



National Transport Reform Implementation Monitoring Report

Report to the Transport and Infrastructure Council

2015

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Abbreviations

ADG Code	Australian Dangerous Goods Code
ATSB	Australian Transport Safety Bureau
COAG	Council of Australian Governments
IAP	Intelligent Access Program
HVNL	Heavy Vehicle National Law
NHVR	National Heavy Vehicle Regulator
NT	Northern Territory
NTC	National Transport Commission
ONRSR	Office of the National Rail Safety Regulator
QLD	Queensland
RSNL	Rail Safety National Law
SA	South Australia
TCA	Transport Certification Australia
NSW	New South Wales
WA	Western Australia

Executive summary

The National Transport Commission (NTC) is an independent statutory body tasked to provide advice to the Transport and Infrastructure Council (the Council) on regulatory and operational transport reforms. The NTC undertakes these reforms across road, rail and intermodal transport to improve safety, productivity, environmental and regulatory efficiency outcomes.

Each year the NTC provides a progress report to the Council on the implementation status of nationally agreed reforms. The 2015 *National Transport Reform Implementation Monitoring Report* is the third report delivered. The reporting period is from 1 July 2014 to 30 June 2015. Any implementation progress after 30 June 2015 will be included in the 2016 monitoring report.

Key points of this report

Heavy vehicle regulatory reform

The heavy vehicle regulatory reform established a national regulatory system for all heavy vehicles, consisting of uniform laws administered by a single regulator. The Heavy Vehicle National Law (HVNL) commenced in 2014 and the National Heavy Vehicle Regulator (NHVR) fully commenced operations at that time.

The national heavy vehicle registration scheme and written off register for heavy vehicles are now scheduled to commence in July 2018. This allows the scope and form of the national registration system to be further considered.

All states and territories have implemented the one-tonne mass transfer policy.

The amendments to national penalties and demerit points are included in the *Heavy Vehicle National Law Amendment Bill* and amendment regulations will be introduced to commence concurrently once passed by the Queensland Parliament.

The Northern Territory has indicated that they will not commence the HVNL until the benefits to local industry are clearly demonstrated.

Western Australia is not a signatory to the reform.

Heavy vehicle charges

Heavy vehicle charges are a combination of a fixed annual registration and fuel-based road user charges that ensures expenditure on roads allocated to heavy vehicles is recovered by governments. New charges resulting from the 2014 heavy vehicle charges determination are planned to be implemented from 1 July 2016, based on recommendations of the NTC.

On 1 July 2015, an increase of 0.6 per cent was applied to all heavy vehicle registration charges by states and territories. In June 2015, the Commonwealth Minister for Infrastructure and Regional Development announced a continued freeze of the fuel-based road user charge at 2013-14 rates.

Rail safety regulation and investigation reform

The rail safety regulation and investigation reform has established a national system of rail safety regulation and investigation that includes uniform regulation and a single national rail safety regulator, complemented by a national rail safety investigator. All participating states and territories have passed enabling legislation for the application of the Rail Safety National Law (RSNL). The Office of the National Rail Safety Regulator (ONRSR) commenced operations in 2013.

The Queensland Minister for Transport has advised that the position of the previous government is being reconsidered and the ONRSR is working with the Queensland Government to align systems and processes.

Western Australia is developing its own legislation to mirror the RSNL. There are no significant variations expected.

All implementing jurisdictions have passed the approved amendments to the RSNL. These amendments are due to commence on 1 July 2015.

Australian Road Rules

The Australian Road Rules (the road rules) contain the basic rules of the road for motorists, motorcyclists, cyclists, pedestrians, passengers and others.

The 9th amendment package has been implemented by all states and territories.

The 10th amendment package is currently being implemented by all states and territories.

The 11th amendment package is currently being developed.

Australian Vehicle Standards Rules

The Australian Vehicle Standards Rules (the vehicle standards rules) are the national vehicle standards for light and heavy vehicles already in use (or 'in-service'). Vehicles must comply with these standards to be driven on public access roads.

From February 2014, the vehicle standards apply to heavy vehicles through the Heavy Vehicle (Vehicle Standards) National Regulation made under the HVNL.

While most jurisdictions are progressing implementation there are inconsistencies in the adoption of amendment packages. However, the nature of the proposed amendments means the impact of different implementation dates should not be significant.

The 8th amendment package of the vehicle standards rules was approved by the Transport and Infrastructure Council (the Council) in May 2014 and is currently being implemented by states and territories.

Strategic Review of Australian Road Rules and Australian Vehicle Standards Rules

The NTC is progressing with approved recommendations and the supporting implementation plan for updates to the road rules and vehicle standards.

Australian Dangerous Goods

The Australian Dangerous Goods Model Regulations and Code set out the requirements for transporting dangerous goods by road or rail. The Council approved edition 7.3 of the code in May 2014 and has been adopted by all jurisdictions.

Edition 7.4 of the code was approved in May 2015.

Strategic Review of Australian Dangerous Goods Code

New South Wales, South Australia, Queensland, Tasmania and the Northern Territory have consistent definitions of the Australian Dangerous Goods Code in their legislation.

Western Australia does not support the inclusion of the definition in its laws because it circumvents parliamentary processes. Victoria will also retain existing provisions.

Intelligent Access Program

In November 2014, ministers agreed to recommendations from the review of Intelligent Access Program review to improve the program. Transport Certification Australia is currently implementing these recommendations.

1 Introduction

The National Transport Commission (NTC) is an independent statutory body tasked to provide advice to the Transport and Infrastructure Council (the Council) on regulatory and operational transport reforms. The NTC undertakes these reforms across road, rail and intermodal transport to improve safety, productivity, environmental and regulatory efficiency outcomes.

Each year, the NTC provides a progress report to the Council on the implementation status of nationally approved transport reforms.

The 2012 review of the NTC specified the NTC should provide independent assessments of jurisdictions' implementation progress comments and to provide advice to the Council on:

- reasons for delays
- barriers to implementation
- what is required to bring the jurisdiction back on target
- an analysis of whether variations (or derogations) were implemented that would reduce the benefits of the particular reform.

The reporting period is from 1 July 2014 to 30 June 2015. Any implementation progress after 30 June 2015 will be captured in the 2016 monitoring report.

If a milestone was achieved in the previous monitoring report, it is not reported in this or subsequent reports.

Purpose

This report provides the Council with an independent assessment of the implementation progress of national transport reforms and projects. It also provides advice on where delays have occurred, and on any corrective actions or interventions required to bring jurisdictions back on track.

This report improves transparency and enhances accountability, providing stakeholders with information to hold governments and their agencies to account for timely and consistent reform implementation. It also helps explain implementation issues, successes and departure from agreed recommendations, so that national solutions can be developed and applied in future reform initiatives.

Method

From July to August 2015, the Commonwealth, states and territories, the National Heavy Vehicle Regulator (NHVR), the Office of the National Rail Safety Regulator (ONRSR) and Transport Certification Australia (TCA) provided information and implementation progress updates to the NTC to inform this report.

The report presents progress of national reforms by using 'traffic light' indicators and brief commentaries describing achievements, impediments and recommends corrective actions where required. The report also highlights state or territory-based variations to national laws that may affect the realisation of expected benefits of national reforms.

Reforms and projects for monitoring

This report monitors the implementation of national transport reforms and projects approved by the Council (or its predecessors) or the Council of Australian Governments (COAG). Annual monitoring will continue until either all participating jurisdictions have completed the final implementation milestone (note: participation in reform is subject to change), or if there is a nationally agreed direction from ministers or senior officials that reform monitoring is no longer required.

The NTC has found it difficult to monitor progress in these reports where there is an absence of clear deliverables or timeframes for national reforms. For example, the National Ports Strategy is no longer monitored as it does not contain clear deliverables or time-bound implementation milestones, which makes effective monitoring a challenge.

The *2012 Review of the NTC and other relevant transport bodies* recommended that all future reforms are developed with an implementation plan and agreed to by the Council. As such, monitoring reports will only include new and current reforms being implemented where there is an agreed implementation plan that contains specific actions, accountabilities and timeframes.

For this report, the addition of the 'one-tonne mass transfer' milestone has been included within the national heavy vehicle regulatory reform.

Also, three additional milestones have been added to the monitoring of the maintenance of existing reforms:

- the 10th amendment package for the Australian Road Rules
- the 8th amendment package for the Australian Vehicle Standards Rules
- the latest version of the Australian Dangerous Goods Code (version 7.4).

The review of the Intelligent Access Program (IAP) is also included.

Structure of the report

This report is divided into four key reform areas:





- **heavy vehicle reforms** – includes the heavy vehicle regulatory reform, which encompasses the Heavy Vehicle National Law (HVNL) and the establishment of the NHVR. This section also includes the heavy vehicle charging framework.
- **rail reform** – monitors progress of the rail safety regulation and investigation reform, which encompasses the Rail Safety National Law (RSNL), the National Rail Safety Regulator, as well as the expansion of the Australian Transport Safety Bureau's (ATSB) investigative arrangements.
- **maintenance of existing reforms** – monitors implementation of the Australian Road Rules, Australian Vehicle Standards Rules and Australian Dangerous Goods Code (ADG Code) and model legislation. Additionally, this report includes monitoring of the implementation of the recommendations from the Strategic Review of the road rules and the vehicle standards.
- **IAP review** – monitors progress in enacting the recommendations of the review.

Indicator of implementation status

Each Australian jurisdiction, the two national regulators and TCA were asked to provide implementation status indicators and where relevant describe: implementation progress; variations to the national approach and/or implementation challenges; and possible solutions against each of the current national transport reforms and projects included in this report.

Definitions of implementation status indicators used in this report are provided below.

Reform implementation status indicators

Implementation status indicator	Status definition	Progress comments required
 Complete	All milestones are completed	Describe: <ul style="list-style-type: none"> when and how the final output was implemented if any local variations were implemented, describe the variation and how it impacts on the ability to realise the desired benefits of the national reform
 In progress	Significant progress has been made, and: <ul style="list-style-type: none"> milestones are not yet due, or no significant risks to the output have been identified, or some milestones have not been met, but the output is likely to be achieved within timeframes (or no more than six months beyond final milestone) 	Describe: <ul style="list-style-type: none"> progress made within the last 12 months expected time for completion reasons for any delays
 No progress/ progress stalled	No significant progress since the last reporting period, and <ul style="list-style-type: none"> key milestones have not been met (by more than six months), or the output (in full or in substantial part) is at risk of not being achieved without significant intervention 	Describe: <ul style="list-style-type: none"> reasons for any delays barriers to implementation recommended solutions to achieve implementation
n/a Not applicable	The jurisdiction is not responsible for implementing the reform	No comment required
 Not implementing	The jurisdiction has not agreed to implement the reform	Describe how non-participation will impact on the benefits of the national reform

Milestones that are completed for all parties in the implementation summary tables will not be reported in future reports.

The NTC welcomes feedback that can help improve this report in the future. Please email the NTC at enquiries@ntc.gov.au or telephone (03) 9236 5000.

2 Heavy vehicle reforms

2.1 Heavy vehicle regulatory reform

Key points

- The Heavy Vehicle National Law (HVNL) commenced on 10 February 2014.
- The National Heavy Vehicle Regulator has been established and fully commenced operations on 10 February 2014.
- Chapter 2 of the HVNL will commence on 1 July 2018.
- The Northern Territory has indicated that they will not commence the HVNL until the benefits to local industry are clearly demonstrated.
- Western Australia is not a signatory to the reform.

About the reform

The heavy vehicle regulatory reform established a national regulatory system for all heavy vehicles weighing more than 4.5 tonnes, consisting of uniform laws administered by a single national regulator (Council of Australian Governments, 2011).

The objectives of the reform are to provide national regulation of heavy vehicles that achieves the same outcome in the same circumstances, and for its administration to be consistent and streamlined.

The HVNL commenced on 10 February 2014. The NHVR has been established and fully commenced operations when the HVNL commenced on 10 February 2014.

Tables 1 and 2 provide an overview of progress in delivering the agreed milestones established in the intergovernmental agreement for the reform.

Table 1. Implementation summary of the Heavy Vehicle Regulatory Reform

Output	Milestone	Implementation status										
		NSW	VIC	SA	QLD	WA	TAS	NT	ACT	Cwth	NHVR	
1 National law adopted by all states and territories	1.5 Commonwealth introduces legislation to cease new registrations under the Federal Interstate Registration Scheme and to repeal the scheme following passage of enabling legislation by state and territories (once Chapter 2 commences in 2018)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	●	n/a
2 NHVR established	2.2 NHVR fully operational by 31 December 2012	✓	✓	✓	✓	●	✓	●	✓	✓	✓	✓

Table 2. Comments on the Heavy Vehicle Regulatory Reform

Jurisdiction	Implementation comments
Cwth	In line with the Intergovernmental Agreement on heavy vehicle regulatory reform, the Commonwealth has committed to repeal the Federal Interstate Registration Scheme once chapter 2 of the HVNL (national registration scheme) commences in all participating states and territories. The Council agreed to delay implementation of the national registration provisions until 1 July 2018.
NHVR	<p>The NHVR commenced limited operations on 21 January 2013 (performance based scheme and national heavy vehicle accreditation scheme), and fully commenced operations on 10 February 2014.</p> <p>The NHVR continues to advance operational reforms through operational policy harmonisation and the progression of major projects such as National Heavy Vehicle Registration, Electronic Work Diary Implementation and Roadworthiness reforms.</p> <p>Chapter 2 (national registration scheme) is due to commence on 1 July 2018.</p>

Implementation analysis

The NHVR has been established and fully commenced operations in participating jurisdictions on 10 February 2014, completing Output 2.

Chapter 2 of the HVNL will commence on 1 July 2018. The NHVR is currently undertaking detailed options analysis and business case development and will recommend a preferred fully costed option to the Council in May 2016. An implementation plan will follow in November 2016. This project will incorporate the establishment of a national register for written-off heavy vehicles.

Western Australia is not implementing the HVNL but is developing mirror legislation that will model compliance and enforcement laws, including chain of responsibility.

The Northern Territory has indicated that they will not commence the HVNL until the benefits to local industry are clearly demonstrated. The Northern Territory is working with the NHVR and jurisdictions to ensure a seamless approach for heavy vehicle operators crossing borders and that the best interests of the Northern Territory are strongly advocated.

Some states and territories implemented derogations (or exemptions) to the HVNL that apply specifically to their individual jurisdiction. Derogations could dilute the productivity, efficiency and safety benefits that would be otherwise possible through consistent application of the law. Derogations should, therefore, be minimal in number and impact.

2.2 Amendments to Heavy Vehicle National Law

Key points

- Amendments to the Heavy Vehicle National Law (HVNL) were introduced into the Queensland Parliament (host jurisdiction) on 19 May 2015.
- The *Heavy Vehicle National Law Amendment Act 2015* will commence on a date to be fixed by proclamation.

The HVNL 4th amendment package was introduced into the Queensland Parliament (host jurisdiction) on 19 May 2015. The amendment package was considered by Queensland Parliament, and as at the time of writing, was approved for commencement on a date yet to be determined.

Key items in the 4th amendment package include:

- amended definition of ‘modification’ of heavy vehicles to ensure potentially unsafe modifications are required to be inspected and cleared by an authorised vehicle examiner
- changes to the vehicle defect notice provisions to reduce the compliance burden for operators and drivers
- amendments relating to electronic work diary policy
- revised offences and penalties.

The *Heavy Vehicle National Law Amendment Act 2015* will commence on a date to be fixed by proclamation. Some provisions of the regulations will also commence at this time.

Tables 3 and 4 provide an overview of progress in delivering the agreed HVNL amendments.

Table 3. Implementation of Heavy Vehicle National Law amendments

Heavy Vehicle National Law amendments	Implementation status							
	NSW	VIC	SA	QLD	WA	TAS	NT	ACT
One-tonne mass transfer amendment to the heavy vehicle national regulation (Council approved May 2014)	✓	✓	✓	✓	✓	✓	✓	✓
Draft bill and regulations for amending the HVNL adopted by Queensland Parliament (Council approved May 2015)	n/a	n/a	n/a	●	●	n/a	n/a	n/a
Amendments and corrections to the schedule of infringement penalties and demerit points for heavy vehicles adopted by Queensland Parliament (Council approved May 2015)	n/a	n/a	n/a	●	●	n/a	n/a	n/a
Draft legislative provisions amending the National Regulations under the HVNL for inclusion in the Heavy Vehicle National Amendment Regulation 2015 adopted by Queensland Parliament (Council approved May 2015)	n/a	n/a	n/a	●	●	n/a	n/a	n/a

Table 4. Comments on adopting the National Heavy Vehicle Law amendments

Jurisdiction	Implementation comments
QLD	<p>Queensland voted to support the HVNL Amendment Bill at the November 2014 Council meeting. Following the Queensland state election in March 2015, the HVNL Amendment Bill was introduced to the parliament in May 2015 and referred to the Infrastructure, Planning and National Resources Committee for consideration and reporting to parliament by 1 September 2015. It is expected the amendment bill will be debated in September/October 2015 and will commence on a date to be fixed by proclamation.</p> <p>The amendments to national penalties and demerit points are included in the HVNL Amendment Bill 2015.</p> <p>The HVNL Amendment Regulations will be introduced to commence concurrently with the amendment bill once passed.</p>

Implementation analysis

All states and territories have implemented the one-tonne mass transfer policy. In Queensland, the application of the national regulation to prescribed routes was limited by way of a Queensland regulation. One-tonne mass transfer is presently allowed on higher mass limits routes only. Queensland will continue to assess its network and extend the application of the one-tonne mass transfer regulation where appropriate.

The amendments to national penalties and demerit points are included in the *Heavy Vehicle National Law Amendment Act 2015* currently before the Queensland Parliament. The HVNL Amendment Regulations will be introduced to commence concurrently with the amendment bill once passed.

Western Australia and the Northern Territory are not implementing the HVNL.

The NTC develops an amendment package for the HVNL each year. At least 12 months is required to develop each amendment package, from the identification of issues to the Council's decision. Jurisdictions and regulators require a minimum of six months to begin implementing a reform.

2.3 Heavy vehicle charges

Key points

- In May 2014, ministers announced that new heavy vehicle charges will be implemented from 1 July 2016.
- The 2015-16 annual adjustment of 0.6 per cent took effect from 1 July 2015 in all states and territories.
- The fuel-based road user charge has been frozen at 2013-14 rates.

About the heavy vehicle charges

The heavy vehicle charges aim to recover heavy vehicle related expenditure on roads from industry participants. This allows governments to invest in building and maintaining productive and safer roads. Charges are a combination of a fixed annual registration and fuel-based road user charges.

An annual adjustment formula is automatically applied in July each year to ensure heavy vehicle charges keep pace with road spending programs.

Charges implementation

On 9 May 2014, the Council agreed that from July 2016 new charges will be implemented based on the NTC's recommendations.

In 2014, the Commonwealth froze the Road User Charge rate at 26.14 cents per litre (the 2013-14 rate). In June 2015, the Commonwealth Minister announced the rate freeze would continue.

The 2015-16 annual adjustment of 0.6 per cent for heavy vehicle registration took effect from 1 July 2015 in all states and territories.

3 Rail reform

3.1 Rail Safety Regulation and Investigation Reform

Key points

- The Rail Safety National Law (RSNL) was approved by the Council in November 2011.
- South Australia (the host jurisdiction) adopted the RSNL in 2012.
- Enabling legislation has been passed in New South Wales, Tasmania, the Northern Territory, Victoria and the Australian Capital Territory.
- The Office of the National Rail Safety Regulator (ONRSR) was established in January 2013 and is fully operational in jurisdictions where the enabling legislation has commenced.

About the reform

The reform has established a national system of rail safety regulation and investigation which includes uniform regulation and a single national rail safety regulator, complemented by a national rail safety investigator (Council of Australian Governments, 2011b).

The reform aims to improve safety and reduce the costs and regulatory burden for Australian transport companies, export and trade. A further objective is to extend the role of the Australian Transport Safety Bureau (ATSB) as a national investigator for rail in Australia.

Tables 5 and 6 provide an overview of progress in meeting milestones set by the Intergovernmental Agreement.

Table 5. Implementation summary of the Rail Safety Regulation and Investigation Reform

Output	Milestone	Implementation status									
		NSW	VIC	SA	QLD	WA	TAS	NT	ACT	Cwlth	ONRSR / ATSB
1 Rail Safety National Law	1.4 States and territories draft enabling legislation by August 2012	✓	✓	✓	●	✓	✓	✓	✓	n/a	n/a
	1.5 States and territories introduce enabling legislation into their parliaments by September 2012	✓	✓	✓	●	✓	✓	✓	✓	n/a	n/a
	1.6 States and territories pass enabling legislation by December 2012	✓	✓	✓	●	●	✓	✓	✓	n/a	n/a
3 Transition plan	3.1 Transition plan agreed by 31 December 2011	✓	✓	✓	●	✓	✓	✓	✓	n/a	✓ (ONRSR)
6 National arrangements	6.1 National regulator established and operational by 1 January 2013	✓	✓	✓	●	●	✓	✓	✓	n/a	✓ (ATSB)
	6.2 Commencement of national rail safety investigation arrangements by 1 January 2013	✓	✓	✓	●	●	✓	✓	✓	✓	✓ (ATSB)

Table 6. Comments on implementing the Rail Safety Regulation and Investigation Reform

Jurisdiction	Implementation comments
ACT	<p>The <i>Rail Safety National Law Act 2014</i> (ACT) commenced on 20 November 2014.</p> <p>The ONRSR commenced administration of ACT rail operations from the RSNL commencement date.</p>
QLD	<p>The Queensland Regulator will continue to operate in Queensland unless a decision is made otherwise. The Queensland Regulator will work with the ONRSR to adopt consistency in regulatory practice where appropriate.</p> <p>The Queensland Regulator will continue to undertake rail safety investigations and engage with the ATSB where appropriate.</p> <p>The Minister for Transport has advised the position of the previous government is being reconsidered.</p>
WA	<p>Western Australia is progressing the passage of mirror legislation. The <i>Rail Safety National Law Bill 2014</i> (WA) was introduced into the Western Australian Parliament in September 2014, and it is expected the Bill will pass during the 2015 Spring sittings. It is anticipated the National Rail Safety Regulator will commence operations in Western Australia by 30 November 2015.</p>
Cwlth	<p>The <i>Transport Safety Investigation Amendment Act 2012</i> (Cwlth) commenced on 20 January 2013.</p>
ONRSR	<p>Preparations are continuing with the Western Australian Government to implement the RSNL, with the timing subject to parliamentary timeframes.</p> <p>The ONRSR is working closely with the Queensland Government to align systems and processes.</p> <p>Following the NSW Minister's decision to move towards the removal of the service-level agreements, the ONRSR is working closely with the New South Wales Government to transition staff.</p>

Implementation analysis

The ONRSR began operation on 20 January 2013. The regulator regulates operations in New South Wales, Victoria, South Australia, Tasmania and the Northern Territory. It will also begin operating in Western Australia from November 2015 (subject to parliamentary timeframes).

As noted in the 2014 monitoring report, New South Wales, Victoria, South Australia, Tasmania and Northern Territory have all passed enabling legislation for the application of the RSNL. The Australian Capital Territory Parliament passed the RSNL in May 2014 without variation and the law commenced on 20 November 2014, completing Output 1 and Output 3.

Western Australia is developing its own legislation to 'mirror' the RSNL and is working with the ONRSR to implement this by the end of 2015, with no significant variations expected. Western Australia is also progressing discussions with the ATSB about the commencement of the national investigation arrangements.

The Queensland Government is reconsidering its position on implementing the RSNL. In the meantime, the ONRSR is working closely with the Queensland Government to align systems and processes.

Once the ONRSR is fully operational in Western Australia, and should Queensland confirm its current position of not adopting the RSNL, monitoring of the reform implementation may no longer be necessary. Monitoring of amendments to the RSNL will become increasingly important.

The intergovernmental agreement also commits the ATSB to becoming the national rail safety investigator (milestone 6.2). This milestone was achieved on 20 January 2013, at the same time the ONRSR commenced. The expanded scope of the ATSB has also attracted investigation requests from jurisdictions that have not yet implemented the national investigator arrangements.

3.2 Amendments to Rail Safety National Law

Key points

- Amendments to the Rail Safety National Law (RSNL) were approved in November 2014.
- Amendments commenced on 1 July 2015 in all implementing jurisdictions.

The RSNL 1st amendment package was approved in November 2014 and commenced on 1 July 2015. Changes included minor amendments to improve the operation of the RSNL.

Tables 7 and 8 provide an overview of progress in delivering RSNL amendments.

Table 7. Implementation of amendments to Rail Safety National Law

Rail Safety National Law amendments	Implementation status							
	NSW	VIC	SA	QLD	WA	TAS	NT	ACT
Draft bill and regulations for amending RSNL (Council approved November 2014)	✓	✓	✓	●	●	✓	✓	✓

Table 8. Jurisdiction comments on amendments to Rail Safety National Law

Jurisdiction	Implementation comments
QLD	The RSNL and National Regulations do not currently apply.
WA	The RSNL and National Regulations do not currently apply. Western Australia will not be able to gain Cabinet approval to amend the Rail Safety National Law Bill and Regulations until the Rail Safety National Law (WA) Bill is passed by WA parliament and the ONRSR commences operations in WA (which is anticipated to occur by 30 November 2015).

Implementation analysis

All participating jurisdictions have passed the approved amendments to the RSNL bill and regulations. These amendments commenced on 1 July 2015.

4 Maintenance of existing reforms

4.1 Australian Road Rules

Key points

- Most jurisdictions have implemented the 9th and 10th amendment packages.
- The impact of inconsistent implementation is minor because the package does not include any updates that depend on a consistent implementation date to satisfy the policy objectives.
- The 11th amendment package is currently under development.

About the Australian Road Rule amendment package

The Australian Road Rules set out the basic rules of the road for motorists, motorcyclists, cyclists, pedestrians, passengers and other road users. The purpose of a single national set of road rules is to provide uniformity across Australia so that people are not confronted with different requirements as they travel from one state or territory to another.

The road rules are model laws that have no legislative force of their own and need to be adopted in each jurisdiction's laws before they can take effect. The rules have been broadly adopted and now form the basis of the road rules in each state and territory.

Tables 9 and 10 provide an overview of progress in delivering the Australian Road Rules amendment packages.

Table 9. Implementation summary of the Australian Road Rules amendment package

Adopt Australian Road Rule amendment packages	Implementation status							
	NSW	VIC	SA	QLD	WA	TAS	NT	ACT
Adopt the 9 th amendment package (Council approved December 2011)	✓	✓	✓	✓	✓	✓	●	✓
Adopt the 10 th amendment package (Council approved November 2013)	✓	✓	✓	✓	●	✓	●	●

Table 10. Comments on implementing the Australian Road Rules amendment package

Jurisdiction	Implementation comments
NSW	The 10 th amendment package was implemented on 1 September 2014.
VIC	The 10 th amendment package was implemented on 23 September 2014.
SA	The 10 th amendment package was implemented on 1 September 2014.
QLD	The 10 th amendment package was implemented on 1 January 2015.
WA	<p>The 9th amendment package was implemented on March 2014.</p> <p>The 10th amendment package has approval to draft into local WA amendments but is now being held to combine with the 11th package which is in final stages of development. The 10th and 11th Amendment Packages are expected to be implemented in mid-2016.</p>
TAS	The 10 th amendment package was implemented in November 2014.
NT	The Northern Territory will implement any outstanding amendments, where applicable to the Territory, at the time of implementing the 10 th amendment package. This will be progressed as part of new traffic safety and heavy vehicle legislation scheduled for implementation in July 2016.
ACT	The ACT adopts the Australian Road Rules by reference and will be able to progress implementation of the 10 th and 11 th amendment packages once an official consolidation has been published.

Implementation analysis

The 9th amendment package has been implemented in all states and territories except the Northern Territory. The Northern Territory has indicated it will implement the 9th amendment package at the same time it implements the 10th amendment package, scheduled for July 2016.

The 10th amendment package was approved by the Ministerial Council in November 2013. There is broad national consistency in the road rules. With the exception of the Northern Territory, Australian Capital Territory and Western Australia, all states have implemented up to, and including the 10th amendment package.

Western Australia and the Australian Capital Territory will combine changes from the 10th amendment package with the 11th amendment package that is currently under development.

Ideally, the amendment packages would be implemented at the same time. However, the impact of variance in implementation dates is not significant. The 10th amendment package does not include any updates that are dependent on a consistent implementation date to satisfy the policy objectives.

4.2 Australian Vehicle Standards Rules

Key points

- The Council approved the 8th amendment package to the Australian Vehicle Standards Rules in May 2014.
- The Heavy Vehicle National Law (HVNL) has incorporated the provisions of the vehicle standards that apply to heavy vehicles.
- While most jurisdictions are progressing implementation there are inconsistencies in the adoption of amendment packages.
- However, the nature of the proposed amendments means the impact of different implementation dates should not be significant.

About the Australian Vehicle Standards Rules

The Australian Vehicle Standards Rules set the national vehicle standards for light and heavy vehicles already in use (or 'in-service'). Vehicles must comply with the vehicle standards rules to be driven on public access roads. The vehicle standards rules support the Australian Design Rules, which govern the design and construction of new vehicles by providing standards for the performance of motor vehicles, trailers and combinations. Transport authorities use them to help determine the 'roadworthiness' of vehicles.

The Council approved the 8th amendment package to the vehicle standards rules in May 2014.

Tables 11 and 12 provide an overview of progress in adopting the 5th, 6th, 7th and 8th amendment packages of the vehicle standards rules.

Table 11. Implementation summary of the Australian Vehicle Standards Rules amendments package

Adopt the Australian Vehicle Standards amendment packages	Implementation status							
	NSW	VIC	SA	QLD	WA	TAS	NT	ACT
Adopt the 5 th amendment package (Council approved June 2006)	●	✓	✓	✓	●	✓	●	✓
Adopt the 6 th amendment package (Council approved March 2009)	●	✓	✓	✓	●	✓	●	✓
Adopt the 7 th amendment package (Council approved May 2010)	●	✓	✓	✓	✓	✓	●	✓
Adopt the 8 th amendment package (Council approved May 2014)	●	✓	●	✓	●	●	●	●

Table 12. Comments on implementing the Australian Vehicle Standards Rules amendments

Jurisdiction	Implementation comments
NSW	<p>New South Wales has commenced work to incorporate the amendment packages in the <i>Road Transport (Vehicle Registration) Regulations 2007</i> during 2015-16.</p> <p>Implementation of the 5th, 6th and 7th amendment packages were delayed while the NHVR was being implemented.</p>
VIC	<p>The 7th and 8th amendment packages were implemented on 29 October 2014.</p>
SA	<p>The 8th amendment package is expected to be implemented by the end of 2015.</p>
QLD	<p>The 8th amendment package was adapted into legislation on 1 April 2015.</p>
WA	<p>Progress is continuing for the adoption of the 5th, 6th and 8th amendment packages.</p> <p>The 7th amendment package was implemented as part of a set of compliance and enforcement legislation titled <i>Road Traffic (Vehicles) Regulations 2014</i> on 27 April 2015.</p> <p>Regulations for 5th, 6th and 8th amendment packages will be finalised separately for Executive Council approval.</p>
TAS	<p>The implementation of the 8th amendment package is underway in Tasmania, with some elements already implemented and the remainder on the forward work program.</p>
NT	<p>The Northern Territory will implement any outstanding amendments, where applicable to the Territory, at the time of implementing the 8th amendment package. This will be progressed as part of new traffic safety and heavy vehicle legislation scheduled for implementation in July 2016.</p>
ACT	<p>The 8th amendment package will be implemented in 2015-16.</p>

Implementation analysis

At present, there is inconsistency in the adoption of the various amendment packages of the vehicle standards. New South Wales and the Northern Territory have yet to adopt the 5th, 6th or 7th amendment packages. Queensland and Victoria are the only jurisdictions to have implemented the 8th amendment packages. Ideally amendments would be implemented at the same time. However, the nature of the proposed amendments means the impact of different implementation dates should not be significant.

With the commencement of the HNVL in February 2014, light and heavy vehicle standards are now prescribed in separate bodies of law, with:

- the Heavy Vehicle (Vehicle Standards) National Regulations addressing heavy vehicle standards
- the Heavy Vehicle (Mass, Dimension and Loading) National Regulation addressing dimension limits for heavy vehicles (which are in the vehicle standards rules)
- the light vehicle standards continuing to be implemented in individual state and territory road transport laws.

In-service vehicle standards for both heavy and light vehicles continue to be located in the state and territory road transport laws in Western Australia and Northern Territory.

The 8th amendment package was incorporated into the Heavy Vehicle (Vehicle Standards) National Regulation made under the HVNL. It was approved by ministers in November 2014, however the changes are yet to commence.

4.3 Strategic Review of the Australian Road Rules and the Australian Vehicle Standards Regulation

Key points

- Recommendations from the Review of the Australian Road Rules and Australian Vehicle Standards Rules were approved by the Council in 2013.
- Four of the five recommendations should be complete by the end of 2015.

In November 2013, the Council approved recommendations from the Review of the Australian Road Rules and the Australian Vehicle Standards Rules and the supporting implementation plan.

Tables 13 and 14 provide an overview of the implementation status of the review's recommendations.

Table 13. Implementation summary of the Strategic Review of the Australian Road Rules and Australian Vehicle Standards Rules recommendations

Recommendations	Implementation status								
	NSW	VIC	SA	QLD	WA	TAS	NT	ACT	NTC
2. Maintain publicly available lists outlining the difference between jurisdictions' laws and the model laws for the road rules and vehicle standards	●	●	●	●	●	●	●	●	✓
3. Include relevant aspects of the Australian Transport Council's national transport visions, policy objectives and principles in the road rules and vehicle standards	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	●
4. Update objectives of the road rules to: <ul style="list-style-type: none"> • Uniform rules throughout Australia for all road users • Specify behaviour for all road users that supports the safe and efficient use of the road system 	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	●

Table 14. Comments on implementing the recommendations

Jurisdiction	Implementation comments
NSW	<p>The <i>New South Wales Road Rules 2014</i> clearly show ‘NSW only rules’ and any road rules that have not been adopted by New South Wales.</p> <p>New South Wales will consider how to communicate the differences between New South Wales law and the vehicle standards model law as it incorporates the amendment packages.</p>
VIC	<p>Victoria is awaiting an updated version of the road rules before proceeding with publication of the variances.</p>
SA	<p>Australian Road Rules already lists where SA differs from model law. References to these will be listed on the South Australian Government website.</p>
QLD	<p>Queensland is awaiting an updated version of the road rules before proceeding with publication on the variances. The last version was updated in 2012 and does not reflect the 10th amendment package.</p> <p>Queensland is participating in the review of the vehicle standards and supports the current direction.</p>
WA	<p>While work on the list of road rules is in progress, it is delayed pending the revamp of the Office of Road Safety website (part of the Road Safety Commission) which will contain a specific section on road rules.</p> <p>Due to a variety of factors affecting both the Australian vehicle standards and the Western Australian standards requirements over time, it will be necessary to obtain legal advice to determine the current differences between them. Western Australia would prefer to wait until after the proposed removal of the heavy vehicle provisions from the vehicle standards in order to provide an accurate comparison.</p>
TAS	<p>Currently included on Tasmania’s work program for both road rules and vehicle standards, but not a high priority. The majority of the Tasmanian road rules legislation is consistent with the model law, with most deviations being contained separately in jurisdictional qualifications or local road rules.</p>
NT	<p>No comment or update provided.</p>
ACT	<p>Differences between the road rules and ACT laws are identified in the <i>Road Transport (Safety and Traffic Management) Regulation 2000</i> in the same chapter that outlines the ‘another law of jurisdiction’ provisions.</p>

	<p>The only differences between the vehicle standards and ACT laws are in relation to:</p> <ul style="list-style-type: none"> • steering position – the ACT has a provision allowing registration of a left-hand drive vehicle registered unconditionally somewhere in Australia prior to 1985. This is now effectively redundant due to the vehicle standard provision allowing left-hand drive vehicles over 30 years of age • the minor relaxation of the ten-second smoke rule through which the ACT provision provides the qualifier that the smoke be excessive • the ACT prohibits blue dot tail light lenses being fitted to street rod vehicles.
NTC	<p>National transport visions, policy, objectives and principles are referenced in the explanatory document for the vehicle standards 8th amendment package and included in the 11th amendment package of road rules. This will proceed to the Council meeting in November 2015.</p>

Implementation analysis

As the previous monitoring report noted, the NTC provided relevant advice in November 2013 to states and jurisdictions regarding jurisdictional differences in road rules.

The NTC is currently developing the 11th amendment package that will proceed to the Council meeting in November 2015.

Four of the five recommendations should be complete by the end of 2015.

4.4 Australian Dangerous Goods

Key points

- The Council approved version 7.4 of the Australian Dangerous Goods Code in May 2015.
- All jurisdictions have adopted version 7.3 of the code.

About the Australian Dangerous Goods Model Regulations and Code

The transport of dangerous goods laws provide a single national set of laws to reduce the risks of personal injury, death, property damage and environmental harm arising from the transport of dangerous goods by road or rail. The laws consist of a model law, model subordinate law and the Australian Code for the Transport of Dangerous Goods by Road and Rail (the code).

The model regulations and the code set out the requirements for transporting dangerous goods by road or rail. The objectives of these are to:

- ensure dangerous goods are transported safely
- ensure uniformity and consistency in technical requirements across jurisdictions for transporting dangerous goods by road and rail
- harmonise Australian regulations with international intermodal regulations
- maintain a single set of laws governing the transport of dangerous goods by road and rail.

Tables 15 and 16 provide an overview of the progress of states and territories in implementing Council reforms.

Table 15. Implementation summary of the model regulations and the Australian Dangerous Goods Code

Adopt the model regulations and the Australian Dangerous Goods Code	Implementation status							
	NSW	VIC	SA	QLD	WA	TAS	NT	ACT
Update to edition 7.3 of the code (May 2014)	✓	✓	✓	✓	✓	✓	✓	✓
Update to edition 7.4 of the code (May 2015)	●	●	●	●	●	●	✓	✓
Updated Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007 (May 2015)	●	●	●	●	●	●	n/a	●

Table 16. Comments on implementing the Australian Dangerous Goods Code

Jurisdiction	Implementation comments
NSW	Work is underway to implement edition 7.4. It is expected that the target date on 1 January 2016 will be achieved.
VIC	<p>Edition 7.3 came into force when gazetted on 30 October 2014.</p> <p>Edition 7.4 is due to be implemented by 1 January 2016.</p> <p>Model Law Amendment Package 3 is progressing and expected to be implemented by 1 January 2016. The Model Law amendments are also progressing and expected to be implemented by 1 January 2016.</p>
SA	<p>Edition 7.3 was implemented on 19 February 2015 with the gazettal of <i>Dangerous Substances (Dangerous Goods Transport) Variation Regulations 2015</i>.</p> <p>No input was provided regarding edition 7.4 or update to model subordinate law.</p>
QLD	<p>Edition 7.3 commenced on 1 July 2014.</p> <p>Edition 7.4 is due to be implemented on 1 January 2016.</p> <p>Model Law Amendment Package 3 is progressing and expected to be implemented on 1 January 2016.</p>
WA	Implemented on 1 July 2014 with the gazettal of amendments to the <i>Dangerous Goods Safety (Road and Rail Transport of Non-Explosives) Regulations 2007</i> .
TAS	Edition 7.4 will become effective in Tasmania on the date of commencement specified in the published code.
NT	<p>Edition 7.4 is legally effective under Northern Territory legislation as the code is defined in the regulations as 'Australian Code for the Transport of Dangerous Goods by Road and Rail, seventh edition, approved by the Australian Transport Council, as amended from time to time'.</p> <p>No input was provided regarding the update to model subordinate law.</p>
ACT	Editions 7.3 and 7.4 are legally effective under ACT legislation as the code is defined in the regulations as the 'Australian Dangerous Goods Code as amended from time to time'.

Implementation analysis

Edition 7.4 was approved by ministers in May 2015.

Jurisdictions are currently progressing the amendments through their parliaments. It is expected that edition 7.4 will be nationally adopted by 1 January 2016.

A transition period will start from this date, allowing industry to voluntarily comply with the new code or continue to comply with the previous edition. From 1 January 2017, compliance with edition 7.4 will be mandatory.

4.5 Strategic Framework Review of the Regulation of Land Transport of Dangerous Goods

Key points

- Recommendations from the Strategic Framework Review of the Regulation of Land Transport of Dangerous Goods were approved in November 2013.

In November 2013, ministers approved the Strategic Framework Review of the Regulation of Land Transport of Dangerous Goods which set out reform recommendations and included a supporting implementation plan.

Tables 17 and 18 provide an overview of the implementation status of the Council recommendations.

Table 17. Implementation summary of recommendations of the Regulation of Land Transport of Dangerous Goods review

Recommendation	Implementation status									
	NSW	VIC	SA	QLD	WA	TAS	NT	ACT	Cwth	NTC
3. Define the ADG Code in jurisdictions' dangerous goods transport legislation (consistent with the current model laws) as the following: <i>ADGC means the Australian Code for the Transport of Dangerous Goods by Road and Rail, Seventh Edition approved by the Australian Transport Council, as amended from time to time.</i>	✓	●	✓	✓	●	✓	✓	✓	n/a	n/a
5. To improve the approval process for applicants seeking approvals, exemptions and determinations, the following should be done: b) amend the model laws to include a timeline for a competent authority to make a decision once it has received an application	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	●
c) publication of Competent Authorities Panel decisions and reasonings available on internet	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	✓	n/a

Table 18. Comments on implementing the recommendations

Jurisdiction	Implementation comments
NSW	Definition of the ADG code was completed as part of the version 7.3 update.
VIC	<p>The code is defined in the <i>Dangerous Goods Act 1985</i>. References to any provision in the code are to be read as the provision being 'as in force from time to time'.</p> <p>An amendment is in force from the date of notice in the <i>Victoria Government Gazette</i> or a later date determined by WorkSafe. If the effect of an amendment is to impose a new obligation or alter an existing obligation, then a duty holder may choose to comply as if the amendment had not been made for six months after gazettal (i.e. a six month transition period).</p> <p>There is no proposal at this stage to amend the Victorian definition.</p>
SA	Definition of the code was varied to be consistent with the model law on 2 February 2015.
QLD	Definition of the code in Queensland legislation is consistent with the model law already in place.
WA	Not advisable for Western Australia since the adoption of mandatory regulations/codes as from time to time amendments will unduly circumvent parliament. In any case such adoption is not necessary for the timely adoption of national amendment proposals in WA.
TAS	<p>Legislative definitions of the code consistent with the model law already in place, except that it does not specify an edition.</p> <p>Tasmania will establish a link on the WorkSafe Tasmania website to the Competent Authorities Panel.</p>
NT	Legislative definitions of the code consistent with the model law already in place.
ACT	Version 7.4 is legally effective under ACT legislation. The ADG Code is defined in the regulations as the 'Australian Dangerous Goods Code', as amended from time to time.
Cwth	Publication of reasons in the Competent Authorities Panel decision register will be delivered as of the 48th meeting in November 2015.

Jurisdiction	Implementation comments
NTC	No amendment of the model laws to include a timeline for a competent authority decision will be made. The NTC will seek approval to include in business rules.

Implementation analysis

The majority of states and territories have included the definition of the ADG code in their legislation. As a result, the adoption date for the next edition of the code should be consistent across Australia which will allow industry to access its benefits as soon as possible. Implementing states and territories have included the definition of the code in their legislation.

Five of the six recommendations should be complete by June 2016.

The NTC sought to amend the model law to include a timeline for a competent authority to make a decision once it has received an application. However, the scope of the model law does not extend to timelines for decisions of competent authorities. The NTC is investigating an amendment to the business rules of the Component Authorities Panel as an alternative.

5 Review of the Intelligent Access Program

Key points

- The recommendations from the NTC's review of the Intelligent Access Program (IAP) were endorsed by the Council in November 2014.
- Transport Certification Australia (TCA) has progressed implementing the recommendations and advises these will be complete by early 2016.

The IAP electronically monitors the location and speed of heavy vehicles assuring road authorities that enrolled vehicles are complying with their road access conditions. Transport operators enrol in the IAP to gain better access to particular roads or meet access conditions set by road authorities. Some transport operators may use the IAP to negotiate better road access with road authorities.

The IAP was developed by Austroads and has been in operation since 2009. The NTC had a specific task of developing the laws that underpin the privacy and security of the program.

The IAP is the first example of using telematics within the regulatory framework for managing heavy vehicles in Australia. The program has attracted considerable interest from overseas and has been used to develop international standards for telematics systems and services.

The Council approved five recommendations of the review to improve the IAP.

Table 19. Review of the Intelligent Access Program

IAP review	Who	Status	Implementation comments
<p>1. Statistical reporting of Intelligent Access Program included in Transport Certification Australia (TCA)'s Annual Report including: vehicle numbers enrolled in the Intelligent Access Program; intelligent access condition numbers; and the number of kilometres travelled by enrolled vehicles by application type.</p>	TCA	●	<p>The first statistical reporting will be provided in TCA 2014-15 Annual Report (to be published late 2015).</p>
<p>2. Transport and Infrastructure Council will approve future major changes (e.g. when a regulatory impact statement is required) Nov 2014 to the Intelligent Access Program specification (with the Transport and Infrastructure Senior Officials' Committee being able to approve any minor and non-contentious changes).</p>	Transport and Infrastructure Council	✓	<p>Recommendation approved in November 2014.</p>
	TCA	●	<p>The development of a procedure for incorporating future major changes to the IAP Specification is confirmed in TCA's work program for 2015-16.</p> <p>The procedure is scheduled to be presented to the TCA Board by the end of 2015.</p>
<p>3. The Transport Certification Australia Board makes a public version of the Intelligent Access Program specification available online.</p>	TCA	●	<p>The preparation of a public version of the IAP Specification is confirmed in TCA's work program for 2015-16 and is scheduled to be released in early 2016.</p>
<p>4. Review of the recertification process to provide more certainty to service providers about timelines for consideration of recertification decisions.</p>	TCA	✓	<p>As per established procedures (and noting previous reviews performed) TCA has initiated a further review of the recertification processes in consultation with IAP service providers.</p> <p>Initial briefing on re-certification with all IAP service providers held in July 2014.</p> <p>Following a consultation process, TCA is now awaiting formal response from IAP service providers.</p>

IAP review	Who	Status	Implementation comments
<p>5. Publication of information about data that operators are able to obtain from service providers.</p>	<p>Transport Certification Australia</p>	<p>✓</p>	<p>Public statement released emphasising that a foundation principle of the IAP is for transport operators to have access to IAP data from vehicles they have enrolled in the program.</p> <p>Published new fact sheet (available on TCA website) which provides information for transport operators about accessing IAP data.</p> <p>Reminded IAP service providers of the need to promote the availability of IAP data to transport operators (and to respond positively to requests for data) and encouraged them to inform their transport operator customers of the new fact sheet on TCA website.</p>

Implementation analysis

TCA has progressed implementing the recommendations and advises these will be complete by early 2016.

6 References

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