QLD moves to avert wrongful convictions

BY ANGELA PRIESTLEY

THE QUEENSLAND State Government is looking to lead the rest of the nation as it considers implementing policies and procedures for post conviction reviews of DNA-based wrongful convictions.

The State Attorney General (AG) Kerry Shine is consulting with members of the Griffith University Innocence Project, to consider and make recommendations on the retention, testing and access to DNA with the Health Department and the office of the Commissioner of Police.

Chris Nyst, Innocence co-founder and defence lawyer said a review of DNA could reinvigorate the justice process. “It’s clear from international studies and developments that DNA evidence can be a most valuable tool in exposing and correcting wrongful convictions,” he said.

The move comes just as the AG referred convicted child killer Graham Stafford’s second petition for pardon to the Court of Appeal. Recognising the need to overhaul the policies and procedures around DNA evidence in the state, the AG established the group after the recommendations by the Innocence Project. “The developments of this case brought a degree of currency and urgency to the move by the attorney general,” said Nyst.

One aspect of the AG’s working party includes consideration and potential changes to the retention and accessibility of forensic materials after a conviction. “In Queensland to date, we don’t have an ability to know whether forensic material that has been used in a trial has been retained,” said Nyst. “Even if it has been retained, we don’t have the right to access it. It’s a baby step, but it’s an important one.”

Innocence Project director Lynne Weathered says the working party is a “mature and appropriate” response by the AG to assist Australia in catching up with the rest of the western world. “There is no reason to deny DNA innocence testing that could show a wrongful conviction,” she said. “No one wins by having the wrong person in prison.”