

South Australia

Criminal Law (Forensic Procedures) Variation Regulations 2003

under the *Criminal Law (Forensic Procedures) Act 1998*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law (Forensic Procedures) Variation Regulations 2003*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Criminal Law (Forensic Procedures) Regulations 1999* (Gazette 15.7.1999 p 321) as varied

4—Variation of regulation 4—Persons qualified to carry out forensic procedures

- (1) Regulation 4(c)—delete paragraph (c) and substitute:
 - (c) a police officer who has satisfactorily completed a course of training approved for the purpose by the Minister is qualified to carry out a non-intrusive forensic procedure consisting of one or more of the following:

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Part 2—Variation of *Criminal Law (Forensic Procedures) Regulations 1999* (Gazette 15.7.1999 p 321) as varied

- (i) the taking of a sample of hair from a person's body;
 - (ii) the taking of a sample of fingernail or toenail, or material from under a fingernail or toenail;
 - (iii) the taking of a sample of biological or other material from an external part of the body;
 - (iv) the taking of a sample by buccal swab;
 - (v) the taking of a sample of blood by finger-prick for the purpose of obtaining a DNA profile;
 - (vi) the taking of an impression or cast of a wound.
- (2) Regulation 4—after its present contents as amended by this regulation (now to be designated as subregulation (1)) insert:
- (2) A forensic procedure consisting of the taking of a sample of blood by finger-prick for the purpose of obtaining a DNA profile should only be carried out by a police officer, in accordance with subregulation (1)(c)(v), if—
 - (a) it is not appropriate, in the circumstances, to take a sample by buccal swab for the purpose of obtaining the DNA profile; and
 - (b) it is not reasonably practicable to have the sample of blood taken by a medical practitioner or registered nurse.

5—Variation of Schedule—Fees

Schedule, clause 1—delete "videotape recording provided under section 16 or 38" and substitute:

audiovisual record provided under section 13G, 13H, 16 or 38

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 8 May 2003

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