

**Authorised Version**  
**Road Safety (Automated Vehicles) Regulations 2018**  
**S.R. No. 120/2018**

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## **Authorised Version**

STATUTORY RULES 2018

S.R. No. 120/2018

*Road Safety Act 1986*

### **Road Safety (Automated Vehicles) Regulations 2018**

The Governor in Council makes the following Regulations:

Dated: 4 September 2018

Responsible Minister:

LUKE DONNELLAN  
Minister for Roads and Road Safety

ANDREW ROBINSON  
Clerk of the Executive Council

## **Part 1—Preliminary**

### **1 Objective**

The objective of these Regulations is to provide for the following matters in relation to trials of automated vehicles under the **Road Safety Act 1986**—

- (a) requirements in relation to applications for the grant of an ADS permit;
- (b) the conditions on which an ADS permit may be granted or renewed;
- (c) the grounds on which an ADS permit may or must be cancelled, suspended or varied, and the procedures for cancellation, suspension or variation;
- (d) exemptions from, and modifications to, provisions of the Act, the regulations and rules made under the Act;

- (e) the particulars required to be included in safety management plans prepared in relation to trials of automated vehicles;
- (f) the collection of information and keeping of records to enable the identification of automated vehicles and the names and addresses of the persons responsible for those vehicles.

## 2 Authorising provision

These Regulations are made under section 95 of the **Road Safety Act 1986**.

## 3 Commencement

- (1) These Regulations (except regulations 6 and 7) come into operation on the day on which they are made.
- (2) Regulations 6 and 7 come into operation on 28 September 2018.

## 4 Definitions

In these Regulations—

***access*** has the same meaning as in section 247A(1) of the **Crimes Act 1958**;

***company*** has the same meaning as ***corporation*** has in section 57A of the Corporations Act;

***company particulars*** in relation to a company means—

- (a) the name of the company; and
- (b) the Australian Company Number or Australian Registered Body Number (if applicable) of the company; and

- (c) the address of the registered office of the company; and
- (d) the postal address of the company; and
- (e) the business contact details of the company, including the name of a nominated contact person for enquiries regarding the application for an ADS permit and the contact person's telephone number and email address; and
- (f) the address for service of notices for the company;

**car** means a motor vehicle, other than a motor cycle or motor trike, that—

- (a) has a GVM of not more than 4.5 tonnes; and
- (b) is constructed or equipped to seat not more than 12 adults (including the driver);

**Note**

**GVM** is defined in the Act.

**carjacking** has the same meaning as in section 79 of the **Crimes Act 1958**;

**heavy combination vehicle** means—

- (a) a prime mover to which is attached a single semi-trailer that has a GVM of more than 9 tonnes plus any unladen converter dolly; and
- (b) a rigid motor vehicle to which is attached a trailer that has a GVM of more than 9 tonnes plus any unladen converter dolly;

***heavy rigid vehicle*** means—

- (a) a motor vehicle that has a GVM of more than 8 tonnes and has 3 or more axles (whether or not the wheels on those axles are on the road); and
- (b) a bus consisting of more than one rigid section which are connected to one another so as to allow rotary movement and passenger access between the sections;

***impairment*** has the same meaning as in section 247A(1) of the **Crimes Act 1958**;

***light rigid vehicle*** means a motor vehicle that—

- (a) has a GVM of more than 4.5 tonnes but not more than 8 tonnes; or
- (b) seats more than 12 adults (including the driver) and has a GVM of not more than 8 tonnes;

***medium rigid vehicle*** means a motor vehicle that has a GVM of more than 8 tonnes and has no more than 2 axles;

***multi-combination vehicle*** means any motor vehicle to which is attached more than one trailer (other than an unladen converter dolly);

***OEDR*** has the same meaning as ***object and event detection and response (OEDR)*** has in SAE J3016;

***operational design domain*** means the specific conditions under which a given automated driving system or feature of that system is designed to function, including, but not limited to, environmental, geographical and time of day restrictions, and the presence

or absence of certain traffic or roadway characteristics;

*personal particulars* in relation to a natural person means that person's—

- (a) first name, second and third initials (if any) and family name; and
- (b) date of birth; and
- (c) current residential address; and
- (d) email address; and
- (e) telephone number;

*road authority* has the same meaning as in the **Road Management Act 2004**;

*SAE J3016* means the SAE International Standard J3016 as amended, varied and published from time to time;

*the Act* means the **Road Safety Act 1986**;

*theft* has the same meaning as in section 72 of the **Crimes Act 1958**.

## **Part 2—ADS trials**

### **5 Prescribed purposes for an ADS trial**

For the purposes of paragraph (d) of the definition of *ADS trial* in section 3(1) of the Act, the following are purposes for which a trial on a highway of the automated driving system of an automated vehicle may be conducted—

- (a) to enable a road authority to monitor and manage the use and impacts of the automated driving system on a highway;
- (b) to assist the Corporation to perform its functions under the Act and the **Transport Integration Act 2010**.



## **Part 3—ADS permits**

### **Division 1—When is an ADS permit required?**

#### **6 Circumstances in which an ADS permit is required**

- (1) For the purposes of sections 33I and 33J of the Act, an ADS permit is required to operate the automated driving system of an automated vehicle in automated mode on a highway in an ADS trial.
- (2) For the avoidance of doubt, an ADS permit is not required for the operation of a vehicle that is equipped with one or more systems or functions that when activated, individually or in combination, are not capable of performing the dynamic driving task within a particular operational design domain.

#### **7 Categories of motor vehicles for which an ADS permit is required**

- (1) The categories of motor vehicles for which an ADS permit is required are any of the following motor vehicles that are equipped with an automated driving system—
  - (a) motor cycles or motor trikes;
  - (b) cars;
  - (c) light rigid vehicles;
  - (d) medium rigid vehicles;
  - (e) heavy rigid vehicles;
  - (f) heavy combination vehicles;
  - (g) multi-combination vehicles.
- (2) For each category of automated vehicle referred to in subregulation (1) there is a corresponding category of ADS permit with the same name.

## **Division 2—Application for an ADS permit**

### **8 Eligibility to hold an ADS permit**

For the purposes of section 33D(2)(b) of the Act, the following eligibility criteria are prescribed—

- (a) in the case of an applicant who is a natural person—the applicant has a full Australian driver licence;
- (b) in the case of an applicant who is a company, the applicant is not—
  - (i) insolvent within the meaning of section 95A of the Corporations Act; or
  - (ii) an externally-administered company within the meaning of the Corporations Act;
- (c) in any case, the applicant has complied with—
  - (i) the requirements of regulations 9 and 10 in relation to the application; and
  - (ii) any requirements imposed by the ADS guidelines.

### **9 Application for an ADS permit or variation or renewal of an ADS permit**

- (1) For the purposes of section 33C(2)(b) of the Act, the following details must be contained in an application—
  - (a) in the case of an applicant who is a natural person, the applicant's personal particulars;
  - (b) in the case of an applicant who is a company, the applicant's company particulars;

- (c) details of the automated driving system, the operational design domain of the automated driving system and any other technology intended to be used in the ADS trial;
  - (d) details of each automated vehicle to be used in the ADS trial;
  - (e) details of any modification of the automated vehicle;
  - (f) the garage address of the automated vehicle to be used in the ADS trial;
  - (g) in relation to each vehicle supervisor—
    - (i) the vehicle supervisor's personal particulars; and
    - (ii) information regarding the vehicle supervisor's competence and capacity, including relevant knowledge, skills, experience, training and qualifications; and
    - (iii) details of the vehicle supervisor's driver licence;
  - (h) the objectives of the ADS trial;
  - (i) details of the activities to be conducted in the ADS trial;
  - (j) details of the ADS trial location;
  - (k) the dates, days and times of the ADS trial.
- (2) An application for an ADS permit or variation or renewal of an ADS permit must be accompanied by—
- (a) a copy of a safety management plan that—
    - (i) identifies the safety risks of the ADS trial; and

- (ii) identifies the risks to the reliability, security and operation of the automated driving system to be used in the ADS trial; and
    - (iii) specifies what the applicant will do to eliminate or reduce those risks so far as is reasonably practicable; and
    - (iv) addresses the safety criteria set out in the ADS guidelines; and
  - (b) a copy of the current certificate of registration for each automated vehicle to be used during the ADS trial, if applicable; and
  - (c) a copy of the certificate of insurance against public liability for personal injury or damage to property in connection with the ADS trial; and
  - (d) any additional information required under regulation 10 or the ADS guidelines.
- (3) An application for an ADS permit or variation or renewal of an ADS permit must—
- (a) be signed by the applicant; and
  - (b) if the applicant is not an individual, be made under the direction of, or with the authority of, the applicant and be endorsed—
    - (i) if the applicant is a company—in accordance with section 127 of the Corporations Act; or
    - (ii) in any other case—by its governing body.

## **10 Additional requirements in relation to an application for grant of an ADS permit**

For the purposes of section 33C(3)(a)(iii) of the Act, the Corporation may require the applicant for the grant of an ADS permit to—

- (a) prepare a traffic management plan; and
- (b) take out and maintain insurance in accordance with the ADS guidelines; and
- (c) amend the safety management plan to comply with the ADS guidelines; and
- (d) produce evidence of compliance with the requirements of the Act and regulations or rules made under the Act and with other laws of Victoria or the Commonwealth in accordance with the ADS guidelines.

## **11 Tests and assessments**

For the purposes of section 33K(3)(a)(i) of the Act, a test or assessment of the class described in column 1 of the following Table must be conducted by a person or class of person described opposite the test or assessment in column 2 of the Table.

**Table**

<i>Column 1</i> <i>Class of test or assessment</i>	<i>Column 2</i> <i>Prescribed class of person</i>
Drive test	Officers of the Corporation, authorised officers under the Heavy Vehicle National Law (Victoria) and other persons authorised in writing by the Corporation.
Assessment of the automated driving system	Officers of the Corporation, authorised officers under the Heavy Vehicle National Law (Victoria) and other persons authorised in writing by the Corporation.

## **12 Application to renew an ADS permit**

For the purposes of section 33E(2) of the Act, an applicant for a renewal of an ADS permit must—

- (a) have complied with the conditions of the ADS permit; and
- (b) meet the eligibility criteria set out in regulation 8; and
- (c) submit to the Corporation, an application that complies with the requirements of regulation 9; and
- (d) if required by the Corporation—
  - (i) comply with any additional requirement imposed by the Corporation in accordance with regulation 10; and
  - (ii) produce the automated vehicle specified in the ADS permit for a test or an assessment to determine if it may be operated safely on a highway.

## **Division 3—Conditions of an ADS permit**

### **Subdivision 1—Interpretation**

## **13 Interpretation**

In this Part—

*modification* has the same meaning as in section 247A(1) of the **Crimes Act 1958**;

*serious incident* means any of the following—

- (a) an accident involving an automated vehicle;
- (b) a speeding offence under section 65B of the Act or Part 3 of the Road Rules involving an automated vehicle;

- (c) an offence under Part 6, 7 or 10 of the Road Rules involving an automated vehicle;
- (d) theft or carjacking of an automated vehicle;
- (e) tampering with, unauthorised access to, modification of, or impairment of the automated driving system of an automated vehicle;
- (f) failure of an automated driving system of an automated vehicle that would impair the reliability, security or operation of that automated driving system.

## **Subdivision 2—Prescribed conditions**

### **14 Prescribed conditions**

For the purposes of section 33G(1)(b) of the Act, an ADS permit is subject to the conditions set out in this Division.

### **15 General conditions**

An ADS permit is subject to the following conditions—

- (a) the ADS permit holder must maintain during the period of the ADS permit—
  - (i) a safety management plan; and
  - (ii) current insurance against public liability for personal injury or damage to property and any other insurance policies required by the Corporation to comply with the ADS guidelines;

- (b) the ADS permit holder must ensure that—
  - (i) all relevant permits, approvals, accreditations or consents have been obtained prior to conducting the ADS trial and remain in place for the period of the ADS permit; and
  - (ii) no penalties in respect of the use of the automated vehicle are outstanding;
- (c) the ADS permit holder must comply with the requirements of the Act and the regulations and rules made under the Act.

#### **16 Conditions relating to the vehicle supervisor**

A vehicle supervisor of an automated vehicle must—

- (a) have the applicable ADS permit document in the vehicle supervisor's possession at all times while driving or in charge of the automated vehicle; and
- (b) comply with the requirements of the Act and the regulations and rules made under the Act; and
- (c) comply with the conditions of the ADS permit.

#### **17 Conditions relating to the automated vehicle**

- (1) An ADS permit holder must only use the automated vehicle to which the ADS permit applies in automated mode on a highway—
  - (a) in connection with the activities specified in the ADS permit; and
  - (b) in accordance with the safety management plan relating to the permit; and
  - (c) in accordance with any traffic management plan relating to the permit; and



- (d) within the operational design domain of the automated driving system.
- (2) An ADS permit holder must display the document, mark, sign or symbol issued by the Corporation in relation to the ADS permit—
  - (a) if the ADS permit relates to an automated vehicle fitted with a windscreen or fixed windows—
    - (i) to the lower left or near side portion of the front windscreen of the vehicle; or
    - (ii) to any fixed window on the left or near side of the vehicle; or
  - (b) in any other case, in accordance with conditions specified in the ADS permit.

**18 Conditions relating to records and monitoring of the ADS trial**

- (1) An ADS permit holder must keep and maintain the following records in respect of an ADS trial authorised by the ADS permit—
  - (a) all journeys taken by an automated vehicle in automated mode during the ADS trial, including the relevant location and specific days and hours when the ADS trial took place;
  - (b) vehicle supervisors for each journey taken by an automated vehicle in automated mode during the ADS trial;
  - (c) serious incidents that occur during the ADS trial;
  - (d) all errors, failures or other problems arising from the use of the automated driving system during the ADS trial;
  - (e) changes to the operational design domain and OEDR during the ADS trial.

- (2) An ADS permit holder must keep all records referred to in subregulation (1) for a period of 7 years.
- (3) If requested, an ADS permit holder must make the records of an ADS trial required to be kept under this regulation available for inspection by—
  - (a) any police officer for the purposes of law enforcement and accident investigation; and
  - (b) the Corporation for the purposes of monitoring and managing ADS trials and the use of automated driving systems in automated vehicles on highways.

#### **19 Conditions relating to reporting**

- (1) Within 24 hours of becoming aware of a serious incident that occurs during an ADS trial, the ADS permit holder must—
  - (a) notify the Corporation of that serious incident; and
  - (b) submit a serious incident report in the form approved by the Corporation.
- (2) An ADS permit holder must, at an interval specified in the ADS permit, give the Corporation a report in the approved form and manner detailing—
  - (a) the total number of serious incidents during an ADS trial authorised by the ADS permit; and
  - (b) any information required by the Corporation for the purposes of monitoring and managing an ADS trial authorised by the ADS permit and the use of automated driving systems in automated vehicles on highways.

- (3) An ADS permit holder must notify the Corporation of any change of vehicle supervisors specified in the ADS permit prior to that vehicle supervisor being assigned to the automated vehicle for the ADS trial authorised by the ADS permit.
- (4) An ADS permit holder must notify the Corporation within 14 days of becoming aware of the change of—
  - (a) the personal particulars or company particulars of the ADS permit holder; or
  - (b) the personal particulars of any vehicle supervisor specified in the ADS permit.

## **20 Conditions at the end of the ADS trial**

At the end of an ADS trial or on the expiry of an ADS permit (whichever is the earlier) the ADS permit holder must—

- (a) submit a summary of the outcomes of the ADS trial to the Corporation; and
- (b) return the ADS permit documents to the Corporation.

## **Division 4—Exemption from, or variation of the operation of the Act, the regulations or rules**

### **21 Application for an exemption or variation**

- (1) For the purposes of section 33G(3) of the Act, the Corporation may determine a condition of an ADS permit in accordance with that section if the Corporation receives a request from an applicant for an ADS permit or for a variation of an ADS permit that complies with this regulation.

- (2) An applicant referred to in subregulation (1) who seeks an exemption from a provision of the Act or of the regulations or rules made under the Act must—
- (a) specify the provision from which an exemption is sought; and
  - (b) provide evidence that an exemption from the provision would not adversely impact the safety of the ADS trial and other road users; and
  - (c) demonstrate one or more of the following—
    - (i) the provision is not relevant, given the scope and nature of the ADS trial;
    - (ii) compliance with the provision would be impractical;
    - (iii) an alternative safety performance measure proposed in the application achieves or exceeds a standard, code of practice or criteria set out in the specified provision.
- (3) An applicant for the grant or variation of an ADS permit who seeks modification of a provision of the Act or of the regulations or rules made under the Act must—
- (a) specify the provision in relation to which a modification is sought, and identify the modification that is sought; and
  - (b) provide evidence that the modification of the provision would not adversely impact the safety of the ADS trial and other road users; and

- (c) demonstrate one or more of the following—
- (i) that the provision would not be relevant without modification, given the scope and nature of the ADS trial;
  - (ii) that compliance with the provision, without modification, would be impractical;
  - (iii) an alternative safety performance measure proposed by the modification achieves or exceeds a standard, code of practice or criteria set out in the specified provision.

**22 Provisions of the Act, regulations or rules that do not apply or apply with specified modifications**

For the purposes of section 33N(1) of the Act, a reference to a driver in section 61 of the Act applies to a person who is a vehicle supervisor of an automated vehicle for which an ADS permit is in force—

- (a) at any time while the person is assigned by the ADS permit holder to perform the duties as a vehicle supervisor in relation to the vehicle; and
- (b) as if the references to "driver" in that section were references to "vehicle supervisor".

**Division 5—Variation, suspension or cancellation of ADS permit**

**23 Automatic suspension of ADS permit**

- (1) An ADS permit is suspended, effective immediately, if the Corporation is advised by the ADS permit holder, the vehicle supervisor named in the ADS permit or a police officer of—

- (a) the theft or carjacking of an automated vehicle used under that ADS permit; or
  - (b) any tampering with, unauthorised access to, variation to, impairment of, or unauthorised computer function or system override in relation to, an automated driving system during the ADS trial conducted under that ADS permit.
- (2) If an ADS permit is suspended under subregulation (1)(a), the ADS trial remains suspended until the Corporation is satisfied that the automated vehicle has been recovered, assessed and made safe.
- (3) If an ADS permit is suspended under subregulation (1)(b), the ADS trial remains suspended until the Corporation is satisfied that the tampering, unauthorised access, variation to, impairment of, or unauthorised computer function or system override in relation to, the automated driving system has been resolved, assessed and made safe.

#### **24 Variation, suspension or cancellation of ADS permit**

- (1) The Corporation may vary, suspend or cancel an ADS permit if—
- (a) the ADS permit holder has failed to comply with a condition of the ADS permit; or
  - (b) the ADS permit holder or the relevant vehicle supervisor has committed one or more offences under the Act, or the regulations or rules made under the Act, in the automated vehicle during an ADS trial; or
  - (c) the ADS permit holder is no longer eligible for a particular class or classes of ADS permit; or

- (d) the ADS permit holder has failed to pay any penalty imposed in relation to an ADS trial by the required date.
- (2) The Corporation may vary, suspend or cancel an ADS permit if, based on a report given by a law enforcement agency, the Corporation believes it would be dangerous for an automated vehicle or a category of automated vehicles specified in the ADS permit to be driven in automated mode.
- (3) The Corporation may vary, suspend or cancel an ADS permit if, based on information provided by any person, the Corporation is satisfied on reasonable grounds that the information is reliable and the information discloses or suggests that it may be dangerous for—
  - (a) the ADS permit holder to continue to drive an automated vehicle in automated mode; or
  - (b) a vehicle supervisor named in the ADS permit to remain a vehicle supervisor; or
  - (c) an automated vehicle to be driven or a category of automated vehicles specified in the ADS permit to be driven in automated mode.

## **25 Procedures for variation, suspension and cancellation of ADS permit**

- (1) If the Corporation decides to vary, suspend or cancel an ADS permit, the Corporation must give the ADS permit holder notice in writing of—
  - (a) the decision and reasons for it; and
  - (b) the date of the decision; and
  - (c) the date the decision takes effect; and

- (d) any action that must be taken by the ADS permit holder in order to avoid the variation, suspension or cancellation; and
  - (e) any date by which the ADS permit holder must take that action; and
  - (f) any action required to be taken by the ADS permit holder to have the suspension lifted.
- (2) A notice under subregulation (1) must also state that—
- (a) in the case of a notice of variation of the ADS permit—the ADS permit holder is now subject to the conditions in the varied ADS permit and the previous ADS permit is no longer valid; or
  - (b) in the case of a notice of suspension of an ADS permit—the ADS permit holder and any vehicle supervisor named in the ADS permit is not authorised to drive an automated vehicle in automated mode on a highway for the purposes of an ADS trial for the period of suspension specified in the notice; or
  - (c) in the case of a notice of cancellation of an ADS permit—the ADS permit holder and any vehicle supervisor named in the ADS permit is no longer authorised to drive an automated vehicle in automated mode on a highway for the purposes of an ADS trial.
- (3) A notice of suspension or cancellation of an ADS permit must also state whether the ADS permit is required to be returned to the Corporation, and if so, specify the date by which the ADS permit must be returned.



- (4) An ADS permit is varied, suspended or cancelled in accordance with the terms of a notice served by the Corporation unless the Corporation, by further notice in writing, withdraws the notice.

**26 Effect of ADS permit variation, suspension or cancellation**

- (1) The variation, suspension or cancellation of an ADS permit under regulation 24 takes effect on and from the date determined by the Corporation and specified in the notice served under regulation 25.
- (2) The expiry date of an ADS permit that has been varied or suspended under this Division is not affected by that variation or suspension.

## **Part 4—Records**

### **27 ADS permit records**

- (1) For the purposes of section 33L(2)(c) of the Act, the Corporation may create and maintain a record in respect of a person to whom an ADS permit is granted.
- (2) For the purposes of section 33L(3) of the Act, the following information may be included in a record referred to in subregulation (1)—
  - (a) the personal particulars or company particulars of the ADS permit holder;
  - (b) details of each automated vehicle to be used in the ADS trial;
  - (c) details of the automated driving system to be used in the ADS trial;
  - (d) details of the nature and location of the ADS trial;
  - (e) in relation to each vehicle supervisor—
    - (i) the vehicle supervisor's personal particulars; and
    - (ii) the vehicle supervisor's driver licence number;
  - (f) the ADS permit number;
  - (g) the category or class of the ADS permit;
  - (h) the commencement and expiry dates of the ADS permit;
  - (i) any conditions to which the ADS permit is subject.

- (3) For the purposes of section 33L(3) of the Act, the Corporation may record the following information against a person who applies for an ADS permit—
- (a) a copy of the application signed by the ADS permit holder;
  - (b) any written authority of the applicant accompanying the application under regulation 9(3)(b);
  - (c) a copy of the safety management plan in relation to the ADS trial;
  - (d) a copy of the traffic management plan in relation to the ADS trial (if any);
  - (e) any information reasonably required for the purposes of—
    - (i) monitoring and managing the use and impacts of an automated driving system on a highway; and
    - (ii) monitoring and managing the use of an automated vehicle on a highway; and
    - (iii) the performance by the Corporation of its functions under the Act and the **Transport Integration Act 2010**.

**Note**

The use and disclosure of information under these regulations is subject to Part 7B of the Act.

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## Endnotes

### Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 4 definitions of <i>OEDR</i> and <i>SAE J3016</i>	SAE International Standard J3016, <i>Taxonomy and Definitions for Terms Related to Driving Automation Systems for on-road motor vehicles</i> , published on 15 June 2018 by SAE International	The whole