

## Terms of Reference

### 2021 Review of the National Transport Commission under Section 51 of the *National Transport Commission Act 2003*.

#### **Evaluation of the National Transport Commission's ('the Commission') operational effectiveness**

The Review will assess the effectiveness of:

- the Commission in delivering regulatory and operational road, rail and intermodal transport reform in accordance with:
  - the *National Transport Commission Act 2003* ('the Act');
  - the Intergovernmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport (IGA); and
  - the Statement of Expectations (September 2019)
- the Commission's reform maintenance process that supports the delivery of regulatory and operational reform; and
- the Commission's governance arrangements in facilitating the delivery of tasks and whether any changes should be considered.

#### **Evolution of the transport reform environment—consideration of the Commission's future role and relationships**

The Review will:

- make recommendations on whether the Commission should continue in operation, and in doing so:
  - consider the effectiveness of the Commission in delivering the Infrastructure and Transport Ministers' Meeting (ITMM) work program;
  - examine the relationship between the Commission and jurisdictions;
  - examine the relationship between the Commission, the National Heavy Vehicle Regulator, the Office of the National Rail Safety Regulator, Austroads and other key stakeholders—including consideration of the clarity of its regulatory, policy advising and operational roles;
  - examine the effectiveness of the processes the Commission uses when performing its role, developing national reform and delivering on expected outcomes;
  - examine the relationship of the Commission with the Infrastructure and Transport Senior Officials' Committee (ITSOC), including the role of ITSOC in overseeing the Commission's work program; and
  - consider any strategic drivers impacting on the future role of the Commission and the advice that will be required by jurisdictions, noting the policy environment and challenges that governments will face in coming years.

#### **Future work priorities and governance arrangements (if the Commission is to continue)**

If the Review recommends the continuation of the Commission, it will also make recommendations on:

- the role of the Commission in relation to Commonwealth, state, territory and local governments and other government agencies;
- any necessary changes to the Commission following the recently announced National Cabinet Review of COAG Councils and Ministerial Forums;
- the appropriateness of the Commission's future work priorities;
- the appropriateness of current funding arrangements for the Commission's future role; and
- any necessary amendments to the Act and or the IGA to implement these changes.

### **Conduct of the Review**

The Review will be undertaken by NineSquared with additional support to be provided by the Commonwealth. The report will be prepared in a manner that will facilitate the ITMM meeting the requirements of section 51 of the Act.

NineSquared will provide an interim report to Transport Ministers (through ITSOC) by 30 March 2021, to facilitate a discussion by Transport Ministers at their first meeting in 2021. The final report will be lodged with the ITMM (through ITSOC) by 1 August 2021.

In conducting the Review NineSquared will consider the findings from the 2018 Comley Review of the support arrangements for the Transport and Infrastructure Council and National Transport Commission.

NineSquared will consult as appropriate with all jurisdictions, regulators and industry in line with this Terms of Reference.