

**Terms of Reference
for the Further Independent Review of
Part 1D of the *Crimes Act 1914***

As required by section 23YV(5) of the *Crimes Act 1914* and the *Report of the Independent Review of Part 1D of the Crimes Act 1914 – Forensic Procedures* (the Sherman Report), this further Review will consider any relevant recommendations in the Sherman Report, and conduct a further assessment of the following matters:

- (a) the operation of Part 1D of the Crimes Act
- (b) the extent to which the forensic procedures permitted by Part 1D have contributed to the conviction of suspects
- (c) the effectiveness of independent oversight and accountability mechanisms for the DNA database system
- (d) any disparities between the legislative and regulatory regimes of the Commonwealth and participating jurisdictions for the collection and use of DNA evidence, and
- (e) any issues relating to privacy or civil liberties arising from forensic procedures permitted by Part 1D.

In undertaking the further Review, specific consideration should be given to those matters identified in the Sherman Report as requiring additional consideration in any further review of Part 1D. These matters include:

- (i) Complexity of informed consent
- (ii) A Victims of Crime Index
- (iii) Protocols for mass screenings
- (iv) Voluntary Buccal Swabs as non-intimate procedure
- (v) Common methods of taking hair samples
- (vi) Innocence testing
- (vii) Evidentiary provisions

(viii) Matching tables

(ix) Legislative change to support inter-jurisdictional accountability

(x) Minimum requirements for membership of the national scheme, and

(xi) Use of Force.

The Review will be completed by 30 June 2010.