, 278:12, 284:42  
**top** [5] - 174:3, 185:11, 222:33, 253:6, 253:35  
**topic** [1] - 207:9  
**topics** [1] - 150:24  
**total** [5] - 258:43, 260:43, 261:4, 261:7, 261:9  
**touch** [2] - 185:14, 247:17  
**touched** [3] - 209:30, 247:10, 247:17  
**towards** [7] - 148:17, 155:36, 156:4, 156:6, 182:13, 193:30, 285:35  
**towns** [1] - 232:26  
**Townsville** [1] - 232:27  
**toxic** [2] - 182:19, 189:19  
**TRA.500.001.0001** [1] - 204:40  
**TRA.500.001.0001** [1] - 180:20  
**trace** [4] - 235:42, 235:45, 235:46  
**track** [2] - 196:47, 229:2  
**train** [3] - 231:46, 254:7, 257:42  
**trained** [2] - 189:7, 232:12  
**training** [5] - 226:28,

231:31, 231:43, 232:7, 254:9  
**transcript** [2] - 180:19, 191:19  
**transfer** [2] - 278:36, 278:45  
**transferred** [2] - 228:36, 254:32  
**transfers** [1] - 228:37  
**transparency** [1] - 200:2  
**traumatic** [1] - 184:25  
**travelled** [1] - 276:44  
**treated** [4] - 181:22, 213:32, 279:37, 280:1  
**trend** [2] - 283:23, 283:25  
**triage** [3] - 227:7, 237:42, 238:30  
**Triage** [1] - 234:39  
**trial** [3] - 188 11, 206 2, 263:17  
**triated** [1] - 263:15  
**trailing** [2] - 251:4, 263:10  
**tried** [2] - 182:42, 240:44  
**tries** [1] - 206:42  
**trigger** [3] - 155:35, 156:5, 157:21  
**triggering** [1] - 231:14  
**triggers** [1] - 282:33  
**Trio** [1] - 148:31  
**trivialise** [1] - 181:15  
**trouble** [1] - 264:28  
**troubling** [1] - 201:30  
**true** [11] - 170:45, 172:2, 173:32, 176:6, 189:17, 206:45, 212:45, 224:44, 225:18, 225:42, 254:44  
**try** [8] - 159:37, 166:2, 172:6, 182:6, 184:16, 202:38, 233:23, 269:47  
**trying** [8] - 163:15, 171:14, 171:40, 188:2, 194:39, 213:9, 270:22, 271:7  
**tube** [5] - 155:25, 156:12, 158:11, 209:40, 267:43  
**tubes** [4] - 157:30, 209:41, 211:45, 278:29  
**Tuesday** [1] - 141:20  
**turn** [13] - 147:14, 158:14, 216:9, 224:43, 234:37, 235:30, 249:4, 255:23, 256:2, 268:37, 268:47, 274:38, 276:40  
**turnaround** [23] - 166:22, 167:12, 167:15, 195:35, 214:7, 214:12, 233:6, 233:10, 233:33, 241:17, 241:21, 241:40, 242:4, 244:46, 267:46, 268:3, 268:5, 270:7, 270:15, 270:22, 274:42, 284:17, 284:41  
**tutelage** [1] - 232:9  
**tweak** [1] - 282:38  
**twice** [1] - 182:9  
**two** [40] - 142:8, 146:26, 147:1, 150:24, 172:26, 172:27, 182:12, 185:12, 196:41, 197:7, 204:33,

212:19, 213:39, 214:34, 218:44, 219:3, 219:7, 219:12, 219:13, 219:14, 223:29, 231:2, 231:37, 235:31, 235:40, 235:42, 235:44, 240:5, 243:32, 256:20, 264:1, 265:2, 265:13, 267:28, 267:47, 272:45, 273:33, 273:35, 274:19  
**type** [11] - 149:1, 149:16, 191:35, 191:38, 230:14, 231:25, 231:41, 237:35, 254:20, 269:21, 273:14  
**types** [5] - 196:41, 231:37, 232:3, 235:23, 254:11

**U**

**ultimately** [2] - 189:31, 202:39  
**unable** [2] - 245:12, 283:40  
**unaware** [1] - 223:47  
**uncomfortable** [2] - 268:20, 269:19  
**under** [9] - 146:22, 147:36, 163:41, 165:42, 211:46, 212:2, 232:9, 276:29, 277:15  
**underling** [1] - 178:44  
**underneath** [5] - 234:47, 250:46, 251:24, 254:1, 275:31  
**underpants** [2] - 161:9, 209:46  
**understandable** [2] - 174:34, 204:42  
**understood** [15] - 157:3, 159:44, 160:3, 184:3, 193:44, 197:25, 200:3, 208:14, 214:19, 257:19, 265:7, 279:20, 280:6, 281:19, 282:37  
**undertake** [8] - 228:25, 230:2, 231:42, 232:3, 232:7, 232:20, 281:37  
**undertaken** [3] - 152:13, 191:14, 276:11  
**undertaking** [1] - 193:7  
**undoubtedly** [1] - 240:38  
**unequivocal** [1] - 281:14  
**unequivocally** [1] - 286:13  
**unexpected** [1] - 212:44  
**unfair** [3] - 186:13, 243:7, 243:19  
**unfolded** [1] - 170:19  
**unintentional** [1] - 197:3  
**union** [1] - 183:17  
**Union** [2] - 142:16, 142:27  
**unique** [2] - 228:33, 275:11  
**Unit** [13] - 224:32, 226:40, 226:46, 229:13, 230:18, 230:37, 238:47, 247:44, 251:34, 251:37, 255:5, 258:47, 269:41

**unit** [7] - 153:44, 154:18, 231:14, 251:12, 259:1, 260:3, 261:20  
**unknown** [5] - 233:32, 242:11, 242:24, 242:33, 247:5  
**unless** [2] - 181:47, 213:25  
**unlikely** [2] - 271:12, 271:33  
**unlimited** [1] - 177:17  
**unnecessarily** [1] - 272:15  
**unnecessary** [1] - 272:15  
**unofficial** [1] - 160:16  
**unpleasant** [2] - 272:15  
**unsolved** [4] - 230:38, 243:23, 261:23, 273:26  
**unsuccessfully** [1] - 172:11  
**Unsuitable** [1] - 274:21  
**untested** [2] - 237:23, 241:15  
**untrue** [3] - 216:36, 286:17, 286:18  
**unusual** [1] - 284:5  
**unwillingly** [1] - 194:40  
**up** [62] - 146:28, 147:42, 152:35, 153:42, 154:40, 156:10, 156:13, 156:29, 156:30, 157:4, 157:31, 160:24, 163:21, 172:34, 182:45, 183:14, 184:22, 190:23, 190:39, 193:40, 201:14, 208:25, 209:15, 214:21, 216:47, 217:40, 218:11, 222:46, 223:26, 223:36, 224:39, 225:14, 225:38, 226:42, 226:43, 234:8, 234:42, 235:30, 244:32, 248:17, 250:3, 252:3, 252:28, 253:5, 253:39, 254:46, 256:9, 262:46, 264:6, 264:13, 264:17, 264:27, 265:15, 267:5, 268:6, 268:23, 268:34, 270:15, 272:23, 274:3, 277:4, 285:32  
**update** [1] - 228:23  
**upload** [2] - 278:30, 283:30  
**uploaded** [6] - 173:22, 229:36, 247:3, 251:44, 252:19, 283:31  
**uploading** [1] - 247:10  
**urgency** [1] - 271:47  
**urgent** [6] - 242:23, 256:3, 273:18, 274:36, 274:41, 275:2  
**usable** [5] - 244:26, 261:47, 276:14, 276:31, 283:45  
**useable** [1] - 276:1  
**useful** [4] - 148:28, 230:34, 230:35, 247:36  
**User** [1] - 249:44  
**user** [2] - 250:2, 250:22  
**uses** [1] - 220:39  
**usual** [2] - 162:1, 242:39

**V**

**vaginal** [1] - 247:33  
**validate** [2] - 153:43, 154:3  
**valuable** [1] - 213:23  
**value** [9] - 146:10, 176:11, 230:31, 256:33, 260:42, 285:28, 285:33, 286:20  
**variety** [1] - 232:13  
**various** [5] - 163:19, 165:39, 169:47, 226:35, 227:27  
**version** [12] - 163:20, 191:21, 193:27, 234:21, 234:24, 245:9, 247:19, 247:22, 247:29, 250:5, 250:6  
**versions** [1] - 163:19  
**versus** [1] - 213:32  
**via** [9] - 183:17, 245:32, 248:13, 249:33, 250:40, 250:43, 251:12, 251:34, 272:16  
**victimise** [1] - 270:18  
**victims** [6] - 239:39, 241:27, 261:24, 261:25, 262:6, 262:13  
**view** [28] - 144:41, 145:10, 149:9, 171:19, 174:22, 178:20, 180:42, 181:9, 181:11, 182:23, 182:41, 183:1, 183:15, 185:38, 187:7, 196:20, 202:40, 203:23, 211:33, 211:34, 211:40, 212:34, 215:13, 239:30, 257:2, 260:14, 278:35, 278:37  
**viewed** [3] - 169:26, 172:21, 235:10  
**views** [1] - 199:24  
**virtually** [2] - 267:47, 272:2  
**visibility** [1] - 258:38  
**visible** [6] - 229:38, 229:41, 229:47, 230:26, 235:47, 278:32  
**visual** [1] - 230:18  
**voice** [2] - 264:17, 267:4  
**Volume** [3] - 155:8, 155:9, 250:21  
**volume** [26] - 213:36, 232:16, 232:30, 232:36, 233:43, 233:44, 235:32, 236:33, 237:4, 237:5, 237:12, 241:22, 241:29, 242:17, 242:22, 242:40, 242:46, 243:25, 243:26, 250:36, 259:28, 259:36, 268:2, 278:8, 279:38  
**volunteer** [1] - 240:30

**W**

**waiting** [2] - 243:17, 259:21

**Walter** [1] - 141:26  
**wants** [1] - 185:13  
**warm** [8] - 243:8, 243:19, 243:22, 243:31, 244:5, 244:19, 246:46  
**warning** [2] - 281:14, 285:7  
**warnings** [1] - 284:47  
**warrant** [2] - 160:23, 258:36  
**WAS** [1] - 286:46  
**waste** [1] - 158:17  
**watershed** [1] - 155:22  
**ways** [6] - 148:22, 158:24, 171:38, 245:19, 246:2  
**WEDNESDAY** [1] - 286:46  
**week** [10] - 147:2, 168:28, 168:39, 189:46, 190:2, 190:3, 190:4, 190:9, 233:18, 237:15  
**weekly** [1] - 237:6  
**weeks** [1] - 270:16  
**weight** [1] - 193:6  
**well-defined** [1] - 168:29  
**well-known** [2] - 150:21, 197:7  
**wheel** [1] - 236:1  
**Wheelan** [2] - 171:37, 186:11  
**whereas** [4] - 155:47, 215:16, 242:28, 243:5  
**whereby** [2] - 158:31, 228:20  
**whilst** [2] - 227:28, 284:31  
**white** [1] - 199:23  
**whole** [12] - 150:9, 158:13, 159:46, 160:10, 161:37, 165:46, 207:40, 216:42, 216:45, 254:41, 259:15, 278:28  
**whole-of-case** [2] - 159:46, 161:37  
**wide** [2] - 174:25, 199:3  
**wider** [1] - 174:15  
**willingly** [1] - 194:29  
**window** [1] - 230:23  
**wise** [1] - 284:45  
**wish** [11] - 161:4, 161:6, 168:4, 169:20, 209:44, 222:44, 223:7, 224:47, 225:45, 250:26, 285:46  
**wishes** [1] - 282:22  
**WIT.0006.0075.0001\_R** [3] - 217:1, 217:16, 222:33  
**WIT.0006.0075.0001\_R** [1] - 216:3  
**WIT.0006.0095.0001\_R** [2] - 169:45, 174:45  
**WIT.0006.0108.0001\_R** [1] - 184:47  
**WIT.0006.0108.0001\_R** [1] - 184:36  
**WIT.0006.0110.0001** [1] - 172:39  
**WIT.0006.0110.0001\_R** [1] - 172:37  
**WIT.0006.0110.0001\_R**

[1] - 176:15  
**WIT.0017.0003.0001** [1] - 183:15  
**WIT.0020.0001.0001\_R** [14] - 224:39, 234:8, 234:37, 235:30, 236:30, 242:2, 248:16, 248:26, 249:4, 250:9, 252:2, 252:18, 262:45, 270:11  
**WIT.0020.0002.0001** [1] - 264:13  
**WIT.0020.0002.0001\_R** [7] - 253:4, 264:37, 268:23, 272:23, 274:3, 276:40, 284:7  
**WIT.0020.0007.0001** [1] - 225:14  
**WIT.0020.0008.0001** [1] - 225:38  
**withdrawn** [1] - 271:24  
**withholding** [1] - 271:21  
**witness** [16] - 147:14, 147:16, 152:6, 176:15, 196:42, 197:39, 200:11, 201:14, 201:17, 202:32, 203:21, 203:29, 204:5, 205:33, 223:26  
**WITNESS** [10] - 157:28, 225:7, 225:31, 226:5, 253:11, 253:16, 253:20, 266:42, 266:46, 267:4  
**won** [1] - 267:30  
**wonder** [5] - 142:17, 201:36, 219:26, 262:40, 266:38  
**wondered** [1] - 142:9  
**Woodridge** [1] - 248:16  
**Woolridge** [5] - 236:31, 253:6, 253:39, 264:36, 280:37  
**word** [14] - 158:8, 158:28, 160:21, 163:9, 174:25, 187:13, 199:12, 202:6, 202:42, 203:6, 214:40, 229:5, 265:2  
**word-for-word** [1] - 163:9  
**wording** [12] - 173:9, 173:13, 173:21, 173:29, 174:3, 251:46, 252:19, 252:28, 254:30, 254:33, 255:45, 282:34  
**wordings** [2] - 173:33, 173:35  
**words** [9] - 163:24, 180:35, 182:18, 182:20, 182:24, 182:28, 182:29, 254:39, 271:46  
**workaround** [2] - 160:21, 160:25  
**workbook** [1] - 144:19  
**workflow** [4] - 153:19, 155:35, 274:30, 274:34  
**workflows** [1] - 163:42  
**working/processing** [1] - 262:27  
**workload** [3] - 150:19, 158:36, 178:6  
**workplace** [1] - 179:47

**works** [6] - 154:23, 176:32, 212:15, 238:5, 272:41, 272:45  
**world** [3] - 150:9, 211:4, 227:46  
**worlds** [1] - 254:45  
**worried** [1] - 271:23  
**worse** [2] - 181:3, 211:31  
**worst** [1] - 259:37  
**worth** [3] - 146:9, 152:18, 239:31  
**worthwhile** [1] - 143:44  
**worthy** [1] - 203:14  
**write** [4] - 147:42, 184:37, 185:7, 250:24  
**writes** [1] - 185:12  
**writing** [7] - 175:15, 181:34, 181:42, 196:2, 215:43, 222:9, 223:45  
**written** [9] - 168:39, 169:3, 169:8, 175:10, 192:20, 195:47, 196:5, 196:40, 256:26  
**wrongfully** [1] - 187:36  
**wrongly** [1] - 244:23  
**wrote** [1] - 171:2  
**Wyman** [1] - 184:13  
**Wyman-Clarke** [1] - 184:13

158:41, 172:40, 184:4, 192:5, 208:22, 270:11

---

**Z**

---

**zero** [1] - 247:32  
**zoom** [6] - 253:5, 262:46, 264:41, 268:37, 274:8, 280:37  
**zoomed** [1] - 218:12

---

**Y**

---

**year** [21] - 150:1, 152:18, 155:22, 174:30, 184:21, 189:36, 231:43, 234:29, 239:3, 239:44, 240:12, 249:24, 249:25, 254:27, 254:46, 271:19, 280:7, 282:12, 282:13, 283:21  
**years** [16] - 179:39, 181:19, 187:40, 195:33, 196:14, 198:24, 205:42, 221:5, 229:23, 234:3, 239:41, 243:36, 245:11, 257:12, 267:20, 270:3  
**years'** [1] - 152:17  
**yelling** [1] - 185:31  
**Yellow** [2] - 155:2, 155:3  
**yes** [2] - 265:20, 271:43  
**yesterday** [29] - 142:4, 142:25, 146:21, 147:34, 152:39, 159:28, 159:44, 160:3, 168:26, 172:35, 172:42, 173:7, 173:10, 174:8, 176:9, 177:1, 180:18, 189:25, 189:31, 191:12, 195:11, 204:6, 204:33, 204:39, 216:6, 218:21, 218:24, 223:28, 260:12  
**yesterday's** [1] - 193:30  
**yield** [3] - 236:12, 259:26, 281:3  
**yielded** [4] - 259:19, 273:40, 274:16, 276:5  
**yielding** [1] - 262:7  
**yourself** [7] - 156:34,