



Queensland

Traffic Amendment Regulation (No. 1) 2007

Subordinate Legislation 2007 No. 256

made under the

Transport Operations (Road Use Management) Act 1995

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1 Short title

This regulation may be cited as the *Traffic Amendment Regulation (No. 1) 2007*.

2 Commencement

This regulation commences on 30 October 2007.

3 Regulation amended

This regulation amends the *Traffic Regulation 1962*.

4 Insertion of new s 172

Part 18, after section 171—

insert—

‘172 Relevant drugs prescribed

‘For schedule 4 of the Act, definition *relevant drug*, each of the following drugs is prescribed—

- (a) 3,4-Methylenedioxyamphetamine (MDMA);
- (b) Delta-9-tetrahydrocannabinol;
- (c) Methylamphetamine.’.

5 Amendment of pt 19, hdg (Breath analysing instruments and specimens of blood for laboratory tests)

Part 19, heading, after ‘**blood**’—

insert—

‘, **saliva or urine**’.

6 Amendment of s 177 (Evidence—police officers)

Section 177, after ‘breath test’—

insert—

‘or saliva test’.

7 Insertion of new s 178AA

After section 178—

insert—

‘178AA Authority for analyst to issue certificate of an analysis for specimen of saliva

‘A copy of a notice under section 80(15AB) of the Act, for a specimen of saliva, given to an analyst is sufficient authority for the analyst to issue a certificate of an analysis for the specimen.’.

8 Amendment of s 179 (Evidence—authority to operate breath analysing instrument)

(1) Section 179, heading, at the end—

insert—

‘or saliva analysing instrument’.

(2) Section 179, after ‘a breath analysing instrument’—

insert—

‘or saliva analysing instrument’.

(3) Section 179, after ‘fact’—

insert—

‘until the contrary is proved’.

(4) Section 179—

insert—

‘(2) If a person intends to dispute at a hearing that a particular police officer is authorised to operate a breath analysing instrument or saliva analysing instrument, the person must give the commissioner written notice of the intention at least 14 days before the day fixed for the hearing.’.

9 Amendment of s 183 (Delivery of blood and urine specimens)

Section 183, after ‘blood’—

insert—

‘, saliva’.

10 Insertion of new pt 20

After section 183A—

insert—

‘Part 20 Further provisions about saliva tests and saliva analysing instruments

‘184 Instrument approved for Act, s 80(1), definition *saliva analysing instrument*

‘For section 80(1) of the Act, definition *saliva analysing instrument*, a Cozart DDS Reader—DDS202S is approved.

‘185 Laboratory test approved for Act, s 80(1), definition *saliva analysis*

‘For section 80(1) of the Act, definition *saliva analysis*, a laboratory test that uses mass spectrometry to identify the presence of a relevant drug is approved.

‘186 Device approved for Act, s 80(1), definition *saliva test*

‘For section 80(1) of the Act, definition *saliva test*, a Securetec Drugwipe II Twin is approved.

‘187 Prescribed collection unit

‘For section 80(8FA)(a) of the Act, a saliva collection swab from a Cozart DDS805 2-panel methamphetamine/THC test kit is a prescribed collection unit.

‘188 Prescribed way of dealing with collection unit

‘For section 80(8FA)(b) of the Act, the prescribed way of dealing with the collection unit is to—

- (a) place the collection unit in the mouth of the person who is required to provide a specimen of the person’s saliva so that it contacts the tongue or the inside of the person’s mouth, or both; and
- (b) move the collection unit around the mouth in a continuous motion so that it contacts the tongue or the inside of the mouth, or both.

‘189 Prescribed record about saliva analysis

‘For section 80(15AB)(a) of the Act, a record that states the following information is prescribed—

- (a) the name, address and date of birth of the person who provided the specimen of saliva;
- (b) the place at which the analysis was made.’.

ENDNOTES

- 1 Made by the Governor in Council on 25 October 2007.
- 2 Notified in the gazette on 26 October 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.