

ANZPAA
Australia New Zealand
Policing Advisory Agency



FORENSIC ANTHROPOLOGY
TECHNICAL ADVISORY GROUP

CODE OF CONDUCT AND GOOD PRACTICE FOR FORENSIC ANTHROPOLOGISTS PRACTISING IN AUSTRALIA

JANUARY 2022
VERSION 1

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The National Institute of Forensic Science is a directorate within the Australia New Zealand Policing Advisory Agency (ANZPAA NIFS).

ANZPAA is established by a Memorandum of Understanding between the following members: Victoria Police; Australian Federal Police; Australian Capital Territory Policing; New South Wales Police Force; New Zealand Police; Northern Territory Police; Queensland Police Service; South Australia Police; Tasmania Police and Western Australia Police, collectively, the 'Members of ANZPAA'.

The Australia New Zealand Forensic Executive Committee (ANZFEC) is established by a Service Level Agreement between the 'Members of ANZPAA' listed above and the following agencies: ACT Health Directorate; ChemCentre Western Australia; Forensic Science Service Tasmania; Forensic Science SA; Institute of Environmental Science and Research Limited; National Measurement Institute; New South Wales Health Pathology; PathWest Laboratory Medicine, Western Australia; State of Queensland acting through Queensland Health; and Victorian Institute of Forensic Medicine.

References in this notice to ANZPAA are references to the Members of ANZPAA.

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Acknowledgments

This document was prepared by the Forensic Anthropology Technical Advisory Group.

ANZPAA acknowledges Aboriginal and Torres Strait Islanders are Australia's first peoples and the traditional owners and custodians of the land on which we work. ANZPAA is committed to fulfilling the principles of New Zealand's founding document The Treaty of Waitangi (Te Tiriti o Waitangi). Central to the principles is a common understanding that all parties will relate and participate with each other in good faith with mutual respect, co-operation and trust. This Code of Conduct is committed to fulfilling the intent of international treaties and human rights legislation applicable to the various jurisdictions in which we operate, our obligations to Aboriginal and Torres Strait Islander peoples, and the principles of the New Zealand (Aotearoa) Treaty of Waitangi (Te Tiriti o Waitangi).

PURPOSE

The Forensic Anthropology Technical Advisory Group (TAG) Code of Conduct was prepared by members of the Forensic Anthropology TAG and applies to Australia New Zealand Forensic Executive Committee (ANZFEC) member agencies, providing a set of professional development and practice principles for forensic anthropologists practising in Australia.

The Forensic Anthropology TAG resides within the Medical Sciences Specialist Advisory Group (MS SAG). The National Institute of Forensic Science at the Australia New Zealand Policing Advisory Agency (ANZPAA NIFS) facilitates ANZFEC and MS SAG.

The Code of Conduct intends to complement and not override existing jurisdictional or organisational Codes of Conduct, practice principles and policies.

ROLE OF THE FORENSIC ANTHROPOLOGIST

The role of the forensic anthropologist is to examine and analyse a range of differentially preserved human remains. The role may include interpreting findings at a scene and or recovering remains¹. As with other members of the broader Australian and New Zealand forensic community, the primary role of a forensic anthropologist is to use their knowledge, skills and experience to assist in the administration of justice in a fair and impartial manner.

BACKGROUND AND PROFESSIONAL DEVELOPMENT

A forensic anthropologist must have a relevant undergraduate degree qualification (for example, in Science majoring in human anatomy or in Arts majoring in anthropology and archaeology) and a higher degree relevant to the field (for example a doctorate in forensic or physical/biological anthropology or human anatomy), from a recognised university/universities².

In addition a forensic anthropologist should:

- undertake regular casework for an ANZFEC member agency³
- maintain professional expertise and competency (documented and auditable participation in continuous professional development (CPD) activities).

PROFESSIONAL PRINCIPLES

Under the Code of Conduct, forensic anthropologists are expected to adhere to general professional principles and will, therefore:

- Act in an honest, transparent and impartial manner, including:
 - refraining from issuing any written or oral statements that are known to be incorrect or misrepresentations of the facts;
 - refraining from misrepresenting their education, training, experience or area of expertise;
- Provide expert advice and evidence only within the boundaries of their professional competency;

Footnotes

¹ See [Anon. 2020. Guidelines for Forensic Anthropology Practitioners, ANZPAA-NIFS, Victoria](https://www.anzpaa.org.au/forensic-science/our-work/products/anzpaa-nifs-groups) <https://www.anzpaa.org.au/forensic-science/our-work/products/anzpaa-nifs-groups> (accessed 5th October 2021).

² Australian Qualifications Framework (AQF) recognised qualifications delivered by a Tertiary Education Quality Standards Agency (TEQSA) registered university or overseas equivalent

³ The Australia New Zealand Forensic Executive Committee (ANZFEC) comprises the forensic service heads of the agencies party to the ANZPAA NIFS Service Level Agreement. For more information see <https://www.anzpaa.org.au/forensic-science/about/governance> (accessed 27 August 2021).

- Declare any possible conflicts of interest before becoming involved in a case;
- Maintain and follow systems and processes which enable peer review/critical conclusions check and audits of records and reports;
- Maintain confidentiality throughout all casework. No case details should be disclosed to or discussed with any person/s who is not associated with the investigation unless discussed with and approved by the case investigator or overseeing pathologist;
- Conduct themselves in a professional manner while undertaking casework and other duties and afford due professional respect to other members of the forensic community.

AREAS OF PRACTICE

Scientific Examination

- Use peer-reviewed and discipline-recognised scientific methods and techniques.
- ‘Novel’ methods should only be applied in unusual circumstances and must be acknowledged as such with potential shortcomings or uncertainties fully and clearly explained.
- Objectivity should be maintained throughout all examinations.
- The decision to consult other experts is at the discretion of the forensic anthropologists but should be made on advice from the relevant investigator/case pathologist considering case confidentiality.

Reporting

- Qualifications and experience should be comprehensively set out at the beginning of a report.
- The report should include details about information provided to the forensic anthropologist that has been relied upon in the preparation of the report.
- All opinions should be limited to the forensic anthropologist’s area of expertise.
- Appropriate consideration should be given to all reasonably applicable hypotheses.
- Areas of uncertainty of opinion should be clearly highlighted in written reports, consultation with investigators, and oral evidence.
- Reports should be clear, understandable and not misleading. When used, highly specialised and technical terms should be explained for a lay reader.
- Every effort should be made to produce a comprehensive report in a timely fashion which addresses, where necessary, pertinent questions posed by case investigators.
- When cases are conducted jointly with a case pathologist, co-reports should be signed only when the anthropologist has made a direct contribution (physical examination, examination of photographs/images/documents) to the investigation.
- A peer review or critical conclusion check should be undertaken by another appropriately qualified person (such as a pathologist or another anthropologist depending on the complexity of the case). The peer reviewer should check that the report conclusions are reasonable and appropriate based on the materials provided for the purposes of the review⁴.

Footnotes

⁴ The Forensic Anthropology Report Technical Review Form (endorsed by the FA TAG) may be used.

Conduct in Court

- The expert should make themselves aware of the appropriate Expert Witness Code of Conduct⁵ prior to presenting evidence in court.
- The overriding duty of the forensic anthropologist is to assist the Court impartially on matters relevant to their area of expertise. Therefore, the forensic anthropologist should be available to both prosecution and defence counsel for pre-trial briefings to fully explain any reports or oral evidence.
- When presenting oral evidence, simple, easy to understand, non-emotive language should be used.
- The forensic anthropologist should resist commenting on areas beyond their professional experience or expertise.

Disclosure

- There should be full disclosure of fees paid to the forensic anthropologist by any interested parties.
- Opinions from other experts included in the forensic anthropologists' report or oral evidence must be acknowledged.
- Any errors or omissions discovered after the final report has been completed must be corrected and disclosed to all interested parties.

Footnotes

⁵ NB: Each jurisdiction in Australia may have variations in court conduct for the expert witness.