



Western Australia

Road Traffic Act 1974

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

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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*¹.

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 the *Health (Miscellaneous Provisions) Act 1911* section 203; 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;
10 Jan 2017 p. 226.]

3. Application

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

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 —

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- (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 police officer 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 police officer 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; 23 Dec 2014 p. 4916.]

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 —

r. 12

- (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 police officer 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; 23 Dec 2014 p. 4916.]

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.]

15. Fees for attendance, analysis

- (1) The fees for the attendance of a medical practitioner or registered nurse for the purpose of these regulations are —
 - (a) on any public holiday, or between 5.00 p.m. on a Friday and 9.00 a.m. on the following Monday, or during the period between 5.00 p.m. and 9.00 a.m. commencing on any day — \$120; and

- (b) at any other time — \$100.
- (2) Where a sample of blood is taken under these regulations and a sample of urine is collected under the *Road Traffic (Urine Sampling and Analysis) Regulations 1983* at the same attendance only one fee is payable in respect of the taking and collection of those samples.
- (3) Subject to subregulation (4) the fee for an analysis of a blood sample by an analyst at the Chemistry Centre (WA) is —
- (a) where the analysis is for alcohol content — \$100; and
- (b) where the analysis is for drug content — \$450.
- (4) Only one fee is payable if a sample of blood is analysed for both alcohol and drug content and that fee is \$450.
- (5) The fees payable under this regulation must be paid by the Commissioner of Police.
- (6) If a person is convicted of an offence under section 63, 64, 64AA or 64A of the Act and the Commissioner of Police has paid a fee under subregulation (1) or (3) for the purposes of section 66 of the Act, the court convicting the person must order the person to repay the Commissioner of Police the amount of the fee and that amount may be recovered by the Commissioner of Police as if it were a penalty imposed under the Act.

[Regulation 15 inserted in Gazette 23 Dec 2014 p. 4915-16.]

Schedule

Serial No.

Western Australia

ROAD TRAFFIC ACT 1974

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

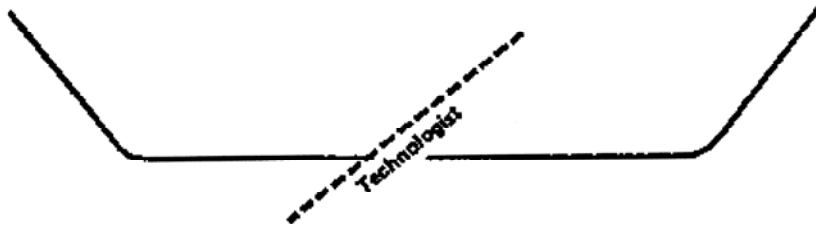
FORM A

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.]*

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 ofm. 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 police officer:

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

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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; 23 Dec 2014 p. 4916.]*

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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.]*

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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 police officer, 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; 23 Dec 2014 p. 4916.]*

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.]*

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

- ¹ 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^{1a}. The table also contains information about any reprint.

Compilation table

| <i>Citation</i> | Gazettal | Commencement |
|--|---------------------------|-----------------------|
| <i>Road Traffic (Blood Sampling and Analysis) Regulations 1975</i> | 29 May 1975 p. 1537-42 | 1 Jun 1975 |
| Untitled amendment | 14 Nov 1975 p. 4185 | 14 Nov 1975 |
| Untitled amendment | 12 Dec 1975 p. 4500 | 12 Dec 1975 |
| Untitled amendment | 23 Jan 1976 p. 132 | 23 Jan 1976 |
| Untitled amendment | 17 Jun 1977 p. 1838 | 17 Jun 1977 |
| Untitled amendment | 10 Mar 1978 p. 688 | 10 Mar 1978 |
| 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) | | |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1980</i> | 17 Oct 1980 p. 3583 | 17 Oct 1980 |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1982</i> | 2 Feb 1982 p. 398 | 2 Feb 1982 (see r. 2) |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1983</i> | 25 Feb 1983 p. 650-1 | 1 Mar 1983 (see r. 2) |
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1984</i> | 29 Jun 1984 p. 1795 | 1 Jul 1984 (see r. 2) |
| 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) | | |

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

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| <i>Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2014</i> | 4 Nov 2014 p. 4205-6 | r. 1 and 2: 4 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Nov 2014 (see r. 2(b)) |
| <i>Road Traffic (Repeals and Amendment) Regulations 2014 Pt. 3</i> | 23 Dec 2014 p. 4913-38 | 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371) |
| <i>Road Safety Commission Regulations Amendment (Public Health) Regulations 2016 Pt. 2</i> | 10 Jan 2017 p. 225-7 | 24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165) |

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

| Citation | Gazettal | Commencement |
|---|-------------------------|--|
| <i>Road Traffic Regulations Amendment Regulations 2017 Pt. 2</i> ² | 7 Feb 2017 p. 1171-7 | 10 Mar 2017 (see r. 2(b) and <i>Gazette</i> 7 Feb 2017 p. 1158-9) |

² On the date as at which this compilation was prepared, the *Road Traffic Regulations Amendment Regulations 2017 Pt. 2* had not come into operation. It reads as follows:

Part 2 — *Road Traffic (Blood Sampling and Analysis) Regulations 1975* amended

3. **Regulations amended**
These regulations amend the *Road Traffic (Blood Sampling and Analysis) Regulations 1975*.
4. **Regulations 3A and 3B inserted**
After regulation 3 insert:
 - 3A. **Prescribed sample taker**
For section 65 of the Act in paragraph (b) of the definition of the term *prescribed sample taker*, the following persons are prescribed for the purposes of each provision of the Act and these regulations in which the term is used —

- (a) pathology collector;
- (b) phlebotomist.

3B. Prescribed particulars of sample delivery to analyst

For section 70B(1) of the Act, the prescribed particulars of a sample delivered to an analyst are the following —

- (a) the serial number or barcode number of the sample;
- (b) the name of the person from whom the sample was taken;
- (c) the name and qualifications of the prescribed sample taker;
- (d) the name and signature of the police officer who required the sample to be taken;
- (e) the date and time the sample was collected;
- (f) the names and signatures of the persons who delivered the sample to the analyst.

5. Regulation 15 amended

(1) In regulation 15(3):

- (a) in paragraph (a) delete “content — \$100; and” and insert:

content — \$296; and

- (b) in paragraph (b) delete “content — \$450.” and insert:

content — \$780.

(2) In regulation 15(4) delete “\$450.” and insert:

\$780.

6. Schedule amended

(1) In the Schedule Form B:

- (a) delete “ Medical Practitioner or Registered Nurse:” and insert:

prescribed sample taker:

- (b) delete “duly qualified medical practitioner or registered nurse” and insert:

prescribed sample taker,

- (c) delete “..... portion” and insert:

....., a portion

- (2) In the Schedule Form D:

- (a) delete “section 66(5)” and insert:

section 66(5), 66(8B)

- (b) delete “the abovementioned regulations.” and insert:

section 69 of the *Road Traffic Act 1974*.

- (c) delete “medical practitioner or registered nurse or the words Medical Superintendent, Medical Officer in Charge, Medical Registrar or Registered Nurse, as the case may require.” and insert:

prescribed sample taker.

7. Various references to “medical practitioner or registered nurse” amended

In the provisions listed in the Table delete “medical practitioner or registered nurse” and insert:

prescribed sample taker

Table

| | |
|---------------------|--------------------|
| r. 7(1), 2A and (2) | r. 8(1)(a) and (2) |
|---------------------|--------------------|

| | |
|-------|----------|
| r. 12 | r. 15(1) |
|-------|----------|

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

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