

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

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Motor Traffic Act 1909 No. 5

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]
