



New South Wales

# Police Amendment (Drug and Alcohol Testing) Regulation 2007

under the

Police Act 1990

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

JOHN WATKINS, M.P.,  
Minister for Police

## Explanatory note

The object of this Regulation is to amend the *Police Regulation 2000* (*the Regulation*) as a consequence of certain amendments made to the *Police Act 1990* by the *Police Amendment (Miscellaneous) Act 2006*. The amendments to the Regulation:

- (a) update Part 5 of the Regulation with respect to the use of steroids by police officers, and
- (b) provide for the accreditation of testing organisations, and
- (c) update references to an Australian Standard, and
- (d) apply confidentiality provisions to students of policing, and
- (e) provide for the renaming of “NSW Police” to the “NSW Police Force”.

This Regulation is made under the *Police Act 1990*, including sections 211A, 211AA and 219 (the general regulation-making power).

## **2007 No 32**

Clause 1            Police Amendment (Drug and Alcohol Testing) Regulation 2007

---

# **Police Amendment (Drug and Alcohol Testing) Regulation 2007**

under the

Police Act 1990

### **1 Name of Regulation**

This Regulation is the *Police Amendment (Drug and Alcohol Testing) Regulation 2007*.

### **2 Commencement**

This Regulation commences on 1 February 2007.

### **3 Amendment of Police Regulation 2000**

The *Police Regulation 2000* is amended as set out in Schedule 1.

---

## Schedule 1 Amendments

(Clause 3)

**[1] The whole Regulation**

Omit “NSW Police” wherever occurring (except for the definitions of *NSW Police* and *Police Code of Conduct* in clause 3 and clauses 46, 52, 54 and 56).

Insert instead “the NSW Police Force”.

**[2] Clause 3 Definitions**

Omit the definition of *NSW Police*. Insert instead:

*NSW Police Force* means the NSW Police Force established by the Act.

**[3] Clause 46 Confidential information**

Omit “of NSW Police” wherever occurring in clause 46 (1) and (2).

Insert instead “of the NSW Police Force or a student of policing”.

**[4] Clause 46 (2)**

Omit “NSW Police business”. Insert instead “NSW Police Force business”.

**[5] Clause 46 (2)**

Omit “outside NSW Police”. Insert instead “outside the NSW Police Force”.

**[6] Part 5**

Insert “or steroids” after “prohibited drugs” in the heading to the Part.

**[7] Clause 47 Definitions**

Omit “the Government of New South Wales, or by an area health service,” from the definition of *analyst*.

Insert instead “an organisation accredited by the National Association of Testing Authorities, Australia for the purposes of AS 4308”.

**[8] Clause 47, definition of “AS 4308”**

Omit “1995”. Insert instead “2001”.

**[9] Clause 47, definition of “AS 4308”**

Omit “1 September 2000”. Insert instead “1 February 2007”.

## 2007 No 32

Police Amendment (Drug and Alcohol Testing) Regulation 2007

Schedule 1 Amendments

---

**[10] Clause 47**

Insert in alphabetical order:

*steroid* means anabolic and androgenic steroidal agents included in Schedule 4 of the Poisons List under the *Poisons and Therapeutic Goods Act 1966*.

**[11] Clauses 48 (4) (a) and (b) and 62 (a)**

Insert “or steroids” after “prohibited drugs” wherever occurring.

**[12] Clause 49 Code of behaviour**

Insert after subclause (1):

- (1A) A member of the NSW Police Force must not use any steroid unless the police officer’s use of the steroid is in accordance with a prescription of a medical practitioner.

**[13] Clauses 49 (6), 54 (1) (a), 55 (1) (a), 56 (2), 60 (1) and (4), 62 (a), 63 (1) (a) and 64 (1)**

Insert “or 211AA” after “section 211A” wherever occurring.

**[14] Clauses 52 (3) (b), 54 (3) (b) and 56 (2) (a)**

Omit “NSW Police” wherever occurring. Insert instead “NSW Police Force”.

**[15] Clauses 54 (1) (a), 55 (1) (a), 56 (2), 58 (3) (b), 59 (1) (a), 64 (1) and (5) and 65**

Insert “or steroid” after “prohibited drug” wherever occurring.

**[16] Clause 58 Special follow-up testing**

Omit clause 58 (2). Insert instead:

- (2) Special testing must occur at least once a year. The police officer is not to be given notice of the time of testing.
- (2A) Special testing may involve any one or more of the following in accordance with this Part:
- (a) breath testing,
  - (b) breath analysis,
  - (c) a requirement to supply a sample of hair,
  - (d) a requirement to supply a sample of urine.

**[17] Clauses 63 (4) (b) and 64 (4)**

Omit “New South Wales Department of Health” wherever occurring.

Insert instead “National Association of Testing Authorities, Australia for the purposes of AS 4308”.

**[18] Clause 64 (2)**

Insert “or a steroid or steroids” after “or drugs”.