

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1989, No. 7 \*

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Regulations under the *Traffic Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Traffic Act*.

Dated 28 APR 1989.

E. E. JOHNSTON  
Administrator

By His Honour's Command  
F. A. FINCH

Minister for Transport and Works

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AMENDMENTS OF TRAFFIC REGULATIONS

1. PRESCRIBED BREATH ANALYSIS INSTRUMENT

Regulation 112 of the Traffic Regulations is amended by omitting all words after "carrying out of a breath analysis" and substituting the following:

"which is, or apparently is, of a type known as -

- (a) a breathalyser and manufactured, or apparently manufactured, under United States Patent Number 2824789; or
- (b) a Drager Alcotest 7110,

is a prescribed breath analysis instrument."

2. BREATH ANALYSIS

Regulation 113 of the Traffic Regulations is amended -

- (a) by omitting from subregulation (2) "a prescribed breath analysis instrument" and substituting "a prescribed breath analysis instrument of a type referred to in regulation 112(a)";

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\* Notified in the *Northern Territory Government Gazette* on 10 MAY 1989.

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(b) by omitting from subregulation (3) "for the purposes of the Act" and substituting "for the purposes of the Act using a prescribed breath analysis instrument of a type referred to in regulation 112(a)"; and

(c) by adding at the end the following:

"(5) To prepare a prescribed breath analysis instrument of a type referred to in regulation 112(b) for use at a particular time, a person shall, shortly before that time, ensure that -

(a) the instrument is turned on; and

(b) the words "READY TO START" appear on the display panel of the instrument."

### 3. TESTING INSTRUMENT AFTER USE

Regulation 114(1) of the Traffic Regulations is amended by omitting "a prescribed breath analysis instrument" and substituting "a prescribed breath analysis instrument of a type referred to in regulation 112(a)".

### 4. FORMS

Regulation 115 of the Traffic Regulations is amended -

(a) by omitting from the table "a prescribed breath analysis instrument" (twice occurring) and substituting "a prescribed breath analysis instrument of a type referred to in regulation 112(a)"; and

(b) by adding at the end of the table the following:

"7. May be used by a person authorized by the Commissioner to use a prescribed breath analysis instrument of a type referred to in regulation 112(b) for the purposes of the Act after that person has completed a breath analysis using that instrument.

8. May be used by a person authorized by the Commissioner to use a prescribed breath analysis instrument of a type referred to in regulation 112(b) for the purposes of the Act after a person refuses or fails to -

(a) submit to a breath analysis proposed to be carried out by that authorized person using that instrument; or

(b) provide, in accordance with the directions of that authorized person, given for the purpose of carrying out a breath analysis using that instrument, a sample of breath sufficient for the completion of the breath analysis."

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5. CONDUCT OF BREATH ANALYSIS

Regulation 116 of the Traffic Regulations is amended by inserting after subregulation (2) the following:

"(2A) A statement printed by a prescribed breath analysis instrument of a type referred to in regulation 112(b) is a statement for the purposes of subregulation (2).".

6. SCHEDULE 2

Schedule 2 of the Traffic Regulations is amended by adding at the end the following:

"FORM 7

Regulation 115

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CERTIFICATE ON COMPLETION OF BREATH ANALYSIS

I, (name), a member of the Police Force authorized by the Commissioner to use for the purposes of the *Traffic Act* a prescribed breath analysis instrument, namely the Drager Alcotest 7110, certify that I carried out a breath analysis on 19 of a sample of the breath of (full name and address) whose occupation is and whose age is, completing the analysis at the time stated beneath my signature hereunder and the result of the analysis expressed as a percentage of alcohol in blood as shown on and recorded by the breath analysis instrument was %.

AND I further certify that -

- (a) by the analysis I assessed that there was a concentration of alcohol in the blood of the person providing the sample of the number of grammes of alcohol per 100 ml of blood that is expressed as a percentage as shown on and recorded by the breath analysis instrument;
- (b) shortly before the analysis I carried out the procedure required by regulation 113(5);
- (c) before carrying out the breath analysis I satisfied myself that the person who provided the sample had not consumed any intoxicating liquor within the 15 minutes immediately preceding the giving of the sample;
- (d) I provided an unused mouthpiece for use in providing the sample; and

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- (e) within one hour after completing the breath analysis I signed and delivered to the person who provided the sample a statement as required by regulation 116(2).

Dated

19 .

(signed)  
 a.m./p.m.  
 (time of completion)

"FORM 8

Regulation 115

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Traffic Regulations

CERTIFICATE ON REFUSAL OR FAILURE TO SUBMIT TO BREATH ANALYSIS

I, (name), a member of the Police Force authorized by the Commissioner to use for the purposes of the Traffic Act a prescribed breath analysis instrument, namely the Drager Alcotest 7110, certify that -

- (a) on 19 at a.m./p.m. Constable of the Police Force identified to me

(name and address)

at (place) ;

- (b) I addressed the person who had been identified to me as follows:

I said 'Are you suffering from any illness?'

The person said '

I said 'Are you suffering from any physical disability?'

The person said '

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I said 'Are you suffering from any injuries?'.  
The person said '

I said 'Are you taking any tablets, drugs, insulin or medicine?'.  
The person said '

- (c) I then prepared a Drager Alcotest 7110 for use by turning the instrument on and observing that the words 'READY TO START' appeared on the display panel;
- (d) by carrying out that procedure I ascertained that the instrument was in good working order;
- (e) I then satisfied myself that it was more than 15 minutes since the person who had been identified to me had last consumed any intoxicating liquor;
- (f) I then said to the person who had been identified to me 'This is a prescribed breath analysis instrument. I am authorized to use it for the purposes of the *Traffic Act*. It is in good working order and ready for use. I require you to submit to a breath analysis.';
- (g) I then gave the person directions as to how the person was to provide a sample of breath sufficient for the completion of the breath analysis;
- (h) the person then said '

'; and

- (j) the person then

(describe the person's actions)

(signed)

Date / / ".  
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