

Ms Julie Dennett
Acting Committee Secretary
Senate Legal and Constitutional Legislation Committee
legcon.sen@aph.gov.au

Dear Ms Dennett

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

Thank you for your letter dated 26 June 2006. I am pleased to be able to make a submission to the Senate Legal and Constitutional Legislation Committee inquiry into the Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006.

Victoria Police supports the creation and use of a national database for matching DNA. State police need to ensure that evidentiary matters relating to the use of DNA data accords with both State and Federal Legislation. The stated aim of the Bill is to amend the *Crimes Act 1914* to ensure that inter-jurisdictional DNA profile matching, using the National Criminal Investigation DNA Database (NCIDD), can be implemented by all corresponding law jurisdictions within Australia. I understand that the Bill is aimed at providing the Federal component of the framework. The Bill sets out the ownership of information whilst it resides in either State or Federal databases but the ownership of NCIDD is not so clear. There are potential arguments that the data within NCIDD could be categorised as either State or Federal. Ownership of the information on the database should be clarified.

I also note that the success of NCIDD relies not only on Commonwealth legislation, but also on complimentary State legislation to support information sharing between police jurisdictions. The ability to record and filter NCIDD requests based upon intended use of the data and the reason data is stored is crucial. The Victorian Department of Justice is currently considering these matters.

If you require any further information on the matter, please contact Inspector Richard Koo Legal & Corporate Policy (☎03 9247 6713).

Yours sincerely

Christine Nixon APM
Chief Commissioner
10 July 2006