

2003

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**CRIMES (FORENSIC PROCEDURES) AMENDMENT REGULATIONS 2003
(No 1)
Subordinate Law No SL 2003-11**

EXPLANATORY STATEMENT

Circulated by the authority
of the Attorney General

CRIMES (FORENSIC PROCEDURES) AMENDMENT REGULATIONS

Principal Act

The *Crimes (Forensic Procedures) Act 2000* provides for a scheme for taking and using forensic material, including DNA, for criminal investigations. Part 2.13 of the Act provides for orders made under corresponding legislation in other jurisdictions to be able to be carried out in the Territory and orders made under the Territory's legislation to be carried out in other jurisdictions. Similarly, the Act provides for the sharing of information, by jurisdictions, of the information on their, respective, DNA databases.

To give effect to these provisions, section 100 requires that the corresponding laws of the other jurisdictions be prescribed in regulations.

The Regulations

Regulation 6 of the *Crimes (Forensic Procedures) Regulations 2000* prescribes those interstate laws that are corresponding laws for the purpose of the Act. Currently, only the corresponding laws of the Commonwealth, New South Wales and Tasmania are prescribed.

The amending Regulation

The purpose of the *Crimes (Forensic Procedures) Amendment Regulations* is to prescribe the relevant laws of the remaining States - Victoria, Queensland, Western Australia and South Australia - and the Northern Territory as corresponding laws. This will facilitate participation by the ACT in the national CrimTrac DNA database by giving formal recognition to legislation corresponding to the Act in all other participating jurisdictions.

Notes on clauses

1. Name of Regulations

This clause states the name of the regulations as *Crimes (Forensic Procedures) Amendment Regulations 2003 (No 1)*.

2. Commencement

This clause stipulates that the regulations commence the day after their notification day.

3. Regulations amended

This clause states that the regulation amends the *Crimes (Forensic Procedures) Regulations 2000*.

4. Regulation 6(1)(c)

This clause amends regulation 6(1), which is to the effect that the corresponding laws of the Commonwealth, New South Wales and Tasmania are recognised as corresponding laws. Subparagraph (c) is amended to further recognise Queensland's, Western Australia's, South Australia's, and the Northern Territory's corresponding laws.