Western Australia

Road Traffic Act 1974

Road Traffic (Drug Driving) Regulations 2007

As at 09 Jul 2026 Official Version
[PCO 01-g0-00] Published on www.legislation.wa.gov.au

Western Australia

Road Traffic (Drug Driving) Regulations 2007

Contents

1.	Citation	1
2.	Commencement	1
3.	Prescribed illicit drugs (s. 65)	1
4.	Conducting a driver assessment (s. 66A(7))	1
5.	Conducting a preliminary oral fluid test (s. 66C(7))	2
6.	Collecting and testing oral fluid (s. 66D(4))	3
7.	Prescribed particulars of sample delivery to drugs analyst	3
8.	Manufacturer's instructions (s. 72(1a))	4
9.	Blood sampling from incapable person (s. 66B(1))	4
10.	Other prescribed certificates and forms (s. 70)	4
11.	Fees for analysis	6

Schedule 1 — Forms

Schedule 2 — Collecting and testing oral fluid

Division 1 — SECURETEC DRUGWIPE II TWIN COMBO and SECURETEC DRUGWIPE 3 S COMBO

1.	Preparing to collect oral fluid	15
2.	Collecting oral fluid	15
3.	Setting up for oral fluid test	16
4.	Conducting oral fluid test	16
5.	Processing oral fluid	17

Notes

Compilation table 18

Road Traffic (Drug Driving) Regulations 2007

1. Citation

These regulations are the *Road Traffic (Drug Driving) Regulations 2007* [1].

2. Commencement

These regulations come into operation as follows:

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day that the *Road Traffic Amendment (Drugs) Act 2007* Part 2 comes into operation [1].

3. Prescribed illicit drugs (s. 65)

For the purposes of section 65 of the Act, each of the following drugs is declared to be a "prescribed illicit drug" —

(a) tetrahydrocannabinol;

(b) methylamphetamine;

(c) 3, 4-methylenedioxy-n, alpha-dimethylphenylethylamine (MDMA);

(d) cocaine.

[Regulation 3 amended: Gazette 25 Jan 2008 p. 217; SL 2026/145 r. 4.]

4. Conducting a driver assessment (s. 66A(7))

For the purposes of section 66A(7) of the Act, the procedure that a police officer is to follow when assessing drug impairment as a part of a driver assessment is to be based on

observations of aspects of the driver's behaviour, demeanour and condition, which can include whether —

(a) there is any apparent injury to the driver;

(b) there are any unusual or indicative skin responses;

(c) there is a smell of alcohol;

(d) the driver's —

(i) speech; or

(ii) action; or

(iii) movement; or

(iv) balance,

appears affected;

(e) the appearance of the driver's eyes indicates drug ingestion (*dilated, constricted, bloodshot, etc.*);

(f) the driver's rate or manner of breathing appears affected by drugs;

(g) the driver's attitude or the appearance of the driver's clothing appears to indicate drug ingestion;

(h) the driver's general comprehension appears affected by drugs.

[Regulation 4 amended: Gazette 23 Dec 2014 p. 4930; 6 Mar 2015 p. 818.]

5. Conducting a preliminary oral fluid test (s. 66C(7))

The following steps are to be followed by a police officer when conducting a preliminary oral fluid test —

(a) check the packaging of the testing device is not damaged and that any expiry date has not passed;

(b) check the device for damage and discard it if any damage is apparent;

(c) ensure the device is ready for collecting oral fluid;

(d) ensure that the device is wiped on the person's tongue;

(e) check that sufficient oral fluid has been collected;

(f) check that the sampling pads change colour from pink to yellow;

(g) place the sample collector back onto the test cassette and click together;

(h) hold the testing device in a vertical position with the ampoule at the lower end;

(i) squeeze the word PRESS to break the ampoule;

(j) continue to hold the testing device in a vertical position for a further 10 to 15 seconds;

(k) place the testing device on a horizontal surface and leave it undisturbed for 2 minutes;

(l) observe the results of the test.

[Regulation 5 amended: Gazette 23 Dec 2014 p. 4930; SL 2026/145 r. 5.]

6. Collecting and testing oral fluid (s. 66D(4))

The steps to be taken by an authorised drug tester when collecting and testing oral fluid under section 66D of the Act are set out in Schedule 2.

[Regulation 6 inserted: Gazette 11 Jul 2014 p. 2440; amended: Gazette 6 Mar 2015 p. 818.]

7. Prescribed particulars of sample delivery to drugs analyst

For the purposes of section 70B(1) of the Act, the prescribed particulars of a sample delivered to a drugs 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 authorised drug tester;

(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 drugs analyst.

[Regulation 7 inserted: Gazette 7 Feb 2017 p. 1174-5.]

8. Manufacturer's instructions (s. 72(1a))

(1) A police officer may have regard to any manufacturer's instructions in an approved device's packaging if the prescribed steps in regulation 5 do not appear to fully describe the steps required for that particular testing device.

(2) An authorised drug tester may have regard to any manufacturer's instructions in an approved device's packaging if the prescribed steps in Schedule 2 do not appear to fully describe the steps required for that particular collection, testing or analysis device.

[Regulation 8 amended: Gazette 11 Jul 2014 p. 2440; 23 Dec 2014 p. 4930; 6 Mar 2015 p. 818.]

9. Blood sampling from incapable person (s. 66B(1))

The *Road Traffic (Blood Sampling and Analysis) Regulations 1975* Schedule Form D is prescribed for the purposes of section 66B(1) of the Act (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 or herself and allowing a sample to be taken).

10. Other prescribed certificates and forms (s. 70)

(1) 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 certifying either or both of the following —

(a) that an identified sample of blood or oral fluid taken from or provided by a named person was analysed for drugs;

(b) the analysis result obtained from the analysis.

(2) Schedule 1 Form 2 is prescribed for the purposes of section 70(3b)(g) of the Act as the form to be used by an approved expert describing conduct, a condition or an appearance associated with a person who has consumed or used a specified drug or drugs.

(3) Schedule 1 Form 3 is prescribed for the purposes of section 70(3b)(h) of the Act as the form to be used by an approved expert setting out the usual effect that conduct or a condition associated with a person who has consumed or used a particular drug or particular drugs has on a person's capacity to have proper control of a motor vehicle.

(4) Schedule 1 Form 4 is prescribed for the purposes of section 70(3b)(i) and (j) of the Act as the form to be used by a police officer —

(a) describing the conduct, condition or appearance of a person at or after the time the person drove or attempted to drive a motor vehicle; and

(b) certifying that a driver assessment was conducted on a person and was conducted in accordance with the regulations.

(5) Schedule 1 Form 5 is prescribed for the purposes of section 70(3b)(k) of the Act as the form to be used by an authorised drug tester to certify that, under section 66D of the Act, an identified sample of oral fluid was collected by the authorised drug tester in accordance with the regulations from a named person on a date and at a time specified in the certificate using identified sampling equipment which was received in a described condition from an identified person.

(6) Schedule 1 Form 6 is prescribed for the purposes of section 70(3d) of the Act as the form to be signed by the Commissioner of Police to certify that a person therein named is, or was at the material time, an authorised drug tester.

[Regulation 10 amended: Gazette 23 Dec 2014 p. 4930; 6 Mar 2015 p. 818; SL 2021/58 r. 14.]

11. Fees for analysis

(1) The fee for the analysis of an oral fluid sample by a drugs analyst at the Chemistry Centre (WA) is $230.

(2) The fee payable under this regulation must be paid by the Commissioner of Police.

(3) If a person is convicted of an offence under section 64AB or 64AC of the Act and the Commissioner of Police has paid a fee under subregulation (2) for the purposes of section 66D 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 11 inserted: Gazette 29 Dec 2015 p. 5182; amended: Gazette 14 Dec 2018 p. 4807; SL 2026/145 r. 6.]

Schedule 1 — Forms

Form 1

(r. 10(1))

WESTERN AUSTRALIA
ROAD TRAFFIC ACT 1974
Road Traffic (Drug Driving) Regulations 2007 r. 10(1)
Road Traffic (Blood Sampling and Analysis) Regulations 1975 r. 10(2)
CERTIFICATE OF DRUGS ANALYST

Laboratory reference no. .....
Police reference no. .....

I, ..., being a drugs analyst within the meaning of the *Road Traffic Act 1974* Part V Division 2, certify that —

(a) The Chemistry Centre (WA), Perth obtained*/received* for analysis the following quantity*/mass*
of .....
marked .....
from*/by* .....
on .....; and

(b) The thing referred to in paragraph (a) of this certificate was analysed by [*insert details of method of analysis*]
.....
.....
.....; and

(c) The following is the result of the analysis:
.....
.....
.....;
and

(d) The following other matters relating to the analysis should be noted:

.....
.....

Certified on ..... at .....

....
Address of drugs analyst Signature of drugs analyst

* Please delete inapplicable alternative.

[Form 1 amended: Gazette 9 Oct 2009 p. 3998-9; 6 Mar 2015 p. 818; SL 2021/58 r. 15.]

Form 2

(r. 10(2))

WESTERN AUSTRALIA

ROAD TRAFFIC ACT 1974

Road Traffic (Drug Driving) Regulations 2007

CERTIFICATE OF APPROVED EXPERT

Appearance and conduct following use of specified drugs

I, ..., being an approved expert for the purposes of the *Road Traffic Act 1974* section 70(7), certify that the following conduct, condition or appearance is associated with a person who has consumed or used the drug or drugs specified —

.....
.....
.....
.....
.....
.....

Certified on ..... at .....

....
Address of expert Signature of expert

Form 3

(r. 10(3))

WESTERN AUSTRALIA
ROAD TRAFFIC ACT 1974
Road Traffic (Drug Driving) Regulations 2007
CERTIFICATE OF APPROVED EXPERT
Usual effect of particular drugs on motor vehicle control

I, ..., being an approved expert for the purposes of the *Road Traffic Act 1974* section 70(7), certify that the usual effect that conduct or a condition associated with a person who has consumed or used a particular drug or particular drugs has on a person's capacity to have proper control of a motor vehicle is as follows —

.....
.....
.....
.....
.....
.....
.....

Certified on ..... at .....

....
Address of expert Signature of expert

Form 4

(r. 10(4))

WESTERN AUSTRALIA
ROAD TRAFFIC ACT 1974
Road Traffic (Drug Driving) Regulations 2007
Assessment of driver's conduct, condition and appearance

Driver								
Family Name								
Given Names				DOB		Sex		
Address						Postcode		
Licence								
Number		Expiry		Class		State		
Vehicle								
Registration		Expiry		State				
Make		Type		Year				
Detection								
Time	Date	Day		Crash *(tick)*		Yes		No
Street Name								
Cross Street				Suburb				
Observations of Vehicle in Motion (*if insufficient space attach additional sheet*)								
Observations of Vehicle Stopping Sequence (*if insufficient space attach additional sheet*)								
Preliminary Breath Test (*tick box*)								
Conducted	Yes	No	Alcohol	Yes	No	Level	Under .05%	Over .05%

Form 4

Observations of Driver (*tick box(s) or note other – use separate sheet if required. Record interview of driver on separate sheet*)												
Injury	Yes		No		If yes, was medical treatment sought?				Yes		No	
Smell of Alcohol	None				Slight				Strong			
	Other											
Speech	Clear				Fast				Slow			
	Slurred				Confused				Incoherent			
	Other											
Eyes	Watery				Glazed				Bloodshot			
	Eyelids drooping				Pupils Enlarged				Pupils pinpoint			
	Other											
Breathing	Normal				Rapid				Slow			
	Shallow				Short				Jerky			
	Other											
Skin	Flushed				Pale				Perspiration			
	Needle marks				Abscesses				Ulcers			
	Other											
Actions	Swearing				Violent				Restless			
	Hiccupping				Belching				Vomiting			
	Drooling				Runny nose				Scratching			
	Emotional				Other							
Movement	Support required				Sluggish				Tremor			
	Jerky				Clumsy				Deliberate			
	Other											
Overactivity	Note details of any observed overactivity (*use separate sheet if required*)											
Balance	Good				Swaying				Unsteady			
	Staggering				Sagging				Falling			
	Other											
Clothing	Orderly				Disarranged				Soiled			
	Other											

Form 4

Attitude	Cooperative		Hostile		Excited	
	Relaxed		Indifferent		Anxious	
	Talkative		Dreamy		Irritable	
	Cocky		Subdued		Antagonistic	
	Depressed		Hallucinating			
	Other					
Comprehension	Good		Poor		None	
	Other					

Q. Is there any mechanical defect with your vehicle? **Yes/No**
(*Describe*)

Q. Are you suffering from any illness such as Diabetes, Epilepsy? **Yes/No**
(*State*)

Q. Are you currently taking any medication or drugs? **Yes/No**
(*Type, quantity, time and date taken*)

Apprehending Officer			
I certify that this driver assessment was conducted on the driver and was conducted in accordance with the regulations			
Signature		Date	
Name		Rank	
Number		Station	

Form 5

(r. 10(5))

WESTERN AUSTRALIA

ROAD TRAFFIC ACT 1974

Road Traffic (Drug Driving) Regulations 2007

I, ..., an authorised drug tester for the purposes of the *Road Traffic Act 1974* section 65, certify that —

1. .....
(*name*)
provided a sample of oral fluid collected in accordance with the regulations
on .....
(*date*)
at .....
(*time*)

2. The sample provided is marked .....

3. I was at the material time an authorised drug tester.

4. The sample of oral fluid was collected using an approved device
.....
(*name of device used*)
operated by me in accordance with the regulations.

5. The approved device indicated a result in the prescribed manner at the conclusion of the test.

6. The result obtained from the test referred to in this certificate was that the following prescribed illicit drugs were detected —

yes/no	tetrahydrocannabinol;
yes/no	methylamphetamine;
yes/no	3, 4-methylenedioxy-n, alpha-dimethylphenylethylamine (MDMA);
yes/no	cocaine.

.....
(Authorised drug tester)

[Form 5 amended: Gazette 25 Jan 2008 p. 217; SL 2026/145 r. 7.]

Form 6

(r. 10(6))

WESTERN AUSTRALIA
ROAD TRAFFIC ACT 1974
Road Traffic (Drug Driving) Regulations 2007

I, ..., Commissioner of Police,
certify that .....
of .....
* is an authorised drugs tester.
* was as at ..... an authorised drugs tester.

.....
Commissioner of Police

**Delete whichever does not apply.*

Schedule 2 — Collecting and testing oral fluid

[r. 6]

[Heading inserted: Gazette 11 Jul 2014 p. 2440.]

Division 1 — SECURETEC DRUGWIPE II TWIN COMBO and SECURETEC DRUGWIPE 3 S COMBO

[Heading inserted: SL 2026/145 r. 8.]

1. Preparing to collect oral fluid

The following steps are to be taken when preparing to collect oral fluid for testing using a SECURETEC DRUGWIPE II TWIN COMBO or SECURETEC DRUGWIPE 3 S COMBO —

(a) check the packaging of the equipment is not damaged and that any expiry date has not passed;

(b) open the packaged equipment;

(c) check that each item of the testing kit is present and that none of the items shows any apparent damage;

(d) if a fault is detected or an item is missing from the testing kit, obtain a new testing kit and recommence the procedure.

[Clause 1 inserted: Gazette 11 Jul 2014 p. 2440; amended: Gazette 6 Oct 2017 p. 5185; SL 2026/145 r. 9.]

2. Collecting oral fluid

The following steps are to be taken when collecting oral fluid for testing using a SECURETEC DRUGWIPE II TWIN COMBO or SECURETEC DRUGWIPE 3 S COMBO —

(a) open the packaging of the saliva collection device supplied with the kit without touching the saliva collection pad;

(b) direct the suspect to move their tongue around inside their mouth 3 times;

(c) give the saliva collection device to the suspect;

(d) direct the suspect to wipe both sides of the saliva collection pad down their tongue, place the saliva collection pad under their tongue and close their mouth;

(e) direct the suspect not to bite or chew the saliva collection pad, and not to remove the saliva collection pad until otherwise directed;

(f) when the saliva collection device indicator turns blue or when 15 minutes has elapsed (whichever occurs first) remove the saliva collection pad from the suspect's mouth;

(g) place the device on the internal side of the saliva collection device packaging.

[Clause 2 inserted: SL 2026/145 r. 10.]

3. Setting up for oral fluid test

The following steps are to be taken when setting up for testing oral fluid using a SECURETEC DRUGWIPE II TWIN COMBO or SECURETEC DRUGWIPE 3 S COMBO —

(a) check the viewing windows of the testing device to ensure no control lines are present;

(b) remove the cover from the testing device.

[Clause 3 inserted: Gazette 6 Oct 2017 p. 5186; amended: SL 2026/145 r. 11.]

4. Conducting oral fluid test

The following steps are to be taken when testing oral fluid using a SECURETEC DRUGWIPE II TWIN COMBO or SECURETEC DRUGWIPE 3 S COMBO —

(a) dab the saliva testing kit wipe on the saliva collection pad;

(aa) check that the sampling pads change colour from pink to yellow;

(b) replace the cover on the testing device;

(c) hold the testing device in a vertical position with the ampoule at the lower end;

(d) squeeze the word PRESS to break the ampoule;

(e) continue to hold the testing device in a vertical position for a further 10 seconds;

(f) place the testing device on a horizontal surface and leave it undisturbed for 3 minutes;

(g) observe the results of the test.

[Clause 4 inserted: Gazette 6 Oct 2017 p. 5186; amended: SL 2020/201 r. 4; SL 2026/145 r. 12.]

[Division 2 heading deleted: SL 2026/145 r. 13.]

5. Processing oral fluid

The following steps are to be taken when processing oral fluid for analysis using a SECURETEC DRUGWIPE II TWIN COMBO or SECURETEC DRUGWIPE 3 S COMBO —

(a) place the saliva collection device into the buffer tube and secure the cap;

(b) agitate the buffer tube to separate the saliva collection pad from the holder;

(c) remove the holder, leaving the saliva collection pad inside the buffer tube;

(d) insert the plunger device into the buffer tube in a slow and controlled manner;

(e) press all the way to the bottom of the buffer tube, allowing the sample to pass through the filter;

(f) divide the sample into the 2 safe-lock tubes and secure the caps;

(g) attach a barcode to each safe-lock tube, place each tube into a biohazard evidence bag supplied with the testing kit and seal each bag.

[Clause 5 inserted: SL 2026/145 r. 14.]

*[**6-8.** Deleted: SL 2026/145 r. 14.]*

Notes

This is a compilation of the *Road Traffic (Drug Driving) Regulations 2007* 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
Road Traffic (Drug Driving) Regulations 2007	11 Oct 2007 p. 5483-500	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 (Drug Driving) Amendment Regulations 2008	25 Jan 2008 p. 216-17	r. 1 and 2: 25 Jan 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Jan 2008 (see r. 2(b))
Road Traffic (Drug Driving) Amendment Regulations 2009	9 Oct 2009 p. 3998-9	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 (Drug Driving) Amendment Regulations 2014	11 Jul 2014 p. 2439-43	r. 1 and 2: 11 Jul 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Jul 2014 (see r. 2(b))
Road Traffic (Repeals and Amendment) Regulations 2014 Pt. 5	23 Dec 2014 p. 4913-38	27 Apr 2015 (see r. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Road Traffic (Drug Driving) Amendment Regulations 2015	6 Mar 2015 p. 817-19	r. 1 and 2: 6 Mar 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Mar 2015 (see r. 2(b))
Road Traffic (Drug Driving) Amendment Regulations (No. 2) 2015	29 Dec 2015 p. 5182	r. 1 and 2: 29 Dec 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Dec 2015 (see r. 2(b))
Road Traffic Regulations Amendment Regulations 2017 Pt. 3	7 Feb 2017 p. 1171-7	10 Mar 2017 (see r. 2(b) and *Gazette* 7 Feb 2017 p. 1158-9)

Reprint 1: The *Road Traffic (Drug Driving) Regulations 2007* as at 10 Mar 2017 (includes amendments listed above)

Citation	Published	Commencement
Road Traffic (Drug Driving) Amendment Regulations 2017	6 Oct 2017 p. 5185-6	r. 1 and 2: 6 Oct 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Oct 2017 (see r. 2(b))
Road Traffic (Drug Driving) Amendment Regulations 2018	14 Dec 2018 p. 4807	r. 1 and 2: 14 Dec 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Dec 2018 (see r. 2(b))
Road Traffic (Drug Driving) Amendment Regulations 2020	SL 2020/201 23 Oct 2020	r. 1 and 2: 23 Oct 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Oct 2020 (see r. 2(b))
Road Safety Regulations Amendment and Repeal Regulations 2021 Pt. 4	SL 2021/58 21 May 2021	1 Jul 2021 (see r. 2(b) and SL 2021/54 cl. 2(a))
Road Traffic (Drug Driving) Amendment Regulations 2026	SL 2026/145 8 Jul 2026	r. 1 and 2: 8 Jul 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Jul 2026 (see r. 2(b))

© State of Western Australia 2026.
This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).
To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.
Attribute work as: © State of Western Australia 2026.
By Authority: ANDREW JONES, Government Printer