

Transport and Infrastructure Council Performance based framework

For considering and monitoring the National Transport Commission's corporate plan, work program and budget each year

1. Preamble

This framework has been adopted by the Transport and Infrastructure Council¹ (the Council) for considering and monitoring the National Transport Commission's (NTC's) corporate plan, work program and budget each year. It sets out how the NTC's work program is developed and monitored, and builds in a range of other specific actions that bear on NTC's governance and performance. It provides for a Statement of Expectations (SOE) to be issued to Commissioners on their appointment.

The Statement of Expectations will specify the Council's governance and performance expectations of the NTC, including those arising from its status as an inter-jurisdictional authority under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

The elements for this framework are drawn together and applied under the NTC's legislated deliverables under the *National Transport Commission (NTC) Act 2003* and *Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport* (NTC IGA)². The SOE has regard to the PGPA Act.

The framework was first introduced in 2013 as an outcome of a review of the NTC and other relevant transport bodies conducted by the Transport and Infrastructure Senior Officials Committee (TISOC) in 2012.

The framework was amended in 2019 to reflect the outcomes of the Council's considerations of the "Review of the support arrangements for the Transport and Infrastructure Council and the National Transport Commission", where Council agreed:

- NTC is responsible for development, maintenance and negotiation of model and national law as tasked by TIC.
- The NTC also undertakes research, as directed by TIC, to support model and national law reform and broader strategic transport policy.
- The NTC is not responsible for the national strategic transport and infrastructure agenda.

This framework has been adopted by the Council to apply from [1 July 2019].

2. Scope

This framework specifies actions that the Council expects the NTC and TISOC to carry out for seeking approval of the NTC's corporate plan, work program and budget each year.

It is to be applied in the context of the NTC's role as an expert adviser to the Council on model and national law reform, implementation and evaluation, and TISOC's accountability to the Council for the delivery of national reforms.

¹ The Council, a ministerial council formed by the Council of Australian Governments, is responsible for the NTC, as an inter-jurisdictional transport body covered by the Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport ('the Intergovernmental Agreement'). The Commonwealth is the host jurisdiction for the NTC as a statutory body established under its laws.

² See NTC Act sections 25, 27 and 6(3) coupled with IGA clauses 5.2, 10.2, 10.3 and 11.1

REFORM PLANNING

3. New work agreement

TISOC, in consultation with the NTC, will put recommendations to Council for proposed new work for the NTC to progress, which aligns Council's agreed priorities.

4. Implementation planning

The NTC is to develop implementation plans for individual activities agreed by the Council, for TISOC's consideration and agreement.

(a) Plans are to include: outputs; timeframes; and accountabilities for the development of the reform through to delivery by jurisdictions.

(b) The relevant national regulators should be involved in the development of these plans to ensure that future reform proposals are able to be delivered to meet intended outcomes.

5. Work program prioritisation and publication

(a) The NTC will collaborate with TISOC on the prioritisation of the NTC's work program.

(b) The NTC is to include national laws maintenance in its work program, and following Council agreement, publish these plans with timetables for implementation.

REFORM ENGAGEMENT

6. Consultation and engagement

The NTC is to demonstrate: collaboration through formal working relationships with the national regulators; effort to gain consensus and ensure reform implementation by jurisdictions; and strong industry consultation arrangements, coordinated with the national regulators where applicable.

Prior to public consultation, the NTC is to seek the views of the jurisdictions, for the purposes of ensuring factual accuracy and implementation issues adequately considered, but not for purposes of veto.

REFORM MONITORING & REPORTING

7. Reform implementation reporting

The NTC is to undertake independent annual assessments of their implementation of Council directions and present the results to TISOC.

(a) The assessments should include the reasons for any delay, and if a reform target has not been met, the barriers to implementation and what would be required to bring a jurisdiction back on target, plus an analysis as to whether any variations were implemented that would reduce the benefits of the particular reform. There should be objective analysis of reasons for success or failure, including comment (where necessary) on issues or problems with jurisdictional or NTC roles and performance.

(b) The Reform implementation reports will form part of the TISOC chair's progress reports to Council

REFORM EVALUATION

8. Reform impact evaluation

- (a) Where an evaluation of an existing reform is undertaken, the NTC is to assess the extent to which further uniformity is required to achieve productivity and safety benefits, including the costs and benefits of doing so.
- (b) The NTC is to develop implementation plans for evaluation projects with TISOC agreement.

NTC GOVERNANCE AND PERFORMANCE

9. Accountability – to the Council and TISOC

- (a) The NTC is to respond to the Statement of Expectations through its corporate plan, within the context of this framework.
- (b) The NTC will cooperate with TISOC in monitoring performance of the NTC's work program in terms of the results for which the NTC can be held accountable, and for this purpose, will prepare biannual reports to TISOC – the performance indicators being:
 - milestone delivery timeliness;
 - consultation and engagement with jurisdictions, industry and national regulators;
 - the number of outstanding reforms (work agreed/commenced but not completed);
 - risk-based reform maintenance;
 - reform implementation monitoring; and
 - reform impact evaluation.

10. Report timing

The NTC is to take account of the report timings summarised in the schedule to this framework.

National Transport Commission

Key deliverables and performance reporting

Responsibilities and timing on Council requirements

NTC deliverables (and related inputs/outputs)	Actions required by			
	NTC	TISOC	Council	Commonwealth host jurisdiction
Corporate Plan			2 nd Council meeting (as required)	As required
- Statement of Expectations (SOE)			Endorse SOE	Issue SOE
- Publication	February-June	1 st TISOC meeting	1 st Council meeting	
	Revise/publish the Corporate Plan	Advise Council on proposed Plan	Approve the Corporate Plan	
Annual Work program	February-June	1 st TISOC meeting	1 st Council meeting	
- New work business cases	Finalise annual work program	Assess business cases	Approve annual work program	
- National laws maintenance and forward work program publication	Publish national laws w/program	Prioritise proposed work		
	July-September	2 nd TISOC meeting		
- Reform implementation and evaluation plans	Implementation &evaluation plans	Agree plans		
- Reform implementation report cards	Sept-Dec		2 nd Council meeting	
	Finalise/publish report cards		Consider/respond to report cards	
- NTC performance reports	February-March August-Sept	1 st and 2 nd TISOC meetings		
	Performance reporting	Consider reports		
Budget	February-June	1 st meeting	1 st Council meeting	February-April
- Indexation parameters				
- Commonwealth portfolio budget statement (PBS)	Prepare budget Compile PBS Provide estimates	Advise Council on budget settings	Approve budget	Advise indexation estimate Advise reporting requirements

- Estimates				
Annual report	September			October
	Submit report	N/A	N/A	Table report
Other reporting obligations - eg significant events	Ad hoc			Ad hoc
	PGPA Act notices			Consider/respond

Timing of TISOC and Council meetings in any calendar year are generally:

1st TISOC meeting – March

1st Council meeting – May

2nd TISOC meeting – September

2nd Council meeting – November