

[Act 1998 No 40]



New South Wales

Police Service Amendment (Alcohol and Drug Testing) Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Section 211A of the *Police Service Act 1990* presently provides for the random or targeted testing of police officers for alcohol or prohibited drugs while they are on duty in accordance with a roster. The object of this Bill is to amend that section so as to provide for the testing of police officers who have been involved while on duty in an incident:

- (a) in which a person has been killed or seriously injured as a result of a police motor vehicle pursuit or police shooting, or
 - (b) in which a person has been killed while in police custody,
- to ascertain whether or not those officers were affected by alcohol or prohibited drugs.

Except as explained below, testing will follow the current methods which comprise the administration of a breath test and, if that test warrants, a breath analysis (in the case of testing for alcohol) or the provision and testing of a sample of urine or hair (in the case of testing for prohibited drugs). The requirement to undergo a test will be made by an "authorised person" prescribed by the regulations made under the Act.

The amendments will not affect the operation of provisions of the *Traffic Act 1909* which already require the taking and analysis of blood samples from persons (including police officers) attending at or admitted to a hospital for examination or treatment in consequence of a motor accident on a public street. However, the procedures of that Act for taking blood samples in such a case are adopted for the taking of samples where a police officer involved in an incident described above attends or is admitted to a hospital for examination or treatment.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Police Service Act 1990* set out in Schedule 1.

Schedule 1 amends section 211A of the *Police Service Act 1990* as described in the above overview.