

3 July 2020

Automated Vehicle Team
National Transport Commission
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Dear Sir/Madam,

We welcome the opportunity to provide feedback in relation to the NTC Discussion Paper on the review of 'Guidelines for trials of automated vehicles in Australia'.

Maurice Blackburn Pty Ltd is a plaintiff law firm with 33 permanent offices and 30 visiting offices throughout all mainland States and Territories. The firm specialises in personal injuries, medical negligence, employment and industrial law, dust diseases, superannuation (particularly total and permanent disability claims), negligent financial and other advice, and consumer and commercial class actions. The firm also has a substantial social justice practice.

All Maurice Blackburn submissions to Public Policy inquiries are always based on the legal expertise of our staff, and the lived experience of our clients. To this end, we restrict our comments to the discussion question of most relevance to our work, namely sections 3.4 and 3.5 of the Discussion Paper, focused on insurances and data / information.

Discussion Question 4 reads:

Are the current insurance requirements sufficient (section 5 of the guidelines)? If not, how should they change?

One of the core principles which has been embedded in the outcomes of several related NTC inquiries is that any road user injured by an automated vehicle trial should not be worse off than if they were injured by a human-operated vehicle. We believe that this principle remains pivotal.

We note the part of Section 3.4 of the Discussion Paper which tells us that the guidelines currently:

...require trialling organisations to demonstrate that they hold appropriate insurance to protect against risks associated with the trial, but the type and amount of insurance is not specified.

Maurice Blackburn is not convinced that the above guideline can guarantee that the core principle 'any road user injured by an automated vehicle trial is no worse off than if they were injured by a human-operated vehicle' will be achieved.

In our submissions to the NTC's inquiries into insurance issues related to automated vehicles, Maurice Blackburn stressed that the direct involvement of State and Territory Compulsory Third Party (CTP) insurance schemes is crucial. We still believe that this is the only way that consumers can have confidence that a baseline level of insurance coverage is available to them, in the event that they are injured as part of a trial.

We therefore see the current guideline as an ideal interim step, while the work continues in bringing the relevant CTP schemes 'into the tent'.

Further, we believe that aiming for legislative change which describes the CTP scheme's coverage of automated vehicle trials is a more robust objective, than:

- Seeking assurances from statutory schemes that they agree to cover the trials, or
- Expecting corporations to obtain or maintain appropriate coverage.

Maurice Blackburn encourages NTC to continue to take a consumer-centred approach to its decision making. Nowhere is this more important than in ensuring that consumers are appropriately protected in the event of injury sustained during a trial.

Discussion Question 5 reads:

Should the guidelines be updated to improve the provision of relevant data and information?

In considering this topic, Maurice Blackburn encourages the NTC to take into account the inputs currently being submitted to their parallel inquiry into government access to vehicle-generated data.

Whilst we agree that the use of data generated from the trials will prove immensely beneficial in improving preparedness for the roll-out of automated vehicles into the marketplace, it is important that appropriate privacy and data security provisions are in place to protect that data from improper use.

This may mean developing rules which ensure that:

- All data is depersonalised/anonymised
- The data cannot be used to 'track' individuals or for law enforcement purposes
- User consent is central to data collection and utilisation
- There are strict, legislated restrictions as to who can access the data
- That the data cannot be on-sold for other purposes
- There are legislated privacy protections in place.

We believe that the core issue here is the lack of trust that consumers have with government and industry to not misuse data. We encourage NTC to be mindful of this when considering updates to trial guides related to data and information.

As always, we appreciate the thorough and consultative process adopted by NTC for this project.

Should you wish to discuss anything in this submission in more detail, we would be pleased to make ourselves available to you. Please do not hesitate to make contact.

Yours faithfully,



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