

2001

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

**CRIMES (FORENSIC PROCEDURES) REGULATIONS  
AMENDMENT**

**EXPLANATORY STATEMENT**

**Circulated by the authority of the Attorney-General  
Bill Stefaniak MLA**

## **CRIMES (FORENSIC PROCEDURES) REGULATIONS AMENDMENT**

### **Overview**

The purpose of the amendments in these Regulations is to facilitate participation by the ACT in the national DNA database which forms part of the new CrimTrac system, by giving formal recognition to equivalent legislation in other participating jurisdictions dealing with forensic procedures and the DNA database. These regulations will ensure that the laws of the Commonwealth, Tasmania and NSW are regarded as "corresponding laws" for the purposes of the ACT's legislation. It is anticipated that once other jurisdictions have amended their legislation, that legislation will also be prescribed as corresponding laws.

The Commonwealth officially launched CrimTrac on 20 June 2001. The Commonwealth has already made regulations to recognise the ACT's laws, and those of NSW and Tasmania, as corresponding laws. The ACT's regulations are modelled on those Commonwealth regulations, to ensure consistency between jurisdictions as far as is possible.

### **Notes on clauses**

**Clause 1** explains that these regulations commence upon Gazettal.

**Clause 2** explains that these regulations amend the *Crimes (Forensic Procedures) Regulations 2000*.

**Clause 3** inserts new regulations 5 and 6.

**New regulation 5** explains who is an "authorised person" for the purposes of section 96(2)(d) and sections 111(2)(a) and (d) of the *Crimes (Forensic Procedures) Act 2000*. To put the definition in context, paragraph (1) reproduces the content of section 96(2)(d), and paragraphs (2)(a) and (d) reproduce the content of sections 111(2)(a) and (d).

The definition of "authorised person" makes it clear that this term will only apply to the staff of appropriately accredited forensic laboratories, that is, laboratories accredited with the National Association of Testing Authorities of Australia. Further, it only applies to such laboratories' staff in their capacity as providers of forensic services to law enforcement officers of the ACT, the Commonwealth or another State.

**New regulation 6** declares the specified laws of the Commonwealth, New South Wales and Tasmania to be corresponding laws for the purposes of the *Crimes (Forensic Procedures) Act 2000*.

**Clause 4** inserts a new schedule into the regulations. New **Schedule 2** is a table setting out exactly which provisions of the Commonwealth, New South Wales and Tasmanian laws correspond with particular provisions of the ACT legislation.