

# Forensic Science Queensland interim Advisory Board

## Terms of reference

(May 2023)

### 1. Context

On 6 June 2022, the Queensland Government established the Commission of Inquiry into Forensic DNA Testing in Queensland to ensure transparency, identify opportunities for improvement and ensure public confidence in the collection of DNA and the testing and analysis undertaken in Queensland, and in the criminal justice system more broadly.

In its final report the Commission of Inquiry recommended the establishment of a non-executive board to oversee and report on the interim performance of the laboratory and provide advice to its Chief Executive Officer.

The Queensland Government has accepted all Commission of Inquiry recommendations and as part of its response has approved the immediate implementation of revised structural and organisational arrangements for forensic DNA analysis and forensic chemistry service delivery in Queensland through the establishment of Forensic Science Queensland (FSQ).

Pending the establishment of FSQ as a permanent structure, FSQ will be an administrative division of Queensland Health led by a Chief Executive Officer. Although formally reporting to the Director-General of Queensland Health, the Chief Executive Officer will be supported by an advisory board constituting experts from a broad range of criminal justice and scientific stakeholders.

### 2. Purpose and scope

The FSQ Advisory Board (the Board) will provide strategic oversight from a whole-of-sector perspective to support the establishment and operations of FSQ – noting that FSQ will include relevant forensic disciplines beyond DNA analysis. It will provide accountability, transparency and governance as FSQ develops and implements the Commission of Inquiry recommendations.

The Board will guide FSQ towards the eventual structure for forensic service delivery in Queensland and ensure that the interim FSQ model supports the integrity of the Queensland justice system. The Board will ensure FSQ service delivery progresses towards the ultimate vision of becoming an Australian leader in the delivery of quality, timely and innovative forensic services.

Specific functions and responsibilities of the Board include:

- Providing independent and authoritative advice to the government on the design and delivery of forensic services with the fundamental guiding principle of ensuring the integrity of the criminal justice system.
- Providing high-level advice and support to the Chief Executive Officer of FSQ to achieve the interim aims of FSQ.
- Providing advice to the government on best practice forensic service governance and performance oversight arrangements that aim to ensure FSQ operations are successful and contemporary.
- Enabling broad criminal justice system stakeholder input into and oversight of forensic services in Queensland, to ensure transparency and public confidence.



Overseeing the prioritisation and implementation of recommendations from the Commission of Inquiry and functioning as a central register for managing recommendation status, including recommendation approval, closure and variation. The Board will perform an advisory role and cannot direct the Chief Executive Officer or staff of Queensland Health or FSQ. Any recommendations made by the Board will be carried out by FSQ once endorsed by the Director-General of Queensland Health, who will sit as a member of the Board but who will retain sole responsibility for directing Queensland Health staff.

The Board (via its Chair/s) will provide regular reports to the Minister for Health, Mental Health and Ambulance Services, and Minister for Women and the Attorney-General and Minister for Justice, and Minister for the Prevention of Domestic and Family Violence (together, the responsible Ministers).

The Chief Executive Officer will provide regular reports to the Board and assist the Board to carry out its functions. However, the Chief Executive Officer will be formally accountable to the Director-General of Queensland Health.

### 3. Sub Committees

The Board will establish and receive advice and reports from sub-committees designated to address specific issues, particularly in relation to the implementation of recommendations arising from the Commission of Inquiry.

Sub-committees will initially include:

- **Forensic Biology Advisory Sub-Committee** – to advise on scientific and technical best practice in DNA forensic service delivery.
- **Forensic Justice Advisory Sub-Committee** – to advise on the principles, priorities and processes for retrospective review and analysis of cases and DNA samples, and to oversee the conduct of that review and analysis.
- **Forensic Medical Examinations Advisory Sub-Committee** – to advise on best practice sexual assault forensic responses and services.

The Board may establish other advisory sub-committees from time-to-time as required.

Each Sub-Committee will develop Terms of Reference that articulate their individual roles and responsibilities.

### 4. Membership

The Board will comprise the following members:

1. One or more independent Chair/s with significant knowledge and experience in the criminal justice system
2. A senior representative of the Queensland Police Service
3. A senior representative of the Office of the Director of Public Prosecutions
4. A senior representative of Legal Aid Queensland
5. The Director-General of Queensland Health



6. A representative of a victims' support organisation
7. One or more experienced criminal law barristers nominated by the Bar Association of Queensland or the Chair/s
8. An experienced criminal law practitioner nominated by the Queensland Law Society
9. The Director-General of the Department of Justice and Attorney General
10. Up to three independent/external members with significant expertise in forensic science service delivery or in academia/forensic science research (forensic biology or forensic chemistry).

At least 1 board member is to be an Aboriginal or Torres Strait Islander person.

An appropriate gender balance will be considered when appointing Board members.

Board members:

- (a) will be jointly appointed by the responsible Ministers
- (b) may be appointed for a period of up to two years
- (c) may be reappointed, at the discretion of the responsible Ministers
- (d) may resign by providing written notice to the responsible Ministers.

Board members will be engaged by Queensland Health on individual service provider contracts and remunerated directly by Queensland Health. Remuneration for Board members will be provided in accordance with the Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies ([remuneration-procedures.pdf \(www.qld.gov.au\)](#)).

The following standing invitees will attend Board meetings and discussions:

- Chief Executive Officer, FSQ
- Chief Operations Officer, FSQ
- Representative/s from Queensland Health Taskforce – Forensic DNA Testing in Queensland.

Additional guests, such as the Chairs of the various Sub-Committees or others with specific expertise, may also be invited to support deliberations.

## 5. Board Operations

### Meetings:

The Board will meet quarterly or as determined by the Chair/s. Meetings will take place either face to face or online, at a place determined by the Chair/s. Meetings will be conducted in private.

The quorum for meetings will be one of the Chairs and 50 per cent of members.

Queensland Government agency members who are unable to attend and do not have a delegate officially acting in their role may nominate a proxy who has comparative expertise to the member. Proposals to use proxies will need the approval of the Chair/s prior to the meeting.

Similarly, non-Queensland Government agency members who are unable to attend may also nominate a proxy, which will need the approval of the Chair/s prior to the meeting and may be subject to additional probity checks.

Board decisions will be by majority vote. Reasons for any opposition to Board decisions should be noted alongside the decision.



Urgent or emergent issues may require consideration out-of-session. In these instances, the Board member or the official putting forward the item will liaise with the Secretariat who will ensure Board members are appropriately briefed, to enable informed decision making.

**Secretariat:**

Secretariat services will be provided by Queensland Health.

The Secretariat will be responsible for the preparation and circulation of the meeting agenda (and supporting papers) at least one week prior to meetings. Circulation of late papers is permitted subject to agreement by the Chair/s.

The Secretariat will be responsible for compiling minutes and distributing these within one week after the meeting was held.

The Secretariat will maintain a record of all minutes, decisions, and action items in the relevant records management system.

**Obligations of members**

Board members must act ethically and observe the highest standards of behaviour and accountability. Members must be responsive, engaged and exercise honesty, care and diligence in the discharge of their duties.

The document *'Welcome Aboard: A guide for members of Queensland Government Boards, committees and statutory authorities'* outlines the obligations of members of government boards and those involved in the good corporate governance of government boards

(<https://www.premiers.qld.gov.au/publications/categories/policiesand-codes/handbooks/welcome-aboard.aspx>). It states that:

*'Members of Government Boards should avoid actual or potential conflicts between their duties to the Government Board and their personal interests or their duties to others. Members of Government Boards should also be aware of possible perceived conflicts of interest'*

All persons in attendance at meetings must declare any conflicts of interest (including actual or perceived conflicts) and manage these in consultation with the Chair/s.

Members must keep all Board discussions and deliberations confidential.

**6. Review**

These Terms of Reference will be reviewed every 12 months, accompanied by a self-assessment and internal review of Board and member performance.

