



Road transport reform in a federal system – a reflection on ten years in the process

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Abstract

As powers over road transport are not specified in the Australian constitution, they lie, for the most part, with the States and Territories.

Prior to the establishment of the National Road Transport Commission (NRTC) in 1991, national co-ordination of road transport regulation was undertaken through the Australian Transport Advisory Council, comprising Commonwealth, State and Territory Ministers for Transport.

Road transport regulation includes measures covering the registration, operation and charging of vehicles, the licensing of drivers, and measures to ensure compliance with the regulations. Generally, this regulation has been the responsibility of the States and Territories in the Australian federal system.

With the creation of the NRTC, Australian governments established a process of decision and implementation of road transport regulatory policy. This process is designed to achieve national outcomes, whilst recognising State/Territory sovereignty over most areas of road transport regulation.

This paper will explain the origins and functions of the NRTC and the decision-making processes made available through the NRTC Act and will discuss the effectiveness of the process over the ten years of the existence of the NRTC.

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The paper is written by members of staff of the Commission. These comments cannot be regarded as dispassionate or disinterested. Nevertheless, they reflect the views of two people who have been involved in many aspects of the work of the Commission.

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Introduction

The National Road Transport Commission (NRTC) was established on an interim basis in September 1993 and formally in January 1992. The establishment and early operation of the NRTC were reviewed in a paper to the 1993 Australasian Transport Research Forum (Moore and Starrs, 1993). The conclusion of that paper was:

The maintenance of the reform process is dependent on the participants being committed to reform. There was obviously some level of commitment when the two Agreements were signed (July 1991 and May 1992), but whether that can be maintained over the six year life of the Commission remains to be seen.

The second six year term of the NRTC is nearing completion (January 2004), and there has recently been a review of the NRTC Act to determine what type of national transport regulatory processes were required into the future.

As the Australian Transport Council (ATC) has recently determined its recommendation to the Council of Australian Government, the time is appropriate to review the past ten years of operation of the NRTC.

National Co-ordination of Road Transport Regulation Prior to 1991

As powers over road transport are not specified in the Commonwealth of Australia Constitution Act, they lie, for the most part, with the States and Territories. The Commonwealth has made limited use of section 92 powers to establish a partial regulatory scheme for vehicles engaged in interstate trade (the Federal Interstate Regulation Scheme), but has not yet attempted to use more recently established powers (eg, corporations powers) in applications relating to road transport operations. However, the Commonwealth has also made use of corporations and foreign trade powers to regulate new motor vehicle safety and environment standards through the *Motor Vehicle Standards Act 1989*. These standards are known as the Australian Design Rules.

Road transport regulation includes measures covering the registration, operation and charging of vehicles, the licensing of drivers, and measures to ensure compliance with the regulations. Generally, this regulation has been the responsibility of the States and Territories in the Australian federal system.

Prior to the establishment of the National Road Transport Commission (NRTC) in 1991, national co-ordination of road transport regulation was undertaken through the Australian Transport Advisory Council, comprising Commonwealth, State and Territory Ministers for Transport.

The process was advisory and relied on implementation by jurisdictions following consensus decisions at ATAC.

Problems in the regulation of the road transport industry had been considered by the Inter-State Commission, which was re-established in 1984 and was merged into the Industry Commission in 1990.¹ During its second existence, the Inter-State Commission had documented variations between jurisdictions in the

¹ The Industry Commission later became the Productivity Commission.

regulation of road transport and had made recommendations to the Commonwealth Minister to consider, in conjunction with his colleagues in the Australian Transport Advisory Council (ISC 1988).

The final report of the Inter-State Commission (ISC 1990) recommended the establishment of a National Commission to co-ordinate the regulation of road transport.

The Special Premiers' Conferences

By the early 1990s, there was a widespread perception that the division of powers under Australia's federal system was acting as an impediment to economic efficiency and that this impediment had to be addressed to enable Australia to maintain a competitive position in an increasingly difficult world economic environment.

At this time, there was a perception in the road transport industry and amongst transport policy makers that the efficiency of road transport was impeded as it was a national industry suffering from differential regulatory treatment by States and Territories.

Differences between jurisdictions at that time included: standards for heavy vehicles and their weights and dimensions, permitted hours of driving/ work and vehicle charges.

The establishment of the NRTC through the Special Premiers' Conference process is discussed in Moore and Starrs (1993):

Three Special Premiers' Conferences were held over a period of just over a year. The first conference was held in Brisbane in October 1990. It was at this conference that the Overarching Group on Land Transport (OAG) was established. At the second SPC held in Sydney in July 1991, the Heavy Vehicles Agreement was signed and provision made for the establishment of the National Road Transport Commission on an interim basis. The Light Vehicles Agreement was agreed to at the Premiers and Chief Ministers Meeting held in Adelaide in November 1991. This 'SPC' was notable for the absence of the Commonwealth. The Light Vehicles Agreement was signed by all jurisdictions by the middle of 1992.

NRTC Legislation

The NRTC was established on an interim basis in October 1991 and formally in January 1992. The Commission operates under a Commonwealth Act, to which the Heavy Vehicles Agreement and the Light Vehicles Agreement are attached as Schedules. The initial legislation included a sunset clause after six years, but with a requirement for a review prior to that date. The NRTC was reviewed in 1996. In the initial absence of unanimous agreement on the amended Heavy Vehicles Agreement and Light Vehicles Agreement by Heads of Government, the Commonwealth unilaterally extended the life of the Commission by one year. Subsequently the amended Agreements were signed and an amended Act was passed in the Commonwealth Parliament, providing for a second six year term for the Commission (including the interim extension). Under the amended legislation, the Commission's second six year term will expire in January 2004. A second review of the Commission will be undertaken in

2001/2002 under the auspices of the Standing Committee on Transport (CEOs of transport agencies) and recommendations will be made to Australian Transport Council with a subsequent recommendation to the Council of Australian Governments.

The NRTC comprises a Commission of five part-time members, plus the Chief Executive Officer and a staff of around 23. The Commission's annual budget (\$m3.54 since 1993) must be approved by the Australian Transport Council. The Commonwealth is responsible for 35 per cent of the budget and the remainder is split between jurisdictions on the basis of vehicle numbers.

In considering recommendations of the Commission, the Australian Transport Council is bound by formal voting procedures. For most matters, if a legislative proposal is "not disapproved" by a majority of ministers, the Commonwealth is required to use best efforts to take the legislation through Parliament for application in the Australian Capital Territory. Under the initial Act, other jurisdictions were expected to implement by legislative reference to the Australian Capital Territory provisions ("template" legislation). The amended Act provides for means of implementation other than "template" legislation (see discussion below).

The "non disapproval" voting process is of significance, as it forces Ministers to make decisions on items forwarded by the Commission.

It is important to note that for most of its business, the Australian Transport Council functions on the basis of consensus, with an agenda provided by the Standing Committee on Transport. However, for Commission items, the agenda and papers are provided by the Commission and a formal voting process is required. The Commission can make recommendations for decision either in-session or out-of-session. For most matters, a two month voting period is required.

Heavy Vehicles Agreement

The Heavy Vehicles Agreement is attached as Schedule 1 to the *National Road Transport Commission Act 1991* (NRTC Act). The Heavy Vehicles Agreement sets out the role and functions of the Commission with respect to heavy vehicles (greater than 4.5 tonnes gross mass).

Under the Heavy Vehicles Agreement, the functions of the Commission are quite broad (subclause 20(1)):

...the functions of the National Commission shall be to have and to exercise responsibility both for the policy development in relation to Road Transport and for overseeing the administration by Participating Parties and the Australian Capital Territory of Road Transport Legislation ...

In contrast, the functions of the Commission with respect to heavy vehicle charges - a significant political issue at the time the legislation was framed - are set out in some detail.

The Heavy Vehicles Agreement provides that funding shares must be agreed unanimously by Ministers, while the budget level is subject to majority approval.

Light Vehicles Agreement

The Light Vehicles Agreement is attached as Schedule 2 to the *National Road Transport Act 1991*. The Light Vehicles Agreement repeats many provisions of the Heavy Vehicles Agreement and sets out the functions of the Commission with respect to light vehicles (4.5 tonnes gross mass or less), in addition to including specific functions relating to heavy vehicles.

The Light Vehicles Agreement sets out three categories of Commission functions:

- priority items, including new vehicle standards, in-service vehicle standards, a traffic code and transport of dangerous goods;
- additional items, including assembly and publication of information on road funding, taxation and charges and assisting in the development of performance indicators for the performance of the road system and road authorities; and
- items for which the implementation of national approaches requires a demonstration of “significant net benefits”, including standards for modification of light vehicles, coordination of national road safety research.

Operation of the NRTC

Method of Operation

In order to achieve its tasks, the Commission must work with a wide range of participants. In matters relating most closely to road transport, stakeholders include road authorities, road transport enforcement agencies (police and transport inspectorates) and the road transport industry. In an industry which is diverse and dominated by small operators, even this is a significant exercise.

Other aspects of the Commission's role require liaison with:

- dangerous goods authorities
- environmental agencies
- occupational health and safety authorities
- shippers and stevedores
- primary producers.

Nearly all of the work of the Commission requires extensive consultation with outside agencies and industry representatives. In most cases, some form of joint policy development is undertaken. This could range from intensive focus groups to joint policy development (typically the case with environmental matters) or use of road authorities as ‘lead agencies’ in the national process.

In the lead agency project, a road agency with a particular interest in an issue of national impact manages the project and provides the resources. Results are subject to national consultation and, following a regulatory impact statement, the outcome is given effect nationally through the processes controlled by the NRTC.

The Commission has obtained supplementary funding from other agencies (Austroads² for the projects on performance-based standards container mass, and the Commonwealth Department of Transport and Regional Services for the development of policies on fatigue and compliance and enforcement) and is active in suggesting research topics to be funded by others (most commonly Austroads and the Australian Transport Safety Bureau). Management of these projects usually falls to the Commission.

A good example of co-operative policymaking was the process followed in the development of the Australian Road Rules. Over a period of five years, meetings were held of up to 30 representatives (mostly of road authorities and police) chaired by the Commission and with analytical work undertaken by all participants. Public consultations were a feature of the policy development, both nationally and within jurisdictions. The result was a product with shared ownership which was successfully implemented (in most elements) in all jurisdictions. This success in reaching a (largely) common set of road rules throughout Australia followed attempts which started in 1948.

The Commission has a range of formal advisory groups including Transport Agency Chief Executives, the Industry Advisory Group, the Bus Industry Advisory Group and (jointly with the National Environment Protection Council) the Motor Vehicle Environment Committee.

The annual Work Program and the three-year Strategic Plan (updated annually as required in the *National Road Transport Commission Act 1991*) are also developed with extensive external input. The Work Program is presented annually to Ministers as part of the budget request and the Strategic Plan must also be approved annually by Ministers.

The requirement to develop a three-year Strategic Plan, forces a national regulatory reform agenda to be specified and indicates research needs to support policy change. This puts the NRTC in a strong position to influence related research agendas, particularly through the various Austroads programs.³

Work Program

The initial Commission's work program was dominated by issues related directly to vehicles and road use and represented major repairs to a regulatory system which was differentiated between jurisdictions. These issues related to vehicle standards, charges for road use and the direct regulation of road use. The major non-vehicle issue on the initial agenda was heavy vehicle driving hours, again with a focus on removing disparities in existing legislation. Even the successful introduction of the Australian Road Rules can be seen as largely a repair to regulations which differed between jurisdictions.

² Austroads is the collegiate body of road authorities of Australia and New Zealand.

³ Austroads is the collegiate of road agencies from Australia (Commonwealth, State and Territory) and New Zealand. Austroads has an annual research budget of around \$6 million.

With the progressive completion of the initial work program, the focus of the Commission has shifted to a more fundamental review of the method of regulation of road transport in Australia. Four examples of this shift in emphasis are discussed below.

Compliance and Enforcement

The first example of this shift in emphasis was the compliance and enforcement provisions (McIntyre, 2000). These provisions were initially seen as little more than an effort to achieve consistent (and higher) penalties for breaches of vehicle standards or road use requirements. As the work developed, however, it quickly became a comprehensive review of approaches to compliance with road transport law (see discussion below).

When implemented, the Commission's compliance and enforcement measures will introduce a comprehensive and nationally consistent compliance program comprising 'conventional' (or sanctions-based) legislation complemented by a range of other strategies, including:

- consistent, effective and well-targeted enforcement;
- privileges and incentives-based strategies, which encourage industry to take responsibility for its own performance (including accreditation-based compliance);
- education and training of enforcement officers and industry; and
- effective communication between enforcement officers, regulatory authorities and industry.

Compliance and enforcement policies have drawn on "best practice" approaches in other regulatory areas, including companies law, occupational health and safety and environmental regulation. In a sector where approaches had changed little for decades, implementation of these approaches should have a significant impact.

Performance-Based Standards

Throughout the world, the primary approach to the regulation of vehicle characteristics and use is prescriptive regulation. Whilst this approach generally provides certainty to the regulated industry, it comes at the cost of arbitrariness (at least at the margin), stifling of innovation and encouragement of pressures for "bracket creep". In other areas of regulation, approaches have been adopted which are more closely related to performance.

The NRTC, in conjunction with Austroads, has initiated a project to establish a set of performance-based standards, to apply as an optional alternative to prescriptive standards.

Alignment of Road Transport and Occupational Health and Safety Regulation

A recent NRTC initiative has been the development of an approach to the alignment of road transport and occupational health and safety regulation, as far as it affects road transport operations.

After many years of taking little interest in road transport operations, occupational health and safety (OH&S) agencies are increasingly regarding road transport operations, including vehicles, as workplaces where relevant duty of care requirements should be enforced. At the same time, road transport regulators are recognising that road safety outcomes are heavily dependent on workplace issues.

Transport Agency Chief Executives have endorsed the approach proposed by the NRTC to the identification of issues of unique interest to road agencies, issues of unique interest to OH&S agencies and issues which are relevant to both sets of agencies. The NRTC is now proposing to OH&S agencies the alignment of policy development and enforcement in areas of overlap (Moore, 2001).

The national consultative processes for road transport regulation have proved an effective mechanism for the development of a common position, which has provided a basis for productive discussions (to date) with OH&S agencies.

Environment

The development of road transport environment policy presents an interesting case study in the interaction of two inter-governmental agencies.

One of the principles of the Heavy Vehicles Agreement is:

... minimisation of the adverse environmental impacts of road transport.

To this end, the Heavy Vehicles Agreement specifies that (20B):

The Commission is, in conjunction with the National Environment Protection Council, to develop for vehicles national motor vehicle emission and noise standards.

The National Environment Protection Council (NEPC) is a Council of Environment Ministers established by equivalent Acts in all jurisdictions. It too, is a product of the co-operative federalism of the early 1990s and provides another model for national reform that will not be discussed here. The Acts give the Council the ability to develop and make National Environment Protection Measures (NEPMs). However the NEPC's role in vehicle emissions policy mirrors the NRTC role. Subsection 14(2) of the *National Environment Protection Council Act 1994* requires that, in the making of NEPMs:

... noise and emission standards relating to the design, construction and technical characteristics of new and in-service motor vehicles may only be developed and agreed in conjunction with the NRTC.

Despite the potential problems resulting from these overlapping roles, there has been a high level of co-operation between the NRTC, the NEPC (via the NEPC Service Corporation) and the transport and environment agencies at Commonwealth and State levels. The national road transport environment program is managed by the Motor Vehicle Environment Committee (MVEC), which is established by an agreement between the Chair of the NEPC and the Chairman of NRTC. MVEC comprises senior executives of the NEPC, the NRTC, and some State and Commonwealth transport and environment protection agencies. Each MVEC strategic plan and joint work program has

been endorsed by both Transport and Environment Ministers with input from a stakeholder group that is also established by the MVEC agreement.

The track record of MVEC speaks for itself. In the few years it has been operating it has gained approval from Transport and Environment Ministers on a legislative package that sets a suite of new vehicle emission standards equivalent to world's best practice, new diesel and petrol fuel standards, in-service diesel emission standards and a range of other instruments that will result in a significant improvement in urban air quality.

As in the case of overlap between road transport and OH&S regulation, an attribute of the NRTC had been the ability to deliver a largely common road transport view to the regulatory development process.

Legislative and Policy Processes

Template Legislation

The original national reform model laid down by the Heavy and Light Vehicles Agreements was one of legislation being developed by the Commission, enacted by the Commonwealth on behalf of the Australian Capital Territory (known as the 'host jurisdiction'), then used in all other jurisdictions as a template for their own laws. This approach was, in theory at least, a sensible and straightforward means to acquire uniform road transport legislation throughout Australia. Aside from the technical ease by which the principal template laws could be adopted by each of the jurisdictions, amendments to these laws could also be accommodated just as effortlessly: simply, once jurisdictions have adopted the template law as their own, their laws would change automatically with changes to the template.

Operating initially on the assumption that just one template legislative instrument would be needed to incorporate all areas of the national road transport law, the Commission was established for a limited life span of only six years. However, it was only a short time into its first six years that the Commission began to experience significant difficulties with developing laws using the template model.

In addition to technical and practical problems, were the difficulties with the template model that the Commission encountered in attempting to resolve the very real and extremely complex regional, operational, institutional and legal differences of the States and Territories in their approach to road transport regulation, coupled with increasing problems for the Australian Capital Territory as the host jurisdiction to the national road transport template law.

To reduce the time taken and difficulty experienced by the Commission in attempting to resolve those differences, one of the Commission's first strategies was to seek Ministerial approval to abandon the pursuit of the whole national road transport law within a single legislative instrument, and instead, to use a 'modular' approach, effectively carving the road transport law up into six stand alone regulatory chunks. Ministers endorsed this approach, on the basis that the template laws produced in all six modules would ultimately be integrated.

The modular approach to the development of the national road transport law did result in the successful production of a number of template legislative instruments: most notably, in the areas of heavy vehicle charges and the transport of dangerous goods.

At the same time, the pursuit of template law was seen to be a slow, cumbersome and costly process that was frustrating the early achievement of real, 'on the ground' safety, productivity and efficiency reforms and that was leading to widespread disaffection with the goal of national conformity. (Interestingly, and somewhat ironically though, the template Charges and Dangerous Goods laws are also widely regarded as two of the more successful of the Commission's legislative outputs.)

First Review

By late 1996, the level of general dissatisfaction with template law was such that the Independent Committee, set up under the National Road Transport Act 1991 to review the Commission and to make recommendations regarding the Commission's second term (if any), concluded that the legislative focus of the Commission's charter was not always advancing the timely delivery of 'on the ground' and outcomes-focused reforms (Independent Committee, 1996).

In recommending that the Commission's life be extended for another six year term, the Review Committee also recommended that the Commission's charter be broadened to enable delivery of reforms through non-legislative means (such as through national policies and practices). As well, the Committee recommended that where legislation is to be developed, template law should be the long-term goal; but the delivery of reforms should not be seriously delayed or made too expensive by the pursuit of a template program.

From these recommendations, the National Road Transport Commission Act 1991, including the Heavy Vehicles Agreement and the Light Vehicles Agreement, was amended in 1998⁴ to enable jurisdictions to apply the national road transport law either by template or by implementing the "substance" of that law⁵. Although not precluding template delivery, the inclusion of the option of implementing only the "substance" of the national laws formally signalled the end of template as the preferred method of delivering national road transport laws – at least in the immediate to short term, and except for reforms that have already been delivered in that style (heavy vehicle charges and dangerous goods).

Alternative Methods of Delivery

By the time the Commission's charter was amended to give effect to the recommendations from the 1996 Review, the Commission had begun

⁴ *National Road Transport Commission (Amendment) Act 1998.*

⁵ Note that the Australian Capital Territory refused to sign onto these new arrangements until its ability to legislate in non-template circumstances was made beyond doubt, and, where template was to be used, that the legislation was functional to the Australian Capital Territory.

experimenting with delivering reforms by different methods, such as model legislation and policy principles.

The Commission has always been involved in the development of administrative guidelines. More recently, the Commission has expanded its delivery mechanisms to include guidelines, codes of practice, enforcement guidelines, and, in the area of training of enforcement officers, to national sets of training competencies and training support materials.

However, the question must still be asked: can model laws ever be as effective as template laws? At a theoretical level, the answer is no, but at a practical level, the answer may be yes, as the examples given in the discussion below suggest.

Track Record

In quantitative terms at least, the Commission has had a high success rate, which perhaps should be expected given that it has now had nine years to complete the tasks initially expected of it. Of the six initial modules, only compliance and enforcement is incomplete, and it is expected that the legislative provisions for compliance and enforcement will be forwarded to Ministers early in 2002.

The list of material produced by the Commission is long. It includes ‘inputs’ such as reports and discussion papers and “outputs” such as policy, guidance material and legislation.

NRTC projects have been packaged as a series of three Heavy Vehicle Reform Packages. Progress on the development of these projects by the Commission and their implementation by jurisdictions is reported regularly to the Australian Transport Council in the form of an Implementation Status Report.

Second Review

The NRTC was initially established for a six year term, which expired in January 1998. Prior to this date, a review was undertaken resulting in amendments to the NRTC Act and Agreements and a one year extension in the life of the NRTC, followed by the remaining five years of the second six year term. The NRTC is now subject to a sunset clause in January 2004.

Early in 2002, a review of the NRTC Act was undertaken by a Steering Committee appointed by the Standing Committee of Transport. The Steering Committee comprised representative of Commonwealth and State transport and roads agencies, and the road and rail transport industries. The Steering Committee made recommendations to the Australian Transport Council through the Standing Committee on Transport. Ministers considered the recommendations at their meeting in Auckland on 8 August 2002. The result was reported in the communiqué of that meeting:

REVIEW OF THE NATIONAL ROAD TRANSPORT COMMISSION ACT 1991
AND INTERGOVERNMENTAL AGREEMENT ON RAIL OPERATIONAL
UNIFORMITY

The Future for Regulatory Reform

The National Road Transport Commission Act (NRTCA) is due to expire on 14 January 2004. As it is required to report to Heads of Government on whether the Act should cease, be re-enacted (including in a modified form) or be replaced, the ATC has conducted a review of the NRTC process. The ATC has simultaneously reviewed the Intergovernmental Agreement for Rail Operational Uniformity and the Australian Rail Operations Unit.

While the recommendations from the NRTCA Review have yet to be agreed by Heads of Government, ATC has agreed in principle to build upon the NRTC model for cooperative regulatory reform and to set a clear charter for action. Some of the key matters agreed by ATC include:

Continuation of the road transport reform process, with increased emphasis on maintenance of reforms that have already been initiated;

Extension of the road transport reform model to rail and intermodal operations. This means that a National Transport Commission (NTC) will be established to replace the National Road Transport Commission;

Rail transport reform will include developing further the national approach to rail safety regulation, to achieve a more effective mutual recognition regime, and focussing on procedures and standards to manage major risk factors, such as fatigue. There will also be capacity to look at the broader array of rail regulatory issues.

Consistent with the Freight Logistics Industry Action Agenda, the ATC will invite the freight logistics industry to review the regulatory environment and identify priorities for regulatory reform.

Governments will support industry broadening and deepening the Code of Practice for the Defined Interstate Rail Network, so that it can be extended to the intra-state network; and

Significantly improved mechanisms for industry consultation.

The Commonwealth will establish the National Transport Commission by legislation. The NTC's mandate and processes and the role of jurisdictions will be set out in a new intergovernmental agreement replacing the Heavy and Light Vehicles Agreements and the Intergovernmental Agreement for Rail Operational Uniformity. Developmental and transitional work will be carried out by the SCOT working group on implementation of the National Transport Commission.

Has the experiment been a success?

At the very least, the history of the NRTC is an interesting experiment in co-operative federalism.

In an institutional context of State/Territory responsibility for the regulation of the road transport industry, and a reluctance to refer powers to the Commonwealth, the Commission has had reasonable success in developing and maintaining national uniformity or consistency in vehicle standards and conditions governing vehicle operation.

The strident industry complaints over differential regulation which were common in the late 1980s and early 1990s have rarely been heard. The road transport industry, through its representative forums, has become a strong supporter of the continuing existence of the NRTC or a like body.

The NRTC has proved an effective mechanism for joint development, with environmental regulators, of vehicle noise and emission standards. It has provided a forum for more effective exchange of ideas and information between road authorities, and between road authorities and agencies with related responsibilities.

The Commission has completed much of its initial agenda and has begun to develop more innovative approaches to the regulation of road transport. It has proved an effective mechanism for aligning the regulatory approaches of different agencies impacting on road transport.

The tendency of the Commission to introduce innovative approaches to road transport regulation by drawing on developments in other regulatory spheres (for example, performance-based standards, compliance and enforcement, alignment of road transport and occupational health and safety) suggests a useful role for an agency freed from line responsibilities and able to concentrate on broader policy issues.

The early debates on the need for a strong method of delivery through template legislation versus concern for loss of State/Territory sovereignty inherent in that process are no longer heard. A strong consensus has developed in favour of joint policy development with outputs generally expressed in the form of model legislation. Retention of the formal voting process has assisted in the achievement, to date, of reasonable success in national implementation of proposals developed under NRTC processes.

The outcome of the recent review of the NRTC Act suggests that Transport Ministers are sufficiently satisfied with the outcome of the road transport regulatory reforms to wish to expand the mandate of the successor body to the NRTC to cover some rail and inter-modal issues. The result will be to allow this innovative approach to national resolution of issues where most power is exercised by State and Territory governments to be applied more broadly.

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