



Speech By
David Kempton
MEMBER FOR COOK

Record of Proceedings, 30 October 2025

HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL



Mr KEMPTON (Cook—LNP) (6.26 pm): With close to one million registered heavy vehicles—

Mr McDonald: One million?

Mr KEMPTON: One million—in Australia travelling over 20 billion miles a year, it would be an understatement to say that we are a nation dependent on road transport for our very existence. Given the vast distances travelled between capital cities and the range of goods and services transported across the nation, there needs to be a universal approach to governance, regulation, compliance and enforcement. The Heavy Vehicle National Law Amendment Bill 2025 does just that.

While travelling on our national highways, roads and streets it is commonplace to encounter numerous trucks in a range of sizes and configurations. Members in the south-east are likely to come across semitrailers or B-doubles, commonly known as 18-wheelers. In some situations these vehicles can be daunting for even the most seasoned drivers. For those members to the west and north—and no more so than in my electorate of Cook, the most remote of all electorates—encountering double road trains of 50 wheels or even triple road trains of 70 wheels on a dirt road can be next level terror for some.

Mr Smith interjected.

Mr KEMPTON: Could I ask the member to withdraw. I take offence at that comment.

Madam DEPUTY SPEAKER (Ms Marr): Member for Bundaberg, I did hear that as well. The member has taken offence. I ask you to—

Mr SMITH: Madam Deputy Speaker, I rise to a point of order. Under the standing orders I did not mention the member by name, and therefore there is no point of order from the member for Cook.

Madam DEPUTY SPEAKER: Member for Bundaberg, I note what you said about the standing orders, so I ask you to sit quietly in the chamber and let the member for Cook speak.

Mr KEMPTON: If for no other reason than the sheer volume of heavy vehicles on our roads, a balance must be achieved between public safety, transport logistics and economics, which is the main objective of these amendments.

At the core of the amendments is the establishment of a scalable safety management system as a core accreditation requirement to underpin general safety accreditation and alternate compliance accreditation. This approach is designed to reflect industry diversity and will offer more flexibility while improving safety for the community. Other reforms include increased penalty amounts, the removal of red tape and an improved code of practice and governance.

A new and unique reform is the fit-to-drive duty. Currently, drivers must not operate a fatigue regulated heavy vehicle while impaired by fatigue. These amendments will impose a further obligation on drivers to ensure they are fit to drive. This amendment has the twofold effect of creating a duty on fatigued drivers not to drive; on the other side of the coin, the amendments empower drivers to stop driving if their health or fitness impacts on their ability to drive, thus giving some protection from pressure from employers to drive when unsafe to do so.

Further, the amendments provide for variations to the existing penalties, seeking to achieve a sensible balance between compliance and taking a fair and reasonable approach towards minor and technical breaches. These amendments increase 50 penalties and decrease 21 penalties to deliver proportionate outcomes that increase deterrence with a view to enhancing overall road safety.

Sitting suspended from 6.30 pm to 7.30 pm.



Mr KEMPTON: The Heavy Vehicle National Law Amendment Bill 2025 was referred to the State Development, Infrastructure and Works Committee, which is ably chaired by the member for Lockyer and generously supported by the secretariat. The committee made one recommendation: that the bill be passed. The committee heard from a wide range of stakeholders and in particular several owner-operators from the remote Far North.

To this end, the committee noted that amendments to the accreditation framework are designed to reflect industry diversity and offer more flexibility while improving safety for the community. The committee also acknowledges the questions raised by stakeholders about the new accreditation framework, particularly how implementation will impact their businesses and what costs may be associated with its implementation. Accordingly, the committee encourages the regulator to ensure that the new framework is accompanied by a comprehensive education program so that operators can fully understand the impacts of any new requirements on their business.

The committee also encourages local industry to contact the regulator to clarify whether solutions to some of the driving challenges faced in regional and North Queensland can be addressed through the revised accreditation framework. To put some context around this comment I refer to the evidence of one witness, Debbie Gostelow from Gostelow's Cattle & Freight Transport, who operates on road networks that are often corrugated dirt. She said—

It is very difficult for us in these areas up here in our region because of the road networks. There are places we go where we would do 600 kilometres in 12 to 14 hours, and that is sometimes unloaded. That is just getting there. We are doing 30 clicks along the road, and then we get back down and we hit a bitumen road and NHVR is sitting there wondering why we have a full load of cattle on and we cannot get to market. If that happens, in that scenario we have to stop and let them stand seven hours, after travelling 12 to 14. We then have to just sit on the side of the road. ... We believe there should be leniencies and allowances for travel on these roads unless they are brought up to some sort of reasonable standard, because 600 kilometres is not far. You can do that quite easily in eight to nine hours, fully loaded.

Ms Gostelow also spoke to other examples of when flexibility should be required. She said—

We also have other issues. You may leave at three o'clock one afternoon, travel for five hours, have a nine-hour break, and the next day you only have seven hours of work time left but you have to do that up to three o'clock. You still have a 24-hour clock. That means we could sit on the side of the road with those cattle for three hours in the middle of the day, waiting for our time to catch up to a 24-hour period. Then the driver drives into the night to catch his hours up. It does not make sense to us. You are sitting there in the middle of the day and you are not going to go to sleep because you just had nine hours the night before, but it does not reset a 24-hour logbook and it does not reset a seven-day logbook. It seems a ridiculous thing to us to have to sit and rest. All the people we talk to say the same thing. They sit and rest when their 24 hours is coming up. As soon as they hit their line, they have to drive like the clappers to get there.

The committee also heard from Mr Bray from Brays Transport on the subject of safety management systems. He said—

I do not know if everyone here operates under some of these systems currently. It does say that they will revoke those systems into a new system, so how is that going to affect us and what cost will that have on our business to go through and entertain new systems?

On the issue of the fit-to-drive amendment, Ms Gostelow expressed similar concerns, stating—

I also have very big concerns about somebody perceiving someone to be tired. My husband is 65. He does not bother shaving and he is often hairy. Is someone going to pull him up—because it has happened—and say, 'You look like you should have a couple of hours off'? If this comes in, does that mean he can be told to sit on the side of the road after he has had seven or nine hours sleep? Whose perception is it? Is it ours? It also says part the way through that the driver must know he is safe to drive. Who is right? Is it the driver or the officer on the side of the road who does not know the driver?

The Cairns Heavy Haulage representative also spoke about the impact of requirements on industry to provide measurements of powerlines on a monthly basis in order to get a permit to travel certain routes. Mr Mohammed said—

I shift a lot of cane harvesters in this district, and they—
being Ergon—

have now said that for my overheight permits I have to pay someone every month to go and measure a powerline so I can get a permit. Ergon has just come back to me today and said that. It used to be a blanket cover before. I put in what roads I travel on, and now Ergon have come to me and said that I have to pay someone to measure every single powerline in that district and then they will assess it and give me a permit every month. Then every month someone has to go and recheck every powerline.

Whilst the bill does meet the national requirements, I stress the point that its interpretation and implementation must recognise regional considerations. I commend the bill to the House.