



Western Australia

Road Traffic Act 1974

# **Road Traffic (Blood Sampling and Analysis) Regulations 1975**

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Western Australia

## **Road Traffic (Blood Sampling and Analysis) Regulations 1975**

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### **Defined terms**



Western Australia

Road Traffic Act 1974

## **Road Traffic (Blood Sampling and Analysis) Regulations 1975**

### **1. Citation**

These regulations may be cited as the *Road Traffic (Blood Sampling and Analysis) Regulations 1975*<sup>1</sup>.

### **2. Terms used**

In these regulations, unless the context otherwise requires —

***Form*** means one of the forms set out in the Schedule;

***subject*** means a person required to submit himself and allow a sample of his blood to be taken, or from whom a sample of blood is caused to be taken for analysis pursuant to section 66, 66B or 66E of the Act;

***technologist*** means —

- (a) a person registered as an analyst under section 203 of the *Health Act 1911*; or
- (b) a person approved, or belonging to a class of persons approved, by the Minister to prepare sampling equipment.

*[Regulation 2 amended in Gazette 25 Feb 1983 p. 650;  
30 Jan 2001 p. 623; 11 Oct 2007 p. 5477; 8 Apr 2011 p. 1293.]*

### **3. Application**

These regulations apply whenever a blood sample is taken for the purposes of the Act.

r. 4

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**4. Sampling**

A blood sample taken in pursuance of these regulations shall be taken by means of equipment (in these regulations called *the sampling equipment*) provided for that purpose by a body approved by the Minister and by no other means.

*[Regulation 4 amended in Gazette 29 Jun 1984 p. 1795;  
30 Jan 2001 p. 623.]*

**5. Sampling equipment**

The sampling equipment must comprise either —

- (a) all of the following —
  - (i) a sterile syringe;
  - (ii) 2 sterile containers for storing blood samples, each numbered with the serial number of the package mentioned in regulation 6(b) and containing approximately 25 mg of potassium oxalate and approximately 10 mg of sodium fluoride;
  - (iii) 2 non-alcoholic swabs of cotton wool or 2 hospital approved non-alcoholic medical wipes;

or

- (b) all of the following —
  - (i) 2 screw top plastic storage containers;
  - (ii) 2 evacuated blood collection tubes with approximately 170 mg of sodium fluoride and 42.5 mg of potassium oxalate;
  - (iii) 2 disposal needles and needle holders;
  - (iv) a tamper proof outer plastic bag;
  - (v) latex gloves;
  - (vi) a sterile dry swab;

- (vii) a sterile, non-alcoholic antiseptic cleansing skin prep wipe;
- (viii) a sticking plaster.

*[Regulation 5 inserted in Gazette 8 Jan 2010 p. 31-2.]*

**6. Preparation of sampling equipment**

The sampling equipment shall be prepared by a technologist of a body approved by the Minister who shall —

- (a) complete and sign a certificate in the form of Form A; and
- (b) seal the equipment in a serially numbered package by signing his name over the sealed portion or flap of the package.

*[Regulation 6 amended in Gazette 29 Jun 1984 p. 1795; 30 Jan 2001 p. 623.]*

**7. Method of sampling**

- (1) For the purposes of section 69(1), a blood sample must be taken by a medical practitioner or registered nurse by venepuncture, with the syringe provided in the sampling equipment and no other.
- (2A) For the purposes of section 69(1a), 2 blood samples, one immediately after the other, must be taken by a medical practitioner or registered nurse by venepuncture, with the vacutainer kit provided in the sampling equipment and no other.
- (2) The medical practitioner or registered nurse shall —
  - (a) examine the package containing the sampling equipment produced to him, and in the presence of the person producing it, ensure that —
    - (i) the package is sealed and intact; and
    - (ii) the indicated expiry date for the use of the equipment has not passed;

and

- (b) not use any sampling equipment contained in a package that is not sealed and intact or in respect of which the indicated expiry date has passed; and
- (c) cleanse the proposed site of the venepuncture by means of a non-alcoholic swab of cotton wool or a hospital approved non-alcoholic medical wipe contained in the sampling equipment and by no other means; and
- (d) take a sample of blood in accordance with subregulation (1) or 2 samples of blood in accordance with subregulation (2A); and
- (e) if —
  - (i) a sample of blood is taken in accordance with subregulation (1) — discharge approximately one-half of the blood withdrawn into one of the 2 containers supplied in the sampling equipment and the balance of the blood into the second of those containers; or
  - (ii) 2 samples of blood are taken in accordance with subregulation (2A) — discharge each sample into a separate container provided in the sampling equipment;

and

- (f) ensure that the cover of each container is securely tightened; and
- (g) shake each container thoroughly and in so doing invert it at least 20 times, to mix the contents.

*[Regulation 7 amended in Gazette 14 Nov 1975 p. 4185; 30 Jan 2001 p. 624 and 625; 8 Jan 2010 p. 32-3.]*



**8. Certification of blood samples**

- (1) Upon a blood sample being taken and dealt with in accordance with the provisions of regulation 7 —
  - (a) the medical practitioner or registered nurse shall complete and sign Part I; and
  - (b) a member of the Police Force who was present when the sample was taken shall complete and sign Part II,of 2 copies of Form B.
- (2) Upon the completion of 2 copies of Form B, each of the containers containing a portion of the blood sample shall be sealed in a separate package by the medical practitioner or registered nurse and the member of the Police Force mentioned in this regulation.

*[Regulation 8 amended in Gazette 2 Feb 1982 p. 398; 30 Jan 2001 p. 624 and 625; 8 Jan 2010 p. 33.]*

**9. Analytical method**

The analytical method by which blood samples shall be analysed for alcohol by an analyst is —

- (a) by ascertaining the change in concentration of a solution of a dichromate; or
- (b) by gas chromatography.

**10. Certificate of analyst**

- (1) A certificate for the purposes of section 70(2)(e) of the Act shall be in the form of Form C.
- (2) The *Road Traffic (Drug Driving) Regulations 2007* Schedule 1 Form 1 is prescribed for the purposes of section 70(3b)(f) of the Act as the form to be used by a drugs analyst for either or both of the following —
  - (a) that an identified sample of blood taken from or provided by a named person was analysed for drugs;

(b) the analysis result obtained from the analysis.

*[Regulation 10 amended in Gazette 11 Oct 2007 p. 5478.]*

*[11. Deleted in Gazette 28 Nov 2006 p. 4897.]*

**12. Request for taking of blood sample**

Where a sample of a person's blood is required to be taken for the purposes of the Act, and that person is incapable of submitting himself and allowing a sample to be taken, the member of the Police Force requiring the sample shall make his request for it to be taken in writing, addressed to a medical practitioner or registered nurse, in accordance with Form D.

*[Regulation 12 amended in Gazette 2 Feb 1982 p. 398; 30 Jan 2001 p. 625.]*

**13. Certificate as to competence of analyst**

A certificate for the purposes of section 70(2)(b) of the Act shall be in the form of Form E.

**14. Certificate as to competence of drug analyst**

A certificate for the purposes of section 70(3b)(a) of the Act shall be in the form of Form F.

*[Regulation 14 inserted in Gazette 25 Feb 1985 p. 650.]*

**Schedule**

Serial No.

Western Australia

*ROAD TRAFFIC ACT 1974*

Regulation 6: *Road Traffic (Blood Sampling and Analysis) Regulations 1975*

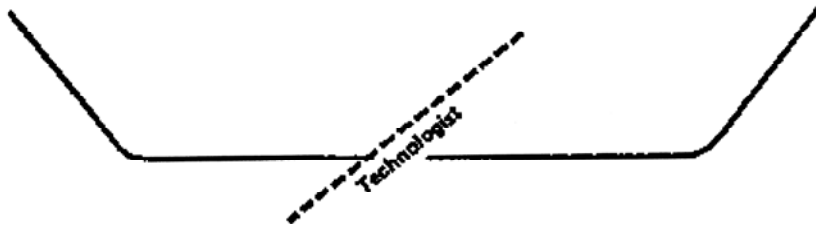
FORM A

I ..... of  
....., Technologist, do hereby  
certify that the sampling equipment contained in package Serial No. ....  
comprises the items set forth in regulation 5 of the *Road Traffic (Blood  
Sampling and Analysis) Regulations 1975*, and that those items were prepared  
by me and are sterile and fit for the purpose of taking a blood sample for  
analysis if used not later than .....

Dated at Perth this ..... day of ..... 20.....

.....  
Signature.

(Reverse Side)



Note: This package should be opened by cutting along this fold.

*[Form A amended in Gazette 10 Mar 1978 p. 688; 29 Jun 1984  
p. 1795; 30 Jan 2001 p. 624.]*

**Road Traffic (Blood Sampling and Analysis) Regulations 1975  
Schedule**

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Western Australia

*ROAD TRAFFIC ACT 1974*

Regulation 8: *Road Traffic (Blood Sampling and Analysis) Regulations 1975*

FORM B

Part I

By Medical Practitioner or Registered Nurse:

I ..... of .....  
duly qualified medical practitioner or registered nurse hereby certify that:

1. At the hour of .....m. on the .....  
day of ..... 20..... I took a sample of the  
blood of ..... of ..... portion of which sample is  
now contained in the enclosed container numbered .....

2. The equipment used for the purpose of taking that blood sample was  
contained in a package serially numbered ..... handed to me  
by ..... and that package was sealed and intact prior  
to being opened by me.

3. In taking the blood sample I complied with regulation 7 of the *Road  
Traffic (Blood Sampling and Analysis) Regulations 1975*.

.....  
Signature, and Qualifications.

(Reverse Side)

Part II

By a member of the Police Force:

Name of subject .....

Doctor or registered nurse .....

Time and date of taking blood sample ..... m. on  
.....

Time of occurrence of driving or incident giving rise to requirement of blood  
sample:

.....m. on the .....

Alleged time of last drink containing alcohol consumed by subject:

..... m. on .....

.....  
Signature, Rank and Number.

*[Diagram deleted]*

*[Form B amended in Gazette 2 Feb 1982 p. 398; 30 Jan 2001 p. 625;  
8 Jan 2010 p. 33; 4 Nov 2014 p. 4206.]*

**Road Traffic (Blood Sampling and Analysis) Regulations 1975  
Schedule**

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Western Australia.

*ROAD TRAFFIC ACT 1974*

Regulation 10: *Road Traffic (Blood Sampling and Analysis) Regulations 1975*

FORM C

I .....  
of the Chemistry Centre (WA), Perth, an analyst within the meaning of  
section 65 of the *Road Traffic Act 1974*, hereby certify that:

1. On the ..... day of ..... 20..... the Chemistry  
Centre (WA), Perth received a sealed package, comprising Form B of the *Road  
Traffic (Blood Sampling and Analysis) Regulations 1975* then intact from  
..... containing a sample of blood in a container numbered  
.....

2. The certificate (Form B) appearing on the cover of the package was  
endorsed (among other things) as follows:

Name of subject .....

Doctor .....

Time and date of taking blood sample .....

3. The sample was analysed in accordance with the *Road Traffic (Blood  
Sampling and Analysis) Regulations 1975* and was found to contain  
..... grams of alcohol per 100 mL of blood.

.....  
Analyst.

*[Form C amended in Gazette 23 Jan 1976 p. 132; 9 Aug 1991  
p. 4232; 30 Jan 2001 p. 625; 14 Mar 2008 p. 832; 9 Oct 2009  
p. 3997-8.]*

Western Australia

*ROAD TRAFFIC ACT 1974*

Regulation 12: *Road Traffic (Blood Sampling and Analysis) Regulations 1975*

FORM D

To: (1) .....

at (2) .....

Acting pursuant to the provisions of section 66(5) or 66B(1) of the *Road Traffic Act 1974*, I, the undersigned member of the Police Force, hereby request you the said (1) ..... to take a sample of the blood of (3) ..... presently at (4) ..... in accordance with the abovementioned regulations.

Dated at ..... this ..... day  
of....., 20.....

.....  
Signature, Rank and Number.

- (1) Insert name of medical practitioner or registered nurse or the words Medical Superintendent, Medical Officer in Charge, Medical Registrar or Registered Nurse, as the case may require.
- (2) Address or name of hospital, as the case may require.
- (3) Name of subject.
- (4) Place where subject is then to be found.

*[Form D amended in Gazette 2 Feb 1982 p. 398; 30 Jan 2001 p. 625;  
11 Oct 2007 p. 5478.]*

**Road Traffic (Blood Sampling and Analysis) Regulations 1975  
Schedule**

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FORM E

Western Australia

*ROAD TRAFFIC ACT 1974*

*Road Traffic (Blood Sampling and Analysis) Regulations 1975*

(Regulation 13)

I, .....  
chief executive officer of the Chemistry Centre (WA), hereby certify that .....  
.....  
of .....  
\* is an analyst/\* was as at ..... an analyst.

.....  
chief executive officer,  
Chemistry Centre (WA).

\* Delete whichever is not applicable.

*[Form E inserted in Gazette 25 Feb 1983 p. 650; amended in Gazette  
9 Aug 1991 p. 4232; 14 Mar 2008 p. 832.]*



FORM F

Western Australia

*ROAD TRAFFIC ACT 1974*

*Road Traffic (Blood Sampling and Analysis) Regulations 1975*

(Regulation 14)

I, .....  
chief executive officer of the Chemistry Centre (WA), hereby certify that .....  
.....  
of .....  
\* is a drug analyst/ \* was as at ..... a drug analyst.

.....  
chief executive officer,  
Chemistry Centre (WA).

\* Delete whichever is not applicable.

*[Form F inserted in Gazette 25 Feb 1983 p. 651; amended in Gazette  
9 Aug 1991 p. 4232; 14 Mar 2008 p. 832.]*

### Notes

- <sup>1</sup> This is a compilation of the *Road Traffic (Blood Sampling and Analysis) Regulations 1975* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

| <b>Citation</b>  | <b>Gazettal</b>           | <b>Commencement</b>   |
|--|---------------------------|-----------------------|
| <i>Road Traffic (Blood Sampling and Analysis) Regulations 1975</i>   | 29 May 1975<br>p. 1537-42 | 1 Jun 1975            |
| Untitled amendment   | 14 Nov 1975<br>p. 4185    | 14 Nov 1975           |
| Untitled amendment   | 12 Dec 1975<br>p. 4500    | 12 Dec 1975           |
| Untitled amendment   | 23 Jan 1976<br>p. 132     | 23 Jan 1976           |
| Untitled amendment   | 17 Jun 1977<br>p. 1838    | 17 Jun 1977           |
| Untitled amendment   | 10 Mar 1978<br>p. 688     | 10 Mar 1978           |
| <b>Reprint of the <i>Road Traffic (Blood Sampling and Analysis) Regulations 1975</i> authorised 31 Jul 1979 (see <i>Gazette</i> 6 Aug 1969 p. 2263-9) (includes amendments listed above)</b> |                           |                       |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1980</i>   | 17 Oct 1980<br>p. 3583    | 17 Oct 1980           |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1982</i>   | 2 Feb 1982<br>p. 398      | 2 Feb 1982 (see r. 2) |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1983</i>   | 25 Feb 1983<br>p. 650-1   | 1 Mar 1983 (see r. 2) |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1984</i>   | 29 Jun 1984<br>p. 1795    | 1 Jul 1984 (see r. 2) |
| <b>Reprint of the <i>Road Traffic (Blood Sampling and Analysis) Regulations 1975</i> authorised 12 Dec 1985 (see <i>Gazette</i> 7 Jan 1986 p. 57-68) (includes amendments listed above)</b>  |                           |                       |

## Road Traffic (Blood Sampling and Analysis) Regulations 1975

| Citation   | Gazettal                 | Commencement   |
|--|--------------------------|--|
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1987</i>   | 18 Dec 1987<br>p. 4458   | 18 Dec 1987  |
| <i>Road Traffic Amendment Regulations 1991 Pt. 2</i>   | 9 Aug 1991<br>p. 4232-3  | 9 Aug 1991 (see r. 2 and <i>Gazette</i><br>9 Aug 1991 p. 4101)   |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1993</i>   | 1 Jun 1993<br>p. 2730    | 16 Jun 1993 (see r. 2)   |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2001</i>   | 30 Jan 2001<br>p. 622-5  | 30 Jan 2001  |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations (No. 2) 2001</i>   | 30 Nov 2001<br>p. 6077   | 30 Nov 2001  |
| <b>Reprint of the Road Traffic (Blood Sampling and Analysis) Regulations 1975 as at 19 Apr 2002</b> (includes amendments listed above) |                          |  |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2006</i>   | 28 Nov 2006<br>p. 4896-7 | 4 Dec 2006 (see r. 2 and <i>Gazette</i><br>28 Nov 2006 p. 4889)  |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2007</i>   | 11 Oct 2007<br>p. 5477-8 | r. 1 and 2: 11 Oct 2007<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>12 Oct 2007 (see r. 2(b) and<br><i>Gazette</i> 11 Oct 2007 p. 5475) |
| <i>Road Traffic Legislation Amendment Regulations 2008 Pt. 2</i>   | 14 Mar 2008<br>p. 832-4  | 15 Mar 2008 (see r. 2(b) and<br><i>Gazette</i> 14 Mar 2008 p. 829)   |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2009</i>   | 9 Oct 2009<br>p. 3997-8  | r. 1 and 2: 9 Oct 2009<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>10 Oct 2009 (see r. 2(b))  |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations (No. 2) 2009</i>   | 8 Jan 2010<br>p. 31-3    | r. 1 and 2: 8 Jan 2010 (see r. 2(a));<br>Regulations other than r. 1 and 2:<br>9 Jan 2010 (see r. 2(b))  |
| <b>Reprint 4: The Road Traffic (Blood Sampling and Analysis) Regulations 1975 as at 26 Mar 2010</b> (includes amendments listed above) |                          |  |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2011</i>   | 8 Apr 2011<br>p. 1292-3  | r. 1 and 2: 8 Apr 2011<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>9 Apr 2011 (see r. 2(b))   |

**Road Traffic (Blood Sampling and Analysis) Regulations 1975**

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| <b>Citation</b>  | <b>Gazettal</b>         | <b>Commencement</b>  |
|--|-------------------------|--|
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2014</i> | 4 Nov 2014<br>p. 4205-6 | r. 1 and 2: 4 Nov 2014<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>5 Nov 2014 (see r. 2(b)) |

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

| <b>Defined term</b>          | <b>Provision(s)</b> |
|------------------------------|---------------------|
| Form.....                    | 2                   |
| subject.....                 | 2                   |
| technologist.....            | 2                   |
| the sampling equipment ..... | 4                   |