

**MOTOR TRAFFIC (AMENDMENT) ACT.**

**Act No. 50, 1952.**

**Elizabeth II, No. 50, 1952.** An Act to make certain provisions in relation to the driving of certain heavy motor vehicles; for this purpose to amend the Motor Traffic Act, 1909-1951; and for purposes connected therewith. [Assented to, 3rd December, 1952.]

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**B**E it enacted by the Queen's Most Excellent Majesty, No. 50, 1952.  
 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:—

**1.** (1) This Act may be cited as the "Motor Traffic (Amendment) Act, 1952." Short title, citation, and commencement.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1952.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** The Motor Traffic Act, 1909-1951, is amended by inserting next after section 8B the following new section:— Amendment of Act No. 5, 1909. New sec. 8c.

8c. (1) (a) A person shall not drive any motor vehicle having an unladen weight in excess of two tons— Limitation of time for which drivers of certain vehicles may remain continuously on duty.

- (i) unless at the end of any period of five consecutive hours of driving, whether such driving commenced in or outside the State, he has had an interval of half an hour at least for rest and refreshment; or
- (ii) if during the preceding twenty-four hours he has driven, whether in or outside the State, for more than twelve hours; or
- (iii) unless he has had at least ten consecutive hours for rest in the preceding twenty-four hours.

(b) A person shall not cause or permit any person employed by him or subject to his orders (in this paragraph referred to as "the driver") to drive any motor vehicle having an unladen weight in excess of two tons—

- (i) unless at the end of any period of five consecutive hours of driving, whether such driving

**Motor Traffic (Amendment) Act.**

No. 50, 1952.

driving commenced in or outside the State, the driver has had an interval of half an hour at least for rest and refreshment; or

- (ii) if during the preceding twenty-four hours the driver has driven, whether in or outside the State, for more than twelve hours; or
- (iii) unless the driver has had at least ten consecutive hours for rest in the preceding twenty-four hours.

(2) For the purposes of this section, any interval or interruption from driving for a period of less than half an hour and any time spent by the driver on any other work in connection with a vehicle or the load carried thereby, including any time spent on a vehicle while on a journey in any other capacity than as a passenger, shall be deemed to be time spent in driving.

(3) The driver of a motor vehicle having an unladen weight in excess of two tons shall—

- (a) carry with him a record card in or to the effect of the form prescribed on which shall be entered particulars of his name, the name of the owner of the vehicle, the dates, places and times on which he commenced and ended work and also the period or periods he ceased work for the purpose of rest and refreshment on each day, and such other particulars as may be provided for in such form;
- (b) forthwith upon the request of any member of the police force or of any person authorised in that behalf by the Superintendent of Motor Transport produce such record card for inspection;
- (c) immediately he ceases work on any day sign such record card;
- (d)

- (d) if he is not the owner of the vehicle, as soon as practicable after making the last entry on such record card, deliver such card to such owner. No. 50, 1952-

(4) The owner of a motor vehicle having an unladen weight in excess of two tons shall—

- (a) provide any driver of the vehicle with a record card to enable him to comply with the requirements of subsection three of this section;
- (b) retain any record card signed by him or delivered to him pursuant to paragraph (d) of subsection three of this section for a period of six months from the date of the last entry thereon and, upon the request of any member of the police force or any person authorised as aforesaid made within such period, forthwith produce it for inspection.

(5) (a) Any person who, unless exempted by the regulations, contravenes any of the provisions of this section shall be guilty of an offence under this Act.

(b) Any person who enters any false particulars on any such record card shall be guilty of an offence under this Act.

(6) For the purposes of this section the unladen weight of a trailer shall be ascertained as the gross weight of the trailer (including any article affixed thereto) unladen ready for attachment to a motor vehicle, and the unladen weight of a motor vehicle other than a trailer shall be ascertained as the gross weight of the vehicle laden with the tools and accessories usually carried, with such fuel, water and oil as may be in or upon the motor vehicle but otherwise unladen.

In any proceedings for an offence under this section a certificate of registration of a motor vehicle, issued under the law for the time being in force

**No. 50, 1952.**

force in any part of the Commonwealth of Australia, containing particulars of the unladen weight of the vehicle shall be prima facie evidence of such unladen weight.

(7) The regulations may exempt persons from any or all of the provisions of this section according to the class of motor vehicles they drive or the distances over which motor vehicles are operated or any other circumstances whatsoever specified in such regulations.

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