



**INFRASTRUCTURE AND TRANSPORT**  
MINISTERS' MEETING

# Operating Guidelines

10 August 2023

Version	Major Changes
0.1	Initial draft
0.2	Draft including jurisdiction changes
0.3	Review

## Contents

Contents.....	3
Operating Guidelines .....	4
Infrastructure and Transport Ministers’ Meeting (ITMM).....	4
Legislation and intergovernmental agreements.....	5
Governance arrangements .....	5
ITMM meeting procedures .....	8
Infrastructure and Transport Senior Officials’ Committee (ITSOC) .....	10
Purpose of ITSOC.....	10
Memorandums of Understanding (MOU) .....	10
Governance arrangements .....	11
ITSOC meeting procedures .....	12
Attachment A - Infrastructure and Transport Ministers’ Meeting (ITMM) Terms of Reference.....	13
Attachment B - Infrastructure and Transport Ministers’ Meeting Governance Model .....	16
Attachment C - ITMM and ITSOC decision making protocol including voting.....	17
Decision making .....	17
Voting.....	17
Voting rules .....	18
Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport voting.....	19
Definitions and interpretation .....	19
Attachment D - Further information on infrastructure and transport bodies .....	20
National Transport Commission (NTC) .....	20
Australian Maritime Safety Authority (AMSA).....	21
Australian Transport Safety Bureau (ATSB) .....	22
Austroads .....	23
Austroads – Transport Certification Australia (TCA).....	24
Infrastructure Australia (IA) .....	25
National Heavy Vehicle Regulator (NHVR).....	26
Office of the National Rail Safety Regulator (ONRSR) .....	27
Rail Industry Safety and Standards Board (RISSB) .....	28
Attachment E - Template: ITMM/ITSOC agenda item request.....	29
Required criteria for consideration.....	29
Attachment F - Infrastructure and Transport Ministers’ Meeting agenda process.....	30
Attachment G - Preparation requirements for ITMM and ITSOC, including timing .....	31
ITMM meetings.....	31
ITSOC meetings .....	31
Attachment H - Infrastructure and Transport Senior Officials’ Committee (ITSOC) Terms of Reference	32

## Operating Guidelines

The [Guidance for Intergovernmental Meetings](#), developed by the Commonwealth Department of the Prime Minister and Cabinet (PM&C) following the review of Ministerial Councils and agreed by National Cabinet on 30 September 2022, provides guidance on the structure, operations and expectations of Ministerial Councils. These Operating Guidelines are complementary to the PM&C guidance.

These Operating Guidelines provide the operating framework through which the Infrastructure and Transport Ministers' Meeting (ITMM) and its supporting senior officials' group, the Infrastructure and Transport Senior Officials' Committee (ITSOC), operate.

These guidelines were endorsed by ITMM on 10 August 2023 and are intended to be a living document to be reviewed and updated as and when required, and supersede the May 2021 ITMM Operating Guidelines.

### Infrastructure and Transport Ministers' Meeting (ITMM)

#### Purpose of ITMM

ITMM brings together Commonwealth, state and territory ministers with responsibility for infrastructure and transport. ITMM is supported by ITSOC.

The purpose of ITMM is to provide a forum on infrastructure and transport to enable:

- national cooperation and consistency on enduring strategic issues
- addressing issues requiring cross-border collaboration
- performing regulatory policy and standard setting functions.

#### Reporting to National Cabinet

To support a strategic and focused agenda, National Cabinet has established direct reporting lines for some Ministerial Councils to National Cabinet, which includes ITMM.

The chair of ITMM is to submit a two-page summary to National Cabinet through the First Secretaries Group in the first quarter of each calendar year, outlining achievements during the previous year and up to five priorities (maximum) for the upcoming year.

National Cabinet may task ITMM to undertake priority work and where this is the case, ITMM will be expected to report regularly to National Cabinet on the status of these priorities. These reporting lines cease once National Cabinet considers the work has been completed.

#### Engagement with the Council on Federal Financial Relations (CFFR) and other Minister Councils

ITMM should engage with CFFR when needed, as well as any other relevant Ministerial Councils, on priorities. ITMM must also engage with CFFR with respect to National Partnerships and other funding agreements, with CFFR to determine their level of involvement in development and negotiation.

#### ITMM priorities

Ministers should actively shape workplans, with priority items initiated by ministers. Ministers will outline the priorities for ITMM through a 12-month workplan with up to five priorities per year which deal with matters that are of significance or require national agreement, including priorities tasked by National Cabinet where relevant.

All items should have defined timeframes for resolution. Complex, long-term reforms should have stages that can be progressed within 12-18 months and broken down into discrete, tangible deliverables that can appear on a workplan and drop off when completed. Ministers may update and change their key priorities if and when required.

## Legislation and intergovernmental agreements

### Legislation

ITMM has responsibilities under the following legislation:

- *National Transport Commission Act 2003*
- Heavy Vehicle National Law Act (various)
- *Rail Safety National Law Act 2012*
- *Maritime Safety (Domestic Commercial Vessel) National Law Act 2012.*

Infrastructure and transport ministers also work collaboratively to develop and implement a range of delegated legislation including:

- Australian Light Vehicle Standards Rules
- Australian Defence Force Road Transport Exemption Framework
- Australian Dangerous Goods Code
- Australian Road Rules.

### Intergovernmental agreements

The [Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport \(IGA\)](#) draws together the Commonwealth, states and territories to address infrastructure and transport related matters. The 2012 review of the National Transport Commission (NTC) and other relevant transport bodies (the review) recommended creating an addendum to the IGA to simplify voting requirements consistent with those outlined in section 3.1.1 of the review. The review noted that as the separate IGAs governing the establishment of the national rail and heavy vehicle regulators expired at the end of 2013, these arrangements could also be reflected in the addendum to ensure the voting arrangements for the national laws is documented (section 3.5.2).

[Attachment B to the IGA](#) addresses the review's recommendations.

### Governance arrangements

#### Term of Reference and governance model

The ITMM Terms of Reference are at [Attachment A](#) and ITMM's governance model is at [Attachment B](#).

#### Decision making

Ministerial Councils must promote a cooperative and collaborative relationship where all jurisdictions are equal partners in decision making. Consensus decision-making is preferred.

Unless specified by legislation, and where appropriate, decisions should be principles-based and allow individual jurisdictions flexibility to determine the best way to achieve any agreed outcomes. Implementation of decisions is ultimately up to ministers in each jurisdiction.

The ITMM and ITSOC decision making protocol including voting (Protocol) at [Attachment C](#) outlines the requirements for decision making on the range of measures considered by ITMM and based on relevant legislation and IGAs.

Except where a jurisdiction is in caretaker, to ensure abstention by a jurisdiction from a decision-making process is intentional, a jurisdiction will notify the secretariat of this intention, where possible in advance, and ensure that the abstention is recorded in the outcomes of the meeting, or as part of the record of decision for an out-of-session process. If a jurisdiction abstains from voting on an item related to national law reform, the item will progress without application to that jurisdiction.

ITMM agreed at their meeting on 30 September 2022, to the following four avenues of consideration of ITMM priorities:

#### *ITMM in-person meetings (twice yearly around May/June and November/December)*

- Items that explicitly relate to major reform priorities of ministers, requiring strategic discussion or decision and engagement from ministers to guide future direction.

- Including items that require Cabinet approval.
- This may include presentations from the Commonwealth, jurisdictions or other stakeholders to inform discussion on priorities.

#### *ITMM virtual meetings (twice yearly between in-person meetings, or as required)*

- Items requiring time-sensitive/milestone decisions related to major reform priorities, only if required.
  - Where possible will not include items that require Cabinet approval.
- Meeting duration to be shorter, with fewer agenda items, and more flexibility for the distribution of papers.

#### *ITMM out-of-session votes (aim to have a maximum of two processes per year)*

- Non-contentious items that require ministerial consensus, for example: reporting, legislative or governance arrangements for regulators.
- Items discussed by ITSOC where consensus has not been reached, including that decisions can be taken out-of-session.
- Where agreement by vote cannot be reached, items will be elevated to the next ITMM agenda under 'other business'.

#### *ITSOC (to occur prior to each in-person ITMM meeting, and virtual ITMM meetings when required)*

- Smooths the way for ministerial agreement of contentious issues before ministerial consideration.
- Can approve on behalf of ITMM, including items that are outside of the ITMM key priorities and routine progress updates/items that require consensus but not items which require ministerial decision under legislation or where the decision involves or is expected to require changes to legislation.
- Monitor progress of key activities and identify when to escalate to ITMM to ensure delivery.

#### *Engagement with industry*

- ITSOC will engage with industry representatives on behalf of ITMM to ensure ministers have access to high level advice from industry about the items they are considering. Refer to the ITSOC section in these guidelines for further information.

#### *Budget and cost sharing arrangements*

Where ITMM agrees to projects with associated costs, funding will be provided by either the lead jurisdiction or by all jurisdictions according to the funding model established in the IGA, outlined in the Protocol at [Attachment C](#).

#### *Membership and participation in meetings*

##### *ITMM membership*

ITMM membership comprises of Commonwealth, state and territory ministers with responsibility for infrastructure and transport.

Members may nominate a proxy parliamentary colleague to attend on their behalf if they are unable to attend the meeting. Where possible, the aim should be for all ITMM members to be represented at a meeting (including by proxy).

ITMM ministers can be supported at meetings by a maximum of three staff (officials and advisers) to allow for open discussions by ministers.

##### *Participation in meetings*

Additional ministerial representation (including New Zealand), expert advisors and local government representatives may be invited to participate in meetings depending on agenda topics of relevance.

The NTC supports ITMM as an expert adviser on reform development implementation and evaluation including maintaining and negotiating model law and undertakes research tasked by ITMM to support model law reform and broader strategic transport policy. The NTC will be invited to attend ITMM for relevant items.



### *Participation of national infrastructure and transport bodies and organisations*

ITMM also has oversight of the work of a number of national regulatory advisory and standard setting bodies and draws on experts where specialist knowledge or expertise is required to support specific discussions. Attendance of national infrastructure and transport bodies is by invitation only.

The national infrastructure and transport bodies and organisations listed below may be asked to prepare papers for ITSOC and ITMM consideration:

- Australian Maritime Safety Authority (AMSA)
- Australian Transport Safety Bureau (ATSB)
- Austroads (including Transport Certification Australia (TCA))
- Infrastructure Australia (IA)
- National Heavy Vehicle Regulator (NHVR)
- Office of the National Rail Safety Regulator (ONRSR)
- Rail Industry Safety Standards Board (RISSB).

Further information on these bodies and organisations can be found at [Attachment D](#) which sets out their role, governance, funding, structure and key relationships.

### *Caretaker*

Jurisdictions in caretaker should be guided by their caretaker conventions/guidelines. During caretaker, a jurisdiction can be represented by the relevant departmental Secretary instead of the Minister. The departmental Secretary can observe the meeting but is unable to participate in votes. They may give an indication of their jurisdiction's likely position on a particular issue if there is bipartisan support on the matter.

### *Chairing arrangements*

The Commonwealth Minister for infrastructure and transport is the permanent chair of ITMM.

The chair ensures that the meeting operates effectively and collaboratively to deliver outcomes requiring joint action by the Commonwealth, state and territory governments.

The chair's responsibilities are to:

- have a thorough understanding of ITMM's workplan and maintain a focus on achieving outcomes
- finalise meeting agendas and ensure all agenda items are discussed within the allocated time
- encourage full participation by all members
- ensure contentious issues are debated in a professional manner and mediate when conflict arises
- facilitate decision-making by consensus.

### *Declaration of private interest*

Ministers attending ITMM must declare at the beginning of the meeting, any private interests of which they are aware, which may give rise to a conflict with their public responsibilities as a member of the meeting.

Any such declarations must be recorded in the meeting outcomes.

It is the responsibility of the minister to handle any conflict of interest in accordance with their jurisdiction's ministerial standards or code of conduct.

### *Meeting observers*

There should be no observers at meetings other than officials and advisers attending with infrastructure and transport ministers, unless invited to attend for a specific agenda item.

### *Infrastructure and transport secretariat*

ITMM is supported by a secretariat that sits within the Commonwealth department responsible for infrastructure and transport.

## ITMM meeting procedures

### Convening and frequency of meetings

ITMM will be held in-person twice per year around May/June and November/December where possible. ITMM may be held virtually to allow for shorter, targeted discussions and more frequent meetings to progress strategic items.

Meetings should, where possible, avoid Parliamentary sitting days for all jurisdictions. The secretariat will work with jurisdictions to settle dates as far in advance as possible.

For in-person meetings, the costs associated with hosting the meeting including room hire, catering and other associated costs are to be covered by the host jurisdiction with the secretariat to work with the host jurisdiction to make the necessary arrangements. Each jurisdiction is responsible for their own travel costs.

### Agenda setting to support good decision making

The chair is responsible for finalising meeting agendas.

As a general rule, issues to be considered by ITMM (either at a meeting or via out-of-session process) must meet one of the following criteria and be accompanied by a supporting paper:

- Supports the agreed ITMM workplan (including National Cabinet priorities).
- Ministerial approval is required (e.g. due to legislative requirements).
- Includes or is expected to require a change to legislation.
- Has been requested by ITMM as a comeback.
- A minister has requested the issue be discussed at ITMM.
- An item delegated to ITSOC where agreement could not be reached.

Ministers can raise 'hot topic' issues for discussion without a paper, however issues that require a decision must be supported by a paper at a future meeting. This is to ensure that there is adequate time for ministers to seek a mandate for ITMM decisions through their respective Cabinets should they wish to.

The chair should not deny any reasonable request by ministers to include an item on the agenda, refer to the template at [Attachment E](#) which sets out how agenda items should be progressed.

Items are considered by ITMM either as an:

- 'Agenda item' if discussion is required or expected.
- Out-of-session item by vote.

If the issue does not meet the criteria for ITMM consideration, is non-controversial or administrative it can be managed through ITSOC. A diagram can be found at [Attachment F](#) which explains the agenda setting process.

If seeking to add an item to the ITMM agenda, the template at [Attachment E](#) should be completed and provided to [CouncilSecretariat@infrastructure.gov.au](mailto:CouncilSecretariat@infrastructure.gov.au) who will then provide advice on the appropriate avenue for consideration.

A draft agenda is to be circulated 10 weeks prior to a meeting by the secretariat seeking feedback from jurisdictions. The final agenda is to be circulated eight weeks prior to a meeting.

All papers will be circulated to members and officials via GovTeams and relevant papers to invited attendees by email.

The agenda for each meeting is formally adopted as part of the meeting opening process to ensure all members have an opportunity to raise issues for discussion.

The secretariat will maintain a rolling strategic agenda for ITMM based on agreed priorities, proposals from jurisdictions and legislative and IGA requirements and comebacks.

### Consideration of issues and submission of papers

Refer to [Attachment G](#) preparation requirements for ITMM including timing.



## Templates

Templates for papers are maintained by the secretariat and are available on [GovTeams](#) and upon request via [CouncilSecretariat@infrastructure.gov.au](mailto:CouncilSecretariat@infrastructure.gov.au).

## Regulation Impact Statements

Ministerial Councils are required to address the streamlined Office of Impact Analysis (OIA) Regulatory Impact Analysis Guide For Ministers' Meetings and National Standard Setting Bodies, available at [oia.gov.au](http://oia.gov.au).

## Communicating decisions

Key decisions and outcomes will be communicated by the chair in consultation with ITMM members, through a communique, as required.

## Records of meetings

The secretariat will prepare draft meeting outcomes, records of decisions, comebacks, attendance and agreed actions. These will be circulated to members and officials within 10 working days of the meeting with comments due back within the following 15 working days. Members (or officials on behalf of members) may provide comments or suggest changes to the outcomes within this period. The outcomes are not circulated in their entirety beyond members and officials. Where a national infrastructure or transport body has provided a paper for consideration by ITMM, it will receive a copy of the relevant extract from the outcomes.

The chair is responsible for accepting or rejecting amendments where agreement cannot be reached. The chair may resolve such disagreements in consultation with the relevant members.

## Freedom of information requests

Where a request is made to make a document public through a Freedom of Information (FOI) request, a request from a Royal Commission, or some other avenue, the relevant jurisdiction's FOI legislation should be followed. The relevant jurisdiction should seek views of other members on the public release of a document prior to publication.

# Infrastructure and Transport Senior Officials' Committee (ITSOC)

## Purpose of ITSOC

ITSOC supports the Infrastructure and Transport Ministers' Meeting (ITMM) in achieving its key priorities through the following:

### Undertake 'deep dive' discussions on ITMM key priorities

- Develop action plans for each of the ITMM key priorities.
- Have strategic and robust discussions and provide early guidance on items due to be considered at future ITMMs (i.e. 6-12 months ahead).
- Provide feedback and guidance on all ITSOC and ITMM priorities e.g. to relevant bodies, the Commonwealth or jurisdictions to ensure work is progressing in line with expectations.
- Where required form non-ongoing working groups to progress key priority items.

### Approve items on behalf of ITMM that are outside of ITMM key priorities

- Can approve on behalf of ITMM, items that are outside of ITMM key priorities and routine progress updates/items that require consensus but not items which require ministerial decision under legislation or where the decision involves or is expected to require changes to legislation.
- ITSOC will vote on ITSOC only out-of-session items (those items that are routine progress updates/items that require consensus but not ministerial decision under legislation) and have the opportunity to provide comment on ITMM out-of-session items, prior to ITMM's consideration.
- For items that do not reach consensus, ITSOC will provide the forum for these conversations with the assistance of the ITSOC deputies' group.
- ITSOC can choose to send items agreed by ITSOC to ITMM for approval through an out-of-session vote.

### Consider and advise on proposals before ITMM voting

- Smooth the way for ministerial agreement of contentious issues through having open and frank discussions on whether there has been sufficient consideration of the issue for ministers to make an informed decision and where not, providing advice on what further work is required prior to ministerial consideration.
- Determine what items require ministerial consideration that cannot be managed by ITSOC e.g. significant or contentious items outside of ITMM key priorities that should be considered by ITMM in-session.
- Where jurisdictions have differing views on recommendations consider how best to move forward with the proposal to achieve consensus when considered by ITMM.

### Consider industry views to inform briefing to ITMM

- Engage with industry on behalf of ITMM to test views directly with industry to ensure ministers have access to high level advice ahead of consideration at ITMM.

### Manage tracking of ITMM's key priorities

- Consider the ITMM progress tracking report to ensure priorities are on track for delivery, provide early intervention for items which are not on track, and advise ITMM of progress.

## Memorandums of Understanding (MOU)

ITSOC has the following MoUs:

### Austroads

In March 2013, Austroads and ITSOC signed an MoU to implement a close collaborative relationship for delivering national reform projects.

## Rail Industry Safety and Standards Board

In October 2018, the Rail Industry Safety and Standards Board (RISSB) and ITSOC signed an MoU which:

- sets out a framework for continued co-operation between RISSB and ITSOC to progress rail operational and safety reform and promote harmonisation and interoperability of rail standard
- outlines arrangements for the provision of government funding and RISSB's obligations to ITSOC, as a recipient of government funding in relation to its product prioritisation, delivery and promotion of the Australian Code of Practice and other products published by RISSB.

## Governance arrangements

### Terms of Reference

The ITSOC Terms of Reference are at [Attachment H](#).

### Decision making

The ITMM and ITSOC decision making protocol including voting (Protocol) at [Attachment C](#) outlines the requirements for decision making by ITSOC.

### Governance

#### *Membership and participation in meetings*

ITSOC membership comprises of Commonwealth, state and territory secretaries with portfolio responsibility for infrastructure and transport.

Additional representation including New Zealand, the National Transport Commission, expert advisors and local government representatives may attend where relevant. Attendance of national infrastructure and transport bodies is by invitation only.

ITSOC can be held in-person or virtually. ITSOC members can be supported by three support people at in-person meetings (with telepresence available for additional supports) and at virtual meetings as required.

For in-person meetings, the costs associated with hosting the meeting including room hire, catering and other associated costs are to be covered by the host jurisdiction with the secretariat to work with the host jurisdiction to make the necessary arrangements. Each jurisdiction is responsible for their own travel costs.

Members (including the chair) should make every effort to attend meetings however may nominate a proxy official of appropriate seniority to attend on their behalf if they are unable to attend a meeting.

The secretariat must be advised in writing of any proxy and/or supporting department officials prior to the meeting.

### Meeting observers

There should be no observers at meetings other than those invited to attend with members unless invited to attend for a specific agenda item.

### Chairing arrangements

The Commonwealth Secretary is the permanent chair of ITSOC, as well as representing the Commonwealth's position in discussions and decision making.

The chair ensures that the meeting operates effectively and collaboratively to deliver outcomes requiring joint action by the Commonwealth, state and territory governments.

The chair's responsibilities are to:

- have a thorough understanding of ITMM's workplan and maintain a focus on achieving outcomes
- finalise meeting agendas and ensure all agenda items are discussed within the allocated time
- encourage full participation by all members
- ensure contentious issues are debated in a professional manner and mediate when conflict arises
- facilitate decision-making by consensus.

## Non-ongoing working groups

ITSOC may form non-ongoing working groups to investigate particular matters or to lead pieces of work for later consideration by ITMM. Working groups are to be connected to the ITMM priorities outlined in its workplan. Working groups report to ITSOC, as required, and do not have any formal reporting lines to ITMM.

## ITSOC meeting procedures

### Convening and frequency of meetings

ITSOC will generally meet eight weeks ahead of ITMM. ITSOC may also meet on an ad hoc basis to action other issues including those delegated by ITMM.

The template at [Attachment G](#) sets out information on the preparation requirements for ITSOC and ITMM including timing.

### ITSOC deputies' group

ITSOC is supported by a deputies' group who meet as required to identify any issues, recommend handling strategies and/or resolve issues prior to ITSOC consideration. The primary objective of the deputies' group is to support and advise ITSOC. Meetings of ITSOC deputies will be convened as required to work through difficult issues prior to consideration by ITSOC, with the objective of identifying differences in jurisdictional positions, and resolving, progressing or otherwise smoothing the way to enable more effective consideration of matters by ITSOC.

### Agenda setting

Agendas are to reflect the priorities of ITMM. Agendas for each meeting will be prepared by the secretariat and circulated to jurisdictions for comment prior to meetings.

### Consideration of issues and submission of papers

Papers going to ITMM should be considered by ITSOC first, however some papers will be for ITSOC consideration only. For urgent issues, an ad hoc meeting can be arranged.

The authors of agenda papers should plan the progression of work, along with the drafting and clearances of papers, so as to best support decision makers. It should be considered normal practice to have papers cleared and ready for circulation before due dates. This is to enable the full and proper preparation by all members of ITSOC and ITMM for each meeting.

### Templates

Templates for papers are maintained by the secretariat and are available on [GovTeams](#) and upon request via [CouncilSecretariat@infrastructure.gov.au](mailto:CouncilSecretariat@infrastructure.gov.au).

### Access to agenda papers and decisions

Agenda papers and other meeting documents are circulated to members, officials and invited attendees via GovTeams.

### Records of meetings

The secretariat will prepare meeting outcomes for each meeting including records of decisions, comebacks, attendance and agreed actions. These will be circulated to members within 10 working days of the meeting for comment within the following 15 working days. Members may provide comments or suggest changes to the outcomes within this period. The meeting outcomes are not circulated in its entirety beyond members. Where a national infrastructure or transport body has provided a paper for consideration by ITSOC, they will receive a copy of the relevant extract from the outcomes.

Non-contentious amendments to the outcomes will be settled at the officials' level. The chair shall be responsible for accepting or rejecting amendments where agreement cannot be reached. The chair may resolve such disagreements in consultation with relevant officials.

## Infrastructure and Transport Ministers' Meeting (ITMM) Terms of Reference

**Please note:** These Terms of Reference have been developed and are complementary to the [Guidance for Intergovernmental Meetings](#) Version 2, November 2022 and the ITMM Operating Guidelines.

<b>Purpose</b>	<p>Ministerial Councils progress priority work that requires intergovernmental collaboration.</p> <p>ITMM provides a forum on infrastructure and transport to enable:</p> <ul style="list-style-type: none"> <li>• national cooperation and consistency on enduring strategic issues</li> <li>• addressing issues requiring cross-border collaboration</li> <li>• performing regulatory policy and standard setting functions.</li> </ul>
<b>Design and operations (including governance structure)</b>	<p><b>Reporting</b></p> <p>ITMM has a direct reporting line to National Cabinet.</p> <p>ITMM is required to submit a two-page summary to National Cabinet through the First Secretaries Group in the first quarter of each calendar year, outlining achievements during the previous year and up to five priorities (maximum) for the upcoming year.</p> <p>ITMM has also been tasked by National Cabinet with priorities in which ITMM is expected to report regularly to National Cabinet when required.</p> <p><b>Agendas</b></p> <p>The chair is responsible for finalising meeting agendas and as a general rule must meet one of the criteria outlined in the ITMM Operating Guidelines.</p> <p><b>Papers</b></p> <p>Items being considered by ITMM should be covered by a paper, wherever possible, to facilitate discussion. Agenda papers should be circulated four weeks prior to a meeting, and no later than five business days prior. Earlier circulation should be undertaken for major decision items to allow jurisdictional Cabinet approval processes to occur.</p> <p>ITSOC should consider items before they progress to ITMM. However, consensus by officials is not required before papers proceed to ministers but, in the interest of full transparency, papers may indicate which jurisdictions do not support progression to ministers.</p> <p><b>Decision making</b></p> <p>Ministerial Councils must promote a cooperative and collaborative relationship where all jurisdictions are equal partners in decision making. Consensus decision-making is preferred.</p> <p>Unless specified by legislation, and where appropriate, decisions should be principles-based and allow individual jurisdictions flexibility to determine the best way to achieve an agreed outcome. Implementation of decisions is ultimately up to ministers in each jurisdiction.</p> <p>If a jurisdiction abstains from voting on an item related to national law reform, the item will progress without application to that jurisdiction.</p> <p>Key decisions and outcomes may be communicated by the chair through a communique, as required to convey key decisions.</p>

	<p><b>Meeting frequency</b></p> <p>ITMM will be held in-person twice per year around May/June and November/December, where possible. ITMM may be held virtually, as required, to allow for shorter, targeted discussions and more frequent meetings to progress strategic items.</p> <p>Meetings should, where possible, avoid Parliamentary sitting days for all jurisdictions. The secretariat will work with jurisdictions to settle dates as far in advance as possible.</p>
<p><b>Membership, chairing and secretariat arrangements</b></p>	<p><b>Membership</b></p> <p>ITMM membership comprises Commonwealth, state and territory ministers with responsibility for infrastructure and transport. ITMM is supported by the Infrastructure and Transport Senior Officials' Committee (ITSOC) to deliver ITMM's workplan.</p> <p>Members may nominate a proxy parliamentary colleague to attend on their behalf if they are unable to attend the meeting. Where possible, the aim should be for all ITMM members to be represented at a meeting (including by proxy).</p> <p>ITMM ministers can be supported at meetings by a maximum of three staff (officials and advisers) to allow for open discussions by ministers.</p> <p><b>Chairing</b></p> <p>The Australian Government minister for infrastructure and transport is the permanent chair of ITMM.</p> <p>The chair ensures that the meeting operates effectively and collaboratively to deliver outcomes requiring joint action by the Commonwealth, state and territory governments.</p> <p>The chair's responsibilities are to:</p> <ul style="list-style-type: none"> <li>• have a thorough understanding of ITMM's workplan and maintain a focus on achieving outcomes</li> <li>• finalise meeting agendas and ensure all agenda items are discussed within the allocated time</li> <li>• encourage full participation by all members</li> <li>• ensure contentious issues are debated in a professional manner and mediate when conflict arises</li> <li>• facilitate decision-making by consensus.</li> </ul> <p><b>Secretariat</b></p> <p>ITMM is supported by a secretariat that sits within the Commonwealth department responsible for infrastructure and transport.</p>



<b>Strategic priorities and workplan</b>	<p>Ministers are to shape workplans, with priority items initiated by ministers rather than officials.</p> <p>ITMM will produce a forward workplan with up to five priorities per year (including National Cabinet priority tasking), which deal with matters that are of significance or require national agreement.</p> <p>The workplan will detail the priority items and timeframes for completing these, to ensure meetings remain focused on progressing key priorities. Complex, long-term reforms will be broken down into discrete and tangible deliverables that can be progressed within 12-18 months.</p> <p>Routine, non-controversial or technical matters will be delegated to the Infrastructure and Transport Senior Officials' Committee (ITSOC) or progressed out-of-session.</p>
<b>Sunset clause</b>	<p>In line with PM&amp;C's <a href="#">Guidance for Intergovernmental Meetings</a>, ITMM can be disbanded and can do so when members recognise key outcomes have transitioned from actions to primarily information sharing and when strategic priorities are achieved (including any priority reporting to National Cabinet) with no further priorities identified or the timeframe for resolving those issues expires.</p>

## Infrastructure and Transport Ministers' Meeting Governance Model



## Infrastructure and Transport Ministers' Meeting Governance Model



Infrastructure and Transport Secretariat

\* Infrastructure and transport bodies and organisations include: the National Transport Commission as an expert adviser. Other national infrastructure and transport bodies and organisations may include: Australian Maritime Safety Authority, Australian Transport Safety Bureau, Austroads (including Transport Certification Australia), Infrastructure Australia, National Heavy Vehicle Regulator, Office of the National Rail Safety Regulator, Rail Industry Safety Standards Board.

## ITMM and ITSOC decision making protocol including voting

### Decision making

While national consistency is one of the primary goals of the Infrastructure and Transport Ministers' Meeting (ITMM) and the Infrastructure and Transport Senior Officials' Committee (ITSOC) decision making, and many reforms require it, it will not always be possible for all issues at a given point in time. Not all proposals will gain the endorsement of all jurisdictions including agreed timing for implementation across different jurisdictions.

Where possible, decisions should be by consensus, noting that some decision-making arrangements are set out in legislation.

Consensus occurs when those involved in decision-making reach agreement, or come to a common understanding on an approach to a matter, or a response to a situation, without any active opposition to the course of action. If a jurisdiction chooses to abstain on an item for consensus, the recommendations of the item can be considered endorsed, but the abstained jurisdiction will not be required to implement those recommendations.

Where consensus or resolution cannot be reached on an agenda item in the established timeframe:

- ITMM may delegate the issue to ITSOC for further discussion between jurisdictions and then to return to ITMM.
- ITSOC may elevate items to ITMM for ministerial consideration where agreement cannot be reached by ITSOC.

### Voting

For ITMM if a jurisdiction abstains from voting on an item related to national law reform, the item will progress without application to that jurisdiction.

#### ITMM in-person meeting votes

- If a minister will be absent from ITMM, they may authorise in writing an alternate person who, for items discussed at that meeting, may vote on their behalf.
- If a minister will be absent from ITMM, they may submit a vote on the matter in writing to the chair ahead of the meeting for items due to be discussed at that meeting.
- Ministers who do not vote in-person or by written vote to the chair will be counted as having voted to approve the recommendations of the matter.
- If a minister proposes not to support a recommendation relating to a model law or national law reform, they must provide a statement of reasons for consideration by ITMM.

#### ITMM out-of-session votes

The majority of non-priority matters considered by ITMM will be managed through out-of-session voting.

1. Papers and voting forms will be put onto [GovTeams](#) for jurisdictions to access and provide to their minister. The secretariat will alert jurisdictions as soon as this occurs.
2. The standard out-of-session voting period will be two weeks.
3. As soon as possible following the receipt of all votes advice will be provided to jurisdictions on the outcomes of the voting.
4. After the due date for voting, any amendments or consultation with states and territories may occur.
5. Should an item receive:
  - a. Unanimous support:
    - The item will be recorded in the formal outcomes of the next meeting and any relevant communications, implementation, review or design commence.
  - b. Not unanimous support:

- The item will not pass and will be included for discussion at the next meeting of ITMM or be referred to ITSOC for discussion.

In exceptional circumstances, where outlined by previous agreements, including intergovernmental agreements, the voting shall adhere to the process outlined in the relevant agreement.

#### ITSOC in-person meeting votes

- If an ITSOC member will be absent from ITSOC, they may authorise a proxy of appropriate seniority to attend the meeting and vote on their behalf.
- ITSOC members who do not vote in-person or via a proxy will be counted as having voted to approve the recommendations of the matter.

#### ITSOC out-of-session votes

The majority of non-priority matters considered by ITSOC will be managed through out-of-session voting.

1. Papers and voting forms will be put onto [GovTeams](#) for jurisdictions to access and provide to their ITSOC member. The secretariat will alert jurisdictions as soon as this occurs.
2. The standard out-of-session voting period will be two weeks.
3. As soon as possible following the receipt of all votes advice will be provided to jurisdictions on the outcomes of the voting.
4. After the due date for voting, any amendments or consultation with states and territories may occur.
5. Should an item receive:
  - a. Unanimous support:
    - The item will be recorded in the formal outcomes of the next meeting and any relevant communications, implementation, review or design commence.
  - b. Not unanimous support:
    - The item will not pass and will be included for discussion at the next meeting of ITSOC.

#### Voting rules

The ITMM and ITSOC rules for voting include:

- Every jurisdiction shall have one vote.
- All voting shall be by consensus, unless otherwise stipulated by law or in the intergovernmental agreement.
- A minister or ITSOC member who does not submit their vote by the deadline for the matter will be counted as having voted to approve the recommendations of the matter (except for national laws).
- If a minister or ITSOC member does not support a paper, they shall outline their reasoning and, if applicable, any actions that can be taken to overcome these issues.

#### Voting arrangements for national laws

Consensus agreement by ITMM is required for all model and national laws.

If a jurisdiction proposes not to support a model law reform, it should provide a statement of reasons for consideration by ITMM members.

The requirement for unanimous agreement in relation to the national heavy vehicle regulator and national rail safety regulator reforms are set out in the [Intergovernmental Agreement on Heavy Vehicle Regulatory Reform](#) and the [Intergovernmental Agreement on Rail Safety Regulation and Investigation Reform](#) (the land transport regulator IGAs). These IGAs expired in December 2013, necessitating an update of the NTC IGA voting arrangements for the national and model law reforms for land transport per the recommendations of the 2012 Review of the National Transport Commission and other relevant transport bodies (the review). Attachment B to the IGA addresses the review's recommendations.

Where ITMM agrees to projects with associated costs, funding will be provided by either the lead jurisdiction or by all jurisdictions according to the funding model in Attachment A of the [Intergovernmental Agreement on Regulatory and Operational Reform in Road, Rail and Intermodal Transport](#) or as agreed by ITMM.

## Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport voting

Voting on matters under the [Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport](#) is subject to the following voting rules:

Matter	Majority required	Superseded NTC IGA clause
Model and national law reforms in: Rail Safety and Heavy Vehicles regulation.	Unanimous	9.5
Other model and national laws and national reforms.	Unanimous	9.5
ITMM procedures about NTC matters.	Unanimous	9.1

## Continuing voting requirements

Matter	Majority required	Relevant NTC IGA Clause
Agreement to the NTC or a minister putting forward a proposal to change the NTC's funding arrangements.	Simple	4.3
Agreement to change the NTC's funding arrangements.	Unanimous	4.4
Agreement to a jurisdiction conferring a function or power on the NTC under its law.	Simple	5.3
Recommendation to the minister to appoint or terminate the appointment of an Ordinary Member of the NTC.	Two-thirds	6.5
Consideration of matters relating to the chair and Deputy chair and other matters relating to ordinary members of the NTC.	Simple	6.5
Agreement to road use charging principles.	Two-thirds	9.5(b)
Delegation to a minister of the Council's functions and powers under the NTC Act.	Unanimous	9.5 (c)
Agreement by jurisdiction ministers responsible for areas of Australia in which the NTC has recommended differing rules apply to a proposed reform (except for road use charging).	Simple majority (of the affected ministers)	9.6(a)(i) and 5.1(d)
Amendment of the NTC IGA.	Unanimous	22.2

## Definitions and interpretation

References to national laws mean:

- the *Rail Safety National Law (South Australia) Act 2012* and its regulations
- the *Heavy Vehicles National Law (Queensland) Act 2012* and its regulations.

References to model laws mean:

- regulations under section 7 to the *National Transport Commission (Commonwealth) Act 2003*, setting out model legislation or road transport legislation, as amended from time to time.

## Further information on infrastructure and transport bodies

### National Transport Commission (NTC)

#### Purpose/role

The NTC is an independent advisory body established in 2003 under the *National Transport Commission Act 2003*. The NTC leads major strategic national land transport reform in support of all Australian governments to improve safety, productivity and environmental outcomes. The NTC's work includes defining the problems and opportunities, developing policy and drafting law, through to implementation planning and review. The NTC has a legislative requirement to develop, monitor and maintain uniform or nationally consistent regulatory and operational arrangements for road, rail and intermodal transport. The NTC produces select codes, guidelines and standards including the National Standard for Health Assessment of Rail Safety Workers, Australian Dangerous Goods Code for Transporting dangerous goods (DG) on road and rail, and Guides on Assessing Fitness to Drive, and Automated Vehicles.

#### Governance

The NTC is accountable to Australian transport ministers through the Infrastructure and Transport Ministers' Meeting (ITMM). NTC Commissioners are responsible for the strategic direction and governance of the NTC. There are five Commissioners who are appointed by the Minister for Infrastructure, Transport, Regional Development and Local Government on the nomination of ITMM, one Commissioner is the Secretary of the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts in their role as chair of the Infrastructure and Transport Senior Officials' Committee (ITSOC). The NTC Chief Executive Officer (CEO) is appointed by the chair, and is also a member of the Commission.

#### Funding

The NTC is funded by the Commonwealth, state and territory governments, as set out by the Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport.

#### Key relationships

- The NTC provides strategic policy support to the National Heavy Vehicle Regulator (NHVR), details of which are set out in a Memorandum of Understanding (MoU). In 2017, the NTC transferred responsibility for operational policy and routine maintenance of the *Heavy Vehicle National Law Act 2012* (HVNL) to the NHVR.
- Austroads provides advice to the NTC on matters linked to roads technical issues concerning potential policy change and helps coordinate implementation and deliver policy where appropriate. This arrangement is set out in an MoU.
- The NTC provides strategic policy support to the Office of National Road Safety Regulator (ONRSR), and partners with ONRSR for *Rail Safety National Law (South Australia) Act 2012* (RSNL) routine maintenance issues. In 2017, the NTC transferred responsibility for operational rail policy to ONRSR. An MoU describes this relationship.
- The NTC engages with the Rail Industry Safety and Standards Board (RISSB) to provide rail industry policy to practice leadership for skills, interoperability and harmonisation to create an effective and efficient rail network.



## Australian Maritime Safety Authority (AMSA)

### Purpose/role

The AMSA is a statutory authority established in 1990 under the *Australian Maritime Safety Authority Act 1990* (AMSA Act) to promote maritime safety and protection of the marine environment; prevent and combat ship-sourced pollution in the marine environment; provide infrastructure to support safe navigation in Australian waters; and, provide a national search and rescue service to the maritime and aviation sectors.

In 2013, the AMSA also assumed the role of National Maritime Safety Regulator for the safe design, construction, equipping, operation and crewing of domestic commercial vessels. The AMSA develops guidance notices, standards and fact sheets for domestic commercial vessel owners and operators, e.g. National Standards for Commercial Vessels.

### Governance

The AMSA is governed by a Board, established under section 13 of the AMSA Act, comprising nine members appointed by the Minister for Infrastructure, Transport, Regional Development and Local Government. The Board is responsible for deciding the objectives, strategies and policies to be followed by AMSA and ensuring the AMSA performs its functions in a proper, efficient and effective manner. The AMSA Executive reports to the Board, and is responsible for decision management and decision making.

### Funding

AMSA's role as the National Maritime Safety Regulator (NMSR) is funded in part by a combination of Commonwealth, state and territory government funding, and fees and services. An Independent Review Panel is considering sustainable funding arrangements for AMSA's activities under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law). AMSA's broader functions are funded through a combination of government appropriation for its search and rescue function, and cost recovery levies for regulation of international shipping.

### Key relationships

- The AMSA and the Australian Transport Safety Bureau (ATSB) are committed to achieving the best possible maritime and aviation safety outcomes, and the nature of their relationship is set out in an MoU.
- The AMSA has strong partnerships with state-based transport safety investigators including the NSW Office of Transport Safety Investigations (OTSI) and the Victorian Chief Investigator, Transport Safety.

## Australian Transport Safety Bureau (ATSB)

### Purpose/role

The ATSB is an independent Commonwealth Government statutory agency established in 2003 under the *Transport Safety Investigation Act 2003*. The ATSB is governed by a Commission and is entirely separate from transport regulators, policy makers and service providers. The ATSB's function is to improve safety and public confidence in the aviation, marine and rail modes of transport through excellence in:

- independent investigation of transport accidents and other safety occurrences
- safety data recording, analysis and research
- influencing safety action.

### Research and development

Investigates aviation, marine and rail accidents and incidents and collects data for safety research, and studies and contributes to techniques used by international accident investigation authorities.

### Governance

The ATSB is governed by a Chief Commissioner (also the CEO), and three Commissioners, with extensive transport safety experience. The Minister's statement of expectations, signed in June 2021 sets out requirements for reporting to the Commonwealth Minister for Infrastructure, Transport, Regional Development and Local Government. The chief commissioner, CEO and Commissioners are appointed by the Minister under the *Transport Safety Investigation Act 2003*.

### Funding

The ATSB is funded through a mix of Commonwealth appropriation and contributions from state and territory governments.

### Key relationships

- The ATSB and transport regulators have separate but complementary roles. As an independent investigator the ATSB may look at safety issues involving regulators and standards setting bodies.
- ATSB reports to the Commonwealth Government as per requirements in the Minister's statement of expectations.
- The ATSB maintains strong relationships with government, industry and other stakeholders to communicate safety findings from investigations.
- The ATSB also has relationships with state investigation agencies who conduct investigations on behalf of the ATSB.

## Austrroads

### Purpose/role

Austrroads is the collective of Australian and New Zealand road transport agencies and was established in 1989. Austrroads Ltd is a company limited by guarantee under the *Corporations Act 2001*. Austrroads represents all levels of government and aims to deliver an improved Australasian road transport network. Austrroads is a not-for-profit, nonpartisan organisation with a purpose to:

- promote improved and consistent roads and transport practice in Australia and New Zealand
- provide expert technical input to national road and transport policy development
- support Australian and New Zealand transport agencies and road managers with tools and services.

Austrroads develops guides for reference by transport authorities, guidelines which focus on specific areas of practice, technical information such as test notes, technical specifications and work tips, as well as a variety of other publications according to four programs of work. An additional fifth work program, Environment and Sustainability, was approved by the Board in November 2020 and has been active for the past 2-3 years.

Austrroads develops a range of guidance materials including Major Guides of agreed common practice for road agencies across infrastructure (e.g. pavements, bridges and tunnels), road safety and design (e.g. road design, licensing and registration), network operations (e.g. smart motorways), future vehicles and technology (e.g. trials of automated vehicles), and environment and sustainability. Austrroads also produces technical specifications used by member agencies and contractors to promote nationally consistent practice.

### Research and guidance for harmonised practice

Commissions pooled research that is used to develop Guidelines, Tools and Technical Specifications across infrastructure (e.g. pavements, bridges, tunnels), road safety and design (e.g. road design, licensing and registration), network operations (e.g. smart motorways), future vehicles and technology (e.g. trials of automated vehicles), and environment and sustainability. Operates some services on behalf of all members (e.g. temporary traffic management training and certification, safety barrier assessment and installation and maintenance training for personnel).

### Governance

Austrroads is governed by a Board of Directors appointed by member organisations. This currently consists of one chief executive or senior executive officer from each organisation. Member organisations include the Commonwealth, state and territory governments, as well as the New Zealand Government and the Australian Local Government Association (ALGA). Austrroads also owns the National Exchange of Vehicle Driver Information Systems (NEVDIS) and Transport Certification Australia (TCA). Taskforce members are nominated by Austrroads' Board members as subject matter experts to provide program and project oversight.

### Funding

Austrroads is funded by the Commonwealth, state and territory governments and the New Zealand Government, as well as own-source revenue generated through its various services.

### Key relationships

- Austrroads commissions research as a pooled resource for all member departments and agencies and develops and helps members apply consistent national practice on roads and transport matters.
- Austrroads commissions research and guidance related work from the Australian Road Research Board (ARRB), where they are a cost-effective and authoritative source.
- Austrroads has an agreement with the ALGA helping to ensure the management of local roads are facilitated with the benefit of knowledge, technology and good practice.
- Austrroads delivers research, technical and operational guidance projects to support ITSOC under an MoU.
- Austrroads supports the NTC with advice on technical matters related to reform development and implementation under an MoU.

## Austroads – Transport Certification Australia (TCA)

### Purpose/role

TCA is a public company established by the Commonwealth, state and territory governments and became a subsidiary of Austroads in 2019. TCA is incorporated under the *Corporations Act 2001*. TCA performs a number of key activities including:

- administering the National Telematics Framework (the Framework), including its rules, specifications and agreements, digital infrastructure and supporting services
- providing assurance services for telematics systems, applications and associated information and data services.

TCA provides governments with the ability to gain insights into the movement and impacts of vehicles on their road networks, through the use of assured technologies and data services. This enables governments to achieve a range of policy objectives.

### Governance

The Austroads' Board provides governance and strategic direction, and the TCA Corporate Management Group manages the business.

### Funding

TCA is funded by the Commonwealth, and state and territory governments, and also receives revenue from services.

### Key relationships

TCA interacts with distinct stakeholder groups in providing services across the National Telematics Framework to facilitate the use of digital technology and data by linking authorities, providers and operators to deliver public purpose outcomes. This includes:

- Authorities: Creators of applications and schemes through the Framework, and/or users of data, reports and analysis using data generated from applications of the Framework.
- Providers: Providers of digital technologies and/or services recognised through the Framework. A provider may have one or more roles within the Framework. Examples include:
  - Application Service Provider (ASP) (if registered or certified to provide telematics application services)
  - Operator ASP (if registered or certified to provide telematics application services, and if also operating the vehicles it enrolls in schemes of telematics applications)
  - Supplier (supplies telematics devices or connected devices).
- Operators: Users of applications (and associated schemes) offered by ASPs through the Framework.

## Infrastructure Australia (IA)

### Purpose/role

IA is a statutory authority established in 2008 under the *Infrastructure Australia Act 2008*. IA's primary role is to provide high quality independent advice to governments, industry and the community on the investments and reforms needed to deliver better infrastructure for all Australians. IA has two key functions:

- evaluate business cases for nationally significant investment proposals for inclusion on the Infrastructure Priority List and assess proposals seeking more than \$250 million in Australian Government funding
- set the policy agenda on the long-term opportunities for infrastructure reform that will improve living standards and national productivity.

### Governance

IA is led by an independent Board, appointed by the Minister for Infrastructure, Transport, Regional Development and Local Government under the *Infrastructure Australia Act 2008* and CEO, appointed by the Board under the *Infrastructure Australia Act 2008*. IA Board members are drawn from business, academia and across the public and private sectors, and represent an array of sectors and jurisdictions. The CEO reports to the IA Board, and is supported by an executive leadership team.

### Funding

IA is funded by the Commonwealth. IA works with the Secretary of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) to keep them informed of their work program and supports the department with advice.

### Key relationships

- IA takes a leading role in efforts to streamline and harmonise assessment processes, in collaboration with national, state and territory infrastructure advisory bodies, to support the efficient and timely delivery of infrastructure projects.
- IA works with the Secretary of the Commonwealth DITRDCA to keep them informed of the IA work program and supports the department with advice.

## National Heavy Vehicle Regulator (NHVR)

### Purpose/role

The NHVR is Australia's dedicated, statutory regulator for all road vehicles over 4.5 gross vehicle mass. The NHVR was established as a statutory authority in 2013, and since 2014 has been administering the *Heavy Vehicle National Law Act 2012* (the HVNL) which applies in all states and territories except the Northern Territory and Western Australia.

The NHVR is responsible for regulating the heavy vehicle industry, including reducing administrative barriers and increasing the safety and productivity of heavy vehicles and the road networks available to them. The NHVR delivers a risk-based approach to regulation based on data and intelligence and uses digital systems to gather and share information back with industry, regulatory partners and stakeholders.

The NHVR Portal is the regulatory digital business hub used by the heavy vehicle industry and government that provides a seamless experience through the integration of service delivery functions provided by the NHVR. These services include the National Heavy Vehicle Accreditation Scheme, Performance Based Standards Scheme, compliance history and all national network access mapping and permitting needs.

The NHVR also develops safety standards, guidelines, regulatory advice, codes of practice and other regulatory material for industry and road managers.

### Governance

The NHVR is governed by a Board, established under section 662 of the HVNL, comprising of five members from participating jurisdictions appointed by the Queensland Minister on the unanimous recommendation of the responsible ministers. The Board decides the NHVR's policies and ensures that the NHVR exercises its functions in a proper, effective and efficient way.

### Funding

The NHVR is funded by the heavy vehicle industry. The regulatory component of vehicle registration charges is passed on to the NHVR by participating states and territories (see NTC website for further information regarding heavy vehicle charging and the PAYGO model, which determines annual registration and fuel-based charges). The NHVR also collects direct fees and charges related to the administration of the HVNL from states and territories.

### Key relationships

- The NHVR and NTC work together to progress heavy vehicle national reforms and strategic policy, under an MoU.
- Austroads TCA provide research and technical support for the NHVR. Austroads also provides heavy vehicle driver and vehicle information to the NHVR on behalf of all road agencies. TCA provides the telematics framework and data to inform the Intelligent Access Program (IAP).
- The NHVR has transitioned frontline services from all HVNL participating states and territories, with Queensland to transition in 2024.



## Office of the National Rail Safety Regulator (ONRSR)

### Purpose/role

ONRSR is an independent body corporate established under the *Rail Safety National Law (South Australia) Act 2012* (RSNL) and formally commenced operations in 2013. ONRSR is responsible for independently administering, monitoring, providing education on, and enforcing the RSNL across Australia. In doing so ONRSR works on behalf of Australian governments to promote and improve national rail safety and ensure the safety of the community.

ONRSR has the dual, but complementary roles of administrator of the RSNL accreditation regime, and the regulator of a duty-based safety management regime. As a risk-based regulator, it has oversight of around 200 accredited rail transport operators across more than 44 thousand track kilometres of the freight, passenger and tourist and heritage rail sectors.

Through the judicious use of its enforcement powers, ONRSR plays a key role in reducing safety risks by conducting audits, reviews, and investigations. It considers the desired safety outcomes through applying a range of measures, from the provision of advice - to the issuing of notices, suspensions of accreditation, and prosecutions. ONRSR works closely with rail operators, unions, owners, contractors, maintainers, rail safety associations and practitioners.

### Governance

ONRSR's leadership team comprises a Chief Executive (the Regulator under the RSNL), supported by two non-executive members to provide leadership, strategy and governance. The Chief Executive is also supported by an Executive team.

The RSNL requires the South Australian Minister responsible for transport to make the appointments of the Chief Executive and non-executive members, acting on the unanimous recommendation of all responsible ministers under the RSNL (transport ministers from the states and territories, and the Australian Government Minister for transport where the Commonwealth Minister chooses to exercise a voting right).

### Funding

ONRSR is funded by industry and state and territory governments. The majority of industry funding is provided via annual fees paid by the rail industry. Both accredited and registered operators are subject to annual fees, and certain projects also attract Major Project fees.

### Key relationships

- ONRSR works collaboratively on strategic policy, and routine RSNL maintenance with the NTC under an MoU.
- ONRSR can share data with RISSB and the ATSB (MoU) under RSNL. ONRSR meets with RISSB, the Australasian Railway Association, Freight on Rail Group and others on a regular basis to discuss safety issues and initiatives and encourage national consistency across the rail industry.
- ONRSR works with industry through a variety of working groups to understand the strategic direction of industry, issues and improvements required, and to allow industry engagement within ONRSR's strategic direction.

## Rail Industry Safety and Standards Board (RISSB)

### Purpose/role

RISSB was established in 2003 and is a not for profit company limited by guarantee under the *Corporations Act 2001*. It is an industry body formed to improve operational efficiency, safety and interoperability for rail owners, operators and suppliers through the development, publication and maintenance of national standards, codes of practice, rules and guidelines. The standards, codes of practice, rules and guidelines published by RISSB, developed in collaboration with industry, form the Australian Code of Practice (the Code). RISSB also collects and analyses incident data and risk models, and developed the Australian Rail Risk Model for the rail industry along with the management of the Australian Level Crossing Risk Model and other industry data sources to provide a single source of safety truth.

RISSB's vision is to be the trusted leaders in rail safety environment, providing products and services that enhance safety and efficiency by translating research and policy to practice. RISSB develops rail standards, guidelines, codes of practice, rules and industry safety data for all aspects of railway design, operation and maintenance. These are designed to improve the management of and assist rail operators to address risks to safety, by providing rail operators with standards to assist in increasing efficiency and productivity. RISSB is authorised by Standards Australia to author Australian Standards for the rail industry.

### Research and development

Research to achieve national harmonisation and interoperability by developing rail standards, guidelines, codes of practice and rules and supporting data tools such as the Australian Rail Risk Method and Australian Level Crossing Assessment Method. RISSB standing committees, which discuss significant industry issues to support developing and reforming guidance tools, including rolling stock, operations, infrastructure, train control and safety.

### Governance

RISSB board consists of an independent chair, two independent Directors and four industry Directors, voted by its members. RISSB has over 100 full members from across the rail industry including passenger and freight operators, network managers and owners, and suppliers. RISSB consults and engages with industry, governments, NTC, ONRSR, and the ATSB in the development of its work plan. RISSB also has standing committees through which it engages with industry to discuss significant industry issues and standards. RISSB is the organisation accredited by Standards Australia to produce Australia/New Zealand (ANZ) Standards.

### Funding

RISSB is wholly owned by its funding members, including industry and Commonwealth, state, and territory governments.

### Key relationships

- The Code developed by RISSB complements the safety management systems that are recognised by ONRSR.
- ITSOC influences the development of RISSB products that are funded by government to ensure they appropriately reflect government priorities. This relationship is set out in an MoU.
- RISSB is industry's partner in a co-regulation model between Government, ONRSR and industry, and plays a role in industry coordination driving harmonisation and interoperability.

RISSB has a strong working relationship with ACRI (MoU), ONRSR and the Australian Railway Association (ARA) with meetings held on a regular basis.

## Template: ITMM/ITSOC agenda item request

This template is to be used when requesting an agenda item for consideration/approval by ITMM or ITSOC.

### Required criteria for consideration

#### ITMM

You may also wish to refer to the diagram at [Attachment F](#) which explains the ITMM agenda consideration process.

Does the issue meet one of the following required criteria for ITMM consideration? **Please circle Yes/No for each criteria.**

Is one of the key priorities agreed by ITMM (including National Cabinet priorities)?	Yes/No
Ministerial approval is required (e.g. due to legislative requirements)?	Yes/No
Includes or is expected to require a change to legislation?	Yes/No
Has been requested by ITMM as a comeback?	Yes/No
A minister has requested the issue be discussed at ITMM?	Yes/No
Was the issue considered by ITSOC and agreement could not be reached?	Yes/No
Is the issue contentious and likely to require discussion by ministers?	Yes/No

Note: If agreement cannot be reached through ITMM, the issue may be referred to ITSOC for further refinement before coming back to ITMM.

#### ITSOC

Does the issue meet one of the following required criteria for ITSOC consideration? **Please circle Yes/No for each criteria.**

Was the item delegated to ITSOC by ITMM?	Yes/No
Does the issue require consideration by all jurisdictions but not ministerial approval under legislation?	Yes/No
An ITSOC member has requested the issue be discussed at ITMM?	Yes/No

Note: If agreement cannot be reached through ITSOC, the issue may be referred ITSOC deputies' for further refinement before coming back to ITMM, or to ITMM for discussion.

### Item consideration methods

- Adding the issue to a future meeting's agenda as:
  - 'Agenda item' if discussion is required.
  - 'Out-of-session' if not controversial and discussion not expected to be required.
  - 'Urgent out-of-session meeting' if urgent discussion is required prior to the next scheduled meeting.

Requester	<i>[please insert Commonwealth, name of jurisdiction or body]</i>
Contact details	<i>[please insert name of contact and phone number]</i>
Issue title	<i>[paper/presentation/oral update]</i>
Issue explanation	<i>[provide a brief explanation of the issue]</i>
Timing imperatives	<i>[provide information on the timing imperatives for the issue]</i>
Preferred item consideration method	<i>[please refer to advice below on consideration methods and outlined the preferred consideration method]</i>

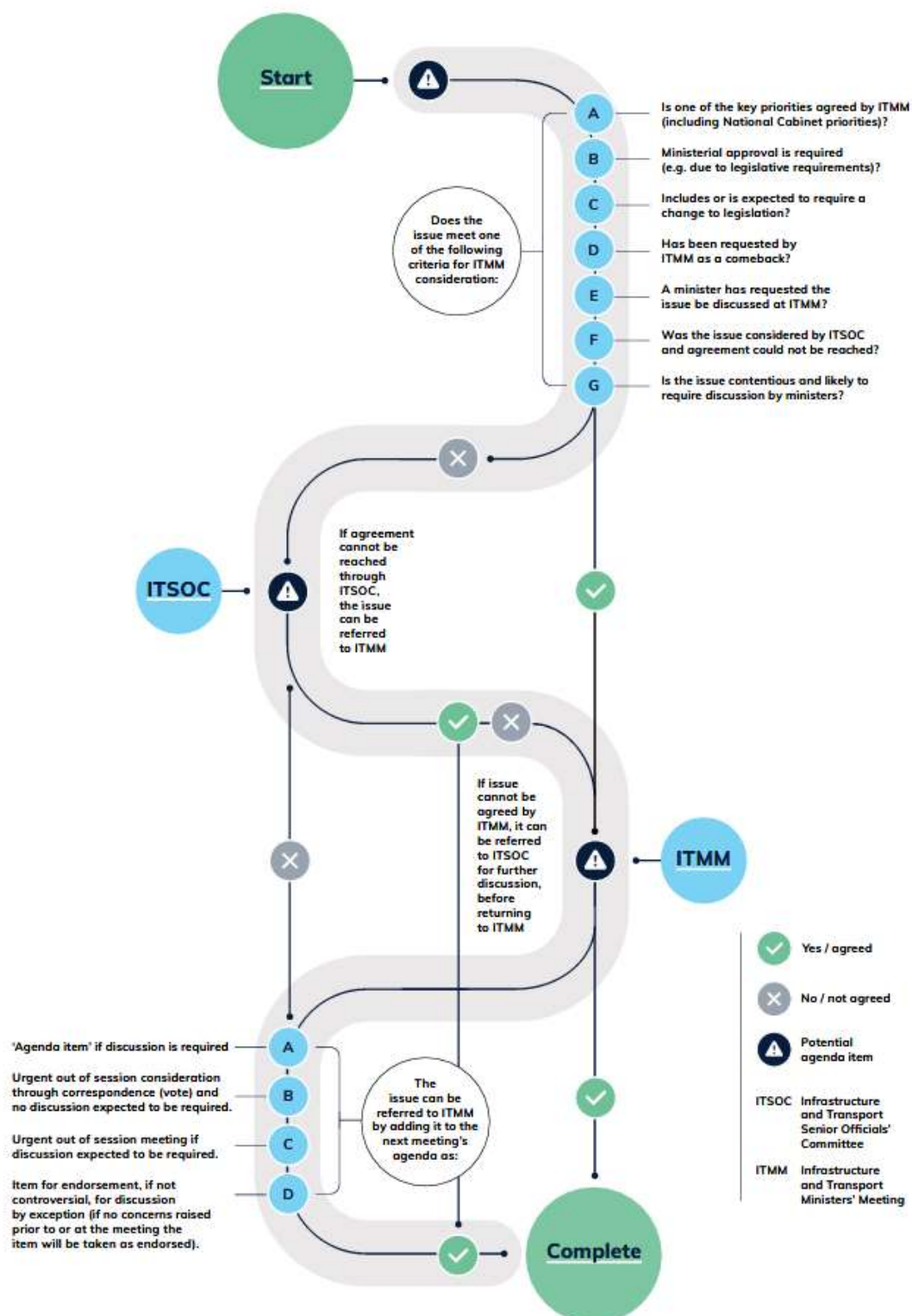
Please return the form to [CouncilSecretariat@infrastructure.gov.au](mailto:CouncilSecretariat@infrastructure.gov.au).

## Infrastructure and Transport Ministers' Meeting agenda process



## Infrastructure and Transport Ministers' Meeting agenda process

## ITMM Consideration / Agenda Process



## Preparation requirements for ITMM and ITSOC, including timing

Ministers and officials are to be given sufficient time to consider proposed recommendations ahead of Infrastructure and Transport Ministers' Meetings (ITMM) and Infrastructure and Transport Senior Officials' Meetings (ITSOC), noting that this may not always be possible for urgent issues.

It is expected that appropriate consultation will have been conducted during the preparation of recommendations so that officials are able to sufficiently brief ITSOC and ITMM members.

Timing guidance for ITMM and ITSOC is outlined below.

### ITMM meetings

ITMM will be held in-person twice per year around May/June and November/December where possible and ad hoc meetings can be arranged to resolve any urgent issue. The estimated timing in the lead up to meetings is as follows noting there will need to be some flexibility when taking into consideration public holidays:

Timing	Task
10 weeks prior	Secretariat circulate a draft agenda based on agreed priorities, proposals from jurisdictions and legislative and IGA requirements and comebacks.
8 weeks prior	Secretariat to distribute final agenda and templates.
6-8 weeks prior	ITSOC meet and consider items on proposed ITMM agenda.
6 weeks prior	ITMM out-of-session papers distributed for vote.
5 weeks prior	All papers to be lodged with the secretariat (usually 1-2 weeks following the ITSOC meeting).
4 weeks prior	Secretariat to distribute and upload papers on GovTeams. To allow jurisdictions to consider and clear papers through their relevant processes i.e. Cabinet. <i>Where possible and contingent on all papers being received, the Secretariat will distribute papers earlier.</i>
1-2 weeks prior	All out-of-session votes to be lodged with secretariat.
Day of meeting	Communiqué prepared in consultation with jurisdictions and published.
Within 10 days after	Secretariat to distribute meeting outcomes for comment.
Within 25 days after	Secretariat finalises outcomes ready to be endorsed at the next meeting.

### ITSOC meetings

ITSOC meetings should be held six to eight weeks before ITMM, likely to be in March/April and September/October ahead of the May/June and November/December ITMM meetings noting there will need to be some flexibility when taking into consideration public holidays:

Timing	Task
8 weeks prior	Secretariat prepares a draft agenda reflecting the priorities of ITMM and circulated to jurisdictions for comment.
7 weeks prior	Secretariat to distribute final agenda and templates.
4 weeks prior	Jurisdictions to lodge final papers with secretariat.
3 weeks prior	Secretariat to distribute and upload papers on GovTeams.
1 week prior	All votes to be lodged with Secretariat.
Within 10 days after	Secretariat to distribute meeting outcomes for comment.
Within 25 days after	Secretariat finalises outcomes ready to be endorsed at the next meeting.

## Infrastructure and Transport Senior Officials' Committee (ITSOC) Terms of Reference

<b>Purpose</b>	<p>ITSOC supports the Infrastructure and Transport Ministers' Meeting (ITMM) in achieving its key priorities through the following:</p> <ul style="list-style-type: none"> <li>• Undertake 'deep dive' discussions on ITMM key priorities</li> <li>• Approve items on behalf of ITMM that are outside of ITMM key priorities and do not require ministerial decision</li> <li>• Consider and advise on proposals before ITMM voting</li> <li>• Consider industry views to inform briefing to ITMM</li> <li>• Manage tracking of ITMM's key priorities.</li> </ul> <p>Other than in exceptional circumstances, items that will progress to ITMM should first be considered by ITSOC.</p>
<b>Chair</b>	<p>The Commonwealth Secretary is the permanent chair of ITSOC, as well as representing the Commonwealth's position in discussions and decision making. The chair ensures that the meeting operates effectively and collaboratively to deliver outcomes requiring joint action by the Commonwealth, state and territory governments. The chair's responsibilities are to:</p> <ul style="list-style-type: none"> <li>• have a thorough understanding of ITMM's workplan and maintain a focus on achieving outcomes</li> <li>• finalise meeting agendas and ensure all agenda items are discussed within the allocated time</li> <li>• encourage full participation by all members</li> <li>• ensure contentious issues are debated in a professional manner and mediate when conflict arises</li> <li>• facilitate decision-making by consensus.</li> </ul>
<b>Membership</b>	<p>ITSOC membership comprises of Commonwealth, state and territory secretaries with portfolio responsibility for infrastructure and transport.</p> <p>Additional representation including New Zealand, the National Transport Commission, expert advisors and local government representatives may attend where relevant. Attendance of national infrastructure and transport bodies is by invitation only.</p> <p>ITSOC can be held in-person or virtually. ITSOC members can be supported by three support people at in-person meetings (with telepresence available for additional supports) and at virtual meetings as required.</p> <p>For in-person meetings, the costs associated with hosting the meeting including room hire, catering and other associated costs are to be covered by the host jurisdiction with the secretariat to work with the host jurisdiction to make the necessary arrangements. Each jurisdiction is responsible for their own travel costs.</p> <p>Members (including the chair) should make every effort to attend meetings however may nominate a proxy official of appropriate seniority to attend on their behalf if they are unable to attend a meeting.</p> <p>The secretariat must be advised in writing of any proxy and/or supporting department officials prior to the meeting.</p>
<b>Authority</b>	<p>ITSOC may be tasked by ITMM. ITSOC may task individual jurisdictions or the Commonwealth, or establish non-ongoing working groups, to undertake work that aligns with its purpose.</p>
<b>Administration</b>	<p>Secretariat services will be provided by the Commonwealth agency with responsibility for infrastructure and transport.</p>