

ACRS Submission to Inquiry into Heavy Vehicle National Law Amendment Bill 2025



About the Australasian College of Road Safety

The Australasian College of Road Safety was established in 1988 and is the region's peak organisation for road safety professionals and members of the public who are focused on saving lives and serious injuries on our roads.

The College Patron is Her Excellency the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia.

To:

State Development, Infrastructure and Works Committee
Queensland Parliament

e: SDIWC@parliament.qld.gov.au

For further information please contact:

Teresa Williams: President, Australasian College of Road Safety

Dr Ingrid Johnston: Chief Executive Officer, Australasian College of Road Safety

Australasian College of Road Safety

PO Box 198 Mawson ACT 2607

e: ceo@acrs.org.au

p: (02) 6290 2509

w: www.acrs.org.au

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Introduction

The Australasian College of Road Safety is the region's peak membership association for road safety with a vision of eliminating death and serious injury on the road. Our members include experts from all areas of road safety including policy makers, health and transport professionals, academics, community organisations, researchers, federal, state and local government agencies, private companies and members of the public. The purpose of the College is to support our members in their efforts to eliminate serious road trauma through knowledge sharing, professional development, networking and advocacy. Our objectives include the promotion of road safety as a critical organisational objective within government, business and the community; the promotion and advocacy of policies and practices that support harm elimination; the improvement of relative safety outcomes for vulnerable demographic and user groups within the community; the promotion of post-crash policies and practices; and the promotion of a collegiate climate amongst all those with responsibilities for and working in road safety.

The College believes that we should prevent all fatal and serious injuries on our roads; the road traffic system must be made safe for all road users; system designers should aim to prevent human error and mitigate its consequences; life and health are not exchangeable for other benefits in society; and that all College policy positions must be evidence based.

The Heavy Vehicle National Law Amendment Bill 2025 implements recommendations of the National Transport Commission through the Heavy Vehicle National Law (HVNL) Review, which have been endorsed by the infrastructure and transport ministers. The HVNL provides a single national law for the consistent regulation of heavy vehicle operations across Australia, with the exception of Western Australia and the Northern Territory. The Bill aims to provide:

- An enhanced accreditation framework to improve safety that requires operators to have a Safety Management System (SMS) and that broadens the types of accreditations that the National Heavy Vehicle Regulator (Regulator) may grant
- A new duty to be fit to drive, which will improve road safety and 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 code 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 and provide an appropriate balance of regulatory discretion and ministerial oversight
- Improved governance arrangements that will modernise the operation of the Regulator Board and provide for responsible ministers to approve a Statement of Expectations for the Regulator in the exercise of its functions
- Improve enforcement arrangements that remove regulatory red tape, particularly for fatigue management record keeping and the issue of notices
- Amended penalty amounts to deliver proportionate outcomes without reducing deterrence or increasing road safety risk
- Moving prescriptive detail and offences into regulations to simplify the law and allow for more flexible risk-based obligations
- Consequential amendments to Queensland law where it duplicates a section of the HVNL.

ACRS response to the proposed Bill

While the Bill contains amendments to multiple areas of the HVNL, the ACRS comments focus on the amendments relating to fatigue management and fitness to drive, and the implications of those changes for implementation of the Law.

The ACRS has a newly formed Heavy Vehicle Safety Network, representing a broad and experienced cross-section of professionals and stakeholders dedicated to improving safety outcomes across the heavy vehicle road transport sector.

a) Fatigue management amendments

The Bill makes several changes to existing HVNL and is aimed at improving safety and productivity in the Australian road transport industry. Of significance are amendments incorporating all heavy vehicles with a gross vehicle mass (GVM) of greater than 4.5 tonnes into fatigue management regulation. Specifically, they are to be captured by a new duty to be 'fit to drive'. This is a welcome measure that closes a gap that previously did not include drivers and operator of trucks between 4.5 tonnes GVM and 12 tonnes GVM. However, it also introduces a new cohort of truck drivers (all light rigid and medium rigid licence holders in Australia), business operators and transport managers who will now need to manage fatigue in the context of compliance with these new regulations. This new cohort is likely to include many small, medium and large businesses for whom truck driving is not the primary focus of their operations (for example, tradespeople or farmers), if they operate trucks in excess of 4.5 tonnes GVM.

Furthermore, the proposed redefinition of 'fatigue regulated heavy vehicle' from a vehicle with a GVM or more than 12 tonnes, to a GVM 'prescribed by the national regulations' suggests that fatigue regulations are likely to apply to a wider cohort. Regardless of the GVM prescribed, ensuring any new cohort is educated regarding these changes is crucial to the success of these amendments.

b) Evidence on implementation of fatigue management

Current research, however, demonstrates that a lack of knowledge regarding complex fatigue management laws amongst Australian truck drivers, transport manager, police and regulators, inhibits compliance with fatigue laws.⁽¹⁻³⁾ A lack of knowledge is likely to reduce the efficacy of fatigue management laws aimed at making Australian roads safer.

The evidence suggests that truck drivers' and transport managers' knowledge and experience regarding fatigue and fatigue compliance is developed over many years.⁽¹⁾ It is therefore reasonable to expect that the new cohort of drivers, operators and managers who, for the first time, may be captured by the amended definitions contained in the Bill, will also develop their knowledge over many years. This could include learning how to fulfil obligations regarding record keeping and assessing employees' fitness to drive, while some may also now require alternative compliance accreditation (new section 457, 457A and 462). Without immediate intervention, this is likely to obfuscate and delay improvements to truck driver fatigue related crash rates that this Bill seeks to achieve.

Conclusion and Recommendations

The ACRS welcomes this inquiry into the HVNL amendments. We believe the proposed amendments require careful consideration and targeted refinement. While we acknowledge the intent to modernise and streamline regulatory frameworks, several aspects of the Bill warrant further consultation to ensure they genuinely enhance safety and operational clarity.

To improve and accelerate the efficacy of these amendments, it is recommended that:

- Consistent training be made available for drivers, transport managers, operators and all others in the chain of responsibility, particularly those new to the concepts and obligations placed on them to manage fatigue
- This must include improving the knowledge and confidence of police and regulators regarding their capacity to enforce and regulate the amended fatigue laws
- As a lead agency, the NHVR is best placed to develop and deliver training packages across all jurisdictions participating in the HVNL. A package developed and delivered by this one lead agency is more likely to ensure consistency in training and knowledge across all stakeholders.
- This should be developed and ready for delivery prior to the commencement of these amendments.

ACRS welcomes the opportunity to comment on the proposed amendments and contribute to improved heavy vehicle safety in Australia. Please let us know if you require any further detail.



Mr Marcus Cosgrove
Chair, Heavy Vehicle Safety Network
ACRS



Dr Ingrid Johnston
Chief Executive Officer
ACRS

References

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