

This is an uncorrected proof of evidence taken before the committee and it is made available under the condition it is recognised as such.



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
Ms R Duncan—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Wednesday, 17 September 2025

Brisbane

WEDNESDAY, 17 SEPTEMBER 2025

The committee met at 11.00 am.

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

The purpose of today's briefing is to assist the committee with the examination of the Heavy Vehicle National Law Amendment Bill 2025. The briefing 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 proceedings. Witnesses are not required to give evidence under oath or affirmation, but intentionally misleading the committee is a serious offence. Members of the public may be excluded from the briefing at the discretion of the committee.

I remind committee members that officers are here to provide factual or technical information. Questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. The 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.

DE ROZARIO, Mr Aaron, Executive Leader Regulatory Reform, National Transport Commission

MAHON, Mr Andrew, Deputy Director-General, Policy, Planning and Investment, Department of Transport and Main Roads

ROBINSON, Ms Joanna, General Manager, Land Transport Safety and Regulation, Department of Transport and Main Roads

CHAIR: Welcome. I invite you to brief the committee, after which we will have some questions.

Mr Mahon: Good morning, Chair and committee members. It is a pleasure to be here this morning. Thank you for the opportunity to brief you on the Heavy Vehicle National Law Amendment Bill 2025. My name is Andrew Mahon. I am the Deputy Director-General, Policy, Planning and Investment at the Department of Transport and Main Roads, and I am joined by Joanna Robinson and Aaron de Rozario to help with any questions that you may have today.

As you know, any amendments to the national law must first be enacted by Queensland as host jurisdiction before they can be applied to the six participating jurisdictions. All Australian states and territories, with the exception of Western Australia and the Northern Territory, have applied the national law as law in their jurisdiction. The national law enables the consistent regulation of heavy vehicles over 4.5 tonnes across most of Australia and is administered by the National Heavy Vehicle Regulator.

The national law establishes requirements for heavy vehicle safety, standards, mass, dimension and loading requirements as well as driver fatigue management and alternative compliance through the use of accreditation schemes. The amendments in this bill under discussion today were prepared under the instruction of the National Transport Commission, in consultation with industry and jurisdictions. The amendments were unanimously endorsed by all participating jurisdictions through the Infrastructure and Transport Ministers' Meeting.

I will provide a brief overview of the key changes to the national law proposed in this bill. The bill proposes an enhanced accreditation framework to improve safety. This framework will require heavy vehicle operators to implement a safety management system as a core requirement for those applying to be within accreditation schemes. Also included in the bill is a new duty for heavy vehicle

drivers to be fit to drive, which will apply to all drivers of heavy vehicles over 4.5 tonnes. This new duty will improve safety and will be combined with the existing duty to not drive while impaired by fatigue.

The bill proposes an improved code of practice framework that will simplify the process to make new codes of practice. Currently, new codes of practice are initiated by industry and registered by the regulator. This new approach will shift the responsibility for development and approval of new codes to the regulator. The regulator will be required, under the proposed new law, to consult on issuing, amending or evoking a code of practice. This will ensure industry remains heavily involved in the process and able to provide valuable input. To support the new accreditation and code of practice frameworks, the bill proposes new ministerial directions and approval powers. These new powers will provide an appropriate balance of regulatory discretion and ministerial oversight.

Improved governance arrangements are also proposed in the bill that will modernise the operation of the regulator's board. Responsible ministers currently issue a statement of expectations for the regulator in the exercise of its functions on a regular basis. The amendments will officially recognise this important document.

Improved enforcement arrangements are anticipated from proposed amendments in the bill that remove regulatory red tape, particularly for fatigue management record keeping and the issuing of notices. Amended penalty amounts in the bill will ensure fines are proportionate to offences and deliver fairer outcomes, without reducing deterrence or increasing road safety risks. These penalty changes have come about following a comprehensive objective penalty review.

The bill includes proposed changes that will shift prescriptive detail into regulations to simplify the law and allow for more flexible risk-based obligations to be established. This aims to improve productivity and the responsiveness of the national law to future challenges.

Finally, consequential amendments to the Queensland law are proposed to maintain currency with the national law and to remove a redundant provision. It is the department of transport's view that the amendments to the national law proposed in the bill will improve safety and productivity, reduce regulatory red tape, improve regulatory functions and simplify administration of the law. Thank you, Chair and committee members, for the opportunity to address the committee today. My colleagues from the National Transport Commission and I are pleased to answer your questions.

CHAIR: Thank you.

Mr MELLISH: Thanks for coming in today. With regard to the proposed modification to the qualification requirements of board members, what is the reasoning behind removing the requirement for board members to, for example, have expertise in transportation policy? I think at least one member needs to have various qualifications. What is the background and the reasoning behind removing those?

Mr Mahon: In simple terms, the board changes are reflective of other board memberships and other boards across government owned corporations and other regulatory platforms so we have the best balance of appropriate board members. In some ways the existing rules can be restrictive. In other ways they do focus on key attributes that we would like to see on the board. Fundamentally, it provides flexibility to allow decision-makers to choose board members across a range of different industries, including industries that perhaps are not necessarily transport industries but can provide valuable input to the board in other areas. It also increases the number of board members to a maximum of seven, which is relatively consistent with most boards across government owned corporations and others, and enables a broader range of skill sets, if you like, into the future.

Mr MELLISH: Were those changes agreed by ITMM as well prior to being included in the Queensland bill?

Mr Mahon: All of the changes in the bill were agreed and approved by the ministers, yes.

Mr KEMPTON: Are you aware of any empirical or statistical evidence that shows that increasing penalties has an impact on road safety?

Mr Mahon: Absolutely. When we look at enforcement across a broad range of issues and a broad range of areas, the deterrent effect of penalties and significant penalties does have an impact. Of course, you have to get the right balance. In this case—and I am happy for Aaron to provide a bit more context, if you like, around how that procedure went—the penalty review looked at all 349 penalties across the current act and whether they were proportionate for the risk that is applied to the offences. A number of penalties went up. A number of penalties went down. A number of penalties were consolidated, particularly those lower range administrative penalties. That was one of the things the industry raised with us as a concern, so that has been addressed through these amendments. I might hand over to Aaron. He can explain a bit more, if you like, how that process went through.

Mr de Rozario: The National Transport Commission undertook a penalties review, so we looked at all of the penalties, as the deputy director-general has already indicated. We looked at that using a penalties assessment matrix. That was a tool developed by the NTC. We did consult with all of the participating jurisdictions on how that worked, and we did have some industry consultation on that as well.

Essentially, we looked at every penalty according to its impact on: public safety; environment and public amenity; road infrastructure; unfair commercial advantage; false and misleading conduct; undermining confidence in the regulatory framework; and systemic conduct. In going through that particular process, we identified that there were some penalties where the current penalty seemed to be higher than what the penalties assessment matrix would indicate would be an appropriate penalty. Likewise, we identified penalties that we thought were lower than what the penalties assessment matrix would indicate would be appropriate.

Accordingly, we reviewed the penalties, we made some suggested adjustments, we consulted with industry and the jurisdictions, and we came to what we think is a very good balance of those penalties. Again, we feel that the penalties as they are set are proportionate to the risk they represent and act as an appropriate level of deterrence.

Mr KEMPTON: Are you aware if the funds recovered from those penalties go back into road infrastructure?

Mr Mahon: All funds from penalties go into consolidated revenue, and they are proportionately distributed by jurisdictional governments to a whole range of things. One of those would be road infrastructure, but it is not a direct correlation necessarily in that space. Proportionately, the investment state by state into road infrastructure is significantly greater than any penalties and registration revenue that is normally collected.

The other thing that has been introduced in the bill is the ability to use warning notices. That is something that has not necessarily been applied formally in the past, but it does allow enforcement officers to apply the appropriate level of discretion depending on the offence or incident that may have occurred and been addressed by an enforcement officer, either roadside or through other enforcement channels. There will be greater flexibility into the future for the National Heavy Vehicle Regulator or Queensland Police Service, who can also apply certain offences, to apply that discretion.

Mr KING: There will be a penalty increase on drivers for impairment or fatigue. Will there be a similar increase on companies or owners who may force drivers to take that risk?

Mr Mahon: I will defer to Aaron for absolute accuracy.

Mr de Rozario: The answer is yes.

Mr KING: What other safeguards are in place to stop that sort of behaviour of trying to push a driver to operate unsafely?

Mr Mahon: There are a number of safeguards, particularly in new provisions which will be introduced by this bill. One of the safeguards is 'fitness for work'. For example, a driver might determine before a shift that they are fatigued for whatever reason, that they are not in a position or fit enough to drive. They have protections under this new bill so they can say to their employer, 'I am not fit,' and there are offences for the employer if they force drivers to comply with their requirements if they are not requirements under the national heavy vehicle law.

CHAIR: Aaron, that is an existing requirement for owners. Are there any changes to that?

Mr de Rozario: There are already offences in relation to unfair engagements such as forcing a driver or requiring a driver to undertake work if they are fatigued. That provision has been extended to include if they are not fit for work for other reasons.

CHAIR: Does that change now incorporate the 4.5-tonne vehicles?

Mr de Rozario: Yes. The scope of that offence, which was previously limited to fatigue regulated heavy vehicles or vehicles of 12 tonnes or more, has now been extended to all heavy vehicles.

Mr JAMES: Could you embellish on that? You are saying it will now apply to all vehicles over 4.5 tonnes. These days we have those American trucks towing caravans around the country and a lot of them will be over 4.5 tonnes. How does that work with them?

Mr Mahon: Light vehicles with caravans that do exceed 4.5 tonnes are not classed as heavy vehicles under the law. They fall into a different provision. If the vehicle itself is over 4½ tonnes—for example, you had a big American truck that weighed five tonnes or a big dual-cab truck—it would be

captured by the law. It does not apply to owners with caravans. They are treated differently. They are still treated as light vehicles. Any vehicle that is over 4.5 tonnes and is also towing would have to apply those fatigue related requirements and the fitness-to-drive requirements. Importantly, though, work diaries and fatigue diaries still only apply to vehicles that are 12 tonnes or more. That is not changing.

Mr MELLISH: In relation to the consequential amendments that are expected to come in, are you able to run us through some of those? I imagine most of it is pretty technical and straightforward.

Mr Mahon: They are very technical amendments. The amendments are largely to provide that consistency between the two in relation to what goes into this bill and what sits in the state legislation. I do not have the exact wording changes in front of me, but it is something we can provide separately. It is addressed in the explanatory notes as well, if that suits.

Mr MELLISH: We are not expecting anything else to be added to the bill at this stage? It is all heavy vehicle law—pretty straightforward?

Mr Mahon: Correct. The bill as it stands is the heavy vehicle national law. I am not aware of anything outside of that.

Ms Robinson: There are no other amendments being added.

Mr MELLISH: Thank you.

CHAIR: Deputy Director-General, understanding that enforcement is one aspect and education is another, I imagine there is an education program that will be associated with this package. I imagine the inclusion of 4.5-tonne vehicles will create a lot of interest. Is there some background, thoughts or science around that that you have considered?

Mr Mahon: Absolutely. We will be working closely with the National Heavy Vehicle Regulator. They will be primarily responsible for making sure they educate and implement the new law as far as the operations are concerned. Certainly, the Department of Transport and Main Roads will play a role in Queensland and, equally, other transport agencies in other jurisdictions. The National Transport Commission works with us around the types of things we need to address and gives us guidance in that space.

Certainly there will be an education piece. The fundamental changes are not too significant—we are talking about duties and requirements—however, there is absolutely a need to educate. The other important thing is that the bill will receive assent through proclamation. That will enable us a little bit of time, given there are regulations to progress as well, to get that work ready and work with the National Heavy Vehicle Regulator to get communications out and to work closely with industry more broadly.

CHAIR: I look at the existing duty not to drive a heavy vehicle in relation to fatigue and the new combined duty. Being fit to drive is a very subjective thing at the time for a driver. Unfortunately, the only time we discover that the driver was not fit to drive is when a crash or something happens. I do not know if you have anything to add to that.

Mr Mahon: There will absolutely be a need to communicate. In a lot of ways, with light vehicles there are already obligations around driving with due care and attention and other provisions and offences that could capture those types of issues. This is largely an extension of that in a lot of ways, if you think about it in the context of light vehicles versus heavy vehicles, but we will need to educate. We will need to talk to the community and get information out as much as possible around what it means and the types of things they need to consider, but the communications in that space in some ways become a little simpler if we are going to apply: 'You need to think about your ability to drive and how important that is, particularly when you are driving a vehicle that is higher mass and when you are driving as part of your daily job.' In many instances that is the case. There are certainly a lot of cases where it is personal. It might be a Winnebago or a light truck that is used for travel around the countryside. I have friends who are doing that right now in an Isuzu with a big caravan and the truck itself is 6.5-tonne or thereabouts. The obligation will apply to them as well.

CHAIR: Aaron, did you have anything to add?

Mr de Rozario: No, I do not think there is anything specific to add. These provisions are quite sensible provisions in the sense that most individuals do not want to drive if they are too sick to drive and complete the task and they do not want to drive if they are tired in any case.

CHAIR: Obviously in respect of the vehicles, there are a lot of technological improvements—biometrics and that sort of thing—that the National Transport Commission and others are looking at. Australian Design Rules are catching up with all of these things. That is a statement more than a question, unless you want to add anything.

Mr Mahon: Thank you for the additional information. I would say that the heavy vehicle sector as a whole is pretty good in Australia around its technology and ability to adopt cutting-edge technology in a lot of ways. Seeing-eye technology is really beneficial. Obviously, the camera technology they use to ensure they understand when things go wrong is becoming far more normal. There is a lot of uptake in relation to digital work diaries and those sorts of things to help business be more efficient and help drivers comply.

One of the amendments in this bill is around codes of practice. The core rationale behind that, and the regulator leading that, is to help industry comply. They are guidance materials so that we can have industry comply. At the end of the day, this bill and these rules are in place for safety reasons—to ensure that the person behind the wheel of a 57-tonne heavy vehicle coming down the road is safe to drive and that the parameters around how they are driving and the operations of their business are safe. That is really important. Fundamentally, compliance is the best outcome. In a lot of ways, penalties are a last resort in trying to get industry to comply and do the right thing for the right outcomes.

Mr KING: Can we hear about how the new ministerial powers to intervene in cases of serious public risk will work and what checks and balances will be put in place to stop any overreach or political interference in decisions?

Mr Mahon: By and large, those are ministerial directions that will be set by the ITMM ministers—that is, the six ministers and the Commonwealth minister who are responsible parties under ITMM. That is the channel that would require ministerial direction, but ministers will be able to direct as well. It will need to be a serious safety issue that is not being addressed; that is the core behind it. A ministerial direction given to the board would have to come with a rationale around why it is a safety risk and what the issue is—the NHVR may not be addressing it—or address an issue that has been identified where the public interest is so great that it requires some level of intervention.

Mr de Rozario: It is very important that if a minister is exercising the power for their individual jurisdiction it is a jurisdiction-specific issue. For example, if there were specific concerns about particular routes operating in Queensland, that is where you would expect the Queensland minister to perhaps ask the NHVR to exercise its powers in a particular way. It is only when we are talking about matters that will cross borders that we would require ITMM agreement—all relevant responsible ministers—to make that decision.

Mr KING: Is there transparency around that so people can see what has happened and the reason for the decision?

Mr de Rozario: Whenever ministers direct the regulator to act in a particular way, they need to make sure that information about that direction is on their website, as well as how they are responding to it.

Mr Mahon: In some ways this already does apply; it is just not in the legislation. Ministers right now can request the board to perform an action in a safety risk environment. This formalises that process.

Mr KEMPTON: I understand the need to regulate these heavy vehicles on the highways between here and Cairns. In my electorate of Cook there are probably two main roads: the Peninsula Developmental Road and the Burke—if you can call them roads. It is impossible for truck owners and operators transporting cattle in road trains to comply with the law for two reasons. One, those two roads are not trafficable for a large part of their area, where they are down to about eight to 10 kilometres per hour and they have livestock on board. The placement of the breakdown pads strategically are so far apart that they would have to leave a trailer full of cattle sitting there for a number of hours, probably up to seven hours. This is probably a matter for the National Heavy Vehicle Regulator, but their officers sit at the end of the bitumen waiting for these cattle trucks to come off. One or two operators have already ceased to go into those areas, and these penalties will just make that situation worse. There needs to be appropriate infrastructure. No layby pads have been built on the Peninsula Developmental Road. It really is very difficult for large heavy vehicle operators to operate in that regime. I understand the need for it, but because of the need elsewhere we are going to put a lot of these operators out of business, and this is a 'here and now' problem.

Mr Mahon: Thank you for the questions and the statement, member. In a large way, this bill does not change the requirements that would already be applied to those operators. There is not any fundamental change or impact I would see for them in relation to what is presented in this bill and what already applies in the current act, based on the commentary and the example you just provided. Certainly there are elements in this bill that will enable some level of discretion, if need be, particularly around things like the warnings that I mentioned earlier, but they are fundamental issues that will need to be resolved and considered into the future.

I know the road well. I drove it to have a look at the Archer River bridge a bit over 12 months ago. I understand the comments you are making and the challenges that occur in some of those really remote areas, in particular on dirt roads, but, fundamentally, at the end of the day we do need to make sure that safety is paramount and we work with those operators on how we manage those risks. That is certainly something that the National Heavy Vehicle Regulator is required to do.

Mr KEMPTON: I think the increase in penalties is just another blow. I know that all of the regulations have been there. We probably need to have further discussions about warnings and how it will be provided. It is a serious issue for them.

Mr Mahon: As I mentioned earlier, there are a number of penalties that have reduced and some combined. The most angst that the industry has raised—certainly with the NTC, myself and others in the department—has been around administrative errors. That has been addressed largely as part of these reforms to reduce the risk of penalties for administrative errors—missing a date or something on your logbook. Those sorts of things are addressed, but I think fundamentally what you are talking about are far more systemic issues around the tyranny of distance, the road condition and how those operators work.

Mr MELLISH: I used to complain in a previous parliament about the number of NHVR changes that would come through, every six months or so. When is the next set of heavy vehicle law changes set to come in? Is there a forward program or is that on the agenda soon?

Mr Mahon: The short answer is: there is no bill anticipated beyond this one right now, but certainly what we will do is move into a more regular program of amendments, improvements and reforms. This fundamental review of the bill occurred nearly seven years ago. It has had a long gestation and a lot of work has been involved, so there has not been the normal cycle of HVNL bills over the years. I could not predict how many might occur into the future, but we are not working on another one right now.

Mr MELLISH: Thanks. We will see you soon!

Mr JAMES: I think you mentioned at the beginning that there are two jurisdictions that are not on the same page as the rest of us. Why is that?

Mr Mahon: I cannot speak on behalf of Western Australia and the Northern Territory, other than to say that they have had the opportunity since the inception of the National Heavy Vehicle Regulator and Heavy Vehicle National Law be involved and they have chosen not to be. I probably cannot speak further in relation to why that is. There may be a perception that the schemes they have work better for them in relation to heavy vehicle law, but I could not speak to the motive behind that, to be honest.

CHAIR: My question is in relation to the improved code of practice. A code of practice has been around for a long time. Can you give the committee a sense of the changes that are happening? The code of practice will not overtake regulation or be better than regulation, but could you give us a sense of some of the things the industry is doing regarding this?

Mr Mahon: Right now, under the current law, codes of practice are largely driven by industry. They come up with an issue that they want to address because they are trying to comply with the law and they propose a code of practice, they work on it and they submit it to the Heavy Vehicle Regulator for some level of endorsement. What is proposed in here is to effectively flip that—that is, to require the Heavy Vehicle Regulator to implement codes of practice that assist the industry. It is a similar outcome, with similar codes of practice, but the requirement is put on them to make sure they work with industry and come up with those codes to help the industry comply.

An example might be things like guidelines or a code of practice around how to tie down loads. There are regulations that require certain things for load restraint, but the code of practice would help them and describe for them how they can comply. Legislation is not always easy to read. Sometimes we struggle with it, let alone someone who is trying to manage a business and understand the detail in the act and regulations, so the code of practice will effectively convert that into terminology and explanations they can use to make sure they can comply. Does that answer your question?

CHAIR: That is great, thanks. Aaron, do you have anything to add?

Mr de Rozario: There is nothing else to add. However, codes of practice will be able to assist with things like the new duty not to drive if not fit to do so. There is a lot of opportunity there for the regulator to provide guidance.

CHAIR: There are no further questions from the committee. I thank you for your appearance here today. One question from the member for Aspley was taken on notice with regard to the consequential amendments. If we could get your response by 10 am on Friday, 26 September, that would be great. Thank you for your time today and I hope you enjoy the balance of your day. Thank
Brisbane

you to our Hansard reporters and secretariat staff. Thank you to our broadcast staff for their assistance. A transcript of today's briefing will be available on the committee's webpage in due course. I declare the public briefing closed.

The committee adjourned at 11.31 am.

PROOF