



New South Wales

Justices (Short Description of Motor Traffic and Other Offences) Amendment (Driving Hours) Regulation 1998

under the
Justices Act 1902

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

CARL SCULLY, M.P.
for Attorney General

Explanatory note

The object of this Regulation is to create short descriptions for offences under new provisions to be inserted in the *Motor Traffic Regulations 1935* with respect to maximum driving and work time and minimum rest periods for drivers of heavy trucks and commercial buses (coaches).

This Regulation is made under the *Justices Act 1902*, including sections 145B (Short description of certain offences) and 154 (the general regulation-making power).

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Clause 1

Justices (Short Description of Motor Traffic and Other Offences) Amendment (Driving Hours) Regulation 1998

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1 Name of Regulation

This Regulation is the *Justices (Short Description of Motor Traffic and Other Offences) Amendment (Driving Hours) Regulation 1998*.

2 Commencement

This Regulation commences on 30 November 1998.

3 Amendment of Justices (Short Description of Motor Traffic and Other Offences) Regulation 1986

The *Justices (Short Description of Motor Traffic and Other Offences) Regulation 1986* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1

Omit the matter relating to Regulations 126A-126H of the *Motor Traffic Regulations 1935*.

[2] Schedule 1

Insert at the end of the matter relating to the *Motor Traffic Regulations 1935*:

Clause 19 (1) (a), (3) of Schedule O—driver of heavy truck exceed driver's maximum driving time for 5.5 hour period	drive more than 5 hrs (heavy truck)
Clause 19 (1) (b), (3) of Schedule O—driver of heavy truck exceed driver's maximum driving time for 24 hour period	drive more than 12 hrs in 24 hrs (heavy truck)
Clause 19 (1) (c), (3) of Schedule O—driver of heavy truck exceed driver's maximum driving time for 7 day period	drive more than 72 hrs in 7 days (heavy truck)
Clause 19 (2) (a), (3) of Schedule O—driver of commercial bus exceed driver's maximum driving time for 5.5 hour period	drive more than 5 hrs (coach)
Clause 19 (2) (b), (3) of Schedule O—driver of commercial bus (except under a two-up driving arrangement) exceed driver's maximum driving time for 24 hour period	drive more than 12 hrs in 24 hrs (coach)
Clause 19 (2) (c), (3) of Schedule O—driver of commercial bus under a two-up driving arrangement exceed driver's maximum driving time for 24 hour period	drive more than 11 hrs in 24 hrs (two-up coach)

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Schedule 1 Amendments

Clause 19 (2) (d), (3) of Schedule O—driver of commercial bus (except under a two-up driving arrangement) exceed driver's maximum driving time for 168 hour (7 day) period	drive more than 72 hrs in 7 days (coach)
Clause 19 (3) (e), (3) of Schedule O—driver of commercial bus under a two-up driving arrangement exceed driver's maximum driving time for 168 hour (7 day) period	drive more than 66 hrs in 7 days (two-up coach)
Clause 20 (1) (a), (3) of Schedule O—driver of heavy truck exceed driver's maximum work time for 5.5 hour period	work more than 5 hrs (heavy truck)
Clause 20 (1) (b), (3) of Schedule 0—driver of heavy truck exceed driver's maximum work time for 24 hour period	work more than 14 hrs in 24 hrs (heavy truck)
Clause 20 (1) (c), (3) of Schedule O—driver of heavy truck exceed driver's maximum work time for 168 hour (7 day) period	work more than 72 hrs in 7 days (heavy truck)
Clause 20 (2) (a), (3) of Schedule 0—driver of commercial bus exceed driver's maximum work time for 5.5 hour period	work more than 5 hrs (coach)
Clause 20 (2) (b), (3) of Schedule 0—driver of commercial bus (except under a two-up driving arrangement) exceed driver's maximum work time for 24 hour period	work more than 12 hrs in 23 hours (coach)
Clause 20 (2) (c), (3) of Schedule 0—driver of commercial bus under a two-up driving arrangement exceed driver's maximum work time for 24 hour period	work more than 11 hrs in 24 hrs (two-up coach)

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Amendments**Schedule 1**

Clause 20 (2) (d), (3) of Schedule O—driver of commercial bus (except under a two-up driving arrangement) exceed driver's maximum work time for 168 hour (7 day) period	work more than 72 hrs in 7 days (coach)
Clause 20 (2) (e), (3) of Schedule O—driver of commercial bus under a two-up driving arrangement exceed driver's maximum work time for 168 hour (7 day) period	work more than 66 hrs in 7 days (two-up coach)
Clause 21 (1) (a), (3) of Schedule O—driver of heavy truck whose rest time does not comply with required minimum rest time for 5.5 hour period	drive without 30 mins rest in 5.5 hrs (heavy truck)
Clause 21 (1) (b), (3) of Schedule O—driver of heavy truck whose rest time does not comply with required minimum rest time for 24 hour period	drive without 10 hrs rest in 24 hrs (heavy truck)
Clause 21 (1) (c). (3) of Schedule O—driver of heavy truck whose rest time does not comply with required minimum rest time for 168 hour (7 day) period	drive without 96 hrs rest in 7 days (heavy truck)
Clause 21 (2) (a). (4), (5) of Schedule O—driver of commercial bus whose rest time does not comply with required minimum rest time for 5.5 hour period	drive without 30 mins rest in 5.5 hrs (coach)
Clause 21 (2) (b), (4) of Schedule O—driver of commercial bus (except under a two-up driving arrangement) whose rest time does not comply with required minimum rest time for 24 hour period	drive without 12 hrs rest in 24 hrs (coach)
Clause 21 (2) (c), (5) of Schedule O—driver of commercial bus under a two-up driving arrangement whose rest time does not comply with required minimum rest time for 24 hour period	drive without 13 hrs rest in 24 hrs (two-up coach)

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Schedule 1 Amendments

Clause 21 (2) (d), (5) of Schedule 0—driver of commercial bus under a two-up driving arrangement whose rest time does not comply with required minimum rest time for 53 hour period	drive without 13 hours rest in 53 hrs (two-up coach)
Clause 21 (2) (e), (5) of Schedule 0—driver of commercial bus under a two-up driving arrangement whose rest time does not comply with required minimum rest time for 168 hour (7 day) period	drive without 102 hrs rest in 7 days (two-up coach)
Clause 21 (2) (f), (4), (5) of Schedule 0—driver of commercial bus whose rest time does not comply with required minimum rest time for 672 hour (28 day) period	drive without 384 hrs rest in 28 days (coach)
Clause 28 (1) (a), (3) of Schedule 0—driver of heavy truck (TFMS) exceed driver's maximum driving time for 5.5 hour period	drive more than 5 hrs (heavy truck TFMS)
Clause 28 (1) (b), (3) of Schedule 0—driver of heavy truck (TFMS) exceed driver's maximum driving time for 24 hour period	drive more than 14 hrs in 24 hrs (heavy truck TFMS)
Clause 28 (1) (b), (2), (3) of Schedule 0—two-up driver of heavy truck (TFMS) exceed driver's maximum driving time for 24 hour period	drive more than 12 hrs in 24 hrs (heavy truck TFMS two-up)
Clause 28 (1) (c), (3) of Schedule 0—driver of heavy truck (TFMS) exceed driver's maximum driving time for 336 hour (14 day) period	drive more than 144 hrs in 14 days (heavy truck TFMS)
Clause 29 (1) (a), (2) of Schedule 0—driver of heavy truck (TFMS) exceed driver's maximum work time for 5.5 hour period	work more than 5 hrs (heavy truck TFMS)
Clause 29 (1) (b), (2) of Schedule 0—driver of heavy truck (TFMS) exceed driver's maximum work time for 24 hour period	work more than 14 hrs in 23 hrs (heavy truck TFMS)

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Amendments**Schedule 1**

Clause 29 (1) (c), (2) of Schedule O—driver of heavy truck (TFMS) exceed driver's maximum work time for 336 hour (14 day) period	work more than 144 hrs in 14 days (heavy truck TFMS)
Clause 30 (1) (a), (3) of Schedule O—driver of heavy truck (TFMS) whose rest time does not comply with required minimum rest time for 5.5 hour period	drive without 30 mins rest in 5.5 hrs (heavy truck TFMS)
Clause 30 (1) (b), (3) of Schedule O—driver of heavy truck (TFMS) whose rest time does not comply with required minimum rest time for 24 hour period	drive without 10 hrs rest in 24 hrs (heavy truck TFMS)
Clause 30 (1) (c), (3) of Schedule O—driver of heavy truck (TFMS) whose rest time does not comply with required minimum rest time for 336 hour (14 day) period	drive without 192 hrs rest in 14 days (heavy truck TFMS)
Clause 34 (1) of Schedule 0 — driver becoming employed to drive heavy truck failing to record particulars of employment in driver certification manual	fail to record employment details in DCM
Clause 34 (1) of Schedule 0 — driver ceasing to be employed to drive heavy truck failing to record particulars of ceasing employment in driver certification manual	fail to record ceasing employment details in DCM
Clause 35 (4) of Schedule 0 — driver failing to comply with notice under clause 35 (1) (medical examination)	fail to comply with cl 35 notice—medical examination
Clause 36 (4) of Schedule 0 — driver failing to comply with notice under clause 36 (1) (fatigue management training course)	fail to comply with cl 36 notice—fatigue management course
Clause 37 (1) of Schedule 0 — driver failing to tell Authority that driver certification manual destroyed, lost or stolen	fail to report DCM destroyed, lost or stolen

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Schedule 1 Amendments

Clause 37 (2) of Schedule 0 — driver failing to give Authority earlier driver certification manual found or returned after replacement manual issued	fail to return recovered DCM
Clause 40 (4) of Schedule 0 — employer failing to comply with notice under clause 40 (1) (attendance of employees at approved fatigue management training course)	fail to comply with cl 40 notice— employee courses
Clause 48 (1) of Schedule 0 — driver engaging in non-local area work without logbook	not have logbook
Clause 48 (2) of Schedule 0 — driver not carrying logbook while engaged in non-local area work	not carry logbook
Clause 49 (2) of Schedule 0 — driver failing to record particulars in logbook before driving or working	fail to record particulars before driving or working
Clause 49 (3) of Schedule 0 — driver failing to record in logbook registration number of heavy truck or commercial bus driven	fail to record particulars of vehicle driven
Clause 49 (4) of Schedule 0 — driver failing to record in logbook particulars of change of activity	fail to record particulars of change of activity
Clause 50 (2) of Schedule 0 — driver failing to record required information in logbook before beginning non-local area work	fail to record information — beginning non-local area work
Clause 51 (2) of Schedule 0 — driver failing to continue to record required information in logbook after ceasing to engage in non-local area work	fail to continue to record information — end non-local area work
Clause 52 (a) of Schedule 0 — driver failing to write information for each day on a separate sheet in logbook	fail to record logbook information on separate sheet

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Amendments

Schedule 1

Clause 52 (b) of Schedule O— driver failing to write information on daily sheet in accordance with instructions	fail to record logbook information as per instructions
Clause 52 (c) of Schedule O— driver failing to use sheets in logbook in turn from front	fail to use logbook sheets in sequence
Clause 52 (d) of Schedule O— driver failing to sign and date each daily sheet in logbook	fail to sign/date logbook sheet
Clause 52 (e) of Schedule O— driver failing to write in logbook with sufficient pressure to ensure readable record on duplicate	fail to write with sufficient pressure in logbook
Clause 52 (f) of Schedule O—driver failing to write other information in logbook in accordance with instructions	fail to record other logbook information as per instructions
Clause 54 (3) of Schedule O— driver failing to record supplementary information in a way that is at least as accurate and understandable, and in similar form to, logbook	fail to make supplementary record correctly
Clause 56 (1) of Schedule O— employer of employed driver engaged in local area work failing to record required information	employer fail to record information—local area work
Clause 57 (1) of Schedule O— self-employed driver engaged in local area work failing to record required information	self-employed local area driver fail to record information
Clause 58 (1) of Schedule O— driver failing to carry driving records for last 28 days	driver not carry driving records for last 28 days
Clause 58 (3) of Schedule O— driver fail to produce driving records for last 28 days	driver not produce driving records for last 28 days
Clause 60 of Schedule O— employed driver failing to give copy of driving records to employer	driver not give copy of driving records to employer

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Schedule 1 Amendments

Clause 61 (1) of Schedule O— employer fail to keep copy of driver's driving records of non-local area work for at least 12 months	employer not keep employee driving records for 12 months
Clause 61 (1) of Schedule O— employer fail to keep copy of driver's driving records of non-local area work at place where employer manages employment of driver	employer not keep employee driving records at required place
Clause 61 (2) of Schedule O— self-employed driver failing to keep driving records of non-local area work for at least 12 months	self-employed driver not keep driving records for 12 months
Clause 61 (2) of Schedule O— self-employed driver failing to keep driving records of non-local area work at the driver's base	self-employed driver not keep driving records at required place
Clause 62 (1) of Schedule O— employer fail to keep local area management records for at least 12 months	employer not keep local area records for 12 months
Clause 62 (1) of Schedule O— employer fail to keep local area management records at place where employer managed employment of driver	employer not keep local area records at required place
Clause 63 (2) of Schedule O— self-employed driver failing to keep local area management records for at least 12 months	self-employed driver not keep local area records for 12 months
Clause 62 (2) of Schedule O— self-employed driver failing to keep local area management records at the driver's base	self-employed driver not keep local records at required place
Clause 63 (3) of Schedule 0—fail to comply with notice to produce driving records to Authority	fail to comply with notice to produce driving records
Clause 63 (1) of Schedule O— driver failing to tell Authority that logbook destroyed. lost or stolen	fail to report logbook destroyed. lost or stolen

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Amendments**Schedule 1**

Clause 64 (2) (a) of Schedule O—
driver failing to cancel unused daily
sheets in earlier logbook that is
found or returned

driver fail to cancel unused sheets
in recovered logbook

Clause 64 (2) (b) of Schedule O—
driver failing to give earlier logbook
to Authority when it is found or
returned

driver fail to give recovered
logbook to Authority

Clause 65 of Schedule O—driver
having more than one logbook in
possession

driver possessing more than one
logbook

Clause 66 (1) of Schedule O—
driver having in possession
something purporting to be a
driving record or driver certification
manual

driver possessing false driving
record/DCM

Clause 67 of Schedule O—
employed driver failing to tell
employer that approved DSMD not
operating as required by
manufacturer's specifications

driver fail to report faulty DSMD

Clause 69 (a) of Schedule O—
making a false or misleading entry
in a driving record

make false/misleading entry in
driving record

Clause 69 (b) of Schedule O—
defacing or changing a correct entry
in a driving record

deface/change driving record

Clause 70 of Schedule 0—person
falsely representing that driving
record or entry in driving record
made by the person

falsely represent driving record

Clause 71 (1) of Schedule O—
making an entry in someone else's
driving record

make entry in another person's
driving record

Clause 72 of Schedule O—
destroying driving record before end
of period for which it is required to
be kept

destroy driving record

Clause 73 of Schedule O—
interfering with operation of
approved DSMD

interfere with DSMD

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Clause 75 (a) of Schedule O— asking, directing or requiring a driver to commit a core driving hours offence	ask/direct/require core driving hours offence
Clause 75 (b) of Schedule O— asking, directing or requiring a driver to commit a driving record offence	ask/direct/require driving record offence
Clause 75 (c) of Schedule O— asking, directing or requiring a driver to commit a speeding offence	ask/direct/require speeding offence
Clause 76 (a) of Schedule O— consignor engaging a person to transport goods or persons by road under condition whereby driver would or would be likely to commit a core driving hours offence	consignor encouraging driving hours offence
Clause 76 (b) of Schedule O— consignor engaging a person to transport goods or persons by road under condition whereby driver would or would be likely to commit a driving record offence	consignor encouraging driving record offence
Clause 76 (c) of Schedule O— consignor engaging a person to transport goods or persons by road under condition whereby driver would or would be likely to commit a speeding offence	consignor encouraging speeding offence
Clause 77 of Schedule O—employer allowing driver to drive if driver would commit or would be likely to commit a core driving hours offence	allow driver to commit driving hours offence
Clause 78 (1) of Schedule O— employer or responsible employee rostering driving, work or rest times resulting in employed driver committing or being likely to commit a core driving hours offence	employer/responsible employee roster causing driving hours offence

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Amendments**Schedule 1**

Clause 78 (2) of Schedule O— employer or responsible employee scheduling transport of goods or persons resulting in employed driver committing or being likely to commit a core driving hours offence or speeding offence	employer/responsible employee schedule causing offence
Clause 93 (2) of Schedule O— driver participant in TFMS failing to comply with notice to return driver certification manual to Authority	fail to return DCM on cancellation of TFMS
Clause 95 (1) of Schedule O— participant in TFMS failing to arrange review of participation in TFMS	fail to arrange TFMS review
Clause 96 (1) of Schedule O— participant in TFMS failing to keep report of review for 2 years	fail to keep report of TFMS review for 2 years
Clause 96 (4) of Schedule O—fail to comply with notice to give copy of report of TFMS review to Authority	fail to give copy of TFMS report to Authority
Clause 97 (4) of Schedule O—fail to comply with notice to give records to Authority for management practices audit	fail to give records to Authority — TFMS audit
Clause 119 (2) of Schedule O—fail to comply with notice to return varied or cancelled exemption to Authority	fail to return varied or cancelled exemption
Clause 125 of Schedule O— contravene condition of exemption	contravene condition of exemption
Clause 134 (2) of Schedule O—fail to answer question about work engaged in by driver	fail to answer question about work engaged in
Clause 135 of Schedule O—making A statement or furnishing information to the Authority or an authorised person that is false or misleading	providing false/misleading information/statement to Authority authorised person

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Schedule 1 Amendments

Clause 136 (3) of Schedule O—
failing to comply with requirement
to give reasonable help to
authorised person fail to help authorised person

Clause 137 (2) of Schedule O—
failing to comply with direction not
to drive fail to comply with direction not to
drive