



29 November 2023

Heavy Vehicle National Law Review Team  
C/- National Transport Commission  
E - [hvnlteam@ntc.gov.au](mailto:hvnlteam@ntc.gov.au)

To whom it may concern,

**Re: Queensland feedback to the Heavy Vehicle National Law Review**

Thank you for the opportunity to provide a submission on the review of the *Consultation Regulation Impact Statement for Heavy Vehicle National Law (HVNL Review)*.

QTLC is a cooperative industry and Government advisory body that provides advice to industry stakeholders on the development, planning, regulation and operation of freight and logistics transport, infrastructure, and services in Queensland. The Council works across all freight modes road, rail, and sea to identify freight solutions for the whole Queensland supply chain.

QTLC have provided a response to the questions posed by the Regulation Impact Statement in the following pages. We look forward to the outcomes of the review and playing an ongoing role in improving supply chain safety, efficiency and sustainability.

If you have any questions regarding this submission, please contact me via email [lauren@qtlc.com.au](mailto:lauren@qtlc.com.au) or call 04211 23802.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lauren', written over a light blue horizontal line.

Lauren Hewitt

CEO

**Responses to Questions Posed in the Discussion Paper**

Section	Q	Comment
Fatigue Management	8 – Are there any additional impacts you think should be considered? If so, why?	<p>QTLC has been approached by operators as to whether Qld HVNL regulation would consider allowing a driver to log a 15 minute rest break if the vehicle was sitting in a park, engine running, driver behind a wheel. This is an occurrence particularly in queuing/waiting situations where drivers don't need to concentrate on moving forward or doing any other work-related tasks.</p> <p>Currently, under HVNL, 'work' is defined as sitting behind the wheel whilst the vehicle is running; and 'rest' was everything other than work.</p> <p>The issue was raised and discussed at a Port of Brisbane Landside Logistics Forum in September by operators and it was learnt there that there is recent regulatory guidance from the NHVR applying to drivers of concrete agitators who remain in the cab of their truck, in the driver's seat with the engine running (to power the Power Transfer Outlet (PTO) to keep the agitator spinning), but are not involved in the concrete loading or unloading process.</p> <p>Clearly, if the driver is in an environment such as a container terminal awaiting loading by a straddle carrier, automated stacking crane or other form of container handling equipment, and is out of the cab of the truck, they are still "working" because they need to remain vigilant to the loading / unloading process and the interaction of the machine with their heavy vehicle combination.</p> <p>However, if they are in a "rest area" (i.e. a Truck Marshalling Area or the like), and are stationary for longer than 15 minutes, they should be able to record that period as "rest" for the purposes of calculating their statutory maximum working hours in a 24 hour period in accordance with the Heavy Vehicle National Law (HVNL).</p> <p>The majority of container transport drivers would not be using formal Work Diaries to record "work" and "rest" as the task is predominately an urban freight task where drivers are operating less than 100 km from their base. Instead,</p>

		<p>“work” and “rest” should be being recorded on “run sheets” and other forms of records that are still required to be kept under the HVNL, and able to be produced to an authorised enforcement officer.</p> <p>A 15 minute break in this manner was common practice amongst drivers decades ago and has particular relevance to drivers of non-sleeper (day) cabs as they don’t have requisite sleeper berths in which to take a break. These cabs are universal with agitators and also often container trucks. Further, as many drivers keep their cab closed in these environments to prevent dust ingress, maintain temperatures and limit noise, this proposal has broad safety benefits.</p> <p>Based on the above, QTLC supports:</p> <ul style="list-style-type: none"> <li>- The development of this proposal in a manner that is enforceable at law, but if adopted should not be so onerously developed and codified such that it is of little use to operators;</li> <li>- Adopted in a manner that has a wider application - HVNL - so that it is of benefit to all of industry</li> </ul>
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