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One Australia: techniques for overcoming our colonial boundaries

in the creation of the Federation of Australia in 1901. Politician Henry Parkes was instrumental in making this come about, but his famous speech forecast some tricky times ahead.

In one hand I have a dream, and in the other I have an obstacle.

Sir Henry Parkes, 'Father of Federation'

Historical records are full of instances where states and territories continued to do their own thing and compete for any available resources. To protect their competitiveness, they enacted local laws and pursued their own technologies. By the time that 'the tyranny of distance' was being overcome by faster transport systems and broader markets for goods and services, the obstacles forecast by Henry Parkes appeared. Those who provided transport services became very conscious of the disadvantages of difference.

Progress of Reforms

Gradually, and usually very slowly, some change has occurred. Sometimes this has been driven by the need to respond to international agreements or competition, sometimes by individual politicians or bureaucrats who believed in the value of uniformity on a national scale, but more often, in my experience, by private individuals and corporations that could influence governments – appropriate democratic behaviour in my view.

Over the years there have been many attempts to create uniform arrangements throughout Australia, all with mixed success so far. In transport, specific government organisations have been established to facilitate national reforms.

Some of these are:

- Austroads (formerly NAASRA), the association of Australian state

and territory and New Zealand road authorities, concentrating on developing uniform technical standards and guidelines;

- the National Transport Commission (NTC) concentrating on developing uniform transport law for consideration by Transport Ministers;
 - the National Heavy Vehicle Regulator (NHVR) focusing on uniform administration of national road transport laws and regulations;
 - the Office of the National Rail Safety Regulator, focusing on encouraging and enforcing safe railway operations.
- By road managers

Despite having these structures in place, the individual jurisdictions (states and territories) have to pass their own laws and/or adopt identical administrative practices, in order to achieve national uniformity. This is because the Australian Constitution grants a very limited range of powers to the Commonwealth. By accident, refinement, or design, most of these state and territory laws and administrative practices differ to some extent.

...and what chance do we have to change the Australian Constitution? Since change requires a majority of people in a majority of states to vote 'yes', some would say that the answer is zip; nil; none; or at least not until everyone agrees on the application of Daylight Saving time, and how to deal with the next pandemic.

Achievements

Let's not sink into the depths of despair. Australia is still a great country, with a strong democracy, generally progressive laws, and innovative thinkers who churn out improvements, even if they have to be a bit pushy at times. Governments

and their ministers have to balance many and often diverse views. The road transport industry knows this only too well, being the 'meat in the sandwich' between those who love and rely on trucks, and those who see them as too big, too noisy and too dangerous.

In the 1990s, 1,330 different road rules across borders were combined into about 100 'Australian Road Rules' and adopted in law by all jurisdictions. Many years ago, I believe in the early 1960s, a national bridge design code was adopted and used by most, if not all jurisdictions. Similarly, other guidelines and standards for road design and the design of pavement structures were developed and adopted. Perhaps the most promising reforms have been the adoption of National Transport Law, and the establishment of one regulator each for heavy vehicles, rail and marine safety. The Performance-Based Standards (PBS) Scheme, now enshrined in the National Transport Law, was a first for Australia. Despite calls for continuous improvement, particularly in the assessment of access permit applications by road managers, the PBS scheme has enabled the industry to introduce thousands of more productive freight vehicles that are on average 46 per cent safer than conventional vehicles (report to the NTC by the Industrial Logistics Institute March 2017). There are many other transport related schemes.

Room for Improvement

In April 2020, the Productivity Commission reported on its evaluation of transport reforms previously agreed by COAG (the Chief Ministers of Australian jurisdictions). In short, the Commission identified many areas where improvements to interpretation, transparency, productivity and safety could be achieved by public administrations. I would like to focus on issues it raised regarding the interpretation of laws, regulations and administrative guidelines. It is this variation in interpretation that is a common cause of frustration. Variations between jurisdictions



and even within administrations (departments and statutory authorities), and even between individuals in those administrations can be caused by different approaches to risk, but often by differences of opinion. In theory, risk management should involve evidence-based assessments of the likelihood and consequence of something going wrong, thereby determining the relevant risk and priority for action. But in practice such an objective approach is often lacking, and subjectivity becomes the norm. Personal opinion dominates with often ridiculous consequences. I am sure that you have heard many 'war' stories. In the mid '80s I attended a demonstration of a new bus that was proposed to be introduced in several states by its owner/developer. Heavy vehicle 'experts' from most jurisdictions were present. I cannot remember the details of the bus, or why it was supposedly different to the norm, but I can remember the verbal opinions that flew about for about 20 minutes, resulting in rejection of the vehicle by many of the states and territories present. I've never forgotten the apparent arrogance and anger that applied that day.

What seems to work

In my opinion very few of us like change, particularly if forced upon us by circumstances we cannot control or do not understand. Individuals we deal with will have many different agendas; enjoying power, protecting views that they have developed over many years, saving face, gaining satisfaction from helping you, making life difficult, taking the easy way out because they are busy,

impressing the boss, making profit if in the private sector, and many more.

My ten tips (where applicable) for dealing with administrative roadblocks are:

1. Get to know the person you are dealing with as much as possible, particularly if you have multiple dealings over time. Most people are human, with few hang-ups.
2. Try to identify their agenda.
3. Understand that the higher the 'rank' in an organisation the more likely the person is to exercise a more balanced view between technical theory and political practicality. This understanding is often the reason that they have reached higher 'ranks'. Ensure that you can deal with the most appropriate person.
4. Understand the written rules, their purpose and the background to their development.
5. Seek hard evidence from the other party to support any strongly held opinions they may have.
6. Identify common ground; it may start as small as 'we are both interested in transport and good infrastructure,' and in time enable you to deal with complex issues.
7. Link your needs and the other party's objectives where possible.
8. Work out a compromise if you can. Often objectives are in conflict, for example heavier loads and poorly performing bridges. Compromises are not always "lose – lose".
9. Avoid insulting people, it usually backfires.
10. Keep advocating for better transport outcomes.

If you read these tips and thought that they were written for a person dealing with government, then I suggest you read them again from the point of view of a government employee. They should apply to all of us.

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