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STATE DEVELOPMENT, INFRASTRUCTURE AND WORKS COMMITTEE

Mr JJ McDonald MP—Chair
Ms JM Bush MP
Mr TA James MP
Mr D Kempton MP
Mr SR King MP
Mr BJ Mellish MP

Staff present:

Ms S Galbraith—Committee Secretary
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PUBLIC HEARING—INQUIRY INTO THE HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Wednesday, 1 October 2025

Brisbane

WEDNESDAY, 1 OCTOBER 2025

The committee met at 9.30 am.

CHAIR: Good morning. I declare open this public hearing for the inquiry into the Heavy Vehicle National Law Amendment Bill 2025. I am Jim McDonald, member for Lockyer and chair of the committee. With me here today are Ms Jonty Bush, member for Cooper and deputy chair; Mr Terry James, member for Mulgrave; Mr David Kempton, member for Cook; Mr Shane King, member for Kurwongbah; and Mr Bart Mellish, member for Aspley.

The purpose of today's hearing is to assist the committee with its examination of the Heavy Vehicle National Law Amendment Bill 2025. This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please turn your mobile phones off or to silent mode. Finally, please remember to press your microphone on before you start speaking and off when you are finished.

McKINLEY, Mr Bill, Chief of Staff, Australian Trucking Association (via videoconference)

CHAIR: Good morning. Would you like to make an opening statement before we start our questions?

Mr McKinley: Yes, I do have a short opening statement, thank you, Chair. The Australian Trucking Association is a united voice for our members on issues of national importance, including the Heavy Vehicle National Law. Through our 11 member associations, which in Queensland includes the Queensland Trucking Association, we represent the 60,000 businesses and 200,000 people who make up the trucking industry.

This bill is the primary outcome of the Heavy Vehicle National Law Review, which started in 2018. The review was intended to take a first-principles look at how heavy vehicles are regulated. It started well, but progress ended in 2020. The review did not move forward again until February 2022, when ministers appointed former New South Wales Roads and Maritime Services CEO Ken Kanofski to talk to stakeholders and put together a package of measures that would command general support. Ministers agreed to implement the Kanofski recommendations in September 2022.

The Kanofski report was a compromise. We agreed to it because we wanted to secure positive results from the review. The problem is that in the years since 2022 the changes to the law have been narrowed down even further. So we start with a compromise and now we have moved to less than a compromise. Some of the agreed recommendations must now be considered as part of a work program for future changes. These include important measures such as regulatory offences for off-road parties, improvements to the performance-based standards scheme and a proposed increase in general access truck height from 4.3 to 4.6 metres. Some of the other changes that were agreed seem unlikely to go ahead at all, such as making truck driver medicals part of the licensing system.

Our first recommendation to the committee is that the Queensland parliament note the industry's disappointment with the extended length of the review—seven years—and the lack of ambition in the review outcomes. Despite this recommendation, we consider that the bill should be passed. It makes changes of value. These include moving technical content to regulations or standards. As it is written, the HVNL includes a large amount of technical content that you would normally include in regulations or standards. Because they are in the primary act, the law cannot keep up with changes as a result of changing technology or the changing needs of the industry.

The bill would improve safety by requiring businesses in the National Heavy Vehicle Accreditation Scheme to have documented safety management systems, which could include the ATA's own safety management offering TruckSafe. The bill would make fatigue management simpler. The existing national heavy vehicle driver work diary is complex; it is full of traps for drivers. Under the changes in the bill and the exposure draft amendment regulations, the written work diary pages that drivers have to fill in would have fewer mandatory boxes, so fewer opportunities to not fill them in and be fined; there would be more opportunities for enforcement officers to issue formal warnings at the roadside; and 21 penalties, mainly driver facing, would be decreased. Some of the relevant penalties are set out in table 1 of page 8 of our submission.

The legislative package as a whole is also intended to improve the industry's productivity, with an increase to the general access mass limit for heavy vehicles by up to five per cent and an increase in the maximum length of general access vehicles from 19 to 20 metres. The amendments to the national regulations to implement these increases are also still being developed, which leads me to the need to continue reviewing the Heavy Vehicle National Law. As I have said, the review process, despite taking seven years, was not able to finalise some important changes to the law. In addition, there will always be legislative maintenance and minor policy proposals that come up. We ask the committee to recommend that there be a systematic process for reviewing and updating the law, with a package of amendments to be introduced to the Queensland parliament every two years. Pages 10 and 11 of our submission set out the issues that we think should be included in the initial work program. Thank you, and I am happy to take the committee's questions.

CHAIR: Thank you very much. We appreciate your very thoughtful submission and your commentary here today. I will go to the member for Aspley for the first question.

Mr MELLISH: Thank you for the ongoing work that ATA do and that QTA do up here in Queensland through Gary. Going to your submission, and thank you for the very detailed submission, page 10 outlined some of the future measures you would like to see. Are you able to elaborate a little bit on some of the productivity ones? I understand some of those were explored pretty extensively through that Kanofski review in relation to the length and the height and the performance-based standards. Could you flesh those out a little bit?

Mr McKinley: Yes. I will start off by saying generally that Australia relies on trucks. Everything on the shelves of our supermarkets is delivered by truck. Even goods that travel by train are delivered to the rail system on a truck and delivered to their final destination generally on a truck. We have done a lot of work on how to improve the productivity of the industry and what it would mean. Economic modelling we have done shows that increasing high-productivity vehicle access to the road system could save a typical Australian household more than \$400 a year on their everyday purchases because of lower transport costs.

The Heavy Vehicle National Law Review process landed on an increase in the general access mass limit for trucks by up to five per cent; an increase in the length of trucks from 19, which is the standard length, to 20 metres; and an increase in the height of trucks from 4.3 to 4.6 metres. The five per cent mass increase and the 19- to 20-metre length increase are being looked at as part of regulatory amendments that would be introduced in time for this bill and the national amendment regulations to go through. At our technology and maintenance conference in two weeks time we are going to be talking to the National Transport Commission about exactly what those regulations and requirements will look like.

There are a host of productivity measures that were considered in the course of the review that have not been landed yet. There are three that we think we need to push forward on. The first is extending the length of a 19-metre B-double. If you increase the length of a prime mover and semi-trailer to 20 metres, there is no reason not to look at extending the length of a 19-metre B-double to 20 metres as well. The process of considering that needs to look at the swept path of the vehicle, so what happens when the vehicle turns around a corner. There is the issue of increasing truck height to 4.6 metres, and the risk controls that need to be put in place for that are still being worked on. Finally, the Heavy Vehicle National Law has a system in it called performance-based standards. The idea is that if you as an operator or a supplier come up with an innovative truck combination that does not meet the prescriptive requirements in the law, you can have it certified for use on the road system provided it meets a set of performance-based standards. PBS vehicles are more productive and they are generally safer than their prescriptive equivalents, but you have to go through a series of regulatory checks to get them approved.

The Kanofski review recommended a series of changes to performance-based standards and the National Heavy Vehicle Regulator has had its own project to look at changes to PBS. What we want to see out of those changes is a streamlined process of getting vehicles into PBS and also a

process for getting proven combinations in PBS out into the prescriptive system. For a performance-based standards combination or vehicle, every single combination needs to be signed off by the regulator. Once that combination is proven in use, there is no reason to do that. We say that the combination should go into the prescriptive system so everyone can gain the safety and productivity benefits of using it.

They are the three productivity measures that we think need to be on a forward work program, and it just emphasises why we think the committee should call for a structured and defined work program to, if you like, land the loose ends of the review and to continue pressing on with improving the regulations we work under.

CHAIR: Thank you very much. As the saying goes, without trucks Australia stops. I will go to the member for Cook for the next question.

Mr KEMPTON: In my part of the world, in Far North Queensland, north and west, a lot of the roads are unsealed and in varying states of condition. A lot of the multitrailer transport operators up there are shifting livestock and we have had numerous conversations about fatigue and diaries. Those diaries have been explained to me and I could not even begin to explain to you how they operate. Given that in some instances these trucks are operating at speeds of eight to 10 kilometres per hour and the breakdown pads for multiple trailers are in some cases hundreds of kilometres apart, it is almost impossible for the drivers to transport livestock to the market and comply with the regulation. There are situations where to have the proper breaks they would need to leave cattle standing in trailers for up to 12 hours. Do you see a need for dispensation or exemption in remote areas? I can understand why the laws apply on the main highways between Sydney and Brisbane, but what are your feelings about in remote areas given road conditions?

Mr McKinley: One of the important parts of this amendment bill is that it gives the regulator the ability to develop alternative compliance options rather than the fatigue modules under the National Heavy Vehicle Accreditation Scheme being signed off by ministers, so there will be an increased ability for the regulator to develop specific packages of alternative fatigue options to cover specific circumstances like the one you have just mentioned, which is really important. What the ATA would say in response to that is that this bill starts giving the regulator the ability to implement those sorts of very specific fatigue systems for specific operators. Those changes would need to be accompanied by risk controls, of course. As a minimum, the operator would need to have a safety management system. That is a precursor to all of this and there would be other risk controls, but at present the ministers responsible for the law—so the transport minister in every state that has adopted the Heavy Vehicle National Law—need to sign off on this sort of thing, which basically means it does not happen. The existing NHVAS modules have only had minor changes since they were first introduced in the 2000s, so what these changes do is give the regulator the ability to tailor accreditation options to suit specific circumstances.

Mr KING: I have two questions. My first question is about raising the height of the vehicles from 4.3 to 4.6 metres that you were proposing. You said that there is a risk assessment currently being done for that. I just picture bridge strikes, because we have had a few recently. Would that limit where trucks can go? Would it be somewhat limiting because of that height difference, because bridges are built for the 4.3 metres?

Mr McKinley: Bridge strikes are one of the issues that need to be considered, although we would argue that that could be addressed by signage and programs. There are also questions relating to centre of gravity and minimising rollovers. Again, that work has not been finalised. We would support moving to 4.6 metres with suitable controls, but, again, what this shows is that, while this bill is a huge step forward and needs to be passed, we cannot leave the process of changing the law there. There needs to be an ongoing program of reviews.

Mr KING: No worries. You also talked about having to come back to legislation and the act every time. With the twin-steer example that you have given us, if a new muffler comes out on a truck that cannot be put on the truck because the wheel spacing for the twin steer is not far enough apart you are suggesting that that should be able to be changed in regulation so it does not have to come back through the legislation. If that is the point you are making, that seems very sensible.

Mr McKinley: Yes, exactly. We raised the twin-steer issue not just as an important issue in itself, but the Heavy Vehicle National Law contains in the primary act a host of similar vehicle classifications and we do not know what the next twin-steer problem is going to be and we cannot see the future. The forward review program needs to include a process of removing these highly technical definitions from the primary act down into regulation so that if they need to be changed they can be changed without a lengthy process.

Just on the twin-steer points that you have raised, I am very pleased to tell the committee that as an interim measure, until the bill is passed, the NHVR has yesterday—or at least it was published yesterday—issued a gazette notice that comes into force on Friday that exempts Euro 6 twin-steer trucks from that specific requirement. That is a short-term measure, but it does mean that Euro 6 twin-steer trucks will now be able to be used on the roads. That actually landed in our inboxes yesterday, but this is an example of the sort of technical complexity in the primary act that really should not be there.

Mr KING: Thanks for that. I appreciate it.

Mr JAMES: Bill, you stated in your submission that some of the others agreed that changes in the package seem unlikely to proceed with regard to medicals. Can you extrapolate on that?

Mr McKinley: Yes, I can. The medical standards for commercial vehicle drivers are set in a document called *Assessing fitness to drive*, which is developed by the National Transport Commission. It is the same document that covers private car drivers. It is a different column in the document. In terms of when truck drivers need to have medicals, the system is complex—it varies from state to state—and many truck drivers never need to have a medical either until they have a medical issue that requires them to have one or until they are sufficiently old to need to have a medical on an age basis. We argued to the Kanofski review that periodic truck driver medicals should be part of a licensing system, so to hold your truck driver licence on a periodic basis you would need to have a medical against *Assessing fitness to drive* and you would hand that in with your paperwork when you get your driver licence renewed and you would get your driver licence. That is the system that is now in place in the ACT following a crash that resulted in the tragic death of a four-year-old.

As a result of the Kanofski review findings and as a result of the ACT crash, governments and the NTC have been looking at extending the scope of *Assessing fitness to drive* to better cover sleep apnoea, cardiovascular disease and diabetes, and there are changes to the standards that are going to be considered by ministers in the near future. What those changes will not include, though, is any recommended national changes to the licensing arrangements. The ATA would argue that ensuring truck drivers are medically safe to drive is important and, provided there are suitable protections in place for drivers, including it in the licensing system is a much simpler way to go for everyone. As I said, that was one of the non-HVNL changes that the Kanofski review recommended and a change from where I am looking right now in that, while the medical standards might change, it does not look like there will be any changes to when a driver has to have a medical.

Ms BUSH: Thanks, Bill, for your submission and for appearing today. This bill prioritises safety on Queensland's roads for truck drivers. I am interested, then, in the association's views on the need for continued maintenance and upgrades to major roads like the Bruce Highway.

Mr McKinley: That is outside the scope of the bill, of course, but the condition of the road system is absolutely fundamental to safety. As major roads are upgraded, we have been able to see over time in the safety statistics a step change as major improvements to infrastructure occur. In the ATA's view, pressing on with the Bruce Highway upgrade is vitally important, as is upgrading the inland freight route as an alternative to the Bruce—so vitally important to safety but of course outside the scope of this specific legislation.

Ms BUSH: That is a great point. Obviously, then, the need for a skilled workforce is paramount to that?

Mr McKinley: Yes. As the committee would be aware, the industry faces a shortage of truck drivers. The occupational gap, I guess, is estimated at about 28,000 drivers. Our driver workforce is older and as drivers retire to a well-earned retirement that gap will only increase. We are working through a campaign about the great jobs available in the industry to bring more young people in. I must say, the QTA is doing a great job with industry training, including through what is essentially a pre-apprenticeship program in Townsville that will expand to other cities next year.

Ms BUSH: The workforce issues are absolutely a big concern. I understand that, in addition to the attrition you have mentioned, it has been reported through the media that traffic engineers are now relocating interstate because Queensland now has the lowest wages in the country. Have you done any modelling on how that might impact those upgrades and maintenance?

Mr McKinley: Our focus is really on the trucking industry workforce rather than transport engineers and so on—

Ms BUSH: Of course, yes.

Mr McKinley:—so, no, we are not able to contribute to that, sorry.

Ms BUSH: Thanks, Bill.

CHAIR: Thank you very much for the work you are doing in terms of the changes around productivity. I can assure you that the minister could speak for himself, but we have a bill within the first year of a new government, so I understand your frustration for the seven years. In terms of the revenue that you referred to, we did have some submissions that were concerned about changes in the forward-facing fines. Can you talk to us about the thoughtfulness around those fines and also the amount that is generated from those fines that you recommend should go back to infrastructure?

Mr McKinley: As part of the HVNL review, the National Transport Commission did a comprehensive look at every offence provision in the act, and there are 349 of them. As a result of that review, ministers agreed to increase 50 penalties for serious offences. These are typically offences involving the administration of the law and many of them are offences that no-one is being charged under. Pleasingly, they also agreed with our submissions to decrease 21 penalties.

The problem for truck drivers in particular is the penalties for very minor infringements. A minor fatigue risk breach, for example, could involve a truck driver who leaves a rest area five minutes before the end of a 15-minute rest break. The current fine for that—an infringement notice fine—is \$547. That is a lot of money for anybody. We were able to achieve useful reductions in a number of those penalties. In addition, the availability of a better formal warning provision means that roadside enforcement, whether they are police officers or NHVR enforcement officers, if they feel a fine is not warranted, will be able to issue a formal warning in more cases. The ATA considered that there should have been further reductions in penalties compared to what is in the bill, but we do think the bill has made good progress and, as I said, we recommend that it be passed.

Turning to the issue of what to do with fines revenue, in 2023-24 the NHVR received some \$5.2 million in infringement and penalties revenue. Where it gets that revenue from depends on the individual state arrangements. That \$5.2 million is from New South Wales. As occurs in Queensland with speed camera revenue, we argue that the NHVR should, either as a result of a future legislative change or as a policy, apply that revenue it receives to safety education and awareness. The ATA has worked for many years, for example, to encourage motorists to understand that, because trucks are long and they take longer to stop, they should not cut in front of trucks and not overtake a vehicle turning left on the left-hand side unless they want to see the side of the truck coming at them. That is the argument we are putting there.

CHAIR: Thank you very much. Again, we really appreciate your advocacy and also that of Gary Mahon, who does a great job for us in Queensland.

Mr McKinley: He does.

CHAIR: I also must give a shout-out that this weekend is the Lights on the Hill Trucking Memorial in Gatton. The convoy is on Saturday heading into Gatton with about 700 trucks and then the memorial is on Sunday. I know we will see many of your advocates there. That is the allotted time for this session. Thank you very much. You have no questions on notice, so you do not have any homework to do. Thank you. Enjoy the rest of your day.

Mr McKinley: Thank you, committee members.

THOMPSON, Ms Ruth, Grains Policy Director, AgForce Queensland Farmers Ltd

CHAIR: Good morning. Thank you for being here today. You are a very quick learner. You already have the microphone going, so that is good.

Ms Thompson: Normally they tell me to quieten my paddock voice down, but you give me a mic and I am away.

CHAIR: Good on you. I would like to offer you the opportunity to make an opening statement before the committee has questions.

Ms Thompson: I am the Grains Policy Director at AgForce Queensland Farmers. We represent about 50 per cent of the state's land mass with our primary producers over four separate commodities, being sheep, wool and goats, cattle and grain, and sugar cane. As we all know, anything to do with agriculture goes hand in hand with heavy vehicles. Nothing gets where it needs to go without heavy vehicles, so we have a vested interest in what is happening with the Heavy Vehicle National Law. I am assuming the committee have read the submission by AgForce and I am happy to take any questions from the committee.

Mr MELLISH: Thanks, Ruth, for coming in and for your submission. In it you said that AgForce calls for road managers to be considered in the chain of responsibility. I understand a lot of pressure is put down the chain on agricultural producers in terms of efficiencies, timeframes and whatever else. Could you elaborate a little bit on that and some of the challenges your members face in terms of transport logistics pressures that are put down the chain on your members?

Ms Thompson: Absolutely. This is one of my favourite talking points. From an agricultural point of view, we have a lot of legislation that comes down the chain at us. The chain of responsibility does interlink with the Heavy Vehicle National Law in particular. There is a lot in the bill that speaks to fatigue management. One of the biggest issues we have with fatigue management is that the conditions of the roads are so appalling. What is fatigue? Doing an eight-hour stint on a beautiful, clean road has a very different level of fatigue to, as the member for Cook would know, driving in the cape and in the gulf; they are very different road conditions. At the moment there is an expectation that heavy vehicle operators are doing it safely and there is a lot of regulation in place. From an industry point of view, we would love to see some of that pressure returned to the road manager to ensure they actually give us a safe environment to operate within. We have an obligation to make sure our people are operating safely and within the realms of legislation, and we feel it would be appropriate for the road manager to also have some level of skin in the game to make sure there is a safe place for us to drive in.

Mr KEMPTON: I could not agree with you more. In your submission you talk about changes to the height and the length of the vehicles, and obviously it is a matter of volume and distance. Are you able to quantify that in terms of increased productivity or reduced costs in making those vehicles larger and wider?

Ms Thompson: Certainly. From an agricultural point of view, for the commodities we look after, up to 40 per cent of our production costs is freight. Whether that is carting fertiliser or grain or the transport costs of livestock, it is a significant portion of our profit. We have a general policy position within AgForce that if there is any opportunity to increase weights or productivity we are on board with that. Height, weight and length increases all contribute to greater productivity. We are not just talking about safety; we are also talking about long-term sustainability and viability of the trucking industry. Agriculture gets squeezed on multiple fronts: input costs are significant, diesel costs are very high and freight costs are also very significant. We would love to have the opportunity to claw back some sort of cost-saving exercise within our freight and if we have the opportunity to do that with greater weights, higher trucks and potentially longer trucks, that makes commercial sense to us.

Mr KEMPTON: You cannot quantify the figure?

Ms Thompson: I can take on notice the figure for the overall industry because we look after so many. I can absolutely take that on notice for you.

Mr KEMPTON: That would be very useful.

Ms Thompson: To be able to quantify that, yes.

Ms BUSH: In your submission you speak a bit about the clauses around extending ministerial powers to appoint the accreditation scheme and some of the issues caught up in that and a bit of fatigue amongst your stakeholders. Can you talk a little bit about—I think it is section 751—your concerns with that?

Ms Thompson: Yes, we have concern, obviously, with power creep in this space. Legislative creep is quite common. Also we want to make sure that decisions are being made in conjunction with industry. When you hand over power with regard to who can make legislative decisions without consultation, that can become very difficult. We have seen in the past that legislative decisions have been made which make no commercial sense whatsoever from the practical standpoint of the boots on the ground. Whilst we agree that there needs to be legislative oversight, as soon as you remove that consultation process it becomes quite tricky. We believe that particularly for codes of practice; there are suggestions there that the regulator should be in charge of developing the codes of practice. We feel that is a blurring of the lines. Codes of practice are meant to be developed by industry for industry and for the regulator have a role to ensure that is being enacted somewhat.

In Queensland we have a very different operating space in that what is in the code of practice in Queensland can actually be prosecuted against. In other states that is not the case. In New South Wales, if you write something in a code of practice it is considered something you reasonably ought to know, but it is not something that you can end up in court over. In Queensland we have that capacity in a code of practice. We have some concerns with the blurring of the lines there. We want to ensure that industry are there for the journey and that decisions are being made in conjunction with, as opposed to for, us.

Ms BUSH: What is it that you would like to see amended in this bill to reflect the need to consult with industry?

Ms Thompson: If that is the path they want to go down in the amendment bill, we would like to ensure there is a legislative path that ensures there is some level of agreement amongst industry and paths forward with industry as opposed to it just being a parliamentary decision.

Mr JAMES: I am from North Queensland and, as has been commented on already, North Queensland relies on trucks. I reckon North Queensland relies completely on trucks because the supermarket shelves are empty during cyclones, and in my part of the world, in Gordonvale, we are now trucking sugar cane from Mossman. I am interested in that. It has to happen. They are now looking at steerable trailers to go through the range. The biggest concern is fatigue. They are going nonstop. It is a very dangerous situation. Could you comment on that?

Ms Thompson: I think fatigue is very hard to quantify. We talk about fatigue quite a lot, and it is school holidays right now. If anyone has children, they know how fatiguing it is to have children at home. Can people still manage, feed them and make sure everything is okay? Absolutely, and trucking is very similar to that. People have different ranges of capacity to operate. If you take Joe Blow who might do a milk run in Sydney or deliver for Woolies in Brisbane as a metro run, that is an entirely different operating space to doing long haul, as you know, through the cape or through the gulf on roads which might not necessarily be the best. Fatigue is very difficult to quantify from an individual's point of view because we all have a different capacity to manage it.

We agree that fatigue is an issue within industry. AgForce have long been an advocate for safer outcomes for industry. I myself am vice-chair of Farmsafe Australia. We definitely fly the flag for safety in all aspects of our industry, but we have to make sure there are no operative constraints with regard to fatigue that are not reasonable. We are not saying that people should be able to go off in the wild west like back in the eighties and do whatever they like. We are saying we have to be sensible and reasonable. I know there was a discussion with Bill previously around potential opportunities for exemptions to some of the logbook hours. That makes sense to us, particularly in regional and remote areas. It is very different to do an eight-hour or a 12-hour shift within a metro region or something quite reasonable. It is very different, as you say, when you have a road train of cattle heading from the gulf down to the Townsville and you have animal welfare considerations on top of that.

For the most part, our operators are incredibly good at what they do; they are very good. Our planning capacity is wonderful, but sometimes things just go awry. If you have a beast down and you have to stop and pull over, or you might have a flat tyre, there needs to be consideration for these sorts of things. We operate in a lone state up there; there is not a lot of support. If you have a breakdown, it is a long time before people come to help you out. We would like the opportunity to consider some sort of exemption, something that can definitely help facilitate the realities of operating in those remote regions.

Mr KING: I was going to ask about the codes of practice. I was interested that you said they can be used to prosecute against. I was unaware of that. Is it just in this case? I come from the electrical industry and I want to agree with you wholeheartedly that the people who work in the industry should provide the feed to make the codes of practice. I could bore you all day with examples of where it does not work when it is made elsewhere. Could you go into that a bit more about the fact that the codes of practice can be used to prosecute?

Ms Thompson: Yes, and that is not just in transport. That is any code of practice that is developed in Queensland. There might be an animal welfare standard that is produced, for instance, as part of a code of practice for transport. It could be safety, so anything that is developed as a code of practice in safety. Anyone can write a code of practice. I can go out and write a code of practice, it can be endorsed and here in Queensland that can then be utilised as something that you ought to have reasonably known. If you have not adhered to something in a code of practice that you ought to have reasonably known, that can then be used against you.

Mr KING: What you are saying makes absolute sense, that the industry should be developing those codes of practice.

Ms Thompson: Yes.

CHAIR: I am interested in this concept that you have about road managers being included in the chain of responsibility. Would that not already be the case—that if a road is so bad, a local government or a state government has responsibility to fix it? Could you talk to us about that? I know it is only a paragraph in your submission, but it is a big one.

Ms Thompson: It is a big one. I could talk all day about the roads that the road manager considers to be reasonable that the rest of us would not. We also have a situation where we have expanding agriculture—and it is not just agriculture but also mining. There is a whole range of heavy vehicle operations that are happening outside of the scope of where it traditionally would. We also have a great opportunity within Queensland at the moment. I know we are pushing for \$30 billion by 2030 for agricultural output in this state, and agriculture can definitely step up to the mantle and make that happen, but we need the supply chain network to come along with us on that journey because our No. 1 constraint here is getting our goods to market at a reasonable cost.

With regard to our position of having the road manager as part of the chain of responsibility—and I think I touched on it briefly earlier—there are a lot of rules and regulations put upon us. I could provide you a list of thousands of roads which our members drive on daily and have made multiple reports about to the local road manager, being the local council or to state roads, and time and time again we are told there is just no capacity to fund the repairs that are required on that road. We have main roads, state highways, in Queensland that are still dirt. If you tell that to Victoria or New South Wales, they find it unfathomable. Then you get to the territory and WA and they say, 'That is normal.' We have the opportunity here to definitely include—the main pushback is that, from an industry point of view, we have a lot of rules and regulations but there does not seem to be one in return. That is where industry are pushing from a safety aspect that they should definitely be included in a chain of responsibility as well.

CHAIR: The time for this session has now expired. Thank you very much. There was one question that you took on notice. If you could get back to us by Wednesday, 8 October that would be great. If there is any clarification needed, the secretariat can help you with that.

Ms Thompson: Absolutely. Thank you.

CHAIR: Thank you for being here today. Enjoy the rest of your day.

CASEY, Mr Greg, Deputy Chair, Heavy Vehicle Safety Network, Australasian College of Road Safety

COSGROVE, Mr Marcus, Chair, Heavy Vehicle Safety Network, Australasian College of Road Safety

CHAIR: Good morning, gentlemen. I invite you to make an opening statement before the committee has questions for you.

Mr Cosgrove: Good morning, Chair and honourable members of the committee. The Heavy Vehicle Safety Network is a member-led network within the Australasian College of Road Safety and I am grateful for the opportunity to speak to you today with regard to the Heavy Vehicle National Law Amendment Bill 2025. I currently have 28 years of road transport experience, 20 years of which is behind a B-double. My career has taken me all over Australia and I can truly say that, being an interstate truck driver myself, it is the best job in the world. As I have also covered many roles as a depot site manager, compliance regulatory reporter and a driver trainer, my experience does continue to put me in good stead for the rest of my career.

I must express to the committee that this amendment bill, if implemented correctly, will support the mum-and-dad operators who operate road transport companies but also the heavy vehicle drivers. Again, I do support this bill. We do need support in relation to the fatigue management regulations but also how this is managed roadside. We also need support in training our heavy vehicle drivers. As I slowly transition my career away from the steering wheel, I have also completed a masters in business administration, diploma of workplace health and safety and a range of other specific workplace training and assessment accreditations. I will now hand over to Greg Casey to introduce himself.

Mr Casey: Good morning and thank you for having us here today. I am the deputy chair of the Heavy Vehicle Safety Network for the Australasian College of Road Safety. I come with a background of 34 years in highway patrol policing in New South Wales. I retired in 2021 and then started my PhD looking at truck drivers' compliance with fatigue laws across Australia. I have three published papers that, if need be, I can provide the committee with. They are the papers that we refer to in our submission and I am the lead author on those papers.

I would just like to take a step further down with regard to responding to the responses of Transport and Main Roads to our submission. We accept their conflation of the duty to be fit to drive with existing workplace health and safety requirements, but the view that drivers are responsible for their own safety overlooks the research showing that a driver's capacity to safely manage fatigue is largely influenced by occupational factors that are outside their control. Therefore, these amendments are unlikely to be effective in stemming truck crashes if the ecosystem within which truck drivers work does not change. TMR argue that the definition of 'fatigue regulated heavy vehicle' has not changed, but the explanatory notes stipulate—

Clause 12 amends the meaning of fatigue-regulated heavy vehicle to remove the reference to 12t and allow for the GVM of a fatigue-regulated heavy vehicle to be prescribed by regulation.

This is a clear change, but its implications for our perspective remain unknown because the GVM to be prescribed has not yet been articulated.

TMR claim that the National Heavy Vehicle Regulator and policing agencies work together to ensure a consistent approach and have been doing so for several years, but this contradicts the research literature and numerous earlier inquiries and my own professional experience where fragmented approaches across organisations and jurisdictions are heavily criticised. Furthermore, because TMR are a Queensland-based state government organisation, we argue that they are not best placed to respond to how HVNL is administered in other participating jurisdictions and nor can they speak to the working relationship between NHVR and policing agencies across Queensland. Already this morning we have heard evidence with regard to administrative differences regarding driver medicals and code of practice issues, but we are happy to take any questions about our position on these issues.

CHAIR: Thank you, Marcus and Greg.

Mr MELLISH: Thanks, Greg and Marcus, for your submission and for appearing today. In your recommendations you recommend that consistent training be made available for drivers, transport managers and others in the chain of responsibility. I just wondered if you could elaborate on that a bit and how you would like to see that training set up—that is, who would administer it at a national level or a state level.

Mr Cosgrove: Thank you very much for that question, Mr Mellish—and I know you were our transport minister in the previous government. One idea that the transport industry has raised is the apprenticeship scheme. I am really passionate about it because having an apprenticeship scheme will allow a truck driver to come into our industry uneducated and end up being fully educated. As you know, a traineeship or an apprenticeship in the state of Queensland is anywhere between two and four years. Having an apprenticeship scheme implemented not only in the state of Queensland but in every jurisdiction will support that driver to be not just a professional driver but an absolute superstar.

One part that needs to be put into that training program is around fatigue management. We all know, and Mr Mellish would especially understand, that fatigue management is a big issue, not only here in the state of Queensland but in every jurisdiction. With regard to fatigue management in places like Mulgrave, there are different types of rest areas and various distances between them, but if we are giving drivers training in terms of how to manage their fatigue they will be able to look after themselves. Again, it comes down to road safety. The last thing we want to hear about or watch is a heavy vehicle going over because of fatigue risk, so fatigue would be a really big part of it.

With regard to managing a logbook or a work diary, you might have seen what a heavy vehicle work diary looks like. It is quite thick. Some of our drivers are very highly educated and unfortunately some of them are not so much. With regard to giving a truck driver a work diary and saying to them, 'You need to learn and know everything about that work diary,' sometimes they just do not have the skills to be able to understand it. We have a regulatory framework that sits behind that work diary. If that was simplified and we had that training program in that apprenticeship to teach these great operators whom we want to keep in our industry—that is, if we can train them and show them how to use that diary to be safe—that would be a really good thing. Another part of the training program would be health: how do truck drivers look after themselves on the road? How do they feed themselves and so forth? In terms of what Mr Mellish was asking about with regard to training, if we had an opportunity to have an apprenticeship scheme that would be a perfect idea.

Mr Casey: If I could just add to that, as part of my research I interviewed 44 truck drivers and transport managers and finished up with over 780 pages of interview data. Within that interview data, the lack of training and concerns about training were mentioned over 500 times by both managers and truck drivers. One of the issues that creates is a lot of misinformation, because they start in the industry without any formalised training and without any consistent training so they start asking their mates and their mates are not always right. They start their career going down an incorrect path where they are being told how to look compliant without actually being compliant. My view is that training should be administered by a consistent authority such as the NHVR and also aligned with national training standards and that should form a minimum standard for truck drivers in Australia and managers.

CHAIR: Thank you very much for that. Just so you are aware, we have your Australasian College of Road Safety submission as well as the individual one from the Heavy Vehicle Safety Network in our pack, so thank you.

Mr KEMPTON: Greg, you made a comment in terms of fatigue which continually comes up—about the fragmented approach to regulation. One of the problems of having a more rigid and uniform approach is, as the previous speaker talked about, the whole spectrum of physiologies, conditions, what they are driving, where they are driving and so on. Is there a case for individual fatigue management plans for drivers to find the balance between the two?

Mr Casey: Yes. Again, in my research I found there were differences in the capacity to comply for drivers doing particular types of loads. For example, when livestock drivers stopped their truck to have a 15-minute rest, they were going out and inspecting the welfare of their stock, which is something that the driver of a general freight truck does not have to do. In strict technical terms, that was impacting their capacity to maintain 15 minutes of rest during their rest break. Other drivers of, say, refrigerated trucks are under much more pressure to get there on time because of the short shelf life of the products they are conveying.

With regard to what is currently called AFM, which I understand these regulations will refer to as alternative compliance, one of the issues that I have been told is the complexity of applying for advanced fatigue management, which does give them that flexibility. They can build a system to suit their individual circumstances, but it is simply too complex a process. Many companies and truck drivers are telling me that they find it easier to simply work around the legislation and make themselves look compliant without actually being compliant. Does that answer the question?

Mr KEMPTON: It does, but it poses numerous other questions, but I take your point. Thank you.

Mr KING: Thanks for coming in. I am interested in the apprenticeship, as the product of an apprenticeship, and fatigue issues having a unified system. I have family who are truck drivers in Western Australia. They talk about the difference between drivers by saying, 'That bloke's not a driver yet; he's a steering wheel attendant at this stage,' and that rings very true. They also talk about the fact that they drive around Western Australia on long hauls, but if you go over east with the hills it is a whole different thing for road trains with the hills and everything we have over here, so a unified system and the apprenticeship that you are talking about really rings bells. I think that is a great idea. That was more of a statement than a question, but if you did want to add anything to that I would appreciate it.

Mr Casey: I think consistency would solve a lot of the issues and it would solve a lot of the problems that are generated because truck drivers are learning off other truck drivers who may not know the right way to do things.

Mr KING: In terms of consistency, Professor Drew Dawson did a fatigue study in the electricity industry, in which I worked, and the three GOCs from that one sleep study went three ways with three different fatigue systems, so having that unified response is very important.

CHAIR: Just for clarification, Greg, you said consistency. Was that consistency in training or consistency—

Mr Casey: Yes, consistency in training, so every truck driver who starts on the road is learning from the same rule book.

CHAIR: Yes. Thank you.

Mr JAMES: The world is rapidly changing, in particular with AI coming on board. Has the industry looked at anything like that in terms of AI being involved with the truck doing automatic logbooks or scanning eyes for fatigue and that sort of thing? Is that on the horizon?

Mr Cosgrove: With regard to AI, yes, it is a very big thing and government needs to understand that, being 44 years old, I am still learning what AI is going to look like in the road transport industry. In terms of AI at the moment, we have the electronic work diaries. As the industry transitions from the paper diary to the electronic work diary, AI does start to come into it. Putting on my truck-driving hat, I work for a great company called Australia Post and a lot of our vehicles are Volvo, so AI is starting to come into those vehicles. In terms of how that makes the driver do their job better, when we used to go over a weighbridge the driver had to write down on a piece of paper that on one axle it was this and on another axle it was that. We now have apps that talk to those weighbridges in terms of whether or not you are compliant.

Again, in this space, it is still evolving. A lot of our technology partners are working really hard in the background to try to keep up and come to the foreground. Going back to the training, we have a lot of drivers over the age of 50 who struggle with technology. Having an apprenticeship scheme, and maybe an advanced one for those types of drivers, will support them to take on that AI. Thank you so much for your question.

CHAIR: It is a good question and a great response.

Ms BUSH: Marcus, I think we are all trying to work out what AI means for us, period, so you are not alone there. In your submission you say that several aspects of the bill warrant further consultation. I think you used the words 'careful consideration' and 'targeted refinement'. I want to make sure we are getting everything on the table. I think your recommendations talk more about education and training. Is there anything beyond the training element that you want to speak to today in terms of that refinement?

Mr Casey: I do not propose to have a concrete solution, but one of the problems is the definition of rest. When we look at the definition of 'work', it lists a whole heap of things that involve work. When you look at the definition of 'rest', it is simply anything that is not work. It fails completely in making any measure of whether that driver has had proper restorative rest. All it means at the moment is time away from a vehicle with a GVM of 12 tonnes. A driver could essentially drive from Brisbane to Sydney, get out of that truck, drive an 11-tonne truck all day doing local deliveries, get back in the truck without any sleep and drive from Sydney back to Brisbane and still be totally compliant. I do not have a solution in my mind at the moment, because the solutions that I do have would pose restrictions on the personal lives of truck drivers—saying they have to get a certain amount of sleep, and that does not take into account their family situation or other life issues they have to deal with. I think this warrants greater consideration, because at the moment it fails completely to ensure truck drivers are actually rested when they start their shift.

Ms BUSH: That is a really interesting point, Greg, thank you. Do you have examples of where that has been an issue?

Mr Cosgrove: I will put my truck-driving hat on. In respect of how the fatigue laws work—both standard, basic fatigue and AFM—in a lot of cases what I am hearing from truck drivers, including myself, is that when you have an electronic diary saying to you, ‘In 15 minutes you must pull over and have a break,’ it does not allow the ability to go, ‘I’ve actually had a five-minute break up here and I’ve had a 10-minute break here, but my diary is saying that I need a 15-minute break.’ I have experienced that on many occasions. I was driving a truck yesterday. I pulled up at a Woolworths store I was delivering to and I sat there for three hours. It says you can only drive for 12 hours in a 24-hour period, but you have had all these other little breaks along the way. As Greg was saying, we are not focusing on the actual rest; we are talking about the driving, which is good—we do need to focus on that—but if the drivers are not at home resting or out of the truck, I think that is where we are going wrong.

Mr Casey: If I could just add my own personal experience, I had 15 years working in Wagga Wagga in New South Wales. We had the Sturt Highway, the Hume Highway, the Newell Highway and the Olympic Highway coming through our area. Basically, any journey up and down the east coast of Australia or across the country came through our area so we had a lot to do with truck drivers. We had a lot of local truck drivers as well, and we would often see them driving into town at the end of their shift, driving around during the day and then driving out of town that same night. I cannot speak for how prevalent it is, but the simple fact that the legislation gives the capacity for that to occur and yet still recognises their behaviour as compliant is something that I think really needs to be looked at.

CHAIR: Thank you for your thoughtfulness. Obviously, you are very well motivated and have high purpose about these things so thank you for your work. Your three papers have been referenced. Do you have copies?

Mr Casey: I have copies here.

CHAIR: Would committee members grant leave for them to be tabled? Leave is granted. Thank you. In your submission, at ‘b) evidence on implementation of fatigue management’, it says—

Current research, however, demonstrates that a lack of knowledge regarding complex fatigue management ...

There is a lot in that sentence. Could you talk us through the quantum of that research as well as some of those findings?

Mr Casey: I just handed you some of that quality research, if I do say so myself. There is that, and there is a lot of other research that talks about a lack of education and training. When I talk about a lack of education and training in my research, I talk about it from the perspective not only of truck drivers but also of transport managers, who may well have been very good managers in another sphere of industry but when they step into the transport industry are dealing with a lot of additional factors. Beyond just the Heavy Vehicle National Law, if they are working in an arm of industry that transports livestock they have to know about animal welfare laws or if they are transporting dangerous goods they have to know all about that. In the meantime, they are trying to manage their business. If they have not been in the industry before, it is a very complex process. For truck drivers it is a very complex process. I have not met too many truck drivers who joined the transport industry because they love looking at policy and procedure; they joined it because they wanted to drive trucks, so learning the policy and procedure is a very challenging aspect for a lot of them. I am sure Marcus would support that.

When I talk about complexity, there are over 700 clauses within the Heavy Vehicle National Law—and that is before we move on to the regulations. A lot of truck drivers are caught out simply because they did not know. Through my policing career I dealt with a lot of truck drivers who were noncompliant, but I realise now that a lot of those were not compliant simply because they did not know. The environment they work in does not give them time to stop and read even the front 34 pages of the work diary, the instructions there. They just want to get in the truck and get going, and they are under pressure to do so.

CHAIR: You talk about police and managers having an understanding of real fatigue management issues to give them confidence in being able to manage or do enforcement. It is a great observation.

Mr Casey: For the second paper I interviewed a series of police officers and law enforcement officers, and the core issue was a lack of training. Then it became a self-learning process. Those who lacked knowledge also lacked confidence, and they did not want to be exposed to someone who

knew nothing about trucks so they avoided enforcement of heavy vehicles and fatigue law altogether. In one of the papers there was an example that a police officer gave me where you might have the same driver go through five different areas within New South Wales and get five different interpretations of what has occurred. That is not productive and it creates confusion for the truck driver who is simply trying to learn how to do the job properly.

CHAIR: The time for this session has now expired, but thank you for being here and for tabling those papers. I am sure the committee will enjoy reading those, or at least the summaries of them. There being no questions on notice, thank you very much for being here today.

DALY, Mr Paul, Director—Strategic Policy, National Heavy Vehicle Regulator

CHAIR: Welcome, Paul, and thank you for being here. I invite you to make an opening statement, after which the committee will have some questions.

Mr Daly: Good morning, Chair and committee members. It is a pleasure to be here this morning on behalf of the National Heavy Vehicle Regulator to contribute to the committee's inquiry into the HVNL amendment bill. We thank you for the opportunity. Today I will commence with a brief introduction to highlight a few of the amendment bill reforms from the NHVR's perspective. I will then draw attention to the NHVR's work currently being undertaken to implement these reforms. Finally, I will conclude with an overview of the NHVR's focus into the future.

The NHVR supports the amendment bill and acknowledges the dedication of the many stakeholders who have contributed to this process. These reforms represent years of policy development, consultation and collaboration across jurisdictions and industry organisations. In particular, we recognise the significant contribution of the National Transport Commission, transport agencies, police agencies and industry associations.

The amendment bill marks another step forward towards a safer, more productive and less burdensome regulatory environment for Australia's heavy vehicle industry. These reforms leverage and build on our collective achievements over the past 12 years and enable us to refine an approach as a regulator that better satisfies the needs and expectations of the heavy vehicle industry, jurisdictions and, of course, the general public.

These reforms will deliver tangible benefits by improving safety outcomes and streamlining compliance while maintaining strong safety standards. Of particular significance are the amendments proposed to the existing National Heavy Vehicle Accreditation Scheme and the new duty on drivers to be fit to drive. These two reforms have the potential to shift the focus of heavy vehicle operators and drivers to a safety systems approach to managing their obligations under the HVNL.

The amendment bill restructures the existing accreditation scheme and establishes a tiered safety system for accreditation. Based around a core safety management system requirement, this represents a meaningful and essential shift within the accreditation scheme which will improve the safety performance for accredited operators and fundamentally generate trust in the scheme for governments, industry and the community. The NHVR will be able to develop and issue accreditation tailored to industry and in line with changing business practices, advancing technology and the increasing sophistication of heavy vehicle operations.

The expansion of the driver duty not to drive if unfit confers responsibility on all heavy vehicle drivers to manage their health and fitness and empowers them to cease driving if they are unfit to drive for any reason. Currently, the 'not to drive if unfit' duty is limited to 'unfit to drive due to fatigue'. The amended law will expand this to any reason the driver believes they are unfit to drive, from temporal medical issues such as a migraine to being unfit to drive due to a psychological issue. Likewise, and consistent with workplace health and safety laws, it notifies parties within the chain of responsibility that they must ensure their conduct and business practices do not cause or encourage the driver to drive whilst fatigued or unfit. We welcome this proactive and preventive approach to managing health and fitness as it reflects the shared responsibility that exists between drivers and operators in reducing the risk of incidents and fatalities on our roads.

The NHVR recognises that, whilst the amendment bill reforms represent a legislative reform package, it also necessitates substantial operational change within our systems and processes. As such, the NHVR has a responsibility to ensure the necessary systems and processes to support the amendment bill are in place and operational in time for the commencement of the amended law. This will ensure no disruption to the service we provide.

To facilitate this transition we have established a dedicated implementation program to lead this work. To date, this program has conducted a comprehensive review of the NHVR's internal processes and procedures, including over 700 publicly-facing documents and more than 500 internal resources. A suite of supporting materials that reflect the reforms is also in development including: training modules for staff and external stakeholders; media and communication plans to inform stakeholders; engagement strategies to ensure transparency and collaboration; transition plans for external third-party providers; and updates to digital content and public information platforms. This foundational work ensures that every touchpoint, whether regulatory, administrative or industry facing, is aligned to the new framework.

As mentioned, a key reform area in the redesign of the National Heavy Vehicle Accreditation Scheme is transitioning to a two-tier accreditation model, embedding the safety management system requirements into the application and audit process and developing a new national audit standard. These changes will strengthen the accreditation system and improve safety outcomes overall. We are also preparing guidance and regulatory advice to support the new driver safety duty not to drive unfit, developing guidance for drivers and other parties to ensure they are aware of their obligations. We will look closely at our government partners, including police agencies, to ensure consistent enforcement and understanding across the jurisdictions.

Finally, we are updating our penalty and offence systems to reflect the changes in the penalties framework. This includes training for authorised officers and investigators and updates to all related materials, from forms and manuals to fatigue work diaries. These operational changes represent a shift from current work practices and, as such, we will be working in partnership with the NTC, transport agencies and the industry to deliver a smooth, coordinated and accountable transition.

Since its establishment in 2013, the NHVR has delivered measurable and sustained improvements in safety, productivity and efficiency across Australia's heavy vehicle road transport sector. As the industry continues to evolve, driven by technological innovation and economic demand, it is imperative that the regulator evolves in unison. We must move beyond delivering harmonised operations and regulation towards a more strategic and systems focused approach of regulating. This shift reflects a broader recognition that our regulatory frameworks must adapt to the changing needs of government, road managers and industry.

The NHVR is transitioning to a modern, intelligence-led regulator—one that is adaptive, flexible and future ready. Central to this transformation is a renewed emphasis on fostering a strong safety culture across the heavy vehicle sector while continuing to support productivity and economic growth. Equally important as we move forward is the NHVR's commitment to meaningful engagement with all stakeholders across the regulatory system. Through consultation and collaboration we are building a deeper understanding of emerging challenges and opportunities. These insights will help shape the development of smarter, more responsive systems and processes into the future and ensure the NHVR continues to play a vital role in shifting the safety dial for all Australians.

Whilst we support the amendments and look forward to them being passed, like other witnesses today we feel that a number of additional amendments could have been included to deliver greater outcomes for both safety and productivity. We hope to see further enhancements to the law in the coming years on the back of this current reform and look forward to working on these with jurisdiction, industry and the NTC in the upcoming maintenance programs. I thank you for your time today and I look forward to any questions you may have.

CHAIR: Thank you, Paul, and thank you for outlining the implementation plans that you have already considered and are working on. I will go to the member for Aspley for the first question.

Mr MELLISH: Thank you for appearing today and for your submission. My question is around some of the other submissions we have received on potential future reform: the hypothecation of offence revenue to education and awareness programs. I wonder if you could comment on that from the NHVR's perspective in terms of whether that would be something you would support going forward, whether you can see the merits of it or whether it would be a difficult thing to implement.

Mr Daly: So far as education is concerned, the NHVR has a budget that it establishes for education, and that is based on the risks that we see out there and also our consultation and collaboration with industry and jurisdictions. As such, we set a budget that is necessary to do the education that we believe is necessary from our end of the stick but also what industry and the jurisdictions are looking for. To that end we have a budget, and where that money comes from remains in our budget based on what we receive from both that and licensing. I would not necessarily say we have to take certain aspects of the dollars and specifically put it there, but what I would argue is that we ensure our education processes keep pace with the needs and expectations of industry, the government and the public.

Mr MELLISH: Are you able to tell us what that budget is or ballpark what the education budget would be from NHVR?

Mr Daly: I can take that on notice to give you an actual number, but what I can tell you is that over the last few years we have done a lot of education of the general public with Don't Muck With a Truck, which is an extremely successful campaign, and our We All Need Space campaign, which is also very successful in allowing people to understand the needs of a heavy vehicle when they are driving next to them. More recently, and much to my deep chagrin as a strong Lions supporter, we collaborated with the Collingwood Football Club to do a campaign down in Victoria to educate people about just how big a truck is and what is necessary on the roads.

Mr KEMPTON: The need for legislation and regulation around public safety is quite obvious, but we also have to balance that with participation in the industry by both operators and drivers. We heard there is a shortage of drivers of about 28,000 and the increase in costs and inputs to transport may be forcing people out. The ATA at recommendation 3 suggested there should be a review and maintenance process around this entire regulation and legislation. How does the regulator feel about that?

Mr Daly: We are a strong advocate for a regular maintenance program for legislation. Aside from the very dramatic shifts that occur in any industry nowadays and the need for a regulator to keep abreast of it, we are still a relatively young regulator in the fact that our legislation is only about 10 or 12 years old. Some of it is yet to be tested in a court of law, so we need to just be on hand to maintain that when something does occur we can move with the times. I heard Mr McKinley this morning. We fully support a regular going-forward package, whether it is a maintenance package or whether it is a tranche of work to add new things, as we would like to see with the PBS. He made points around that. We would like to see a regulatory sandbox so that we can test new innovations in a legal and safe manner. We fully support a regular maintenance package.

Mr KEMPTON: That would be in order to keep up with changing technology as well?

Mr Daly: It is across all things—not just technologies but work practices, demand, shifts in social expectations.

Mr KING: My question is about the driver's duty not to drive unfit. It also gives the driver, I understand and I want you to clarify, the opportunity to push back, if they are not fit, to say to an employer or someone, 'Look, I cannot drive for X, Y or Z. Don't force me to.' We hear anecdotally people being forced to drive when they should not. I am wondering if you have some comments on that.

Mr Daly: We do hear a lot of that anecdotally as well. I think one of the previous speakers also mentioned that the work health and safety laws are very similar. 'Unfit to drive' is something that is coming in which is very consistent and is running in parallel with work health and safety. It has been broadened, and some of our education will be to drivers. As I said in my spiel, we will be advising them of their obligations but also their rights. We see it essentially as an informed duty. It informs the driver that they do have a duty to drive fit, but if they are not fit then they also have the ability to say no. One of the examples going around at the moment is: if you wake up with a blinding headache and little dots in front of your eyes, you are not fit to drive. That is not something that requires a medical certificate or to go off and get my diabetes 2 source, but it is now and it is going to occur for the next six to 10 hours. They are unfit to drive; away we go.

Similarly, though, now it is being expanded to include some psychological issues—not specific ones. If you have just had a bad night's sleep with a six-month-old in the house and you have had an hour's sleep in the last 24 hours, you are not fit to drive. If you have just come off a very bitter argument or you are going through a separation or you have just learned that a friend has died—these are just examples; it is not specific—these are all things that can make you not necessarily fit to drive a B-double 180 kays down the road. We would much prefer that the driver said they were not fit to drive. We fully support the expansion of the unfit-to-drive provisions in the legislation.

Mr KING: It is the impairment. In times gone by, you do not drink and drive and you do not drug-drive, but the full range of whatever impairment would hinder your driving ability.

Mr JAMES: In your opening statement you mentioned the words 'systems focused' and 'intelligent'. Can you expand on that?

Mr Daly: Yes. What we are looking at as a regulator, and what most modern intelligence-led regulators are looking at now, is not just the causation but the piece before that—the system process from go to whoa. Whether that is us determining our campaigns or whether that is understanding through the evidence we are receiving, through data, the causation of things out on the roads or in the chain of responsibility, we are looking at this in a holistic fashion through a systems-based approach rather than just siloing, isolating: 'We are going to look at this now,' or 'We are going to look at that.' As a regulator, for the last couple of months but essentially over the last 12 months we have been starting to look at it as a whole package.

As we have heard today, the transport industry is not confined to trucks on the road. It is the train that pulls in with the gear and then it all comes onto the truck; it is the livestock and the pasture and the cane. All of that is part of the system. Whilst our remit to regulate is the trucks, the chain of responsibility and our obligation to public safety amenities has us look at the entire process to see what is the causation here and where in our legislation we need to take action or where we need to educate.

Mr MELLISH: You might have seen some of the earlier responses from the Australasian College of Road Safety around future training and apprenticeships. What is the NHVR's view on what training would be the next step of heavy vehicle road safety reform?

Mr Daly: From a regulator's point of view, the more training that is out there for the industry the far better the industry will be. We fully support training across the board. I have a background in running registered training organisations, so you throw the word 'apprentice' at me and I am always going to get excited by that. I believe that as an industry we can put together a traineeship or an apprenticeship. That said, I can also say that Austroads are currently looking at national heavy vehicle competency for drivers and licensing. We would look to see a lot more work coming out of Austroads as that project continues to assist with that. Our involvement would be a secondary one to some degree. We are not an RTO—and my counsellor said I am much better since I stopped running a RTO so we do not want to be an RTO anymore—but we certainly want to support them and make sure that what they are training is compliant and provides benefit. In our own mantra of 'inform, educate, enforce', 'inform' and 'educate' is strongly there. Working in partnership with those RTOs and the like, we would look to run campaigns of our own to subsequently complement those and move them along.

CHAIR: I have a question around consultation and codes of practice. We heard earlier that Queensland is unusual in that it can prosecute if industry breaches codes of practice. Can you clarify that for us given that you are the National Heavy Vehicle Regulator and there are different states involved?

Mr Daly: Thank you, Chair. That is a good question and something that is close to my heart. For five years I was head of the Rail Industry Safety and Standards Board. We wrote Australian standards and codes of practice for that industry. I can say that the codes of practice that are written by the NHVR are done in consultation with the industry. Currently we assist them; the legislation says we assist them. The legislation is moving to say we can get them moving. The bottom line there is twofold. One, we cannot get one registered unless we can show ITMM that we have consulted with all parties—and that was, I believe, a sticking point for South Australia to sign off on the legislation to ensure that consultation with industry was a part thereof. I am pleased to say (a) that we were happy to do that but (b) that it go forward. Secondly, from the National Heavy Vehicle Regulator's point of view and from the Heavy Vehicle National Law, only registered codes of practice with the NHVR can be used as evidentiary matter in a prosecution. When I say 'evidentiary', it is used as, 'This is what the reasonable person would understand to be the practice.' I do not believe it is a breach of that code, per se, but something has occurred and the code would be used as evidence to show, 'This is what is generally agreed by industry as the practice for this particular thing.' Does that answer the question?

CHAIR: It does very well, thank you. I really appreciate that. That is the time for this session. Thank you very much for being here today and the thoughtfulness that NHVR continue to demonstrate but also the way in which you work with industry. In my community of Lockyer and Somerset, we have some very large trucking organisations that deal often with you and your team. There is one question on notice around the education budget. I look forward to your response by Wednesday, 8 October. Thank you for appearing before us today. Enjoy the balance of your day.

That concludes today's hearing. Thank you for your participation today. Thank you to our Hansard reporters and our secretariat staff. Thank you to our broadcast staff for their assistance. A transcript of today's hearing will be available on the committee's webpage in due course.

Before I declare the public hearing closed, please remember that the Lights on the Hill trucking convoy—very topical at the moment as we are dealing with national heavy vehicles—is on this Saturday, 4 October, with the memorial on Sunday, 5 October. I declare this public hearing closed.

The committee adjourned at 11.01 am.