



Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

Submission to National Transport Commission

Discussion Paper: Review of Guidelines for Trials of Automated Vehicles in Australia

August 2020

The Department of Infrastructure, Transport, Regional Development and Communications (**the Department**) welcomes the opportunity to comment on the discussion paper. The Department thanks the National Transport Commission (NTC) for its work on this issue.

Key Points:

This submission articulates the Department's views on the future state of the Guidelines for Trials of Automated Vehicles in Australia (the Guidelines). In summary:

- The Department broadly supports amendments to clarify information requirements by governments in regards to applications for trial and importation approval;
- The Department suggests that consideration be given to tasking an organisation with maintaining the Guidelines, assisting road agencies and trialling organisations to administer trial requirements and coordinate trial evaluations;
- The Department suggests that governments could collaborate to develop an evaluation framework to capture key information and outcomes from trials;
- The submission provides more information about Commonwealth import approval processes for automated vehicle trials and suggests further work occur with the NTC to determine whether the Guidelines include more information or links to resources about Commonwealth importation arrangements;
- The Department supports a greater alignment between the Guidelines and the regulatory system being developed for the future commercial deployment of automated vehicles.

Content and level of detail in the current guidelines

The Department broadly supports the NTC's suggestions about amending the Guidelines to clarify the information that organisations should provide when applying for trials and to clarify what information governments need to grant approvals.

Administrative processes and harmonisation

Nationally consistent approaches to deploying automated vehicles will be an important enabler for sophisticated technology trials and ultimately, accelerating the adoption of automated vehicles. The Guidelines are a useful resource that can support greater national consistency and provide a framework for Governments and applicants alike. Since the introduction of the Guidelines in 2017, every state and territory has hosted automated vehicle trials and has drawn on the Guidelines. The Department notes the discussion paper's observation that different processes for approving automated vehicles have now developed in every state and territory.

As Australia moves towards hosting larger, cross border and more complex trials, the Department suggests, in line with the NTC's submission, that consideration be given to whether an organisation could be tasked with maintaining the Guidelines and assisting road agencies and trialling organisations to administer trial requirements as well as coordinate trial evaluations. Over the longer term, consideration should be given to whether the proposed automated vehicle national regulator could perform this role.

As an initial step, the Department suggests that governments could collaborate to develop an evaluation framework to capture information on how trials address topics such as:

- Interaction between trials and public transport;
- Mobility impacts of trials on older Australians and persons with a disability;
- The impact of trials on increasing regional mobility;
- Community perceptions about automated vehicles before and after trials; and
- Whether any infrastructure or regulatory barriers have been encountered.

Importation process for automated vehicle trials

The Department administers the *Motor Vehicle Standards Act 1989*¹ and develops and implements national road vehicle standards² as part of the regulation of new and used vehicles up to the point of first supply to Australia. Under this legislative framework, there are three vehicle import approval pathways:

- Type approval for supply in unlimited numbers of ‘standard’ vehicles that fully meet all applicable Australian Design Rules (including any for Automated Driving Systems);
- Type approval for supply in unlimited numbers of ‘non-standard’ vehicles that meet the majority of applicable Australian Design Rules;
- Concessional approval for vehicles that do not meet all applicable Australian Design Rules.

The discussion paper raises issues about obtaining discretionary Commonwealth approvals. Specifically, the paper refers to consistency of decision making, confusion about what information is needed to assess applications, approval conditions and a three vehicle limit on trials, applicants paying storage costs while waiting for approvals and the application of luxury car tax to trial vehicles.

Consistency of decision making is an important factor which the Department takes into account when granting approvals. To promote consistency during the application process, the Department has published guidance on what information should be provided when applying for an import approval.³ Applicants are encouraged to carefully consider the information on the Department’s website and the Guidelines when preparing an application.

However, circumstances surrounding trials will differ and the Department may request further information from applicants to assist with decision making. The Department considers all the circumstances surrounding a trial, including the proposed use case, the type of vehicles to be used in the trial, the extent to which a vehicle does not comply with national road vehicle standards, the safety risks of trial vehicles and mitigation strategies. In particular, the Department focusses on ensuring that applicants have thoroughly considered and addressed occupant protection, pedestrian safety, and risks associated with mixed traffic. As states and territories are responsible for managing the on-road use of trial vehicles in Australia, the

¹ This legislation will be replaced by the *Road Vehicle Standards Act 2018*, which will deliver an updated and modernised system to regulate the first provision of road vehicles to the Australian market. The new Act is being phased in over the coming months to facilitate a smooth transition to the new regulatory framework (full implementation is anticipated by July 2021).

² These standards, called the Australia Design Rules, are designed to make vehicles safe to use, secure against theft, promote energy-saving and control emissions. More information is available at <<https://www.infrastructure.gov.au/vehicles/design/>>.

³ https://www.infrastructure.gov.au/vehicles/imports/import_options/av.aspx

Department encourages applicants to obtain in-principle support from a road agency before applying for an importation approval. In the interests of public safety and with regard to the circumstances surrounding a trial, approval conditions may be used where appropriate.

There are no limits on the number of vehicles that may be trialled in Australia and the Department assesses each import application on its merits. To date, no applications have been made for large-scale trials.

To avoid storage costs, applicants are clearly warned by the Department that they should not import a vehicle before obtaining an approval. As with any vehicle entering Australia, customs duties, and taxes may be payable on trial vehicles and applicants are strongly encouraged to make enquiries with the Australian Taxation Office and the Department of Home Affairs.

The Department suggests that further work should occur with the NTC to determine whether the Guidelines could include more information or links to resources about Commonwealth importation arrangements.

The discussion paper also suggests there could be greater alignment between the Guidelines and the regulatory system being developed for the future commercial deployment of automated vehicles. The Department agrees and suggests that further work should occur with the NTC to determine how the Statement of Compliance Safety Criteria (endorsed by the Transport and Infrastructure Council in 2018) could best be reflected in updated Guidelines. This would signal to industry the criteria governments see as critical to assuring the safety of automated vehicles on our roads. It also allows governments to test elements of the future regulatory system.