



# *Government Gazette*

of the State of

New South Wales

**Number 127**

**Friday, 25 October 2019**

---

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

From 1 January 2019, each notice in the Government Gazette has a unique identifier that appears in round brackets at the end of the notice and that can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal – see Gazette Information.

# Government Notices

## ROAD TRANSPORT ACT 2013

Ministerial (Automated Vehicle Trial – Fourth International Driverless Vehicle Summit EasyMile Trial) Order 2019

I, Andrew Constance, Minister for Transport and Roads:

- a) Pursuant to Section 148N(2) of the *Road Transport Act 2013*, approve the use of the trial vehicle by the approved person in the manner and circumstances specified in this Order; and
- b) Pursuant to Section 148N(5) of the *Road Transport Act 2013* set out conditions of the trial approval; and
- c) Pursuant to Section 19 of the *Road Transport Act 2013*, exempt from the road transport legislation the persons specified and in the circumstances specified in this Order.

Andrew Constance  
Minister for Transport and Roads

Dated this 25 day of October 2019

### Part 1 – Administrative

#### 1. Citation

This Order is the *Ministerial (Automated Vehicle Trial – Fourth International Driverless Vehicle Summit EasyMile Trial) Order 2019*

#### 2. Commencement

This Order takes effect from the date of its publication in the NSW Government Gazette.

#### 3. Effect and Repeal

This Order is repealed on and from 30 October 2019.

#### 4. Interpretation

Words and expressions used in this Order have the same meaning as in the road transport legislation, unless otherwise stated.

#### 5. Definitions

In this Order:

***trial safety and traffic management plan*** means the suite of documents developed in consultation between the approved person, Transport for NSW and Roads and Maritime Services, which describe the safety and traffic management arrangements for the conduct of the trial, however identified, including a safety assurance plan, safety management plan and traffic management plan.

### Part 2 – Approval details

#### 6. Trial vehicle

The trial vehicle is an EasyMile EZ10 with Vehicle Identification Number: VJRD1A10224000042.

#### 7. Approved person

Busways Group Pty Ltd – ACN: 114 855 551 and EasyMile Pty Ltd – ACN: 628 408 346 are each an approved person to use the trial vehicle.

It is a condition of approval that the approved persons cooperate to meet their obligations under section 148N (8).

#### 8. Responsibility for vehicle

**8.1** A vehicle supervisor must be in the vehicle at all times when the vehicle is in use and must hold as a minimum a current Australian driver licence Class C except for as provided under clause 8.2.

**8.2** A vehicle supervisor is approved to hold a current foreign driver licence for the purpose of being the vehicle supervisor training other potential vehicle supervisors for mapping, testing, operating and verifying of data in connection with the Trial or as per clause 11.3(a).

**8.3** The *driver* of the vehicle is:

- a) the vehicle supervisor when the vehicle is not in automated mode; or
- b) if the vehicle is in automated mode, the approved person.

**8.4** The *person in charge* of the vehicle in all modes of operation is both:

- a) the vehicle supervisor; and
- b) the approved person.

*Note: An approved vehicle supervisor who holds a current foreign driver licence is subject to the requirements of clause 96 of the Road Transport (Driver Licensing) Regulation 2017.*

## **9. Road Transport Legislation exemption**

**9.1** Passengers in the trial vehicle 16 years old or older are not required to comply with rule 265 of the *Road Rules 2014* provided each passenger otherwise complies with rule 267(6–1) even though the trial vehicle is not a public bus.

**9.2** A vehicle supervisor is exempt from rules 264, 265(3), 266 and 299(1) of the *Road Rules 2014*.

*Note: Clause 9 of the Order has effect pursuant to Road Transport Act 2013 section 19 – Power of Minister to exclude vehicles, persons or animals. The clause exempts standing passengers in the trial vehicle from the Road Rules 2014 requirement to wear a seat belt; exempts young passengers from the requirement to use a booster seat; exempts the vehicle supervisor from wearing a seatbelt and exempts the vehicle supervisor by ensuring seatbelt rules are complied with by passengers; exempts the driver from the requirement of driving with a Visual Display Unit operating.*

## **Part 3 – Operating conditions**

Note: The Minister may under Part 5.6 of the *Road Transport Act 2013* impose conditions on a trial approval and the manner and circumstances in which the demonstration is to be conducted (in addition to the statutory conditions imposed by that Act).

The following conditions (clauses 10 to 17) apply to the trial approval:

### **10. Vehicle standards and performance**

**10.1** The vehicle must be suitable for safe use and in a thoroughly serviceable condition.

**10.2** The trial vehicle are to be registered subject to the following conditions:

- a) L03 – The vehicle may be operated only within the trial area as stated in clause 11 of this Order;
- b) SL5 – Slow vehicle sign;

and the Authority is directed to register the trial vehicle accordingly, pursuant to section 148O(2).

### **11. Trial area**

**11.1** The trial vehicle must only be operated or used on road or road related areas within the Sydney Olympic Park Area bordered in red and as shown on the map at Schedule 1 to this Order (the trial area).

**11.2** The trial will consist of two stages within the trial area and will progress from one stage to the next only when Transport for NSW is satisfied the trial vehicle has been assessed as capable of operating in accordance with the trial traffic and safety management plan as applicable for each stage.

**11.3** The stages in the trial are confined to the trial area. The key activities of each stage are:

- a) Stage 1: Operate on roads within the trial area for the purpose of mapping, testing and verifying data for assessing the feasibility of a chosen route within the boundary of Schedule 1.
- b) Stage 2: Operating the trial vehicle on an identified trial route.

**11.4** The approved person must not operate the trial vehicle until it has received written notice from Transport for NSW that operations can begin in any specific stage.

### **12. Passengers**

When carrying passengers, the trial vehicle must only be operated in circumstances where:

**12.1** Passengers less than one year of age are not permitted to ride in the trial vehicle.

**12.2** Passengers one year old or older but less than seven years old may ride in the vehicle only when:

- a) the maximum speed of the trial vehicle travels no more than 20 km/h;
- b) the passenger occupies a rearward facing seating position fitted with a seat belt and is wearing the seat belt;

- c) the vehicle supervisor is in the trial vehicle; and
- d) the passenger is accompanied by a supervising passenger who is aged 18 years or older, and is not the vehicle supervisor.

**12.3** Passengers seven years old or older but less than 16 years old:

- a) must occupy a seating position and wear a seatbelt; and
- b) are not permitted to ride in the trial vehicle as a standing passenger;
- c) the passenger is accompanied by a supervising passenger who is aged 18 years or older, and is not the vehicle supervisor; and
- d) the maximum speed of the trial vehicle travels no more than 20 km/h.

**12.4** No more than 12 persons, including the vehicle supervisor, are allowed to ride in the trial vehicle.

**13. Trial Safety and traffic management plans**

**13.1** The trial vehicle must be used and operated in accordance with the trial safety and traffic management plan.

**13.2** The trial traffic and safety management plan must include a general risk analysis (identifying, assessing hazards and controlling risks) including the matters listed in paragraph 5.2 of the *Guidelines for trials of automated vehicles in Australia* published by Austroads and the National Transport Commission in 2017.

**14. Operating reports**

**14.1 Notification obligations** – the approved person must notify and submit a report to Transport for NSW for each incident of the following types of incidents within the stated time period from the relevant incident:

Incident type	Verbal notification	Written notification
<b>Injury</b> – a fatality or injury to any person including any incident which must be reported to SafeWork New South Wales and NSW Police Force.	10 minutes	1 hour
<b>Collision</b> – any uncontrolled or unplanned contact between the trial vehicle and another road user or object.	10 minutes	1 hour
Any other <b>notifiable incident</b> under the <i>Work Health and Safety Act 2011</i> .	10 minutes	1 hours
Vehicle supervisor <b>intervention</b> to exert any control over the trial vehicle when it is operating in automated mode.	24 hours	24 hours
<b>Road Rules contraventions</b> – contraventions of <i>NSW Road Rules 2014</i> by the vehicle supervisor and/or approved person when operating the trial vehicle, whether or not an offence is committed.	6 hours	1 hours
Near-misses involving the trial vehicle with any other vehicle or road user or animal.	6 hours	1 hour
<b>Security breach</b> – any event involving unplanned or unauthorised access to or control of the trial vehicle by any person other than the vehicle supervisor or approved person.	6 hours	1 hour
Any verbal or written complaints about the performance or operation of the vehicle to the vehicle supervisor or approved person.	24 hours	24 hrs

**14.2 Notification details** – the approved person must include the following information in each incident notification:

- a) time;
- b) date;
- c) location;
- d) automation status (for example, automated system, vehicle supervisor, transitioning, etc);
- e) driver and person in charge of the vehicle at the time of the incident;
- f) number of passengers, seating position and use of restraints by each passenger and age of each passenger;

- g)** traffic conditions (for example, empty road, in heavy traffic, etc);
- h)** road and weather conditions;
- i)** vehicle information (for example vehicle speed, brake/throttle applications, vehicle fault condition description, etc);
- j)** sensor information in relation to other road users and the surrounding road environment;
- k)** description of reported incident and
- l)** classification of the incident type as determined in consultation with TfNSW.

**17. Security breach reporting to NSW Police Force**

**17.1** Any event involving unplanned or unauthorised access to or control of the trial vehicle by any person (including by electronic means), other than the vehicle supervisor or approved person must be reported to NSW Police Force upon detection of the breach.

**Explanatory Note**

This Order authorises the approved person to conduct a trial of the specified automated vehicle. This Order approves Busways Group Pty Ltd and EasyMile Pty Ltd to conduct an automated vehicle trial of an EazyMile EZ10, highly automated shuttle for mapping and testing purposes in Sydney Olympic Park as well as to operate within the confinements of Sydney Olympic Park precinct identified at Schedule 1 of this order.

The road transport legislation and all other laws apply during the course of the trial except as provided in this Order.

### Schedule 1 - Fourth International Driverless Vehicle Summit (IDVS4) Trial area



(n2019-3288)