



New South Wales

Police Service Amendment (Handling of Samples) Regulation 1999

under the

Police Service Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Service Act 1990*.

PAUL WHELAN, LL.B., MP.,

Minister for Police

Explanatory note

At present, clause 66R of the *Police Service Regulation 1990* sets out the action that must be taken by certain authorised persons and medical practitioners who have taken a sample of the urine, hair or blood of a police officer in accordance with the Regulation. Each sample must be divided into 2 approximately equal portions, with each portion placed in a sealed container that is marked or labelled. The authorised person or medical practitioner is required to hand one of the containers to the police officer or to some other person on behalf of the police officer.

The objects of this Regulation are:

- (a) to provide for each sample to be divided into 3 equal portions, one of which is to be analysed for the presence of alcohol or a prohibited drug (as the case may be), one of which is to be stored at an appropriate laboratory and one of which is to be given to the relevant police officer (if the officer has indicated the he or she would like to keep it), and
- (b) to require each container containing a portion of a sample of urine that is submitted for analysis or stored at a laboratory to be handled in accordance with Australian Standard AS 4308-1995 entitled "Recommended practice for the collection, detection and quantitation of drugs of abuse in urine", or any procedure approved by the Commissioner of Police.

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Explanatory note

This Regulation is made under the *Police Service Act 1990*, including section 21 1 A (Testing of police officers for alcohol and prohibited drugs) and section 219 (the general regulation-making power).

Police Service Amendment (Handling of Samples) Regulation 1999

1 Name of Regulation

This Regulation is the *Police Service Amendment (Handling of Samples) Regulation 1999*.

2 Commencement

This Regulation commences on 8 March 1999.

3 Amendment of Police Service Regulation 1990

The *Police Service Regulation 1990* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 66R Action with respect to samples of urine, hair and blood

Omit "takes a sample of urine, hair or blood" from clause 66R (1) (a).

Insert instead "arranges for a sample of urine, hair or blood to be taken".

[2] Clause 66R (1A)

Insert after clause 66R (1):

- (1A) A person to whom this clause applies must ask the police officer from whom the sample was taken whether or not the police officer would like to keep part of the sample of urine, hair or blood taken from the officer.

[3] Clause 66W (2) (a)

Omit the paragraph. Insert instead:

- (a) divide the sample into 2 approximately equal portions, or, if the police officer has indicated that he or she would like to keep a part of the sample, divide the same into 3 approximately equal portions, and

[4] Clause 66R (3) and (4)

Omit clause 66R (3). Insert instead:

- (3) Of the sealed containers:
- (a) the first container must:
- (i) in the case of a sample taken by a medical practitioner under clause 66P, be handed by the medical practitioner to the authorised person present when the sample was taken, or
- (ii) in any other case, be dealt with in accordance with clause 66S, and

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- (b) the second container must be transported to a laboratory accredited by the New South Wales Department of Health and nominated by the Commissioner, and must be stored at that laboratory on behalf of the Commissioner, and
 - (c) in the case where the police officer has indicated that he or she would like to keep a part of the sample, the third container must be given to the police officer.
- (4) In the case of samples of urine, the two sealed containers referred to in subclause (3) (a) and (b) must be handled in accordance with Australian Standard AS 4308—1995 entitled “Recommended practice for the collection, detection and quantitation of drugs of abuse in urine” or any procedure approved by the Commissioner for this purpose.

[5] Clause 66S Analysis of samples of urine, hair or blood

Omit “AS 4308 ‘Recommended Practice for the Collection, Detection and Quantification of Drugs in Urine’ ” from clause 66S (3).

Insert instead “AS 4308—1995 ‘Recommended practice for the collection, detection and quantitation of drugs of abuse in urine’ ”.

[6] Clause 66V Certificate evidence of concentration of alcohol in blood determined by analysis of sample of blood

Insert after clause 66V (2) (d):

- (e) that the practitioner handled the container in a specified manner,

[7] Clause 66V (3) (d)

Insert after clause 66V (3) (c):

- (d) that the person handled the container in a specified manner,

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Schedule 1 Amendments

[8] Clause 66V (4) (c1)

Insert after clause 66V (4) (c):

- (c1) that the analyst handled the container in a specified manner,

[9] Clause 66W Certificate evidence of presence of prohibited drugs

Insert after clause 66W (2) (c):

- (d) that the person handled the container in a specified manner,

[10] Clause 66W (3) (c1)

Insert after clause 66W (3) (c):

- (c1) that the analyst handled the container in a specified manner,