

South Australia

Controlled Substances (General) Variation Regulations 2008

under the *Controlled Substances Act 1984*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Controlled Substances (General) Variation Regulations 2008*.

2—Commencement

These regulations will come into operation on the day on which the *Controlled Substances (Drug Detection Powers) Amendment Act 2008* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Controlled Substances (General) Regulations 2000*

4—Insertion of regulation 4A

After regulation 4 insert:

4A—Electronic drug detection

- (1) For the purposes of paragraph (b) of the definition of *general drug detection* in section 4(1) of the Act, an electronic drug detection system may only be used in a manner consistent with this regulation.

- (2) An electronic drug detection system may only be used in relation to a person in accordance with the following:
- (a) by taking samples of particulate matter from—
 - (i) the outside of the person's clothing; and
 - (ii) the person's hands;for the purpose of analysis to detect the presence of a controlled drug, controlled precursor or controlled plant;
 - (b) the person cannot be required to remove, undo or rearrange any clothing for the purpose of taking such samples from the person's clothing;
 - (c) in taking such samples from the person's clothing, care must be taken to avoid disturbing the person's clothing.
- (3) An electronic drug detection system may only be used in relation to property (other than a vehicle) by taking samples of particulate matter from the outside of the property for the purpose of analysis to detect the presence of a controlled drug, controlled precursor or controlled plant.
- (4) An electronic drug detection system may only be used in relation to a vehicle in accordance with the following:
- (a) by taking samples of particulate matter from both the exterior and interior of the vehicle (but not from the inside of any internal storage compartment) for the purpose of analysis to detect the presence of a controlled drug, controlled precursor or controlled plant;
 - (b) articles must not be removed from the vehicle for the purpose of taking such samples.
- (5) For the purposes of this regulation, samples of particulate matter may be taken by swabbing, wiping or otherwise touching a surface to obtain a sample of particles from that surface.
- (6) In this regulation—
- internal storage compartment***, in relation to a vehicle, means a glove box, drawer, cupboard, pocket or other similar compartment within the vehicle that is designed by the manufacturer—
- (a) for the storage of items in the vehicle; and
 - (b) to be capable of being sealed or closed,
- but does not include general internal space within a vehicle such as the rear of a station wagon, panel van or van, the boot of a car or any other similar space;
- vehicle*** includes a caravan, trailer or anything else being towed by the vehicle.

5—Variation of regulation 10—Taking of cannabis samples (section 52E(6))

Regulation 10(1)—delete "section 52A(6)" and substitute:

section 52E(6)

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

after consultation by the Minister with the Advisory Council and with the advice and consent of the Executive Council
on 23 October 2008

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