



New South Wales

Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to permit the Minister for Roads, Maritime and Freight to approve trials of highly or fully automated vehicles on the State's roads, and
- (b) to provide that it is a function of Transport for NSW to develop policy and facilitate research and testing for the purposes of promoting innovative transport solutions.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1 [1] inserts proposed Part 5.6 into the *Road Transport Act 2013* (the *principal Act*) to provide for automated vehicle trials. That Part comprises proposed sections 148L–148V.

Proposed section 148L inserts a number of definitions to be used in the proposed Part.

Proposed section 148M sets out the objects of the proposed Part, which are to enable the Minister for Roads, Maritime and Freight (the *Minister*) to approve trials of the use of highly or fully automated vehicles, to ensure that adequate insurance is in place to cover any personal injury or

property damage that may arise during the course of a trial and to provide for the modification of references in laws to the driver or person in charge of a vehicle that is highly or fully automated.

Proposed section 148N permits a person to apply to the Minister to use a vehicle (the *trial vehicle*) on a road in circumstances that would not otherwise be lawful. The Minister may, by order published in the Gazette, approve the use of the trial vehicle by the applicant (the *approved person*) in the manner and circumstances specified in the order. The trial approval must identify the roads on which the trial vehicle may be used (the *trial area*) and the period during which that use may occur (the *trial period*). The approved person must ensure that the trial vehicle is not used except in accordance with a trial approval. Failure to do so is an offence (maximum penalty \$11,000). The Minister is permitted to revoke or suspend a trial approval at any time and for any reason.

Proposed section 148O permits the Minister to determine whether a trial vehicle is to be registered, subject to an unregistered vehicle permit or unregistered for the purposes of the trial and to direct Roads and Maritime Services (the *Authority*) to register the vehicle or to issue an unregistered vehicle permit for the use of the vehicle if necessary. A trial vehicle may be used on a road in the trial area without being registered if the Minister determines that it may be used in such a way.

Proposed section 148P makes it a condition of a trial approval that the trial vehicle is covered by a third-party policy of insurance or that adequate arrangements have been made to indemnify the Nominal Defendant against any claims arising during the trial period as a result of the trial vehicle not being an insured motor vehicle. The approved person must also have a public liability insurance policy of at least \$20 million that covers damage caused by, or arising out of, the use of the trial vehicle. The Minister is required to suspend or revoke a trial approval if any such insurance requirements are not met.

Proposed section 148Q makes it a condition of a trial approval (unless the Minister determines otherwise) that a vehicle supervisor be in the trial vehicle at all times when the vehicle is being used during an approved trial. The vehicle supervisor must hold an appropriate class of driver licence and be approved by the Minister. The approved person must ensure that the vehicle supervisor is in a position to take control of the trial vehicle at any time or to stop the trial vehicle in an emergency or if required to do so by an authorised officer.

Proposed section 148R requires the approved person to notify the Minister of certain incidents occurring during the course of an approved trial including collisions involving the trial vehicle, other accidents or incidents that have, or could have, caused significant property damage, serious injury or death and accidents or incidents of a kind prescribed by the statutory rules made under the principal Act. The approved person must also provide any information in relation to an approved trial to the Minister if requested to do so. Information obtained by the Minister under the proposed section may be provided to any person or body if the Minister considers it reasonable to do so for the purposes of law enforcement or road safety.

Proposed section 148S provides for the Minister to determine how references in laws to a driver or person in charge of a vehicle are to be construed in the case of the use of a highly or fully automated trial vehicle as part of an approved trial.

Proposed section 148T creates an offence (maximum penalty \$11,000) if a person hinders or obstructs the movement of a trial vehicle or interferes (whether physically or in any other way, such as by blocking an electronic signal) with a trial vehicle or any other equipment being used for the purposes of an approved trial.

Proposed section 148U permits the Minister to delegate the Minister's functions under the proposed Part to Transport for NSW or the Authority.

Proposed section 148V permits the statutory rules under the principal Act to make provision for or with respect to approved trials.

Schedule 1 [2] inserts transitional provisions to take account of trial approvals that may be granted before the commencement of the *Motor Accident Injuries Act 2017* and to take account of

references to the Minister administering that Act if the administration of that Act has not been allocated to a Minister.

Schedule 2 Amendment of Transport Administration Act 1988 No 109

Schedule 2 provides that it is a function of Transport for NSW to develop policy and facilitate research and testing for the purposes of promoting innovative transport solutions, including the testing of automated vehicles and digital technologies on the State's roads and road related areas.