

2013

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

**ROAD TRANSPORT (ALCOHOL AND DRUGS) AMENDMENT
REGULATION 2013 (No 2)**

SL2013-27

EXPLANATORY STATEMENT

**Presented by
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Attorney-General**

ROAD TRANSPORT (ALCOHOL AND DRUGS) AMENDMENT REGULATION 2013 (No 2)

Outline

This regulation is made under sections 7A and 7C of the *Road Transport (Alcohol and Drugs) Act 1977*, which provide for breath analysis and oral fluid analysis instruments, respectively, to be prescribed by regulation for use under that Act.

This regulation makes a technical amendment to section 3 of the *Road Transport (Alcohol and Drugs) Regulation 2000* (the Regulation), which deals with breath analysis instruments, to update the way in which an existing instrument is legislatively described for the purposes of that section. The amendment makes it clear that the Dräger Alcotest 7110 MKV is also known as the Draeger Alcotest 7110 MKV. This reflects the Anglicised spelling of Dräger, whereby the umlauted vowel sound ‘ä’ is represented by ‘ae’.

This regulation also amends section 3B of the Regulation to add a new instrument to the list of oral fluid analysis instruments that may be used for the Act. The Dräger DrugTest 5000, also known as the Draeger DrugTest 5000, is now also prescribed for use in the Territory. This instrument is suitable for conducting oral fluid analysis in accordance with the Australian Standard 4760—2006 “Procedures for specimen collection and the detection and quantitation of drugs in oral fluid”.

Notes on clauses

Clause 1 Name of regulation

This clause states the name of the regulation.

Clause 2 Commencement

This clause states that the regulation commences on the day after its notification day.

Clause 3 Legislation amended

This clause states that this regulation amends the *Road Transport (Alcohol and Drugs) Regulation 2000* (the Regulation).

Clause 4 Section 3

This clause substitutes replacement section 3 of the Regulation, which prescribes breath analysis instruments for use under the Act. Like the provision it replaces, the substituted section 3 prescribes the Dräger Alcotest 7110 MKV, while clarifying that this instrument is also known as the Draeger Alcotest 7110 MKV. As previously explained, Draeger is the Anglicised spelling of Dräger.

Clause 5 Section 3B

This clause substitutes replacement section 3B of the Regulation, which prescribes oral fluid analysis instruments for use under the Act. Like the provision it replaces, the substituted section 3B prescribes the Cozart DDS oral fluid analysis instrument.

The substituted section then adds, in new paragraph (b), the Dräger DrugTest 5000, also known as the Draeger DrugTest 5000.

Clause 6 Schedule 1 heading

This clause contains a consequential amendment to the heading to schedule 1. This amendment is necessary as a result of the inclusion of alternate names for the breath analysis instrument mentioned in section 3 of the Regulation.

Clause 7 Schedule 2 heading

This clause contains a consequential amendment to the heading to schedule 2. This amendment is necessary as a result of the inclusion of an additional oral fluid analysis instrument in section 3B of the Regulation.