

2012

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (ALCOHOL AND DRUGS) AMENDMENT
REGULATION 2012 (No 1)**

SUBORDINATE LAW SL2012-35

EXPLANATORY STATEMENT

Presented by
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OVERVIEW

This Regulation is made under section 51 of the *Road Transport (Alcohol and Drugs) Act 1977* (the Act) and the definition of *sampling facility* in the Dictionary to that Act. That definition relevantly provides:

sampling facility means a facility prescribed by regulation to which a person may be taken for the purpose of having a blood sample taken by a doctor or nurse for analysis under part 2 (Examination of people for alcohol or drugs).

Prior to the insertion of the definition of *sampling facility* into the Act in 2011, a blood sample could only be taken from a person in custody by a doctor or nurse at a hospital. As the Explanatory Statement for the 2011 amendments explained, allowing blood samples to be taken at other places would mean that a driver need not be taken to hospital emergency departments for a routine blood sample, as was previously the practice, unless the driver also requires emergency medical treatment. This change would enable police and hospital resources to be used more efficiently. It may also reduce the amount of time a driver is required to spend in custody, as a driver would no longer need to be transported to and from hospital to take a blood sample.

This regulation prescribes certain places and vehicles that may be used as *sampling facilities* under the Act.

Notes on clauses

Clause 1 Name of Regulation

This is a formal provision that provides for the name of the regulation.

Clause 2 Commencement

This clause provides for the regulation to commence the day after its notification.

Clause 3 Legislation amended

This clause explains that the amendments in this regulation affect the *Road Transport (Alcohol and Drugs) Regulation 2000*.

Clause 4 New section 6

This clause inserts new section 6 into the *Road Transport (Alcohol and Drugs) Regulation 2000*. New section 6 (1) prescribes places and things that are sampling facilities for the Act. These are police stations and certain police vehicles.

The types of police vehicles that may be used as sampling facilities are a truck, bus or trailer that is equipped for the purpose of conducting alcohol or drug testing under the Act. These vehicles are sufficiently large to accommodate the equipment required for carrying out blood testing safely. New section 6 (2) contains definitions of the terms *bus*, *police station*, *police vehicle*, *trailer* and *truck*.