

**MOTOR TRAFFIC (DRIVING HOURS) AMENDMENT ACT
1988 No. 74**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS



MOTOR TRAFFIC (DRIVING HOURS) AMENDMENT ACT 1988
No. 74

NEW SOUTH WALES



Act No. 74, 1988

An Act to amend the Motor Traffic Act 1909 to provide for regulations to be made in relation to restrictions on the hours of driving of certain heavy motor vehicles. [Assented to 23 November 1988]

*Motor Traffic (Driving Hours) Amendment 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Motor Traffic (Driving Hours) Amendment Act 1988.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Motor Traffic Act 1909 No. 5

3. The Motor Traffic Act 1909 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (Regulations)—

(a) After section 3 (1) (t), insert:

(t1) make provision for or with respect to—

- (i) the maximum number of hours for which a person may continuously drive a heavy motor vehicle of a specified class;
 - (ii) the maximum number of hours for which a person may drive a heavy motor vehicle of a specified class (whether or not continuously) in any specified period; and
 - (iii) the rest periods that must be observed by a driver of a heavy motor vehicle of a specified class,
- and in that connection—
- (iv) provide that any period of time spent in a specified manner is, or is not, to be treated as time spent in driving or in resting;
 - (v) provide for the keeping, carriage and retention of records or other documents, the installation and operation of monitoring devices in motor vehicles and the inspection of those records, documents or monitoring devices by any member of the police force or any other specified person; and
 - (vi) authorise a member of the police force or other specified person to stop any driver of a motor vehicle and to require the driver to produce any records or other documents and provide information;

Motor Traffic (Driving Hours) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(b) Section 3 (1c)—

After section 3 (1b), insert:

(1c) In subsection (1) (t1), a reference to a heavy motor vehicle is a reference to—

- (a) a motor vehicle that has a manufacturer's gross vehicle mass exceeding 4.5 tonnes (being the maximum laden mass at which the manufacturer recommends the vehicle be operated); or
- (b) a prime mover or other hauling unit that has a manufacturer's gross combination mass exceeding 4.5 tonnes (being the maximum laden mass at which the manufacturer recommends the hauling unit be operated in combination with one or more trailers attached to it).

(2) Section 8c (**Limitation of time for which drivers of certain vehicles may remain continuously on duty**)—

Omit the section.

*[Minister's second reading speech made in—
Legislative Assembly on 19 October 1988
Legislative Council on 16 November 1988]*







MOTOR TRAFFIC (DRIVING HOURS) AMENDMENT BILL 1988

NEW SOUTH WALES



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 provide for the regulations to prescribe—

- (a) restrictions on the number of hours a person may drive certain heavy motor vehicles continuously or over specified periods; and
- (b) minimum rest periods for drivers of heavy motor vehicles.

At present, these matters are prescribed by the Principal Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) (a) amends section 3 of the Principal Act so as to enable regulations to be made—

- prescribing the maximum number of hours a person may drive a specified heavy motor vehicle; and
- requiring drivers of specified heavy motor vehicles to rest for specified periods.

Provision is made for the regulations to specify both a maximum number of hours that a person is allowed to drive without resting and a maximum number of hours in a certain period that a person is allowed to drive (whether or not with rest periods).

By virtue of the existing provisions of the Principal Act, the regulations will be able to prescribe different driving hours requirements for different classes of heavy motor vehicles and exempt motor vehicles or drivers from those requirements.

Motor Traffic (Driving Hours) Amendment 1988

Amended section 3 will also enable regulations to be made so as to provide for the following matters (presently dealt with in section 8C of the Principal Act) in relation to driving hours requirements:

- interruptions in driving that are to be treated as time spent in driving;
- the keeping and carriage of records;
- enforcement of the requirements.

Schedule 1 (1) (b) defines "heavy motor vehicle" for the purpose of the regulations prescribing driving hours requirements. These requirements will only be able to be imposed in relation to motor vehicles with a laden weight that exceeds 4.5 tonnes.

Schedule 1 (2) repeals section 8C of the Principal Act which at present specifies the maximum hours of driving and mandatory rest periods.

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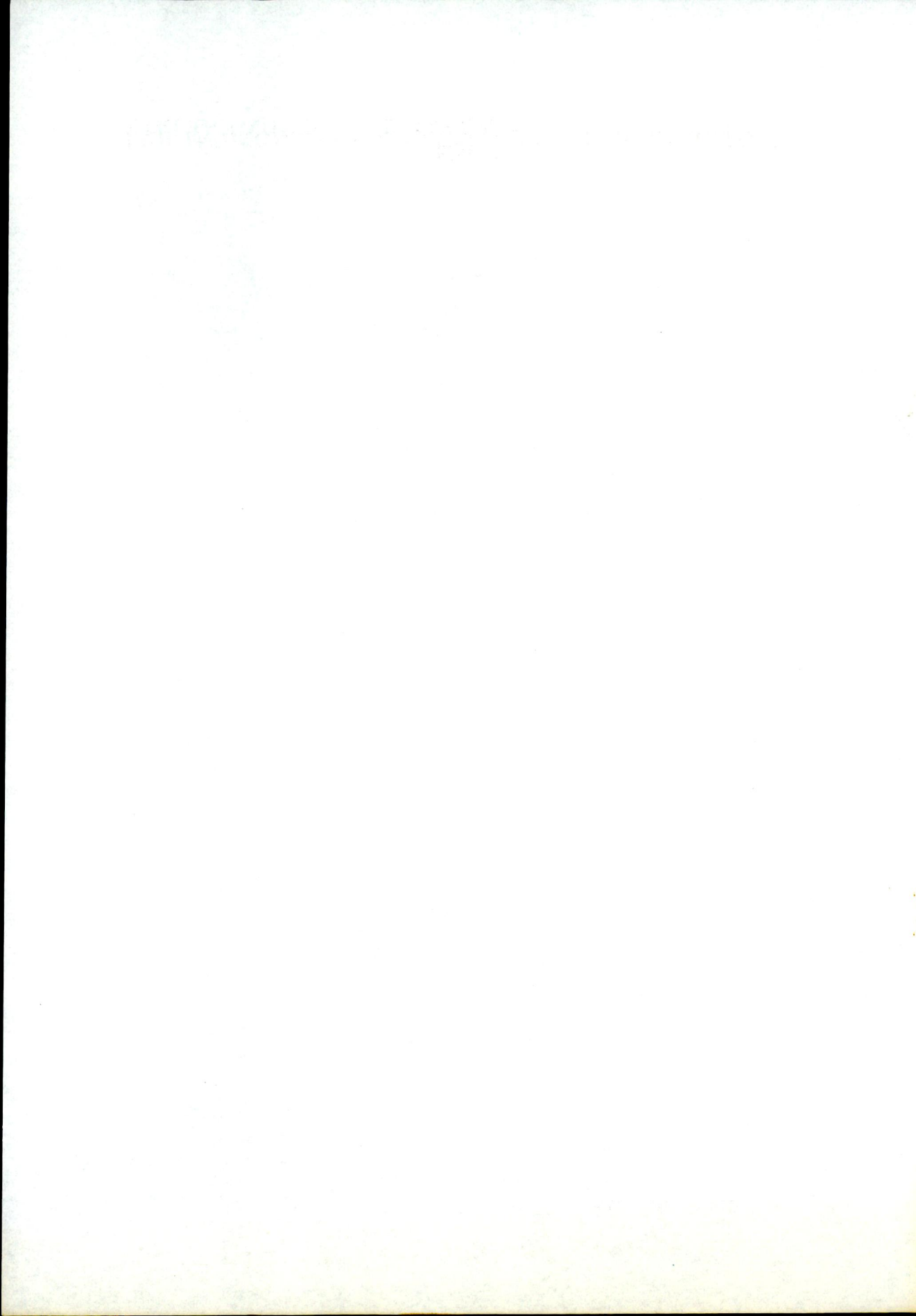
NEW SOUTH WALES



TABLE OF PROVISIONS

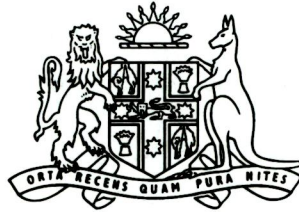
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SCHEDULE 1—AMENDMENTS



**MOTOR TRAFFIC (DRIVING HOURS) AMENDMENT BILL
1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Motor Traffic Act 1909 to provide for regulations to be made in relation to restrictions on the hours of driving of certain heavy motor vehicles.

*Motor Traffic (Driving Hours) Amendment 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Motor Traffic (Driving Hours) Amendment Act 1988.

5 Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Motor Traffic Act 1909 No. 5

3. The Motor Traffic Act 1909 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

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(Sec. 3)

(1) Section 3 (Regulations)—

(a) After section 3 (1) (t), insert:

(t1) make provision for or with respect to—

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(i) the maximum number of hours for which a person may continuously drive a heavy motor vehicle of a specified class;

(ii) the maximum number of hours for which a person may drive a heavy motor vehicle of a specified class (whether or not continuously) in any specified period; and

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(iii) the rest periods that must be observed by a driver of a heavy motor vehicle of a specified class,

and in that connection—

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(iv) provide that any period of time spent in a specified manner is, or is not, to be treated as time spent in driving or in resting;

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(v) provide for the keeping, carriage and retention of records or other documents, the installation and operation of monitoring devices in motor vehicles and the inspection of those records, documents or monitoring devices by any member of the police force or any other specified person; and

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(vi) authorise a member of the police force or other specified person to stop any driver of a motor vehicle and to require the driver to produce any records or other documents and provide information;

Motor Traffic (Driving Hours) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(b) Section 3 (1C)—

After section 3 (1B), insert:

(1C) In subsection (1) (t1), a reference to a heavy motor vehicle is a reference to—

5 (a) a motor vehicle that has a manufacturer's gross vehicle mass exceeding 4.5 tonnes (being the maximum laden mass at which the manufacturer recommends the vehicle be operated); or

10 (b) a prime mover or other hauling unit that has a manufacturer's gross combination mass exceeding 4.5 tonnes (being the maximum laden mass at which the manufacturer recommends the hauling unit be operated in combination with one or more trailers attached to it).

15 (2) Section 8C (**Limitation of time for which drivers of certain vehicles may remain continuously on duty**)—

Omit the section.

