Western Australia

Road Traffic (Urine Sampling and Analysis) Regulations 1983

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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. Interpretation

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 section 203 of the *Health Act 1911*; 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.]

##### 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 member of the Police Force 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 member of the Police Force mentioned in this regulation.

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

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

##### 11. Form of certificate (Form 3)

(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.]

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



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

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 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 member of the Police Force:

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 ........................................ of ........................................... 20..............

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

Signature, rank and number.

[Form 2 amended in Gazette 31 Dec 2009 p. 5318.]

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 14 Mar 2008 p. 834.]

[Schedule amended in Gazette 29 Jun 1984 p. 1795; 9 Aug 1991 p. 4233; 30 Jan 2001 p. 627; 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.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Road Traffic (Urine Sampling and Analysis) Regulations 1983* | 25 Feb 1983 p. 651‑3 | 1 Mar 1983 (see r. 2) |
| *Road Traffic (Urine Sampling and Analysis) Amendment Regulations 1984* | 29 Jun 1984  p. 1795 | 1 Jul 1984 (see r. 2) |
| *Road Traffic (Urine Sampling and Analysis) Amendment Regulations 1987* | 18 Dec 1987 p. 4458‑9 | 18 Dec 1987 |
| *Road Traffic Amendment Regulations 1991* Pt. 4 | 9 Aug 1991 p. 4232‑3 | 9 Aug 1991 (see r. 2 and *Gazette* 9 Aug 1991 p. 4101) |
| *Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2001* | 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) | | |
| *Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2006* | 28 Nov 2006 p. 4897‑8 | 4 Dec 2006 (see r. 2 and *Gazette* 28 Nov 2006 p. 4889) |
| *Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2007* | 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 *Gazette* 11 Oct 2007 p. 5475) |
| *Road Traffic Legislation Amendment Regulations 2008* Pt. 6 | 14 Mar 2008 p. 832-4 | 15 Mar 2008 (see r. 2(b) and *Gazette* 14 Mar 2008 p. 829) |
| *Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2009* | 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)) |