

**Department of Infrastructure, Transport, Regional Development,
Communications and the Arts**

**Ministerial Statement of Expectations
Transport Regulation**

This statement outlines my expectations for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department), regarding regulatory functions.

Specifically, this statement applies to the following internal transport regulators within the department ('delegated authority/delegated authorities'):

- i. Vehicle Safety Operations Branch that administer the *Road Vehicles Standards Act 2018* and the *Road Vehicle Standards Rules 2019* (together, with other related legislation and legislative instruments, the Road Vehicle Standards (RVS) legislation) that prohibits the importation or provision of non-compliant road vehicles, establishes a Register of Approved Vehicles and establishes a framework for recalling unsafe road vehicles and approved road vehicle components.
- ii. Domestic Aviation and Reform Division, in relation to the regulation of leased federal airports under the *Airports Act 1996*, and associated regulations.
- iii. International Aviation, Technology and Services Division, in relation to the regulation of noise from Remotely Piloted Aircraft (commonly referred to as drones) under the *Air Navigation (Aircraft Noise) Regulations 2018*, and in relation to the economic regulation of Australia's international airlines and international airports, under the *Air Navigation Act 1920* and associated regulations.
- iv. Maritime and Shipping Branch, in relation to the regulation of international liner shipping services, shipping tax incentives and coastal trading through Part X of the *Competition and Consumer Act 2010* and *Shipping Reform (Tax Incentives) Act 2012* and the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

Unless a new statement is issued prior, this statement shall have effect for two years from the date of issue

This statement does not alter any of the delegated authorities' requirements to perform their legislated functions and is to be read subject to all applicable laws, including those administered by the delegated authorities.

Delegated authorities must act in the public interest and in accordance with Australian Government priorities, where relevant and consistent with their statutory functions. In carrying out their regulatory functions, delegated authorities should be guided by the best practice principles below, as outlined in the [Government's Resource Management Guide - Regulator Performance \(RMG 128\)](#):

- i. Continuous improvement and building trust
- ii. Risk based and data driven
- iii. Collaboration and engagement.

Regulatory functions

I expect delegated authorities to be guided by the following best practice principles.

Continuous improvement and building trust

The safety and wellbeing of the Australian public to be of paramount importance when delegated authorities make decisions with a regulatory impact, as is consistent with relevant legislative objectives.

The delegated authorities to consider a digital first/'tell us once' policy when seeking to review, update or enact new regulation.

Within each delegated authority's regulatory framework, I expect they will adopt a stewardship approach that considers a whole-of-system perspective and seek to be responsive to changing circumstances. This includes seeking to accommodate industry innovation and the adoption of new and emerging technologies, particularly where these innovations offer improved safety, environmental, operational or administrative outcomes.

Risk based and data driven

In undertaking compliance and enforcement actions, I expect the delegated authorities will be risk based and data driven in determining appropriate compliance actions, and will not go beyond what the law requires. I expect any guidance provided to be consistent with the objectives of relevant legislation.

Where possible, I expect delegated authorities to avoid duplication with other regulators, so regulated entities are not required to report to more than one regulator on the same issue.

Where possible, I also expect the delegated authorities to pursue opportunities to reduce regulatory burden.

Collaboration and engagement

I expect the delegated authorities to be open, collaborative and transparent with their regulated entities and consumers, and for compliance and enforcement activities to be based on sound evidence and be cognisant of their impact on the business processes of the regulated entities.

I expect the delegated authorities will work closely with, and consult their regulated entities, the portfolio transport regulators, and other Commonwealth and state/territory jurisdiction regulators in carrying out their regulatory functions.

Priorities

I expect delegated authorities will work on the following priorities:

1. Vehicle Safety Standards

- a) Achieve best practice compliance under the RVS legislation.
- b) Effectively manage vehicle and component recalls in line with the RVS legislation, including the publishing and monitoring of voluntary recalls.
- c) Assess submissions from applicants seeking to gain permissions and/or become approved participants under the RVS legislation, within legislated timeframes.
- d) Undertake assessment activities in a manner that upholds the objectives of the RVS legislation, including ensuring new and used vehicles supplied to the Australian market for the first time comply with all applicable national road vehicle standards.
- e) Undertake targeted and responsive compliance and enforcement activities in accordance with the delegated authority's *Our Compliance Approach and Model* and relevant compliance and enforcement strategies.

2. Domestic Aviation

- a) Ensure Master Plans and Major Development Plans for federally-leased airports are assessed and submitted to the Minister for consideration within statutory timeframes.
- b) Ensure Airport Environment Strategies for federally-leased airports comprehensively set out how airports will operate in a manner that maintains or improves environmental health and undertake assessment and monitoring activities to ensure compliance with such standards.
- c) Review and remake, as appropriate, regulations under the Airports Act 1996 which are due to sunset on 1 April 2024 and 1 April 2025, with the view to modernise regulations and ensure they remain fit for purpose.

3. International Aviation

- a) Manage the ongoing implementation of the Air Navigation (Aircraft Noise) Regulations 2018 as it is applied to Remotely Piloted Aircraft in a timely manner to streamline noise approval processes for drone operators.
- b) Ensure compliance by international airlines and airport operators through international airline licences, charter operations, airport designation and timetable approvals for international air services in accordance with *Air Navigation Act 1920* and Air Navigation Regulation Requirement 2016 requirements.
- c) In consultation with border agencies and industry, coordinate consideration of applications by airport operators for new, or developments to existing, international airport terminals that will require establishing or redeveloping border facilities and services.

4. Maritime

- a) Simplification and improvement of the processes for applicants registering conference agreements under Part X of the Competition and Consumer Act 2010.
- b) Simplification and improvement of processes for applicants applying for certificates for tax incentives under the Shipping Reform (Tax Incentive) Act 2012.
- c) Simplification and improvement in the efficiency and transparency of the operation of the Coastal Trading (Revitalisation of Australian Shipping) Act 2012.
- d) Clear information is provided to stakeholders on application processes, decision making and feedback mechanisms.

5. Aviation White Paper

- a) I expect the delegated authorities to provide their expertise in regulatory practice, where relevant, to ensure the Aviation White Paper reflects Government policy and economic reforms necessary to promote efficiency, safety, sustainability and competitiveness of the aviation sector to 2050.

Engagement between the Minister and the Department

I, as the responsible Minister, undertake to provide all necessary and current information on Government regulatory policy direction, to support the department to consistently implement best practice regulation.

I expect the department to provide advice on significant transport regulatory matters, including the development of and major changes to regulatory policy.

I expect the Secretary of the department to respond with a Statement of Intent outlining how delegated authorities intend to meet this statement's priorities.

Reporting on Regulator Performance

I expect the department to measure regulator performance annually and incorporate this into existing publicly available reporting processes (i.e. the department's Corporate Plan and Annual Report).



Catherine King

Minister for Infrastructure, Transport, Regional Development and Local Government

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