



New South Wales

Police Amendment (Initial Screening) Regulation 2010

under the

Police Act 1990

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Police Act 1990*.

MICHAEL DALEY, MP
Minister for Police

Explanatory note

The objects of this Regulation are as follows:

- (a) to enable initial screening tests to be conducted on samples of urine provided for the purpose of random drug testing of police officers under section 211A of the *Police Act 1990*,
- (b) to enable a sample that returns a result indicating the possible presence of prohibited drugs to be dealt with in substantially the same way as existing procedures which apply to a sample that is not subject to an initial screening test,
- (c) to enable the Commissioner of Police to take temporary measures to manage the risk associated with an officer whose initial screening test returns a result indicating a possible presence of prohibited drugs,
- (d) to allow samples which return a result indicating the absence of prohibited drugs to be discarded.

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

2010 No 662

Clause 1 Police Amendment (Initial Screening) Regulation 2010

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1 Name of Regulation

This Regulation is the *Police Amendment (Initial Screening) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Police Regulation 2008

[1] Clause 76 Definitions

Insert in alphabetical order in clause 76:

initial screening test means a preliminary test conducted under clause 91A.

[2] Clause 82A

Insert after clause 82:

82A Consequences of a positive screening test

If an initial screening test returns a result indicating the possible presence of prohibited drugs in a sample of a police officer's urine, the Commissioner may:

- (a) take no action until the outcome of an analysis of the urine in accordance with clause 93 is known, or
- (b) place the officer on modified duties, such as station or office duties, or
- (c) relieve the officer from duty on full pay.

[3] Clause 83 Consequences for police officers using prohibited drugs or steroids

Insert "(other than an initial screening test)" after "test" in clause 83 (1) (a).

[4] Clause 84 Consequences for police officers repeatedly using prohibited drugs or steroids

Insert "(not including a screening test)" after "test" in clause 84 (1) (a).

[5] Clause 85 Special provisions in relation to probationary constables

Insert "(other than an initial screening test)" after "test" in clause 85 (2).

[6] Clause 91A

Insert after clause 91:

91A Action with respect to initial screening of samples of urine

- (1) This clause applies if a sample of urine is taken under section 211A of the Act for the purpose of conducting testing on a random basis.
- (2) The sample may be subjected to a preliminary test conducted:
 - (a) on the site at which it is originally provided, and

2010 No 662

Police Amendment (Initial Screening) Regulation 2010

Schedule 1 Amendment of Police Regulation 2008

- (b) in accordance with the on-site screening procedure set out in AS 4308 or any other procedure approved by the Commissioner in that regard.
- (3) If the preliminary test of the sample returns a result indicating the possible presence of prohibited drugs, it must be dealt with in accordance with clause 92 (2), (3), (4) and (5).
- (4) If the preliminary test of the sample returns a result indicating the absence of prohibited drugs, it must be disposed of in accordance with AS 4308.

[7] Clause 92 Action with respect to samples of urine, hair and blood

Insert after clause 92 (1):

- (1A) This clause does not apply in relation to a sample of urine that has been the subject of an initial screening test that returned a result indicating the absence of prohibited drugs.