



New South Wales

Police Amendment (Interference with Test Results) Regulation 2013

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*.

MICHAEL GALLACHER, MLC
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to make it an offence in certain circumstances to remove or interfere with a sample of a police officer's urine, hair, breath or blood provided under the *Police Act 1990*, to provide a false sample or to replace a sample with a false sample. The Regulation also makes it an offence to assist or encourage those activities.

This Regulation is made under the *Police Act 1990*, including sections 211A (5) (g) and 219 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Police Amendment (Interference with Test Results) Regulation 2013*.

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 94 Interfering with results of test

Omit “a sample of urine, hair, breath or blood” from clause 94 (b).

Insert instead “a test sample”.

[2] Clause 94 (2)–(5)

Insert at the end of clause 94:

- (2) A police officer is guilty of an offence if the police officer:
- (a) in purported compliance with a requirement to provide a test sample under the Act, provides a false test sample, or
 - (b) replaces a test sample provided by the police officer with a false test sample, or
 - (c) encourages another person to provide a test sample, or to do anything else, for the purpose of assisting the police officer to contravene paragraph (a) or (b).

Maximum penalty: 20 penalty units.

- (3) A person who removes or interferes with a test sample provided by a police officer for the purpose of preventing or perverting the course of any proceedings against a police officer is guilty of an offence.

Maximum penalty: 20 penalty units.

- (4) A person who assists or encourages a person to contravene subclause (1), (2) (a) or (b) or (3) with the intention of assisting or encouraging that contravention is guilty of an offence.

Maximum penalty: 20 penalty units.

- (5) In this clause:

encourage includes request or command.

false test sample means:

- (a) a test sample obtained from another person (not being the police officer required to provide the test sample), or
- (b) a test sample that has been interfered with, or
- (c) a thing that is not a test sample.

interfere with a test sample means do anything that alters or disguises the concentration of alcohol or prohibited drug or steroid in the test sample.

proceedings includes disciplinary proceedings and any investigation of the conduct of a police officer carried out under the Act or another Act.

test sample means a sample of a person’s urine, hair, breath or blood.