



9 December 2010

Mr Nick Dimopoulos
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National Transport Commission
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**ALC Response to NTC Draft Policy Paper on
*Electronic Systems for Heavy Vehicle Driver Fatigue and Speed Compliance***

Dear Nick

The Australian Logistics Council is pleased to provide comment on the NTC Draft Policy Paper on ***Electronic Systems for Heavy Vehicle Driver Fatigue and Speed Compliance***.

By way of background, ALC is the peak national body representing the major and national companies participating in the Australian freight transport and logistics supply chain. The aim of ALC is to influence national transport and infrastructure regulation and policy to ensure Australia has safe, secure, reliable, sustainable and internationally competitive supply chains.

ALC notes the timeline contained in figure 1 (P3) of the policy paper which sets out that the issue of the use of electronic systems in heavy vehicles has been under consideration since 2006.

It is not apparent that the draft Policy Paper contains anything of substance not previously canvassed in the earlier document titled *National In-Vehicle Telematics Strategy 2010*.

The ALC submission to the Strategy is attached and ALC reaffirms our previous recommendations that:

1. The overall objective of the National In-Vehicle Telematics Strategy should be to focus on:
 - safety and
 - compliance with fatigue and speed regulations.
2. The Strategy may need to consider the development of subsidy schemes to encourage the uptake of telematics.
3. Rather than supporting one of the options contained in the Strategy Document, ALC proposes the adoption of the following option:

ALC Option

The use of 'monitoring systems embracing telematics' for compliance purposes should be mandated for heavy line-haul vehicles. Under chain of responsibility rules, systems should be monitored by companies not regulators.

4. Once decisions have been made as to how telematics should be used, so as to reduce duplication and compliance costs all jurisdictions should be obliged to adopt **identical and nationally consistent** provisions.
5. ALC agrees that mass regulations should be updated to provide a positive duty for managing compliance (consistent with fatigue and speed regulations).

ALC notes that the policy paper has been written on the basis that an electronic work diary is an alternative, and not a substitute for, the written work diary. This reflects the policy contained in the current model fatigue legislation.

ALC reaffirms the view expressed in its *Telematics Strategy* submission that telematics use should be mandatory in heavy long haul vehicles, with operators and not regulators monitoring compliance.

ALC reserves the right to canvass:

- (a) whether use of electronic diaries should be used compulsory; as well as
- (b) how electronic information is to be used in prosecutions; and
- (c) enforcement policies generally, such as for instance how to count time for the purposes of fatigue management legislation (discussed in part 4.2.5 of the policy paper)

when the National Heavy Vehicle Law consolidation is exposed for comment.

ALC finally notes the pilot of electronic diaries by NSW 'expected to inform the policy, guidelines and specifications by testing the institutional, business and operational process in recording, reviewing and enforcing an electronic work diary' (page 53 of the policy paper).

Once the result of that trial is received, all stakeholders will be able to make informed comments as to how electronic diaries should be used.

Please do not hesitate to contact me via email michael.kilgariff@austlogistics.com.au or on (02) 6260 3274 should you wish to discuss this matter.

Yours sincerely



MICHAEL KILGARIFF
Chief Executive Officer