

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Jeremy Hanson)

# Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2009

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Offences against Act—application of Criminal Code etc Section 4, note 1	2
5 Section 5	3
6 Approval of operators, analysts and laboratories New section 6 (1A)	4
7 Sections 11 and 12	5

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## Contents

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	Page
8	8
9	10
10	10
11	10
12	10
13	11
14	11
15	11
16	12
17	12
18	12
19	12
20	12
21	13
22	14
23	15
24	15
25	16
26	17
27	18
28	19
29	19
30	20
31	20
32	21
33	21
34	21
35	21

---

Contents

		Page
36	Dictionary, definition of <i>approved screening device</i>	22
37	Dictionary, new definition of <i>assessment of drug impairment</i>	22
38	Dictionary, definition of <i>disqualifying offence</i>	22
39	Dictionary, new definition of <i>oral fluid analysis</i>	23
40	Dictionary, definition of <i>screening test</i>	23



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# Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2009

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## A Bill for

An Act to amend the *Road Transport (Alcohol and Drugs) Act 1977*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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J2009-769

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **1 Name of Act**

2 This Act is the *Road Transport (Alcohol and Drugs) (Random Drug*  
3 *Testing) Amendment Act 2009.*

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written  
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on  
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see Legislation  
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the  
13 notification day, it automatically commences on the first day after that  
14 period (see Legislation Act, s 79).

15 **3 Legislation amended**

16 This Act amends the *Road Transport (Alcohol and Drugs) Act 1977.*

17 **4 Offences against Act—application of Criminal Code etc**  
18 **Section 4, note 1**

19 *insert*

- 20 • s 20 (Driving while impaired by drug or blood drug concentration  
21 exceeded)
- 22 • s 22A (Refusing to provide oral fluid sample)
- 23 • s 22B (Refusing to undergo drug assessment)

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1 **5 Section 5**

2 *substitute*

3 **5 Approval of screening devices**

4 (1) The Minister may approve a device for this subsection (an ***approved***  
5 ***alcohol screening device***) if the Minister considers that the device—

6 (a) is designed and made to indicate, when a sample of the breath  
7 of a person is exhaled into the device, whether alcohol is  
8 present in the person's blood and, if so, to give an indication of  
9 the concentration of alcohol in the person's blood; and

10 (b) is suitable for use in screening tests under part 2.

11 (2) The Minister may approve a device for this subsection (an ***approved***  
12 ***drug screening device***) if the Minister considers that the  
13 instrument—

14 (a) is designed and made to indicate, when a sample of oral fluid  
15 of a person is collected in the device by the person chewing or  
16 sucking on it (or a particular part of it), whether a drug is  
17 present in the person's oral fluid and, if so, to give an  
18 indication of the concentration of the drug in the person's oral  
19 fluid; and

20 (b) is suitable for use in screening tests under part 2.

21 (3) An approval is a notifiable instrument.

22 *Note* A notifiable instrument must be notified under the Legislation Act.

1     **5A           Approval of analysis instruments**

2           (1) The Minister may approve an instrument for this subsection (an  
3           *approved breath analysis instrument*) if the Minister considers that  
4           the instrument—

5                   (a) is designed and made to ascertain the concentration of alcohol  
6                   present in a sample of a person's breath and can record the  
7                   concentration in grams per 100mL of blood; and

8                   (b) is suitable for use in analysis under part 2.

9           (2) The Minister may approve an instrument for this subsection (an  
10           *approved oral fluid analysis instrument*) if the Minister considers  
11           that the instrument—

12                   (a) is designed and made to ascertain the presence of a drug in a  
13                   sample of the person's oral fluid and can record the  
14                   concentration whether by a particular figure, level or  
15                   percentage; and

16                   (b) is suitable for use in analysis under part 2.

17           (3) An approval is a notifiable instrument.

18           *Note*     A notifiable instrument must be notified under the Legislation Act.

19     **6           Approval of operators, analysts and laboratories**  
20     **New section 6 (1A)**

21           *insert*

22           (1A) The chief police officer may authorise a police officer to carry out  
23           oral fluid analyses if the officer has—

24                   (a) undergone a course approved by the Minister as a course for  
25                   the instruction of police officers in the carrying out of oral  
26                   fluid analyses; and

27                   (b) completed the course to the satisfaction of the chief police  
28                   officer.



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**7 Sections 11 and 12**

*substitute*

**11 Detention for breath or oral fluid analysis**

(1) This section applies if—

(a) a person undergoes a screening test under a requirement made by a police officer under section 8, section 9 or section 10 and an approved alcohol screening device indicates to the police officer—

(i) that the concentration of alcohol in the person's blood is at least the prescribed concentration; or

(ii) for a person the police officer has reasonable grounds to believe is a special driver—that the concentration of alcohol in the person's blood is at least 0.02g of alcohol per 100mL of blood; or

(b) a person undergoes a screening test under a requirement made by a police officer under section 8, section 9 or section 10 and an approved drug screening device indicates to the police officer that—

(i) a drug for which there is a prescribed concentration is present in the person's oral fluid and the concentration of the drug is at least the prescribed concentration; or

(ii) a drug for which there is no prescribed concentration is present in the person's oral fluid; or

(c) a person who has been required by a police officer under section 8, section 9 or section 10 to undergo a screening test refuses to undergo the screening test; or

- 1 (d) a person who has been required by a police officer under  
2 section 8, section 9 or section 10 to undergo a screening test  
3 fails to undergo the screening test in accordance with the  
4 direction of the police officer.
- 5 (2) The police officer may take the person into custody.
- 6 (3) If the person is taken into custody, a police officer must take the  
7 person, as soon as practicable, to a police station or another  
8 convenient place to carry out a breath analysis, an oral fluid analysis  
9 or both for the person.
- 10 (4) In this section:
- 11 *prescribed concentration*, of a drug means—
- 12 (a) for a prescribed illicit drug—any concentration of the drug  
13 present in the blood or oral fluid of a person; and
- 14 (b) for any other drug—the concentration prescribed by regulation.
- 15 *prescribed illicit drug* means—
- 16 (a) methylamphetamine; or
- 17 (b) delta-9-tetrahydrocannabinol; or
- 18 (c) any other drug prescribed by regulation.

19 **12 Breath or oral fluid analysis**

- 20 (1) A person who has been taken into custody under section 11 must  
21 give, in accordance with the reasonable directions of a police  
22 officer, either or both of the following (as directed by the police  
23 officer):
- 24 (a) a sample of the person's breath;
- 25 (b) a sample of the person's oral fluid.
- 26 (2) An analysis of breath must be carried out by an approved operator  
27 using an approved breath analysis instrument.

- 1 (3) An analysis of oral fluid must be carried out by an approved  
2 operator using an approved oral fluid analysis instrument.
- 3 (4) A regulation may make provision about the following:
- 4 (a) the procedures to be followed by an approved operator  
5 immediately before, during, and immediately after, carrying  
6 out a breath analysis or oral fluid analysis;
- 7 (b) the conditions that must exist for the use of a particular  
8 approved analysis instrument;
- 9 (c) the conditions during which a particular approved analysis  
10 instrument must not be used;
- 11 (d) the results that must be obtained from procedures to be  
12 followed immediately after carrying out a breath or oral fluid  
13 analysis and without which the analysis must be disregarded  
14 for this Act.
- 15 (5) If, because of a regulation made for subsection (4) (d), an analysis  
16 must be disregarded in relation to a person, a police officer may  
17 require the person to give, in accordance with the reasonable  
18 directions of the officer, another sample of the person's breath or  
19 oral fluid for analysis using another approved analysis instrument.
- 20 (6) As soon as practicable after the analysis has been carried out, the  
21 approved operator who carried out the analysis must give the person  
22 a written statement, signed by the operator, containing the  
23 particulars required by regulation.

1 **8 New section 12A**

2 *insert*

3 **12A Assessment of drug impairment**

4 (1) This section applies to a person if any 1 or more of the following  
5 paragraphs applies to the person:

6 (a) the person is the driver of a motor vehicle on a public street or  
7 in a public place;

8 (b) a police officer has reasonable cause to suspect that the person  
9 was the driver of a motor vehicle on a public street or in a  
10 public place;

11 (c) a motor vehicle is involved in an accident on a public street or  
12 in a public place and—

13 (i) a police officer has reasonable cause to suspect that the  
14 person was the driver of the motor vehicle at the time of  
15 the accident; or

16 (ii) a police officer has reasonable cause to suspect that the  
17 person was in the vehicle at the time of the accident, but  
18 the police officer does not know or has doubt about who  
19 was the driver of the vehicle at the time of the accident;

20 (d) a police officer has reasonable cause to suspect that the person  
21 has committed an offence of culpable driving;

22 (e) the person has been required to undergo a screening test under  
23 section 8, section 9 or section 10;

24 (f) the person has been required to give a breath or oral fluid  
25 sample under section 12.

- 1 (2) If a police officer has reasonable cause to suspect that the person's  
2 behaviour or appearance indicates that the person may be impaired  
3 for a reason other than alcohol alone, the police officer may require  
4 the person to undergo an assessment of drug impairment.
- 5 (3) For the purpose of requiring someone to undergo an assessment of  
6 drug impairment, a police officer may take the person into custody.
- 7 (4) If the person is taken into custody, a police officer must take the  
8 person, as soon as practicable, to a police station or another  
9 convenient place to carry out the assessment.
- 10 (5) The person must undergo an assessment of drug impairment in  
11 accordance with the reasonable directions of a police officer.
- 12 (6) An assessment of drug impairment must be carried out—
- 13 (a) by a police officer authorised by the chief police officer to  
14 carry out assessments of drug impairment; and
- 15 (b) in accordance with the procedure prescribed by regulation; and
- 16 (c) unless a particular time is prescribed by regulation—within the  
17 reasonable time needed to carry out the assessment.
- 18 (7) The carrying out of an assessment of drug impairment must be  
19 videorecorded unless the prosecution satisfies the court that it was  
20 not practicable in the circumstances to make a video recording.
- 21 (8) If a person who undergoes an assessment of drug impairment is  
22 subsequently charged with an offence against section 20, a copy of  
23 the video recording (if any) must be served with the summons or, if  
24 a summons is not issued, not later than 7 days after the day the  
25 person is charged with the offence.

1 **9 Precautions for privacy**  
2 **Section 13**

3 *omit*  
4 breath analysis  
5 *substitute*  
6 breath or oral fluid analysis

7 **10 Section 14 heading**

8 *substitute*

9 **14 Restrictions on screening tests and breath and oral fluid**  
10 **analyses**

11 **11 Section 14 (1)**

12 *omit everything before paragraph (a), substitute*

13 (1) A police officer must not require a person to undergo a screening  
14 test under section 8, section 9 or section 10, to provide a sample of  
15 the person's breath or oral fluid for analysis under section 12, or to  
16 undergo an assessment of drug impairment under section 12A, and a  
17 police officer must not begin or continue the analysis under  
18 section 12 or the assessment under section 12A—

19 **12 Section 14 (3)**

20 *omit everything before paragraph (a), substitute*

21 (3) A police officer must not require a person to undergo a screening  
22 test under section 8, section 9 or section 10, to provide a sample of  
23 the person's breath or oral fluid for analysis under section 12, or to  
24 undergo an assessment of drug impairment under section 12A—

**13 Section 14 (3) (a)**

*substitute*

- (a) if it appears to the police officer that it may, because of injury suffered by the person or otherwise, be dangerous or not practicable for the person to undergo the screening test, to provide the sample or to undergo the assessment; or

**14 Taking blood samples from people in custody  
Section 15 (1) (a) and (b)**

*substitute*

- (a) a police officer does not, because of section 14 (3) (a) or (b) require a person to undergo a screening test, to provide a sample of breath or oral fluid for analysis or to undergo an assessment of drug impairment; or
- (b) because the analysis instrument available is not in working order or an approved analysis instrument is not available, it is not practicable to carry out the breath or oral fluid analysis; or
- (c) because it is not practicable to carry out the assessment of drug impairment;

**15 Analysis of blood samples  
Section 15A (1)**

*substitute*

- (1) If only 1 sealed container of a particular person's blood that has been taken under section 15 or section 15AA has been put in a one-way box for collection by an approved analyst, the analyst must analyse the blood to ascertain—
- (a) the concentration of alcohol in the blood; and
- (b) if asked by a police officer to do so—the concentration of drugs in the blood.

1 **16 Section 15A (2) (a)**

2 *substitute*

3 (a) analyse the blood in 1 of the containers to ascertain—

4 (i) the concentration of alcohol in the blood; and

5 (ii) if asked by a police officer to do so—the concentration of  
6 drugs in the blood; and

7 **17 Section 15A (3) and (4)**

8 *omit*

9 **18 Medical examinations**  
10 **Section 16 (1) (a) (i)**

11 *substitute*

12 (i) has been required to undergo a screening test, to provide  
13 a sample of his or her breath or oral fluid for analysis or  
14 to undergo an assessment of drug impairment; and

15 **19 Protection of police officers and medical staff**  
16 **Section 18 (3) (a)**

17 *substitute*

18 (a) if the sample of the person's breath or oral fluid has been  
19 analysed—the time when the approved operator gives the  
20 person the written statement mentioned in section 12 (6); or

21 **20 Section 18 (3) (c)**

22 *substitute*

23 (c) if the person is required to undergo an assessment of drug  
24 impairment—the period mentioned in section 12A (6) (c) ends;  
25 or



- 1 (d) the end of whichever of the periods mentioned in section 14 (1)  
2 applies in relation to the person.

3 **21 New section 20**

4 *insert*

5 **20 Driving while impaired by drug or blood drug**  
6 **concentration exceeded**

- 7 (1) A person commits an offence if the person—  
8 (a) drives a motor vehicle on a public street or in a public place;  
9 and  
10 (b) is impaired by a drug.

11 Maximum penalty:

- 12 (a) for an offence by a first offender—10 penalty units; and  
13 (b) for an offence by a repeat offender—25 penalty units,  
14 imprisonment for 3 months or both.

- 15 (2) A person commits an offence if the person—

- 16 (a) has been the driver of a motor vehicle on a public street or in a  
17 public place; and  
18 (b) has, within the relevant period, a concentration of drugs in the  
19 person's blood equal to or more than the prescribed  
20 concentration.

21 Maximum penalty:

- 22 (a) for an offence by a first offender—10 penalty units; and  
23 (b) for an offence by a repeat offender—25 penalty units,  
24 imprisonment for 3 months or both.

- 1           (3) In this section:
- 2                 *prescribed concentration*—see section 11 (4).
- 3                 *relevant period* means the period beginning when the person
- 4                 stopped being the driver of the vehicle and ending at the latest time
- 5                 when—
- 6                 (a) a breath or oral fluid analysis of the person may be carried out
- 7                 under this Act; or
- 8                 (b) if section 15 (Taking blood samples from people in custody) or
- 9                 section 15AA (Taking blood samples from people in hospital)
- 10                applies—a sample of the person’s blood may be taken under
- 11                that section.

12   **22           New sections 22A and 22B**

13                 *insert*

14   **22A           Refusing to provide oral fluid sample**

- 15           (1) This section applies to a person who—
- 16                 (a) has been the driver of a motor vehicle on a public street or in a
- 17                 public place; and
- 18                 (b) has, in accordance with this Act, been required to provide a
- 19                 sample of oral fluid for analysis.
- 20           (2) The person commits an offence if—
- 21                 (a) the person refuses to provide a sample of oral fluid for
- 22                 analysis; or
- 23                 (b) the person fails to provide a sample of oral fluid in accordance
- 24                 with reasonable directions of a police officer.

25                 Maximum penalty: 30 penalty units.

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1 **22B Refusing to undergo drug assessment**

- 2 (1) This section applies to a person who—
- 3 (a) has been the driver of a motor vehicle on a public street or in a  
4 public place; and
- 5 (b) has, in accordance with this Act, been required to undergo an  
6 assessment of drug impairment.
- 7 (2) The person commits an offence if—
- 8 (a) the person refuses to undergo an assessment of drug  
9 impairment; or
- 10 (b) the person fails to undergo an assessment of drug impairment  
11 in accordance with reasonable directions of a police officer.

12 Maximum penalty: 30 penalty units.

13 **23 Section 27 heading**

14 *substitute*

15 **27 Imprisonment—s 22, s 22A, s 22B, s 23 and s 24 offences**

16 **24 Section 27 (a)**

17 *substitute*

- 18 (a) a person is convicted of an offence against any of the following  
19 provisions:
- 20 • section 22 (Refusing to provide breath sample);
  - 21 • section 22A (Refusing to provide oral fluid sample);
  - 22 • section 22B (Refusing to undergo drug assessment);
  - 23 • section 23 (Refusing blood test etc);
  - 24 • section 24 (Driving under the influence of intoxicating  
25 liquor or a drug); and

1 **25 Certificate of evidence**  
2 **New section 41 (1) (aa)**

3 *insert*

4 (aa) a certificate purporting to be signed by a police officer and  
5 stating—

6 (i) that the police officer was on a date stated in the  
7 certificate an approved operator; and

8 (ii) that, at a place and at a time and on a date stated in the  
9 certificate, a person named in the certificate was required  
10 by a stated police officer to provide a sample of the  
11 person's oral fluid for analysis by an approved oral fluid  
12 analysis instrument; and

13 (iii) the instrument used in the analysis, by reference to its  
14 model number, patent number and serial number; and

15 (iv) that the approved oral fluid analysis instrument was in  
16 proper working order; and

17 (v) the procedures followed and precautions taken  
18 immediately before the breath analysis, during the breath  
19 analysis and immediately after the completion of the  
20 breath analysis; and

21 (vi) that the person named in the certificate provided a sample  
22 of the person's oral fluid for analysis in accordance with  
23 the directions of the police officer who made the  
24 requirement; and

25 (vii) the steps that were taken to ensure that it was not readily  
26 apparent to members of the public that the oral fluid  
27 analysis was being carried out; and

28 (viii) that, in following the procedures for which a regulation  
29 makes provision that stated results are to be obtained, the  
30 results stated in the certificate were obtained; and

- 1 (ix) that the result recorded or shown by the instruments as  
2 the result of the analysis was a particular figure, level or  
3 percentage or was not less than and not more than a  
4 particular figure, level or percentage; and
- 5 (x) that, as soon as practicable after the oral fluid analysis  
6 was carried out, the police officer signed and gave to the  
7 person mentioned in subparagraph (ii) the statement  
8 required by section 12 (6);
- 9 is evidence of the matters stated in the certificate; and

10 **26 New section 41 (1) (ba)**

11 *insert*

- 12 (ba) a certificate purporting to be signed by a police officer and  
13 stating—
- 14 (i) that the police officer was on a date stated in the  
15 certificate an approved operator; and
- 16 (ii) that, at a place and at a time and on a date stated in the  
17 certificate, a person named in the certificate was required  
18 by a stated police officer to provide a sample of the  
19 person's oral fluid for analysis by an approved oral fluid  
20 analysis instrument; and
- 21 (iii) the instrument available to be used in the analysis, by  
22 reference to its model number, patent number and serial  
23 number; and
- 24 (iv) that the approved oral fluid analysis instrument was in  
25 proper working order; and
- 26 (v) the procedures followed immediately before the person  
27 was required to provide a sample of the person's oral  
28 fluid for analysis and the results obtained in following  
29 those procedures; and

1 (vi) that the person refused or failed to provide a sample of  
2 his or her breath for analysis;

3 is evidence of the matters stated in the certificate; and

4 **27 Section 41 (1) (c)**

5 *substitute*

6 (c) a written statement mentioned in section 12 (6) that is a  
7 print-out from an approved breath analysis instrument or  
8 approved oral fluid analysis instrument is evidence of the  
9 matters stated in the statement; and

10 (ca) a certificate purporting to be signed by a police officer and  
11 stating—

12 (i) that the police officer was on a date stated in the  
13 certificate authorised by the chief police officer to carry  
14 out assessments of drug impairment; and

15 (ii) that, at a place and time and on a date stated in the  
16 certificate, a person named in the certificate was required  
17 by a stated police officer to undergo an assessment of  
18 drug impairment; and

19 (iii) the procedures followed in carrying out the assessment of  
20 drug impairment;

21 is evidence of the matters stated in the certificate; and

22 (cb) a certificate purporting to be signed by a police officer and  
23 stating—

24 (i) that the police officer was on a date stated in the  
25 certificate authorised by the chief police officer to carry  
26 out assessments of drug impairment; and

- 1 (ii) that, at a place and time and on a date stated in the  
 2 certificate, a person named in the certificate was required  
 3 by a stated police officer to undergo an assessment of  
 4 drug impairment; and
- 5 (iii) that the person refused or failed to undergo an assessment  
 6 of drug impairment;
- 7 is evidence of the matters stated in the certificate; and

## 28 Section 41 (1) (e) (iii)

9 *omit*

10 or to provide a sample of the person's breath for breath analysis  
 11 under section 12 (Breath analysis);

12 *substitute*

13 , to provide a sample of the person's breath or oral fluid for analysis  
 14 under section 12 (Breath or oral fluid analysis) or to undergo an  
 15 assessment of drug impairment under section 12A (Assessment of  
 16 drug impairment);

## 29 New section 42AA

18 *after section 42, insert*

### 19 42AA Effect of noncompliance—analysis of oral fluid

20 (1) This section applies if the court hearing a charge for an offence  
 21 against this Act arising out of the carrying out of an oral fluid  
 22 analysis is not satisfied that there has been compliance with every  
 23 provision of this Act relating to the carrying out of the analysis.

24 *Note* A reference to an Act includes a reference to the statutory instruments  
 25 made or in force under the Act, including regulations (see Legislation  
 26 Act, s 104).

- 1 (2) Unless the court is satisfied that the failure to comply with the  
2 provisions of this Act mentioned in subsection (1) would not have  
3 affected the result obtained in the analysis, the court must dismiss  
4 the charge.

5 **30 New section 42C**

6 *insert*

7 **42C Effect of noncompliance—refusal to give sample of oral**  
8 **fluid**

- 9 (1) This section applies if the court hearing a charge for an offence  
10 against section 22A is not satisfied that there has been compliance  
11 with every provision of this Act relating to that part of the carrying  
12 out of an oral fluid analysis that is required to be carried out before  
13 the sample of oral fluid is supplied.

14 *Note* A reference to an Act includes a reference to the statutory instruments  
15 made or in force under the Act, including regulations (see Legislation  
16 Act, s 104).

- 17 (2) Unless the court is satisfied that the failure to comply with the  
18 provisions of this Act mentioned in subsection (1) was such that,  
19 had the failure not happened and the oral fluid analysis taken place,  
20 the result obtained in the analysis would have indicated the presence  
21 of a drug, the court must dismiss the charge.

22 **31 Dictionary, new definitions**

23 *insert*

24 *approved alcohol screening device* means a device that is approved  
25 by the Minister under section 5 (1).

26 *approved analysis instrument* means an approved breath analysis  
27 instrument or an approved oral fluid analysis instrument.



1 **32 Dictionary, definitions of *approved analyst* and *approved***  
2 ***breath analysis instrument***

3 *substitute*

4 *approved analyst* means a person who is appointed by the Minister  
5 under section 6 (2).

6 *approved breath analysis instrument* means an instrument that is  
7 approved by the Minister under section 5A (1).

8 **33 Dictionary, new definition of *approved drug screening***  
9 ***device***

10 *insert*

11 *approved drug screening device* means a device that is approved by  
12 the Minister under section 5 (2).

13 **34 Dictionary, definition of *approved operator***

14 *substitute*

15 *approved operator* means—

- 16 (a) for a breath analysis—a police officer who is authorised under  
17 section 6 (1); and  
18 (b) for an oral fluid analysis—a police officer who is authorised  
19 under section 6 (1A).

20 **35 Dictionary, new definition of *approved oral fluid analysis***  
21 ***instrument***

22 *insert*

23 *approved oral fluid analysis instrument* means a device that is  
24 approved by the Minister under section 5A (2).

1 **36 Dictionary, definition of *approved screening device***

2 *omit*

3 **37 Dictionary, new definition of *assessment of drug***  
4 ***impairment***

5 *insert*

6 *assessment of drug impairment*, of a person, means an assessment  
7 of drug impairment carried out on the person under section 12A.

8 **38 Dictionary, definition of *disqualifying offence***

9 *substitute*

10 *disqualifying offence* means an offence against—

- 11 (a) section 19 (Prescribed blood alcohol concentration exceeded);  
12 or
- 13 (b) section 20 (Driving while impaired by drug or blood drug  
14 concentration exceeded); or
- 15 (c) section 22 (Refusing to provide breath sample); or
- 16 (d) section 22A (Refusing to provide oral fluid sample); or
- 17 (e) section 22B (Refusing to undergo drug assessment); or
- 18 (f) section 23 (Refusing blood test etc); or
- 19 (g) section 24 (Driving under the influence of intoxicating liquor  
20 or a drug); or
- 21 (h) another provision of this Act prescribed by regulation.

1 **39 Dictionary, new definition of *oral fluid analysis***

2 *insert*

3 *oral fluid analysis*, in relation to a person, means an analysis of a  
4 sample of the person's oral fluid carried out for this Act using an  
5 approved oral fluid analysis instrument.

6 **40 Dictionary, definition of *screening test***

7 *substitute*

8 *screening test*, for a person, means either or both of the following  
9 (as directed by a police officer):

- 10 (a) a test of a sample of the person's breath using an approved  
11 alcohol screening device;
- 12 (b) a test of a sample of the person's oral fluid using an approved  
13 drug screening device.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2009.

**2 Notification**

Notified under the Legislation Act on 2009.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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