

As in force at 8 May 2003.

South Australia

CRIMINAL LAW (FORENSIC PROCEDURES) REGULATIONS 1999

REGULATIONS UNDER THE CRIMINAL LAW (FORENSIC PROCEDURES) ACT 1998

Criminal Law (Forensic Procedures) Regulations 1999

being

No. 152 of 1999: *Gaz.* 15 July 1999, p. 321¹

as varied by

No. 182 of 2002: *Gaz.* 12 September 2002, p. 3420²

No. 46 of 2003: *Gaz.* 8 May 2003, p. 1911³

¹ Came into operation 25 July 1999: reg. 2.

² Came into operation 12 September 2002: reg. 2.

³ **Came into operation 8 May 2003: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

Contents

1. Citation
2. Commencement
3. Interpretation
4. Persons qualified to carry out forensic procedures
- 4A. Interstate arrangements
5. Fees

Schedule—Fees

Appendix—Legislative history

Citation

1. These regulations may be cited as the *Criminal Law (Forensic Procedures) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day on which the *Criminal Law (Forensic Procedures) Act 1998* comes into operation.

Interpretation

3. In these regulations—

"Act" means the *Criminal Law (Forensic Procedures) Act 1998*.

Persons qualified to carry out forensic procedures

4. (1) For the purposes of section 33(b) of the Act—

- (a) a person who is a registered nurse is qualified to carry out a forensic procedure of any type except the taking of a dental impression; and
- (b) a police officer is qualified to carry out a non-intrusive forensic procedure consisting of—
 - (i) the taking of prints of the hands, fingers, feet or toes; or
 - (ii) an examination of an external part of a person's body; and
- (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:
 - (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.

5.

(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.

Interstate arrangements

4A. (1) The Minister may enter into an arrangement with the Minister responsible for the administration of a corresponding law for either or both of the following:

- (a) the disclosure of information under section 47(1)(i) of the Act for the purposes of a criminal investigation in the jurisdiction of the corresponding law;
- (b) the disclosure of information obtained through the conduct of forensic procedures under a corresponding law for the purposes of a criminal investigation in this State.

(2) Information may only be given or received under such an arrangement if the suspected offence to which the criminal investigation relates is an indictable offence in this State or the jurisdiction of the corresponding law (as the case requires).

Fees

5. The fees fixed by the Schedule are payable under the Act for the purposes set out in the Schedule.

Schedule—Fees

1. Copy of audiovisual record provided under section 13G, 13H, 16 or 38 of the Act \$10
2. Copy of results of analysis (in a form that cannot be accurately reproduced by photocopying) provided under section 40(2)(b) of the Act—per hour or part of an hour taken to present the results in the form in which they are provided \$38.25
3. Copy of photograph provided under section 41(b) of the Act—
 - (a) black and white \$10
 - (b) colour \$14

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 4:	varied and redesignated as reg. 4(1) by 46, 2003, reg. 4
Regulation 4(2):	inserted by 46, 2003, reg. 4(2)
Regulation 4A:	inserted by 182, 2002, reg. 3
Schedule	