

## Second Reading

**The Hon. TONY KELLY** (Minister for Police, Minister for Lands, and Minister for Rural Affairs) [11.25 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to bring forward the Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009. The primary purpose of the bill is to clarify the powers of police to take DNA materials from untested registrable offenders. The amendment is based on advice from the Crown Solicitor that there was ambiguity in part 7B of the Crimes (Forensic Procedures) Act 2000. I now turn to the key provisions of the bill. The bill substitutes section 75W to enable a police officer to detain an untested registrable person when he or she attends a police station to make a report in accordance with the person's reporting obligations under the Child Protection (Offenders Registration) Act 2000 if that is necessary in order for a forensic procedure to be carried out.

The bill amends section 75X (1) of the Forensic Procedures Act to make it clear that the police officer must inform a registrable person of certain matters before asking that person whether he or she consents to the carrying out of a forensic procedure. The bill also amends section 75X (2) to provide that a police officer must also inform the registrable person that reasonable force may be used to enable the forensic procedure to be carried out. Schedule 1 [5] of the bill clarifies the parameters in which a court can make an order for the carrying out of a forensic procedure. Schedule 1 [6] amends section 75ZD to enable a police officer to arrest an untested registrable person who fails to comply with a Local Court order for the carrying out of a forensic procedure for the purpose of carrying out the procedure in accordance with the order. The bill will ensure that police have the power to take samples as originally intended. I commend the bill to the House.