



Australian Government

Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts



Automated Driving System Entity certification

This paper **expands** on previous policy work

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Overview

The regulations that manage on-road safety risks for vehicles driven by humans are not suitable for managing the risks associated with vehicles under the control of an Automated Driving System (ADS).

The proposed Automated Vehicle Safety Law (AVSL) will ensure the safety of each ADS is managed throughout its design life by a certified party, to be known as an Automated Driving System Entity (ADSE).

This paper sets out the proposed certification system and seeks feedback.

Key points

An ADS needs to be managed throughout its design life by a party with the appropriate skills and resources to ensure the safety of the system. Under the proposed AVSL, an ADSE will be responsible for each ADS on the road.

Certification of an ADSE can happen:

- when an ADS is first provided to the Australian market
- before the aftermarket installation of an ADS in a vehicle that is already in Australia
- when responsibility for an ADS that is already in service is transferred to a new party.

We are proposing requirements that a corporation will need to satisfy to achieve and maintain certification as an ADSE. These aim to ensure that a corporation has the right structures, financial capacity, systems and processes in place to keep an ADS safe over its design life.

An ADSE will be required to maintain its certification over the design life of its ADSs.

The automated vehicle in-service safety regulator will have the power to suspend or cancel an entity's certification. The entity may also surrender certification.

Consultation questions

We welcome feedback on all elements of the regulatory framework. In relation to certification, we are especially interested in the following.

1. What are the benefits and drawbacks of different corporate presence requirements?
2. How would a requirement for the corporation to be an Australian registered company impact business models of potential ADSEs?
5. Do the proposed certification procedures for aftermarket installations of an ADS adequately manage safety risks, or should other matters be considered?
8. Are there measures we should consider to manage the consumer impacts of an ADS being disabled due to suspension, cancellation or surrender of certification?

ADSE certification

The proposed AVSL will require that an ADSE take responsibility for the safety of each ADS over its design life (which is how long the ADSE intends to support the ADS). The certification process will ensure an ADSE is in place for each ADS before it is used in Australia, and that ADSEs have the right structures and capabilities to keep an ADS safe.

When will certification be needed?

To ensure there is a certified ADSE for each ADS, certification of an ADSE will need to happen before an ADS is first supplied to or installed in Australia, and before responsibility for an ADS is transferred to another party. Specifically, ADSE certification would be required when:

- a corporation first applies for an approval under the *Road Vehicle Standards Act 2018* and Road Vehicle Standards Rules 2019 (together, RVS legislation) to provide a vehicle with an ADS to the Australian market
- an entity with an approval under the RVS legislation first applies to vary that approval to provide new vehicles with an ADS to the Australian market
- an ADSE arranges to transfer responsibility for an ADS to another corporation during the ADS's design life
- a vehicle that is already in Australia has an ADS installed (an aftermarket installation) which can occur by
 - changes to vehicles software; for example, 'switching on' the ADS capability in a vehicle via software
 - changes to vehicle hardware and software to install an ADS; for example, installing new sensors, actuators and software.

Additional ADSE certification requirements will apply prior to aftermarket installation of an ADS.

Eligibility for certification

To be certified as an ADSE, an entity will need to meet the certification requirements discussed in this paper. ADSE certification is not limited to the original designer or manufacturer of an ADS or of the base vehicle that an ADS is installed in. Another corporation could fulfil this role provided it has suitable structures and capabilities. The certification requirements are intended to allow for a range of business structures.

Where an automated vehicle is being provided under the RVS legislation, the first provision approval will be issued to the ADSE once it is certified. First provision approvals for a vehicle with an ADS will only be issued to an ADSE.

Certification process

Before an ADS is first provided to the Australian market or installed aftermarket, or responsibility for an ADS is transferred to a new entity, a corporation will need to apply to be certified as the ADSE for that ADS and provide documents to show it meets the certification requirements.

The proposed automated vehicle in-service safety regulator (the new regulator) will be responsible for certifying ADSEs. While we previously said the first provision regulator (based in the Department of Infrastructure, Transport, Regional Development, Communications and the Arts) would assess applicants under requirements set out in the RVS legislation, our revised intention is to place the certification requirements for ADSEs in the AVSL. The new regulator, which will have skills and experience in regulating in-service ADS safety, will assess whether an applicant is suitable to

become an ADSE. Further information about the new regulator is available in the [Regulator powers and functions](#) paper.

When deciding whether to certify an entity as an ADSE, the new regulator will need to consider whether the entity meets the certification requirements relating to:

- identifying the ADS it intends to take responsibility for
- corporate presence in Australia
- financial capacity and insurances
- data recording and sharing capability
- safety management systems
- law enforcement and emergency services interaction protocol.

These requirements are discussed in more detail in the rest of this paper.

If the new regulator decides an entity has met the requirements for certification, the new regulator can certify the entity as the ADSE for a specific ADS.

If the new regulator decides an entity has not met the requirements, it can refuse certification. In this case, the new regulator would give the entity notice of the decision and the reasons for the decision.

The administrative processes for certification will be set out in legislative instruments to provide flexibility to update and improve processes as the automated vehicle market evolves.

Certification requirements

ADSE certification requirements aim to make sure that entities have the right structures and capabilities to keep an ADS safe over its life. This section sets out the proposed requirements an entity would need to meet to be certified as an ADSE. For some requirements, we are seeking feedback on multiple options.

Identification of the ADS

The new regulator needs to have a clear understanding of the ADS an ADSE is responsible for.

When applying for certification a corporation would need to identify:

- the ADS it is nominating to take responsibility for
- the type of vehicle the ADS will be provided in
- the ADS components – the parts of the vehicle that form the ADS
- the operational design domain and design life of the ADS (how long the applicant intends to support the ADS).

These factors will inform the new regulator's assessment of other certification requirements such as financial capacity and the ADSE's safety management system.

Corporate presence in Australia

Once an ADS is operating on Australian roads, the new regulator will need to be able to perform its functions and use its powers effectively in relation to the ADSE for that ADS. It is also important that an ADSE can be held accountable under Australian law if it fails to meet its obligations. Corporate presence requirements relate to the ADSE's corporate structure, and its document access and control, to support the objectives of the AVSL.

Corporate structure

A corporation applying for certification as an ADSE would need to provide evidence that it has a corporate presence in Australia. Requirements for corporate structure aim to ensure an ADSE and its activities will be within Australian jurisdiction, so that the AVSL can be applied effectively.

Effective application of the AVSL includes being able to undertake audit and monitoring activities in relation to an ADSE, and compliance and enforcement activities if the ADSE fails to meet its duties and obligations under the AVSL. Corporate structures that placed these activities outside Australia's jurisdiction would involve risks that:

- the new regulator would not be able to use its monitoring, audit and investigation powers to check that the ADSE is meeting its duties and obligations under the AVSL
- the new regulator would not be able to use its enforcement powers if the ADSE failed to meet its duties and obligations
- the incentives for an ADSE to meet its duties and obligations under the AVSL would be reduced.

There are different types of corporate structure that could be set as a minimum requirement to demonstrate corporate presence in Australia. The options vary in terms of how much certainty they provide that the corporation's activities are happening in Australia's jurisdiction. However, the options that provide the greatest certainty of applying the AVSL would also limit the business structures a potential ADSE could have. We are seeking feedback on three options for the type of corporate presence that could be required.

Option 1: The corporation must be an Australian registered company with its centre of operations in Australia

This option would provide the most certainty that the AVSL duties and obligations could be applied because the ADSE would be an Australian entity and much of the ADSE's conduct would happen in Australia.

It is also likely that more of the ADSE's directors and employees would be located in Australia. This would make it more straightforward to apply AVSL executive officer due diligence obligations.

Option 2: The corporation must be an Australian registered company

Under this option, AVSL duties and obligations can be applied to the ADSE because it is an Australian entity. The ADSE's conduct may happen overseas if there are ADSE employees located there, but the AVSL would still apply to the conduct because it is an Australian entity.

It may be more difficult to apply the executive officer due diligence obligations if executive officers or directors are based overseas.

This option provides a balance between certainty of being able to apply and enforce the duties and obligations in the AVSL and flexibility in how a corporation structures its business operations.

Option 3: The corporation must, at minimum, be a foreign company registered to carry on business in Australia

Under this approach, the new regulator's ability to apply the AVSL to the ADSE's conduct would be limited because much of the ADSE's conduct would happen overseas. This is therefore the highest risk approach.

This option would also make it difficult to apply executive officer due diligence obligations, as executive officers and directors would probably be based overseas.

Consultation questions

1. What are the benefits and drawbacks of different corporate presence requirements?
2. How would a requirement for the corporation to be an Australian registered company impact business models of potential ADSEs?

Document access and control

Auditing an ADSE requires access to relevant documents. This can be challenging if some of an ADSE's activities occur overseas or the ADSE relies on information or documentation that has been prepared by another organisation. For example, if a local subsidiary becomes the ADSE, but the parent company holds relevant documents.

To be certified, the corporation would need to show the new regulator that it will have appropriate document access and control arrangements for the design life of the ADS. This will include:

- ongoing access to or control over records, information and other evidence that demonstrates the corporation's compliance with certification requirements and other obligations and duties under the AVSL
- timely access to and production of evidence when the new regulator requests it
- arranging, upon request, for the new regulator to inspect relevant premises to assess compliance with certification requirements and other obligations and duties under the AVSL.

Document access and control requirements will be focused on documents relevant to ADSE certification, and meeting duties and obligations under the AVSL.

Financial capacity

Once certified, an ADSE will need to meet a number of ongoing responsibilities under the AVSL. The financial capacity certification requirement aims to make sure the corporation that is seeking certification will have the financial capacity, both at the time of certification and in the future, to meet those responsibilities.

The corporation would need to provide evidence to assure the new regulator it has the financial capacity to meet its ongoing responsibilities. This could include proof of insurance for any liability that would arise from an ADSE's failure to discharge its safety duties and obligations under the AVSL, including personal injury, death and property damage caused by an ADS when engaged. It will also be important that the corporation has appropriate resources to maintain the necessary systems and personnel that it will need to meet its duties.

The appropriate level of financial capacity would need to be considered case by case by the new regulator. Factors that might influence the level of financial capacity needed are the:

- type of ADS to be supplied
- type of vehicle the ADS will be supplied in
- operational design domain of the ADS or ADS features
- number of ADS(s) anticipated to be supplied
- design life of the ADS
- business model of the ADSE and the intended use for the vehicle(s) with the ADS.

Financial capacity may change over time; for example, if the number of ADSs brought into the market by an ADSE substantially increases. Changes to financial capacity would need to be notified to the new regulator, as explained in the *Maintaining certification* section.

Data recording and sharing capability

Data produced by an ADS will be important for a range of purposes relating to road traffic law enforcement, insurance claims, determining liability and investigation of safety incidents. This certification requirement aims to ensure that a corporation has the right systems in place to record and share ADS data.

The capabilities that the corporation would need to provide evidence for may include that:

- the corporation would be able to provide road and enforcement agencies and insurers with relevant data
- relevant parties (including police) would be able to receive information about whether the ADS was engaged and the level of automation engaged at a point in time, if required
- relevant individuals would be able to receive data to prove or dispute liability (for example, data showing which party was in control to defend road traffic infringements or dispute liability for crashes)
- data would be provided and retained in accordance with the requirements of the AVSL
- data relevant to the enforcement of road traffic laws and the general safe operation of the ADS (including data relevant to crashes) would be stored in accordance with the requirements of the AVSL.

Further information about data and information management requirements that will apply to an ADSE over the design life of the ADS are in the [Information management requirements](#) paper.

Safety management system

An ADSE will be required to have a safety management system that it will use, maintain and review over the design life of the ADSs it supports to help meet its duties and obligations under the AVSL.

As part of certification, a corporation would need to provide information about its safety management system. Considering the safety management system at the point of certification will help ensure the corporation has appropriate measures in place to manage safety before it brings an ADS on to Australian roads.

Detailed information and consultation questions about the safety management system are available in the [Safety management system for vehicles with an ADS](#) paper.

Law enforcement and emergency services interaction protocol

The law enforcement and emergency services interaction protocol (LEESIP) will be a document prepared by the corporation that explains how enforcement officers and emergency services workers can interact safely with an ADS. Considering the LEESIP at the time of certification will help to make sure that the corporation has adequate arrangements in place to support law enforcement and emergency services interactions before the ADS is provided in Australia. Information and consultation questions about the LEESIP are available in the [Law enforcement and emergency services interaction protocol](#) paper.

Additional certification requirements

ADS technology is still developing, and regulation of ADSs is at an early stage. This means we may not be able to anticipate other things that should be considered at the time of certification to make sure an ADSE is able to keep an ADS safe when it is on the road. To manage this uncertainty, the proposed AVSL will provide for the inclusion of new certification requirements by way of a legislative instrument

Aftermarket installation of an ADS

ADSs may become available through the ADS being installed into a vehicle that is already on the road. The safety risks differ between an aftermarket installation and a new vehicle supplied with an active ADS. The requirements for certification before aftermarket installation are aimed at managing these different risks.

Aftermarket installation of an ADS into a vehicle that is already in the Australian market could happen in different ways:

- the vehicle has new sensors, computers, actuators and software installed to provide ADS capability
- the vehicle has a software upgrade to provide ADS capability
- the vehicle has a software update to enable ADS capability that was in the vehicle when it was first provided, but had been disabled.

When an ADS is installed in a vehicle that is already on the road, it is important to have processes in place so that:

- an ADSE takes responsibility for the safety of the ADS over its design life
- the ADS will meet the relevant national road vehicle standards
- installing the ADS does not result in other parts of the vehicle no longer meeting other national road vehicle standards
- installation of an ADS into a vehicle that has already been in use is done in a way that manages the different risks that could arise.

Certification requirements before aftermarket installation

Before an ADS could be installed aftermarket, a corporation would need to be certified as the ADSE for the ADS. Additional certification requirements, set out in this section, would apply alongside the general certification requirements and procedures described earlier in this paper.

Meeting applicable national road vehicle standards

When an ADS is installed aftermarket, the ADS will be held to the same safety standard as an ADS that is provided to the market under the Road Vehicle Standards Act.

The corporation seeking certification as an ADSE would need to provide evidence that the ADS it proposes to install will comply with the national road vehicle standards at the time of installation.

The corporation seeking ADSE certification would also need to provide evidence and declare that installing the ADS will not affect the compliance of the vehicle with any other applicable national road vehicle standards that the vehicle was certified against when it was first provided to the Australian market. Examples of how ADS installation could impact compliance with other applicable national road vehicle standards include:

- the need for physical changes to core vehicle systems such as the steering or brakes
- the need to fit new components that may cause hazards by obstructing existing systems
- the risk new components could become detached in a crash and cause hazards to vehicle occupants and other road users.

Depending on the type of installation, it may be necessary for the corporation to perform testing against the national road vehicle standards before the ADS installation can proceed.

Controlling additional safety risks

The corporation seeking to be certified would need to show how it will manage the additional safety risks of ADS installation. The relevant types of risk would be set out in a legislative instrument to allow for updates as we understand more about the safety risks of aftermarket ADS installations. The corporation would need to provide evidence of how these safety risks would be controlled, and declare that the ADS installation will be performed in a way that ensures the risks are controlled.

The main categories of risks may include:

- safety risks arising from the variability in donor vehicle condition and performance, which could be controlled or reduced through rules or procedures such as
 - limitations on vehicle age or mileage
 - inspections to verify the condition of each donor vehicle
 - replacement of ADS components to ensure they meet the required specification (for example, the brake pads are the correct type)
 - inspection and repair of components to ensure suitable performance (for example, overhaul of steering components that have degraded due to wear)
- safety risks arising from the performance of the ADS installation, which could be controlled or reduced through, for example
 - quality assurance processes and procedures for ADS installation¹
 - procedures for verifying correct ADS installation
 - high-level testing for all vehicles (for example, each vehicle needs to navigate a test track and perform a minimum risk manoeuvre under ADS control)
 - random sampling of vehicles for detailed testing.

Offence for aftermarket installation of an ADS

The certification requirements described above support the intent that for each ADS there is an ADSE. Preventing unauthorised aftermarket installations will help avoid uncontrolled safety risks from ADSs that are not overseen by an appropriately skilled and qualified ADSE.

To discourage unauthorised aftermarket installations, an entity that installs an ADS aftermarket but is not certified as an ADSE by the new regulator would commit an offence.

The offence would not apply if a person was installing an ADS under the instruction of a certified ADSE that has been approved by the new regulator to install that ADS.

State and territory governments will also introduce an offence for unauthorised aftermarket installation of an ADS. Having offences in both the AVSL and state and territory law will ensure there is a comprehensive prohibition on unauthorised aftermarket installations.

Consultation question

5. Do the proposed certification procedures for aftermarket installations of an ADS adequately manage safety risks, or should other matters be considered?

¹ This reflects a similar requirement placed on applicants for a type approval at first provision to declare and provide evidence that they have a quality management system (which can be demonstrated through providing an ISO 9001 accreditation certificate).

Maintaining certification

An ADSE must maintain its certification for as long as it has responsibility for in-service ADSs. It is important that an ADSE continues to maintain the structures and capabilities over the life of the ADSs it supports. The AVSL will include obligations an ADSE must meet to maintain its certification.

Notifications to the new regulator

To make sure that an ADSE continues to have the right capabilities and structures to meet its duties and obligations under the AVSL, it will be important for the new regulator to be aware of any changes that could impact the ADSE's certification. The AVSL will include obligations for an ADSE to notify the new regulator of circumstances that would affect its certification, such as when:

- it intends to significantly change corporate structure, or make changes to the ADSE's key personnel (such as the executive officers that the ADSE identified would have influence over the ADSE maintaining its safety duties under the AVSL)
- there are significant changes to the ADSE's safety management system
- there are changes to the ADSE's LEESIP
- there will be other significant changes affecting the ADSE, including mergers, acquisitions, changes to financial capacity or insurance, insolvency or voluntary administration
- it wants to transfer responsibility for the ADS to a new entity
- it no longer plans to support an in-service ADS.

When the new regulator has been notified of these circumstances, it would be able to use its other powers and functions to make sure the ADSE's certification is still valid, and the ADSE is still able to meet the safety duties and obligations in the AVSL. In the case that the ADSE plans to cease support of its ADS, notification to the new regulator will enable it to work with an ADSE to ensure that enough time is allowed for appropriate arrangements to be made to transfer responsibility or disable the ADS.

A legislative instrument could be used to set out other circumstances about which the ADSE needs to notify the new regulator. Information should be given to the new regulator in a timely and standardised way, so legislative instruments will also be used to set out the processes and time frames for notifications.

Maintaining records

The ability for the new regulator to use its audit, monitoring and investigation powers to understand whether an ADSE continues to meet the certification requirements will rely on the ADSE keeping relevant records. This could include information such as original and subsequent versions of policies, constitutions, insurance certificates and evidence of financial capacity.

An ADSE will need to keep and maintain records of:

- the original supporting information provided when seeking certification
- the subsequent versions created when supporting information is updated
- any other documentation required to show that it is maintaining the certification.

The ADSE would need to keep this information for as long as it is certified as the ADSE for the ADS it supports, and for another 7 years after its certification expires.

Suspension and cancellation of certification

While certification is ongoing for the design life of the ADS, there may be circumstances where it is appropriate for the regulator to suspend or cancel an ADSE's certification.

When suspension or cancellation may be necessary

There may be circumstances in which the new regulator determines that the ADSE is not suitable to continue to be a certified ADSE, either temporarily or permanently. For example, the new regulator could make this decision if the ADSE:

- used misleading documents or made false representations to achieve certification
- can no longer demonstrate that it meets the requirements for certification
- breaches its safety duties and obligations under the AVSL, is not taking proactive measures to correct the breach and is not responding to other enforcement action – so there has been continued and deliberate noncompliance by the ADSE.

Letting an unsuitable ADSE maintain its certification could lead to poor safety outcomes as the ADSE may not have the right systems and capabilities in place to manage the safe operations of the ADSs for which it is responsible.

The new regulator would have the power to:

- suspend the ADSE's certification for a period determined by the regulator, with immediate effect or with effect from a specified future date
- cancel the ADSE's certification, with effect from a specified future date.

If the ADSE is certified for multiple types of ADS, the new regulator could apply the suspension or cancellation across all ADSs or specified types of ADS.

When an ADSE's certification has been suspended or cancelled, the ADSE would need to disable the affected ADSs and prevent them from operating. This would mean that, for the period of suspension or cancellation, a person would not be able to use the ADS in a vehicle. If the vehicle has manual controls, a person would still be able to use the vehicle by driving it manually.

Suspension or cancellation of certification by the new regulator is a significant regulatory action which would have impacts on users of ADSs. As a result, the circumstances in which this power would be used are focused on situations in which the basis for the ADSE's certification is not sound, or there are ongoing issues of noncompliance with safety duties and obligations.

Processes for suspension or cancellation

Before deciding to suspend or cancel an ADSE's certification, the new regulator would notify the ADSE in writing that it is considering cancelling or suspending the ADSE's certification and provide the reasons for that decision. The notice would also identify time frames and requirements for the ADSE to disable the ADSs if the suspension or cancellation goes ahead.

The notice would give the ADSE the opportunity to correct or improve any issues identified by the new regulator. It would also enable the ADSE to make representations to the new regulator giving suitable reasons why a suspension or cancellation should not be made. The time allowed for the ADSE to provide this information is proposed to be within 28 days of the regulator's notification to the ADSE.

If the new regulator intends to extend a suspension, it would need to send a written notice to the ADSE. The notice would give the reasons for the decision to extend the suspension and give the ADSE an opportunity to make further representations to the new regulator as to why the suspension should not be extended. The ADSE would have 28 days from the time the new regulator gives it the written notice to provide this information to the regulator.

Immediate suspension

There may be situations in which it is not appropriate for the ADSE to have 28 days to respond to the new regulator's written notice. If the new regulator considers there is an imminent or serious risk to

safety if the certification is not suspended immediately, the new regulator may issue a written notice to immediately suspend the certification of an ADSE.

An immediate suspension would operate for a period of 6 weeks unless the new regulator nominated a shorter period in the initial notice, or reduced or extended the period by written notice to the ADSE after the suspension came into effect.

The new regulator would not have a power to immediately cancel an ADSE's certification.

Transfer of ADS responsibility and surrender of certification

An ADSE may wish to transfer responsibility for an ADS to a new entity, or surrender its certification without transferring responsibility for the ADS. Processes for transfer and surrender aim to minimise the potential for safety risks when an ADSE will no longer support a particular ADS.

Transfer of ADS responsibility

If the ADSE intends to cease support of an ADS, it is important to have a mechanism for a new ADSE to take responsibility for that ADS. The AVSL will provide an option for an ADSE to transfer the responsibility for the ADS to a new entity.

An ADSE would need to notify the new regulator when it plans to transfer responsibility for its ADS to a new entity.

The new entity would need to be certified as an ADSE before responsibility for an existing ADS could be transferred to it. The certification process set out earlier in this topic paper would apply. Even if the entity is an ADSE for a different type of ADS, it would still need to be certified as an ADSE for the new ADS.

Once the new entity has been certified as the ADSE for the ADS, responsibility for that ADS can be transferred from the old ADSE to the new ADSE.

Once the new ADSE has taken responsibility for the ADS, the new regulator can cancel the old ADSE's certification for the ADS. The regulator would notify the old ADSE in writing of:

- the date the cancellation takes effect
- the effect of cancellation
- any transitional requirements.

Other requirements that would apply when an ADS is transferred include updating the [automated vehicle register](#) to include details of the new ADSE. Detailed administrative matters could be included in a legislative instrument to allow them to be more easily updated from time to time.

Surrender of certification

An ADSE may not be able to find another entity to accept responsibility for an ADS, may not be willing or able to transfer responsibility, or may no longer be suitable to be certified as an ADSE. The requirements for when an ADSE will surrender its certification for a particular ADS are aimed at minimising both the road safety risks from an ADS that is not supported by an ADSE and the impacts on businesses or consumers using the ADS.

An ADSE would be able to surrender its certification by giving a written notice to the new regulator setting out:

- the reason it will stop supporting the ADS and surrender certification

- the arrangements the ADSE has made for the affected ADS – this could include that the ADS will be disabled or decommissioned, and the date that this would occur.

When the new regulator receives the notice, it will consider whether it is satisfied with the arrangements the ADSE has in place and:

- if the new regulator is satisfied with the ADSE's arrangements, it will write to the ADSE to confirm that its certification can be surrendered and that, where relevant, the ADS can be disabled or decommissioned according to the plans set out in the notice to the regulator, on the date set out in the notice
- if the new regulator is not satisfied with the ADSE's arrangements, it would inform the ADSE that it is not satisfied and include reasons why it has not accepted the ADSE's notice to surrender certification.

An ADSE would not be able to surrender its certification until the new regulator is satisfied with its arrangements for surrendering certification.

For safety reasons, it is essential that an operating ADS is always supported by an ADSE. We recognise that if an ADS is disabled due to suspension, cancellation or surrender of certification, this may have negative impacts for consumers.

Consultation question

8. Are there measures we should consider to manage the consumer impacts of an ADS being disabled due to suspension, cancellation or surrender of certification?

Record keeping after cancellation or surrender of certification

After an ADSE's certification has been cancelled or surrendered, there will still be a need for some records to be kept by the former ADSE. This would include records that were required to be made and kept under the AVSL. Records would need to be kept for 7 years starting on the day the record is made. This requirement is to support any criminal or civil claims that may be brought during or after the certification has been cancelled or surrendered. The 7-year period is consistent with record keeping requirements under the Road Vehicle Standards Rules and the *Corporations Act 2001*.