



Western Australia

Road Traffic Act 1974

## **Road Traffic (Breath Analysis) Regulations 1975**



Western Australia

# Road Traffic (Breath Analysis) Regulations 1975

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### **Defined terms**



## Road Traffic (Breath Analysis) Regulations 1975

### 1. Citation

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

### 2. Definitions

In these regulations, unless the contrary intention appears, —  
*equilibrator* means an apparatus consisting of —

- (a) a container of liquid bearing one or more labels inscribed “Testing solution for breath analysing equipment. Prepared by the Chemistry Centre (WA).”;
- (b) a cap fitted with an atomiser bulb, inlet tube, outlet tube; and
- (c) a thermometer.

*[Regulation 2 amended: Gazette 5 May 1978 p. 1391; 24 Dec 1987 p. 4562; 9 Aug 1991 p. 4232.]*

### 3. Application

These regulations apply whenever a sample of breath is provided for analysis for the purposes of the Act.

### 4. Certificates

- (1) A certificate for the purposes of section 70(2)(a) of the Act shall be in the form of Form 1 in Schedule 1.

*[(2) deleted]*

- (3) A certificate for the purposes of section 70(2)(bb) of the Act shall be in the form of Form 3 in Schedule 1.

*[Regulation 4 inserted: Gazette 15 Feb 1980 p. 466; amended: Gazette 24 Dec 1987 p. 4562; SL 2021/58 r. 6.]*

**5. Operation of Dräger Alcotest 9510 breath analysing equipment**

For the purpose of analysing a sample of a person's breath using the apparatus known as the "Dräger Alcotest 9510", the breath analysing equipment must be operated in accordance with the instructions set out in Schedule 2.

*[Regulation 5 inserted: SL 2021/58 r. 7.]*

*[6. Deleted: SL 2021/58 r. 8.]*

**7. Indication of result of analysis**

For the purposes of section 68(7) and (8) of the Act the manner of indication of the result of an analysis by breath analysing equipment is the printing of a statement by the breath analysing equipment.

*[Regulation 7 inserted: Gazette 24 Dec 1987 p. 4563; amended: SL 2021/58 r. 9.]*

**Schedule 1 — Forms**

[r. 4]

*[Heading inserted: SL 2021/58 r. 10(1).]*

Form 1

Western Australia

*ROAD TRAFFIC ACT 1974*

I, .....  
the Commissioner of Police, pursuant to the power conferred on me by  
section 72 of the *Road Traffic Act 1974*, HEREBY CERTIFY that:  
..... is competent to operate all  
types of breath analysing equipment.

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

.....  
Commissioner of Police

*[Form 1 amended: Gazette 24 Dec 1987 p. 4563; 9 Aug 1991  
p. 4232; 14 Mar 2008 p. 833; 15 Nov 2016 p. 5061.]*

*[Form 2 Deleted SL 2021/58 r. 10(2).]*





**Schedule 2 — Analysis of breath sample by Dräger  
Alcotest 9510 breath analysing equipment**

[r. 5]

*[Heading inserted: SL 2021/58 r. 11.]*

1. Ensure that the equipment is switched on, that there is sufficient paper in the paper roll in the printer compartment, and that the words “READY TO START” appear on the display screen.
2. Follow the prompts on the display screen and enter particulars relating to the analysis.
3. After the words “PLEASE BLOW” appear on the display screen, connect a mouthpiece to the sampling hose.
4. Direct the person whose breath is to be analysed to provide a sample of the person’s breath into the equipment.
5. If the expression “DO YOU WANT TO REPEAT THE TEST? YES NO” appears on the display screen indicating that a sample of breath has not been provided as required then —

EITHER:

5.1 Select “YES” and follow instructions 3 and 4 again.

OR

5.2 Select “NO” to terminate the analysis.

*[Schedule 2 inserted: SL 2021/58 r. 11.]*

*[Third Schedule Deleted: SL 2021/58 r. 12.]*

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## Notes

This is a compilation of the *Road Traffic (Breath Analysis) Regulations 1975* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

### Compilation table

Citation	Published	Commencement
<i>Road Traffic (Breath Analysis) Regulations 1975</i>	29 May 1975 p. 1543-6	1 Jun 1975
Untitled regulations	5 May 1978 p. 1391	5 May 1978
Untitled regulations	15 Feb 1980 p. 466	15 Feb 1980
<b>Reprint of the Road Traffic (Breath Analysis) Regulations 1975 authorised 25 Jun 1981</b> (see <i>Gazette</i> 1 Jul 1981 p. 2535-41) (includes amendments listed above)		
<i>Road Traffic (Breath Analysis) Amendment Regulations 1983</i>	25 Feb 1983 p. 650	25 Feb 1983
<i>Road Traffic (Breath Analysis) Amendment Regulations 1987</i>	24 Dec 1987 p. 4562-4	24 Dec 1987 (see r. 2 and <i>Gazette</i> 24 Dec 1987 p. 4561)
<i>Road Traffic Amendment Regulations 1991 Pt. 3</i>	9 Aug 1991 p. 4232	9 Aug 1991 (see r. 2 and <i>Gazette</i> 9 Aug 1991 p. 4101)
<b>Reprint 2: The Road Traffic (Breath Analysis) Regulations 1975 as at 9 Jan 2004</b> (includes amendments listed above)		
<i>Road Traffic Legislation Amendment Regulations 2008 Pt. 3</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 (Breath Analysis) Amendment Regulations 2014</i>	28 Jan 2014 p. 182-3	r. 1 and 2: 28 Jan 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Jan 2014 (see r. 2(b))
<i>Road Traffic (Breath Analysis) Amendment Regulations 2016</i>	15 Nov 2016 p. 5060-1	r. 1 and 2: 15 Nov 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2016 (see r. 2(b))
<i>Road Traffic (Breath Analysis) Amendment Regulations 2017</i>	1 Dec 2017 p. 5734-5	r. 1 and 2: 1 Dec 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Dec 2017 (see r. 2(b))
<i>Road Safety Regulations Amendment and Repeal Regulations 2021 Pt. 3</i>	SL 2021/58 21 May 2021	1 Jul 2021 (see r. 2(b) and SL 2021/54 cl. 2(a))

## 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>
equilibrator.....	2