



## Performance Based Framework

For considering and monitoring the National Transport Commission's Corporate Plan, Work Program and budget each financial year

### 1. Preamble

This framework has been adopted by the Infrastructure and Transport Ministers<sup>1</sup> ('Ministers') 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. The framework outlines the expectations of Ministers for the NTC and the Infrastructure and Transport Senior Officials Committee (ITSOC).

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

The framework provides for a Statement of Expectations (SOE) to be issued to Commissioners on their appointment. The SOE has regard to the *Public Governance, Performance and Accountability Act 2013* (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 former Transport and Infrastructure Senior Officials Committee (TISOC) in 2012 at the request of Ministers. The performance based framework was part of the 2012 review's governance changes to strengthen the development and implementation of national reform.

This framework has been further revised to reflect the outcomes of the 2021 review of the NTC agreed in September 2021. The revised framework has been agreed by Ministers to apply from 1 January 2022<sup>3</sup>.

### 2. Scope

This framework sets out the planning, engagement, monitoring, evaluation and reporting requirements for the NTC to deliver the ITMM agreed Corporate Plan, work program and budget, in consultation with ITSOC.

The framework is to be applied in the context of the NTC's role in:

- (a) developing, monitoring and maintaining uniform or nationally consistent regulatory and operational reforms relating to road, rail and intermodal transport; and
- (b) undertaking research, as directed by Ministers, to support national and model law reforms and

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<sup>1</sup> Infrastructure and Transport Ministers are 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.

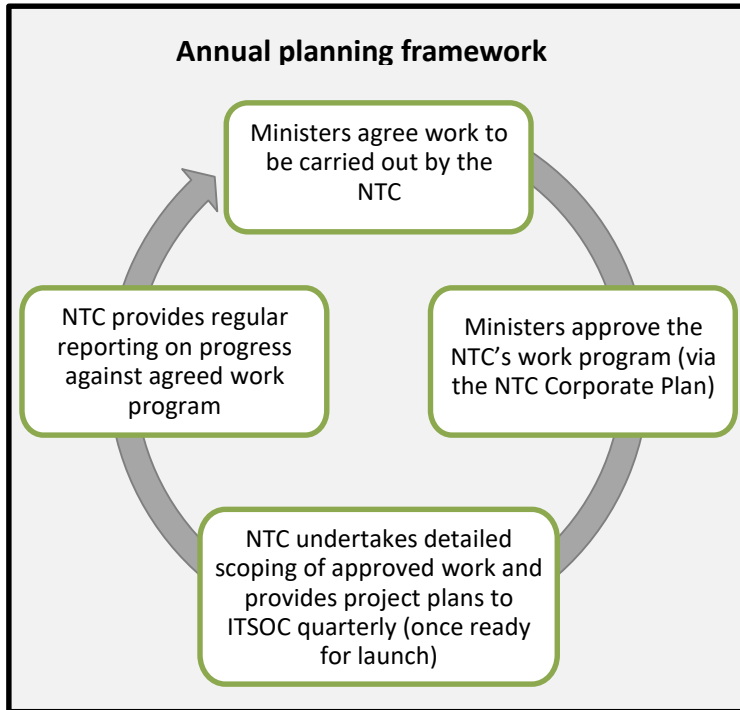
<sup>2</sup> See NTC Act sections 25, 27 and 6(3) coupled with IGA clauses 5.2, 10.2, 10.3 and 11.1.

<sup>3</sup> The revised framework was approved by Ministers on 8 June 2023. The revised framework will remain in place from this time, until further revisions are agreed.

broader strategic transport policy, in consultation with transport agencies.

The schedule sets out the key deliverables and performance reporting requirements of the framework.

## REFORM PLANNING



### 3. Project plans

- (a) The NTC is to provide project plans for the agreed new work<sup>4</sup> to ITSOC, and incorporate or otherwise address any feedback arising from this process. Plans should include consultation arrangements, project objectives, outputs, timeframes, budget, the proposed roles of the various transport bodies, accountabilities and how the reforms should be implemented
- (b) The relevant national regulators should be involved in the development of these plans to ensure future reform proposals are able to be delivered to meet intended outcomes.

### 4. Work program prioritisation and publication

The NTC will:

- (a) obtain direction from Ministers through ITSOC on prioritisation of the NTC's work program; and
- (b) once agreed by Ministers, publish the work program with timetable for project delivery (including national and model laws maintenance program) and reform implementation by governments.

## REFORM ENGAGEMENT

### 5. Consultation and engagement

The NTC is to demonstrate:

- collaboration through formal working relationships with the national regulators;

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<sup>4</sup> Project plans are only required for new work that is unique and not previously undertaken by the NTC (e.g. periodic legislative amendments are excluded from this requirement).

- effort to gain consensus and ensure reform implementation by jurisdictions;
- strong and proactive consultation arrangements with jurisdictions, industry and other national transport bodies, coordinated with the national regulators where applicable; and
- transparent feedback to key stakeholders<sup>5</sup> around the decision-making process and visibility of NTC recommendations to ITSOC and ITMM, consistent with Governments' aims of excellence in the public sector.

## **REFORM MONITORING & REPORTING**

### **6. Reform implementation reporting**

- (a) The NTC is to undertake independent annual assessments of reform implementation for Ministers.

The assessments should include:

- the reasons for any delay,
  - if a reform target has not been met, the barriers to implementation
  - what would be required to bring a reform back on target
  - an analysis as to whether any variations implemented will reduce the benefits of a particular reform.
  - objective analysis of reasons for success or failure, including comment (where necessary) on issues or problems with jurisdictional or NTC roles and performance.
- (b) Reform implementation monitoring report cards are to be considered by Ministers and published.
- (c) In consultation with industry and government stakeholders, the NTC may nominate reforms for evaluation to be considered by Ministers.

## **REFORM EVALUATION**

### **7. Reform impact evaluation**

- (a) Where an evaluation of an existing reform is undertaken at the request of Ministers, the NTC is to assess:

- what economic, safety, and environmental benefits were achieved and to what extent; and
- whether additional reforms at a national level are required to achieve further productivity, safety, and environmental benefits, and the costs and benefits of doing so.

- (b) The NTC is to include a stakeholder consultation plan and a recommended implementation plan for any additional proposals to evaluate an existing reform

- (c) Outcomes of reviews should be advised to Ministers.

## **NTC GOVERNANCE AND PERFORMANCE**

### **8. Accountability – to Ministers, ITSOC and where relevant, the host jurisdiction.**

- (a) The NTC is to demonstrate compliance in the performance of its functions with a SOE

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<sup>5</sup> Key stakeholders to include those outlined in Section 8 of the Statement of Expectations, and those listed in Section 9 of the National Transport Commission Act 2003.

outlining the expectations of Ministers. The SOE will specify Ministers' governance, operations and performance expectations of the NTC, including those arising from its status as an inter-jurisdictional authority under the PGPA Act.

- (b) The NTC is to respond to the SOE through its Corporate Plan, within the context of this framework.
- (c) The NTC will cooperate with ITSOC in monitoring performance of the NTC's work program. For this purpose, the NTC will prepare biannual reports to ITSOC and provide performance reporting in its Annual Report – 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.

#### **9. 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 requirements

NTC planning and reporting deliverables (and related inputs/outputs)	NTC <sup>6</sup>	ITSOC	Ministers	Commonwealth (host jurisdiction)
<b>Statement of Expectations (SOE)</b> <i>(Updated every 3 years, current SOE for 2022-24, next SOE proposed for 2025-27, to align with next statutory review)</i>	Provide comment as required	Endorse SOE to progress to ministers	Endorse SOE	Issue SOE in consultation with NTC and jurisdictions
<b>Corporate Plan, annual work program and budget estimates</b> <i>(Prepared annually, to align with the 'Infrastructure and Transport Ministers' Meeting Priorities and 12 Month Work Plan')</i>	Develop in consultation with industry and governments (July to March)	Review (at last session in financial year)	Endorse (at last session in financial year)	Advise indexation parameters, and PGPA specific requirements.  Compile Commonwealth portfolio budget statement (PBS).
<b>Project plans (for new projects)</b> <i>(Submitted to ITSOC quarterly for commencing projects)</i>	Develop in consultation with industry, national bodies and governments			Provide comment as required.
<b>Nomination of reforms for evaluation</b> <i>(Prepared annually, in conjunction with corporate plan and work program)</i>	Develop in consultation with industry and governments (July to March)	Review (at last session in financial year)	Endorse (at last session in financial year)	Provide comment as required.
<b>Work Program Progress Reports</b> <i>(for each session of ITSOC and ITMM)<sup>7</sup></i>	Prepare progress reports in consultation with governments	Note reports	Note reports	Note reports and provide comment as required

<sup>6</sup> Section 32(1) of the National Transport Commission Act 2003 allows that the Commission may constitute committees for the purpose of assisting the Commission in the performance of its functions and the exercise of its powers. These committees may not be recognised in this document.

<sup>7</sup> ITSOC meetings are generally held twice a year in March/April and September/October. Ministers meetings are generally held twice a year in May/June and November/December.

<b>NTC planning and reporting deliverables</b> (and related inputs/outputs)	<b>NTC<sup>6</sup></b>	<b>ITSOC</b>	<b>Ministers</b>	<b>Commonwealth</b> (host jurisdiction)
<b>Annual report</b> <i>(annually, in accordance with the PGPA Act)</i>	Prepare and submit annual report (July to September)			Table annual report in accordance with PGPA Act (October)
<b>Other reporting obligations</b> <i>(as required under PGPA Act, e.g. significant events)</i>	Issue notice under PGPA Act (as required)			Consider/respond (as required)