

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.

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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.
