



Western Australia

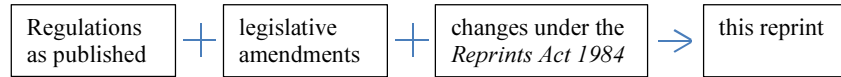
Police Act 1892

Police Force (Member Testing) Regulations 2011

Reprint 1: The regulations as at 15 February 2019

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Police Force (Member Testing) Regulations 2011

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Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 15 February 2019

Police Act 1892

Police Force (Member Testing) Regulations 2011

Part 1 — Preliminary and application

1. Citation

These regulations are the *Police Force (Member Testing) Regulations 2011*¹.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day¹.

3. Terms used

- (1) In these regulations —

analyst means a person certified by the chief executive officer of the Chemistry Centre (WA) as being competent to determine the concentration of alcohol in bodily substances;

approved person means a person approved by the Commissioner under regulation 5;

approved sample collector means a person approved by the Commissioner under regulation 6;

authorised person, in relation to breath testing and analysis, means a person certified under a written law of the State, by —

- (a) the chief executive officer of the Chemistry Centre (WA); or
- (b) the Commissioner,

as being competent to operate all types of breath analysing equipment and self-testing analysing equipment;

confirmed adverse test result for alcohol means analysis of a sample of breath carried out using breath analysing equipment or self-testing analysing equipment showing the concentration of alcohol in a person's blood to be 0.02g of alcohol per 100 ml of blood or more;

confirmed adverse test result for drugs means analysis of a sample of oral fluid, urine, blood or hair carried out by a drugs analyst showing evidence of the presence, or of ingestion, of a drug;

critical incident means —

- (a) the death, or serious injury, of a person, when the death or injury is connected to, or arising from, the application of force by a member; or
- (b) the death, or serious injury, of a person when the death or injury is connected to, or arising from, the exercise of authority by a member; or
- (c) the death, or serious injury, of a person when the death or injury is connected to, or arising from, the driving of a police vehicle by a member; or
- (d) the death, or serious injury, of a person when the person is in the custody of a member; or
- (e) the discharge of a firearm by a member, whether or not injury is caused,

when that member is acting in his or her capacity as a member;

drug includes a substance declared to be a targeted drug;

drugs analyst means a person certified by the chief executive officer of the Chemistry Centre (WA) as being competent to ascertain whether, and to what extent, drugs are present in bodily substances;

masking agent means a substance declared to fall within this definition under regulation 11;

medical practitioner means a person who is registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession;

member has the meaning given in the *Police Act 1892* section 33K, so as to include commissioned officers, non-commissioned officers, constables (including probationary police constables), Aboriginal police liaison officers and police auxiliary officers;

nurse means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession;

nurse practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession whose registration under that Law is endorsed as nurse practitioner;

phlebotomist means the holder of a current certificate of competency in phlebotomy, issued by an Australian public hospital or teaching facility;

Police Gazette means the publication published pursuant to the *Police Force Regulations 1979* regulation 307;

presumptive positive test result for alcohol means the result of a preliminary test of a sample of breath that shows that the concentration of alcohol in a person's blood is likely to be 0.02 g of alcohol per 100 ml of blood or more;

presumptive positive test result for drugs means a preliminary analysis of a sample of oral fluid, urine, blood or hair that shows an indication of the presence, or of ingestion, of a drug;

selected member means a member who is required to undergo an alcohol or drug test, or both, under these regulations;

targeted drug includes —

- (a) a drug to which the *Misuse of Drugs Act 1981* applies; and
 - (b) a Schedule 2 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
 - (c) a Schedule 3 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
 - (ca) a Schedule 4 poison as defined in the *Medicines and Poisons Act 2014* section 3; and
 - (d) a drug or substance declared to fall within this definition under regulation 10.
- (2) In these regulations, the following terms have the meanings given to them in the *Road Traffic Act 1974* section 65 —

breath analysing equipment;

preliminary test;

self-testing analysing equipment.

[Regulation 3 amended: *Gazette* 16 Feb 2018 p. 472; 17 Aug 2018 p. 2898; 13 Nov 2018 p. 4436.]

4. Application of these regulations

- (1) Subject to subregulation (2), the processes of alcohol or drug testing set out in these regulations are to be carried out on a member.
- (2) The processes of alcohol or drug testing set out in these regulations cannot be carried out on a member unless that member is on duty or is recalled to duty for that purpose.
- (3) The processes of alcohol or drug testing set out in these regulations should be carried out in a manner that respects a member's dignity and privacy to the extent possible without compromising the integrity of the testing process.

5. Approved persons

- (1) The Commissioner may specify that some or all of the following are to be approved persons for the purposes of all, or parts, of these regulations —
 - (a) a police officer who has attained a particular rank or above, or is acting at that rank or above;
 - (b) a particular class of police officers;
 - (c) a police officer appointed to, or acting in, a particular position.
- (2) In addition to police officers appointed under subregulation (1), the Commissioner may specify that a particular person is to be an approved person for the purposes of all, or parts, of these regulations if the Commissioner is satisfied that it is necessary for that person to be appointed as an approved person.
- (3) The details of police officers specified under subregulation (1), and any person specified under subregulation (2), are to be published, for the information of members, in the *Police Gazette*.

6. Approved sample collectors

- (1A) In this regulation —

sample type means any of the following types of sample —

 - (a) a breath sample;
 - (b) an oral fluid sample;
 - (c) a urine sample;
 - (d) a hair sample.
- (1) The Commissioner may specify that a person who has been trained to collect a sample type is to be an approved sample collector in relation to the sample type for the purposes of conducting an alcohol or drug test under these regulations.
- (1AA) A person has been trained to collect a sample type if the person has been trained to collect the sample type in accordance with

any relevant standards and protocols approved under regulation 12(1).

- (2) The names of persons specified under subregulation (1) are to be published, for the information of members, in the *Police Gazette*.

[Regulation 6 amended: Gazette 17 Aug 2018 p. 2899.]

7. When testing may be carried out — random

- (1) An approved person may require a selected member or a number of selected members working within, or visiting, a common work area to submit to an alcohol test or a drug test or both.
- (2) An approved person may require all members working within a common work area, and any visiting members at the work area at that time, to submit to an alcohol test or a drug test or both.

8. When testing may be carried out — targeted

- (1) Targeted testing for alcohol or drugs under these regulations may be carried out if there is credible information, intelligence or suspicion that a selected member may be affected or impaired by alcohol or drugs, whilst on duty.
- (2) Targeted testing for drugs under these regulations may be carried out if there is credible information, intelligence or suspicion that a selected member may have taken or ingested targeted drugs at any time.
- (3) The Commissioner or an approved person may require a particular selected member or a particular group of selected members working within a common work area to submit to an alcohol test or a drug test or both.

9. When testing may be carried out — mandated

- (1) The Commissioner may direct in writing that certain circumstances give rise to compulsory alcohol and drug testing of particular members.
- (2) Circumstances under subregulation (1) may include, but are not limited to —
 - (a) when a member is involved in a critical incident; or
 - (b) where a member is a participant in a high risk business area within the Force (*for example, the TRG*); or
 - (c) when a member is in the process of completing a critical skills competency course for frontline, operational policing; or
 - (d) where an approved person believes that a test is appropriate for the member's health and safety, or is prudent to protect the member's credibility in any future court proceeding; or
 - (e) when a member has returned a confirmed adverse test result for alcohol or drugs under these regulations.
- (3) Mandated testing may be required —
 - (a) at the time of the circumstance giving rise to its requirement; or
 - (b) as an on-going requirement resulting from the circumstance giving rise to its requirement.

10. Commissioner may declare drugs or substances to be targeted drugs

- (1) The Commissioner may declare a drug or substance to be a targeted drug for the purposes of these regulations.
- (2) A declaration under subregulation (1) is not effective unless published by the Commissioner in the *Police Gazette*, and a declaration may be amended or revoked by the Commissioner in a similar manner.

11. Commissioner may declare substances to be masking agents

- (1) The Commissioner may declare a substance to be a masking agent for the purposes of these regulations.
- (2) A declaration under subregulation (1) is not effective unless published by the Commissioner in the *Police Gazette*, and a declaration may be amended or revoked by the Commissioner in a similar manner.

12. Commissioner may approve collection procedures for alcohol and drug testing

- (1) The Commissioner may approve —
 - (a) standards or parts of standards; and
 - (b) collection protocols,as the manner in which testing processes and procedures are to be carried out.
- (2) The Commissioner may approve items of equipment (other than breath analysis equipment, preliminary test and self-testing analysing equipment) together with other devices or apparatus for the purpose of testing for targeted drugs.
- (3) Notwithstanding the approval of standards, protocols and equipment under this regulation, a minor variation in the manner of collection or analysis of a sample that does not affect the outcome of the testing process may be disregarded when assessing whether the particular testing process was carried out in an approved manner.

Part 2 — Testing for alcohol

13. Requirement to submit sample of breath for preliminary analysis

- (1) This regulation applies if a selected member is requested by an approved person to provide a sample of breath.
- (1A) The selected member must, in accordance with the directions of the approved person, provide a sample to an authorised person or approved sample collector for a preliminary test of the sample.
- (2) Where it appears to the approved person that the physical condition of the selected member is such as to render him or her incapable of providing a sample of breath for a preliminary test, then the approved person may proceed to the provisions of regulation 15 as if a preliminary test had returned presumptive positive test result for alcohol.

[Regulation 13 amended: Gazette 17 Aug 2018 p. 2899.]

14. Requirement to confirm identity

A selected member must confirm his or her identity by showing police identification at the time of providing a sample for alcohol testing.

15. Requirement to submit further sample of breath

- (1) Where —
 - (a) a selected member has provided a sample of his or her breath for a preliminary test and the preliminary test returns a presumptive positive test result for alcohol; or
 - (b) the selected member having been so required —
 - (i) refuses or fails to provide, or appears to be incapable of providing, a sample of his or her breath for a preliminary test; or

- (ii) refuses or fails to provide, or appears to be incapable of providing, a sample of his or her breath in sufficient quantity to enable a preliminary test to be carried out,

the approved person may require that selected member to provide a further sample of his or her breath for analysis by an authorised person, pursuant to the provisions of subregulation (2) or a sample of blood or urine under regulation 17, and, in order to do so, may require the selected member to accompany a member to a police station or some other place, and may require that selected member to wait at any such police station or place.

- (2) A selected member who is required to supply a sample of breath for analysis shall comply with that requirement by providing the sample of breath into breath analysing equipment or self-testing analysing equipment, for analysis by an authorised person, in accordance with the directions of the approved person.
- (3) A selected member is not required under subregulation (1) to provide a sample of breath for analysis if, because of his or her physical condition, the selected member is incapable of providing the specimen of breath or a specimen of breath in sufficient quantity for analysis.

16. Breath analysis form to be completed

Where a breath analysis is carried out by an authorised person and it returns a confirmed adverse test result for alcohol, the authorised person is to fill out a breath analysis form approved by the Commissioner.

17. Requirement to submit sample of urine or blood under certain circumstances

- (1) Where an approved person might require a selected member to provide a sample of breath for analysis by an authorised person but is precluded from so doing by regulation 15(3), the

approved person may require the selected member to provide a sample of blood or urine for analysis.

- (2) On taking a sample of blood or urine, the medical practitioner, nurse, nurse practitioner or phlebotomist is to complete the details required by Schedule 1 Form 2.
- (3) Where an analyst carries out an analysis of a sample of blood or urine following a presumptive positive test result for alcohol, the analyst is to provide a written result of that analysis to the Commissioner, whether or not that analysis resulted in a confirmed adverse test result for alcohol.

18. Incapacity to provide sample

- (1) If a selected member is unable to provide a sample due to injury or illness, an approved person may request a medical practitioner, nurse, nurse practitioner or phlebotomist to take a sample of blood or urine, or both, from that member.
- (2) A request under subregulation (1) must be a written request made by the approved person completing Schedule 1 Form 1 and handing that completed form to the relevant medical practitioner, nurse, nurse practitioner or phlebotomist.

Part 3 — Testing for drugs

19. Requirement to submit sample for drug testing

- (1) When requested to do so, a selected member must provide a sample for drug testing to an approved sample collector (subject to subregulation (4)) in accordance with the directions of an approved person.
- (2) An approved person may request a sample of any one or more of the following —
 - (a) blood;
 - (b) urine;
 - (c) oral fluid;
 - (d) hair.
- (3) An approved person is not required to state what drug the sample will be tested for.
- (4) If a sample of blood is required, that sample must be taken by a medical practitioner, a nurse, a nurse practitioner or a phlebotomist.
- (5) On taking a sample of blood or urine, the medical practitioner, nurse, nurse practitioner or phlebotomist is to complete the details required by Schedule 1 Form 2.
- (6) On taking a sample of urine, oral fluid or hair, the approved sample collector is to complete the details required by Schedule 1 Form 2.

20. Requirement to confirm identity

A selected member must confirm his or her identity by showing police identification at the time of providing a sample for drug testing.

21. Incapacity to provide sample

- (1) If a selected member is unable to provide a sample due to injury or illness, an approved person may request a medical practitioner, nurse, nurse practitioner or phlebotomist to take a sample of blood or urine, or both, from that member.
- (2) A request under subregulation (1) must be a written request made by the approved person completing Schedule 1 Form 1 and handing that completed form to the relevant medical practitioner, nurse, nurse practitioner or phlebotomist.

22. Requirement to submit further sample for drug testing

- (1) Where —
 - (a) a selected member has provided a sample for drug testing and test returns a presumptive positive test result for drugs; or
 - (b) the selected member having been so required refuses or fails to provide, or appears to be incapable of providing, the sample for a drug test,

the approved person may require that selected member to provide a further sample for analysis by a drugs analyst and, in order to do so, may require the selected member to accompany a member to a police station or some other place, and may require that selected member to wait at any such police station or place.

- (2) A selected member who is required to supply a sample for drug analysis shall comply with that requirement by providing the sample for analysis by a drugs analyst, in accordance with the directions of the approved person.

[Regulation 22 amended: Gazette 17 Aug 2018 p. 2900.]

23. Drugs analyst to report result to Commissioner

Where a drugs analyst carries out an analysis of a sample following a presumptive positive test result for drugs, the drugs analyst is to provide a written result of that analysis to the

Commissioner, whether or not that analysis resulted in a confirmed adverse test result for drugs.

[Regulation 23 amended: Gazette 17 Aug 2018 p. 2900.]

Part 4 — Recall to, and remaining on, duty

Division 1 — Critical incident

24. Remain on duty — alcohol and drug testing

When a member is involved in a critical incident and his or her shift is about to finish, an approved person may require that member to remain on duty until that member has undergone alcohol testing and drug testing.

25. Recall to duty — drug testing

- (1) When a member is off-duty but that member has been involved in a critical incident during the previous shift and has not been the subject of a drug test that member may be recalled to duty by an approved person for the purposes of drug testing.
- (2) When a member has been involved in a critical incident while off-duty and has not been the subject of a drug test that member may be recalled to duty by an approved person for the purposes of drug testing.
- (3) A selected member cannot be tested under this regulation at his or her place of residence.
- (4) This regulation applies in addition to regulation 26.

26. Recall to duty — alcohol testing

- (1) When a member is off-duty but that member has been involved in a critical incident during the previous shift and has not been the subject of an alcohol test that member may be recalled to duty by an approved person for the purposes of alcohol testing.
- (2) If a member is involved in a critical incident while off-duty and has not been the subject of an alcohol test following that incident, that member may be recalled to duty by an approved person for the purposes of alcohol testing.

Division 2 — Other testing

27. Remain on duty — alcohol and drug testing

When a member is on duty, or is about to finish his or her shift, and that member —

- (a) is the subject of credible information, intelligence or suspicion indicating that the member is affected or impaired by alcohol or that drug use by the member has taken place whilst that member was on duty; or
- (b) has been selected to undergo random, mandated or targeted testing for drugs or alcohol, or both,

an approved person may require that member to remain on duty until that member has undergone alcohol or drug testing, or both.

28. Recall to duty — drug testing

- (1) When a member is off-duty but that member is the subject of credible information, intelligence or suspicion suggesting that drug use by the member has recently taken place or is taking place, that member may be recalled to duty by an approved person for the purposes of drug testing.
- (2) A selected member cannot be tested under this regulation at his or her place of residence.

Part 5 — Self reporting

29. Involuntary or accidental alcohol consumption

- (1) When a member is on duty and is concerned that he or she has accidentally or involuntarily consumed alcohol, that member may report that possible consumption to a supervisor or the officer in charge and request a preliminary test.
- (2) If a self-requested preliminary test under this regulation returns a presumptive positive test result for alcohol, that member will be required to submit a further sample of his or her breath for analysis by an authorised person in accordance with regulation 15.

30. Involuntary or accidental drug ingestion

- (1) When a member is on duty and is concerned that he or she has accidentally or involuntarily ingested or taken a targeted drug, that member may report that possible ingestion to a supervisor or the officer in charge and request a drug test to determine if that drug (if known) or a drug (if unknown) has been ingested or taken.
- (2) If a self-requested drug test under this regulation returns a presumptive positive test result for drugs, an analysis of the sample will be conducted by a drugs analyst to confirm that outcome.

[Regulation 30 amended: Gazette 17 Aug 2018 p. 2900.]

Part 6 — Adverse test results

31. Adverse testing outcome — alcohol (0.02)

- (1) A selected member returns a positive result to an alcohol test if that member's preliminary test returns a presumptive positive test result for alcohol and that member subsequently returns a confirmed adverse test result for alcohol.
- (2) A selected member is taken to return a presumptive positive test result for alcohol if the selected member gives 2 or more invalid samples for a preliminary test without a written medical explanation for the invalidity of the samples.
- (3) If a selected member is taken to return a presumptive positive test result for alcohol under subregulation (2), that member must provide a sample of breath for analysis by breath analysing equipment or self-testing analysing equipment and a positive result to that analysis is a confirmed adverse test result for alcohol for the purposes of these regulations.
- (4) A confirmed adverse test result for alcohol is to be recorded by the approved person by completing a form in accordance with regulation 16.

32. Adverse testing outcome — drugs

- (1) A selected member returns a positive result to a drug test if —
 - (a) the preliminary analysis of the member's sample returns a presumptive positive test result for drugs and that member subsequently returns a confirmed adverse test result for drugs; or
 - (b) in the case of a test for testosterone, the preliminary analysis of the member's sample returns a presumptive positive test result for drugs and that member subsequently returns a confirmed adverse test result for drugs indicating that the amount of testosterone present in the member's sample is 4 or more times the amount of epitestosterone present in that sample.

- (2) A selected member is taken to return a presumptive positive test result for drugs if the selected member gives 2 or more invalid samples without a written medical explanation for the invalidity of the samples.

33. Independent testing

- (1) A selected member who returns a confirmed adverse test result for alcohol (based on a sample other than breath) or a presumptive positive test result for drugs may request, and is to be given on request, a portion of the sample that gave rise to that result.
- (2) Independent testing is conducted at the expense of the member.

34. Consequences of an adverse testing outcome — alcohol

- (1) If testing of a selected member returns a confirmed adverse test result for alcohol the Commissioner may take one or more of the following actions in relation to that member —
 - (a) refer the member to the WA Police Health and Welfare Unit for review;
 - (b) impose managerial interventions in relation to that member;
 - (c) initiate disciplinary action against that member under the *Police Act 1892* section 23;
 - (d) invoke removal powers in relation to that member under the *Police Act 1892* section 8.
- (2) Subregulation (1) does not apply to a positive result to an alcohol test conducted under regulation 26 following a recall to duty, where it is determined that the conduct of the member was appropriate in the circumstances.
- (3) The operation of the *Police Force Regulations 1979* regulation 505A is unaffected by any action taken under subregulation (1) of this regulation.

35. Consequences of an adverse testing outcome — drugs

- (1) Subject to subregulation (2), if testing of a selected member returns a confirmed adverse test result for drugs the Commissioner may take one or more of the following actions in relation to that member —
 - (a) refer the member to the WA Police Health and Welfare Unit for review;
 - (b) impose managerial interventions in relation to that member;
 - (c) initiate disciplinary action against that member under the *Police Act 1892* section 23;
 - (d) invoke removal powers in relation to that member under the *Police Act 1892* section 8.

- (2) If testing of a selected member returns a confirmed adverse test result for drugs and the drug found or ingested is —
 - (a) a drug set out in the *Misuse of Drugs Act 1981* Schedule I or II; or
 - (b) a Schedule 8 poison or a Schedule 9 poison as those terms are defined in the *Medicines and Poisons Act 2014* section 3; or
 - (c) a specified drug as defined in the *Misuse of Drugs Act 1981* section 3(1); or
 - (d) a masking agent,the Commissioner will invoke removal powers in relation to that member under the *Police Act 1892* section 8.

- (3) Subregulation (2) does not apply if the adverse test result for drugs is to —
 - (a) a masking agent; or

- (b) a Schedule 8 poison as defined in the *Medicines and Poisons Act 2014*,

that has been prescribed to that member by a medical practitioner.

- (4) The operation of the *Police Force Regulations 1979* regulation 505A is unaffected by any action taken under subregulation (1) of this regulation.

[Regulation 35 amended: Gazette 16 Feb 2018 p. 472-3.]

Part 7 — Other offences

36. Refusal

- (1) A member must comply with a requirement under these regulations to undertake a test for alcohol consumption.
- (2) A member must comply with a requirement under these regulations to undertake a drug test.
- (3) A member must provide a sample of breath for analysis by breath analysing equipment or self-testing analysing equipment when required to do so under these regulations.
- (4) A member must provide a sample of blood, urine, oral fluid or hair when required to do so under these regulations.

37. Avoidance

- (1) If a member is subject to a requirement under these regulations to —
 - (a) undertake a test for alcohol consumption; or
 - (b) undertake a drug test; or
 - (c) provide a sample of breath, blood, urine, oral fluid or hair,then, unless prevented by urgent medical circumstances, that member must comply with the requirement prior to ceasing duty.
- (2) If a member is subject to a requirement under these regulations to provide a sample of breath for analysis by breath analysing equipment or self-testing analysing equipment, that member must not provide 2 or more invalid samples unless there is a written medical explanation for the invalidity of those samples.
- (3) If a member is subject to a requirement under these regulations to provide a sample of blood, urine, oral fluid or hair, that member must not provide 2 or more invalid samples unless there is a written medical explanation for the invalidity of those samples.

- (4) A member must not unnecessarily delay a testing or sampling process that is required to be undertaken under these regulations following a critical incident.

38. Tampering

- (1) A member must not tamper, or interfere with, a testing process carried out under these regulations.
- (2) A member must not, without a lawful reason, be in possession of a masking agent immediately before or during a testing process carried out under these regulations.
- (3) A member must not take a masking agent before a testing process carried out under these regulations.

39. Sanction for offences

A member who does not comply with a provision of this Part commits an offence against the discipline of the Force and may be dealt with by the Commissioner under section 8 or 23 of the Act.

Form 1

Schedule 1 — Forms

[r. 17, 18, 19 and 21]

Form 1
WESTERN AUSTRALIA
Police Act 1892
Police Force (Member Testing) Regulations 2011
Request to take sample of oral fluid, urine or blood

To.....
[Name of medical practitioner, nurse, nurse practitioner, phlebotomist]

at
.....
.....
[Name of hospital/medical centre/place]

Under the *Police Force (Member Testing) Regulations 2011*, I request you, a
.....
[Insert description, e.g. medical practitioner, nurse, nurse practitioner, phlebotomist]

- to take —
- (a) an oral fluid sample;
 - (b) a urine sample;
 - (c) a blood sample;
 - (d) a hair sample,
- [delete as applicable]

from —
.....
.....
[Name of selected member]

in accordance with the regulations and any standards or collection protocols approved under those regulations.

.....
[Place where request is made]

.....
[Date of request]

.....
[Signature (rank and number)]

Form 2

Form 2
WESTERN AUSTRALIA
Police Act 1892
Police Force (Member Testing) Regulations 2011
Collection of sample of oral fluid, urine, blood or hair

Under the *Police Force (Member Testing) Regulations 2011*, I, a qualified

.....
[Insert description, e.g. medical practitioner, nurse, nurse practitioner,
phlebotomist, approved sample collector]

took —

- (a) an oral fluid sample;
- (b) a urine sample;
- (c) a blood sample;
- (d) a hair sample,

[delete as applicable]

from
[Name and number of selected member]

at
.....
[Place where sample was taken]

in accordance with the regulations and the standards and collection protocols approved under those regulations.

The sample was taken at.....
[Insert time, day, month and year]

The sample, or a portion of that sample, is contained and sealed in the sample container(s) numbered.....
[Number on sample container(s)]

The equipment used for the purpose of collecting the sample of oral
fluid/urine/blood/hair [delete as applicable] was contained in a packaged serially
numbered..... handed to me by.....
[Number on equipment kit] [Name of person handing over the package]

and that package was sealed and intact prior to being opened by me.

In collecting the sample of oral fluid/urine/blood/hair [delete as applicable] I
complied with the directions contained within the sealed sample collection
package provided.

.....
[Signature and qualification]

Witnessed by.....
[Approved person's signature
(rank and number)]

=====

Notes

¹ This reprint is a compilation as at 15 February 2019 of the *Police Force (Member Testing) Regulations 2011* 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>Police Force (Member Testing) Regulations 2011</i>	2 Dec 2011 p. 5095-124	r. 1 and 2: 2 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Dec 2011 (see r. 2(b))
<i>Police Regulations Amendment (Poisons) Regulations 2016 Pt. 3</i> ²	17 Jan 2017 p. 412-17	30 Jan 2017 (see r. 2(c) and <i>Gazette</i> 17 Jan 2017 p. 403)
<i>Police Force (Member Testing) Amendment Regulations 2018</i>	16 Feb 2018 p. 472-3	r. 1 and 2: 16 Feb 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Feb 2018 (see r. 2(b))
<i>Police Force (Member Testing) Amendment Regulations (No. 2) 2018</i>	17 Aug 2018 p. 2898-900	r. 1 and 2: 17 Aug 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Aug 2018 (see r. 2(b))
<i>Police Force (Member Testing) Amendment Regulations (No. 3) 2018</i>	13 Nov 2018 p. 4435-6	r. 1 and 2: 13 Nov 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2018 (see r. 2(b))

Reprint 1: The *Police Force (Member Testing) Regulations 2011* as at 15 Feb 2019
(includes amendments listed above)

² The *Police Regulations Amendment (Poisons) Regulations 2016 Pt. 3* is of no effect as those amending regulations were made by the Governor. Regulations made under the *Police Act 1892* section 9 must be made by the Commissioner of Police with the approval of the Minister. The amendments in the *Police Regulations Amendment (Poisons) Regulations 2016 Pt. 3* are therefore not included in the compilation of the principal regulations.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
analyst.....	3(1)
approved person.....	3(1)
approved sample collector	3(1)
authorised person	3(1)
breath analysing equipment	3(2)
confirmed adverse test result for alcohol	3(1)
confirmed adverse test result for drugs	3(1)
critical incident	3(1)
drug.....	3(1)
drugs analyst	3(1)
masking agent.....	3(1)
medical practitioner	3(1)
member	3(1)
nurse.....	3(1)
nurse practitioner	3(1)
phlebotomist	3(1)
Police Gazette	3(1)
preliminary test	3(2)
presumptive positive test result for alcohol	3(1)
presumptive positive test result for drugs	3(1)
sample type	6(1A)
selected member	3(1)
self-testing analysing equipment.....	3(2)
targeted drug	3(1)