

HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL 2025

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QUEENSLAND BUS INDUSTRY COUNCIL

Submission:
NHVL Amendment Bill 2025

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Introduction

The Queensland Bus Industry Council (QBIC) is the peak representative body for the bus and coach sector in Queensland and serves as the recognised “voice” of private bus and coach operators across the state. Our membership spans school service providers, commercial contract operators, long-distance, tour and charter businesses, Original Equipment Manufacturers (OEMs), supply partners, and associated industry participants. With over a century of history in advocacy and representation QBIC has long worked to advance the interests of the industry.

QBIC’s *Moving People* objectives underpin our advocacy:

- Ensuring buses and coaches operate safely and effectively.
- Meeting the accessibility and mobility needs of all Australians, regardless of location or circumstance.
- Promoting environmentally responsible policies and practices.
- Encouraging sustained investment in public transport infrastructure and services.
- Supporting a viable and continuously improving bus and coach industry in Australia.
- Fostering a strong domestic bus and coach manufacturing sector.
- Promoting public understanding of the industry’s contribution to Australia’s economy, society and environment.
- Advocating for public transport as a viable alternative to private car use.
- Aligning and strengthening federal, state and local government policies and programs related to passenger transport.

Despite its central role in delivering more than 65% of public transport journeys in Queensland, the bus industry often struggles for recognition and has historically been overlooked in the Heavy Vehicle National Law (HVNL). Now that the National Heavy Vehicle Regulator (NHVR), through the HVNL and its Master Code, is addressing these gaps, it is neither necessary nor efficient for TMR to introduce duplicative requirements through its proposed Safety Duties framework.

HVNL Bill

QBIC supports the overall aims of the HVNL Bill to improve safety.

QBIC wishes however to bring to the Committee attention an important aspect of the Bill and its relationship with impending changes to the [Transport Operations \(Passenger Transport\) Act 1994](#) (TOPTA) and regulations made via the passing of the [Transport and Other Legislation Amendment Bill 2023](#). I shall refer to these changes as “TMR Safety Duties” for ease of reference.

The Minister announced whilst introducing the HVNL Bill that the Bill aligns with the Government’s commitment to “improving road safety, reducing red tape and enhancing the productivity of Queensland’s heavy vehicle transport sector.” He emphasised the objectives are to “improve safety

outcomes, streamline compliance, reduce red tape, and ensure that the national law remains responsive to the needs of industry”.

In total the Minister speech and explanatory notes highlight on more than 10 occasions that this bill will deliver Efficiency / streamline / simplify or red tape reduction.

Multiple Safety Jurisdictions

The introduction of the Heavy Vehicle National Law Amendment Bill 2025, alongside the draft NHVL Master Code and Queensland’s Work Health and Safety Act 2011 (Qld), and the TMR Safety Duties is creating a highly confusing compliance environment for bus operators. Each regime—HVNL, WHS, and TMR’s proposed duties—imposes overlapping but not identical obligations, with different terminology, documentation requirements, and audit expectations.

This duplication blurs accountability, particularly for small school and charter operators who lack the resources to run parallel systems. Operators are left uncertain as to which standard prevails in the event of a compliance incident: the HVNL Master Code, the WHS general duty of care, or TMR’s safety duties. Instead of improving safety outcomes, the concurrent layering of these regulatory frameworks risks diverting effort from real safety action into paperwork and duplicated audits, undermining both efficiency and clarity in the industry.

At the QBIC 2025 State Conference, a panel of experts—including senior officers from WHS Queensland, the NHVR, and the legal profession—outlined how responsibilities are currently divided between jurisdictions. The consensus was a relatively simple demarcation: incidents

occurring on-road fall within the jurisdiction of the NHVR, while incidents occurring in-depot are the responsibility of WHS Queensland. Our advice indicates this approach is consistent across other state jurisdictions. For example, in the recent Gretta/ Newcastle bus crash, the NHVR has initiated enforcement action against the operator, demonstrating the regulator's role in managing on-road incidents.

QBIC must question where, and in what way, the proposed TMR Safety Duties add genuine value to the existing safety framework. This is particularly relevant given that both the NHVR and WHS Queensland have already demonstrated, and continue to exercise, clear responsibility for prosecution and enforcement in these areas.

QBIC also questions the staffing resources and the associated state taxpayer funds that are and will be used to create, implement, monitor, audit, enforce and prosecute a system that is duplicating the full spectrum of topics proposed.

The HVNL Amendment Bill

The Heavy Vehicle National Law Amendment Bill 2025 introduces a robust and nationally consistent framework that strengthens the Primary Duty and Executive Due Diligence obligations under s26C and s26D, and embeds the role of Safety Management Systems (SMSs) as a recognised compliance pathway.

Being designed in parallel currently is the new Draft NHVR Master Code of Practice (August 2025) which established 46 activity-based modules, including four bus-specific activities (equipping buses, operating fleets, managing passengers, and route scheduling). It provides detailed risk controls aligned to WHS law, covering driver fatigue, passenger behaviour, fleet safety, accessibility, and route risk assessment. A list of the 46 Activities are located in the appendix 1.

Together, the HVNL reforms and the Master Code establish a comprehensive, modern and nationally harmonised safety regime that exceeds the coverage of the proposed TMR Safety Duties regulations.

Duty Holders / PCBU / Executive Officer

Across the NHVL and WHS Act each has identified responsible officers and clearly defined them. The WHS Act specifically states an officer of the State, Commonwealth or another State are subject to the requirements of the Act. However, the current TOPTA Act now states

67 J (3) To remove any doubt, it is declared that a reference in this chapter to a duty holder for a road-based public passenger service does not include a reference to the State or an authorised person.

A key strength of the HVNL Amendment Bill and Draft Master Code is that they assign duties and responsibilities not only to operators but also to government departments and agencies such as TMR. Departments that influence vehicle standards, route approvals, scheduling requirements or passenger safety settings are explicitly recognised as parties in the Chain of Responsibility.

This is a critical distinction that was excluded from the TOPTA Bill of 2023 and is still lacking in the proposed TMR Safety Duties regulations under the Passenger Transport framework – an omission QBIC has consistently criticised since 2023. We strongly believe to remove confusion duplication and dispute that government agencies that set policy, contract conditions, vehicle specifications and operational conditions must be held to the same level of accountability for the safety outcomes of their decisions, particularly when safety concerns raised by government contracted operators are not addressed.

In the recent Ministerial Bus Driver Safety round table this confusion and concern regarding the status of the Department of TMR being excluded from its own legislation was also raised by other parties including the Transport Workers Union citing examples of where officials claim not to be a PCBU or Duty Holder.

TMR Safety Duties Vs HVNL Bill and Master Code

Appendix 1 of the draft NHVL Master Code sets out 46 activities applicable to all heavy vehicle operators, providing comprehensive guidance on the areas Duty Holders must consider. QBIC's review identified that at least 26 of these activities are directly relevant to bus operators and will be supported by clear education resources some of which already exist. Importantly, the Master Code applies across multiple states, offering national consistency and interstate recognition. For operators near cross-border communities, this alignment reduces costs and compliance burdens.

By contrast, the current TMR Safety Duties are opaque, assume operator knowledge, and provide limited practical guidance. In fact, one departmental supporting document proposes to guide operators to referenced material from Western Australia’s heavy vehicle safety system, despite WA not participating in the NHVL and maintaining different licensing and safety requirements to Queensland and the HVNL.

QBIC previously raised concerns in its 2023 submission about the misalignment between WHS Queensland, the HVNL, and TMR’s Safety Duties. These concerns remain unresolved. The lack of alignment particularly between TMR Safety Duties and the other 2 jurisdictions will inevitably result in duplicate processes, auditing and compliance evaluation— outcomes that run counter to the Minister’s stated objectives of reducing red tape and improving efficiency.

While QBIC acknowledges that some overlap exists between TMR Safety Duties and the HVNL framework, the guidance material provided in the TMR Safety Duties format presented to industry, lacks the clarity, coverage, and practicality found in the HVNL Master Code and many of the current resource provided by HVNL.

In discussions with members about the interaction of these three systems, several operators— particularly those funded under State Government contracts—have expressed the view that many of the proposed Safety Duties are more appropriately managed through contractual obligations, rather than imposed as broad regulatory requirements on operators who do not receive government funding.

Implementation, Review and Cost Implications

It must be recognised that under both frameworks—whether TMR Safety Duty Safety Management Plans (SMPs) or HVNL Safety Management Systems (SMSs)—the requirements for implementation, ongoing maintenance, and particularly independent review will impose significant additional costs on operators. For smaller businesses, including charter services, school bus operators and special school transport providers, these compliance costs will fall disproportionately, placing them at a heightened financial disadvantage.

Any regulatory framework must therefore acknowledge these realities and ensure that the costs are minimised, duplication eliminated, and funding models and contractual arrangements reflect the true cost of compliance. Without such recognition, small operators will be unfairly burdened while attempting to meet elevated safety obligations.

In most Queensland Government passenger transport contracts, pricing review opportunities are extremely limited—often locked for periods as long as seven years. While modest CPI adjustments are available, regulatory changes of the scale now contemplated—adding new administrative, auditing and WHS expertise requirements—were not envisaged when these contracts were entered into. The layering of multiple, repetitive regulatory systems risks doubling or even tripling compliance costs for some operators. This outcome directly conflicts with the Minister’s stated aim of reducing red tape and improving efficiency. When we compare both the WHS Act and HVNL these two systems align in methodology and approach much better than TMR Safety Duty

regulations and as such QBIC view is that there is little to no duplication needed as the systems are flexible enough to be review. TMR Safety Duties are prescriptive in audit and outcome but will not align easily with the other jurisdictions without significant work by employers.

Technical Standards and Consultation

QBIC acknowledges that certain technical requirements — including those relating to bus age, structural inspections, warning lights, and compliance with Australian Design Rules (ADRs) — should rightly remain under TMR Safety Duty regulatory oversight. However, it would be cognisant for the Department to re-consult with industry to ensure that the correct areas are retained, and that broader safety duties are not duplicated where the HVNL and Master Code already provide comprehensive coverage.

The Case for Reducing Duplication

Requiring Queensland bus operators to develop both an SMP under the *Passenger Transport Regulation* and an SMS under the HVNL reforms will:

- Create duplicative compliance frameworks that overlap in purpose but differ in form.
- Increase costs and administrative burden, particularly on small operators in regional areas.
- Risk regulatory inconsistency with national HVNL reforms now underway.

Conversely, adopting the HVNL SMS and Master Code framework as the primary compliance mechanism for bus operators will:

- Deliver greater safety outcomes, as SMSs are broader, activity-based and aligned to WHS principles.
- Ensure national consistency, reducing confusion for operators working across borders.
- Reduce red tape and compliance costs by eliminating duplicated plans, audits, and reporting requirements.
- Reduce operational, personnel, enforcement, policy and monitoring costs for TMR

Recommendation

QBIC respectfully urges the Committee to make the following recommendations to the Minister:

1. The TMR Safety Duties Regulations be amended recognise Safety Management Systems under the HVNL as sufficient compliance for TMR safety duties.
2. Recommend to the Minister to remove duplicate regulatory requirements by removing or modifying the proposed SMP obligation in the draft Amendment Regulation.
3. Recommend to the Minister to remove or alter Section 67 j (3) of the TOPTA Act 2019 to ensure TMR and its officials are not exempt officers under the TMR Safety Duty requirements to match their responsibilities in WHS Act and HVNL.
4. Proceed with necessary technical standards on bus age, structural inspections, Bus Lights and ADR compliance as set out in the TMR Safety Duties.
5. Ensure that the costs of implementation, maintenance, and independent review of safety systems including WHS Qld, NHVR and TMR are not required to be duplicated and that funding, particularly for small and school bus operators operating Government funded services on Government contracts is provided to reflect operational additional costs.

Conclusion

Our industry is committed to passenger and driver safety. However, we believe the combination of the HVNL Amendment Bill and the Draft Master Code estimated to be released in early 2026 prior to the full implementation of the Safety Duty Regulation provides a superior, nationally

harmonised safety framework than the proposed Safety Duties regulations. Adopting this pathway will reduce duplication, ensure shared accountability, provide for sustainable funding arrangements, and deliver better safety outcomes.

I would welcome the opportunity to discuss this matter further with the Committee at your convenience.

Jason O'Dwyer

Executive Director

Queensland Bus Industry Council

Appendix 1 Master Code Activities

MASTER CODE FOR RISK MANAGEMENT

FOUNDATION ACTIVITIES

1. Activity: Fostering a strong safety culture
2. Activity: Training executives in the business
3. Activity: Recruiting and employing (all employees)
4. Activity: Training employees
5. Activity: Working with other businesses
6. Activity: Assurance – other businesses
7. Activity: Sharing information
8. Activity: Making agreements

MANAGING DRIVERS

9. Activity: Recruiting and employing heavy vehicle drivers
10. Activity: Managing fitness to drive
11. Activity: Managing driver fatigue
12. Activity: Managing distraction and inattention
13. Activity: Training drivers
14. Activity: Equipping drivers
15. Activity: Using monitoring devices and safety systems

VEHICLES AND EQUIPMENT

16. Activity: Vehicle procurement and fleet management
17. Activity: Maintaining vehicles and equipment
18. Activity: Equipping and modifying vehicles

PREMISES

19. Activity: Design and characteristics of loading / unloading premises

20. Activity: Managing loading and unloading premises

OPERATIONS

21. Activity: Arranging for the transport of goods
22. Activity: Arranging for a vehicle to perform a task
23. Activity: Arranging for the collection and transport of livestock

DECISION MAKING

24. Activity: Allocating a driver to a driving task
25. Activity: Scheduling transport tasks
26. Activity: Route planning and selection
27. Activity: Allocating or accepting a vehicle for a transport task

LOADS, LOADING, UNLOADING

28. Activity: Manufacturing and packaging goods
29. Activity: Loading
30. Activity: Restraining loads
31. Activity: Unloading
32. Activity: Measuring, communicating and monitoring mass
33. Activity: Measuring, communicating and monitoring dimension
34. Activity: Operating a weighbridge

BUSES 94

35. Activity: Equipping and modifying buses
36. Activity: Operating a bus fleet
37. Activity: Managing passengers
38. Activity: Establishing, monitoring and scheduling bus routes

ADDITIONAL SECTOR SPECIFIC CONTROLS

39. Activity: Running an on-line freight platform
40. Activity: Operating on and around construction sites
41. Activity: Recovery vehicles and operations

- 42. Activity: Transporting dangerous goods
- 43. Activity: Packing and restraining goods in shipping containers
- 44. Activity: Importing goods in shipping containers
- 45. Activity: Transporting shipping containers
- 46. Activity: Managing premises where shipping containers are loaded and/or unloaded