

Ms Julie Dennett
Acting Committee Secretary
Senate Legal and Constitutional Legislation
Committee
The Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Enquiries: Ms Philippa O'Dowd
Tel: (02) 9228 8585
Our ref:A06/0209
Your ref:

Via email: legcon.sen@aph.gov.au

Dear Ms Dennett,

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

I am writing with respect to your request to this Office on 26 June 2006 to provide comments in relation to the Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006.

From my reading of the Bill, I wish to raise the following concerns:

Item 20 proposed change
23YDACA(2)

For the purposes of conducting an audit, a participating jurisdiction, or an authority of a participating jurisdiction, or an authority of a participating jurisdiction, may access NCIDD to the extent that it consists of:

- (a) the whole or a part of the State/Territory DNA database system of the participating jurisdiction; or*
- (b) information obtained from the State/Territory DNA database system of the participating jurisdiction.*

The difficulty with this provision is that a large number of the state agencies that will perform their normal and legitimate oversight and enforcement functions in connection with the database will not be doing so, I understand, for the purpose of 'audit' but rather for broader purposes (such as investigation). These include ICAC, the Ombudsman, PIC as well as the Privacy Commissioner. With respect, there seems to me no reason to limit the exercise of the states' powers in this way.

I hope you will find my comments useful. Thank you for the opportunity to comment on the

Bill. If you have any queries, please contact Ms Philippa O'Dowd at Privacy NSW on (02) 9228 8585. Please quote the reference number at the top of this letter.

Yours sincerely

John Dickie
Acting Privacy Commissioner