



Explanatory Document

*Heavy Vehicle National Law Amendment Bill
and Heavy Vehicle National Amendment
Regulations*

Public Consultation Exposure Drafts



Report outline

Title	Explanatory Document Heavy Vehicle National Law Amendment Bill 2024 and Heavy Vehicle National Amendment Regulations 2024 – Public Consultation Exposure Drafts
Type of report	Explanatory document – Public consultation
Purpose	<p>To support the public consultation process for the Heavy Vehicle National Law Amendment Bill 2024 and Heavy Vehicle National Amendment Regulations 2024.</p> <p>This document should be read in conjunction with the Heavy Vehicle National Law Amendment Bill 2024 and Heavy Vehicle National Amendment Regulations 2024.</p>
Abstract	This document explains the proposed amendments to the Heavy Vehicle National Law and supporting regulations, and attaches the draft changes. The proposed changes are intended to be considered by Ministers for approval in early 2025.
Key words	Heavy Vehicle National Law, Heavy Vehicle National Law Amendment Bill, Heavy Vehicle National Amendment Regulations
Contact	<p>Your comments regarding the draft amendments are sought. Consultation closes on Thursday 21 November 2024.</p> <p>Any individual or organisation can make comments by way of a submission to the NTC. To make a submission, please visit www.ntc.gov.au and select 'Have your say' from the top navigation menu.</p> <p>Alternatively, you can send your comments or make enquiries about the submission process by writing to:</p> <p>National Transport Commission Level 3/600 Bourke Street Melbourne VIC 3000 Ph: (03) 9236 5000 Email: hvnlteam@ntc.gov.au www.ntc.gov.au</p>

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Background

The **Heavy Vehicle National Law (HVNL)** provides national rules for heavy vehicle operations. It aims to ensure the heavy vehicle industry can operate between participating jurisdictions with consistent regulatory arrangements in place. The **HVNL** regulates matters about:

- Safety duties for chain of responsibility parties and executive officers;
- Vehicle standards;
- Mass, dimension and loading;
- Driver fatigue;
- Intelligent transport systems;
- Accreditation;
- Investigative and enforcement powers;
- Sanctions and matters relevant to the court process;
- Reviews and appeals for certain decisions made under the law; and
- Administrative matters.

Summary

The draft law and regulations propose to amend the **HVNL** and supporting regulations to implement recommendations made by the NTC and approved by Infrastructure and Transport Ministers through the reform process.

The NTC has worked closely with Parliamentary Counsel to determine the best way for the draft law and regulations to reflect the agreed policy.

The amendments aim to improve safety and productivity, reduce regulatory red tape, improve regulatory functions, and simplify administration of the law. Key reforms include:

- A more flexible and safety focused accreditation scheme, a driver fitness duty, Ministerial approvals and direction powers, and improving regulatory accountability.
- There are also amendments to omit or move prescriptive detail from law into regulations, to contemporise the law and enhance regulatory flexibility.

Public comment is now sought on the proposed changes.

Achievement of policy objectives

The proposed amendments achieve the agreed policy objectives by:

- Shifting detail and offences into regulations including for permits and fatigue record keeping, simplifying the law and allowing for more flexible, risk-based obligations.
- Combining a new duty to be fit to drive with the existing duty to not drive fatigued.
- Requiring a safety management system to become an accredited operator and broadening the types of accreditation that may be granted by the Regulator, with the requirements and outer limits to be prescribed in regulations.
- Improving enforcement outcomes by removing regulatory red tape, including for improvement notices and formal warnings.
- Introducing new Ministerial direction and approval powers, including power to approve an audit standard and a safety management system standard.
- Contemporise arrangements for the Regulator's board and recognise a statement of expectations in the law.
- Shifting responsibility for codes of practice to the Regulator.
- Ensuring contemporary and consistent language is used and other mechanical or consequential amendments.
- Updating penalty amounts.

Overview of the proposed amendments

The draft law and regulations will be subject to additional amendments after this public consultation process.

Further amendments to those reflected in the draft law and regulations will be based upon:

- Feedback received from stakeholders during public consultation.
- Newly identified minor or consequential amendments.
- A legal review of the draft law and regulations.
- An editorial check of the law and regulations.

The detail discussed below references most clauses in the in the draft law and regulations, noting some may not be included below where they are minor or consequential in nature.

Heavy Vehicle National Law Amendment Bill 2024

1. Amendments to Chapter 1 Preliminary

Key amendments:

- **Definitions:** Several definitions are proposed to be removed from the law or shifted into regulations to streamline the legislative process and implement agreed policy. New definitions are also inserted.
- **Performance Based Standards (PBS):** Prescriptive and administrative detail is proposed to be removed from the law and placed in regulations, providing for more flexibility.

1.1 Definitions

HVNL, Part 1.2 Interpretation prescribes definitions for the **HVNL** and its supporting regulations.

- **Clause 1** proposes to remove various definitions for the purpose of implementing the agreed policy for accreditation and an expanded driver duty. This includes removing references to AFM, BFM, mass management and maintenance management accreditation and associated terminologies. In addition, some definitions related to fatigue move to regulations including **cancel**, and **daily sheet**.
- **Clause 2** proposes to insert new definitions to implement the agreed policy. The definitions relate to accreditation, the new driver duty to be fit to drive, and codes of practice. It also introduces a new definition for a wide **twinsteer axle group** to align with the Australian Design Rules for Euro VI compliant heavy vehicles.
- **Clauses 3, 6, 7, 8 and 9** omit definitions for permits. These are mechanical amendments to reflect permit requirements and associated definitions being shifted from the **HVNL** into regulations.
- **Clause 4** is a consequential amendment for the definition of **impaired by fatigue** to reflect a change in section number.
- **Clause 5** defines an executive due diligence breach, with a Category 1 primary duty breach penalty, as an **indictable offence**.
- **Clause 10** proposes to amend the meaning of **fatigue-regulated heavy vehicle** to remove the reference to 12t. It also inserts a regulation-making power. Regulations will continue to prescribe the GVM of a fatigue-regulated heavy vehicle as 12t.

1.2 Performance based standards

HVNL, Part 1.4 Performance based standards allows PBS vehicles to operate on roads, grants the Regulator authority to approve PBS vehicles and includes a regulation-making power.

Proposed amendments to **Part 1.4 PBS** implement Ministerially endorsed policy to shift prescriptive and administrative detail from the **HVNL** into the regulations.

- **Clauses 11 and 12** propose to remove what Regulator must consider when assessing a PBS vehicle or design approval application. A requirement is inserted for the Regulator to consider matters prescribed by the national regulations.

- **Section 26 National regulations** already includes a regulation-making power that enables the above detail to move into regulations.
- **Clause 13** proposes to omit the requirement for a driver to keep a copy of a PBS vehicle approval and for a relevant party to ensure the driver complies with this requirement. **Clause 14** inserts a regulation making power to enable this detail to move into regulations.

2. Amendments to Chapter 1A Safety duties

Key amendments:

- **Duty of executive of legal entity:** Penalties for executive due diligence breaches are clarified.
- **Prohibited requests and contracts:** Mechanical amendments to prohibited requests and contracts obligations, which align with the expanded duty to not drive a heavy vehicle while fatigued or while unfit to drive.
- **Alternative verdicts:** An alternative verdict provision is proposed for primary duty offences.

2.1 Duty of executive of legal entity

HVNL, Section 26D – Duty of executive of legal entity is a due diligence obligation on executive officers to ensure the legal entity complies with safety duty obligations.

While the maximum penalty is intended to be the same as an individual's contravention of the corresponding provision, it has been agreed that the maximum penalty available under this section could be clarified.

- **Clauses 15** and **16** clarify the maximum penalty for an executive due diligence breach. This includes a new **section 1A**, which states the maximum penalty can be the same penalty as a Category 1, 2 or 3 primary duty breach by an individual.
- Consequential amendments are proposed in **Clauses 17** and **18**, to recognise the new **section 1A**.

2.2 Prohibited requests and contracts

HVNL, Section 26E Prohibited requests and contracts prohibits a person from asking, directing, requiring, or entering into a contract with, a driver or a party in the chain of responsibility if they know, or ought to know, it will result in the driver of a fatigue-regulated heavy vehicle driving while impaired by fatigue.

To properly implement agreed policy for an expanded driver duty to not drive a heavy vehicle fatigued or when unfit to drive, amendments are required to **section 26E – Prohibited requests and contracts**.

- **Clauses 19, 20** and **22** proposes to amend **section 26E** to ensure prohibited requests and contracts provisions apply to the task of driving a heavy vehicle while unfit and driving fatigued.
- **Clause 21** proposes to increase the penalty for a breach of **section 26E** to a maximum of \$20,000.

2.3 Alternative verdicts

An alternative verdict allows a court to find a defendant guilty of a lesser offence, if the evidence does not support a conviction for the original charge but the elements of a lesser offence are proven.

Agreed policy to implement an alternative verdict provision is reflected in **Clause 21**.

- **Clause 23** inserts a new **section 26I – Alternative verdicts** to enable a court to make an alternative verdict where a primary duty offence under **section 26F Category 1** or **section 26G Category 2** is proceeded with, and the court is not satisfied the offence is proven but a lesser category of primary duty offence can be established.

3. Amendments to Chapter 3 Vehicle operations – standards and safety

Key amendments:

- **Compliance with heavy vehicle standards, grant of vehicle standards exemption notice, vehicle standards exemption permits and modifying heavy vehicles and warning signals:** Some detail is proposed to be removed from the law and placed in regulations, providing for more flexibility.

3.1 Compliance with heavy vehicle standards and grant of vehicle standards exemption (notice)

Detail about heavy vehicle standards are prescribed in the **HVNL**, including:

- **Section 60 – Compliance with heavy vehicle standards** requires drivers and off-road parties to not drive or permit a person to drive a heavy vehicle that contravenes a heavy vehicle standard.
- **Section 62 – Restriction on grant of vehicle standards exemption (notice)** restricts the Regulator from granting an exemption unless certain things apply, with those things outlined in **subsection 1(a)**.

A key policy objective is to transfer prescriptive and administrative details into regulations, as reflected in the proposed amendments below:

- **Clause 24** amends the maximum penalty for a breach of **section 60 Compliance with heavy vehicle standards** to \$6,000.
- **Clause 25** omits the circumstances when an offence against **section 60 Compliance with heavy vehicle standards** does not apply and amends the section to allow these details to be prescribed by regulations.
- **Clauses 26** omits things the Regulator need to be satisfied of to grant a vehicle standards exemption under **section 62 Restriction on grant of vehicle standards exemption (notice)** and amends the section to allow these details to be prescribed by regulations.

3.2 Vehicle standards exemption permits

Detail about heavy vehicle standards permits is prescribed in the *HVNL*, including:

- **Part 3.2 Compliance with heavy vehicle standards, Division 3 – Exemptions by permit (sections 68 – 80)** provide for vehicle standards exemption permits, which may be issued by the regulator.
- **Section 83** requires drivers to keep a copy of the permit while driving.

A key policy objective is to shift prescriptive and administrative detail to regulations, and this is enabled through the below proposed amendments:

- **Clause 27** proposes to omit **sections 68 – 80**, in favour of shifting the detail into regulations, using a new regulation making power, and inserts a new **section 68** stating that the Regulator may exempt one or more heavy vehicles from compliance with a heavy vehicle standard by issuing a permit.
- **Clause 28** amends the maximum penalty for a breach of **section 81 Contravening condition of vehicle standards exemption** to \$6,000.
- **Clause 29** proposes to omit the requirement in **section 83** for drivers to keep a copy of their permit while driving under a vehicle standards exemption (permit), with the requirement to shift to regulations. There is no intent to move the requirement to return a permit to regulations, in line with agreed policy for the law to promote the use of electronic documents.

3.3 Modifying heavy vehicles

HVNL, Part 3.3 Modifying heavy vehicles (sections 84 – 88) prescribes detail about:

- Approval for modifying a heavy vehicle;
- Approval of modifications by the Regulator and approved examiners; and
- Requirements to not tamper with a plate or label and includes a regulation-making power.

A key policy objective is to shift prescriptive and administrative detail to regulations. This is enabled through the below proposed amendments:

- **Clause 29** proposes to remove requirements related to heavy vehicle modification in **sections 83 and 85 to 87A** in favour of shifting the detail into regulations.
- **Clause 30** proposes to amend the existing regulation-making power described above by specifies that regulations may provide for the approval of a modification of a heavy vehicle and offences for tampering with plates or labels attached to modified heavy vehicles.

3.4 Warning signs and signals

HVNL, Chapter 3 Vehicle operations – standards and safety and *HVNL, Chapter 4 Vehicle operations – mass, dimension and loading* prescribe requirements for warning signs and signals.

- **Section 92 Display of warning signs required by heavy vehicle standards on vehicles to which the requirement does not apply** creates an offence for use of warning signs certain types of heavy vehicles required to display the sign.

- **Section 109 Warning signals required for rear projection of loads** creates an offence related to warning signals on rear projections of loads on heavy vehicles.
- **Section 134 Displaying warning signs on vehicles if not required by dimension exemption** creates an offence regarding the display of a warning sign, unless operating under a dimension exemption or as a pilot vehicle for a heavy vehicle with such an exemption.

A key policy objective is to shift prescriptive and administrative detail to regulations, and this is enabled through the below proposed amendments:

- **Clauses 31, 34, and 37** remove the warning sign and signal requirements in **section 92, section 109, and section 134** in favour of shifting the detail into regulations.
- A new regulation-making power is proposed in **Clause 31**. The regulation-making power has been drafted to capture both warning signs and signals, and may relate to heavy vehicle standards or mass, dimension and loading.

4. Amendments to Chapter 4 Vehicle operations – mass, dimension and loading

Key amendments:

- **Mass and dimension exemption permits for class 1 and 3 heavy vehicles and mass and dimension authorisation permits for class 2 heavy vehicles:** Some detail is proposed to be removed from the law and placed in regulations, providing for more flexibility.
- **Penalties:** There are some increases to penalties for offences in **Chapter 4**.

4.1 Mass and dimension exemption permits for class 1 and 3 heavy vehicles

HVNL, Part 4.5 Exemptions for particular overmass or oversize vehicles, Division 3 Exemptions by permit (sections 122 through 128) outlines requirements for mass and dimension exemption permits for class 1 and class 3 heavy vehicles. It also covers the administrative processes involved, including permit applications and cancellations.

A key policy objective is to shift prescriptive and administrative detail to regulations, and this is enabled through the below proposed amendments:

- **Clause 35** omits **sections 122 to 128** in favour of shifting the detail into regulations, using a new regulation making power. It also inserts a new **section 122** that provides the Regulator with power to provide a person with a mass or dimension exemption permit and retains restrictions on this power, like road manager consent, in the **HVNL**.
- **Clause 36** omits the requirement in **section 133** for drivers to keep a copy of their permit while driving under a mass and dimension exemption. This requirement is intended to shift into regulations. There is no intent to move the requirement to return a permit to regulations, in line with agreed policy for the law to promote the use of electronic documents.

4.2 Class 2 heavy vehicle authorisation (permit)

Detail about Class 2 heavy vehicle permits is prescribed in the HVNL, including:

- **Part 4.6 Restricting access to roads by large vehicles that are not overmass or oversize vehicles, Division 4 Authorisation by permit** prescribes detail for permits for class 2 heavy vehicles, and also covers the administrative process.
- **Division 5 Operating under class 2 heavy vehicle authorisation** prescribes offences for contravening a condition of a class 2 authorisation and keeping documents and permits while operating under the authorisation.

A key policy objective is to shift prescriptive and administrative detail to regulations, and this is enabled through the below proposed amendments:

- **Clause 38** proposes to omit **sections 143 to 149**. It is intended the detail will shift into regulations, using a new regulation making power. It also inserts a new **section 143** to provide the Regulator power to grant a class 2 heavy vehicle authorisation (permit) for the use of one or more class 2 heavy vehicles in stated areas or routes during set times and days.
- **Clause 39** proposes to omit the requirement in **Part 4.6, Division 5, section 152** for drivers to keep a copy of their permit while driving under a mass and dimension exemption. This requirement is intended to shift into regulations. There is no intent to move the requirement to return a permit to regulations, in line with agreed policy for the law to promote the use of electronic documents.

4.3 Amendment, cancellation or suspension and the return or replacement of mass or dimension permit

HVNL, Part 4.7 Particular provisions about mass or dimension authorities, Divisions 4 and 5 relate to the amendment, cancellation or suspension and the return or replacement of a mass or dimension permit.

To reflect agreed policy for a more flexible law, with prescriptive detail in regulations, the following is proposed:

- **Clause 40** omits **Part 4.7, Divisions 4 and 5**. Detail related to the amendment, cancellation or suspension of a mass or dimension authority granted by permit, as prescribed in Division 4, is omitted in favour of the same detail being shifted into regulations.
- It is not intended requirements in **Division 5** related to the return and replacement of permits will be carried across to regulations. This is on the basis that electronically issued permits cannot be returned or replaced, and aligns with agreed policy the law promote the use of electronic documents.

4.4 Chapter 4 penalties

Clauses 32 and 33 propose to increase the penalties for a breach of certain dimension requirements under **section 102** of the **HVNL**. This includes:

- For a heavy vehicle that does not have goods or passengers in it, an increased maximum penalty from \$3,000 to \$4,000.

- For minor risk breach if the heavy vehicle has goods or passengers, an increased maximum penalty from \$3,000 to \$4,000.
- For a substantial risk breach if the heavy vehicle has goods or passengers, an increased maximum penalty from \$5,000 to \$6,000.

Clause 41 proposes to increase the maximum penalty for the following offences under the **HVNL**:

- An offence under **section 186** relating to false or misleading transport documentation for goods, an increased maximum penalty from \$10,000 to \$20,000.
- An offence under **section 187** for false or misleading information in a container weight declaration, an increased maximum penalty from \$10,000 to \$20,000.

5. Amendments to Chapter 6 Vehicle operations – driver fatigue

Key amendments:

- **Definitions:** Various definitions are proposed to be omitted from **Chapter 6** where they are no longer relevant or are intended to shift to regulation, and a new definition of approved sleeper berth is inserted.
- **Expanded driver duty:** The existing duty to be fit to drive a fatigue-regulated heavy vehicle is combined with a new duty to be fit to drive, and will be expanded to apply to the driving of all heavy vehicles regulated under the **HVNL**. There are also various mechanical amendments to implement this policy.
- **Work diary requirements and approvals:** Work diary arrangements including record keeping requirements are streamlined by consolidating duplicative detail and omitting some detail that can be placed in regulations, providing for more flexibility.
- **Fatigue alternative compliance:** References to AFM and BFM accreditation and hours are proposed to be omitted and replaced with new terminologies to reflect the new accreditation policy.
- **Relevant major rest break:** The term 'relevant major rest break' is proposed to be replaced with clearer terminology.
- **Work diary, fatigue record keeping and work and rest hours exemption permits:** Some detail is proposed to be removed from the law and placed in regulations, providing for more flexibility.
- **Penalties:** There are some decreases and increases to various penalties for offences in **Chapter 6**.

5.1 Definitions for Chapter 6

HVNL, Section 221 definitions are proposed to be omitted or amended for the purpose of **Chapter 6**.

- **Clause 45** proposes to omit various definitions including *AFM fatigue management system, AFM hours, approved electronic recording system, approved sleeper berth, BFM hours, cancel, critical risk breach, daily sheet, electronic recording system, fatigue and impaired by fatigue*. This reflects the accreditation policy to remove AFM and BFM, and enables some definitions to be moved to regulations.
- Consequential amendments to reflect an expanded duty to not drive fatigued or while unfit to drive are proposed in **Clauses 42 – 44**, and **46 – 49**.

- **Clause 50** is a consequential amendment for the definition of **written work diary** to reflect the re-numbering of a section of the **HVNL**.

A sleeper berth standard is in place for two-up driver fatigue management in **Chapter 6**, and is defined in **section 221**. Ministers have the power to approve a sleeper berth standard in **section 654**. It has been agreed that the sleeper berth standard should no longer be approved by Ministers and is intended to be prescribed in regulations.

- **Clause 45** proposes to omit the definition of *approved sleeper berth* in **section 221 Definitions for Ch 6**. It now includes a regulation-making power, to enable regulations to provide what is an approved sleeper berth to ensure future flexibility.

5.2 Duty to not drive a heavy vehicle while unfit or fatigued

HVNL, Part 6.2 Duties related to fatigue creates a duty to not drive a fatigue-regulated heavy vehicle while fatigued. It also defines what is fatigue or impaired by fatigue and prescribes the matters a court may consider when deciding if a person was fatigued or impaired by fatigued.

There is agreed policy that the current duty to not drive fatigued is expanded to include driver fitness, and will apply to all heavy vehicles regulated by the **HVNL**. This is reflected in:

- **Clauses 51 - 60** propose the necessary amendments to expand the existing **section 228** duty to not drive a fatigue-regulated heavy vehicle while fatigued to also include when unfit to drive. It also expands the application of the duty to all heavy vehicles regulated under the **HVNL**.

There is also a consequential amendment in **Clause 147**, which inserts driver fitness in the existing power under **section 540**. This would enable an authorised officer to require a driver stop working if impaired by fatigue or unfit to drive.

The expanded duty is not intended to impact the primary duty, nor mitigate any duties or obligations owed by parties in the chain of responsibility. The duty is designed to empower drivers to stop driving if they are not generally of good health and fitness to drive a heavy vehicle safely at a point in time.

5.3 Replacement of AFM and BFM

Work and rest hours for drivers of fatigue-regulated heavy vehicles are prescribed under **Chapter 6 Vehicle operations – driver fatigue**. These include AFM hours and BFM hours, which are part of accreditation prescribed under **Chapter 8 Accreditation**.

There is agreed policy to remove the four types of accreditation from the law in favour of broader **general safety accreditation** and **alternative compliance accreditation**. This will include **alternative compliance accreditation** for work and rest hours, which carries across similar policy intent to the current AFM accreditation.

To ensure alternative compliance accreditation for work and rest hours can still operate, the following amendments are reflected in the draft bill:

- **Clause 2** proposes new definitions for **fatigue alternative compliance accreditation**. It is based on similar policy to the current AFM accreditation, where the operator may be granted custom work and rest hours, and reflects **alternative compliance accreditation** granted in relation to work and rest arrangements.

- **Clause 2, section 5** creates a signpost definition for **alternative compliance hours**, with the substantive definition described in **Clause 68, section 253**. These are the maximum work times and minimum rest times that apply in a period and are stated in the accreditation certificate, within hours prescribed by regulations. This replaces definitions of *BFM hours* and *AFM hours* in **section 221 – Definitions for Ch 6**.
- **Clause 68** proposes a new **section 654** to prescribe requirements for drivers who operate in breach of **alternative compliance hours**. This section is adapted from existing offences operating in breach of BFM and AFM hours.
- Consequential amendments are proposed to **Chapter 6** to reflect proposed changes to accreditation, including removal of AFM and BFM accreditation. The amendments are reflected in **Clauses 45, 61 – 63, 66, 68, 70 – 73, 75, 79, and 91 – 98**.

5.4 Relevant major rest break

It has been agreed that the term **relevant major rest break** in the current **HVNL** should be defined or replaced to provide greater clarity.

- The term is only used in **section 247 Time to be counted after rest ends**, which states time must be counted from:
 - if 1 or more major rest breaks are relevant to the period—the end of a relevant major rest break; or
 - in any other case—the end of a relevant period of rest time.
- **Major rest break** is defined in **section 221** as rest time of at least five continuous hours. However, a **relevant major rest break** is not defined. This has resulted in different interpretations, creating confusion and potentially inconsistent enforcement outcomes.
- The relevant legislative precedent interprets **relevant major rest break** as the **major rest break** relevant to the hours option under which the driver is operating.

The agreed policy is implemented by the following proposed amendment:

- **Clauses 64 and 65** propose to replace the term **relevant major rest break** in **section 247** with clearer wording that more closely aligns with the relevant legislative precedent and original policy intent. This reflects that time must be counted from, where one or more major rest breaks are relevant to the period, the end of the longest major rest break.

5.5 Streamlining of work diary requirements

5.5.1 Regulator issuing written work diaries

The Regulator may issue work diaries under **HVNL, Part 6.4 Requirements about record keeping, Division 6 Obtaining written work diary**.

The below amendments achieve agreed reform outcomes to simplify the law by enabling prescriptive and administrative detail about work diaries to shift into regulations.

- **Clause 81** inserts a new **section 293A – Regulator may issue written work diaries**. This allows the Regulator to issue a written work diary to drivers of fatigue-regulated heavy vehicles regulations to provide for written work diary applications (including determining an application), the form of a written work diary, and matters it may contain.

- **Clause 102** proposes to omit **Part 6.4 Requirements about record keeping, Division 6 Obtaining written work diary** in favour of the same detail being shifted into regulations, using the new regulation-making power described above.

It is not intended regulations will include the detail in **section 339(3)**, which requires a driver to return their old written work diary to the Regulator when applying for a new one. The policy intent is maintained by a requirement for the driver to cancel unused daily sheets in the old work diary.

5.5.2 15-minute periods

HVNL, Part 6.3 Requirements relating to work time and rest time, Division 1 Preliminary details how work and rest time is counted in written and electronic work diaries.

The below amendments achieve agreed reform outcomes to simplify the law by enabling prescriptive detail to be shifted into regulations, enhancing regulatory flexibility:

- **Clause 63** proposes to omit the detail for how work and rest time is counted in 15-minute periods in a written or electronic work diary (current **sections 246** and **246A**). This detail is proposed to be shifted to regulations.

5.5.3 How information must be recorded in work diary

HVNL, Part 6.4 Requirements about record keeping, Division 2 Work diary requirements, Subdivision 2 Information required to be included in work diary requires the driver of a fatigue-regulated heavy vehicle who undertakes 100+km work under standard hours or works under AFM, BFM or exemption hours. It includes a regulation-making power for information to be included in a work diary and an associated offence provision for not recording information in a work diary in the manner and time prescribed by the national regulations.

- **Section 295 – National regulations for information to be included in work diary** allows regulations to prescribe things related to recording information in a work diary.
- **Section 296 – Recording information under the national regulations – general** creates an offence for not recording information in their work diary in the way prescribed in the national regulations.

HVNL, Part 6.4 Requirements about record keeping, Division 2 Work diary requirements, Subdivision 3 How information must be recorded in work diary, prescribes work diary requirements including for information to be included in a work diary and how information must be recorded in a work diary. These requirements include:

- **Section 301 – Recording information in written work diary** creates an offence for drivers not recording information in their work diary as prescribed.
- **Sections 302 – Recording information in electronic work diary** and **303 – Time zone of driver's base must be used** prescribe additional requirements for drivers about recording information in an electronic work diary and using the time zone of the driver's base, and carry the same maximum penalty as the offences under **sections 296** and **301**.

To achieve agreed policy that the above offences be consolidated, where possible, the following amendments are made:

- **Clause 84** proposes to omit **Part 6.4, Division 2, Subdivision 3 (Sections 301 – 303)**. This detail will be shifted into regulations, using an expanded regulation-making power under **section 295** described in **Clause 82**.

5.5.4 Lost or stolen written work diaries

HVNL, Part 6.4 Requirements about record keeping, Division 2 Work diary requirements, Subdivision 4 Requirements about work diaries that are filled up etc., Section 308 What driver must do if lost or stolen written work diary found or returned requires a driver who finds or is returned a written work diary that was lost or stolen.

- Immediately cancel any unused daily sheets.
- If the old work diary was found or returned within 28 days after it was lost or stolen, the driver must also immediately notify the Regulator and give the old work diary to the Regulator.
- If it was found or returned later than 28 days after it was lost or stolen, it must be returned to the Regulator as soon as possible after being found or returned.

It has been agreed that the above should be simplified by moving the detail into regulations, and the following amendment is proposed:

- **Clause 86** omits **section 308** in favour of shifting the detail into regulations. The policy intent is maintained by a requirement in regulations that the driver notify the Regulator if the written work diary has been found and must also cancel any unused daily sheets.
- The requirement that the written work diary be returned to the Regulator will not be placed in regulations.

5.6 Work diary, fatigue record keeping and work and rest hours exemption permits

Detail about exemption permits in **Chapter 6** of the **HVNL** is prescribed in:

- **Part 6.3 Requirements related to work and rest time, Division 8 Exemptions relating to work and rest times, Subdivision 3 Exemptions by permit** provides the Regulator power to grant exemption permits for maximum work and minimum rest times, and provides necessary administrative arrangements.
- **Part 6.4 Requirements about record keeping, Division 8 Exemptions from work diary requirements of Division 2, Subdivision 3 Exemptions by permit** provides the Regulator power to grant exemption permits for work diary requirements, and provides necessary administrative arrangements.
- **Part 6.4 Requirements about record keeping, Division 8A Exemptions from fatigue record keeping requirements of Division 3, Subdivision 2 Exemptions by permit** provides the Regulator power to grant exemption permits to exempt record keepers from fatigue record keeping requirements.

The below amendments propose to omit detail related to work diary exemption (permits) and fatigue record keeping (permits), to enable the same detail to be placed in regulations.

- **Clause 76** omits **sections 273 – 285** for work and rest hours exemption (permits) and inserts a new **section 273 – Work and rest hours exemption (permits)** that enables the Regulator to issue the permit.

- **Clause 78** omits section 288 Keeping copy of permit while driving under work and rest hours exemption (permit).
- **Clause 107** omits **sections 363 – 374** for work diary exemption (permits) and inserts a new **section 263 – Work and rest hours exemption (permits)** that enables the Regulator to issue the permit.
- **Clause 109** omits **sections 383 – 393** for fatigue record keeping exemption (permits) and inserts a new **section 283 – Work and rest hours exemption (permits)** that enables the Regulator to issue the permit. The policy intent is maintained by shifting the same detail into regulations using a new regulation making power, except for detail about the return and replacement of permits. This is because permits are issued electronically and cannot be returned.

5.7 Chapter 6 penalties

- **Clause 60** proposes to increase the existing penalty for the **section 228** duty to not drive fatigued, to a maximum of \$20,000 for the proposed new expanded duty for fatigue and driver fitness.
- **Clause 67** proposes to lower the maximum penalty for a minor risk breach of solo standard hours and two-up driver standard hours under **section 250** and **251**, from \$4,000 to \$3,000. Similarly, a \$3,000 maximum penalty is proposed for a breach of alternative compliance hours under a new **section 254**.
- **Clause 68** proposes to lower the maximum penalty for a minor risk breach of exemption hours under **section 260** from \$4,000 to \$3,000.
- **Clause 74** proposes to increase the maximum penalty for a breach of duty to ensure driver compliance under **section 264**, from \$6,000 to \$10,000.
- **Clause 77** proposes to lower the maximum penalty for a breach of the requirement to keep a relevant document when operating under a work and rest hours exemption notice prescribed in **section 287**, from \$3,000 to \$1,500.
- **Clause 80** proposes to increase the maximum penalty for a breach of the requirement in **section 293**, for a driver of a fatigue-regulated heavy vehicle to carry a work diary, from \$6,000 to \$10,000.
- **Clause 83** proposes to decrease the maximum penalty for failing to record information immediately after starting work, prescribed in **section 297**, from \$6,000 to \$4,000.
- **Clause 85** proposes to decrease maximum penalties to \$1,500 from \$3,000 for breaches of requirements under **sections 307, 309**, which are related to filled up work diaries, and **314**, how electronic work diaries must be used.
- **Clause 87** proposes to decrease the maximum penalty from \$6,000 to \$3,000 for a record keeper failing to comply with requirements in **section 312** related to destroyed, lost or stolen electronic work diaries.
- **Clause 90** proposes to increase the maximum penalty in **section 315**, for a responsible party failing to ensure driver compliance with certain requirements in Chapter 6, from \$6,000 to \$10,000.
- **Clause 99** proposes to increase the maximum penalty for offences in **sections 325, 327–329, 330(1), 331, 332, 335(1)** and **336(1)** from \$10,000 to \$20,000.
- **Clause 103** proposes to decrease the maximum penalty from \$6,000 to \$4,000 for a breach of **section 341** related to the period and way records must be kept.

6. Amendments to Chapter 8 Accreditation

Key amendments:

- **Definitions:** Various definitions are omitted and replaced to implement agreed policy.
- **General safety accreditation and alternative compliance accreditation:** Two new forms of accreditation are proposed to be introduced, requiring various mechanical amendments.
- **Safety management standards:** To support accredited operators identify and address public risks associated with the operator's transport activities and the driving of heavy vehicles, and specify the controls to mitigate those risks.
- **Grant of accreditation and administrative processes:** Existing policy intent is maintained to ensure controls on the grant of accreditation, including for fatigue alternative compliance accreditation.
- **Penalties:** Various penalties in Chapter 8 are proposed to be amended.

6.1 General safety accreditation, alternative compliance accreditation and safety management system standards

HVNL, Chapter 8 Accreditation provides for accreditation administered by the Regulator. It involves the grant of alternative compliance arrangements for operators who implement management systems.

HVNL, Chapter 12 Administration, section 654 – Other approvals provides responsible Ministers with power to approve Standards and Business Rules for four types of accreditation – BFM, AFM, Mass Management and Maintenance Management.

Ministers have agreed that accreditation will be amended to:

- Omit Ministers power to approve Business Rules and Standards, removing the four types of accreditation in the current law.
- Require operators to become accredited in general safety accreditation, requiring a comprehensive safety management system. This will replace the current requirement for a management system that only targets certain risks linked to each type of accreditation.
- No longer hardwire types of accreditation into the law and instead enable the Regulator to grant alternative compliance accreditation for requirements in the law, which will be agreed by Ministers and prescribed in regulations.
- Include transitional arrangements for existing accreditations to remain in place for the remainder of the period of accreditation with the same operational requirements.

6.1.1 Business Rules and Standards

Clause 162 removes the power for responsible Ministers to approve standards and business rules under **section 654 – Other approvals**. This means the four types of accreditation will no longer be hardwired into the law. Accreditation will continue to operate similarly to the current **HVNL** in terms of the process prescribed in law.

- **Clauses 111 – 144** include various mechanical amendments to remove references to things included in the Standards and Business Rules, such as the four types of accreditation, AFM and BFM accreditation hours, and management systems for AFM, BFM, mass management and maintenance management accreditation.

6.1.2 General safety accreditation and alternative compliance accreditation

The agreed policy is implemented to introduce two new types of accreditation – one based on a safety management system and the other to provide alternative compliance.

- **Clause 2** includes the following relevant new definitions:
 - **General safety accreditation** – means accreditation granted under **section 458 Regulator’s power to grant heavy vehicle accreditation** that is not related to a prescribed operations requirement.
 - **Alternative compliance accreditation** – means accreditation granted under **section 458 Regulator’s power to grant heavy vehicle accreditation** in relation to a prescribed operations requirement.
 - **Safety management system standard** means the standard for safety management systems approved by the responsible Ministers under **section 654**.
- **Clause 111** omits the current definitions included for the purpose of **Chapter 8** as they are no longer required.
- **Clause 111** proposes an amendment to define a safety management system in a new **section 457A**.
- **Clause 112** proposes an amendment to **section 458** to clarify the policy intent that the Regulator cannot grant alternative compliance accreditation unless the operator also holds general safety accreditation.

6.1.3 Prescribed operations requirements for alternative compliance accreditation

Clause 111 proposes to implement agreed policy that Ministers will approve the operational requirements for the grant of alternative compliance accreditation. This is implemented by:

- A proposed regulation making power in **section 457 Requirements for heavy vehicle operations that may be subject to alternative compliance accreditation**.
- The regulation-making power will enable Ministers to approve operational requirements in regulations as able to be subject to an alternative compliance accreditation, such as for work and rest hours or mass.

6.1.4 Safety management system and standards

Clause 111 also implements agreed policy about safety management system requirements. This includes:

- A new **section 457A – Safety management systems for accredited operators** that defines what is a safety management system for an accredited operator.
- The definition includes policies, systems and procedures related to an operator’s transport activities. The safety management system must identify and address public risks associated with the operator’s transport activities and the driving of heavy vehicles and specify the controls to mitigate those risks. It will also need to comply with the safety management system standards.

It is agreed that the law will prescribe safety management standards to underpin general safety accreditation and alternative compliance accreditation.

- **Clause 162** provides that Ministers may approve safety management system standards. The standard is intended to support the safety management system properly addresses relevant public risks associated with the operator's transport activities and the driving of heavy vehicles.
- **Clause 111** inserts a new **section 457A**, which specifies that a safety management system must comply with the standard.
- **Clause 113** amends **section 459 Application for heavy vehicle accreditation** to replace references to management systems with a safety management system. This includes that the application include a statement by the applicant and from an approved auditor that the safety management system complies with the standard and any other information required under the standard.
- **Clause 99** amends the conditions of accreditation in **section 462** to include a safety management system that complies with the safety management system standard.

6.1.5 Grant of accreditation and administrative processes

Clause 114 Restriction on grant of heavy vehicle accreditation also maintains the current processes around the grant of accreditation and implements some newly agreed policy. The new detail includes to restrict the Regulator's grant to grant alternative compliance accreditation is restricted, unless:

- The prescribed operations requirement subject to the proposed alternative compliance accreditation is approved by responsible Ministers;
- The proposed alternative compliance accreditation is within the limits prescribed by regulations (for example, outer limits for alternative compliance hours that may be granted for a fatigue alternative compliance accreditation); and
- The proposed alternative compliance does not result in a standard of safety less than that of the prescribed operations requirement (prescriptive law).

Restrictions on the grant of fatigue accreditation that exist in the current law will be maintained, and are more clearly set out in a new **section 461A Restriction on grant of fatigue alternative compliance accreditation** that is also included in **Clause 114**. This clarifies the alternative compliance hours must be within limits set by Ministers in regulations.

6.2 Accreditation labels

HVNL, Part 8.2 Grant of heavy vehicle accreditation, Section 466 Accreditation labels for maintenance management accreditation and mass management accreditation requires operators with maintenance management accreditation and mass management accreditation attach accreditation labels to their heavy vehicles.

It has been agreed that the law should no longer create requirements for labels, and instead the Regulator may choose to require a label as a condition of accreditation.

- **Clause 120** proposes to remove **section 466**, which creates requirements related to heavy vehicle accreditation labels.
- **Clause 117** includes a new example, stating that the Regulator may require a label as a condition of accreditation.

6.3 Chapter 8 penalties

- **Clause 130** proposes a penalty of \$6,000 for an accredited operator not informing a driver operating under their fatigue alternative compliance hours of the relevant hours, as required under **section 470(3)**.
- **Clause 134** proposes an increased penalty of \$10,000 from \$6,000 for an operator not giving notice of amendment, suspension or ending of heavy vehicle accreditation, as required under **section 471**.
- **Clause 141** proposes an increase to \$20,000 from \$10,000 for offences related to auditors, prescribed under **section 478**.

7. Chapter 9 Enforcement

Key amendments:

- **Improvement notices:** Amendments are proposed to support the use of improvement notices by removing the restriction on issuing a notice and commencing a prosecution for the same conduct.
- **Definition of 'fit':** Clarification is proposed to maintain the policy intent of the definition of 'fit' for the purpose of **Chapter 9**.
- **Penalties:** There are some changes to penalties for offences against requirements prescribed in **Chapter 9**.

7.1 Improvement notices

The **HVNL** prescribes the following for improvement notices:

- **Section 572 Improvement notices** enables the use of improvement notices.
- **Section 573 Contravention of improvement notice** restricts commencement of a prosecution for conduct that led to the improvement notice, except where it has been revoked or has not been complied with. This is contrary to the way improvement notices can be used under similar laws, like the **Model Work Health and Safety Act**.

There is agreed policy that the improvement notice mechanism align with the **Model Work Health and Safety Act**. To achieve this, an amendment is made to enable improvement notice to be issued and, where offending is deemed serious enough and there is sufficient evidence, enable a prosecution to commence for the conduct that led to the notice.

- **Clause 119** omits **section 573(3)** to remove the restriction on issuing an improvement notice and commencing a prosecution for the same conduct.

7.2 Definition of 'fit' for the purpose of direction to stop, or not move or interfere with a heavy vehicle

An amendment is proposed to create a signpost definition for the term **fit**. This recognises that the current definition is only relevant to **Chapter 9 – Enforcement**. It is not intended to interact with the expanded duty to not drive fatigued or drive while unfit.

- **Clause 2** and **127** amend the definition of 'fit' in **section 5 – Definitions** to be a signpost definition, with the substantive definition included in a new **section 512A – Definition for Part 9.3**.

7.3 Chapter 9 penalties

- **Clause 146** proposes to increase penalties for offences against **sections 517, 522 and 524** from \$6,000 to \$10,000. These requirements relate to use of powers and directions.
- **Clause 151** proposes to increase the penalties from \$10,000 to \$20,000 for offences related to compliance with improvement notices and prohibition notices under **sections 573 and 576C**.

8. Chapter 10 Sanctions and provisions about liability for offences

Key amendments:

- **Formal warnings:** Agreed policy is implemented to improve formal warning powers and ensure they are fit for purpose.
- **Audits as evidence:** Agreed policy is implemented through a proposed ability for a court to consider an audit of an accredited operator's safety management system as evidence in a primary duty prosecution.

8.1 Formal warnings

The **HVNL** prescribes the following for formal warnings:

- **Section 590 – Formal warning** prescribes when an authorised officer may issue a formal warning.
- **Subsection (1)(b)** restricts an authorised officer from issuing a formal warning unless they reasonably believe the person exercised reasonable diligence to prevent the offence and was unaware of it. This is subjective and can be difficult to establish.

The following amendment is proposed to ensure greater consistency of authorised officer powers with regard to formal warnings.

- **Clause 120** proposes to remove **section 590(1)(b)**. This will enable authorised officers to issue a formal caution where the officer believes a person has contravened the law and it is appropriate to deal with it through a formal caution.

In addition, **Section 590** does not restrict a formal warning being issued for a primary duty breach, the most serious offences in the **HVNL**. It is agreed that this should be restricted.

- **Clause 121** proposes to amend **section 590(3)** by inserting a new restriction on issuing a formal warning for a contravention of a safety duty.

8.2 Use of audit of safety management system as evidence

Currently, audits of management systems required for accreditation are not automatically admissible as evidence in primary duty prosecutions.

It is agreed the law will enable an audit of an accredited operator's safety management system to be used as evidence by a court in a primary duty prosecution.

The amendment is not intended to amount to deemed compliance with the primary duty. The weight placed on the evidence is a matter for the court. The audit could be used by either the prosecution or the defence to show what the accused did or did not know about safety risks.

This policy is implemented by:

- **Clause 123** proposes to introduce a new **section 632B – Use of audit of safety management system in proceeding** that enables an audit of a safety management system to be used in a primary duty prosecution.
- The proposed amendments include a statement that the safety management system complies with the safety management system standards. It also makes clear that the audit must be undertaken by an approved auditor under the national audit standard.

9. Chapter 12 Administration

Key amendments:

- **Ministerial powers:** Key amendments are proposed for Ministerial direction powers and oversight. This includes new Ministerial direction powers and some changes to Ministerial approvals to reflect agreed policy for accreditation, including a safety management system standard and an audit standard.
- **Corporate governance:** Amendments are proposed to align with agreed policy for the Regulator's board, recognise a Ministerial statement of expectations that the Regulator must respond to, and to reflect a mechanical amendment due to the repeal of the **Public Records Act 2002**.

9.1 Ministerial directions

HVNL, Section 651 provides responsible Ministers with power to issue directions about policies to be applied by the Regulator in exercising its functions under the **HVNL**.

To support a more contemporary **HVNL**, including the amended accreditation scheme, policy has been agreed to increase Ministerial oversight. This is also intended to ensure increased regulatory discretion is properly balanced.

Clause 159 inserts the following:

- A new **section 651 – Policy directions** that continues to provide power to responsible Ministers to give directions to the Regulator about policies it needs to apply in exercising its functions. This carries across the policy intent of the current **section 651 – Policy directions**.
- A new **section 651A – Directions to prevent or minimise serious public risk** that provides power to responsible Ministers to direct the Regulator to act or not act where there is a serious public risk.
- A new **section 651B – Directions in relation to alternative compliance accreditation** that provides power to responsible Ministers to give a direction to the Regulator to do or not do something in relation to an alternative compliance accreditation for an applicant or class of applicants, or an accredited operator or class of operators.
- A new **section 651C – Directions to provide advice or information** that provides power to responsible Ministers to direct the Regulator to investigate or provide advice or information about a matter related to a public risk.

- A new **section 651D – General provisions about directions** that requires the Regulator to comply with directions given to it by a responsible Minister or responsible Ministers. It also requires the Regulator to publish any direction on its website and in its annual report, along with action taken.

For **section 651A**, **651B**, and **651C** it is intended that a responsible Minister be able to give the Regulator a direction that applies only in their own jurisdiction. For **section 651A** and **651B**, Ministers will need to be satisfied the direction is necessary to prevent or minimise a serious public risk.

References to *serious public risk* are intended to rely on the definition of *public risk* under **section 5** of the law and the plain language meaning of *serious*.

9.2 Consultation requirements for approved guidelines for exemptions, authorisations, permits and other authorities

HVNL, Section 653 – Approved guidelines for exemptions, authorisations, permits and other authorities provides responsible Ministers with power to approve guidelines about certain things. There is no requirement to consult with the Regulator, or any other necessary persons like industry bodies or participants.

- **Clause 161** amends **section 653 – Approved guidelines for exemptions, authorisations, permits and other authorities** to require Ministers consult the Regulator and other persons they consider relevant. This implements agreed policy for interested parties to be consulted on guidelines to ensure increased transparency and that guidelines are fit for purpose.

9.3 Ministerial powers

HVNL, Section 654 Other approvals provides power for responsible Ministers to approve a standard for sleeper berths, to approve standards and business rules for AFM accreditation, BFM accreditation, mass management accreditation and maintenance management accreditation, and to approve a class of auditors for the purpose of **Chapter 8 Accreditation**.

It has been agreed that current requirement for responsible Ministers to approve a sleeper berth standard and approve standards and business rules is inflexible and inefficient. These instruments are often time consuming to update and this can impede regulatory efficiency and the ability to respond to emerging safety risks.

- **Clause 162** omits **section 654(1) Other approvals**, to remove the power for responsible Ministers to approve a sleeper berth standard, standards and business rules, and a class of auditors for the purpose of **Chapter 8 – Accreditation**.
- A new **subsection 1** is included to state Ministers may approve a standard for carrying out audits and a standard with which an operator's safety management system needs to comply.
- A new **subsection 1A** states what the audit standard needs to address and that the Regulator will prepare the standard and consult on the standard.

9.3.1 Audit standard

HVNL, Section 654 Other approvals provides responsible Ministers with power to approve a class of auditors. This does not provide comprehensive oversight of, or guidance for, auditors for the accreditation scheme under **Chapter 8 - Accreditation**.

- Agreed policy for Ministers to approve a national audit standard is proposed in **Clause 162**, replacing the current power for Ministers to approve a class of auditors in **section 654 – Other approvals**.
- The purpose of the audit standard is for carrying out audits of an accredited operator's safety management system. It will be developed by the Regulator, who must also consult on the standard before it is approved by Ministers.

9.4 Statement of expectations

It has been agreed that the law does should formally recognise a statement of expectations, which the Regulator must respond to.

Clause 163 implements agreed policy that the law formally recognise a Ministerial statement of expectations. It includes that the Regulator must exercise its functions in accordance with any statement of expectations issued by the responsible Ministers.

9.5 Membership of Regulator Board

HVNL, Chapter 12 Administration, Part 12.2 National Heavy Vehicle Regulator, Division 2 Governing board of Regulator provides for the establishment, membership and functions of the Regulator's board.

Agreed policy is implemented across the following clauses by amending detail related to the Regulator's board:

- **Clause 163** amends **section 663** to increase the potential size of the board from five members to between five and seven members.
- **Clause 165** omits **section 663(2)** and inserts that Board members must have expertise, experience and skills as considered appropriate by responsible Ministers and that a person employed in or representing the heavy vehicle industry is not able to be appointed as a Board member.
- **Clause 166** omits **section 665(2)** and inserts a new time limit for Board membership being no more than three consecutive terms or a total period of ten years.
- **Clause 167** omits **section 667(2)** and states that a Board member may be removed where they have engaged in misconduct, have failed to or are unable to properly exercise their functions as a Board member or have engaged in paid employment without the responsible Minister's approval.

9.6 Regulator's Corporate Plan

HVNL, Section 695 provides that the Regulator must annually prepare and provide Ministers with a corporate plan for a three-year period, and prescribes things the corporate plan must contain.

New policy has been agreed to that the law should reflect a 30-day timeframe for the Regulator to provide responsible Ministers with its Corporate Plan.

- **Clause 148** amends **section 695** to insert a new **subsection 1A** that requires the NHVR Board to provide responsible Ministers with its Corporate Plan annually no later than 30 days before the end of each financial year.

9.7 Public Records Act 2023

A consequential amendment is proposed in **clause 170** to reflect that the **Public Records Act 2002 (Queensland)** will be repealed and replaced with the **Public Records Act 2023 (Queensland)**.

10. Chapter 13 General

Key amendments:

- **Regulator may issue codes of practice:** Agreed policy is reflected in proposed amendments that enable the Regulator to issue codes of practice. This also requires various mechanical amendments.
- **Ministerial directions for codes of practice:** Amendments are proposed to reflect agreed policy that Ministers be able to issue directions in relation to codes of practice.
- **National regulations to provide for exemption permits:** A new regulation-making power is proposed, which supports making the law more flexible and contemporary by shifting detail about permits into regulations.
- **Penalties:** Some penalties prescribed under **Chapter 13** are proposed to be amended.

10.1 Regulator may issue codes of practice

HVNL, Part 13.2 Industry codes of practice currently provides for industry codes of practice, which must be initiated and developed by industry with the Regulator responsible for their registration. The Regulator are also responsible for making guidelines about the preparation and content of industry codes of practice.

It is agreed codes of practice should be initiated, developed, and approved by the Regulator to provide legislative flexibility and simplify the process to make new codes of practice.

- **Clause 173** omits **Part 13.2 Industry codes of practice** and insert a new **section 705 – Regulator may issue codes of practice** that:
 - Enables the Regulator to issue a code of practice for duties and obligations under the law for parties in the chain of responsibility and drivers of heavy vehicles.
 - Ensures the Regulator consult on issuing, amending, or revoking a code of practice – except for minor amendments.
 - Ensures the Regulator publish codes of practice on its website.
 - Replicates the current no liability provision if a code of practice is relied on.
 - Removes the Regulator's power to develop guidelines because the Regulator will be responsible for issuing codes of practice.
- **Clause 155** is a consequential amendment to **section 632A – Using code of practice in proceeding**, which makes codes of practice admissible in certain circumstances. This recognises the Regulator will make codes of practice.
- **Clause 174** is a consequential amendment to **section 711(1)(n) – Evidence by certificate by Regulator generally**, which relates to evidentiary certificates by the Regulator and removes the reference to an industry code of practice. It is not necessary to replicate the section for a Regulator-issued code of practice.

- **Clause 177** omits **section 751 – Expiry of industry codes of practice**, which provides for the expiry of codes of practice and is not necessary if the Regulator issue codes of practice.

10.2 Ministerial directions relating to codes of practice

To balance the Regulator's proposed new power to issue codes of practice, and because this power is broader than those under similar regulatory laws, it is desired that responsible Ministers be empowered to direct the Regulator to amend or cancel a code of practice.

Clause 149 inserts a new **section 706 – Responsible Ministers may give directions related to codes of practice**, which:

- Empowers responsible Ministers to direct the Regulator to amend or revoke a code of practice issued under **section 705 – Regulator may issue codes of practice**.
- Limits a direction from being made except where the responsible Ministers are satisfied it is necessary to ensure that the code of practice is not unreasonable or impractical, or contrary to the object of the law.
- Requires responsible Ministers to consult with the Regulator about the direction.
- Requires the Regulator publish the direction on its website and annual report.

10.3 National regulations to provide for exemption permits

Various provisions across **HVNL, Chapter 3 Vehicle operations – standards and safety**, **HVNL, Chapter 4 Vehicle operations – mass, dimension and loading** and **HVNL, Chapter 6 Vehicle operations – driver fatigue** provide the Regulator with power to issue exemption permits. These provisions include administrative requirements, such as:

- Application procedures;
- Granting or refusal of applications;
- Setting permit conditions; and
- Cancellation, amendment, or suspension of exemption permits.

Ministers have endorsed shifting prescriptive and administrative details from the **HVNL** into national regulations, to make the law more flexible without changing the underpinning policy.

Clause 152 amends the law to insert a new **section 730A – National regulations about exemptions and authorisations (permits)** that provides the Regulator with broad regulation-making powers in relation to the following exemption permits.

- A class 2 heavy vehicle authorisation (permit);
- A fatigue record keeping exemption (permit);
- A mass or dimension exemption (permit);
- A vehicle standards exemption (permit);
- A work and rest hours exemption (permit);
- A work diary exemption (permit).

Amendments to the regulations shift detail omitted from **Chapter 3 Vehicle operations – standards and safety**, **Chapter 4 Vehicle operations – mass, dimension and loading** and **Chapter 6 Vehicle operations – driver fatigue** into regulations. The provisions will continue to operate in the same way they do currently.

10.4 Chapter 13 Penalties

- **Clause 171** proposes to increase the maximum penalty to \$20,000 for false or misleading offences prescribed under **sections 701, 702, 703** and **704** that currently have a \$10,000 maximum penalty.
- **Clause 172** proposes to increase the maximum penalty to \$15,000 for offences prescribed under **sections 701, 702** and **703** that currently have a maximum penalty of \$8,000.

11. Chapter 14 Savings and transitional provisions

Key amendments:

- **Transitional provisions for accreditation:** Transitional arrangements are made to implement agreed policy that current accreditations may continue up to their expiry date, with the existing regulatory settings to apply.
- **Schedule 3 – Reviewable decisions:** Consequential amendments are made to reflect changes to reviewable decisions.

11.1 Transitional arrangements for accreditation

Chapter 14 prescribes savings and transitional provisions.

- **Clause 178** makes transitional arrangements to ensure accreditations in place at the commencement of the amended law may continue to operate under the current legislative requirements until the expiration of the accreditation certificate.
- For these accredited operators, the law will continue to recognise the Business Rules and Standards, the four types of accreditation, and associated administrative processes and compliance arrangements.

12. Schedule 3 Reviewable decisions

There are various reviewable decisions under the **HVNL**.

- **Chapter 11 Reviews and appeals** deals with reviewable decisions and defines a 'reviewable decision' as one in **Schedule 3** of the **HVNL** or as defined in the national regulations. This means it is possible for the national regulations to specify a decision as reviewable under the **HVNL**.

The following amendment is made to reflect proposed changes to reviewable decisions:

- **Clause 179** makes consequential amendments to remove some decisions from **Schedule 3**, which primarily relate to removing administrative detail from the law and detail related to decision-making for exemption permits.
- For detail that is shifted into regulations, the regulations recognise the decision as reviewable. This ensures there is no policy shift.

Heavy Vehicle National Amendment Regulations 2024

1. Schedule 1 Amendment of Heavy Vehicle (Fatigue Management) National Regulation

Key amendments to the *Heavy Vehicle (Fatigue Management) National Regulation (HV(FM)NR)* include:

- **Maximum work and minimum rest times for fatigue alternative compliance accreditation:** Proposed limits on the maximum work time and minimum rest time for a driver operating under a fatigue alternative compliance accreditation.
- **Permits:** Administrative processes related to permits for the purpose of **Chapter 6**.
- **Driver record keeping:** Driver record keeping requirements are proposed to be prescribed in regulations, including consolidating detail currently prescribed in section 301 – 303 of the *HVNL*.
- **Fatigue alternative compliance accreditation:** Consequential amendments are proposed to remove references to AFM and BFM accreditation and insert references to fatigue **alternative compliance accreditation** and **alternative compliance hours**.

1.1 Definitions

HV(FM)NR, Part 1 Preliminary, Section 3 Definitions prescribes definitions for the purpose of the regulations. It includes a definition of long/night work time for BFM hours.

Clause 1 omits the definition of **long/night work time** as a result of the removal of BFM from the law (refer to **5.3 Replacement of AFM and BFM with 'alternative compliance hours'** discussed above).

It also proposes to insert definitions in *Part 1 Preliminary, Section 3 Definitions* for **cancel** and a **daily sheet** into regulations as a result of these definitions being omitted from the primary law (refer to *Heavy Vehicle National Law Amendment Bill 2024, 1.1 Definitions* discussed above).

1.2 Prescribed operations requirements – fatigue alternative compliance accreditation

Clause 3 inserts a new *Part 1 Preliminary, Section 4A Prescribed operations requirements for driver fatigue*. This states that alternative compliance can be granted for different driver work and rest hours to the standard hours prescribed in the *HVNL*.

This is as a result of agreed policy that regulations can prescribe requirements for the grant of alternative compliance accreditation (refer to *Heavy Vehicle National Law Amendment Bill 2024, 6.1.3 Prescribed operations requirements for alternative compliance accreditation*).

1.3 Maximum work and minimum rest requirements

HV(FM)NR, Part 2 Maximum work and minimum rest requirements currently prescribes maximum work requirements and minimum rest requirements for standard hours, BFM hours, AFM hours and exemption hours.

Clause 4 replaces the current **Part 2 Maximum work and minimum rest requirements** as a result of agreed policy to remove **AFM** and **BFM accreditation** from the law. This includes:

- Detail for standard hours and exemption hours is the same as under the current regulations.
- A new section for alternative compliance hours, which is similar to detail omitted for AFM hours. It includes limits on the maximum work time and minimum rest time the Regulator may approve for a driver operating under the alternative compliance hours.
- **Table 1 of Schedule 2** outlines maximum work time of 15.5 hours and minimum rest time of 7 continuous hours for a driver operating under alternative compliance hours. These limits are adopted from the Risk Classification System, as approved by Ministers and recognised under the Standards and Business Rules. NTC is still working with the Regulator and others on the most appropriate translation of current outer limits for AFM to the new regulations.
- For alternative compliance hours, the same escalated risk contraventions will apply that are being omitted for AFM hours.
- A split rest break defence adopts the policy intent of the omitted **section 255 HVNL** defence available to BFM drivers. It is defined as six continuous hours of stationary rest time and two continuous hours of stationary rest time.

The above is based on new accreditation policy to introduce fatigue alternative compliance accreditation and alternative compliance hours, with regulations to prescribe limits on hours the Regulator may grant for a fatigue alternative compliance accreditation (discussed further above at **Heavy Vehicle National Law Amendment Bill 2024, 5.3 Replacement of AFM and BFM**).

1.4 Work and rest hours exemption (permits)

Clause 4 inserts a new **Part 2A Work and rest hours exemption (permits)** based on detail about work and rest hours exemption (permits) being omitted from the **HVNL** (refer to **5.6 Work diary, fatigue record keeping and work and rest exemption (permits)** above).

The detail proposed to be inserted includes:

- Regulator's power to grant work and rest hour exemption (permit);
- Application for work and rest hours exemption (permit);
- Restriction on grant of work and rest hours exemption (permit);
- Conditions of work and rest hours exemption (permit);
- Permit for work and rest hours exemption (permit);
- Immediate suspension of work and rest hours exemption (permit); and
- Keeping copy of permit while driving.

This detail is inserted using the new regulation-making power prescribed in **section 730** of the **HVNL** (refer to **Heavy Vehicle National Law Amendment Bill 2024, 10.4 National regulations to provide for exemption permits**).

For keeping a copy of a permit while driving, the maximum penalty is proposed to be \$1,500.

1.5 Written work diaries

Various amendments to the **HV(FM)NR** shift detail about written work diaries into regulations. This is based on the detail being omitted from the **HVNL**.

1.5.1 Obtaining a written work diary

Clause 5 inserts a new **Part 3 Work diary requirements, Division 1A Obtaining written work diary** that is based on detail being omitted from the HVNL (refer to **5.5.1 Regulator issuing written work diaries**).

The following is prescribed:

- Form of written work diary;
- Application for written work diary;
- Issue of written work diary; and
- Cancelling unused daily sheets.

1.5.2 Recording information in a work diary

Clause 11 inserts a new **Part 3 Work diary requirements, Sections 19 and 19A Counting periods of less than 15 minutes—written work diaries and electronic work diaries**.

This is based on detail in **sections 246 and 246A of the HVNL**, which are proposed to be omitted from the **HVNL** (refer to **Heavy Vehicle National Law Amendment Bill 2024, 5.5.2 15-minute periods** above).

1.5.3 Information to be recorded in work diary immediately after starting work

HV(FM)NR, Part 3 Work diary requirements, Division 1 Information to be included in work diary, Section 15 Information to be recorded immediately after starting work prescribes what a driver of a fatigue-regulated heavy vehicle must record immediately after starting work.

Clauses 6 – 8 implements policy to remove the following requirements in **section 15**:

- Record the day of the week on a written work diary daily sheet.
- Record the total work and rest hours on the written work diary daily sheet.
- Remove requirements for a driver operating under standard hours to record the work and rest hours option they are operating under.

1.5.4 How information must be recorded in work diary

HV(FM)NR, Part 3 Work diary requirements, Division 2 How information must be recorded in work diary currently prescribes detail about signing and dating a daily work sheet.

Clause 12 omits the current **Division 2** and proposes a new **Division 2** that adds new detail about how information must be recorded in a work diary, based on the following detail being omitted from the **HVNL**:

- The way information must be recorded in a written work diary. This detail is adopted from **section 301** of the **HVNL**.
- The way information must be recorded in an electronic work diary. This detail is adopted from **section 302** of the **HVNL**.

- That the time zone of the driver's base must be used, rather than the time zone in the place where the driver is, when recording information in a work diary. This detail is adopted from **section 303** of the *HVNL*.

Shifting the detail in **sections 301 – 303** into regulations is discussed further at **Heavy Vehicle National Law Amendment Bill 2024, 5.5.3 How information must be recorded in work diary**.

1.6 Work diary exemption (permits)

Clause 12 inserts a new **HV(FM)NR, Part 3 Work diary requirements, Division 3 Work diary exemption (permits)** based on detail in **sections 363 – 374** of the *HVNL*. The detail in these sections is proposed to be shifted into regulations (refer to **Heavy Vehicle National Law Amendment Bill 2024, 5.6 Work diary, fatigue record keeping and work and rest exemption (permits)** above).

The detail proposed to be inserted includes:

- Regulator's power to grant work diary exemption (permits) for a period of not more than three years;
- Application for work diary exemption (permit);
- Restriction on grant of work diary exemption (permit);
- Conditions of work diary exemption (permit);
- Permit for work diary exemption (permit) etc; and
- Keeping copy of permit while operating.

This detail is inserted using the new regulation-making power prescribed in **section 730** of the *HVNL* (refer to **Heavy Vehicle National Law Amendment Bill 2024, 10.4 National regulations to provide for exemption permits**).

1.7 Lost or stolen written work diaries

Clause 12 inserts a new **Part 3 Work diary requirements, Division 4 Miscellaneous, Section 21E Lost or stolen written work diaries**.

This moves the requirements about lost or stolen work diaries into regulations, based on the omission of **section 308 Lost or stolen written work diaries** from the *HVNL*. There is no longer a requirement to return the work diary to the Regulator, based on agreed policy.

This is discussed above at **Heavy Vehicle National Law Amendment Bill 2024, 5.5.4 Lost or stolen written work diaries**.

1.8 Fatigue record keeping exemption (permits)

Clause 13 inserts a new **Part 3A Fatigue record keeping exemption (permits)** based on detail in **sections 383 – 393** of the *HVNL*. These sections are proposed to be omitted from the *HVNL* in favour of shifting the detail into regulations (refer to **5.6 Work diary, fatigue record keeping and work and rest exemption (permits)** above).

The detail proposed to be inserted includes:

- Regulator's power to grant fatigue record keeping exemption (permit);

- Application for fatigue record keeping exemption (permit);
- Conditions of fatigue record keeping exemption (permit);
- Permit for fatigue record keeping exemption (permit) etc; and
- Immediate suspension of fatigue record keeping exemption (permit).

This detail is inserted using the new regulation-making power prescribed in **section 730** of the *HVNL* (refer to *Heavy Vehicle National Law Amendment Bill 2024, 10.4 National regulations to provide for exemption permits*).

1.9 Approved sleeper berths

Clause 16 inserts a new **Section 26 Approved sleeper berths** that prescribes detail for the purpose of the definition of an approved sleeper berth in **section 221** of the *HVNL*. It provides that an approved sleeper berth is one that:

- For a fatigue-regulated heavy vehicle that is not a bus, the relevant ADR; and
- For a fatigue-regulated bus, a standard approved by the Regulator.

This goes alongside policy to remove responsible Ministers power to approve a sleeper berth standard under **section 654** (refer to *Heavy Vehicle National Law Amendment Bill 2024, 5.1 Definitions for Chapter 6* and *9.3 Ministerial powers* above).

2. Schedule 2 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Key amendments to the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (HV(MDL)NR)* include:

- **Twinsteer axle group:** A definition is proposed for a *twinsteer axle group* to align with the *Australian Design Rules*.
- **Mass alternative compliance accreditation:** It is proposed that there will be mass alternative compliance accreditation, which will operate similar to the current mass management accreditation.
- **Permits:** Detail related to Class 2 heavy vehicle authorisation (permits) and mass or dimension exemption (permits) is proposed to be inserted in regulations.
- **Warning signs and signals:** Detail is proposed to shift from the *HVNL* into regulations.

2.1 Mass alternative compliance accreditation

Clause 1 proposes to insert a new definition in **Section 3 Definitions** for *mass alternative compliance accreditation*, being an alternative compliance accreditation in relation to the prescribed operations requirement specified in **section 5D** of the regulations.

Clause 2 proposes to insert a new **Section 5D Prescribed operations requirements for mass** and **Section 5E Mass alternative compliance accreditation**, which:

- State that the general mass limits prescribed in **section 95(2)(c)** of the *HVNL* are a prescribed operations requirement for the purpose of alternative compliance accreditation; and

- Limit any mass limits associated with an alternative compliance accreditation to those under the Concessional Mass Limits and Higher Mass Limits.

Clauses 5 and 6 also propose consequential amendments to reflect the removal of mass management accreditation from the law, to be replaced with **mass alternative compliance accreditation** (refer to **Heavy Vehicle National Law Amendment Bill 2024, 9.3 Ministerial powers** above).

2.2 Twinsteer axle group

Clause 2 proposes to insert a new **section 5C** to define **twinsteer axle group** for the purpose of **section 5** of the **HVNL** (refer to **Heavy Vehicle National Law Amendment Bill 2024, 1.1 Definitions** above).

The definition aligns with a new Australian Design Rule definition for a wide twinsteer axle group. The new definition increases the maximum permissible longitudinal spacing between twin front steer axles on motor vehicles, from 2.0 to 2.5 metres. The increased spacing is required to accommodate ADR 80/04 compliant vehicles, which meet Euro VI emission standards.

2.3 Penalties

Clause 3 proposes:

- Penalties for offences against **section 16 Contravening conditions applying to HML heavy vehicles being used in an area or on a route declared by an HML declaration** and **section 28 Contravening conditions of HML permit** be increased from \$3,000 to \$4,000.

Clause 4 proposes:

- It is proposed that penalties for offences against **section 34 Return of HML permit** and **Section 35 Replacement of defaced etc. HML permit** be decreased from \$4,000 to \$1,500.

2.4 Warning signals and signs

Clause 5 proposes to insert new **sections 37A** and **37B** for warning signals and signs. There is a \$3,000 maximum penalty for an offence against these sections.

The amendments described in **Clause 5** adopt the policy intent of **sections 109** and **134** of the current **HVNL**, which are proposed to be omitted. This is discussed above at **Heavy Vehicle National Law Amendment Bill 2024, 3.4 Warning signals and signs**.

2.5 Class 2 heavy vehicle authorisation (permits) and mass or dimension exemption (permits)

Clause 6 proposes to insert a new **Part 4A Class 2 heavy vehicle authorisation (permits) and mass or dimension exemption (permits)**, based on detail adapted from **sections 122 to 128** and **sections 143 to 149**. These sections are proposed to be omitted from the **HVNL** in favour of shifting the detail into regulations (refer to **Heavy Vehicle National Law Amendment Bill 2024, 4.1 Mass and dimension exemption permits for class 1 and 3 heavy vehicles** and **4.2 Class 2 heavy vehicle authorisation (permit)** above).

The detail proposed to be inserted includes:

- Application for permit;
- Restriction on grant of class 2 heavy vehicle authorisation (permit);
- Restriction on grant of mass or dimension exemption (permit);
- Conditions of class 2 heavy vehicle authorisation (permit);
- Conditions of mass or dimension exemption (permit);
- Granting of permits;
- Amendment or cancellation on request by relevant road manager;
- Immediate suspension of permit; and
- Keeping copy of permit while driving.

This detail is inserted using the new regulation-making power prescribed in **section 730** of the **HVNL** (refer to **Heavy Vehicle National Law Amendment Bill 2024, 10.4 National regulations to provide for exemption permits**).

3. Schedule 3 Amendment of Heavy Vehicle (Vehicle Standards) National Regulation

Key amendments to the **Heavy Vehicle (Vehicle Standards) National Regulation (HV(VS)NR)** include :

- **Circumstances when compliance with vehicle standards is not required, requirements regarding use of warning signs and modifying heavy vehicles:** Detail proposed to be omitted from the **HVNL** is proposed to be inserted in regulations.
- **Permits:** Detail related to vehicle standards exemption (permits) that is proposed to be omitted from the **HVNL** is proposed to be inserted in regulations.

3.1 Circumstances in which compliance with vehicle standards not required

Clause 2 proposes to insert a new **section 3A** to prescribe when compliance with the heavy vehicle standards, does not apply.

This is based on **section 60(2) – (5)** of the **HVNL** to reflect these sections being omitted from the **HVNL** (refer to **Heavy Vehicle National Law Amendment Bill 2024, 3.1 Compliance with heavy vehicle standards and grant of vehicle standards exemption (notice)** above).

3.2 Use of warning signs

Clause 3 proposes an amendment to insert a new **Section 11A** that creates an offence for the incorrect use of warning signs.

The proposed new **Section 11A** adopts the policy intent of **section 92** of the **HVNL**, based on this section being removed from the **HVNL**.

3.3 Vehicle standards exemption (permit)

Clause 5 proposes to insert a new **Part 3 Vehicle standards exemption (permit)** based on detail adapted from **sections 68 – 80** of the **HVNL**. These sections are proposed to be omitted from the **HVNL** in favour of shifting the detail into regulations (refer to **Heavy Vehicle National Law Amendment Bill 2024, 3.2 Vehicle standards exemption permits above**).

The detail proposed to be inserted includes:

- Regulator’s power to grant vehicle standards exemption (permit);
- Application for vehicle standards exemption (permit);
- Restriction on grant of vehicle standards exemption (permit);
- Conditions of vehicle standards exemption (permit);
- Permit for vehicle standards exemption (permit);
- Immediate suspension on Regulator’s initiative; and
- Keeping copy of permit while driving.

3.4 Modifying heavy vehicles

Clause 5 proposes to insert a new **Part 4 Modifying heavy vehicles**, which adapts detail from **sections 84 – 88** of the **HVNL**. This includes:

- Offences related to modifying a heavy vehicle, or using a modified heavy vehicle, that has not been approved by the Regulator or an approved vehicle examiner.
- Approval of modifications by the Regulator and approved vehicle examiners.
- Requirements for approved modified heavy vehicles.
- An offence requiring that a person not tamper with a plate or label fitted or affixed to a modified heavy vehicle.

Shifting the detail in **sections 84 – 88** into regulations is discussed above at **Heavy Vehicle National Law Amendment Bill 2024, 3.3 Modifying heavy vehicles**.

3.5 Restriction on grant of vehicle standards exemption (notice)

Clause 5 proposes an amendment to insert a new **Section 24 Restriction on grant of vehicle standards exemption (notice)** that prescribes when the Regulator may grant the notice. This is based on the omission of **Section 62 Restriction on grant of vehicle standards exemption (notice)** of the **HVNL** and maintains the policy intent of this section (refer to **Heavy Vehicle National Law Amendment Bill 2024, 3.1 Compliance with heavy vehicle standards and grant of vehicle standards exemption (notice)**).

4. Schedule 4 Amendment of *Heavy Vehicle (General) National Regulation*

Key amendments to the *Heavy Vehicle (General) National Regulation (HV(G)NR)* include:

- Shifting some detail from the *HVNL* into regulations related to the PBS approval process and requirements for drivers of PBS vehicles.
- Consequential amendments to reflect that mass management accreditation is proposed to be removed from the law.
- Detail that will apply to all exemption and authorisation permits, to streamline and improve regulatory flexibility.
- Prescribing that the GVM of a heavy vehicle is 12 tonnes.
- Removal of fees that do not currently apply to certain types of applications.

4.1 Assessing an application for PBS design approval and keeping a copy of PBS approval while driving

The following amendments streamline information that is proposed to be omitted from the *HVNL* (refer to *Heavy Vehicle National Law Amendment Bill 2024, 1.2 Performance based standards* above):

- **Clause 1** proposes to insert a new **section 6 Assessing an application** for things the Regulator must have regard to when considering a PBS design approval under **section 22(2)** of the *HVNL*. This shifts detail from the law into regulations.
- **Clause 4** proposes to insert a new **section 15** that prescribes what the Regulator must have regard to in assessing an application for PBS vehicle approval under **section 23(2)** of the *HVNL*.
- **Clause 5** inserts a new **section 18A Keeping copy of PBS vehicle approval while driving**. It requires the driver of a PBS vehicle to keep the approval in their possession while driving the vehicle, and requires relevant party for the driver to ensure the driver complies.

4.2 Consequential amendments for mass alternative compliance accreditation

Clauses 2 and 3 insert a new **Section 11 Approval must state particular conditions for design for vehicle fitted with quad-axle group** to replace references to mass management accreditation with mass alternative compliance accreditation.

There is no longer a reference to maintenance management accreditation because it does not link to a regulatory requirement in the law, for which alternative compliance accreditation can be granted.

These amendments are based on the policy to remove the four types of accreditation approved by Ministers under **section 654** of the *HVNL* (refer to *Heavy Vehicle National Law Amendment Bill 2024, 9.3 Ministerial powers* above).

4.3 General information about exemption (permits) and authorisation (permits)

Clause 7 proposes to insert a new **Part 3A Provisions about exemption (permits) and authorisation (permits), Sections 31 – 31F** to streamline some detail related to the following permits to avoid duplication in the law:

- A class 2 heavy vehicle authorisation (permit);
- A fatigue record keeping exemption (permit);
- A mass or dimension exemption (permit);
- A work and rest hours exemption (permit);
- A work diary exemption (permit); and
- A vehicle standards exemption (permit).

The detail proposed to be prescribed for permits and authorisations is adapted from detail proposed to be omitted from the current **HVNL** and includes:

- The period for which a permit will apply.
- Refusal of an application for a permit.
- Amendment or cancellation of a permit on application by the permit holder.
- Amendment or cancellation of a permit on the Regulator's initiative.
- Minor amendments of permits.

4.4 Consequential amendments – Queensland legislation

In late November 2023, the **Queensland Parliament** passed the **Information Privacy and Other Legislation Amendment Act 2023** and the **Public Records Act 2023**.

- The **Information Privacy and Other Legislation Amendment Act 2023** makes changes to the **Information Privacy Act 2009** and the **Right to Information Act 2009**. The amendments are intended to commence from 1 July 2025.
- The **Public Records Act 2023** introduces a new framework for public authority recordkeeping and public access to records. It repeals the **Public Records Act 2002**. The new **Public Records Act 2023** is intended to commence on 5 December 2024.

Various consequential amendments are required to reflect the changes to Queensland legislation described above and maintain the policy intent of the detail in the **HV(G)NR**, and these amendments are proposed to be implemented in **Clauses 8 – 35**.

4.5 Fees

Schedule 1 Fees prescribes fees for the purpose of the **HVNL**.

Clause 10 omits the fee Schedule and inserts a new **Schedule 1 Fees**. Some fees have been removed where they are no longer relevant (for example, where the fee relates to BFM accreditation) or have been amended where they can be consolidated (for example, an application and renewal fee).