



7 March 2016

**Mr Paul Retter AM**

Chief Executive and Commissioner  
National Transport Commission  
Level 15/628 Bourke Street  
Melbourne VIC 3000  
Via email: [enquiries@ntc.gov.au](mailto:enquiries@ntc.gov.au)

**Regulatory barriers to more automated road and rail vehicles issues paper**

Dear Paul

I am writing to you on behalf of the members and associates of Gas Energy Australia concerning the NTC's February 2016 regulatory barriers to more automated road and rail vehicles issues paper.

Gas Energy Australia considers the regulatory barriers to more automated road vehicles are significantly more entrenched in regulation, code of practice and guidelines than indicated in the issues paper. Gas Energy Australia supports regulations that support a mixed environment with a variety of automated vehicle types, while also supporting conventional vehicles with human drivers.

Australia's current regulatory frameworks are not sufficiently flexible to support conditional, highly and/or fully automated vehicles on public roads. While Section 1.3 *Overview of current regulatory frameworks* rightly acknowledges safe roads, safe speeds, safe vehicles and safe people as outlined in the National Road Safety Strategy's safe systems framework, it doesn't consider the concept of a safe load.

The issues paper's Section 7 *Issues with regulating heavy vehicles* notes that some HVNL provisions and heavy vehicle standards assume a human driver and that this may present regulatory barriers to automated heavy vehicles.

That said, Gas Energy Australia suggests that the regulatory barriers to a full and uniform adoption of automated road vehicles run deeper than the National Heavy Vehicle Law (NHVL), Australian Design Rules (ADRs) and Australian Road Rules as 'safe load' regulations go further than assuming a human driver, but assign the driver additional duties and responsibilities. For example, the provisions of the NTC (Model Legislation — Transport of Dangerous Goods by Road or Rail) Regulations 2007 identify specific driver duties in relation to:

- packaging;
- containment units and bulk containers;
- certain foreign approved containment units;
- placarding; and
- safety standards for vehicles and equipment.

To reinforce that the reach of the regulations runs deep, the following is an extract from the NTC and Roads & Traffic Authority NSW - Load Restraint Guide 2004.

*"Because a loaded vehicle might drive differently, the driver must take into account any changes in the vehicle's stability, steering and braking caused by the size, type and position of the load.*

*The driver should check the load and its restraint during the journey (see Section D).*

*Loads that can settle must be checked regularly."*

Regulation of loads, as exemplified by the transport of dangerous goods and the load restraint guideline outlined above, places duties on drivers. To effectively remove unnecessary regulatory impediments to the use of automated road vehicles, subordinate or interacting legislative instruments must also be reviewed with a view to removing unnecessary regulations.

#### **Recommendation**

Gas Energy Australia recommends that the NTC advise Australian Governments that to effectively remove regulatory barriers to implement automated road vehicles, all impacting regulation, such as that dealing with safe loads, must be considered.

Gas Energy Australia welcomes your consideration of this important issue and looks forward to working with the NTC in the future.

For your consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Griffiths", with a long horizontal flourish extending to the right.

John Griffiths

Chief Executive Officer