



**REPUBLIC OF NAURU
GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY
EXTRAORDINARY**

No. 229

23rd December, 2020

Nauru

G.N.No. 929/2020

**MOTOR TRAFFIC ACT 2014
CODE OF PRACTICE
IMPAIRMENT TESTS**

A. INTRODUCTION

1. The *Motor Traffic Act 2014* ('Act') as amended on 23rd October 2020 introduced the impairment tests for the assessment of a person who is found to be driving or in charge of a motor vehicle under the influence of intoxicating liquor. This Code is to ensure a uniform assessment and procedure by authorised persons in performing impairment tests to determine whether a person is under the influence of intoxicating liquor.
2. The impairment tests assess or determine the ability of the person to divide his or her attention to more than one task. In carrying out the impairment tests, the authorised officer is assessing 3 things:
 - (a) a person's ability to divide his or her attention to more than one task;
 - (b) the person's balance; and
 - (c) the person's coordination.
3. The Act provides for the following assessments:
 - (a) a walk and turn assessment;
 - (b) an eye assessment;
 - (c) pupillary assessment;
 - (d) balance assessment;
 - (e) a finger to nose assessment; and
 - (f) a one leg stand assessment.

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4. The police officers authorised to carry out the tests, must, in addition to the necessary training, be provided with and keep a copy of this Code at all times.

B. APPROVAL OF AUTHORISED OFFICERS

5. The Commissioner of Police must authorise police officers to carry out the impairment tests after being satisfied that such police officers have attained the necessary skills to carry out an objective assessment of any person found to be driving or in charge of a motor vehicle while being under the influence of intoxicating liquor.

C. PROCEDURE FOR TEST

6. Authorised police officers must give clear instructions to a person prior to carrying out the impairment tests.
7. In order to determine or assess whether a person is under the influence of intoxicating liquor, an authorised police officer must carry out 2 separate tests. That is, each person is subject to 2 impairment assessments. This ensures a more objective assessment of a person's impairment status.

D. THE CATEGORIES OF TESTS:

(a) *Walk and turn assessment:*

Before a walk-and-turn test begins, the officer must give clear instructions to the driver. The person must follow the police officer's instructions in performing the physical movements.

The police officer must clearly instruct a person to:

- (i) take twelve steps forward,
- (ii) walk heel-to-toe;
- (iii) walk along a straight line;
- (iv) turn on one foot; and
- (v) return twelve steps in the opposite direction.

In carrying out this test, the police officer must look for 8 signs of the person being impaired. A person may be impaired if he or she:

- (i) starts walking before the police officer completes giving instructions;
- (ii) cannot keep balance while listening to the instructions;
- (iii) does not touch heel-to-toe;
- (iv) does not walk in straight line;
- (v) loses balance while turning;
- (vi) stops while walking to regain balance;
- (vii) takes an incorrect number of steps; and
- (viii) uses arms to balance.

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(b) *Eye assessment:*

Before carrying out an eye assessment, the police officer must:

- a. ascertain that the person understands and is able to follow the instructions;
- b. ascertain whether the person wears glasses or contact lenses. A person must remove his or her glasses or hard contact lenses before the assessment is carried out.
- c. instruct the person to be assessed to:
 - (i) look straight ahead;
 - (ii) keep his or her eyes open; and
 - (iii) focus on the stimulus and follow the stimulus with his or her eyes.

The police officer must place the stimulus (penlight) at a comfortable distance (about 12 to 15 inches away) from the person's eyes. The stimulus must be held above eye level so that the person's eyes are wide open when they look directly at it.

The person must be able to follow the stimulus with his or her eyes. If the person's eyes are twitching at a certain angle, this is a sign of having a high blood alcohol level.

(c) *Pupillary assessment:*

Before a pupillary assessment, the police officer must:

- a. instruct the person to be assessed to:
 - (i) look straight ahead;
 - (ii) keep his or her eyes open.
- b. ascertain the person understands and is able to follow the instructions;
- c. ascertain whether the person wears glasses or contact lenses.

The assessment must be undertaken using a gauge to be held adjacent to the appropriate side of the person's face to allow the police a process of comparison to estimate the size of the person's pupil.

The police officer must record if the person's eyes are watery and whether the eyes display any redness.

(d) *Balance assessment;*

Before carrying out the balance assessment, the police officer must instruct the person:

- (i) to stand up straight with heels and toes together and with arms down on the person's sides;
- (ii) to remain in that position while the remaining instructions are given; and
- (iii) not to begin or do anything until he or she is told to.

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Thereafter, the police officer must require the person to:

- (i) tilt his or head head back slightly and then close his or her eyes;
- (ii) to bring his or her head forward, open his or her eyes and say stop when he or she thinks 30 seconds has passed.

The police officer must record whether:

- (i) the person was able to balance while being instructed;
- (ii) the person sways, steps or raises arms during the test;
- (iii) the person's eyes were open;
- (iv) the person's head was lowered;
- (v) the person was able to complete the assessment;
- (vi) the person asked to stop the assessment

(e) *Finger to nose assessment*

Before carrying out the finger to nose balance assessment, the police officer must instruct the person to:

- (i) close his or her eyes;
- (ii) tilt the head back slightly; and
- (iii) touch the nose with the index finger.

This is repeated 3 times on each hand, for a total of 6 attempts.

While performing this assessment, the police officer must look for a number of signs that indicate that the person is under the influence of intoxicating liquor. These include:

- (i) inability to follow instructions;
- (ii) swaying or person unable to keep balance;
- (iii) eyelid or body tremors;
- (iv) speaking or making sounds during the test; and
- (v) failing to touch finger to nose.

The police officer must note when the person shows 2 or more signs of impairment.

(f) One leg stand assessment:

A one leg stand assessment is a divided attention test. The police officer must give clear instructions to a person before conducting a one leg stand assessment.

The police officer must instruct the person to stand with one foot about 6 inches off the ground and keep his or her arms down at the person's sides. The police officer must then instruct the person to count from 1,001 (one-thousand-one, one thousand two, etc.) until the police officer instructs the person to put his or her foot down. The police officer must not unnecessarily prolong the test.

While the person is counting down, the police officer must look for these signs whether it is demonstrated by the person undergoing the test:

- (i) hopping to maintain balance;
- (ii) putting the foot down;
- (iii) swaying while balancing; and
- (iv) using arms to balance.

The police officer must note when the person shows 2 or more signs of impairment under this test.

8. All impairment tests administered and carried out by authorised police officers shall be recorded in an appropriate form approved by the Commissioner of Police.

HON. MARTIN HUNT, M.P.
MINISTER FOR TRANSPORT