

**MOTOR TRAFFIC (RANDOM BREATH TESTING)
AMENDMENT BILL 1985**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

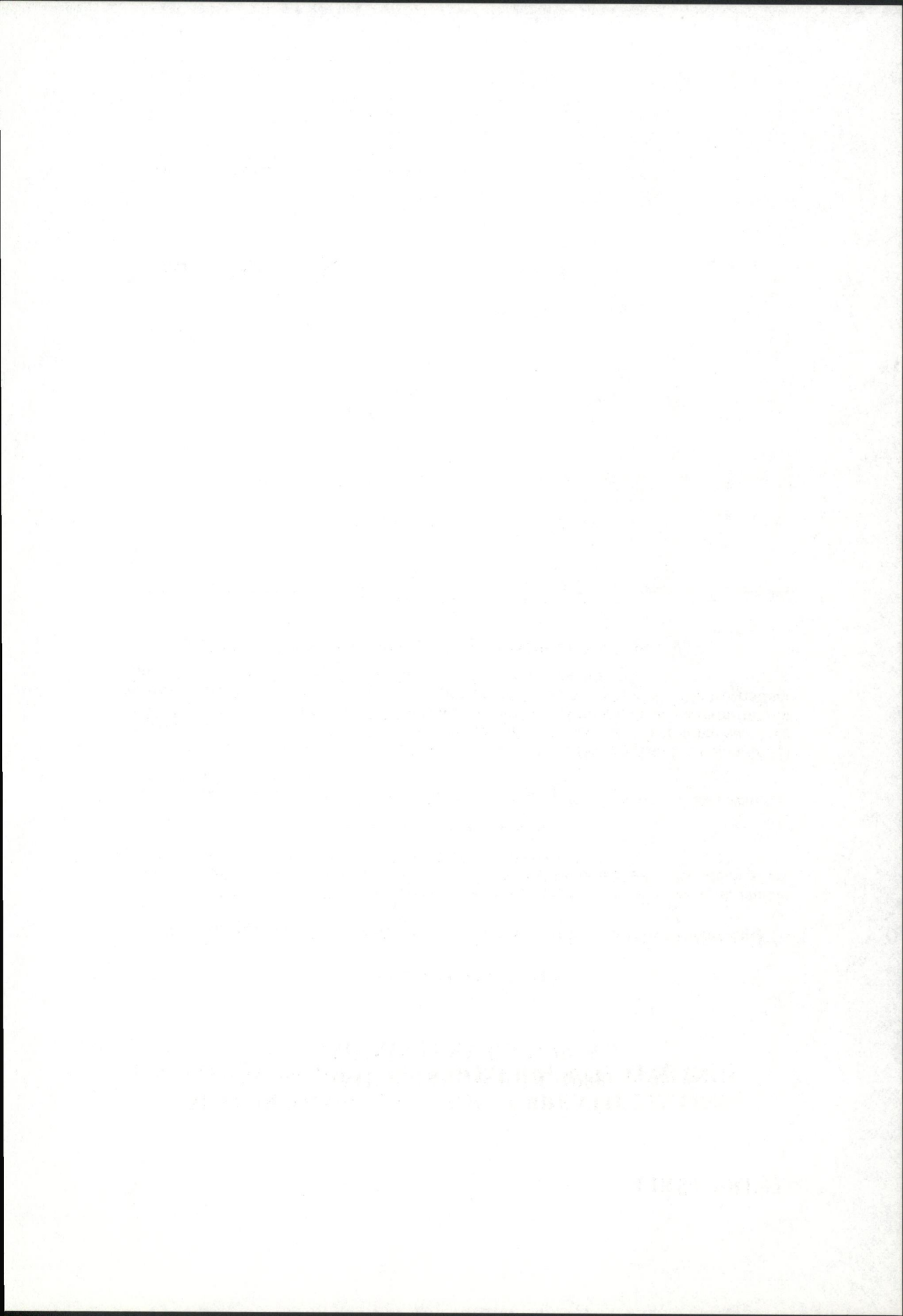
The object of this Bill is to amend the Motor Traffic Act 1909, so as to enable the continuation of random breath testing, by repealing certain provisions which allow for the operation of the scheme only until 16 December 1985.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) repeals section 4E (2) and (2C) of the Principal Act. Section 4E (2) specifies the grounds that had to be met before a member of the police force was able to require a person to undergo a breath test before the introduction of random breath testing. Section 4E (2C) provides that the power conferred by section 4E (2A) to conduct random breath testing shall not be effective after 16 December 1985.

Schedule 1 (2)–(5) omit references to the repealed provisions.



**MOTOR TRAFFIC (RANDOM BREATH TESTING)
AMENDMENT BILL 1985**

No. , 1985

A BILL FOR

**An Act to amend the Motor Traffic Act 1909 to enable the continuation of
random breath testing.**

Motor Traffic (Random Breath Testing) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Motor Traffic (Random Breath Testing) Amendment Act 1985".

Amendment of Act No. 5, 1909

2. The Motor Traffic Act 1909 is amended in the manner set forth in
10 Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

(1) Section 4E (2), (2C)—

15 Omit the subsections.

(2) Section 4E (2A)—

Omit "Notwithstanding subsection (2), but subject to subsection (2C), where", insert instead "Where".

(3) Section 4E (2AA)—

20 Omit "(2) or".

(4) Section 4E (2B)—

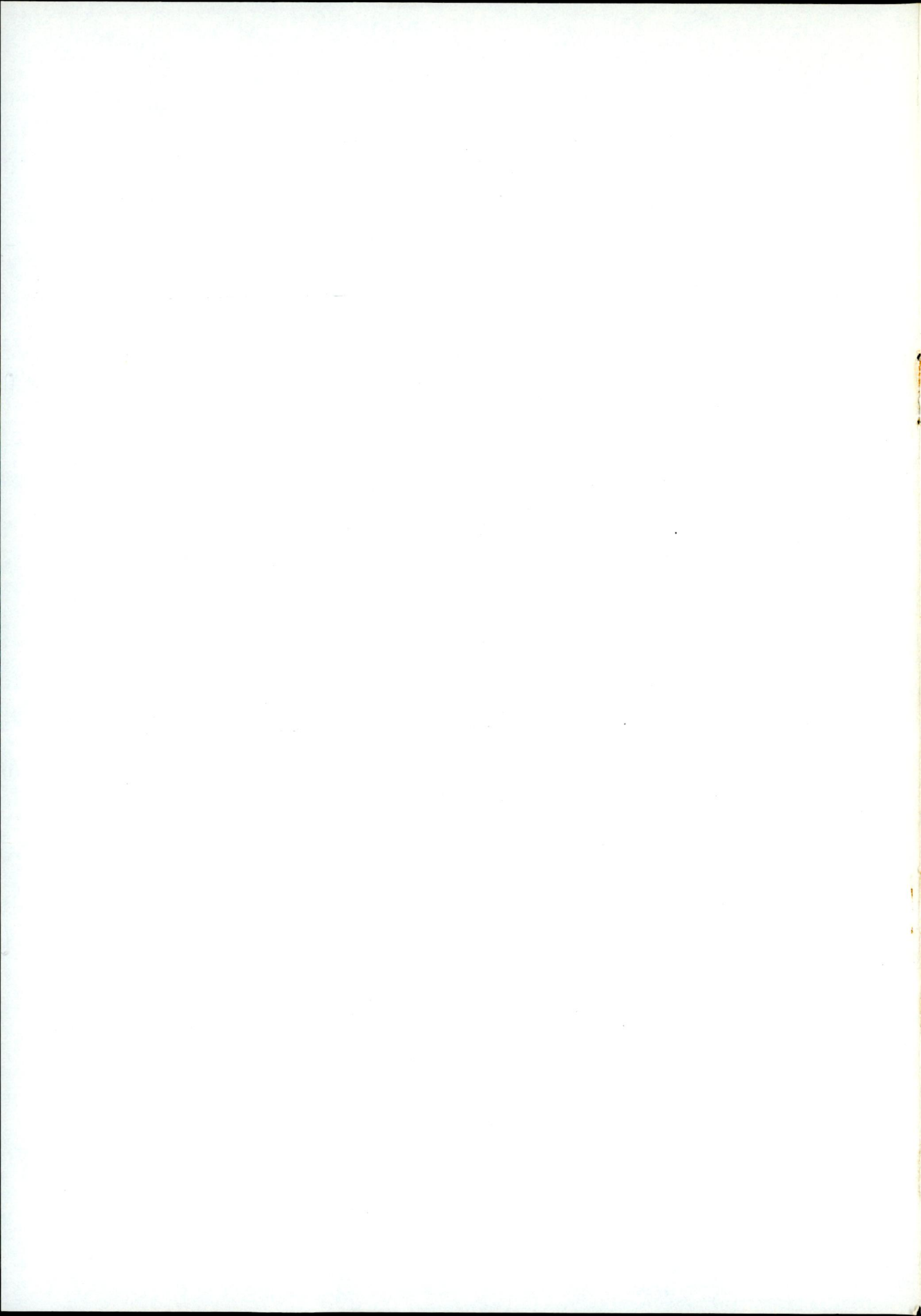
Omit "Subject to subsection (2C), and without", insert instead "Without".

(5) Sections 4E (7) (b), (11), (15), 4G (8)—

25 Omit "(2) (a), (b) or (c)," wherever occurring.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





MOTOR TRAFFIC (RANDOM BREATH TESTING) AMENDMENT
ACT 1985 No. 205

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 205, 1985

An Act to amend the Motor Traffic Act 1909 to enable the continuation of
random breath testing. [Assented to, 10th December, 1985.]

Motor Traffic (Random Breath Testing) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Motor Traffic (Random Breath Testing) Amendment Act 1985".

Amendment of Act No. 5, 1909

2. The Motor Traffic Act 1909 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

(1) Section 4E (2), (2C)—

Omit the subsections.

(2) Section 4E (2A)—

Omit "Notwithstanding subsection (2), but subject to subsection (2C), where", insert instead "Where".

(3) Section 4E (2AA)—

Omit "(2) or".

(4) Section 4E (2B)—

Omit "Subject to subsection (2C), and without", insert instead "Without".

Motor Traffic (Random Breath Testing) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*

(5) Sections 4E (7) (b), (11), (15), 4G (8)—

Omit “(2) (a), (b) or (c),” wherever occurring.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

