



Queensland

Heavy Vehicle National Law Amendment Act 2025

Act No. 26 of 2025

An Act to amend the Heavy Vehicle National Law Act 2012 for particular purposes

[Assented to 24 November 2025]



Queensland

Heavy Vehicle National Law Amendment Act 2025

Contents

		Page
Part 1	Preliminary	
1	Short title	9
2	Commencement	9
Part 2	Amendment of Heavy Vehicle National Law Act 2012	
3	Act amended	9
4	Amendment of s 21 (Other consents under s 124 of the Law) . .	9
5	Amendment of s 24 (Information notice for decision to refuse application because commissioner did not give consent)	10
6	Amendment of s 25 (Information notice for imposition of condition requested by commissioner)	10
7	Omission of s 39 (Power to require production of driver licence)	10
8	Amendment of s 42E (Amendment of s 707A (Proceeding for other offences))	10
Part 3	Amendment of Heavy Vehicle National Law	
9	Law amended	11
10	Amendment of s 4 (Regulatory framework to achieve object) . .	11
11	Amendment of s 5 (Definitions)	11
12	Amendment of s 7 (Meaning of fatigue-regulated heavy vehicle)	14
13	Amendment of s 22 (Application for PBS design approval)	15
14	Amendment of s 23 (Application for PBS vehicle approval)	15
15	Omission of s 25A (Keeping copy of PBS vehicle approval while driving)	15
16	Amendment of s 26 (National regulations)	15
17	Amendment of s 26D (Duty of executive of legal entity)	16
18	Amendment of s 26E (Prohibited requests and contracts)	16
19	Insertion of new s 26I	17
26I	Alternative verdicts	17

Contents

20	Amendment of s 60 (Compliance with heavy vehicle standards)	18
21	Amendment of s 62 (Restriction on grant of vehicle standards exemption (notice))	18
22	Replacement of ss 68–80	18
	68 Vehicle standards exemption (permits)	19
23	Amendment of s 81 (Contravening condition of vehicle standards exemption)	19
24	Omission of s 83 (Keeping copy of permit while driving under vehicle standards exemption (permit))	19
25	Omission of ss 85–87A	19
26	Amendment of s 88 (National regulations for heavy vehicle modification)	19
27	Replacement of s 92 (Display of warning signs required by heavy vehicle standards on vehicles to which the requirement does not apply)	20
	92 Displaying warning signs	20
28	Amendment of s 96 (Compliance with mass requirements)	20
29	Amendment of s 102 (Compliance with dimension requirements)	21
30	Omission of s 109 (Warning signals required for rear projection of loads)	21
31	Replacement of ss 122–128	21
	122 Mass or dimension exemption (permits) for class 1 and class 3 heavy vehicles	21
32	Omission of s 133 (Keeping copy of permit while driving under mass or dimension exemption (permit))	22
33	Omission of Pt 4.5, Div 5 (Other provision)	22
34	Replacement of s 136 (Class 2 heavy vehicles)	22
	136 Class 2 heavy vehicles	22
35	Replacement of ss 143–149	23
	143 Class 2 heavy vehicle authorisation (permits)	23
36	Omission of s 152 (Keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit))	23
37	Amendment of s 153A (Using restricted access vehicle)	23
38	Omission of Pt 4.7, Divs 4 and 5	24
39	Amendment of s 186 (False or misleading transport documentation for goods)	24
40	Amendment of s 187 (False or misleading information in container weight declaration)	24
41	Amendment of ch 6, hdg (Vehicle operations—driver fatigue)	25
42	Amendment of s 220 (Main purpose of Ch 6)	25

43	Amendment of s 221 (Definitions for Ch 6)	25
44	Replacement of Pt 6.2, hdg (Duties relating to fatigue)	26
45	Omission of Pt 6.2, Div 1, hdg (Preliminary)	27
46	Replacement of ss 224 and 225	27
	224 Matters court may consider in deciding whether person was fatigued or unfit to drive	27
	225 What is being impaired by fatigue or unfit to drive	28
47	Amendment of s 226 (Matters court may consider in deciding whether person was impaired by fatigue)	28
48	Omission of Pt 6.2, Div 2, hdg (Duty to avoid fatigue)	28
49	Amendment of s 228 (Duty of driver to avoid driving while fatigued)	29
50	Amendment of s 243 (What is a driver's work and rest hours option)	29
51	Omission of ss 246 and 246A	30
52	Amendment of s 247 (Time to be counted after rest time ends)	30
53	Amendment of s 249 (Standard hours)	30
54	Amendment of s 250 (Operating under standard hours—solo drivers)	30
55	Amendment of s 251 (Operating under standard hours—two-up drivers)	30
56	Replacement of Pt 6.3, Divs 3 and 4	31
	Division 3 Alternative compliance work and rest arrangements	
	253 Alternative compliance hours	31
	254 Operating under alternative compliance hours	31
57	Amendment of s 260 (Operating under exemption hours)	32
58	Amendment of s 263 (Operating under new work and rest hours option after change)	32
59	Amendment of s 264 (Duty of employer, prime contractor, operator and scheduler to ensure driver compliance)	32
60	Amendment of s 267 (Restriction on grant of work and rest hours exemption (notice))	33
61	Replacement of ss 273–285	33
	273 Work and rest hours exemption (permits)	33
62	Amendment of s 287 (Keeping relevant document while operating under work and rest hours exemption (notice))	33
63	Omission of s 288 (Keeping copy of permit while driving under work and rest hours exemption (permit))	34
64	Amendment of s 291 (Application of Sdiv 1)	34
65	Amendment of s 293 (Driver of fatigue-regulated heavy vehicle must	

Contents

	carry work diary)	34
66	Insertion of new s 293A	34
	293A Regulator may issue written work diaries	34
67	Amendment of s 294 (Purpose of and definition for Sdiv 2)	35
68	Amendment of s 295 (National regulations for information to be included in work diary)	35
69	Amendment of s 297 (Information required to be recorded immediately after starting work)	35
70	Omission of Pt 6.4, Div 2, Subdiv 3 (How information must be recorded in work diary)	35
71	Amendment of s 307 (Driver who is record keeper must notify Regulator if electronic work diary filled up etc.)	35
72	Omission of s 308 (What driver must do if lost or stolen written work diary found or returned)	36
73	Amendment of s 309 (Driver must notify record keeper if electronic work diary filled up etc.)	36
74	Amendment of s 312 (What record keeper must do if electronic work diary destroyed, lost or stolen)	36
75	Amendment of s 314 (How electronic work diary must be used)	36
76	Amendment of s 315 (Ensuring driver complies with Sdivs 1–4)	36
77	Amendment of s 317 (Who is a driver’s record keeper)	37
78	Amendment of Pt 6.4, Div 3, Subdiv 3, hdg (Record keeping obligations relating to drivers undertaking 100+km work under standard hours or operating under BFM hours, AFM hours or exemption hours)	37
79	Amendment of s 320 (Application of Sdiv 3)	37
80	Amendment of s 321 (Records record keeper must have)	38
81	Amendment of s 325 (False or misleading entries)	38
82	Amendment of s 326 (When possessing, or recording information in, more than 1 work diary relating to the same period is prohibited)	38
83	Amendment of s 327 (Possession of purported work records etc. prohibited)	39
84	Amendment of s 328 (False representation about work records prohibited)	39
85	Amendment of s 329 (Defacing or changing work records etc. prohibited)	39
86	Amendment of s 330 (Making entries in someone else’s work records prohibited)	39
87	Amendment of s 331 (Destruction of particular work records prohibited)	39
88	Amendment of s 332 (Offence to remove pages from written work diary)	39

		40
89	Amendment of s 335 (Person must not tamper with approved electronic recording system)	40
90	Amendment of s 336 (Person using approved electronic recording system must not permit tampering with it)	40
91	Omission of Pt 6.4, Div 6 (Obtaining written work diary)	40
92	Amendment of s 341 (Period for which, and way in which, records must be kept)	40
93	Amendment of s 351 (Amendment or cancellation of approval on application)	41
94	Amendment of s 358 (Restriction on grant of work diary exemption (notice))	41
95	Replacement of ss 363–374	41
	363 Work diary exemption (permits)	41
96	Omission of s 377 (Keeping permit or copy while operating under work diary exemption (permit))	42
97	Replacement of ss 383–393	42
	383 Fatigue record keeping exemption (permits)	42
98	Amendment of s 456 (Purpose of Ch 8)	42
99	Replacement of s 457 (Definitions for Ch 8)	42
	457 Requirements for heavy vehicle operations that may be subject to alternative compliance accreditation	43
	457A Safety management systems for operators of heavy vehicles	43
100	Amendment of s 458 (Regulator's power to grant heavy vehicle accreditation)	43
101	Amendment of s 459 (Application for heavy vehicle accreditation)	44
102	Replacement of s 461 (Restriction on grant of heavy vehicle accreditation)	44
	461 Restriction on grant of heavy vehicle accreditation ..	44
	461A Restriction on grant of fatigue alternative compliance accreditation	46
103	Amendment of s 462 (Conditions of heavy vehicle accreditation)	47
104	Amendment of s 464 (Accreditation certificate for heavy vehicle accreditation etc.)	48
105	Omission of s 466 (Accreditation labels for maintenance management accreditation and mass management accreditation)	48
106	Amendment of s 467 (Compliance with conditions of BFM accreditation or AFM accreditation)	48
107	Amendment of s 468 (Driver operating under BFM accreditation or AFM	

Contents

	accreditation must carry accreditation details)	49
108	Omission of s 469 (Driver must return particular documents if stops operating under BFM accreditation or AFM accreditation etc.) . .	49
109	Amendment of s 470 (General requirements applying to operator with heavy vehicle accreditation)	49
110	Amendment of s 471 (Operator must give notice of amendment, suspension or ending of heavy vehicle accreditation)	51
111	Amendment of s 472 (Amendment or cancellation of heavy vehicle accreditation on application)	51
112	Amendment of s 473 (Amendment, suspension or cancellation of heavy vehicle accreditation on Regulator's initiative)	51
113	Amendment of s 474 (Immediate suspension of heavy vehicle accreditation)	52
114	Omission of ss 476 and 477	52
115	Amendment of s 478 (Offences relating to auditors)	52
116	Insertion of new s 512A	52
	512A Definition for Pt 9.3	53
117	Amendment of s 517 (Direction to move heavy vehicle if causing harm etc.)	53
118	Amendment of s 522 (Power to order presentation of heavy vehicles for inspection)	54
119	Amendment of s 524 (Direction to leave heavy vehicle)	54
120	Replacement of Pt 9.3, Div 8, hdg (Further powers in relation to fatigue-regulated heavy vehicles)	54
121	Amendment of s 537 (Application of Div 8)	54
122	Amendment of s 540 (Requiring driver to stop working if impaired by fatigue)	54
123	Amendment of s 573 (Contravention of improvement notice) . . .	55
124	Amendment of s 576C (Compliance with prohibition notice) . . .	55
125	Amendment of s 590 (Formal warning)	55
126	Amendment of s 632A (Using code of practice in proceeding) . .	56
127	Insertion of new s 632B	56
	632B Use of audit of safety management system in proceeding	56
128	Amendment of s 636 (Liability of executive officers of corporation)	56
129	Amendment of s 637 (Treatment of unincorporated partnerships)	57
130	Amendment of s 638 (Treatment of other unincorporated bodies)	57
131	Insertion of new Pt 12.1, Div 1, hdg	57
132	Replacement of s 651 (Policy directions)	57
	651 Policy directions	57

	651A	Directions to prevent or minimise serious public risk	58
	651B	Directions in relation to alternative compliance accreditation	58
	651C	Directions to investigate or provide advice or information	59
	651D	General provisions about directions	59
133		Insertion of new Pt 12.1, Div 2, hdg	59
134		Amendment of s 653 (Approved guidelines for exemptions, authorisations, permits and other authorities)	60
135		Amendment of s 654 (Other approvals)	60
136		Insertion of new s 659A	61
	659A	Responsible Ministers may issue statement of expectations	61
137		Amendment of s 663 (Membership of Board)	62
138		Amendment of s 665 (Terms of office of members)	63
139		Amendment of s 667 (Vacancy in office of member)	63
140		Amendment of s 695 (Corporate plans)	64
141		Amendment of s 696 (Application of particular Queensland Acts to this Law)	64
142		Amendment of s 701 (False or misleading statements)	64
143		Amendment of s 702 (False or misleading documents)	64
144		Amendment of s 703 (False or misleading information given by responsible person to another responsible person)	65
145		Amendment of s 704 (Offence to falsely represent that heavy vehicle authority is held etc.)	65
146		Replacement of Pt 13.2 (Industry codes of practice)	65
	Part 13.2	Codes of practice	
	705	Regulator may issue codes of practice	65
	706	Responsible Ministers may give directions relating to codes of practice	67
147		Amendment of s 711 (Evidence by certificate by Regulator generally)	67
148		Amendment of s 727 (Definitions for Pt 13.4)	67
149		Insertion of new s 730A	68
	730A	National regulations about exemption and authorisation (permits)	68
150		Omission of s 751 (Expiry of industry codes of practice)	69
151		Insertion of new Pt 14.5	69
	Part 14.5	Heavy Vehicle National Law Amendment Act 2025	

Contents

	(Queensland)	
	760	Definition for Pt 14.5 69
	761	Existing heavy vehicle accreditation 69
	762	National Heavy Vehicle Regulator Board 70
152		Amendment of Sch 2 (Subject matter for conditions of mass or dimension authorities) 70
153		Amendment of Sch 3 (Reviewable decisions) 70
154		Amendment of Sch 4 (Liability provisions) 74

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Heavy Vehicle National Law Amendment Act 2025*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Heavy Vehicle National Law Act 2012

3 Act amended

This part amends the *Heavy Vehicle National Law Act 2012*.

4 Amendment of s 21 (Other consents under s 124 of the Law)

(1) Section 21, heading, ‘s 124’—

omit, insert—

s 122

(2) Section 21(1), ‘section 124(1)(c)’—

omit, insert—

section 122(2)(c)

[s 5]

5 Amendment of s 24 (Information notice for decision to refuse application because commissioner did not give consent)

Section 24(2), from ‘The’ to ‘section 128 of’—

omit, insert—

An information notice for the decision to refuse the application required to be given to the applicant under

6 Amendment of s 25 (Information notice for imposition of condition requested by commissioner)

(1) Section 25(2), ‘section 127(1)(b) of’—

omit.

(2) Section 25(3), ‘section 127(1)(b)’—

omit, insert—

the Law

7 Omission of s 39 (Power to require production of driver licence)

Section 39—

omit.

8 Amendment of s 42E (Amendment of s 707A (Proceeding for other offences))

(1) Section 42E, inserted section 707A(6), definition *fatigue management offence*, paragraphs (d) and (e)—

omit.

(2) Section 42E, inserted section 707A(6), definition *fatigue management offence*, paragraph (f)—

renumber as paragraph (d).

Part 3 Amendment of Heavy Vehicle National Law

9 Law amended

This part amends the Heavy Vehicle National Law as set out in the Schedule to the *Heavy Vehicle National Law Act 2012*.

10 Amendment of s 4 (Regulatory framework to achieve object)

Section 4(c)(v), after ‘fatigued’—
insert—

or unfit to drive

11 Amendment of s 5 (Definitions)

- (1) Section 5, definitions *AFM accreditation, AFM fatigue management system, AFM hours, AFM standards and business rules, approved, approved auditor, approved electronic recording system, BFM accreditation, BFM fatigue management system, BFM hours, BFM standards and business rules, cancel, daily sheet, electronic recording system, fit, heavy vehicle accreditation, maintenance management accreditation, maintenance management standards and business rules, maintenance management system, mass management accreditation, mass management standards and business rules, mass management system, registered industry code of practice, relevant management system, relevant standards and business rules, sign of fatigue and twinsteer axle group—*
omit.
- (2) Section 5, in alphabetical order—
insert—

alternative compliance accreditation means
accreditation granted under section 458 in relation

to a prescribed operations requirement.

alternative compliance hours has the meaning given by section 253.

approved auditor, in relation to an audit of an operator's safety management system, means an auditor of a class specified in the audit standard as approved to carry out the audit.

approved electronic recording system means an electronic recording system the subject of a current approval under section 343 or a corresponding fatigue law.

audit standard means the standard for the carrying out of audits of an operator's safety management system approved by the responsible Ministers under section 654(1)(a).

cause of fatigue or being unfit to drive, for the purposes of Chapter 6, has the meaning given by section 221.

electronic recording system means a system of recording information electronically.

fatigue alternative compliance accreditation means an alternative compliance accreditation granted in relation to a prescribed operations requirement relating to requirements under Division 2 of Part 6.3.

Note—

The *Heavy Vehicle (Fatigue Management) National Regulation* prescribes the requirements under Division 2 of Part 6.3 of this Law as prescribed operations requirements.

fit, for the purposes of Part 9.3, has the meaning given by section 512A.

general safety accreditation means accreditation granted under section 458 that is not related to a prescribed operations requirement.

heavy vehicle accreditation means—

- (a) general safety accreditation; or
- (b) alternative compliance accreditation.

prescribed operations requirement has the meaning given by section 457.

safety management system has the meaning given by section 457A.

safety management system standard means the standard for safety management systems approved by the responsible Ministers under section 654(1)(b).

sign of fatigue or being unfit to drive, for the purposes of Chapter 6, has the meaning given by section 221.

standard for alternative compliance hours means the standard for alternative compliance hours approved by the responsible Ministers under section 654(1)(c).

twinsteer axle group means a group of 2 axles that meets the requirements prescribed for the purposes of this definition by the national regulations.

unfit to drive has the meaning given by section 225(2).

- (3) Section 5, definition *class 2 heavy vehicle authorisation (permit)*, ‘section 143(2)’—

omit, insert—

section 143

- (4) Section 5, definition *impaired by fatigue*, ‘section 225’—

omit, insert—

section 225(1)

- (5) Section 5, definition *indictable offence*, after ‘section 26F’—

[s 12]

insert—

and includes an offence mentioned in section 26D(1A) with the penalty mentioned in section 26F

- (6) Section 5, definition *mass or dimension exemption (permit)*, ‘section 122(3)’—

omit, insert—

section 122(1)

- (7) Section 5, definition *night rest break*, note, ‘sections 248 and 303’—

omit, insert—

section 248

- (8) Section 5, definition *tamper*, paragraph (b)—

omit.

- (9) Section 5, definition *vehicle standards exemption (permit)*, ‘section 68(2)’—

omit, insert—

section 68

- (10) Section 5, definition *work and rest hours exemption (permit)*, ‘section 273(2)’—

omit, insert—

section 273

- (11) Section 5, definition *work diary exemption (permit)*, ‘section 363(2)’—

omit, insert—

section 363

12 Amendment of s 7 (Meaning of *fatigue-regulated heavy vehicle*)

Section 7(1)(a), (b) and (3)(a), ‘12t’—

omit, insert—

the GVM prescribed by the national regulations

13 Amendment of s 22 (Application for PBS design approval)

Section 22(2)—

omit, insert—

- (2) In assessing the application, the Regulator must have regard to the matters prescribed by the national regulations for the purposes of this subsection.

14 Amendment of s 23 (Application for PBS vehicle approval)

Section 23(2)—

omit, insert—

- (2) In assessing the application, the Regulator must have regard to the matters prescribed by the national regulations for the purposes of this subsection.

15 Omission of s 25A (Keeping copy of PBS vehicle approval while driving)

Section 25A—

omit.

16 Amendment of s 26 (National regulations)

- (1) Section 26(d), ‘certifiers.’—

omit, insert—

certifiers; and

- (2) Section 26—

[s 17]

insert—

- (e) requirements to keep a copy of a PBS vehicle approval.

17 Amendment of s 26D (Duty of executive of legal entity)

- (1) Section 26D(1), after ‘a safety duty’—

insert—

, other than a safety duty imposed under section 26C

- (2) Section 26D—

insert—

- (1A) If a legal entity has a safety duty imposed under section 26C, an executive of the legal entity must exercise due diligence to ensure the legal entity complies with the safety duty.

Maximum penalty—the penalty for a contravention of section 26F, 26G or 26H by an individual, as appropriate.

- (3) Section 26D(2), after ‘subsection (1)’—

insert—

or (1A)

- (4) Section 26D(2A), ‘Subsection (1) does not’—

omit, insert—

Subsections (1) and (1A) do not

18 Amendment of s 26E (Prohibited requests and contracts)

- (1) Section 26E(1)(b)—

omit, insert—

- (b) to drive a heavy vehicle while impaired by fatigue or unfit to drive; or

- (2) Section 26E(1)(d), from ‘fatigue-regulated’ to ‘impaired by fatigue’—

omit, insert—

heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue or unfit to drive

- (3) Section 26E(1) and (2), penalty, ‘\$10000’—

omit, insert—

\$20000

- (4) Section 26E(2)(b)—

omit, insert—

(b) to drive a heavy vehicle while impaired by fatigue or unfit to drive; or

- (5) Section 26E(2)(d), from ‘fatigue-regulated’ to ‘impaired by fatigue’—

omit, insert—

heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue or unfit to drive

19 Insertion of new s 26I

After section 26H—

insert—

26I Alternative verdicts

- (1) In proceedings for an offence under section 26F, if the court is not satisfied the offence is proven, but is satisfied the person committed an offence under section 26G or 26H, the court may find the person guilty of the offence under section 26G or 26H, and the person is liable to punishment accordingly.
- (2) In proceedings for an offence under section 26G,

[s 20]

if the court is not satisfied the offence is proven, but is satisfied the person committed an offence under section 26H, the court may find the person guilty of the offence under section 26H, and the person is liable to punishment accordingly.

20 Amendment of s 60 (Compliance with heavy vehicle standards)

(1) Section 60(1), penalty—

omit, insert—

Maximum penalty—\$6000.

(2) Section 60(2) to (5)—

omit, insert—

(2) Subsection (1) does not apply in circumstances prescribed by the national regulations.

21 Amendment of s 62 (Restriction on grant of vehicle standards exemption (notice))

Section 62(1)—

omit, insert—

(1) The Regulator may grant a vehicle standards exemption (notice) for a category of heavy vehicles only—

(a) in the circumstances prescribed by the national regulations; and

(b) if the Regulator is satisfied the use of the heavy vehicles on a road under the exemption will not pose a significant safety risk.

22 Replacement of ss 68–80

Sections 68 to 80—

omit, insert—

68 Vehicle standards exemption (permits)

The Regulator may, by giving a person a *vehicle standards exemption (permit)*, exempt 1 or more heavy vehicles from compliance with a heavy vehicle standard for a stated period.

Note—

See section 730A for regulation-making powers in relation to vehicle standards exemption (permits).

23 Amendment of s 81 (Contravening condition of vehicle standards exemption)

Section 81(1), (2) and (3), penalty, ‘\$4000’—

omit, insert—

\$6000

24 Omission of s 83 (Keeping copy of permit while driving under vehicle standards exemption (permit))

Section 83—

omit.

25 Omission of ss 85–87A

Sections 85 to 87A—

omit.

26 Amendment of s 88 (National regulations for heavy vehicle modification)

(1) Section 88, before ‘The’—

insert—

(1)

(2) Section 88—

[s 27]

insert—

- (2) Without limiting subsection (1), the national regulations may provide for the following—
 - (a) the approval of a modification of a heavy vehicle, including by the Regulator or an approved vehicle examiner;
 - (b) offences for tampering with plates or labels attached to modified heavy vehicles.

27 Replacement of s 92 (Display of warning signs required by heavy vehicle standards on vehicles to which the requirement does not apply)

Section 92—

omit, insert—

92 Displaying warning signs

The national regulations may prescribe requirements for the display of warning signs on heavy vehicles, including as a heavy vehicle standard or in relation to mass, dimension and loading.

28 Amendment of s 96 (Compliance with mass requirements)

Section 96(5)—

omit, insert—

- (5) This section does not apply to a heavy vehicle that is prescribed as a specified PBS vehicle under a regulation made under section 136.

Note—

If a heavy vehicle that is prescribed as a specified PBS vehicle does not comply with the mass requirements that apply to the heavy vehicle, it would be a class 2 heavy vehicle and could be dealt with under section 137.

29 Amendment of s 102 (Compliance with dimension requirements)

- (1) Section 102(1), penalty, paragraphs (a) and (b)(i), ‘\$3000’—

omit, insert—

\$4000

- (2) Section 102(1), penalty, paragraph (b)(ii), ‘\$5000’—

omit, insert—

\$6000

30 Omission of s 109 (Warning signals required for rear projection of loads)

Section 109—

omit.

31 Replacement of ss 122–128

Sections 122 to 128—

omit, insert—

122 Mass or dimension exemption (permits) for class 1 and class 3 heavy vehicles

- (1) The Regulator may, by giving a person a *mass or dimension exemption (permit)*, exempt 1 or more class 1 heavy vehicles or class 3 heavy vehicles from compliance with any of the following for a stated period—
- (a) a prescribed mass requirement;
 - (b) a prescribed dimension requirement;
 - (c) a requirement relating to the GCM of the vehicle.

Note—

See section 730A for regulation-making powers in relation to mass or dimension exemption (permits).

[s 32]

- (2) The Regulator may grant a mass or dimension exemption (permit) for a heavy vehicle only if—
 - (a) the Regulator is satisfied the use of the heavy vehicle on a road under the permit will not pose a significant risk to public safety; and
 - (b) each relevant road manager for the exemption has consented to the grant; and
 - (c) the Regulator is satisfied all other consents required for the exemption under the law of the relevant jurisdiction have been obtained by the applicant or have been otherwise given.
- (3) In deciding whether to grant a mass or dimension exemption (permit), the Regulator must have regard to the approved guidelines for granting mass or dimension exemptions.

32 Omission of s 133 (Keeping copy of permit while driving under mass or dimension exemption (permit))

Section 133—

omit.

33 Omission of Pt 4.5, Div 5 (Other provision)

Part 4.5, Division 5—

omit.

34 Replacement of s 136 (Class 2 heavy vehicles)

Section 136—

omit, insert—

136 Class 2 heavy vehicles

A heavy vehicle is a *class 2 heavy vehicle* if the

heavy vehicle meets the requirements prescribed for the purposes of this section by the national regulations.

35 Replacement of ss 143–149

Sections 143 to 149—

omit, insert—

143 Class 2 heavy vehicle authorisation (permits)

The Regulator may, by giving a person a *class 2 heavy vehicle authorisation (permit)*, authorise the use of 1 or more class 2 heavy vehicles—

- (a) in stated areas or on stated routes; and
- (b) during stated hours of stated days.

Note—

See section 730A for regulation-making powers in relation to class 2 heavy vehicle authorisation (permits).

36 Omission of s 152 (Keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit))

Section 152—

omit.

37 Amendment of s 153A (Using restricted access vehicle)

- (1) Section 153A(2), definitions *restricted access vehicle* and *specified semitrailer*—

omit.

- (2) Section 153A(2), in alphabetical order—

insert—

restricted access vehicle means a heavy vehicle that meets the requirements prescribed for the purposes of this definition by the national regulations.

[s 38]

safer freight combination means a combination that meets the requirements prescribed for the purposes of this definition by the national regulations.

specified semitrailer means a semitrailer that meets the requirements prescribed for the purposes of this definition by the national regulations.

(3) Section 153A(3)(b)—

omit, insert—

(b) a heavy vehicle that is prescribed as a specified PBS vehicle under a regulation made under section 136; or

(4) Section 153A(3)(e)—

omit, insert—

(e) a safer freight combination.

38 Omission of Pt 4.7, Divs 4 and 5

Part 4.7, Divisions 4 and 5—

omit.

39 Amendment of s 186 (False or misleading transport documentation for goods)

Section 186(2), (3), (4) and (5), penalty, ‘\$10000’—

omit, insert—

\$20000

40 Amendment of s 187 (False or misleading information in container weight declaration)

Section 187(2) and (3), penalty, ‘\$10000’—

omit, insert—

\$20000

41 Amendment of ch 6, hdg (Vehicle operations—driver fatigue)

Chapter 6, heading, after ‘fatigue’—

insert—

and fitness to drive

42 Amendment of s 220 (Main purpose of Ch 6)

(1) Section 220(1), from ‘of drivers’ to ‘vehicles’—

omit, insert—

and fitness to drive of drivers of heavy vehicles

(2) Section 220(2)(a) to (c)—

omit, insert—

(a) imposing a duty on drivers of heavy vehicles to not drive a heavy vehicle on a road while impaired by fatigue or unfit to drive; and

43 Amendment of s 221 (Definitions for Ch 6)

(1) Section 221, definitions *AFM fatigue management system*, *AFM hours*, *approved electronic recording system*, *approved sleeper berth*, *BFM hours*, *cancel*, *daily sheet*, *electronic recording system*, *fatigue* and *impaired by fatigue*—

omit.

(2) Section 221, in alphabetical order—

insert—

approved sleeper berth, for a fatigue-regulated heavy vehicle, means a driver’s sleeper berth prescribed by the national regulations.

(3) Section 221, definition *cause of fatigue*, after ‘*cause of fatigue*’—

insert—

or being unfit to drive

[s 44]

- (4) Section 221, definition *cause of fatigue or being unfit to drive*, as amended by subsection (3), ‘while driving a fatigue-regulated heavy vehicle’—

omit, insert—

or unfit to drive while driving a heavy vehicle

- (5) Section 221, definition *night work time*, note, ‘sections 248 and 303’—

omit, insert—

section 248

- (6) Section 221, definition *sign of fatigue*, after ‘*sign of fatigue*’—

insert—

or being unfit to drive

- (7) Section 221, definition *sign of fatigue or being unfit to drive*, as amended by subsection (6), ‘while driving a fatigue-regulated heavy vehicle’—

omit, insert—

or unfit to drive while driving a heavy vehicle

- (8) Section 221, definition *written work diary*, ‘section 340’—

omit, insert—

section 293A

44 Replacement of Pt 6.2, hdg (Duties relating to fatigue)

Part 6.2, heading—

omit, insert—

Part 6.2

Duty to not drive while fatigued or unfit to drive

45 Omission of Pt 6.2, Div 1, hdg (Preliminary)

Part 6.2, Division 1, heading—

omit.

46 Replacement of ss 224 and 225

Sections 224 and 225—

omit, insert—

224 Matters court may consider in deciding whether person was fatigued or unfit to drive

- (1) When deciding whether the driver of a heavy vehicle was fatigued or unfit to drive, a court may consider the following—
 - (a) what is commonly understood as being fatigued or unfit to drive;
 - (b) the causes of fatigue or being unfit to drive;
 - (c) the signs of fatigue or being unfit to drive;
 - (d) any relevant body of knowledge;
 - (e) any other matter prescribed by the national regulations.
- (2) Subsection (1) does not limit the matters the court may consider when deciding whether a driver was impaired by fatigue or unfit to drive.
- (3) In this section—

relevant body of knowledge means any accreditation scheme, approved guidelines, scientific knowledge, expert opinion, codes of practice, standards or other knowledge about preventing or managing exposure to risks to safety either on a road or in a workplace, arising from fatigue or being unfit to drive.

[s 47]

225 What is being impaired by fatigue or unfit to drive

- (1) A driver is *impaired by fatigue* if the driver's ability to drive a heavy vehicle on a road safely is affected by fatigue.
- (2) A driver of a heavy vehicle is *unfit to drive* the heavy vehicle on a road if the driver is not of sufficiently good health or fitness to drive the heavy vehicle safely.

47 Amendment of s 226 (Matters court may consider in deciding whether person was impaired by fatigue)

- (1) Section 226, heading, after 'fatigue'—

insert—

or unfit to drive

- (2) Section 226(1), from 'fatigue-regulated' to 'fatigue'—

omit, insert—

heavy vehicle was impaired by fatigue or unfit to drive

- (3) Section 226(1)(a), from 'or sign'—

omit, insert—

or sign of fatigue or being unfit to drive that was evident, and the degree to which it may indicate that the driver was impaired by fatigue or unfit to drive;

- (4) Section 226(1)(b), (2) and (3), after 'fatigue'—

insert—

or unfit to drive

48 Omission of Pt 6.2, Div 2, hdg (Duty to avoid fatigue)

Part 6.2, Division 2, heading—

omit.

49 Amendment of s 228 (Duty of driver to avoid driving while fatigued)

- (1) Section 228, heading, after ‘fatigued’—

insert—

or unfit to drive

- (2) Section 228(1)—

omit, insert—

- (1) A person must not drive a heavy vehicle on a road while the person is impaired by fatigue or unfit to drive.

Maximum penalty—\$20000.

50 Amendment of s 243 (What is a driver’s *work and rest hours option*)

- (1) Section 243(2)(a)(i), ‘BFM accreditation, AFM accreditation’—

omit, insert—

fatigue alternative compliance accreditation

- (2) Section 243(2)(b) and (c)—

omit, insert—

- (b) the alternative compliance arrangements, which—

- (i) apply to drivers of fatigue-regulated heavy vehicles operating under a fatigue alternative compliance accreditation; and

- (ii) are known as ‘alternative compliance hours’; or

[s 51]

51 Omission of ss 246 and 246A

Sections 246 and 246A—

omit.

52 Amendment of s 247 (Time to be counted after rest time ends)

- (1) Section 247(a), ‘a relevant major rest break’—

omit, insert—

the longest major rest break required in a period
under the driver’s work and rest hours option

- (2) Section 247, example, ‘the relevant major rest break’—

omit, insert—

the longest major rest break

53 Amendment of s 249 (Standard hours)

Section 249(1), ‘BFM accreditation, AFM accreditation’—

omit, insert—

fatigue alternative compliance accreditation

54 Amendment of s 250 (Operating under standard hours—solo drivers)

Section 250(1), penalty, paragraph (a), ‘\$4000’—

omit, insert—

\$3000

55 Amendment of s 251 (Operating under standard hours—two-up drivers)

Section 251(1), penalty, paragraph (a), ‘\$4000’—

omit, insert—

\$3000

56 Replacement of Pt 6.3, Divs 3 and 4

Part 6.3, Divisions 3 and 4—

omit, insert—

Division 3 Alternative compliance work and rest arrangements

253 Alternative compliance hours

- (1) In this Law, the *alternative compliance hours* are the maximum work times and minimum rest times that apply, for a period, to the driver of a fatigue-regulated heavy vehicle operating under a fatigue alternative compliance accreditation.
- (2) The alternative compliance hours are stated in the accreditation certificate for the fatigue alternative compliance accreditation.

Note—

Under section 461A, the alternative compliance hours specified by the Regulator when granting fatigue alternative compliance accreditation must comply with the standard for alternative compliance hours.

254 Operating under alternative compliance hours

The driver of a fatigue-regulated heavy vehicle commits an offence if, in any period stated in the alternative compliance hours for the driver, the driver—

- (a) works for more than the maximum work time stated in the alternative compliance hours; or

[s 57]

- (b) rests for less than the minimum rest time stated in the alternative compliance hours.

Maximum penalty—

- (a) for a minor risk breach—\$3000; or
- (b) for a substantial risk breach—\$6000; or
- (c) for a severe risk breach—\$10000; or
- (d) for a critical risk breach—\$15000.

57 Amendment of s 260 (Operating under exemption hours)

Section 260(1), penalty, paragraph (a), ‘\$4000’—

omit, insert—

\$3000

58 Amendment of s 263 (Operating under new work and rest hours option after change)

- (1) Section 263(1)(a), ‘or BFM hours’—

omit.

- (2) Section 263(1)(a), examples—

omit.

- (3) Section 263(1)(b), ‘AFM hours’—

omit, insert—

alternative compliance hours

- (4) Section 263(1)(c), example—

omit.

59 Amendment of s 264 (Duty of employer, prime contractor, operator and scheduler to ensure driver compliance)

Section 264(2), penalty, ‘\$6000’—

omit, insert—

\$10000

60 Amendment of s 267 (Restriction on grant of work and rest hours exemption (notice))

Section 267(1)(b), from ‘BFM hours’ to ‘AFM accreditation’—

omit, insert—

alternative compliance hours—the requirements applying to a fatigue alternative compliance accreditation

61 Replacement of ss 273–285

Sections 273 to 285—

omit, insert—

273 Work and rest hours exemption (permits)

The Regulator may, by giving a person a *work and rest hours exemption (permit)*, grant an exemption to allow the following to operate under stated maximum work times and minimum rest times for a stated period—

- (a) a driver of a fatigue-regulated heavy vehicle;
- (b) a class of drivers of fatigue-regulated heavy vehicles.

Note—

See section 730A for regulation-making powers in relation to work and rest hours exemption (permits).

62 Amendment of s 287 (Keeping relevant document while operating under work and rest hours exemption (notice))

Section 287(2) and (3), penalty, ‘\$3000’—

omit, insert—

\$1500

[s 63]

63 Omission of s 288 (Keeping copy of permit while driving under work and rest hours exemption (permit))

Section 288—

omit.

64 Amendment of s 291 (Application of Sdiv 1)

Section 291(c) and (d), ‘BFM hours, AFM hours’—

omit, insert—

alternative compliance hours

65 Amendment of s 293 (Driver of fatigue-regulated heavy vehicle must carry work diary)

Section 293(1), penalty, ‘\$6000’—

omit, insert—

\$10000

66 Insertion of new s 293A

After section 293—

insert—

293A Regulator may issue written work diaries

- (1) The Regulator may issue a written work diary to a driver of a fatigue-regulated heavy vehicle.
- (2) The national regulations may provide for the following—
 - (a) applications for a written work diary, including making and determining an application;
 - (b) the form of a written work diary;
 - (c) the matters that must be contained in a written work diary.

67 Amendment of s 294 (Purpose of and definition for Sdiv 2)

Section 294(1)(b), ‘BFM hours, AFM hours’—

omit, insert—

alternative compliance hours

68 Amendment of s 295 (National regulations for information to be included in work diary)

Section 295, after subsection (3)—

insert—

- (4) The national regulations may provide for how a driver’s work time and rest time are counted in the driver’s work diary.

69 Amendment of s 297 (Information required to be recorded immediately after starting work)

Section 297(2), penalty, ‘\$6000’—

omit, insert—

\$4000

70 Omission of Pt 6.4, Div 2, Subdiv 3 (How information must be recorded in work diary)

Part 6.4, Division 2, Subdivision 3—

omit.

71 Amendment of s 307 (Driver who is record keeper must notify Regulator if electronic work diary filled up etc.)

Section 307(2) and (3), penalty, ‘\$3000’—

omit, insert—

\$1500

[s 72]

72 Omission of s 308 (What driver must do if lost or stolen written work diary found or returned)

Section 308—

omit.

73 Amendment of s 309 (Driver must notify record keeper if electronic work diary filled up etc.)

Section 309(2), penalty, ‘\$3000’—

omit, insert—

\$1500

74 Amendment of s 312 (What record keeper must do if electronic work diary destroyed, lost or stolen)

Section 312(2) and (3), penalty, ‘\$6000’—

omit, insert—

\$3000

75 Amendment of s 314 (How electronic work diary must be used)

Section 314(2), penalty, ‘\$3000’—

omit, insert—

\$1500

76 Amendment of s 315 (Ensuring driver complies with Sdivs 1–4)

(1) Section 315, heading, ‘Sdivs 1–4’—

omit, insert—

Sdivs 1, 2 and 4

(2) Section 315(1), ‘Subdivisions 1, 2, 3 and 4’—

omit, insert—

Subdivisions 1, 2 and 4

- (3) Section 315(1), penalty, ‘\$6000’—
omit, insert—
\$10000

77 Amendment of s 317 (Who is a driver’s *record keeper*)

Section 317(a)—

omit, insert—

- (a) the operator of the vehicle, if the driver is operating under—
 - (i) the operator’s fatigue alternative compliance accreditation; or
 - (ii) a work and rest hours exemption (permit) granted in combination with the operator’s fatigue alternative compliance accreditation;

78 Amendment of Pt 6.4, Div 3, Subdiv 3, hdg (Record keeping obligations relating to drivers undertaking 100+km work under standard hours or operating under BFM hours, AFM hours or exemption hours)

Part 6.4, Division 3, Subdivision 3, heading, ‘or operating under BFM hours, AFM hours’—

omit, insert—

, alternative compliance hours

79 Amendment of s 320 (Application of Sdiv 3)

Section 320(b), ‘BFM hours, AFM hours’—

omit, insert—

alternative compliance hours

[s 80]

80 Amendment of s 321 (Records record keeper must have)

- (1) Section 321(3), ‘BFM hours or AFM hours’—

omit, insert—

alternative compliance hours

- (2) Section 321(3)(a), ‘BFM accreditation or AFM accreditation’—

omit, insert—

fatigue alternative compliance accreditation

- (3) Section 321(3)(b), from ‘BFM standards’ to ‘business rules.’—

omit, insert—

safety management system standard.

- (4) Section 321(3), note, ‘BFM accreditation or AFM accreditation’—

omit, insert—

fatigue alternative compliance accreditation

- (5) Section 321(8), definitions *AFM standards and business rules* and *BFM standards and business rules*—

omit.

81 Amendment of s 325 (False or misleading entries)

Section 325(1), penalty, ‘\$10000’—

omit, insert—

\$20000

82 Amendment of s 326 (When possessing, or recording information in, more than 1 work diary relating to the same period is prohibited)

Section 326(1), ‘on a daily sheet’—

omit.

-
- 83 Amendment of s 327 (Possession of purported work records etc. prohibited)**
Section 327, penalty, ‘\$10000’—
omit, insert—
\$20000
- 84 Amendment of s 328 (False representation about work records prohibited)**
Section 328, penalty, ‘\$10000’—
omit, insert—
\$20000
- 85 Amendment of s 329 (Defacing or changing work records etc. prohibited)**
Section 329, penalty, ‘\$10000’—
omit, insert—
\$20000
- 86 Amendment of s 330 (Making entries in someone else’s work records prohibited)**
Section 330(1), penalty, ‘\$10000’—
omit, insert—
\$20000
- 87 Amendment of s 331 (Destruction of particular work records prohibited)**
Section 331, penalty, ‘\$10000’—
omit, insert—
\$20000

[s 88]

88 Amendment of s 332 (Offence to remove pages from written work diary)

(1) Section 332, ‘daily’ (wherever appearing)—

omit.

(2) Section 332, penalty, ‘\$10000’—

omit, insert—

\$20000

89 Amendment of s 335 (Person must not tamper with approved electronic recording system)

Section 335(1), penalty, ‘\$10000’—

omit, insert—

\$20000

90 Amendment of s 336 (Person using approved electronic recording system must not permit tampering with it)

Section 336(1), penalty, ‘\$10000’—

omit, insert—

\$20000

91 Omission of Pt 6.4, Div 6 (Obtaining written work diary)

Part 6.4, Division 6—

omit.

92 Amendment of s 341 (Period for which, and way in which, records must be kept)

Section 341(2) and (5), penalty, ‘\$6000’—

omit, insert—

\$4000

93 Amendment of s 351 (Amendment or cancellation of approval on application)

(1) Section 351(2)(c) and (d)—

omit, insert—

(c) if the application is for an amendment of the approval—state clearly the amendment sought and outline the reasons for the application.

(2) Section 351(6)—

omit, insert—

(6) If the Regulator decides not to amend or cancel the approval as sought by the applicant, the Regulator must give the applicant an information notice for the decision.

94 Amendment of s 358 (Restriction on grant of work diary exemption (notice))

Section 358(1)(b)(ii), after ‘fatigue’—

insert—

or unfit to drive

95 Replacement of ss 363–374

Sections 363 to 374—

omit, insert—

363 Work diary exemption (permits)

The Regulator may, by giving a person a *work diary exemption (permit)*, exempt a driver of a fatigue-regulated heavy vehicle from the requirement to comply with Subdivisions 1 to 5 of Division 2 for a stated period.

[s 96]

Note—

See section 730A for regulation-making powers in relation to work diary exemption (permits).

96 Omission of s 377 (Keeping permit or copy while operating under work diary exemption (permit))

Section 377—

omit.

97 Replacement of ss 383–393

Sections 383 to 393—

omit, insert—

383 Fatigue record keeping exemption (permits)

The Regulator may, by giving a person a *fatigue record keeping exemption (permit)*, exempt a record keeper for 1 or more drivers of a fatigue-regulated heavy vehicle from the requirement to comply with all or stated provisions of Division 3 for a stated period.

Note—

See section 730A for regulation-making powers in relation to fatigue record keeping exemption (permits).

98 Amendment of s 456 (Purpose of Ch 8)

Section 456, after ‘implement’—

insert—

safety

99 Replacement of s 457 (Definitions for Ch 8)

Section 457—

omit, insert—

457 Requirements for heavy vehicle operations that may be subject to alternative compliance accreditation

The national regulations may prescribe a requirement under this Law in relation to heavy vehicle operations in relation to which an alternative compliance accreditation may be granted (a *prescribed operations requirement*).

Example of heavy vehicle operations—

requirements for mass under Part 4.2 or requirements for driver fatigue under Part 6.3

457A Safety management systems for operators of heavy vehicles

- (1) In this Law, a *safety management system*, for an operator of a heavy vehicle, is a group of policies, systems and procedures relating to the safety of the operator's transport activities and the driving of heavy vehicles.
- (2) A safety management system must—
 - (a) identify public risks associated with the operator's transport activities and the driving of heavy vehicles; and
 - (b) assess the identified public risks; and
 - (c) specify the controls to manage and mitigate the identified public risks.
- (3) A safety management system must comply with the safety management system standard, including by addressing any matters required to be addressed by the safety management system standard.

100 Amendment of s 458 (Regulator's power to grant heavy vehicle accreditation)

- (1) Section 458, before 'The'—

[s 101]

insert—

(1)

(2) Section 458—

insert—

- (2) The Regulator must not grant alternative compliance accreditation to an operator unless the operator also holds general safety accreditation.

101 Amendment of s 459 (Application for heavy vehicle accreditation)

Section 459(2)(b)(i) to (iii)—

omit, insert—

- (i) a statement by the applicant that the applicant has a safety management system that complies with the safety management system standard;
- (ii) a statement by an approved auditor that the auditor considers the applicant's safety management system complies with the safety management system standard;
- (iii) any other information required for the application under the safety management system standard;

102 Replacement of s 461 (Restriction on grant of heavy vehicle accreditation)

Section 461—

omit, insert—

461 Restriction on grant of heavy vehicle accreditation

- (1) The Regulator may grant an applicant heavy vehicle accreditation only if the Regulator is satisfied—

- (a) the applicant has a safety management system for the operations to be carried out under the accreditation that complies with the safety management system standard; and
 - (b) the applicant is able to comply with this Law, having regard to—
 - (i) the information provided to the Regulator under this Part; and
 - (ii) the matters to which the Regulator may or must have regard under this section; and
 - (c) the applicant is a suitable person to be granted the accreditation, having regard to—
 - (i) the information provided to the Regulator under this Part; and
 - (ii) the matters to which the Regulator may or must have regard under this section.
- (2) In deciding an application for heavy vehicle accreditation, the Regulator must have regard to the following—
- (a) the results of any audits of the applicant's safety management system carried out by an approved auditor in accordance with the audit standard;
 - (b) any relevant body of fatigue knowledge.
- (3) In deciding an application for heavy vehicle accreditation, the Regulator must comply with approved guidelines for granting heavy vehicle accreditation.
- (4) In deciding an application for heavy vehicle accreditation, the Regulator may also have regard to other matters the Regulator considers relevant.
- (5) The Regulator may grant alternative compliance

[s 102]

accreditation setting particular requirements different to those sought by the applicant.

- (6) The Regulator must not grant alternative compliance accreditation unless satisfied—
 - (a) the alternative compliance accreditation—
 - (i) is consistent with the relevant prescribed operations requirement; and
 - (ii) complies with the requirements prescribed by the national regulations for the purposes of the prescribed operations requirement in relation to which the alternative compliance accreditation is granted; and
 - (b) granting alternative compliance accreditation will result in a standard of safety that is at least equivalent to the standard that would be achieved by compliance with the relevant prescribed operations requirement.

461A Restriction on grant of fatigue alternative compliance accreditation

- (1) This section applies if the Regulator grants fatigue alternative compliance accreditation.
- (2) The Regulator must specify the alternative compliance hours that apply to the driver of a fatigue-regulated heavy vehicle operating under the fatigue alternative compliance accreditation.
- (3) The alternative compliance hours specified by the Regulator must comply with the standard for alternative compliance hours.
- (4) In specifying alternative compliance hours for a fatigue alternative compliance accreditation, the Regulator—

- (a) must be satisfied the alternative compliance hours appear to provide a safe balance between work, rest, risk management and fatigue countermeasures; and
- (b) must not set alternative compliance hours the Regulator considers would be unsafe, having regard to—
 - (i) the applicant’s safety management system; and
 - (ii) any relevant body of fatigue knowledge.

103 Amendment of s 462 (Conditions of heavy vehicle accreditation)

- (1) Section 462(1), from ‘comply’ to ‘rules’—

omit, insert—

have a safety management system that complies with the safety management system standard

- (2) Section 462(2)(b), ‘relevant’—

omit, insert—

safety

- (3) Section 462(2)(c), ‘effectively.’—

omit, insert—

effectively; and

- (4) Section 462(2)—

insert—

- (d) a condition requiring a label to be attached to a heavy vehicle operating under the accreditation.

[s 104]

104 Amendment of s 464 (Accreditation certificate for heavy vehicle accreditation etc.)

(1) Section 464(2)(d)—

omit, insert—

(d) for a fatigue alternative compliance accreditation—the alternative compliance hours that apply under the accreditation;

(2) Section 464(3), definition *prescribed circumstances*, paragraph (c)—

omit, insert—

(c) for a fatigue alternative compliance accreditation—granted alternative compliance hours that are different to the alternative compliance hours sought by the applicant for the accreditation.

105 Omission of s 466 (Accreditation labels for maintenance management accreditation and mass management accreditation)

Section 466—

omit.

106 Amendment of s 467 (Compliance with conditions of BFM accreditation or AFM accreditation)

(1) Section 467, heading, ‘BFM accreditation or AFM accreditation’—

omit, insert—

heavy vehicle accreditation

(2) Section 467, ‘BFM accreditation or AFM accreditation’—

omit, insert—

heavy vehicle accreditation

107 Amendment of s 468 (Driver operating under BFM accreditation or AFM accreditation must carry accreditation details)

- (1) Section 468, heading, ‘BFM accreditation or AFM accreditation’—

omit, insert—

heavy vehicle accreditation

- (2) Section 468(1), ‘BFM accreditation or AFM accreditation’ (wherever appearing)—

omit, insert—

heavy vehicle accreditation

- (3) Section 468(1)(b)(ii), ‘relevant’—

omit, insert—

safety

- (4) Section 468(1)(c) and example—

omit, insert—

- (c) for a driver operating under an alternative compliance accreditation—a document containing the information prescribed by the national regulations.

108 Omission of s 469 (Driver must return particular documents if stops operating under BFM accreditation or AFM accreditation etc.)

Section 469—

omit.

109 Amendment of s 470 (General requirements applying to operator with heavy vehicle accreditation)

- (1) Section 470(2), from ‘If’ to ‘operator’—

omit, insert—

The operator

- (2) Section 470(2)(a), ‘relevant’—

omit, insert—

safety

- (3) Section 470(3)—

omit, insert—

- (3) If the accreditation is a fatigue alternative compliance accreditation, the operator must also ensure each driver who operates under the accreditation is informed of the alternative compliance hours applying under the accreditation.

Maximum penalty—\$6000.

- (4) Section 470(4)(b) and (c)—

omit, insert—

- (b) records demonstrating the operator has complied with subsections (2) and (3); and
- (c) a current list of heavy vehicles to which the operator’s accreditation relates, if applicable to the accreditation; and
- (d) if the accreditation is an alternative compliance accreditation—a current list of drivers operating under the accreditation, if applicable to the accreditation.

- (5) Section 470(5)(b), ‘subsection (4)(b) or (c)’—

omit, insert—

subsection (4)

- (6) Section 470(7)(a), ‘subsection (4)(b)(i) or (c)’—

omit, insert—

subsection (4)(c) or (d)

- (7) Section 470(9)(a), ‘or 476’—

omit.

- (8) Section 470(9), note—

omit.

110 Amendment of s 471 (Operator must give notice of amendment, suspension or ending of heavy vehicle accreditation)

- (1) Section 471(2), penalty, ‘\$6000’—

omit, insert—

\$10000

- (2) Section 471(3)—

omit.

111 Amendment of s 472 (Amendment or cancellation of heavy vehicle accreditation on application)

- (1) Section 472(2)(c) and (d)—

omit, insert—

- (c) if the application is for an amendment—state clearly the amendment sought and the reasons for the amendment.

- (2) Section 472(6)—

omit, insert—

- (6) If the Regulator decides not to amend or cancel the accreditation as sought by the applicant, the Regulator must give the applicant an information notice for the decision.

112 Amendment of s 473 (Amendment, suspension or cancellation of heavy vehicle accreditation on Regulator’s initiative)

Section 473(1)(e) and (f)—

[s 113]

omit, insert—

- (e) the Regulator considers it necessary to prevent or minimise a public risk;

113 Amendment of s 474 (Immediate suspension of heavy vehicle accreditation)

Section 474(1)(b), ‘serious harm to public safety’—

omit, insert—

a serious public risk

114 Omission of ss 476 and 477

Sections 476 and 477—

omit.

115 Amendment of s 478 (Offences relating to auditors)

- (1) Section 478(1), (2), (3) and (4), penalty, ‘\$10000’—

omit, insert—

\$20000

- (2) Section 478(2), after ‘class’—

insert—

, as specified in the audit standard

- (3) Section 478(3) and (4), ‘relevant’—

omit, insert—

safety

- (4) Section 478(5)—

omit.

116 Insertion of new s 512A

After section 512—

insert—

512A Definition for Pt 9.3

In this Part—

fit, to drive a heavy vehicle, or to start or stop its engine, for a person, means the person—

- (a) is apparently physically and mentally fit to drive the vehicle, or start or stop its engine; and
- (b) is not apparently affected by either or both of the following—
 - (i) alcohol;
 - (ii) a drug that affects a person's ability to drive a vehicle; and
- (c) is not found to have an alcohol concentration in the person's blood or breath exceeding the amount permitted, under an Australian road law of this jurisdiction, for the driver of a heavy vehicle; and
- (d) is not found to be under the influence of a drug or to have present in the person's blood or saliva a drug that the driver of a heavy vehicle is not permitted to have present in the driver's blood or saliva under an Australian road law of this jurisdiction.

117 Amendment of s 517 (Direction to move heavy vehicle if causing harm etc.)

Section 517(4), penalty, '\$6000'—

omit, insert—

\$10000

[s 118]

118 Amendment of s 522 (Power to order presentation of heavy vehicles for inspection)

Section 522(5), penalty, ‘\$6000’—

omit, insert—

\$10000

119 Amendment of s 524 (Direction to leave heavy vehicle)

Section 524(5), penalty, ‘\$6000’—

omit, insert—

\$10000

120 Replacement of Pt 9.3, Div 8, hdg (Further powers in relation to fatigue-regulated heavy vehicles)

Part 9.3, Division 8, heading—

omit, insert—

Division 8	Further powers in relation to work and rest arrangements
-------------------	---

121 Amendment of s 537 (Application of Div 8)

Section 537, ‘fatigue-regulated’—

omit.

122 Amendment of s 540 (Requiring driver to stop working if impaired by fatigue)

(1) Section 540, heading, after ‘fatigue’—

insert—

or unfit to drive

(2) Section 540(1), from ‘fatigue-regulated’ to ‘fatigue’—

omit, insert—

heavy vehicle is impaired by fatigue or unfit to drive

- (3) Section 540(2)(b) and (5), ‘fatigue-regulated’ (wherever appearing)—

omit.

- (4) Section 540(4), after ‘subsection (2)(a)’—

insert—

in relation to a fatigue-regulated heavy vehicle

- (5) Section 540(6), after ‘fatigue’—

insert—

or unfit to drive

123 Amendment of s 573 (Contravention of improvement notice)

- (1) Section 573(1), penalty, ‘\$10000’—

omit, insert—

\$20000

- (2) Section 573(3)—

omit.

124 Amendment of s 576C (Compliance with prohibition notice)

Section 576C, penalty, ‘\$10000’—

omit, insert—

\$20000

125 Amendment of s 590 (Formal warning)

- (1) Section 590(1)(b)—

[s 126]

omit.

- (2) Section 590(3)(b), ‘breach.’—

omit, insert—

breach; or

- (3) Section 590(3)—

insert—

- (c) a contravention of the safety duty imposed under section 26C.

126 Amendment of s 632A (Using code of practice in proceeding)

Section 632A(2), ‘registered industry code of practice’—

omit, insert—

code of practice issued by the Regulator under section 705

127 Insertion of new s 632B

After section 632A—

insert—

632B Use of audit of safety management system in proceeding

An audit of an operator’s safety management system carried out by an approved auditor in accordance with the audit standard is admissible in proceedings for an offence against section 26D(1A), 26F, 26G or 26H.

128 Amendment of s 636 (Liability of executive officers of corporation)

Section 636(1), after ‘Schedule 4’—

insert—

, or a prescribed offence against a provision of the national regulations made under section 88,

129 Amendment of s 637 (Treatment of unincorporated partnerships)

Section 637(4), ‘schedule 4’—

omit, insert—

Schedule 4, or a prescribed offence against a provision of the national regulations made under section 88,

130 Amendment of s 638 (Treatment of other unincorporated bodies)

Section 638(4), after ‘Schedule 4’—

insert—

, or a prescribed offence against a provision of the national regulations made under section 88,

131 Insertion of new Pt 12.1, Div 1, hdg

Before section 651—

insert—

Division 1 Directions to Regulator

132 Replacement of s 651 (Policy directions)

Section 651—

omit, insert—

651 Policy directions

- (1) The responsible Ministers may give directions to the Regulator about the policies to be applied by the Regulator in exercising its functions under this Law.

[s 132]

- (2) A direction under this section can not be about—
 - (a) a particular person; or
 - (b) a particular heavy vehicle; or
 - (c) a particular application or proceeding.

651A Directions to prevent or minimise serious public risk

- (1) The responsible Ministers may give a direction to the Regulator requiring the Regulator to take or not to take particular action in relation to a serious public risk.
- (2) A responsible Minister for a participating jurisdiction may give a direction to the Regulator under subsection (1) in relation to that jurisdiction.
- (3) A direction may be given only if the responsible Ministers or Minister, as the case requires, is satisfied the direction is necessary to prevent or minimise a serious public risk.
- (4) A direction under this section can not be about—
 - (a) a particular person; or
 - (b) a particular heavy vehicle; or
 - (c) a particular application or proceeding.

651B Directions in relation to alternative compliance accreditation

- (1) The responsible Ministers may give a direction to the Regulator requiring the Regulator to take or not to take particular action in relation to alternative compliance accreditation.
- (2) A direction may be given only if the responsible Ministers are satisfied the direction is necessary to prevent or minimise a serious public risk.

651C Directions to investigate or provide advice or information

- (1) The responsible Ministers may give a direction to the Regulator requiring the Regulator to investigate, or provide advice or information about, any matter relating to a public risk.
- (2) A responsible Minister for a participating jurisdiction may give a direction to the Regulator under subsection (1) in relation to that jurisdiction.
- (3) A direction under this section can not—
 - (a) direct the Regulator as to how to conduct an investigation; or
 - (b) direct the Regulator as to which persons the Regulator may request or direct to provide assistance; or
 - (c) be about the outcome of an investigation; or
 - (d) direct the Regulator to stop an investigation.

651D General provisions about directions

- (1) The Regulator must comply with a direction given to the Regulator under this Division.
- (2) The Regulator must publish a copy of a direction on the Regulator's website.
- (3) The Regulator's annual report must include—
 - (a) a copy of a direction; and
 - (b) the action taken by the Regulator to comply with the direction.

133 Insertion of new Pt 12.1, Div 2, hdg

Before section 652—

insert—

[s 134]

Division 2 Other provisions

134 **Amendment of s 653 (Approved guidelines for exemptions, authorisations, permits and other authorities)**

- (1) Section 653, heading, ‘authorities’—

omit, insert—

matters

- (2) Section 653(1)(l)(iv) and (v)—

omit, insert—

(iv) section 174(1)(b).

- (3) Section 653, after subsection (1)—

insert—

- (1A) The responsible Ministers must not approve guidelines unless satisfied the following have been consulted about the guidelines—

- (a) the Regulator;
- (b) any other persons the responsible Ministers consider relevant.

135 **Amendment of s 654 (Other approvals)**

Section 654(1)—

omit, insert—

- (1) The responsible Ministers may approve the following—

- (a) a standard for the carrying out of audits of an operator’s safety management system by approved auditors for the purposes of heavy vehicle accreditation;

- (b) a standard with which an operator's safety management system must comply for the purposes of heavy vehicle accreditation;
- (c) a standard for alternative compliance hours for the purposes of fatigue alternative compliance accreditation.

Note—

Section 461A(3) requires the alternative compliance hours specified by the Regulator to comply with the standard for alternative compliance hours.

- (1A) The standard approved under subsection (1)(a) must—
 - (a) address the following—
 - (i) the purpose of audits;
 - (ii) how and when audits will be carried out;
 - (iii) the auditors who may carry out audits;
 - (iv) oversight of audits; and
 - (b) be prepared by the Regulator.
- (1B) Before submitting the standard referred to in subsection (1)(a) to the responsible Ministers for approval, the Regulator must consult with persons the Regulator considers relevant.

136 Insertion of new s 659A

After section 659—

insert—

659A Responsible Ministers may issue statement of expectations

- (1) The responsible Ministers may issue a written statement (a *statement of expectations*) to the Regulator stating the expectations of the responsible Ministers in relation to the exercise of

[s 137]

the Regulator's functions.

- (2) The Regulator must exercise its functions in accordance with any statement of expectations.

137 Amendment of s 663 (Membership of Board)

- (1) Section 663(1), '5 members'—

omit, insert—

at least 5, but no more than 7, members

- (2) Section 663(2)—

omit, insert—

- (2) The Board must consist of members with expertise, experience and skills the responsible Ministers consider appropriate.

- (2A) The responsible Ministers may recommend a person for appointment as a member of the Board only if satisfied there is no material conflict of interest between the person's employment or other activities and the functions of the Board.

Examples of a material conflict of interest between a person's employment or other activities and the functions of the Board—

- the person's role as an employee of a corporation involved in transport activities
- the person's role as an elected member or employee of a heavy vehicle industry body

- (3) Section 663, after subsection (3)—

insert—

- (4) In this section—

employment means any paid work and includes—

- (a) engagement under a contract for services, for example, as a contractor or consultant; and

- (b) self-employment or conduct of a business as a sole trader or as a partner in a partnership; and
- (c) holding office as an executive officer of a corporation; and
- (d) holding office as an officer of an unincorporated body.

138 Amendment of s 665 (Terms of office of members)

Section 665(2)—

omit, insert—

- (2) If otherwise qualified, a member of the Board is eligible for reappointment but must not hold office for—
 - (a) more than 3 consecutive terms; or
 - (b) a cumulative period of more than 10 years.

139 Amendment of s 667 (Vacancy in office of member)

Section 667(2)—

omit, insert—

- (2) The Queensland Minister may remove a member of the Board from office if the responsible Ministers recommend the removal of the member on the basis that—
 - (a) the member has engaged in misconduct; or
 - (b) the member has failed to or is unable to properly exercise the member's functions as a member of the Board; or
 - (c) the member has engaged in paid employment without the approval of the responsible Ministers; or

[s 140]

- (d) there is a material conflict of interest between the member's employment or other activities and the functions of the Board.

140 Amendment of s 695 (Corporate plans)

- (1) Section 695(1), from 'and' to 'the Ministers'—

omit.

- (2) Section 695, after subsection (1)—

insert—

- (1A) The Regulator must, 30 days before the end of each financial year, give the corporate plan to the responsible Ministers for approval by the Ministers.

141 Amendment of s 696 (Application of particular Queensland Acts to this Law)

Section 696(1)(b)—

omit, insert—

- (b) the *Public Records Act 2023* of Queensland;

142 Amendment of s 701 (False or misleading statements)

- (1) Section 701(1), penalty, '\$10000'—

omit, insert—

\$20000

- (2) Section 701(2), penalty, '\$8000'—

omit, insert—

\$15000

143 Amendment of s 702 (False or misleading documents)

- (1) Section 702(1), penalty, '\$10000'—

omit, insert—

\$20000

- (2) Section 702(3), penalty, ‘\$8000’—

omit, insert—

\$15000

144 Amendment of s 703 (False or misleading information given by responsible person to another responsible person)

- (1) Section 703(1), penalty, ‘\$10000’—

omit, insert—

\$20000

- (2) Section 703(2), penalty, ‘\$8000’—

omit, insert—

\$15000

145 Amendment of s 704 (Offence to falsely represent that heavy vehicle authority is held etc.)

Section 704(1), (2) and (3), penalty, ‘\$10000’—

omit, insert—

\$20000

146 Replacement of Pt 13.2 (Industry codes of practice)

Part 13.2—

omit, insert—

Part 13.2 Codes of practice

705 Regulator may issue codes of practice

- (1) The Regulator may issue a code of practice that

[s 146]

relates to compliance with duties and obligations under this Law for parties in the chain of responsibility and drivers of heavy vehicles.

- (2) The Regulator may amend or revoke a code of practice.
- (3) The Regulator must not issue or amend a code of practice unless—
 - (a) a draft code of practice or draft amendment has been made publicly available for at least 42 days; and
 - (b) the Regulator has considered any submissions received during that period.
- (4) The Regulator must not revoke a code of practice unless—
 - (a) notice of the intention to revoke the code of practice has been made publicly available for at least 42 days; and
 - (b) the Regulator has considered any submissions received during that period.
- (5) Subsection (3) does not apply to an amendment of a code of practice that the Regulator considers minor.
- (6) Subsections (3) and (4) do not apply to an amendment or revocation of a code of practice resulting from a direction from the responsible Ministers under section 706.
- (7) The Regulator must ensure a copy of each code of practice, as in force from time to time, is published on the Regulator's website.
- (8) The Regulator incurs no liability for loss or damage suffered by a person because the person relied on a code of practice issued by the Regulator under this section.

706 Responsible Ministers may give directions relating to codes of practice

- (1) The responsible Ministers may direct the Regulator to amend or revoke a code of practice issued by the Regulator under section 705.
- (2) The responsible Ministers may give a direction under subsection (1) only if satisfied the amendment or revocation is necessary to ensure the code of practice is not—
 - (a) unreasonable or impractical; or
 - (b) inconsistent with the purpose or object of this Law.
- (3) The Regulator must comply with a direction given to the Regulator by the responsible Ministers under subsection (1).
- (4) The Regulator must publish a copy of the direction on the Regulator’s website.
- (5) The Regulator’s annual report must include—
 - (a) a copy of any directions given to the Regulator in the year to which the report relates; and
 - (b) the action taken by the Regulator to comply with the directions.

147 Amendment of s 711 (Evidence by certificate by Regulator generally)

Section 711(1)(n)—

omit.

148 Amendment of s 727 (Definitions for Pt 13.4)

Section 727(1), definition *driver fatigue provision*, paragraph (b), ‘BFM accreditation or AFM accreditation’—

omit, insert—

fatigue alternative compliance accreditation

149 Insertion of new s 730A

After section 730—

insert—

730A National regulations about exemption and authorisation (permits)

- (1) This section applies to the following—
 - (a) a class 2 heavy vehicle authorisation (permit);
 - (b) a fatigue record keeping exemption (permit);
 - (c) a mass or dimension exemption (permit);
 - (d) a vehicle standards exemption (permit);
 - (e) a work and rest hours exemption (permit);
 - (f) a work diary exemption (permit).
- (2) Without limiting any other provision of this Law, the national regulations may provide for the following in relation to a permit to which this section applies—
 - (a) applications for a permit, including making and determining an application;
 - (b) the maximum period for which a permit may be granted;
 - (c) the fees payable, if any, for a permit;
 - (d) the grounds on which a permit must or may be granted;
 - (e) the imposition by the Regulator of conditions on a permit;
 - (f) the form of a permit;

- (g) the amendment, suspension and cancellation of a permit, including by the permit holder and the Regulator;
- (h) requirements to keep a copy of a permit;
- (i) other matters relating to permits.

150 Omission of s 751 (Expiry of industry codes of practice)

Section 751—

omit.

151 Insertion of new Pt 14.5

After Part 14.4—

insert—

**Part 14.5 Heavy Vehicle National
Law Amendment Act
2025 (Queensland)**

760 Definition for Pt 14.5

In this Part—

amendment Act means the *Heavy Vehicle National Law Amendment Act 2025* (Queensland).

761 Existing heavy vehicle accreditation

- (1) An amendment made by the amendment Act does not apply in relation to a heavy vehicle accreditation in force immediately before the commencement of the amendment (an *existing heavy vehicle accreditation*).
- (2) This Law, as in force immediately before the commencement of the amendment Act, continues

[s 152]

to apply in relation to an existing heavy vehicle accreditation until the accreditation expires or is cancelled.

762 National Heavy Vehicle Regulator Board

Section 663(2A), as inserted by the amendment Act, does not apply to a person who, on the commencement of the amendment Act, is a member of the Board.

152 Amendment of Sch 2 (Subject matter for conditions of mass or dimension authorities)

Schedule 2, authorising provision, ‘sections 119, 125 and 146’—

omit, insert—

section 119

153 Amendment of Sch 3 (Reviewable decisions)

(1) Schedule 3, Part 1—

omit the following entries—

section 68	decision of Regulator to grant a vehicle standards exemption (permit) for a period less than the period of not more than 3 years sought by the applicant
section 71	decision of Regulator to impose on a vehicle standards exemption (permit) a condition not sought by the applicant
section 75	decision of Regulator not to make a decision sought in an application for amendment or cancellation of a vehicle standards exemption (permit)

section 76	decision of Regulator to amend or cancel a vehicle standards exemption (permit)
section 77	decision of the Regulator to immediately suspend a vehicle standards exemption (permit)
section 80	decision of Regulator not to give a replacement permit for a vehicle standards exemption (permit)
section 122	decision of Regulator to grant a mass or dimension exemption (permit) for a period less than the period of not more than 3 years sought by the applicant
section 125	decision of Regulator to impose on a mass or dimension exemption (permit) a condition not sought by the applicant and not a road condition or travel conditions required by a relevant road manager for the exemption
section 143	decision of Regulator to grant a class 2 heavy vehicle authorisation (permit) for a period less than the period of not more than 3 years sought by the applicant
section 146	decision of Regulator to impose on a class 2 heavy vehicle authorisation (permit) a condition not sought by the applicant and not a road condition or travel condition required by a relevant road manager for the authorisation
section 176	decision of Regulator not to make a decision sought in an application for amendment of a mass or dimension authority granted by giving a person a permit
section 177	decision of Regulator to amend or cancel a mass or dimension authority granted by giving a person a permit, other than at the request of a relevant road manager

[s 153]

section 179	decision of Regulator to immediately suspend a mass or dimension authority granted by giving a person a permit
section 182	decision of Regulator not to give a replacement permit for a mass or dimension authority
section 273	decision of Regulator to grant a work and rest hours exemption (permit) for a period less than the period of not more than 3 years sought by the applicant
section 276	decision of Regulator to impose on a work and rest hours exemption (permit) a condition not sought by the applicant
section 280	decision of Regulator not to make a decision sought in an application for the amendment or cancellation of a work and rest hours exemption (permit)
section 281	decision of Regulator to amend or cancel a work and rest hours exemption (permit)
section 282	decision of Regulator to immediately suspend a work and rest hours exemption (permit)
section 285	decision of Regulator not to give a replacement permit for a work and rest hours exemption (permit)
section 363	decision of Regulator to grant a work diary exemption (permit) for a period less than the period of not more than 3 years sought by the applicant
section 366	decision of Regulator to impose on a work diary exemption (permit) a condition not sought by the applicant
section 370	decision of Regulator not to make a decision sought in an application for the amendment or cancellation of a work exemption (permit)

section 371	decision of Regulator to amend or cancel a work diary exemption (permit)
section 374	decision of Regulator not to give a replacement permit for work diary exemption (permit)
section 383	decision of Regulator to grant a fatigue record keeping exemption (permit) in a way that does not cover all the drivers sought by the applicant
section 383	decision of Regulator to grant a fatigue record keeping exemption (permit) setting conditions different from those sought by the applicant
section 385	decision of Regulator to impose a condition on a fatigue record keeping exemption (permit)
section 387	decision of Regulator to give a fatigue record keeping exemption (permit) for a period less than the period of not more than 3 years sought by the applicant
section 388	decision of Regulator not to grant a fatigue record keeping exemption (permit)
section 389	decision of Regulator not to make a decision sought in an application for amendment or cancellation of a fatigue record keeping exemption (permit)
section 390	decision of Regulator to amend or cancel a fatigue record keeping exemption (permit)
section 393	decision of Regulator not to give a replacement fatigue record keeping exemption permit
section 458	decision of Regulator to grant an AFM accreditation setting maximum work times and minimum rest times different to the maximum work times and minimum rest times sought by the applicant

[s 154]

section 477 decision of Regulator not to give a replacement accreditation certificate

(2) Schedule 3, Part 1—
 insert—

section 383 decision of Regulator not to grant a fatigue record keeping exemption (permit)

section 458 decision of Regulator to grant an alternative compliance accreditation setting particular requirements different to those sought by the applicant

(3) Schedule 3, Part 3, table, entry for section 178—
 omit.

154 Amendment of Sch 4 (Liability provisions)

(1) Schedule 4, table, entry for sections 79, 85, 87A, 181, 284, 373 and 476—
 omit.

(2) Schedule 4, table, in appropriate order—
 insert—

18	18(1), 18(2)
22	22(1)