

HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL 2025

Submission No:	3
Submitted by:	Andrea Hamilton-Vaughan, Chair, National Driver Fatigue Week - Power Nap
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

To: Secretary
State Development, Infrastructure and Works Committee

Queensland Parliament
Parliament House,

George Street,

Brisbane QLD 4000

Submission: Response to the Heavy Vehicle National Law Amendment Bill 2025

Subject: Inadequate Fatigue Interventions and Extension of Flawed Policy

Dear Committee Secretary,

I appreciate the opportunity to provide a submission in response to the *Heavy Vehicle National Law Amendment Bill 2025*. I write to express significant concerns regarding the Bill's failure to meaningfully address the root causes of driver fatigue — a leading contributor to road trauma involving heavy vehicles.

While the intention to improve safety outcomes is commendable, the proposed amendments retain and extend a rigid, prescriptive framework that does not align with current fatigue science. In particular, the Bill entrenches the five-hour driving rule without flexibility or recognition of individual fatigue patterns, and alarmingly proposes to extend these flawed provisions to smaller commercial vehicles.

1. Fatigue Policy Based on Flawed Assumptions

The fatigue management regime under the current HVNL assumes a direct and linear relationship between time spent driving and fatigue risk. However, available crash data shows that **a significant number of fatigue-related crashes occur within the first 300 kilometres of a journey** — well before drivers reach the five-hour driving limit.

This evidence undermines the central assumption behind the current prescriptive model and demonstrates that **fatigue is not merely a product of time on task**, but is influenced by prior sleep, time of day, circadian rhythm, and individual physiology.

As fatigue expert **Dr Clare Anderson** notes:

“Fatigue risk is not simply a function of time on task but is influenced by complex interactions between biological, environmental, and operational factors.”

Yet the HVNL amendments continue to ignore this complexity in favour of rigid hour-counting.

2. The Only Cure for Fatigue Is Sleep — Yet Sleep Is Not Legally Supported

The legislation fails to support the most fundamental truth in fatigue management:

“The only cure for fatigue is sleep.” — **Dr Ann Williamson**, leading fatigue researcher.

Despite this, the law provides no legal mechanism to support or encourage **short, restorative sleep**, such as power naps, when a driver experiences early signs of fatigue. Instead, drivers are locked into a compliance model that discourages discretion and punishes proactive rest.

3. The Critical Role of Power Naps — Ignored by the Amendment

One of the most concerning omissions in the Bill is the absence of any provision for **15–20 minute power naps**, despite their proven effectiveness in managing early-stage fatigue.

Short naps are supported by decades of research and are known to:

- Restore alertness
- Improve reaction time
- Reduce the likelihood of microsleeps
- Enhance driver performance and decision-making

Yet under the HVNL, there is **no allowance or encouragement** for such preventative rest. Drivers who recognise they need a short nap may be forced to continue driving until they are legally permitted to stop — a dangerous contradiction to what the science demands.

The system fails to distinguish between **scheduled compliance breaks** and **rest taken in response to actual fatigue symptoms** — the latter being critical in preventing crashes.

4. Extending a Flawed Model to Smaller Vehicles

Rather than correcting the current fatigue policy, the Bill proposes to extend it to include smaller commercial vehicles. This expansion is premature and problematic.

Without addressing the foundational flaws in the fatigue framework, extending these rules to a broader group of operators risks:

- Further entrenching unsafe practices

- Penalising small operators with limited support resources
- Applying one-size-fits-all fatigue rules to fundamentally different work environments

Policy expansion should be built on sound, proven models — not ones in need of reform.

5. Recommendations

To improve safety and ensure fatigue policies are evidence-based and effective, I urge the Committee to consider the following:

1. **Reform fatigue rules** to reflect contemporary science, including biological and circadian risk factors.
 2. **Incorporate power naps (15–20 minutes)** as a recognised and encouraged fatigue countermeasure in the legislation.
 3. **Allow driver discretion** to rest when signs of fatigue occur, without fear of breaching compliance.
 4. **Delay expansion** of fatigue laws to smaller vehicles until the current model is modernised and evaluated for efficacy.
 5. **Invest in education and support tools** to help drivers manage fatigue, not just comply with hours.
-

Conclusion

The *Heavy Vehicle National Law Amendment Bill 2025* presents an opportunity to reform fatigue management in the transport industry — but it does not deliver the change that is urgently needed.

Continuing to enforce a system that **ignores crash data, scientific evidence, and the lived experience of drivers** risks undermining road safety, not improving it. Without flexibility, without provision for genuine rest, and without a clear role for power naps in fatigue mitigation, this legislation remains out of step with best practice.

I urge the Committee to ensure that future amendments are informed by fatigue science and designed to keep drivers — and all road users — genuinely safe.

Thank you for the opportunity to provide this submission.

Sincerely,

Andrea Hamilton-Vaughan

Chair National Driver Fatigue Week – Power Nap

[REDACTED]

[REDACTED]

12th September, 2025