



Australian Capital Territory

Crimes (Forensic Procedures) Regulations Amendment

Subordinate Law 2001 No 25

The Australian Capital Territory Executive makes the following regulations under the *Crimes (Forensic Procedures) Act 2000*.

Dated 16 July 2001.

BILL STEFANIAK
Minister

BRENDAN SMYTH
Minister



Australian Capital Territory

Crimes (Forensic Procedures) Regulations Amendment

Subordinate Law 2001 No 25

made under the

Crimes (Forensic Procedures) Act 2000

1 Commencement

These regulations commence on the day they are notified in the Gazette.

2 Regulations amended

These regulations amend the *Crimes (Forensic Procedures) Regulations 2000*.

3 New regulations 5 and 6

insert

5 Use or disclosure of information on DNA databases—Act, s96 (2) (d), s111 (2) (a) and (d)

- (1) A person may access information stored on the DNA database system for the purpose of any arrangement entered into between the Territory and the Commonwealth or a State for the provision of access to information contained on the database system by an authorised person.
- (2) A person may disclose information stored on the DNA database system for the purpose of—
 - (a) forensic comparison in the course of a criminal investigation by an authorised person; and
 - (b) any arrangement entered into between the Territory and the Commonwealth or a State for the provision of access to information contained on the database system by an authorised person.

- (3) In this regulation:

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, s100, 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 *Forensic Procedures Act 2000* (Tas).
- (2) Without limiting subregulation (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.

4 New schedule 2

insert

Schedule 2 Corresponding provisions

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

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

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"> • <i>Crimes Act 1914</i> (Cwlth), part 1D, division 6B • <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 8 • <i>Forensic Procedures Act 2000</i> (Tas), part 4
7	part 2.9 (Admissibility of evidence)	<ul style="list-style-type: none"> • <i>Crimes Act 1914</i> (Cwlth), part 1D, division 7 • <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 9 • <i>Forensic Procedures Act 2000</i> (Tas), part 6
8	part 2.10 (Destruction of forensic material)	<ul style="list-style-type: none"> • <i>Crimes Act 1914</i> (Cwlth), part 1D, division 8 • <i>Crimes (Forensic Procedures) Act 2000</i> (NSW), part 10 • <i>Forensic Procedures Act 2000</i> (Tas), part 7

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

Endnotes

Regulations amended

- 1 Republished as in force on 15 June 2001 (Republication No 1).

Notification

- 2 Notified in Gazette 2001 No 30 on 26 July 2001.

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