

Heavy Vehicle National Law Review

Expert Panel Terms of Reference

Introduction

1. These Expert Panel Terms of Reference apply in the context of the Heavy Vehicle National Law Review Terms of Reference.

Purpose

2. The Expert Panel is established to:
 - a. guide the National Transport Commission (NTC) on the review
 - b. consider the current operation of the Heavy Vehicle National Law (HVNL)
 - c. propose opportunities to improve policies underpinning the new HVNL, and
 - d. provide independent advice to the Transport and Infrastructure Council (Council) on the direction of the review.

The Chair

3. Mr Peter Harris is the independent Chair of the Expert Panel.

Members

4. In addition to the Chair, the Expert Panel comprises:
 - a. Ms Louise Bilato
 - b. Mr Andrew Ethell
 - c. Mr Gary Liddle
 - d. Mr Gary Mahon, and
 - e. Ms Sharon Middleton.

Meetings

5. The Expert Panel will meet with an approximate monthly frequency, as required.
6. Meetings will be held in Melbourne.
7. Telepresence or teleconference facilities will be available for meetings to reduce travel burdens on members outside of Melbourne.
8. The NTC will provide secretariat support for Expert Panel meetings. This includes:
 - a. working with the Chair to develop agenda and meeting records, and
 - b. co-ordinating meetings and telepresence or teleconference facilities
9. NTC staff will attend meetings of the Expert Panel as observers, to share progress updates, provide information and be guided by the Expert Panel.
10. The Expert Panel may agree to use particular meetings to:

- a. invite other experts to provide advice in specific areas or expertise beyond members' or the NTC's areas of expertise, or
- b. invite jurisdictional representatives to provide relevant data, studies or other material that supports their positions
- c. as a Panel, consult senior officials (e.g. the Jurisdictional Strategic Oversight Panel – JSOP), with their agreement.

Decisions of the Expert Panel

11. In general, Resolutions, Guidance and Advice from the Expert Panel will be made by consensus of the Chair and all members.
12. The Chair may elect to provide guidance, advice or formal resolutions on behalf of the Expert Panel where consensus is not reached, however it must be made clear that the Resolution, Guidance or Advice is not the position of every Expert Panel member; and dissenting views should be reflected where made available in a timely fashion.

Outputs

13. In line with its purpose, the Expert Panel will provide:
 - a. formal guidance and advice to the NTC on the conduct of the review
 - b. formal advice to the NTC and Council on the opportunities to improve policies underpinning the HVNL, and
 - c. formal advice to Council on the direction of the review.

Confidentiality

14. To preserve the opportunity for robust and frank discussions, deliberations of the Expert Panel are regarded as confidential. The NTC, Expert Panel members and other observers agree not to share publicly Expert Panel deliberations.
15. To preserve transparency and accountability, Resolutions, Guidance and Advice of the Expert Panel will be recorded in the Minutes of each meeting and circulated by the Chair. Minutes will record Members' identification of conflicts of interest where needed. Minutes will otherwise be kept to a bare necessary minimum.

Conflict of interest

16. It is to be expected that conflicts of interest – direct and implied – are likely to arise. Expert Panel members are responsible for self-identifying both direct and implied conflicts of interest to the Chair. In such circumstances:
 - a. The Chair will discuss the conflict with the Member, determine a course of action and where necessary record the Member's advice and the actions if any to be taken in the Minutes of the next meeting;
 - b. The Chair will advise the CEO of the NTC as soon as practicable after receiving the Member's advice;
 - c. If the Chair determines that the Member is able nevertheless to continue to participate in relevant discussions, a separate decision must be taken on whether the Member is also able to participate in forming a consensus on a matter.

Duration

17. The Expert Panel is established from its first meeting until the NTC's completion and submission to the Council of the policy aspects of the HVNL review (nominally May 2020).