



New South Wales

Crimes (Forensic Procedures) Amendment Regulation 2002

under the

Crimes (Forensic Procedures) Act 2000

Her 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 *Crimes (Forensic Procedures) Act 2000* makes provision for the carrying out of forensic procedures on certain persons and for the creation and operation of a DNA database system.

Section 92 of the Act prohibits a person from accessing information stored on the DNA database system unless the person is authorised by the responsible person for the system and access is for one or more of the purposes set out in section 92 (2). Section 92 (2) (j) provides that the regulations may prescribe further purposes for which an authorised person may access information stored on the DNA database system.

Section 109 of the Act prohibits a person who has access to any information stored on the DNA database system, or any other information revealed by a forensic procedure carried out on a suspect, offender or volunteer, from disclosing that information except for one or more of the purposes listed in section 109 (2). Section 109 (2) (g) provides that a person may disclose information stored on the DNA database system for a purpose prescribed by the regulations.

The object of this Regulation is to prescribe the facilitation of the assessment of the validity of a claim of apparent or possible wrongful conviction for a serious indictable offence made by or in relation to an offender as a purpose for which an

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authorised person may access information stored on the DNA database system (for the purposes of section 92 (2)) and as a purpose for which a person may disclose information stored on the DNA database system (for the purposes of section 109 (2)).

This Regulation is made under the *Crimes (Forensic Procedures) Act 2000*, including sections 92 (2) (j), 109 (2) (g) and 118 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Crimes (Forensic Procedures) Amendment Regulation 2002*.

2 Amendment of Crimes (Forensic Procedures) Regulation 2000

The *Crimes (Forensic Procedures) Regulation 2000* is amended as set out in Schedule 1.

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Schedule 1 Amendment

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(Clause 2)

Clauses 10 and 11

Insert after clause 9:

10 Use of information on DNA database system

- (1) For the purposes of section 92 (2) (j) of the Act, the purpose of facilitating the assessment of the validity of a claim of apparent or possible wrongful conviction for a serious indictable offence made by or in relation to a serious indictable offender is a prescribed purpose for which a person authorised by the responsible person for the DNA database system may access information stored on the DNA database system, whether that information relates to the offender or any other person.
- (2) This clause applies whether a person was convicted before or after the commencement of this clause.

11 Disclosure of information

- (1) For the purposes of section 109 (2) (g) of the Act, the purpose of facilitating the assessment by persons or classes of persons authorised by the Minister for Police of the validity of a claim of apparent or possible wrongful conviction for a serious indictable offence made by or in relation to a serious indictable offender is a prescribed purpose for which a person may disclose information stored on the DNA database system, whether that information relates to the offender or any other person.
- (2) This clause applies whether a person was convicted before or after the commencement of this clause.

BY AUTHORITY