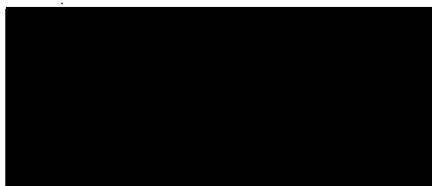




Submission No. 7b

SUPPLEMENTARY SUBMISSION: PATRICIA FARNELL



To: law.reform@lawreform.vic.gov.au
cc
Subject: Brief clarification re prev. general submission to Succession
Laws Discussion

Dear Chairman & Committee,

Re: DNA family matching - General Submission to Law Reform Succession Laws

I apologise this may not be in the proper form but my circumstances are very difficult and I really feel I did not properly emphasise and clarify some cases raised in Appendix . As mentioned, relating to other women and young people turned 18 applying to the Supreme Court in relation to DNA paternity tests whether in relation to a will or in relation to the fact they turned 18 before needing one. . Our considerable research highlights the urgent need for A change of attitude in Courts as regards young people over the age of 18 who are trying to prove paternity via DNA evidence was false, and more commonly, where DNA testing was not needed earlier in their lives.

What is happening in our Courts is that even where a family is wealthy, young people trying to make a new start and get on their feet for whatever reason are pushed onto homeless agencies and welfare as a first rather than last resort especially where a DNA test goes wrong and regardless of the circumstances .

This is an entrenched attitude in the Courts, not a legal necessity.

Despite the ALRC findings, extract attached, currently the Supreme Court as well as the Family Court attitude seems to be that pre court tests results are never false and that refusal of confirmatory testing is not evidence of something to hide. A blatant human rights injustice and a serious blot on society. Patti Farnell

Attachment: Aust. Law Reform Genetics Inquiry findings, published in "Essentially Yours", tabled in Parliament 2003.

Aust. Law Reform Genetics Inquiry findings, published in “Essentially Yours”, tabled in Parliament 2003.

Ref:

35.29 “The inquiry received a number of submissions expressing concerns about **alleged paternity testing fraud**, by which men procure false paternity test results to avoid legal responsibility for their children.”

33.63,64,65 Indicate that tampering and deliberate fraud can, and do, occur. (*Scientific reports I have indicate other ways for non detectable error too*) and cannot entirely be prevented “

35.70 Current accreditation standards focus mainly on technical proficiency and do not address the ethical issues associated with testing. (*I.e. no mechanisms for preventing, or detecting tampering NATA correspondence Dec.1998*)

35.71 make [provision for protecting the integrity of the samplesby adopting the requirements of the F.L. Regulations (*but this is an utterly inadequate recommendation since the Regulations were and are provably inadequate and not adhered to anyway – this latter totally ignored*)

35.79 brings up the importance of protecting the integrity of the samples and backed up by the Inquiry’s recommendations and views 35.85,35.2 and 35.3).

Re commendations to address injustices which resulted in the past - none

Recommendations to ensure the detection of tampering with tests or confirmation of results claimed as erroneous – “do it yourself” without any systematic support or appropriate legal mechanisms being suggested.

GENUINE SOLUTION mediation with all parties under current laws and court recommendations - response to this? Threats, intimidation and indifference including by police..

A genuine forum of inquiry into the labs where witnesses and evidence not only of erroneous results but of HOW and WHY tests claimed as 100% certain are giving opposing results in several cases is even more essential to bring the whole industry (criminal and civil) into line with the dangers of modern technology.

JUDICIAL INQUIRY NEEDED URGENTLY INTO INJUSTICE, ERRORS, FUDGING & COVERUPS - DNA TESTS AS EVIDENCE all jurisdictions

Substantial case histories, witnesses and evidence confirm that the culture of indifference and coverup exposed by investigative journalist Ann Werner’s efforts in the US relating to errors and fudging of DNA evidence (other journalists in relation to paternity tests) is alive and well in Ozl.

In view of intolerable suffering to victims of erroneous and fraudulent DNA tests, exacerbated by police inaction and political indifference I seek your support for a simple change to the Status of Children Act which is long overdue – ie the inclusion of DNA testing orders.

P.T.O

Also for an independent National forum of inquiry where independent scientists, victims of error and fudging and/or their lawyers, and other witnesses nominated by those claiming error or fraud are given appropriate systematic protection of a Judicial or Senate inquiry, a **forum where the basic right to be heard will not be denied them.**

Victims of DNA stuffups and other problems in Victoria labs. are not all in this State. (Justice Action) but to some extent they have obtained justice via e.g. Ombudsman (NSW) Crime & Corruption Commission (NSW) Updated Law (Queensland and ACT)

I draw your attention to Houston Chronicle extract relating to exposure of problems in forensic labs in the US by Ann Werner and referring to systematic inaction in relation to claims of erroneous and fudged results .

“... State Rep. Kevin Bailey, D-Houston, chairman of the legislative committee ... "I'm not sure there was criminal activity, **but there sure was a lack of interest and concern that is surprising of people in (leadership) positions,**" said Bailey. "And I guess you can't indict people for that. **But they sure failed the public and failed the criminal justice system by not being concerned with what was going on (at the crime lab).**"

Stan Schneider with the Harris County Criminal Defense Lawyers Association was more critical.

"I think (the blame) includes everyone in the system," he said. **"And it's not a ringing endorsement of any of the leaders of our community."** Full text available on internet. Or by request.

Quote from Ombudsman's letter when I wrote for the ninth time seeking an investigation into my claims of fraud and collusion "it's not government policy"!???? Letter to previous Police Minister "when I sought mediation (as recommended in several inquires related to justice) with police and colluding scientists, including from the police lab., their response was to threaten legal action". *Correspondence confirms.*

Please take the time to consider what you personally can and will do to support that the "leaders of our community" should be calling for changes to laws and a National independent forum of inquiry. Patricia Farnell and daughter Victims of serious crime, compounded by a further serious crime, exacerbated by widespread systematic inaction.

Contact coalition@democraticjustice.org or Patricia Farnell [REDACTED] [REDACTED]
[REDACTED] URL: (pre ALRC Genetics Inquiry) www.cute.com.au/dna after inquiry when other cases and problems started flooding in www.democraticjustice.org – for a cross section of systemic problems with DNA evidence go to "DNA cases"