

**Submission
No 9**

TRANSPORT TECHNOLOGY SECTOR

Organisation: Maurice Blackburn Lawyers

Date Received: 28 May 2021

28 May 2021

Ms Carolyn Hopley
Committee Manager
Legislative Assembly Committee on Transport and Infrastructure
Parliament House
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By email: transportinfrastructure@parliament.nsw.gov.au

Dear Ms Hopley,

We welcome the opportunity to provide feedback in relation to the Committee's inquiry into the Transport Technology Sector.

Maurice Blackburn Pty Ltd is a plaintiff law firm with 33 permanent offices and 30 visiting offices throughout all mainland States and Territories. The firm specialises in personal injuries, medical negligence, employment and industrial law, dust diseases, superannuation (particularly total and permanent disability claims), negligent financial and other advice, and consumer and commercial class actions. The firm also has a substantial social justice practice.

We have significant experience and expertise in assisting clients to access justice following road trauma. We have been pleased to share this experience and expertise with a number of state and federal authorities which have conducted consultations on various matters related to road safety – including driver distraction, compensation schemes for road accident victims and the safe introduction of automated vehicles.

To this end, we restrict our comments to Term of Reference 5, namely:

the ethical considerations and regulations in the development of connected and automated vehicles (CAVs).

We draw the Committee's attention to the extensive work being done by the National Transport Commission (NTC) on the ethical considerations required for the safe introduction of CAVs.¹ To date, the NTC has conducted more than 12 significant consultation processes on various aspects of CAV safety, and Maurice Blackburn has been pleased to offer our legal and professional insights in a number of those inquiries.

¹ <https://www.ntc.gov.au/transport-reform/automated-vehicle-program>

Across these submissions, we have identified and espoused a number of core principles, which we believe may be useful for the Committee's consideration. These include:

- That any automated technology that improves road safety should be encouraged - but not without robust regulation that protects road users, particularly vulnerable road users.

For example, we consider it particularly important that regulation is in place to ensure personal injury insurance coverage applies equally to an individual who is injured in a CAV or in a human driven vehicle - and that this regulation is in place before the technology is rolled out.

- That data collection from CAVs should be restricted to circumstances where the end beneficiary of the data collection is the general public, not government agencies or commercial interests who stand to benefit from the data collection. The following could be seen as outcomes of data collection which benefit the general public:
 - Using the data where a public safety imperative exists;
 - Showing potential faults in automated systems;
 - Helping to prove who was in control of a vehicle at the time of an accident; or
 - Informing investigations that remove a dangerous vehicle or driver from the roads.²
- That the consumers' voice must be heard in any discussions related to the ethical use of data or information collected through the use of CAVs.
- That safety assurance processes must be robust enough to ensure that a CAV is safe when it enters the market, and to ensure that it continues to be safe until the end of its working life.³
- That a uniform national approach to regulation is preferable. It is important that local regulatory initiatives are created with a national focus/framework in mind. To this end, we encourage the Committee to ensure that any future 'local research and development' complements the work that has already been done by the NTC.

Above all, we believe that the primary ethical consideration in the introduction of CAVs should be that no person should be worse off, financially or procedurally, if they are injured by a vehicle whose ADS was engaged, than if they were injured by a vehicle controlled by a human driver.

We invite the Committee to consider our (and other) submissions to the NTC on the important topics relating to the introduction of automated vehicle technology. We would be pleased to make copies of our submissions available upon request, and we would welcome a discussion with the Committee on our views on vehicle automation.

Please do not hesitate to contact Maurice Blackburn via our National Manager of Public Policy, Peter Newling on 03 8102 2044 or via PNewling@mauriceblackburn.com.au if we can further assist with the Committee's important work.

² For more information on this point, see: https://www.ntc.gov.au/submission_data/898

³ For more information on this point, see: https://www.ntc.gov.au/submission_data/599

Yours faithfully,



Katie Minogue
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