



# Victoria Government Gazette

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## Road Safety Act 1986

### VICTORIAN GUIDELINES FOR TRIALS OF AUTOMATED VEHICLES

#### PART 1 – PRELIMINARY

##### 1. Introduction

The automated driving system permit scheme established by the **Road Safety Amendment (Automated Vehicles) Act 2018** –

- (a) authorises trials of automated vehicles on Victorian roads which preserves the safety of all road users; and
- (b) implements Government's commitment to support trials of automated vehicles at any level of automation as agreed at the meeting of the Transport and Infrastructure Council in November 2016.

Victoria's automated driving system permit scheme –

- (a) establishes a performance-based scheme to enable VicRoads to authorise trials of automated vehicles on Victorian roads where the legal entity responsible for the trial has demonstrated that it has the appropriate safety management mechanisms in place; and
- (b) clarifies that the legal obligations in the **Road Safety Act 1986** and the **Crimes Act 1958** that currently apply to a human driver will apply to the permit holder while the vehicle is operating in automated mode; and
- (c) removes any unnecessary regulatory barriers for trials and gives legal certainty for trials so that insurance cover is available in the event of an accident or injury.

Victoria's automated driving system permit scheme also supports and informs the work undertaken by the National Transport Commission to enable a seamless transition to the deployment of automated vehicles.

##### 2. Purpose

The purpose of these Victorian Guidelines for Trials of Automated Vehicles is to provide practical guidance regarding the –

- (a) matters to be addressed in an application for an automated driving system permit;
- (b) content of safety management plans;
- (c) testing, assessment and safety requirements applying to automated vehicles;
- (d) kinds of insurance required to be held in relation to the risk associated with automated driving system trials; and
- (e) information and reports to be provided arising out of, or in relation to, the conduct of automated driving system trials.

##### 3. Application of the Transport Integration Act 2010

- (1) The Guidelines are intended to –
  - (a) ensure, in collaboration with other transport bodies and public entities, that the road system operates as part of an integrated transport system which seeks to meet the needs of all transport system users;
  - (b) ensure that automated driving system trials meet or exceed minimum safety criteria;
  - (c) support VicRoads in carrying out its functions and powers under the **Transport Integration Act 2010**; and
  - (d) ensure there is an exchange of information to enable the identification of drivers for the purposes of law enforcement and accident investigation.

**SPECIAL**

(2) The objectives and the decision making principles under Part 2 of the **Transport Integration Act 2010** apply to these Guidelines.

**4. Authorising provision**

These Guidelines are issued under section 33M of the **Road Safety Act 1986**.

**5. Consultation**

In accordance with 12C of the **Subordinate Legislation Act 1984** and the principle of integrated decision making under the **Transport Integration Act 2010**, these Guidelines have been developed in consultation with relevant government agencies and the private sector.

**6. Commencement**

These Guidelines come into operation on the date that they are published in the Victoria Government Gazette.

**7. Definitions**

In these Guidelines –

**ADS** means automated driving system;

**ADS permit holder**, in relation to an automated vehicle, means the holder of an ADS permit that specifies the vehicle;

**ADS trial** means a trial on a highway of the automated driving system of an automated vehicle –

- (a) for the purpose of testing the operation of the vehicle in automated mode; or
- (b) for the purpose of testing the safety with which the automated capabilities of the vehicle may be deployed; or
- (c) for the purpose of assisting the development of the automated capabilities of the vehicle; or
- (d) for any other prescribed purpose;

**Authority** means the Commonwealth of Australia, the State or local or other government in force in the State and any other public authority provider of services having jurisdiction over any aspect of an ADS trial;

**automated driving system** means technology (comprised of a combination of hardware and software) that is capable of performing the dynamic driving task of a motor vehicle;

**automated mode**, in relation to an automated vehicle, means the mode of operation of the vehicle in which the dynamic driving task is being performed by an automated driving system;

**automated vehicle** means a motor vehicle that is equipped with an automated driving system;

**dynamic driving task** means all of the real-time operational and tactical functions (other than the selection of final and intermediate destinations) required to operate a vehicle in on-road traffic including (but not limited to) –

- (a) turning, lane keeping and lane changing and providing the appropriate signal for any such manoeuvre; and
- (b) accelerating and decelerating; and
- (c) monitoring the driving environment and responding to whatever objects or events are detected; and
- (d) manoeuvre planning;

**dynamic driving task competence** means the ability for an ADS to handle all the everyday driving tasks expected of a human driver within the same operational design domain;

**highway** means a road or a road related area;

**human machine interface** means all parts of an interactive system (software or hardware) that provides information and control that is necessary for the vehicle supervisor to complete a certain task with the interactive system;

**human machine interaction** means the process of dynamic interaction that occurs between the vehicle supervisor and an ADS;

**Law** means –

- (a) any law of the State and the Commonwealth, including without limitation all legislation, regulations, rules, by-laws, instruments, and proclamations of an Authority; and
- (b) any directive, policy, guideline or code of practice enforceable by any Authority, irrespective of where enacted; and
- (c) the common law and principles of equity as applied from time to time in the State;

**minimal risk condition** means a condition to which a vehicle supervisor or an ADS may bring a vehicle after performing the dynamic driving task fallback to reduce the risk of a crash when a given trip cannot or should not be completed;

**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;

**post crash behaviour** means the actions of an ADS or any other system used in relation to an automated vehicle in the event that an automated vehicle is involved in a crash;

**road** means –

- (a) an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles; or
- (b) a place that is a road by virtue of a declaration under subsection 3(2)(a) of the Act – but does not include a place that is not a road by virtue of a declaration under subsection 3(2)(a) of the Act;

**road related area** means –

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles; or
- (e) a place that is a road related area by virtue of a declaration under subsection 3(2)(a) of the Act –

but does not include a place that is not a road related area by virtue of a declaration under subsection 3(2)(a) of the Act;

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

**Note:**

SAE J3016 can be obtained from the SAE International website – <http://www.sae.org>

**State** means the State of Victoria;

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

**the Regulations** means the Road Safety (Automated Vehicles) Regulations 2018;

**these Guidelines** means these Victorian Guidelines for Trials of Automated Vehicles; and

**vehicle supervisor**, in relation to an automated vehicle specified in an ADS permit, means a person named in the application for the ADS permit as a vehicle supervisor for the vehicle.

## 8. Interpretation

- (1) The advice provided in these Guidelines is not intended to limit or expand the scope of other Law. In the event of any inconsistency between these Guidelines and other Law, the other Law will prevail.
- (2) Unless the context otherwise requires, terms used in these Guidelines that are defined in the Act, the Regulations or the Road Safety Road Rules 2017 have the same meaning as in the Act, the Regulations or the Road Safety Road Rules 2017. Where a conflict or inconsistency arises between the terms contained in these Guidelines, the terms defined in the Act, the Regulations or the Road Safety Road Rules 2017 prevail to the extent of the conflict or inconsistency.
- (3) These Guidelines are to be interpreted in accordance with the **Interpretation of Legislation Act 1984** as a subordinate instrument within the meaning of that Act.

## PART 2 – ADS PERMITS

### 9. Purpose

The purpose of this Part is to clarify when an ADS permit is required. Applicants can seek further information from VicRoads.

### 10. When is an ADS permit required?

An ADS permit is required for an automated vehicle to operate in automated mode (where the automated driving system is performing the dynamic driving task) on a road or road related area for the purposes of –

- (a) testing the operation of the vehicle in automated mode; or
- (b) testing the safety with which the automated capabilities of the vehicle may be deployed; or
- (c) assisting the development of the automated capabilities of the vehicle; or
- (d) enabling a road authority to monitor and manage the use and impacts of the automated driving system on a highway; or
- (e) assisting VicRoads to perform its functions under the Act and the **Transport Integration Act 2010**.

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 on a sustained basis within a particular operational design domain.

## PART 3 – APPLICATION

### 11. Purpose

The purpose of this Part is to provide guidance as to the matters that should be addressed as part of an application for an ADS permit.

Applicants must provide a high-level description of the technology being trialled in their application. The information in the application for an ADS permit is required to enable VicRoads to carry out its functions and powers under the **Transport Integration Act 2010** and the Act. The intent is not to force applicants to reveal commercially sensitive intellectual property but to satisfy VicRoads that the ADS in the automated vehicle is capable of performing the dynamic driving task and that the key safety risks have been identified and an appropriate safety management plan is in place. VicRoads may also require one or more on-road driving tests to validate the on-road dynamic driving task competence of the ADS.

Where a criterion is not relevant due to the scope of the trial, the applicant should explain this in its application.

Criteria [and relevant provision of the Regulations]	Information to be provided
Applicant's details [reg. 9(1)(a), 9(1)(b) and 9(3)]	<p>If the applicant is a natural person:</p> <ul style="list-style-type: none"> <li>● first name, second and third initials (if any) and family name</li> <li>● date of birth</li> <li>● current residential address (if the postal address is different to the residential address then the postal address should also be included)</li> <li>● email address</li> <li>● telephone number.</li> </ul> <p>If the applicant is a company:</p> <ul style="list-style-type: none"> <li>● the name of the company</li> <li>● the Australian Company Number or Australian Registered Body Number (if applicable) of the company</li> <li>● the address of the registered office of the company</li> <li>● the postal address of the company</li> <li>● the business contact details of the company, including the name of a nominated contact person for enquiries regarding the application and the contact person's telephone number and email address</li> <li>● the address for service of notices for the company</li> <li>● evidence that the application is made under the direction of, or with the authority of, the applicant and endorsed: <ul style="list-style-type: none"> <li>– in accordance with section 127 of the Corporations Act; or</li> <li>– by its governing body.</li> </ul> </li> </ul> <p>VicRoads may require additional information to assess the application and determine eligibility for an ADS permit.</p>
ADS details [reg. 9(1)(c)]	A high-level description of the ADS and the technology being trialled which is relied upon to perform the dynamic driving task must be provided in the application.
Operational design domain details [reg. 9(1)(c)]	<p>Details of the operational design domain within which the ADS is designed to operate. This may include:</p> <ul style="list-style-type: none"> <li>● road types</li> <li>● traffic conditions and speed</li> <li>● weather and lighting condition</li> <li>● availability of supporting infrastructure, including line markings, traffic signs and other traffic control devices</li> <li>● condition of roads, line markings, traffic signs and other traffic control devices.</li> </ul> <p>Details of processes to ensure the ADS is not operated outside its operational design domain must be set out in the relevant safety management plan.</p>

Criteria [and relevant provision of the Regulations]	Information to be provided
OEDR details [reg. 9(1)(c)]	<p>Details of the objects and events that the ADS is capable of detecting, recognising and responding to (including the extent to which it is capable of doing so). For example:</p> <ul style="list-style-type: none"> <li>● traffic signs and signals</li> <li>● line markings</li> <li>● other road users, bicycle riders, motorcyclists, pedestrians and animals.</li> </ul> <p>Applicants can provide details of any pre-testing and validation of the object and event detection and response in the relevant safety management plan.</p>
Dynamic driving task competence [reg. 9(1)(c)]	<p>High-level details of the types of manoeuvres and traffic scenarios the ADS is capable of performing and navigating.</p>
Minimal risk condition [reg. 9(1)(c)]	<p>Details of any minimal risk conditions, including the actions that the ADS will perform under the minimal risk condition, the circumstances in which it will be activated, and the state to which it will bring the vehicle. This could include a description of post-crash behaviour.</p> <p>Applicants can provide more information about how the minimal risk condition will be activated in the relevant safety management plan.</p>
Automated vehicle details [reg. 9(1)(d)]	<p>Details of each vehicle to be used during the ADS trial. This must include:</p> <ul style="list-style-type: none"> <li>● make, model, body type, colour, vehicle identification number and chassis number of the vehicle</li> <li>● a copy of any import approval that exists in relation to the vehicle</li> <li>● any additional information required by VicRoads to assess the application and to assist in the identification of the vehicle for safety and enforcement purposes.</li> </ul>
Modifications made to the vehicle [reg. 9(1)(e)]	<p>Details of any modifications made to type approved vehicles. It will assist VicRoads to assess the safety of the proposed ADS trial more efficiently if the applicant explains:</p> <ul style="list-style-type: none"> <li>● if the automated vehicle does not comply with the standards for registration, why that is the case</li> <li>● whether any original vehicle safety systems have been disengaged or modified</li> <li>● any additional safety or environmental modifications made to the vehicle.</li> </ul> <p>More information can be provided in the safety management plan.</p>
Garage address of the automated vehicle [reg. 9(1)(f)]	<p>The street address where any vehicle used in the ADS trial will be garaged.</p>

Criteria [and relevant provision of the Regulations]	Information to be provided
Vehicle supervisor details [reg. 9(1)(g)]	<p>Details of all persons who will be vehicle supervisors in the ADS trial, including:</p> <ul style="list-style-type: none"> <li>● full name</li> <li>● date of birth</li> <li>● current residential address</li> <li>● email address</li> <li>● contact telephone number.</li> </ul> <p>It will be a condition of the ADS permit that the ADS permit holder notifies VicRoads of any change of a vehicle supervisor. In the event of a change of vehicle supervisor, VicRoads will require the same details for the new vehicle supervisor.</p>
Competence and capacity of each vehicle supervisor [reg. 9(1)(g)]	<p>Details of each vehicle supervisor's driver licence and training. VicRoads will need to ensure that vehicle supervisors have the appropriate driver licence for the category of vehicle being tested and appropriate experience in relation to the ADS trial. This includes:</p> <ul style="list-style-type: none"> <li>● full driver licence number (if not an Australian driver licence, VicRoads may require further verification)</li> <li>● any relevant qualifications, training, technical skills and experience in relation to the driving and testing of the ADS in the automated vehicle to be used in the ADS trial.</li> </ul> <p>VicRoads may ask applicants to provide evidence to confirm a vehicle supervisor's qualifications and training.</p> <p>Applicants must also provide further details of vehicle supervisor ongoing training in the safety management plan. See Part 4 of these Guidelines.</p>
Objectives of the ADS trial [reg. 9(1)(h)]	<p>Summary of the purpose of the ADS trial, including what is being tested, developed or studied during the trial.</p>
ADS trial activities [reg. 9(1)(i)]	<p>The proposed activities during the ADS trial. This could include:</p> <ul style="list-style-type: none"> <li>● a description of the different stages of a testing or development program and the types of automated driving to be undertaken during each stage</li> <li>● the proposed use case, such as an engineering evaluation, driverless shuttle along a dedicated route, commercial passenger vehicle service with fare paying customers, heavy vehicle platooning, or delivery robots.</li> </ul> <p>VicRoads may be able to assist with any stakeholder engagement required for the ADS trial. This could include engagement with Victoria Police, municipal councils, road user groups, emergency services, relevant road authorities and infrastructure managers.</p>

Criteria [and relevant provision of the Regulations]	Information to be provided
ADS trial location [reg. 9(1)(j)]	<p>Details of the location of the proposed ADS trial.</p> <p>Applicants can provide location details by including maps of roads, road sections or geographical areas.</p> <p>This information may assist applicants to become aware of any potential road infrastructure or safety issues. For safety reasons, VicRoads may require that the ADS trials are not permitted in areas with special safety considerations such as school zones, elderly residential homes or roadworks.</p>
Dates, days and times of the ADS trial [reg. 9(1)(k)]	<p>Details of proposed dates, days and times (for example day or night) of the ADS trial.</p> <p>Applicants must inform VicRoads of the preferred dates and duration of the ADS trial. VicRoads may be able to inform the applicant of any proposed network disruptions and other changes in traffic conditions that may affect the ADS trial.</p>
Traffic management plan [reg. 10(a) and reg 9(2)]	<p>Applicants may be required to provide a traffic management plan and a completed memorandum of authorisation if there will be any impact or disruption to traffic or road users. A traffic management plan requires the applicant to consider the potential risks and impacts to traffic and road users and set out in the traffic management plan (with further information in the safety management plan) how the risks and impacts will be eliminated or reduced so far as reasonably practicable (see also Part 4 of these Guidelines).</p> <p>Examples of where a traffic management plan may be required are where:</p> <ul style="list-style-type: none"> <li>● there is a safety risk to other road users (including cyclists, pedestrians and motorcyclists)</li> <li>● a road or a lane(s) of traffic is required to be closed</li> <li>● traffic control devices are required to navigate complex traffic situations</li> <li>● there are different speed limits applying to other vehicles which may impact or disrupt the normal flow of traffic</li> <li>● there is a risk to infrastructure (critical or otherwise) (for example damage to road signage, barriers, bridges).</li> </ul> <p>Matters relevant to the traffic environment for the traffic management plan may include:</p> <ul style="list-style-type: none"> <li>● traffic density</li> <li>● vehicle mass</li> <li>● presence of pedestrians</li> <li>● signage</li> <li>● irregular events such as construction, crash scenes, road detours and flooding</li> <li>● complex intersections and merges</li> <li>● regional variations in road design</li> <li>● rail-tram-road interfaces.</li> </ul> <p>Further information regarding the requirements for a traffic management plan can be found on the VicRoads website.</p>

Criteria [and relevant provision of the Regulations]	Information to be provided
Insurance [reg. 10(b)]	<p>Applicants must have appropriate insurance to protect against the risks associated with the ADS trial.</p> <p>Applicants must have as a minimum:</p> <ul style="list-style-type: none"> <li>● public liability insurance for personal injury or damage to property for an amount commensurate with the risk assessment associated with the ADS trial, being not less than \$20 million</li> <li>● compulsory third-party insurance.</li> </ul> <p>VicRoads may ask for evidence of this and other insurance required by other Law to cover the risks associated with the ADS trial including:</p> <ul style="list-style-type: none"> <li>● WorkCover/workers compensation insurance (refer to WorkSafe’s website for details – <a href="http://www.worksafe.vic.gov.au">www.worksafe.vic.gov.au</a>)</li> <li>● comprehensive vehicle insurance</li> <li>● product liability insurance</li> <li>● self-insurance.</li> </ul>
Compliance with Law [reg. 10(d)]	<p>Applicants must set out actions taken to comply with applicable Laws of Victoria and the Commonwealth that will apply to the ADS trial. This may include requirements under the <b>Commercial Passenger Vehicle Industry Act 2017</b>, the <b>Occupational Health and Safety Act 2004</b> and the <b>Heavy Vehicle National Law (Victoria)</b>. VicRoads may request evidence to confirm compliance with this requirement. Please refer to Part 6 of these Guidelines for more detail regarding these Laws.</p>

#### PART 4 – SAFETY MANAGEMENT PLAN

##### 12. Purpose

The purpose of this Part is to provide practical guidance in preparing the safety management plan to accompany the application for an ADS permit.

Every application for an ADS permit must include a safety management plan. The safety management plan must set out the key safety risks and risks to the reliability, security and operation of the ADS that may arise during the ADS trial. The safety management plan must specify what the applicant will do to eliminate, reduce and manage those risks so far as reasonably practicable.

If some risks are not relevant due to the scope of the ADS trial, the applicant should explain this in its application.

##### 13. Law, policies and standards that may apply

The safety management plan should align with the applicant’s obligations under other Law (see Part 6 of these Guidelines) including the **Occupational Health and Safety Act 2004**. The **Occupational Health and Safety Act 2004** requires employers to –

- provide and maintain for their employees a working environment that is safe and without risks to health, so far as reasonably practicable
- ensure, so far as reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer.

The **Occupational Health and Safety Act 2004** requires other persons (such as owners) who have, to any extent, the management or control of a workplace to ensure so far as is reasonably practicable that the workplace and the means of entering and leaving it are safe and without risks to health.

To control risks to health and safety duty holders must:

- eliminate risks to health and safety so far as is reasonably practicable; and
- if it is not reasonably practicable to eliminate risks to health and safety, reduce those risks so far as is reasonably practicable.

The **Occupational Health and Safety Act 2004** also requires duty holders to consider the following, when determining what is reasonably practicable when controlling risk to health and safety –

- the likelihood of the hazard or risk occurring
- the harm that would result from the hazard or risk
- what a person knows (or should know) about the hazard or risk, and ways to eliminate or reduce it
- availability and suitability of ways to eliminate or reduce the hazard or risk
- cost of eliminating or reducing the hazard or risk.

An employer has a duty to consult with employees (including health and safety representatives (HSRs)) when identifying or assessing hazards or risks and making decisions on how to control risks.

Victoria, along with other Australian jurisdictions, has adopted the safe system approach to road safety. The safe system approach is taking a holistic view of the road transport system, based on four pillars –

- safe speeds
- safe roads
- safe vehicles
- safe people.

This safe system approach recognises that –

- people make mistakes. Humans will continue to make mistakes and when crashes occur, these crashes should not result in death or serious injury as a consequence of human errors on the roads.
- human physical frailty. All human bodies have physical limits to the amount of force they can take before getting injured.
- a ‘forgiving’ road transport system. A safe system ensures that everyone shares the responsibility to take into account the limits of the human tolerance in designing and maintaining vehicles, safe speeds and roads.

Taking the safe system approach to ADS trials will ensure that the potential long-term benefits of automated vehicles can be achieved. The safety management plan should demonstrate how the key elements of the safe system have been considered and incorporated into the planning and management of the ADS trial to make the system safe.

Each of the following elements should be considered in planning the ADS trial and the safety management plan.

Safe system element	Considerations
Safe speeds	<p>The speed of the automated vehicle being trialled, and of interacting vehicles, may need to be considered taking a safe system approach.</p> <p>Speeds may need to be limited in the early stages of an ADS trial as a risk mitigation measure, particularly where there is a shared use of the road, taking into account the limitations of the vehicle, ADS and road infrastructure.</p>
Safe roads	<p>Some roads are more likely to have vulnerable road users. Roads could be located within school zones, elderly residential housing areas and in a built-up roadside environment with multiple intersecting roads, and therefore may have additional risks for ADS trials. VicRoads can assist by facilitating consultation with relevant municipal councils and road authorities in planning an ADS trial.</p>
Safe vehicles	<p>A vehicle's condition, design and the technology incorporated has a significant impact on the safety of its occupants and other road users. ADS trial vehicles must be roadworthy and safe for use in the intended manner. This includes being properly maintained, and where applicable, compliant with Australian Design Rules or having a comparable level of safety.</p>
Safe people	<p>Safe people means safe road users. For an ADS trial particularly, how the ADS may contribute to, or create, a risk for vehicle occupants and those outside the vehicle needs to be considered.</p> <p>This means vehicle supervisors are trained in the vehicle systems they are meant to be operating, comply with all road rules, and are not distracted by multi-tasking.</p> <p>It is also important that the behaviour of the ADS when the vehicle is in an environment where it may interact with other road users does not trigger unsafe behaviours in those other road users. Human drivers can generally predict how other humans will interact on the road, such as speeding up or slowing down when another vehicle is merging on the freeway. An ADS may not do this. While an ADS cannot drive or predict situations like a human driver, it must drive the vehicle in a predictable way to minimise risk and allow human drivers and other road users to make necessary allowances.</p> <p>In situations where this cannot be assured, the safety management plan should isolate that component of the ADS trial from other road users.</p> <p>Interaction with other road users is a function of safety and may be an important challenge. VicRoads can assist to engage with municipal councils, relevant road authorities and the community about a proposed ADS trial. Importantly, consultation with the community in planning the ADS trial may assist to create community confidence in the ADS trial, as well as better understand and achieve the benefits that automated driving technology is expected to offer.</p>

To assist in developing the safety management plan, applicants should refer to standards such as –

- SAE J3016
- ISO 26262 – Road vehicles – Functional safety series
- ISO/TC 241 – Road traffic safety management systems
- ISO 7637 – Road vehicles – Electrical disturbances.

**14. Identification of the safety risks**

<b>Safety risks [and relevant provision of the Regulations]</b>	<b>Requirement</b>	<b>Issues to be considered</b>
Safety risks [reg 9(2)(a)(i)]	Identifies key safety risks of the ADS trial	The safety management plan should set out a high-level list of the safety risks of the ADS trial. The safety risks may relate to the ADS hardware and software, road environment, supervision by the vehicle supervisor or behaviour of other road users.
Risks to reliability, security and operation of the ADS [reg 9(2)(a)(ii)]	Identifies the risks to reliability, security and operation of the ADS to be used in the ADS trial	The safety management plan should set out a high-level list of the reliability, security and operational risks of the ADS. These risks may relate to the ADS's internal and external hardware and software as well as the behaviour of independent third parties, and could include how a vehicle supervisor is required to interact with the ADS.
Actions to eliminate or reduce the risks identified [reg 9(2)(a)(iii)]	Sets out the processes to eliminate or reduce those risks as far as reasonably practicable	The safety management plan must set out the processes to eliminate or reduce the safety and security risks as far as reasonably practicable and summarise the actions taken to address those risks. Please also refer to Part 6 of these Guidelines.

**15. Safety Criteria must address the following matters**

<b>Safety Criteria</b>	<b>Requirement</b>	<b>Issues to be considered</b>
Pre-trial testing processes	The applicant must explain any pre-trial testing of the ADS (including the operational design domain, OEDR and dynamic driving task) to demonstrate that it is free from safety risks so far as reasonably practicable. The applicant should provide details or copies of reports of any pre-trial testing of the ADS in the vehicle at a test facility such as a closed track.	VicRoads will be seeking information to confirm that the performance of the ADS achieves a minimum level or a comparable level of safety as required by the existing standards for human drivers. This could provide additional assurance that the ADS is safe on public roads. Where applicable, the applicant should use guidance, industry best practices, design principles and standards developed by established standards organisations.

Safety Criteria	Requirement	Issues to be considered
System failure	The applicant should set out how it will manage any system failures including hardware failures, software errors or human errors.	<p>There are likely to be many different risks applicable to ADS trials. Failures of any kind have the potential to cause serious damage and harm. The safety management plan must outline the systems and processes in place in response to such a failure. This includes a failure of the vehicle supervisor to respond to a takeover request.</p> <p>An appropriate response to a system failure could include:</p> <ul style="list-style-type: none"> <li>● a warning to alert the vehicle supervisor to any malfunctions that occur as part of the ADS trial. These alerts could take many forms as long as critical information is clearly conveyed and monitored throughout the ADS trial</li> <li>● the vehicle supervisor taking back control of the vehicle</li> <li>● the ADS disengaging to initiate or achieve a minimal risk condition.</li> </ul>
Transition processes between the ADS and the vehicle supervisor	The applicant must outline the interaction process or the human machine interaction between the automated and human driving modes.	<p>VicRoads may require the applicant to explain how the ADS:</p> <ul style="list-style-type: none"> <li>● hands over control of the vehicle to the vehicle supervisor</li> <li>● will inform the vehicle supervisor if the ADS is engaged</li> <li>● will request the vehicle supervisor to take back control of the vehicle with sufficient time for the vehicle supervisor to respond</li> <li>● indicate whether the ADS is functioning properly or experiencing a malfunction.</li> </ul> <p>VicRoads may require the applicant to explain how the vehicle supervisor:</p> <ul style="list-style-type: none"> <li>● hands over control of the vehicle to the ADS</li> <li>● gains control of the vehicle</li> <li>● interacts with the vehicle when the ADS is or is not engaged</li> <li>● is able to retrieve control of the vehicle in a timely manner to avoid safety critical events occurring</li> <li>● must act when the ADS is functioning properly or experiencing a malfunction.</li> </ul> <p>Please also refer to the SAE J3016 in relation to the dynamic driving task fallback ready user.</p>

Safety Criteria	Requirement	Issues to be considered
Road Infrastructure	<p>Applicants must advise VicRoads of any infrastructure or network requirements for the ADS trial.</p> <p>Applicants must also consider how the ADS trial may impact existing road infrastructure and advise VicRoads of those impacts.</p>	<p>If the ADS trial requires infrastructure support (new installations or changes to existing infrastructure) this needs to be included when considering the safety management plan.</p> <p>VicRoads will need to be aware of any safety considerations relevant to the ADS trial including the road infrastructure, proximity to built-up areas, speed limits and traffic congestion.</p> <p>VicRoads may be able to provide advice about planned roadworks and network disruptions during the course of an ADS trial.</p>
Dynamic driving task competence	<p>It is important that the ADS is capable and competent to drive the vehicle. The applicant must demonstrate how the ADS, when operating, will respond to foreseeable and unusual conditions that may affect its safe operation.</p> <p>Applicants should clearly state what the ADS is capable of and what it is unable to distinguish.</p>	<p>The safety management plan should explain how the ADS will behave in situations where a human driver would be expected to function within the relevant operational design domain, such as:</p> <ul style="list-style-type: none"> <li>● responding to traffic control devices such as traffic signals, signage and line markings</li> <li>● changes in traffic controls during the ADS trial such as temporary speed zones, school zones, variable speed signs and police officers manually directing traffic</li> <li>● interacting with other road users including pedestrians, cyclists, motorcyclists, trams and trains</li> <li>● physical road conditions such as traffic accidents, surface irregularity, road works and roadside conditions</li> <li>● variations in weather, traffic volumes and road related infrastructure such as safety barriers, traffic signs and line markings.</li> </ul> <p>VicRoads may require one or more on-road driving tests to validate the on-road dynamic driving task competence of the ADS.</p>

Safety Criteria	Requirement	Issues to be considered
Compliance with relevant road traffic laws	<p>The applicant must demonstrate how the ADS will:</p> <ul style="list-style-type: none"> <li>● comply with current road traffic laws when the ADS is engaged</li> <li>● be updated to comply with amendments to road traffic laws when they come into force.</li> </ul>	<p>There may be circumstances where strict compliance with road traffic laws may not be possible.</p> <p>If this is the case, then the applicant will need to:</p> <ul style="list-style-type: none"> <li>● specify the exemption or modification of the provision being sought</li> <li>● provide evidence that the exemption or modification will not adversely impact the ADS trial or other road users</li> <li>● demonstrate one or more of the following: <ul style="list-style-type: none"> <li>– the provision is not relevant given the scope of the ADS trial</li> <li>– compliance with the provision would be impractical</li> <li>– an alternative safety performance measure proposed achieves or exceeds a standard, code of practice or criteria (safety outcome) set out in that specific provision.</li> </ul> </li> </ul> <p>Strict compliance with the road rules may not be possible for safety reasons – for example, to avoid a collision or where the vehicle needs to cross a solid line to pass an obstruction. The applicant should therefore explain how the ADS will recognise these safety risks and respond in a safe way.</p> <p>The applicant may refer to documentation outlining the process for assessing and testing the ADS.</p>

Safety Criteria	Requirement	Issues to be considered
Interaction with police officers and other emergency services	<p>Applicants are required to identify safety risks of the ADS trial and set out the processes to eliminate or reduce those risks as far as reasonable practicable in the application.</p> <p>To ensure the safety of police and enforcement officers and emergency workers, the applicant must explain in the safety management plan how the ADS will interact with police and other enforcement officers and emergency services when it is engaged. In particular, the applicant must clarify whether the ADS can recognise:</p> <ul style="list-style-type: none"> <li>● police and enforcement officers, and emergency workers</li> <li>● police, emergency and enforcement vehicles</li> <li>● blue or red flashing lights</li> <li>● hazard warning lights</li> <li>● sirens and alarms.</li> </ul>	<p>The applicant should explain:</p> <ul style="list-style-type: none"> <li>● how to identify the automated vehicle and recognise that the vehicle is in automated mode (i.e. is there a visual identifier inside or outside of the vehicle to indicate that the ADS is engaged?)</li> <li>● how the ADS recognises police and enforcement officers and emergency workers and their vehicles, and information about how it achieves this, and any limitations in that regard</li> <li>● how the ADS can respond to the directions of police or other enforcement officers or emergency workers</li> <li>● how access to accurate information about whether the human driver or the ADS was in control at a particular time will be provided</li> <li>● how to disengage the ADS, or detect that it has been disengaged, and safely remove the vehicle from the road in the event of an emergency or accident</li> <li>● any additional information the applicant deems necessary regarding potential public safety or hazardous conditions associated with interaction with the vehicle.</li> </ul>
Managing change	<p>Applicants must set out and explain how they will:</p> <ul style="list-style-type: none"> <li>● make updates to software and hardware as issues are discovered and technology evolves</li> <li>● manage the effects of changes to the road network (such as changes to road conditions and roadworks) that are likely to occur over the course of the ADS trial.</li> </ul>	<p>Software updates that substantially change the performance of the vehicle, such as a change to the vehicle's operational design domain, are likely to be significant modifications and may require the applicant to submit an application for variation of the ADS permit to VicRoads.</p>

Safety Criteria	Requirement	Issues to be considered
Risks to other road users	Applicants must explain how they will manage risks to other road users including drivers, passengers, riders of motorcycles and bicycles, pedestrians and animals.	<p>Vulnerable road users, such as motorcyclists, bicyclists and pedestrians (including those of different heights and ages and those using motorised mobility devices) will need to be considered carefully as part of the safety management of all ADS trials taking place on public roads.</p> <p>Applicants should consider whether vehicle identifiers or other technology should be used to signal to other road users that the vehicle is automated. These could be visual or other identifiers as appropriate.</p>
Security and privacy	<p>Applicants must provide details of measures to minimise cybersecurity, physical security and privacy risks to the ADS. Unauthorised access to data and personal information may have serious risks to physical and personal security and safety.</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>● unauthorised access to, modification of, or impairment of the ADS is an offence under the <b>Crimes Act 1958</b> and a serious incident under the Regulations and must be reported as a condition of the ADS permit</li> <li>● the <b>Privacy Act 1988</b> of the Commonwealth requires organisations to notify individuals who may be at risk of serious harm by a data breach – where a reasonable person would anticipate the breach could cause serious harm in the form of physical, emotional, financial, economic or reputational harm.</li> </ul>	<p>Applicants should consider including the following as part of their safety management plan:</p> <ul style="list-style-type: none"> <li>● a cyber incident response plan</li> <li>● a data breach response plan.</li> </ul> <p>Applicants can refer to:</p> <ul style="list-style-type: none"> <li>● <i>Data breach preparation and response: A guide to managing data breaches in accordance with the Privacy Act 1988 of the Commonwealth</i> published on the Office of the Australian Information Commissioner’s website</li> <li>● <i>Strategies to Mitigate Cyber Security Incidents</i> published on the Australian Cyber Security Centre’s website.</li> </ul> <p>See also Part 5 of these Guidelines.</p>

Safety Criteria	Requirement	Issues to be considered
Fitness for duty	Applicants should ensure that the vehicle supervisor of a trial vehicle is fit to drive or operate the vehicle. This could include requiring zero blood or breath alcohol concentration or consumption of illicit drugs, limiting driving hours and scheduling breaks.	<p>The fitness to drive obligations should be outlined in the safety management plan for an ADS trial and are intended to align with the applicant's obligations under the <b>Occupational Health and Safety Act 2004</b> and the <b>Heavy Vehicle National Law (Victoria)</b>.</p> <p>VicRoads may also require evidence of meeting Austroads' <i>Assessing Fitness to Drive for commercial and private drivers</i>.</p>
Training of vehicle supervisors [reg 9(1)(g)(ii)]	<p>Applicants must demonstrate that each vehicle supervisor is sufficiently trained and experienced to operate the vehicle, respond to any safety issues and take back control of the vehicle if required.</p> <p>Applicants must also explain how the vehicle supervisor will receive training on updates and upgrades of systems relevant to the ADS trial.</p>	<p>Initial and ongoing training of the vehicle supervisor will be critical for the safe operation of the ADS trial. As a minimum vehicle supervisors should have:</p> <ul style="list-style-type: none"> <li>● operational training and experience in the use of the ADS technology and equipment including managing operational issues and hazards</li> <li>● sufficient operational knowledge to be able to report and/or rectify any identified problems that may occur when supervising the ADS. VicRoads will require information regarding the nature of the training to ensure that the vehicle supervisor(s): <ul style="list-style-type: none"> <li>– know how to operate the ADS (including knowing how and when the system can or should be engaged and disengaged)</li> <li>– can identify and respond to any requests by the ADS to take control, system failures, or other unexpected events</li> <li>– are aware of their obligations under the Act to ensure the safety of all road users.</li> </ul> </li> </ul> <p>The training obligations in the safety management plan for an ADS trial are anticipated to align with the applicant's obligations under the <b>Occupational Health and Safety Act 2004</b>.</p>

#### PART 5 – INFORMATION AND REPORTING

##### 16. Purpose

The purpose of this Part is to provide guidance as to the information and reports to be provided arising out of, and in relation to, the conduct of ADS trials.

##### 17. VicRoads' information and reporting obligations

VicRoads has obligations to carry out its objectives and functions under the **Transport Integration Act 2010** and other Law, such as the **Privacy and Data Protection Act 2014** and the Victorian Protective Data Security Framework.

Regulation 27(3) of the Regulations enables VicRoads to collect and use information for the purposes of performing its functions under the **Transport Integration Act 2010** and the Act. VicRoads may therefore require information and data from ADS trials to carry out its functions including –

- supporting Transport for Victoria to plan for the road system as part of an integrated transport system
- supporting the development of strategies to improve the safety of the road system for all users
- implementing policies and plans to improve the safety of the road system for all road users
- operating the road network by managing access and controlling use, including by installing, operating and maintaining road infrastructure.

**18. ADS permit holder’s information recording and reporting obligations**

The ADS permit holder and vehicle supervisors will have information recording and reporting obligations under the Act, the Regulations, ADS permit conditions and other Law.

**19. Information requirements under the Road Safety Act 1986 and the Regulations**

Criteria [and relevant provision]	Requirement	Issues to be considered
<p><b>Accident investigations</b> [section 61 of the Act and reg.15(c) of the Regulations]</p>	<p>It is a condition of an ADS permit that the ADS permit holder complies with the obligations under the Act regarding the duties of a driver or person in charge of a vehicle to provide information to a police officer for the purposes of accident investigation. These obligations will apply to both the ADS permit holder and the vehicle supervisor and include the duty to provide:</p> <ul style="list-style-type: none"> <li>● name and address</li> <li>● registration number and vehicle owner’s name to others involved in an accident</li> <li>● information regarding the accident to the nearest open police station if: <ul style="list-style-type: none"> <li>– anyone is injured and the police officer is not at the accident</li> <li>– there is any property damage and the owner of the property or a police officer is not at the accident.</li> </ul> </li> </ul>	<p>Compliance with some of the information obligations under section 61 of the Act may in part be achieved by a label or display of the ADS permit.</p>

Criteria [and relevant provision]	Requirement	Issues to be considered
<p><b>Records and monitoring of the ADS trial</b> [reg. 18 of the Regulations]</p>	<p>It is a condition of an ADS permit that the ADS permit holder must keep and maintain records of the ADS trial including:</p> <ul style="list-style-type: none"> <li>● 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</li> <li>● vehicle supervisors for each journey taken by an automated vehicle in automated mode during the ADS trial</li> <li>● serious incidents that occur during the ADS trial</li> <li>● all errors, failures or other problems arising from the use of the ADS during the ADS trial</li> <li>● changes to the operational design domain and OEDR during the ADS trial.</li> </ul>	<p>The Regulations require that these records be retained for a period of 7 years for accident investigation and law enforcement purposes.</p> <p>A police officer may request that the ADS permit holder makes records available for inspection for the purposes of law enforcement and accident investigation.</p> <p>VicRoads may also request that the ADS permit holder makes records available for inspection for the purposes of monitoring and managing the use of ADSs in automated vehicles on highways.</p>

Criteria [and relevant provision]	Requirement	Issues to be considered
<p><b>Serious incident</b> [reg.19(1) of the Regulations]</p>	<p>It is a condition of an ADS permit that the ADS permit holder notifies VicRoads within 24 hours of becoming aware of a serious incident.</p> <p>Regulation 13 defines ‘serious incident’ to mean any of the following:</p> <p>(a) any accident involving an automated vehicle; or</p> <p>(b) a speeding offence under section 65B of the Act or Part 3 of the Road Safety Road Rules 2017 involving an automated vehicle; or</p> <p>(c) an offence under Parts 6, 7 or 10 of the Road Safety Road Rules 2017;</p> <p>(d) theft or carjacking of an automated vehicle; or</p> <p>(e) tampering with, unauthorised access to, modification of, or impairment of an ADS in an automated vehicle; or</p> <p>(f) failure of an ADS that would impair the reliability, security or operation of that ADS.</p>	<p>The ADS permit holder must be able to provide all information relevant to the serious incident and the performance of the ADS so that the circumstances of the event can be reconstructed if required.</p> <p>Information that may need to be submitted includes:</p> <ul style="list-style-type: none"> <li>● ADS permit information and ADS permit number</li> <li>● vehicle information</li> <li>● vehicle supervisor details</li> <li>● incident information including date and time</li> <li>● location of crash and photographs</li> <li>● type of crash and location of damage on the vehicle and drawings and photographs</li> <li>● automation status (for example, ADS in operation, vehicle supervisor driving, transitioning from ADS to human control)</li> <li>● traffic conditions (for example, empty road, in heavy traffic)</li> <li>● road and weather conditions</li> <li>● vehicle dynamics information (speed, brake/throttle applications)</li> <li>● sensor information in relation to other road users and the surrounding road environment.</li> </ul> <p><b>Note:</b> ADS permit holders may also have accident reporting requirements under other Law. See Part 6 of these Guidelines.</p>

Criteria [and relevant provision]	Requirement	Issues to be considered
<p><b>Reporting during the ADS trial</b> [regs 19 (2) and (3) of the Regulations]</p>	<p>It is a condition of an ADS permit that the ADS permit holder must notify VicRoads of any change:</p> <ul style="list-style-type: none"> <li>● of vehicle supervisors <i>prior</i> to being assigned to the automated vehicle; and</li> <li>● in contact detail of the ADS permit holder or vehicle supervisor within <b>14 days</b> of becoming aware of that change.</li> </ul> <p>It is a condition of an ADS permit that the ADS permit holder submits periodic reports for the purposes of monitoring and managing the ADS trial. These reports will include:</p> <ul style="list-style-type: none"> <li>● the total number of serious incidents during the ADS trial</li> <li>● other information for the purposes of monitoring and managing the use of ADSs in automated vehicles on highways.</li> </ul>	<p>VicRoads will require certain information to be reported throughout the ADS trial. The types of reports may vary, and could include:</p> <ul style="list-style-type: none"> <li>● updates on the ADS trial activities</li> <li>● reports advising of certain incidents or events (such as breaches of laws and reasons why the vehicle supervisor needs to take control of the vehicle)</li> <li>● information that may assist VicRoads manage ADS trials and perform its functions under the Act and <b>Transport Integration Act 2010</b>.</li> </ul> <p>The frequency of reports will vary depending on the nature of the ADS trial and the information required. Information collected by VicRoads will contribute to its learnings and help inform future policy decisions. ADS permit holders have obligations to keep and maintain records in relation to ADS trials which must be complete and easily retrievable so that they can be provided to Victoria Police and VicRoads if required. There may also be incident notification requirements under Part 5 of the <b>Occupational Health and Safety Act 2004</b>.</p>
<p><b>Reporting at the end of the ADS trial</b> [reg 20 of the Regulations]</p>	<p>It is a condition of the ADS permit that the ADS permit holder submits a summary of the outcomes at the end of the ADS trial.</p> <p><b>Note:</b> Regulation 12 of the Regulations requires the ADS permit holder to comply with the conditions of an ADS permit in order for an ADS permit to be renewed.</p>	<p>The summary of outcomes for the ADS trial may include:</p> <ul style="list-style-type: none"> <li>● what worked well</li> <li>● what went wrong</li> <li>● what was learnt</li> <li>● community concerns about the ADS trial</li> <li>● road infrastructure issues</li> <li>● road environment issues</li> <li>● public complaints or other community issues regarding the ADS trial.</li> </ul>

**20. ADS permit holder information obligations under other Law**

ADS permit holders and vehicle supervisors may be required to provide information or manage information under Law. For example –

- providing information to the Transport Accident Commission and other insurers
- providing information and documents (including data) to Victoria Police and road authorities for law enforcement purposes and accident investigation
- compliance with data security requirements
- providing documents for legal proceedings.

The following table lists some of the legislation which ADS permit holders and vehicle supervisors may be required to comply with –

Legislation	Possible impact
<b>Commercial Passenger Vehicle Industry Act 2017</b>	If the ADS trial involves a booking service for passenger transport or commercial passenger vehicle service, including rideshare, then the applicant will also need to comply with the <b>Commercial Passenger Vehicle Industry Act 2017</b> .
<b>Corporations Act 2001 of the Commonwealth</b>	Section 180(1) of the <b>Corporations Act 2001</b> of the Commonwealth sets out civil obligations for ‘a director or other officer of a corporation to exercise their powers and discharge their duties’ with a degree of care and diligence. The degree of care and diligence is what ‘a reasonable person would exercise if they were a director or officer of a corporation in the corporation’s circumstances’.  In the event that a director neglects to exercise due care and diligence in recognising and managing the safety of the ADS trial, cyber risk and risk of breach of privacy, by adopting safeguards to protect an organisation from these risks, they may be liable.
<b>Crimes Act 1958</b>	Some offences under the <b>Crimes Act 1958</b> will apply to an ADS trial. For example, the following computer offences under Subdivision (6) of Division 3 of Part 1 of the <b>Crimes Act 1958</b> may apply to unauthorised access, impairment or modification of the ADS: <ul style="list-style-type: none"> <li>• unauthorised access, modification or impairment (section 247B)</li> <li>• unauthorised modification of data to cause impairment (section 247C)</li> <li>• unauthorised impairment of electronic communication (section 247D).</li> </ul> It is an offence under section 254 of the <b>Crimes Act 1958</b> to destroy documents that may be required in a legal proceeding (which includes a civil damages proceeding). A ‘document’ is defined in the <b>Evidence Act 2008</b> and means any record or information including: <ul style="list-style-type: none"> <li>• anything on which there is writing; or</li> <li>• anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; or</li> <li>• anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or</li> <li>• a map, plan, drawing or photograph.</li> </ul> Therefore data from the ADS involved in a transport accident will need to be retained by the ADS permit holder to comply with the <b>Crimes Act 1958</b> .  The maximum fine that may be imposed on a body corporate found guilty of an offence against this section is 3000 penalty units. See section 113D of the <b>Sentencing Act 1991</b> .

Legislation	Possible impact
<b>Criminal Code Act 1995 of the Commonwealth</b>	<p>The offences under Part 10.7 of the <b>Criminal Code Act 1995</b> of the Commonwealth relating to unauthorised access to, impairment of, and modification of data held in a computer may apply to an ADS. For example section 476.2 of the <b>Criminal Code Act 1995</b> creates an offence for unauthorised access to, impairment of and modification of data held in a computer or electronic communications to or from a computer.</p> <p>Applicants should refer to <i>Strategies to Mitigate Cyber Security Incidents</i> published on the Australian Cyber Security Centre’s website.</p>
<b>Privacy Act 1988 of the Commonwealth</b>	<p>The <b>Privacy Act 1988</b> of the Commonwealth:</p> <ul style="list-style-type: none"> <li>● prohibits the collection of personal information unless the information is reasonably necessary for, or directly related to, one or more of the entity’s functions or activities</li> <li>● requires reporting of serious data breaches as soon as practicable.</li> </ul> <p>The collection and sharing of personal data may occur through:</p> <ul style="list-style-type: none"> <li>● tracking connected/automated vehicles</li> <li>● sharing data to develop digital transport networks</li> <li>● the need to monitor or increase the efficiency of passenger flows</li> <li>● passing data on to third parties, like other industries/operators/suppliers in the supply chain.</li> </ul> <p>Applicants should refer to the <i>Data breach preparation and response: A guide to managing data breaches in accordance with the Privacy Act 1988 (Cth)</i> which can be found on the Office of the Australian Information Commissioner’s website.</p>

Legislation	Possible impact
<p><b>Road Safety Act 1986</b> (ss. 71 and 72)</p>	<p><b>Obtaining licence etc. by false statements (s. 71)</b></p> <p>A person who –</p> <p>(a) by any false statement or any misrepresentation or other dishonest means obtains or attempts to obtain any driver licence, learner permit, log book or registration, or the renewal of any driver licence, learner permit or registration, or any certificate under this Act or any information to which Part 7B applies; or</p> <p>(b) without lawful authority or excuse possesses any driver licence, learner permit, log book or certificate so obtained –</p> <p>is guilty of an offence and liable to a penalty of not more than 10 penalty units or to imprisonment for a term of not more than 2 months, and any driver licence, learner permit, log book or registration, or any certificate so obtained is void and of no effect.</p> <p><b>Forgery etc. of documents and identification marks (s. 72)</b></p> <p>(1) A person is guilty of an offence if that person –</p> <p>(a) forges; or</p> <p>(b) fraudulently alters or uses; or</p> <p>(c) fraudulently lends or allows to be used by any other person –</p> <p>any notice, registration label, certificate, driver licence, learner permit or other document or any identifying number or general identification mark that is authorised by or required by or under this Act.</p> <p>10 penalty units or imprisonment for 2 months.</p> <p>(1A) A person is guilty of an offence if that person –</p> <p>(a) forges; or</p> <p>(b) fraudulently alters or uses; or</p> <p>(c) fraudulently lends or allows to be used by any other person –</p> <p>any vehicle identifier, engine identification number, identification plate, manufacturer’s build plate or any other plate, label or mark that uniquely identifies a vehicle and sets it apart from similar vehicles.</p> <p>60 penalty units or imprisonment for 6 months.</p> <p>(2) A person is guilty of an offence if that person makes, uses, knowingly has custody or possession of, sells or utters any paper or other material purporting to be a notice, registration label, certificate, driver licence, learner permit or other document or any identifying number or general identification mark that is authorised or required by or under this Act.</p> <p>10 penalty units or imprisonment for 2 months.</p> <p>(3) A person is not guilty of an offence under this section by reason only that the person makes or uses an identifying number in such circumstances as are prescribed.</p>

**PART 6 – LAW, POLICIES AND STANDARDS THAT MAY APPLY****21. Purpose**

The purpose of the Part is to clarify the application of regulation 10(d) of the Regulations.

Regulation 10(d) of the Regulations enables VicRoads to require the applicant for an ADS permit to ‘produce evidence of compliance with the requirements of the Act and regulations or road rules made under the Act and with other laws of Victoria or the Commonwealth in accordance with the ADS Guidelines’.

It is envisaged that the development of an application for an ADS permit will be an iterative process to ensure the safety of the ADS trial and that there is no duplication and inconsistency with other Law.

Through the ADS permit application process, VicRoads will work with the applicant to help it understand its obligations and those of vehicle supervisors, which will assist applicants to address the relevant safety risks.

There will be four main steps involved in an application –

- Firstly, applicants/potential applicants for an ADS permit should contact VicRoads to discuss the proposed ADS trial. This will provide an opportunity to understand what is being proposed.
- VicRoads will review/discuss the proposal/application with the applicant, and consult with Victoria Police, relevant municipal councils, relevant road managers and other key stakeholders as required.
- Feedback will be provided to the applicant, who may then submit a formal/revised ADS permit application.
- Once all parties are satisfied with the proposal and the conditions to be imposed, VicRoads may grant an ADS permit.

Evidence of compliance with the requirements of Laws means that all permits, approvals, or consents, where relevant, must have been obtained through this process prior to conducting the ADS trial.

The table below outlines some of the Laws that may apply to ADS trials. The list is by no means exhaustive and ADS trial applicants should obtain independent legal advice on the law that may apply to the ADS trial.

<b>Legislation</b>	<b>Possible impact</b>
<b>Corporations Act 2001 of the Commonwealth</b>	See Part 5 of these Guidelines
<b>Crimes Act 1958</b>	See Part 5 of these Guidelines
<b>Criminal Code Act 1995 of the Commonwealth</b>	See Part 5 of these Guidelines
<b>Heavy Vehicle National Law (Victoria)</b>	National Heavy Vehicle Regulator is responsible for many aspects of ADS trials of heavy vehicles including: <ul style="list-style-type: none"> <li>● processing heavy vehicle standards modifications and exemptions</li> <li>● National Telematics Framework</li> <li>● Fatigue Management</li> <li>● National Heavy Vehicle Accreditation Scheme – Standard and Business Rules – Maintenance Management Standards.</li> </ul>

Legislation	Possible impact
<b>Local Government Act 1989</b>	<p>Municipal councils must be consulted in the application process for an ADS trial involving local roads as the following may be required:</p> <ul style="list-style-type: none"> <li>● parking permit</li> <li>● approval to operate on a footpath</li> <li>● approval to install a charging station</li> <li>● consideration of local transport planning, the road infrastructure and proposed works to roads.</li> </ul> <p>VicRoads may be able to assist applicants in this process.</p>
<b>Occupational Health and Safety Act 2004</b>	<p>It is anticipated that the majority of ADS trials will be a workplace to the extent that the duty holder has management and control of the hazards and risks associated with that workplace.</p> <p>The <b>Occupational Health and Safety Act 2004</b> requires employers to:</p> <ul style="list-style-type: none"> <li>● eliminate risks to the health, safety or welfare of employees and other persons at work</li> <li>● give employees necessary information, instruction, training or supervisions to enable them to do their work in a way that is safe and without risks to health</li> <li>● ensure that the health and safety of members of the public is not placed at risk by the conduct of undertakings by employers etc.</li> <li>● consult with employees effected by risks to health and safety.</li> <li>● report incidents as defined under Part 5 of the <b>Occupational Health and Safety Act 2004</b> to WorkSafe.</li> </ul>
<b>Privacy Act 1988 of the Commonwealth</b>	<p>Applicants may consider preparing a privacy impact assessment to demonstrate compliance with privacy obligations. See also Part 5 of these Guidelines.</p>

Legislation	Possible impact
<b>Road Safety Act 1986</b> (s.17A)	<p><b>Obligations of road users</b></p> <p>(1) A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors.</p> <p>(2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.</p> <p>(2A) For the purposes of subsections (1) and (2) and without limiting their generality, the relevant factors include the following –</p> <ul style="list-style-type: none"> <li>(a) the physical characteristics of the road;</li> <li>(b) the prevailing weather conditions;</li> <li>(c) the level of visibility;</li> <li>(d) the condition of any vehicle the person is driving or riding on the highway;</li> <li>(e) the prevailing traffic conditions;</li> <li>(f) the relevant road laws and advisory signs;</li> <li>(g) the physical and mental condition of the driver or road user.</li> </ul> <p><b>Note:</b> The above factors are relevant to section 106 of the <b>Road Management Act 2004</b>. Matters which may be considered to constitute contributory negligence.</p> <p>(3) A road user must –</p> <ul style="list-style-type: none"> <li>(a) take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;</li> <li>(b) take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;</li> <li>(c) take reasonable care to avoid conduct that may harm the environment of the road reserve.</li> </ul>
<b>Road Safety Road Rules 2017</b>	<p>Although the compliance with the road rules is mandatory, there may be some road rules that the ADS, the vehicle supervisor or a motor vehicle in a proposed ADS trial may not be able to comply with. If this is the case, then the applicant will need to:</p> <ol style="list-style-type: none"> <li>1. specify the exemption or modification of the road rule being sought;</li> <li>2. provide evidence that the exemption or modification will not adversely impact the safety of ADS trial or other road users;</li> <li>3. demonstrate one or more of the following:             <ul style="list-style-type: none"> <li>● the road rule is not relevant given the scope of the ADS trial</li> <li>● compliance with the road rule would be impractical</li> <li>● an alternative safety performance measure proposed achieves or exceeds a standard, code of practice or criteria (safety outcome) set out in that specific road rule.</li> </ul> </li> </ol>

<b>Legislation</b>	<b>Possible impact</b>
<b>Road Safety (Vehicles) Regulations 2009</b>	All vehicles involved in an ADS trial must meet the requirements for registration and be roadworthy. If the vehicle being used is not registered, an Unregistered Vehicle Permit (UVP) may be required. In addition, if the vehicles does not meet the Australian Design Rules or vehicle standards then an exemption, modification or conditional registration will be required. Applicants will need to specify the non-compliant details in the application for an ADS permit and demonstrate how the deficiency does not negatively impact the safety of the vehicle.

Note – The Guidelines may be viewed on the VicRoads website at [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)  
Dated 11 September 2018

LUKE DONNELLAN  
Minister for Roads and Road Safety

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