

South Australia

Heavy Vehicle National Law (South Australia) (Amendment of Law) Regulations 2026

under section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013*

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Preamble

- 1 Section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013* provides that if—
 - (a) the Parliament of Queensland enacts an amendment to the *Heavy Vehicle National Law* set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland (the ***Queensland Act***); and
 - (b) the Governor is satisfied that an amendment that corresponds, or substantially corresponds, to the amendment made by the Parliament of Queensland should be made to the *Heavy Vehicle National Law (South Australia)*,

the Governor may, by regulation, amend the South Australian Heavy Vehicle National Law text.
 - 2 The Parliament of Queensland has enacted the *Heavy Vehicle National Law Amendment Act 2025* to, among other things, amend the Queensland Act and the Governor is satisfied that the amendments corresponding to the Queensland amendments set out in Part 2 of these regulations should be made to the South Australian Heavy Vehicle National Law text.
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Part 1—Preliminary**1—Short title**

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Amendment of Law) Regulations 2026*.

2—Commencement

These regulations come into operation on the day on which Part 3 of the *Heavy Vehicle National Law Amendment Act 2025* of Queensland comes into operation.

3—Interpretation

In these regulations—

Act means the *Heavy Vehicle National Law (South Australia) Act 2013*.

4—Amendment provision

Pursuant to section 5 of the Act, the *Heavy Vehicle National Law (South Australia)* is amended as specified in Part 2 of these regulations.

Part 2—Amendment of *Heavy Vehicle National Law (South Australia)*

5—Amendment of section 4—Regulatory framework to achieve object

Section 4(c)(v)—after "fatigued" insert:

or unfit to drive

6—Amendment of section 5—Definitions

- (1) Section 5, definitions of *AFM accreditation*, *AFM fatigue management system*, *AFM hours*, *AFM standards and business rules*—delete the definitions
- (2) Section 5—after the definition of *agricultural vehicle* 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;
- (3) Section 5, definitions of *approved*, *approved auditor*, *approved electronic recording system*—delete the definitions and substitute:

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;
- (4) Section 5—after the definition of *ATM* insert:

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);
- (5) Section 5, definitions of *BFM accreditation*, *BFM fatigue management system*, *BFM hours*, *BFM standards and business rules*—delete the definitions
- (6) Section 5, definition of *cancel*—delete the definition
- (7) Section 5—after the definition of *cause* insert:

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

- (8) Section 5, definition of ***class 2 heavy vehicle authorisation (permit)***—delete "section 143(2)" and substitute:
- section 143
- (9) Section 5, definition of ***daily sheet***—delete the definition
- (10) Section 5, definition of ***electronic recording system***—delete the definition and substitute:
- electronic recording system*** means a system of recording information electronically;
- (11) Section 5—after the definition of ***fatigue*** insert:
- fatigue alternative compliance accreditation*** means an alternative compliance accreditation granted in relation to a prescribed operations requirement relating to requirements under Chapter 6 Part 3 Division 2;
- Note—**
- The *Heavy Vehicle (Fatigue Management) National Regulation* prescribes the requirements under Chapter 6 Part 3 Division 2 of this Law as prescribed operations requirements.
- (12) Section 5, definition of ***fit***—delete the definition and substitute:
- fit***, for the purposes of Chapter 9 Part 3, has the meaning given by section 512A;
- (13) Section 5—after the definition of ***GCM*** insert:
- general safety accreditation*** means accreditation granted under section 458 that is not related to a prescribed operations requirement;
- (14) Section 5, definition of ***heavy vehicle accreditation***—delete the definition and substitute:
- heavy vehicle accreditation*** means—
- (a) general safety accreditation; or
- (b) alternative compliance accreditation;
- (15) Section 5, definition of ***impaired by fatigue***—delete "section 225" and substitute:
- section 225(1)
- (16) Section 5, definition of ***indictable offence***—after "section 26F" insert:
- and includes an offence mentioned in section 26D(1a) with the penalty mentioned in section 26F
- (17) Section 5, definitions of ***maintenance management accreditation***, ***maintenance management standards and business rules*** and ***maintenance management system***—delete the definitions
- (18) Section 5, definitions of ***mass management accreditation***, ***mass management standards and business rules*** and ***mass management system***—delete the definitions
- (19) Section 5, definition of ***mass or dimension exemption (permit)***—delete "section 122(3)" and substitute:
- section 122(1)

- (20) Section 5, definition of ***night rest break***, (a), note—delete "sections 248 and 303" and substitute:
- section 248
- (21) Section 5—after the definition of ***prescribed mass requirement*** insert:
- prescribed operations requirement*** has the meaning given by section 457;
- (22) Section 5, definition of ***registered industry code of practice***—delete the definition
- (23) Section 5, definition of ***relevant management system***—delete the definition
- (24) Section 5, definition of ***relevant standards and business rules***—delete the definition
- (25) Section 5—after the definition of ***safety duty*** insert:
- 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);
- (26) Section 5, definition of ***sign of fatigue***—delete the definition and substitute:
- sign of fatigue or being unfit to drive***, for the purposes of Chapter 6, has the meaning given by section 221;
- (27) Section 5—after the definition of ***speed limit*** insert:
- standard for alternative compliance hours*** means the standard for alternative compliance hours approved by the responsible Ministers under section 654(1)(c);
- (28) Section 5, definition of ***tamper***, paragraph (b)—delete paragraph (b)
- (29) Section 5, definition of ***twinsteer axle group***—delete the definition and substitute:
- twinsteer axle group*** means a group of 2 axles that meet the requirements prescribed for the purposes of this definition by the national regulations;
- (30) Section 5—after the definition of ***under*** insert:
- unfit to drive*** has the meaning given by section 225(2);
- (31) Section 5, definition of ***vehicle standards exemption (permit)***—delete "section 68(2)" and substitute:
- section 68
- (32) Section 5, definition of ***work and rest hours exemption (permit)***—delete "section 273(2)" and substitute:
- section 273
- (33) Section 5, definition of ***work diary exemption (permit)***—delete "section 363(2)" and substitute:
- section 363

7—Amendment of section 7—Meaning of fatigue-regulated heavy vehicle

Section 7—delete "12t" wherever occurring and substitute in each case:

the GVM prescribed by the national regulations

8—Amendment of section 22—Application for PBS design approval

Section 22(2)—delete subsection (2) and substitute:

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

9—Amendment of section 23—Application for PBS vehicle approval

Section 23(2)—delete subsection (2) and substitute:

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

10—Repeal of section 25A

Section 25A—delete the section

11—Amendment of section 26—National regulations

Section 26—after paragraph (d) insert:

and

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

12—Amendment of section 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—after subsection (1) 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)—delete "Subsection (1) does not" and substitute:

Subsections (1) and (1a) do not

13—Amendment of section 26E—Prohibited requests and contracts

- (1) Section 26E(1)(b)—delete paragraph (b) and substitute:

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

- (2) Section 26E(1)(d)—delete "fatigue-regulated heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue" and substitute:

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

- (3) Section 26E(1), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (4) Section 26E(2)(b)—delete paragraph (b) and substitute:
 - (b) to drive a heavy vehicle while impaired by fatigue or unfit to drive;
or
- (5) Section 26E(2)(d)—delete "fatigue-regulated heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue" and substitute:
heavy vehicle in breach of another law in order to avoid driving while
impaired by fatigue or unfit to drive
- (6) Section 26E(2), penalty provision—delete "\$10 000" and substitute:
\$20 000

14—Insertion of section 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, 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.

15—Amendment of section 60—Compliance with heavy vehicle standards

- (1) Section 60(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$6 000.
- (2) Section 60(2) to (5)—delete subsections (2) to (5) (inclusive) and substitute:
 - (2) Subsection (1) does not apply in circumstances prescribed by the national regulations.

16—Amendment of section 62—Restriction on grant of vehicle standards exemption (notice)

Section 62(1)—delete subsection (1) and substitute:

- (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.

17—Substitution of sections 68 to 80

Sections 68 to 80 (inclusive)—delete the sections and substitute:

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).

18—Amendment of section 81—Contravening condition of vehicle standards exemption

- (1) Section 81(1), penalty provision—delete "\$4 000" and substitute:
\$6 000
- (2) Section 81(2), penalty provision—delete "\$4 000" and substitute:
\$6 000
- (3) Section 81(3), penalty provision—delete "\$4 000" and substitute:
\$6 000

19—Repeal of section 83

Section 83—delete the section

20—Repeal of sections 85 to 87A

Sections 85 to 87A (inclusive)—delete the sections

21—Amendment of section 88—National regulations for heavy vehicle modification

Section 88—after its present contents (now to be designated as subsection (1)) 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.

22—Substitution of section 92

Section 92—delete the section and substitute:

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.

23—Amendment of section 96—Compliance with mass requirements

Section 96(5)—delete subsection (5) and substitute:

- (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.

24—Amendment of section 102—Compliance with dimension requirements

- (1) Section 102(1), penalty provision, (a)—delete "\$3 000" and substitute:
\$4 000
- (2) Section 102(1), penalty provision, (b)(i)—delete "\$3 000" and substitute:
\$4 000
- (3) Section 102(1), penalty provision, (b)(ii)—delete "\$5 000" and substitute:
\$6 000

25—Repeal of section 109

Section 109—delete the section

26—Substitution of sections 122 to 128

Sections 122 to 128 (inclusive)—delete the sections and substitute:

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).

- (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.

27—Repeal of section 133

Section 133—delete the section

28—Repeal of Chapter 4 Part 5 Division 5

Chapter 4 Part 5 Division 5—delete Division 5

29—Substitution of section 136

Section 136—delete the section and substitute:

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.

30—Substitution of sections 143 to 149

Sections 143 to 149 (inclusive)—delete the sections and substitute:

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).

31—Repeal of section 152

Section 152—delete the section

32—Amendment of section 153A—Using restricted access vehicle

- (1) Section 153A(2), definition of *restricted access vehicle*—delete the definition and substitute:

restricted access vehicle means a heavy vehicle that meets the requirements prescribed for the purposes of this definition by the national regulations;
- (2) Section 153A(2)—before the definition of *safer freight vehicle* insert:

safer freight combination means a combination that meets the requirements prescribed for the purposes of this definition by the national regulations;
- (3) Section 153A(2), definition of *specified semitrailer*—delete the definition and substitute:

specified semitrailer means a semitrailer that meets the requirements prescribed for the purposes of this definition by the national regulations.
- (4) Section 153A(3)(b)—delete paragraph (b) and substitute:

(b) a heavy vehicle that is prescribed as a specified PBS vehicle under a regulation made under section 136; or
- (5) Section 153A(3)(e)—delete paragraph (e) and substitute:

(e) a safer freight combination.

33—Repeal of Chapter 4 Part 7 Divisions 4 and 5

Chapter 4 Part 7 Divisions 4 and 5—delete Divisions 4 and 5

34—Amendment of section 186—False or misleading transport documentation for goods

- (1) Section 186(2), penalty provision—delete "\$10 000" and substitute:

\$20 000
- (2) Section 186(3), penalty provision—delete "\$10 000" and substitute:

\$20 000
- (3) Section 186(4), penalty provision—delete "\$10 000" and substitute:

\$20 000
- (4) Section 186(5), penalty provision—delete "\$10 000" and substitute:

\$20 000

35—Amendment of section 187—False or misleading information in container weight declaration

- (1) Section 187(2), penalty provision—delete "\$10 000" and substitute:

\$20 000
- (2) Section 187(3), penalty provision—delete "\$10 000" and substitute:

\$20 000

36—Amendment of heading to Chapter 6

Heading to Chapter 6—after "fatigue" insert:

and fitness to drive

37—Amendment of section 220—Main purpose of Chapter 6

- (1) Section 220(1)—delete "of drivers of fatigue-regulated heavy vehicles" and substitute:
and fitness to drive of drivers of heavy vehicles
- (2) Section 220(2)(a), (b) and (c)—delete paragraphs (a), (b) and (c) and substitute:
 - (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

38—Amendment of section 221—Definitions for Chapter 6

- (1) Section 221, definitions of *AFM fatigue management system*, *AFM hours*, *approved electronic recording system*, *approved sleeper berth*, *BFM hours* and *cancel*—delete the definitions and substitute:

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

- (2) Section 221, definition of *cause of fatigue*—delete the definition and substitute:

cause of fatigue or being unfit to drive means any factor that could cause or contribute to a person being fatigued or unfit to drive while driving a heavy vehicle on a road (whether or not the cause arises while the person is at work);

Examples—

- physical or mental exertion
 - long periods of time awake
 - not enough sleep or not enough restorative sleep
 - not enough rest time
 - a person's circadian rhythm (body clock)
 - environmental stress factors, including heat, noise, vibrations
 - personal health
- (3) Section 221, definitions of *daily sheet* and *electronic recording system*—delete the definitions
 - (4) Section 221, definitions of *fatigue* and *impaired by fatigue*—delete the definitions
 - (5) Section 221, definition of *night work time*, note—delete "sections 248 and 303" and substitute:

section 248

- (6) Section 221, definition of *sign of fatigue*—delete the definition and substitute:

sign of fatigue or being unfit to drive means any sign that a person was, is or will be fatigued or unfit to drive while driving a heavy vehicle on a road (whether the sign manifests itself before, during or after the driver drove the vehicle);

Examples—

- lack of alertness
- inability to concentrate
- reduced ability to recognise or respond to external stimuli
- poor judgment or memory
- making more mistakes than usual
- drowsiness, or falling asleep, at work (including microsleeps)
- finding it difficult to keep eyes open
- needing more frequent naps than usual
- not feeling refreshed after sleep
- excessive head-nodding or yawning
- blurred vision
- mood changes, increased irritability or other changes to the person's mental health
- changes to the person's health or fitness

- (7) Section 221, definition of *written work diary*—delete "section 340" and substitute:
section 293A

39—Substitution of heading to Chapter 6 Part 2

Heading to Chapter 6 Part 2—delete the heading to Part 2 and substitute:

Part 2—Duty to not drive while fatigued or unfit to drive

40—Repeal of heading to Chapter 6 Part 2 Division 1

Heading to Chapter 6 Part 2 Division 1—delete the heading to Division 1

41—Substitution of sections 224 and 225

Sections 224 and 225—delete the sections and substitute:

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.

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.

42—Amendment of section 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)—delete "fatigue-regulated heavy vehicle was impaired by fatigue" and substitute:
heavy vehicle was impaired by fatigue or unfit to drive
- (3) Section 226(1)(a)—delete "or sign of fatigue that was evident, and the degree to which it may indicate that the driver was impaired by fatigue" and substitute:
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" wherever occurring insert:
or unfit to drive

43—Repeal of heading to Chapter 6 Part 2 Division 2

Heading to Chapter 6 Part 2 Division 2—delete the heading to Division 2

44—Amendment of section 228—Duty of driver to avoid driving while fatigued

- (1) Section 228, heading—after "fatigued" insert:
or unfit to drive

(2) Section 228(1)—delete subsection (1) and substitute:

- (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: \$20 000.

45—Amendment of section 243—What is a driver's work and rest hours option

(1) Section 243(2)(a)(i)—delete "BFM accreditation, AFM accreditation" and substitute:
fatigue alternative compliance accreditation

(2) Section 243(2)(b) and (c)—delete paragraphs (b) and (c) and substitute:

- (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

46—Repeal of sections 246 and 246A

Sections 246 and 246A—delete the sections

47—Amendment of section 247—Time to be counted after rest time ends

(1) Section 247(a)—delete "a relevant major rest break" and substitute:
the longest major rest break required in a period under the driver's work and rest hours option

(2) Section 247, example—delete "the relevant major rest break" and substitute:
the longest major rest break

48—Amendment of section 249—Standard hours

Section 249(1)—delete "BFM accreditation, AFM accreditation" and substitute:
fatigue alternative compliance accreditation

49—Amendment of section 250—Operating under standard hours—solo drivers

Section 250(1), penalty provision, (a)—delete "\$4 000" and substitute:
\$3 000

50—Amendment of section 251—Operating under standard hours—two-up drivers

Section 251(1), penalty provision, (a)—delete "\$4 000" and substitute:
\$3 000

51—Substitution of Chapter 6 Part 3 Divisions 3 and 4

Chapter 6 Part 3 Divisions 3 and 4—delete Divisions 3 and 4 and substitute:

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

Maximum penalty:

- (a) for a minor risk breach—\$3 000; or
- (b) for a substantial risk breach—\$6 000; or
- (c) for a severe risk breach—\$10 000; or
- (d) for a critical risk breach—\$15 000.

52—Amendment of section 260—Operating under exemption hours

Section 260(1), penalty provision, (a)—delete "\$4 000" and substitute:

\$3 000

53—Amendment of section 263—Operating under new work and rest hours option after change

- (1) Section 263(1)(a)—delete "or BFM hours"
- (2) Section 263(1)(a), examples—delete the examples
- (3) Section 263(1)(b)—delete "AFM hours" and substitute:
alternative compliance hours

(4) Section 263(1)(c), example—delete the example

54—Amendment of section 264—Duty of employer, prime contractor, operator and scheduler to ensure driver compliance

Section 264(2), penalty provision—delete "\$6 000" and substitute:

\$10 000

55—Amendment of section 267—Restriction on grant of work and rest hours exemption (notice)

Section 267(1)(b)—delete "BFM hours or AFM hours—the requirements applying to BFM accreditation or AFM accreditation" and substitute:

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

56—Substitution of sections 273 to 285

Sections 273 to 285 (inclusive)—delete the sections and substitute:

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).

57—Amendment of section 287—Keeping relevant document while operating under work and rest hours exemption (notice)

(1) Section 287(2), penalty provision—delete "\$3 000" and substitute:

\$1 500

(2) Section 287(3), penalty provision—delete "\$3 000" and substitute:

\$1 500

58—Repeal of section 288

Section 288—delete the section

59—Amendment of section 291—Application of Subdivision 1

Section 291—delete "BFM hours, AFM hours" wherever occurring and substitute in each case:

alternative compliance hours

60—Amendment of section 293—Driver of fatigue-regulated heavy vehicle must carry work diary

Section 293(1), penalty provision—delete "\$6 000" and substitute:

\$10 000

61—Insertion of section 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.

62—Amendment of section 294—Purpose of and definition for Subdivision 2

Section 294(1)(b)—delete "BFM hours, AFM hours" and substitute:

alternative compliance hours

63—Amendment of section 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.

64—Amendment of section 297—Information required to be recorded immediately after starting work

Section 297(2), penalty provision—delete "\$6 000" and substitute:

\$4 000

65—Repeal of Chapter 6 Part 4 Division 2 Subdivision 3

Chapter 6 Part 4 Division 2 Subdivision 3—delete Subdivision 3

66—Amendment of section 307—Driver who is record keeper must notify Regulator if electronic work diary filled up etc

- (1) Section 307(2), penalty provision—delete "\$3 000" and substitute:

\$1 500

- (2) Section 307(3), penalty provision—delete "\$3 000" and substitute:

\$1 500

67—Repeal of section 308

Section 308—delete the section

68—Amendment of section 309—Driver must notify record keeper if electronic work diary filled up etc

Section 309(2), penalty provision—delete "\$3 000" and substitute:

\$1 500

69—Amendment of section 312—What record keeper must do if electronic work diary destroyed, lost or stolen

(1) Section 312(2), penalty provision—delete "\$6 000" and substitute:

\$3 000

(2) Section 312(3), penalty provision—delete "\$6 000" and substitute:

\$3 000

70—Amendment of section 314—How electronic work diary must be used

Section 314(2), penalty provision—delete "\$3 000" and substitute:

\$1 500

71—Amendment of section 315—Ensuring driver complies with Subdivisions 1 to 4

(1) Section 315, heading—delete "1 to 4" and substitute:

1, 2 and 4

(2) Section 315(1)—delete ", 3"

(3) Section 315(1), penalty provision—delete "\$6 000" and substitute:

\$10 000

72—Amendment of section 317—Who is a driver's record keeper

Section 317(a)—delete paragraph (a) and substitute:

- (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;

73—Amendment of heading to Chapter 6 Part 4 Division 3 Subdivision 3

Heading to Chapter 6 Part 4 Division 3 Subdivision 3—delete "or operating under BFM hours, AFM hours" and substitute:

, alternative compliance hours

74—Amendment of section 320—Application of Subdivision 3

Section 320(b)—delete "BFM hours, AFM hours" and substitute:

alternative compliance hours

75—Amendment of section 321—Records record keeper must have

- (1) Section 321(3)—delete "BFM hours or AFM hours" and substitute:

alternative compliance hours

- (2) Section 321(3)(a)—delete "BFM accreditation or AFM accreditation" and substitute:

fatigue alternative compliance accreditation

- (3) Section 321(3)(b)—delete "BFM standards and business rules or AFM standards and business rules" and substitute:

safety management system standard

- (4) Section 321(3), note—delete "BFM accreditation or AFM accreditation" and substitute:

fatigue alternative compliance accreditation

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

76—Amendment of section 325—False or misleading entries

Section 325(1), penalty provision—delete "\$10 000" and substitute:

\$20 000

77—Amendment of section 326—When possessing, or recording information in, more than 1 work diary relating to the same period is prohibited

Section 326(1)—delete "on a daily sheet"

78—Amendment of section 327—Possession of purported work records etc prohibited

Section 327, penalty provision—delete "\$10 000" and substitute:

\$20 000

79—Amendment of section 328—False representation about work records prohibited

Section 328, penalty provision—delete "\$10 000" and substitute:

\$20 000

80—Amendment of section 329—Defacing or changing work records etc prohibited

Section 329, penalty provision—delete "\$10 000" and substitute:

\$20 000

81—Amendment of section 330—Making entries in someone else's work records prohibited

Section 330(1), penalty provision—delete "\$10 000" and substitute:

\$20 000

82—Amendment of section 331—Destruction of particular work records prohibited

Section 331, penalty provision—delete "\$10 000" and substitute:

\$20 000

83—Amendment of section 332—Offence to remove pages from written work diary

(1) Section 332—delete "daily" wherever occurring

(2) Section 332, penalty provision—delete "\$10 000" and substitute:

\$20 000

84—Amendment of section 335—Person must not tamper with approved electronic recording system

Section 335(1), penalty provision—delete "\$10 000" and substitute:

\$20 000

85—Amendment of section 336—Person using approved electronic recording system must not permit tampering with it

Section 336(1), penalty provision—delete "\$10 000" and substitute:

\$20 000

86—Repeal of Chapter 6 Part 4 Division 6

Chapter 6 Part 4 Division 6—delete Division 6

87—Amendment of section 341—Period for which, and way in which, records must be kept

(1) Section 341(2), penalty provision—delete "\$6 000" and substitute:

\$4 000

(2) Section 341(5), penalty provision—delete "\$6 000" and substitute:

\$4 000

88—Amendment of section 351—Amendment or cancellation of approval on application

(1) Section 351(2)(c) and (d)—delete paragraphs (c) and (d) and substitute:

(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)—delete subsection (6) and substitute:

- (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.

89—Amendment of section 358—Restriction on grant of work diary exemption (notice)

Section 358(1)(b)(ii)—after "fatigue" insert:

or unfit to drive

90—Substitution of sections 363 to 374

Sections 363 to 374 (inclusive)—delete the sections and substitute:

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 Subdivision 1 to Subdivision 5 of Division 2 for a stated period.

Note—

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

91—Repeal of section 377

Section 377—delete the section

92—Substitution of sections 383 to 393

Sections 383 to 393 (inclusive)—delete the sections and substitute:

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).

93—Amendment of section 456—Purpose of Chapter 8

Section 456—after "implement" insert:

safety

94—Substitution of section 457

Section 457—delete the section and substitute:

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 Chapter 4 Part 2 or requirements for driver fatigue under Chapter 6 Part 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.

95—Amendment of section 458—Regulator's power to grant heavy vehicle accreditation

Section 458—after its present contents (now to be designated as subsection (1)) insert:

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

96—Amendment of section 459—Application for heavy vehicle accreditation

Section 459(2)(b)(i) to (iii) (inclusive)—delete subparagraphs (i) to (iii) and substitute:

- (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;

97—Substitution of section 461

Section 461—delete the section and substitute:

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 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.

98—Amendment of section 462—Conditions of heavy vehicle accreditation

- (1) Section 462(1)—delete "comply with the relevant standards and business rules" and substitute:

have a safety management system that complies with the safety management system standard
- (2) Section 462(2)(b)—delete "relevant" and substitute:

safety
- (3) Section 462(2)—after paragraph (c) insert:

and

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

99—Amendment of section 464—Accreditation certificate for heavy vehicle accreditation etc

- (1) Section 464(2)(d)—delete paragraph (d) and substitute:
 - (d) for a fatigue alternative compliance accreditation—the alternative compliance hours that apply under the accreditation;
- (2) Section 464(3), definition of *prescribed circumstances*, (c)—delete paragraph (c) and substitute:
 - (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.

100—Repeal of section 466

Section 466—delete the section

101—Amendment of section 467—Compliance with conditions of BFM accreditation or AFM accreditation

- (1) Section 467, heading—delete "BFM accreditation or AFM accreditation" and substitute:

heavy vehicle accreditation
- (2) Section 467—delete "BFM accreditation or AFM accreditation" and substitute:

heavy vehicle accreditation

102—Amendment of section 468—Driver operating under BFM accreditation or AFM accreditation must carry accreditation details

- (1) Section 468, heading—delete "BFM accreditation or AFM accreditation" and substitute:

heavy vehicle accreditation
- (2) Section 468(1)—delete "BFM accreditation or AFM accreditation" and substitute:

heavy vehicle accreditation
- (3) Section 468(1)(b)(ii)—delete "relevant" and substitute:

safety
- (4) Section 468(1)(c)—delete paragraph (c) (including the example) and substitute:
 - (c) for a driver operating under an alternative compliance accreditation—a document containing the information prescribed by the national regulations.

103—Repeal of section 469

Section 469—delete the section

104—Amendment of section 470—General requirements applying to operator with heavy vehicle accreditation

- (1) Section 470(2)—delete "If the accreditation is BFM accreditation or AFM accreditation, the operator" and substitute:

The operator
- (2) Section 470(2)(a)—delete "relevant" and substitute:

safety
- (3) Section 470(3)—delete subsection (3) and substitute:
 - (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: \$6 000.
- (4) Section 470(4)(b) and (c)—delete paragraphs (b) and (c) and substitute:
 - (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)—delete "subsection (4)(b) or (c)" and substitute:

subsection (4)
- (6) Section 470(7)(a)—delete "subsection (4)(b)(i) or (c)" and substitute:

subsection (4)(c) or (d)
- (7) Section 470(9)(a)—delete "or 476"
- (8) Section 470(9), note—delete the note

105—Amendment of section 471—Operator must give notice of amendment, suspension or ending of heavy vehicle accreditation

- (1) Section 471(2), penalty provision—delete "\$6 000" and substitute:

\$10 000
- (2) Section 471(3)—delete subsection (3)

106—Amendment of section 472—Amendment or cancellation of heavy vehicle accreditation on application

- (1) Section 472(2)(c) and (d)—delete paragraphs (c) and (d) and substitute:
 - (c) if the application is for an amendment—state clearly the amendment sought and the reasons for the amendment.

(2) Section 472(6)—delete subsection (6) and substitute:

- (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.

107—Amendment of section 473—Amendment, suspension or cancellation of heavy vehicle accreditation on Regulator's initiative

Section 473(1)(e) and (f)—delete paragraphs (e) and (f) and substitute:

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

108—Amendment of section 474—Immediate suspension of heavy vehicle accreditation

Section 474(1)(b)—delete "serious harm to public safety" and substitute:
a serious public risk

109—Repeal of sections 476 and 477

Sections 476 and 477—delete the sections

110—Amendment of section 478—Offences relating to auditors

- (1) Section 478—delete "relevant" wherever occurring and substitute in each case:
safety
- (2) Section 478(1), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (3) Section 478(2)—after "class" insert:
, as specified in the audit standard
- (4) Section 478(2), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (5) Section 478(3), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (6) Section 478(4), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (7) Section 478(5)—delete subsection (5)

111—Insertion of section 512A

After section 512 insert:

512A—Definition for Chapter 9 Part 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.

112—Amendment of section 517—Direction to move heavy vehicle if causing harm etc

Section 517(4), penalty provision—delete "\$6 000" and substitute:

\$10 000

113—Amendment of section 522—Power to order presentation of heavy vehicles for inspection

Section 522(5), penalty provision—delete "\$6 000" and substitute:

\$10 000

114—Amendment of section 524—Direction to leave heavy vehicle

Section 524(5), penalty provision—delete "\$6 000" and substitute:

\$10 000

115—Substitution of heading to Chapter 9 Part 3 Division 8

Heading to Chapter 9 Part 3 Division 8—delete the heading to Division 8 and substitute:

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

116—Amendment of section 537—Application of Division 8

Section 537—delete "fatigue-regulated"

117—Amendment of section 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)—delete "fatigue-regulated heavy vehicle is impaired by fatigue" and substitute:
heavy vehicle is impaired by fatigue or unfit to drive
- (3) Section 540(2)(b)—delete "fatigue-regulated"
- (4) Section 540(4)—after "subsection (2)(a)" insert:
in relation to a fatigue-regulated heavy vehicle
- (5) Section 540(5)—delete "fatigue-regulated" wherever occurring
- (6) Section 540(6)—after "fatigue" insert:
or unfit to drive

118—Amendment of section 573—Contravention of improvement notice

- (1) Section 573(1), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (2) Section 573(3)—delete subsection (3)

119—Amendment of section 576C—Compliance with prohibition notice

Section 576C, penalty provision—delete "\$10 000" and substitute:
\$20 000

120—Amendment of section 590—Formal warning

- (1) Section 590(1)(b)—delete paragraph (b)
- (2) Section 590(3)—after paragraph (b) insert:
or
(c) a contravention of the safety duty imposed under section 26C.

121—Amendment of section 632A—Using code of practice in proceeding

Section 632A(2)—delete "registered industry code of practice" and substitute:
code of practice issued by the Regulator under section 705

122—Insertion of section 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.

123—Amendment of section 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,

124—Amendment of section 637—Treatment of unincorporated partnerships

Section 637(4)—after "Schedule 4" insert:

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

125—Amendment of section 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,

126—Insertion of heading to Chapter 12 Part 1 Division 1

Before section 651 insert:

Division 1—Directions to Regulator

127—Substitution of section 651

Section 651—delete the section and substitute:

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.
- (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.

128—Insertion of heading to Chapter 12 Part 1 Division 2

Before section 652 insert:

Division 2—Other provisions

129—Amendment of section 653—Approved guidelines for exemptions, authorisations, permits and other authorities

- (1) Section 653, heading—delete "authorities" and substitute:
matters
- (2) Section 653(1)(l)(iv) and (v)—delete subparagraphs (iv) and (v) and substitute:
(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.

130—Amendment of section 654—Other approvals

Section 654(1)—delete subsection (1) and substitute:

- (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.

131—Insertion of section 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 the Regulator's functions.
- (2) The Regulator must exercise its functions in accordance with any statement of expectations.

132—Amendment of section 663—Membership of Board

- (1) Section 663(1)—delete "5 members" and substitute:
at least 5, but no more than 7, members
- (2) Section 663(2)—delete subsection (2) and substitute:
- (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.

133—Amendment of section 665—Terms of office of members

Section 665(2)—delete subsection (2) and substitute:

- (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.

134—Amendment of section 667—Vacancy in office of member

Section 667(2)—delete subsection (2) and substitute:

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

135—Amendment of section 695—Corporate plans

- (1) Section 695(1)—delete "and give to the responsible Ministers for approval by the Ministers"
- (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.

136—Amendment of section 696—Application of particular Queensland Acts to this Law

Section 696(1)(b)—delete paragraph (b) and substitute:

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

137—Amendment of section 701—False or misleading statements

- (1) Section 701(1), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (2) Section 701(2), penalty provision—delete "\$8 000" and substitute:
\$15 000

138—Amendment of section 702—False or misleading documents

- (1) Section 702(1), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (2) Section 702(3), penalty provision—delete "\$8 000" and substitute:
\$15 000

139—Amendment of section 703—False or misleading information given by responsible person to another responsible person

- (1) Section 703(1), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (2) Section 703(2), penalty provision—delete "\$8 000" and substitute:
\$15 000

140—Amendment of section 704—Offence to falsely represent that heavy vehicle authority is held etc

- (1) Section 704(1), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (2) Section 704(2), penalty provision—delete "\$10 000" and substitute:
\$20 000
- (3) Section 704(3), penalty provision—delete "\$10 000" and substitute:
\$20 000

141—Substitution of Chapter 13 Part 2

Chapter 13 Part 2—delete Part 2 and substitute:

Part 2—Codes of Practice

705—Regulator may issue codes of practice

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

142—Amendment of section 711—Evidence by certificate by Regulator generally

Section 711(1)(n)—delete paragraph (n)

143—Amendment of section 727—Definitions for Chapter 13 Part 4

Section 727(1), definition of *driver fatigue provision*, (b)—delete "BFM accreditation or AFM accreditation" and substitute:

fatigue alternative compliance accreditation

144—Insertion of section 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.

145—Repeal of section 751

Section 751—delete the section

146—Insertion of Chapter 14 Part 5

After Chapter 14 Part 4 insert:

Part 5—Heavy Vehicle National Law Amendment Act 2025 (Queensland)

760—Definition for Chapter 14 Part 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 *Heavy Vehicle National Law (South Australia) (Amendment of Law) Regulations 2026* pursuant to 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 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 *Heavy Vehicle National Law (South Australia) (Amendment of Law) Regulations 2026* pursuant to the amendment Act, does not apply to a person who, on the commencement of the amendment Act, is a member of the Board.

147—Amendment of Schedule 2—Subject matter for conditions of mass or dimension authorities

Schedule 2—delete "sections 119, 125 and 146" and substitute:

section 119

148—Amendment of Schedule 3—Reviewable decisions

- (1) Schedule 3, Part 1, table, second item relating to section 68—delete the item
- (2) Schedule 3, Part 1, table, items relating to sections 71, 75, 76, 77 and 80—delete the items
- (3) Schedule 3, Part 1, table, second item relating to section 122—delete the item
- (4) Schedule 3, Part 1, table, item relating to section 125—delete the item
- (5) Schedule 3, Part 1, table, second item relating to section 143—delete the item
- (6) Schedule 3, Part 1, table, items relating to sections 146, 176, 177, 179 and 182—delete the items
- (7) Schedule 3, Part 1, table, fourth item relating to section 273—delete the item
- (8) Schedule 3, Part 1, table, items relating to sections 276, 280, 281, 282 and 285—delete the items
- (9) Schedule 3, Part 1, table, second item relating to section 363—delete the item
- (10) Schedule 3, Part 1, table, items relating to sections 366, 370, 371 and 374—delete the items
- (11) Schedule 3, Part 1, table, items relating to section 383—delete the items and substitute:

section 383

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

- (12) Schedule 3, Part 1, table, items relating to sections 385, 387, 388, 389, 390 and 393—delete the items

- (13) Schedule 3, Part 1, table, third item relating to section 458—delete the item and substitute:

section 458

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

- (14) Schedule 3, Part 1, table, item relating to section 477—delete the item
(15) Schedule 3, Part 3, table, item relating to section 178—delete the item

149—Amendment of Schedule 4—Liability provisions

- (1) Schedule 4, table—before the item relating to section 26E insert:

18

18(1), 18(2)

22

22(1)

- (2) Schedule 4, table, item relating to section 79—delete the item
(3) Schedule 4, table, items relating to sections 85 and 87A—delete the items
(4) Schedule 4, table, item relating to section 181—delete the item
(5) Schedule 4, table, item relating to section 284—delete the item
(6) Schedule 4, table, item relating to section 373—delete the item
(7) Schedule 4, table, item relating to section 476—delete the item

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 16 July 2026

No 50 of 2026