

NSW DRAFT FREIGHT AND PORTS PLAN

MARCH 2018

A SUBMISSION FROM THE
AUSTRALIAN LOGISTICS COUNCIL



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Recommendations

Recommendation 1

What: The final NSW Freight and Ports Plan must provide measurable goals and outcomes that are reported on annually and reviewed biennially

When: As from 12 months after publication of the final plan

Recommendation 2

What: The NSW Government revise its Freight and Ports Plan once the National Freight and Supply Chain Strategy is finalised

When: Within 12 months of the publication of the National Freight and Supply Chain Strategy

Recommendation 3

What: Legislation be developed so that master plans developed by ports, or in support of the Western Sydney Aerotropolis, be given the same place in the planning hierarchy as plans made by ports subject to the *Sustainable Ports Act 2015* (Qld)

When: During 2019

Recommendation 4

What: The NSW Government prepare a Corridor Protection strategy which notes:

- (a) The future transport corridors which the NSW Government is seeking to protect from encroachment; and
- (b) The planning process the NSW Government seeks to use to facilitate the protection of these corridors

When: During 2019

Recommendation 5

What: That the preliminary concept design for the Sydney Gateway project be completed

When: By the middle of 2019

Recommendation 6

What: NSW lead the COAG Transport and Infrastructure Council in the development of a national rail freight strategy

When: A final strategy should be finalised by the end of 2020

Recommendation 7

What: Duplicate the Port Botany rail line

When: By the end of 2021

Recommendation 8

What: Preparation of a comprehensive timetable setting out when freight will be separated from passengers on identified lines

When: By the end of 2020

Recommendation 9

What: The Government develop standards for insertion into planning instruments specifying:

- (a) the size and nature of places at which deliveries are to be made for medium and high density residential and commercial premises; and
- (b) manner of entry and exit into a development provided to delivery vehicles

that must be satisfied before development consent and occupancy certificates are granted

When: During 2019

Recommendation 10

What: Provide a flying squad of engineers to help councils make informed road access decisions for heavy vehicles and to ensure proper delivery access to loading docks in the new developments.

When: By the end of 2020

Recommendation 11

What: Identify locations to be preserved as urban freight consolidation areas

When: During 2019

Recommendation 12

What: Identify opportunities to use new and existing data sources to better establish:

- (a) the point of origin and final destination of freight travelling through NSW
- (b) the overall movement of freight in NSW; and
- (c) Areas for infrastructure improvement, including in congested areas

When: During 2019

Recommendation 13

What: Support legislative change requiring vehicles regulated under the Heavy Vehicle National Law to carry telematics to record data for regulatory purposes

When: During 2018 and 2019

Recommendation 14

What: Support the development of an accreditation scheme for heavy vehicle operators within the COAG Transport and Infrastructure Council

When: During 2018 and 2019

Introduction

The Australian Logistics Council (**ALC**) is pleased to make a submission on the NSW Draft Freight and Ports Plan (**the Draft Plan**).

ALC is the peak national body representing the major and national companies participating in the freight logistics industry. We represent major Australian logistics customers, providers, infrastructure owners and suppliers and have as our core policy focus improving the efficiency and safety of Australia's supply chains.

New South Wales plays a crucial role in the Australian supply chain. Transport for NSW has estimated that freight provides almost \$66 billion to the NSW economy – approximately 12% of Gross State Product.¹ A 2014 study by the Australian Bureau of Statistics (**ABS**) also found that 25.9% total tonne-kilometres travelled by heavy vehicles in Australia originated in NSW.² In 2017, Port Botany also became Australia's chief destination for container trade, processing 2.5 million twenty-foot equivalent units (**TEU**) in 2016-17.³

With Australia's freight task set to increase by 26% over the next decade, and with the NSW government set to receive \$4.154 billion from the Australian Government's purchase of Snowy Hydro Ltd, which is to be invested in productive infrastructure, now is the right time to review the NSW Government's plans for the movement of freight across the State.

The Government is to be commended that the Final Plan will be a dynamic document, designed to change over time rather than being a one-off document that is simply filed away. However, that means the baseline document must be useful.

ALC held its Annual Forum (**Forum**) in Sydney from 6-8 March 2018. ALC Forum attracted over 280 leading figures in the Australian logistics industry, including major transport companies, policy makers and academics to discuss ideas, policies, solutions and technological development to improve the Australian supply chain.

Much of the discussion centred on the movement of freight in NSW, and this submission draws heavily on those discussions. However, one clear outcome of Forum was the need for plans to have key performance indicators that set timeframes within which actions are to be undertaken. This is to ensure that progress can be properly measured. It is insufficient to merely set timeframes for which initiatives may be 'investigated'.

Recommendation 1

What: The final NSW Freight and Ports Plan must provide measurable goals and outcomes that are reported on annually and reviewed biennially

When: As from 12 months after publication of the final plan

¹ See <https://www.transport.nsw.gov.au/industry/freight>

² 9223.0 – Road Freight Movements, Australia 12 months ended 31 October 2014, Australian Bureau of Statistics (October 2015) see

<http://www.abs.gov.au/ausstats/abs@.nsf/0/7480A96EA1DF4527CA257EEC000EEB5D?Opendocument>

³ ACCC Container Stevedoring Monitoring Report 2016-17, Australian Competition and Consumer Commission (October 2017) 24.

National Freight and Supply Chain Strategy

The Australian Government is currently developing a National Freight and Supply Chain Strategy (**the National Strategy**).

ALC has consistently held the view that the Australian Government should take a more active role in Australia's supply chains. This is because Australia's supply chains do not stop at state borders. Accordingly a nationally consistent approach to infrastructure and the regulation of freight movement is required.

ALC hopes that the National Strategy will ultimately lead to policies and practices that support an efficient and safe Australian supply chain.

To develop this National Strategy, the Australian Government conducted the *Inquiry into National Freight and Supply Chain Priorities* in 2017.

Throughout 2017, ALC held a number of industry consultations to feed into [Freight Doesn't Vote](#), ALC's final submission to this Inquiry. This included ALC Forum, held from 7-9 March 2017, and a consultation session with NSW industry representatives held in Sydney on 28 July 2017.

ALC encourages Transport for NSW to review *Freight Doesn't Vote* because we believe the content and recommendations are highly relevant to the NSW freight logistics industry.⁴

In particular, *Freight Doesn't Vote* discusses providing a coordinated response to planning. This is to not only ensure current freight infrastructure is protected from urban encroachment, but to protect important corridors to accommodate the future expansion of freight related infrastructure.

This can only occur if the National Strategy and the NSW Freight and Ports Plan are harmonised.

It was pleasing to hear at ALC Forum 2018 that NSW is trying to make sure its work aligns with the national process and that integration of transport and planning is important.

ALC wishes the NSW Government well in delivering this outcome.

Recommendation 2

What:	The NSW Government revise its Freight and Ports Plan once the National Freight and Supply Chain Strategy is finalised.
When:	Within 12 months of the publication of the National Freight and Supply Chain Strategy

⁴ See *Freight Doesn't Vote*, Australian Logistics Council (2017), <http://www.austlogistics.com.au/wp-content/uploads/2013/07/National-Freight-Strategy-Submission.pdf>

Urban Encroachment, Planning and Corridor Protection

Urban Encroachment

Urban encroachment was a constant issue raised during ALC Forum 2018.

Urban encroachment occurs when planning changes allow land uses to conflict. This occurs most commonly in the logistics industry when residential developments encroach on a fixed logistics asset or freight generation point, such as a port or railway.

The most common political response in these situations is to place curfews or restrictions on the port or railway in order to improve amenity for nearby residences. This is despite the fact that, in almost all occurrences of urban encroachment, residential developments have followed long after the establishment of the port or railway.

During Forum, one participant warned against gradual encroachment. Gradual encroachment occurs when separate development applications, and subsequent constructions, approved over many years begin to encroach of logistics facilities.

For example, approving one small apartment complex near a railway line, while not desirable, is unlikely to impinge too greatly on the safety or efficiency of the railway line.

However, subsequently approving more and more developments, usually over the political cycle, means that encroachment becomes a serious impediment for the companies who own or want to use the railway line.

These developments, viewed in isolation of each other, are too readily approved by governments without any long term plan to protect logistics infrastructure and employment lands from urban encroachment.

ALC commends the NSW Government for bringing together agencies such as Transport for NSW, the Greater Sydney Commission, Infrastructure NSW and the Department of Planning and the Environment so that documents such as the Future Transport Strategy, the State Infrastructure Strategy and Region and District Plans work together as a coordinated and coherent whole.

Further to this, ALC also commends the NSW Government for acknowledging that past developments near key freight precincts have resulted in restricted access to these precincts, limited ability to meet future demand and created barriers to the efficient 24/7 operations in these precincts.

Urban encroachment can be combated by strong and effective planning practices as well as long term plans provided to protect future transport corridors.

Planning

Industry remains concerned that in many circumstances the quality of the protection provided to industrial lands and transport corridors is only as good as the contents of the lowest level instrument within the planning hierarchy.

During ALC Forum 2018, a participant drew attention to Queensland's *Sustainable Ports Act 2015* which requires ports adjacent to the Great Barrier Reef to prepare master plans.⁵

⁵ <https://www.legislation.qld.gov.au/view/html/inforce/2017-09-13/act-2015-028>

Importantly, master plans and port overlays made under that Act prevail over standard planning instruments and other land use plans.⁶

It is noted that as part of the development of the Western Sydney Aerotropolis, a Western Sydney Development Authority will be the master planner and developer of the proposed precinct.⁷

To ensure sufficiency of both industrial land availability and appropriate buffering of industrial land to enable 24/7 operation, consideration should be given for similar provisions to be included in legislation establishing the Development Authority.

Consideration could also be given to extend this to master plans prepared by other significant logistics infrastructure operators such as NSW Ports.⁸

ALC also hopes that NSW planning practices would also comply with any form of national principles that may be developed under the National Freight and Supply Chain Strategy.

Recommendation 3

What: **Legislation be developed so that master plans developed by ports, or in support of the Western Sydney Aerotropolis, be given the same place in the planning hierarchy as plans made by ports subject to the Sustainable Ports Act 2015 (Qld)**

When: **During 2019**

Corridor Protection

Urban developments can also encroach on lands that would be ideally suited for future transport infrastructure development. This includes roads, railways and intermodal terminals.

By detailing a long term plan for the movement of freight, the NSW Government should be able to readily identify sites for future infrastructure development.

ALC applauds the decision from the NSW Government, made on 26 March 2018, to protect four major future road and rail corridors in Western Sydney. Under this plan, land is being preserved and secured for the future north-south rail corridor, the Outer Sydney Orbital road and rail freight corridor, a Western Sydney freight connection and a new road connection from the M7 to the Bells Line of Road.⁹

The benefits of corridor protection are numerous and include budget savings (as the government doesn't need to acquire lands or relocate telecommunications infrastructure), certainty for the freight logistics industry, which allows industry to more readily invest, as well as certainty for residents.

To emphasise the potential budget savings, Infrastructure Australia noted in its 2017 report, [*Corridor Protection: Planning and investing for the long term*](#), that close to \$11 billion (in

⁶ Section 26 and 27 of the Act.

⁷ Australian Government *Western Sydney City Deal* (2018):13 - <https://cities.infrastructure.gov.au/22446/documents/72492>

⁸ www.nswports.com.au/assets/Uploads/Publications/NSW-Ports-Master-Plan-2015.pdf

⁹ See <https://www.transport.nsw.gov.au/news-and-events/media-releases/western-sydneys-future-transport-corridors-to-be-preserved>

2016 dollars) could be saved on land purchases and construction costs on seven corridors identified as national priorities on the Infrastructure Priority List.¹⁰

This included NSW related projects such as the Lower Hunter rail freight alignment (with a potential saving of \$33 million), the Outer Sydney Orbital road and rail link (\$3,665 million), the Western Sydney Airport rail connection (\$1,104 million) and the Western Sydney freight line and intermodal terminal access (\$1,605 million).

While there is likely to be Australian Government funding involved in all these projects, the savings for the NSW Government should not be understated.

ALC is pleased that the Draft NSW Freight and Ports Plan notes the importance of protecting the corridors, as well as improved corridor protection processes underpinned by the 2013 NSW Freight and Ports Plan.

The Draft NSW Freight and Ports Strategy also notes that Transport for NSW will look to 'identify and protect transport corridors.' To expand on this action area, ALC suggests the NSW Government prepare a corridor protection strategy that identifies both the future transport corridors to be protected and the planning mechanism to be used to protect them.

Such a strategy would encapsulate the corridor preservation work already announced, as well as look at future corridors and areas that need to be preserved in order to construct future freight infrastructure.

Recommendation 4

What:	<p>The NSW Government prepare a Corridor Protection strategy which notes:</p> <p>(a) The future transport corridors which the NSW Government is seeking to protect from encroachment; and</p> <p>(b) The planning process the NSW Government seeks to use to facilitate the protection of these corridors.</p>
When:	During 2019

¹⁰ Infrastructure Australia, *Corridor Protection: Planning and investing for the long term* (2017): 4 – <http://infrastructureaustralia.gov.au/policy-publications/publications/files/CorridorProtection.pdf>
 NSW Draft Freight and Ports Plan
Australian Logistics Council

Sydney Gateway

The intention of the Sydney Gateway project is to free up transport for both Sydney Airport and Port Botany.

The proposal features a seamless, high capacity road link between WestConnex at St Peters Interchange, Sydney Airport and towards Port Botany as well as duplicating a section of the rail line to Port Botany.

However, it remains unclear how WestConnex will link to the port precinct, and the project is proceeding somewhat slowly. It would appear that project has reached the site investigation and design development stage.¹¹

There is a need to reach the preliminary concept design as soon as possible.

Recommendation 5

What:	That the preliminary concept design for the Sydney Gateway project be completed
When:	By the middle of 2019

¹¹ <http://www.rms.nsw.gov.au/projects/sydney-south/sydney-gateway/index.html>

Rail

Freight on Rail

During 2014 and 2015, work was directed towards developing what was originally called a 'national rail vision', which then turned into a discussion on the Australian Government's Freight Rail Objectives.

Some of this work canvassed issues such as greater harmonisation within the rail industry, as well as the broader role of rail in the freight effort.

The Transport and Infrastructure Council (**TIC**) published a summary of proposed rail activities as part of what was called a National Rail Work Program contained in a document called *National Rail Vision and Work Program*.¹²

Regrettably, despite widespread industry support, the push for a national rail freight agenda seems to have stalled in recent times.

Movement of container freight by rail, rather than road, is a key strategy for alleviating congestion around ports. Most states have policies to increase the share of rail, with the current NSW Freight and Ports Strategy aiming for a rail share of 28%.

During ALC Forum 2018, it was heartening to hear an expressed intention to refocus on developing this important piece of work.

It should be a priority.

Recommendation 6

What: NSW lead TIC in the development of a national rail freight strategy

When: A final strategy should be finalised by the end of 2020

Inland Rail

ALC notes and acknowledges the support of the NSW Government for the Inland Rail project.

ALC sees the project as a way to increase consumer choice and freight chain efficiency in moving product from generation to the ports on the NSW coast (Port Botany, Port Kembla and Port of Newcastle) as well as Sydney Airport.

¹² http://transportinfrastructurecouncil.gov.au/publications/files/National_rail_vision_and_work_program.pdf
NSW Draft Freight and Ports Plan
Australian Logistics Council

Port Botany Rail Duplication

By 2040, Port Botany is estimated to have a container throughput of 7 million TEU – almost three times the container throughput achieved in 2016.¹³

ALC has long held the view that the duplication of a 2.84km section of single track between Port Botany and Enfield is a vital infrastructure project for NSW.

The project is currently listed as a ‘High Priority Initiative’ by Infrastructure Australia.¹⁴ Transport for NSW currently lists the project as being in the planning phase.¹⁵

ALC recommends that that final Freight and Ports Plan provide a time when the line should be completed.

Recommendation 7

What: Duplicate the Port Botany rail line

When: By the end of 2021

Separation of the Freight Task

This was another issue raised at ALC Forum 2018.

ALC holds the view that it is desirable to separate the infrastructure used to transport freight from that used to transport people.

However, whilst acknowledging that some work, such as investigating the separation of freight and passengers through the development of a Northern Sydney Freight Corridor, planning for freight separation shouldn’t be regarded as being a 20+ year ‘vision initiative’.

Recommendation 8

What: Preparation of a comprehensive timetable setting out when freight will be separated from passengers on identified lines

When: By the end of 2020

¹³ See <https://www.transport.nsw.gov.au/projects/current-projects/duplication-of-botany-rail-line>.

¹⁴ See http://infrastructureaustralia.gov.au/projects/files/IPL_171130.pdf 5.

¹⁵ See <https://www.transport.nsw.gov.au/projects/current-projects/duplication-of-botany-rail-line>

CBD and Inner-Urban Freight Delivery

Australia is a highly urbanised country. The growth in CBD traffic congestion, stemming from significant residential and employment growth in inner-city areas presents increasing challenges for freight operators undertaking deliveries in CBD areas.

Increasing competition between passenger and freight vehicles in a congested road network is significantly adding to business costs. This circumstance flows directly from a lack of investment, and from insufficient consideration of freight movement in current planning schemes.

Access

Freight is a non-discretionary task, and cities must maximise the opportunities for efficient freight services. A lack of adequate street loading zones, as well as new residential and commercial buildings with poor (or non-existent) freight delivery facilities are likewise making CBD freight delivery a more cumbersome and costly exercise.

These difficulties are exacerbated by the continuing imposition of curfews or outright bans on vehicle movement in parts of our major cities. ALC understands that the NSW Government has completed noise assessments and found that the majority of freight movements are within permissible noise limits.

One participant at ALC Forum 2018 noted that loading docks can be reduced during development and building processes. Indeed, ALC is concerned that during construction, construction managers tend not to value dock space, and often seek to minimise it.

This is somewhat perverse because developments with attractive dock and loading facilities usually produce a greater rental yield. We are also experiencing a period where growth in e-Commerce is fuelling expectations among many consumers of faster delivery timeframes, and lower shipping costs.

It is clearly a planning failure if either development applications or final occupation certificates are being approved that do not permit the convenient delivery of goods to buildings.

Recommendation 9

What:	<p>The Government develop standards for insertion into planning instruments specifying:</p> <ul style="list-style-type: none"> (a) the size and nature of places at which deliveries are to be made for medium and high density residential and commercial premises; and (b) manner of entry and exit into a development provided to delivery vehicles <p>that must be satisfied before development consent and occupancy certificates are granted</p>
When:	During 2019

Road access decisions made by local government also make it harder for freight to be delivered to the CBD and inner urban environments. In 2012, ALC provided a submission to the Independent Pricing and Regulatory Tribunal (**IPART**) arguing that councils should be able to access a 'flying squad' of engineers to help them make road access decisions.

In accepting this proposal, IPART estimated the benefits from reforming heavy vehicle access provisions, by removing unnecessary impediments, were significant and totalled \$59.2 million.¹⁶

Recommendation 10

What: Provide a flying squad of engineers to help councils make informed road access decisions for heavy vehicles and to ensure proper delivery access to loading docks in the new developments

When: By the end of 2020

Urban Freight Consolidation Centres

ALC Forum 2018 participants also raised the need for urban freight consolidation centres to be developed to improve the efficiency of freight delivery. In these centres, freight is consolidated, meaning that fewer trucks can take more efficient routes when delivering freight in CBD and inner-urban environments.

The point was particularly made that as areas such as Waterloo and Alexandria become increasingly gentrified, the ability for freight chain participants to conveniently consolidate freight for delivery in increasingly busy CBD areas is becoming more challenging.

The NSW Government, in collaboration with industry, can play a role in trialling the use of urban freight consolidation centres by ensuring adequate planning protections are put in place after a trial site has been designated.

As Australia's and Sydney's population grows at increasing fast levels, this is a task that can't be delayed.

Recommendation 11

What: Identify locations to be preserved as urban freight consolidation areas

When: During 2019

¹⁶ See https://www.ipart.nsw.gov.au/files/sharedassets/website/trimholdingbay/draft_report_-_local_government_compliance_and_enforcement_-_october_2013.pdf

Data

Many have said that data is the 'new oil'.

The NSW Government has recognised that data is essential in improving freight performance and that it is the Government's role to support and advocate for the development and implementation of transport or mobility technologies including providing expertise and leading the discussion, research and debate with industry.

The Port Botany Performance Data Mobile App is one such development, which is commendable.

The importance of data was raised at ALC Forum 2018.

One participant noted that Australia cannot say how well it is doing compared to other countries. If we were running the country like a business, such a situation would be unacceptable. Another participant stated that we need the data to know whether we are improving and where will we get the biggest 'bang for our buck'. It was surprising how little readable and comparable data exists.

It was also suggested that a single independent national agency should collect and analyse data so it can be used for planning purposes.

The Australian Government, through the Bureau of Infrastructure, Transport and Regional Economics, is currently completing a National Infrastructure Data Collection and Dissemination Plan.

This plan is designed to coordinate and improve the collection of data to provide more accurate data about the performance of Australia's infrastructure networks. The plan will also have a look to develop opportunities to source new data.

<u>Recommendation 12</u>	
What:	Identify opportunities to use new and existing data sources to better establish:
	<ul style="list-style-type: none"> (a) the point of origin and final destination of freight travelling through NSW (b) the overall movement of freight in NSW; and (c) Areas for infrastructure improvement, including in congested areas
When:	During 2019

Heavy Vehicle Safety Measures

ALC has improving supply chain safety as a core part of its mandate. With this in mind, ALC takes a keen interest in reducing the number of fatalities and fatal crashes caused by heavy vehicles.

The Bureau of Infrastructure, Transport and Regional Economics (**BITRE**) compiles quarterly statistics on the number of fatalities and fatal crashes involving a heavy vehicle. BITRE defines a 'heavy vehicle' as an articulated truck, a heavy rigid truck, or a bus.

Before discussing this data, it is pertinent to note that in between 80 to 85% of accidents involving a heavy vehicle, the heavy vehicle driver is found to not be at fault.¹⁷

Figure 1 below shows the number of fatalities and fatal crashes involving an articulated truck or heavy rigid truck (a **heavy vehicle**) in Australia from 2011 to 2016.

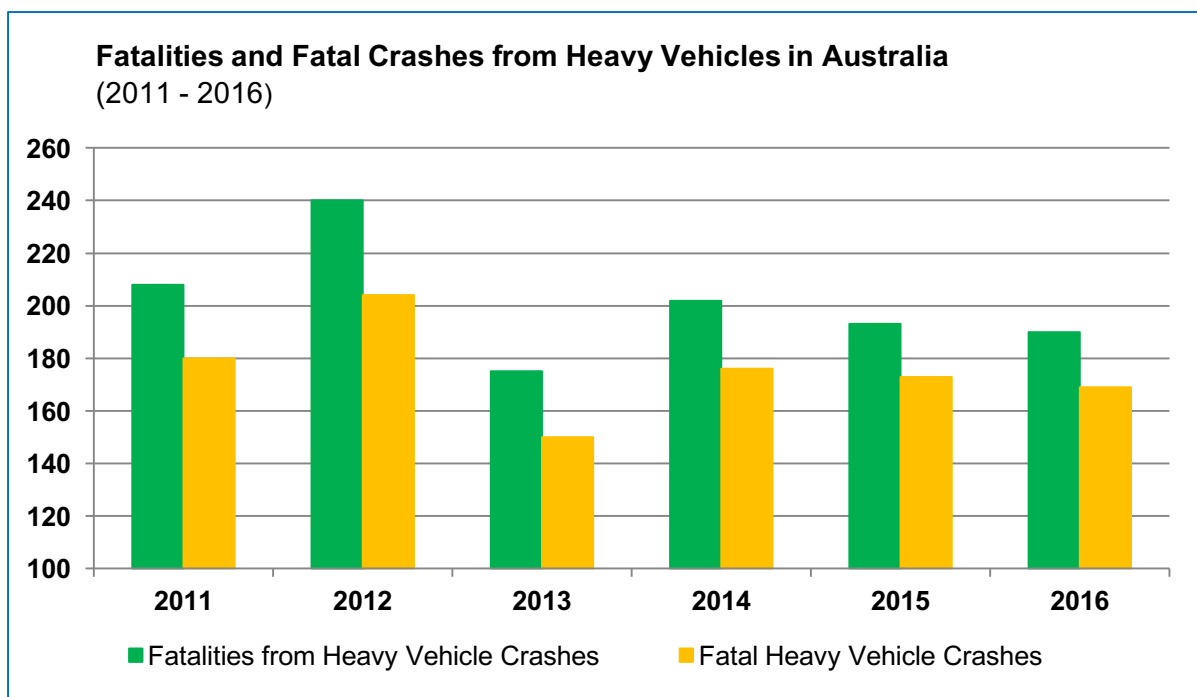


Figure 1 - Fatalities and Fatal Crashes from Heavy Vehicles in Australia (2011 - 2016).

In 2016 there were 190 fatalities from 169 fatal heavy vehicle crashes in Australia.

¹⁷ In 2011 National Transport Insurance (**NTI**) found that cars were at fault in 82 per cent of fatal accident involving a truck. See <https://www.nti.com.au/media/news-article/cars-at-fault-in-82-of-fatal-crashes-with-trucks-report.php>.

Heavy Vehicle Safety in New South Wales

Figure 2 below shows the number of fatalities and fatal crashes involving a heavy vehicle in New South Wales between 2011 and 2016.

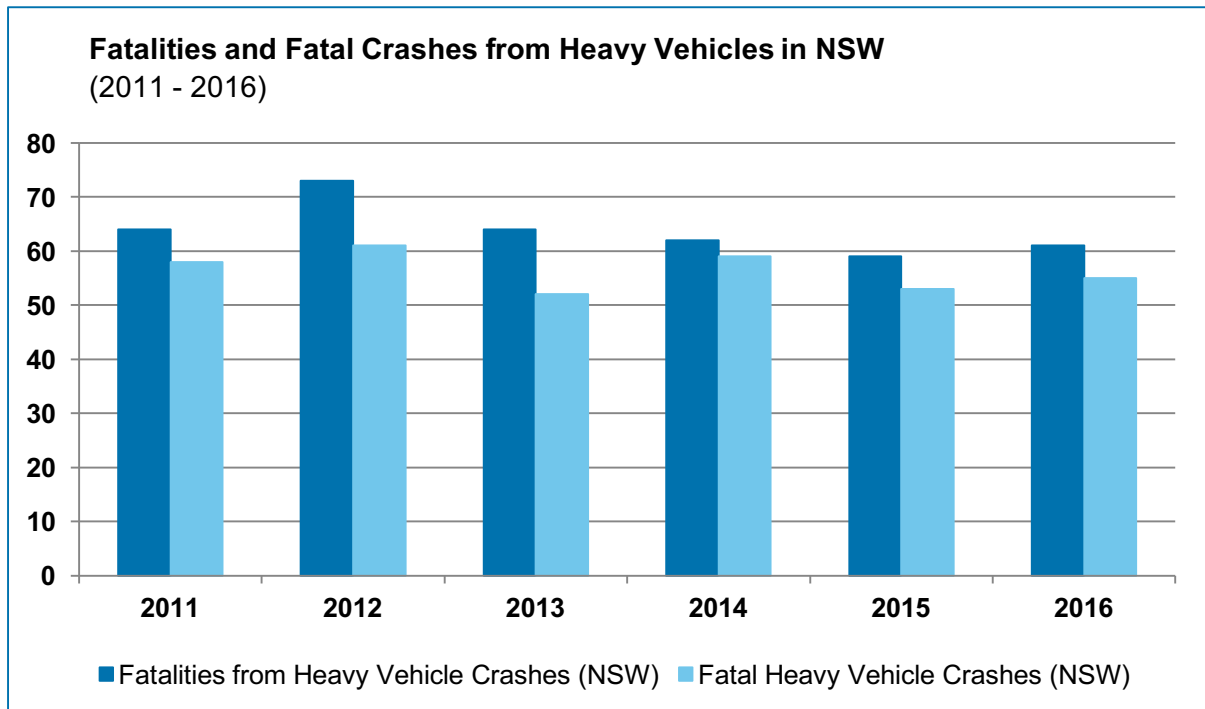


Figure 2 - Fatalities and Fatal Crashes from Heavy Vehicles in NSW (2011 - 2016).

In 2016 there were 61 fatalities from 55 fatal heavy vehicle crashes in NSW.

These statistics show that, since 2011, the number of fatalities from heavy vehicle crashes has declined by 4.69% in NSW. This is compared to a decline of 8.65% nationwide. During this period, the share of fatal heavy vehicle accidents occurring in NSW has risen from 30.77% to 32.11% of the total annual number of heavy vehicle fatalities.

Furthermore, as reported in the *Sydney Morning Herald* in January 2018, the number of deaths from articulated truck crashes increased by 86% for the 12 months to September 2017.¹⁸

In February this year, ALC provided a submission to the Joint Standing Committee on Road Safety (Staysafe Committee) to their *Inquiry into heavy vehicle safety and use of technology to improve road safety*.

In its simplest form, this submission calls on the NSW Government to support amending the *Heavy Vehicle National Law* to make it compulsory for heavy vehicles to be fitted with telemetry devices.

¹⁸ Ann Williamson *Truck drivers on the road too long to stay safe* (2017), The Sydney Morning Herald <http://www.smh.com.au/comment/truck-drivers-on-the-road-too-long-to-stay-safe-20180101-h0c9q6.html>

Mandatory Telematics

In May 2017 the International Transport Forum (**ITF**) released a report entitled *Data-led Governance of Road Freight Transport*. The report found that there was ‘clear potential for data-driven approaches to regulating and enforcing road freight transport’.¹⁹ Broadly, the report identifies three regulatory areas – road access, driver compliance and vehicle condition – which can be improved by greater use of data.

Further research has indicated that:

- Research into deterrence theory has revealed that the size of punishment is relatively meaningless to offenders and would-be offenders. What matters is the probability of detection of illegal behaviour. Telematics vastly improves the probability of detecting illegal behaviour.²⁰
- A pilot of Electronic Work Diaries (**EWDs**) in NSW in 2010 stated that 80% of participating drivers found that the telematics device made it easier for them to comply with fatigue law. In the same study, a company using EWDs had a compliance per shift rate of 99.83% (or a fatigue related breach every 0.17 shifts). A company using Written Work Diaries (**WWDs**) had a compliance per shift rate of 98% (or a fatigue related breach every 2 shifts).²¹
- In *Toll North Pty Limited; Toll Transport Pty Limited v Transport Workers’ Union of Australia* Commissioner Gregory was satisfied that inward facing cameras (known as Drive Cam) can contribute to better safety outcomes in the road transport industry.²²

Telemetry can also capture data for other purposes, including road pricing and planning purposes.

For these reasons, ALC has long argued that it should be mandatory for heavy vehicles as defined by the *Heavy Vehicle National Law*.

However, ALC harbours concerns that as 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.

It follows that if telematics are to be made compulsory, technical specifications should be developed with a view to be consistent with, or be incorporated within, the National Telematics Framework managed by Transport Certification Australia (**TCA**), which closely reflects the relevant international standards set out in ISO 15638 – the Framework for Collaborative Telematic Applications for Regulated Commercial Freight Vehicles (the **TARV**).

This is so there is certainty about the type of unit which must be purchased to collect information for statutory purposes.

¹⁹ International Transport Forum, *Data led Governance of Road Freight Transport* (2017): 6.

<https://www.itf-oecd.org/sites/default/files/docs/data-led-governance-road-freight-transport.pdf>

²⁰ National Transport Commission *Heavy Vehicle Compliance Review Consultation Draft* (2013): 6 and 26. The comment on page 38, which reads ‘As noted earlier, probability of detection is a key factor in securing compliance’ should also be noted.

²¹ Transport Certification Australia Limited *Operational Pilot of Electronic Work Diaries and Speed Monitoring Systems* (2013): 44.

²² [2014] FWC 2945 at 85.

Senior officers are considering the contents of a National Transport Commission review exploring options to increase the uptake of telematics and other technologies for regulatory and revenue purposes for the consideration of the COAG Transport and Infrastructure Council (TIC).

To encourage safer roads, ALC believes NSW should champion the cause of mandatory telematics equipment in heavy vehicles regulated under the *Heavy Vehicle National Law*.

Recommendation 13

What: Support legislative change requiring vehicles regulated under the Heavy Vehicle National Law to carry telematics to record data for regulatory purposes

When: During 2018 and 2019

Accreditation – Creating a National Operating Standard

The ALC 2016 Election Priorities Document [Getting the Supply Chain Right](#) called for the introduction of requirements for heavy vehicle operators to meet a national operating standard.

ALC said:

Discussions with regulators have made it clear there are concerns about the capacity of some road operators to operate a business in a business-like manner and, more particularly, that some operators do not maintain sufficient capital to maintain vehicles in a roadworthy state, thus posing dangers to all road users.

An incoming government should therefore display national leadership and ensure that road operators meet a national operating standard that requires an operator of a heavy vehicle to have in place both the financial capacity to operate a business and a uniform safety management system to ensure that Australia's roads remain safe.²³

With recommendation 21 of the document being:

Road operators should meet a national operating standard requiring an operator of a heavy vehicle to have in place both the financial capacity to operate a business and a uniform safety management system to ensure that Australia's roads remain safe.²⁴

²³ Australian Logistics Council *Getting the Supply Chain Right: Building the Economy Through Efficient and Safe Supply Chains* (2016): 24 <http://www.austlogistics.com.au/wp-content/uploads/2016/05/Getting-the-Supply-Chain-Right.pdf>

²⁴ *Getting the Supply Chain Right*: 7.
NSW Draft Freight and Ports Plan
Australian Logistics Council

To augment the operation of the Chain of Responsibility provisions contained in the HVNL, ALC believes there is a case for an operator of a heavy vehicle to:

1. maintain a safety management system certified by an accredited auditor as being compliant with operating standards specified in an instrument made under the HVNL;
2. demonstrate the financial capacity to provide a carriage service through satisfaction of requirements along the lines of section 10 of the *Passenger Transport (General) Regulation 2017* (NSW); and
3. carry in heavy vehicles equipment meeting necessary technical standards capable of recording safety and other data as required by law (see above).

Discussions during ALC Forum 2018 showed that both industry and regulators are now prepared to consider the need for operator accreditation.

ALC believes TIC should endorse in principle the concept of operator accreditation and instruct for the development of a suitable scheme for commencement as soon as possible.

NSW should champion that cause at the Council.

Recommendation 14

What: Support the development of an accreditation scheme for heavy vehicle operators within the COAG Transport and Infrastructure Council

When: During 2018 and 2019

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