

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [7.31 p.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Crimes (Forensic Procedures) Amendment Bill 2007. The bill amends the Crimes (Forensic Procedures) Act 2000. The amendments implement a 2007 Government election commitment to expand the range of offences in respect to which DNA samples may be taken without a person's consent. Currently, police can only take DNA samples from people accused of indictable offences like murder, sexual assault and robbery unless they consent to the forensic procedure. The changes will expand this to include all offences, including non-indictable offences such as loitering by convicted child sex offenders and minor drug offences.

The amendments also clarify the legal test that must be met before a police officer can take a DNA sample from a suspect without his or her consent. This test has two important limbs. Firstly, the police officer must reasonably suspect that the person committed an offence. Secondly, there must be reasonable grounds to believe that the DNA sample might produce evidence tending to confirm or disprove that the suspect committed that particular offence. Police will not take DNA samples from suspects for the sake of it. Police will not be able to compel a person to provide a DNA sample if there is no information indicating that there is DNA material taken from, or available at, the crime scene against which the intended suspect sample can be compared.

There are already other safeguards in the Crimes (Forensic Procedures) Act. Part 10 of the Act requires that a suspect's forensic material be destroyed if the suspect is acquitted of the offence or no criminal proceedings are commenced within a 12-month period. Exceptions to this rule include where a magistrate has approved the extension of this period or the person is the subject of an arrest warrant. The bill makes a related amendment to ensure that the destruction provisions apply in the same way to a sample taken for one offence, where proceedings are taken in relation to another offence arising out of the same act or omission by the suspect. This will ensure that the forensic material is available for those criminal proceedings. The bill implements important election commitments regarding DNA sampling, and provides clarity as to the tests that must be met before a person's DNA sample can be taken without their consent. I commend the bill to the House.