

WESTERN AUSTRALIA

ROAD TRAFFIC AMENDMENT (RANDOM BREATH TESTS) ACT

No. 16 of 1988

AN ACT to amend section 66 of the *Road Traffic Act 1974* and for a related purpose.

[Assented to 9 September 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Road Traffic Amendment (Random Breath Tests) Act 1988*.

Commencement

2. (1) This Act shall come into operation on such day as is fixed by proclamation.

(2) Subsection (1) and (1aa) of the principal Act as enacted by section 4 of this Act, shall cease to operate at the expiration of 18 months from the commencement of this Act.

Principal Act

3. In this Act the *Road Traffic Act 1974** is referred to as the principal Act.

[*Reprinted as approved 19 July 1983 and amended by Acts Nos. 95 and 102 of 1984, 54 and 89 of 1985, 78 of 1986 and 121 of 1987.]

Section 66 amended

4. Section 66 of the principal Act is amended by repealing subsection (1) and substituting the following subsections—

“ (1) A member of the Police Force may require the driver or person in charge of a motor vehicle, or any person he has reasonable grounds to believe was the driver or person in charge of a motor vehicle, to provide a sample of his breath for a preliminary test in accordance with the directions of the member of the Police Force, and for the purposes of this subsection may require that person to wait at the place at which the first-mentioned requirement was made.

(1aa) A member of the Police Force may—

- (a) call upon the driver of a motor vehicle to stop the vehicle;
- (b) direct the driver of a motor vehicle to wait at a place indicated by the member of the Police Force,

in order that a requirement may be made under subsection (1). ”.

Review of amendments relating to random breath tests

5. (1) A review of the operation of subsections (1) and (1aa) of section 66 of the principal Act as enacted by section 4 of this Act, and of their effect on the operation and effectiveness of Part V of the principal Act, shall be carried out as soon as is practicable after the expiration of one year from the commencement of section 4.

(2) The review required by subsection (1) shall be carried out by the Traffic Board constituted under section 6 of the principal Act.

(3) When the Traffic Board has carried out the review required by subsection (1) it shall prepare a report based on the review and submit that report to the Minister to whom the administration of Part V of the principal Act is for the time being committed by the Governor.

(4) As soon as practicable after receiving the report submitted under subsection (3) the Minister shall cause the report to be laid before each House of Parliament.
