

SOUTH AUSTRALIA

**COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING)  
REGULATIONS, 1988**

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### **LEGISLATIVE HISTORY**

**REGULATIONS UNDER THE COMMERCIAL MOTOR VEHICLES  
(HOURS OF DRIVING) ACT, 1973**

*Commercial Motor Vehicles (Hours of Driving) Regulations, 1988*

being

No. 78 of 1988: *Gaz.* 5 May 1988, p. 1136

as varied by

No. 131 of 1988: *Gaz.* 7 July 1988, p. 290

No. 162 of 1991: *Gaz.* 18 July 1991, p. 326<sup>1</sup>

No. 35 of 1992: *Gaz.* 9 April 1992, p. 1125

No. 218 of 1998: *Gaz.* 17 December 1998, p. 1985<sup>2</sup>

<sup>1</sup> Came into operation 1 September 1991: reg. 2.

<sup>2</sup> Came into operation 4 January 1999: reg. 2.

**Citation**

1. These regulations may be cited as the *Commercial Motor Vehicles (Hours of Driving) Regulations, 1988*.

**Revocation**

2. All regulations previously made under the *Commercial Motor Vehicles (Hours of Driving) Act, 1973*, are revoked.

**Interpretation**

3. In these regulations—

"the Act" means the *Commercial Motor Vehicles (Hours of Driving) Act, 1973*.

**Authorized log books**

4. For the purposes of section 6 of the Act—

- (a) application for an authorized log book must be made in the form prescribed in Schedule 1;
- (b) the form of the prescribed statement and the particulars referred to in subsection (2)(b)(ii) of that section are as set out in the application form in Schedule 1;
- (c) a statement tendered under subsection (2)(b)(ii) of that section must be signed in the presence of the issuing officer;
- (d) the following particulars are prescribed for the purposes of subsection (3)(d):
  - (i) in respect of the 24 hour period preceding the time of application for an authorized log book—
    - (A) for each continuous period spent by the applicant in driving—the time and place at which that period commenced and ended;
    - (B) for each period spent by the applicant in resting from driving—the time and place at which that period commenced and ended;
    - (C) for each period spent by the applicant off-duty—the time and place at which that period commenced and ended;
    - (D) if the applicant has driven a sleeper-cab motor vehicle—the time and place at which the applicant spent occupying the sleeper berth;
  - (ii) the date on which and time at which the applicant last had 24 consecutive hours of rest from driving.

**Fee for supply of authorized log book**

5. The fee payable for the supply of an authorized log book is \$14.

**Form of certificate of issue of authorized log book**

6. For the purposes of section 6(3)(a) of the Act, the form of certificate is prescribed in Schedule 2.

**Sleeper-cab motor vehicles**

7. (1) A commercial motor vehicle may be certified as a sleeper-cab motor vehicle if it is fitted with a sleeping compartment—

- (a) that is located in the driver's cabin or immediately adjacent to it, but not in a trailer;
- (b) that is constructed—
  - (i) so that gases from the exhaust system cannot readily enter the compartment;
  - (ii) so that the compartment cannot become overheated or damaged by reason of proximity to the exhaust system;
  - (iii) so that defects in the fuel system cannot result in any leakage of fuel onto or into the compartment;
  - (iv) where the compartment is not located in the driver's cabin or provided with a direct entrance to the cabin, so that an occupant of the compartment is able to communicate with the driver by telephone, speaker tube, buzzer, pull cord or other mechanical or electrical device;
  - (v) where the compartment is not located in the driver's cabin—so that it is completely and securely separated from the area used for carrying freight;
  - (vi) so that an occupant is not likely to be thrown out in the event of the vehicle suddenly decelerating;
- (c) that conforms with the following measurements—
  - (i) in relation to a class A compartment—
    - a length of at least 190 cm;
    - a width of at least 54 cm at every point along its length;
    - a height of at least 54 cm (as measured from the top of the mattress);
  - (ii) in relation to a class B compartment—
    - a length of at least 190 cm;
    - a width of at least 53 cm at every point along its length;
    - a height of at least 53 cm (as measured from the top of the mattress),

(the compartment being generally of a rectangular shape although its corners may be rounded to a radii of up to 27 cm);

4.

(d) that has the following means of access—

(i) where the compartment is located in the drivers cabin—

(A) in relation to a class A compartment—an opening at least 46 cm high and 92 cm wide between the sleeping berth and the driving seat;

(B) in relation to a class B compartment—an opening at least 45 cm high and 91 cm wide between the sleeping berth and the driving seat;

and

(ii) in any other case—

(A) in relation to a class A compartment—at least one door on each side of the vehicle, each of which is at least 46 cm high and 54 cm wide and capable of being opened from the inside by the occupant without assistance;

(B) in relation to a class B compartment—at least one door on each side of the vehicle, each of which is at least 45 cm high and 53 cm wide and capable of being opened from the inside by the occupant without assistance;

(e) that is provided with louvres or other means of adequate ventilation that still provide protection from dust and rain;

and

(f) that is properly equipped—

(i) with any of the following:

(A) springs and a mattress;

(B) an inner spring mattress;

or

(C) a cellular rubber mattress that is—

— in the case of a class A compartment—at least 9 cm thick;

— in the case of a class B compartment—at least 10 cm thick;

and

(ii) with adequate bed clothing and blankets readily removable for cleaning.

5.

(2) A certificate issued under this regulation must be displayed in the driver's cabin of the vehicle in respect of which it is issued in such a position that the certificate is clearly visible to a person who is outside the vehicle.

(3) For the purposes of this regulation—

(a) (i) a class A compartment is a compartment fitted to a vehicle before 1 July, 1988 (the date of manufacture of the vehicle also being before 1 July, 1988);

and

(ii) a class B compartment is a compartment—

— fitted on or after 1 July, 1988, to a vehicle that has a date of manufacture before 1 July, 1988;

or

— in any case—fitted to a vehicle that has a date of manufacture on or after 1 July, 1988;

and

(b) the date of manufacture of a vehicle is the date on which the vehicle is first capable of being registered in Australia.

### **Exemptions**

8. (1) The Minister may exempt—

(a) any class of commercial motor vehicles;

(b) commercial motor vehicles carrying any class of load;

or

(c) commercial motor vehicles operated under specified conditions, or in specified circumstances,

from compliance with section 4 of the *Commercial Motor Vehicles (Hours of Driving) Act 1973*, subject to the conditions, if any, specified by the Minister in the exemption.

(2) The Minister may delegate his powers under subregulation (1) to a person holding or acting in a specified position in the Public Service.

**SCHEDULE 1**

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) ACT, 1973

*Application for Authorized Log Book*

I .....  
(Christian Names) (Surname in BLOCK LETTERS)

of .....  
(Residential Address)

date of birth being ..... hereby:

1. Apply for an authorized log book.

2. Produce my driver's licence—

number .....  
expiring on .....  
issued in the State of .....  
together with the fee of \$10.00.

3.\* (1) Produce the authorized log book last issued to me

or

\*(2) State—

\*(a) that I have never previously been issued with an authorized log book by the authorities of a State or Territory of the Commonwealth

or

\*(b) (i) that I have previously been issued with an authorized log book by the authorities of a State or Territory of the Commonwealth and that the log book last issued to me was \*lost/\*stolen/\*destroyed under the following circumstances .....

and

(ii) that during the last 24 hours—

\*(A) I have not driven a commercial motor vehicle with an unladen mass in excess of 4½ tonnes

or

\*(B) (i) I have driven a commercial motor vehicle with an unladen mass in excess of 4½ tonnes, the registration number of the commercial motor vehicle(s) being .....



7.

(ii) that during this period I was engaged as follows:

	Time and Place From To	Time and Place From To	Time and Place From To	Time and Place From To
Continuous periods of driving				
Off duty and rest periods				
Periods occupying sleeper-berth				

and

(iii) that my last period of 24 consecutive hours of rest was from ..... \*  
a.m./p.m. on .....  
(date)  
to ..... \* am/pm on .....  
(date)

\* Strike out whichever is not applicable

Dated at ..... the ..... day  
of ..... 19 .....

Signed ..... in the presence of  
(Applicant)

.....  
(Signature of Issuing Officer)

WARNING: THIS APPLICATION MUST BE SIGNED IN THE PRESENCE OF THE ISSUING OFFICER.  
A PERSON WHO BY FALSE STATEMENT OR MISREPRESENTATION OBTAINS OR ATTEMPTS TO  
OBTAIN AN AUTHORIZED LOG BOOK IS LIABLE TO A PENALTY NOT EXCEEDING \$500 OR  
IMPRISONMENT FOR 6 MONTHS.

**SCHEDULE 2**

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) ACT, 1973

*Certificate of Issue of Authorized Log Book*

I .....  
(Name of Issuing Officer)

....., (Rank or Position)

Certify—

1. That this authorized log book,  
containing pages numbered ..... to .....  
was issued on the ..... day of .....  
at ..... in the State of South Australia to .....  
of .....  
being the holder of driver's licence number .....  
expiring on ..... issued in the  
State of .....

2. (a) That I made the following entries in the log book in relation to periods spent by the applicant in driving and resting from driving during the period of 24 hours prior to the time of application for this authorized log book:

	Time and Place From To	Time and Place From To	Time and Place From To	Time and Place From To
Continuous periods of driving				
Off duty and rest periods				
Periods occupying sleeper-berth				

and

(b) that I noted that the applicant's last period of 24 hours consecutive rest was from .....  
(time) on ..... to ..... on .....  
(date) (time) (date)

SIGNED .....  
(Issuing Officer)

## **APPENDIX**

### **LEGISLATIVE HISTORY**

Regulation 5:	varied by 162, 1991, reg. 3; 218, 1998, reg. 3
Regulation 7(1):	varied by 131, 1988, reg. 2(a), (b)
Regulation 7(3):	inserted by 131, 1988, reg. 2(c)
Regulation 8:	inserted by 35, 1992, reg. 2
Schedule 1:	varied by 162, 1991, reg. 4