

TN301*

Road Traffic Act 1974

Road Traffic (Drug Driving) Amendment Regulations 2014

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Drug Driving) Amendment Regulations 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Road Traffic (Drug Driving) Regulations 2007*.

4. Regulations 6 and 7 replaced

Delete regulations 6 and 7 and insert:

6. Collecting and testing oral fluid (s. 66D(4))

The steps to be taken by an authorised drug tester when collecting and testing oral fluid under section 66D are set out in Schedule 2.

5. Regulation 8 amended

In regulation 8 delete “regulations 6 and 7” and insert:

Schedule 2

6. Schedule 2 inserted

After Schedule 1 insert:

Schedule 2 — Collecting and testing oral fluid

[r. 6]

Division 1 — Cozart Drug Detection System**1. Preparing to collect oral fluid**

The following steps are to be taken when preparing to collect oral fluid for testing using a Cozart Drug Detection System —

- (a) check the packaging of the equipment is not damaged and that any expiry date has not passed;
- (b) open the packaged equipment;
- (c) check that each item of the device is present and that none of the items shows any apparent damage.

2. Collecting oral fluid

The following steps are to be taken when collecting oral fluid for testing using a Cozart Drug Detection System —

- (a) require the suspect —
 - (i) to swab around the suspect’s gums, tongue and inside cheek; and
 - (ii) to retain the swab in the suspect’s mouth until any indicator of sample adequacy shows that a sufficient sample has been collected;

- (b) remove the cap of the collection tube provided as a part of the testing device and place the collector swab in that tube, swab end first, then replace the cap;
- (c) mix the sampled oral fluid with the solution in the collector tube either by shaking for approximately 30 s or by using a vortex mixer.

3. Setting up for oral fluid test

The following steps are to be taken when setting up for testing oral fluid using a Cozart Drug Detection System —

- (a) ensure the device is switched on;
- (b) check the date and time and conduct a system test;
- (c) carry out a quality control test.

4. Conducting oral fluid test

The following steps are to be taken when testing oral fluid using a Cozart Drug Detection System —

- (a) remove the test cartridge from the package and place it on a flat horizontal surface;
- (b) remove the cap from the collector tube and, using a pipette, remove a sample of the fluid from the collection tube;
- (c) apply at least 6 drops of fluid into the sample well of the test cartridge and wait for the coloured fluid to appear on the test cartridge;
- (d) when prompted by the device, insert the test cartridge and wait for the progress indicator to show that the test cycle is complete;
- (e) observe the result of the test.

Division 2 — Dräger DrugTest 5000 Analyzer

5. Preparing to collect oral fluid

The following steps are to be taken when preparing to collect oral fluid for testing using a Dräger DrugTest 5000 Analyzer —

- (a) check that the packaging of any equipment is not damaged and that any expiry date has not passed;
- (b) open any packaged equipment;
- (c) check that each item of the equipment is present and that none of the items shows any apparent damage;
- (d) remove the safety cap and buffer cartridge from the saliva test kit collector but do not dispose of them;
- (e) remove, but do not discard, the lid from the storage tube holding the drug collection head;
- (f) push the drug collection head held by the storage tube onto the saliva test kit collector until the gap between the sampler and the blue socket of the collector has narrowed to between 3 mm and 5 mm;
- (g) remove the storage tube but do not discard it.

6. Collecting oral fluid

The following steps are to be taken when collecting oral fluid for testing using a Dräger DrugTest 5000 Analyzer —

- (a) give the saliva test kit collector (with the attached drug collection head) to the suspect;
- (b) require the suspect to place (or replace) the collector inside the suspect's mouth and move it carefully from one side to the other for 10 s to 15 s;
- (c) require the suspect to place (or replace) the collector under the suspect's tongue until the sample volume indicator shows blue;
- (d) require the suspect to ensure that the drug collection head remains on the saliva test kit collector at all times during the procedures referred to in paragraphs (b) and (c);
- (e) end the sample collection when the sample volume indicator shows blue.

7. Setting up for oral fluid test

The following steps are to be taken when setting up for testing oral fluid using a Dräger DrugTest 5000 Analyzer —

- (a) remove the drug collection head from the saliva test kit collector and place the head in the vial insert in the storage tube;
- (b) open the vial containing isopropanol included in the equipment and pour the isopropanol into the vial insert containing the drug collection head;
- (c) replace the lid on the storage tube holding the vial insert.

8. Conducting oral fluid test

The following steps are to be taken when testing oral fluid using a Dräger DrugTest 5000 Analyzer —

- (a) do the following within 10 min after obtaining the sample —
 - (i) open the door of the Analyzer, ensuring the screen displays "Ready for Measurement";
 - (ii) insert the saliva test kit collector into the lower compartment and buffer cartridge into the upper Analyzer compartment;
 - (iii) close the Analyzer door and follow the instructions on the screen;
- (b) do the following as soon as practicable after following the steps prescribed in paragraph (a) —
 - (i) move the oral fluid sample from the drug collection head to the bottom of the storage tube either by shaking for approximately 30 s or by using a centrifuge;

- (ii) use a pipette to transfer the oral fluid sample and isopropanol in the storage tube into 2 empty vials for the purposes of section 69B of the Act;
- (iii) observe the results of the test.

G. MOORE, Clerk of the Executive Council.
