

TASMANIA

**FORENSIC PROCEDURES AMENDMENT
BILL 2003**

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FORENSIC PROCEDURES AMENDMENT BILL 2003

*(Brought in by the Minister for Justice and Industrial
Relations, the Honourable Judith Louise Jackson)*

A BILL FOR

An Act to amend the *Forensic Procedures Act 2000*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the *Forensic Procedures Amendment Act 2003*.

Commencement

2. This Act commences on the day on which this Act receives the Royal Assent.

Principal Act

3. In this Act, the *Forensic Procedures Act 2000** is referred to as the Principal Act.

*No. 101 of 2000

Section 3 amended (Interpretation)**4.** Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “relating to the carrying out of forensic procedures and DNA databases” from the definition of “corresponding law”;
- (b) by omitting the definition of “DNA database”;
- (c) by omitting the definition of “participating jurisdiction” and substituting the following definition:

“participating jurisdiction” means the Commonwealth, a State or a Territory if there is a corresponding law in force in that jurisdiction;

- (d) by omitting paragraph (a) from the definition of “serious offenders index” and substituting the following paragraph:
 - (a) from prescribed offenders in accordance with Part 3 or under a corresponding law of a participating jurisdiction; and
- (e) by inserting “or under a provision of a corresponding law that has substantially the same effect as section 30” after “section 30” in the definition of “volunteers (limited purposes) index”;
- (f) by inserting “or under a provision of that corresponding law that has substantially the same effect as section 30” after “section 30” in paragraph (a) of the definition of “volunteers (unlimited purposes) index”;

- (g) by inserting “or under that corresponding law” after “Part 8” in paragraph (a) of the definition of “volunteers (unlimited purposes) index”.

Section 5 amended (Non-application of Act to victims)

5. Section 5 of the Principal Act is amended by omitting “this Act” and substituting “Parts 2, 3, 4, 5, 6 and 7”.

Section 53 amended (Use of information on DNA database system)

6. Section 53(2) of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraph:

- (d) the purpose of an arrangement made under section 57 or 58;

Section 58 amended (Database information)

7. Section 58 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subsection (1) and substituting the following paragraphs:

- (a) information from the DNA database system of this State may be transmitted to a participating jurisdiction for the purposes of –

- (i) forensic requirements, criminal investigation or criminal proceedings in that participating jurisdiction; or

- (ii) subsequent transmission by that participating jurisdiction to, and at the request of, another participating jurisdiction for the purposes of forensic requirements, criminal investigation or criminal proceedings in that other participating jurisdiction; and
- (b) information from a DNA database of a participating jurisdiction may be transmitted to the Commissioner of Police for the purposes of –
 - (i) forensic requirements, criminal investigation or criminal proceedings in this State; or
 - (ii) subsequent transmission by the State to, and at the request of, a participating jurisdiction for the purposes of forensic requirements, criminal investigation or criminal proceedings in that participating jurisdiction.
- (b) by inserting the following subsection after subsection (1):

(1A) For the purposes of implementing arrangements entered into under subsection (1), the Minister may enter into arrangements with –

- (a) the CrimTrac Agency established on 1 July 2000 as an Executive Agency by the Governor-General of the Commonwealth under section 65 of the *Public Service Act 1999* of the Commonwealth; and
- (b) any other prescribed person, or prescribed agency, in a participating jurisdiction.

Section 63 amended (Disclosure of information)

8. Section 63(2) of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraph:

- (d) the purpose of an arrangement made under section 57 or 58;