



## Statement of Intent Transport Regulation

This Statement of Intent is in response to the Ministerial Statement of Expectations Transport Regulation issued by the Minister for Infrastructure, Transport, Regional Development and Local Government on 14 July 2023.

The Statement of Expectations outlines the ministerial expectations for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), and those with delegated authority to carry out regulatory functions.

Specifically, this statement of intent applies to the following transport regulators ('delegated authority/ authorities'):

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

The Department will continue to perform its legislated functions under all applicable laws and ensure delegated authorities continue to perform their functions in accordance with the *Public Governance, Performance and Accountability Act 2013*, and other required legislation.

The Department will ensure delegated authorities continue to act in the public interest and in accordance with Australian Government priorities. In carrying out their regulatory functions, delegated authorities will be guided by the best practice principles outlined in the [Government's Resource Management Guide - Regulator Performance \(RMG 128\)](#):

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

### Regulatory functions

Delegated authorities will be guided by the following best practice principles:

#### Continuous improvement and building trust

The Department will ensure the safety of the Australian public is the first priority of regulatory functions for maritime, aviation and vehicle standards for the benefit of land, sea and transport users.





Delegated authorities will consider a digital first/ 'tell us once' policy when seeking to review, update or enact new regulation. The Department will ensure that a user centric approach is adopted when designing or updating regulatory systems and processes.

The Department's regulatory frameworks will adopt a stewardship approach that utilises a whole-of-system perspective. The method takes a life-cycle view of regulation, with a proactive, collaborative approach to the monitoring and care of the whole regulatory system. The department will be responsive to changing circumstances (including industry innovation and the adoption of new/emerging technologies, particularly where these innovations offer improved safety, environmental, operational or administrative outcomes). The Department will pursue the ultimate objective of supporting markets to be balanced across the elements of sustainability, accessibility, competitiveness, efficiency, safety and security.

The Department is committed to uplifting regulator capability, the sharing of ideas and regulator best practice through hosting its own Regulators Community of Practice. The Department is also committed to building and maintaining the specialist skill sets associated with specific regulatory functions.

#### Risk based and data driven

In undertaking compliance and enforcement, delegated authorities will be risk based and data driven in determining compliance actions, and will not go beyond what the law requires. The Department recognises the importance of data and analytics to better support the delivery of transport regulatory policy. The Department's delegated authorities will continue to work with the Department's Bureau of Infrastructure & Transport Research Economics to ensure regulations are based on research and analysis. The Department's adherence to its own Risk Management Framework supports effective risk management and cultivates a positive risk culture.

Where possible, delegated authorities will avoid duplication with other regulators, so relevant entities are not regulated twice, or required to report to multiple regulators on the same issue. Additionally, delegated authorities will pursue opportunities to reduce regulatory burden, particularly for those parts of the regulated industry sectors that are low risk. The Department aims to implement regulatory solutions that reduce the burden of compliance costs on industry and the community.

#### Collaboration and engagement

Delegated authorities will continue to foster open, collaborative and transparent relationships with their regulated entities and consumers. The Department ensures it has effective governance arrangements to ensure we collaborate with our major partners. We will clearly articulate our expectations of those we regulate and be transparent about our regulatory approach.

Delegated authorities will base compliance and enforcement activities on sound evidence and be cognisant of their impact on the business processes of their regulated entities. The Department, first and foremost, influences stakeholder behaviour by building positive and constructive relationships to encourage voluntary compliance. The Department assists industry participants to address the risks posed by their non-compliance while considering regulatory action to secure ongoing compliance.





Delegated authorities will work closely with and consult their regulated entities, the portfolio transport regulators, and other Commonwealth and state/territory jurisdiction regulators in carrying out their regulatory functions. The Department consults regularly with regulator stakeholders impacted through a number of avenues, but not limited to, communications at the officer level to cross-government and whole-of-government fora.

## Priorities

Delegated authorities will focus on the following priorities and will publicly report on their performance through the Department's Annual Report:

### 1. Vehicle Safety Standards

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

### 2. Domestic Aviation

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

### 3. International Aviation

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



4. Maritime

- a) Continuous identification, both internally and through engagement activities with industry, of processes which can be simplified or improved.
- b) Develop and implement changes to simplify and improve processes and for applicants seeking registration of conference agreements under Part X of the *Competition and Consumer Act 2010*.
- c) Develop and implement changes to simplify and improve processes for applicants seeking tax incentives certificates for eligible vessels under the *Shipping Reform (Tax Incentive) Act 2012*.
- d) Develop and implement changes to simplify and improve the efficiency and transparency of the operation of the *Coastal Trading (Revitalisation of Australian Shipping) Act 2012*.
- e) Ensure clear and consistent information supported by evidence is provided to stakeholders on application processes, decision making and feedback mechanisms.

5. Aviation White Paper

- a) The delegated authorities will provide their expertise in regulatory practice, where relevant, to ensure the paper examines the Government policy and economic reforms necessary to promote efficiency, safety, sustainability and competitiveness of the aviation sector out to 2050.

**Engagement between the Department and the Minister**

The Department undertakes to provide you with accurate and timely advice on any significant issues as they arise, including the development of and major changes to regulatory policy.

**Reporting on Regulator Performance**

I, as Secretary of the Department, will ensure that regulator performance is measured annually and incorporated into existing publicly available reporting processes (i.e. the Department's Corporate Plan and Annual Report).

The Department's regulator performance will be measured according to performance outcomes, based on the functions above, with reference to the best practice principles.

Jim Betts

Secretary

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

8 / 12 / 2023