

INQUIRY INTO THE USE OF VICTIMS' DNA

Organisation: Homicide Survivors Support After Murder Group Incorporated
Name: Mr Peter Rolfe
Position: President
Date received: 25/08/2009

**HOMICIDE SURVIVORS SUPPORT
AFTER MURDER GROUP INCORPORATED**

"moving on with support."

The Director,
Standing Committee on Law and Order,
Parliament House,
Macquarie Street,
Sydney NSW 2000

Dear Madam,

Inquiry into the use of Victims' DNA

Thank you for the opportunity for our organisation to make a submission to the above Inquiry.

This matter has been discussed with our members and the majority of our views is that any result must be for the benefit of all Victims.

We are of the view that should a Victims' sample be added to the database, it could only be used in cases that were subject to the Standard Non Parole schedule of crimes as reflected in Section 54D 1A through to 20 of the Crimes (Sentencing Procedure) Act, 1999. We are also of the view that there should also be an amendment to the Crimes (Forensic Procedures) Act 2000 authorising the DNA Review Panel to make decisions whether the sample could be used, with a right for both the Crown and the Victim to make submissions.

We are also of the opinion that the standard warnings currently provided to victims when providing a sample should be reinforced and be made formally in writing, with the implications of such action being documented on the authority.

This inquiry has also brought to the attention of our members, some who have Unsolved Homicides, what we feel is an anomaly, the defence of Mental Illness, whereby the finding of "Not Guilty on the Grounds of Mental Illness" the offenders DNA cannot be placed on the DNA database. We would hope that a further review could be carried out to resolve this inconsistency.

Yours Sincerely


Peter Rolfe

PRESIDENT

25/8/09