



New South Wales

# Crimes (Forensic Procedures) Amendment Regulation 2007

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 objects of this Regulation are:

- (a) to update a reference to organisations that are prescribed Aboriginal legal aid organisations for the purposes of the Act, and
- (b) to declare the Director of the Institute of Clinical Pathology and Medical Research to be the person responsible for the care, control and management of the NSW DNA database system, and
- (c) to prescribe the particulars to be included in a written consent to the carrying out of a forensic procedure on an untested former offender under section 75J of the Act.

This Regulation is made in connection with the commencement of the *Crimes (Forensic Procedures) Amendment Act 2006*.

This Regulation is made under the *Crimes (Forensic Procedures) Act 2000*, including section 118 (the general power to make regulations) and sections 3 and 75J.

## **2007 No 85**

Clause 1 Crimes (Forensic Procedures) Amendment Regulation 2007

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# **Crimes (Forensic Procedures) Amendment Regulation 2007**

under the

Crimes (Forensic Procedures) Act 2000

### **1 Name of Regulation**

This Regulation is the *Crimes (Forensic Procedures) Amendment Regulation 2007*.

### **2 Commencement**

- (1) Subject to subclauses (2) and (3), this Regulation commences on 23 February 2007.
- (2) Schedule 1 [2] commences on 1 July 2007.
- (3) Schedule 1 [3] commences on 15 March 2007.

### **3 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 Amendments**

(Clause 3)

**[1] Clause 5**

Omit the clause. Insert instead:

**5 Aboriginal legal aid organisations**

The Aboriginal Legal Service (NSW/ACT) Limited is a prescribed organisation for the purposes of the definition of *Aboriginal legal aid organisation* in section 3 (1) of the Act.

**[2] Clause 6A**

Insert after clause 6:

**6A Responsible persons**

For the purposes of the definition of *responsible person* in section 3 (1) of the Act, the Director of the Institute of Clinical Pathology and Medical Research is declared to be the person responsible for the care, control and management of the DNA database system.

**[3] Clause 7AA**

Insert after clause 7:

**7AA Form of consent—untested former offender**

For the purposes of section 75J (a) of the Act, the following are the prescribed particulars:

- (a) the name of the untested former 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 former offender (personally or in writing) of the matters set out in section 75H of the Act,
- (e) a statement as to whether or not the former offender has been given the opportunity to communicate, or attempt to communicate, with a legal practitioner of the former offender's choice.