

South Australia

Criminal Law (Forensic Procedures) Regulations 1999

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

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Legislative history

1—Short title

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

2—Commencement

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

3—Interpretation

In these regulations—

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

3A—Corresponding laws

The following laws, as in force from time to time, are prescribed for the purposes of the definition of corresponding law in section 3 of the Act:

- (a) the *Crimes (Forensic Procedures) Act 2000* of the Australian Capital Territory;
- (b) Part 1D of the *Crimes Act 1914* of the Commonwealth;
- (c) the *Crimes (Forensic Procedures) Act 2000* of New South Wales;
- (d) sections 31, 31A, 31B, 51 and 70B of the *Juvenile Justice Act* of the Northern Territory;
- (e) Part VII Division 7 of the *Police Administration Act* of the Northern Territory;

- (f) Chapter 8 of the *Police Powers and Responsibilities Act 2000* of Queensland;
- (g) the *Forensic Procedures Act 2000* of Tasmania;
- (h) Part III Division 1 Subdivision 30A of the *Crimes Act 1958* of Victoria;
- (i) the *Criminal Investigation (Identifying People) Act 2002* of Western Australia.

4—Persons qualified to carry out forensic procedures

- (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.
- (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 a DNA profile; and
 - (b) it is not reasonably practicable to have the sample of blood taken by a medical practitioner or registered nurse.

4A—Registration of orders

- (1) The Minister will maintain a register of orders for the purposes of section 51 of the Act (the **Register**).
- (2) The Register—
 - (a) may be kept in electronic form; and
 - (b) must contain the following particulars in relation to each order:

- (i) the date on which and place at which the order was made;
 - (ii) the name of the court or authority that made the order;
 - (iii) the name of the person against whom the order was made;
 - (iv) the terms of the order.
- (3) Where the Minister has entered into an arrangement with the Minister responsible for the administration of a corresponding law in accordance with section 51(1) of the Act, the Minister will, at the request of the Minister responsible for the administration of the corresponding law, register an order made under the corresponding law in the Register.
- (4) An order made under the law of the Commonwealth or of another State or a Territory of the Commonwealth may be registered, in accordance with section 51(2), in the Register only if such registration is authorised by an arrangement entered into under section 51(1).
- (5) In any proceedings an apparently genuine document purporting to be a certified copy of, or extract from, the Register will be accepted, in the absence of proof to the contrary, as proof of the matters specified in the copy or extract.

5—Fees

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

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1999	152	<i>Gazette 15.7.1999 p321</i>	25.7.1999: r 2
2002	182	<i>Gazette 12.9.2002 p3420</i>	12.9.2002: r 2
2003	46	<i>Gazette 8.5.2003 p1911</i>	8.5.2003: r 2—disallowed on 16.7.2003 (<i>Gazette 24.7.2003 p3007</i> and <i>Gazette 31.7.2003 p3153</i>)
2003	199	<i>Gazette 2.10.2003 p3703</i>	2.10.2003: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
r 3A	inserted by 199/2003 r 4	2.10.2003
r 4		
r 4(1)	r 4 varied and redesignated as r 4(1) by 46/2003 r 4	8.5.2003—disallowed 16.7.2003
	r 4 varied and redesignated as r 4(1) by 199/2003 r 5(1), (2)	2.10.2003
r 4(2)	inserted by 46/2003 r 4(2)	8.5.2003—disallowed 16.7.2003
	inserted by 199/2003 r 5(2)	2.10.2003
r 4A	inserted by 182/2002 r 3	12.9.2002
	substituted by 199/2003 r 6	2.10.2003
Sch		
cl 1	varied by 46/2003 r 5	8.5.2003—disallowed 16.7.2003
	varied by 199/2003 r 7	2.10.2003