



QUEENSLAND PARLIAMENT **COMMITTEES**

Heavy Vehicle National Law Amendment Bill 2025

State Development, Infrastructure and Works Committee



Report No. 12

58th Parliament, October 2025

State Development, Infrastructure and Works Committee

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Acknowledgements

The committee acknowledges the assistance provided by the Department of Transport and Main Roads.

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Chair's foreword

This report presents a summary of the State Development, Infrastructure and Works Committee's examination of the Heavy Vehicle National Law Amendment Bill 2025. The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The Bill modernises the regulatory framework that governs heavy vehicle operations across Australia. The Bill implements recommendations endorsed by infrastructure and transport ministers across national jurisdictions and follows an extensive review of the Heavy Vehicle National Law.

The Bill seeks to improve safety and productivity, reduce regulatory red tape, and simplify administration, through amongst other things, providing an enhanced accreditation framework, introducing a new duty for drivers to be fit to drive, and amending the penalty framework. As host jurisdiction, the law first needs to be enacted in Queensland before it can be applied by other participating states and territories.

The heavy vehicle industry is vital to Queensland's economy and communities. In fact, my own electorate is home to many freight companies including many National freight companies and mum and dad operators. I know - without trucks, Australia Stops.

In addition to national stakeholders, the committee heard from operators from North Queensland who spoke of the unique and complex challenges facing drivers in regional and remote areas. These drivers emphasised the need for a practical and common-sense approach to regulation to ensure their businesses remain safe, viable and important supply chains are supported. The committee was encouraged by the additional flexibility offered by the revised accreditation framework. This enables the Regulator to approve an alternative compliance accreditation, provided operators can demonstrate compliance with prescribed requirements, such as fatigue management work and rest hours or general mass limit, through different and innovative methods.

The committee has recommended that the Bill be passed.

On behalf of the committee, I thank all inquiry participants making submissions and appearing at the public hearing for their valuable contributions. I also thank my fellow committee members and Parliamentary Service staff.

I commend this report to the House.



Jim McDonald MP
Chair

Executive summary

About the Bill

The Heavy Vehicle National Law Amendment Bill 2025 (Bill) proposes to amend the *Heavy Vehicle National Law Act 2012* and the Heavy Vehicle National Law (HVNL) to implement recommendations made by the National Transport Commission and endorsed by infrastructure and transport ministers across Australian jurisdictions. The Bill follows the HVNL Review process, undertaken over several years, which sought to support a more flexible, less prescriptive legal and regulatory framework that responds to an evolving and diverse industry.

The objectives of the Bill are ‘improving safety and productivity, reducing regulatory red tape, improving regulatory functions, and simplifying administration of the law’ through, amongst other things:

- an enhanced accreditation framework that requires operators to have a Safety Management System (SMS) and broadens the types of accreditations that the Regulator may grant
- a new duty to be fit to drive to be combined with the existing duty not to drive fatigued and apply to all heavy vehicle drivers regulated by the HVNL
- an improved code of practice framework that simplifies the process to make new codes of practice
- new ministerial direction and approval powers that support the changes to the accreditation and code of practice frameworks
- improved governance arrangements to modernise and increase ministerial oversight of the operation of the Regulator Board
- improved enforcement arrangements in respect of fatigue management record keeping and the issue of notices
- amended penalty amounts to deliver proportionate outcomes for particular offences under the HVNL
- moving particular matters into regulations for further flexibility
- consequential amendments to Queensland law where it duplicates a section of the HVNL.

The committee has recommended that the Bill be passed.

Stakeholder views

There was general support for the Bill from stakeholders, particularly in relation to changes to simplify the safety accreditation scheme (and the availability of alternative compliance accreditation for unique fatigue management protocols) and the reduction in penalties for particular administrative offences.

However, stakeholders also highlighted the need for targeted education and support for drivers and operators to inform them of key changes and provide practical guidance for compliance with new aspects of the HVNL. It was also noted that monitoring of the impacts of the amended regime and scanning for possibilities of future reform were both of high importance.

At the committee's hearing in Cairns, industry representatives spoke to the unique challenges and complexities facing drivers in north Queensland, and considered that a flexible, practical and common-sense approach to regulation was required to ensure that businesses remain viable, increases in productivity can be achieved, and services can continue to be provided for communities in north Queensland.

Inquiry participants also called for ongoing consultation with industry regarding the implementation of the Bill and development of new codes of practice.

Legislative compliance

The committee concluded that the Bill is compatible with the *Legislative Standards Act 1992* and the *Human Rights Act 2019*.

Recommendations

Recommendation 1 5

The committee recommends that the Bill be passed.

1. Overview of the Bill

The Heavy Vehicle National Law Amendment Bill 2025 (Bill) was introduced by the Honourable Brent Mickelberg MP, Minister for Transport and Main Roads, and was referred to the State Development, Infrastructure and Works Committee (committee) by the Legislative Assembly on 26 August 2025.

1.1. Context of the Bill

1.1.1. Heavy Vehicle National Law

The Heavy Vehicle National Law (HVNL) and its associated national regulations¹ regulates heavy vehicle operations across Australia (with the exception of Western Australia and the Northern Territory) and commenced on 10 February 2014.² Heavy vehicles are defined as vehicles which have a gross mass of more than 4.5 tonnes which could include:

- semi-trailers
- freight trucks
- road trains
- passenger buses
- vehicle carriers
- livestock and other agricultural vehicles
- mobile cranes.³

Matters regulated as a part of the HVNL include prescribed maximum vehicle masses and dimensions, vehicle standards, registration and driver fatigue management.⁴ The HVNL also established the National Heavy Vehicle Regulator (Regulator) to administer the HVNL.⁵

As the HVNL is incorporated into the Queensland *Heavy Vehicle National Law Act 2012* (HVNL Act), any changes made to the HVNL need to be enacted in Queensland first before its application in other participating jurisdictions.⁶

¹ Heavy Vehicle (Fatigue Management) National Regulation, Heavy Vehicle (General) National Regulation, Heavy Vehicle (Mass, Dimension and Loading) National Regulation, Heavy Vehicle (Registration) National Regulation and Heavy Vehicle (Vehicle Standards) National Regulation: National Heavy Vehicle Regulator (Regulator), *Heavy Vehicle National Law and Regulations*, <https://www.nhvr.gov.au/law-policies/heavy-vehicle-national-law-and-regulations>.

² Regulator, *Heavy Vehicle National Law and Regulations*, <https://www.nhvr.gov.au/law-policies/heavy-vehicle-national-law-and-regulations>.

³ Regulator, *What is a heavy vehicle?*, <https://www.nhvr.gov.au/about-us/who-we-are/what-is-a-heavy-vehicle>.

⁴ Regulator, *Heavy Vehicle National Law and Regulations*, <https://www.nhvr.gov.au/law-policies/heavy-vehicle-national-law-and-regulations>.

⁵ National Heavy Vehicle Law (NHVL), s 656.

⁶ Department of Transport and Main Roads (DTMR), written briefing, 12 September 2025, p 3.

1.1.2. HVNL Review

A review of the HVNL has been ongoing since 2019 and involved a collaboration between the National Transport Commission (NTC), the Regulator, transport ministers across Australia and heavy vehicle industry stakeholders.⁷

The overall objective of the HVNL Review was to ‘support a more flexible, less prescriptive legal and regulatory framework that responds to an evolving and diverse industry’.⁸

Throughout 2023 and 2024, packages of reforms to the HVNL were progressively approved by transport ministers from participating Australian jurisdictions.⁹ Further, in late 2024, the NTC released an exposure draft of the Bill and supporting amendment regulations (in accordance with the transport ministers’ approval) for public consultation.¹⁰

The Bill (and supporting draft amendment regulations) have been endorsed by transport ministers from participating Australian jurisdictions. Further, the Department of Transport and Main Roads (DTMR) advised that the NTC was responsible for instructing on the drafting of the Bill.¹¹

At the public briefing, DTMR also confirmed that now the Bill has been introduced, there will be ‘a more regular program of amendments, improvements and reforms’ moving forward.¹²

1.1.3. Aims of the Bill

The Bill amends the HVNL Act and HVNL to implement the amendments as approved through the HVNL Review process.¹³ The Bill does not contain any amendments to the HVNL regulations.

The explanatory notes state its objectives are ‘improving safety and productivity, reducing regulatory red tape, improving regulatory functions, and simplifying administration of the law’¹⁴ through (amongst other things):

⁷ Regulator, *Heavy Vehicle National Law Review*, <https://www.ntc.gov.au/project/heavy-vehicle-national-law-review>.

⁸ Australian Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Statement on Heavy Vehicle National Law Reform Outcomes – October 2024*, 3 October 2024, <https://www.infrastructure.gov.au/sites/default/files/documents/hvnl-statement-on-heavy-vehicle-reform-outcomes.pdf>.

⁹ DTMR, written briefing, 12 September 2025, p 4.

¹⁰ National Transport Commissioner (NTC), *Towards an updated Heavy Vehicle National Law*, <https://www.ntc.gov.au/transport-reform/ntc-projects/hvnl-reform#:~:text=Improvements%20to%20the%20HVNL&text=The%20updated%20HVNL%20will%20have,improve%20safety%20for%20road%20users>.

¹¹ DTMR, written briefing, 12 September 2025, p 4.

¹² Public briefing transcript, Brisbane, 17 September 2025, p 6.

¹³ National Heavy Vehicle Amendment Bill 2025 (Bill), explanatory notes, p 1.

¹⁴ DTMR, written briefing, 12 September 2025, p 5.

- an enhanced accreditation framework that requires operators to have a Safety Management System (SMS) and broadens the types of accreditations that the Regulator may grant
- a new duty to be fit to drive to be combined with the existing duty not to drive fatigued and to apply to all heavy vehicle drivers regulated by the HVNL
- an improved code of practice framework that simplifies the process to make new codes of practice and shifts responsibility for development and approval to the Regulator
- new ministerial direction and approval powers that support the changes to the accreditation and code of practice frameworks
- improved governance arrangements to modernise and increase ministerial oversight of the operation of the Regulator Board
- improved enforcement arrangements in respect of fatigue management record-keeping and the issue of notices
- amended penalty amounts to deliver proportionate outcomes for particular offences under the HVNL
- moving particular matters into regulations for further flexibility
- consequential amendments to Queensland law where it duplicates a section of the HVNL.¹⁵

Many of these issues were raised during the committee's examination of the Bill¹⁶ and are discussed in section 2 of this report.

1.2. Consultation

According to the explanatory notes, the reforms outlined in the Bill were developed with reference to the outcomes of the HVNL Review from the NTC and consultation with various state and territory government transport authorities.¹⁷

DTMR noted that consultation was undertaken by the NTC with peak transport industry associations, other key stakeholder groups and the general public who 'indicated general support for the amendments'.¹⁸

This consultation also extended to:

- consideration of the exposure drafts of the Bill and amending regulations which were released for public feedback and submissions, and
- scrutiny of various provisions of the Bill by 'various government agencies across all participating jurisdictions, as well as the parliamentary counsel of each

¹⁵ Bill, explanatory notes, p 1.

¹⁶ Note that this section does not discuss all consequential, minor, or technical amendments.

¹⁷ Bill, explanatory notes, p 7.

¹⁸ Bill, explanatory notes, p 7; DTMR, written briefing, 12 September 2025, p 13.

participating jurisdiction (including the Office of the Queensland Parliamentary Counsel)'.¹⁹

While supportive of the intent of the Bill, the Australian Trucking Association (ATA) highlighted the trucking industry's 'disappointment' in respect of the extended length of the HVNL Review process and the narrowing of the outcomes initially sought.²⁰ Similar sentiments were echoed by the National Road Transport Association (NatRoad).²¹

1.3. Inquiry process

The committee considered 11 submissions to its inquiry (see Appendix A). The committee conducted a public briefing on 17 September 2025 with officers from DTMR and NTC (see Appendix B). The committee heard from various industry stakeholders and peak bodies at the following public hearings:

- Brisbane on 1 October 2025 (see Appendix C)
- Cairns on 8 October 2025 (see Appendix D).

Additionally, the committee considered a written briefing provided by the DTMR and answers to questions on notice which are published on the committee's webpage.

1.4. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (Legislative Standards Act), and the *Human Rights Act 2019* (Human Rights Act).



1.4.1. Legislative Standards Act 1992

Assessment of the Bill's compliance with the Legislative Standards Act identified issues listed below which are analysed in section 2 of this report:

- the impact of increases to penalties for offences under the HVNL on the rights and liberties of individuals
- whether the Bill has sufficient regard to the institution of Parliament by:
 - empowering the Regulator to issue, amend or revoke codes of practice and providing responsible ministers with the ability to direct the Regulator to amend or revoke a code of practice
 - providing responsible ministers with the power to approve various standards
 - prescribing various matters be dealt with in subordinate legislation

The committee was satisfied that the Bill complies with the Legislative Standards Act.

Part 4 of the Legislative Standards Act requires that an explanatory note be circulated

¹⁹ DTMR, written briefing, 12 September 2025, p 13.

²⁰ Submission 8, pp 1-3; Public hearing transcript, Brisbane, 1 October 2025, p 1.

²¹ Submission 9, p 1.

when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain. Explanatory notes were tabled with the introduction of the Bill and the notes contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.



1.4.2. Human Rights Act 2019

Assessment of the Bill's compatibility with the Human Rights Act identified issues with the following, which are analysed further in Section 2:

- the right to freedom of movement
- the right to property
- the right to take part in public life.

The committee found that the Bill is compatible with human rights.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the Human Rights Act. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.5. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.



Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Bill

This section discusses key themes which were raised during the committee's examination of the Bill.

2.1. Changes to accreditation framework

The National Heavy Vehicle Accreditation Scheme (NHVAS) is a voluntary process 'for recognising operators who have appropriate and effective safety management systems in place'.²²

Currently, the operators of heavy vehicles can apply to the Regulator under the HVNL for accreditation under 3 modules – mass management, maintenance management and fatigue management (either basic or advanced). This allows operators to use their heavy vehicles in ways approved by the Regulator including additional mass

²² Regulator, *About NHVAS*, <https://www.nhvr.gov.au/safety-accreditation-compliance/national-heavy-vehicle-accreditation-scheme/about-nhvas>.

concessions for vehicles, removal of requirements to take vehicles to inspection stations for annual inspections and more flexible rest and work hours management.²³

The Bill proposes to amend the NHVAS to introduce a new heavy vehicle accreditation framework consisting of a general safety accreditation and an alternative compliance accreditation.²⁴ According to the explanatory notes, these amendments are ‘designed to reflect industry diversity and will offer more flexibility while improving safety for the community’.²⁵

The general safety accreditation is a core requirement for operators to develop an SMS which is defined as ‘a group of policies, systems and procedures relating to the safety of the operator’s transport activities and the driving of heavy vehicles’.²⁶ An SMS must:

- identify the risks associated with the operator’s activities and the driving of its heavy vehicles
- assess such identified risks, and
- outline the controls to be implemented to manage and minimise such risks.²⁷

For an operator to be issued a general safety accreditation, the Bill provides matters to be taken into account by the Regulator including that:

- the operator must have an SMS which is compliant with the SMS standard as approved by the ministers,²⁸
- the operator is a ‘suitable person’ to be granted the accreditation,²⁹ and
- the SMS must be audited by an approved auditor to confirm its compliance with the SMS standard.³⁰

The Bill also proposes to replace the current modules system with the ability for the Regulator to grant ‘alternative compliance accreditations’, including in respect of fatigue management and mass, which will allow operators to be accredited for particular operational requirements (in accordance with the standards set out in regulations).³¹ Relevantly, the Regulator is unable to grant an alternative compliance accreditation to an operator unless that operator also holds a general safety accreditation (through the SMS process noted above).³²

²³ Regulator, *Accreditation modules*, <https://www.nhvr.gov.au/safety-accreditation-compliance/national-heavy-vehicle-accreditation-scheme/about-nhvas/accreditation-modules>.

²⁴ Bill, cl 11 (amend HVNL, s 5).

²⁵ Bill, explanatory notes, p 2.

²⁶ Bill, cl 99 (insert HVNL, s 457A(1)).

²⁷ Bill, cl 99 (insert HVNL, s 457A(2)).

²⁸ Bill, cl 101 (amend HVNL, s 459(2)(b)(i)-(iii)).

²⁹ Bill, cl 102 (amend HVNL, s 461(1)(c)).

³⁰ Bill, cl 101 (amend HVNL, s 459(2)(b)(i)-(iii)).

³¹ Bill, cl 102 (amend HVNL, ss 461(5),(6); DTMR, written briefing, 12 September 2025, p 6.

³² Bill, cl 100 (insert HVNL, s 458(2)).

The Bill also makes various amendments throughout the HVNL to remove references to the previous accreditation module names and replace with the new references to alternative compliance accreditations.³³

2.1.1. Stakeholder submissions and department advice

As well as expressing its general support for the Bill, the Regulator submitted that the proposed changes to the NHVAS ‘should lift safety standards and ensure confidence in the robustness of the scheme’.³⁴ Further, the Regulator highlighted that the proposed amendments would allow flexibility for it to deliver changes to accreditation options which respond to new developments in the industry.³⁵

The ATA also expressed its support for a more simple and systematic approach to safety, noting that it owns the industry’s SMS product, TruckSafe, which offers separate fleet and single vehicle owner-driver systems to reflect the different levels of complexity and needs based on the size of the operator.³⁶

The ATA also noted that use of ‘alternative compliance accreditations’ would allow the Regulator to allow more tailored fatigue management protocols to suit the location and work of particular operators.³⁷ This was echoed by the Heavy Vehicle Safety Network (HVSN) and the Australasian College of Road Safety (ACRS) at the public hearing.³⁸

At the public hearing in Cairns, regional and remote operators expressed some reservations about the ability of the new accreditation regime to adapt to the unique issues facing drivers in these regions including poor road condition, long routes and animal welfare concerns when transporting livestock.³⁹ Mr Bray, Brays Transport told the committee, that there needed to be a lot more explanatory discussion about how the SMS amendments are going to affect businesses. Mr Bray 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?⁴⁰

On a related issue, Gostelow’s Transport reflected on the challenges of driving in North Queensland as a result of the condition of the road network, and challenges associated with transporting livestock:

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

³³ For example, in respect of alternative work and rest arrangements: Bill, cl 56 (amend HVNL, ss 253, 254).

³⁴ Public hearing transcript, Brisbane, 1 October 2025, p 14.

³⁵ Submission 2, p 1.

³⁶ Submission 8, p 6; Public hearing transcript, Brisbane, 1 October 2025, p 2.

³⁷ Public hearing transcript, Brisbane, 1 October 2025, p 3.

³⁸ Public hearing transcript, Brisbane, 1 October 2025, p 10.

³⁹ Public hearing transcript, Cairns, 8 October 2025, p 5.

⁴⁰ Public hearing transcript, Cairns, 8 October 2025, p 1.

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 may be at Mount Carbine, an hour from Mareeba, but we have to stop because of those rules. It is much the same situation on the PDR out west. 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.⁴¹

Ms Gostelow also spoke to other examples of when flexibility should be required:

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.⁴²

While supporting the overall purpose of the Bill to improve road safety, the Queensland Bus Industry Council (QBIC) outlined its concerns regarding the impact of the Bill on private bus and coach operators throughout Queensland.⁴³ In particular:

- the increasingly confusing regulatory environment regarding safety standards contained in the HVNL, *Work Health and Safety Act 2011* and newly amended *Transport Operations (Passenger Transport) Act 1994* (TOPTA) which 'imposes overlapping but not identical obligations' and poses difficulties when determining which scheme applies in a compliance incident⁴⁴
- the need for ongoing maintenance and auditing of SMSs as proposed in the Bill disproportionately impacts smaller operators who would be required to expend significant costs to maintain compliance.⁴⁵

It is the overall position of QBIC that the Bill, coupled with the Regulator's Master Code of Practice, 'establish[es] a comprehensive, modern and nationally harmonised safety regime' in contrast to the current scheme under TOPTA and its regulations.⁴⁶ To avoid duplication, increased costs and a higher administrative burden on operators, QBIC recommended TOPTA and the current state-based framework be clarified so that the safety provisions under the HVNL (as amended by the Bill) are the standard to be applied.⁴⁷

⁴¹ Public hearing transcript, Cairns, 8 October 2025, p 2.

⁴² Public hearing transcript, Cairns, 8 October 2025, p 2.

⁴³ Submission 4.

⁴⁴ Submission 4, p 4.

⁴⁵ Submission 4, pp 7-8.

⁴⁶ Submission 4, pp 5, 9-10.

⁴⁷ Submission 4, pp 9-10.

In response to QBIC's concerns, DTMR noted that issues related to TOPTA were not relevant to the committee's current inquiry concerning the Bill and were addressed previously in its response to submissions to the former Transport and Resources Committee's inquiry into the Transport and Other Legislation Amendment Bill 2023. On that basis, DTMR reiterated that the HVNL and the requirements in respect of heavy passenger vehicles in TOPTA were aligned, consistent and complimentary with the other.⁴⁸

In its submission, the Local Government Association of Queensland (LGAQ) outlined its overarching support for the reforms contained in the Bill but also recommended that 'the Regulator work in partnership with local government to support the implementation of Safety Management Systems for council operated heavy vehicle fleets, including through targeted guidance and capacity building support'.⁴⁹

NatRoad noted that accreditation schemes need to be scalable and flexible so that businesses of all sizes can manage fatigue, mass and maintenance risks appropriately. The submitter also highlighted that support would be required to help operators transition from the previous fatigue management accreditation scheme to the new regime proposed in the Bill.⁵⁰

Committee comment



The committee notes 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 be 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.

⁴⁸ DTMR, response to submissions, 24 September 2025, pp 3-4.

⁴⁹ Submission 5, p 2.

⁵⁰ Submission 9, p 3.

2.2. Expanded duty to be ‘fit to drive’

Currently, the HVNL imposes a duty on drivers of prescribed ‘fatigue-regulated heavy vehicles’ to not drive while impaired by fatigue. There are penalties imposed under the HVNL for drivers who breach this duty.⁵¹ ‘Fatigue-regulated heavy vehicles’ are currently defined as prescribed vehicles with a mass of greater than 12 tonnes.⁵²

Additional obligations also apply to parties in the chain of responsibility (such as operators) to manage driver fatigue and the HVNL contains requirements regarding work times and rest periods to manage this issue.⁵³ The main purpose of these provisions is to ‘provide for the safe management of the fatigue of drivers of fatigue-regulated heavy vehicles while they are driving on a road’.⁵⁴

The Bill proposes to expand this general duty to:

- encompass a duty for a driver to not be ‘unfit to drive’ (meaning a driver who is not of sufficiently good health or fitness to drive a heavy vehicle safely)⁵⁵
- apply to all heavy vehicles regulated by the HVNL (not just heavy vehicles with a mass of more than 12 tonnes).⁵⁶

In terms of the matters that a court may consider when determining whether a driver was fatigued or unfit to drive, the Bill proposes to include ‘any relevant body of knowledge’ encompassing any guidelines, expert opinion and codes of practice (amongst other things) relevant to preventing or managing risks to safety as a result of being fatigued or unfit to drive.⁵⁷

The explanatory notes state that the amendments ‘place obligations on drivers to take a proactive and preventative approach to managing their health and fitness as they have a shared responsibility with operators to ensure they are fit to drive’.⁵⁸

DTMR also clarified that the Bill contains provisions to address operators from ‘forcing’ drivers to work when they are impaired by fatigue or unfit to drive under the new expanded duty. In particular:

For example, a driver might determine before a shift that they are fatigued for whatever reason, that they are not in a position or fit enough to drive. They have protections under this new bill so they can say to their employer, ‘I am not fit,’ and there are offences for the employer if they force drivers to comply with their requirements if they are not requirements under the national heavy vehicle law.⁵⁹

⁵¹ HVNL, s 228(1).

⁵² HVNL, s 7.

⁵³ HVNL, s 220(2).

⁵⁴ HVNL, s 220(1).

⁵⁵ Bill, cls 46 (insert HVNL, s 225(2)), 49 (amend HVNL, s 228(1)).

⁵⁶ Bill, cl 12 (amend HVNL, s 7). This does not include light vehicles with caravans that exceed 4.5 tonnes but may encompass large personal vehicles (including a dual-cab American truck) which exceed this weight alone: Public briefing transcript, Brisbane, 17 September 2025, pp 3-4.

⁵⁷ Bill, cl 46 (amend HVNL, s 224); DTMR, written briefing, 12 September 2025, p 6.

⁵⁸ Bill, explanatory notes, p 2.

⁵⁹ Public briefing transcript, Brisbane, 17 September 2025, p 3.

2.2.1. Stakeholder submissions and department advice

The Regulator highlighted that the expansion of the duty 'is a key improvement in addressing the importance of shared responsibility in the heavy vehicle road transport task', particularly in relation to management of driver health and fitness.⁶⁰ At the public hearing, the Regulator also reiterated that the expanded duty is an 'informed duty' which informs the 'driver that they do have a duty to drive fit, but if they are not fit then they also have the ability to say no' to an employer asking them to drive.⁶¹

The Regulator also advised it was 'preparing guidance and regulatory advice to support the new driver safety duty not to drive unfit, developing guidance for drivers and other parties to ensure they are aware of their obligations' and noted it had a budget to deliver these education and training initiatives.⁶² In response to a question taken on notice at the public hearing, the Regulator advised that it had a budget of \$1.3 million for 2025-26 to deliver social media, events, activations and campaign work.⁶³

In its submissions, the HVSN and ACRS described the expansion of the duty as a 'welcome measure that closes a gap'.⁶⁴ However, these submitters also noted that this expansion would result in many drivers, operators and managers becoming newly subject to various reporting and compliance requirements for fatigue management. Accordingly, it was submitted that the Regulator ought to provide training and support to these groups.⁶⁵ DTMR highlighted in its evidence that an education activity with input from the department, Regulator and NTC would be carried out on this basis.⁶⁶

These submitters also raised the potential for the implementation of a consistent training program for the heavy vehicle transport industry, which could be in the form of an apprenticeship.⁶⁷ At the public hearing, Mr Greg Casey, Deputy Chair of the HVSN within the ACRS noted:

I interviewed 44 truck drivers and transport managers and finished up with over 780 pages of interview data. Within that interview data, the lack of training and concerns about training were mentioned over 500 times by both managers and truck drivers. One of the issues that creates is a lot of misinformation, because they start in the industry without any formalised training and without any consistent training so they start asking their mates and their mates are not always right. They start their career going down an incorrect path where they are being told how to look compliant without actually being compliant. My view is that training should be administered by a consistent authority such as the NHVR and also aligned with national training standards and that should form a minimum standard for truck drivers in Australia and managers.⁶⁸

⁶⁰ Submission 2, p 1; Public hearing transcript, Brisbane, 1 October 2025, p 14.

⁶¹ Public hearing transcript, Brisbane, 1 October 2025, p 16.

⁶² Public hearing transcript, Brisbane, 1 October 2025, p 15.

⁶³ Regulator, correspondence, 8 October 2025.

⁶⁴ Submission 6, p 2; Submission 11, p 4.

⁶⁵ Submission 6, p 3; Submission 11, p 5.

⁶⁶ Public briefing transcript, Brisbane, 17 September 2025, p 4; DTMR, response to submissions, 24 September 2025, p 6.

⁶⁷ Public hearing transcript, Brisbane, 1 October 2025, pp 10, 11.

⁶⁸ Public hearing transcript, Brisbane, 1 October 2025, p 10.

In particular, it was recommended that training in fatigue management, completion of work diaries and health and fitness for driving could be included in this program.⁶⁹

In response to evidence led by the ACRS at the public hearing regarding a potential heavy vehicle apprenticeship, the Regulator stated:

From a regulator's point of view, the more training that is out there for the industry the far better the industry will be. We fully support training across the board... I believe that as an industry we can put together a traineeship or an apprenticeship. That said, I can also say that Austroads are currently looking at national heavy vehicle competency for drivers and licensing. We would look to see a lot more work coming out of Austroads as that project continues to assist with that.⁷⁰

AgForce Queensland Farmers Limited (AgForce) also noted its support for the expanded duty although strongly encouraged 'further industry engagement to develop the definition of "unfit" as this could have broad unintended consequences to an industry that is already suffering driver shortages, should the definition overstep its intent'.⁷¹ AgForce also recommended that road managers be included as part of the chain of responsibility.⁷² At the public hearing, AgForce explained:

At the moment there is an expectation that heavy vehicle operators are doing it safely and there is a lot of regulation in place. From an industry point of view, we would love to see some of that pressure returned to the road manager to ensure they actually give us a safe environment to operate within.⁷³

DTMR noted this suggestion from AgForce but differentiated the role of road managers on the basis that 'the chain of responsibility refers to the shared responsibility of each chain of responsibility party in relation to a particular heavy vehicle itself'.⁷⁴

Mr Bray from Brays Transport also questioned the ability of NHVR officers to determine if a driver is unfit to drive. Mr Bray stated:

This is a pretty grey area. I have a large staff of about 120 employees over various parts of the business. That part there is probably the hardest part for other people to determine—how they are going to enforce 'fit for duty'. Currently, as the rules stand today, it is put back on a driver to say that they are fit for duty and legally we cannot force them to work if they are unfit. Moving forward, where does that leave us with this? You can look at a person and you might say that they look tired but they may be fine. How do they judge that? How is that determined? They talk about how they go on to fining either the operator or the driver if you are not conforming to their rules.⁷⁵

Gostelow's Transport 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—

⁶⁹ Public hearing transcript, Brisbane, 1 October 2025, pp 10, 12.

⁷⁰ Public hearing transcript, Brisbane, 1 October 2025, p 17.

⁷¹ Submission 10, p 2.

⁷² Submission 10, pp 2-3.

⁷³ Public hearing transcript, Brisbane, 1 October 2025, pp 6, 9.

⁷⁴ DTMR, response to submissions, 24 September 2025, p 12.

⁷⁵ Public hearing transcript, Cairns, 8 October 2025, p 1.

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?⁷⁶

Andrea Hamilton-Vaughan of National Driver Fatigue Week – Power Nap submitted that the Bill does not adequately address the need for further, evidence-based reforms in driver fatigue management.⁷⁷ In particular, she noted that the Bill:

- does not support or encourage short, restorative sleep as a mechanism for managing fatigue⁷⁸
- does not provide for the use of 15 to 20 minute power naps for this purpose in line with best practice and research⁷⁹
- extends requirements regarding fatigue management to smaller heavy vehicles (as opposed to only ‘fatigue-regulated vehicles’) which:
 - further entrenches unsafe practices
 - penalises small operators which may have more limited resources to address changes
 - applies a ‘one-size-fits-all’ fatigue management framework to all operators which have different needs and capabilities.⁸⁰

In response to these concerns, DTMR noted that the limits regarding work and rest time under the HVNL do not preclude a driver managing their fatigue through the use of power naps.⁸¹ DTMR also clarified that the work and rest limits which apply under the HVNL remain applicable to ‘fatigue-regulated heavy vehicles’ only and are not amended by the Bill to include smaller heavy vehicles.⁸²

Amongst other things, Ms Vaughan recommended that the committee consider incorporating the above reforms into the fatigue management framework which applies to heavy vehicles and invests in education to support drivers in self-managing their fatigue to better ensure driver safety.⁸³ DTMR noted that the Regulator provides many educational and support resources for this purpose and advised that the Bill’s introduction of SMS accreditation ‘provides additional opportunities to improve driver fatigue management’.⁸⁴

⁷⁶ Public hearing transcript, Cairns, 8 October 2025, p 2.

⁷⁷ Submission 3, p 3.

⁷⁸ Submission 3, p 2.

⁷⁹ Submission 3, p 2.

⁸⁰ Submission 3, pp 2-3.

⁸¹ DTMR, response to submissions, 24 September 2025, p 2.

⁸² DTMR, response to submissions, 24 September 2025, pp 2-3.

⁸³ Submission 3, p 3.

⁸⁴ DTMR, response to submissions, 24 September 2025, p 3.

CANEGROWERS and AgForce raised concerns regarding the burden on reporting and record keeping requirements for agricultural drivers and operators.⁸⁵

To this end, CANEGROWERS recommended that the Bill be amended to clarify that in relation to tractor combinations that travel only short distances:

- drivers are not required to keep a daily written use record
- rest periods account for work stoppages that often occur in the sugar industry where haulout drivers may exit their vehicle and rest for extended periods of time due to ‘delays in bin deliveries or mill stoppages’.⁸⁶

In response to these concerns, DTMR confirmed:

- ‘the new duty does not impose additional reporting or record-keeping burdens on operators’⁸⁷
- ‘there has been no change in the Bill or supporting regulations to the record keeping requirements for cane haulout operators driving within 100km of their driver’s base (that is, undertaking ‘100km work’) and therefore no further clarification in the Bill is required.’⁸⁸

Committee comment



The committee acknowledges concerns raised by some stakeholders about how a driver’s duty to be ‘fit to drive’ will be measured and assessed, and its subjective interpretation. We encourage the Minister, along with national colleagues, to monitor implementation of the expanded duty to ensure it achieves its intended outcomes and is fit for purpose. The committee also acknowledges the evidence provided by stakeholders in relation to the importance of education for industry on this matter.

The Bill provides reforms to the regulation of this industry, however its effectiveness in improving road safety will be underpinned by its ability to be implemented correctly by drivers and operators. The committee is encouraged by discussions to introduce a traineeship or apprenticeship for heavy vehicle drivers that is consistent across participating jurisdictions in line with the HVNL.

⁸⁵ Submission 7, p 1; Submission 9, p 2.

⁸⁶ Submission 7, pp 2-3.

⁸⁷ DTMR, response to submissions, 24 September 2025, p 6.

⁸⁸ DTMR, response to submissions, 24 September 2025, pp 7-8.



2.2.2. *Compatibility with human rights*

The expanded duty not to drive while fatigued or unfit to drive would potentially limit rights protected under the Human Rights Act, including the right to freedom of movement⁸⁹ and right to property.⁹⁰

Freedom of movement may be limited by the expanded duty not to drive a heavy vehicle while impaired by fatigue or unfit to drive. This is particularly relevant where a driver may be prevented from driving a heavy vehicle as part of their employment.⁹¹ The statement of compatibility observes there could also be ‘consequential impacts on other persons in the chain of responsibility who have duties and obligations relevant to the driver’s expanded duty’.⁹²

The proposed amendments may also limit property rights by limiting a heavy vehicle driver’s right to use their vehicle for the purpose of deriving profit, or from using their employer’s vehicle for the purposes of their employment and, thus, for the purpose of earning income.⁹³

As outlined in the statement of compatibility:

- the purpose of these limitations is to promote road safety on the basis that a driver who is fatigued or unfit to drive should not be operating a heavy vehicle which would put other road users at significant risk of harm or death
- there is a rational connection between the limitations, and the above purpose.⁹⁴

The statement of compatibility contends that there are no less restrictive ways to achieve the purpose of the amendments contained in the Bill.⁹⁵ According to the statement, existing laws requiring all drivers to report a medical condition likely to affect their ability to drive safely indicates ‘community acceptance of restrictions on freedom of movement where it is in the public interest and promotes safe driving behaviour’.⁹⁶

Although the practical application of the provisions would likely result in detrimental impacts on some drivers of heavy vehicles, such as restricting their right to movement and ability to earn an income, the statement of compatibility notes that the limitations are reasonable and justified in the public interest to encourage safe driving behaviour and limit risk to other road users.⁹⁷

⁸⁹ Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it and has the freedom to choose where to live: *Human Rights Act 2019* (Human Rights Act), s 19.

⁹⁰ All persons have the right to own property alone or in association with others. A person must not be arbitrarily deprived of the person’s property: Human Rights Act, s 24.

⁹¹ Bill, statement of compatibility, p 4.

⁹² Bill, statement of compatibility, p 4.

⁹³ Bill, statement of compatibility, p 5.

⁹⁴ Bill, statement of compatibility, pp 4, 6.

⁹⁵ Bill, statement of compatibility, p 5.

⁹⁶ Bill, statement of compatibility, p 5.

⁹⁷ Bill, statement of compatibility, p 6.

Committee comment

The unsafe operation of heavy vehicles poses a serious risk to all Queensland road users. It is important that this risk is effectively managed and minimised to avoid significant road incidents leading to damage, injury and death. This is the purpose of these provisions.

From a human rights perspective, while a person's right to freedom of movement and property may be limited by the proposed expansion of the duty not to be fatigued or unfit to drive, the committee is of the view that such limitations are justifiable in circumstances where this legitimate purpose is achieved. On this basis, the committee is satisfied that the expanded duty for drivers is compatible with human rights.

That said, the committee acknowledges the evidence provided by some inquiry stakeholders regarding the potential for unintended consequences resulting from the definition of 'unfit'. Accordingly, the committee encourages the Regulator to pay close attention to the application of the new provisions to ensure they are achieving the intended outcomes and are fit for purpose.

2.3. Changes to penalties for offences under the HVNL

According to the explanatory notes, the Bill makes several amendments to penalties under the HNVL 'to ensure the HVNL supports sensible balance between compliance and taking a fair and reasonable approach towards minor and technical breaches'.⁹⁸ The Bill increases 50 penalties and decreases 21 penalties across the HVNL.⁹⁹ A table summarising the proposed changes to penalties is contained in Appendix E.

DTMR noted in its written briefing that these amendments to monetary penalties were informed by the penalties review conducted by the NTC and this review did not include consideration of changes to demerit point penalties (as this was outside of the NTC's scope).¹⁰⁰

During the committee's inquiry, the expansion of the offence prohibiting a person from driving a fatigue-regulated heavy vehicle while impaired by fatigue to encompass a person driving a heavy vehicle while impaired by fatigue or unfit to drive (and an increase to the maximum penalty from \$6,000 to \$20,000) was specifically raised.¹⁰¹

Further, the Bill proposes to remove offences from the HNVL including:

⁹⁸ Bill, explanatory notes, p 4.

⁹⁹ Bill, explanatory notes, p 4.

¹⁰⁰ DTMR, written briefing, 12 September 2025, p 9.

¹⁰¹ Bill, cl 49 (HVNL, amend s 228(1)).

- breach of the requirement for a driver of a performance based standards vehicle, or an employer or contactor of the driver or operator of the vehicle, to keep the vehicle's approval in the driver's possession while driving¹⁰²
- using a vehicle with a warning sign on a road unless the vehicle is of a particular type, size or configuration¹⁰³
- using a prescribed vehicle¹⁰⁴ on a road unless appropriate flags or lights are visible¹⁰⁵
- breach of the requirement for a driver of a class 1 or class 3 heavy vehicle under a permit to keep a copy of the permit in their possession, to return the permit to their employer or contractor once their employment ceases and for the employer or contractor to ensure the driver's compliance with the requirement¹⁰⁶
- displaying a warning sign on a vehicle unless it is being used under a dimension exemption¹⁰⁷
- breach of the requirement for a driver of a class 2 heavy vehicle under a permit to keep a copy of the permit in their possession, to return the permit to their employer or contractor once their employment ceases and for the employer or contractor to ensure the driver's compliance with the requirement¹⁰⁸
- breach of the requirement to return mass or dimension permit if amended or cancelled, or to apply for replacement permit if defaced, destroyed, lost or stolen¹⁰⁹
- breach of the requirements for how information is to be recorded in a driver's work diary.¹¹⁰

The majority of these offences were removed to reflect the use of electronic documents,¹¹¹ to consolidate multiple offences into the one offence¹¹² and to prescribe particular matters by regulation.¹¹³

DTMR advised that the NTC will collaborate with participating jurisdictions, police agencies and the Regulator to monitor and review any adverse impacts arising from the

¹⁰² HVNL, ss 25A(1), (2).

¹⁰³ HVNL, s 92.

¹⁰⁴ Being if a load projects more than 1.2m behind a heavy vehicle consisting of only a motor vehicle, a load projects more than 1.2m behind either the towing vehicle or a trailer in a heavy combination, a load projects from a pole-type trailer in a heavy combination or a load projects from a heavy vehicle in a way that it would not be readily visible to a person following immediately behind the vehicle: HVNL, s 109(1).

¹⁰⁵ HVNL, s 109.

¹⁰⁶ HVNL, s 133.

¹⁰⁷ HVNL, s 134.

¹⁰⁸ HVNL, s 152.

¹⁰⁹ HVNL, ss 181, 182.

¹¹⁰ HVNL, s 293.

¹¹¹ Bill, explanatory notes, pp 10, 11.

¹¹² Bill, explanatory notes, p 4.

¹¹³ Bill, explanatory notes, pp 10, 11 14.

above changes to the penalty regime.¹¹⁴ Further, the department and the NTC noted at the public briefing that the deterrent effect of penalties was considered in the amendments.¹¹⁵

2.3.1. Stakeholder submissions and department advice

The ATA and NatRoad supported the lowering of penalties for minor fatigue and work diary record keeping offences,¹¹⁶ although the ATA also advised that they would have preferred further reductions than that proposed in the Bill.¹¹⁷ Relevantly, the ATA noted:

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.¹¹⁸

At the public hearing in Cairns, industry also noted difficulties experienced by drivers completing electronic work diaries which placed at them at risk of being fined for non-compliance.¹¹⁹ Ms Gostelow, Gostelow's Transport explained:

We are concerned that we are getting pushed very quickly towards electronic diaries. In our industry, we have a lot of older drivers who are very experienced and safe and who know cattle. They are often cattlemen. They are not real good on technology or spelling et cetera and they are being fined for silly mistakes and we do not think that is fair. These are people who have never had accidents. They are good, upstanding drivers, but because it is difficult to understand they cannot continue with the job.¹²⁰

The ATA also proposed that fines collected for contraventions of the HVNL should be utilised by the Regulator for road safety education and awareness programs similar to that for camera-detected offences under the *Transport Operations (Road Use Management) Act 1995*.¹²¹ In response to this recommendation, DTMR noted the Regulator is primarily responsible for these education functions which is funded through heavy vehicle registration charges as opposed to fines.¹²² In terms of the funds collected through fines, DTMR confirmed that these amounts are paid to the consolidated fund in Queensland.¹²³

One submitter noted the increases of maximum penalties, in particular those related to offences which involve dishonesty or misleading conduct from \$10,000 to \$20,000, may deter officers from issuing infringements and fines 'particularly in cases where the offence is technical or administrative in nature' and it may be believed that the fine is disproportionate to the seriousness of the conduct.¹²⁴ The same submitter also raised

¹¹⁴ DTMR, written briefing, 12 September 2025, p 10.

¹¹⁵ Public briefing transcript, Brisbane, 17 September 2025, pp 2-3.

¹¹⁶ Submission 8, p 7; Submission 9, p 3.

¹¹⁷ Public hearing transcript, Brisbane, 1 October 2025, p 5.

¹¹⁸ Submission 8, p 7.

¹¹⁹ Public hearing transcript, Cairns, 8 October 2025, p 2.

¹²⁰ Public hearing transcript, Cairns, 8 October 2025, p 2.

¹²¹ Submission 8, pp 11-12; Public hearing transcript, Brisbane, 1 October 2025, p 5.

¹²² DTMR, response to submissions, 24 September 2025, p 9.

¹²³ DTMR, response to submissions, 24 September 2025, p 9; Public briefing transcript, Brisbane, 17 September 2025, p 3.

¹²⁴ Name withheld, submission 1, p 1.

concerns about the significant increases in penalties for some offences compared to the reduction for others which appears to lack ‘consistency and fairness in the penalties framework’.¹²⁵ In its response to these concerns, DTMR highlighted the comprehensive review undertaken to inform the changes in penalties and noted that the impacts of such changes would be monitored for unintended consequences.¹²⁶



2.3.2. Consistency with fundamental legislative principles

For the Bill to have sufficient regard to the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In particular, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.¹²⁷

As outlined above in section 2.3, the Bill proposes to make amendments to the maximum penalties for existing offences under the HVNL as well as removing several offences and adding one new offence.

According to the explanatory notes, the Bill amends existing penalties throughout the HVNL ‘in line with the recommendations of a comprehensive penalty review’ which was undertaken by the NTC.¹²⁸ As a part of this review process, the NTC developed a matrix for the purpose of ensuring that ‘new and amended offences under the HVNL would have corresponding monetary penalties that are consistent with the object and intentions of the law and are consistent and proportionate when assessed against all monetary penalties under the HVNL’.¹²⁹

The explanatory notes state that the increases to penalties ‘reflects the seriousness of the offences’ and act as a deterrent to non-compliance with the HVNL.¹³⁰ This was reiterated by DTMR in their written briefing.¹³¹

As the existing range of maximum penalties in the HVNL is from \$1,500 to \$300,000 (or 5 years imprisonment),¹³² the proposed increased penalties fall within the existing range of maximum penalties in the HVNL.

In addressing the Bill’s penalties, the statement of compatibility also observes that the penalties imposed ‘are commensurate with other comparable laws including workplace health and safety laws, the Rail Safety National Law, and Commonwealth environmental protection legislation’.¹³³

¹²⁵ Name withheld, submission 1, p 1.

¹²⁶ DTMR, response to submissions, 24 September 2025, p 1.

¹²⁷ LSA, s 4(2)(a).

¹²⁸ Bill, explanatory notes, p 6.

¹²⁹ National Transport Commission, *HVNL Penalties Review*, 10 October 2024, Attachment A.

¹³⁰ Bill, explanatory notes, p 6.

¹³¹ DTMR, written briefing, 12 September 2025, p 11.

¹³² The most significant of the existing maximum penalties are attributed to category 1, 2 and 3 offences for failing to comply with primary duties (which is not amended by the Bill): HVNL, ss 26F-26H.

¹³³ Bill, statement of compatibility, p 6.

Committee comment

The committee is satisfied that the amendments to the penalty regime proposed in the Bill are relevant and proportionate.

In particular, the committee notes that the increase to the maximum monetary penalties for a variety of offences are consistent with other maximum penalties provided in the HVNL and will support the intent of the amendments to deter non-compliance with the HVNL and promote road safety in the public interest.

On this basis, the committee considers that these provisions of the Bill have sufficient regard to the rights and liberties of individuals, such that they are consistent with fundamental legislative principles.

2.4. Streamlined code of practice framework

According to DTMR, a code of practice 'is a document providing practical guidance on how to comply with legal obligations, setting out good practice methods for managing safety in a particular industry or area of work'.¹³⁴

Currently, codes of practice in relation to the operation of heavy vehicles are developed by industry and registered in accordance with section 706 of the HVNL.¹³⁵ There are currently 7 registered industry codes of practice under the HVNL.¹³⁶

The role of the Regulator in the registration process includes:

- making guidelines about the preparation and content of a code of practice (which is at the Regulator's discretion)¹³⁷
- keeping and publishing a copy of any guidelines¹³⁸
- registering the code of practice subject to conditions (including stated mandatory conditions¹³⁹) and any other conditions the Regulator considers appropriate¹⁴⁰
- amending the conditions of, or cancelling, the registration of a code of practice.¹⁴¹

The Bill proposes to change the current framework to empower the Regulator to initiate, develop and approve any new codes of practice and amend or revoke existing codes

¹³⁴ DTMR, written briefing, 12 September 2025, p 7.

¹³⁵ HVNL, ss 705, 706.

¹³⁶ As at 1 September 2025, these codes include the Master Code, Tasmanian Agricultural and Horticultural RICP, Managing Effluent Livestock Supply Chain RICP, Water and Recycling Industry Code of Practice, Mobile Crane Code of Practice and Log Haulage Industry Code of Practice: Regulator, *Registered Industry Codes of Practice*, <https://www.nhvr.gov.au/safety-accreditation-compliance/industry-codes-of-practice/registered-industry-codes-of-practice>.

¹³⁷ HVNL, s 705(1).

¹³⁸ HVNL, s 705(3).

¹³⁹ HVNL, s 706(2).

¹⁴⁰ HVNL, s 706(3).

¹⁴¹ HVNL, s 706(5).

of practice in respect of compliance with the HVNL. However, in order to exercise the approval, amendment or revocation power, the Regulator is required to, among other things, consult with stakeholders within a specified time period (except where such amendments are minor).¹⁴²

Further, ministers have the ability to direct the Regulator to amend or revoke any industry code of practice only if the relevant minister is satisfied that it is necessary to ensure the code of practice is not:

- unreasonable or impractical, or
- inconsistent with the purpose or object of the HVNL.¹⁴³

The explanatory notes state that these amendments ‘simplify the process’ and will ‘improve the risk-based approach to safety obligations and to support the Regulator in providing better guidance and advice to regulated parties in meeting their obligations’.¹⁴⁴ This was echoed by DTMR at the public briefing.¹⁴⁵

2.4.1. Stakeholder submissions and department advice

In respect of the development of codes of practice which impact road access and other infrastructure, various stakeholders highlighted the need for input and consultation with relevant stakeholders. In particular:

- LGAQ recommended that ‘the Bill, or supporting regulations, include provisions to ensure local government consultation’.¹⁴⁶
- CANEGROWERS highlighted that ‘industry involvement when developing codes of practice is necessary to ensure that they are practical and align the expectations of those for which they have been developed’.¹⁴⁷

Regarding the recommendation for ongoing consultation with local governments, DTMR highlighted that ‘the Bill requires the NHVR [the Regulator] to consult with the public, including local governments, on the issuing, amending or revoking of a code of practice’.¹⁴⁸

AgForce raised the following concerns regarding amendments to the code of practice process:

- the proposed omission of section 751 of the HVNL in the Bill which provided that industry codes of practice which are not subject to a review date (or that review date is more than 3 years from the commencement date of the code of practice) will expire 3 years after the commencement date

¹⁴² Bill, cl 146 (amend HVNL, ss 705, 706); DTMR, written briefing, 12 September 2025, p 7.

¹⁴³ Bill, cl 146 (amend HVNL, ss 705, 706).

¹⁴⁴ Bill, explanatory notes, p 2.

¹⁴⁵ Public briefing transcript, Brisbane, 17 September 2025, p 5.

¹⁴⁶ Submission 5, p 2.

¹⁴⁷ Submission 7, p 1.

¹⁴⁸ DTMR, response to submissions, 24 September 2025, p 5.

- the limited role of industry to inform the content of codes of practice which ‘could have unintended consequences if industry involvement is removed from the process as appropriate checks and balances need to be in place to ensure a harmonious industry’.¹⁴⁹

AgForce highlighted that the role of industry input was especially important in Queensland given non-compliance with codes of practice may be used in relevant prosecutions in the Queensland.¹⁵⁰ The Regulator clarified at the public hearing that the use of the relevant codes of practice was as a ‘evidentiary matter’ to prove whether a reasonable person ought to have known as compliant practice.¹⁵¹

In response to these concerns, DTMR reiterated the requirement for a 42-day industry consultation period prior to the issuance, amendment or revocation of a code of practice and that the Regulator must consider all submissions received in this period.¹⁵² The Regulator also advised that the codes of practice it registers are developed in consultation with industry.¹⁵³ Further, the omission of expiry provision in section 751 of the HVNL is required as this section is redundant under the new framework.¹⁵⁴



2.4.2. Consistency with fundamental legislative principles

For the Bill to have sufficient regard to the institution of Parliament, the Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons, and sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.¹⁵⁵

As outlined above, the Bill provides that:

- the Regulator may issue, amend or revoke a code of practice in relation to the HVNL,¹⁵⁶ and
- if necessary, responsible ministers may direct the Regulator to amend or revoke a code of practice to ensure the code is not unreasonable or impractical, or inconsistent with the purpose or object of the HVNL.¹⁵⁷

As proposed in the Bill, the content of codes of practice would not be subject to parliamentary scrutiny as:

- the relevant documents are not required to be tabled and are not subject to disallowance, and

¹⁴⁹ Submission 10, p 2; Public hearing transcript, Brisbane, 1 October 2025, p 7.

¹⁵⁰ Public hearing transcript, Brisbane, 1 October 2025, pp 7-8.

¹⁵¹ Public hearing transcript, Brisbane, 1 October 2025, p 17.

¹⁵² DTMR, response to submissions, 24 September 2025, p 12.

¹⁵³ Public hearing transcript, Brisbane, 1 October 2025, p 17.

¹⁵⁴ DTMR, response to submissions, 24 September 2025, p 12.

¹⁵⁵ Legislative Standards Act, ss 4(4)(a), (b).

¹⁵⁶ Bill, cl 146 (amend HVNL, s 705).

¹⁵⁷ Bill, cl 146 (HVNL, amend s 706).

- the proposed power of the responsible ministers to direct the Regulator to amend or revoke a code of practice is not subject to oversight by the parliament.

However, there are some safeguards in respect of this process, namely:

- the proposed ministerial directions would be limited to ensuring the relevant code of practice is not unreasonable or impractical, or inconsistent with the purpose or object of the HVNL¹⁵⁸
- the Regulator must not issue, amend or revoke a code of practice, unless a draft code of practice, draft amendment or notice of intention to revoke (whichever is applicable) has been made publicly available for at least 42 days, and the Regulator has considered any submissions received during that period¹⁵⁹
- the Regulator must ensure a copy of each code of practice, as in force from time to time, is published on the Regulator's website¹⁶⁰
- the Regulator must publish a copy of the direction on the Regulator's website¹⁶¹
- codes of practice generally contain detailed content appropriate for inclusion in a document of a non-legislative nature.¹⁶²

Committee comment



While the committee acknowledges that the amendments proposed in the Bill regarding how codes of practice are dealt with under the HVNL limits parliamentary scrutiny of these documents and the exercise of direction powers by ministers, the committee considers that the delegation of legislative power in this instance is appropriate given the existence of the various safeguards discussed above.

On this basis, the committee considers that these provisions of the Bill have sufficient regard to the institution of Parliament, such that they are consistent with fundamental legislative principles.

2.5. New ministerial direction and approval powers

The HVNL currently provides the ability for ministers to give directions to the Regulator about the policies to be applied when the Regulator exercises its functions under the HVNL.¹⁶³ These directions:

- cannot be about a particular person, vehicle, application or proceeding¹⁶⁴

¹⁵⁸ Bill, cl 146 (amend HVNL, s 706).

¹⁵⁹ Bill, cl 146 (HVNL, amend s 705).

¹⁶⁰ Bill, cl 146 (HVNL, amend s 705).

¹⁶¹ Bill, cl 147 (HVNL, amend s 706).

¹⁶² Regulator, *Registered Industry Codes of Practice*, <https://www.nhvr.gov.au/safety-accreditation-compliance/industry-codes-of-practice/registered-industry-codes-of-practice>.

¹⁶³ HVNL, s 651(1).

¹⁶⁴ HVNL, s 651(2).

- must be complied with by the Regulator¹⁶⁵
- must be published in the Regulator's annual report.¹⁶⁶

The Bill proposes to retain parts of this power but also extends it to allow ministers to make directions:

- for the Regulator to take or not take particular action to prevent or minimise serious public risk (Public Risk Directions)¹⁶⁷
- for the Regulator to take or not take particular action in relation to an alternative compliance accreditation if necessary to prevent or minimise a serious public risk¹⁶⁸
- for the Regulator to investigate or provide advice or information about any matter relating to a public risk (Investigation Directions).¹⁶⁹

In relation to Public Risk Directions, these directions cannot be about particular matters (in line with the restrictions already existing in the HVNL).¹⁷⁰ Further, Investigation Directions cannot direct the Regulator as to how to conduct an investigation, who to request assistance of, the outcome to be reached, or to stop an investigation.¹⁷¹

At the public briefing, DTMR also clarified that:

- directions which would impact multiple jurisdictions would require the agreement of all participating jurisdictions' ministers
- where 'ministers direct the [R]egulator to act in a particular way, they need to make sure that information about that direction is on their website, as well as how they are responding to it'.¹⁷²

The Bill also amends the kinds of approvals that ministers can make to include standards relating to:

- the carrying out of audits of an operator's SMS¹⁷³
- compliance of an operator's SMS¹⁷⁴
- alternative compliance hours for fatigue alternative compliance accreditation.¹⁷⁵

Standards approved by ministers in respect of audits of SMSs must also address how the audits will be carried out and by whom.¹⁷⁶ Further, the Regulator is required to

¹⁶⁵ HVNL, s 651(3).

¹⁶⁶ HVNL, s 651(4).

¹⁶⁷ Bill, cl 132 (insert HVNL, s 651A).

¹⁶⁸ Bill, cl 132 (insert HVNL, s 651B).

¹⁶⁹ Bill, cl 132 (insert HVNL, s 651C).

¹⁷⁰ Bill, cl 132 (insert HVNL, s 651A(4)).

¹⁷¹ Bill, cl 132 (insert HVNL, s 651C(3)).

¹⁷² Public briefing transcript, Brisbane, 17 September 2025, p 5.

¹⁷³ Bill, cl 135 (insert HVNL, s 654(1)(a)).

¹⁷⁴ Bill, cl 135 (insert HVNL, s 654(1)(b)).

¹⁷⁵ Bill, cl 135 (insert HVNL, s 654(1)(c)).

¹⁷⁶ Bill, cl 135 (insert HVNL, s 654(1A)).

consult regarding the audit standards prior to submitting the standards to the minister for approval.¹⁷⁷

According to the explanatory notes, these changes will ‘establish a balance of regulatory discretion and ministerial oversight’ and allow ministers to ‘appropriately direct the Regulator without impinging on regulatory autonomy’.¹⁷⁸

2.5.1. Stakeholder submissions and department advice

In its submission, CANEGROWERS advised its support for these provisions on the basis that ‘these powers will reduce bureaucracy and provide the government more flexibility to quickly address issues arising within the National Heavy Vehicle regulator’.¹⁷⁹

Further, various submitters highlighted the need for industry involvement in the development of various standards.¹⁸⁰

NatRoad also noted that, in respect of any SMS standard to be approved by the minister, this standard should address and prohibit an employer taking punitive action against an employee who deems themselves ‘unfit to drive’ under the new expanded duty proposed in the Bill.¹⁸¹ DTMR clarified that the Bill does address this issue (including increasing the penalty for causing a driver to drive while unfit) and advised ‘new SMS standard and guidance material that will be provided by the NHVR will support operators in complying with their primary safety duties’.¹⁸²



2.5.2. Consistency with fundamental legislative principles

As noted above in section 2.4.2, for the Bill to have sufficient regard to the institution of Parliament, the Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons; and sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.¹⁸³

As outlined above, the Bill proposes that:

- in conducting an audit, an auditor must comply with the new national audit standard approved by the ministers¹⁸⁴
- an operator’s safety SMS must comply with the new SMS standard approved by the ministers¹⁸⁵

¹⁷⁷ Bill, cl 135 (insert HVNL, s 654(1B)).

¹⁷⁸ Bill, explanatory notes, p 3.

¹⁷⁹ Submission 7, p 2.

¹⁸⁰ National Road Transport Association (NatRoad), submission 9, p 1; AgForce Queensland Farmers Limited (AgForce), submission 10, p 2.

¹⁸¹ Submission 9, p 4.

¹⁸² DTMR, response to submissions, 24 September 2025, p 10.

¹⁸³ Legislative Standards Act, ss 4(4)(a), (b).

¹⁸⁴ Bill, cl 102 (amend HVNL, s 461)

¹⁸⁵ Bill, cl 99 (amend HVNL, s 475A).

- alternative compliance hours specified by the Regulator must comply with the new standard as approved by the ministers.¹⁸⁶

The proposed ministerial approval requirements associated with these standards represent a delegation of legislative power. These standards would not be subject to the tabling and disallowance provisions of the *Statutory Instruments Act 1992* (SI Act) and therefore would not be oversighted by the Parliament.

However, it is noted:

- the content of the standards is likely to be technical in nature
- in respect of the new national audit standard, the Bill provides that it would be developed by the Regulator who must consult with industry stakeholders before the standard is approved by ministers¹⁸⁷
- there are existing requirements that the approval of standards, and any instrument amending or repealing the approval, must be published in the Commonwealth Gazette,¹⁸⁸ and
- the current standards are available on the Regulator's website.¹⁸⁹

Committee comment



In this instance, the committee considers that the delegation of legislative power is appropriate given:

- each standard is required to be approved by the responsible ministers of the various participating jurisdictions
- the content of the standards is likely to be technical in nature and is likely appropriate for inclusion in an extrinsic document
- the approved standards are required to be published in the Commonwealth Gazette, made available for inspection and published on the Regulator's website, meaning they would be easily accessible.

Also, in the case of the national audit standard, the standard would be developed by the Regulator who must consult with industry stakeholders. However, the process to be undertaken in the development of the SMS standard and the standard for alternative compliance accreditation for fatigue is less clear.

¹⁸⁶ Bill, cl 102 (HVNL, amend s 461A); Bill, cl 56 (HVNL, amend s 253).

¹⁸⁷ Bill, cl 135 (HVNL, replaces s 654(1)); Bill, explanatory notes, p 3.

¹⁸⁸ HVNL, ss 654(2), (3).

¹⁸⁹ Regulator, *NHVAS*, Version 3.1, June 2021.

On this basis, the committee considers that these provisions of the Bill have sufficient regard to the institution of Parliament, such that they are consistent with fundamental legislative principles.

2.6. Governance arrangements of the Regulator

The HVNL establishes a governing board for the Regulator (Board).¹⁹⁰ The Bill proposes to make the following changes to the Board appointment and governance process:

Matter	Amendment in Bill
Number of Board members	At least 5 members, but not more than 7. ¹⁹¹
Qualification requirements of Board members	Must have expertise, experience and skills the ministers consider appropriate. ¹⁹²
Appointment of Board members	May be recommended by responsible ministers only if satisfied there is no material conflict of interest between the person's employment or other activities and the functions of the Board. ¹⁹³
Term of Board members	Maximum term remains 3 years however member must not hold office for: • more than 3 consecutive terms, or • a cumulative period of up to 10 years.¹⁹⁴
Removal of Board members	Queensland minister able to remove member if responsible ministers recommend removal due to: • misconduct • failure or inability to exercise Board member functions • engagement in paid employment without ministerial approval, or • material conflict of interest.¹⁹⁵

¹⁹⁰ HVNL, s 662(1).

¹⁹¹ Bill, cl 137 (amend HVNL, s 663(1)).

¹⁹² Bill, cl 137 (amend HVNL, s 663(2)).

¹⁹³ Bill, cl 137 (insert HVNL, s 663(2A)).

¹⁹⁴ Bill, cl 138 (amend HVNL, s 665(2)).

¹⁹⁵ Bill, cl 139 (amend HVNL, s 667(2)).

Further, the Bill proposes to establish a statement of expectations to outline ministers' expectations for the functions and performance of the Regulator (with which the Regulator must comply).¹⁹⁶

According to the explanatory notes, these amendments will improve and modernise the operation of the Regulator.¹⁹⁷

At the public briefing, DTMR highlighted that the purpose of these amendments was to reflect the process and arrangements in place for other government owned corporations and regulators. Further, it was noted that revised qualifications provisions allow additional flexibility for the appointment of Board members with expertise outside of the transport industry.¹⁹⁸

2.6.1. Stakeholder submissions and department advice

In its submission, the ATA voiced its support for the provisions and noted that the increase of the number of Board members was aligned with its advice that 'a five member board was small by the standards of comparable regulators'.¹⁹⁹



2.6.2. Compatibility with human rights

Although the statement of compatibility does not address the proposed amendments to the governance of the Board in terms of their consistency with human rights, these provisions may limit the right to take part in public life, including the right of equal access to public office.²⁰⁰

Modifying the qualification requirements, imposing a term limit, and providing for the removal of Board members, may limit the ability of individuals who apply for appointment to the Board, and of members who reach the term limit or are removed from the board, to directly participate in the conduct of public affairs (which includes all aspects of public administration)²⁰¹ with respect to the functions of the Board.

While the right to access the public service does not guarantee a job with the public service, it aims to protect the opportunity to secure such a job subject to any legitimate qualifications.²⁰² Accordingly, the criteria and processes for appointment, promotion,

¹⁹⁶ Bill, cl 136 (insert HVNL, s 659A).

¹⁹⁷ Bill, explanatory notes, p 3.

¹⁹⁸ Public briefing transcript, Brisbane, 17 September 2025, p 2.

¹⁹⁹ Submission 8, p 5.

²⁰⁰ Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representative and every eligible person has the right, and is to have the opportunity, without discrimination to have access, on general terms of equality, to the public service and to public office: Human Rights Act, s 23

²⁰¹ Human Rights Committee, General Comment No 25: Participation in Public Affairs and the Right to Vote (Article 25 of the International Covenant on Civil and Political Rights), 57th sess, UN Doc CCPR/C/21/Rev.1/Add.7 (12 July 1996) [5].

²⁰² Queensland Government, Guide: Nature and scope of the human rights protected in the Human Rights Act 2019 (Human Rights Guide), Version 3, June 2025, p 73.

suspension and dismissal for members of the Board (as a part of the public service) ought to be objective, reasonable, and non-discriminatory.²⁰³

In his introductory speech for the Bill, the Minister highlighted that the proposed limitation on the term of a Board member will ‘promote renewal and accountability’.²⁰⁴ On the basis that this is the broad purpose for the proposed amendments:

- there appears to be a rational connection between the limitation and the achievement of this purpose in terms of the setting of limits for terms of appointment and clarifying the conditions for ministerial recommendations and removal
- the relationship between the purpose and the limitation arising from the proposed qualification requirements is potentially less clear given the proposed omission of the existing categories of qualification may not necessarily result in improved accountability and optimum appointments being made.

Committee comment



The committee acknowledges that the proposed changes to how members of the Board are appointed, recommended and removed may restrict the opportunity for some members of the community to take part in this aspect of the public service. However, the amended criteria aim to provide a clear and objective process for the operation of the Board.

It is the view of the committee that ensuring the transparency of the process – from appointment of a member to the end of their term (either by expiry or removal) – and maintaining the accountability of the Board is of the utmost importance.

This purpose is reasonable and justifies the potential limitations on human rights that may arise.

While the committee would have appreciated an analysis of the human rights implications of these provisions in the statement of compatibility to assist in its examination of this issue, the committee is satisfied that these provisions of the Bill are compatible with human rights on the above basis.

2.7. Improvements to enforcement of compliance with HVNL

Under the HVNL, an authorised officer (who can be a police officer)²⁰⁵ can issue an improvement notice on any person they believe has contravened, or is contravening, the HVNL in circumstances where that contravention is likely to continue or be repeated.²⁰⁶ As it currently stands, if an improvement notice is issued to a person, a

²⁰³ Queensland Government, Human Rights Guide, Version 3, June 2025, p 73.

²⁰⁴ Queensland Parliament, Record of Proceedings, 26 August 2025, p 2369.

²⁰⁵ HVNL, s 571(1).

²⁰⁶ HVNL, s 572.

proceeding cannot be commenced by the Regulator against that person for the same conduct unless the person fails to comply with the notice or the notice is otherwise revoked.²⁰⁷

The Bill proposes to provide the Regulator with ‘additional flexibility’²⁰⁸ by removing this restriction to allow a prosecution to commence concurrently for conduct in breach of the HVNL subject to an improvement notice.²⁰⁹

The Bill also makes the following key change to enforcement provisions of the HVNL:

- removal of restriction on authorised officer to only issue formal warnings in circumstances where the officer reasonably believes ‘the person had exercised reasonable diligence to prevent the contravention and was unaware of the contravention’²¹⁰
- for prosecutions where it is alleged a party in the chain of responsibility commits a category 1²¹¹ or category 2²¹² offence, but the court is not satisfied that the party has committed this serious offence, the court may still find the party guilty of a relevant lesser offence²¹³ under the HVNL Act.²¹⁴

2.7.1. Stakeholder submissions and department advice

The ATA noted its support for the provisions regarding the expanded use of warnings and noted that formal warnings are an ‘important tool’ in respect of enforcement of the HVNL.²¹⁵ This support was echoed by NatRoad.²¹⁶

One submitter noted that the expansion of the power of authorised officers to issue formal warnings did not go far enough on the basis that ‘it fails to account for a wide range of scenarios where an offence may be technically substantial... but practically insignificant - especially in remote or low-risk environments’ and instead proposed that an authorised officer should be able to exercise their discretion to issue a warning for substantial or even serious breaches of the HVNL.²¹⁷ DTMR reiterated that ‘severe, serious and substantial offences will continue to be addressed through the courts’.²¹⁸

²⁰⁷ HVNL, s 573(3).

²⁰⁸ Bill, explanatory notes, p 4.

²⁰⁹ Bill, cl 123 (omit HVNL, s 573(3)).

²¹⁰ Bill, cl 125 (omit HVNL, s 590(1)(b)); Public briefing transcript, Brisbane, 17 September 2025, p 3.

²¹¹ Being a breach of the primary duty to ensure, so far as is reasonably practicable, the safety of the party’s transport activities relating to the vehicle which exposes an individual to a risk of death, serious injury or illness and the party is reckless as to the risk: HVNL Act, s 26F(1).

²¹² Being a breach of the primary duty to ensure, so far as is reasonably practicable, the safety of the party’s transport activities relating to the vehicle which exposes an individual to a risk of death, serious injury or illness: HVNL Act, s 26G(1).

²¹³ Being either a category 2 or 3 offence (for category 1 offences) or a category 3 offence (for category 2 offences).

²¹⁴ Bill, explanatory notes, p 9; Bill, cl 19 (insert HVNL Act, s 26I).

²¹⁵ Submission 8, p 7.

²¹⁶ Submission 9, p 3.

²¹⁷ Name withheld, submission 1, p 1.

²¹⁸ DTMR, response to submissions, 24 September 2025, p 1.

2.8. Regulation making powers

The Bill proposes to allow various prescriptive requirements which were provided in the HVNL to instead be prescribed by regulation. These requirements include:

- considerations the Regulator must take into account when assessing a performance based standards vehicle or design approval application²¹⁹
- restrictions on Regulator's power to grant a vehicle standards exemption²²⁰
- provisions for the display of warning signs²²¹
- details for the amendment, cancellation or suspension of mass or dimension authority permits²²²
- how work and rest time is to be recorded²²³
- details for application and issuance of class 2 heavy vehicle authorisation permits, fatigue record keeping exemption permits, mass and dimension exemption permits, vehicle standards exemption permits, work and rest hours exemption permits, and work diary exemption permits.²²⁴

The explanatory notes advise that these changes will work to simplify the law and allow for more flexible, risk-based obligations.²²⁵

2.8.1. Stakeholder submissions and department advice

In its submission, CANEGROWERS voiced its support for these regulation-making powers provisions although noted that any such regulatory amendments should 'be subject to appropriate consultation with industry to ensure practicality and a minimal compliance burden'.²²⁶ This support was echoed by the ATA in its submission, in particular the simplification of recording of work time and increases to the maximum mass and length limits for heavy vehicles to improve productivity which were included in exposure draft for the amendment regulations.²²⁷

The potential for increases to mass and height limits in the HVNL regulations were also supported by AgForce who noted that costs of freight were significant for agricultural producers.²²⁸ In response to a question taken on notice at the public hearing, AgForce estimated that a 5% productivity increase to the transport of grains, cattle, sheep and goats and sugarcane in Queensland (by way of increase to weight limits) is worth approximately \$500 million per year.²²⁹

²¹⁹ Bill, cls 13, 14 (amend HVNL, ss 22, 23).

²²⁰ Bill, cl 21 (amend HVNL, s 62).

²²¹ Bill, cl 27 (amend HVNL, s 92).

²²² Bill, cl 38 (omit HVNL, pt 4.7, divs 4, 5).

²²³ Bill, cl 51 (omit HVNL, ss 246 and 246A and insert HVNL, s 295(4)).

²²⁴ Bill, cl 149 (insert HVNL, s 730A).

²²⁵ Bill, explanatory notes, p 4.

²²⁶ Submission 7, p 2.

²²⁷ Submission 8, pp 3-4, 7; Public hearing transcript, Brisbane, 1 October 2025, p 2.

²²⁸ Public hearing transcript, Brisbane, 1 October 2025, p 6.

²²⁹ This estimate is subject to assumptions: AgForce, correspondence, 9 October 2025, p 1.

NatRoad highlighted that any changes to regulations should involve a standard 42-day consultation period with industry ‘to minimise unintended consequences and to ensure benefits [outweigh] risks and promote productivity through removal or duplication and red tape’.²³⁰

DTMR highlighted that in relation to changes to regulations that ‘the NTC undertook extensive consultation with stakeholders in relation to the Bill including primary industry, large operators, owner-operators, and various associations’ and such consultation would inform amendments to regulations into the future.²³¹



2.8.2. Consistency with fundamental legislative principles

As noted above in section 2.4.2, for the Bill to have sufficient regard to the institution of Parliament, the Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons; and sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.²³²

In respect of the provisions in the Bill which provide for various matters to be dealt with in subordinate legislation, the explanatory notes assert that these regulation-making powers are ‘required as the matters are technical in nature and require flexibility to support a modern regulatory framework for heavy vehicle operations that can respond to future challenges for industry and rapidly changing technology.’²³³

Relevantly, the existing provisions of the HVNL provide for parliamentary scrutiny of national regulations, and specify that national regulations are subject to the usual tabling and disallowance procedures that apply in Queensland under sections 49 to 51 of the SI Act.²³⁴ Subject to this provision, regulations made in accordance with the regulation-making powers in the HVNL will remain subject to a level of parliamentary scrutiny.

Committee comment



While the committee acknowledges that the amendments proposed in the Bill will move several matters from the primary legislation to regulations, the committee is satisfied that:

- the relevant matters are technical in nature
- subordinate legislation would offer the necessary flexibility to better respond to issues such as rapidly changing technology
- the new regulation-making powers will remain subject to parliamentary scrutiny through the usual tabling and disallowance procedures in Queensland.

²³⁰ Submission 9, p 1.

²³¹ DTMR, response to submissions, 24 September 2025, pp 7, 10.

²³² Legislative Standards Act, ss 4(4)(a), (b).

²³³ Bill, explanatory notes, p 7; DTMR, written briefing, 12 September 2025, p 12.

²³⁴ HVNL Act, s 17(1); Bill, explanatory notes, p 7.

On this basis, the committee considers that these provisions of the Bill have sufficient regard to the institution of Parliament, such that they are consistent with fundamental legislative principles.

2.9. Other consequential amendments to Queensland law

The Bill contains consequential amendments arising from amendments to the HVNL including:

- removal of the power of an authorised officer to require production of a licence to drive heavy vehicle in the HVNL Act proper which is replicated in HVNL²³⁵
- updates to section references and prescriptive detail that will be removed from the HVNL and contained in the national regulations.²³⁶

DTMR notes that ‘these amendments ensure that HVNL and national regulation section references continue to operate correctly’.²³⁷

2.9.1. Stakeholder submissions and department advice

CANEGROWERS noted in its submission that it supports the removal of duplicate sections to ‘remove any potential for uncertainty created by duplicate segments in the legislation’.²³⁸

2.10. Potential for future review of HVNL regulations

Currently, the HVNL provides that the Regulator has a function to monitor and review, and report to the responsible ministers on, the operation of’ the HVNL including in respect of the following:

- the extent to which the object of the HVNL are being achieved
- the extent and nature of non-compliance with the HVNL
- the outcome of activities for monitoring and investigating compliance with the HVNL
- the effect of heavy vehicle accreditation on achieving the object of the HVNL
- the effect of modifications to the HVNL on achieving the object of the HVNL.²³⁹

The Bill does not propose any changes to this function of the Regulator or include any additional means of review of the HVNL.

²³⁵ Bill, cl 7 (omit HVNL Act, s 39).

²³⁶ Bill, explanatory notes, p 5; DTMR, Response to Question on Notice, 17 September 2025, p 1.

²³⁷ DTMR, Response to Question on Notice, 17 September 2025, p 1.

²³⁸ Submission 7, p 2.

²³⁹ HVNL, s 659(2)(i).

2.10.1. Stakeholder submissions and department advice

In its submission, the ATA recommended:

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.²⁴⁰

At the public hearing, the ATA noted that this set review process would allow further reforms (which did not form part of the final outcomes of the HVNL Review) as well as ad hoc policy proposals to be incorporated into the HVNL and its regulations on a systematic basis.²⁴¹ ATA noted that these could include new productivity measures including extending the length of B-doubles and streamlining the performance based standards certification process.²⁴²

NatRoad also strongly supported the implementation of such review process on the basis that additional reforms which were raised during the HVNL Review remain outstanding and are needed to 'ensure the Law and Regulations meet the requirements for industry and support safety and productivity outcomes'.²⁴³

At the public hearing, the HVSN and ACRS flagged that further reforms could be required to refine the definition of 'rest' to ensure it encompasses sufficiently restorative rest and the fatigue management regime to reflect the individual requirements of drivers.²⁴⁴

In response, DTMR noted the proposals for future reform and reiterated the following:²⁴⁵

The NTC, NHVR and participating jurisdictions will continue to work together and with industry to make improvements to the HVNL and other statutory instruments as needed, to continue improving road safety and productivity outcomes, and to deliver a modern regulatory framework for the heavy vehicle industry.

At the public hearing, the Regulator advised that it had 'established a dedicated implementation program' to ensure the effective transition to the updated HVNL including the provision of resources, training modules and engagement strategies for industry members.²⁴⁶ The Regulator also voiced its support for a regular maintenance program for review of the HVNL and regulations.²⁴⁷

Several inquiry participants reflected on areas of potential reform, that were not included in the Bill. Brays Transport stated that the current permit system in Queensland which requires permits having to be in place for every route, could be streamlined.²⁴⁸ Similarly, Mr Mohammad, Cairns Heavy Haulage also stated that the condition of the roads, and challenges associated with the permit system was causing challenges for

²⁴⁰ Submission 8, p 11.

²⁴¹ Public hearing transcript, Brisbane, 1 October 2025, p 2.

²⁴² Public hearing transcript, Brisbane, 1 October 2025, pp 2-3.

²⁴³ Submission 9, p 3.

²⁴⁴ Public hearing transcript, Brisbane, 1 October 2025, p 12.

²⁴⁵ DTMR, response to submissions, 24 September 2025, p 9.

²⁴⁶ Public hearing transcript, Brisbane, 1 October 2025, p 14.

²⁴⁷ Public hearing transcript, Brisbane, 1 October 2025, p 16.

²⁴⁸ Public hearing transcript, Cairns, 8 October 2025, p 2.

business operators in the region, with some operators leaving the industry as a result. Mr Mohammad said:

One issue is the roads. There is one section of the road west of Chillagoe where it took me 2½ hours to do 23 kilometres. The roads are just dirt roads. I will not go to Weipa. ... My new trailers cost me \$750,000 for these low loaders that transport the machinery. To run them up there on the cape and on the dirt roads, it just does not pay.

Everywhere I go, I run under permit. ... We have permits to travel everywhere. They are doing roadworks up there. I busted four rims and tyres and that was \$5,000 just for four rims and tyres. That is all because they did not have it wide enough. My permits state that the roads should be wide enough. They were not and it comes out of my pocket. It costs me a lot of money to do permits and to do things by the book.²⁴⁹

Cairns Heavy Haulage 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 on certain routes:

I shift a lot of cane harvesters in this district, and they [Ergon Energy] 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.²⁵⁰

Mr Mohammad, Cairns Heavy Haulage advised of a recent example where this requirement had added almost \$8,000 to his costs of a particular job, as well as an extra \$5,000 for QPS to provide support cars alongside the operators.²⁵¹

Committee comment



The committee has noted industry concerns in North Queensland and challenges associated with road condition, seasonal variations, and an arguably lack of coordination by utility providers.

²⁴⁹ Public hearing transcript, Cairns, 8 October 2025, p 3.

²⁵⁰ Public hearing transcript, Cairns, 8 October 2025, p 3.

²⁵¹ Public hearing transcript, Cairns, 8 October 2025, p 3.

Appendix A – Submitters

<i>Sub No.</i>	<i>Name / Organisation</i>
1	Name withheld
2	National Heavy Vehicle Regulator
3	Andrea Hamilton-Vaughan, Chair, National Driver Fatigue Week – Power Nap
4	Queensland Bus Industry Council
5	Local Government Association of Queensland
6	Heavy Vehicle Safety Network
7	CANEGROWERS
8	Australian Trucking Association
9	National Road Transport Association (NatRoad)
10	AgForce Queensland Farmers Limited
11	Australasian College of Road Safety

Appendix B – Witnesses at public briefing, 17 September 2025

Department of Transport and Main Roads

Andrew Mahon, Deputy Director-General, Policy, Planning and Investment

Joanna Robinson, General Manager, Land Transport Safety and Regulation

National Transport Commission

Aaron de Rozario, Executive Leader Regulatory Reform

Appendix C – Witnesses at public hearing, 1 October 2025 (Brisbane)

AgForce Queensland Farmers Limited

Ruth Thompson, Grains Policy Director

Australasian College of Road Safety

Marcus Cosgrove, Chair

Greg Casey, Deputy Chair

Australian Trucking Association

Bill McKinley, Chief of Staff

National Heavy Vehicle Regulator

Paul Daly, Director – Strategic Policy

Appendix D – Witnesses at public hearing, 8 October 2025 (Cairns)

Cairns Heavy Haulage

Abby Mohammed, Director

Brays Transport

Dale Bray, Owner

Gostelow's Cattle and Freight Transport

Debbie Gostelow, Owner

Appendix E – Summary of amendments to penalties

Offence	Current penalty	Proposed penalty
Breach of duty by an executive of a legal entity to exercise due diligence to ensure the entity's compliance with the safety duty (section 26D(1))	Maximum - \$300,000 or 5 years' imprisonment	Maximum - the penalty for a contravention of section 26F, 26G or 26H by an individual, as appropriate ²⁵²
A person making a prohibited request ²⁵³ of a driver of a fatigue-regulated vehicle or a party in the chain of responsibility (section 26E(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁵⁴
A person entering into a prohibited contract ²⁵⁵ with a driver of a fatigue-regulated heavy vehicle or a party in the chain of responsibility (section 26E(2))	Maximum - \$10,000	Maximum - \$20,000 ²⁵⁶
A person using a heavy vehicle that contravenes heavy vehicle standards (section 60(1))	Maximum: \$3,000, or \$6,000 for contravention of a heavy vehicle standard relating to a speed limiter.	Maximum - \$6,000 ²⁵⁷
A person: - contravening a vehicle standards exemption (section 81(1)) - using or permitting a vehicle to be used which contravenes a vehicle standards exemption (section 81(2)) - using or permitting a vehicle to be used in a way which contravenes a vehicle standards exemption (section 81(3))	Maximum - \$4,000	Maximum - \$6,000 ²⁵⁸

²⁵² Bill, cl 17 (amend HVNL, s 26D(1A)).

²⁵³ Includes requests that would cause the driver to exceed speed limits, drive a vehicle while fatigued, drive in breach of work and rest hours or to drive in breach of another law: HVNL, s 26E(1).

²⁵⁴ Bill, cl 18 (amend HVNL, s 26E(1)).

²⁵⁵ Includes contracts that would cause the driver to exceed speed limits, drive a vehicle while fatigued, drive in breach of work and rest hours or to drive in breach of another law: HVNL, s 26E(2).

²⁵⁶ Bill, cl 18 (amend HVNL, s 26E(2)).

²⁵⁷ Bill, cl 20 (amend HVNL, s 60(1)).

²⁵⁸ Bill, cl 23 (amend HVNL, ss 81(1)-(3)).

Offence	Current penalty	Proposed penalty
A person who drives or permits another person to drive a vehicle in contravention of dimension requirements (section 102(1))	- No goods or passengers - \$3,000 - Goods or passengers: - Minor risk breach - \$3,000 - Substantial risk breach - \$5,000 - Severe risk breach - \$10,000	- No goods or passengers - \$4,000 - Goods or passengers: - Minor risk breach - \$4,000 - Substantial risk breach - \$6,000 - Severe risk breach - \$10,000²⁵⁹
Breach of duty not to drive a heavy vehicle while fatigued (or unfit to drive as proposed by Bill) (section 228(1))	Maximum - \$6,000	Maximum - \$20,000 ²⁶⁰
Solo driver using fatigue-regulated heavy vehicle working more than the maximum work time, or resting less than the minimum rest time, in relevant period (section 250(1))	Maximum - \$4,000	Maximum - \$3,000 ²⁶¹
Driver using fatigue-regulated heavy vehicle in two-driver arrangement working more than the maximum work time, or resting less than the minimum rest time, in relevant period (section 251(1))	Maximum - \$4,000	Maximum - \$3,000 ²⁶²
Driver using fatigue-regulated heavy vehicle under work and rest hours exemption working more than the maximum work time, or resting less than the minimum rest time, under exemption (section 260(1))	Maximum (for minor risk breach) - \$4,000	Maximum (for minor risk breach) - \$3,000
Breach of duty by employer, prime contractor, operator or scheduler to ensure driver compliance with work and rest hours for using fatigue-regulated heavy vehicle (section 264(2))	Maximum - \$6,000	Maximum - \$10,000 ²⁶³
If work and rest hours exemption applies and is subject to document keeping condition, requirement for driver, or	Maximum - \$3,000	Maximum - \$1,500 ²⁶⁴

²⁵⁹ Bill, cl 29 (amend HVNL, ss 102(1)(a), (b)(i), (b)(ii)).

²⁶⁰ Bill, cl 49 (amend HVNL, s 228(1)).

²⁶¹ Bill, cl 54 (amend HVNL, s 250(1)).

²⁶² Bill, cl 55 (amend HVNL, s 251(1)).

²⁶³ Bill, cl 59 (amend HVNL, s 264(2)).

²⁶⁴ Bill, cl 62 (amend HVNL, ss 287(2), (3)).

Offence	Current penalty	Proposed penalty
relevant party to ensure driver, complies with condition (section 287(1) & (2))		
Failure of driver of fatigue-regulated heavy vehicle to keep work diary (section 293(1))	Maximum - \$6,000	Maximum - \$10,000 ²⁶⁵
Failure of driver to record required information at commencement of work (section 297(2))	Maximum - \$6,000	Maximum - \$4,000 ²⁶⁶
Failure of driver of fatigue-regulated heavy vehicle to: - notify Regulator of electronic work diary being full, destroyed, lost, stolen or malfunctioning (section 307(2)) - allow work diary to be examined and brought to working order in period required by Regulator (section 307(3))	Maximum - \$3,000	Maximum - \$1,500 ²⁶⁷
Failure of driver of fatigue-regulated heavy vehicle to notify record keeper of issues with work diary (section 309(2))	Maximum - \$3,000	Maximum - \$1,500 ²⁶⁸
Failure of driver of fatigue-regulated heavy vehicle to keep work diary as required under conditions and manufacturer's specifications (section 314(2))	Maximum - \$3,000	Maximum - \$1,500 ²⁶⁹
Duty for employer, prime contractor, operator or scheduler to ensure driver of employer, prime contractor, operator or scheduler to comply with work diary requirements (section 315(1))	Maximum - \$6,000	Maximum - \$10,000 ²⁷⁰
Making false or misleading entries in a work record (section 325(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁷¹
Driver of fatigue-regulated heavy vehicle, or record keeper for driver,	Maximum - \$10,000	Maximum - \$20,000 ²⁷²

²⁶⁵ Bill, cl 65 (amend HVNL, s 293(1)).

²⁶⁶ Bill, cl 69 (amend HVNL, s 297(2)).

²⁶⁷ Bill, cl 71 (amend HVNL, ss 307(2),(3)).

²⁶⁸ Bill, cl 73 (amend HVNL, s 309(2)).

²⁶⁹ Bill, cl 75 (amend HVNL, s 314(2)).

²⁷⁰ Bill, cl 76 (amend HVNL, s 315(1)).

²⁷¹ Bill, cl 81 (amend HVNL, s 325(1)).

²⁷² Bill, cl 83 (amend HVNL, s 327).

Offence	Current penalty	Proposed penalty
keeping a thing purporting to be a work record (that is not a work record) (section 327)		
Falsely representing that a work record was made by the person (section 328)	Maximum - \$10,000	Maximum - \$20,000 ²⁷³
Defacing or changing a work record that a person knows, or ought reasonably to know, is correct (section 329)	Maximum - \$10,000	Maximum - \$20,000 ²⁷⁴
Making entry on someone else's work record (section 330)	Maximum - \$10,000	Maximum - \$20,000 ²⁷⁵
Destruction of work diary in non-compliance with condition (section 331)	Maximum - \$10,000	Maximum - \$20,000 ²⁷⁶
Removal of daily sheet from written work diary except as authorised (section 332)	Maximum - \$10,000	Maximum - \$20,000 ²⁷⁷
Tampering with an electronic recording system (section 335(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁷⁸
Permitting another person to tamper with an electronic recording system (section 336(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁷⁹
Failure of record keeper to keep record or copy of the record in accordance with conditions (section 341(2))	Maximum - \$6,000	Maximum - \$4,000 ²⁸⁰
Failure of record keeper to keep the record or copy of the record in a way that ensures it is readable and capable of being used as evidence (section 341(5))	Maximum - \$6,000	Maximum - \$4,000 ²⁸¹
Failure of operator to ensure drivers operating under a fatigue alternative compliance accreditation are aware of alternative compliance hours (section 470(3))	New offence	Maximum - \$4,000 ²⁸²

²⁷³ Bill, cl 84 (amend HVNL, s 328).

²⁷⁴ Bill, cl 85 (amend HVNL, s 329).

²⁷⁵ Bill, cl 86 (amend HVNL, s 330).

²⁷⁶ Bill, cl 87 (amend HVNL, s 331).

²⁷⁷ Bill, cl 88 (amend HVNL, s 332).

²⁷⁸ Bill, cl 89 (amend HVNL, s 335(1)).

²⁷⁹ Bill, cl 90 (amend HVNL, s 336(1)).

²⁸⁰ Bill, cl 92 (amend HVNL, s 341(2)).

²⁸¹ Bill, cl 92 (amend HVNL, s 341(5)).

²⁸² Bill, cl 109 (amend HVNL, s 470(3)).

Offence	Current penalty	Proposed penalty
Failure of operator to give notice to driver of any amendment, suspension or cessation of heavy vehicle accreditation impacting vehicle (section 471(3))	Maximum - \$6,000	Maximum - \$10,000 ²⁸³
Falsely representing that a person is an approved auditor (section 478(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁸⁴
An approved auditor falsely representing that they are an auditor of a particular approved class (section 478(2))	Maximum - \$10,000	Maximum - \$20,000 ²⁸⁵
An approved auditor falsely representing that they have audited an operator's management system (section 478(3))	Maximum - \$10,000	Maximum - \$20,000 ²⁸⁶
Falsely representing an opinion of an approved auditor in relation to an operator's management system (section 478(4))	Maximum - \$10,000	Maximum - \$20,000 ²⁸⁷
Failure of driver or operator of a heavy vehicle to move or do something with a vehicle to avoid harm or obstruction (section 517(4))	Maximum - \$6,000	Maximum - \$10,000 ²⁸⁸
Failure to produce heavy vehicle for inspection in accordance with notice (section 522(5))	Maximum - \$6,000	Maximum - \$10,000 ²⁸⁹
Failure to comply with direction to leave heavy vehicle (section 524(5))	Maximum - \$6,000	Maximum - \$10,000 ²⁹⁰
Contravention of improvement notice (section 573(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁹¹
Failure to comply with direction under section 576A(2) or prohibition notice (section 576C)	Maximum - \$10,000	Maximum - \$20,000 ²⁹²
Knowingly making a false or misleading statement to an official (section 701(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁹³

²⁸³ Bill, cl 110 (amend HVNL, s 471(3)).

²⁸⁴ Bill, cl 115 (amend HVNL, s 478(1)).

²⁸⁵ Bill, cl 115 (amend HVNL, s 478(2)).

²⁸⁶ Bill, cl 115 (amend HVNL, s 478(3)).

²⁸⁷ Bill, cl 115 (amend HVNL, s 478(4)).

²⁸⁸ Bill, cl 117 (amend HVNL, s 517(4)).

²⁸⁹ Bill, cl 118 (amend HVNL, s 522(5)).

²⁹⁰ Bill, cl 119 (amend HVNL, s 524(5)).

²⁹¹ Bill, cl 123 (amend HVNL, s 573(1)).

²⁹² Bill, cl 124 (amend HVNL, s 576C).

²⁹³ Bill, cl 142 (amend HVNL, s 701(1)).

Offence	Current penalty	Proposed penalty
Recklessly making a false or misleading statement to an official (section 701(2))	Maximum - \$8,000	Maximum - \$15,000 ²⁹⁴
Knowingly giving a document to an official that contains false or misleading information (section 702(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁹⁵
Recklessly giving a document to an official that contains false or misleading information (section 702(3))	Maximum - \$8,000	Maximum - \$15,000 ²⁹⁶
A responsible person for a heavy vehicle giving another responsible person information they know, or ought to reasonably know, is false or misleading (section 703(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁹⁷
A responsible person for a heavy vehicle giving another responsible person information that is false or misleading if done so recklessly (section 703(2))	Maximum - \$8,000	Maximum - \$15,000 ²⁹⁸
Misrepresenting: - that the person has been granted a heavy vehicle authority the person has not been granted - that a heavy vehicle authority has been granted in relation to a thing for which it has not been granted - that the person is operating under a heavy vehicle authority that the person is not entitled to operate under - that a thing is operating under a heavy vehicle authority that the thing is not authorised to operate under (section 704(1))	Maximum - \$10,000	Maximum - \$20,000 ²⁹⁹
Misrepresenting that a person or thing is operating under a heavy vehicle	Maximum - \$10,000	Maximum - \$20,000 ³⁰⁰

²⁹⁴ Bill, cl 142 (amend HVNL, s 701(2)).

²⁹⁵ Bill, cl 143 (amend HVNL, s 702(1)).

²⁹⁶ Bill, cl 143 (amend HVNL, s 702(3)).

²⁹⁷ Bill, cl 144 (amend HVNL, s 703(1)).

²⁹⁸ Bill, cl 144 (amend HVNL, s 703(2)).

²⁹⁹ Bill, cl 145 (amend HVNL, s 704(1)).

³⁰⁰ Bill, cl 145 (amend HVNL, s 704(2)).

Offence	Current penalty	Proposed penalty
authority that is no longer in force (section 704(2))		
Possessing a document that falsely purports to be an accreditation certificate, a document issued under section 468(1)(b) or (c) or a grant of an electronic recording system approval, exemption, authorisation, permit or other authority (section 704(3))	Maximum - \$10,000	Maximum - \$20,000 ³⁰¹

³⁰¹ Bill, cl 145 (amend HVNL, s 704(3)).