



Australian Capital Territory

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

**SL2000-8**

made under the

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

**Republication No 12**

**Effective: 24 January 2014 – 18 August 2016**

Republication date: 24 January 2014

Last amendment made by [SL2014-1](#)

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 24 January 2014. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 24 January 2014.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$140 for an individual and \$700 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**

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R12  
24/01/14

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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;
- (c) Alcolizer 5 Series.

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

The following instruments are prescribed:

- (a) Dräger Alcotest 7110 MKV, also known as the Draeger Alcotest 7110 MKV;
- (b) Dräger Alcotest 9510 AUS, also known as the Draeger Alcotest 9510 AUS.

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

The following instruments are prescribed:

- (a) Cozart DDS;
- (b) Dräger DrugTest 5000, also known as the Draeger DrugTest 5000.

**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).

**6        Sampling facility—Act, dict, def *sampling facility***

(1) The following are prescribed:

- (a) a police station;
- (b) a police vehicle that is—
  - (i) a truck, bus or trailer; and
  - (ii) equipped for the purpose of conducting alcohol or drug tests under the Act.

(2) In this section:

*bus*—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

*police station*—see the [Crimes Act 1900](#), section 185.

*police vehicle*—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

*trailer*—see the [Road Transport \(General\) Act 1999](#), dictionary.

*truck*—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

## Schedule 1      Particulars for breath analysis statement

(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 statement**

(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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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](#) A1999-77 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

3 Legislation 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](#))

### **Road Transport (Alcohol and Drugs) Amendment Regulation 2012 (No 1) SL2012-35**

notified LR 8 August 2012  
s 1, s 2 commenced 8 August 2012 (LA s 75 (1))  
remainder commenced 9 August 2012 (s 2)

### **Road Transport (Alcohol and Drugs) Amendment Regulation 2013 (No 1) SL2013-7**

notified LR 28 March 2013  
s 1, s 2 commenced 28 March 2013 (LA s 75 (1))  
remainder commenced 29 March 2013 (s 2)

### **Road Transport (Alcohol and Drugs) Amendment Regulation 2013 (No 2) SL2013-27**

notified LR 1 November 2013  
s 1, s 2 commenced 1 November 2013 (LA s 75 (1))  
remainder commenced 2 November 2013 (s 2)

### **Road Transport (Alcohol and Drugs) Amendment Regulation 2014 (No 1) SL2014-1**

notified LR 23 January 2014  
s 1, s 2 commenced 23 January 2014 (LA s 75 (1))  
remainder commenced 24 January 2014 (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 [A2001-27](#) amdt 4.1  
ins [A2010-47](#) amdt 1.3  
am [SL2013-7](#) s 4

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

s 3 om [A2001-44](#) amdt 1.3691  
ins [A2010-47](#) amdt 1.3  
sub [SL2013-27](#) s 4; [SL2014-1](#) s 4

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

s 3A ins [SL2011-11](#) s 4

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

s 3B ins [SL2011-11](#) s 4  
sub [SL2013-27](#) s 5

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

s 4 hdg am [A2003-41](#) amdt 3.373  
s 4 am [A2001-27](#) 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

### Sampling facility—Act, dict, def *sampling facility*

s 6 ins [SL2012-35](#) s 4

### Particulars for breath analysis statement

sch 1 hdg (prev sch hdg) renum [A2001-27](#) amdt 4.3  
sub [A2010-47](#) amdt 1.4; [SL2013-27](#)s 6  
sch 1 am [A2010-47](#) amdt 1.5; [SL2011-11](#) ss 6-8

### Particulars for oral fluid analysis statement

sch 2 hdg sub [SL2013-27](#) s 7  
sch 2 ins [SL2011-11](#) s 9

## Endnotes

5 Earlier republications

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### 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	<a href="#">A2001-27</a>	1 July 2001
3	<a href="#">A2001-44</a>	12 September 2001
4	<a href="#">A2003-41</a>	9 October 2003
5	<a href="#">A2003-41</a>	3 November 2004
6*	<a href="#">A2010-47</a>	1 December 2010
7	<a href="#">SL2011-11</a>	3 May 2011
8	<a href="#">SL2011-11</a>	13 May 2011
9	<a href="#">SL2012-35</a>	9 August 2012
10	<a href="#">SL2013-7</a>	29 March 2013
11	<a href="#">SL2013-27</a>	2 November 2013

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