

9 July 2018

Attn: Automated Vehicle Team
National Transport Commission
Level 3/600 Bourke Street
MELBOURNE VIC 3000

SAFETY ASSURANCE FOR AUTOMATED DRIVING SYSTEMS CONSULTATION REGULATION IMPACT STATEMENT

The Australian Logistics Council (**ALC**) welcomes the opportunity to respond to the *Safety Assurance for Automated Driving Systems Consultation Regulation Impact Statement (the RIS)*.

The RIS supports the adoption of Option 4. This option requires the entity proposing to introduce an automated driving system into Australia to self-certify against principles-based safety criteria. Option 4 also:

- includes sanctions and penalties that are specific to safety assurance to enforce compliance with the safety assurance system (through new or amended legislation);
- includes the appointment of a government agency with responsibility for administering the safety assurance system;
- recognises and regulates the automatic driving system (and its sponsor) separately from the vehicle; and
- introduces a primary safety duty on an automatic driving system's sponsor to take all reasonably practicable steps to ensure the continued safe operation of the vehicle (which is presumably how the primary safety duty would be phrased).

ALC's only observation is in relation to the quantum of penalties that may be imposed for breaches of any new laws that regulate automated driving systems.

Table 13 (below) of the RIS sets out the maximum penalty levels in the *Heavy Vehicle National Law*.

Table 13. Risk categories and their associated penalties in the HVNL⁴⁴

Current HVNL risk category	Current HVNL maximum penalty
Minor – minimal risk/impact	\$1,000–\$3,000
Substantial – some/marginal risk/impact (not an appreciable risk)	\$4,000–\$6,000
Severe – appreciable/significant risk/impact	\$8,000–\$10,000
Critical – critical/serious risk/impact	\$15,000–\$20,000

Table 1 - Risk categories and their associated penalties in the HVNL

This level of penalty is unlikely to provide either a general or specific deterrence for automatic driving system sponsors, given they are likely to be sophisticated and well-resourced international corporations.

ALC suggests penalty levels should instead be of a similar level to those proposed to be imposed for breaches in competition law. This will ensure the penalties do act as an effective deterrent for international corporations.

Please contact me on 0418 627 995 or at Michael.Kilgariff@austlogistics.com.au should you wish to discuss this submission.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Kilgariff', with a stylized, cursive script.

MICHAEL KILGARIFF
Managing Director