Commission of Inquiry
to examine DNA Project 13 concerns

Brisbane Magistrates Court
Court 40, 363 George Street, Brisbane

On Wednesday, 1 November 2023 at 10am

Before: The Hon Dr Annabelle Bennett AC SC, Commissioner

Counsel Assisting:

Mr Andrew Fox SC	(Senior Counsel Assisting)
Ms Gabriella Rubagotti	(Counsel Assisting)

THE COMMISSIONER: Yes, Mr Fox.

MR FOX: You are a bit in the dark this morning.

THE COMMISSIONER: It was a bit dark, I thought it might just be me.

MR FOX: I wonder whether we might be able to correct that for you. Can we just provide you, Commissioner, with a couple of updated versions of the tender bundle. What is new? On the second page, items 40, 41 and 42, statements of David Neville, Julie Dick SC, a submission that was received by former members of FSQ. Then, over the page, item number 50, so standard operating procedure manual 24897 that was referred to during the course of Dr Wright's evidence yesterday, and there was the email from Dr Hlinka that was referred to by Dr Wright, the Courier-Mail article, that's item 52, and then 53 and 54 just in relation to - 53 is a response that we have received from Queensland Health regarding documents being produced, and 54 I will come to in due course in the examination of Professor Wilson-Wilde. Those are the only additional matters that have been tendered.

There has been also a statement that has come in, a supplementary statement, from Ms Hedge. That was received earlier this morning and I understand from her counsel that that is proposed to be relied upon, so we will formally tender that as well and we will add that to the list in due course.

THE COMMISSIONER: Obviously everyone who needs to read material that came in this morning had an opportunity to consider it?

MR FOX: Yes, thank you for asking that. Mr Diehm has been invited to just check that the Professor has had an opportunity to read it. I understand that she is reading it, so I just want to give her an opportunity to do so.

I think just for a brief moment, I understand from junior counsel assisting, Ms Rubagotti, that there is a desire to recall a couple of witnesses from earlier in the week.

THE COMMISSIONER: Yes, a statement was received this morning in relation to some matters involving the

laboratory in the relevant time frame, and I think we're going to try to recall the scientists - not all of them, because I don't think they will all necessarily be able to assist, taken from their previous evidence, but to see if we can recall them to ask them some questions arising from that statement.

MR FOX: As I understand, the intention is Mr Nurthen, also Mr McNevin.

THE COMMISSIONER: Dr Hlinka will depend upon the ability to make contact with him.

MR FOX: I understand that efforts are being made by the executive director of the Commission to contact the relevant people to see if we can make that happen.

THE COMMISSIONER: Yes. If it can happen today, that would be preferable. If it can't, then we will have to do it tomorrow.

MR FOX: I will just make a brief inquiry if I could of Mr Diehm and see whether or not his clients are - he is not there.

THE COMMISSIONER: That may answer that question.

MR FOX: That may answer that question. Perhaps if we just stand down for 10 minutes, that might be the appropriate course. It is not a long statement, as you know, but in fairness to him - I want to give her an opportunity to say if there is anything she has read, she would like to say in response to it, then we can formally close that off.

THE COMMISSIONER: Can I just ask, the second statement which came in this morning, the one for which we are recalling the scientists, has that been given to all interested parties? It may be that Queensland Health would want to see that as well, for example.

MR FOX: Yes.

THE COMMISSIONER: It is not going to happen immediately, it is a very short statement, but it does give rise to some matters that we would wish to put to the scientists. I don't know who else - I think it might be appropriate for

all counsel, and of course I think Dr Wright, to receive a copy of that statement.

MR FOX: Yes, certainly. We will attend to that.

THE COMMISSIONER: I will adjourn - I will just wait outside and you can just call me when necessary.

MR FOX: Thank you.

SHORT ADJOURNMENT

THE COMMISSIONER: Yes, Mr Fox.

MR FOX: I think we have managed to find Professor Wilson-Wilde. There are a couple of issues I think she wants to raise in chief by way of amendments, I think, to her statement, by reason of having read What Ms Hedge has just provided. Mr Diehm has said I can just deal with that.

THE COMMISSIONER: Okay.

MR DIEHM: I should clarify, it is not with respect to having read Ms Hedge's statement. It is more just generally.

THE COMMISSIONER: Dr Wilson-Wilde, would you like to come into the witness box? Do you want her over there? There is no camera there, I think. I'm sorry, I think you have to go back over there. Spread out, at least. It is also easier for me to see you without looking over the screen. You are on your previous oath, Dr Wilson-Wilde.

<LINZI WILSON-WILDE, on former affirmation: [10.15am]

<EXAMINATION BY MR FOX:

MR FOX: Q. Professor, have you got before you an advisory board organisational chart - I think that's the easiest way to describe it. I might get a copy for the Commissioner. Have you got one already?
A. I don't, I'm afraid.

Q. Have you had a chance to see this document before?
A. I have, yes.

Q. Thank you. I will just deal with this first and then I understand there are some corrections you want to make to your statement, so we will deal with that. But can I just --

THE COMMISSIONER: Just keep your voice up a fraction.

MR FOX: Yes, certainly, I will.

Q. In relation to your role as the CEO, it's correct that you were approached for that role; that's right?
A. I was, yes.

Q. You didn't seek it out by contacting people that you thought might be able to appoint you to that position, for example?
A. Absolutely not.

Q. And then you have had a chance to have a look at this document before court. Would you just mind, obviously we have the advisory board with the two co-chairs identified as Julie Dick SC and Walter Sofronoff KC, stated there, and then we have a box to the right where it says "Members" - indeed, there are two boxes - is it correct to understand this diagram that all the people in those two boxes to the right also comprised membership of the advisory board?
A. That's correct.

Q. And then we see that there are three subcommittees that are identified underneath that. And do you have a role with the work of any of those subcommittees?
A. I am a standing invitee to each of them, but other than that, they are facilitated by the Department of Health taskforce.

Q. And in general terms, what do you understand the work to be? We will just deal with each of them, one at a time. So the forensic medical examinations advisory subcommittee, what do you understand their work to generally be concerned with?
A. Their work is focused on looking at the responses to essentially sexual assaults and looking at the processes that we utilise. They are looking at the - they used to be called the SAIKs, the sexual assault investigation kits. We've now renamed them to the forensic medical examination kits, and they have been redesigned and revalidated, and all of the forms and material procedures, et cetera, have

all been re - have been overhauled and redone, and so their role is around ensuring that that has a victim-centric approach, that they are compliant with good practice, that they are appropriate for use and that all of the relevant stakeholders that are involved in responding to forensic medical examinations are working together doing appropriate processes, et cetera, and they are oversighting the relevant recommendations from the Commission of Inquiry, but also the Hear her voice report as well. So they are essentially oversighting that piece of work.

Q. Apologies, I was just interrupted for a moment. Had you moved from the first subcommittee to the second subcommittee?
A. No.

Q. Yes, thank you. And the second subcommittee, forensic justice advisory?
A. This subcommittee is largely looking at the case review process, and so - looking at the historical case review process, I should say. So they've looked at the general framework, the principles that have been agreed to in how we will go through the historical case review, and they are oversighting that process.

Q. And the third, the forensic biology advisory?
A. The forensic biology are a very discipline-specific group that are looking at the methods, procedures, processes that we're using in the laboratory for forensic biology DNA analysis, evidence recovery, et cetera, and they're providing advice and guidance on those. They're probably a little bit more hands on than the other committees, in that those members review the project proposals and project reports - not all of them, but some of them, that are pertinent to their skill sets.

THE COMMISSIONER: Q. If you were looking to consider the latest developments, for example, in assessing nylon swabs, and matters such as that, would that go to that committee?
A. They might provide advice on that. We don't inundate them with every single change, because some of them are quite minor. For instance, we have looked at a validation on a presumptive test for blood called Hemastix. It's very well characterised. It's been around for many, many years. We didn't take that to the subcommittee because it's so well understood.

But looking at lower elution volumes, the preference - not preference, sorry - the lower elution volumes, those types of projects that are more significant and critical, then it would go to this committee or a member of this committee.

There are also - these members can also be utilised for assisting with training and education of the scientists as well, or seeking out who an appropriate expert might be to engage, and we are - we have had some discussions around increasing the number of experts on this particular group so that we have more areas and more expertise coming in to this group.

MR FOX: Q. With the work of each subcommittee, they prepare minutes following each meeting that they hold?
A. That's correct.

Q. And are those meetings - are minutes of meetings then provided to the advisory board?
A. That's correct.

Q. And so is it the purpose of the advisory board, or part of its purpose, to scrutinise those minutes that have been provided and are they - is that correct? They do scrutinise them?
A. That's correct. And they can seek further information on any of the topics that are discussed if they choose to do so.

Q. That was my next question, so thank you, in terms of the level of scrutiny and what they then did. Thank you very much. I will come to tender that in due course.

Now, through your counsel, you indicated that there are some amendments that you wanted to make to your statement. We just might deal with those now. Do you have a copy of your statement with you and we will just follow on through the paragraphs that you identify?
A. Absolutely. Do you mind if I look at my --

THE COMMISSIONER: Of course. I think you have to.

MR FOX: Q. Yes.
A. Page 10.

Q. Thank you. Which paragraph?
A. Point (d).

Q. What's the nature of the correction?
A. It says:

These changes did reflect things I had said to counsel assisting.

It should be "discussed with", because some of those points didn't come from me, they came from counsel assisting.

Q. Thank you. And then the next one?
A. Page 15.

Q. Paragraph?
A. This is point (k). I just wanted to clarify that the two times 50 microlitres of elution volume is for the manual method, and then the two times 60 microlitres of elution buffer is for the auto method.

Q. And then the next one is page 25?
A. Thank you.

Q. Yes.
A. So we've got a number - between paragraphs 149 and 153, it talks about a number of interviews. The ones discussed there were recorded, but there was another interview on 8 September with David Murray. That was a discussion, but it was not recorded.

Q. Thank you.
A. And that's it.

MR FOX: Commissioner, just in relation to the amendment that was made on page 10, I think Ms Hedge's counsel is here and it might be that that needs to - Ms Hedge may wish to just note that amendment that has been made and if there is a supplementary statement that she wishes to make, we will receive that, but she should be given an opportunity given that that change does affect the conversation.

Q. Thank you for those amendments. Then --

THE COMMISSIONER: Q. Before you leave the report and while you have it open, I have one clarification question in relation to it. Can I ask you to turn to paragraphs 25

and 26 and 27. I appreciate this was done before we had the hearings, but you say there that recommendation 105:

> *... requires the assessment of the performance of the positive controls and if suboptimal, a review of the results of the extracted samples.*

Then you go on to say:

> *Where the extraction method was likely to be suboptimal, the review would lead to the identification of samples that might require retesting or analysis.*

Going from now, when you look at the implementation of 105, so far as this is concerned, does that require a bit of a clarification as to what you mean when you say that it requires a review of the results of extracted samples? Because that suggests post extraction - or it's ambiguous?
A. Yes, I appreciate --

Q. The results of extracted samples could be samples which have been extracted or the extractions from, and I just wonder if you could clarify that for me, even as to your present view as to what the appropriate thing is for this?
A. Yes. So what that actually should be is "would be reviewing the performance of the positive controls and if they are suboptimal" - so it's "if suboptimal". The sentence should end there, I think.

Q. I just want to clarify, though, that what we've heard - just to clarify that you're not saying that you would restrict the implementation of 105 only to a reassessment of the extracted DNA rather than going back to the original samples?
A. Oh, absolutely not. It would go into the - if the - once we've reviewed it and we've found a batch that's probably or possibly performing suboptimally, we would review all of the results within that batch to see if there's any samples that may have been affected, obviously if we've got a full profile, we don't do those. If there are, then that information would go into the case review process, which is the full process where the results - we might go back to the --

Q. So should I read that in the sense, now, as a review of the results of samples which had been extracted?
A. Yes.

THE COMMISSIONER: Thank you. They were the only questions I had at this stage.

MR FOX: Thank you, Commissioner.

Q. The next matter is, we have all received a supplementary statement from Ms Hedge this morning?
A. Yes.

Q. You have had an opportunity to read that, I appreciate it was just before we started. But I wanted to give you an opportunity if there was anything you wanted to say in response, having read that statement?
A. Yes, I should. I will say that at paragraph 72 of my statement - sorry, 73, I would say that I have a memory of discussing Project 13 and I have a memory of discussing it in my study and looking at figure 9 and 10, 11, 12, but I'm just not sure when that occurred, so that would probably be the only thing I would - or the thing that I would clarify is I do have a strong memory of looking at that report and discussing it, but I just don't know when that occurred and I - the fog of memory, I just - I don't know who that occurred with. But I have a memory of discussing it.

Q. And otherwise that's all you want to say in relation to the Hedge statement?
A. Yes.

THE COMMISSIONER: Q. Sorry, when you say "memory of discussing it", can you take that any further? When you say "discussing it" and you refer to the various graphs --
A. Yes.

Q. -- in what context do you remember discussing it? Because there are two issues that clearly arise, one is contamination and one is yield?
A. Yes, so I do remember discussing - I have a recollection of looking and discussing that difference and saying there is a difference in the yield, and my memory is around an understanding that that - what could I take out of that, and probably the lysis step being the particular issue in terms - showing part of that difference showing the difference between an automated and manual

system and an automated and manual lysis step could have impacted that. But in addition --

Q. Do you have a clear recollection of actually discussing it in that detail?
A. Only in a very high level detail. So I have a recollection of discussing it but in all honesty I probably would have recognised it and then discounted it.

Q. Because I'm sorry to do this, but I just wanted to draw your attention, because one thing that I noted in your statement - I thought at first it might be helpful, and I'm not sure it is. I mean, not that's it not unhelpful; but it doesn't take it further - is on page 24. This is where you are referring to the transcript of counsel assisting's commentary. It refers to the fact - at the end of it, you refer to the verification not performed, then you to go on to say that she goes on - Susan Hedge goes on to say that you conclude that the volumes used were larger than the manufacturer's protocol and that the verification for that method was insufficient to test those larger volumes.

But it would seem, if you read to the end of that, that that was only in the context of the contamination events, if you read over the page to page 25. I mean, I appreciate that's not you saying it, that's what counsel had taken from your report --
A. Yes.

Q. -- but that doesn't indicate that there was - that the yield triggered in your report, at least, or to Susan Hedge, a question other than the effect on contamination?
A. Yes, and I appreciate that would have been the case.

THE COMMISSIONER: Thank you.

MR FOX: Thank you.

Q. Otherwise there are no amendments or no comments that you want to make which might result in an amendment to your statement, having read Ms Hedge's supplementary statement?
A. I would have to consider that further.

Q. If, afterwards, you reflect on that, then you can inform --

THE COMMISSIONER: Just to be fair, I mean, if we're

referring to the reaction to the - the response to Ms Hedge's supplementary statement.

MR FOX: Yes.

THE COMMISSIONER: I think the time is, in effect, now.

If you or your counsel wishes to have more time, a short time, to consider that in the light of your statement or your thinking, and have that opportunity to do that, then I will adjourn for 15 minutes and allow you to have that opportunity. I think that would only be fair. So it's up to you, Dr Wilson-Wilde, and your counsel.

What do you want to do, Mr Diehm?

MR DIEHM: We'll take that opportunity. Whether that be right now or whether it be after --

THE COMMISSIONER: It is a matter for you as to when it is.

MR DIEHM: Yes.

THE COMMISSIONER: But it has landed very late in the piece and, you know, I think people have to have the opportunity, if they are going to be asked questions about it, to consider it.

MR DIEHM: Quite so. I am content if Mr Fox proceeds with the other matters that he wished to proceed with, then if the break happens.

THE COMMISSIONER: It might be convenient, then everyone can go and get a coffee.

MR FOX: Can I be difficult and say I would prefer, given what I'm going to raise, that that is done now? I would prefer that that opportunity was taken.

MR DIEHM: Very well.

MR FOX: Just so that it's clear, I'm not going to put to the Professor backwards and forwards, between Ms Hedge and herself, about recollection of events, but I just want to close this off, that if she has any issue, anything that she wants to say about it --

THE COMMISSIONER: If that's the case, is this a convenient time, then, to take that short adjournment?

MR DIEHM: Certainly, thank you.

THE COMMISSIONER: What I will do, Mr Diehm, I think that I will take an adjournment, I'm looking in the area of 15 minutes, but if it is a little bit more or a little bit less, perhaps you can let somebody in the courtroom know and they will contact me and I will come back at the right time. So it doesn't limit you to 15, but it doesn't mean you have to take the whole 15 if you don't need it.

MR DIEHM: Understood, thank you.

SHORT ADJOURNMENT

THE COMMISSIONER: Yes.

MR FOX: The position is that Mr Diehm would like an opportunity to lead some evidence, which I am content with.

<EXAMINATION BY MR DIEHM:

MR DIEHM: Thank you, Commissioner.

Q. Ms Wilson-Wilde, you are being asked questions about your recollection of a discussion that you have referred to in paragraph 706 of your statement with Ms Hedge during the previous Commission of Inquiry, and indeed at the time that you - or around the time that you provided the report on the contamination issue, which was finally provided at 10.30pm on 20 October last year, and you have said in paragraph 70, and you have told the Commissioner today, that you have a recollection of a conversation.

Ms Hedge has provided a statement to the Commission that you saw today at around about 10am - is that so? A further statement?
A. That's correct.

Q. And you would have seen from that further statement that she accepts that you had communicated to her at around that time information to the effect of what is in paragraph 70(a) of your statement - that is, that there was a change to a fully automated extraction system and that

that was a significant change to have occurred at that time and should have been fully validated.
A. That's correct.

Q. Now, I wanted to ask you, firstly, when it comes to your recollection about the discussion that you say that you recall having occurred, do you, firstly, have a recollection of what was in your mind at that time about the issues that you had seen concerning the Project 13 report when you came to look at it on that day, on 20 October?
A. I do, yes.

Q. In that, do you have a recollection about what your thought processes were about that report and its difficulties?
A. I do, yes.

Q. You say that you have a recollection of the conversation that you had with Ms Hedge, as it is described in your statement. Sitting here now and doing your best, are you able to readily distinguish between what you recall was in your own mind, as opposed to what you recall was said to Ms Hedge in the conversation?
A. Some aspects, yes.

Q. Entirely, though?
A. Not entirely.

Q. So in terms of what those aspects that you can recall as being the subject of the discussion, what is it that you have a memory of?
A. I have a memory of talking through aspects of my report and Project 13 and the project - and I recall looking at, apart from other things, the figures 9 to 12, and I recall noting the difference between the manual and automated, in the sense of I would expect a difference between manual and automated, and that that difference was possibly due to issues with the lysis step. But it was hard to work out from the data, more generally in the report, what was going on.

Q. Did you say, in communicating this to Ms Hedge, what that was a difference of, what the difference was about?
A. Only insofar as manual versus automated and that step.

Q. But a difference in what, did you say?

A. A difference in the ability of the individual methods to extract DNA, the efficiency of it.

Q. Looking at what you have said in paragraph 70 in those subparagraphs (b) and (c), and doing the best you can now, is there any part of that that you have set out there that you are now not certain was the subject of that conversation?
A. I know in my head that I was thinking about that - about those results and that the results would be - could be due to the difference between manual and automated and that lysis step and Project 22 indicated a different yield - improvement in the yield and the presentation from the 2009 implementation had some data there that indicated the yield was back up to expected, but I might not have - I appreciate I have no recollection of whether I said any of that to --

Q. So when you say "said any of that", if we were to look at the words that you have set out in 70(b) and (c), are there any words there that you would say to the Commission now, doing the best you can here in the witness box, that ought be excluded from what you have a firm memory of having said?
A. So part (c) "and that the issue may have been somewhat addressed with a return to manual lysis in 2009".

Q. So the words appearing after the comma, following "step"?
A. Yes.

Q. Now, just one further thing about this topic --

THE COMMISSIONER: Q. Just to understand that, are you deleting the words after "lysis step" in the first line of (c)?
A. That's correct.

MR DIEHM: Q. Now, one further thing. Doing the best you can from this recollection that you have, do you have a recollection of having communicated that matter that you've set out in paragraph 70, amended now, in a manner that either directly or impliedly suggested to Ms Hedge that what you were referring to was a significant or systemic issue?
A. I don't believe I would have said that to Ms Hedge and I have no recollection of it.

Q. Thank you. And, sorry, I said "one further matter", but perhaps it's common for counsel for there to be one further matter after that. In terms of this discussion as you remember it, being with Ms Hedge, is there any doubt in your mind about it being with Ms Hedge?
A. That's - my memory has me sitting at my study with Ms Hedge on the screen, talking about - I mean, predominantly it's contamination issues and that's most of the conversation, but I remember this - I do have this recollection of this point.

MR DIEHM: Thank you. Thank you, Commissioner.

THE COMMISSIONER: Yes?

<EXAMINATION BY MR FOX:

MR FOX: Q. Just in relation to those answers that you have given, Professor, you accept that when you came to finalise your report of 20 October 2022, that that was your responsibility, as to the content of that report?
A. That's correct.

Q. Now, can I then take you to - sorry, I just should, for abundant clarity, repeat the question I posed earlier: now having had the opportunity to read Ms Hedge's supplementary statement and what we've heard from you now, there are no other matters that you would wish to inform the Commissioner about in terms of in response to that?
A. No other matters.

Q. Thank you. Could I then just provide you with a document and this additional copy for the witness, and for the Commission. I took you through the organisational chart earlier on. One of the subcommittees was the forensic justice advisory subcommittee, and I asked you some questions about minutes that were prepared by that subcommittee. Now, I understand you have had an opportunity to review this document. It's been produced to the Commission for the purpose of this Inquiry.

On page - it is a page which is starting with item 3.1.5, page 5 of the document, but at item 3.1.7, following your review, there is a correction, you think - I appreciate these are draft minutes, there is no indication that these have been finalised, but I'm going to

ask you different questions about this, but having read it, I understand that there is a correction that you think needs to be made to it. Would you just identify what that correction is, please?
A. In 3.1.7 it refers to the Australian and New Zealand Forensic Science Society. That should read the Australian New Zealand Forensic Executive Committee.

Q. Thank you. And otherwise, you have had an opportunity to read this document insofar as - so far as you contributed to it, in the sense that there are things that are said that you have said to the subcommittee and no doubt in the course of that meeting --
A. That's correct.

Q. -- they accurately reflect your recollection of events. I will just ask you to put that to one side for the moment because I will come back to that, thank you.

Now, I'm just going to provide you with a copy of your expert report, this is of 20 October, I will just provide a copy to the Commission as well. I'm just making sure. We've had a problem with some copies, but anyway, that looks to be good enough for present purposes, thank you. Now, you have in your statement set out at paragraph 45 the content of an email that was received on 16 September 2022, providing instructions to you. First, there is an identification of - there's a heading "Issue". Commissioner, this is on page 7 of the Professor's statement and it leads to the document that I have just provided to you.

THE COMMISSIONER: Sorry, on page?

MR FOX: Page 7 of her statement.

THE COMMISSIONER: Paragraph 45 of this report.

MR FOX: Yes, the top of page 7.

Q. The issue is identified and then there are the instructions that are given to you, and you have identified at paragraph 46 that you took that to mean that you were focusing on the issue of contamination.

THE COMMISSIONER: Am I looking at the same document? I don't think I'm looking at the right document.

MR FOX: This is the Professor's statement to the Commission.

THE COMMISSIONER: Her statement. I was looking at --

MR FOX: I'm going to come to that, because one needs to understand the background.

THE COMMISSIONER: I'm terribly sorry, now I am back with you. What paragraph are we looking at?

MR FOX: It's on the screen.

THE COMMISSIONER: I will go to the screen instead.

MR FOX: I want to explain the instructions, Commissioner, so that you can understand the basis for the report.

Q. We have the issue that is identified, the instructions are set out, and then in paragraph 46 you say that that is a contamination issue that you were directed to, that's how you construct that in your statement. Now, if we then go to the report itself, and I will take you to various parts of that response to those questions, on page 3 of the document, this is responding to what has been styled "Question 1", if we go to method systems and processes in relation to the DNA IQ instrument, this is in terms of the automation, "was consistent with international best practice when issues arose in and around 2008", and then in answering that, under the subheading "Methods", you say at paragraph 18:

> *Implementation of a method into casework should be preceded by an appropriately designed validation or verification study.*

Paragraph 19:

> *If the method has been demonstrated to operate as expected and produce reliable and reproducible results, then it can be implemented ...*

Paragraph 20:

> *If the automated method released in October*

2007 ... and the off-deck lysis method released in March 2008 ... have been appropriately validated, then they can both be considered appropriate to use.

Do you see that?
A. Correct.

Q. Then at paragraph 21 you say:

The DNA IQ system is a reliable and robust method for extracting DNA from forensic samples.

Do we take it from that sentence that you are intending to convey that, conceptually, it's a device that would be reliable and robust as a method?
A. As a - conceptually the DNA IQ system, not validated or implemented to any lab but as a validated method, was seen to be a reliable and robust method.

Q. As opposed to saying that on this particular occasion.
A. Correct.

Q. So that's conceptually, that's the notion of that device might be, if properly validated, et cetera. Then over the page at paragraph 24:

There is evidence to suggest that the application of the method in an automated protocol may not have been sufficiently validated when originally implemented ...

So you are now referring to the actual circumstances of the DNA IQ used with the MultiPROBE in the lab; is that correct?
A. That's correct.

Q. And then you draw attention at paragraph 25 to the Project 13 report, so we take it that you have obviously considered that by drawing attention to it. Paragraph 26:

There are differences between the in-house verified protocol (which was based on the validated manual method) and the pre-loaded protocol that came with the MultiPROBE.

So this is what I have described previously as the modified manual DNA IQ protocol; correct?
A. Correct.

Q. And then scrolling down to paragraph 30:

It is therefore reasonable to consider that the significantly higher volumes used in the initial automated method may have contributed to the occurrence of the contamination events.

And then at paragraph 32:

In the Project 13 Report, the contamination check consisted of five extraction batch runs ...

The second sentence there:

Significantly, it is noted that one of the runs was invalidated due to the presence of an unknown profile ...

Next sentence:

This should have resulted in further testing. Therefore, the verification of the automated method is not consistent with expected good practice.

So that's a conclusion about the system that was then being used in the lab so far as disclosed by the Project 13 document.

Then if you go over to page 6, this is under the heading "Environmental monitoring", paragraph 46:

Overall, the testing regime is as would be expected in 2008, considering the level of sensitivity of the testing methods and the monitoring controls can [be] considered good practice at that time.

Next paragraph:

There is however limited information in the

procedure documents regarding the deep clean process.

Paragraph 48:

When considering best practice, I would expect to see greater clarity concerning the deep clean procedure and records of them being undertaken.

Then you turn to question 2, the identification, investigation and resolution of the DNA IQ issues, whether that was appropriate and consistent with international best practice. Paragraph 49:

Considerable work has been conducted by QHFSS in relation to the automated DNA extraction process ... this work is of a high standard ... the identification, investigation and recommendations under QHFSS were appropriate and consistent with best practice.

Do you see that? That's your conclusion expressed there. And then if we go to question 3 at the bottom of page 7, this is in relation to whether the methods/process implemented for using the DNA IQ instrument were consistent with international best practice. You note there at paragraph 60 the reimplementation in June 2009, and then the reimplementation on 20 August 2009, which you cite Mr McNevin's evidence to that effect. We've had discussions previously in the conclave evidence about the reintroduction. Paragraph 61:

If the amended methods have been demonstrated through validation/verification to operate as expected and produce reliable and reproducible results, then they can be considered suitable for implementation and use.

That's, of course, the "if", which is very important at the front of that sentence there?
A. Correct.

Q. And then question 4, I won't need to take you to

anything there, but question - 4(a) I won't, but 4(b):

> *Whether DNA profiles obtained by the laboratory are reliable and accurate.*

Paragraph 70:

> *QHFSS completed an extensive review of the results generated from the DNA IQ method 2007-2008. Given the amount of work conducted and the thoroughness of the work, once this was completed, the remaining results that have undergone the relevant quality assurance checks, including the checking of relevant control samples (eg extraction reagent blank ...*

Et cetera.

Then paragraph 71 your conclusion:

> *I did not find any significant failings that would indicate that the final results released were not reliable.*

Now, if we just go back to paragraph 70, where you have referred to "the QHFSS completed an extensive review of the results generated by the method in 2007-2008", do you recall what documents you are referring to to assist you to reach that conclusion?
A. That was the audit reports and the OQI reports, and so this was in reference to the profiles that were coming out, and all of the quality control checks that they were putting in and the relevant control - relevant controls that they had put in as a result of the audit processes.

Q. When you are describing the audit processes, you are describing the audits that were conducted during the course of what I will call the contamination period, that is, the contamination research that was done to try to identify what was the cause of the contamination; is that right?
A. Yes. This is in reference to the contamination issue again.

Q. No, no, I understand the context in which you put it, and I just want to understand what you had consulted when you say "the extensive review"?

A. Yes.

Q. Now, if I can then just ask you to turn to --

THE COMMISSIONER: Before you do, can I ask you one question?

Q. I understand you say this was limited to the contamination issue, but looking at that - looking at that conclusion unqualified as to issue, just looking at what it says now, whether the profiles obtained by the laboratory were reliable and accurate, insofar as that extended to all issues in the laboratory as regards DNA extraction, do you have a different - the same or different opinion?
A. No, it wasn't a - it wasn't referring to any results post, like, sort of 2009 onwards because I had no data around that. So I could only contain my response to the information that I had, which was the issues around 2007-2008.

Q. Right. But even in that time period, if you look at the holistic question now, do you still have that view - not limited to contamination?

MR DIEHM: Commissioner, I just wonder whether your question takes into account, with respect, the whole of that sentence, which includes the words on page 8, at the foot of page 8, was being spoken about in that respect.

THE COMMISSIONER: I'm sorry, that's what I'm trying to work out. I understand it refers to DNA profiles not - you know, which is after - I assume this is when you have got sufficient DNA to put through the process to get a profile, so that's referring to that. But it also says "reliable and accurate".

MR DIEHM: With respect, speaking of the remaining results that have undergone the relevant quality assurance checks.

THE WITNESS: The results that they issued. The results that they issued to them out, those results having gone through appropriate quality checks.

THE COMMISSIONER: We now know there were results that never got to that stage because there was not sufficient DNA extracted.

THE WITNESS: So it was restricted to the contamination issue.

THE COMMISSIONER: Right. Thank you.

MR FOX: Q. Do you have a copy of Dr Wright's second - I've styled it the second report. This is dated 27 or 26 October, I think, and, Commissioner, just so you know where it is in the list, it is towards the front, tab 13.

THE COMMISSIONER: I don't have it.

MR FOX: Q. The report, Professor, it's headed "Advice provided by Professor Wilson-Wilde to the 2022 Commission of Inquiry about Project 13". You have seen this and responded to it in your statement. I just wondered if you have a copy of that?
A. I do, yes.

Q. Thank you. Would you mind just turning to page 15 and at the top of the page, there is the heading "Professor Wilson-Wilde's explanations about what advice she gave to the COI about the Project 13 DNA recovery failure", and at paragraph 32, Dr Wright refers to interviews that were conducted in August and September 2023, and she sets out there what she considers to be a series of multiple explanations, some of which appear contradictory, and it is at (i) to (ix) of the assertions that are made. Now, you have had an opportunity to consider that material and if I can then take you back to your statement at paragraph 156, at paragraph 156, I just want to seize on the second sentence, so you say there:

> *I reject the assertion that I have versions --*

it is "I have given different versions" of events - would you agree that's what the sentence is intended to say?
A. That is what is intended.

Q. You then say:

> *I have been consistent with the reasons behind my opinions, which are complex and multifactored.*

Do you see that? Not being disrespectful, but you haven't

gone into what is meant by "complex and multifactored", but you have just indicated that you reject the suggestion of there being inconsistencies; correct?
A. That's correct.

Q. If you go back a page in your statement, you refer to the interviews that you had with The Australian, and you clarified earlier today that the telephone discussion with Mr Thomas - I think this is at paragraph 152 - that was just between you and him on 8 September, but that wasn't recorded. Do you recall that?
A. Yes, that wasn't recorded nor was the one with David Murray.

Q. And then at paragraph 154, you say that you have provided the Commission with the recordings and transcripts as an aid prepared by solicitors of those recordings, and you have identified speakers indicated in the transcripts. So can I just provide you with a copy of the three transcripts which were given to the Commission. I just provide one for you and one for the Commissioner - I might just do two for the Commissioner. Now, can I take you to - just so that you can understand the three documents. The first is a record of interview with you on 31 August 2023, and at the top, there are some brackets, (1 of 2). The second document is the same date, and it says (2 of 2).
A. Yes.

Q. And then the third document is 8 September 2023. I just want to take you to parts of each of those transcripts. So just looking at the first one, that's the first document, the (1 of 2), so the attendees at this - I will just call it "discussion" - were yourself, the Commissioner of the first Inquiry, the co-chair of the advisory board; then there is Mr Thomas and Mr Murray from The Australian, and are you able to identify who Cath Scott and Tracey Walker are?
A. Tracey Walker is the executive director in - I don't know the exact title but it's essentially communications, strategic communications. And Cath Scott is the current executive director of forensic operations, which was also involved within the first Commission of Inquiry.

Q. So they are both FSQ employees?
A. No. Tracey Walker is a Department of Health employee.

Q. Department of Health, right. Thank you. Now, I just

want to focus on matters that you've observed during the course of that discussion. On page 10, the last quote from you, "LWW", starts with "Yeah, it was just". You say in the second line there:

> *But my focus of the remit I was given was very much around contamination.*

That's how you have, in your statement, styled the report of 20 October. Then, if you would turn to page 30 - and I should just say, to the extent that you would wish to pause and reflect on any of this in terms of - I understand you are familiar with the transcript, I'm just going to proceed on that basis.
A. That's correct.

Q. Thank you. So about halfway down the page, where it says, under Mr Thomas says "Do you recall", you then - this is about the Project 13 report - said:

> *I thought the whole thing was rubbish.*

Do you see that?
A. I do, yes.

Q. And then can I take you to the second record of interview, this is the (2 of 2). On the first page, the LWW - we take it this is later in the day, but we can see that the attendees have changed at the top. Do you see that?
A. That's correct.

Q. The report - at the bottom there:

> *The report of Project 13, I think the project was flawed from the beginning. Change of that magnitude should have required a full validation, a full in-depth project to study all aspects of the method to identify limitations, to optimise it thoroughly and so I believe that project was flawed from the beginning. The report was insufficient and not fit for purpose to implement that method in its entirety.*

Do you recall saying that?
A. That's correct.

Q. And then over the page, on page 2, about halfway down, Mr Murray's question is:

And is that the correct scientific approach to take?

And you say:

The entire project wasn't scientifically valid. That wouldn't be implemented in the laboratory now. It wouldn't have even been commenced, quite frankly.

Do you see that?
A. I see that, yes.

Q. And do you recall saying that?
A. To the best of my knowledge.

Q. And then over on page 5, again, the last quote from you:

My report deals with the whole project. I called out the entire project from the title to the recommendations. The project, in my opinion, should never have got off the ground. It is an incorrectly designed study for that level of change. So in my opinion, it should never have commenced, let alone the issues that I identified.

Do you recall saying that?
A. I do, yes.

Q. When you refer to "My report deals with the whole project", you're referring to your report of 20 October 2022; that's right?
A. I am, yes.

Q. Now, with the benefit of reflection, do you accept that that statement that you made to those journalists on that day, where you say, "My report deals with the whole project. I called out the entire project from the title to the recommendations", is simply wrong?
A. It's definitely an overstatement. I was, in my mind, referring to the sentence that the project wasn't - the

whole validation wasn't consistent with good practice and that it should not have been a - it should have been a full validation, not a verification, those comments that I made in it that are more general in nature, but I do concede that my report is largely - well, it is focused on the contamination issues.

Q. Could I take you back to what the Commissioner was asking you about at the bottom of page 8 of your report. I asked you earlier to clarify the extensive review that you referred to at the beginning of paragraph 70, and importantly, at paragraph 71, the overarching conclusion is:

> *I did not find any significant failings that would indicate that the final results released were not reliable.*

The proposition that the Commissioner was putting, as I understood it, was that particularly that last sentence conveys an overall general opinion expressed with respect to what you had seen about the automated method. Would you agree with that?
A. I answered this question in terms of the contamination issues. That was my focus and I - whilst I noted other matters, I didn't raise them in the report because I focused the report on what was being asked - or what I felt was being asked.

Q. But don't you accept that, again, with the benefit of hindsight, what would have been better to have said at paragraph 71 was to qualify that very general statement, which could be misconstrued by a reader, and qualify it in the way that you have indicated - that is, that you were intending to express views about resolution of the contamination issue? Do you accept that, with benefit of hindsight, it would have been better to have crafted it that way?
A. I believed that the sentence was going to be read in conjunction with the previous paragraph; however, I do take your point, that perhaps I could have been clearer.

Q. You say "take the point", but do you accept that that is what you ought to have done?
A. With the benefit of hindsight, yes.

Q. Can I take you, then, to the third record of

interview. This is of 8 September 2023. On the fifth page, about halfway down, Mr Thomas just says, "Yeah", but it is the bit under that that's quoting you:

> *And what we were trying to do was flawed.*

I think that's "they were trying to do was flawed", as in the Project 13 report. Your comment about that is --

THE COMMISSIONER: Sorry, there are a number of "Yeahs". I had to find it.

MR FOX: It is halfway down.

THE COMMISSIONER: No, I have found it.

MR FOX: Thank you.

Q. Your observation there about being "flawed" is in relation to the Project 13 report; correct?
A. It is, yes.

Q. And then you then say "Exactly", then there is another quote from you, and just the last sentence of that quote says, third-last line:

> *And so what they tried to do is combine a development optimisation study and a verification study all in one, which is just not good scientific practice at all.*

And then you say two lines underneath that:

> *Not even close.*

Now, Mr Thomas then says:

> *Were you under a fair bit of pressure?*

And you say:

> *Oh absolutely.*

This is in relation to the report that you prepared of 20 October. And then over the page, about halfway down:

> *My focus was definitely on contamination,*

the contamination issues.

About eight lines down from that:

I wasn't asked to look at a yield issue at all.

And then over the page, page 7, at the second quote from you:

I thought the whole - the whole report was flawed. I thought the abstract was flawed.

Then underneath that three lines:

The title was flawed. I thought the empirical study design was flawed.

Do you see that?
A. I do, yes.

Q. And you recall saying that?
A. I do, yes.

Q. Now, what I wish to put to you is this: how can you sensibly reconcile these very strident observations that I have made and taken you to from what you said in these interviews with these two journalists, with the very temperate language that you adopted in your report of 20 October in relation to having seen the Project 13 report? How do you reconcile that?
A. I - it would not be my style to report something in that way. I think there's a difference between talking to journalists, or talking to someone more casually, versus writing a scientific report for a court matter. I was - I do remember clearly being very, very careful and conscious of not writing anything in the report that I couldn't definitively support with empirical data, and in addition, I wrote the report very much for the task that was at hand, so that's why there's a difference in terminology and wording.

Q. Can I take you to paragraph 147 of your statement. It's on page 23 of the document. This is where you respond to Dr Wright's criticisms set out in her second report, as I have styled it, under the heading "Response to opinion of Dr Wright", and at subparagraph (d), you say:

I agree that it should have been apparent on the face of Project 13 --

that's the Project 13 report --

that implementation of the method would have led to contamination given the high volumes used.

Do you see that?
A. Yes, I do.

Q. So you are making an observation about what was apparent to you from - or what is apparent in the reading of the document; correct? On the face of the document, you say?
A. That's correct.

Q. And you don't suggest to the Commissioner today that when you read the document back then, that you didn't have the same reaction - that is, on the face of it, what was apparent; is that right? You are not suggesting a difference of recollection?
A. Could you - sorry.

Q. I'll rephrase that. When you saw it the first time back then, and I appreciate --

THE COMMISSIONER: "It" being the Project 13 --

MR FOX: Q. This being the Project 13 document, when you first saw it. As part of the instructions - responding to the instructions given to you for your 20 October 2022 report, it was apparent on the face of the document, wasn't it, that there were significant issues with the methodology and also the abstract that you saw; correct?
A. I saw that there were significant issues with the way that the project was designed. It wasn't consistent with how I would do a validation or implement methodology of that nature.

Q. But it was readily apparent to you that where you expressed to the journalist in those interviews the document was flawed - it was apparent to you, wasn't it, immediately, that the document was flawed?
A. That's correct.

Q. It didn't become at some later date, when you were interviewed, that your view then modifies to, "Well, I think the document is flawed"? It didn't happen later; it happened when you saw it, that's right?
A. That's correct. It's not how I would implement a manual to automated method conversion.

Q. If you look at subparagraph (e) that follows from that sentence that I took you to, you say there - halfway through that:

> *... I was tasked with identifying the cause of the Contamination Issue, it was scientifically appropriate to say that the report as a whole was --*

and then you quote --

> *"not consistent with expected good practice".*

Then you say:

> *This is science speak for "flawed".*

And that's in quote. Do you see that?
A. That's correct.

Q. Let me just ask you this: why not simply come out in your report, having seen it, and, on the face of it, you just said a moment ago that you accepted that it was flawed, why engage in an exercise of what you say here is "science speak"? Why not just say it?
A. That's an accepted terminology. It's an accepted way of phrasing a scientific opinion. That is how I would phrase it.

Q. You've been in an interview with these two gentlemen and, indeed, others, from those quotes that I took you to, and you have used that word "flawed", and you have used the word "rubbish". Why not engage in more strenuous language, responsive to what you have seen, which would more accurately reflect and more clearly reflect to a reader your reaction to that document?
A. I would not write a scientific report for court using emotive terminology - I would not write that way.

Q. Do you accept that with the benefit of hindsight, now looking back, that it would have been preferable for you to have included more direct language identifying what you considered were to be the clear failings of that report?
A. I would use the - the terminology, "not consistent with good practice" is how I write reports. That is the terminology I use. I appreciate that other people write in different ways, but that is how I write my reports. That's how I would write it.

Q. The question I asked you was whether, with the benefit of hindsight, you would have said in more strident language and made it clearer to the reader the matters which you have acknowledged to me this morning and to the Commissioner, that this was a flawed report? Do you accept that, with the benefit of hindsight, you could have expressed that report better and drawn that out?
A. With more time and more workings of - more time to go through that report and go through it in more detail, I could have elicited more information from it, absolutely. But given the time constraints we had, the intensity at the time, I used what information I had to give opinions that I had been requested for, using terminology that I think is scientifically sound, and I was very careful not to overstep anything - any opinions that I didn't have direct data to support.

So there's a difference between what I had then, with the time frame I had then and the documentation I had then, versus if I had the additional time I have now and the information I have now. I wouldn't - you know, if I was doing it now, I might report it differently, but I wouldn't use emotive language - I would stick to the terminology that I have, that I utilised.

Q. I haven't suggested to you in my questions to use emotive language. I have suggested to you that you could have expressed in more clear terms and direct terms your reactions that were expressed with more - with different language to the journalists. The question I have to you is whether, with the benefit of hindsight, you could have expressed things more clearly?
A. If I was writing the report now, I would still use scientific terminology. If I was going into - if I was tasked or was allowed to go into the report in more detail, given more time, I could have brought out more points and

gone through and worked through the report. It's the difference between asked, "Is Project 13 a valid report? Talk to me or give me a report on what are all the issues in this project and what can you say about this project", versus, "Here's these questions on contamination, and here's a plethora of documentation around what the events were, what caused it", et cetera. They are two entirely different reports to write.

THE COMMISSIONER: I think that topic has been covered enough and asked in different forms, but I have one quick question if I may.

Q. I take you back to the transcript, please, of the interviews. I'm looking at the second one. I think you were taken to it but I was just taking the whole paragraph. If you go to page 5, it is the last answer from you on page 5, commencing, "My report deals with the whole project". Do you see that?
A. I do, yes.

Q. Keep reading. It says:

> *I called out the entire project. The project should never have got off the ground, was incorrectly designed. So in my opinion it should never have been commenced let alone the issues that I identified.*

I know this is just a conversation with a journalist, but that seems to indicate that you accept that you did not necessarily identify each and every issue, but - and there may well be others, but you do go on and say, about three lines down:

> *The questions in my report were very specific and the report was more focused on the questions that were asked.*

But then you say here:

> *But the Project 13 project was discussed in detail from beginning to end, including the yield issues, because we went through each section ...*

and in the end it focuses on that it was completely

invalid. There has been a bit of a discussion today about your recollection of the discussion, specifically about the yield issues in Project 13?
A. Yes.

Q. You say here that you had a specific discussion in detail about the yield issues. Is that still your recollection or do you wish to describe --
A. I would concede that I didn't prepare - conduct enough preparation for this interview and so I was going off memory, and I would suggest I probably overstepped in that point.

Q. So your current recollection of it, of what was discussed, and I assume by the "discussion" there you're referring generally to counsel, because we've gone through the report, is that you can't say that you really did discuss in detail the yield issues with counsel?
A. It was just a - what I can actually recollect, and going through my documentation, emails, et cetera, to jog my memory, essentially what I iterated before is what I can remember, and nothing further to that.

THE COMMISSIONER: Thank you.

MR FOX: Thank you, Commissioner.

Q. Can I then take you, Professor, back to the minutes of 7 September. That's a document I took you to before, and you indicated that you read it and were content with that?
A. Yes.

Q. Now, you will remember that the dates of those records of interview or discussions with them, with the journalists from The Australian, were the 31st - the first two transcripts were from 31 August. Then, if you go to item 4.1 on the last page - this is the minutes. I will give you another copy, Commissioner. It should be on the back page.

THE COMMISSIONER: It is all right, I've got it on the screen.

MR FOX: Q. You've got that, Professor?
A. Yes.

Q. Thank you. Then under "Any other business", 4.1, and

this is in subparagraph (d):

> *Professor Wilson-Wilde noted that a paper is being drafted in relation to Project 13 (recommending that all serious cases between October 2007 and July 2008 be relooked at), which FSQ will provide to the Secretariat to send out.*

Do you see that?
A. Yes, I do.

Q. And you recall giving that as part of the business of the meeting on that day?
A. Yes.

Q. Can I ask you this: you have an interview or a discussion with the media about a week or so beforehand, in which you express the strident views that I've taken you to from the transcript, and within a week of that discussion, you're then informing the advisory subcommittee about a paper being drafted in relation - responsive to Project 13, and recommending that there be retesting all the way back to October 2007; do you understand that?
A. I do, yes.

Q. And is it the case that prior to this interview or discussion with the journalists, you hadn't actually prepared any paper or other documentation which might provide a recommendation to go back and do testing to October 2007 because of what you'd seen in the Project 13 report; is that right?
A. That's correct.

Q. What I want to put to you is this proposition: the only reason why you prepare a paper of this kind, making this recommendation, is because you have been prompted by reason of the interview that you have held with The Australian journalists; do you accept that?
A. Yes.

Q. Can you offer to the Commission today an explanation as to why, from the time - just wait until you hear the question. Can you offer an explanation as to why, between the time you were appointed, having given evidence before the Inquiry, that you waited until being prompted by two journalists to then prepare a paper of this kind?

A. The focus in the - largely since I have been at the laboratory has been the current methods, ensuring the current methods are fit for purpose, et cetera, and setting up the infrastructure that we can deal with these sorts of things. We have the 105 recommendation, which was we're going to go back through that work anyway, and if this is an issue and we want to provide some confidence to the public that this is definitely being looked at, because it has been raised and it is in the public domain, then I felt this was an appropriate approach.

THE COMMISSIONER: Q. Can I ask you now, in regard to the evidence that we have now heard in this Inquiry, whether you would leave that end date of July 2008 there?
A. I think it would be wise to go through, have a look at those things, but the method before that was Chelex and if there are unsolved cases that we have that we would want to review, that's not a hard-barred date, but it is in terms of looking at the methods and the systems at the time.

Q. But we now have heard some evidence suggesting that there were some difficulties with the reintroduction of the automated method post Chelex?
A. As in 2009?

Q. 2009, 2010. When we talk about Project 70, there are some issues about Project 70?
A. Yes.

Q. And TN32, which is the protocol using the genomic DNA to test the measuring level but not the extractions. I understand that, you know, things have to be staged, but are you suggesting - or are you suggesting - that you only need to look at serious cases between 2011 and 2008?
A. Possibly at that time, but given the work and the discussions that we have had, I would be advocating that we go back from essentially the beginning of this year to October 2007 and all cases encompassing.

Q. Just so I know, what we haven't discussed - and it's not - we have gone up to 2016, I think, when was the Maxwell? Do you know when the Maxwell procedure was introduced?
A. October in 2007.

Q. I see. So it won't be --
A. I'm sorry, Commissioner, could you repeat that

question?

Q. The Maxwell. Sorry, start again. When did you cease using the - do you know when the laboratory ceased using the MultiPROBE?
A. I believe that was 2016.

MR FOX: 2016.

THE COMMISSIONER: I just had it in my head, thank you.

MR FOX: I have no further questions, thank you.

THE COMMISSIONER: I'm looking first to Mr Diehm. Is there anything - or do you want to wait to see if anyone else asks any questions first?

MR DIEHM: Yes, I'll wait, thank you, Commissioner.

MR RICE: No, thank you, Commissioner.

THE COMMISSIONER: Does anybody have any questions that you wish to ask Ms Wilson-Wilde?

MS FREEMAN: No, thank you, Commissioner.

THE COMMISSIONER: Are there any matters, Mr Diehm, that you wish to ask?

MR DIEHM: No, thank you, Commissioner.

THE COMMISSIONER: Okay.

MR FOX: The next witness is Dr Wright. I just have a few short questions for her. I don't know whether anyone else has any questions. No-one has indicated to me that they wish to cross-examine her.

THE COMMISSIONER: Why don't you call the evidence and we will see what happens.

Dr Wilson-Wilde, thank you very much and you are excused for the moment. I have no present intention to call you back, but don't go.

THE WITNESS: Thank you.

THE COMMISSIONER: You can go back to the body of the court.

<THE WITNESS WITHDREW

THE COMMISSIONER: Dr Wright? Do you want to come up and sit over here as well, because that's where the camera is. Thank you.

<KIRSTY WRIGHT, on former affirmation: [12.46pm]

THE COMMISSIONER: You are on your former affirmation, thank you.

THE WITNESS: Thank you.

<EXAMINATION BY MR FOX:

MR FOX: Q. Now, Dr Wright, I have provided you with a copy earlier on of that document. I think it was an A3 version.
A. Yes.

Q. Do you have that with you?
A. It's just in my bag.

Q. Would you like to go and get that? Thank you.

THE COMMISSIONER: You may need to bring the whole bag. You never know what else you will need.

MR FOX: Q. Do you have that document, thank you?
A. Yes, I do.

Q. That accords with your understanding, doesn't it, of, firstly, the nature of the advisory board, which is in the top left-hand corner, the co-chairs being Mr Sofronoff KC and Ms Dick SC, and then in the two boxes to the right, at the top, where it says "Members"; do you see that?
A. Yes.

Q. And then we have the three subcommittees, and one sees in terms of the constitution of each of the subcommittees, that they are - just look at, for example, the first one in green, the forensic medical examinations advisory subcommittee - the representatives that are listed there are from a variety of different organisations. Do you see

that?
A. Yes.

Q. So we have, for example, apart from the independent expert, Dr Moeller, someone from the CFMU, we have someone from the HSS, QPS, the ODPP and FSQ?
A. Yes.

Q. And, then, in the middle committee, the forensic justice advisory committee, we see also, similarly, people that are coming from a variety of different organisations. Do you see that?
A. Yes.

Q. And then the final one, the forensic biology, is more confined, the Professor indicated earlier on that was more of a specialist advisory subcommittee, that one. Can you see that?
A. Yes.

Q. Now, prior to the establishment of this Commission of Inquiry, you raised concerns in the media about a conflict of interest and whether that might arise in relation to - this was a potential conflict of interest between members of the advisory board themselves and, secondly, as between them and Professor Wilson-Wilde. Do you recall that?
A. Yes, that's correct.

Q. You understand that both Mr Sofronoff KC and Ms Dick SC, as the co-chairs, were appointed to their positions in around April 2023. I think you may have said somewhere amongst all of it that it was in January 2023, but it was in early 2023 they were appointed to that position?
A. So the appointment or the announcement of the appointment was either January or February 2023. I believe the first meeting of the DNA advisory board was in April 2023, and I refer to the release of the Queensland Government's first progress report. They have that date listed in their progress timeline.

Q. Thank you. You have received - and it may have only been in the last day or so, if not less than a day - we have had it less than a day - a statement of Ms Dick, the co-chair of the advisory board. Do you have a copy of that statement with you? We can call it up.
A. I have it in front of me.

Q. Excellent, thank you. Can I just ask you, I want to take you to a few paragraphs of that. So, firstly, at paragraph 6, she indicates that she is aware in January 2023 that the CEO - that's Professor Wilson-Wilde - provided a list of scientists' names for potential appointments to the FSQ advisory board:

> *I'm aware that the CEO previously knew either personally or professionally a number of the persons provided in that list.*

Paragraph 7:

> *I'm aware that the pool of potential candidates from which to select the appropriate scientists to sit on the FSQ advisory board is a relatively small one.*

Then she says:

> *I was not involved in the appointment of the other members to that board.*

Then you also see, paragraph 9, that the FSQ advisory board, which she co-chairs with Mr Sofronoff KC, is:

> *... fully cognisant of and alive to potential conflicts of interest that may arise as between the members of the FSQ advisory board on the one hand and, on the other hand, as between members of the FSQ advisory board and the CEO of the FSQ. If such a conflict of interest were to arise it would be declared at a meeting of the FSQ advisory board and dealt with accordingly.*

Do you see that?
A. Yes.

Q. The next paragraph:

> *The first item on the agenda of every meeting of the FSQ advisory board is a conflicts interest check.*

Do you see that?
A. Yes.

Q. Then paragraph 11:

To date the FSQ advisory board has had no instances where a conflict of interest has arisen.

You see that as well?
A. Yes.

Q. Thank you. Just looking at those particular paragraphs and what she indicates about the management of business of the advisory board, and that is the way in which the two co-chairs are fully cognisant of the capacity to manage conflicts of interest and also that there has been none that they have had to deal with so far, you have no reason to doubt their capacity to manage those, do you?
A. I have a few comments to make about those paragraphs, from --

Q. I would ask you just to answer the question.
A. I do have concerns with the way that the conflicts of interest, as I see them, are being managed, as retired judge Julie Dick has outlined in her statement.

Q. Let me just ask this question of you: you don't dispute what she says there, that the first item of agenda of every meeting is a conflicts interest check, do you?
A. I can't dispute that, sorry, because I haven't attended the meetings, but I will have to accept Ms Dick's opinion on that.

Q. You advised this Commission of Inquiry by email on Friday morning last week - that's 27 October - that you withdrew your concerns in relation to potential conflicts of interest concerning the advisory board and the members; do you recall emailing the Commission to that effect?
A. I withdrew the statement, but my concerns persist.

Q. Can you also confirm that by that withdrawal, you don't seek that this Commission of Inquiry address those conflict of interest concerns that have been raised by you in the media; that's right?
A. That's correct. My concerns persist, but as we discussed yesterday, I was able to seek other avenues to

have those concerns addressed. So it is not my intention for this Inquiry to delve into that issue or address the statement which I have withdrawn.

MR FOX: Thank you. I have no further questions for Dr Wright.

THE COMMISSIONER: Does anyone have any questions for Dr Wright?

MS FREEMAN: No, thank you, Commissioner.

MR RICE: No, Commissioner.

MR DIEHM: No, thank you.

THE COMMISSIONER: That was short. Thank you very much for attending. You can leave the witness box.

<THE WITNESS WITHDREW

MR FOX: The only matter that I think needs to be addressed, and --

THE COMMISSIONER: Do we know anything about --

MR FOX: Yes, that's the matter. I think I can indicate this: with respect to Mr Nurthen, he is available at relatively short notice and can assist. Mr McNevin is also able to assist, and I don't know anything further about Dr Hlinka.

THE COMMISSIONER: Okay. Apparently Mr Hlinka can't.

MR FOX: Are you content to proceed - should we perhaps give those two gentlemen an indication of your expectation about timing in terms of when they should be here?

THE COMMISSIONER: It depends on how far away they are?

MS FREEMAN: Commissioner, I don't have any further information other than we have been in contact with them and asked them to get here as soon as they can. I don't know how long it is going to take.

THE COMMISSIONER: It is now 12. If they were to get here in half an hour, probably everyone would want a break.

Also, you may wish some opportunity to confer with them before they give evidence.

MS FREEMAN: Yes, speak with them, yes.

THE COMMISSIONER: You have given the statement that is primarily the reason for asking for them to be recalled.

MS FREEMAN: Of Inspector Neville, yes, I have, yes.

THE COMMISSIONER: I think seeing you have two people to talk to and the timing, is 2 o'clock going to be a convenient time, Mr Fox?

MR FOX: Yes, I think that sounds eminently sensible.

THE COMMISSIONER: I think that allows - would that be sufficient time for you in the circumstances to confer.

MS FREEMAN: I would have thought so, Commissioner.

THE COMMISSIONER: If there is any issue, please make contact. Otherwise, we will adjourn until 2 o'clock.

LUNCHEON ADJOURNMENT