



Australian Capital Territory

# **Crimes (Forensic Procedures) Regulation 2000**

**SL2000-56**

made under the

**Crimes (Forensic Procedures) Act 2000**

**Republication No 6**

**Effective: 11 July 2008**

Republication date: 11 July 2008

Last amendment made by [A2008-23](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Crimes (Forensic Procedures) Regulation 2000*, made under the *Crimes (Forensic Procedures) Act 2000* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 11 July 2008. It also includes any amendment, repeal or expiry affecting the republished law to 11 July 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see [Legislation Act 2001](#), section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Crimes (Forensic Procedures) Regulation 2000

made under the

**Crimes (Forensic Procedures) Act 2000**

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11/07/08

Crimes (Forensic Procedures) Regulation 2000  
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Australian Capital Territory

# Crimes (Forensic Procedures) Regulation 2000

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made under the

**Crimes (Forensic Procedures) Act 2000**

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**1 Name of regulation**

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

**2 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**4 Appropriately qualified persons**

For the [Act](#), section 13, a person mentioned in an item in schedule 1 is qualified to carry out a forensic procedure mentioned in the item.

**5 Use or disclosure of information on DNA databases—[Act](#), s 96 (2) (d), s 111 (2) (a) and (d)**

- (1) A person may access information on the ACT DNA database for the purpose of, and in accordance with, an arrangement entered into under the [Act](#), section 102 (Database information) for the provision of access to information on the database by an authorised person.
- (2) A person may disclose information on the ACT DNA database—
  - (a) for the purpose of forensic comparison by an authorised person in the course of—

- (i) a criminal investigation; or
  - (ii) an investigation by a police officer relating to a missing or dead person; or
  - (b) for the purpose of, and in accordance with, an arrangement entered into under the [Act](#), section 102 for the provision of access to information on the database by an authorised person.
- (3) In this section:

***authorised person*** means a person who—

- (a) is engaged or employed by a forensic laboratory that is accredited with the National Association of Testing Authorities of Australia; and
- (b) in that capacity, provides forensic services to law enforcement officers of the Territory, the Commonwealth or a State.

## **6 Corresponding law—Act, s 100, def of *corresponding law***

- (1) The following laws are declared to be corresponding laws:
- (a) the [Crimes Act 1914](#) (Cwlth);
  - (b) the [Crimes \(Forensic Procedures\) Act 2000](#) (NSW);
  - (c) the [Crimes Act 1958](#) (Vic), part 3, division 1, subdivision 30A;
  - (d) the [Police Powers and Responsibilities Act 2000](#) (Qld), chapter 8;
  - (e) the [Criminal Investigation \(Identifying People\) Act 2002](#) (WA);
  - (f) the [Criminal Law \(Forensic Procedures\) Act 2007](#) (SA);
  - (g) the [Forensic Procedures Act 2000](#) (Tas);
  - (h) the [Juvenile Justice Act 1983](#) (NT), sections 31, 31A, 31B, 51 and 70B;

- (i) the *Police Administration Act 1978* (NT), part 7, division 7.
- (2) Without limiting subsection (1), the provisions of corresponding laws mentioned in an item in schedule 2 are taken to substantially correspond to the provision of the Act mentioned in the item.



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## Schedule 1      Appropriately qualified persons

(see s 4)

<b>column 1 item</b>	<b>column 2 forensic procedure</b>	<b>column 3 appropriately qualified people for procedure</b>
1	external examination of— <ul style="list-style-type: none"><li>• genital or anal area</li><li>• buttocks</li><li>• breasts of female or transgender or intersex person who identifies as female</li></ul>	<ul style="list-style-type: none"><li>• forensic scientist</li><li>• forensic technician</li></ul>
2	taking sample of saliva or sample by buccal swab	<ul style="list-style-type: none"><li>• forensic scientist</li><li>• forensic technician</li><li>• police officer</li></ul>

**Schedule 1**      Appropriately qualified persons

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<b>column 1 item</b>	<b>column 2 forensic procedure</b>	<b>column 3 appropriately qualified people for procedure</b>
3	taking photograph or video recording of, or impression or cast of, wound from— <ul style="list-style-type: none"><li>• genital or anal area</li><li>• buttocks</li><li>• breasts of female or transgender or intersex person who identifies as female</li></ul>	<ul style="list-style-type: none"><li>• forensic scientist</li><li>• forensic technician</li></ul>
4	external examination of part of body (other than— <ul style="list-style-type: none"><li>• genital or anal area</li><li>• buttocks</li><li>• breasts of female or transgender or intersex person who identifies as female)</li></ul> that requires touching of body or removal of clothing	<ul style="list-style-type: none"><li>• forensic scientist</li><li>• forensic technician</li><li>• police officer</li></ul>

column 1 item	column 2 forensic procedure	column 3 appropriately qualified people for procedure
5	taking sample of hair (other than pubic hair)	<ul style="list-style-type: none"> <li>• forensic scientist</li> <li>• forensic technician</li> <li>• police officer</li> </ul>
6	taking sample from nail or from under nail	<ul style="list-style-type: none"> <li>• forensic scientist</li> <li>• forensic technician</li> </ul>
7	taking sample by swab or washing from any external part of body (other than— <ul style="list-style-type: none"> <li>• genital or anal area</li> <li>• buttocks</li> <li>• breasts of female or transgender or intersex person who identifies as a female)</li> </ul>	<ul style="list-style-type: none"> <li>• forensic scientist</li> <li>• forensic technician</li> </ul>
8	taking sample by vacuum suction, scraping or lifting by tape from any external part of body (other than— <ul style="list-style-type: none"> <li>• genital or anal area</li> <li>• buttocks</li> <li>• breasts of female or transgender or intersex person who identifies as female)</li> </ul>	<ul style="list-style-type: none"> <li>• forensic scientist</li> <li>• forensic technician</li> </ul>
9	taking handprint, fingerprint, footprint or toeprint	<ul style="list-style-type: none"> <li>• forensic scientist</li> <li>• forensic technician</li> <li>• police officer</li> </ul>

**Schedule 1**      Appropriately qualified persons

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<b>column 1 item</b>	<b>column 2 forensic procedure</b>	<b>column 3 appropriately qualified people for procedure</b>
10	taking photograph or video recording of, or impression or cast of wound from, external part of body (other than— <ul style="list-style-type: none"><li>• genital or anal area</li><li>• buttocks</li><li>• breasts of female or transgender or intersex person who identifies as female)</li></ul>	(a) for a photograph <ul style="list-style-type: none"><li>• doctor</li><li>• forensic scientist</li><li>• forensic technician</li></ul> (b) for an impression or cast of a wound <ul style="list-style-type: none"><li>• doctor</li><li>• forensic scientist</li><li>• forensic technician</li></ul>

*Note*      People mentioned in col 3 as appropriately qualified for the applicable procedure are additional to those mentioned in the Act, s 53.

## Schedule 2 Corresponding provisions

(see s 5)

column 1 item	column 2 ACT Act provision	column 3 corresponding provisions
1	part 2.3 (Forensic procedures by consent of suspect)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), part 1D, division 3</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 3</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), part 2, divisions 1 and 2</li> </ul>
2	part 2.4 (Non-intimate forensic procedures on suspect by order of a police officer)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), part 1D, division 4</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 4</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), part 2, divisions 1 and 3</li> </ul>

column 1 item	column 2 ACT Act provision	column 3 corresponding provisions
3	part 2.5 (Forensic procedures on suspect by order of a magistrate)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), part 1D, division 5</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 5</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), part 2, divisions 1, 4 and 5</li> </ul>
4	part 2.6 (Carrying out forensic procedures)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), part 1D, division 6</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 6</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), part 5</li> </ul>
5	part 2.7 (Carrying out of certain forensic procedures after conviction of serious offenders)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), part 1D, division 6A</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 7</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), part 3</li> </ul>

column 1 item	column 2 ACT Act provision	column 3 corresponding provisions
6	part 2.8 (Carrying out of forensic procedures on volunteers and certain other people)	<ul style="list-style-type: none"> <li>• <a href="#">Crimes Act 1914</a> (Cwlth), part 1D, division 6B</li> <li>• <a href="#">Crimes (Forensic Procedures) Act 2000</a> (NSW), part 8</li> <li>• <a href="#">Forensic Procedures Act 2000</a> (Tas), part 4</li> </ul>
7	part 2.9 (Admissibility of evidence)	<ul style="list-style-type: none"> <li>• <a href="#">Crimes Act 1914</a> (Cwlth), part 1D, division 7</li> <li>• <a href="#">Crimes (Forensic Procedures) Act 2000</a> (NSW), part 9</li> <li>• <a href="#">Forensic Procedures Act 2000</a> (Tas), part 6</li> </ul>
8	part 2.10 (Destruction of forensic material)	<ul style="list-style-type: none"> <li>• <a href="#">Crimes Act 1914</a> (Cwlth), part 1D, division 8</li> <li>• <a href="#">Crimes (Forensic Procedures) Act 2000</a> (NSW), part 10</li> <li>• <a href="#">Forensic Procedures Act 2000</a> (Tas), part 7</li> </ul>

column 1 item	column 2 ACT Act provision	column 3 corresponding provisions
9	part 2.11 (ACT DNA database)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), part 1D, division 8A</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 11</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), part 8</li> </ul>
10	part 2.13 (Interstate enforcement)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), part 1D, division 11</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 12</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), part 9, division 1</li> </ul>
11	section 80 (3) (c) (Informed consent of volunteer or parent or guardian of volunteer)	<ul style="list-style-type: none"> <li>• <i>Crimes Act 1914</i> (Cwlth), section 23XWR (1) (c)</li> <li>• <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), section 77 (1) (c)</li> <li>• <i>Forensic Procedures Act 2000</i> (Tas), section 30 (b)</li> </ul>



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## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- Commonwealth
- doctor
- intersex person (see s 169B)
- police officer
- State
- the Territory
- transgender person (see s 169A (1) and (2)).

*Note 3* Terms used in this regulation have the same meaning that they have in the [Crimes \(Forensic Procedures\) Act 2000](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Crimes \(Forensic Procedures\) Act 2000](#), dict:

- ACT DNA database (see s 94A)
- appropriately qualified person (see s 13)
- forensic procedure (see s 5).

***forensic scientist*** means a person engaged (whether as an employee or otherwise) in that capacity by—

- (a) the Australian Federal Police; or
- (b) the police force or police service of a State.

***forensic technician*** means a person engaged (whether as an employee or otherwise) in that capacity by—

- (a) the Australian Federal Police; or
- (b) the police force or police service of a State.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This regulation was originally the *Crimes (Forensic Procedures) Regulations 2000*. It was renamed under the *Legislation Act 2001*.

#### **Crimes (Forensic Procedures) Regulation SL2000-56**

notified 21 December 2000 ([Gaz 2000 No S69](#))

commenced 21 December 2000 (s 2)

as amended by

#### **Crimes (Forensic Procedures) Regulations Amendment 2001 SL2001-25**

notified 26 July 2001 ([Gaz 2001 No 30](#))

commenced 26 July 2001 (s 1)

#### **Legislation (Consequential Amendments) Act 2001 A2001-44 pt 91**

notified 26 July 2001 ([Gaz 2001 No 30](#))

pt 91 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **Crimes (Forensic Procedures) Amendment Regulations 2003 (No 1) SL2003-11**

notified LR 5 May 2003

s 1, s 2 commenced 5 May 2003 (LA s 75 (1))

remainder commenced 6 May 2003 (s 2)

#### **Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.25**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.25 commenced 12 April 2007 (s 2 (1))

#### **Crimes (Forensic Procedures) Amendment Act 2008 A2008-23 pt 3**

notified LR 10 July 2008

s 1, s 2 commenced 10 July 2008 (LA s 75 (1))

pt 3 commenced 11 July 2008 (s 2)

### 4 Amendment history

#### **Name of regulation**

s 1 am R4 LA

#### **Dictionary**

s 2 om R1 (LRA)  
ins [A2007-3](#) amdt 3.133

## Endnotes

4 Amendment history

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### Notes

s 3 am [SL2001-44](#) amdt 1.1010  
defs reloc to dict [A2007-3](#) amdt 3.132  
sub [A2007-3](#) amdt 3.133  
def **the Act** om [A2001-44](#) amdt 1.1009

### Use or disclosure of information on DNA databases—Act, s 96 (2) (d), s 111 (2) (a) and (d)

s 5 ins SL [SL2001-25](#) s 3  
sub [A2008-23](#) s 104

### Corresponding law—Act, s 100, def of *corresponding law*

s 6 ins SL [SL2001-25](#) s 3  
am [SL2003-11](#) s 4; [A2008-23](#) s 105

### Appropriately qualified persons

sch 1 am [A2008-23](#) ss 106-112

### Corresponding provisions

sch 2 ins SL [SL2001-25](#) s 4  
am [A2008-23](#) s 113, s 114

### Dictionary

dict ins [A2007-3](#) amdt 3.134  
am [A2008-23](#) s 115  
def **forensic scientist** reloc from s 3 [A2007-3](#) amdt 3.132  
def **forensic technician** reloc from s 3 [A2007-3](#) amdt 3.132

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	15 June 2001
2	<a href="#">A2001-44</a>	12 September 2001
3	<a href="#">SL2003-11</a>	6 May 2003
4	<a href="#">SL2003-11</a>	2 November 2004
5	<a href="#">A2007-3</a>	12 April 2007

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