

Legislative Council

Hansard

Tuesday 2 December 2025

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

MOTION

Sue Neill-Fraser – An Independent Inquiry Can No Longer be Avoided – Report and Executive Summary

[10.14 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to make a contribution in support of this important motion. I do so as I have been seriously disturbed by the circumstantial case against Ms Sue Neill-Fraser. I acknowledge it has disturbed many for some time now. I don't know the truth of it, but when I hear the story I find it disturbing. I commend our colleague, the member for Mersey, for tabling the Etter-Selby report on 12 November and which is the subject of the motion before us. This report highlights the range of serious issues concerning Ms Neill-Fraser's conviction as well as the subsequent leave to appeal and appeal processes in more recent years.

I also acknowledge the ongoing truth-seeking contributions of the honourable Andrew Wilkie, Senator Jacqui Lambie and the member for Clark, Kristie Johnston MP. Put simply, the Etter-Selby report argues a possible miscarriage of justice has occurred, resulting in the incarceration for 13 years of a potentially innocent woman. These serious concerns strike at the very heart of our legal system. Our justice system cannot operate without the trust and confidence of our community and, sadly, we do know miscarriages of justice have occurred in Australia.

I refer to Lindy Chamberlain in the Northern Territory, to Edward Splatt in South Australia, Andrew Mallard in Western Australia, Kathleen Folbigg in New South Wales and Gordon Wood in New South Wales, to mention those concerning situations which are probably best known perhaps to the general community. Such cases are notorious for involving failed appeals. Chamberlain, for instance, endured failed appeals in both the Federal Court and the High Court.

Common key causal factors in such tragedies often include things such as police tunnel vision, police and prosecutorial misconduct, unreliable or flawed forensic evidence, and inadequate legal representation. Based on what we have heard today regarding the Etter-Selby papers tabled in this place, as well as additional scientific papers and more recent discoveries concerning forensic science issues under RTI from police, there are real questions about potentially the integrity, independence and impartiality of our forensic science services. There are also potential concerns regarding the investigative competency and integrity of some in Tasmania Police.

I'm deeply concerned by the time, resources and tactics that appear to have been misused seeking to stifle probing for truth and to maintain this conviction almost at any cost -

it would appear on the face of the evidence compiled and tabled in this place. The Etter-Selby report argues there is now a credible, reasonable hypothesis pointing to someone other than Ms Sue Neill-Fraser being involved in the death of Mr Bob Chappell on Australia Day 2009.

That hypothesis is based on the following eight elements: one, a large and strong sample of Ms Vass's DNA, more likely in saliva, was found on the metal deck of the Four Winds yacht when it was being forensically examined at Cleanlift in the early hours of 30 January 2009.

Two, the science tells us that saliva can last a long time and provide a protective environment for DNA.

Three, the relevant science also tells us that DNA degradation on external surfaces is linear, not sudden, contrary to expert evidence provided in 2017.

Four, the police and prosecution have maintained that the Vass DNA was brought onto the yacht by someone other than Ms Vass. However, there has not been any evidence provided pointing to any person who might have done that. Instead, the argument relies upon speculation.

Five, the police and prosecution also stated that there were break-ins at Cleanlift prior to the DNA sample being collected early on 30 January. Apparently such break-in activity would allow for the DNA to be left by Ms Vass or one of her associates at the time, yet the police records of ongoing activities on the yacht and reported break-ins around that time offer no support for that speculation.

Six, having shown the claims of secondary and/or later DNA deposition to have no proper evidential basis, we are left with the objective science, which is a very large DNA sample, 45 nanograms- as stated in the 2020 Holloway report- in saliva was found on the metal deck, degrading in a lengthy linear manner.

Seven, in a nutshell, it can be argued that a defence claim that Ms Vass was on the Four Winds on Australia Day is a much stronger hypothesis than the police and prosecution assertions that she was not.

Eight, it can also be argued it does not matter anymore whether Ms Vass asserts that she was or was not on the yacht: The science may be assessed as more compelling than her changeable statements.

The law is clear. Where the defence offers a reasonable, credible hypothesis pointing to possible or probable innocence, there can be no conviction. This is because, for any fact finder, be it a jury or a judge, there must be no reasonable doubt. In the clear, bright light of this new science outlined in the Etter-Selby report and the member for Mersey's speech in this Chamber, it's time to ask, have the police and the prosecution been keen to keep important matters hidden? Why has it taken over three years of RTI investigation to finally reveal some aspects of this matter?

Frankly, I can attest that the RTI experience alone has been like pulling teeth. The delays, the obstruction and the applied exemptions and the accompanying excuses have been frustrating, to say the least. If all was above board, wouldn't police be keen to share the evidence with the public, including concerned members of parliament?

Critical new, relevant matters have only emerged because I was compelled to push very hard for an internal review on one of my 2023 applications. Despite lengthy delays, this resulted in what was to prove to be an enlightening discovery in 2025 regarding the Forensic Science Services Tasmania (FSST) seeking advice in mid 2019. That's before Ms Neill-Fraser's appeal from the highly respected Dr Duncan Taylor at Forensic Science South Australia.

January 2026, in a couple of months, will mark three years since I submitted my first RTI application to police regarding the small blue towel found on the deck of the yacht not far from the Meaghan Vass DNA sample. This blue towel apparently disappeared from the major forensic biology report of July 2009, still without explanation to date. We know it was in the DNA lab in early February 2009, but there are still no disclosed records as to how it was handled, treated or examined.

The authorities are steadfastly refusing to allow access to relevant records by an independent forensic expert or to allow access for independent testing. We need post-conviction DNA testing legislation as it exists in jurisdictions such as the USA. This case is a serious matter that demands urgent action from the government. We cannot have a police service that can ignore accountability.

Let me state some examples of failures of our system. First, the failure to tender FSSTs Mr Holloway's June 2020 report at the 2021 appeal, which contained the quantity of DNA involved and the opinion that the more likely source of the DNA was saliva, along with the statement that it was possible that the Meaghan Vass DNA was deposited on Australia Day 2009 and not days later.

Second, the failure to call Mr Holloway as a witness at the 2021 appeal.

Third, the failure of forensic experts to include in their report references or texts or in evidence pertinent scientific advances or concerns that were available in the literature.

Fourth, the failure of FSST and its experts since the appellate decision in November 2021 to share or disclose the information that its DNA experts must have acquired about the evolving DNA science. DNA, TPR, time since deposition, TSD and EGALP that pointed to past errors and cast doubt on the Neill-Fraser conviction.

Fifth, the ongoing failure of SST to disclose its interactions with the internationally respected and eminently qualified Dr Duncan Taylor, even as late as last week in an RTI response to me. That's 12 days after the tabling of the recent Etter-Selby report. As one of those parliamentarians who has made RTI requests to Tasmania Police about their investigation and conduct in the Neill-Fraser case, that experience has raised serious questions about the potential for the misuse of RTI processes to thwart openness and accountability.

Here is what I was told in writing by Tasmania Police in a letter dated 13 November 2025 but received last week on 24 November 2025 after they negotiated extra time to work on their statement of reasons.

The exemption that was claimed to justify the redaction of Dr Taylor's actual advice on the issue was a section 34 of the Right to Information Act 2009 regarding information communicated by other jurisdictions. Such information is said to be exempt if its disclosure would prejudice relations between two or more states, or the information was communicated in confidence by another state and its disclosure would reasonably likely to impair the ability of a public authority to obtain similar information in the future.

This reasoning is inapplicable and possibly absurd. How can it prejudice relations between Tasmania and South Australia to share valuable up-to-date science? How can disclosure impair the ability of our FSST to stay connected to evolving science and ensure justice in a high-profile murder case or any other case? To those queries, I would add that my understanding is that the duty of disclosure by police and the Crown is ongoing, especially in a highly contested murder conviction.

Contrary to what is argued, I believe that the failure to be open about the interactions with Dr Taylor could be damaging to our relationship with Forensic Science SA. Forensic Science SA may have assumed that the information provided to FSST would have been dealt with ethically, professionally and in accordance with legal obligations, but the seemingly nonsensical RTI response to keep Dr Taylor's communication hidden is not an isolated instance; in fact, far from it.

There have been complete refusals under RTI to a range of requests on this case, including by Andrew Wilkie in August 2021. For example, I'm aware Mr Wilkie MP sought a range of critical information concerning Meaghan Vass, including important police documents which led Inspector Peter Powell to make a comment about Meaghan Vass and her associates and stealing from boats. The asserted justification for a total refusal - in a record eight days, I might add - was on the basis that the majority of the information was in the possession of the office of the DPP and therefore exempt from disclosure under section 6 of the act, and the matter remained under appeal and that the remainder of the information sought formed part of ongoing investigations into the matter which may be presented before a court at a future date.

This raises questions over what they had in mind about a future court date; the appeal had been heard in March 2021. If the material was in the possession of the DPP and the case was live, then that raises the fundamental legal issue of why it was not disclosed to Ms Neill-Fraser's lawyers. When trying to RTI the case of the small blue towel, there was an attempt to completely refuse, quite wrongly, the initial application by invoking section 19 of the Right to Information Act regarding requests which were claimed to unreasonably divert resources and involve voluminous materials. I eventually got some disclosures, but there were months of delays.

There were also a number of outstanding issues in this case, including concerns over the apparent lost and contaminated red jacket. It appears it was lost in the police car park for three days, which was misrepresented at trial as an exhibit of integrity with a proper chain of custody. The apparent misleading of the court about the luminol and supposed blood in the dinghy relating to the Crown's theory of body disposal: there was no confirmed blood in the Four Winds dinghy, and concerns over the apparent misleading statement by the DPP to the court in closing comments at the appeal. When questioned by Justice Estcourt about Mr Conde's evidence concerning the grey dinghy seen by him alongside the Four Winds that afternoon. As a result, Justice Wood in her judgment stated that Mr Conde's description was explicable as an honest mistake.

However, Mr Conde's detailed description of what he saw, which was not put to Justice Estcourt, makes it clear that Mr Conde saw a dinghy that was not the Four Winds Quicksilver dinghy. I urge fellow members to also consider the earlier Etter-Selby papers tabled by the member for Mersey in this place in August 2021 and his previous speech in August 2023. Knowing, as we do now, the growing concerns and the assertions that Ms Sue Neill-Fraser was not responsible for Mr Bob Chappell's death and the possibility that Ms Vass knows who was, combined with the series of refusals and claims for exemption under RTI, is deeply concerning.

The case for an in-depth examination of this conviction is now overwhelming, particularly so when there are persons of interest and known associates of Meaghan Vass who, it would appear, were never properly investigated despite apparent police knowledge of their involvement in boat crimes. Why weren't such associations disclosed to the court? The long list of apparent non-disclosures in this case is frightening, including the issue of the search for the supposedly missing fire extinguisher from the Four Winds at the home of a well-known

boat thief, only a couple of weeks after Mr Chappell's disappearance, and information obtained in recent years under RTI about the surrounding circumstances.

If it isn't bad enough that our mortuary/autopsy services are not accredited by the National Association of Testing Authorities (NATA), additionally Tasmania Police is the only police agency in Australia to not have its police forensic services, including crime scene investigations, tool marks, ballistics, et cetera, accredited with NATA. FSST also only has basic NATA accreditation and is not accredited by the Australian Forensic Standards. Tasmania's limited forensic services accreditation does little to assist in restoring public confidence in our criminal justice and judicial system.

I call upon the government, in the interests of justice, to immediately release the advice from Dr Duncan Taylor from Forensic Services SA of June 2019, along with all communications between him and any officer of FSST, Tasmania Police and the office of the DPP about the Vass DNA.

Identifying and rectifying a miscarriage of justice in Australia is seriously challenging. It's difficult to fund legal advice, assess critical information, and to even obtain independent forensic advice when authorities will not disclose records or provide access to an exhibit for independent testing. We know that there are miscarriages of justice that can and do occur. On 7 February 1986, almost 40 years ago, Lindy Chamberlain was released from prison and an inquiry was announced after the discovery of new forensic evidence, namely the matinee jacket. Both Ms Chamberlain's release and the call for an inquiry occurred on the very same day. The Morling Inquiry reported in 1987 -systematically demolishing so much of the forensic science and expert evidence.

In this case, too, there is a litany of forensic science concerns, in addition to the revelations about the Meaghan Vass DNA. These concerns include the potentially misleading evidence about the luminol and supposed blood in the Four Winds dinghy; the unscientific and flawed so-called winching reconstruction, purporting to show how Ms Neill-Fraser single-handedly winched Mr Chappell's body up from below the deck and into a dinghy; the red jacket which was lost in the police car park and contaminated with someone else's DNA, but presented as an exhibit of integrity at the trial; and undisclosed DNA results from a range of additional testing done by FSST, including the testing of the hair found near the steps in the yacht upon which Mr Chappell's blood was found, only revealed under RTI, but with any outcome redacted.

The highly regarded 1987 Morling Inquiry tellingly concluded this, at page 340-341:

With the benefit of hindsight, it can be seen that some experts who gave evidence were overconfident of their ability to form reliable opinions on matters that lay on the outer margins of their fields of expertise. Some of their opinions were based on unreliable and inadequate data. It was not until more research work had been done after the trial that some of these opinions were found to be of doubtful validity or wrong. Other evidence was given at the trial by experts who did not have the experience, facilities or resources necessary to enable them to express a reliable opinion on some of the novel and complex scientific issues which arose for consideration. It was necessary for much more research to be done on these matters to determine whether the opinions expressed at the trial were open to doubt.

Those comments in 1987 reflect with uncanny resemblance what may have happened in this case in relation to expert DNA evidence, and the issue of DNA-TPPR and time since

deposition, as reflected in the concerns expressed by respected experts in international journals and outlined by the member for Mersey here today. There are also serious doubts about the validity and reliability of expert evidence provided to the court in 2017.

This is a complex and emerging science and as in the Folbigg case, the safety of the conviction should now be examined carefully. Steps must now be taken by the state government to get this matter back before a suitably constituted court with appropriate legal support for Ms Neill-Fraser, and to independently investigate whether and what, if anything, went horribly wrong. Justice demands it. To close, I thank the honourable member for Mersey once again, for providing this Chamber with the opportunity as well as the responsibility to consider this significant matter. It has serious implications for a particular individual, Ms Neill-Fraser, but it also has serious implications for the broader community and its confidence in our justice system. On that, I support the motion.

