

Submission No: 1574

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Dear Senators

Please Explain! What is going wrong with DNA tests as Evidence? Why are they being used at all?

The ALRC Genetics Inquiry ended in March and recommendations passed to the Federal Attorney General. Several submissions to them and Victoria Law Reform inquiry into DNA as evidence express concern about increasing cases indicating DNA is not the magic bullet claimed by science. Police and politicians still treat it as if it were. WHY? Not only is this causing serious injustice, false science costs taxpayers a fortune. E.g. Retrials, Royal Commissions, compensation by the government (not the scientists) and so on. Experts giving false evidence to courts (perjury) are not held accountable to taxpayers. (Chamberlain case a prime example.)

There are serious omissions and problems with the ALRC findings, including their support for self regulation of a very obviously corrupt industry. Is this based on political motive – to cover up the Federal Attorney General's inaction over claims safety checks were inadequate and DNA tests were proving erroneous?

www.cute.com.au/dna, <http://dnaerrors.freehomepage.com>, research reports of cases by Dr B.Hocking, Qld Law, and other websites.

There is now widespread systematic admission DNA tests are not the 100% claimed. These admissions include the Chief Justice's Chief of Staff, Family Court. Over 10 years AFTER the first known false paternity test in Victoria (Long case) it is now admitted safety checks were totally inadequate. Several tests are known to have been wrong!! HOW MANY ARE NOT KNOWN TO BE WRONG? Doesn't the public have a right to know why they are being forced to fund other people's families? Do children have the right to know their true identity? Not according to the Federal Government See websites and submissions by Patricia Farnell to ALRC inquiry and VLR Parliamentary Committee.

There is STILL no concern or wit much less WILL by the Federal Attorney General, State Attorney General or other politicians to establish HOW and WHY tests claimed by science as totally reliable are giving false and opposing results. Nor why they were claimed as "100% certain" on many reports, when they clearly are not. Yet we are expected to meekly volunteer our DNA if requested to do so by police or fathers.

Since the public has no rights in law to obtain a DNA test to CONFIRM the result or PROVE TAMPERING (i.e. only the police can obtain a court Order and they refuse to do so) and judges base their findings on the evidence before them (not **evidence ignored** by police, lawyers etc) where does that leave the justice system?

Several submissions to various parliamentary inquiries into DNA as evidence, at both State and Federal level have expressed concern that things are going wrong

with DNA tests. NO ONE seems in the least concerned to find out exactly what, least of all the police. Doesn't the public have a right to know?

There is a great deal of rhetoric, including by police that "other evidence" must be considered. BUT no mention of the utter FAILURE by police or others to GATHER other evidence, much less examine it.(Ding ding!!!!) "We've got a DNA result, we don't need to look for any other evidence even if it is right under our nose". This is true even when claims of fraudulent results arise. The hapless victims have to fight not only irresponsible science but irresponsible police. None of the submissions to inquiries by the so called "experts" so much as mention the problem of CONFIRMATION of test results nor the NEED FOR LAWS AND PROCESSES TO DETECT TAMPERING. Why is this?

Even more significantly, in view of the Federal Attorney General's gross incompetence even after being told of the problems (in 1998!) do the victims of false tests have the right to GOVERNMENT FUNDING TO HAVE THEIR CASES REVIEWED? Not according to the Federal Attorney General.

The public has a right to know what is going wrong with these tests by way of a senate inquiry at which victims claiming fraudulent results are present AS HAPPENED IN THE US. Since the ALRC has utterly failed to address the problems caused by DNA as evidence testing should be banned immediately until the reasons for opposing and false results in all jurisdictions, not to mention serious and costly miscarriages of justice, are GENUINELY KNOWN.

Senior police, the National Association of Testing Authorities, McCleod police lab (where the National DNA Database is planned to be located!) continually claim to inquiries our "standards and safety checks are those globally accepted. Yet the very serious admission by NATA in 1998 after DNA had already been in use for years, that their safety checks don't cover insider tampering, NOR are there mechanisms for DETECTING INSIDER TAMPERING goes unreported.

All the rhetoric about how good the safety checks are (they are not) does not mean high standards are adhered to. (Evidence available they are not) And worse, since many tests both here and overseas have given false and opposing results then clearly those standards and safety checks were totally inadequate. ONLY a genuine inquiry into the roots of the problems in the justice system and recognition of the horrific domino of suffering and injustice caused by false results is going to put an end to a sinister, insidious, cruel and costly scientific hoax.

Please seek an inquiry into DNA as evidence so that ALL evidence and witnesses are called – not just the selective, clearly unreliable evidence of DNA tests and those seeking to hide their original incompetence. The public has a right to know.

For copies of public interest submissions to law reform committees etc or any other information contact the author, Patricia Farnell 0500 500 359 (local call cost) 29 Serpells Rd Templestowe 3106, 19 August 2003.