Western Australia

Rail Safety National Law (WA)
Rail Safety National Law Application Act 2024

Rail Safety National Law (WA) (Alcohol and Drug Testing) Regulations 2024

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Western Australia

Rail Safety National Law (WA) (Alcohol and Drug Testing) Regulations 2024

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Rail Safety National Law (WA) (Alcohol and Drug Testing) Regulations 2024

Part 1 — Preliminary

1. Citation

These regulations are the *Rail Safety National Law (WA) (Alcohol and Drug Testing) Regulations 2024*.

2. Commencement

These regulations come into operation on 1 October 2024.

3. Terms used

In these regulations —

approved means approved by the Minister;

qualified person has the meaning given in regulation 4;

technologist has the meaning given in the *Road Traffic Act 1974* section 70(7);

worker means a rail safety worker.

4. Qualified person

(1) In this regulation —

authorised drug tester has the meaning given in the *Road Traffic Act 1974* section 65;

registered training organisation has the meaning given in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3.

(2) For the purposes of paragraph (c) of the definition of ***sample taker*** in section 21(1) of the Act, a person is a ***qualified person*** if the person —

(a) for the purposes of Part 3 — is an authorised drug tester; or

(b) has been trained by a registered training organisation —

(i) for the purposes of Part 4 — to take a sample of urine from a person; or

(ii) for the purposes of Part 5 — to take a sample of blood from a person.

Part 2 — Breath testing for alcohol

5. Preliminary testing device

For the purposes of paragraph (b) of the definition of ***preliminary testing device*** in section 21(1) of the Act, the device known as the AlcoQuant 6020 is a preliminary testing device.

6. Carrying out preliminary breath test

An authorised person must take all reasonable steps to carry out a preliminary breath test in accordance with the instructions of the manufacturer of the device used to carry out the test.

7. Breath analysis instrument

For the purposes of paragraph (b)(ii) of the definition of ***breath analysis instrument*** in section 21(1) of the Act, the device known as the Dräger Alcotest 9510 is a breath analysis instrument.

8. Carrying out breath analysis

An authorised person must take all reasonable steps to carry out a breath analysis as follows —

(a) for a breath analysis carried out using breath analysing equipment (as defined in the *Road Traffic Act 1974* section 65) — in accordance with the instructions set out in the *Road Traffic (Breath Analysis) Regulations 1975* Schedule 2;

(b) for a breath analysis carried out using another type of breath analysis instrument — in accordance with the instructions of the manufacturer of the instrument used to carry out the analysis.

Part 3 — Oral fluid testing for drugs

9. Drug screening devices

For the purposes of paragraph (b) of the definition of ***drug screening device*** in section 21(1) of the Act, the following devices are drug screening devices —

(a) the device known as the Medvet Oral7;

(b) the device known as the Drugwipe II Twin THC/MET;

(c) the device known as the Clonal Technologies Oral Fluid Drug Test 7;

(d) the device known as the Oranoxis ToxWipe Oral 7+.

[Regulation 9 amended: SL 2025/177 r. 4.]

10. Carrying out drug screening test

An authorised person must take all reasonable steps to carry out a drug screening test as follows —

(a) for the Drugwipe II Twin THC/MET — in accordance with the instructions set out in the *Road Traffic (Drug Driving) Regulations 2007* regulation 5;

(b) for another type of drug screening test — in accordance with the instructions of the manufacturer of the drug screening device used to carry out the test.

11. Collection of oral fluid samples

For the purposes of section 34(3)(c) of the Act, the following devices may be used for collecting oral fluid samples —

(a) the device known as the Quantisal Oral Fluid Collection Device;

(b) the device known as the Securetec Drugwipe II Twin Combo.

12. Collection of oral fluid for oral fluid analysis

An authorised person must take all reasonable steps to collect oral fluid for the purposes of an oral fluid analysis as follows —

(a) for the collection of oral fluid using the Securetec Drugwipe II Twin Combo — in accordance with the instructions set out in the *Road Traffic (Drug Driving) Regulations 2007* Schedule 2 Division 1;

(b) for the collection of oral fluid using another type of device — in accordance with the instructions of the manufacturer of the device used to collect the fluid.

Part 4 — Urine test

13. Term used: urine sampling equipment

In this Part —

urine sampling equipment means equipment provided by an approved body for the purpose of collecting urine samples.

14. Taking of urine sample

(1) A urine sample must be taken by a sample taker using only urine sampling equipment.

(2) The sample taker must take all reasonable steps to use the urine sampling equipment in accordance with the instructions of the manufacturer of the equipment.

15. Preparation of urine sampling equipment

Before urine sampling equipment is provided to a sample taker for the taking of a urine sample, a technologist of the approved body that provided the equipment must —

(a) complete and sign a certificate in an approved form; and

(b) seal the equipment in a serially numbered package by signing the technologist's name over the sealed portion or flap of the package.

Part 5 — Blood testing

16. Term used: blood sampling equipment

In this Part —

blood sampling equipment means equipment prepared by a technologist —

(a) of a body approved under the *Road Traffic (Blood Sampling and Analysis) Regulations 1975* regulation 6; and

(b) for the purpose of collecting blood samples.

17. Taking of blood sample

(1) A blood sample must be taken by a sample taker by venepuncture, using only blood sampling equipment.

(2) The sample taker must take all reasonable steps to use the blood sampling equipment in accordance with the instructions of the manufacturer of the equipment.

18. Preparation of blood sampling equipment

Before blood sampling equipment is provided to a sample taker for the taking of a blood sample, a technologist of the approved body that provided the equipment must —

(a) complete and sign a certificate in the form referred to in the *Road Traffic (Blood Sampling and Analysis) Regulations 1975* regulation 6(a); and

(b) seal the equipment in a serially numbered package by signing the technologist's name over the sealed portion or flap of the package.

19. Analytical method

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

(a) ascertaining the change in concentration of a solution of a dichromate; or

(b) gas chromatography.

Part 6 — Certificates

20. Certificates by sample takers

(1) After taking a blood, oral fluid or urine sample, the sample taker must sign a certificate in an approved form specifying all of the following —

(a) the name and address of the worker from whom the sample was taken (to the extent known);

(b) the name of the sample taker;

(c) whether the sample taker is a medical practitioner, registered nurse or qualified person;

(d) the date and time when, and place where, the sample was taken;

(e) for a blood or urine sample — that the sealed portion of the blood sampling equipment or urine sampling equipment was not broken before the equipment was used by the sample taker.

(2) The sample taker must —

(a) give 1 of the containers and the signed certificate to an authorised person; and

(b) give the other container to the worker or the worker's representative, or keep it on behalf of the worker.

(3) The authorised person must —

(a) give the container and the signed certificate to the Regulator; or

(b) keep the container and the signed certificate on behalf of the Regulator.

21. Certificates by analysts

(1) On completion of an analysis of a blood sample, a urine test or an oral fluid analysis, the analyst who performed or supervised

the analysis or test must sign a certificate in an approved form specifying all of the following information —

(a) the serial number marked on the container of the sample;

(b) the name of the analyst;

(c) the date the sample was received in the laboratory where the analysis or test was performed;

(d) if the presence of alcohol is detected in the sample — the concentration of alcohol;

(e) if the presence of a drug is detected in the sample — the type of drug;

(f) any factors relating to the sample, analysis or test that might, in the opinion of the analyst signing the certificate, adversely affect the accuracy or validity of the analysis or test;

(g) any other information relating to the sample, analysis or test the analyst considers appropriate.

(2) The signed certificate must be given to, or kept by the analyst on behalf of, the Regulator.

(3) A copy of the signed certificate must be given to —

(a) the sample taker who took the sample; and

(b) the worker.

(4) The Regulator may provide a copy of the signed certificate to the rail transport operator who employs or engaged the worker if the certificate indicates the prescribed BAC or a prescribed drug was present in the worker's sample.

Notes

This is a compilation of the *Rail Safety National Law (WA) (Alcohol and Drug Testing) Regulations 2024* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Rail Safety National Law (WA) (Alcohol and Drug Testing) Regulations 2024	SL 2024/192 18 Sep 2024	1 Oct 2024 (see r. 2)
Rail Safety National Law (WA) (Alcohol and Drug Testing) Amendment Regulations 2025	SL 2025/177 15 Oct 2025	r. 1 and 2 : 15 Oct 2025 (see r. 2(a)) Regulations other than r. 1 and 2: 16 Oct 2025 (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.]

Defined term	Provision(s)
approved	3
authorised drug tester	4(1)
blood sampling equipment	16
qualified person	3, 4(2)
registered training organisation	4(1)
technologist	3
urine sampling equipment	13
worker	3

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