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ROAD TRAFFIC ACT 1974.

ROAD TRAFFIC
(BLOOD SAMPLING AND
ANALYSIS)
REGULATIONS 1975.

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Reprinted under the Reprints Act
1984 as at 12 December 1985.

WESTERN AUSTRALIA.

ROAD TRAFFIC ACT 1974.

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

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Reprinted under the Reprints Act
1984 as at 12 December 1985.

ROAD TRAFFIC ACT 1974.

ROAD TRAFFIC (BLOOD SAMPLING AND ANALYSIS) REGULATIONS 1975.

Citation.

1. These regulations may be cited as the Road Traffic (Blood Sampling and Analysis) Regulations 1975.

Definitions.

2. In these regulations, unless the context otherwise requires—

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

“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 pursuant to section 66 of the Act;

“the Act” means the Road Traffic Act 1974.

[Reg. 2 amended by G.G. 25/2/83, p. 650.]

Application.

3. These regulations apply whenever a blood sample is taken for the purposes of the Act.

Sampling.

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 Health Department of Western Australia and by no other means.

[Reg. 4 amended by G.G. 29/6/84, p. 1795.]

Sampling equipment.

5. The sampling equipment shall comprise—

(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 regulation 6 (b) 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.

[Reg. 5 amended by G.G. 14/11/75, p. 4185.]

Preparation of sampling equipment.

6. The sampling equipment shall be prepared by a technologist of the Health Department who shall—

- (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.

[Reg. 6 amended by G.G. 29/6/84, p. 1795.]

Method of sampling.

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.

(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 2 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 20 times, to mix the contents.

[Reg. 7 amended by G.G. 14/11/75, p. 4185.]

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 member of the Police Force who was present when the sample was taken shall complete and sign Part II,

of 2 copies of Form B.

(2) Upon the completion of 2 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 member of the Police Force in this regulation mentioned, each signing his name over the sealed portion or flap of the package.

[Reg. 8 amended by G.G. 2/2/82, p. 398.]

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 section 70 (2) (e) 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—\$35.50 and
- (b) at any other time—\$28.00.

(1a) Where a sample of blood is taken pursuant to these regulations and a sample of urine is collected pursuant to the Road Traffic (Urine Sampling and Analysis) Regulations 1983 at the same attendance only one fee is payable in respect of the taking and collection of such samples.

(2) The fee for an analysis of a blood sample by an analyst at the Government Chemical Laboratories is \$25.00.

(2a) A separate fee under subregulation (2) is payable in respect of an analysis for alcohol and for an analysis for drugs.

(3) The fees payable under subregulation (1) shall be paid, as the case may require, by the Board 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, 64 or 64A of the Act and the payment of a fee provided by subregulation (1) or (2) 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.

[Reg. 11 amended by G.G. 12/12/75, p. 4500; G.G. 17/6/77, p. 1838; G.G. 17/10/80, p. 3583; G.G. 2/2/82, p. 398; G.G. 25/2/83, p. 650.]

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 member of the Police Force requiring the sample shall make his request for it to be taken in writing, addressed to a medical practitioner, in accordance with Form D.

[Reg. 12 amended by G.G. 2/2/82, p. 398.]

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Certificate as to competence of analyst.

13. A certificate for the purposes of section 70 (2) (b) of the Act shall be in the form of Form E.

Certificate as to competence of drug analyst.

14. A certificate for the purposes of section 70 (3b) (a) of the Act shall be in the form of Form F.

[Reg. 14 inserted by G.G. 25/2/85, p. 650.]

SCHEDULE.

Serial No.

Western Australia.

ROAD TRAFFIC ACT 1974.

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

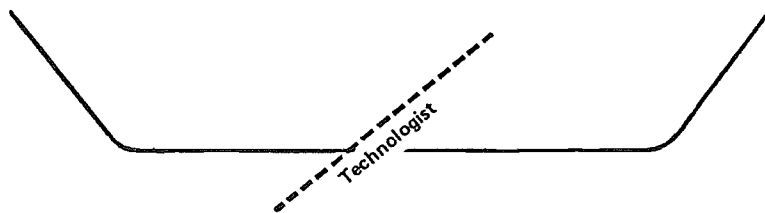
FORM A.

Iof Laboratory Services, 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 thisday of 19.....

.....
Signature.

(Reverse Side.)



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

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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 ofportion 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.

(Reverse Side.)

Part II.

By a member of the Police Force:

Name of subject

Doctor

Time and date of taking blood samplem. on
.....

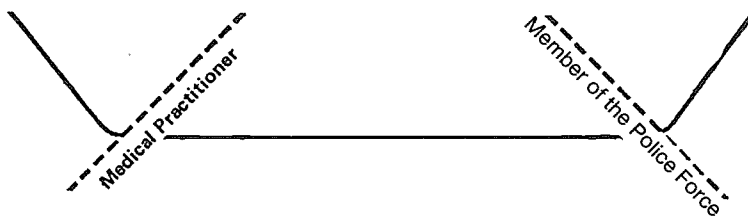
Time of occurrence of event giving rise to requirement of blood sample:

.....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.

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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.

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 member of the Police Force, 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 atthisday 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.

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FORM E.

Western Australia.

ROAD TRAFFIC ACT 1974.

Road Traffic (Blood Sampling and Analysis) Regulations 1975.

(Regulation 13)

I,
Director of the Government Chemical Laboratories, hereby certify that

.....
of
* is an analyst/*was as atan analyst.

.....
Director,
Government Chemical Laboratories.

* Delete whichever is not applicable.

FORM F.

Western Australia.

ROAD TRAFFIC ACT 1974.

Road Traffic (Blood Sampling and Analysis) Regulations 1975.

(Regulation 14)

I,
Director of the Government Chemical Laboratories, hereby certify that

.....
of
*is a drug analyst/*was as at a drug analyst.

.....
Director,
Government Chemical Laboratories.

*Delete whichever is not applicable.

[Schedule amended by G.G. 23/1/76, p.132; G.G. 10/3/78, p. 688; G.G. 2/2/82, p. 398; G.G. 25/2/83, pp. 650-51; G.G. 29/6/84, p. 1795.]

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NOTES.

1. Published in the *Government Gazette* on 29 May 1975 at pp. 1537-42.
2. Reprinted in the *Government Gazette* on 6 August 1979 incorporating all amendments thereto up to and including 10 March 1978.
3. This reprint incorporates the amendments, since the reprint of 6 August 1979, set out in the Table of Amendments below.

Table of Amendments.

Date of Government Gazette	Page Numbers	Day of Commencement
17/10/80	3583	17/10/80
2/2/82	398	2/2/82
25/2/83	650-1	1/3/83
29/6/84	1795	1/7/84