

16 December 2009



Legislative Council
Standing Committee on Law and Justice
Inquiry into the use of victims' DNA

The Chair of the Law and Justice Committee, the Hon Christine Robertson MLC, has today announced the tabling of the Committee's report for the inquiry into the use of victims' DNA.

"The key issue for this inquiry is what use can be made of information resulting from an unidentified DNA profile found at a crime scene and placed on the DNA database, which is later identified to be that of a victim, and by virtue of having been placed on the DNA database, may be matched to an unrelated crime where the victim may have been the offender. We have considered whether this information should be able to be used by police in investigations and in court proceedings for the unrelated crime due to the fact the information was appropriated from when that person was a victim – an unidentified victim," stated Ms Robertson.

Ms Robertson said, "Acting on that match may result in the 'victim' being charged, which may in turn deter other victims from coming forward. On the other hand, not acting on that match may result in that particular crime remaining unsolved."

"Inquiry participants presented us with a number of different options to deal with this key issue, and we have recommended that the Attorney General pursue a limited legislative ban on the use of a victim's DNA profile against that victim for an unrelated crime, with a clause that allows for the inclusion of serious offences. For example, a victim whose DNA is acquired at a crime scene could have his or her DNA used against them if linked to a past or future murder charge, but not if linked to a simple break and enter offence," explained Ms Robertson.

Ms Robertson stated, "We have also recommended a targeted public education campaign informing people of how, if they were a victim of crime providing a DNA sample, their profiles can be used and how they are protected."

"The recent Victorian matter has highlighted the need for adequate and appropriate parameters around the use of DNA in the investigative and judicial process. We believe these recommendations will achieve an appropriate balance between protecting victims' rights and encouraging them to report crime and supporting the work of police in bringing serious offenders to account. I thank inquiry participants for their expertise and my Committee colleagues for their informed and collaborative approach to this inquiry," stated Ms Robertson.

A copy of the electronic report can be obtained from the Committee's website at www.parliament.nsw.gov.au/lawandjustice. Hard copies are available on request from the Committee Secretariat on 02 9230 3509 or email lawandjustice@parliament.nsw.gov.au.

*For further comment please contact the Hon Christine Robertson MLC,
Committee Chair, on 0428674310*

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