4 July 2016

Automated Vehicle Team
National Transport Commission
Level 15/628 Bourke Street
Melbourne VIC 3000

REGULATORY OPTIONS FOR AUTOMATED VEHICLES SUBMISSION

Dear Automated Vehicle Team

Gas Energy Australia appreciates the opportunity to respond to the National Transport Commission's (NTC) *Regulatory Options for Automated Vehicles* discussion paper. The introduction of automated vehicles in the transport system could result in substantial productivity, safety and environmental benefits. Ensuring that regulatory frameworks are updated to accommodate new technology is vital to realise these benefits and this discussion paper is a key part of this process.

Gas Energy Australia provides the following responses to the questions in the discussion paper:

Question 1a: Do you agree that automated vehicle trials should be supported with national guidelines? If not, why?

Gas Energy Australia supports the use of national guidelines for automated vehicle trials. This approach balances the important goals of achieving consistency across jurisdictions, lower implementation costs and the current niche nature of automated vehicle trials means they are suited to approvals being granted on a case by case basis.

Question 1b: What key conditions should be included in any national guidelines for trials?

Gas Energy Australia agrees that conditions listed in chapter 4 based on a comparative study of guidelines in New Zealand and the United Kingdom is comprehensive. However, Gas Energy Australia encourages the NTC to recommend clarification over the way data from trials is collected, recorded and used. This data is one of the major benefits from undertaking trials and may inform the approach to managing the data generated from the use of automated vehicles in the future.

Gas Energy Australia also cautions that trials approved in different jurisdictions could potentially transition into pilot schemes and then onto full projects with divergent standards. As such, national guidelines should ensure that approvals for trials include a caveat that any full projects are required to be retrospectively aligned to national standards.

Question 2a: Do you agree that issues of control and proper control should be addressed through national enforcement guidelines? If not, why?

Gas Energy Australia agrees that national enforcement guidelines are an appropriate mechanism to address the issues of control and proper control. This supports national consistency objectives and the flexibility of this approach is suited for automated vehicle technology which is still developing.

Question 2b: How should control and proper control be defined?

Gas Energy Australia notes that it is important for the terms control and proper to be clearly defined to accommodate technological developments in the future. However, we consider that technological progress for automated vehicles will be incremental and that existing requirements for human drivers regarding the responsibilities for the actions of the vehicle to be suitable at least in the near future.

Question 3a: Do you agree that governments should oversee the safe operation of automated vehicles though the development of a national safety assurance framework? If not, why?

In the first instance, we agree that governments should develop a national safety assurance framework for the operation of automated vehicles. While this could potentially slow innovation, the deployment of this technology could have significant impacts and risks to communities. Hence, some government oversight over their introduction to protect social interests is justified.

Question 3b: What objectives and criteria should such a framework include?

Gas Energy Australia agrees with the example in the report that the objectives for a safety assurance framework should cover compliance with relevant safety requirements for public road use and ability to integrate with existing road infrastructure. In addition, we consider the performance criteria in the example to be comprehensive.

Question 4a: Do you agree that the definition of driver and driving should be amended in relevant legislation? If not, why?

Gas Energy Australia agrees that Option 2 would reduce uncertainty and barriers to the introduction of automated vehicle technology.

Question 4b: What should be the legal obligations of the entity responsible for the automated driving system?

In the long term future, legal obligations of the entity responsible for the automated driving system might cover specific driving tasks or functions that the system undertakes. However, in the near term, we consider that deeming the human driver to be responsible for any automated vehicle is a realistic approach as technology matures.

Question 4c: Are there additional legislative regimes that use the definition of driver that should be considered in any future reforms of the definition?

NA

Question 5: Do you agree that the driver or registered owner should be deemed responsible for the actions of the automated vehicle, and for governments to further investigate options as the technology and market develops? If not, why?

As noted in our answer to Question 4b, this is a realistic approach where technology is not yet mature. This allows flexibility for governments to design new legislation to attribute responsibilities for actions of the vehicle between human drivers and automated driving systems depending on how the technology develops.

Question 6: Do you agree that governments should continue to rely on vehicle standards exemptions at this point in time? If not, why?

We agree that the use of exemptions for automated vehicle standards is an appropriate approach given that this will allow for international consistency and reduce barriers to trade in the long term future. In addition, we support the development of standards for automated vehicles when they become more widely available.

Question 7: Do you agree with the development of industry-led standards to address modification of automated vehicles? If not, why?

Gas Energy Australia supports the development of industry-led standards drawing on trusted international sources to ensure uniformity and consistency of automated vehicles in Australia.

Question 8: Do you agree that governments should support industry-led guidance to address automated vehicle liability issues? If not, why?

Similar to our response to Question 7, we agree with the NTC that industry-led guidance is a suitable approach to automated vehicle liability issues where that guidance is drawn from trusted international sources.

Question 9: Do you agree that personal information generated by automated vehicles should continue to be regulated by privacy principles and with no additional legislative controls at this time? If not, why?

NA

Question 10: Do you agree with the proposed approach to use different automated vehicle classification systems depending on the purpose for which they are used? If not, why?

NA

Question 11: Are there other issues that we have suggested are out of scope or that have not been identified, and which you think should be considered as part of the NTC project? If so, why?

NA

Question 12: Do you agree with the staged approach to reform and the suggested timing to address the identified issues? If not, why?

Gas Energy Australia does not have any objections to the staged approach to reform or the suggested timing.

Closing comment

Gas Energy Australia looks forward to continue working with the NTC on behalf of the gaseous fuels industry to ensure that the transport system meets upcoming challenges and continues to function effectively.

Yours sincerely

John Griffiths
Chief Executive Officer