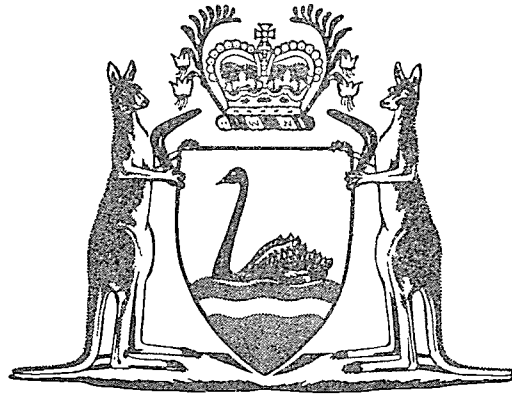


[2263]



Government Gazette

OF
WESTERN AUSTRALIA

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No. 48]

PERTH: MONDAY, 6th AUGUST

[1979

Crown Law Department,
Perth, 31st July, 1979.

THE undermentioned Regulations made under the provisions of the Road Traffic Act, 1974, and amended from time to time up to and including the 10th March, 1978, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

R. M. CHRISTIE,
Under Secretary for Law.

ROAD TRAFFIC ACT, 1974.

ROAD TRAFFIC (BLOOD SAMPLING AND ANALYSIS) REGULATIONS, 1975.

PUBLISHED in the *Government Gazette* on the 29th May, 1975, and now reprinted incorporating the amendments thereto published in the *Government Gazette* on the 14th November, 1975; 12th December, 1975; 23rd January, 1976; 17th June, 1977, and the 10th March, 1978, pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General dated 31st July, 1979.

ROAD TRAFFIC ACT, 1974.

ROAD TRAFFIC (BLOOD SAMPLING AND ANALYSIS) REGULATIONS, 1975.

1. These regulations may be cited as the Road Traffic (Blood Sampling and Analysis) Regulations, 1975. Citation.
2. In these regulations, unless the context otherwise requires— Definitions.
 - “Form” means one of the forms set out in the Schedule to these regulations;
 - “regulation” means one of these regulations;
 - “subject” means a person required, or electing, 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 for alcohol, pursuant to section 66 of the Act;
 - “the Act” means the Road Traffic Act, 1974.
3. These regulations apply whenever a blood sample is taken for the purposes of the Act. Application.
4. A blood sample taken in pursuance of these regulations shall be taken by means of equipment (in these regulations called “the sampling equipment”) provided for that purpose by the Public Health Department of Western Australia and by no other means. Sampling.
5. The sampling equipment shall comprise— Sampling equipment.
Amended by G.G. 14/11/75, p. 4185.
 - (a) a sterile syringe having a maximum capacity of approximately 30 millilitres;
 - (b) two sterile bottles, each numbered with the serial number of the package mentioned in paragraph (b) of regulation 6 and containing approximately 25 milligrams of potassium oxalate and approximately 10 milligrams of sodium fluoride and closed with a cap fitted with a rubber disc;
 - (c) one bottle or other receptacle containing a quantity of a solution comprising 1 part of mercury bichloride to 1 000 parts of distilled water; and
 - (d) two swabs of cotton wool.
6. The sampling equipment shall be prepared by a technologist of the Public Health Department who shall— Preparation of sampling equipment.
 - (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.
7. (1) A blood sample shall be taken by a medical practitioner by venepuncture, with the syringe provided in the sampling equipment and no other. Method of sampling.
Amended by G.G. 14/11/75, p. 4185.
 - (2) The medical practitioner 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;
 - (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;
 - (c) cleanse the proposed site of the venepuncture by means of the mercury bichloride solution and cottonwool contained in the sampling equipment and by no other means;

- (d) withdraw a sample of blood;
- (e) discharge approximately one-half of the blood withdrawn into one of the two bottles supplied in the sampling equipment and the balance of the blood into the second of those bottles;
- (f) ensure that the cap on each bottle is securely tightened; and
- (g) shake each bottle thoroughly and in so doing invert it at least twenty times, to mix the contents.
- Certification of blood samples.** 8. (1) Upon a blood sample being taken and dealt with in accordance with the provisions of regulation 7—
- (a) the medical practitioner shall complete and sign Part I; and
- (b) a patrolman who was present when the sample was taken shall complete and sign Part II,
- of two copies of Form B.
- (2) Upon the completion of two copies of Form B, each of the bottles containing a portion of the blood sample shall be sealed in a separate package (the cover of which comprises that form) by the medical practitioner and the patrolman in this regulation mentioned, each signing his name over the sealed portion or flap of the package.
- Analytical method.** 9. 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.
- Certificate of analyst.** 10. A certificate for the purposes of paragraph (e) of subsection (2) of section 70 of the Act shall be in the form of Form C.
- Fees payable to medical practitioners and analysts.** 11. (1) The fees prescribed for the attendance of a medical practitioner for the purpose of these regulations 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—\$22.50; and
- (b) at any other time—\$17.80.
- (2) The fee for an analysis of a blood sample for alcohol by an analyst at the Government Chemical Laboratories is \$15.00.
- (3) The fees payable under subregulation (1) of this regulation shall be paid, as the case may require, by the Authority or, where the person who caused the sample of blood to be taken was a traffic inspector or assistant inspector acting under the authority of section 110 of the Act, by the local authority concerned.
- (4) Where a person is convicted of an offence under section 63 or 64 of the Act and the payment of a fee provided by subregulation (1) or (2) of this regulation has been incurred for the purposes of section 66 of the Act the court convicting that person shall order him to pay the amount of the fee and that amount may, thereupon, be recovered as if it were a penalty imposed under the Act.
- Request for taking of blood sample.** 12. 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 patrolman requiring the sample shall make his request for it to be taken in writing, addressed to a medical practitioner, in accordance with Form D.
- Certificate as to competence of analyst.** 13. A certificate for the purposes of paragraph (b) of subsection (2) of section 70 of the Act shall be in the form of Form E.

Amended by
G.G. 12/12/75,
p. 4500;
G.G.
17/6/77,
p. 1838.

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SCHEDULE.

Serial No.

Western Australia.

ROAD TRAFFIC ACT, 1974.

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

FORM A.

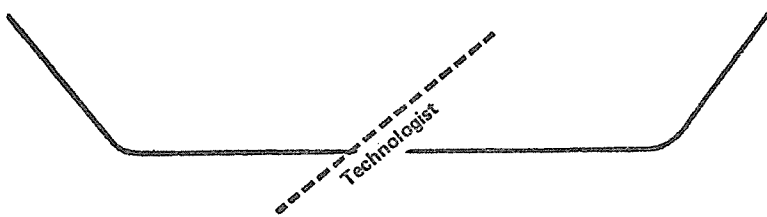
Schedule amended by G.G. 23/1/76, p. 132; G.G. 10/3/78, p. 688.

I of Laboratory Services, Public Health Department, Perth, in the State of Western Australia, 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 19.....

Signature.

(Reverse Side.)



Note: 'This package should be opened by cutting along this fold.

Western Australia.

ROAD TRAFFIC ACT, 1974.

Regulation 8: Road Traffic (Blood Sampling and Analysis) Regulations, 1975.

FORM B.

Part I.

By Medical Practitioner:

I of duly qualified medical practitioner hereby certify that:

1. At the hour of m. on the day of, 19..... I took a sample of the blood of of portion of which sample is now contained in the enclosed bottle 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.

6

(Reverse Side.)

Part II.

By a patrolman:

Name of subject

Doctor

Time and date of taking blood samplem. on

Time of occurrence of event giving rise to requirement of blood sample:
.....m. on the

Alleged time of last drink containing alcohol consumed by subject:
.....m. on

.....
Signature Rank and Number.



Note: Open by cutting along this edge, leaving signatures intact.

Western Australia.

ROAD TRAFFIC ACT, 1974.

Regulation 10: Road Traffic (Blood Sampling and Analysis)
Regulations, 1975.

FORM C.

I.....
of the Government Chemical Laboratories, Perth, an analyst within
the meaning of section 65 of the Road Traffic Act, 1974, hereby
certify that:

1. On the day of 19..... I received
a sealed package, comprising Form B of the Road Traffic (Blood
Sampling and Analysis) Regulations, 1975 then intact from
..... containing a sample of blood in a bottle
numbered

2. The certificate (Form B) appearing on the cover of the said
package was indorsed (*inter alia*) as follows:

Name of subject

Doctor

Time and date of taking blood sample

3. I have analysed that sample in accordance with the Road
Traffic (Blood Sampling and Analysis) Regulations, 1975 and have
found it to contain per centum of alcohol.

.....
Analyst.

7

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) of the Road Traffic Act, 1974, I, the undersigned patrolman, hereby request you the said 1. to take a sample of the blood of 3. presently at (4)., in accordance with the abovementioned regulations.

Dated at this day of, 19.....

.....
Signature, Rank and Number.

- (1) Insert name of medical practitioner or the words Medical Superintendent, Medical Officer in Charge or Medical Registrar, as the case may require.
- (2) Address or name of hospital, as the case may require.
- (3) Name of subject.
- (4) Place where subject is then to be found.

Western Australia.

ROAD TRAFFIC ACT, 1974.

Regulation 13: Road Traffic (Blood Sampling and Analysis) Regulations, 1975.

FORM E.

I,, Director of the Government Chemical Laboratories, pursuant to the power conferred on me by section 72 of the Road Traffic Act, 1974, hereby certify that of is competent to determine the percentage of alcohol in bodily substances.

.....
Director, Government
Chemical Laboratories.

