



New South Wales

Crimes (Forensic Procedures) Regulation 2000

under the

Crimes (Forensic Procedures) Act 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Forensic Procedures) Act 2000*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to prescribe certain matters that are necessary to bring the *Crimes (Forensic Procedures) Act 2000* into operation. The Regulation:

- (a) prescribes the organisations that are to be Aboriginal legal aid organisations for the purposes of the Act, and
- (b) prescribes certain persons as persons who are qualified to carry out particular forensic procedures, and
- (c) prescribes the particulars that must be included in consents to carry out certain forensic procedures, and
- (d) enables the information about a person stored on the DNA database system to be accessed or disclosed for the purpose of making the information available to the person if an application in writing is made by or on behalf of that person and any required reasonable proof of identity provided.

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Explanatory note

This Regulation is made under the *Crimes (Forensic Procedures) Act 2000*, including the definitions of ***Aboriginal legal aid organisation*** and ***appropriately qualified*** in section 3 (1) and sections 72 (a), 78 (a), 92 (2) (b), 109 (2) (b) and 118 (the general regulation-making power).

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Crimes (Forensic Procedures) Regulation 2000

1 Name of Regulation

This Regulation is the *Crimes (Forensic Procedures) Regulation 2000*.

2 Commencement

- (1) This Regulation commences on 1 January 2001, except as provided by subclause (2).
- (2) Clause 8 commences on the commencement of Part 8 of the Act

3 Definitions

In this Regulation:

the Act means the *Crimes (Forensic Procedures) Act 2000*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

5 Aboriginal legal aid organisations

For the purposes of the definition of *Aboriginal legal aid organisation* in section 3 (1) of the Act, the following are prescribed organisations:

Kamilaroi Aboriginal Legal Service

Many Rivers Aboriginal Legal Service

Western Aboriginal Legal Service

Wiradjuri Aboriginal Legal Service

Aboriginal Legal Service South Coast Ltd

Southern/Western Regional Aboriginal Corporation for Justice

6 Appropriately qualified persons

For the purposes of paragraph (b) of the definition of *appropriately qualified* in section 3 (1) of the Act, a person is qualified to carry out a forensic procedure if the procedure is one the Commissioner of Police has authorised the person in writing (either generally or in a particular case) to carry out.

7 Form of consent—serious indictable offender

For the purposes of section 72 (a) of the Act, the following are the prescribed particulars:

- (a) the name of the serious indictable offender giving consent to the carrying out of the forensic procedure,
- (b) a description of the forensic procedure,
- (c) the name of the police officer who has requested consent to the carrying out of the procedure,
- (d) a statement as to whether or not the police officer has informed the offender (personally or in writing) of the matters set out in section 69 of the Act,
- (e) a statement as to whether or not the offender has been given the opportunity to communicate, or attempt to communicate, with a legal practitioner of the offender's choice.

8 Form of consent—volunteer or volunteer's parent or guardian

For the purposes of section 78 (a) of the Act, the following are the prescribed particulars:

- (a) the name of the person giving consent to the carrying out of the forensic procedure,
- (b) a description of the forensic procedure,
- (c) the name of the police officer who has requested consent to the carrying out of the procedure,
- (d) a statement as to whether or not the police officer has informed the person (personally or in writing) of the matters set out in section 77 of the Act,
- (e) the name of the independent person in whose presence the consent is given.

9 Access to, and disclosure of, information on DNA database system

- (1) For the purposes of section 92 (2) (b) of the Act, a person may access information stored on the DNA database system for the purpose of making it available to the person to whom it relates if:
 - (a) an application in writing to make the information available to the person is made to the responsible person for the DNA database system by or on behalf of the person, and

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- (b) before the information is made available, the applicant provides such reasonable proof of identity (if any) as may be required by the responsible person.
- (2) For the purposes of section 109 (2) (b) of the Act, a person may disclose information stored on the DNA database system for the purpose of making it available to the person to whom it relates if:
- (a) an application in writing to make the information available to the person is made to the responsible person for the DNA database system by or on behalf of the person, and
 - (b) before the information is made available, the applicant provides such reasonable proof of identity (if any) as may be required by the responsible person.

BY AUTHORITY
