

The TCPA's understanding of the Victorian government's broad policy-cum-goals for transport and land use set out in the government's discussion paper "Towards an integrated and sustainable transport future" (October 2007), is as follows:

"The Victorian Government is proposing to develop an overarching Act – being referred to as the *Transport Integration Act*. This Act would establish the organisations and roles that are legally responsible for the delivery of transport in Victoria." This strategy reflects a recommendation by VCEC in its 2006 report on transport congestion for integrating and commonising a set of objectives for governance of transport across all transport authorities in Victoria.

Transport System Objectives

"We encourage feedback from stakeholders as to whether the objectives reflect their expectations. In thinking about how objectives should be framed, input is sought regarding the particular aspects of objectives which are important to reflect in the legislation."

The briefing Paper posed inquiry questions in the general form:

"Is <objective> an objective which should be included in the transport legislation?"

If so, how should this objective be framed in the legislation?"

The **objectives** are:

1. An integrated and coordinated system
2. A safe and secure system
3. An efficient and reliable system
4. A system that provides value for money
5. A system that supports economic growth
6. An equitable, accessible and socially inclusive system
7. A healthy system
8. An environmentally sensitive system

Feedback is invited on the following **questions** about the proposed objectives:

- a) Are the proposed objectives sufficiently related to long-term issues?
- b) How might the objectives strengthen or weaken the integration of the transport system
- c) Do all of the proposed objectives have broad support from the community, and if not what aspects of the objectives are not well supported?
- d) Do any of the objectives impose unnecessary constraints on the transport system?
- e) To what extent are the objectives consistent with each other?
- f) Should these objectives apply to all bodies created under the transport legislation? Are

there other transport bodies not created under the transport legislation that the objectives should also apply to?

- g) What other objectives should be considered and why?
- h) Are some objectives more important than others or are they equal in importance?

TCPA's response

A preamble about objectives

Much of this is well-established corporate management practice, and is not intended as a “suck eggs” commentary to the review group.

We see objectives – or goals – as statements about the required and desirable outcomes of intended activities performed by organisations and their members.

Stated objectives provide the accountable organisation and its stakeholders with the criteria needed to objectively discuss, monitor and evaluate performance. Their statements should communicate these requirements to all parties.

The essential characteristics of effective objectives are:

- *Clear and concise.* Thus, they should be transparent to stakeholders (including the public, in the issue of public governance of transport)
- *Understood and accepted* by all parties, including government and public as stakeholders. This flows directly from clarity and conciseness. Communicating the objectives is essential.
- *Specific and results-oriented*
- *Measurable:* All goals should contain a set of “metrics” that define required standards of quantity and quality of results
- *Tied to deadlines*
- *Challenging but realistic.* Given the increasingly changing strategic environment of transport planning and operation, this will be more emphasised
- *Relevant* to the strategic environment and the stakeholder/public interest
- *Cost effective:* i.e. provide a clear net benefit across the 3 components of value: best available financial cost recovery, social well-being and environmental well-being.

If a statement about an objective does not manifest all of these attributes, it is diminished as a goal, or not a goal at all.

A Dorothy Dix-er: defining “transport” and “transport system”

There is the need to define the scope of “transport” and “transport system” as a range of artefacts, phenomena and functions under the new Act (i.e. the proposed Transport Integration Act, plus amendments to other existing statutes).

For example, should the scope of transport include all identifiable forms of transport of

physical objects (people, animals and materials across land and inland waterways, and across the sea between points within Victoria (e.g. passenger ferries), which the Victorian parliament could regulate by statute? Should the scope be widened to include sea transport of freight? Aviation is under federal control.

“System” needs definition in the new Act. Should definitions of “system” address the arrangements of physical artefacts, as well as the systems of human organisations and their management?

Definitions of transport should not exclude any currently existing or future alternative modes of transport. Indeed, the Act should define an extensive, even exhaustive set of forms of transport according to vehicle type and function, manner of operational management and licensing, and what is conveyed. The TCPA would like to see definitions given for “active transport”, public transport, pedestrian, non-motorised transport (bikes, skateboards, etc), demand-responsive forms of transport, etc, etc.

Framing of objectives

Level of generality and time-frames

We believe that objectives for the transport sector should be split between those to be embedded in the relevant legislation, and those that are not in the legislation but which the legislation specifically calls upon designated authorities to devise, adopt and publish.

There is obviously a need to balance control of delegated authorities with the need for flexibility of corporate goal-setting with the corporate authorities. As the strategic environment changes, so should longer term strategic goals.

Thus, the new Act should define in general but sufficiently succinct terms what are the ***higher-level, broad objectives*** for the transport sector and for those agencies and authorities legally responsible for their achievement. Such objectives should be of an enduring and transcendent validity and would be stable over the long term (10 to 50 years, or longer?). As the land-use matrix tends to be stable in the long-term (50 – 100 years before major changes occur to land-use subdivisions and buildings), so should the transport planning and infrastructure, e.g. creating and setting aside of transport route land corridors, something that was very effectively done in Melbourne town plans up to the 1960s.

Goals of a ***shorter*** time frame (one to three years) and of a more specific scope should be left to the responsible decision-making of authorities empowered under the new Act. Nevertheless, these smaller scale goals must define performance outcomes fully compliant with the broad objectives stated in the new Act. The responsibility of defining and achieving these “sub-Act” objectives should be clearly defined and allocated in the new Act.

Objectives need to distinguish between outcomes for the transport services and performance outcomes for the authorised transport agencies

The drafted objectives always refer to the transport “system”, implying the physical artefact of the infrastructure and services that are tangible to the public stakeholders. There is also the need to identify the authorised and mandated authorities that are charged with responsibility of achieving these “system” objectives.

What about statements about government vision, mission and objectives for the transport sector?

Question: Could the government's candidate objectives be better expressed in terms of:

- A **government vision** for transport (the “transport system”) defined and stated at or near the top of the Act, maybe as a preamble. The candidate objectives (plus additions – see below) in the DoI's discussion paper could and should (with some re-phrasing) comprise this Vision statement
- A **mission statement** (statement of *purposes*) to be produced by each agency or corporation authorised under the new Act, and approved by the ministers for transport and planning. The mission statements should be consistent with the statement of vision for transport under the new Act. These organisational mission statements would not be part of the new Act but be mandated by it, and would be required to be publicly gazetted or attached by schedule to the Act. The Greater Vancouver Transportation Authority Act 1998 has a short statement of purposes.

A mission statement (or statement of purpose) is a brief description of a corporation's fundamental purpose. A mission statement answers the question, “Why do we exist?” [Not simply due to an Act of Parliament!] The mission statement should articulate the organization's purpose(s) both for those in the organization and for the public. A mission statement will “broadly describe an organization's present capabilities, customer focus, activities, and business makeup”. Every organisation should have a mission statement, both as a way of ensuring that everyone in the organization is “on the same page” and to serve as a baseline for effective business planning.

The difference between a mission statement and a vision statement is that a mission statement focuses on a corporation's purpose while a vision statement focuses on a corporation's (in this case, the entire transport service sector's) desired future.

- A statement of the **broad objectives** for the transport sector, and for the authorised organisations (basically what the DoI's current review phase is about)

Interestingly, the statement of Objects and Functions of the Department in the current Act could provide, with rewording, a reasonable (but obviously incomplete) starting point for such a generic mission statement for the overarching transport administrative authorities (DoI, etc): -

Objects and functions of Department (in Transport Act 1983)

The objects of the Department under this Act are—

(a) To improve the efficiency and effectiveness of transport facilities and networks to meet the needs of the community; and

(b) To ensure that a public transport system is provided in Victoria that is efficient, effective, safe and reliable and has due recognition for the needs and interests of the users of that system and the taxpayers of Victoria; and

(c) To ensure the achievement of optimum overall transport outcomes by undertaking integrated transport planning and integrated transport system and service development linked to the overall planning strategies and other policies of the Government.

Revisiting the DoI's candidate list of objectives for the new Act

The candidate objectives could be retained and/or enhanced in a vision statement within the new Act as:

1. An integrated and coordinated transport system and related sector of organisations
2. A safe and secure system, where people are not repelled by their fear of accident or crime

3. A reliable system whose planning and operation must seek maximum efficiency and effectiveness to the extent that this is consistent with other objectives.
4. A system that provides optimal value for money
5. A system that meets the needs of the economy
6. A system that maximises social equity, fairness, accessibility and social inclusiveness to return the greatest possible good to the community
7. An active, healthy system that promotes people's health and well-being
8. A system that minimises environmental impact and unsustainable use of natural resources
9. A system that fully supports planning strategies for sustainable land use, as defined by the relevant land planning statutes and governing policy
10. An accountable system and sector, which are transparent and open to public scrutiny and legal appeals.

Objectives 9 and 10 are additional to the list in the DoI's Discussion Paper.

An aside: a definition of sustainability: -
 The most-commonly used meaning of sustainability need sharpening, as it is becoming a "spin" word.
 Sustainability re-defined as: "The measure of a process, or system of processes, or state of affairs that can continue indefinitely without losses within this system eventually degrading its quality or halting it." Thus, consider

- (1) Ecological dimensions of systemic sustainability,
- (2) Sociological dimensions, and
- (3) Economic dimensions, and all together.

(Source: A presentation by Peter Hill, of a2b strategies pty ltd, to a UITP (ANZ) seminar in Sydney 28-6-2001)

In the table on the following page is a scaled factor appraisal of the candidate objectives (for the vision statement, as revised by TCPA) according to the DoI's pre-determined questions.

Assessment of vision statement objectives (as revised by TCPA):

TCPA's candidate Objective no.	Substitutes for government's candidate Objective no.	DoI's Feedback Question no. : a)	b)	c)	d)	e)	f)	h)
1	1	H	H	H	L		Yes	=7
2	2	M	n.a.	H	L	3: L	Probably	=5
3	3	M	L	H	L	2: L	Yes	=5
4	4	M	L	H	M	6: M	Yes	=7
5	5	L	L	M	M	8: M-H	Probably	=7
6	6	H	L	H	H	4: M	Possibly	=1
7	7	H	L	H	M		Yes	=1
8	8	H	L	H	H	5: M-H	Yes	=1
9 (new)	-	H	H	M-H	L		Yes	=1
10 (new)	-	M	L	H	M		Yes	=7

Appraisal code flags used: -

L, M, H = low, medium or high levels of consistency or validity, respectively, of the objective with a rating question

n.a. Not applicable or relevant

For question e), potential conflicts or divergences are indicated by the numeral of the other goal(s), and their level (L, M, H) of divergence

For question h): 1 is the highest ranking ; =(digit) denotes equal rankings

Other Victorian statutes recommended for review and amendment or repeal

There are other Victorian statutes that will require amending or repeal altogether. A list of these has been provided in the government's briefing Paper. We draw attention to other Victorian Acts that will be impinged upon by the desirable changes to the governance of transportation. These include: -

Appeals to VCAT

Flowing from our recommendation of objective 10, there should be formal avenue(s) of public appeal against planning and operational decisions made by officers of authorities and service providers, similar to those avenues available to appeal against decisions made under the planning statutes. We recommend amendments to the VCAT and transport legislation to furnish this right.

Review and probable repeal of Public Transport Competition Act 1995

Another Victorian statute governing transport is the Public Transport Competition Act 1995 ("PTCA95"), which focuses on the bus sector. Sections 28, 29 and 30 in particular could provide barriers to achieving the candidate objectives for a new Transport Integration Act. We suggest a review of the entire PTCA for its relevance and value, and probable re-incorporation of any positive clauses into the new Act, with the repeal of the PTCA.

A review of PTCA95 should address at least Sections 28, 29 and 30. These would need some revision to bring them into the proper spirit and measure of public accountability and contestability, as well as allow room for service innovation, e.g. demand-responsive transport such as flexibus-taxi services, where spatial trip generation rates are insufficient for operating a conventional regular fixed-route bus service.

The PTCA95 rests far too much on the statutory arbitral decision-powers of the Secretary and the Director – the word "prescribed" appears very frequently throughout the Act.

The current PTCA95 is far too weighted in favour of the current bus industry players (see S.30)

Criteria of contractor's failure to provide the prescribed quality and level of service, and the process(es) of jurisdiction and adjudication of disagreements between the DoI executive (Director) and a route licence holder are not defined (S.29). Such definition should be provided, e.g. via VCAT, or the higher courts on appeal, with guarantee of public scrutiny of proceedings and rulings.