

Garnaut Climate Change Review:

Submission: Issues Paper – Forum 5 Transport, Planning and the Built Environment.

Regulatory barriers to the introduction of new Personal Transport devices.

Overview:

Segway Southern Cross is a participant in the energy efficient personal transport market. As such, we have encountered substantial barriers that impede the adoption of existing and market-ready low-emission technologies and practices.

In particular, there is no regulatory process within the existing inter-twined regulatory framework, whereby novel products may be submitted for evaluation and approval. The absence of any clear path forward makes it very difficult for progressive businesses to bring any new and efficient products to the Australian community and marketplace.

Our submission proposes to address this barrier; 'the lack of any process for the introduction of new transport technology.'



The Barrier:

Current (vehicle) Transport Laws are State based. There is a Federal Government attempt to co-ordinate State Transport Laws to achieve consistency, however, the resulting complex interactions make for slow progress.

It is clear that technology progresses more rapidly than such a regulatory arrangement.

Moreover, legislation tends to be founded on the knowledge-base at the time of drafting. Rapid technology advancement ensures that such legislation quickly becomes out-dated.

In order to facilitate adoption of newer technologies, a 'goal oriented' process could address this barrier to the adoption of existing and market-ready low-emission technologies and practices.

Products or businesses that can demonstrate 'merit', should enjoy a rightful, timely and clear path forward.

A 'Goals' process:

Current legislation is based upon the technical knowledge base at the time of drafting.

If new legislation was 'goal oriented' rather than 'fact oriented' then the barrier to acceptance of new Transport products might diminish.

How might futuristic or 'Jetson-esque' products be measured for consideration ?



Admirable goals for future products might include:

- A substantial improvement in energy consumption (emissions) per activity.
Any product that can demonstrate a substantial (say 25%) improvement in emissions over current technologies is by definition 'of merit'.
- Compatibility with existing infrastructure (low impact for adoption).
Any product that makes use of existing infrastructure, thus requiring little investment of capital or energy is by definition 'of merit'.
- Positive results in other worldwide jurisdictions.
Any product that has achieved formal regulatory acceptance in some other worldwide jurisdictions is by definition 'of merit'.
- Market readiness.
To be eligible to be considered 'of merit' a product must be market-ready, in-production and available for purchase.
- Existing Australian Market penetration.
Any product that can demonstrate some existing market penetration (say, completed deliveries to at least one Federal Government Department, and at least one State Government Department and at least two private industries and at least two private individual customers) has by definition 'broad market appeal' and is 'of merit'.
- Pent up demand.
Any product that has encountered the barrier of existing legislative requirements, and can document at least two cases (at least one a government program, and at least one non-government program) where plans to implement emissions saving activities have been shelved due to such a barrier, has by definition pent-up demand and is 'of merit'.

If a process existed, so that any products that demonstrated at least (say) 3 meritorious characteristics, enjoyed a regulatory review 'fast track'. Then a significant real barrier to the introduction of new Transport Technology would be minimised.

This process should be located at the central regulatory point from where State Transport Legislation originates.

The focal point for this barrier:

In order to effectively reduce the regulatory barrier, where should the focus of this review be brought ?

The Australian Road Rules are formulated by the National Transport Commission.

Details may be found here:

<http://www.ntc.gov.au/ViewPage.aspx?page=A02207505300940020>

Their stated purpose is:

quote

"The Australian Road Rules are model Rules only and have no legal effect. They form the basis of Road Rules of each Australian State and Territory."

unquote

Influence at this point should permeate through to all Australian jurisdictions, in due course.

We understand that the responsible officer is Mr. Greg Deimos (gdeimos@ntc.gov.au).

This responsibility was current at 4 March 2008.

(<http://www.ntc.gov.au/ViewPage.aspx?page=A02300211401590020>)

Current status is that a business with an agenda of interest, has no opportunity to even meet with the responsible officer. This is a barrier to the introduction of low-emission transport solutions.

The proposed process to minimise this barrier:

Applicants who can demonstrated at least (say) 3 meritorious characteristics, should rightfully enjoy a regulatory review 'fast track' path forward.

Small organisations usually react more swiftly than larger organisations.

For an appropriate 'submission and review fee' a small committee should review the candidates' material.

The committee could comprise:

- A representative or delegate from the NTC.
- A representative or delegate from the candidate.
- A third appropriate and independent member.

The charter of the committee could be to:

- Authorise a Federally sponsored* interim basis upon which products of established merit may be permitted and evaluated locally.

or

- Provide sound factual reasons and concerns for disallowing any such interim measure.

* State Acts have clauses granting Ministers considerable discretionary powers. A Federal request for interim discretion is legally simple, compatible with current Acts and likely to enjoy support.