



New South Wales

Crimes (Forensic Procedures) Amendment (DNA Database) Regulation 2016

under the

Crimes (Forensic Procedures) Act 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Forensic Procedures) Act 2000*.

GABRIELLE UPTON, MP
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to declare the Secretary of the Ministry of Health to be the person responsible for the care, control and management of the DNA database system established and maintained under the *Crimes (Forensic Procedures) Act 2000*, and
- (b) to allow access to, and disclosure of, information stored on that DNA database system for the purpose of allowing the NSW Forensic and Analytical Science Service to check whether or not the DNA profile of a person suspected of being an untested former offender or untested registrable person (within the meaning of that Act) is already on the offenders index of that DNA database system.

This Regulation is made under the *Crimes (Forensic Procedures) Act 2000*, including the definition of **responsible person** in section 3 (1) and sections 92 (2) (j) (Use of information on DNA database system), 109 (2) (g) (Disclosure of information) and 118 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Crimes (Forensic Procedures) Amendment (DNA Database) Regulation 2016*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Crimes (Forensic Procedures) Regulation 2014

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

NSW Forensic and Analytical Science Service means the NSW Forensic and Analytical Science Service (being an administrative arm of the Division of the Health Administration Corporation known as NSW Health Pathology).

[2] Clause 6 Responsible persons

Omit “Chief Executive of the Health Reform Transitional Organisation Western”.

Insert instead “Secretary of the Ministry of Health”.

[3] Clause 14 Use of information on DNA database system

Omit clause 14 (1). Insert instead:

- (1) For the purposes of section 92 (2) (j) of the Act:
 - (a) the purpose of facilitating the assessment of the validity of a claim of apparent or possible wrongful conviction for a serious indictable offence made by or in relation to a serious indictable offender is a prescribed purpose for which a person authorised by the responsible person for the DNA database system may access information stored on the DNA database system, whether that information relates to the offender or any other person, and
 - (b) the purpose of allowing persons acting for or on behalf of the NSW Forensic and Analytical Science Service to check whether or not the DNA profile of a person who is suspected of being an untested former offender or an untested registrable person is contained in the offenders index is a prescribed purpose for which a person authorised by the responsible person for the DNA database system may access information stored on the DNA database system, whether that information relates to the person who is so suspected or any other person.

[4] Clause 15 Disclosure of information

Insert at the end of clause 15 (1) (b):

- , and
- (c) the purpose of allowing persons acting for or on behalf of the NSW Forensic and Analytical Science Service to check whether or not the DNA profile of a person who is suspected of being an untested former offender or an untested registrable person is contained in the offenders index is a prescribed purpose for which a person authorised by the responsible person for the DNA database system may disclose information stored on the DNA database system.