

Submission to: National Transport Commission

Title: Review of the Intelligent Access Program

Date: August 2013



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1. Introduction

The Australian Trucking Association (ATA) strongly supports heavy vehicle operators who believe telematics services are good for their business and add to their viability. However, we note from the outset that such technology is not necessary to run a safe, compliant and viable transport company. Compliance assurance, including route compliance assurance, can take many forms.

In June 2013, the National Transport Commission (NTC) announced a review of the *Intelligent Access Program* (IAP). The NTC announced this review will:

1. *Evaluate whether implementation of the IAP has achieved the intended outcomes specified in the original proposal for the program in 2005; and*
2. *Examine application of the IAP as a condition for road access by states and territory road agencies, in relation to the original proposal.*

In 2005, the NTC released a Regulatory Impact Statement (RIS) for Stage 1 of Intelligent Access Program Implementation. The RIS followed a rigorous 2003 Austroads Intelligent Access Feasibility Project. In both proposals, the IAP was deemed 'viable' and a key outcome for road managers was:

"The IAP is a voluntary program that jurisdictions will be able to utilise as an operating condition to schemes, permits or applications that provide improved heavy vehicle utilisation. It is intended to guarantee levels of compliance that will afford jurisdictions the confidence to offer specific regulatory concessions." (Foreword, RIS)

Transport Certification Australia (TCA) was registered in 2005 as a public company limited by guarantee and a fully owned government organisation. Its owners (members) remain the Commonwealth, states and territories. While TCA administered the program nationally, including certification of service providers, it was intended that jurisdictions would continue granting road access through new schemes, permits and applications supported by IAP monitoring.

The 2005 proposal also promised "*new and unexpected benefits that are widely diffused*"¹ and "*new ways to pursue important policy goals with private and public benefits*". The IAP would strengthen the market structure of the transport sector and set a benchmark for applications of "*ubiquitous technology*" by government. Barriers to IAP entry for small operators would lessen and a staged approach to the IAP's implementation over two to three years would achieve the best outcome.

The ATA strongly welcomes the inaugural review of the IAP as it provides opportunities for the industry's uptake of technology to be recognised by governments.

2. Australian Trucking Association

The ATA is the peak body that represents the trucking industry. Its members include state and sector-based trucking associations, some of the nation's largest transport companies, and businesses with leading expertise in truck technology.

This submission reflects the long-held views of a significant number of ATA members but it does not reflect the views of all our members. Those holding different views on the IAP have been invited to provide separate submissions to the NTC as desired.

3. Recommendations:

The ATA recommends that:

¹ *Intelligent Access Feasibility Project - Public Policy Analysis Report IR-IAP10* (2003), piii. Prepared by TFG International Pty Ltd for the 2003 Austroads Feasibility Project.

Recommendation 1

The ATA accepts the need for route compliance assurance as part of a risk-based access management regime. Accordingly, it is recommended that a truly voluntary compliance monitoring option is established, with an open standard for vehicle devices and first party compliance obligations. This would allow operators who wish to use technology to satisfy compliance duties to do so with comfort that the technology attracts a presumption of accuracy.

Recommendation 2

Vehicles operating at Higher Mass Limits (HML); Performance-based Standards (PBS) combinations; and safe, legal prescriptive combinations (including, but not only, modular B-triples and AB-triples) should travel under notices and attract no mandatory monitoring under the IAP.

Recommendation 3

IAP continues to be available for movements of high-risk vehicles, as an alternative to traditional road authority engineering supervision, and to serious or persistent offenders as directed by a court.

Recommendation 4

Residual IAP monitoring tasks are transferred to a business unit within the NHVR.

Recommendation 5

NTC retains responsibility for compliance assurance policy.

4. IAP Program Outcomes

After seven years of Stage 1 implementation, it is high time this program is reviewed. Likewise, it is time for IAP's administration by road agencies and subsequent access and productivity outcomes to be carefully evaluated. In a separate stream of inquiry, it is also in the national interest for public policy relating to the nature and scope of ubiquitous electronic monitoring of the private sector to be articulated for future public debate and decision-making.

The original development proposal that IAP could be expanded and deployed as a mandatory, ubiquitous technology in various government applications across industry is abhorrent to both the industry and to the principles of Australia as a democracy.

4.1 ATA Submissions on IAP

The ATA has submitted numerous submissions to governments on IAP, raising technical, legal, financial and policy concerns. These documents warrant revisiting during the NTC review of IAP and they have been provided with this submission as listed:

1. 2013 ATA submission on Cooperative ITS Regulatory Policy
2. 2012 ATA NSW submission on the NSW Long Term Transport Master Plan
3. 2012 ATA Paper on Equivalent Standard Axles & Effects of HML on Road Infrastructure
4. 2012 ATA Factsheet - IAP: Myths & Facts
5. 2012 ATA on SA DTEI Code of Practice for Prescriptive B-Triples
6. 2012 ATA NSW & NatRoad - Route Assessment Guideline & Freight Route Investigation Levels for RAVs
7. 2011 ATA submission - A National Framework For Modular B-Triple Operations
8. 2011 ATA submission - The IAP and Prescriptive Modular Combinations (attaching 2009 legal advice)
9. 2011 ATA submission - Exploring Opportunities for Reform: Smart Transport for a Growing Nation
10. 2010 ATA submission on NTC draft Telematics Policy
11. 2010 ATA Industry Technical Council submission on NTC draft Telematics Policy
12. 2010 ATA submission to the Australian Government Parliamentary Inquiry into Intelligent Transport Systems

These documents help show how IAP, as it has been variously applied by state and local road managers, penalises more efficient freight movements, creates more road wear, and adds further red tape and unnecessary cost to industry's bottom line.

After a written request from the NTC in July 2013, the ATA and NatRoad released separate surveys on IAP to their respective memberships and two sets of anonymous results are provided with this submission. The total number of complete responses was insufficient to offer significant quantitative samples but both surveys yielded useful qualitative responses, some of which have been reproduced in this document.

4.2 IAP Proposal

At the time of establishment, the newly appointed Chief Executive of Transport Certification Australia (TCA) claimed that the *"IAP provides a win-win outcome to all parties"*. Earlier, the Austroads' Feasibility Project report had concluded there were "no public policy barriers" to the IAP approach.

In 2005, the NTC RIS claimed *"Stage 1 IAP implementation to be economically viable with a net present value (NPV) of \$264.2 million and a benefit cost ratio of 5.4. The road authorities' NPV is estimated to be \$80.9 million and the operators' NPV \$183.3 million."*

In 2013, the IAP remains stalled in Stage 1 implementation, the first of two stages the RIS envisaged for embedding it into Australian law and practice. It is understood that current enrolments amount to slightly more than 800 vehicles, ten per cent of approximately 8,400 projected vehicle enrolments described in the RIS for Stage 1 (i.e. after two to three years).

For example, despite recent claims the IAP in NSW has become more affordable, its administrative burden is too high for much of industry and the number of IAP enrolled freight vehicles in that jurisdiction remains low. In April 2011, a total of 591 trucks were enrolled in NSW, as of March 2013 (after flexibility reforms), IAP vehicles amounted to 827. Industry has also not gained satisfactory HML access on local routes because of a lack of council acceptance and funding, poor comprehension of IAP; and refusal by the road agency to finance local route assessments adequately.

Austroads argued that after IAP's successful implementation, jurisdictions should consider compulsory participation and noted the IAP model had been developed with this in mind. For instance, the policy analysis suggested significant future scope for application of IAP including revenue collection with variable charging arrangements; near 100 per cent probability of detection, near 100 per cent coverage and *"...similar capabilities made possible by applying ubiquitous electronic technology..."*.

The analysis also considered:

- The capacity of the system to migrate to a mandated approach,
- Its suitability for revenue collection, and
- The potential to extend the system into other areas of transport.

It was concluded that IAP offered a *"commercial advantage to operators"* and further contemplated the *"unambiguously positive"* potential market impacts if IAP were to be used to implement compliance monitoring 100 per cent of the time across extended applications. For a competitive, diverse industry with monstrosly tight margins operating in a timid economy, this sort of speculation is alarming and implies, as the Austroads report states,:

*"The implicit issues go well beyond a jurisdictional transport portfolio and to government as a whole. Implicitly, IAP is about exploring new ways to pursue important public policy goals. Consequently, the IAP will have a significant influence on subsequent uses of this telematics capability in the transport sector."*²

² Austroads Inc., *IAP Feasibility Project Report* (2003), p9.

Benefits are Subject to the Network Effect

In addition to previous technical and legal arguments presented against IAP, the ATA believes this vehicle monitoring scheme should not continue in its present form because of poor ongoing returns to public investment for all three tiers of government.

Again, the IAP policy analysis report states:

*“The benefits that will arise from the IAP are subject to the **network effect** – i.e. the potential for known and unanticipated benefits increases dramatically with each additional node (vehicle, operator, other participant) added to the system. This has several policy consequences including:*

- 1. the more applications and participants that can be brought into the system as quickly as possible, the greater the benefits*
- 2. once the necessary commercial threshold is reached, the addition of small operators generates considerable economic and other policy benefit at low marginal cost. Barriers to small operator participation can therefore be reduced, and*
- 3. strong support for the view that the IAP should be based on many service providers from the start of the system, rather than the alternative monopoly or controlled entry approaches.”³*

Another phrase for the network effect is ‘*demand-side economies of scale*’. Under this design principle, the value of a product or service is dependent on the number of people using it. This means IAP’s true ‘viability’ as a business proposal is, and has always been, predicated on attracting enough operators to deliver the desired outcomes. Under IAP, a large pool of operators is needed to reduce costs of entry and participation (thus eventually lowering barriers for smaller operators as was claimed).

‘Access’ (as the principal IAP outcome or ‘benefit’ to operators) is not linked to the network effect by any signal, so it is not responsive to whether IAP’s target market is big or small. Access, along with all its conditions, is decided externally in jurisdictions so any so-called benefits accrue haphazardly to operators from scheme participation and not as a direct outcome of the IAP model itself.

In fact, subdued demand for HML from industry in NSW in recent years (despite a growing freight task) can be linked to unreasonable requirements for IAP on HML vehicles that cause no additional road wear and tear and are no less compliant than B-doubles or Type 1 and 2 road trains. In NSW, for example, 3,000 registered expressions of interest in access to HML dropped to approximately 300 HML users once IAP was made a condition of access.

The inherent value or benefit of the IAP ‘product’ to industry is obviously not in the quantum of its participation but in the access delivered by that participation. Low costs are a real key to attracting industry to any scheme but, in terms of IAP, access as the principal outcome and product of the scheme is paramount to maintaining that participation.

IAP was implemented in 2006 and now, seven years later, enrolment numbers remain grossly inadequate to sustain a demand-side model of this kind. The announcement in 2013 of small increases in enrolments arising from increased program flexibility are not enough to fix the issue that seven years on, this scheme is under-subscribed and it underperforms. IAP is simply not good business for industry.

The ATA makes suggestions for a safer, more robust and cost-effective monitoring approach of significantly more reasonable size and scope in section 4.4.

³ *Intelligent Access Feasibility Project - Public Policy Analysis Report IR-IAP10 (2003), piii.*

4.3 Public Handling of Private Data

Adoption of the network effect as a design principle suggests that perhaps a limited target market was never intended in the first place (nor presumably any long-lasting commercial advantage). Implementation of IAP along the lines of the framework presented in the IAP RIS and Austroads' Feasibility Report suggests a desire for a permanent blitz on industry using telematics technologies as enforcement and data mining tools.

In 2003, the feasibility project report claimed:

"To say that the use of vehicle telematics for determining heavy vehicle compliance performance (the IAP) at an evidentiary level represents a paradigm shift would be an understatement."

Evidence is dealt with by a court under law and all telematics data, not merely that issued by IAP-approved devices, is subject to a presumption of accuracy and entitlement to discovery. Nonetheless, legal advice provided to the ATA in 2009 advised this external monitoring represents unprecedented surveillance, and it places high additional costs on the industry. In short, the IAP is not a paradigm breaker in terms of technology, it is a deal-breaker in terms of government intrusiveness and unwarranted intervention through data capture in legitimate commercial activity.

Legal advice received by the ATA in 2009 also stated:

*"No other area of commerce in any Australian jurisdiction is subject to such surveillance. The proposal is based upon a presumption that some industry participants cannot be trusted to comply with the law. This, itself, is a unique regulatory view..Given its costs and intrusiveness, we can see its use justified in high risk situations and as a court-ordered sanction for persistent offenders. We do not see its use justified as a fundamental, across the board surveillance too as a matter of general regulatory principle."*⁴

Of course, in-vehicle telematics devices are more common in transport operations today than when IAP was first introduced and modern systems can be interrogated for a vast array of commercial data. For example, some operators audit systems for accreditation purposes in order to remain compliant with the TruckSafe program. To harness this operator productivity, TruckSafe should be awarded formal recognition alongside the NHVAS as another national approach to compliance assurance.

In April-May 2013, 26 TruckSafe operators responded to an ATA survey on the use of in-vehicle telematics. Only two operators said they used no such devices. One claimed they had an IAP device, the rest listed a range of commercially-available systems. Some also listed the uses of those devices:

<u>Purpose of Device</u>	<u>Number Using It</u>
Speed reports	15
Fatigue reports	13
Location	13
Service schedules	6
Harsh braking	4
Communication	3
Driver logs	3
Engine monitoring	3
Geo fences	3
Operational reports	2
Diagnostics	1
Refrigeration monitoring	1
Fuel monitoring	1

Today, operators purchase a wide variety of devices with many sophisticated computerised functions and capacity to plug in applications of all types. A simple yet serious barrier to industry's participation in IAP has been an historic reluctance to permit non-accredited equipment owned by operators to be used. Forcing equipment purchases (which we understand from the recent IAP surveys typically amount to \$1800 - \$2200 per vehicle installation) and ongoing costs (typically around \$100 -\$150 per

⁴ Mr Tony Hulett, Lovegrove & Lord Lawyers, Melbourne, 2009.

month per vehicle plus any audit costs) for a service over which participants have no ownership and little control is unreasonable. An open standard for devices would collect the data a court requires as well as the data a company needs and it would not increase the threat of tampering since researchers seem to agree any stand-alone device can be spoofed to produce false data.

A key principle for private industry is that it is entitled to gather and manage information for its own purposes and that such commercially unique and valuable data may be sought on occasion as appropriate by the relevant authorities. This data should not be permanently appropriated nor wielded as a weapon against legitimate business activity.

Since IAP was introduced, GPS/telematics systems have also become so common that some people see vehicles these days *“not [as] a simple machine of glass and steel but a hackable network of computers”*⁵. Studies into tampering with engine management and control systems have also emerged. In 2010, a team from the University of California San Diego linked remotely to a test car’s mobile phone security system and inserted new software allowing commands to be sent to the engine management system that overrode the car’s controls. A similar experiment this year⁶ involved a laptop plugged into the in-vehicle device to flood the CAN-bus network with false signals causing the car to swerve, brake and speed, sense it was reverse parking and sound the horn, all despite the driver’s commands. The researchers ensured this occurred while other equipment such as the speedometer, odometer and fuel gauge readings etc. displayed incorrect information.

The ATA has also been informed of instances when IAP devices have been retrofitted by third party providers into the wrong data link, confusing engine management systems and potentially voiding engine warranties. This matter is of sufficient concern for the ATA to plan a technical presentation on electrical fault finding and aftermarket device installation at the *2013 PACCAR & Dealer Technical & Maintenance Conference* in October 2013 at the Kangan Institute, Centre of Automotive Excellence in Melbourne.

Many operator systems are also highly integrated, with sophisticated capacity to cross-reference data thus giving them a high level of certainty that their systems are richer sources of route compliance assurance as well as other information than current IAP devices.

In July-August 2013, on request from the NTC, the ATA and NatRoad circulated separate surveys to their membership on the use of IAP. Some 60 anonymous survey responses were received (19 claimed current IAP enrolment) by the ATA and 23 responses by NatRoad, some of which are below:

Q6. Why you have decided not to participate in IAP?

- “More unnecessary enforcement and costs on business. Does not guarantee access.”
- “Other systems offer broader features in their applications that better suit my business needs.”
- “Cost, time involved and that as a sub-contractor you don't usually get paid any more to carry more weight.”
- “Doesn't suit our business of operation at the current pricing structure. Can't use IAP for most trips. Not viable under current pricing structure.”
- “Limited access roads available. Need an interactive in-cab GPS showing HML roads. Unsure of who has access to truck data and for how long. Is there a statue of limitations on the time data is kept and used?”

Q11. How could IAP be changed to encourage you to participate?

- “If an operator can demonstrate route compliance, why is IAP needed?”
- “Drop the scheme and give back HML on an audit basis like from 2002 until 2008.”
- “Be more cost effective, able to utilise current telematics.”
- “It couldn't.”

⁵ *“Hackers Reveal Nasty New Car Attacks-With Me Behind The Wheel”* by A. Greenberg, 24/7/2013. Forbes Magazine. <http://www.forbes.com/sites/andygreenberg/2013/07/24/hackers-reveal-nasty-new-car-attacks-with-me-behind-the-wheel-video/>

⁶ Mr Tony Hulett, Lovegrove & Lord Lawyers, Melbourne, 2009.

- “Reduce certification fees so service providers don't pass on costs. Scheme entry has always been hindered by this cost. This is the main reason why entry into the scheme has been limited. By the time costs are weighed up there is only marginal benefit for the operator.”
- “Certainty of data confidentiality and strict access guidelines to that data and deletion after a set time. Set rules as to what can be done with that data and for how long. GPS mapping software with HML roads.”

Another survey respondent stated, *“I've never received a exception report from IAP, we had two prime movers operating one with blank screen and the other the driver not entering any trip information for a couple of months and no reports to advise of this from IAP.”*⁷

A different operator has previously reported the receipt of thousands of non-conformance notices but despite repeated requests to the road agency received no further advice as to what to do with them. That same operator made a loss of approximately \$23,000 from IAP enrolment in 2011 even though the company accessed HML and moved additional freight.

It is important for an operator to be able to verify precisely what information is being retrieved, by whom, why, and at what times it is being captured and transmitted, with substantial grounds for review, appeal and recompense should any mismanagement or commercial injury occur from actions of any non-operator parties involved in these electronic transactions. Operators may also decide to retrieve data mined by authorities for their own separate legal and evidentiary purposes, and this should be possible on reasonable request, or if necessary under Freedom of Information laws.

Ultimately, the most secure, innovative and dynamic national fleet imaginable will likely comprise multiple diverse private operators collecting sophisticated data through private systems fully integrated with Original Equipment Manufacturer technologies, according to their enterprise and fleet needs. Many operators are already at this level of operational maturity. Those operators can and already do securely manage their own systems according to their commercial risk and furnish data on reasonable request to relevant authorities.

4.4 Administration and Next Steps

*“IAP monitors after the event happens. As an operator I want an in-cab screen that shows a driver live, as a GPS device does, that he is off route. We now do declarations from the office up to 72 hours after the event as allowed as drivers and in-truck screens are both unreliable.”*⁸

IAP's contribution to industry compliance cannot be easily assessed if, in the words of the 2005 RIS that envisaged only a two to three year implementation process, *“It is not intended that Stage 1 will be directed at improving overall compliance per se.”*

IAP has always been focused on reporting potential non-compliance *post-incident* to road agencies. It is an afterthought to inform operators of their own ‘non-compliance’ so they can take corrective action in their business. The scheme has proved opaque and underperforming at the road manager level; financially unsustainable at the TCA enterprise level; and costly and counter-productive for the truck industry to adopt. Risk-averse attitudes on the part of road managers, program costs, processing delays and haphazard returns in actual access have all contributed to a lack of widespread enthusiasm for this scheme.

A risk-based categorisation system would be preferred by the ATA, wherein safe, prescriptive modular combinations and PBS combinations operating at HML attract no monitoring via IAP, but high-risk vehicles (e.g. ultra heavy cranes) and higher order oversize and over-mass vehicles may be monitored, as an alternative to expensive individual trips under supervision by road agencies for compliance with access conditions. IAP should also be applied to persistent or serious offenders when a supervised intervention order is imposed by a court. All transport data is evidence, regardless if it is gathered and stored electronically or recorded by traditional means.

⁷ ATA survey July-August, 2013.

⁸ *ibid.*

NHVR Business Unit

State and local agencies are perceived by industry to be generally overwhelmed with the burden of IAP processing and administration. This perception is supported by recent attempts by road agencies to include IAP administration costs and TCA costs into the national heavy vehicle charges framework. This was later strongly and appropriately rejected by the NTC and industry since IAP was clearly designed as a cost-recovery service for users.

While some operators have accepted IAP, others have reported to the ATA that it has been an inefficient, expensive program for them, partly because of its inherent design and partly because of the mountains of agency paperwork along with the red tape, annoyance and confusion it can generate for some customers.

In 2005, it was noted that risk from IAP would attach to road managers, with the IAP RIS stating:

“The accumulation of road authority costs as the IAP develops momentum could render some applications economically unviable if the incremental road authority costs associated with an additional application exceeded the application’s benefits. At this stage it is not possible to foreshadow likely outcomes because of the overlap and economies of scale inherent in the road authority costs.”⁹

Apart from gaining the necessary ‘momentum’ (participants) to be viable, the program needs national consistency if it is to succeed in the modern industrial world. IAP might have worked had it been implemented and operated on a consistent national basis, through mutual recognition by the states, and then purely focused on risk. Had industry accepted that the perceived risks were reasonable matters of concern then IAP may even have gained support as a route assurance compliance tool.

NHVR Monitoring Policy

There are times, such as with HML and the IAP, when national reforms are formally agreed by jurisdictions but not uniformly realised in practice. This has undermined the benefits of those reforms. However, the loss in Australian freight productivity from HML not achieving the 1999 RIS outcomes is many times more than any possible benefits IAP could bring.

Opportunities for real reform lie in the new regulatory environment of the NHVR. The ATA suggests a better, safer, efficient and more viable policy approach under NHVR will include:

- Reminding road managers that *productivity* is key. Road manager culture should be guided away from paranoia over asset protection and funding towards evidence-based assessment of access and risk, with a focus on asset safety, quality and productivity outcomes.
- Modular B-triples and modular AB-triples and other safe, highly productive modular combinations have access to all road train areas and other suitable routes such as the Hume highway. Type 1 and 2 road trains and B-doubles do not attract IAP, neither should B-triples and AB-triples. This reflects the 1999 COAG Agreement on B-triples that industry believes was never met by agencies, particularly in NSW and Victoria.
- Demand for HML has been sound in Victoria but not in QLD and NSW due to the IAP condition. There is a clear national advantage in advancing HML without IAP via networks that encourage the use of HML vehicles and combinations over traditional GML vehicles.
- Further productivity opportunities arise from:
 - Quad axle semi-trailer at General Access at 24 tonnes GML and 27 tonnes at HML,
 - Quad axles in the A-trailer of a B-double at 24 tonnes GML and 27 Tonnes HML on all suitable B-double routes.
 - Access for six and seven axle rigid truck and dogs at PBS mass limits without PBS.

As noted at the outset of this submission, monitoring technologies are not necessary to run a safe, compliant and viable transport company, and compliance assurance itself can take many forms. This includes official recognition of TruckSafe accreditation alongside the NHVAS, regulatory recognition of

⁹ RIS, p8.

existing integrated vehicle systems and industry accreditation schemes as a 'reasonable steps defence', alternatives to written work diaries, evidence of speed management and as an alternative risk management approach to IAP.

5. Conclusion

IAP has not been a good fit for the trucking industry. Unfortunately, road managers have not demonstrated uniform confidence in the trucking industry, competence in program administration, technical understanding of heavy vehicle access, risk management principles nor any transparency in decision-making in their applications of IAP.

No matter what the objective strength of IAP is in a technological sense, it has not in a business enterprise sense positively influenced the policy and regulatory areas in which road access is decided and granted in Australia. Poor state and local agency decision-making remains the primary access challenge.

Residual IAP monitoring tasks should be scaled down to operate from within a business unit under the NHVR and telematics policy should remain with the NTC. Under the NHVR, monitoring could be deployed in a limited manner on high risk, or targeted oversize and over-mass vehicle movements, as an alternative to traditional on-road supervision, or when supervisory orders are imposed by a court. This would correctly deploy the option of telematics monitoring as one approach to compliance assurance amongst many and it would fit more comfortably into the Chain of Responsibility (COR) enforcement suite and planned enhancements to COR.

"In our opinion regulatory strategies based on voluntary compliance and education are more likely to have positive outcomes as against a mandatory surveillance system imposed on market operators not guilty of any offence on the premise that some market operators cannot be trusted to comply with the law."¹⁰

The ATA strongly supports a national route compliance assurance approach managed by the NHVR that protects road infrastructure and safety, aids freight efficiency and reduces the costs of road transport. The three tier network approach, notices and permit schemes and PBS innovation assessment tools offer sound access management if administered well. The NHVR is an important step towards access management and its progress on this area would be improved with external review of access decisions. Mandatory application of monitoring technologies is neither necessary nor desirable for ensuring compliance of the national fleet.

The IAP should be reformed as recommended by the ATA.

Recommendation 1

The ATA accepts the need for route compliance assurance as part of a risk-based access management regime. Accordingly, it is recommended that a truly voluntary compliance monitoring option is established, with an open standard for vehicle devices and first party compliance obligations. This would allow operators who wish to use technology to satisfy compliance duties to do so with comfort that the technology attracts a presumption of accuracy.

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¹⁰ Mr Tony Hulett, Lovegrove & Lord Lawyers, Melbourne, 2009.

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