

2011

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

**ROAD TRANSPORT (ALCOHOL AND DRUGS)
LEGISLATION AMENDMENT BILL 2011**

GOVERNMENT AMENDMENTS

SUPPLEMENTARY EXPLANATORY STATEMENT

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EXPLANATORY STATEMENT FOR GOVERNMENT AMENDMENTS

These government amendments are urgent and minor or technical in nature (refer to Assembly Standing Order 182A).

OVERVIEW

The proposed amendments to the Bill will make minor amendments to sections 13G (3) and (4) of the *Road Transport (Alcohol and Drugs) Act 1977* (the Act). The purpose of the proposed amendments is to facilitate the analysis of oral fluid samples by analysts at an approved laboratory in another State pending the establishment of an oral fluid analytical capacity within the ACT.

Arrangements have been made with an interstate laboratory, as an interim measure until there is an approved laboratory within the ACT that can undertake oral fluid analysis here, for the analysis of oral fluid samples collected under the Act. The amendments will enable roadside drug testing operations to commence in the Territory more quickly than would otherwise be the case.

DETAIL

Amendment 1 Proposed new clause 22A Page 10, line 24

This amendment inserts new clause 22A into the Bill. This new clause replaces section 13G (3) with an amended provision. The replacement provision makes it clear that an analyst at the approved laboratory to which the chief police officer has arranged for the oral sample to be delivered must, as soon as practicable, arrange for the analysis of the sample either at that laboratory or another approved laboratory. This amendment provides a clear legislative basis for the interim arrangements that have been made for oral fluid samples to be transported interstate for analysis at an approved laboratory while the ACT's oral fluid analytical capacity is being established.

Amendment 2 Proposed new clause 22B Page 10, line 24

This amendment inserts new clause 22 B into the Bill. This clause amends section 13G (4) of the Act. That provision contains requirements for protecting and preserving a portion of the sample in case the person from whom the sample was taken wishes to have that portion independently analysed. The amendment makes a minor change to the wording of section 13G (4), by replacing the words 'The analyst' with 'An analyst responsible for testing the sample'. The intention of the amendment is to clarify that it is the analyst at the laboratory where the analysis is actually conducted who must ensure that a portion of the sample is protected and preserved for the required period of time.