



New South Wales

Police Service Amendment (Alcohol and Drug Testing) Act 1998 No 40

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New South Wales

Police Service Amendment (Alcohol and Drug Testing) Act 1998 No 40

Act No 40, 1998

An Act to amend the *Police Service Act 1990* with respect to the testing of police officers for the presence of alcohol or prohibited drugs. [Assented to 23 June 1998]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Service Amendment (Alcohol and Drug Testing) Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Police Service Act 1990 No 47

The *Police Service Act 1990* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 211A Testing of police officers for alcohol and prohibited drugs

Insert “pursuant to subsection (1)” after “testing” in section 211A (2).

[2] Section 211A (2A)

Insert after section 211A (2):

(2A) If an incident occurs in which a person is killed or seriously injured as a result of a police motor vehicle pursuit or the discharge of a firearm by a police officer, or in which a person is killed while in police custody, an authorised person may require any police officer directly involved in the incident while on duty:

- (a) to undergo a breath test, or submit to a breath analysis, for the purpose of testing for the presence of alcohol, or
- (b) to provide a sample of the police officer’s urine or hair for the purpose of testing for the presence of prohibited drugs,

in accordance with the directions of the authorised person and the regulations.

[3] Section 211A (4)

Insert “This subsection applies only to testing pursuant to subsection (1).” at the end of the subsection.

[4] Section 211A (4A)–(4D)

Insert after section 211A (4):

(4A) A requirement pursuant to subsection (2A) to undergo a test or to provide a sample is to be made by an authorised person as soon as practicable after the incident concerned. Any authorised person may administer the breath test or breath analysis in such a case.

- (4B) If a police officer involved attends or is admitted to a hospital for examination or treatment because of the incident, an authorised person may require the officer to provide a sample of the officer's blood, urine or hair in accordance with the directions of a medical practitioner who attends the officer at the hospital.
- (4C) Any such medical practitioner must take the sample if informed by the authorised person that the sample is required to be taken by the practitioner, but not a sample of blood if such a sample is taken under section 4F of the *Traffic Act 1909* instead. That section applies to any taking of a sample pursuant to this subsection as if the sample were a sample of blood taken under that section.
- (4D) Any sample taken pursuant to subsection (4C) is to be dealt with, and a report on the analysis of the sample is to be provided, in accordance with the regulations. However, nothing in this section or the regulations derogates from the operation of section 4F or 4G of the *Traffic Act 1909* (relating to the taking and analysis of blood samples).

[Minister's second reading speech made in—
Legislative Assembly on 27 May 1998
Legislative Council on 3 June 1998]