

Western Australia

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

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Road Traffic (Blood Sampling and Analysis) Regulations 1975

CONTENTS

1.	Citation	1
2.	Definitions	1
3.	Application	1
4.	Sampling	2
5.	Sampling equipment	2
6.	Preparation of sampling equipment	2
7.	Method of sampling	3
8.	Certification of blood samples	4
9.	Analytical method	4
10.	Certificate of analyst	4
11.	Fees payable to medical practitioners and analysts	4
12.	Request for taking of blood sample	6
13.	Certificate as to competence of analyst	6
14.	Certificate as to competence of drug analyst	6
	Schedule	7
	Notes	
	Compilation table	14

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. Definitions

In these regulations, unless the context otherwise requires —

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

“**subject**” means a person required, or electing, 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 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.*]

3. Application

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

r. 4

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 shall comprise —

- (a) a sterile syringe;
- (b) 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; and
- (c) 2 non-alcoholic swabs of cotton wool or 2 hospital approved non-alcoholic medical wipes.

[Regulation 5 inserted in Gazette 30 Jan 2001 p. 623; amended in Gazette 30 Nov 2001 p. 6077.]

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) A blood sample shall be taken by a medical practitioner or registered nurse by venepuncture, with the syringe 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;
 - (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;
 - (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;
 - (d) withdraw a sample of blood;
 - (e) 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;
 - (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. 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 (the cover of which comprises that form) by the medical practitioner or registered nurse and the member of the Police Force in this regulation mentioned, each signing his name over the sealed portion or flap of the package.

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

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

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

11. Fees payable to medical practitioners and analysts

- (1) The fees prescribed 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.
- (1a) Where a sample of blood is taken pursuant to these regulations and a sample of urine is collected pursuant to 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 such samples.
- (2) Subject to subregulation (2a) 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
 - (b) where the analysis is for drug content \$450
- (2a) Where a sample of blood is analysed for both alcohol and drug content only one fee of \$450 is payable.
- (3) The fees payable under subregulation (1) shall be paid, as the case may require, by the Board or, where the person who caused the sample of blood to be taken was a traffic inspector or assistant inspector acting under the authority of section 110 of the Act, by the local authority concerned.
- (4) Where a person is convicted of an offence under section 63, 64, 64A or 64AA of the Act and the payment of a fee provided by subregulation (1) or (2) has been incurred for the purposes of section 66 of the Act the court convicting that person shall order him to pay the amount of the fee and that amount may, thereupon, be recovered as if it were a penalty imposed under the Act.

[Regulation 11 amended in Gazette 12 Dec 1975 p. 4500; 17 Jun 1977 p. 1838; 17 Oct 1980 p. 3583; 2 Feb 1982 p. 398; 25 Feb 1983 p. 650; 18 Dec 1987 p. 4458; 9 Aug 1991 p. 4232; 1 Jun 1993 p. 2730; 30 Jan 2001 p. 624 and 625.]

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

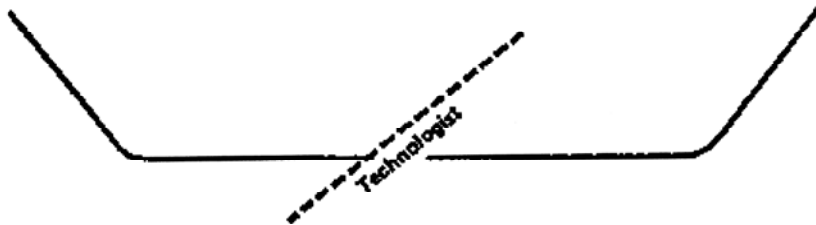
FORM A

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.

Schedule

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 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 event 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.



Note: Open by cutting along this edge, leaving signatures intact.

Schedule

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..... I 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 said package was
indorsed (inter alia) as follows:

Name of subject

Doctor

Time and date of taking blood sample

3. I have analysed that sample in accordance with the *Road Traffic (Blood*
Sampling and Analysis) Regulations 1975 and have found it to contain
..... per centum of alcohol.

.....

Analyst.

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) 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.

Schedule

FORM E

Western Australia

ROAD TRAFFIC ACT 1974

Road Traffic (Blood Sampling and Analysis) Regulations 1975

(Regulation 13)

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

.....
Director,
Chemistry Centre (WA).

* Delete whichever is not applicable.

FORM F

Western Australia

ROAD TRAFFIC ACT 1974

Road Traffic (Blood Sampling and Analysis) Regulations 1975

(Regulation 14)

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

.....
Director,
Chemistry Centre (WA).

* Delete whichever is not applicable.

[Schedule amended in Gazette 23 Jan 1976 p. 132; 10 Mar 1978 p. 688;
2 Feb 1982 p. 398; 25 Feb 1983 p. 650-1; 29 Jun 1984 p. 1795; 9 Aug 1991
p. 4232; 30 Jan 2001 p. 624-5.]

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. The table also contains information about any previous reprints

Compilation table

Citation	Gazettal	Commencement
<i>Road Traffic (Blood Sampling and Analysis) Regulations 1975</i>	29 May 1975 p. 1537-42	1 Jun 1975
	14 Nov 1975 p. 4185	14 Nov 1975
	12 Dec 1975 p. 4500	12 Dec 1975
	23 Jan 1976 p. 132	23 Jan 1976
	17 Jun 1977 p. 1838	17 Jun 1977
	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)		
