

PO305*

Criminal Investigation (Identifying People) Act 2002

Criminal Investigation (Identifying People) Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Criminal Investigation (Identifying People) Regulations 2002*.

2. Commencement

These regulations come into operation on the day on which Part 2 of the *Criminal Investigation (Identifying People) Act 2002* comes into operation.

3. Public officers (s. 5(1))

- (1) The office of aboriginal aide to which appointments are made under Part IIIA of the *Police Act 1892* is prescribed under section 5(1)(a) of the Act.
- (2) The powers in the Act that a holder of the office of aboriginal aide may exercise are specified under section 5(1)(b) of the Act to be all the powers that the Act provides may be exercised by a public officer.

4. Qualified persons (s. 52)

- (1) For the definition of “qualified person” in section 52 of the Act, a person is qualified to do any non-intimate identifying procedure if the person is —
 - (a) a forensic scientist approved under subregulation (3);
 - (b) a forensic technician approved under subregulation (3);or
 - (c) a police officer who has satisfactorily completed a course of training approved under subregulation (3).
- (2) For the definition of “qualified person” in section 52 of the Act, a person is qualified to do the intimate identifying procedure of taking a sample of blood if —
 - (a) the person is a police officer who has satisfactorily completed a course of training approved under subregulation (3); and
 - (b) the sample is to be taken by means of a lancet or a finger blood sampling device.

- (3) The Commissioner may by notice published in the *Gazette* —
- (a) approve a person as a forensic scientist for subregulation (1)(a) or as a forensic technician for subregulation (1)(b);
 - (b) approve a course of training for subregulation (1)(c) or (2)(a); or
 - (c) amend or revoke a notice under paragraph (a) or (b).
- (4) In this regulation —
- “police officer”** means a person appointed under Part I or IIIA of the *Police Act 1892*.
- 5. Law enforcement officers (s. 73(1)(e))**
- A person is a law enforcement officer for section 73(1)(e) of the Act if the person is —
- (a) a member of the police force of another State or a Territory or a member of the Australian Federal Police; or
 - (b) an officer of Customs within the meaning of the *Customs Act 1901* of the Commonwealth.
- 6. Corresponding laws (s. 87, 88(a))**

Each law listed in the Table to this regulation is prescribed under section 88(a) of the Act to be a corresponding law for the definition of that expression in section 87 of the Act.

Table

Part 1D of the *Crimes Act 1914* of the Commonwealth
Crimes (Forensic Procedures) Act 2000 of New South Wales
 Part 3 Division 1 Subdivision 30A of the *Crimes Act 1958* of Victoria
 Chapter 8 of the *Police Powers and Responsibilities Act 2000* of Queensland
Criminal Law (Forensic Procedures) Act 1998 of South Australia
Forensic Procedures Act 2000 of Tasmania
 Sections 31, 31A, 31B, 51 and 70B of the *Juvenile Justice Act* of the Northern Territory
 Part VII Division 7 of the *Police Administration Act* of the Northern Territory
Crimes (Forensic Procedures) Act 2000 of the Australian Capital Territory

7. Authorised officers (s. 87, 88(b))

Each office listed in the Table to this regulation is prescribed under section 88(b) of the Act for the definition of “authorised officer” in section 87 of the Act.

Table

DNA Coordinator, Forensic Services, Australian Federal Police (Commonwealth)
 Director of Forensic Services, New South Wales Police Service

Director, Victoria Forensic Science Centre, Victoria Police
Superintendent, Forensic Services Branch, Queensland Police
Service

Officer in Charge, Forensic Services Branch, South Australia Police
Inspector, Forensic Services, Tasmania Police
Director, Forensic Science Centre, Northern Territory Police
Superintendent, Prosecution and Judicial Support, Australian
Federal Police (Australian Capital Territory)

8. Registrar (s. 87, 88(c))

The office of Divisional Officer, Forensic Division, Police
Force of Western Australia is prescribed under section 88(c) of
the Act for the definition of “Registrar” in section 87 of the Act.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.