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1. INTRODUCTION

Team Global Express (TGE) appreciates the opportunity provided by the National Transport Commission in their Heavy Vehicle National Law (HVNL) Consultation Paper relating to the proposed legislative and regulatory changes to:

- heavy vehicle accreditation guidelines
- a safety management system standard
- a national audit standard; and
- fatigue alternative compliance hours.

TGE provides the following responses.

2. BACKGROUND

Team Global Express is one of Australia's largest and most significant transport and logistics networks spanning road, rail, air, and sea.

From couriers and small trucks to prime movers, planes, rail and ships, Team Global Express' diverse fleet can provide road freight transport for everything from parcels and documents to oversized machinery and bulk commodities. Our dedicated heavy fleet road services offer a wide variety of transport solutions, including scheduled daily runs to move regular volumes of freight, or dedicated project teams to manage all aspects of bespoke freight requirements. We move metro, intrastate, interstate, regional, and remote options in:

- Retail
- Mining
- Government & defence
- Chemicals & agribusiness
- Automotive & industrial
- Steel & materials
- ICT
- Consumer and beverage

TGE supports the four key instruments aimed at consistent, practical implementation across jurisdictions and we provide our response below as:

- Strengths and alignment
- Risks and gaps
- Recommendations
- Feedback relating to the four statutory instruments.

3. STRENGTHS AND ALIGNMENT

TGE notes the following strengths in the proposed statutory changes which will improve the productivity and safety of the heavy vehicle industry:

- **Clarity of tiered pathways**: the proposed instruments provide for a clear articulation of what will comprise baseline compliance versus an alternative compliance pathway (ie via accreditation). This therefore supports a risk-based regulation approach and provides for operator choice, which is consistent with the HVNL's flexible assurance model.
- **Integration with SMS**: The proposed instruments positioning a scalable SMS as a core accreditation requirement is sound and will contribute to the embedment of continuous improvement and risk controls into day-to-day operations.
- **Productivity intent**: The style of streamlined record-keeping and fairer enforcement settings in the broader package should help to reduce the administrative burden for compliant operators and will reinforce the value proposition of accreditation.
- **Senior Management Accountability and Due Diligence**: Senior management must demonstrate they have taken all reasonably practicable steps to ensure the safety of transport activities. This means that governance reporting will need to be structured to provide assurance that the "five elements of executive due diligence" under the HVNL are being met.
- **Strengthening the Chain of Responsibility**: Operators will need to ensure that they have documented processes to identify and refuse any request, direction, or contractual term from another Chain of Responsibility (CoR) party that the operator knows, or ought reasonably to know, would require transport activities to be conducted in a way that creates an unmanaged or unacceptable public risk.

4. RISKS AND GAPS

TGE also notes the following risks and gaps overall in the proposed statutory changes:

- **Scalability detail**: It is possible that auditors will interpret the requirements in an inconsistent manner which would undermine national consistency. TGE suggests that examples by fleet size and operational complexity be provided to avoid this risk (for example, case in point illustrations by single-vehicle operators vs. multi-depot linehaul)
- **Interface with NHVAS**: In order to avoid the risk of duplication and a burden of secondary auditing during migration, TGE recommends that transition and recognition be given to existing NHVAS modules, which would require precise mapping (for example, on maintenance, mass, fatigue and the like).
- **Data and technology**: There appears to be a gap in the forthcoming technology and data framework which is separate; TGE suggests that the guidelines pre-emptively state the minimum digital evidence and data governance expectations in order to avoid the need for future retrofits.

5. OVERARCHING RECOMMENDATIONS

TGE further makes the following recommendations:

- **SMS Maturity**: It would be helpful if the SMS maturity tiers could be defined – perhaps by publishing annexes or appendices with tiered criteria, giving examples of evidence and audit checklists for "micro," "small," "medium," and "large/complex" operators. In the absence of these it may be that auditors will interpret the requirements inconsistently. Practical and explicit maturity tiers, evidence examples,

and audit sampling rules that fit micro to complex operators would be very beneficial.

- **Auditor competency**: In addition to this, a transparent auditor competency framework with national registers and calibrated / consistent findings and closure processes would contribute to removing duplication and expenses.
- **Strict Auditor Independence and "One Period Rule"**: on this basis, companies will need to appoint different independent auditors for each period. It is important that recommendations from the previous audit be closed off to ensure the business is ready for the next one. In addition, auditors face strict rules preventing them from auditing an SMS they or an affiliate developed or significantly influenced. Furthermore, operators must select a different, independent auditor for each accreditation period; repeatedly alternating between just two auditors across multiple periods may be deemed a non-compliance resulting in remedial action.
- **Recognition pathways**: In addition, it would be of assistance if formal crosswalks from the current NHVAS to the new accreditation could be included, with grandfathering provisions, time-boxed transition audits, and recognition of recent audit cycles. This would provide clear guidance for operators of all sizes. Detailed recognition and grandfathering arrangements for current NHVAS participants, with time-bound migration support, will encourage industry support.
- **Outcomes-based metrics**: It would also be helpful if there was a requirement for operators to track and review a small set of outcome indicators (e.g., incident rate, near-miss reporting, defect recurrence, fatigue breaches) with quarterly management reviews.
- **Science-based fatigue guardrails**: TGE suggests that publication of the underpinning evidence and modelling assumptions would be beneficial, along with the monitoring protocols for alternative hours.

6. DETAILED RECOMMENDATIONS – SAFETY MANAGEMENT SYSTEMS

As one of Australia's largest transport and logistics providers, we willingly support measures that strengthen safety and risk management across the supply chain, provided that they are measures that are practical, scalable, and aligned with the realities of industry operations.

Ensuring that a SMS is a mandatory accreditation requirement will raise the baseline of proactive risk management across the Chain of Responsibility and will ensure that all operators, regardless of size, are working to a consistent safety framework.

The SMS framework must be adaptable to different operating models. Flexibility is essential so that requirements can be applied to both small regional fleets and large national PBS combinations without creating unnecessary compliance burdens.

Operators need clear expectations - defined minimum standards for hazard identification, risk assessment, control verification, change management, and incident learning. Without these minimum elements, audit outcomes will vary significantly, undermining consistency and confidence in the system.

The expanded driver duty – being not to drive if unfit for any reason - must be integrated into SMS procedures. This will then require practical tools such as fitness-for-work screening, driver self-declarations, and clear supervisor decision-making frameworks.

Given the supply chain pressures of the industry, the standard should explicitly address risks arising from consignors, packers, and site operators. Issues such as loading delays, tight scheduling, and site access constraints are common and directly impact safety. Recognising these realities will ensure that the SMS reflects the full Chain of Responsibility.

TGE suggests that it may be possible to have 'minimum SMS elements', such as mandating the top ten essentials:

- clear leadership policy;
- robust risk registers;
- control standards;
- training and competency;
- fitness-for-work;
- vehicle/asset safety;
- contractor management;
- incident/near-miss management;
- change management; and
- internal assurance.

Having an 'evidence library' which provide templates for risk registers, toolbox talks, corrective action logs, and management review minutes would go a long way to driving consistent implementation.

Finally TGE notes here again that operational scenarios which include worked examples (for example, long-haul fatigue risk, crane truck urban deliveries, livestock transport biosecurity) would help to guide the selection of practical controls.

8. DETAILED RECOMMENDATIONS – NATIONAL AUDIT STANDARD

A National Audit Standard has the potential to streamline assurance processes, reduce duplicative audits, and improve productivity across the industry. By creating a unified framework, operators will benefit from greater consistency, reduced administrative burden, and improved confidence in audit outcomes.

TGE is broadly supportive of a nationally recognised audit standard which would deliver significant advantages. To be effective, the standard must balance consistency with practicality, ensuring that audit processes are tightly scoped, auditor capability is credentialed, and sampling protocols are clear. By embedding these recommendations, the Regulator can deliver a framework that reduces duplication, strengthens assurance, and enhances safety outcomes across the transport and logistics sector.

Firstly, it would ensure consistency by applying common criteria and requiring clear auditor competency standards. This will support reliable assurance across jurisdictions and schemes, reducing the variability that currently undermines the confidence in audit results.

Secondly, it would improve efficiency by eliminating duplicative audits, allowing operators to focus resources on genuine safety improvements rather than repetitive compliance checks.

Finally, it would enhance confidence in the regulatory framework by providing a single, Minister-approved benchmark that is trusted across the industry.

However while the benefits are clear, several risks must be addressed to ensure the standard is effective. Without robust and tight scope of work, audits risk drifting into advisory functions, which would generate unnecessary costs and introduce variability in outcomes.

Auditor capability is another concern: variability in experience across domains such as SMS, fatigue, and maintenance has the potential to lead to inconsistent results unless competency is formally credentialed. In addition, the absence of explicit sampling guidance - covering records, sites, and journeys - may result in uneven evidence expectations. Multi-site operators are particularly exposed to inconsistency without clear rules on sampling and frequency.

To mitigate these risks, TGE suggests that the standard should be structured into defined modules covering areas such as SMS, fatigue, maintenance and defects, loading and MDL, and contractor management. Module selection should be based on the operator's risk profile to ensure relevance and proportionality.

A competency framework should also be established to define auditor qualifications, supervised practice hours, calibration workshops, and periodic proficiency testing, with registers of approved auditors published to provide transparency.

Clear sampling protocols are also essential, including minimum sample sizes (for example, 30 driver records or statistical alternatives), multi-site coverage rules, and trigger-based deep dives following recent incidents. Finally, TGE suggests that findings should be graded using a four-tier scale—Critical, Major, Minor, and Observation - with closure timeframes and verification methods specified, distinguishing between evidence review and follow-up audit requirements.

9. DETAILED RECOMMENDATIONS – FATIGUE ALTERNATIVE COMPLIANCE HOURS

The introduction of alternative hours within a structured assurance framework offers significant benefits to the industry.

Flexibility, when combined with appropriate safeguards, can certainly improve scheduling efficiency whilst also maintaining safety standards. This approach complements existing work diary requirements and provides for fairer enforcement for minor administrative errors.

Importantly, the risk-based approach links eligibility to accredited operators and requiring integration with Safety Management System (SMS) controls. This ensures that functionality is matched with accountability, aligning well with industry practice.

Several risks must be addressed to ensure the framework is workable and safe.

Firstly, the hours must be anchored to real and established fatigue science, including principles of sleep opportunity, circadian timing, and cumulative load. Without clear scientific parameters, the scheme risks normalising unsafe work patterns.

Secondly, operational realities must be considered. Rules that fail to account for remote rest facilities, loading delays, or seasonal peaks may prove unworkable or create perverse incentives.

Finally, the absence of mandatory monitoring mechanisms such as breach analysis, near-miss pattern tracking, and electronic work diary (EWD) analytics would weaken the system's ability to provide early warnings of emerging risks.

To mitigate these risks, TGE makes a number of recommendations.

- Hard maximums should be clearly defined, including daily duty limits, minimum continuous rest periods, and weekly caps, alongside circadian protections such as night-shift limits and recovery windows.
- These should be supported by compensatory SMS controls. Eligibility should be restricted to accredited operators with demonstrated SMS maturity, and a probationary period with performance monitoring should be required before full adoption.
- Integration with electronic work diaries must be mandatory where alternative hours are used, ensuring event logs capture delays, split rests, and automated compliance checks.

- Finally, performance thresholds should be established, with trigger points such as fatigue breach rates or incident upticks leading to suspension of alternative hours until corrective action is taken.

TGE supports the principle of fatigue alternative compliance hours as a means of improving operational efficiency while maintaining safety - but the framework must be firmly grounded in fatigue science, aligned with operational realities, and supported by robust monitoring and enforcement mechanisms.