



GM Holden submission

National Transport Commission  
Consultation regulation impact statement  
In-service safety for automated vehicles

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GM Holden (GMH) is the operating entity of General Motors (GM) in Australia. Following are our comments and responses to questions in the consultation regulation impact statement (RIS) released by the National Transport Commission (NTC).

GMH has provided input to the submission by the Federal Chamber of Automotive Industries (FCAI) and supports the FCAI submission to the RIS. The FCAI submission covers each question of the RIS in detail and GMH has provided input to the FCAI's comments. Holden overall concurs with the positions outlined by the FCAI and provides additional comments in this submission.

GMH also points to its:

- November 2017 submission to the NTC's Paper Changing driver laws to support automated vehicles; and
- July 2018 submission to the NTC's Paper Safety Assurance for Automated Driving Systems Consultation Regulation Impact Statement

GM supports the use of definitions of terms established in the SAE J3016, which have been adopted by the US National Highway Traffic Safety Administration (NHTSA) and are in general use throughout the automotive industry. We acknowledge the terms Level 3 to refer to 'conditional automation', Level 4 to refer to 'high automation' and Level 5 to refer to 'full automation'.

GM believes electric, self-driving, connected vehicles and shared mobility services will transform how we get around and is drawing a blueprint to advance its vision of a world of zero crashes, zero emissions and zero congestion.

As a global leader in defining the future of mobility, GM is advancing the development of Level 4 and Level 5 self-driving vehicles. GM's self-driving autonomous vehicle (AV) division, Cruise Automation, is actively testing about 180 AV's derived on the Chevrolet Bolt EV with fully integrated self-driving technology on public roads in certain US cities, primarily San Francisco, in preparation for commercial deployment.

GM is the first automaker to implement full-scale manufacturing of the Level 4 Cruise AV's with fully integrated driverless technologies at its Orion facility near Detroit, Michigan and believes its latest generation AV's will meet the redundancy and safety requirements necessary to operate without a driver. Building test AVs in a plant such as Orion Assembly and using mass production methods allows GM to meet the same strict standards for safety and quality that is built into all its other vehicles.

GM has consistently communicated from the outset that safety is the gating metric for driverless deployment. GM continues to make rapid progress and is targeting to be ready for commercial deployment, however this is the greatest engineering challenge of our generation and GM will ensure that appropriate safety thresholds and regulatory requirements have been met, before commercial deployment.

GM supports policies that promote safety as the top consideration while also being sure to enable, not hamper, innovation in developing AV's. AV technology is continuously evolving as we find new ways to make our roads ever safer. Public

policies and regulation should have flexibility needed to adapt to this evolution, otherwise overly prescriptive and technically-specific policies will quickly become out-of-date and stymie the safe and continuous development of AV's.

Fully self-driving technology is evolving rapidly but is still in earlier stages of development. Attempting to prescriptively regulate many aspects of AV's is premature and may inhibit innovation that is occurring by creating unnecessary hurdles or barriers to development.

At all levels of government, policies should align with these foundational principles:

- 1) Promote safety as the top priority;
- 2) Technology neutral; and
- 3) Enable, do not hamper, innovation.

The NTC has identified a comprehensive range of in-service issues which will apply in markets of AV deployment and are not unique to Australia. GMH believes there should be a consistent national approach to addressing in-service safety risks and as outlined in detail in the FCAI submission, believes a national approach can be addressed through existing acts and regulations.

A comprehensive range of parties with an influence on in-service safety has been listed by the NTC at Figure 8 in the Paper. Consideration should also be given to data systems related entities in the management and operation of AV's for inclusion of influential parties. We disagree however, with the separation of ADSE executive officers as a singular entity in the list, for the reasons outlined in the FCAI submission, that they should be considered incorporated as part of the ADSE.

As is already generally the case with road regulations in the Australian federal construct, harmonisation across states is very important, to avoid cross-border inconsistencies and duplication of regulations. Unnecessary regulation will only serve as a barrier to the introduction of AV's to Australia.

A national harmonised approach can be driven by the Council of Australian Governments process, utilising current acts and regulations which is currently the case. National oversight and leadership can continue to be via the federal offices and agencies which exist today within the Department of Infrastructure, Transport, Cities and Regional Development, those organisations being the Office of Future Transport Technology, the NTC and Austroads.

GMH agrees with the FCAI, that a single national regulator should be used for new vehicle approval, while the in-service regulation of AV's may be performed by the parties involved under current arrangements. There is no need to create another national body, in addition to current regulatory arrangements, to undertake certification or manage in-service safety for AV's.

Multiple and new regulators are unnecessary and would add extra layers of administration burden and cost. This would be an inhibitor to commercial deployment of AV's.

For the reasons set out in detail in the FCAI submission, GMH agrees with the FCAI position that the current regulatory framework, particularly the Australian Design Rules (ADR), the new Road Vehicle Standards Act (updating the Motor Vehicle Standards Act) and the Australian Consumer Law (ACL) provide appropriate and adequate measures of regulation to cover in-service safety matters for AV's.

Australia will be a market taker of AV's and GMH urges governments not to implement regulation unnecessarily, which could thwart the introduction of AV's to Australia, with manufacturers potentially bypassing this market if regulations are inhibiting. Australia is seen as a progressive, early adopter market which is likely to keenly embrace AV's. We should not miss this opportunity by creating unnecessary regulatory burden.

The current regulatory framework and obligations of manufacturers and services providers under the ACL have been built up comprehensively and adequately cover vehicles and their increasing complexities and technologies already in the market today. GMH believes this same framework can sufficiently extend to in-service AV's.

AV products will be covered through the ADR process and the automated driving system entity (ADSE), repairers and executive officers of ADSE's are all appropriately and adequately regulated under the ACL. The ACL and new RVSA already place a sufficient general safety duty on ADSE executive officers and prescribe penalties for non-compliance.

ADS-driven vehicles will be required to operate in compliance with relevant road traffic rules. Apart from amendment of road regulations which relate specifically to relevant human activity for the operation of a vehicle, such as regulations which require a person's hand to be on a steering wheel, GMH and the FCAI believe further amendment of those rules to account for the ADS is unnecessary and would be an overly prescriptive approach which could hinder future development of the technology. The consumer product provisions of the ACL are adequate.

The FCAI submission notes:

*The existing state transport/traffic legislation (eg. vehicle standards, rules), recall provisions to be introduced with the new Road Vehicles Standards Act and the Australian Consumer Law provisions all ensure that automated vehicle driving systems will be supported in the marketplace along with owner/operator responsibilities to maintain the vehicles.*

Furthermore, GMH does not agree with the proposition of a partitioning of the executive officers of an ADSE and that they should be directly subject to a general safety duty. If that were the case, it would likely be a significant inhibitor to introduction of AV's to this market. The FCAI submission covers the inappropriateness of this proposition in detail and we highlight the FCAI's point:

*ADS's will make vehicles safer, not less safe. Executive officers of motor vehicle manufacturers are currently not personally liable (except in some extreme situations) for the performance of the vehicles their companies*

*manufacture, nor is there any suggestion that this should be the case. It seems incongruous that personal liability is being considered in the case of automated vehicles where the risk of an incident is significantly less.*

GMH believes neither a prescriptive nor general safety duty need be applied to entities bringing AV's into Australia, with ADR's, the ACL and new RVSA already providing appropriate regulation and an adequate safety duty framework, including the provision of sufficient penalty for non-compliance.

GMH thanks the NTC for the opportunity to provide feedback throughout the development of AV regulation for Australia. We welcome any opportunity for further discussion with the NTC as part of this industry feedback process.