

HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL 2025

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QUEENSLAND STATE DEVELOPMENT, INFRASTRUCTURE AND WORKS COMMITTEE

HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL 2025

AUSTRALIAN TRUCKING ASSOCIATION SUBMISSION 16 SEPTEMBER 2025

1. About the Australian Trucking Association

The Australian Trucking Association is a united voice for our members on trucking issues of national importance. Through our eleven member associations, we represent the 60,000 businesses and 200,000 people who make up the Australian trucking industry.

2. Introduction

The Heavy Vehicle National Law Amendment Bill was introduced into the Queensland Parliament on 26 August 2025.

The Heavy Vehicle National Law (HVNL) is a co-operative national scheme hosted by Queensland. It is used in New South Wales, Victoria, South Australia, Tasmania and the ACT as well as in Queensland. The law is administered by the National Heavy Vehicle Regulator (NHVR).

The HVNL Amendment Bill is the outcome of the HVNL review, which started in 2018. The trucking industry is disappointed with its extended length and the lack of ambition of its outcomes.

Despite the industry's disappointment, we recommend that the Queensland Parliament pass the bill. Section 4 of the submission sets out its changes of value.

The process of reviewing the HVNL must not end with the bill. Section 5 proposes the establishment of an ongoing review and maintenance program. It puts forward an indicative work program.

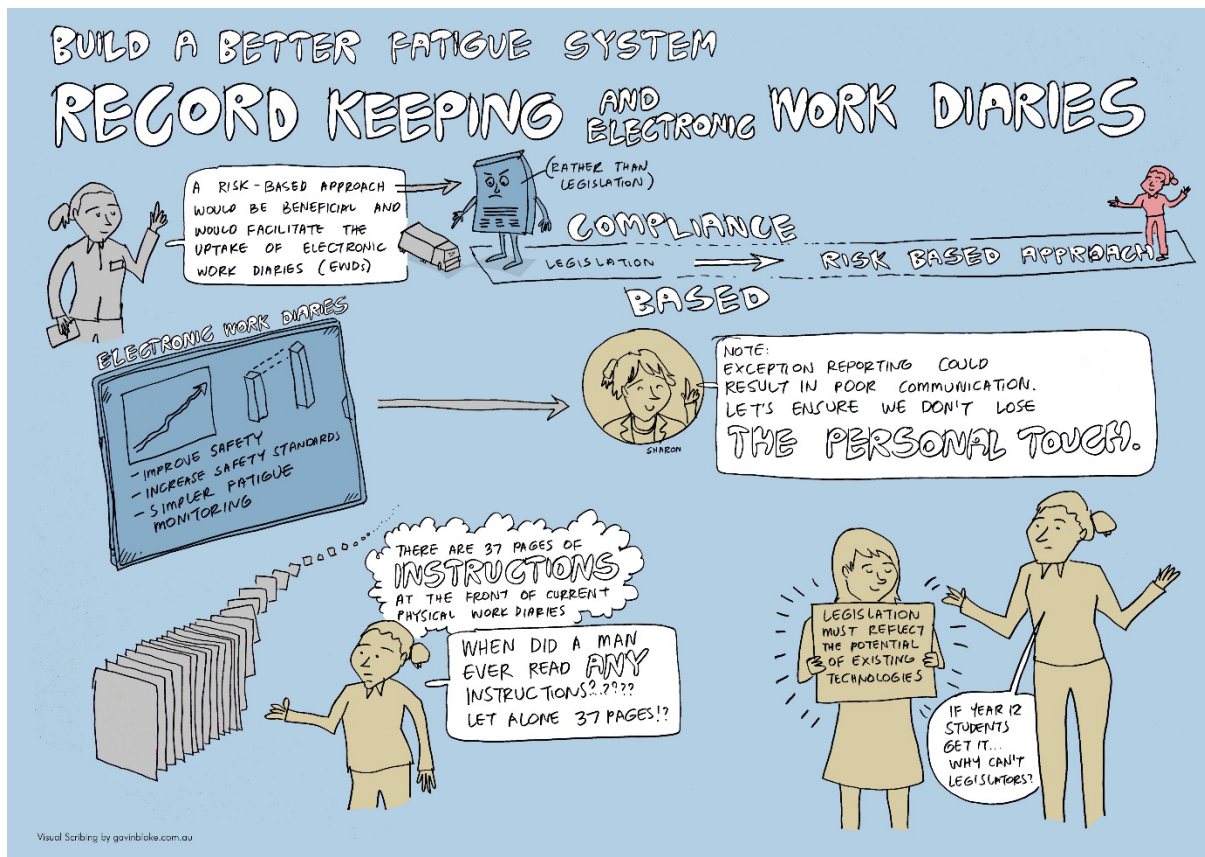
Finally, section 6 draws on Queensland's approach to speed camera fines to recommend that the NHVR's offence revenue be hypothecated to road safety education and awareness.

3. The results of the HVNL review were disappointing

In November 2018, infrastructure and transport ministers agreed on the terms of reference for the HVNL review. The review was to have been a first principles look at the HVNL and its regulations.¹

The ATA and its member associations ran extensive consultations to hear the views of the industry. Figure 1 is an example of the consultations that occurred at the ATA's national conference, Trucking Australia, in 2019.

Figure 1: Consultations on work diaries and record keeping at Trucking Australia 2019



The ATA also carried out a consultation campaign about the law in conjunction with industry newspaper *Big Rigs*. The campaign reached more than 188,000 people and received 119 pieces of constructive feedback via its SMS, email and Facebook platforms.

We ran a follow-up campaign in 2020, following the release of the review's Consultation Regulation Impact Statement. This campaign focused on potential changes to the fatigue laws. We received 432 survey responses throughout the six week campaign.

The review did not move forward again until February 2022, when ministers appointed former NSW Roads and Maritime Services CEO Ken Kanofski to undertake stakeholder

¹ NTC, [Heavy Vehicle National Law high-level regulatory framework](#), May 2023. 13.

consultation and bring back a package that was likely to have broad support.² In September 2022, ministers agreed to implement his recommendations.³

The Kanofski report was a compromise. The industry agreed with its recommendations to secure at least some positive results from the review. In the years since 2022, though, the scope of the immediate changes has been narrowed.

Some of the recommendations must now be considered as part of a work program for future changes to the law, including—

- regulatory offences for off-road parties⁴
- improvements to the performance based standards (PBS) scheme⁵
- an increase in general access truck height from 4.3 to 4.6 metres.⁶

And some of the other agreed changes in the package seem unlikely to proceed at all, such as making truck driver medicals part of the driver licensing system.⁷

Recommendation 1

The Queensland Parliament should note the trucking industry's disappointment with the extended length of the Heavy Vehicle National Law review and the lack of ambition in its outcomes.

4. Despite this, the bill should be passed

Despite recommendation 1, the ATA considers that the bill should be passed.

In conjunction with the amendments to the national regulations, the bill includes changes of value. Once passed, the NTC, participating states and the industry would be able to focus on the ongoing review and maintenance program proposed in this submission.

The industry particularly welcomes the following changes—

Moving technical content to regulations or standards

The HVNL is highly prescriptive and includes large amounts of technical detail that would normally be set out in regulations or technical standards.

As a result, the law cannot keep up with changing technology or the needs of the industry.

² *ibid*, 187-213.

³ Infrastructure and Transport Ministers' Meeting. [Communiqué](#). 30 September 2022.

⁴ NTC, May 2023, 205.

⁵ *ibid*, 192-193.

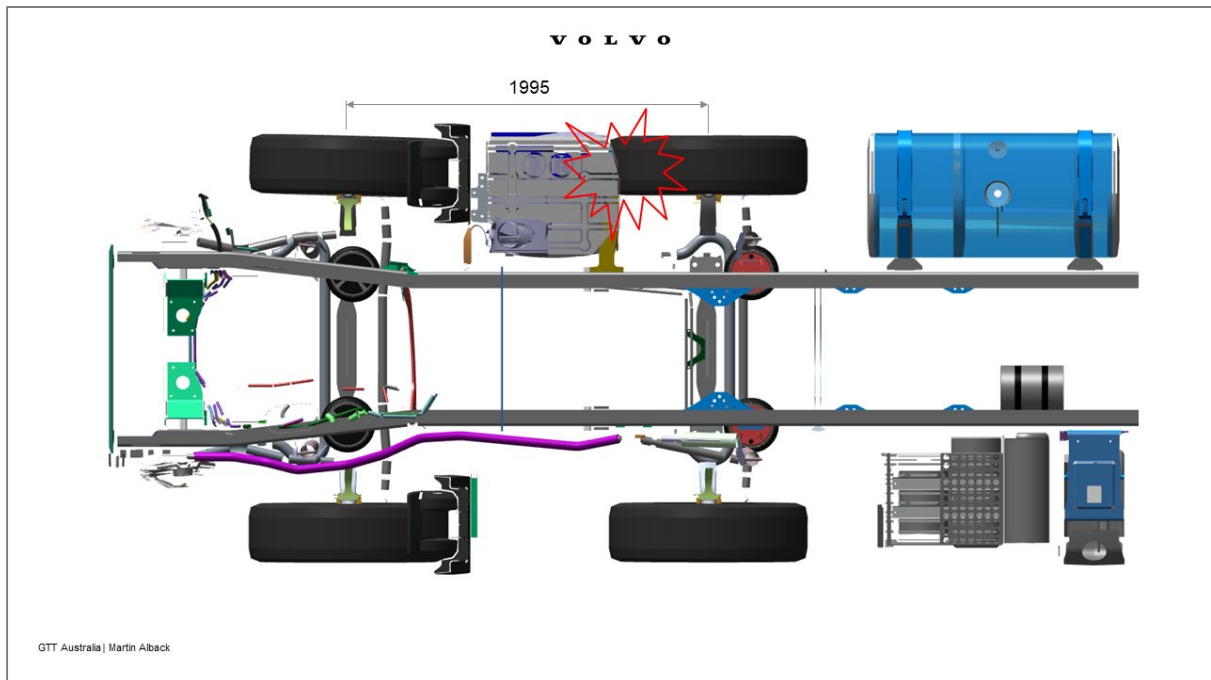
⁶ *ibid*, 191.

⁷ *ibid*, 198.

The definition of a twinsteer axle group in s 5 of the law is an example of the problem. The definition requires the two axles to be at least one metre but not more than two metres apart.⁸

The ATA and the Truck Industry Council have campaigned to increase the maximum spacing from two metres to 2.5 metres, to accommodate the larger mufflers required for Euro VI trucks. Figure 1, supplied by Volvo Group Australia, illustrates the problem.

Figure 1: Volvo twinsteer with current axle spacing and Euro VI muffler



Because the dimensions are in the primary act, the distance between the axles can only be changed through a legislative amendment.

Since the start of the review, the ATA has argued that this sort of problem is best solved by moving as much regulatory detail as possible to the regulations or other instruments.⁹

The bill makes progress toward this goal,¹⁰ although more work is needed. Our recommended work program includes targeted reviews that would increase the agility of the law further.

⁸ HVNL, s 5 (definition of 'twinsteer axle group').

⁹ ATA, [A risk-based approach to regulating heavy vehicles. HVNL review issues paper 1](#). Submission to the NTC, May 2019. 10-11.

¹⁰ Explanatory notes, Heavy Vehicle National Law Amendment Bill 2025, 7.

Improving the NHVR's governance and autonomy

The NHVR board is responsible for controlling the affairs of the regulator,¹¹ but in practice its functions are highly constrained. Ministers are formally responsible for approving a host of guidelines and standards¹² that should be within the scope of a regulator.

The bill would modernise the NHVR's governance and increase its autonomy by—

- modifying the specific approvals that must be made by ministers¹³ and adding a broad ability to issue a statement of expectations to the NHVR. The NHVR would be required to exercise its functions in accordance with the statement¹⁴
- requiring the NHVR to provide ministers with its corporate plan no later than 30 days before the end of each financial year¹⁵
- increasing the size of the NHVR board from five to seven members,¹⁶ in line with the ATA's advice that a five member board was small by the standards of comparable regulators.¹⁷

Taking a more systematic approach to safety

NHVAS safety management system prerequisite

Under the National Heavy Vehicle Accreditation Scheme (NHVAS), trucking businesses that meet higher standards than the ones required in the law can gain productivity or compliance benefits. These accredited operators are audited regularly.

The scheme was developed before the safety duties in Chapter 1A were added to the law. The extraordinary result is that the NHVR is operating a scheme that does not assure compliance with its own law.¹⁸

The Kanofski review recommended that NHVAS should include a safety management system (SMS) requirement.¹⁹ An SMS is a systematic process for identifying and managing risk and establishing and integrating the necessary structures, resources, accountabilities and policies and procedures to manage safety into the day-to-day business activities of an organisation.

Clauses 101-103 would implement this policy approach by requiring that applicants for NHVAS accreditation first have an SMS: a key safety improvement.

The SMS would have to comply with a new safety management system standard and be audited by an approved auditor.²⁰

¹¹ HVNL, s 664.

¹² ss 653-654.

¹³ Clause 135, amended s 654.

¹⁴ Clause 136, new s 659A.

¹⁵ Clause 140, amended s 695.

¹⁶ Clause 137, amended s 663.

¹⁷ ATA, [HVNL review consultation RIS: chapter 5: regulatory tools](#). Submission to the NTC, November 2020. 12-13.

¹⁸ ATA, [Assurance models: HVNL review issues paper 6](#). Submission to the NTC, October 2019. 3.

¹⁹ NTC, May 2023, 200.

²⁰ Clause 101, inserted s 459(2)(b)(i)-(iii).

Most NHVAS operators would need to develop a documented SMS, which would be a cost imposition, although the cost and complexity of the SMS would depend on the risk profile of the business. The SMS for an owner driver or small fleet could be expected to be very straightforward compared to the SMS that would need to be developed by a large, complex business.

The ATA owns the industry's SMS product, TruckSafe, which offers separate fleet²¹ and single vehicle owner-driver systems.²²

Use of audits of safety management systems in proceedings

The ATA proposed in the review that parties in the chain of responsibility should be able to rely on a business's safety certification as evidence that the business was compliant with its safety duties and obligations.²³

We made the proposal to address the tidal wave of compliance audits required by customers and prime contractors after the safety duties in Chapter 1A came into force.

For example, the NTC's 2019 issues paper on assurance models included a case study of one operator that was in three accreditation schemes – but customers still believed they needed to do their own auditing to meet their legal obligations.²⁴

The bill includes an evidentiary provision that would make it clear that a court could consider an audit of a safety management system conducted under the audit standard as part of determining whether a chain party had met one of the specified safety duties.²⁵

The ATA strongly reports the new section, which would encourage businesses to adopt audited safety management systems and reduce the unnecessary duplication of safety audits.

Making fatigue management simpler

Reducing the complexity of written work diaries

The existing national heavy vehicle driver work diary is complex and full of traps for drivers. The ATA argued during the review that the paperwork requirements could be greatly simplified.²⁶

²¹ TruckSafe, [2024 TruckSafe safety management system](#). Viewed 14 September 2025.

²² TruckSafe, [2024 single vehicle owner-driver safety management system](#). Viewed 14 September 2025.

²³ ATA, October 2019, 9.

²⁴ NTC, [Assurance models](#). August 2019. 32.

²⁵ Clause 127, inserted section 632B.

²⁶ ATA, [Effective fatigue management](#). Submission to the NTC, August 2019. 10-11.

Under the changes in the bill and the exposure draft amendment regulations—

- recording the day of the week and total work and rest hours would be optional
- standard hours would be the default option, so drivers would only need to tick their hours option if they were not on standard hours.²⁷

Better provisions for formal warnings

Clause 125 of the bill would amend the formal warning provision in s 590 of the law.

Formal warnings are an important tool that authorised officers can use at the roadside if they consider that an offence does not warrant an infringement notice.

At present, though, officers can only issue formal warnings if they are satisfied that the person had exercised reasonable diligence to prevent the contravention and was unaware of it.²⁸

The bill would remove this requirement. As a result, an authorised officer would have the discretion to issue a formal warning if they reasonably believed it was appropriate, including for minor, but understandable, breaches of the law such as—

- a driver cutting a 15 minute rest break short to enable another truck to park in a congested rest area
- a driver working an extra 10 minutes to get home at the end of a trip
- a minor mistake on a driver work diary page.

Lower fines for minor fatigue and work diary record keeping offences

The ATA and its members argued throughout the review that the penalties for minor fatigue breaches and record keeping offences were too high.²⁹

There is little connection between improving safety and minor time counting or record-keeping offences. In fact, it's the opposite. Imposing high penalties for minor offences reduces the willingness of industry participants to focus on safety, not compliance.

Many truck drivers see the minor offences and penalties under the law as unavoidable nit-picking. Road transport involves unexpected delays, whether it's an interstate journey in a truck or a family road trip. The minor fatigue offences do not recognise this reality.

²⁷ Exposure draft Heavy Vehicle National Amendment Regulations 2024, clauses 6,7,11.

²⁸ s 590(1)(b).

²⁹ ATA, [Reforms to Heavy Vehicle National Law: consultation regulation impact statement](#). Submission to the NTC, November 2023. 13.

As one driver told the ATA—

I started in this industry wanting to learn and aim for 100% compliance and placing my own limits on myself because of my relative inexperience.

After 18 months I feel resentful, consider it is virtually impossible to avoid 'non-compliance' due to the level of petty nit-picking, and find myself as a result, being tempted into avoidance or cheating strategies. I should not feel so afraid of or resentful toward the authorities when I have started out with a determination to do the right thing. This tells me that the current system is counterproductive.³⁰

As part of their consideration of the Kanofski review, ministers endorsed a review of penalties across the HVNL. The review considered 349 offences, and as a result ministers agreed to increase 50 penalties for more serious offences and to decrease 21 penalties, including for a number of minor fatigue and record-keeping offences.³¹

Table 1 sets out some of the reductions in fatigue and record-keeping penalties.

Table 1: Selected fatigue and record-keeping penalty reductions

Offence	Existing HVNL	Amended penalty
Minor fatigue risk breach: solo driver operating under standard hours (HVNL s 250(1))	In law: \$4,000 Indexed: \$5,470 Infringement notice: \$547	In law: \$3,000 Indexed: \$4,110 Infringement notice: \$411
Minor fatigue risk breach: two-up driver operating under standard hours (HVNL s 251(1))	In law: \$4,000 Indexed: \$5,470 Infringement notice: \$547	In law: \$3,000 Indexed: \$4,110 Infringement notice: \$411
Information required to be recorded immediately after starting work (HVNL s 297(2))	In law: \$6,000 Indexed: \$8,250 Infringement notice: \$825	In law: \$4,000 Indexed: \$5,470 Infringement notice: \$547

Increasing the industry's productivity

One of the priorities of the HVNL review was to improve the industry's productivity, because the HVNL and its regulations impose significant and unnecessary constraints on the use of electric and longer, safer high productivity vehicles.

³⁰ *ibid.*

³¹ Explanatory notes, 4.

In 2019, modelling conducted for the ATA showed that increasing high productivity vehicle access could—

- reduce the industry's operating costs by \$13.6 billion in NPV terms over the years to 2050
- reduce the cost of house construction by \$30 million per year by 2050 and the cost of construction services by \$70 million per year, and
- save a typical Australian household more than \$400 per year on their everyday purchases.³²

Separately, the ATA's emissions modelling shows that improving high productivity and zero emission vehicle access to the road network could reduce emissions by 13.3 million tonnes of CO₂-e by 2050.³³

The recommendations of the Kanofski review included both legislative and non-legislative measures to increase productivity, and as a step forward ministers agreed in principle to—

- increase the general access mass limit for heavy vehicles by up to 5 per cent to match the current concessional mass limit
- increase the maximum length of a general access vehicle from 19 metres to 20 metres, and
- increase the general access height of trucks from 4.3 metres to 4.6 metres.³⁴

The amendments to the national regulations to increase heavy vehicle mass and length are still being developed. We have added the increase in the general access height of trucks to our proposed work program.

Recommendation 2

The Queensland Parliament should pass the Heavy Vehicle National Law Amendment Bill 2025.

5. Ongoing review and maintenance program

The process of reviewing the HVNL must not end with this bill.

The review process was not able to finalise important changes to the law; there will always be legislative maintenance and minor policy issues to address.

Governments should agree to a systematic process for reviewing and updating the HVNL, with a package of amendments to be introduced into the Queensland Parliament every two years.

³² Deloitte Access Economics (DAE), [Economic benefits of improved regulation in the Australian trucking industry](#). Report prepared for the ATA, March 2019. vi, 46.

³³ DAE, [Pathways to decarbonising Australia's trucking industry](#). Report prepared for the ATA, July 2025. 15.

³⁴ NTC, [Reforms to Heavy Vehicle National Law decision regulation impact statement](#), July 2024. 53.

In our view, the work program for reviewing the HVNL should be arranged by theme and should include—

Safety

- **Fatigue education option:** Ministers agreed to establish a fatigue education program as a one-time alternative to fines for drivers issued with minor fatigue or work diary offences.³⁵
- **Completing the review of standard hours:** The standard work and rest hours under the HVNL are difficult to understand and force drivers to work by the book rather than taking sensible steps to manage their fatigue. The review considered changing the standard hours, but it could not be progressed.
- **Regulatory fines for off-road parties:** The HVNL covers off-road parties such as consignors and consignees, but the NHVR's ability to act against them is unbalanced. It does not have the ability to issue on the spot fines for safety breaches that, while serious, are not serious enough for a safety duty prosecution.

Productivity

- **Extending the length of 19 metre B-doubles:** With the maximum length of a prime mover and semitrailer to be extended to 20 metres, it would make sense to extend 19 metre B-doubles to 20 metres as well.
- **Increasing general access truck height to 4.6 metres:** The Decision RIS on the review concluded there would be productivity and red-tape benefits from increasing general access truck heights from 4.3 metres to 4.6 metres.³⁶
- **Performance based standards:** The Kanofski review recommendations on performance based standards need to be implemented.³⁷

Improving enforcement and compliance

- **Extraterritorial application of work and rest hours:** Section 245 of the law purports to apply the HVNL time counting rules to Western Australia and the Northern Territory. This causes confusion for businesses and drivers. It also raises the legal question of whether an HVNL state can charge a driver for what they do outside the state.
- **Delegation of authority:** The HVNL gives authorised officers a wide range of powers, including to prohibit transport activities and commence complex prosecutions. The ATA considers that the law needs to restrict the use of the highest level powers to SES-equivalent or, for police, commissioned officers.

³⁵ NTC, July 2024, 47-52.

³⁶ *ibid*, 8.

³⁷ NTC, May 2023, 192-193.

- **Transitioning to a risk-based, safety focused law:** The HVNL continues to require drivers and businesses to achieve a high level of compliance with provisions that do not reduce the risk of crashes and may even detract from achieving safety outcomes.

Legislative structure and agility

- **Technology in the law:** The HVNL does not adequately provide for the use of emerging technologies such as fatigue and driver distraction technology (FDDT).³⁸
- **Moving vehicle classifications to the regulations:** To avoid a recurrence of the twinsteer axle spacing issue (page 3), the details of the remaining vehicle classifications in the law need to be reviewed, simplified and moved to the regulations.

Recommendation 3

A systematic review and maintenance process should be established for the Heavy Vehicle National Law and its regulations, with amendments to be brought forward to the Queensland Parliament every two years.

6. Hypothecation of offence revenue

Section 117 of the *Transport Operations (Road Use Management) Act 1995* (Qld) provides that—

117 Use of penalties collected for camera-detected offences

(1) All money collected for penalties imposed for camera-detected offences in excess of the administrative costs of collection must be used for the following purposes—

(a) to fund the development or delivery of programs or initiatives for any of the following—

- (i) road safety education and awareness;
- (ii) enabling practices and behaviours that improve road safety;
- (iii) rehabilitation of persons who have been injured in a road crash;

(b) to fund infrastructure and related technologies to improve the safety of State-controlled roads, with funding to be prioritised using a risk assessment methodology to maximise the reduction in the frequency and severity of road crashes.

³⁸ *ibid*, 202-203.

Given the industry's concerns about the high penalties in the law, the ATA considers that the NHVR should take a similar approach to its offence revenue. This could be implemented as a policy or as a legislative requirement.

Recommendation 4

The NHVR should hypothecate its offence revenue to road safety education and awareness programs.