



## NSW Legislative Council Hansard

### Road Transport (General) Amendment (Intelligent Access Program) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 25 October 2006.

#### Second Reading

**The Hon. ERIC ROOZENDAAL** (Minister for Roads) [11.02 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

#### Leave granted.

The purpose of this bill is to improve access to the road network for the road transport industry, while maintaining the road safety and asset management requirements of the community and Government.

This bill gives effect to the national Intelligent Access Program in New South Wales, to complement the national compliance and enforcement model legislation—adopted in New South Wales via the *Road Transport (General) Act 2005*.

The Bill incorporates the provisions of the National Transport Commission's *national Bill for the Road Transport (Intelligent Access Program) Act 2005*, approved by the Australian Transport Council in December 2005.

The Intelligent Access Program is voluntary and provides the technical, legal, administrative and commercial framework to allow road authorities to use technology, such as Global Positioning Systems, to monitor heavy vehicles for compliance and enforcement purposes, while offering productivity benefits to the trucking industry.

The introduction of the Intelligent Access Program will provide substantial benefits to the trucking industry, as well as the community.

In particular, it will improve the New South Wales economy by enabling significant access to major freight routes by higher mass limit vehicles and more efficient access to key freight facilities such as mines, ports and intermodal terminals, as well as distribution and warehousing centres.

The program will deliver improved public amenity with fewer truck trips, reduced exhaust emissions, diminished exposure to noise and fewer trucks on the road.

The Intelligent Access Program will deliver improved asset management by restricting higher mass limit vehicles to approved routes, where the infrastructure can sustain the heavier axle loads.

The national *Bill for the Road Transport (Intelligent Access Program) Act 2005* was developed by the National Transport Commission with the assistance of the national Legislative Advisory Panel.

The panel included representatives from the Commonwealth Department of Transport and Regional Services, NSW Police, Victoria Police, the Australian Trucking Association, the New South Wales Road Transport Association and the Victorian Transport Association.

The bill contains several key elements.

It provides the legal authority to the Roads and Traffic Authority (RTA) to issue access conditions for heavy vehicles in New South Wales.

The New South Wales Government will be able to determine productivity benefits that can be offered to the trucking industry, in return for increased standards of compliance assurance made possible by the use of vehicle monitoring technology.

The bill establishes the process for certification of Intelligent Access Program service providers, that will provide vehicle monitoring services to trucking companies and Non-Compliance Reports to the RTA, for follow-up action of any breaches of the law.

Intelligent Access Program Service Providers will be private-sector companies, providing vehicle monitoring services to the trucking companies on a fee-for-service basis.

In order to certify Service Providers, State and Territory Governments have co-operated to establish Transport

Certification Australia Limited, or TCA.

The Bill recognises TCA's role as the sole certifier and auditor of Service Providers, and the manager of the certification and auditing regime for the Intelligent Access Program.

TCA will also be able to cancel the certification of a service provider that does not meet its service provision obligations, and is obliged to advise the RTA if service providers are not meeting their obligations.

This bill provides significant safeguards to protect the privacy and personal information of road transport operators.

The legislation compliments the privacy protections provided by the *NSW Privacy and Personal Information Protection Act 1998*, to cover parties in addition to the New South Wales Government. That is, Service Providers, Transport Certification Australia Limited, Intelligent Access Program auditors, and transport companies.

These parties may be either handling personal information or be responsible for advising employees that personal information is being collected. The new regulations place obligations on these parties and contain significant penalties for failing to meet those obligations.

To provide consistency with New South Wales privacy principles and practices, the national model legislation has been amended to place a clearer obligation on transport operators to advise drivers that their truck is being monitored.

Provision has also been made for a review mechanism for individuals who may have lodged a complaint with the holder of their personal information. These amendments include penalties for parties that fail to comply with a direction from the RTA or TCA to take the required corrective action.

The national model legislation has also been amended to ensure consistency with the *NSW Workplace Surveillance Act* as far as possible.

The New South Wales legislation provides that information gathered under the Intelligent Access Program, when a heavy vehicle is used while the driver is not at work, cannot be used by the vehicle operator for any purpose.

To protect the integrity of the underlying objective of the Intelligent Access Program regime, the bill includes penalties for those tampering with Intelligent Access Program equipment.

The technical specifications allow for the automatic reporting of attempts to tamper with monitoring equipment and systems.

These anti-tampering provisions are supported by TCA's sophisticated auditing regime, and the RTA's Inspectorate which will also be working to identify trucking companies who may try to cheat the system.

The bill also ensures that data collected and Non-Compliance Reports are of an evidentiary standard and will be admissible in Court if necessary.

Prosecutions under road transport legislation, for non-compliance with conditions applicable to heavy vehicle access in New South Wales, will continue to be undertaken where Intelligent Access Program conditions apply.

The prosecution will have to prove the elements of these offences. However, the new provisions will enable prosecutions to rely on evidentiary certificates as set out in the new Division 5 of Part 6A of the *Road Transport (Mass, Loading and Access) Regulation 2005*, rather than on oral evidence from witnesses.

The new provisions also provide, in clause 72AE, that certain evidentiary presumptions apply. Clause 72AF provides that reports are presumed to be correct, unless evidence sufficient to raise doubt about these presumptions is adduced by the defendant.

The Intelligent Access Program will optimise economic utilisation of the road network by facilitating higher productivity, while ensuring the safety and asset management requirements of the community and Government are met.

Truck operators wanting access to increased productivity under road transport law will be able to use systems that demonstrate compliance with that law. A gain for the trucking industry will be accompanied by a benefit to the community.

Approximately eighty per cent of Australia's long haul road freight passes through New South Wales, creating

unique asset management challenges. It is therefore fitting that New South Wales is the first State to implement this legislation.

This bill will facilitate the Government's plan for the expansion of the Higher Mass Limits network in New South Wales. Higher mass limits access provides a 13 per cent increase in B-Double payload and a 10 per cent increase in standard semi-trailer productivity.

The extra payloads reduce the truck journeys needed to complete a freight task. This results in fuel savings, reduced exhaust emissions, diminished exposure to noise and fewer trucks on the road.

This benefits the New South Wales economy, the environment and provides for improvements in community amenity.

The New South Wales Government was successful in having vehicle monitoring included as a condition for higher mass limits access, under the AusLink Agreement with the Commonwealth.

The Intelligent Access Program will provide the productivity benefits of higher mass limits, while managing the use of the State's bridges and roads. It also provides the compliance assurances needed to expand the current higher mass limits network.

The Intelligent Access Program will allow the Government to expand the New South Wales Higher Mass Limits network, in addition to the 3,800 kilometres of the AusLink Higher Mass Limits network.

This does not include roads within Sydney, Newcastle and Wollongong, that can now be opened up to more productive trucks, thereby providing more efficient access to ports, railheads, major industrial parks and oil refineries.

The Intelligent Access Program will make possible a significant network of major freight routes for more efficient road transport, to the benefit of the New South Wales economy.

The New South Wales Government is working with Local Government and other relevant stakeholders to finalise a framework for the on-going assessment and approval of access to other RTA-managed roads, as well as Council and State Forest roads.

Higher mass limits are only one example of a productivity initiative made possible by the availability of the Intelligent Access Program.

Another proposed scheme is the operation of higher productivity road train variants—B-Triples and AB-Triples.

It is anticipated that these vehicle combinations will be used substantially for grain, livestock and fuel haulage in rural areas. These vehicles have an equal or better safety performance than existing road trains and carry up to 26 per cent more payload.

However, as these vehicles are up to 20 tonnes heavier than a standard road train they have to be restricted to suitable sections of the road network so that we can manage vulnerable rural bridges.

Also, for safety reasons, it is important that these combinations remain on the approved sections of road. The Intelligent Access Program will provide the economic benefit delivered by these vehicles, while ensuring that road safety and asset management safeguards are in place.

The Intelligent Access Program will also ensure the appropriate safety and asset management measures are in place for future developments in trucking.

For example, the Intelligent Access Program will support the take-up of innovative higher productivity vehicles operating under the proposed Performance Based Standards regulatory framework, which the National Transport Commission is currently developing.

With respect to the Performance-Based Standards and innovative vehicles being used on long-haul routes between metropolitan and regional centres, the National Transport Commission estimates an annual Net Present Value benefit to the transport industry of \$18.8M per year.

There is already evidence of what the use of vehicle monitoring technology can deliver.

There is the New South Wales Mobile Crane Concessional Benefit Scheme, under which mobile cranes up to 2.9 metres wide are fitted with Global Positioning Systems, so the RTA can remotely monitor compliance with time, route and access restrictions across greater Sydney and other parts of the State.

The Scheme provides the RTA with assurances that the potential adverse impact on other road users arising from the nature and size of these vehicles is minimised while allowing additional operational flexibility for crane operators.

A cost benefit analysis of the first year of the scheme's operation indicated a benefit to each crane operator of between \$490,000 and \$970,000 per year, as a result of a 25 per cent increase in crane utilisation efficiency.

The Scheme will operate within the Intelligent Access Program framework.

The use of Global Positioning System technology to achieve strong compliance assurance would provide clear benefits to the public, and increased productivity to the road freight sector.

In addition, the Intelligent Access Program scheme provides an open market for service provision, allowing efficiency and innovation. This means job creation in the Information Technology industry.

The Intelligent Access Program takes ideas from the newest industries and applies them to solving the problems of one of the world's oldest—trade and freight carriage.

All Governments have agreed that we should not be in the game of installing "black boxes" in trucks.

Instead, New South Wales is represented on the Board of Management of Transport Certification Australia Ltd, or TCA, so that it can certify, audit and cancel—if necessary—the certification of Intelligent Access Program Service Providers, and maintain a certification and auditing regime of the highest standard.

TCA's certification and auditing framework will deliver certainty in quality systems; operations - including systems, hardware and software; and also testing, training and disaster recovery processes, in addition to monitoring and non-compliance detection and reporting.

Australia's freight task has been forecast to double over the next ten to fifteen years. The traditional 'on-road' enforcement resources of the RTA have led Australia in the use of compliance technology.

It is time for the next step.

We need smart regulatory and compliance models to match the development of 'smart' trucks with their higher productivity, improved fuel efficiency, and lower emissions and noise.

The Intelligent Access Program builds on what innovative transport companies are already doing.

The introduction of the Intelligent Access Program will provide substantial benefits to the trucking industry, as well as the community.

The lemma Government is leading the way with innovative solutions, supported by tough regulation.

I commend the Bill to the House.