



Information Alert



NEW NATIONAL STANDARDS FOR BREATH ANALYSIS

Police currently use breath analysing instruments to measure blood alcohol concentration by obtaining a sample of breath and measuring the amount of alcohol in breath, before converting this to the concentration of alcohol in a person's blood. The results from these instruments are used for evidentiary purposes in court.

The way the concentration of alcohol may be measured and reported when a person undergoes a breath analysis has recently been changed. **However, rail safety workers will not be subjected to different testing procedures as a result of this change and there has been no change to the current prescribed concentration of alcohol (PCA) offences.**

The *Road Transport (Safety and Traffic Management) Act 1999* and other legislation dealing with breath testing or analysis, including the *Rail Safety Act 2002* and the *Rail Safety (Drug and Alcohol Testing) Regulation 2003*, have been amended to allow the concentration of alcohol in both a person's breath and blood to be measured and reported.

Accordingly, clause 5 of the *Rail Safety (Drug and Alcohol Testing) Regulation 2003* now provides that it is an offence for a railway employee to carry out railway safety work while the prescribed concentration of alcohol is present in the employee's breath or blood.

These amendments enable breath analysis in NSW to meet new national standards of measurement, which require the results of evidentiary breath analysers to be displayed as the concentration of grammes of alcohol present in 210 litres of breath, rather than 100 millilitres of blood. The legislation also allows for both breath and blood alcohol evidence to be admissible in court during the changeover of breath analysers to the new standards.

There will be no changes to the current PCA offences, as grammes of alcohol per 210 litres of breath is an equivalent measure to grammes of alcohol per 100 millilitres of blood. For example, the PCA in the *Rail Safety (Drug and Alcohol Testing) Regulation 2003* is now defined as 0.02 grammes or more of alcohol in 210 litres of breath or 100 millilitres of blood.

NSW Police plan to roll-out the implementation of the new breath analysis instruments over the next 18 months to two years.

There has been no change to *Australian Standard 3547-1997, Breath alcohol testing devices for personal use*, which specifies the requirements for breath testing devices which comply with the *Rail Safety (Drug and Alcohol Testing) Regulation 2003*.



Carolyn Walsh
Chief Executive