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Julie Dennett
Acting Committee Secretary
Senate Legal and Constitutional Legislation Committee
Parliament House
CANBERRA
ACT 2600

Dear Julie Dennett,

Inquiry into the Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006

Thank you for your letter of 28 June, inviting comment on this Bill.

I support the general aims of the Bill. Prior to my appointment as Ombudsman for Tasmania I was employed in the Office of the Solicitor-General for this State. In that capacity, I was called upon to advise upon the legality of arrangements proposed for the exchange of data with the NCIDD, and saw this as questionable on various grounds. The *Forensic Procedures Act 2000* (Tas) was amended in 2003 to overcome perceived difficulties with that Act, and some amendments were made to relevant parts of the *Crimes Act 1914* at about the same time. However, it was clear from interjurisdictional discussions in 2005 that some questions still remained as to the legality of the proposed arrangements.

Whatever can be done to simplify the law underpinning the exchange of DNA database information between the NCIDD and State and Territory DNA

databases is in my opinion worthwhile. I have not taken the time to check the adequacy of the Bill in this regard.

I wish the Committee well in its deliberations.

Yours faithfully,

SIMON ALLSTON
OMBUDSMAN