

Australian Capital Territory

Road Transport (Alcohol and Drugs) Amendment Regulation 2024 (No 1)

Subordinate law SL2024-20

made under the

Road Transport (Alcohol and Drugs) Act 1977, 7B Meaning of drug screening device,
51 Regulation making powers.

EXPLANATORY STATEMENT

Introduction

The Statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Outline

The purpose of the Regulation is to improve road safety and provide for traffic management in the ACT by amending the *Road Transport (Alcohol and Drugs) Regulation 2000*.

This regulation is made under section 7B of the *Road Transport (Alcohol and Drugs) Act 1977* (Meaning of drug screening device), which provides for drug screening devices to be prescribed by regulation. A drug screening device is designed and made to indicate whether a prescribed drug is present in a person's oral fluid when a sample of the person's oral fluid is applied to the device.

This regulation prescribes the *Securetec DrugWipe 3 S* as a drug screening device for the purposes of section 7B of that Act. The existing prescribed device, the *Securetec DrugWipe TWIN* – also known as the *DrugWipe II TWIN*, continues to be prescribed.

The *Securetec DrugWipe TWIN* used two strips in detection of substances as listed currently under section 5A of the Regulation (delta-9-tetrahydrocannabinol, methylamphetamine, and N, α -Dimethyl-3,4-(Methylenedioxy)phenylethylamine).

The *Securetec DrugWipe 3 S* utilises three strips which test for these prescribed drugs, in addition to the detection of cocaine. This minor technical

amendment is aligned with, and consequential to, the endorsed policy position enacted through the passage of the *Road Safety Legislation Amendment Bill 2023*, with the addition of cocaine to the roadside drug testing regime as of 1 January 2025.

Public purchase of the *Securetec DrugWipe 3 S* is restricted with this device currently being utilised by multiple law enforcement agencies interstate, including both NSW and QLD Police.

It is not considered that there are any human rights implications associated with this amendment.

There are no climate change implications associated with this amendment.

Notes on Clauses

Clause 1 Name of Regulation

This is a formal provision that sets out the name of the Regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the Regulation as of 1 January 2025.

Clause 3 Legislation amended

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

Clause 4 Drug screening device—Act, s 7B, def drug screening device

This clause replaces the existing section 3A – Drug screening device with a new section 3A.

The new section 3A provides for multiple drug screening devices to be listed for this section. The existing prescribed device, the *Securetec DrugWipe TWIN* – also known as the *DrugWipe II TWIN*, will remain listed with the addition of the *Securetec DrugWipe 3 S* to be used in accordance with the Act as of 1 January 2025.