



Western Australia

Road Traffic (Urine Sampling and Analysis) Regulations 1983

Compare between:

[24 Jan 2017, 02-f0-00] and [07 Feb 2017, 02-g0-00]

Western Australia

Road Traffic Act 1974

Road Traffic (Urine Sampling and Analysis) Regulations 1983

1. Citation

These regulations may be cited as the *Road Traffic (Urine Sampling and Analysis) Regulations 1983*¹.

2. Commencement

These regulations shall come into operation on 1 March 1983.

3. Terms used

In these regulations unless the contrary intention appears —

Form means one of the forms set out in the Schedule;

subject means a person required to submit himself and allow a sample of his urine to be collected for analysis pursuant to section 66 or 66B of the Act;

technologist means —

- (a) a person registered as an analyst under the *Health (Miscellaneous Provisions) Act 1911* section 203; or
- (b) a person approved, or belonging to a class of persons approved, by the Minister to prepare sampling equipment.

[Regulation 3 amended in *Gazette* 30 Jan 2001 p. 626;
11 Oct 2007 p. 5481; 10 Jan 2017 p. 227.]

4. Application

These regulations apply whenever urine is collected for analysis for drugs for the purposes of the Act.

5. Urine sampling equipment to be provided by approved body

A urine sample shall be collected by means of equipment (in these regulations called the *urine sampling equipment*) provided for that purpose by a body approved by the Minister and by no other means.

[Regulation 5 amended in Gazette 29 Jun 1984 p. 1795; 30 Jan 2001 p. 626.]

6. Urine sampling equipment

The urine sampling equipment shall comprise —

- (a) 1 container for collecting urine;
- (b) 2 specimen containers; and
- (c) 1 pair of disposable gloves.

[Regulation 6 amended in Gazette 30 Jan 2001 p. 626.]

7. Preparation of urine sampling equipment

The urine sampling equipment shall be prepared by a technologist of a body approved by the Minister who shall —

- (a) complete and sign a certificate in the form of Form 1; and
- (b) seal the equipment in a serially numbered package by signing his name over the sealed portion or flap of the package.

[Regulation 7 amended in Gazette 29 Jun 1984 p. 1795; 30 Jan 2001 p. 626.]

8. Method of collecting urine

- (1) A urine sample shall be collected by a medical practitioner or registered nurse in the container for collecting urine provided in the urine sampling equipment and no other.
- (2) The medical practitioner or registered nurse shall —
 - (a) examine the package containing the urine 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 urine sampling equipment contained in a package that is not sealed and intact or in respect of which the indicated expiry date has passed;
 - (c) collect a sample of urine from the subject;
 - (d) pour as much of the urine into the 2 specimen containers as is necessary to enable an analysis of the urine to be made;
 - (e) ensure that the cap on each specimen container is securely tightened.

[Regulation 8 amended in Gazette 30 Jan 2001 p. 626 and 627.]

9. Certification of urine samples

- (1) Upon a urine sample being collected and dealt with in accordance with the provisions of regulation 8 —
 - (a) the medical practitioner or registered nurse shall complete and sign Part 1; and
 - (b) a police officer who was present when the sample was collected shall complete and sign Part 2,of 2 copies of Form 2.
- (2) Upon the completion of 2 copies of Form 2, each of the specimen containers containing a portion of the urine sample

shall be sealed in a separate package by the medical practitioner or registered nurse and the police officer mentioned in this regulation.

[Regulation 9 amended in Gazette 30 Jan 2001 p. 626 and 627; 31 Dec 2009 p. 5318; 23 Dec 2014 p. 4938.]

[10. Deleted in Gazette 28 Nov 2006 p. 4898.]

11. Certificates for purposes of Act s. 70(3b)

- (1) A certificate for the purposes of section 70(3b)(a) of the Act shall be in the form of Form 3.
- (2) The *Road Traffic (Drug Driving) Regulations 2007* 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 for either or both of the following —
 - (a) that an identified sample of urine provided by a named person was analysed for drugs;
 - (b) the analysis result obtained from the analysis.

[Regulation 11 amended in Gazette 11 Oct 2007 p. 5482.]

12. Fees for attendance, analysis

- (1) The fees for the attendance of a medical practitioner or registered nurse 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 — \$120; and
 - (b) at any other time — \$100.
- (2) Where a sample of urine is taken under these regulations and a sample of blood is collected under the *Road Traffic (Blood Sampling and Analysis) Regulations 1975* at the same attendance only one fee is payable in respect of the taking and collection of those samples.

- (3) Subject to subregulation (4) the fee for an analysis of a urine sample by an analyst at the Chemistry Centre (WA) is —
 - (a) where the analysis is for alcohol content — \$100; and
 - (b) where the analysis is for drug content — \$450.
- (4) Only one fee is payable if a sample of urine is analysed for both alcohol and drug content and that fee is \$450.
- (5) The fees payable under this regulation must be paid by the Commissioner of Police.
- (6) If a person is convicted of an offence under section 63, 64, 64AA or 64A of the Act and the Commissioner of Police has paid a fee under subregulation (1) or (3) for the purposes of section 66 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 12 inserted in Gazette 23 Dec 2014 p. 4937-8.]

Schedule

Form 1

Western Australia

Road Traffic Act 1974

Road Traffic (Urine Sampling and Analysis) Regulations 1983

(Regulation 7)

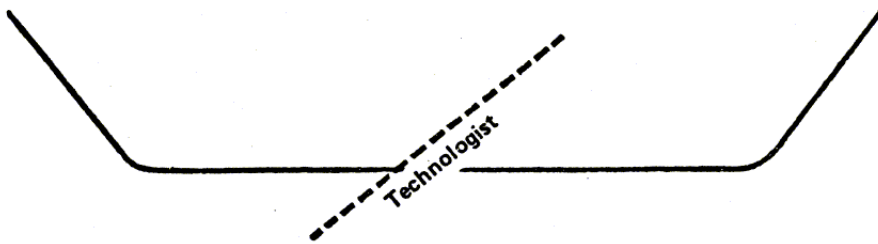
Serial No.

I,
..... of
Technologist, do hereby certify that the urine sampling equipment contained in
the package Serial No. comprises the items set
forth in regulation 6 of the *Road Traffic (Urine Sampling and Analysis)*
Regulations 1983 and that those items were prepared by me and are sterile and
fit for the purpose of collecting a urine sample for analysis if used not later than
.....

Dated this day of 20.....

.....
Signature

(Reverse Side)



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

*[Form 1 amended in Gazette 29 Jun 1984 p. 1795; 30 Jan 2001
p. 627.]*

Form 2
Western Australia
Road Traffic Act 1974
Road Traffic (Urine Sampling and Analysis) Regulations 1983
(Regulation 9)

PART 1.

By Medical Practitioner or Registered Nurse:

I,
duly qualified medical practitioner or registered nurse, hereby certify that —

1. At the hour of m.
on the day of
20..... I collected a sample of the urine of
of portion of
which sample is now contained in the enclosed specimen container
numbered.....

2. The equipment used for the purpose of collecting that urine 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 collecting the urine sample I complied with regulation 8 of the *Road
Traffic (Urine Sampling and Analysis) Regulations 1983*.

.....
Signature and qualification.

PART 2.

By a police officer:

Name of subject:

Medical practitioner or registered nurse:

Time and date of collecting urine sample:m. on

Time of occurrence of driving or incident giving rise to requirement of urine
sample:m. on the of20

.....

Signature, rank and number.

[Diagram deleted]

*[Form 2 amended in Gazette 30 Jan 2001 p. 627; 31 Dec 2009
p. 5318; 4 Nov 2014 p. 4206; 23 Dec 2014 p. 4938.]*

Form 3

Road Traffic Act 1974

Road Traffic (Urine Sampling and Analysis) Regulations 1983

(Regulation 11(a))

....., chief executive officer of the Chemistry
Centre (WA), hereby certify that
of* is a drugs analyst/* was as
at a drugs analyst.

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

*Delete whichever does not apply.

*[Form 3 amended in Gazette 9 Aug 1991 p. 4233; 14 Mar 2008
p. 834.]*

=====

Notes

¹ This is a compilation of the *Road Traffic (Urine Sampling and Analysis) Regulations 1983* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic (Urine Sampling and Analysis) Regulations 1983</i> | 25 Feb 1983 p. 651-3 | 1 Mar 1983 (see r. 2) |
| <i>Road Traffic (Urine Sampling and Analysis) Amendment Regulations 1984</i> | 29 Jun 1984 p. 1795 | 1 Jul 1984 (see r. 2) |
| <i>Road Traffic (Urine Sampling and Analysis) Amendment Regulations 1987</i> | 18 Dec 1987 p. 4458-9 | 18 Dec 1987 |
| <i>Road Traffic Amendment Regulations 1991 Pt. 4</i> | 9 Aug 1991 p. 4232-3 | 9 Aug 1991 (see r. 2 and <i>Gazette</i> 9 Aug 1991 p. 4101) |
| <i>Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2001</i> | 30 Jan 2001 p. 625-7 | 30 Jan 2001 |
| Reprint of the Road Traffic (Urine Sampling and Analysis) Regulations 1983 as at 14 Jun 2002 (includes amendments listed above) | | |
| <i>Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2006</i> | 28 Nov 2006 p. 4897-8 | 4 Dec 2006 (see r. 2 and <i>Gazette</i> 28 Nov 2006 p. 4889) |
| <i>Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2007</i> | 11 Oct 2007 p. 5481-2 | 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 <i>Gazette</i> 11 Oct 2007 p. 5475) |
| <i>Road Traffic Legislation Amendment Regulations 2008 Pt. 6</i> | 14 Mar 2008 p. 832-4 | 15 Mar 2008 (see r. 2(b) and <i>Gazette</i> 14 Mar 2008 p. 829) |
| <i>Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2009</i> | 31 Dec 2009 p. 5317-18 | r. 1 and 2: 31 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2010 (see r. 2(b)) |
| Reprint 2: The Road Traffic (Urine Sampling and Analysis) Regulations 1983 as at 6 Aug 2010 (includes amendments listed above) | | |

| Citation | Gazettal | Commencement |
|--------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2014</i> | 4 Nov 2014 p. 4206 | r. 1 and 2: 4 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Nov 2014 (see r. 2(b)) |
| <i>Road Traffic (Repeals and Amendment) Regulations 2014 Pt. 9</i> | 23 Dec 2014 p. 4913-38 | 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371) |
| <i>Road Safety Commission Regulations Amendment (Public Health) Regulations 2016 Pt. 3</i> | 10 Jan 2017 p. 225-7 | 24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165) |

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

| <u>Citation</u> | <u>Gazettal</u> | <u>Commencement</u> |
|---------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------|
| Road Traffic Regulations Amendment Regulations 2017 Pt. 4² | 7 Feb 2017 p. 1171-7 | 10 Mar 2017 (see r. 2(b) and <i>Gazette</i> 7 Feb 2017 p. 1158-9) |

² [On the date as at which this compilation was prepared, the *Road Traffic Regulations Amendment Regulations 2017 Pt. 4* had not come into operation. It reads as follows:](#)

Part 4 — Road Traffic (Urine Sampling and Analysis) Regulations 1983 amended

10. Regulations amended

[These regulations amend the *Road Traffic \(Urine Sampling and Analysis\) Regulations 1983*.](#)

11. Regulations 4A and 4B inserted

[After regulation 4 insert:](#)

4A. Prescribed sample taker

[For section 65 of the Act in paragraph \(b\) of the definition of the term *prescribed sample taker*, the following persons are prescribed for the purposes of each provision of the Act and these regulations in which the term is used —](#)

(a) pathology collector;

(b) phlebotomist.

4B. Prescribed particulars of sample delivery to analyst

For section 70B(1) of the Act, the prescribed particulars of a sample delivered to an 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 prescribed sample taker;

(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 analyst.

12. Regulation 8 amended

(1) In regulation 8(1) delete “medical practitioner or registered nurse” and insert:

prescribed sample taker

(2) In regulation 8(2) delete “medical practitioner or registered nurse” and insert:

prescribed sample taker

13. Regulation 9 amended

(1) In regulation 9(1)(a) delete “medical practitioner or registered nurse” and insert:

prescribed sample taker

(2) In regulation 9(2) delete “medical practitioner or registered nurse” and insert:

prescribed sample taker

14. Regulation 12 amended

(1) In regulation 12(1) delete “medical practitioner or registered nurse” and insert:

prescribed sample taker

(2) In regulation 12(3):

(a) in paragraph (a) delete “content — \$100; and” and insert:

content — \$200; and

(b) in paragraph (b) delete “content — \$450.” and insert:

content — \$480.

(3) In regulation 12(4) delete “\$450.” and insert:

\$480.

15. Schedule amended

In the Schedule Form 2:

(a) delete “Medical Practitioner or Registered Nurse:” and insert:

prescribed sample taker:

(b) delete “duly qualified medical practitioner or registered nurse,” and insert:

prescribed sample taker,

(c) delete “.....
portion” and insert:

....., a portion

(d) delete “Medical practitioner or registered nurse:” and
insert:

Prescribed sample taker: