




Speech By
Hon. Brent Mickelberg

MEMBER FOR BUDERIM

Record of Proceedings, 26 August 2025

HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL

Introduction

 **Hon. BA MICKELBERG** (Buderim—LNP) (Minister for Transport and Main Roads) (11.27 am): I present a bill for an act to amend the Heavy Vehicle National Law Act 2012 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the State Development, Infrastructure and Works Committee to consider the bill.

Tabled paper: Heavy Vehicle National Law Amendment Bill 2025 [1099](#).

Tabled paper: Heavy Vehicle National Law Amendment Bill 2025, explanatory notes [1100](#).

Tabled paper: Heavy Vehicle National Law Amendment Bill 2025, statement of compatibility with human rights [1101](#).

I am pleased to introduce the Heavy Vehicle National Law Amendment Bill 2025. The bill amends the Heavy Vehicle National Law Act 2012. The heavy vehicle national law provides a single national law for the consistent regulation of heavy vehicle operations across Australia, with the exception of Western Australia and the Northern Territory. As host jurisdiction, the law will first be enacted here in Queensland before it can then be applied by other participating states and territories. The national law regulates matters about the operation of heavy vehicles, including prescribing maximum vehicle masses and dimensions, vehicle standards and measures designed to safely manage driver fatigue. The national law also establishes the National Heavy Vehicle Regulator to administer the law.

This bill is a significant and timely reform that modernises the regulatory framework that governs heavy vehicle operations in participating jurisdictions. The bill amendments also align with the Queensland government's strong commitment to improving road safety, reducing red tape and enhancing the productivity of Queensland's heavy vehicle transport sector. The bill implements key recommendations endorsed by the infrastructure and transport ministers and is the product of extensive consultation and policy development led by the National Transport Commission through the Heavy Vehicle National Law Review. I commend the collaborative efforts of the many people across the country who have made these reforms possible including those in the National Transport Commission, the National Heavy Vehicle Regulator, jurisdictions' transport and police agencies, and industry associations. I thank them all for their commitment, drive and persistence.

The reforms outlined in this bill not only strengthen the operational efficiency of the heavy vehicle sector but also deliver tangible benefits to Queensland road users and the broader community. The objectives of this bill are clear: to improve safety outcomes, streamline compliance, reduce red tape, and ensure that the national law remains responsive to the needs of industry and the broader community. These reforms are the culmination of effort across many years. Importantly, these objectives are achieved through a range of amendments that reduce regulatory burden while maintaining robust safety standards.

The heavy vehicle industry is vital to Queensland's economy as it supports our supply chains, creates jobs, and facilitates the movement of goods across our state and beyond. This bill ensures that

we will continue to support this critical industry while upholding our commitment to public safety and efficient governance. I will now detail the key reforms contained in the bill.

This bill acknowledges the importance of fostering productivity within the heavy vehicle industry through improvements to the accreditation scheme. It will provide operators with more flexibility in how they can demonstrate compliance with prescribed requirements such as fatigue management work and rest hours or general mass limits. This approach will be achieved through the introduction of an enhanced accreditation framework. This framework strengthens the National Heavy Vehicle Accreditation Scheme by requiring operators to implement a safety management system, commonly known as an SMS, that is scalable to their organisation and operations. The requirement to have an SMS that is subject to audit is a new core accreditation requirement that will underpin both general safety accreditation and alternative compliance accreditation under the national law.

General safety accreditation will help operators meet their primary safety duty obligations, and alternative compliance accreditation will support operators by enabling the flexibility of applying different and innovative methods for complying with prescribed obligations. Operators seeking accreditation must identify and address public risks associated with their transport activities and specify controls to mitigate those risks in their SMS. This proactive approach not only enhances safety and efficiency by specifically identifying risks relevant to that business but also recognises the operational realities faced by industry participants. It will provide the flexibility needed to accommodate the varied nature of the heavy vehicle sector and encourages operators to find innovative safety solutions. Furthermore, to be accredited it will be mandatory for an operator to have their SMS independently audited to ensure it is compliant with approved standards. This provides for accountability and transparency and contributes to improved safety outcomes for industry and the community.

Within the bill is a new duty to be 'fit to drive', which expands upon the existing obligation for drivers not to drive while impaired by fatigue. This new duty applies to all drivers of heavy vehicles over 4.5 tonnes, not just those operating fatigue regulated vehicles over 12 tonnes. It places a proactive responsibility on drivers to manage their health and fitness and empowers them to cease driving if they are unfit to drive for any reason. This reform reflects a shared responsibility between drivers and operators and is a critical step in reducing the risk of fatigue related incidents on our roads.

The bill enhances compliance and enforcement outcomes by introducing greater flexibility for the regulator. Improvement notices will be supported by amendments that allow for the commencement of prosecution in serious cases for the same conduct, allowing for more flexible and effective compliance responses. Additionally, the bill expands the use of formal cautions and warnings where appropriate, making the law fairer and providing a proportionate response without compromising safety. This is particularly important when dealing with minor breaches such as clerical work diary errors.

To support these reforms, the bill adjusts penalty amounts in the national law following the comprehensive review of penalties undertaken by the National Transport Commission. Amendments in the bill increase and decrease some penalties to better reflect the seriousness of offences and promote deterrence. Several minor or duplicated offences are also removed, streamlining the law and reducing red tape. The penalty review was conducted in consultation with working groups comprising representatives from police, transport agencies and industry.

In terms of governance, the bill modernises the structure and operation of the regulator's board. It increases the board size to a potential maximum of seven members from the current maximum of five members, and it introduces new qualification and conflict-of-interest requirements. Term limits of three consecutive terms, or a maximum of 10 years, are also included which will promote renewal and accountability. Additionally, board members may be removed where they have engaged in misconduct; have failed to, or are unable to, properly exercise their functions as a board member; or have engaged in paid employment without responsible ministers' approval. Importantly, the bill also formally recognises the ministerial statement of expectations, which directs the regulator's strategic direction and performance.

Another key reform is an overhaul of the codes of practice framework. The bill simplifies the process for developing and approving codes of practice by shifting responsibility for initiating and developing codes from industry to the regulator, consistent with other safety regulators. This change will ensure that codes of practice are developed with a consistent, risk-based approach and that they provide clear and practical guidance to regulated parties. Ministers will retain oversight through new powers to direct the regulator to amend or revoke a code of practice, ensuring accountability and responsiveness.

The bill also strengthens ministerial direction and approval powers, allowing responsible ministers to direct the regulator to exercise a certain function or power in cases of serious public risk

and where it is in the public interest. A responsible minister will also be able to give the regulator a direction that applies only in their own jurisdiction, provided that they are satisfied the direction is necessary to prevent or minimise a serious public risk. These provisions strike a careful balance between independence of the regulator and ministerial oversight, ensuring that the regulator remains responsive to emerging risks and community expectations.

A further key reform is the shift of prescriptive detail from primary legislation into regulations. This change simplifies the primary legislation and allows for more agile, specific and risk-based regulation. It includes matters such as compliance with vehicle standards, permit conditions, and work and rest time requirements. This flexibility is essential in a rapidly evolving transport and technology environment and will ensure the regulatory framework is fit for purpose to meet future challenges. For example, work diary arrangements have been streamlined by removing requirements and consolidating details that can be better managed through regulations.

Finally, the bill includes consequential amendments to Queensland application provisions in the Heavy Vehicle National Law Act 2012 to remove duplication and to ensure that section references arising from the amendments to the national law in the bill are updated. These changes will be supported by a separate regulation amendment package to update references and terminology in relevant Queensland subordinate legislation.

Consultation on the bill was undertaken with state and territory government transport and enforcement agencies. Consultation was also undertaken with peak transport industry organisations, other key stakeholder representatives and the community. Industry and stakeholder groups have expressed their support for the amendments.

In closing, the bill represents a significant milestone in the ongoing evolution of the national law governing heavy vehicles. It is a balanced and forward-looking piece of legislation that addresses the needs of industry stakeholders while prioritising public safety and regulatory efficiency. These reforms will not only improve safety outcomes on Queensland roads but also allow the heavy vehicle industry to thrive in a modern and competitive environment. I commend the bill to the House.

First Reading

Hon. BA MICKELBERG (Buderim—LNP) (Minister for Transport and Main Roads) (11.38 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to State Development, Infrastructure and Works Committee

Mr DEPUTY SPEAKER (Mr Krause): In accordance with standing order 131, the bill is now referred to the State Development, Infrastructure and Works Committee.