

Western Australia

**Road Traffic (Urine Sampling and Analysis)
Regulations 1983**

As at 01 Jan 2010

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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.]*

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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

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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)

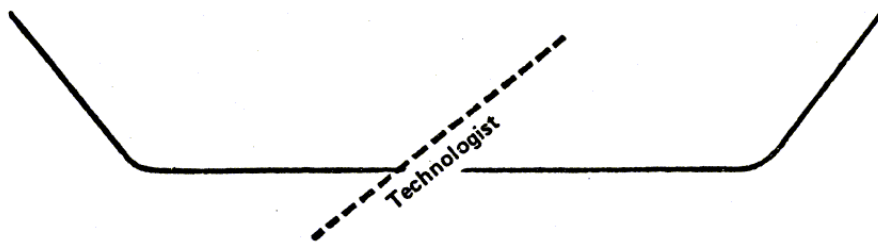
Serial No.

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

(Reverse Side)



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:

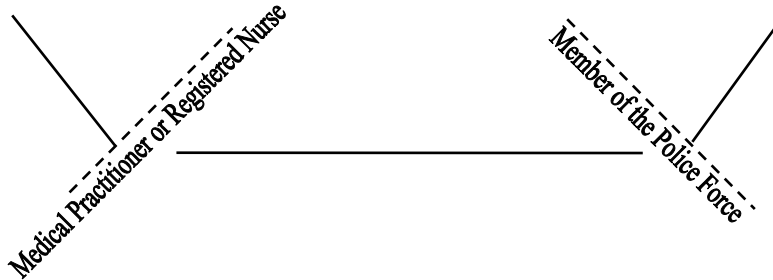
Time and date of collecting urine sample:m. on

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.]



Road Traffic (Urine Sampling and Analysis) Regulations 1983
Schedule

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
<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 <i>Road Traffic (Urine Sampling and Analysis) Regulations 1983</i> 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))