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## **Intelligent Transport System Compliance Framework Industry Consultation Draft**

Cement Concrete & Aggregates Australia (**CCAA**) welcomes the opportunity to make a submission on the [Intelligent Transport System Compliance Framework Industry Consultation Draft \(the consultation draft\)](#).

CCAA is the voice of the heavy construction materials industry in Australia. Our members operate cement manufacturing and distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout the nation.

CCAA membership produce the majority of Australia's cement, concrete & aggregates, and range from large global companies to SMEs and family operated businesses. It generates approximately \$15 billion in annual revenues and employs approximately 30,000 Australians directly and a further 80,000 indirectly.

The Heavy Construction Materials Industry is vital to the nation's building and construction industries and underpins the development of Australia's physical infrastructure.

Some 200 million tonnes of aggregates are used in the construction of homes, workplaces, public buildings and roads every year, whilst some 29 million cubic metres of pre-mixed concrete is produced from more than 1500 concrete batching plants to build Australia each year, most of which is moved on Australia's road network.

CCAA estimates that the industry moves 28.9 % of Australia's freight by weight, and 12% of freight by km, using approximately 10,000 trucks.

Chapter 7 of the Heavy Vehicle National Law (**HVNL**) establishes how data collected by heavy vehicles under the Intelligent Access Program (**IAP**) can be used for the purposes of the National Law.

Section 401 of the HVNL defines IAP as a program to allow heavy vehicles to have access, or improved access, to the road network in return for the monitoring, by an intelligent transport system, of their compliance with stated access conditions prescribed under various instruments (notices and permits) made under the HVNL.

Section 402 is an application provision identifying the class of heavy vehicles who are subject to monitoring under Chapter 7.

As suggested on page 2 of the consultation draft, section 403 of the Heavy Vehicle National Law (**HVNL**) permits Transport Certification Australia (**TCA**) to approve intelligent transport systems **for the purposes** of the Intelligent Access Program.

Page 2 goes on to say:

Since 2022, jurisdictional road managers have been utilising different intelligent access programs as a condition of a mass or dimension authorisation, from IAP to TMA (with or without Smart OBM) and RIM in certain circumstances. This has resulted in the enrolments in the IAP decreasing as operators move to the newer intelligent access program.

There are two 'different' schemes that are relevant to the concrete and aggregates industry which have been 'approved' by TCA.

One is the [Construction Vehicles Data Sharing Initiative](#)<sup>1</sup> which was an initiative led by CCAA and other industry and state government participants that was established to facilitate urban planning to support road access planning, infrastructure management and efficient transport.

The website announcing the initiative says:

*TCA gives a clear undertaking that all data will be aggregated and anonymised to ensure commercial confidentiality. TCA will not enable the subsequent identification of individual vehicles, or the company ownership of vehicles. The voluntary data received by TCA will not be used for enforcement purposes.*

The second is the [Safety, Productivity and Environment Construction Transport Scheme](#)<sup>2</sup> (**SPECTS**) designed to provide information about heavy vehicle loads and movements to NSW Government entities.

The SPECTS website says:

*We have removed the Intelligent Access Program (IAP) requirement. Operators can now use existing telematics systems and will simply need to participate in the Road Infrastructure Management (RIM) application with Transport Certification Australia (TCA).*

*This involves filling out a participation form and sending data files in an approved format to TCA. It is important to note all individual data is held, secured and protected by TCA's legal and privacy obligations. Only de-identified, aggregated data is used for reporting purposes to Transport for NSW and participating local councils.*

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<sup>1</sup> <https://tca.gov.au/construction-vehicles-data-sharing-initiative/>

<sup>2</sup> <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/heavy-vehicles/schemes-and-programs/safety> accessed 3 September 2024

To the extent that the consultation draft can be construed as suggesting that:

1. heavy vehicles operating under the Construction Vehicles Data Sharing Initiative or SPECTS are heavy vehicles to which the provisions of Chapter 7 of the HVNL applies; and
2. it is the intention of the Regulator to use **any** information collected by a system 'approved' by TCA capable of identifying the movements of a **particular** vehicle for the purposes of enforcement or any other reason,

the Regulator will need to be aware that such an approach may impact on the willingness of heavy vehicle operators to participate in schemes such as those referred to above.

The expectation of operators is that schemes of this nature are to exclusively facilitate the planning and maintenance of road infrastructure.

Any other use would prejudice road authorities from receiving data used to develop and preserve road networks.

For further information, please contact Brian Hauser on 0407 924 320 or [brian.hauser@ccaa.com.au](mailto:brian.hauser@ccaa.com.au).

Yours sincerely

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