

Road Transport (General) Autonomous Vehicle Trial Declaration and Order 2019 (No 1)

Disallowable instrument DI2019–43

made under the

***Road Transport (General) Act 1999*, section 13 (Power to exclude vehicles, persons or animals from road transport legislation) and section 14 (1) (b) (Application orders and emergency orders)**

EXPLANATORY STATEMENT

Overview

This instrument is made under sections 13 and 14 of the *Road Transport (General) Act 1999* (the Act). Section 13 allows the Minister to exclude vehicles, persons or animals from the operation of the road transport legislation, or a provision of that legislation, by disallowable instrument. Under section 13 (1) of the Act, an exclusion operates in the circumstances and/or places declared in the instrument.

Section 14 (1) allows the Minister to order that the operation of regulations made under the road transport legislation, or a provision of such regulations is suspended for a stated period or varied in the way stated in the order. An order under subsection (1) is a disallowable instrument.

Road transport legislation is defined in section 6 of the Act and includes the *Road Transport (Road Rules) Regulation 2017*, the *Road Transport (Third-Party Insurance) Act 2008* and the *Road Transport (Third-Party Insurance) Regulation 2008*. This instrument exempts a vehicle undertaking an autonomous vehicle trial from certain offences in the *Road Transport (Road Rules) Regulation 2017* and from the *Road Transport (Third-Party Insurance) Act 2008* and the *Road Transport (Third-Party Insurance) Regulation 2008*. It also varies a provision of the *Road Transport (Road Rules) Regulation 2017*.

The ACT Government is committed to measures that shape a vibrant and sustainable city that continues to attract people to live, work and study in Canberra. This includes supporting modern, innovative and sustainable modes of transport.

Clause notes

Clauses 1 and 2 are formal provisions that deal with the name and commencement of the instrument.

Clause 3 declares that sections 264 and 265 of the *Road Transport (Road Rules) Regulation 2017* will not apply to the autonomous vehicle in the area identified in schedule 1 for the purposes of an approved autonomous vehicle trial during the period set out in clause 5.

Section 264 of the *Road Transport (Road Rules) Regulation 2017* provides that a driver of a motor vehicle that is moving or is stationary but not parked, and the driver's seating position is fitted with an approved seatbelt must wear the seatbelt properly adjusted and fastened.

Section 265 of the *Road Transport (Road Rules) Regulation 2017* provides that a passenger (that is 16 years or older) must occupy a seating position that is fitted with an approved seatbelt, not occupy the same seating position as another passenger and must wear the seatbelt properly adjusted and fastened.

The effect of the declaration is that the chaperone of the autonomous vehicle, and passengers aged 16 years or older, are exempt from the requirements under the *Road Transport (Road Rules) Regulation 2017* to wear a seat belt.

Clause 3 also declares that the *Road Transport (Third-Party Insurance) Act 2008* and the *Road Transport (Third-Party Insurance) Regulation 2008* will not apply to the autonomous vehicle in the area identified in schedule 1 for the purposes of an approved autonomous vehicle trial during the period set out in clause 5. The operator has in place public liability and product liability insurance that covers any property damage or personal injury claims resulting from the approved autonomous vehicle trial.

Clause 4 varies the application of section 297 (1) of the *Road Transport (Road Rules) Regulation 2017* to identify who the driver of the vehicle is when the autonomous vehicle is in automatic mode and when in manual mode.

Section 297 (1) states that a driver must not drive a vehicle unless the driver has proper control of the vehicle. Drive is defined as includes be in control of. A driver is defined as the person who is driving a vehicle (except a motorbike, bicycle, animal or animal-drawn vehicle or a person pushing a motorised wheelchair).

Clause 5 sets out the period for which the declaration in clause 3 and the application order in clause 4 applies.

Clause 6 states that this instrument expires on 25 May 2019.

Clause 7 contains definitions for the instrument.

Schedule 1 contains a map showing the areas where the autonomous vehicle trial will be conducted.

Human rights implications

There are no human rights implications arising from this instrument.

Climate change implications

There are no climate change implications arising from this instrument.