



# **STANDING COUNCIL ON TRANSPORT AND INFRASTRUCTURE**

2<sup>nd</sup> MEETING  
18 MAY 2012  
SOUTH AUSTRALIA

## **MINUTES**

SCOTI SECRETARIAT

**STANDING COUNCIL ON TRANSPORT AND INFRASTRUCTURE**

**18 MAY 2012**

**SOUTH AUSTRALIA**

**MEMBERS ATTENDING**

**CHAIR:**

**The Hon Anthony Albanese MP**  
Minister for Infrastructure and Transport

**MEMBERS:**

**The Hon Gladys Berejiklian MP**  
Minister for Transport, New South Wales

**The Hon Duncan Gay MLC**  
Minister for Roads and Ports, New South Wales

**The Hon Terry Mulder MP**  
Minister for Public Transport and Minister for Roads, Victoria

**The Hon Dr Denis Napthine MP**  
Minister for Ports, Victoria

**The Hon Scott Emerson MP**  
Minister for Transport and Main Roads, Queensland

**The Hon Patrick Conlon MHA**  
Minister for Transport and Infrastructure, Minister for Housing and Urban  
Development, South Australia

**The Hon David O'Byrne MP**  
Minister for Infrastructure, Tasmania

**The Hon Gerry McCarthy MLA**  
Minister for Transport, Northern Territory

**The Hon Simon Bridges MP representing the Hon Gerry Brownlee MP**  
Associate Minister of Transport, New Zealand

**Councillor Paul Bell**  
Councillor, Australian Local Government Association

**ALSO ATTENDING:** **The Hon Catherine King MP**  
Parliamentary Secretary, Infrastructure and Transport

**APOLOGIES:**

**The Hon Brad Hazzard MP**

Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW, New South Wales

**The Hon Jeff Seeney MP**

Deputy Premier and Minister for State Development, Infrastructure and Planning, Queensland

**The Hon David Crisafulli MP**

Minister for Local Government, Queensland

**The Hon Troy Buswell MLA (represented by Mr Reece Waldock)**

Minister for Transport, Western Australia

**The Hon John Day MLA (represented by Mr Eric Lumsden)**

Minister for Planning, Western Australia

**Mr Simon Corbell MLA**

Attorney-General, Australian Capital Territory

**The Hon Gerry Brownlee MP**

Minister of Transport, New Zealand

**OFFICIALS ATTENDING**

**Australian Government**

Mike Mrdak                      Chair, Transport and Infrastructure Senior Officials' Committee and Secretary, Department of Infrastructure and Transport

Lyn O'Connell  
Karen Gosling  
Michael Sutton  
Donna Wieland  
Philippa Power

**New South Wales**

Les Wielinga                      Director-General, Transport  
Tim Reardon

**Victoria**

Jim Betts                              Secretary, Department of Transport  
Gary Liddle                          Chief Executive, VicRoads  
Ian Shepherd  
James Lavery  
Terry Garwood  
Wendy Sladen

**Queensland**

Michael Caltabiano                      Director-General, Department of Transport and Main Roads  
Graham Fraine

**Western Australia**

Reece Waldock                          Director-General, Department of Transport  
Menno Henneveld                      Commissioner of Main Roads  
Eric Lumsden                              Director-General, Department of Planning

**South Australia**

Rod Hook Chief Executive, Department of Planning, Transport and Infrastructure  
Mark Elford  
Trudi Meakins  
Andrew Milazzo  
John Hanlon  
Sherree Goldsworthy  
Andrea Pearce  
Tony Corns

**Tasmania**

Norm McIlfattrick Secretary, Department of Infrastructure, Energy and Resources

**Northern Territory**

Sharron Noske Executive Director, Transport, Department of Lands and Planning  
Barbara Littler

**New Zealand**

Martin Matthews Secretary for Transport, Ministry of Transport

**Australian Capital Territory**

Stephen Goggs Deputy Director-General, Community Safety, Justice and Community Safety  
Directorate

**Australian Local Government Association**

Adrian Beresford-Wylie Chief Executive

**National Transport Commission**

Greg Martin Chair  
Meena Naidu  
George Konstandakos

**Infrastructure Australia**

Michael Deegan Infrastructure Coordinator  
John Austen

**Australian Transport Safety Bureau**

Peter Foley

**National Road Safety Council**

Ian Johnston

**Rail Safety Regulator Project Office**

Julie Bullas  
Janice McLoughlin

**Heavy Vehicle Regulator Project Office**

Richard Hancock

**Observers**

Mike Almond Australian Trucking Association  
Andrew Ethell Australian Logistics Council  
Bryan Nye Australasian Railways Association  
Philip Halton Australian Livestock and Rural Transporters Association  
Michael Apps Bus Industry Confederation  
Bob Nanva Rail, Tram and Bus Union

**Ministerial Staff**

Australian Government	Michael Choueifate, Craig Carmody, Moksha Watts, Chris Carpenter
New South Wales	Larry McGrath, Andrew Huckel
Victoria	Phil Connole, Peter Greenwood, Alexandra Douglas
Queensland	Mark Gorter
South Australia	Pat Gerace, Matt Clemow
Tasmania	Simon Monk
Northern Territory	Kieran Phillips
New Zealand	Mark Frampton

**Secretariat**

Australian Government	John Izzard, Robyn Guthrie
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# STANDING COUNCIL ON TRANSPORT AND INFRASTRUCTURE

18 MAY 2012

## MINUTES

### 1. OPENING AND ADMINISTRATION (Submission References – SCOTI 12/04, 12/05 & 12/06)

The Chair:

- Welcomed members to the 2<sup>nd</sup> meeting of the Standing Council on Transport and Infrastructure (SCOTI);
- Welcomed the new SCOTI member:
  - Minister Scott Emerson, Queensland.
- Welcomed Minister Simon Bridges representing Minister Gerry Brownlee, New Zealand;
- Noted apologies from:
  - Minister Brad Hazzard, New South Wales;
  - Minister Jeff Seeney, Queensland;
  - Minister David Crisafulli, Queensland;
  - Minister Troy Buswell, Western Australia (represented by Mr Reece Waldock);
  - Minister John Day, Western Australia (represented by Mr Eric Lumsden);
  - Mr Simon Corbell, Australian Capital Territory; and
  - Minister Gerry Brownlee, New Zealand.
- Welcomed industry observers:
  - Mike Almond, representing Australian Trucking Association;
  - Bryan Nye, Australasian Railways Association;
  - Andrew Ethell, Australian Logistics Council;
  - Philip Halton, Australian Livestock and Rural Transporters Association;
  - Bob Nanva, Rail, Tram and Bus Union; and
  - Michael Apps, Bus Industry Confederation.
- Thanked officials from the Commonwealth, states and territories for their substantial contributions to the meeting;
- Adopted the 2<sup>nd</sup> SCOTI meeting agenda; and
- Confirmed the Minutes of the 1<sup>st</sup> SCOTI meeting and the Telepresence meeting.

### 2. STRATEGIC INFRASTRUCTURE PLANNING (a) Cities Agenda (Submission Reference – SCOTI 12/07)

SCOTI

1. **NOTED** COAG's consideration of the COAG Reform Council's report (CRC) *Review of capital city strategic planning systems* and decision that further intergovernmental collaboration be taken forward by SCOTI.
2. **AGREED** to issue a response to the recommendations in the CRC's report.

3. **AGREED** to further intergovernmental collaboration in three main areas:
  - a) work that reflects the importance of cities in the national context and recognises that an appropriate focus on strategic planning systems will assist SCOTI achieve its objectives for COAG
  - b) work to ensure SCOTI's current and future reforms are fully informed by consideration of cities, strategic planning and strategic planning systems—particularly in meeting several of its high level policy responsibilities:
    - i. infrastructure policy and investment;
    - ii. infrastructure and related land use planning; and
    - iii. promotion of more efficient and environmentally conscious transport.
  - c) work on new initiatives arising from the CRC report, including to:
    - i. improve national information on cities;
    - ii. improve sharing of best practice in strategic planning systems; and
    - iii. improve understanding of—and engagement with—other intergovernmental work affecting cities.
4. **AGREED** that TISOC oversee implementation of Recommendation 3, and report to SCOTI regularly on progress and specific matters arising for Ministers further consideration.

**(b) National Airports Safeguarding Framework**  
**(Submission Reference – SCOTI 12/08)**

## **SCOTI**

1. **AGREED** the Principles for a National Airports Safeguarding Framework.
2. **AGREED** Guidelines B – F, subject to their operation being reported back to SCOTI in 12 months.
3. **AGREED** Guideline A – *Measures for Managing Impacts of Aircraft Noise*:
  - a) subject to its use being for the purpose of guiding strategic planning decisions and monitored, with a report back to SCOTI in 12 months; and
  - b) noting that, following a request from TISOC, the Commonwealth's intention to seek a review by Standards Australia of Australian Standard AS 2021-2000 *Acoustics - Aircraft Noise Intrusion – Building Siting and Construction* (AS2021).
4. **AGREED** that a Safeguarding Framework implementation report be provided to the next SCOTI meeting, **NOTING** that the Framework and its implementation plan are likely to be refined over time to reflect:
  - a) processes that will address the review of AS2021 and Guideline A; and
  - b) any future guidance material to be incorporated within the National Airports Safeguarding Framework.
5. **NOTED** that NSW do not support Guideline A in its current form.

**(c) National Freight Strategy and  
Infrastructure Australia update  
(Submission Reference – SCOTI 12/09)**

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**SCOTI**

1. **NOTED** an update provided by Mr Michael Deegan, Infrastructure Australia.

**3. ROAD INVESTMENT REFORM  
ISSUES  
(a) Heavy Vehicle Charging and  
Investment Reform  
(Submission Reference – SCOTI 12/10)**

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**SCOTI**

1. **AGREED** that the main item for discussion at the SCOTI meeting in November will be heavy vehicle charging and investment reform in order to meet key COAG reform milestones.
2. **NOTED** that options for reform packages are currently under development and SCOTI will be asked to consider fundamental reform of investment and charging arrangements for heavy vehicles, and that these options will have implications for the overall systems of road provision, maintenance and planning.
3. **ENDORSED** the appointment of an independent Chair to a reconstituted Heavy Vehicle Charging and Investment Reform Board, which includes Transport and Treasury representation for a period of two years.

**(b) Heavy Vehicle Operations  
(Submission Reference – SCOTI 12/11)**

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**SCOTI**

1. **AGREED** that the NTC publish user-friendly price setting models to inform the consultation process for all future price reviews.
2. **ENDORSED** the NTC commencing work on a new Determination and coordinating the new Determination with the COAG Road Reform Plan work, with recommendations to be presented to SCOTI by mid-2013 so as to enable the outcomes of the review to be considered for possible application from 1 July 2013.
3. **APPROVED** the adoption of a single national modular B-triple vehicle specification with access to the existing Type I road train network map.
4. **ENDORSED** the National Framework for Modular B-Triple Operations to enable modular B-triples to have access to the current road train network on the same basis as double (Type I) road trains with any future additional conditions to be developed by way of Ministerial Guidelines.
5. **ENDORSED**, in order to facilitate enhanced access and associated productivity gains across Australia for modular B-triples, that access conditions for modular B-triples may be reviewed by States and Territories on expansions of the network in accordance with the Intergovernmental Agreement on Heavy Vehicle Regulatory Reform.
6. **NOTED** that TISOC has agreed to initiate work to promote the voluntary industry take-up of in-vehicle telematics.



**4. NATIONAL TRANSPORT  
REGULATORS  
(a) Heavy Vehicle  
(Submission Reference – SCOTI 12/12)**

**SCOTI**

1. **ENDORSED** the final Drafting Instructions for Bill 2 as a statement of the major policy outcomes sought and **AGREED** to vote on Bill 2 and the draft regulations for the Heavy Vehicle National Law at a Telepresence meeting at the end of July 2012.
- 1A. **NOTED** that:
  - a) Victoria’s critical issues for Bill 2 regarding:
    - use of reasonable force by Authorised Officers who are not Police Officers;
    - powers to enter and search places without consent of the owner or without a warrant, including where evidence is suspected to be at a place or the incident involves death, injury or property damage; and
    - paid infringements as evidence that an offence has happened.
  - b) Victoria requires further clarification through the drafting process on:
    - tampering with speed limiters;
    - triggers for extended liability offences;
    - powers to require: production of documents, reasonable help, and name and address; and
    - seizure powers.
  - c) Victoria will consider its options when voting on Bill 2 if these issues are not resolved in the National Law.
- 1B. **AGREED** that the Project Office facilitate a workshop with jurisdictions to consider and resolve outstanding compliance and enforcement issues raised by Ministers to ensure an agreed national position can be included in Bill 2.
2. **AGREED**, subject to 2A, the maximum penalties, as set out in the ‘Proposed National Penalties’, for inclusion in the drafting process for Bill 2 and **NOTED** that they will be subject to the SCOTI vote on Bill 2 in July 2012 following feedback from industry on the penalties framework; and that a further review is then proposed by 2014.
- 2A. **NOTED** that Victoria seeks from the NHVR Project Office a clear road safety justification for the substantial penalties in respect of sections 74(2), 115(1), 115(2), 476(2), 511(5), 512(3) and 514(4) of Bill 1 and if not received Victoria will vary these penalty amounts.
- 2B. **AGREED** that the Project Office further consult jurisdictions on the penalty amounts for certain offences as raised by Ministers, the supporting case for these amounts and whether there are any limited transitional arrangements to assist the implementation of the new penalties framework.
3. **REQUESTED** TISOC to undertake a thorough review of the maximum penalties that takes into account relativities with light vehicle penalties and jurisdictional penalty frameworks, with a report to SCOTI with recommendations for ongoing penalties for the HVNL at its first meeting of 2014.
4. **DISCUSSED** and **AGREED** to recommend the appointment of Robin Stewart-Crompton, Coral Taylor, Peter Garske and Vince Tremaine to the NHVR Board, to be chaired by the Hon Bruce Baird AM, and endorsed the proposed remuneration arrangements for Board members.

5. **NOTED** the progress made on Heavy Vehicle Driver Fatigue – Counting Time, Assessment of Residual Risk and Risk Classification System and that an update and the evidence statement will be provided in July 2012 to accompany the SCOTI vote on Bill 2.
6. **AGREED**, as set out in the ‘Planned Operations of the NHVR’, the:
  - a) operations of the NHVR on 1 January 2013 and by July 2013 (the estimated timing for passage of application legislation in states and territories); and
  - b) NHVR Operations Forward Work Program to 2017.
7. **AGREED** the Legislative Forward Work Program and that TISOC develop an agreed timetable for delivery.
8. **NOTED** that Ministers will consider national plates at the July 2012 Telepresence meeting and that there would be no additional resources from the Commonwealth for this function.
9. **AGREED** that the National Heavy Vehicle Regulator CEO report to SCOTI in November 2012 on progress on the implementation of the national regulatory system.

## (b) Rail

(Submission Reference – SCOTI 12/13)

### SCOTI

1. **AGREED** the Cost Recovery Model to be applied to rail operations from July 2013 under the National Rail Safety Regulator; and to review the cost recovery model after three years of operations.
2. **AGREED** the recommended regulatory fees for operators for inclusion in Regulations that will be voted on in November 2012.
3. **RECONFIRMED** that the Tourist and Heritage sector will be included under the National Rail Safety Regulator’s oversight under the national rail safety framework as contained in the approved Rail Safety National Law and **AGREED** the principle that payment of Tourist and Heritage regulatory fees be considered by State and Territory Governments as a Community Service Obligation.
- 3A. **AGREED** that Victorian Tourist and Heritage operations that operate on a dedicated network in Victoria not connected to other rail networks may be excluded at the discretion of the Victorian Minister, through being named in Regulation 7 of the Rail Safety National Law.
4. **AGREED** that no additional regulation of hours of work and rest for rail safety workers is required to supplement the existing provisions of the Rail Safety National Law, consistent with the conclusions of the Regulatory Impact Statement *Rail Safety National Law: Fatigue Risk Management – Hours of Work and Rest*.
- 4A. **NOTED** that the national regulations will allow NSW to retain their current prescribed train driver hours limits and **AGREED** that a further review of fatigue arrangements be undertaken by the National Regulator within three years from the commencement date of the National Regulator.
5. **AGREED** to the National Rail Safety Regulator’s drug and alcohol post incident and risk-based testing program at an additional cost of \$1.003 million above the current cost of regulation and **NOTED** that these costs will be recovered as part of the overall cost recovery arrangements.
- 5A. **NOTED** that the national regulations will allow NSW to continue to require rail operators in NSW to undertake random or targeted drug and alcohol testing consistent with existing arrangements, and **AGREED** a further review by the Regulator within three years from commencement date of the National Regulator.
6. **AGREED** to offer the preferred candidate the Chief Executive of the National Rail Safety Regulator, with Minister Conlon to finalise the appointment, and **NOTED** that Minister Conlon

will consult on the appointment of the two non-executive directors prior to ratification in July 2012.

7. **AGREED** that the National Rail Safety Regulator CEO report to SCOTI in November 2012 on progress on the implementation of the national regulatory system.
8. **APPROVED** the draft Bill to amend the Commonwealth *Transport Safety Investigation Act 2003*, which is planned to be introduced to the Commonwealth Parliament in the 2012 Winter sitting period.
9. **NOTED** that Regulatory Impact Statements will be developed, for SCOTI consideration in 2013, or
  - a) data loggers, following the completion of the Australian Standard for data loggers,
  - b) train communications systems; and
  - c) that NSW will retain its existing compliance code on data loggers and its regulation on train communications whilst the further work is undertaken.
10. **COMMENDED** Julie Bullas and the National Rail Safety Regulator Project Office team on their tireless work and achievements on the Rail Safety National Law.

### (c) Maritime

(Submission Reference – SCOTI 12/14)

## SCOTI

1. **AGREED** to the Marine Safety (Domestic Commercial Vessel) National Law Bill 2012 and supporting consequential amendment bills to be introduced into the Commonwealth Parliament.
2. **AGREED** to a new SCOTI principle which will require that any Regulations supporting the National Law, which prescribe additional vessels into the national system be unanimously agreed by Ministers.
3. **AGREED** that the National Law Bill include a provision to the effect that the scope of the National Law as prescribed under clause 7(4) and (5) must be agreed by SCOTI.
4. **AGREED** that the National Law will include a roll-back precedence provision, including common law offence provisions, the exact details of which can be agreed between the Office of Parliamentary Counsel and the Victorian Solicitor-General.
5. **AGREED** that the offence provisions and penalties of the general safety obligations will be reviewed by TISOC, with recommendations forwarded to SCOTI by the first meeting in 2013.
6. **AGREED** that the National Law Bill include a provision to the effect that the private surveyors accreditation scheme allowed to be the subject of regulations under clause 160(1) (a) of the National Law Bill cannot be activated until the scheme is agreed by SCOTI.
7. **AGREED** that in relation to additional Recommendation 6, AMSA must consult all jurisdictions on the design of the regulations to facilitate the private surveyor scheme, including:
  - a) training of surveyors;
  - b) appointment of surveyors;
  - c) standards for surveyors;
  - d) auditing standards and procedures; and
  - e) other relevant matters.

With the object of presenting recommendations to SCOTI at the first meeting in 2013.

8. **AGREED** that the National Maritime Regulator CEO report to SCOTI in November 2012 on progress on the implementation of the national regulatory system.

**5. NATIONAL ROAD SAFETY**  
(Submission Reference – SCOTI 12/15)

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**SCOTI**

1. **AGREED** the Annual Report (including publication on the NRSC website), the forward work plan and financial report of the NRSC.
2. **AGREED** to discontinue the NRSC when the current members' terms expire in November.
3. **AGREED** to consider in November an alternative model for national leadership in road safety with a focus on implementation of the National Road Safety Strategy and options on how to manage any uncommitted cash reserves held in the NRSC trust account.
4. **NOTED** the Commonwealth will manage the administrative matters including the implications for the Services Agreement for the provision of Executive Director services to the NRSC.
5. **AGREED** the NRSC not receive further funding from SCOTI until its current cash reserves are fully expended.
6. **NOTED** that the National Road Safety Strategy is progressing satisfactorily at this early stage of implementation and that the next progress report will be submitted in the second half of 2012.

**6. NATIONAL TRANSPORT COMMISSION**  
(Submission Reference – SCOTI 12/16)

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**SCOTI**

1. **APPROVED** the NTC 2012–13 Work Program and 2012–13 budget to support the delivery of national transport reform objectives, noting that the work program will need to be updated to reflect a new HV determination as priority work in this period.
2. **NOTED** the NTC Strategic Plan and **AGREED** to give further consideration to the Plan following the outcomes of the review of the role of the NTC and other relevant transport bodies.
3. **NOTED** the progress on current NTC reform activities.
4. **NOTED** the outcomes-based performance report “Transport Trends” which describes broad trends in the transport sector as aligned with NTC’s Strategic Plan.

**7. OPERATIONAL ISSUES**  
**(a) National Code of Practice for CCTV**  
(Submission Reference – SCOTI 12/17)

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**SCOTI**

1. **NOTED** the completion of the National Code of Practice for CCTV Systems for the Mass Passenger Transport for Counter-Terrorism – March 2012.

**(b) National Cycling Strategy –  
Implementation Report  
(Submission Reference – SCOTI 12/18)**

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**SCOTI**

1. **NOTED** the National Cycling Strategy 2005–2010 implementation report.
2. **NOTED** progress with the implementation of the National Cycling Strategy 2011–2016.
3. **APPROVED** the release of the National Cycling Strategy 2005–2010 Implementation Report.

**(c) National Standard for General Safety  
Requirements for Vessels  
(Submission Reference – SCOTI 12/19)**

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**SCOTI**

1. **ENDORSED** the final draft of the National Standard for General Safety Requirements for Vessels.
2. **ENDORSED** its gazettal under section 427 of the *Navigation Act 1912*.

**8. REPORT TO COAG  
(Submission Reference – SCOTI 12/20)**

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**SCOTI**

1. **AGREED** that the SCOTI Chair provide relevant advice to the COAG Chair.
2. **NOTED** progress in delivering previously agreed ATC/COAG transport reforms.

**OTHER BUSINESS**

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**SCOTI**

1. **AGREED** that NSW present a paper at the SCOTI meeting in November 2012 on graduated licensing issues and options for change, taking into account the findings of the current Austroads work on a best practice model of graduated licensing.
2. **NOTED** that the Commonwealth will present a paper at the SCOTI meeting in November 2012 on the issue of driveway safety including use of reversing cameras.

**NEXT MEETING**

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**SCOTI**

1. **AGREED** that the next meeting would be held in Western Australia in November 2012.

