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[1987

Road Traffic Amendment Act (No. 2) 1987

PROCLAMATION

WESTERN AUSTRALIA GORDON REID, Governor. [L.S.]	}	By His Excellency Professor Gordon Reid, Com- panion of the Order of Australia, Governor of the State of Western Australia.
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UNDER section 2 of the Road Traffic Amendment Act (No. 2) 1987, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix the day on which this proclamation is published in the *Government Gazette* as the day on which sections 3, 4, 5, 6, 8, 9, and 10 of that Act shall come into operation.

Given under my hand and the Seal of the State on 24
December 1987.

By His Excellency's Command,
GORDON HILL,
Minister for Police.

GOD SAVE THE QUEEN !

ROAD TRAFFIC ACT 1974
VEHICLE STANDARDS AMENDMENT REGULATIONS (No. 5) 1987
MADE by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Vehicle Standards Amendment Regulations (No. 5) 1987*.

Commencement

2. These regulations shall come into operation on the day on which section 4 of the *Road Traffic Amendment Act (No. 2) 1987* comes into operation.

Regulation 104 amended

3. Regulation 104 of the *Vehicle Standards Regulations 1977** is amended in subregulation (1) by deleting the definition of "moped".

[*Reprinted in the *Gazette of 18 August 1982* at pp. 3177-3246. For amendments to 21 December 1987 see 1986 *Index to Legislation of Western Australia* at page 341 and *Gazettes of 24 April, 29 May, 26 June, and 14 and 28 August 1987*.]

By His Excellency's Command,

G. PEARCE,
Clerk of the Council.

ROAD TRAFFIC ACT 1974
ROAD TRAFFIC (BREATH ANALYSIS) AMENDMENT REGULATIONS 1987
MADE by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic (Breath Analysis) Amendment Regulations 1987*.

Commencement

2. These regulations shall come into operation on the day on which sections 3, 5, 6, 8, 9, and 10 of the *Road Traffic Amendment Act (No. 2) 1987* come into operation.

Principal regulations

3. In these regulations, the *Road Traffic (Breath Analysis) Regulations 1975** are referred to as the principal regulations.

[*Reprinted in the *Gazette of 1 July 1981* at pp. 2535-41. For amendments to 15 December 1987 see 1986 *Index to Legislation of Western Australia* at page 339.]

Regulation 2 amended

4. Regulation 2 of the principal regulations is amended by deleting the definitions of "Schedule" and "the Act".

Regulation 4 amended

5. Regulation 4 of the principal regulations is amended by inserting after subregulation (2) the following subregulation—

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

Regulation 5 substituted

6. Regulation 5 of the principal regulations is repealed and the following regulation is substituted—

Operation of breath analysing equipment

“ 5. For the purpose of analysing a sample of a person's breath—
(a) breath analysing equipment other than self-testing breath analysing equipment shall be operated in accordance with the instructions set out in Part 1 of the Second Schedule; and
(b) self-testing breath analysing equipment shall be operated in accordance with the instructions set out in Part 3 of the Second Schedule. ”

Regulation 6 amended

7. Regulation 6 (1) of the principal regulations is amended by inserting after "breath analysing equipment" the following—

“ other than self-testing breath analysing equipment ”.

Regulation 7 inserted

8. After regulation 6 of the principal regulations the following regulation is inserted—

Indication of result of analysis

“ 7. For the purposes of section 68 (7) and (8) of the Act the manner of indication of the result of an analysis by self-testing breath analysing equipment shall be the printing of a statement by the breath analysing equipment. ”

First Schedule amended

9. The First Schedule to the principal regulations is amended—

- (a) in Form 1 by inserting after “operate” the following—
“ all types of ”;
- (b) in Form 2—
 - (i) in paragraph 2 by inserting after “equipment” the following—
“ other than self-testing breath analysing equipment ”; and
 - (ii) in paragraph 3 by inserting before “were” the following—
“ of the relevant type ”; and
- (c) by inserting after Form 2 the following form—

“

Form 3

Western Australia

ROAD TRAFFIC ACT 1974

ROAD TRAFFIC (BREATH ANALYSIS) REGULATIONS 1975

I,,
an authorized person, within the meaning of section 65 of the *Road Traffic Act 1974*,
HEREBY CERTIFY THAT:

1.provided a
(name)
sample of breath for analysis onat
(date)
.....
(time)
2. I was at the material time an authorized person.
3. The sample of breath so provided was analysed by apparatus operated by me, and that apparatus was self-testing breath analysing equipment within the meaning of section 65 of the *Road Traffic Act 1974*.
4. The breath analysing equipment was operated by me in the prescribed manner and the regulations relating to analysis by self-testing breath analysing equipment of the relevant type were complied with.
5. The breath analysing equipment indicated a result in the prescribed manner at the conclusion of the analysis.
6. In accordance with subsection (9) of section 68, I completed, signed, and handed to the person named in paragraph 1 of this certificate a statement as required by that subsection, or (as the case may be) I complied with the requirements of that subsection by signing, dating, and handing to that person a statement printed by the breath analysing equipment.

The analysis result obtained from the analysis referred to in this certificate was

.....
(Authorized person) ”

Second Schedule amended

10. The Second Schedule to the principal regulations is amended—

- (a) in the heading to Part 1 by inserting after “SAMPLE” the following—
“ BY BREATH ANALYSING EQUIPMENT OTHER THAN SELF-TESTING BREATH ANALYSING EQUIPMENT ”;
- (b) in the heading to Part 2, by inserting after “EQUIPMENT” the following—
“ OTHER THAN SELF-TESTING BREATH ANALYSING EQUIPMENT ”; and
- (c) by inserting after Part 2 the following Part—
“ PART 3—ANALYSIS OF BREATH SAMPLE BY SELF-TESTING BREATH ANALYSING EQUIPMENT

Item	Instruction
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 panel.
2.	Push the pad marked “START” on the keyboard and then use the keyboard to enter particulars relating to the analysis.
3.	Connect a mouthpiece to the sampling hose.
4.	After the words “PLEASE BLOW” appear on the display panel 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 "TEST REPEAT Y/N" appears on the display panel indicating that a sample of breath has not been provided as required then—
EITHER
 - 5.1 Press the pad marked "Y".
 - 5.1.1 Press the pad marked "ENTER" on the keyboard and follow instruction 4 again.OR
 - 5.2 Press the pad marked "N" on the keyboard.
 - 5.2.1 Press the pad marked "ENTER" on the keyboard.
 - 5.2.2 After the words "READY TO START" appear on the display panel press the pad marked "O" on the keyboard.
 - 5.2.3 After the words "OVERRIDE START" appear on the display panel follow instructions 2 and 4 again.

By His Excellency's Command,
G. PEARCE,
Clerk of the Council.

ROAD TRAFFIC ACT 1974 AS AMENDED BY
ROAD TRAFFIC AMENDMENT ACT (No. 2) 1987
ROAD TRAFFIC (SELF-TESTING BREATH ANALYSING EQUIPMENT)
NOTICE 1987

MADE by the Minister for Police under section 72 (2) (a) and (2a).

Citation

1. This notice may be cited as the *Road Traffic (Self-testing Breath Analysing Equipment) Notice 1987*.

Approval and designation of apparatus

2. Apparatus bearing, with or without other material, the expression "DRÄGER ALCOTEST 7110" is—
 - (a) approved as apparatus for ascertaining by analysis of a sample of a person's breath the percentage of alcohol present in his or her blood; and
 - (b) designated as self-testing apparatus.

GORDON HILL,
Minister for Police.