

TRANSPORT LEGISLATION AMENDMENT BILL (NO. 2) 1993

EXPLANATORY NOTES

Clause 1 states the Short Title (Citation) of the Act.

Clause 2 provides for the Act to commence on a date to be fixed by proclamation.

As this Act only provides for a head of power to prescribe the regulations that will form the regime for driving hour administration, the proclamation will need to be delayed until regulations are drafted and made by the Governor in Council.

It is proposed that proclamation be delayed by 6 weeks to allow this work to be undertaken.

Clause 3 provides for the amendment as set out in this Act of the *Traffic Act and Another Act Amendment Act 1990*.

Clause 4 provides to omit Section 2.25(c) of the schedule of the *Traffic Act and Another Act Amendment Act 1990*.

The Traffic Act was amended in 1990 to provide for the administration of heavy vehicle driving hours as there was a national proposal to include driving hours offences in the National Points demerit scheme. This proposal did not eventuate as it was agreed that penalty points should only apply to moving traffic violations, therefore there are no further reasons for the legislation to remain under the Traffic Act.

Clause 5 provides to omit Part 3 of the amendment to the State Transport Act provided by the *Traffic Act and Another Act Amendment Act 1990*.

The clause being omitted relates to the original citation of the amendment to the *State Transport Act 1960-1990* and the repeal of Section 62 Limits of Continuous Driving Hours and the omitting of clause 12 of the schedule as provided for in the *Traffic Act and Another Act Amendment Act 1990*.

Clause 6 provides for the amendment of the State Transport Act as set out in this Part.

Clause 7 provides to omit Section 62 of the State Transport Act relating to limits of continuous driving hours.

This section prescribes the limits on driving hours and is omitted to provide for a new head of power that will empower the prescription for driving hour limits to be set by regulation.

Clause 8 provides to omit clause 12 and insert clause 12(1) and (2) as outlined in the Bill.

This clause provides for prescription by regulation for all matters relating to the limits of continuous driving hours, the responsibility of employers and contractors and the provision of log books and other documentation for the recording of driving hours. Further it provides for the prescription by regulation of the categories of vehicles for which these requirements apply but will be not less than 4.5 tonnes GVM.

In addition it provides for any forms required by or for the purposes of this Act to be in a form approved by the Director-General.