

**CRIMINAL INVESTIGATION AMENDMENT BILL 2010**

*Introduction and First Reading*

Bill introduced, on motion by **Mr R.F. Johnson (Minister for Police)**, and read a first time.

Explanatory memorandum presented by the minister.

*Second Reading*

**MR R.F. JOHNSON (Hillarys — Minister for Police)** [12.24 pm]: I move —

That the bill be now read a second time.

The purpose of the Criminal Investigation Amendment Bill 2010 is to amend the Criminal Investigation Act to allow qualified persons, as well as doctors, to perform specified internal forensic procedures.

Most members would be aware that in April 2008, the Community Development and Justice Standing Committee tabled its report “Inquiry into the Prosecution of Assaults and Sexual Offences”. The inquiry found that despite an obligation on hospitals to conduct medical forensic procedures, they are not always performed in regional areas. Gaps in services to remote and regional Western Australia mean that victims of sexual assaults in those areas uniquely suffer the impact of the assault in ways that victims of sexual assaults who reside in metropolitan Western Australia do not. The inquiry found that the deficit in services has led to significant shortfalls in the quality of forensic evidence, with negative outcomes on both victims and their cases. It also found that the compromise in the level of service delivery in remote and regional Western Australia is to the detriment of a consistent response to sexual assaults.

The Sex Assault Services Advisory Group, which includes representatives from the Sexual Assault Resource Centre, Western Australia Police, PathWest, Office of the Director of Public Prosecutions, Child Protection Unit, Victim Support Service and WA Country Health Service, has been reviewing the recommendations contained in the inquiry report. In order to address the shortcomings in the provision of services to victims, this group identified that suitably trained nurses should be allowed to conduct certain forensic procedures. SARC is aware that there are nurses in regional Western Australia who would be willing to undergo an approved course to enable them to perform internal forensic procedures. SARC has agreed to develop a training package to be used by Western Australian Department of Health medical practitioners working at SARC to train nurses in conducting these internal forensic procedures.

Currently, doctors are the only people authorised by the Criminal Investigation Act to conduct the majority of the internal forensic procedures provided for by the act. These types of procedures include the ability to search a person’s orifices, excluding that person’s mouth, for evidence, and to then be able to remove, or take a sample of, such evidence. Nurses are currently prevented from undertaking these particular procedures despite being authorised by the act to undertake other aspects of an internal forensic procedure, such as searching a person’s internal parts using X-ray or ultrasound or swabbing a person’s orifices to detect the presence of evidence.

This bill amends the Criminal Investigation Act so that qualified persons may undertake the forensic procedures which previously only doctors were allowed to perform. It is proposed that nurses, who have received specialised training and are deemed ‘qualified persons’ under the act, will then be able to perform internal forensic procedures. For nurses to become ‘qualified persons’ for the purposes of the act, they will need to either satisfy the Commissioner of Police that on the basis of their qualifications or experience they are competent to perform internal forensic procedures on another person; or complete an approved course. An ‘approved course’ for the purposes of the act is a course approved by the Commissioner of Police that enables a person who satisfactorily completes it to be competent in exercising the particular procedure the course relates to. The approval of the course is published in the *Government Gazette*.

This amendment will assist doctors in regional hospitals, as well as metropolitan hospitals if needed, to provide better flexibility of care and timely medical forensic attention for victims, particularly for those victims who have been sexually assaulted. Having trained nurses available to carry out the internal forensic procedures will in many instances eliminate the potential loss of forensic evidence. In addition, it will enhance victim care and comfort avoiding the need for victims having to travel excessive distances in order to undergo a forensic examination to collect vital evidence.

I commend the Bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.