



Western Australia

## **Road Traffic (Breath Analysis) Regulations 1975**

Compare between:

[29 Jan 2014, 02-c0-03] and [16 Nov 2016, 02-d0-00]



## Road Traffic (Breath Analysis) Regulations 1975

### 1. Citation

These regulations may be cited as the *Road Traffic (Breath Analysis) Regulations 1975*<sup>1</sup>.

### 2. Definitions

In these regulations, unless the contrary intention appears, —  
***equilibrator*** means an apparatus consisting of —

- (a) a container of liquid bearing one or more labels inscribed “Testing solution for breath analysing equipment. Prepared by the Chemistry Centre (WA).”;
- (b) a cap fitted with an atomiser bulb, inlet tube, outlet tube; and
- (c) a thermometer.

[Regulation 2 amended in Gazette 5 May 1978 p. 1391;  
24 Dec 1987 p. 4562; 9 Aug 1991 p. 4232.]

### 3. Application

These regulations apply whenever a sample of breath is provided for analysis for the purposes of the Act.

### 4. Certificates

- (1) A certificate for the purposes of section 70(2)(a) of the Act shall be in the form of Form 1 in the First Schedule.

- (2) A certificate for the purposes of section 70(2)(ba) of the Act shall be in the form of Form 2 in the First Schedule.
- (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 4 inserted in Gazette 15 Feb 1980 p. 466; amended in Gazette 24 Dec 1987 p. 4562.]*

**5. Operation of breath analysing equipment**

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 5 inserted in Gazette 24 Dec 1987 p. 4562.]*

**6. Testing of equipment**

- (1) The determination of whether breath analysing equipment other than self-testing breath analysing equipment is in proper working order shall be made by —
  - (a) operating the equipment in accordance with the instructions set out in Part 2 of the Second Schedule; and
  - (b) identifying the range, set out in Column 2 of the Third Schedule, that is applicable to the temperature recorded pursuant to item 10 of Part 2 of the Second Schedule.
- (2) If the test result recorded pursuant to item 13 of Part 2 of the Second Schedule falls within the applicable range identified pursuant to subregulation (1)(b) the breath analysing equipment is in proper working order.

*[Regulation 6 amended in Gazette 24 Dec 1987 p. 4562.]*

**7. Indication of result of analysis**

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.

*[Regulation 7 inserted in Gazette 24 Dec 1987 p. 4563.]*

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**First Schedule**

[Reg. 4.]

Form 1

Western Australia

*ROAD TRAFFIC ACT 1974*

I, .....  
the ~~chief executive officer~~ Commissioner of the ~~Chemistry Centre (WA)~~, Police,  
pursuant to the power conferred on me by section 72 of the *Road Traffic  
Act 1974*, HEREBY CERTIFY that:  
..... is competent to operate all  
types of breath analysing equipment.

Dated at ~~Perth~~ ..... this  
..... day of ..... 20.....

.....  
~~chief executive officer~~  
~~Chemistry Centre (WA)~~

.....  
Commissioner of Police

*[Form 1 amended in Gazette 14 Mar 2008 p. 833; 15 Nov 2016  
p. 5061.]*

Form 2

Western Australia

*ROAD TRAFFIC ACT 1974*

*ROAD TRAFFIC (BREATH ANALYSIS) REGULATIONS 1975*

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

1. .... provided a sample of  
  (name)  
breath for analysis on the .....  
  (date)  
at.....  
  (time)

- 1a. I was at the material time an authorised person.
- 2. The sample of breath so provided was analysed by apparatus operated by me, and that apparatus was breath analysing equipment other than self-testing breath analysing equipment within the meaning of section 65 of the *Road Traffic Act 1974*.
- 3. The breath analysing equipment was operated by me in the prescribed manner and all regulations relating to analysis by breath analysing equipment of the relevant type were complied with.
- 4. The breath analysing equipment was determined by me in accordance with the abovementioned regulations to be in proper working order on the occasion of its operation, and
- 5. In accordance with section 68(4)(b) of the *Road Traffic Act 1974*  
I completed, signed, and handed to the person named in paragraph 1 of this certificate a statement as required by that provision.

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

.....  
(Authorised Person)

**Road Traffic (Breath Analysis) Regulations 1975**  
**First Schedule**

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Form 3

Western Australia

*ROAD TRAFFIC ACT 1974*

*ROAD TRAFFIC (BREATH ANALYSIS) REGULATIONS 1975*

I, .....,  
an authorised 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 on ..... at  
(date)  
.....  
(time)
2. I was at the material time an authorised 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 section 68(9), 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 .....

.....  
(Authorised person)

*[First Schedule amended in Gazette 15 Feb 1980 p. 466; 25 Feb 1983 p. 650; 25 Dec 1987 p. 4563; 9 Aug 1991 p. 4232; 14 Mar 2008 p. 833.]*



## Second Schedule

[Regs. 5 and 6.]

### **Part 1 — Analysis of breath sample by breath analysing equipment other than self-testing breath analysing equipment**

| <b>Item</b> | <b>Instruction</b>  |
|-------------|---|
| 1.          | Ensure that the equipment is switched on, that the pointer of the null meter is centred, and that the reading on the sample chamber thermometer is within the limits of the calibrations shown on that thermometer. |
| 2.          | Wipe an ampoule and place it in the left hand holder.   |
| 3.          | Break the top from another ampoule, insert a glass bubbler, wipe the ampoule, and place it in the right hand holder.  |
| 4.          | Connect the glass bubbler to the delivery tube and ensure that the end of the bubbler is not touching the bottom of the ampoule.  |
| 5.          | Ensure that the control knob is at the position marked “TAKE”.  |
| 6.          | Connect an atomiser bulb to the sample tube, pump the bulb until the green light comes on, and then pump at least 6 more times.   |
| 7.          | Remove the atomiser bulb from the sample tube.  |
| 8.          | Turn the control knob to the position marked “ANALYZE”, wait for the red light to come on, and then wait for at least 90 seconds.   |
| 9.          | Switch on the switch marked “LIGHT”, centre the pointer of the null meter by adjusting the wheel marked “BALANCE”, and then release the switch marked “LIGHT”.  |
| 10.         | Using the pointer adjustment knob, set the scale pointer on the start line of the blood alcohol scale.  |
| 11.         | Turn the control knob to the position marked “TAKE”.  |
| 12.         | Connect a mouthpiece to the sample tube and direct the person whose breath is to be analysed to provide a sample of his breath into the equipment.  |

13. Record the time at which the breath sample was taken.
14. Remove the mouthpiece from the sample tube.
15. Turn the control knob to the position marked "ANALYZE", wait for the red light to come on, and then wait for at least 90 seconds.
16. Switch on the switch, marked "LIGHT", centre the pointer of the null meter by adjusting the wheel marked "BALANCE", and then release the switch marked "LIGHT".
17. Record the analysis result as shown by the position of the scale pointer on the blood alcohol scale.

## **Part 2 — Testing of breath analysing equipment other than self-testing breath analysing equipment**

| <b>Item</b> | <b>Instruction</b>   |
|-------------|--|
| 1.          | Turn the control knob to the position marked "TAKE".   |
| 2.          | Connect an atomiser bulb to the sample tube, pump the bulb until the green light comes on, and then pump at least 6 more times.                                |
| 3.          | Remove the atomiser bulb from the sample tube.   |
| 4.          | Turn the control knob to the position marked "ANALYZE", wait for the red light to come on, and then wait for at least 90 seconds.                              |
| 5.          | Switch on the switch marked "LIGHT", centre the pointer of the null meter by adjusting the wheel marked "BALANCE", and then release the switch marked "LIGHT". |
| 6.          | Using the pointer adjustment knob, set the scale pointer on the line marked ".00" on the blood alcohol scale.  |
| 7.          | Turn the control knob to the position marked "TAKE".   |
| 8.          | Connect the outlet of an equilibrator to the sample tube.  |
| 9.          | Pump the atomiser bulb on the equilibrator until the green light comes on, and then pump at least 6 more times.  |
| 10.         | Record the temperature shown on the thermometer in the equilibrator.   |

11. Turn the control knob to the position marked “ANALYZE”, wait for the red light to come on, and then wait for at least 90 seconds.
12. Switch on the switch marked “LIGHT”, centre the pointer of the null meter by adjusting the wheel marked “BALANCE”, and then release the switch marked “LIGHT”.
13. Record the test result as shown by the position of the scale pointer on the blood alcohol scale.

### **Part 3 — Analysis of breath sample by self-testing breath analysing equipment**

| <b>Item</b> | <b>Instruction</b>  |
|-------------|---|
| 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.          | After the words “PLEASE BLOW” appear on the display panel connect a mouthpiece to the sampling hose.  |
| 4.          | 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 —  |
|             | <b>EITHER</b>   |
| 5.1         | Press the pad marked “Y” on the keyboard.   |
| 5.1.1       | Press the pad marked “ENTER” on the keyboard.   |
| 5.1.2       | Follow instructions 3 and 4 again.  |
|             | <b>OR</b>   |

5.2 Press the pad marked “N” on the keyboard.

5.2.1 Press the pad marked “ENTER” on the keyboard to terminate the analysis.

*[Second Schedule amended in Gazette 24 Dec 1987 p. 4563-4;  
28 Jan 2014 p. 183.]*

### Third Schedule

Reg. 6.

| Column 1                            | Column 2                                 |
|-------------------------------------|--|
| Temperature °C                      | Applicable Range<br>Minimum Maximum      |
| More than 9.5 but not more than 10  | Between 0.045 and 0.055, both inclusive. |
| More than 10 but not more than 10.5 | Between 0.047 and 0.057, both inclusive. |
| More than 10.5 but not more than 11 | Between 0.049 and 0.059, both inclusive. |
| More than 11 but not more than 11.5 | Between 0.050 and 0.062, both inclusive. |
| More than 11.5 but not more than 12 | Between 0.052 and 0.064, both inclusive. |
| More than 12 but not more than 12.5 | Between 0.054 and 0.066, both inclusive. |
| More than 12.5 but not more than 13 | Between 0.057 and 0.069, both inclusive. |
| More than 13 but not more than 13.5 | Between 0.059 and 0.073, both inclusive. |
| More than 13.5 but not more than 14 | Between 0.061 and 0.075, both inclusive. |
| More than 14 but not more than 14.5 | Between 0.064 and 0.078, both inclusive. |
| More than 14.5 but not more than 15 | Between 0.067 and 0.081, both inclusive. |
| More than 15 but not more than 15.5 | Between 0.069 and 0.085, both inclusive. |
| More than 15.5 but not more than 16 | Between 0.072 and 0.088, both inclusive. |
| More than 16 but not more than 16.5 | Between 0.075 and 0.091, both inclusive. |
| More than 16.5 but not more than 17 | Between 0.077 and 0.095, both inclusive. |
| More than 17 but not more than 17.5 | Between 0.080 and 0.098, both inclusive. |
| More than 17.5 but not more than 18 | Between 0.084 and 0.102, both inclusive. |
| More than 18 but not more than 18.5 | Between 0.087 and 0.107, both inclusive. |
| More than 18.5 but not more than 19 | Between 0.090 and 0.110, both inclusive. |
| More than 19 but not more than 19.5 | Between 0.094 and 0.114, both inclusive. |
| More than 19.5 but not more than 20 | Between 0.096 and 0.118, both inclusive. |
| More than 20 but not more than 20.5 | Between 0.100 and 0.122, both inclusive. |
| More than 20.5 but not more than 21 | Between 0.104 and 0.126, both inclusive. |
| More than 21 but not more than 21.5 | Between 0.107 and 0.131, both inclusive. |
| More than 21.5 but not more than 22 | Between 0.111 and 0.135, both inclusive. |
| More than 22 but not more than 22.5 | Between 0.114 and 0.140, both inclusive. |
| More than 22.5 but not more than 23 | Between 0.119 and 0.145, both inclusive. |
| More than 23 but not more than 23.5 | Between 0.122 and 0.150, both inclusive. |
| More than 23.5 but not more than 24 | Between 0.127 and 0.155, both inclusive. |
| More than 24 but not more than 24.5 | Between 0.130 and 0.160, both inclusive. |
| More than 24.5 but not more than 25 | Between 0.135 and 0.165, both inclusive. |
| More than 25 but not more than 25.5 | Between 0.140 and 0.170, both inclusive. |
| More than 25.5 but not more than 26 | Between 0.145 and 0.177, both inclusive. |
| More than 26 but not more than 26.5 | Between 0.150 and 0.184, both inclusive. |
| More than 26.5 but not more than 27 | Between 0.156 and 0.190, both inclusive. |
| More than 27 but not more than 27.5 | Between 0.161 and 0.197, both inclusive. |
| More than 27.5 but not more than 28 | Between 0.167 and 0.205, both inclusive. |
| More than 28 but not more than 28.5 | Between 0.174 and 0.213, both inclusive. |

**Road Traffic (Breath Analysis) Regulations 1975**

**Third Schedule**

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| <b>Column 1</b>                     | <b>Column 2</b>                          |
|-------------------------------------|--|
| Temperature °C                      | Applicable Range<br>Minimum Maximum      |
| More than 28.5 but not more than 29 | Between 0.180 and 0.220, both inclusive. |
| More than 29 but not more than 29.5 | Between 0.186 and 0.228, both inclusive. |
| More than 29.5 but not more than 30 | Between 0.193 and 0.235, both inclusive. |
| More than 30 but not more than 30.5 | Between 0.199 and 0.243, both inclusive. |
| More than 30.5 but not more than 31 | Between 0.205 and 0.251, both inclusive. |
| More than 31 but not more than 31.5 | Between 0.212 and 0.258, both inclusive. |
| More than 31.5 but not more than 32 | Between 0.218 and 0.266, both inclusive. |
| More than 32 but not more than 32.5 | Between 0.224 and 0.274, both inclusive. |
| More than 32.5 but not more than 33 | Between 0.231 and 0.283, both inclusive. |
| More than 33 but not more than 33.5 | Between 0.238 and 0.292, both inclusive. |
| More than 33.5 but not more than 34 | Between 0.246 and 0.300, both inclusive. |
| More than 34 but not more than 34.5 | Between 0.253 and 0.309, both inclusive. |
| More than 34.5 but not more than 35 | Between 0.260 and 0.318, both inclusive. |
| More than 35 but not more than 35.5 | Between 0.268 and 0.328, both inclusive. |
| More than 35.5 but not more than 36 | Between 0.276 and 0.338, both inclusive. |
| More than 36 but not more than 36.5 | Between 0.284 and 0.348, both inclusive. |
| More than 36.5 but not more than 37 | Between 0.292 and 0.358, both inclusive. |
| More than 37 but not more than 37.5 | Between 0.301 and 0.368, both inclusive. |
| More than 37.5 but not more than 38 | Between 0.310 and 0.380, both inclusive. |
| More than 38 but not more than 38.5 | Between 0.320 and 0.392, both inclusive. |
| More than 38.5 but not more than 39 | Between 0.330 and 0.404, both inclusive. |
| More than 39 but not more than 39.5 | Between 0.340 and 0.416, both inclusive. |
| More than 39.5 but not more than 40 | Between 0.350 and 0.428, both inclusive. |

*[Third Schedule amended in Gazette 14 Mar 2008 p. 833.]*

### Notes

- <sup>1</sup> This is a compilation of the *Road Traffic (Breath Analysis) Regulations 1975* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

| Citation   | Gazettal   | Commencement   |
|--|--|--|
| <i>Road Traffic (Breath Analysis) Regulations 1975</i>   | 29 May 1975<br>p. 1543-6   | 1 Jun 1975   |
| Untitled regulations   | 5 May 1978<br>p. 1391  | 5 May 1978   |
| Untitled regulations   | 15 Feb 1980<br>p. 466  | 15 Feb 1980  |
| <b>Reprint of the <i>Road Traffic (Breath Analysis) Regulations 1975</i> authorised 25 Jun 1981</b><br>(see <i>Gazette</i> 1 Jul 1981 p. 2535-41) (includes amendments listed above) |  |  |
| <i>Road Traffic (Breath Analysis) Amendment Regulations 1983</i>   | 25 Feb 1983<br>p. 650  | 25 Feb 1983  |
| <i>Road Traffic (Breath Analysis) Amendment Regulations 1987</i>   | 24 Dec 1987<br>p. 4562-4   | 24 Dec 1987 (see r. 2 and <i>Gazette</i> 24 Dec 1987 p. 4561)  |
| <i>Road Traffic Amendment Regulations 1991 Pt. 3</i>   | 9 Aug 1991<br>p. 4232  | 9 Aug 1991 (see r. 2 and <i>Gazette</i> 9 Aug 1991 p. 4101)  |
| <b>Reprint 2: The <i>Road Traffic (Breath Analysis) Regulations 1975</i> as at 9 Jan 2004</b><br>(includes amendments listed above)  |  |  |
| <i>Road Traffic Legislation Amendment Regulations 2008 Pt. 3</i>   | 14 Mar 2008<br>p. 832-4  | 15 Mar 2008 (see r. 2(b) and <i>Gazette</i> 14 Mar 2008 p. 829)  |
| <i>Road Traffic (Breath Analysis) Amendment Regulations 2014</i>   | 28 Jan 2014<br>p. 182-3  | r. 1 and 2: 28 Jan 2014<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>29 Jan 2014 (see r. 2(b))   |
| <a href="#"><u><i>Road Traffic (Breath Analysis) Amendment Regulations 2016</i></u></a>  | <a href="#"><u>15 Nov 2016</u></a><br><a href="#"><u>p. 5060-1</u></a> | <a href="#"><u>r. 1 and 2: 15 Nov 2016</u></a><br><a href="#"><u>(see r. 2(a));</u></a><br><a href="#"><u>Regulations other than r. 1 and 2:</u></a><br><a href="#"><u>16 Nov 2016 (see r. 2(b))</u></a> |