

EXPOSURE DRAFT

Mr Alistair Coe

(Prepared by Parliamentary Counsel's Office)

Road Transport (Safety and Traffic Management) (Autonomous Vehicle Trials) Amendment Bill 2016

A Bill for

An Act to amend the *Road Transport (Safety and Traffic Management) Act 1999*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Road Transport (Safety and Traffic Management) (Autonomous Vehicle Trials) Amendment Act 2016*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Road Transport (Safety and Traffic Management) Act 1999*.

Note This Act also amends the *Road Transport (General) Regulation 2000* (see s 7).

4 Offences against Act—application of Criminal Code etc Section 5AA, note 1

insert

- section 32G (Offence—trial without approval)
- section 32H (Offence—contravene condition)
- section 32I (Offences—hinder approved trial or interfere with equipment)
- section 32J (Offences—fail to keep or supply data)

5 New part 7A*insert***Part 7A Autonomous vehicle trials****32A Definitions—pt 7A**

(1) In this part:

approved trial, of an autonomous vehicle, means a trial approved under section 32C (1).

autonomous system, for a motor vehicle, means a system that enables the operation of the motor vehicle without the active physical control of, or monitoring by, a human operator.

autonomous vehicle means a motor vehicle equipped with an autonomous system.

participate, in an autonomous vehicle trial, means—

- (a) undertake the trial; or
- (b) operate an autonomous vehicle in the trial.

(2) For subsection (1), definition of ***autonomous vehicle***—a motor vehicle is not equipped with an autonomous system only because it has a system for collision avoidance, electronic blind spot assistance, automated emergency braking, park assist, adaptive cruise control, lane keep assist, lane departure warning or any other similar system that enhances safety or assists drivers.

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32B Application—approval to trial autonomous vehicle

- (1) A person may apply, in writing, to the Minister for approval to trial an autonomous vehicle.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for the application, the form must be used.

Note 2 A fee may be determined under the *Road Transport (General) Act 1999*, s 96 for the application.

- (2) The Minister may, in writing, require the applicant to give the Minister additional information or documents that the Minister reasonably needs to decide the application.
- (3) If the applicant does not comply with the requirement, the Minister may refuse to consider the application.

32C Decision—approval to trial autonomous vehicle

- (1) On application for approval to trial an autonomous vehicle the Minister may—
- (a) approve the trial; or
 - (b) refuse to approve the trial.
- (2) The Minister must not approve the trial unless satisfied on reasonable grounds that the applicant is able to comply with—
- (a) any condition of approval about public liability insurance; and
 - (b) any condition of approval about safety standards for the autonomous vehicle; and
 - (c) any other condition of approval; and
 - (d) any guidelines made under section 32F (1).

- (3) Subsection (2) does not limit the matters that the Minister may consider in deciding whether to approve the trial.

32D Form of approval

- (1) An approval to trial an autonomous vehicle must state the following:
- (a) the full name and address of the person approved to undertake the trial;
 - (b) the full name and address of each person who may operate the autonomous vehicle in the trial;
 - (c) the place where the trial is approved to take place;
 - (d) the period during which the trial is approved to take place;
 - (e) the conditions of approval;
 - (f) anything else required by regulation.

Note The power to make the instrument of approval includes the power to amend or repeal the instrument (see [Legislation Act](#), s 46).

- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (3) The Minister must give additional public notice of the approval.

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

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32E Conditions—approved trial

- (1) It is a condition of approval of an autonomous vehicle trial that—
- (a) the operator of the vehicle holds a current licence to drive the vehicle and is capable of taking immediate manual control of the vehicle if there is a failure of the autonomous system or other emergency; and
 - (b) the operator of the vehicle is in the driver's seat of the vehicle during the trial; and
 - (c) the vehicle has a mechanism to engage and disengage the autonomous system that is easily accessible to the operator; and
 - (d) the vehicle has a visual indicator inside the vehicle to indicate when the autonomous system is engaged and when the autonomous system is disengaged; and
 - (e) the vehicle has a failure alert system that—
 - (i) tells the operator when a system failure is detected; and
 - (ii) allows the operator to take immediate manual control of the vehicle (including use of brake, accelerator and steering wheel) when a failure of the autonomous system or other emergency is detected; and
 - (iii) stops the vehicle if the operator does not or cannot take immediate manual control of the autonomous vehicle when a failure of the autonomous system or other emergency is detected; and
 - (f) the vehicle can capture and store sensor data from the vehicle for at least 20 seconds before a collision can happen; and

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(g) the trial complies with any guidelines made under section 32F (1).

(2) An approval is also subject to any condition stated in the approval.

Examples—conditions

- 1 level of public liability insurance
- 2 safety standards for the vehicle
- 3 keeping records
- 4 inspection
- 5 road or weather conditions for trial

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

32F Minister may make guidelines etc

- (1) The Minister may make guidelines in relation to the operation of this part.
- (2) The Minister must determine the period for which sensor data captured from an autonomous vehicle must be kept.
- (3) A guideline or determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

32G Offence—trial without approval

A person commits an offence if—

- (a) the person participates in an autonomous vehicle trial at a place; and
- (b) there is no approval in force for the trial of the vehicle at the place.

Maximum penalty: 20 penalty units.

32H Offence—contravene condition

- (1) A person commits an offence if the person—
- (a) participates in an approved trial of an autonomous vehicle; and
 - (b) fails to comply with a condition of the approval.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) the person participates in an approved trial of an autonomous vehicle; and
 - (b) a declaration is in force in relation to the trial under the *Road Transport (General) Act 1999*, section 13 excluding the person or the vehicle from the road transport legislation or a provision of the road transport legislation; and
 - (c) the person fails to comply with a condition of the declaration.

Maximum penalty: 20 penalty units.

32I Offences—hinder approved trial or interfere with equipment

A person commits an offence if the person, without reasonable excuse—

- (a) hinders or obstructs an approved trial of an autonomous vehicle; or

- (b) interferes with any equipment or device relating to an approved trial.

Maximum penalty: 20 penalty units.

Example—par (b)

interfering with an electronic signal being sent to, or from, the equipment or device

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

32J Offences—fail to keep or supply data

- (1) A person commits an offence if the person—
 - (a) undertakes an approved trial of an autonomous vehicle; and
 - (b) fails to keep sensor data captured from the vehicle for the time determined by the Minister under section 32F (2).

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person trials an autonomous vehicle in an approved trial; and
 - (b) during or in relation to the trial a collision involving the autonomous vehicle happens; and
 - (c) the person fails to give the Minister sensor data captured from the vehicle within 10 days of the collision.

Maximum penalty: 20 penalty units.

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32K Confidentiality

Without limiting section 32D (1), the Minister must (unless the Minister considers it inappropriate to do so) take reasonable steps to prevent the following information being published or otherwise made public under this part:

- (a) information that is commercially sensitive in nature;
- (b) information that an applicant for approval for the trial of an autonomous vehicle, or a person connected with an approved trial, has asked to be kept confidential.

32L Review—pt 7A

- (1) The Minister must review the operation of this part and present a report of the review to the Legislative Assembly within 2 years after this part commences.
- (2) The review must consider any legislative change or regulatory action required for the trialling and safe operation of autonomous vehicles.

6 Dictionary, new definitions

insert

approved trial, of an autonomous vehicle, for part 7A—see section 32A.

autonomous system, for a motor vehicle, for part 7A—see section 32A.

autonomous vehicle, for part 7A—see section 32A.

participate, in an autonomous vehicle trial, for part 7A—see section 32A.

**7 Road Transport (General) Regulation 2000
Schedule 2, new part 2.1A***before part 2.1, insert***Part 2.1A Road Transport (Safety and
Traffic Management) Act 1999**

column 1 item	column 2 provision	column 3 decision
1	32C (1) (b)	Minister—refuse to approve trial
2	32E (2)	Minister—place condition on approval

Endnotes**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2016.

2 Notification

Notified under the [Legislation Act](#) on 2016.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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