



Australian Capital Territory

# **Road Transport (Alcohol and Drugs) Regulation 2000**

**SL2000-8**

made under the

**Road Transport (Alcohol and Drugs) Act 1977**

**Republication No 8**

**Effective: 13 May 2011 – 8 August 2012**

Republication date: 13 May 2011

Last amendment made by SL2011-11

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 13 May 2011. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 13 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](http://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).



Australian Capital Territory

# Road Transport (Alcohol and Drugs) Regulation 2000

made under the

**Road Transport (Alcohol and Drugs) Act 1977**

## Contents

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|  | 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    |

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R8  
13/05/11

Road Transport (Alcohol and Drugs) Regulation 2000  
Effective: 13/05/11-08/08/12

contents 1

Contents

---

|   | Page |
|---|------|
| <b>Schedule 1</b> <b>Particulars for breath analysis carried out using a Dräger Alcotest 7110 MKV</b> | 4    |
| <b>Schedule 2</b> <b>Particulars for oral fluid analysis carried out using a Cozart DDS</b>           | 5    |
| <b>Endnotes</b>   |      |
| 1      About the endnotes   | 6    |
| 2      Abbreviation key   | 6    |
| 3      Legislation history  | 7    |
| 4      Amendment history  | 8    |
| 5      Earlier republications   | 9    |



Australian Capital Territory

# Road Transport (Alcohol and Drugs) Regulation 2000

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made under the

**Road Transport (Alcohol and Drugs) Act 1977**

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**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.

**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).

## **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 test number
- 2      the date, start time and location where the test was carried out
- 3      the name and date of birth of the person providing a sample of his or her breath for analysis
- 4      the 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 service number and signature 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



## **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
- 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

## Endnotes

1 About the endnotes

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## 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 |

### 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 commenced 1 March 2000 (s 2 and see Road Transport (General) Act 1999 and Gaz 2000 No S5)

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)

## Endnotes

4 Amendment history

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### **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 commenced 13 May 2011 (s 2 (2) (b) and see Road Transport (Alcohol and Drugs) Legislation Amendment Act 2011 A2011-15 s 2)

## **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

## 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    |
| 7                | <u>SL2011-11</u> | 3 May 2011         |

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