



# *Government Gazette*

of the State of

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Friday, 12 March 2021**

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# ROAD TRANSPORT ACT 2013

## MINISTERIAL ORDER MADE UNDER SECTION 19 Ministerial (Bus and Transit Lane Exemption) Order 2021

I, Andrew Constance, Minister for Transport and Roads, pursuant to section 19(1) of the *Road Transport Act 2013* (NSW), make the following Order.

Andrew Constance  
Minister for Transport and Roads

Dated this 3rd day of March 2021

### 1 Name of Order

This Order is the ***Ministerial (Bus and Transit Lane Exemption) Order 2021***.

### 2 Commencement

This Order has effect on and from the date of publication in the NSW Government Gazette.

### 3 Effect

This Order remains in force up to and including 30 June 2021 unless revoked earlier.

### 4 Interpretation

Words and expressions used in this Order have the same meaning as in the *Road Transport Act 2013* unless otherwise stated.

### 5 Application

This Order applies to a driver driving a ***hire vehicle*** (within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*) to which is affixed a HC number-plate issued by Transport for NSW while the vehicle is being used for the purpose of providing a passenger service under that Act.

### 6 Declaration

The following NSW Road Rules are declared not to apply:

- (a) Road Rule 154(1) driving in a Bus Lane other than a “Bus Only” or “Buses Only” lane.
- (b) Road Rule 156(1) driving in a Transit Lane.

## **7 Repeal of previous Order**

The *Ministerial (Bus and Transit Lane Exemption) Order 2020 No.2* published in *NSW Government Gazette No 387 (Roads and Transport)* of 18 December 2020 on pages 3 to 4 is hereby repealed on and from the commencement of this Order.

## **8 Publication**

The Order is to be published in the NSW Government Gazette.

### **Explanatory note:**

The object of this Order is to continue an exemption for drivers of hire vehicles with a HC number-plate issued by Transport for NSW from restrictions on the use of bus lanes and transit lanes under the Road Rules 2014 upon the expiry of Road Rule 158(2)(c)(iia). It does not permit those drivers to drive in a bus only lane.

This Order is made under section 19 of the *Road Transport Act 2013*.

## ROAD TRANSPORT ACT 2013

### ***Ministerial (Automated Vehicle Trial – Coffs Harbour BusBot) Order 2021***

I, Paul Toole, Minister for Regional 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 148Q of the *Road Transport Act 2013* determine that a vehicle supervisor not physically be required in the vehicle when the vehicle is being monitored by a remote supervisor; and
- (d) 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.

Paul Toole  
Minister for Regional Transport and Roads

Dated this            day of            2021

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#### **Part 1 – Administrative**

##### **1 Citation**

This Order is the *Ministerial (Automated Vehicle Trial – Coffs Harbour BusBot) Order 2021*

##### **2 Commencement**

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

##### **3 Repeal**

This Order revokes and replaces *the Ministerial (Automated Vehicle Trial – Coffs Harbour BusBot) Order 2018* made on 30 November 2018 and published in NSW Government Gazette No. 131 on 30 November 2018 from pages 9223 to 9229.

##### **4 Effect**

This Order remains in effect until 31 December 2022 unless revoked earlier.

##### **5 Interpretation**

Words and expressions used in this Order have the same meaning as in road

transport legislation, unless otherwise stated.

## 6 Definitions

In this Order:

**Remote supervisor** is a person approved as a vehicle supervisor under the Act and is a person monitoring and capable of commencing or stopping the trial vehicle remotely at any time when there is no person present in the trial vehicle performing the duties of a vehicle supervisor.

**trial safety and traffic management plan** means the suite of documents developed in consultation between the approved person and Transport for NSW, 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

### 7 Trial vehicle

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

### 8 Approved person

The approved person is EasyMile Pty Ltd – ACN: 628 408 346.

### 9 Responsibility for vehicle

9.1 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.

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

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

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

### 10 Vehicle supervisors

10.1 A vehicle supervisor must hold as a minimum a current Australian driver licence Class C except for as provided by clause 10.4.

10.2 A vehicle supervisor is not physically required to be in the trial vehicle during its operation in an automated mode if the vehicle is being monitored by a remote supervisor.

10.3 The vehicle supervisor must be approved in writing by the Minister in respect of the

trial vehicle.

- 10.4 A vehicle supervisor is approved to hold a current foreign drivers licence for the purposes of being the vehicle supervisor training potential vehicle supervisors for mapping, testing and verifying of data for the purpose of evaluating trial stages and future trial stages or as per clause 14.6.

## **11 Road Transport Legislation exemption**

- 11.1 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.
- 11.2 A vehicle supervisor is exempt from rules 264, 265(3), 266 and 299 (1) of the Road Rules 2014.
- 11.3 A vehicle supervisor is not required to comply with rules 183 (Bus Zone) and 195 (Bus Stops) of the Road Rules 2014 in order to allow the vehicle to stop in bus zones and bus stops.

*Note: Clause 11 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; 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 (VDU) operating; allows the vehicle to stop in bus zones and at bus stops within the trial area.*

## **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 trial is to be conducted (in addition to the statutory conditions imposed by that Act).

## **12 Remote supervisors**

- 12.1 It is a condition of the trial approval that a remote supervisor is a person approved as a vehicle supervisor under the Act and is subject to all requirements and conditions of a vehicle supervisor under section 148Q of the Act and of this Order.

## **13 Vehicle standards and performance**

- 13.1 The vehicle must be suitable for safe use and in a thoroughly serviceable condition.
- 13.2 The trial vehicle is to be registered subject to the following conditions:
- (a) L03 – The trial vehicle may be operated only within the trial area as stated in clause 14 of this Order;
  - (b) SL5 – Slow vehicle sign;
- and Transport for NSW is directed to register the trial vehicle accordingly.

## **14 Trial area**

- 14.1 The trial vehicle must only be operated or used on road or road related areas within the Coffs Harbour Local Government Area as shown on the map in Schedule 1 to this Order (the **trial area**).

- 14.2 The trial will be conducted in stages within the trial area as approved by Transport for NSW and only when Transport for NSW is satisfied the trial vehicle has been assessed as capable of operating in accordance with the trial safety and traffic management plan as applicable for each stage.
- 14.3 The approved person must not operate the trial vehicle until it has received written notice from Transport for NSW to begin operations in that stage.
- 14.4 The approved person must not operate the trial vehicle in automated mode without a vehicle supervisor physically on board until it has received written notice from Transport for NSW that it may trial the vehicle with a remote supervisor.
- 14.5 A notice given by Transport for NSW in accordance with clause 14.4 may stipulate what roads within the trial area the trial vehicle may or may not be operated by a remote supervisor.
- 14.6 The trial vehicle may operate on roads within the trial area for the purpose of mapping, testing and verifying of data for the purpose of further trial stages but only in accordance with a trial safety and traffic management plan approved by Transport for NSW.

## **15 Passengers**

- 15.1 Passengers less than one year of age are not permitted to ride in the trial vehicle.
- 15.2 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 over the age of 16, and is not the vehicle supervisor.
- 15.3 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.
- 15.4 No more than 12 persons, including the vehicle supervisor, are allowed to ride in the trial vehicle.

## **16 Promotional and display activities**

For the purpose of any promotion or display, the trial vehicle may:

- (a) stand on any road or road related area in accordance with any applicable prescribed traffic control devices; and
- (b) be operated or used on road or road related areas within the State of New South Wales as approved by Transport for NSW in written notice and only when Transport for NSW is satisfied the trial vehicle has been assessed as capable of operating in accordance with the trial safety and traffic management plan as applicable to the promotional activity

*Note: clause 16 of the Order has effect pursuant to Road Transport Act 2013 section 19 – Power of Minister to exclude vehicles, persons or animals.*

## 17 Trial Safety and traffic management plans

- 17.1 The trial vehicle must be used and operated in accordance with the trial safety and traffic management plan.
- 17.2 The trial safety and traffic 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.

## 18 Operating reports

- 18.1 **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	6 hours
<b>Collision</b> – any uncontrolled or unplanned contact between the trial vehicle and another road user or object.	10 minutes	6 hours
Any other <b>notifiable incident</b> under the <i>Work Health and Safety Act 2011</i> .	10 minutes	24 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 NSW Road Rules 2014 by the vehicle supervisor and/or approved person when operating the trial vehicle, whether or not an offence is committed.	6 hours	24 hours
Near-misses involving the trial vehicle with any other vehicle or road user or animal.	6 hours	24 hrs
<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	24 hours
Any verbal or written complaints about the performance or operation of the vehicle to the vehicle supervisor or approved person.	24 hours	24 hrs

- 18.2 **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.

## **19 Security breach reporting to NSW Police Force**

- 19.1 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.

## **20 Research and assurance reporting**

The approved person must provide reports to TfNSW as agreed with TfNSW.

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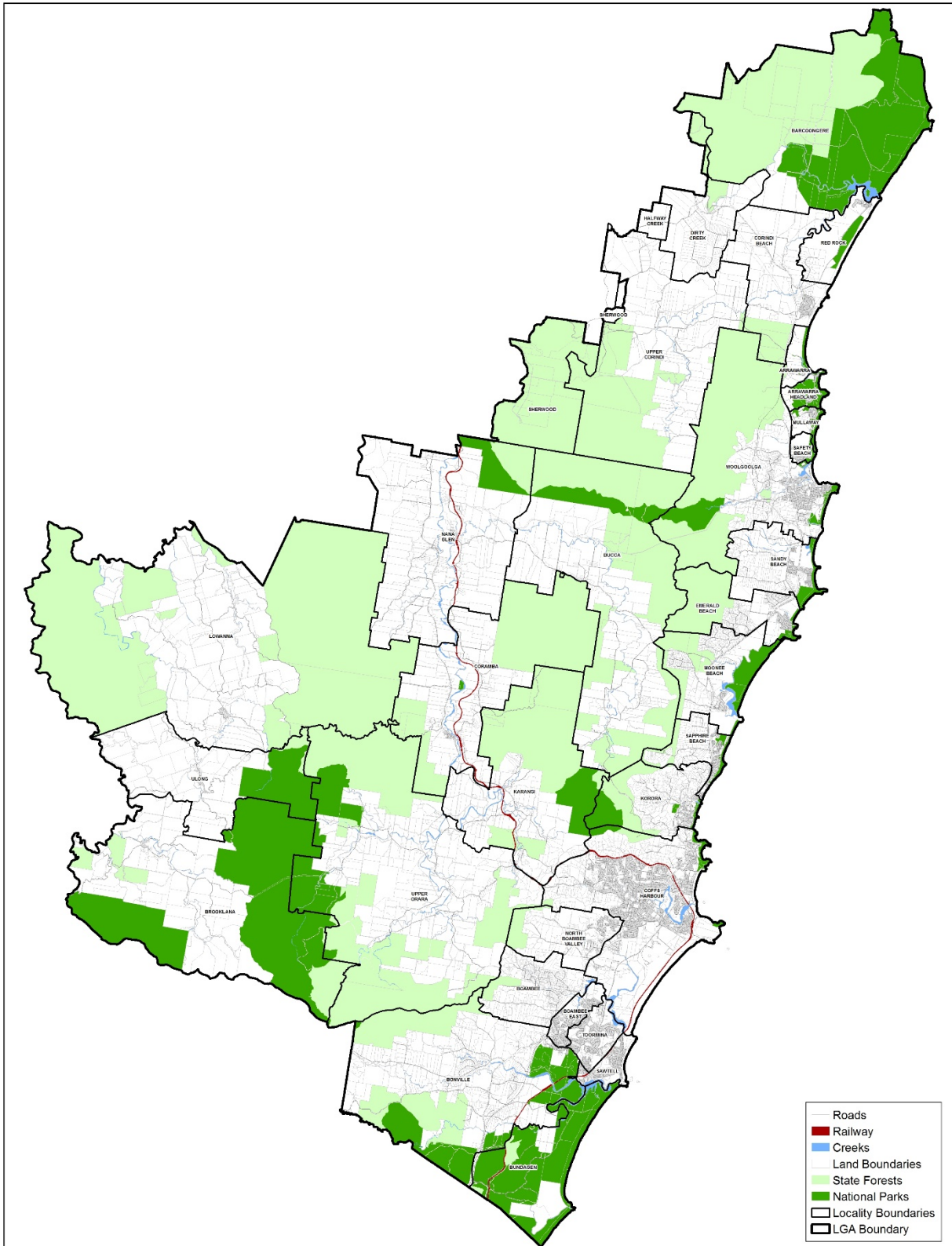
### **Explanatory Note**

This Order authorises the approved person to conduct a trial of the specified automated vehicle. This Order approves EasyMile Pty Ltd to conduct a trial of a EasyMile EZ10 highly automated shuttle in Coffs Harbour in the State of NSW.

Subject to Transport for NSW approvals, this Order allows for a remote supervisor to perform the duties of a vehicle supervisor.

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

# Schedule 1 – Coffs Harbour Local Government Area



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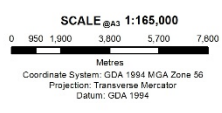
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**Coffs Harbour Local Government Area**

This map produced by GIS Section  
 Coffs Harbour City Council  
 Creation Date: 17/01/2017



Our Ref: AMBb\_A3\_GAMs\_2017a

MARINE SAFETY ACT 1998

MARINE NOTICE

Section 12(2)

REGULATION OF VESSELS – EXCLUSION ZONE AND SPECIAL RESTRICTIONS

**Location**

Lake Mulwala – near the locality of the Mulwala Water Ski Club and within an area bounded by:

- The Mulwala foreshore between the land-based localities of the Lake Edge Resort and south to the Melbourne Street Bridge, then
- East into Lake Mulwala for a distance of approximately 750 metres, then
- North to a location directly east of the Lake Edge Resort.

**Duration**

- 7:00am to 6:00pm – Saturday 27 March 2021
- 7:00am to 6:00pm – Sunday 28 March 2021

**Detail**

Competitive powerboat racing will be conducted on the navigable waters of Lake Mulwala at the location and times specified above, presenting a significant potential hazard to other waterway users.

An **EXCLUSION ZONE** is specified during the event at the location specified above.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone which will be marked by buoys and patrolled by Maritime and event race official vessels.

**Special Restrictions – Transit lane**

A ‘transit lane’ will be established along the foreshore from the Lake Mulwala Holiday Park, south of the Mulwala Water Ski Club, to the Melbourne Street bridge, Mulwala - within which a patrol vessel or a control vessel may, at times during the event, authorise local vessel traffic to pass.

Pursuant to Section 12(3) of the *Marine Safety Act 1998*, special restrictions are applicable to vessels using the transit lane:

- Maximum speed limit of 4 knots, and
- Minimal wash must be produced.

Penalties may apply (Section 12(5) - *Marine Safety Act 1998*)

For full details visit the Transport for NSW website – [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice: SO2112

Date: 9 March 2021



Deon Voyer

Manager Operations South

Delegate