

Telecommunications Legislation and Connected Vehicles – Discussion Paper

ITS Australia Submission

December 2023



Submission

With more than 1,200 people dying and over 30,000 people being seriously injured each year on Australia's roads, our critical long-term goal is for zero fatal and serious injuries. To that end, we believe connected and cooperative Intelligent Transport Systems and Advanced Driver Assistance Systems and in future automated vehicles are some of the key safety initiatives to achieving that ambitious goal. These potentially life-saving technologies though also come with additional challenges to consider.

Our transportation networks are national critical infrastructure and in an increasingly connected world will be heavily reliant on the communications network as our vehicles and infrastructure become more sophisticated and interconnected. As the peak body representing industry in the transport and technology sector, we strongly support the important role the government plays in ensuring the vital resource of spectrum is managed effectively and responsibly.

As identified in the Australia Governments draft C-ITS Principles Co-operative Intelligent Transport Systems (C-ITS) are interconnected systems of technologies that allow road vehicles to communicate with other vehicles, road infrastructure and data services, and with vulnerable road users such as pedestrians and cyclists. C-ITS has the potential to deliver improved outcomes in road safety, road productivity, traffic congestion, journey times and environmental sustainability – including in the areas of public transport, shared mobility, and freight – by enabling improved decision-making based on shared information. In the future, C-ITS also has the potential to improve the performance of automated vehicles on the transport network.

In order to enable a no-regrets investment plans for government and for industry to be confident in their production and development programs a nationally harmonised approach in-line where possible with peer nations is required for these important technologies.

Existing Australian road safety laws and Australian design rules for vehicles harmonise with the United Nations Economic Commission for Europe (UNECE) World Forum for Harmonization of Vehicle Regulations, Working Party 29 (known as WP.29). This means vehicle designs entering the Australian market are currently harmonised to Europe. Similarly, Australasia's New Car Assessment Program (ANCAP) harmonises with Europe's (Euro NCAP) which both have C-ITS on their roadmap for

assessment in new vehicles by 2025. This provides a strong linkage for C-ITS and the European implementation.

It's important at a high level to consider unintended consequences and any potential negative externalities of expanded regulatory requirements. These technologies are saving lives now and making our networks more efficient and additional burdens to an already highly regulated sector could lead to serious reductions in connected vehicle technology in Australian vehicles that have been proven safe and effective in more than 1.5 million vehicles in Europe.

C-ITS principles and national harmonisation with robust management from state agencies should be able to reduce and remove any risk. This is though an ideal opportunity to collaborate and ensure risks are already managed and to understand how and whether existing regulations and legislative instruments are adequate. In response to the specific questions raised in the Discussion Paper ITS Australia provides the following responses:

- 1. Should companies that distribute connected vehicles (or products that can alter vehicles so they can connect to telecommunications infrastructure for the purpose of transmitting data to and from the vehicle) be categorised as CSPs under current regulations? Or should these companies be exempt from this categorisation? Is it possible for a solution to incorporate future technologies that may have a similar effect?**

Under current regulations there would be no benefit from requiring all connected vehicles data managers (eg may be vehicle manufacturer or road operators) to be categorised as Carriage Service Providers (CSPs). Existing mechanisms for assessing vehicle fitness and alignment with Australian standards and laws including Australian Design Rules (ADR), Australian New Car assessment Program (ANCAP) and others are including emerging technologies in their assessment programs over the coming years. Government agencies and the private sector can be held to account and allay any concerns regarding privacy, security in safety in line with existing legislation and standards. Government agencies have a key responsibility to drive security for the connected vehicle ecosystem in close collaboration with the vehicle industry and private sector suppliers. The security solutions are well defined, standardised and current experience of over 1.5M vehicles in Europe has proven to be robust.

- 2. If these companies are not exempted, which obligations should they comply with? Which entity in the overall supply chain should be responsible for those obligations? What would be a feasible mechanism for ensuring obligations are met?**

They should be exempted. Categorisation as a CSP carries significant burden and would be unnecessary given the existing controls in place to protect consumers.

- 3. Can you envisage upstream and downstream competition issues that would benefit from telecommunications-specific regulation?**

There is a strong likelihood that enacting telecommunication-specific regulation for connected vehicles would be a barrier to competition.

- 4. Would telecommunications-specific consumer protection benefit owners of connected vehicles, or is the general consumer law sufficient?**

General consumer law is considered sufficient for consumer protections of connected vehicle owners.

- 5. There is a general obligation on Carriers and CSPs to secure their networks and equipment from interference. Can all parts of the network be reasonably protected? Is there anything about connected vehicles that make them particularly vulnerable to attack?**

While there is no network that is guaranteed invulnerable to attack connected vehicle manufacturers design and install security systems that have proven extremely robust in the millions of vehicles already on roads and similarly state government agencies are very focused on protecting critical infrastructure from the ground up. State agencies have processes in place to consider risk and implement standardised solutions which consider connected vehicles and government responsibilities.

- 6. CSPs also have obligations requiring them to assist with law enforcement and national security agencies. Is this required assistance already provided for under existing legislation? Is there information or assistance that can be provided by companies that distribute connected vehicles (or products that can alter vehicles so they can connect to telecommunications infrastructure for the purpose of transmitting data to and from the vehicle) that cannot be provided by more 'traditional' Carriers or CSPs?**

Compliance with law enforcement and national security agencies is already covered under existing legislation.

Conclusion

ITS Australia commends the Federal Government and the Department of Infrastructure, Transport, regional Development, Communications and the Arts, in undertaking this important work to better understand the impacts and opportunities connected and automated vehicles offers and is strongly supportive of collaborating and fully engaging with industry and the consultation being undertaken.

With more than 1,200 people dying and over 30,000 people being seriously injured each year on Australia's roads, the only long-term goal we can have is for zero fatal and serious injuries. To that end, we believe connected and cooperative Intelligent Transport Systems are some of the key safety initiatives to achieving that ambitious goal. Connected and automated vehicles and related transport technologies could address some of the key priorities by improving safety for road users, heavy vehicles, regional road users and vulnerable road users.

The current spectrum allocation of C-ITS in the 5.9 GHz band (5.855-5.925 GHz) in Australia and maintaining the Class License under section 132 of the Radiocommunications Act 1992, for C-ITS transceivers in vehicles, roadside infrastructure and carried by people is extremely important for the safety of our transport networks and the industries' continued unimpeded access to this spectrum band is key to realising current and future safety benefits. Alignment with the European standards, including harmonising vehicles regulations, is a key consideration and strongly supported by industry.

Industry is keen to work with government to best deliver these life-saving technologies, and ITS Australia is well placed to facilitate these discussions and activities.

ITS Australia understand that these discussion papers indicate the start of a more detailed investigation into potential impacts of connected vehicles and we appreciate the opportunity to be a part of an on-going wider discussion. To facilitate any future engagement, ITS Australia Policy Manager Stacey Ryan can be contacted at Stacey.ryan@its-australia.com.au.

Yours sincerely,



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Intelligent Transport Systems

PLATINUM



GOLD



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