

19 January 2016

The Hon Warren Truss MP
Deputy Prime Minister;
Minister for Infrastructure & Regional Development
Parliament House
Canberra ACT 2600

Mandatory Use of Telematics in Heavy Vehicles

Dear Minister Truss

The Australian Logistics Council (**ALC**) requests the Transport and Infrastructure Council to put in place the regulatory and administrative steps necessary to advance and support the mandatory use of telematics in heavy vehicles to achieve enhanced efficiency, safety and compliance outcomes.

ALC has long argued that it should be mandatory for heavy vehicles to carry telematics devices so that data relating to speed and fatigue offences are available for use by both businesses and enforcement agencies. This data can therefore be used to manage obligations imposed under the Chain of Responsibility provisions of the *Heavy Vehicle National Law*.

In a letter dated 31 October 2014 addressed to members of the Transport and Infrastructure Council, ALC said:

In 2010, ALC members Toll, Linfox and Asciano wrote to the National Transport Commission arguing that the existing chain of responsibility (CoR) legislation provides a sound basis for improving road safety for both heavy vehicle drivers and those who share the roads with them.

However, increased company monitoring of fatigue management and speed is required to improve compliance.

ALC has accordingly advocated that technology which 'date stamps' the time and location of events, generally through data taken from the Engine Management System (ECM) of the vehicle, which is transmitted through the General Packet Radio Services (GPRS) network for processing by the road operator, should be made mandatory. This is because it provides the most convenient mechanism through which operators can maintain the safe operation of the fleet and ensure that chain of responsibility obligations are discharged.

Whilst this information may not be able to be used for a regulatory purpose (such as proving beyond reasonable doubt that a particular heavy vehicle was breaking the speed limit at a particular place at a particular time), it is probably (in conjunction with other information such as rosters and safe driving plans) the best way of illustrating that an operator has taken all reasonable steps to ensure that Chain of Responsibility obligations are being met.

It is well known that Part 6.1 of the NSW Roads Act 2013 effectively requires heavy vehicles to carry analogue tachographs.

This is now outdated technology – indeed some of the standards incorporated into the law have been repealed as obsolete.

Given the need for NSW (the largest jurisdiction participating in the national scheme) to amend its law, ALC believes that the time is now appropriate for the National Regulator to take the lead in encouraging nationally consistent legislation (i.e. the HVNL) to make mandatory the requirement to capture data that will facilitate the management and auditing of safety performance.

Over time, ALC has worked within the National Transport Commission structure to encourage development of a suitable amendment to the *Heavy Vehicle National Law* to encourage an appropriate change to legislation.

It is becoming increasingly apparent that telematics also has an important role to play in any new road funding mechanism that may be designed.

In a Ministerial Statement made on 2 December 2015, the Hon Paul Fletcher MP, Minister for Territories, Local Government and Major Projects, announced the Government will accelerate work with states and territories on heavy vehicle road reform and investigate the benefits, costs and potential next steps of options to introduce cost reflective road pricing for all vehicles.

This was in response to Recommendation 3 of the Competition Policy Review, which called for cost-reflective road pricing with the aid of new technologies, with pricing subject to independent oversight and revenues used for road construction, maintenance and safety.

As Minister Fletcher said in the Statement:

A third factor is that, until relatively recently, it was a complex task to determine the number of kilometres a vehicle had travelled, and to levy a suitable charge. Advances in technology now make it much easier and cheaper to determine this, for example through the use of GPS-based telematics devices in a vehicle which capture data and report it over a network.

This can be data not just about distance travelled, but also on other variables such as fuel usage, the vehicle's weight, the particular route travelled and so on - which for example could potentially allow for different rates to be charged for roads of different quality standards. Of course it will be important to maintain confidentiality and privacy safeguards and this is an issue that will need to be worked through very carefully.

ALC harbours concerns that as telematics technology becomes more dynamic and cheaper, different jurisdictional regulators will require heavy vehicles to use multiple pieces of hardware prescribed by particular laws to capture data fields that may be identical to information required by other regulators.

As an example, section 144AC of the *Protection of the Environment Operations Act 1997* (NSW) allows the NSW Environmental Protection Authority to require certain operators transporting waste to carry specific approved GPS tracking devices.

It would now appear that telematics will need to be carried for road pricing purposes, with heavy vehicles being the first class of vehicle subject to any new pricing regime sooner rather than later.

Given this, ALC believes that legislation should be developed immediately that focusses on the development of open standards and a systems platform approach, consistent with international

standards, without the overriding concern to ensure the collection of data to 'evidentiary standards' rather than prescribing particular pieces of hardware.¹³

It is essential that all Australian jurisdictions who wish to obtain data permit the use of hardware compliant with such nationally consistent standards.

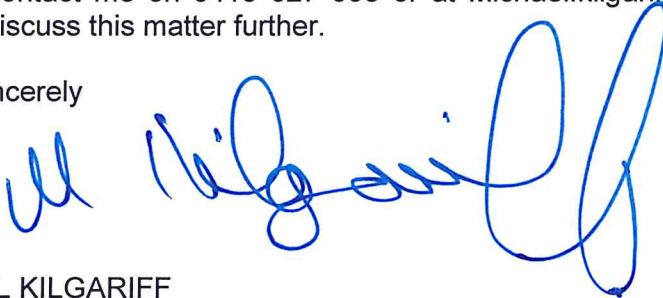
ALC therefore believes that TIC, at its May 2016 meeting, should:

1. Authorise the immediate development of an amendment to the *Heavy Vehicle National Law*, which would require a heavy vehicle to carry equipment meeting systems standards as may be prescribed in the National Regulations that is capable of capturing data as prescribed in the Regulations.
2. Establish a working group with appropriate expertise to identify the standards and system platforms necessary for the collection of data for regulatory and business management purposes.

These regulatory and administrative steps should be taken with a view to the new laws commencing at the same time as the proposed amendments to the law relating to the Chain of Responsibility.

Please contact me on 0418 627 995 or at Michael.kilgariff@austlogistics.com.au should you wish to discuss this matter further.

Yours sincerely



MICHAEL KILGARIFF
Managing Director

¹³ A particular concern of some enforcement agencies