



Australian Capital Territory

Road Transport (Alcohol and Drugs) Regulation 2000

SL2000-8

made under the

Road Transport (Alcohol and Drugs) Act 1977

Republication No 7

Effective: 3 May 2011 – 12 May 2011

Republication date: 3 May 2011

Last amendment made by SL2011-11

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Alcohol and Drugs) Regulation 2000*, made under the *Road Transport (Alcohol and Drugs) Act 1977* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 3 May 2011. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 3 May 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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Road Transport (Alcohol and Drugs) Regulation 2000

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Road Transport (Alcohol and Drugs) Act 1977

Contents

	Page
1 Name of regulation	2
2 Alcohol screening device—Act, s 7, def <i>alcohol screening device</i>	2
3 Breath analysis instrument—Act, s 7A, def <i>breath analysis instrument</i>	2
3A Drug screening device—Act, s 7B, def <i>drug screening device</i>	2
3B Oral fluid analysis instrument—Act, s 7C, def <i>oral fluid analysis instrument</i>	2
4 Breath analysis—requirements for statement under Act, s 12 (5)	2
5 Oral fluid analysis—requirements for statement under Act, s 13E (6)	3

R7
03/05/11

Road Transport (Alcohol and Drugs) Regulation 2000
Effective: 03/05/11-12/05/11

contents 1

Contents

	Page
Schedule 1 Particulars for breath analysis carried out using a Dräger Alcotest 7110 MKV	4
Schedule 2 Particulars for oral fluid analysis carried out using a Cozart DDS	4
Endnotes	
1 About the endnotes	5
2 Abbreviation key	5
3 Legislation history	6
4 Amendment history	7
5 Earlier republications	8
6 Uncommenced amendments	8



Australian Capital Territory

Road Transport (Alcohol and Drugs) Regulation 2000

made under the

Road Transport (Alcohol and Drugs) Act 1977

1 Name of regulation

This regulation is the *Road Transport (Alcohol and Drugs) Regulation 2000*.

2 Alcohol screening device—Act, s 7, def *alcohol screening device*

The following devices are prescribed:

- (a) Alcolizer LE;
- (b) lion alcolmeter SD-400.

3 Breath analysis instrument—Act, s 7A, def *breath analysis instrument*

The Dräger Alcotest 7110 MKV is prescribed.

3A Drug screening device—Act, s 7B, def *drug screening device*

The Securetec DrugWipe TWIN, also known as the Securetec DrugWipe II TWIN, is prescribed.

3B Oral fluid analysis instrument—Act, s 7C, def *oral fluid analysis instrument*

The Cozart DDS is prescribed.

4 Breath analysis—requirements for statement under Act, s 12 (5)

A statement given to a person under the Act, section 12 (5) in relation to an analysis of a sample of the person's breath must include the information mentioned in schedule 1.

U 5 Oral fluid analysis—requirements for statement under Act, s 13E (6)

A statement given to a person under the Act, section 13E (6) in relation to an analysis of a sample of the person's oral fluid must include the following information:

- (a) the date and time the sample was taken;
- (b) the place where the sample was taken;
- (c) the result of the oral fluid analysis;
- (d) that a part of the sample has been sent to an approved laboratory for confirmation of the result;
- (e) the name and address of the approved laboratory;
- (f) that the sample has been stored in a container sealed with a tamper-evident seal marked with a unique identifying number;
- (g) the unique identifying number marked on the tamper-evident seal;
- (h) that the person will be given written notification of the result of the laboratory analysis.

Schedule 1

Particulars for breath analysis carried out using a Dräger Alcotest 7110 MKV

U Schedule 1 Particulars for breath analysis carried out using a Dräger Alcotest 7110 MKV

(see s 4)

- 1 the type and serial number of the instrument used in carrying out the breath analysis and the sample number of the test
- 2 the date, start time and location where the test was carried out
- 3 the full name and date of birth of the person providing a sample of his or her breath for analysis
- 4 the full name of the police officer who has custody of the person under the Act, section 11 (who may be referred to in the statement as the *informant*)
- 5 the full name and rank of the authorised operator
- 6 whether self-tests were conducted on the instrument before and after analysis and the time and the result of any such test
- 7 if the breath sample was tested on ‘override’ mode, that fact
- 8 the date and time when the sample of breath was analysed
- 9 the result of the breath analysis as shown by the instrument

U Schedule 2 Particulars for oral fluid analysis carried out using a Cozart DDS

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Road Transport (Alcohol and Drugs) Regulations 2000*. It was renamed under the *Legislation Act 2001*.

Road Transport (Alcohol and Drugs) Regulation 2000 SL2000-8

notified 29 February 2000 (Gaz 2000 No S6)

s 1, s 2 commenced 29 February 2000 (IA s 10B)

remainder (s 3, s 4) commenced 1 March 2000 (Gaz 2000 No S5) (s 2)

as amended by

Road Transport Legislation Amendment Act 2001 A2001-27 sch 4

notified 24 May 2001 (Gaz 2001 No 21)

s 1, s 2 commenced 24 May 2001 (IA s 10B)

sch 4 commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 335

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 335 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.18

notified LR 11 September 2003

s 1, s 2 commenced 11 September 2003 (LA s 75 (1))

sch 3 pt 3.18 commenced 9 October 2003 (s 2 (1))

Road Transport (Alcohol and Drugs) Legislation Amendment Act 2010 A2010-47 sch 1 pt 1.2

notified LR 25 November 2010

s 1, s 2 commenced 25 November 2010 (LA s 75 (1))

sch 1 pt 1.2 commenced 1 December 2010 (s 2 (2) and see Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Act 2010 A2010-27, s 2 and CN2010-15)

Road Transport (Alcohol and Drugs) Amendment Regulation 2011 (No 1) SL2011-11

notified LR 2 May 2011

s 1, s 2 commenced 2 May 2011 (LA s 75 (1))

s 3, s 4 commenced 3 May 2011 (s 2 (1))

remainder commences on commencement of Road Transport (Alcohol and Drugs) Legislation Amendment Act 2011, s 22 (s 2 (2) (b))

Note default commencement under LA s 79 does not apply to this regulation

4 Amendment history

Name of regulation

s 1 am R5 LA

Alcohol screening device—Act, s 7, def *alcohol screening device*

s 2 om Act 2001 No 27 amdt 4.1

ins A2010-47 amdt 1.3

Breath analysis instrument—Act, s 7A, def *breath analysis instrument*

s 3 om Act 2001 No 44 amdt 1.3691

ins A2010-47 amdt 1.3

Drug screening device—Act, s 7B, def *drug screening device*

s 3A ins SL2011-11 s 4

Oral fluid analysis instrument—Act, s 7C, def *oral fluid analysis instrument*

s 3B ins SL2011-11 s 4

Breath analysis—requirements for statement under Act, s 12 (5)

s 4 hdg am A2003-41 amdt 3.373

s 4 am Act 2001 No 27 amdt 4.2; A2003-41 amdt 3.374

sub A2010-47 amdt 1.3

Oral fluid analysis—requirements for statement under Act, s 13E (6)

s 5 om R1 LRA

ins A2010-47 amdt 1.3

sub SL2011-11 s 5

Particulars for breath analysis carried out using a Dräger Alcotest 7110 MKV

sch 1 hdg (prev sch hdg) renum Act 2001 No 27 amdt 4.3

sub A2010-47 amdt 1.4

sch 1 am A2010-47 amdt 1.5; SL2011-11 ss 6-8

Particulars for oral fluid analysis carried out using a Cozart DDS

sch 2 ins SL2011-11 s 9

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 March 2000
2	A2001-27	1 July 2001
3	A2001-44	12 September 2001
4	A2003-41	9 October 2003
5	A2003-41	3 November 2004
6*	A2010-47	1 December 2010

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Road Transport (Alcohol and Drugs) Amendment Regulation 2011 (No 1) SL2011-11 ss 5-9

5 Section 5

substitute

5 Oral fluid analysis—requirements for statement under Act, s 13E (6)

The particulars mentioned in schedule 2 are required to be included in a statement mentioned in the Act, section 13E (6).

6 Schedule 1, item 1

omit

sample number of the test

substitute

test number

7 Schedule 1, items 3 and 4

omit

full

8 Schedule 1, item 5

omit

full name and rank

substitute

service number and signature

9 New schedule 2

insert

Schedule 2 Particulars for oral fluid analysis carried out using a Cozart DDS

(see s 5)

- 1 the type and serial number of the instrument used in carrying out the oral fluid analysis and the test number
- 2 the name and date of birth of the person providing a sample of his or her oral fluid for analysis

Endnotes

6 Uncommenced amendments

- 3 the unique identifying number for the sample of oral fluid taken for analysis
- 4 the service number and signature of the authorised operator who carried out the oral fluid analysis
- 5 the date and time when the sample of oral fluid was analysed
- 6 the result of the oral fluid analysis as shown by the instrument

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