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

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: 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.

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.

[Regulation 3A inserted: Gazette 7 Feb 2017 p. 1172.]

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.

[Regulation 3B inserted: Gazette 7 Feb 2017 p. 1172.]

4. Sampling

A blood sample taken in pursuance of regulation 7 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: Gazette 29 Jun 1984 p. 1795; 30 Jan 2001 p. 623; 8 Feb 2019 p. 247.]

5. Sampling equipment

The sampling equipment must comprise all of the following —

(a) 2 screw top plastic storage containers;

(b) 2 evacuated blood collection tubes with approximately 170 mg of sodium fluoride and 42.5 mg of potassium oxalate;

(c) 1 or 2 disposable needles with needle holders;

(d) 2 tamper proof outer plastic bags;

(e) sterile disposable gloves;

(f) a sterile dry swab;

(g) a sterile, non-alcoholic antiseptic cleansing skin prep wipe;

(h) a sticking plaster.

[Regulation 5 inserted: Gazette 8 Feb 2019 p. 247-8.]

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: Gazette 29 Jun 1984 p. 1795; 30 Jan 2001 p. 623.]

7. Method of sampling

(1) This regulation applies for the purposes of section 69(1a) of the Act.

(2A) Two blood samples, one immediately after the other, must be taken by a prescribed sample taker by venepuncture, with the vacutainer kit provided in the sampling equipment and no other.

(2) The prescribed sample taker 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 sterile, non-alcoholic antiseptic cleansing skin prep wipe contained in the sampling equipment and by no other means; and

(d) take 2 samples of blood in accordance with subregulation (2A); and

(e) 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: Gazette 14 Nov 1975 p. 4185; 30 Jan 2001 p. 624 and 625; 8 Jan 2010 p. 32-3; 7 Feb 2017 p. 1174; 8 Feb 2019 p. 248.]

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 prescribed sample taker 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 prescribed sample taker and the police officer mentioned in this regulation.

[Regulation 8 amended: Gazette 2 Feb 1982 p. 398; 30 Jan 2001 p. 624 and 625; 8 Jan 2010 p. 33; 23 Dec 2014 p. 4916; 7 Feb 2017 p. 1174.]

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: Gazette 11 Oct 2007 p. 5478.]

*[**11.** Deleted: 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 prescribed sample taker, in accordance with Form D.

[Regulation 12 amended: Gazette 2 Feb 1982 p. 398; 30 Jan 2001 p. 625; 23 Dec 2014 p. 4916; 7 Feb 2017 p. 1174.]

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: Gazette 25 Feb 1985 p. 650.]

15. Fees for attendance, analysis

(1) The fees for the attendance of a prescribed sample taker for the purpose of taking a sample of blood under section 69(1) or (1a) of the Act 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) deleted]

(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 — $296; and

(b) where the analysis is for drug content — $780.

(4) Only one fee is payable if a sample of blood is analysed for both alcohol and drug content and that fee is $780.

(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: Gazette 23 Dec 2014 p. 4915-16; amended: Gazette 7 Feb 2017 p. 1173 and 1174; 8 Feb 2019 p. 248-9; SL 2021/58 r. 4.]

16. Transitional provision

Sampling equipment that was certified under regulation 6(a) before the *Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2019* regulation 5 came into operation may be used under regulation 7 as if the *Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2019* regulation 5 had not come into operation.

[Regulation 16 inserted: Gazette 8 Feb 2019 p. 249.]

Schedule

Serial No.

Western Australia

ROAD TRAFFIC ACT 1974

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

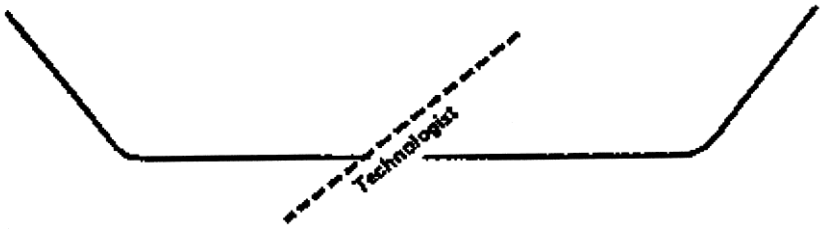
FORM A

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: 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 prescribed sample taker:

I ..... of ..... prescribed sample taker, hereby certify that:

1. At the hour of .....m. on the ..... day of ..... 20..... I took a sample of the blood of ..... of ....., a 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 .....

Form B

Alleged time of last drink containing alcohol consumed by subject:

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

.....
Signature, Rank and Number.

[Diagram deleted]

[Form B amended: 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; 7 Feb 2017 p. 1173.]

Form C

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 then intact from ..... containing a sample of blood in a container numbered .....

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

Name of subject .....

Prescribed sample taker .....

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: 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; 27 Jun 2017 p. 3449.]

Form D

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), 66(8B) 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 section 69 of the *Road Traffic Act 1974*.

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

.....
Signature, Rank and Number.

(1) Insert name of prescribed sample taker.

(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: Gazette 2 Feb 1982 p. 398; 30 Jan 2001 p. 625; 11 Oct 2007 p. 5478; 23 Dec 2014 p. 4916; 7 Feb 2017 p. 1173-4.]

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: Gazette 25 Feb 1983 p. 650; amended: 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: Gazette 25 Feb 1983 p. 651; amended: Gazette 9 Aug 1991 p. 4232; 14 Mar 2008 p. 832.]

Notes

This is a compilation of the *Road Traffic (Blood Sampling and Analysis) Regulations 1975* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, or versions that include editorial changes made under the *Legislation Act 2021* Part 3, see the compilation table. For provisions affected by editorial changes see the editorial changes table.

Compilation table

Citation	Published	Commencement
Road Traffic (Blood Sampling and Analysis) Regulations 1975	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 *Road Traffic (Blood Sampling and Analysis) Regulations 1975* authorised 31 Jul 1979 (see *Gazette* 6 Aug 1969 p. 2263-9) (includes amendments listed above)		
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1980	17 Oct 1980 p. 3583	17 Oct 1980
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1982	2 Feb 1982 p. 398	2 Feb 1982 (see r. 2)
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1983	25 Feb 1983 p. 650-1	1 Mar 1983 (see r. 2)
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1984	29 Jun 1984 p. 1795	1 Jul 1984 (see r. 2)
Reprint of the *Road Traffic (Blood Sampling and Analysis) Regulations 1975* authorised 12 Dec 1985 (see *Gazette* 7 Jan 1986 p. 57-68) (includes amendments listed above)		

Citation	Published	Commencement
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1987	18 Dec 1987 p. 4458	18 Dec 1987
Road Traffic Amendment Regulations 1991 Pt. 2	9 Aug 1991 p. 4232-3	9 Aug 1991 (see r. 2 and *Gazette* 9 Aug 1991 p. 4101)
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 1993	1 Jun 1993 p. 2730	16 Jun 1993 (see r. 2)
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2001	30 Jan 2001 p. 622-5	30 Jan 2001
Road Traffic (Blood Sampling and Analysis) Amendment Regulations (No. 2) 2001	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)		
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2006	28 Nov 2006 p. 4896-7	4 Dec 2006 (see r. 2 and *Gazette* 28 Nov 2006 p. 4889)
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2007	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 *Gazette* 11 Oct 2007 p. 5475)
Road Traffic Legislation Amendment Regulations 2008 Pt. 2	14 Mar 2008 p. 832-4	15 Mar 2008 (see r. 2(b) and *Gazette* 14 Mar 2008 p. 829)
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2009	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))
Road Traffic (Blood Sampling and Analysis) Amendment Regulations (No. 2) 2009	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)		
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2011	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	Published	Commencement
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2014	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))
Road Traffic (Repeals and Amendment) Regulations 2014 Pt. 3	23 Dec 2014 p. 4913-38	27 Apr 2015 (see r. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Road Safety Commission Regulations Amendment (Public Health) Regulations 2016 Pt. 2	10 Jan 2017 p. 225-7	24 Jan 2017 (see r. 2(b) and *Gazette* 10 Jan 2017 p. 165)
Road Traffic Regulations Amendment Regulations 2017 Pt. 2	7 Feb 2017 p. 1171-7	10 Mar 2017 (see r. 2(b) and *Gazette* 7 Feb 2017 p. 1158-9)
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2017	27 Jun 2017 p. 3448-9	r. 1 and 2: 27 Jun 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Jun 2017 (see r. 2(b))
Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2019	8 Feb 2019 p. 247-9	r. 1 and 2: 8 Feb 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Feb 2019 (see r. 2(b))
Reprint 5: The *Road Traffic (Blood Sampling and Analysis) Regulations 1975* as at 9 Aug 2019 (includes amendments listed above)		
Road Safety Regulations Amendment and Repeal Regulations 2021 Pt. 2	SL 2021/58 21 May 2021	1 Jul 2021 (see r. 2(b) and SL 2021/54 cl. 2(a))
***Road Traffic (Blood Sampling and Analysis) Regulations 1975* with editorial changes as at 14 Jun 2024**		

Editorial changes table

The *Legislation Act 2021* Part 3 authorises the Parliamentary Counsel to make editorial changes to laws. This power cannot be used to change the effect of a law. If an editorial change is made to a law, the law has effect as if the change had been made by another law that amended the law and commenced on the day on which the change is made.

To see the editorial changes included in a version of a law, see the compare document for that version on the WA Legislation website.

Provision/s affected	Authorising provision of *Legislation Act 2021* Part 3	Effective date of change
r. 7(2A)	s. 34	14 Jun 2024

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
sampling equipment	4