Western Australia

Road Traffic Act 1974

Road Traffic (Breath Analysis) Regulations 1975

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Road Traffic Act 1974

Road Traffic (Breath Analysis) Regulations 1975

##### 1. Citation

 These regulations may be cited as the *Road Traffic (Breath Analysis) Regulations 1975*1.

##### 2. Definitions

 In these regulations, unless the contrary intention appears, —

equilibrator means an apparatus consisting of —

 (a) a container of liquid bearing one or more labels inscribed “Testing solution for breath analysing equipment. Prepared by the Chemistry Centre (WA).”;

 (b) a cap fitted with an atomiser bulb, inlet tube, outlet tube; and

 (c) a thermometer.

 [Regulation 2 amended: Gazette 5 May 1978 p. 1391; 24 Dec 1987 p. 4562; 9 Aug 1991 p. 4232.]

##### 3. Application

 These regulations apply whenever a sample of breath is provided for analysis for the purposes of the Act.

##### 4. Certificates

 (1) A certificate for the purposes of section 70(2)(a) of the Act shall be in the form of Form 1 in Schedule 1.

 [(2) deleted]

 (3) A certificate for the purposes of section 70(2)(bb) of the Act shall be in the form of Form 3 in Schedule 1.

 [Regulation 4 inserted: Gazette 15 Feb 1980 p. 466; amended: Gazette 24 Dec 1987 p. 4562; SL 2021/58 r. 6.]

##### 5. Operation of Dräger Alcotest 9510 breath analysing equipment

 For the purpose of analysing a sample of a person’s breath using the apparatus known as the “Dräger Alcotest 9510”, the breath analysing equipment must be operated in accordance with the instructions set out in Schedule 2.

 [Regulation 5 inserted: SL 2021/58 r. 7.]

[**6.** Deleted: SL 2021/58 r. 8.]

##### 7. Indication of result of analysis

 For the purposes of section 68(7) and (8) of the Act the manner of indication of the result of an analysis by breath analysing equipment is the printing of a statement by the breath analysing equipment.

 [Regulation 7 inserted: Gazette 24 Dec 1987 p. 4563; amended: SL 2021/58 r. 9.]

Schedule 1 — Forms

[r. 4]

 [Heading inserted: SL 2021/58 r. 10(1).]

Form 1

Western Australia

*ROAD TRAFFIC ACT 1974*

I, ............................................................................................................................. the Commissioner of Police, pursuant to the power conferred on me by section 72 of the *Road Traffic Act 1974*, HEREBY CERTIFY that: ..................................................................................... is competent to operate all types of breath analysing equipment.

Dated at ............................................................. this ...................................... day of ...................................... 20.....

 .............................................................
 Commissioner of Police

 [Form 1 amended: Gazette 24 Dec 1987 p. 4563; 9 Aug 1991 p. 4232; 14 Mar 2008 p. 833; 15 Nov 2016 p. 5061.]

[Form 2 Deleted SL 2021/58 r. 10(2).]

Form 3

Western Australia

*ROAD TRAFFIC ACT 1974*

*ROAD TRAFFIC (BREATH ANALYSIS) REGULATIONS 1975*

I, ............................................................................................................................, an authorised person, within the meaning of section 65 of the *Road Traffic Act 1974*, HEREBY CERTIFY THAT:

1. .................................................................................................. provided a
 (name)

 sample of breath for analysis on ............................................................ at
 (date)

 ...................................................
 (time)

2. I was at the material time an authorised person.

3. The sample of breath so provided was analysed by apparatus operated by me, and that apparatus was breath analysing equipment within the meaning of section 65 of the *Road Traffic Act 1974*.

4. The breath analysing equipment was operated by me in the prescribed manner and the regulations relating to analysis by breath analysing equipment of the relevant type were complied with.

5. The breath analysing equipment indicated a result in the prescribed manner at the conclusion of the analysis.

6. In accordance with section 68(9), I completed, signed, and handed to the person named in paragraph 1 of this certificate a statement as required by that subsection, or (as the case may be) I complied with the requirements of that subsection by signing, dating, and handing to that person a statement printed by the breath analysing equipment.

The analysis result obtained from the analysis referred to in this certificate was .....................................................

.............................................................
(Authorised person)

 [Form 3 inserted: Gazette 24 Dec 1987 p. 4563; amended: SL 2021/58 r. 10(3).]

Schedule 2 — Analysis of breath sample by Dräger Alcotest 9510 breath analysing equipment

[r. 5]

 [Heading inserted: SL 2021/58 r. 11.]

1. Ensure that the equipment is switched on, that there is sufficient paper in the paper roll in the printer compartment, and that the words “READY TO START” appear on the display screen.

2. Follow the prompts on the display screen and enter particulars relating to the analysis.

3. After the words “PLEASE BLOW” appear on the display screen, connect a mouthpiece to the sampling hose.

4. Direct the person whose breath is to be analysed to provide a sample of the person’s breath into the equipment.

5. If the expression “DO YOU WANT TO REPEAT THE TEST? YES NO” appears on the display screen indicating that a sample of breath has not been provided as required then —

 EITHER:

 5.1 Select “YES” and follow instructions 3 and 4 again.

 OR

 5.2 Select “NO” to terminate the analysis.

 [Schedule 2 inserted: SL 2021/58 r. 11.]

[Third Schedule Deleted: SL 2021/58 r. 12.]



Notes

This is a compilation of the *Road Traffic (Breath Analysis) Regulations 1975* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

| **Citation** | **Published** | **Commencement** |
| --- | --- | --- |
| *Road Traffic (Breath Analysis) Regulations 1975* | 29 May 1975 p. 1543‑6 | 1 Jun 1975 |
| Untitled regulations | 5 May 1978 p. 1391 | 5 May 1978 |
| Untitled regulations | 15 Feb 1980 p. 466 | 15 Feb 1980 |
| **Reprint of the *Road Traffic (Breath Analysis) Regulations 1975* authorised 25 Jun 1981** (see *Gazette* 1 Jul 1981 p. 2535-41) (includes amendments listed above) |
| *Road Traffic (Breath Analysis) Amendment Regulations 1983* | 25 Feb 1983 p. 650 | 25 Feb 1983 |
| *Road Traffic (Breath Analysis) Amendment Regulations 1987* | 24 Dec 1987 p. 4562‑4 | 24 Dec 1987 (see r. 2 and *Gazette* 24 Dec 1987 p. 4561) |
| *Road Traffic Amendment Regulations 1991* Pt. 3 | 9 Aug 1991 p. 4232 | 9 Aug 1991 (see r. 2 and *Gazette* 9 Aug 1991 p. 4101) |
| **Reprint 2: The *Road Traffic (Breath Analysis) Regulations 1975* as at 9 Jan 2004** (includes amendments listed above) |
| *Road Traffic Legislation Amendment Regulations 2008* Pt. 3 | 14 Mar 2008 p. 832-4 | 15 Mar 2008 (see r. 2(b) and *Gazette* 14 Mar 2008 p. 829) |
| *Road Traffic (Breath Analysis) Amendment Regulations 2014* | 28 Jan 2014 p. 182-3 | r. 1 and 2: 28 Jan 2014 (see r. 2(a));Regulations other than r. 1 and 2: 29 Jan 2014 (see r. 2(b)) |
| *Road Traffic (Breath Analysis) Amendment Regulations 2016* | 15 Nov 2016 p. 5060-1 | r. 1 and 2: 15 Nov 2016 (see r. 2(a));Regulations other than r. 1 and 2: 16 Nov 2016 (see r. 2(b)) |
| *Road Traffic (Breath Analysis) Amendment Regulations 2017* | 1 Dec 2017 p. 5734‑5 | r. 1 and 2: 1 Dec 2017 (see r. 2(a));Regulations other than r. 1 and 2: 2 Dec 2017 (see r. 2(b)) |
| *Road Safety Regulations Amendment and Repeal Regulations 2021* Pt. 3 | SL 2021/58 21 May 2021 | 1 Jul 2021 (see r. 2(b) and SL 2021/54 cl. 2(a)) |

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)**

equilibrator 2