

Submission to Senate inquiry into rail industry.

Thank you for providing an opportunity to make a submission to this inquiry into Australian rail.

Many matters could merit consideration by an inquiry into how Australian manufacturing may contribute more to the rail industry. Other submissions will likely raise issues such as: proposed sale of the Australian Rail Track Corporation; effectiveness of 'regulatory reform'; continued bias towards roads; claims for Commonwealth funding; high speed rail.

This submission proposes the inquiry consider a more basic concern; a precondition for proper discussion of the above and other issues de jour. The Commonwealth's role.

It is at least arguable that over many years the Commonwealth has lost an understanding of its responsibilities in transport and therefore of its real role in rail.

The Commonwealth's responsibilities arise from the Constitution. A series of recent High Court cases clarified aspects of this, in particular rejecting some expansionist views of the powers of the executive as being inconsistent with the text and structure of the Constitution.

The Constitution puts the Commonwealth at the centre of achieving consistency in Australia's railways; consistency requires standardisation of assets and operating procedures to overcome breaks of gauge. Rail discontinuities bedevilled Australia prior to, and may have been a motivation for, federation. Not only do breaks of gauge remain today but more are being introduced.

Despite the views of some, including the former Prime Minister, compared with railways the Commonwealth's responsibility and therefore proper role in roads is far more limited, not being mentioned in the Constitution.

Evidence of a loss of relevant understanding among successive Governments and advisers include:

- The Commonwealth consistently spending far more on roads than on rail;
- Re-writing by officials of a national land freight strategy in a way that lost its central meaning: the ambition to have a standardised network;
- Failure of Infrastructure Australia's national infrastructure audit and plan to identify break of gauge as a serious infrastructure concern, despite this being raised in submissions;
- The audit, plan and the designated national network being open to suggesting there are no breaks of gauge; the plan inferring for example narrow gauge in Queensland and standard gauge in NSW to be part of a single network;
- Persistent misunderstanding rail of regulation, and reliance on processes such as the rail industry safety and standards board which are most unlikely to achieve standardisation;
- Virtual silence on new break of gauges; automatic train protection / control, Sydney metro;
- Ignorance of implications, including for the Senate, of the High Court's Williams decisions.

The problem of not understanding responsibility is not so much a belief in nothing, but acceptance of anything.

With acceptance of anything it is no surprise that mistakes in advice continue.

Among the most recent is the laughable proposition of the recent report on high speed rail that demand for travel to Sydney at Southern Highlands (Moss Vale) would approximate that at Newcastle or the Central Coast (High Speed Rail phase 2 report at table ES-5, or figure 2-12 for example).

One implication: the debate about high speed rail is being misled into consideration of a proposal less likely to be feasible, viable or necessary than increasing rail speeds between Sydney and Newcastle.

If proposals for high speed rail Sydney-Canberra/ Melbourne fail yet again, Australia will lose in being distracted from opportunities with greater benefits, lower costs, and lower risks (such as being unaffected by an increase in Sydney aviation capacity, Badgery's Creek). This is regrettable from perspectives of congestion, urban development, economic and social opportunity, and of course, viability of rail industry suppliers.

To overcome the sources of such mistakes it is necessary to avoid making up 'roles' for the Commonwealth on the basis of convenience, and to reinstate a serious pursuit of its responsibilities.

A serious Commonwealth approach to rail would focus on standardisation or at least interoperability of track and loading gauge, control systems, fleets etc. Such an approach would increase economies of scope and scale, not only in rail operations, but for industry suppliers as well.

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The author, now happily retired, worked as an adviser on national, state and Commonwealth rail issues between 1993 and 2014. Background on the above can be found at thejadebeagle.com.