



Speech By
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MEMBER FOR MULGRAVE

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HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL

 **Mr JAMES** (Mulgrave—LNP) (6.11 pm): Tonight I rise to speak to the Heavy Vehicle National Law Amendment Bill 2025, a significant step forward for Queensland and indeed for all participating jurisdictions under the Heavy Vehicle National Law. The bill seeks to amend the Heavy Vehicle National Law Act 2012 and the Heavy Vehicle National Law, as scheduled to the act, in order to implement key policy recommendations that have emerged from the comprehensive HVNL review.

The primary objectives of these reforms are clear: to improve safety and productivity, reduce unnecessary regulatory red tape, enhance the functions of our regulatory bodies and streamline the administration of the law. These reforms will not only strengthen the operation of the Heavy Vehicle National Law but also deliver tangible benefits to the heavy vehicle industry, Queensland's road users and the broader community, all while maintaining a consistent regulatory approach across participating states and territories.

Firstly, we are enhancing the accreditation framework. Under the new arrangements, operators will be required to establish a safety management system, SMS, as a core part of accreditation. This scalable system will underpin both general safety accreditation and alternative compliance accreditation, offering greater flexibility and reflecting the diversity of our industry while also improving safety outcomes for all Queenslanders. Operators will need to identify and address public risks, implement controls and have their SMS independently audited against standards approved by ministers. Courts will be able to use these audits as evidence in prosecutions, ensuring accountability and transparency.

Secondly, the bill introduces a new duty for drivers to be fit to drive, combining this with the existing duty not to drive while fatigued. Previously, this only applied to drivers of fatigue regulated heavy vehicles—those over 12 tonnes. The bill expands this duty to all heavy vehicle drivers regulated under the HVNL, covering vehicles over 4.5 tonnes. Drivers are empowered, and obligated, to proactively manage their health and fitness, with the duty designed to allow them to cease driving if their condition could impact road safety at any time. Definitions of 'unfit to drive' and 'impaired by fatigue' are prescribed, and the matters a court may consider in such cases are clarified.

Thirdly, we are modernising the code of practice framework. The bill streamlines the process for developing and approving codes of practice, shifting the responsibility from industry to the National Heavy Vehicle Regulator. The regulator will consult broadly and may initiate, develop and approve new codes, while ministers retain the power to direct amendments or revocations as needed. This will enable better guidance for all regulated parties and support a risk-based approach to safety obligations.

Next, the bill grants new ministerial direction and approval powers. Responsible ministers may now issue directions to the regulator in cases of serious public risk and in the public interest as well as direct investigations or provision of advice and information. These powers strike an appropriate balance between regulatory discretion and ministerial oversight, ensuring critical risks to the public can be addressed swiftly and effectively. The regulator will be required to publish such directions, ensuring transparency and accountability.

Improvements to governance are also a core feature of the bill. The composition of the regulator's board will be expanded from up to five members to a minimum of five and a maximum of seven, with qualification requirements modernised to ensure the right mix of skills and experience. Term limits are introduced—three consecutive terms or 10 cumulative years—and mechanisms for removal in cases of misconduct or inability to perform are clarified. The ministerial statement of expectations is formally recognised, setting out the outcomes and performance standards expected of the regulator, and the regulator must submit its corporate plan annually in advance for ministerial review.

The bill also addresses enforcement arrangements. By removing the restriction on concurrently issuing improvement notices and commencing prosecutions, the regulator gains flexibility to respond proportionately to breaches. Authorised officers may issue formal cautions and warnings for a wider range of breaches, making the law fairer for minor errors, especially in fatigue record keeping. Courts are empowered to issue alternative verdicts for primary duty offences, allowing conviction for related but lesser offences where appropriate.

In terms of penalties, the bill increases 50 penalty amounts and decreases 21, reflecting a sensible balance between deterrence and fairness, consolidating offences where appropriate and removing outdated provisions. This regime has been developed following a comprehensive review of the NTC in consultation with police, transport agency representatives and industry stakeholders. The aim is to ensure penalties are proportionate and effective in supporting compliance, road safety and the public interest.

The bill also moves a wide range of prescriptive detail and offences into regulations. This approach responds to the need for flexibility in a rapidly changing industry, allowing the law to be more easily updated to meet future challenges. Matters such as compliance standards, permit requirements and work diary arrangements will now be dealt with in regulations, streamlining the primary law and reducing complexity.

For Queensland specifically, consequential amendments are made to remove duplication and update references, ensuring consistency with national regulation. These amendments are accompanied by a separate package of regulation amendments to ensure all legislative references remain accurate and up to date. Alternative approaches to achieving these policy objectives were considered, but ministers agreed that only through legislative amendment could complexity be reduced and the law made more effective. Implementation costs will be met within existing budgets of the regulator and state and territory agencies.

The amendments have been scrutinised across all Australian jurisdictions and drafted with regard to fundamental legislative principles as defined in the Legislative Standard Act 1992. Where duties or increased penalties may affect the rights and liberties of individuals, these changes are justified by the overriding need for public safety and the effective regulation of the heavy vehicle industry. Provisions relating to delegation of legislative powers and abrogation of rights have been carefully balanced to ensure parliamentary scrutiny and alignment with the best practice regulation framework.

Finally, extensive consultation has been undertaken with government, transport and enforcement agencies, industry organisations and the public. The amendments enjoy broad support. The bill will ensure the consistent and equitable regulation of the heavy vehicle industry across all participating jurisdictions. I commend the Heavy Vehicle National Law Amendment Bill 2025 to the House.