



Queensland

Traffic Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 163

made under the

Transport Operations (Road Use Management) Act 1995

General outline

Short title

Traffic Amendment Regulation (No. 1) 2013.

Authorising law

Sections 80 and 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

The regulation will amend the *Traffic Regulation 1962* to specify new types of saliva testing devices for roadside drug testing.

On 1 December 2007, roadside drug testing was introduced to test for the presence of 'relevant drugs' which may affect a person's ability to drive a motor vehicle and continues to be an important road safety initiative.

Roadside drug testing in Queensland must be conducted in accordance with section 80 of the *Transport Operations (Road Use Management) Act 1995* (TORUM Act) and parts 19 and 20 of the *Traffic Regulation 1962*.

Section 80(1) of the TORUM Act defines a ‘saliva analysing instrument’ as an instrument, approved under a regulation, for finding out whether a relevant drug is present in a person’s saliva by analysing a specimen of the person’s saliva. Section 80(8FA) of the TORUM Act sets out the process for providing a saliva specimen, which includes the use of a ‘collection unit’ prescribed under a regulation. Sections 184 and 187 of the *Traffic Regulation 1962* currently specify the approved types of saliva analysing instrument and collection unit.

The Queensland Police Service conducts roadside drug testing and has advised that the manufacturer of the current devices will shortly discontinue support for the saliva analysing instrument and cease supply of the collection units. As such, a new saliva analysing instrument and prescribed collection unit are being approved for use under the *Traffic Regulation 1962*.

The amendments will only affect which devices police officers can use to undertake roadside drug testing. There will be no change to current testing procedures.

Achievement of policy objectives

The *Traffic Regulation 1962* is being amended to approve new types of devices for roadside drug testing, as follows:

- the ‘Alere DDS Reader’ will be approved as a saliva analysing instrument; and
- a ‘saliva collection swab from a Cozart DDS805AP test kit’ will be approved as a prescribed collection unit.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives in section 3 of the *Transport Operations (Road Use Management) Act 1995* which include improving road safety.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendments will ensure that roadside drug testing can be undertaken with new saliva testing devices. Any costs associated with the new devices will be met by the Queensland Police Service.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

Consultation on the proposed amendments was undertaken with the Department of the Premier and Cabinet, Queensland Treasury and Trade, the Department of Justice and Attorney-General, the Queensland Police Service and the Office of Best Practice Regulation. All agencies support the proposed amendments.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.

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