We are committed to improving the productivity, safety and environmental performance of Australia’s transport systems. This means we need to deliver on what we committed to, and finish what has already been started.

To deliver the best national transport reforms possible, we work with our industry and government stakeholders to develop clear and practical implementation plans. Importantly, we monitor and report on our progress openly and transparently to show that we are serious about achieving our outcomes and we are managing the obstacles we encounter along the way.

This National Transport Reform Monitoring Report helps us explain to ministers, governments, industry and the Australian public how our governments turn the talk into action. Sometimes this is difficult and takes longer than expected, sometimes with good reason.

This report highlights where further attention is needed to ensure all our implementing partners deliver on our commitments and realise the full benefits of national reform.

I would like to thank each state, territory and the Commonwealth government for providing their input into this important report, and the NTC staff involved in preparing this report.

David Anderson PSM
Chairman
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ABBREVIATIONS

ADGC  Australian Dangerous Goods Code
AMS   Access Management System
ARRs  Australian Road Rules
ATSB  Australian Transport Safety Bureau
AVSRs Australian Vehicle Standards Rules
BITRE Bureau of Infrastructure, Transport and Regional Economics
COAG  Council of Australian Governments
HVNl  Heavy Vehicle National Law
ITLP  Integrated Transport and Land Use Plan
NHVAS National Heavy Vehicle Accreditation Scheme
NHVR  National Heavy Vehicle Regulator
NTC   National Transport Commission
ONRSR Office of the National Rail Safety Regulator
PBS   Performance Based Standards
RMS   Roads and Maritime Services
RSNL  Rail Safety National Law
SCOIT Standing Council on Transport and Infrastructure
The Council The Transport and Infrastructure Council
TSI Act Transport Safety Investigation Act
EXECUTIVE SUMMARY

This report monitors the implementation of nationally agreed transport reforms by the Commonwealth, states and territories. Where information is available, the report notes reasons for any delays, the barriers to implementation and what is required to bring a jurisdiction back on target. It also analyses whether jurisdictional variations would reduce the expected benefits of the particular reform. The key findings are presented below.

Heavy Vehicle Regulatory Reform

The intent of the Heavy Vehicle Regulatory Reform is to establish a national regulatory system for all heavy vehicles, consisting of uniform laws administered by a single national regulator.

On 10 February 2014, the Heavy Vehicle National Law (HVNL) commenced in Queensland, Victoria, New South Wales, South Australia, Tasmania and the Australian Capital Territory. At this time, the National Heavy Vehicle Regulator (NHVR) begun administering the national laws and regulations (with the exception of the chapter 2, relating to the heavy vehicle registration charges) in these jurisdictions.

The Northern Territory will not commence the HVNL until the benefits to local industry are clearly demonstrated and Western Australia is not a signatory to the reform.

In response to industry concerns about delays in finalising approval of access permits, the NHVR introduced transitional arrangements to speed up the permit approval process. It is expected to take a further two to four years before the NHVR will have mature procedures, processes and associated staff capabilities in place.

Administration of the national heavy vehicle registration scheme has been delayed until July 2015 to allow a national registration system to be considered.

Heavy vehicle charges

The heavy vehicle charges are a combination of a fixed annual registration and fuel-based road user charges that ensure that expenditure on roads allocated to heavy vehicles is recovered by governments.

In May 2014 ministers announced that an annual adjustment of 1.3 per cent to heavy vehicle registrations would commence from 1 July 2014. The 2014–15 annual adjustment took effect from 1 July 2014 in all states, the Australian Capital Territory and the Commonwealth. The Northern Territory implemented the adjustment on 1 August 2014.

New charges will be implemented from 1 July 2016, based on recommendations of the National Transport Commission.

Rail Safety Regulation and Investigation Reform

The intent of the Rail Safety Regulation and Investigation Reform is to establish a national system of rail safety regulation and investigation to include uniform regulation and a single national rail safety regulator, complemented by a national rail safety investigator.

The Office of the National Rail Safety Regulator (ONRSR) administers the Rail Safety National Law (RSNL) in South Australia, New South Wales, Tasmania, the Northern Territory and Victoria. The Australian Capital Territory has passed the enabling law, however, it is not expected to commence until November 2014.

Western Australia is developing laws that mirror the RSNL while the Queensland Government has determined that it will retain its sovereign powers for rail safety and not refer those powers to another entity.

Victoria’s and New South Wales’ laws include significant local variations to the national law.
National Ports Strategy

The National Ports Strategy advocates the need for a more integrated and coordinated approach to the long-term planning and development of port infrastructure and port-related supply chains. The strategy was endorsed by the Council of Australian Governments (COAG) in July 2012.

States and territories are at various stages in developing long-term ports master plans or master planning policies for independent ports authorities.

Inter-governmental elements of the original ports strategy action plan have been overtaken by subsequent freight and heavy vehicle road reform initiatives by governments.

The National Ports Strategy lacks definitive implementation milestones to drive progress. Time-bound milestones for implementing the national ports and freight initiatives should be developed and agreed upon.

Australian Road Rules

The Australian Road Rules (ARRs) contain the basic rules of the road for motorists, motorcyclists, cyclists, pedestrians, passengers and others. The first ARRs were approved by the Ministerial Council in January 1999. The 10th amendment package and a national implementation schedule were approved in November 2013.

There is broad national consistency in the ARRs, with all states and the Australian Capital Territory having adopted the 9th amendment package for the ARRs. The Northern Territory intends to implement the 9th package at the same time as the 10th package, which is currently being progressed by all states and territories.

Australian Vehicle Standards Rules

The Australian Vehicle Standards Rules (AVSRs) 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. The first AVSRs were approved by the Ministerial Council in October 1998. The 8th amendment package was approved in May 2014.

Provisions of the AVSRs that applied to heavy vehicles have been incorporated into the regulations of the HVNL. With the commencement of the national law in February 2014, light and heavy vehicle standards are now prescribed in separate bodies of law.

For heavy vehicles the latest changes will need to be reflected through the Heavy Vehicle (Vehicle Standards) National Regulation made under the HVNL. The latest amendments for light vehicles will only take effect once they are adopted into the law of each state or territory.

All states and territories have adopted the AVSRs into their own laws. However, some inconsistencies remain at the national level because sometimes states and territories introduce new or updated national rules (i.e. amendment packages for light vehicles, and updates to the HVNL for heavy vehicles) at different times.

To improve the consistency of the timing of implementation, and therefore national uniform adoption and application of the rules, implementation plans containing delivery milestones have been developed and agreed prior to the approval of the latest amendment package.

Australian Dangerous Goods Code

The Australian Dangerous Goods Code (ADGC) sets out the requirements for transporting dangerous goods by road or rail. The Transport and Infrastructure Council (the Council) approved version 7.3 of the ADGC in May 2014.

All states and territories have implemented the previous version of the ADGC (i.e. 7th edition). New South Wales, Queensland, Northern Territory, Tasmania and Western Australia have already adopted version 7.3 of the ADGC. The other jurisdictions are expected to implement the change by July 2015.
INTRODUCTION

The National Transport Commission (NTC) is an independent body tasked to provide independent 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 and environmental outcomes.

The NTC is required to report annually to the Council on the implementation progress of nationally agreed reforms. In July 2013, the Standing Council on Transport and Infrastructure (SCoTI), the predecessor to the Council, endorsed a review of the NTC. The review recommended that to improve accountability for implementing reforms, the NTC should:

- undertake improved independent assessments in implementation reports, including the reasons for any delays, the barriers to implementation, what is required to bring a jurisdiction back on target, and an analysis as to whether variations were implemented that would reduce the benefits of the particular reform
- take on a similar role to the COAG Reform Council for transport reforms in relation to implementation reporting, with report cards to be considered by the SCOTI (now the Council) and published (Transport and Infrastructure Senior Officials’ Committee, 2013).

This report improves transparency and enhances accountability by providing stakeholders with information to hold governments and their agencies to account for timely and consistent reform implementation. Equally, it can help explain implementation issues, successes and failures, so that national solutions can be developed and applied in future reform initiatives.

Method

Between July and August 2014, the Commonwealth, states and territories, the National Heavy Vehicle Regulator (NHVR) and the Office of the National Rail Safety Regulator (ONRSR) 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 recommending correct actions where required. The report highlights state or territory-based variations to national laws that may affect the expected benefits of national reforms.

The defined reporting period is between 1 July 2013 and 1 July 2014. Any implementation progress that occurred after 1 July 2014 will be captured in the 2015 monitoring report.

Reforms and projects for monitoring

This report monitors the implementation of national transport reforms and projects which have been approved by the Transport and Infrastructure Council (or its predecessors) or the Council of Australian Governments. Annual monitoring will continue until either the last participating jurisdiction has 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.
Completed reforms and individual reform milestones will be noted in the monitoring report and omitted from future reports.

The NTC has found it difficult to monitor progress in this report and last year’s report where there is an absence of clear deliverables or timeframes for national reforms. For example, the National Ports Strategy does not contain clear deliverables or time-bound implementation milestones making effective monitoring a challenge.

The Review of the NTC and other relevant transport bodies, recommended that all future reforms are to be developed with an implementation plan and agreed to by the Council. As such, future 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, they include the 10th amendment package for the ARRs, the 8th amendment package for the AVSRs and the latest version of the AdGC (version 7.3).

The ‘rail reform’ section monitors progress of the Rail Safety Regulation and Investigation Reform, which encompasses the RSNL, the National Rail Safety Regulator, as well as the expansion of the Australian Transport Safety Bureau’s (ATSB) investigative arrangements.

The ‘port reform’ section monitors progress of the National Ports Strategy.

The ‘maintenance of existing reforms’ section monitors the implementation of the ARRs, the AVSRs and the AdGC. Additionally, this report includes monitoring of the implementation of the recommendations from the Strategic Review of the ARRs and the AVSRs and the Strategic Framework Review of the Regulation of Land Transport Dangerous Goods.

**Indicator of implementation status**

Each Australian jurisdiction and the two national regulators 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. Table 1 lists the implementation status indicator definitions used to ensure consistent and comparable status indicators.

**Structure of the report**

This report is divided into four key reform areas covering the current national transport reforms:

1. heavy vehicle reforms
2. rail reform
3. port reform
4. maintenance of existing reforms.

The ‘heavy vehicle reforms’ section includes the Heavy Vehicle Regulatory Reform, which encompasses the HVNL and the NHVR. The section also includes the heavy vehicle charging framework.
### Table 1. Indicator of implementation status

<table>
<thead>
<tr>
<th>Reform implementation status indicators</th>
<th>Status definition</th>
<th>Progress comments required</th>
</tr>
</thead>
</table>
| Complete                                | All milestones have been completed | Describe:  
- 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:  
- 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:  
- 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  
- 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:  
- reasons for any delays  
- barriers to implementation  
- recommended solutions to achieve implementation |
| 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 |

* Higher impact variations include those that have significant policy implications, their impact is not limited to a single jurisdiction, they require coordination with multiple agencies, they introduce complexity or costs, and they have no obvious basis for harmonisation with the national or model laws.

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

The NTC welcomes any feedback that can help us to improve the report in the future. To provide feedback, please email the NTC at enquiries@ntc.gov.au or telephone (03) 9236 5000.
HEAVY VEHICLE REFORMS

Heavy Vehicle Regulatory Reform

Key points

- The Heavy Vehicle National Law (HVNL) was approved by the Ministerial Council of transport and infrastructure ministers in November 2011.
- The national laws were adopted by the host jurisdiction Queensland (August 2012), and enabling legislation passed in Victoria (May 2013), New South Wales (June 2013), South Australia (July 2013), Tasmania (July 2013) and the Australian Capital Territory (November 2013).
- New South Wales, Victoria, South Australia and Tasmania have introduced a number of variations to the national law.
- The NHVR was established in January 2013 and commenced limited operations.
- On the 10 February 2014, the HVNL commenced, giving the NHVR the powers to administer the national laws and regulations (with the exception of the chapter 2, relating to the National Heavy Vehicle Registration charges).
- In response to industry concerns about delays in finalising approval of access permits, the NHVR introduced transitional arrangements to speed up the permit approval process.
- Concurrent with short-term actions, planning is underway by the NHVR to identify a preferred course of action for the future delivery of a sustainable and efficient process and system for permit decision-making and administration.
- Administration of the national heavy vehicle registration scheme has been delayed until July 2015 to allow a national registration system to be considered.
- Service agreements between the NHVR and each participating state and territory were signed ahead of the HVNL commencing.
- The Northern Territory 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 establishes 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.

On 19 August 2011 all governments, except Western Australia, signed an intergovernmental agreement to establish national legislation and establish the NHVR to administer the national law in each state and territory and regulate heavy vehicles. The agreement committed the participating governments to:

- adopt the national heavy vehicle laws
- establish an independent national heavy vehicle regulator
- develop and implement agreed national standards for delivering heavy vehicle regulatory services and activities
- develop service agreements between the NHVR and each state and territory.
Reform implementation overview

This report monitors the implementation progress of states and territories and the Commonwealth against the agreed milestones established in the intergovernmental agreement for the reform. Table 2 provides an overview of the progress of delivering the key outputs against these milestones.

Table 2. Implementation summary of the Heavy Vehicle Regulatory Reform

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 National law adopted by all states and territories</td>
<td>1.1.2 States and territories draft complementary legislation by end March 2012</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td></td>
<td>1.1.4 States and territories introduce and pass enabling legislation by July 2012 (if possible) but no later than end October 2012</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td></td>
<td>1.1.5 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 (anticipated by late 2012)</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td>1.2 NHVR established</td>
<td>1.2.2 NHVR fully operational by 31 December 2012</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td>1.3 Agreed national standards developed and implemented</td>
<td>1.3.1 National standards agreed by end June 2012</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
</tbody>
</table>
Table 2. Implementation summary of the Heavy Vehicle Regulatory Reform (con’t)

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.4 Service-level agreements developed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.4.1 Framework for service-level agreements developed that includes key performance indicators for the NHVR and jurisdictions finalised by August 2011</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.4.2 NHVR establishes service-level agreements with each state and territory by 31 December 2012</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.5 HVNL amendments (Council approved in May 2014)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.5.1 One-tonne mass transfer amendment to the heavy vehicle national regulation</td>
<td></td>
</tr>
</tbody>
</table>

National law adopted by all states and territories

Governments agreed that the national law will cover the following existing national model legislation or policies as approved by the Council, and its predecessors, SCOTI and the Australian Transport Council:

- registration
- heavy vehicle registration charges
- vehicle standards
- mass and loading
- oversize and overmass vehicle standards
- restricted access vehicles, including performance-based standards (PBS)
- alternative compliance schemes, i.e. the National Heavy Vehicle Accreditation Scheme (NHVAS)
- higher mass limits
- concessional mass limits

- mass, dimension and load restraint
- compliance and enforcement (including chain of responsibility)
- driver fatigue
- speeding compliance
- the Intelligent Access Program.

Adopting of the national law by all states and territories (Output 1.1) will be complete when all participating states and territories pass the national law through their parliaments and the legislation commences.

The previous National Transport Reform Implementation Monitoring Report reported milestones 1.1.1 and 1.1.3 as complete. That report also reported that New South Wales, Victoria, South Australia and Tasmania had passed their relevant enabling laws. In November 2013, the Australian Capital Territory also passed its enabling law, completing milestone 1.1.4 for the participating jurisdictions.
The Northern Territory has indicated that the HVNL will not start there until the benefits to local industry are clearly demonstrated. As such, like Western Australia, the Northern Territory is currently a non-participating jurisdiction for this reform.

On 10 February 2014, the HVNL commenced with the exception of chapter 2 relating to the national heavy vehicle registration charges. At this time, the national laws became applicable in Queensland, New South Wales, Victoria, Tasmania, South Australia, and the Australian Capital Territory.

Heavy vehicle registration and registration charges

Ministers agreed that the laws concerning heavy vehicle registration will be delayed until July 2015 to allow for a national registration system to be considered.

The regulations for the heavy vehicle registration charges were prepared as part of the development of the national laws, but as a result of delays to the heavy vehicle registration scheme, these laws were not included with the national laws. The registration charges regulations will be included once the registration scheme has been developed and an implementation date is agreed on.

The Commonwealth is expected to repeal the Federal Interstate Registration Scheme following passage of enabling legislation by state and territories (milestone 1.1.5). This has been delayed because it is dependent upon the heavy vehicle registration provisions applying in all participating jurisdictions. The states and territories have advised that registration provisions will start once the NHVR’s information technology system is implemented. The NHVR is developing the business case for the heavy vehicle registration scheme which is expected to be considered by the Council in May 2015.

Further information about the adoption of the national laws by each state and territory and the Commonwealth is provided in Table 3.
Table 3. Jurisdictions’ comments on adopting the National Heavy Vehicle Law

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>Passed the <em>Heavy Vehicle (Adoption of National Law) Bill 2013</em> on 19 June 2013. An amendment Bill was passed on 18 September 2013. Roads and Maritime Services (RMS) and the NHVR formalised their services agreement, under which RMS delivers regulatory services on behalf of the NHVR, in late 2013.</td>
</tr>
</tbody>
</table>
As of 25 February 2014, VicRoads, under delegation from the NHVR, has been processing intra-state permits for oversize and over-mass and special purpose vehicles.  
VicRoads provided services under a service agreement with NHVR in 2013-2014 although service standards were not included.  
As agreed by the Council in May 2014, the 2013-2014 service agreements between jurisdictions and the NHVR have been extended to 2014-2015.  
Victoria contributed to and supported the development of the one-tonne mass axle transfer policy. Victoria is working with the NHVR on the implementation of the policy proposed for later in 2014. |
South Australia is performing functions of the NHVR as specified in the service agreement with the NHVR. In addition to performing these functions, South Australia is also administering intrastate access management function under delegation from the NHVR.  
Implementation of the one-tonne mass transfer regulations is dependent on the approval of the regulations by Queensland.  
South Australia has notified its derogations from the HVNL to the Council and considers they do not detract from the ability to realise the desired objectives of the national reform as described in section 3 of the HVNL. |
| QLD          | On 10 February 2014, Queensland, as host jurisdiction, commenced the operational provisions of the HVNL Act, excluding chapter 2 on registration. This allowed the NHVR to assume full regulatory functions under the national law. |
| WA           | Western Australia is not a signatory to the intergovernmental agreement underpinning the HVNL but has expressed support for these reforms. Western Australia has chosen not to participate in the NHVR pending demonstration that the reform will benefit local industry.  
The one-tonne mass transfer amendment to the heavy vehicle national regulation is currently in progress as part of Western Australia’s Compliance and Enforcement Bill. It is estimated that implementation, will occur in June 2015. |
| TAS          | The *Heavy Vehicle National Law Bill 2013 (Tas)* was passed on 4 July 2013, and commenced on 10 February 2014.  
The driver fatigue chapter of the HVNL has been delayed until the first half of 2015. |
The Northern Territory Government has indicated the Northern Territory 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.

The Northern Territory already applies the one-tonne mass transfer policy in its current practices.


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 July 2015.

The NHVR commenced limited operations on 21 January 2013 (PBS and the NHVAS), and fully commenced operations on 10 February 2014.

The NHVR notes that chapter 2 of the HVNL (National Heavy Vehicle Registration) has not yet commenced.

Service level agreements were signed with all participating jurisdictions prior to full commencement. These agreements are being reviewed for 2014-15.

As the laws are being implemented, some states and territories implemented derogations, or exemptions, to the national law that apply specifically to the individual jurisdictions. One of the key objectives of the heavy vehicle reform is to improve regulatory consistency across Australia by applying a single, consistent law. Derogations to the law could dilute the productivity, efficiency and safety benefits possible through consistent application of the law. Derogations should, therefore, be minimal in number and impact.

Some derogations are insubstantial in nature and impact. Others require a continued national response because the policy implications are significant, the impact not limited to a single jurisdiction and it requires coordination with multiple agencies.

Derogations of note include the:

- preserving state-based accreditation schemes in relation to the Hire Trailer Maintenance Management Scheme and the New South Wales Livestock Loading Scheme, with New South Wales Road and Maritime Services to remain as the regulator (New South Wales)
- requiring a heavy vehicle (including buses/coaches) to have a vehicle monitoring device fitted, and associated enforcement and administration provisions (New South Wales)
- exempting bus drivers who are responding to an emergency or driving a rail replacement bus from fatigue management provisions (Victoria).

### Table 3. Jurisdictions’ comments on adopting the National Heavy Vehicle Law (con’t)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT</td>
<td>The Northern Territory Government has indicated the Northern Territory 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. The Northern Territory already applies the one-tonne mass transfer policy in its current practices.</td>
</tr>
<tr>
<td>Cwlth</td>
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</tr>
<tr>
<td>NHVR</td>
<td>The NHVR commenced limited operations on 21 January 2013 (PBS and the NHVAS), and fully commenced operations on 10 February 2014. The NHVR notes that chapter 2 of the HVNL (National Heavy Vehicle Registration) has not yet commenced. Service level agreements were signed with all participating jurisdictions prior to full commencement. These agreements are being reviewed for 2014-15.</td>
</tr>
</tbody>
</table>

Derogations of note include the:

- preserving state-based accreditation schemes in relation to the Hire Trailer Maintenance Management Scheme and the New South Wales Livestock Loading Scheme, with New South Wales Road and Maritime Services to remain as the regulator (New South Wales)
- requiring a heavy vehicle (including buses/coaches) to have a vehicle monitoring device fitted, and associated enforcement and administration provisions (New South Wales)
- exempting bus drivers who are responding to an emergency or driving a rail replacement bus from fatigue management provisions (Victoria).
Western Australia and the Northern Territory’s non-participation in the national reform will affect heavy vehicle operators who operate across both participating and non-participating jurisdictions by retaining different sets of rules to comply with. These differences also create enforcement challenges, especially in relation to restricted access vehicles and fatigue management. The extent of this impact is currently uncertain, as Western Australia has indicated it will enact legislation to mirror aspects of the national laws, while other aspects may vary from the national approach. Western Australia intends to mirror the model compliance and enforcement laws, including chain of responsibility, which will bring the Western Australian laws into closer alignment with the national system.

The National Heavy Vehicle Regulator established

The intergovernmental agreement established two milestones for establishing and operating the NHVR as shown in Table 2. Output 1.2 will be complete when the NHVR begins administering all elements of the national law.

As reported in the previous monitoring report, the NHVR began limited operations of the non-legislative functions on 21 January 2013 (milestone 1.2.1). These operations included administering the NHVAS and the PbS scheme.

When the national law commenced on 10 February 2014, the NHVR took on responsibility for:

- managing and issuing of heavy vehicle access permits
- managing and issuing of heavy vehicle standards, modifications and exemption permits
- administering a single national point of contact and full legislative responsibility for NHVAS (no longer under delegated authority from jurisdictions)
- administering a single national point of contact for PBS, including PBS-approved vehicle access applications
- a new risk classification system for advanced fatigue management
- an updated and improved national driver work diary
- one set of national notices
- one set of national fees for NHVR services
- one set of national penalties (NHVR, 2014).

Under the HVNL, the NHVR must now secure local government approval for heavy vehicle travel on local government roads before an access permit can be issued. Under the previous arrangements this was not required.

In early 2013 the NHVR commissioned the development of an Access Management System (AMS) to provide an online application process for state and territory road managers to manage and issue heavy vehicle access permits under the new laws. Development work was undertaken throughout 2013 and the system was scheduled to go-live in February 2014. Ongoing project and system difficulties meant AMS failed to go-live on this date and resulted in delays in finalising approvals for access permits.

The NHVR is working with its stakeholders to plan the remediation of AMS. An access remediation business case is being developed to provide a clear strategic analysis and direction required to ensure a sustainable system can be implemented. It will also chart a path to enable the NHVR to deliver the original intent of a national permitting system. Remediation business case is scheduled for mid-September 2014.
In response to industry concerns about the delays, the NHVR introduced transitional arrangements to speed up the permit approval process. The arrangements involve:

- state or territory-based road transport authorities directly processing access permit applications for certain heavy vehicle classes involving intrastate travel wholly within New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory
- the NHVR continuing to process applications for interstate journeys
- the NHVR processing all applications for journeys in Tasmania with the Tasmanian road authority coordinating road manager consents for certain heavy vehicle classes
- operators in all states having the option of seeking consent directly from local governments and giving the copy of that consent to the NHVR or the state road authority with their application.

The current transitional arrangements involve multiple processes and systems. The overall benefits of the reform will take longer to be realised as the costs to both industry and governments will be higher than originally anticipated. A system wide approach will reduce these risks.

The temporary arrangements in processing permits will be reviewed following consultation and feedback.

As chapter 2 of the national law has not yet commenced, and the NHVR is not currently delivering the original intent of a national permitting system. As such, full operation of the NHVR (milestone 1.2.2) has not yet occurred. It will take a further two to four years before the NHVR will have mature procedures, processes and associated staff capabilities in place.

Agreed national standards

The intergovernmental agreement sets out that the Council will work collaboratively with participating governments to develop and agree on national standards for delivering regulatory activities and services by the NHVR (milestone 1.3.1).

Section 695 of the HVNL requires that the NHVR’s annual corporate plans contain a statement outlining the National Performance Measures which specify the standards expected to be complied with, and the performance indicators proposed to measure the NHVR’s progress in implementing objectives.

This milestone has been achieved with the publication of the National Performance Measures contained in the NHVR’s Corporate Plan for 2014 to 2017.

Service agreements

The intergovernmental agreement allows that the NHVR may agree for a state or territory agency to deliver regulatory services and activities that fall within its scope, role and functions through a service agreement. Milestone 1.4.1 expected that a framework for the service agreements, including key performance indicators for the NHVR and jurisdictions, would be finalised by August 2011. Service agreements between the NHVR and participating jurisdictions were signed ahead of the national law commencing on 10 February 2014. The service agreements adopt existing metrics from state agencies as the basis for initial performance reporting. The service agreement will be reviewed for 2014–15.
Heavy vehicle charges

Key points

- In May 2014 ministers announced that an annual adjustment of 1.3 per cent to heavy vehicle registration charges would commence from 1 July 2014.
- The 2014–15 annual adjustment took effect from 1 July 2014 in all states and territories (the Northern Territory implemented the adjustment on 1 August 2014).
- New charges will be implemented from 1 July 2016, based on recommendations of the National Transport Commission (NTC).

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 better and safer roads. Charges are a combination of a fixed annual registration and fuel-based road user charges.

The heavy vehicle charges aim to:

- fully recover, in aggregate, the expenditure on roads allocated to heavy vehicles
- ensure nationally consistent charges
- remove cross-subsidisation across different heavy vehicle classes.

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 there would be an annual adjustment of 1.3 per cent to heavy vehicle registration charges from 1 July 2014, or as soon as practical afterwards, and that the Road User Charge rate of 26.14 cents per litre will be maintained for 2014-15. The Council stated that from 1 July 2016 new charges will be implemented, based on recommendations of the NTC.

Table 4 provides an overview of the Commonwealth, states and territories’ progress against agreed milestones.

Table 4. Implementation summary of the heavy vehicle charges

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Heavy vehicle charges implemented</td>
<td>2.1.1 2014–15 annual adjustment adopted by 1 July 2014 or as soon as possible thereafter - Complete</td>
<td>Complete</td>
</tr>
</tbody>
</table>

NSW VIC SA QLD WA TAS NT ACT Cwlth
The 2014–15 annual adjustment took effect from 1 July 2014 in all states and territories, except the Northern Territory who implemented the adjustment on 1 August 2014. This completed the national implementation of the 2014-15 annual adjustment (milestone 2.1.1). Further information about the implementation of heavy vehicle charges is provided in Table 5.

Table 5. Jurisdictions’ comments on implementing the heavy vehicle charges

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>Implemented the 2014 annual adjustment for heavy vehicle registration charges on 1 July 2014.</td>
</tr>
<tr>
<td>VIC</td>
<td>Implemented on 1 July 2014.</td>
</tr>
<tr>
<td>SA</td>
<td>Implemented on 1 July 2014.</td>
</tr>
<tr>
<td>QLD</td>
<td>Implemented on 1 July 2014.</td>
</tr>
<tr>
<td>WA</td>
<td>A 1.3 per cent increase in the current Western Australian charges was implemented on 1 July 2014. On 23 April 2014, Western Australia lodged an out-of-session Council vote agreeing to implement a new schedule of national heavy vehicle charges from 1 July 2014 leading to adopting an updated determination in 2016. Implementation of the schedule commenced with the 1.3 per cent increase in the Western Australian charges. Western Australia will transition charges to align with the updated determination over a three year period, in collaboration with the NTC, subject to ensuring that the charges are appropriate for the Western Australian heavy vehicle fleet, freight task and road conditions.</td>
</tr>
<tr>
<td>TAS</td>
<td>Implemented on 1 July 2014.</td>
</tr>
<tr>
<td>NT</td>
<td>The Northern Territory is taking a staged approach to moving towards the national charges regime by increasing heavy vehicle charges by 1.3 per cent on 1 August 2014, with a further one per cent increase due on 1 January 2015.</td>
</tr>
<tr>
<td>ACT</td>
<td>Implemented on 1 July 2014.</td>
</tr>
<tr>
<td>Cwlth</td>
<td>Implemented on 1 July 2014.</td>
</tr>
</tbody>
</table>
RAIL REFORM

Rail Safety Regulation and Investigation Reform

Key points

- The Rail Safety National Law (RSNL) was approved by the Ministerial Council of transport and infrastructure ministers in November 2011.
- The national law was adopted by host jurisdiction South Australia (May 2012), and enabling legislation has been passed in New South Wales, Tasmania, the Northern Territory (October 2012), Victoria (April 2013) and the Australian Capital Territory (May 2014).
- Victoria’s laws include significant local variations to the national law by excluding trams and light rail operations from the national approach and giving its minister the power to remove all other rail operations if a service-level agreement is not put in place.
- New South Wales has enacted local variations to the national law relating to fatigue and drug and alcohol testing.
- Western Australia is developing laws that mirror the RSNL.
- The Queensland Government has determined that it will retain its sovereign powers for rail safety and not refer those powers to another entity.
- The National Rail Safety Regulator was established in January 2013 and is fully operational in jurisdictions where the enabling legislation has commenced.
- The Australian Transport Safety Bureau’s (ATSB’s) role has been expanded to cover rail safety investigations nationally. Its expanded role began in January 2013 in jurisdictions where the enabling legislation has come into effect.

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 objectives of the reform are to improve safety, and reduce the costs and regulatory burden for Australian transport companies, export and trade. A further objective is to extend the ATSB’s role to operate as an enhanced national rail safety investigator, covering corporate rail operators and those engaged in interstate trade.

On 19 August 2011 all governments signed an intergovernmental agreement committing to:

- adopting a national rail safety law
- establishing an independent national rail safety regulator that administers the national rail safety law
- expanding the role of the ATSB to cover rail safety investigations nationally.

Reform implementation overview

This report monitors the implementation progress of the Commonwealth, states and territories against the agreed milestones established in the intergovernmental agreement for the reform. Table 6 provides an overview of progress against these milestones.
### Table 6. Implementation summary of the Rail Safety Regulation and Investigation Reform

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>NSW</td>
</tr>
<tr>
<td>3.1 Rail Safety National Law</td>
<td>3.1.4 States and territories draft enabling legislation by August 2012</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>3.1.5 States and territories introduce enabling legislation into their parliaments by September 2012</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>3.1.6 States and territories pass enabling legislation by December 2012</td>
<td>✓</td>
</tr>
<tr>
<td>3.2 National service delivery standards</td>
<td>3.2.1 National service delivery standards developed and agreed by March 2012</td>
<td>✔</td>
</tr>
<tr>
<td>3.3 Transition plan</td>
<td>3.3.1 Transition plan agreed by 31 December 2011</td>
<td>✔</td>
</tr>
<tr>
<td>3.6 National arrangements</td>
<td>3.6.1 National regulator established and operational by 1 January 2013</td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td>3.6.2 Commencement of national rail safety investigation arrangements by 1 January 2013</td>
<td>✔</td>
</tr>
</tbody>
</table>
Rail Safety National Law

Adopting the RSNL by all states and territories (Output 3.1) will be complete when all states and territories pass the national law through their parliaments.

Governments agreed that the national law will encompass all aspects of rail safety including operations, equipment standards, hours of work and fatigue. The intention of a single national law is to replace 46 pieces of state, territory and Commonwealth law and establish the National Rail Safety Regulator. Establishing a single national regulator is intended to replace seven separate regulatory authorities.

The objectives of national laws are to:

- support a seamless national rail transport system
- improve rail safety
- reduce operational costs for regulators
- streamline regulatory arrangements and reduce the compliance burden for businesses
- improve national productivity from increased interstate competition.

The previous National Reform Implementation Monitoring Report reported that milestones 3.1.1, 3.1.2 and 3.1.3 were completed.

New South Wales, Victoria, Tasmania and the Northern Territory have passed legislation to enable their respective rail operations to fall under the RSNL and the administration of the National Rail Safety Regulator.

The Australian Capital Territory passed the RSNL in its parliament on 6 May 2014, without variation, but it is still progressing with enacting the regulations and RSNL. The Rail Safety National Law Act 2014 (ACT) will commence automatically on 20 November 2014.

Western Australia is developing its own legislation to ‘mirror’ that of the national law. Western Australia is working with the Office of the National Rail Safety Regulator (ONRSR) to implement the RSNL, with no significant variations expected.

Western Australia’s mirror law approach presents some challenges. For example, any changes to the RSNL will need to be separately implemented by Western Australia and will result in different laws until it makes the necessary changes. Western Australia reports that this will be managed administratively and through transition planning to limit the impacts on interstate rail transport operators. It is too early to determine the size of the impacts of this mirror law approach. For example, if no significant changes are made to the RSNL, the impacts of the mirror law approach are likely to be small. The first amendment package for the RSNL does not contain any significant changes. The NTC will continue to monitor the impacts of this mirror law approach.

The Queensland Government has determined that it is in the state’s best interests to retain its sovereign powers for rail safety and not refer those powers to another entity. It is too early to determine the size of the impacts for industry of the Queensland approach.

Under the Intergovernmental Agreement on Rail Safety Regulation and Investigation Reform, ministers agreed the timeframe for the passage of the enabling legislation (milestone 3.1.6) was December 2012 (Milestone 3.1.5 relating to the introduction of enabling legislation into state and territory parliaments was not specifically monitored because the passing of the legislation is a more significant milestone). Further information about the adoption of the national laws by each state and territory and the Commonwealth is provided in Table 7.
Table 7. Jurisdictions’ comments on implementing the Rail Safety National Law

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>The Rail Safety (Adoption of National Law) Act 2012 (NSW) was passed on 24 October 2012. Legislation and Regulations commenced on 20 January 2013.</td>
</tr>
<tr>
<td>VIC</td>
<td>Victoria passed the Rail Safety National Law Application Bill 2013 (Vic) on 18 April 2013. The law has commenced on 19 May 2014 following the establishment of a service-level agreement with the national regulator.</td>
</tr>
<tr>
<td>SA</td>
<td>The Rail Safety National Law Act 2012 (SA) was passed on 1 May 2012. Part of the Act commenced on 7 June 2012 and the remainder of the Act and the Regulations commenced on 20 January 2013. South Australia has only made administrative variations to the RSNL. South Australia has arrangements with the ATSB for rail safety investigations on rail tracks that is not part of the defined interstate rail network.</td>
</tr>
<tr>
<td>QLD</td>
<td>The Queensland Government has determined that it is in the state’s best interests to retain its sovereign powers for rail safety and not refer those powers to another entity. Queensland is currently exploring alternative ways to engage the national regulator in the state. Queensland is continuing to draft a law that largely mirrors the RSNL to ensure the benefits of consistency are realised in Queensland.</td>
</tr>
<tr>
<td>WA</td>
<td>Western Australia is progressing the passage of mirror legislation. The Rail Safety National Law Bill 2014 (WA) is intended to be introduced to the Western Australian Parliament, and passed, during the spring sittings of 2014. It is anticipated that the National Rail Safety Regulator will commence operations in Western Australia by 1 July 2015, if not earlier.</td>
</tr>
<tr>
<td>TAS</td>
<td>The Rail Safety National Law Bill 2012 (Tas) was passed on 18 October 2012 and commenced on 20 January 2013.</td>
</tr>
<tr>
<td>ACT</td>
<td>The Rail Safety National Law Act 2014 (ACT) was passed on 6 May 2014 and it will commence automatically on 20 November 2014, if not prior to that.</td>
</tr>
<tr>
<td>Cwlth</td>
<td>The Transport Safety Investigation Amendment Act 2012 (Cwlth) was passed on 13 September 2012 and commenced on 20 January 2013.</td>
</tr>
<tr>
<td>ONRSR</td>
<td>Implementing the RSNL in the Queensland, Western Australia and the Australian Capital Territory continues to be a high priority to enable the Office of the National Rail Safety Regulator to become a truly national regulator. Queensland, Western Australia and the Australian Capital Territory continue to operate under state-based legislation.</td>
</tr>
</tbody>
</table>
South Australia, Tasmania and the Northern Territory have enacted the national laws without variation or with variations of an insubstantial impact to the national approach. Victoria and New South Wales have implemented derogations, or exemptions, to the national law that apply specifically to their jurisdictions. One of the key objectives of the rail safety and regulation and investigation reform is to improve regulatory consistency across Australia through applying a single, consistent law. Derogations to the law could dilute the efficiency and safety benefits possible through consistent application of the law. Derogations should, therefore, be minimal in volume and impact.

New South Wales’s variations to the national laws allow it to retain its existing approaches to fatigue management and drug and alcohol testing for rail safety workers (Standing Council on Transport and Infrastructure, 2012). New South Wales’ law also contains explicit provisions relating to the train communications system requirements for trains operating on the New South Wales rail network. The Rail Industry Safety and Standards Board is developing standards for train communications and event recorders which are expected to be completed by June 2015.

The Victorian enabling law contains variations such that if the Victorian minister makes a declaration that there is no service-level agreement in place, the state’s safety director becomes the regulator under the state-based law (Explanatory Memorandum, Rail Safety National Law Application Bill 2013 (Vic.).) As of 19 May 2014, Victoria has had a declared service level agreement with the National Rail Safety Regulator, however, if a declaration were made in the future that this agreement was no longer valid, this would effectively remove all Victorian rail operations from the administration of the regulator.

The other key exclusions from the national scheme include the operations of local rail services, such as all tram and light rail operations and seven tourist and heritage railways operating in regional areas of Victoria. The exclusion of tram and light rail operations was agreed to by the Australian Transport Council in 2010 and the exclusion of the seven tourist and heritage railways was approved by the ministerial council when it approved the Rail Safety National Regulations in November 2012. Other similar nominated railways to be excluded from the national law are typically project-related railways, for example, railways used in the construction of tunnels (New South Wales) and railways with singular purposes, such as the sugar cane railways in Queensland. In comparison, the impact of excluding Victoria’s extensive tram and light rail operations is far more significant than the New South Wales and Queensland examples. It will mean that Victoria must retain a separate state-based rail regulatory presence leading to additional costs in running a separate regulator for tram and light rail operations and the seven tourist and heritage railways in Victoria.

Victorian modifications to the national law and additional requirements also include provisions to:

• enable local drug and alcohol controls to continue to apply to rail safety workers in Victoria
• provide further detail about the relationship between the national regulator and the safety director
• provide for matters relating to delegations, self-incrimination and infringement notices
• exclude the duty of an officer to exercise due diligence to ensure compliance with the national law
• exclude freight terminals from the definition of private sidings (Explanatory Memorandum, Rail Safety National Law Application Bill 2013 (Vic.).)

The ONRSR reports that only New South Wales and Victoria have opted to develop individual service level agreements for providing services that fall within the scope of the regulator. Both jurisdictions have finalised their agreements with the regulator - New South Wales in 2013 and Victoria in May 2014.
National service delivery standards

The intergovernmental agreement commits the National Rail Safety Regulator to operate in accordance with the national standards for delivering regulatory activities and services, as agreed by the Council. The national standards are about how the regulator interacts with its rail stakeholders, for example, regarding auditing, transparency, compliance, consultation, and so on. Milestone 3.2.1 is addressed through a number of related actions such as the independent safety validation exercise and the ONRSR’s Corporate Plan 2013–16 and Statement of Intent.

Transition plan

The intergovernmental agreement commits that a transition plan was to be agreed to by 31 December 2011 (milestone 3.3.1). The ONRSR reports that a transition plan was developed by the project office responsible for establishing the regulator. The ONRSR (and formerly the project office) regularly reports progress against the transition plan to the Council. The plan remains current until the regulator commences administration in each jurisdiction.

The ONRSR notes the completion of the transition plan for Victoria to support its transition into the national operations in May 2014.

Transport Safety Investigations Act amendments

The amendments to the Transport Safety Investigation Act 2003 (Cwlth) (TSI Act):

- give state and territory government ministers a right to request the ATSB to conduct an investigation in their jurisdiction
- clarify the ATSB’s capacity to conduct investigations within the same national jurisdiction as the regulator (i.e. it will no longer be restricted to the defined interstate rail network, running from Brisbane to Perth and Adelaide to Darwin).

The previous monitoring report noted this output and its milestones as complete.

National rail safety investigations

The National Rail Safety Regulation and Investigation Reform establishes a national rail safety investigator to pool investigatory resources from the two states that currently have this investigatory model – Victoria and New South Wales – while introducing a complete dedicated investigation capability in other states and territories for the first time.

The role of the ATSB has been extended to allow it to become a truly national rail safety investigator by having the capacity to conduct or oversee investigations on all nationally regulated rail lines in all jurisdictions for the first time (previously its rail safety investigations were confined activities on the interstate rail network).

The previous monitoring report noted this output and its milestones as complete.

National arrangements

The ONRSR began operation on 20 January 2013, achieving milestone 3.6.1. The regulator can only regulate rail operations in jurisdictions that have applied the national law (New South Wales, Victoria, South Australia, Tasmania and the Northern Territory). The regulator started operations in Victoria on 19 May 2014, with Transport Safety Victoria operating under a service level agreement with the ONRSR to deliver regulatory services under the RSNL. The Australian Capital Territory’s enabling law commences automatically on 20 November 2014 and this will bring its rail operations under the national arrangement.

The intergovernmental agreement also commits the ATSB to becoming the national rail safety investigator (milestone 3.6.2). This milestone was achieved on 20 January 2013, at the same time that the ONRSR commenced. The national rail safety investigation arrangements are only operational in jurisdictions that have applied the national law. However, the expanded capability of the ATSB has also attracted investigation requests from jurisdictions that have not yet implemented the national investigator arrangements, for example, the Cleveland railway station incident in Queensland.
PORT REFORM

National Ports Strategy

Key points

• The National Ports Strategy was endorsed by Council of Australian Governments (COAG) in July 2012.

• The Bureau of Infrastructure, Transport and Regional Economics (BITRE) has undertaken a number of research activities related to improving data and knowledge about port and landside efficiencies.

• States and territories are at various stages in developing long-term ports master plans or master planning policies for independent ports authorities (as relevant).

• Inter-governmental elements of the original ports strategy action plan have been overtaken by subsequent freight and heavy vehicle road reform initiatives by governments.

• The National Ports Strategy lacks definitive implementation milestones to drive progress. Time-bound milestones for implementing the national ports and freight initiatives should be developed and agreed upon.

About the National Ports Strategy

The National Ports Strategy was endorsed by the COAG in July 2012 and provides a nationally coordinated approach to planning and developing port infrastructure and integrating port-related supply chains.

The strategy’s objectives are to facilitate trade growth and improve the efficiency of port-related freight movement through applying a collaborative national framework based on good policy and planning principles.

Reform implementation overview

This report monitors the implementation progress of the Commonwealth, states and territories, Infrastructure Australia and the NTC against the strategy’s action plan. Table 8 provides an overview of progress against these milestones. The strategy’s milestones do not include implementation timeframes.
### Table 8. Implementation summary of the National Ports Strategy

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1 Research</strong></td>
<td>4.1.1 Agree the relevant ports, landside links, nodes and sea channels and update each year</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td></td>
<td>4.1.2 Publish forecasts of trade by commodity, including scenario modelling</td>
<td>VIC: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td></td>
<td>4.1.3 Publish research to support improved ports and landside efficiency, including the feasibility of dedicated land freight infrastructure</td>
<td>SA: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td><strong>4.2 Key performance indicators</strong></td>
<td>4.2.1 Review the Waterline Index and develop strategic KPIs to support improved ports and landside efficiency linked to the strategy’s intermediate objectives and outcomes - complete</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td><strong>4.3 Planning</strong></td>
<td>4.3.1 Develop long-term integrated master plans for ports guided by best practice</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td></td>
<td>4.3.2 Facilitate consideration of proposed plans, assisted by an expert panel - no longer progressing</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
<tr>
<td></td>
<td>4.3.3 Recognition of the ports plan by the Ministerial Council to facilitate collaborative implementation - no longer progressing</td>
<td>NSW: ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️ ✔️</td>
</tr>
</tbody>
</table>
### Table 8. Implementation summary of the National Ports Strategy (con’t)

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>NSW</td>
</tr>
<tr>
<td><strong>4.4 Reform</strong></td>
<td></td>
<td>●●●●●</td>
</tr>
<tr>
<td>4.4.1 Develop a streamlined environmental management regime and strategic assessment process to achieve more timely and predictable approvals</td>
<td></td>
<td>●●●●●</td>
</tr>
<tr>
<td>4.4.2 Review legislation and regulations regarding government-owned organisations that control relevant ports to support effective implementation of the strategy, consistent with best practice regulatory principles and governance</td>
<td></td>
<td>●●●●●</td>
</tr>
<tr>
<td>4.4.3 Improve productivity and prioritise freight on port corridors, particularly through access pricing reform, with regard to directions from the COAG Road Reform Plan; identify port land freight corridors for trials - no longer progressing</td>
<td></td>
<td>●●●●●</td>
</tr>
<tr>
<td><strong>4.5 Technology</strong></td>
<td></td>
<td>●●●●</td>
</tr>
<tr>
<td>4.5.1 Explore opportunities for real-time information technology systems to improve port-related supply chain performance</td>
<td></td>
<td>●●●●</td>
</tr>
<tr>
<td><strong>4.6 Learning-based improvement</strong></td>
<td></td>
<td>●●●●</td>
</tr>
<tr>
<td>4.6.2 Assess and report progress annually against the strategy’s intended outcomes to the Ministerial Council and community, identifying areas for further improvement</td>
<td></td>
<td>●●●●</td>
</tr>
</tbody>
</table>
Research

The National Ports Strategy’s action plan commits states and territories to ‘opt-in’ relevant ports, landside links, nodes and sea channels to be subject to developing long-term integrated master plans (milestone 4.1.1). New South Wales, Victoria, Western Australia and the Northern Territory have opted-in one or more ports for master planning.

In order to progress the research components of the strategy (milestones 4.1.2 and 4.1.3), BITRE has undertaken and commissioned a number of studies, including:

- an investigation of the potential for dedicated and priority freight infrastructure
- a study of empty intermodal containers
- a port–rail intermodal supply chain operations and performance overview of Port Botany, the Port of Melbourne and the Port of Fremantle
- an analysis of transport infrastructure needs for selected bulk commodities
- introduced Freightline – a new series on commodity supply chains.

The research report projecting future port-related commodity freight demand and transport volumes is expected to be published by the end of 2014. This publication would contribute to achieving milestone 4.1.2 relating to forecasts of trade by commodity, including scenario modelling. The works complements publication of a report on ‘Australian bulk commodity exports and infrastructure—outlook to 2025’ in 2013 by the Bureau of Resource and Energy and Economics. The new Freightline series commenced in May 2014 with publication of issues that provide an overview of Australian freight movement and detail transport of iron ore, with future issues to cover coal and grain supply chains. The outcomes of these studies will fill many of the information gaps identified in the National Ports Strategy.

Investigating the potential for dedicated freight infrastructure

BITRE commissioned an investigation of the potential for dedicated and priority freight infrastructure, including rapid cost-benefit analyses of two selected case studies. Neither of the case studies found that dedicated freight infrastructure is economically warranted. The investigation suggests that outside of bulk port exports, dedicated or priority freight infrastructure will very rarely perform better than infrastructure with open access. The study is complete and available from BITRE.

Developing improved key performance indicators

BITRE was given responsibility to review the Waterline Index and develop strategic key performance indicators to support improved ports and landside efficiency linked to the strategy’s intermediate objectives and outcomes (milestone 4.2.1). The investigative studies into empty intermodal containers and the port-related intermodal supply chain operations have provided further input to address this action item.

BITRE, in collaboration with industry, Ports Australia, Infrastructure Australia and the NTC, have agreed to new priority wharf-side and landside key performance indicators, which are being progressively introduced. Significant revisions were made and new indicators introduced in Waterline 53 (released in January 2014), with improved rail indicators introduced in Waterline 54 (August 2014). These actions complete the key performance indicator milestone.
Developing ports master plans

All states and the Northern Territory are expected to develop master plans for priority ports (milestone 4.3.1). Variable progress has been made to date, with some jurisdictions already well advanced in their port planning activities, while others are progressing with other priorities. Further information about each jurisdiction’s development of long-term ports master plans is provided in Table 9.

Table 9. Jurisdictions’ comments on developing long-term master plans

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>The NSW Freight and Ports Strategy, released in November 2013, identifies Port Botany, Port Kembla and Port of Newcastle as key state, national and international transport gateways for the freight industry. A Five Year Port Development Plan has been published by NSW Ports for the ports of Botany and Kembla, with a similar plan for the Port of Newcastle expected by the end of 2014. The New South Wales Government introduced a bill to reform the state’s planning system on 22 October 2013. The bill places an emphasis on strategic planning as the fundamental focus of the new planning system. NSW has recently amended the Ports and Maritime Administration Act 1995 (NSW) to support best practice regulatory principles and port governance. On 30 April 2013 the NSW Government also commenced a review of the legislative framework that provides for the governance and accountability of state owned corporations, including the port corporations. The NSW Freight and Ports Strategy identifies a number of actions to improve productivity on freight corridors via increased access for High Productivity Vehicles and potential investments.</td>
</tr>
<tr>
<td>VIC</td>
<td>In August 2013, the Victorian Government released the Victorian Freight and Logistics Plan, updating and revising the directions of the previous state port and freight strategies. Consistent with the National Ports Strategy’s requirements, Victoria already has master plans in place for all four of its commercial trading ports (i.e. Melbourne, Hastings, Geelong and Portland). Victoria has provided input into the development of Ports Australia’s process to develop best practice ports master planning guidelines. Victoria’s commercial ports are reviewing their 2009 port development strategies, as required under the Port Management Act 1995 (Vic), with the Port of Geelong being the first finalised. Based on the Port of Geelong, and to assist the other ports in this process, the Minister for Ports has recently agreed to commence developing Ministerial Guidelines for Port Development Strategies. The Victorian Government will be leading the development of these guidelines in conjunction with our commercial ports and through engagement with local government and professional development programs during 2014 and 2015.</td>
</tr>
<tr>
<td>SA</td>
<td>A draft of the Integrated Transport and Land Use Plan (ITLUP) was released for public consultation in late 2013. A strategic document specifically for South Australian ports will be developed after the final release of ITLUP. South Australia has no government-owned organisations that control ports.</td>
</tr>
</tbody>
</table>
Table 9. Jurisdictions’ comments on developing long-term master plans (con’t)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>QLD</td>
<td>Queensland applied the priorities of the National Ports Strategy through the development of the Draft Great Barrier Reef Ports Strategy, completed at the end of 2012. Those priorities were extended to all Queensland ports in the Queensland Ports Strategy, released in June 2014. The Queensland Ports Strategy includes an action for the Queensland Government to introduce a guideline for port master planning that considers relationships beyond traditional port boundaries, operational, economic and social issues including supply chain connections and surrounding land uses.</td>
</tr>
<tr>
<td>WA</td>
<td>Western Australia has partially implemented this reform under a broader governance review, which includes the amalgamation of existing port authorities into four regional port authorities plus Fremantle Port Authority. The enabling legislation, the <em>Ports Legislation Amendment Bill 2013</em> (WA), was given Royal Assent on 20 May 2014 and mergers commenced on 1 July 2014. The Pilbara, Mid West and Kimberley ports authorities have been formed, however, establishing the Southern Ports Authority has been deferred until the end of 2014. The boards of the new regional ports authorities have commenced master planning, which is expected to be implemented by December 2015. Western Australia is developing a State Ports Strategy, which includes provisions for port authorities to prepare Port Master Plans with time horizons of between 15 and 30 years. Western Australia has completed a Regional Freight Network Strategy and is developing a Metropolitan Freight Strategy. Western Australia has also developed a Ports Funding Framework and a Port Infrastructure Rate Policy Guideline (to apply port fees for infrastructure development).</td>
</tr>
<tr>
<td>TAS</td>
<td>Tasmania’s state-owned port business TasPorts is developing a Tasmanian 30-year port development plan consistent with the master planning principles outlined in the National Ports Strategy. The primary focus of the plan will be Tasmania’s commercial ports (Burnie, Devonport, Bell Bay, Hobart); however, minor ports will also be considered through the planning process.</td>
</tr>
<tr>
<td>NT</td>
<td>In 2010 the Northern Territory released the East Arm Wharf Facilities Master Plan 2030. The Master Plan sets out future land use for the next 26 years. The Northern Territory released the Port Development Strategy 2014-2019 in February 2014, which provides a foundation for the Port of Darwin’s growth and development for the next five years to meet the immediate needs of its customers and stakeholders. In 2013 the Northern Territory also began a review of the <em>Darwin Port Corporation Act</em> and associated legislation.</td>
</tr>
<tr>
<td>ACT</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Cwlth</td>
<td>In conjunction with other jurisdictions and industry, the Commonwealth Government has made significant progress promoting an integrated approach to national port and freight challenges. This includes support for the ports industry in adopting integrated long-term port master plans, facilitating improved data availability, and working to streamline environmental requirements. The Commonwealth is leading efforts to develop a more comprehensive understanding of the national land freight system through mapping the key freight routes that connect the nationally significant places for freight.</td>
</tr>
</tbody>
</table>
The Commonwealth has advised that milestones 4.3.2 and 4.3.3 will not be progressed, with inter-governmental consideration of ports master plans occurring in the context of broader ports and freight initiatives.

**Reform**

Environment ministers from all states and territories have signed memoranda of understandings with the Prime Minister, committing to progressing the one-stop-shop reform agenda for environmental approvals where both state/territory and Commonwealth requirements apply. This will streamline environmental approvals through greater use of strategic assessments to achieve more timely, cost-efficient and predictable approvals (milestone 4.4.1). The Commonwealth Government is working towards concluding bilateral agreements with all willing states and territories by December 2014. Legislative amendments are also being pursued to support the efficient implementation and operation of approval bilateral agreements.

The strategy’s action plan directs states and territories to review legislation and regulations regarding government-owned organisations that control relevant ports, where necessary, to support effective implementation of the strategy, consistent with best practice regulatory principles and governance (milestone 4.4.2). Progress is being made against this milestone in a number of jurisdictions.

Access pricing reform (milestone 4.4.3) was being addressed under the COAG-endorsed Heavy Vehicle Charging and Investment process. That process has now completed its work, and the Council agreed in May 2014 to start implementing the initial heavy vehicle road reform measures. As a result, the specific measure identified in milestone 4.4.3 is no longer current.

**Technology**

The NTC established a technology working group comprising representatives of Fremantle, Brisbane, Sydney and Melbourne Ports, Ports Australia, the Victorian Transport Association and the Department of Agriculture, Fisheries and Forestry. This group was charged with exploring opportunities for real-time information technology systems to improve port-related supply chain efficiency. A report has been prepared (milestone 4.5.1).

**Learning-based improvement**

The previous monitoring report noted that milestone 4.6.1 was complete on the publication of an information paper that highlighted the outcomes of a series of port supply chain forums around Australia, featuring international port and supply chain experts. This publication was the last planned action for the learning-based improvement milestone.

Subsequently, in August 2013, Ports Australia released port master planning guidelines. These guidelines represent leading practice for port planning in the context of state/territory land use planning and environmental approval systems.

Ports Australia and Western Australia have been preparing port supply chain guidelines, which will need to be considered concurrently with guidance material for industrial precincts being currently drafted for Austroads.

On finalisation of these packages, there may be benefit in engaging with state, territory and local government land use and transport network planning agencies and authorities.

This report monitors the implementation of the initial priorities and activities of the National Ports Strategy (milestone 4.6.2). As the majority of actions from the National Ports Strategy are still being implemented, it is too early to report against any outcome indicators at this stage.
MAINTENANCE OF EXISTING REFORMS

Australian Road Rules

Key points

- The first Australian Road Rules (ARRs) were approved in January 1999. In November 2013, the Council approved the 10th amendment package and a national implementation schedule.
- There is broad national consistency in the ARRs, with all states and the Australian Capital Territory having adopted the 9th amendment package for the ARRs.
- The Northern Territory intends to implement the 9th package at the same time as the 10th package.
- The 10th amendment package is being progressed by all states and territories.

About the Australian Road Rules

The Australian Road Rules (ARRs) contain 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 ARRs are model laws that have no legislative force of their own and need to be adopted in each jurisdiction’s own 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.

The rules were first approved in 1999 by the former Australian Transport Council (now the Council). Model laws for the 10th amendment package were approved by the Ministerial Council in November 2013.

The 10th amendment package includes amendments that clarify existing rules, create consistency within the ARRs or remove ambiguity. An example of creating consistency can be found in the amendments which will bring rules relating to red and yellow bicycle crossing lights into line with similar rules that already apply to pedestrians. With respect to removing ambiguity, the package will clarify exactly what constitutes a level crossing by specifying that such crossings include the cross-hatched area immediately adjacent to the crossing.

A number of the amendments are motivated by the need for the ARRs to remain current in the light of new technology and community expectations. These types of amendments will provide the conditions for the use of driver’s aids (such as GPS) on mobile phones.

Implementing the Australian Road Rules

On the approval of the 10th amendment package, an implementation schedule, featuring individual timeframes for each jurisdiction, was approved. The implementation schedule takes into account the nature and complexity of the changes required in each jurisdiction and established different milestones accordingly. These individual milestones are noted in the implementation summary table (Table 10).

The schedule outlined that the 10th package could take effect in all jurisdictions by November 2014, which was broadly in line with the timeframes agreed by each individual jurisdiction.

Table 10 provides an overview of the progress of states and territories in adopting the latest revisions to the ARRs (i.e. the 9th and 10th amendments). The previous National Reform Implementation Report reported that the ARRs and each of the first eight amendment packages were implemented by all states and territories.
Table 10. Implementation summary of the ARRs

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5.1 Adopt the ARRs</td>
<td>NSW</td>
</tr>
<tr>
<td></td>
<td>5.1.1 Adopt the ARRs 9th update (December 2011)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5.1.2 Adopt the ARRs 10th update (November 2013)</td>
<td></td>
</tr>
</tbody>
</table>

There is broad national consistency in the ARRs. With the exception on the Northern Territory, all states and the Australian Capital Territory have implemented up to the 9th package of revisions. The Northern Territory has indicated it will implement the 9th package at the same time as it implements the 10th package, which is currently being progressed by all states and territories.

Ideally the amendments would be implemented at the same time. However, the nature of the proposed amendments is such that the impact of different implementation dates will not be significant. Most of the amendments either clarifies existing rules or provides for existing behaviours which should not be prohibited.

There are no amendments in this package which are dependent on a consistent implementation date to satisfy the policy objective of the amendment.

Further information about the adoption of the latest revisions to the ARRs by each state and territory and the Commonwealth is provided in Table 11.

Table 11. Jurisdictions’ comments on implementing the ARRs

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>The ARRs 9th amendment package was implemented on 1 November 2012. The ARRs 10th amendment package is due to be implemented on 1 September 2014.</td>
</tr>
<tr>
<td>VIC</td>
<td>The ARRs 9th amendment package was implemented on 1 July 2012.</td>
</tr>
<tr>
<td>SA</td>
<td>Implemented the 9th Amendment Package on 2 March 2014. The ARRs 10th amendment package is due to be implemented on 1 September 2014.</td>
</tr>
<tr>
<td>QLD</td>
<td>Implemented the 8th and 9th amendment packages on 4 October 2013. There are some Queensland-specific amendments included in the amendments. Queensland expects to implement the 10th amendment package in November 2014.</td>
</tr>
<tr>
<td>WA</td>
<td>The ARRs 9th Amendment Package was implemented through the Road Traffic Code Amendments Regulations (No. 2) 2013 on 31 December 2013 and came into effect three months after that date.</td>
</tr>
<tr>
<td>TAS</td>
<td>The 9th package of amendments was implemented in 2011. The 10th package of amendments is expected to be implemented in September 2014.</td>
</tr>
</tbody>
</table>
The Northern Territory will implement any outstanding amendments at the time of implementing the 10th amendment package.

The 8th and 9th packages were implemented on 1 August 2013.

Not applicable. The Commonwealth supports these reforms but is not an implementing jurisdiction.

The NTC’s Review of the ARRs and the AVSRs found that the rules have largely produced excellent consistency across the nation and that this consistency has contributed to improving road safety. However, some different rules are still used in different states and territories. A key source of these differences comes from states and territories introducing new or updated national rules at different times, leaving a small degree of national inconsistency (NTC, 2013a).
About the Australian Vehicle Standards Rules

The Australian Vehicle Standards Rules (AVSRs) 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. The AVSRs 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 objectives of the standards are to:

• promote the safe use and efficiency of motor vehicles, trailers and combinations throughout their operating life, and the protection of the environment
• reduce the cost of transport administration.

The original AVSRs were approved on 12 October 1998. In May 2014 the Council approved the 8th package of amendments to the AVSRs.

Implementing the Australian Vehicle Standards Rules

The provisions of the AVSRs that applied to heavy vehicles have been incorporated into the regulations of the HVNL. 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 AVSRs)
• the light vehicle standards continuing to be implemented in individual state and territory road transport laws.

The latest changes for heavy vehicles will need to be reflected through the Heavy Vehicle (Vehicle Standards) National Regulation made under the HVNL. The changes have been universally supported by road agencies from all jurisdictions and the Heavy Vehicle National Regulator, however, the amendments still need to be drafted and approved by the Council before they can be implemented.

The latest amendments for light vehicles will only take effect once they are adopted into the law of each state or territory. This may cause enforcement issues as the HVNL will incorporate all the changes to the AVSR’s 8th package.

Australian Vehicle Standards Rules

Key points

• The first Australian Vehicle Standards Rules (AVSRs) were approved in October 1998. In May 2014, the Council approved the 8th amendment package.
• All states and territories have adopted the AVSRs into their own laws. However, inconsistencies remain at the national level when states and territories introduce new or updated national rules (packages) at different times.
• To improve the consistency of the timing of implementation, and therefore national uniform adoption and application of the rules, implementation plans containing delivery milestones have been developed and agreed prior to the approval of the latest amendment package.
• The Heavy Vehicle National Law (HVNL) has incorporated the provisions of the AVSRs that apply to heavy vehicles.
while light vehicles may lag behind, resulting in inconsistent application of the AVSR’s to all vehicles. For example, enforcement personnel may apply the law incorrectly due to the in-service variations for heavy and light vehicles.

On approval of the 8th amendment package, the Council agreed that implementation timing will be determined by each jurisdiction. These individual milestones are noted in the implementation summary table (Table 12).

The commencement by most jurisdictions is achievable by May 2015. This timeframe is broadly in line with the timeframes agreed by each individual jurisdiction.

Ideally amendments would be implemented at the same time. However, the nature of the proposed amendments is such that the impact of different implementation dates will not be significant.

Table 12 provides an overview of the states’ and territories’ progress in adopting the 5th, 6th, 7th and 8th packages of the AVSRs. The table lists the milestones for each amendment package with the month and year that they were approved by transport ministers or their senior officials. Tasmania has not yet settled on an implementation date.

Table 12. Implementation summary of the AVSRs

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Adopt the AVSRs</td>
<td>6.1.1 Adopt the AVSRs 5th update (June 2006)</td>
<td>NSW</td>
</tr>
<tr>
<td></td>
<td>6.1.7 6th update (March 2009)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1.8 7th update (May 2010)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1.4 8th update (Council approved in May 2014)</td>
<td></td>
</tr>
</tbody>
</table>

At present, there is considerable inconsistency in the adoption of the various amendment packages of the AVSRs. While all states and territories have adopted the 4th amendment package, New South Wales, Western Australia and the Northern Territory have yet to adopt the 5th amendment package.

In 2007 the NTC commissioned an audit of the differences in the AVSRs. The audit found that the rules are 99.7 per cent consistent across Australia (NTC, 2013a).

Table 13 provides further information about each state and territory’s adopting of the latest versions of the AVSRs.
Table 13. Jurisdictions’ comments on implementing the AVSRs

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>NSW expects to implement a consolidated package of amendments in 2014-15. Implementation on the 5th, 6th and 7th amendment packages were delayed while the National Heavy Vehicle Regulator was implemented.</td>
</tr>
<tr>
<td>VIC</td>
<td>The 7th and 8th amendment packages are expected to be incorporated into the Road Safety (Vehicles) Regulations 2009 by the end of 2014.</td>
</tr>
<tr>
<td>SA</td>
<td>Implementation of the 8th update is expected to be achieved by May 2015, but may take longer as the Council approved regulations that do not differentiate between amendments to light vehicle standards and heavy vehicle standards. South Australia has started identifying how the amendments impact on the Road Traffic (Light Vehicles Standards) Rules.</td>
</tr>
<tr>
<td>QLD</td>
<td>Process to include the 8th package of amendments into legislation has commenced and is scheduled for completion by March 2015.</td>
</tr>
<tr>
<td>WA</td>
<td>Progress is continuing for the adoption of the 5th, 6th, 7th and 8th packages. Update 7 will be progressed as part of a set of compliance and enforcement legislation titled Road Traffic (Vehicles) Regulations 2014 for implementation June 2015. Regulations for 5th, 6th and 8th updates will be finalised separately for Executive Council approval for anticipated implementation April 2015.</td>
</tr>
<tr>
<td>TAS</td>
<td>Implementation of the 5th, 6th and 7th packages has been completed with derogations regarding DT80 emission testing. This will be reviewed as part of our future works program however, no decision on timing has been made.</td>
</tr>
<tr>
<td>NT</td>
<td>The Northern Territory will implement any outstanding amendments at the time of implementing the 8th amendment package.</td>
</tr>
<tr>
<td>ACT</td>
<td>Implementation of the 8th package of amendments will be progressed through 2014/15.</td>
</tr>
<tr>
<td>Cwth</td>
<td>Not applicable. The Commonwealth supports these reforms but is not an implementing jurisdiction.</td>
</tr>
</tbody>
</table>
Strategic Review of the ARRs and the AVSRs

The NTC undertook a strategic review of the rules and standards to determine whether any improvements could be made to the ways in which the rules are developed and implemented. In November 2013, ministers approved the Review of the ARRs and the AVSRs with its recommendations and supporting implementation plan. Table 14 provides an overview of the implementation status of the review’s recommendations.

### Table 14. Implementation summary of the Strategic Review of the ARRs and the AVSRs

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Owners</th>
<th>Implementation timing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Retain the model law approach for the ARRs and the AVSRs and renew efforts to resolve the inconsistencies where states and territories have varied from the nationally agreed model laws.</td>
<td>States and territories; NTC</td>
<td>On-going through existing maintenance processes.</td>
<td>On-going recommendation is being pursued through the existing maintenance processes.</td>
</tr>
<tr>
<td>2. Maintain publicly available lists outlining the differences between jurisdictions’ laws and the model laws for the ARRs and the AVSRs, to improve information for Australians and international visitors about the differences between states and territories.</td>
<td>States and territories; NTC</td>
<td>The NTC will provide advice about the format of the derogations lists by December 2013. States and territories undertake to complete by June 2014</td>
<td>NTC provided relevant advice in November 2013. Further work by states and territories is to be done.</td>
</tr>
<tr>
<td>3. Include relevant aspects of the Australian Transport Council’s (the predecessor to the Council) national transport visions, policy objectives and principles in the ARRs and AVSRs.</td>
<td>NTC</td>
<td>Reach agreement with maintenance group members on precise wording, then update the ARRs and AVSRs via the next amendment packages (AVSRs by May 2014; ARRs by May 2015).</td>
<td>National transport visions, policy, objectives and principles referenced in the explanatory document for the AVSR 8th amendments. To be included in the 11th amendment package of the ARRs.</td>
</tr>
<tr>
<td>4. Update the objectives of the ARRs to:</td>
<td>NTC</td>
<td>Via the next amendment package for the ARRs (i.e. by May 2015).</td>
<td>Updated objectives will be included in the 11th amendment package.</td>
</tr>
<tr>
<td>• uniform rules throughout Australia for all road users</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• specify behaviour for all road users that supports the safe and efficient use of the road system.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Improve consultation and planning processes for updating the rules.</td>
<td>NTC</td>
<td>NTC will implement improved processes for the 11th ARRs amendment package (May 2015) and the 8th AVSRs amendment package (May 2014).</td>
<td>On-going recommendation is being pursued through the existing maintenance processes.</td>
</tr>
</tbody>
</table>
Australian Dangerous Goods Code

Key points
- The Council approved version 7.3 of the Australian Dangerous Goods Code (ADGC) in May 2014.
- All states and territories have implemented the 7th edition of the ADGC.
- New South Wales, Queensland, Northern Territory, Tasmania and Western Australia have already adopted the version 7.3 of the ADGC, while the other jurisdictions are progressing its implementation.

About the Australian Dangerous Goods Code
The Australian Dangerous Goods Code (ADGC) sets out the requirements for transporting dangerous goods by road or rail. The objectives of the ADGC 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.

In May 2014 the Council approved an update of the ADGC. When the changes are adopted into state and territory laws they will remove previous inconsistencies with air and sea transport, improve the clarity of some existing rules and update the laws so they are consistent with the latest editions of the United Nations Model Regulations for the Transportation of Dangerous Goods.

Implementing the Australian Dangerous Goods Code
All states and territories have implemented the 7th edition of the ADGC which was approved in 2007. Table 15 provides an overview of the states’ and territories’ progress in version 7.3 of the ADGC.

Table 15. Implementation summary of the Australian Dangerous Goods Code

<table>
<thead>
<tr>
<th>Output</th>
<th>Milestone</th>
<th>Implementation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1 Adopt the ADGC</td>
<td>7.1.1 Update to version 7.3 of the ADGC (Council approved in May 2014)</td>
<td>NSW</td>
</tr>
</tbody>
</table>

New South Wales, Queensland, Northern Territory, Tasmania and Western Australia have adopted version 7.3 of the ADGC, while the other jurisdictions are progressing implementation.

Within states and territories that have adopted the updated ADGC, a voluntary transition period commenced on 1 July 2014, allowing industry to voluntarily comply with the new code or comply with the previous code. From 1 July 2015, compliance with the new code will be mandatory. It is expected that all jurisdictions will have implemented the latest version by then.
In November 2013, Ministers approved recommendations made by the NTC which included:

- aligning amendments to the ADGC with the two-yearly international cycle of updates to the UN Recommendations on the Transport of Dangerous Goods – Model Regulations to ensure Australia keeps pace with international best practice
- ensuring states and territories implement the same definition of the ADGC in their laws to eliminate the inconsistencies in state and territory laws that occur when updates are made to the ADGC and implementation does not occur on a common date
- introducing a timeframe for regulators to make decisions about applications, to ensure businesses receive a timely outcome (NTC, 2013b).

Full national implementation of the latest update of the ADGC will satisfy each of these recommendations.

Work is progressing on Amendment Package No. 3, which is expected to go to the Council for approval in May 2015 with a likely implementation date by 1 January 2016.

Further information about the adoption of the latest version of the ADGC by each state and territory and the Commonwealth is provided in Table 16.

### Table 16. Jurisdictions’ comments on implementing the Australian Dangerous Goods Code

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Implementation comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>The Dangerous Goods (Road and Rail Transport) Regulation 2014 was gazetted on 27 June 2014 and commenced on 1 July 2014.</td>
</tr>
<tr>
<td>VIC</td>
<td>ADGC version 7.3 has yet to be adopted in Victoria. Incorporation of ADGC version 7.3 is being considered as part of broader reforms to the National Model Regulations on the transport of dangerous goods. No decision on timing has been made.</td>
</tr>
<tr>
<td>SA</td>
<td>The amended Dangerous Substances Regulations is expected by 1 January 2015.</td>
</tr>
<tr>
<td>QLD</td>
<td>ADGC7.3 version was adopted, commencing on 1 July 2014.</td>
</tr>
<tr>
<td>WA</td>
<td>Implemented on 1 July 2014 with the gazetral of amendments to the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 (the ‘Transport Regulations’).</td>
</tr>
<tr>
<td>TAS</td>
<td>ADGC version 7.3 is legally effective under Tasmanian legislation, as the ADGC is defined in the regulations as the ‘Australian Dangerous Goods Code’, as amended from time to time.</td>
</tr>
<tr>
<td>NT</td>
<td>ADGC version 7.3 is legally effective under Northern Territory legislation, as the ADGC is defined in the regulations as 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’. Amendment Package 1 was included in 2010 legislation amendments. Amendment Package 2 is being reviewed.</td>
</tr>
<tr>
<td>ACT</td>
<td>Updating compliance to ADGC version 7.3 will be progressed in 2014-15.</td>
</tr>
<tr>
<td>Cwlth</td>
<td>The Commonwealth is not an implementing jurisdiction but supports the reform through participation in the Transport of Dangerous Goods Maintenance Group, which has overseen the development of the 2nd amendment package to the national transport of dangerous goods model law, model subordinate law, and the ADGC.</td>
</tr>
</tbody>
</table>
Strategic Framework Review of the Regulation of Land Transport Dangerous Goods

The NTC is undertook a strategic review of the Australian Dangerous Goods Code (ADGC) to determine the most effective framework for regulating the transport of dangerous goods by road and rail. In November 2013, ministers approved the Strategic Framework Review of the Regulation of Land Transport of Dangerous Goods with its recommendations and supporting implementation plan. Table 17 provides an overview of the implementation status of the review’s recommendations.

Table 17. Implementation summary of the Strategic Framework Review of the Regulation of Land Transport Dangerous Goods

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Owners</th>
<th>Implementation timing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The model law approach for the land transport of dangerous goods should be retained, with renewed efforts to resolve the inconsistencies where states and territories have varied the national reform approved by the (former) Australian Transport Council in 2007.</td>
<td>States and territories; NTC</td>
<td>Being implemented.</td>
<td>The amendment package approved by ministers in November 2013 included proposals to resolve existing inconsistencies.</td>
</tr>
<tr>
<td>2. Amend the ADGC to align with the two-yearly international cycle.</td>
<td>NTC</td>
<td>Implemented.</td>
<td>The NTC has implemented this recommendation.</td>
</tr>
<tr>
<td>3. Define the ADGC in jurisdictions’ dangerous goods transport legislation (consistent with the current model laws) as the following: 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.</td>
<td>NSW, QLD, VIC, SA, WA, ACT</td>
<td>Timing to be confirmed by relevant states and territories.</td>
<td>Tasmania and the Northern Territory have legislative definitions of the ADGC consistent with the model law.</td>
</tr>
<tr>
<td>4. Implement future amendments to the ADGC in a manner consistent with the timing and transition periods for the international maritime code for dangerous goods.</td>
<td>States and territories</td>
<td>Timing to be confirmed by relevant states and territories.</td>
<td>Implementation of ADGC 7.3 satisfies this recommendation. See above for individual jurisdictions’ implementation status.</td>
</tr>
</tbody>
</table>
Table 17. Implementation summary of the Strategic Framework Review of the Regulation of Land Transport Dangerous Goods (con’t)

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Owners</th>
<th>Implementation timing</th>
<th>Status</th>
</tr>
</thead>
</table>
| 5. To improve the approval process for applicants seeking approvals, exemptions and determinations, the following should be done: | a) Competent Authorities Panel  
   b) NTC  
   c) Competent Authorities Panel | a) July 2014.  
   b) amendment package number 3 developed for Council approval in November 2014/May 2015.  
   b) NTC is reviewing the means to effectively deliver this outcome.  
   c) Partially implemented. |

b) amend the model laws to include a timeline for a competent authority to make a decision once it has received an application  
c) make decisions and reasoning of the Competent Authorities Panel available on the internet. |

6. After the national work health and safety reforms have been fully implemented, undertake a public review, independently of the NTC, to determine the most appropriate forum for developing and implementing future national dangerous goods transport policy. | Safe Work Australia will complete a full review of the model Work, Health and Safety laws by December 2016.  
   The NTC will write to Safe Work Australia in December 2013. | The NTC wrote to Safe Work Australia to ensure that this recommendation is considered as an input to the review of the model Work, Health and Safety laws has implemented this recommendation. |
REFERENCES


Explanatory Memorandum, Rail Safety National Law Application Bill 2013 (Vic.).


Transport and Infrastructure Senior Officials’ Committee (2013), *2012 Review of the NTC and other Transport bodies*, Standing Council on Transport and Infrastructure, Canberra.