



## AgForce Queensland Farmers Limited

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Ref: RT/SF/MG

21 November 2024

National Transport Commission  
Level 3, 600 Bourke Street  
Melbourne VIC 3000

By email: [HVNLteam@ntc.gov.au](mailto:HVNLteam@ntc.gov.au)

Dear HVNL Team,

### **RE: Draft Heavy Vehicle National Law Amendment Bill and Regulations**

AgForce is a peak organisation representing Queensland's cane, cattle, grain and sheep, wool & goat producers. The cane, beef, broadacre cropping and sheep, wool & goat industries in Queensland generated around \$10.4 billion in on-farm value of production in 2021-22. AgForce is the leading voice for Queensland producers and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,000 farmers, individuals and businesses provide support to AgForce through membership. Our members own and manage around 55 million hectares, or a third of the state's land area. Queensland producers provide high-quality food and fibre to Australian and overseas consumers, contribute significantly to the social fabric of regional, rural and remote communities, as well as deliver stewardship of the state's natural environment.

We thank the National Transport Commission (NTC) for the opportunity to provide feedback to the Draft Heavy Vehicle National Law (HVNL) Amendment Bill 2024 and Heavy Vehicle National Amendment Regulations 2024. This submission should be read in conjunction with our submission to the NTC on 8 December 2023; the HVNL Reform – Consultation Regulation Impact Statement (C-RIS).<sup>1</sup>

AgForce has a strong membership base of primary producers, many of which are owner operators or conduct business as contractors. Agricultural transport is integral to supply chains and road network productivity and accounts for up to 40 percent of agricultural operating costs. There are not many aspects of agriculture that don't intersect with heavy vehicle use and therefore AgForce takes a keen interest in the proposed amendments and regulation changes.

We have contributed feedback to the amendment bill over several years with the scope narrowing significantly as review(s) progressed. The drawn-out review process has reduced meaningful consultation and caused subject fatigue.

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<sup>1</sup> <https://www.agforceqld.org.au/knowledgebase/article/AGF-01908/>

AgForce would like to see feedback to consultations pertaining to road conditions, rest areas and streamlining heavy vehicle access, considered, as per the original scope of reviews.

AgForce feels this review is bogged down in the weeds, despite significant headwinds facing agricultural supply chains and finding efficiencies to keep agriculture competitive in an international market. We also call for Road Managers to be considered in the Chain of Responsibility. Road Managers should be accountable for providing reasonable conditions for people to operate in. Safer roads mean safer outcomes.

AgForce supports the following suggested changes:

- Increasing heavy vehicle length from 19m to 20m
- Increasing heavy vehicle height from 4.3m to 4.6m
- Increasing general mass limits (GML) to current concessional mass limits (CML) and removing CML from the law.

In principle, AgForce supports expanding the driver duty to not drive fatigued and to include the caveat not to drive if unfit for other reasons. We strongly encourage further industry engagement to develop the definition of “unfit” as this could have broad unintended consequences to an industry that is already suffering driver shortages, should the definition overstep its intent. There is already an existing process where medical specialists declare drivers unfit. Greater clarity as to how this medical process will intersect with the HVNL definitions would be required.

AgForce is and will continue to be, a great advocate for farm safety and safety across the entire rural sector, however we do hold reservations in how safety management systems are regulated and enforced. As we witness often in agriculture, rules and laws do not change safety culture. In this instance we can see potential issues with requiring a safety management system to become an accredited operator. Adding red tape and administrative burden is unlikely to deliver safer outcomes. Making this a requirement will remove the focus of operating safely to making sure you have paperwork.

AgForce recommends agreed policy be developed by industry for industry in consultation with the Regulator and other impacted parties, i.e., agriculture. AgForce provides in general support to amendment of section 651 (A to D), 653, 654 of HVNL 2012, “power to approve”, where the policy has been developed in conjunction with industry.

AgForce does not support an extension of ministerial powers to appoint an accreditation scheme, audit standard or a safety management system that has not been developed by industry and tested.

Agricultural heavy vehicle users find keeping up with changes to laws and regulations, costly and difficult without having government Ministers affect influence on appointments of standards, systems or conditions that impact code of practice and industry best practice that has been developed over many years through acquired knowledge and experience. Therefore, AgForce is opposed to the omission of section 751, and recommends the continued use of minimum code of practice expiry “3 years after the commencement day”.<sup>2</sup>

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<sup>2</sup> [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/qld/consol\\_act/hvnl326/s751.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/qld/consol_act/hvnl326/s751.html)

Codes of Practice emerged to provide a set of rules and minimum standards that are developed by industry, for industry and enforceable through legislation, which make them effective. In Queensland, approved Codes of Practice's (CoP) can be used to prosecute against, unlike other states.

It is counterintuitive for the regulator or Ministers to be suggesting how codes of practice are developed at the same time as enforcing those operations. This could have unintended consequences if industry involvement is removed from the process as appropriate checks and balances need to be in place to ensure a harmonious industry.

AgForce recommends keeping CoP within the responsibility of the industry, with adequate consultation, beyond the 28 days proposed in the draft NHVL amendment bill (section 705).

AgForce response to penalties is we promote, "no producers to be worse off", and acknowledge the consultation with the Heavy Vehicle Regulator to reduce the penalty value for low-risk infringements and respect the decision to increase penalties that have substantial impacts on safe operations.

AgForce reiterates that a one size fits all approach to heavy vehicle operations does not work across the entire heavy vehicle industry. There is a vast difference between commercial fleet operators and our single use heavy vehicle drivers that tend to dominate in agriculture. We will continue to advocate to remove unnecessary compliance burdens and reduce supply chain efficiencies and road access for agriculture.

We look forward to future collaboration with the industry and should you have any questions pertaining to this submission, please contact Ruth Thompson, Grains Policy Director on 0427 472 467 or via email [thompsonr@agforceqld.org.au](mailto:thompsonr@agforceqld.org.au).

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'M Guerin', written in a cursive style.

Mr Mike Guerin  
Chief Executive Officer