



# **ROAD TRAFFIC (DRIVING HOURS) AMENDMENT ACT 1999**

**No. 34 of 1999**

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No. 34 of 1999

**An Act to amend the Road Traffic Act 1961 and to repeal the Commercial Motor Vehicles (Hours of Driving) Act 1973.**

[Assented to 24 June 1999]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Road Traffic (Driving Hours) Amendment Act 1999*.
- (2) The *Road Traffic Act 1961* is referred to in this Act as "the principal Act".

## Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

## Insertion of Part 3AA

3. The following Part is inserted after Part 3 (and before Part 3A) of the principal Act:

### PART 3AA DRIVING HOURS

#### Interpretation

110AA. In this Part—

"commercial bus" means a bus that is used to carry people for reward or in a business;

"heavy truck" means a motor vehicle of a class declared by the regulations to be heavy trucks.

#### Driving hours

110AAB. (1) The Governor may make regulations to establish a scheme for the management of the fatigue of drivers of heavy trucks and commercial buses.

(2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—

- (a) the periods that the drivers of heavy trucks or commercial buses spend driving, working and resting; and
- (b) the keeping, production and inspection of records; and
- (c) the medical examination of drivers of heavy trucks or commercial vehicles; and
- (d) the attendance of persons at fatigue management training courses; and
- (e) the obligations of persons who employ, engage or direct the activities of a driver of a heavy truck or commercial bus; and
- (f) powers of members of the police force and inspectors to ask drivers of heavy trucks or commercial buses questions relevant to the enforcement of the regulations.

(3) The regulations under this section—

- (a) may make provision for periods spent by drivers of heavy trucks or commercial buses driving, working or resting outside the State to be taken into account for the purposes of the regulations; and
- (b) may prescribe penalties, not exceeding \$12 500, for offences against those regulations.

**Power to direct drivers to stop and to rest**

**110AAC.** (1) A member of the police force or an inspector may direct the driver of a heavy truck or commercial bus on a road to stop the vehicle for the purpose of requiring the driver to produce his or her driving records for inspection.

(2) If—

- (a) the driver of a heavy truck or commercial bus on a road does not produce his or her driving records as required by a member of the police force or an inspector; or
- (b) a member of the police force or an inspector believes on reasonable grounds that the driving records of the driver of a heavy truck or commercial bus on a road do not record the information required under the regulations; or
- (c) a member of the police force or an inspector believes on reasonable grounds that the driver of a heavy truck or commercial bus on a road has, in the previous 24 hours, contravened a requirement of the regulations relating to periods of driving, work or rest,

the member or inspector may give one of the following directions as the member or inspector considers appropriate for the avoidance of unacceptable risk to public safety:

- (d) a direction in writing, with immediate effect, that the driver cease driving and rest from driving for a specified period;
- (e) a direction in writing that the driver drive to a place where the vehicle will be secure and not constitute a hazard to other road users and then cease driving and rest from driving for a specified period.

(3) A person must forthwith comply with a direction given to the person under this section.

**Power to enter and inspect records, etc.**

**110AAD.** (1) A member of the police force or an inspector may, for monitoring or enforcing compliance with the regulations under this Part—

- (a) enter a place where records are required to be kept under the regulations; and
- (b) inspect, and copy and take extracts from, any such records kept at the place; and
- (c) take into the place the persons who, and the equipment and materials that, the member or inspector reasonably requires to exercise a power under paragraph (b); and
- (d) require a person in the place to give the member or inspector reasonable help to exercise a power under paragraph (b) or (c).

(2) The entry may be made at any time during usual business hours or, with the consent of the occupier, at any other time.

(3) A person must forthwith comply with a requirement made of the person under this section.

**Repeal of Commercial Motor Vehicles (Hours of Driving) Act 1973**

**4.** The *Commercial Motor Vehicles (Hours of Driving) Act 1973* is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor