**Submission to NSW Legislative Council Portfolio Committee No. 6 – Transport and Customer Service inquiry: aspects of the planned conversion of the Sydenham-Bankstown Line from heavy rail to metro.**

Thank you for the opportunity to make a submission to this inquiry.

The inquiry might note a book on the history of subways – Metros – concludes:

*‘The way to Avernus is easy;*

*Night and day lie open the gates of death’s dark kingdom;*

*But to retrace your steps, to find your way back to daylight,*

*That is the task, the hard thing.’[[1]](#endnote-1)*

I make four recommendations. In summary, they are:

**i. Determine the underlying reasons for Government decisions on Sydney Metro.**

**ii. An expert inquiry advise Parliament of implications of Sydney Metro.**

**iii. No further action on Sydney passenger rail projects until Parliament has considered the results of the expert inquiry (of recommendation ii).**

**iv. Note that conversion of the Bankstown line to Metro is the worst possible option.**

This submission is in three parts:

Background.

Response to terms of reference.

Conclusion and recommendations.

I would be happy to expand on these in writing and in person if the Committee wishes. As ever, I also would be happy to be corrected on matters of fact.

J Austen

23 September 2019

## **1. Background**

### **1.1 Interest**

My background includes around twenty years advising NSW and the Commonwealth on transport, including Sydney urban rail, plans and projects up to retirement in mid-2014. Since then I have not had - and do not seek - any pecuniary or employment interest in these matters.

My primary interest in this inquiry is as a Western Sydney resident. Western Sydney communities will be permanently adversely affected by NSW rail related policies:

directly via reduced access to opportunities; indirectly via reduced trust in government.

I have a further personal interest in seeking to ensure the reputation of myself and other former advisers is not damaged by association with those policies.

I do not have affiliations with any political organisation, lobby or advocacy group, or with any party offering opinions on matters related to this inquiry or its terms of reference.

### **1.2 Information**

Since 2015 I have operated a website ‘blog’ which draws only on information readily available in the public domain – official publications, internet, major media. Posts are referenced to allow readers to identify sources, provide corrections and form their own conclusions.[[2]](#endnote-2)

Since May 2016, some posts on that site have looked at issues relevant to this inquiry. Also, I have authored relevant posts on the Pearls and Irritations site of John Menadue.[[3]](#endnote-3)

My original intention for these sites was to focus attention on Commonwealth activities in land transport. That matter became topical following the High Court’s Williams decisions.[[4]](#endnote-4)

However, the picture emerging about two specific matters of interest to the Commonwealth – roads policy and Sydney Metro – led to much of my limited time being spent on them.[[5]](#endnote-5)

Readership of my site fluctuates. There appear to be significant increases around the time of posts on Sydney Metro. Presently there are around 1,000 page reads per week.

### **1.3 Inquiry**

Sydney Metro has consequences at least as great as the opening of the harbour bridge.

However, unlike the bridge, Metro consequences are not largely positive.

By late 2016, I formed the view the public explanation of Metro was so strange as to warrant a formal inquiry into reasons for, and effects of, relevant NSW decisions. The purpose of inquiring into reasons for NSW decisions is to provide the public with confidence. The purpose of establishing effects of decisions is to understand options.[[6]](#endnote-6)

Since that time, I have repeatedly called for an inquiry possibly with judicial type powers. This is because nothing I have seen in the public domain has started to address the issues raised. Indeed, information becoming available to the public heightened concerns.[[7]](#endnote-7)

I therefore welcome the Committee’s inquiry.

While the inquiry is to focus on the Sydenham-Bankstown segment, it will not be possible to address the terms of reference without some understanding of issues arising from other Metro segments. At the least, term of reference (l) allows this.

In undertaking its work, the Committee might wish to consider my comments on the Legislative Council’s inquiry report on the effects of WestConnex. These were to the effect that (future) inquiries into infrastructure project matters should be deeper and tougher than the WestConnex report.[[8]](#endnote-8)

Committees should vigorously challenge:

* any withholding of information on ‘confidentiality’ grounds; and
* the provision of unclear, inconsistent or conflicting information

by Government representatives. This is important to improve infrastructure outcomes and critical to assert Parliament’s rightful authority.

## **2. Summary response to terms of reference**

Details of the following responses to the terms of reference are in the Appendix.

### ***(a) the adequacy of the business case and viability of Metro***

Information readily available in the public domain does not suggest there was or is any real business case for Metro or any part thereof.

The essential element of any proper business case for Metro is examination of the necessity - and opportunity costs - of its core aspects of tunnel diameter and central city route.

There is a public document titled ‘*Sydney Metro City & Southwest Business Case Summary*’ published in October 2016.  It does not refer to / explain the core aspects of Metro.

Infrastructure Australia claimed to have considered a Metro business case.  However, the absence of a final financial cost estimate and failure to acknowledge core aspects of Metro suggest it did not consider any business case.

There is no public evidence indicating Metro might be viable. There is public information suggesting it is not.

### ***(b) the consideration of alternatives for improving capacity and reducing congestion***

There is no readily available public evidence of real consideration of alternatives to Metro, its core aspects, routes, or conversion of the Sydenham-Bankstown segment. There is no public evidence of credible reasons for decisions on the core aspects of Metro or its commencement with North West rail.

There is public evidence of expert and independent advice, including commissioned by the NSW Government and Infrastructure NSW, which does not support that Government’s:

claims about Metro;

decisions regarding its routes and conversion of the Sydenham-Bankstown segment.

There is public evidence of fundamental conflicts between:

Government claims and plans for Metro;

claims and plans for Metro made by different Government agencies.

### ***(c) the factors taken into account when comparing the alternatives and the robustness of the evidence used in decision-making***

There is little public evidence of factors on which, in my opinion, a competent transport or planning decision maker could make the Metro decisions made by the NSW Government.

There is little public evidence that significant, credible advice regarding key Metro issues was considered by the Government or some of its predecessors.

### ***(d) whether metro is a suitable means of transport over long distances***

Sydney Metro is not a functional rapid transit system. It seeks the functions of a commuter railway yet is unsuitable for commuting and less than optimal for rapid transit.

The design of Metro jeopardises and may preclude optimal rapid transit and further commuter rail in much of the metropolitan area. It works against rail travel between Sydney and elsewhere.

It copies the worst infrastructure characteristics of Paris’ Metro decisions of the late 1800s which France reportedly has been trying to mitigate for the past 60 years.

### ***(e) the consultation process undertaken with, and the adequacy of information given to, community, experts and other stakeholders***

#### Information presented to the public (supposedly) around the time of the initial decision re Metro implied intentions opposite to what the Government did. Subsequent consultations demonstrate an increasing disregard for the community. It would be better for the Government to not pretend to consult.

### **(f) the impact on the environment and heritage conservation**

No comment.

### ***(g) any lobbying, political donations or other influence of the public or private sector in relation to making that decision***

In my view, the history of Metro in Sydney is peculiar. It includes: disregard of published expert advice; implausible explanations; claims a consultant was engaged to review other expert’s work and was noted by Infrastructure NSW as the source of some key information for Transport for NSW.

### ***(h) the tender process for appointing private operators***

### ***(i) the contractual arrangements entered into in respect of the project***

### ***(j) the adequacy of temporary transport arrangements during the conversion process, including for people with a disability***

No comment.

### ***(k) the impact on the stations west of Bankstown***

The readily available public information suggests nine stations will be closed: Yagoona, Birrong, Regents Park, Berala, Sefton, Chester Hill, Leightonfield, Villawood, Carramar.

Conversion of the Bankstown line will result in a disproportionate reduction in the capacity of the network used by Sydney Trains.

### ***(l) any related matter***

#### **Serious matters**

The inquiry should not underestimate the gravity of the situation Sydney and NSW face.

The Metro decisions permanently divide, and reinforce geographic inequities, in Sydney. They will reduce access of people in the metropolitan area and beyond to central Sydney much as the similar Paris Metro decisions intended in the late 19th century in that city.

#### **Speculation on reasons**

Given the absence of plausible explanation for the core Metro aspects - small tunnel diameters, city route – and commencement with North West rail, there has been considerable guessing as to underlying reasons. Much speculation appears ill-founded.

Completion of a North West rail link was a key plank of promises made by the Government elected in March 2011. However, this does not explain the Government’s change of mind from it being a Sydney Trains link to becoming an independent Metro.

None of industrial relations, privatisation or property development reasons is capable of contributing to an explanation of the core aspects of Sydney Metro.

The CBD route now under construction appears similar to a 2008 proposal - under a Labor Government - that alarmed the independent inquiry chaired by Sydney’s most eminent railway authority, Mr Ron Christie AM. This was not simply because it entailed a ‘break of gauge’ – the ‘*last thing we need’* – but because that proposal:

‘*would have jeopardised, perhaps fatally, future heavy rail capacity expansion and congestion-relief options within the CBD and across the harbour, thereby effectively dooming almost all of the CityRail network never to be able to cater for the inevitable and rapid growth in patronage demand in the future’.*

Plausible reasons to convert the Bankstown line have not been made public. In transport terms it is the worst option. It serves no beneficial transport purpose yet inflicts the most damage on Sydney Trains and the metropolitan rail network.

Ministers claimed decisions had been guided by experts. It is unclear who those experts were or what they advised. A range of real, identified experts have publicly criticised the decisions.

#### **Options**

If Metro type policies are to continue, by far the best option is to terminate Metro near the CBD. Among the reasons is that Metro reliability – and therefore effective capacity - which is already challenged, will reduce further if its line is extended.

If a Metro line is to be extended beyond the CBD, it should be to areas of highest demand to which a quasi-rapid transit system is most suited. The only two reasonable options are:

* towards Strathfield, as recommended by Infrastructure NSW and its experts in 2012;
* conversion of the Airport line.

Worse would be Metro conversion of a pair of tracks on the Illawarra line. This should be ruled out for freight reasons unless and until there is amplification and extension of the Southern Sydney Freight Line and completion and operation of the Maldon-Dombarton line.

The worst option is to extend the Metro line to Bankstown. That would misallocate irreplaceable cross-harbour capacity to the least transit important but most networked line.

## **3. Conclusion and recommendations**

### ***Conclusion***

The gravity of issues facing this inquiry should not be underestimated.

Infrastructure has delayed yet pervasive and long-term effects. Policies and projects change people’s possibilities in life - depending on where they reside. Australian democracy depends on the effects and reasons for relevant government decisions being widely known.

The ramifications of bad projects – like those of misinformation about projects - are not limited to ‘infrastructure’. They corrode trust in government.

Parliament is the essential link in the chain between a Government and the people it is supposed to serve. It is the institution on which democratic accountability rests.

The present inquiry should vigorously pursue information about reasons for and consequences of Government decisions. It must not be put-off by the types of excuses which deterred the inquiry into WestConnex from getting the information it needed.

My comments are based solely on information in the public domain.

It is most unfortunate this information is confused, contradictory and lacks regard for readers. None of the important questions has been answered. While the present NSW Government is the principal contributor, previous Governments and so-called ‘independent’ agencies have much to answer.

In the circumstances, the only sensible approach is to pause current projects and plans and to engage properly independent experts to advise on the situation and options. That process should be conducted in the public domain. However, if it is (wrongly) assumed current Metro projects must continue, the public information shows conversion of the Bankstown line to be the worst of all available options.

### ***Recommendations***

**i. This present inquiry determines, on balance of probabilities, the underlying reasons for NSW decisions on Sydney Metro and especially its core characteristics of small diameter tunnels and central Sydney route.**

**ii. An expert public inquiry, independent of the NSW Government, be established to report to Parliament on**

**a. implications of Sydney Metro and related NSW policies and proposals, including for Western Sydney rail; and**

**b. options for public transport policies and projects affecting Sydney.**

**iii. There be no Government consideration of, or action on, any Sydney passenger rail project including extension of Sydney Metro, prior to Parliament deliberating the report of the expert public inquiry (arising from recommendation ii).**

**iv. If, notwithstanding the above, work on Metro is to continue, this inquiry should find that conversion of the Bankstown line to Metro is the worst possible option.**

1. Benson Bobrick, *Labyrinths of Iron, A History of the World’s Subways*, Newsweek Books 1982 p.325. [↑](#endnote-ref-1)
2. The jadebeagle.com [↑](#endnote-ref-2)
3. <https://www.thejadebeagle.com/sydney-metro.html>

   <https://johnmenadue.com/?s=austen> [↑](#endnote-ref-3)
4. <https://johnmenadue.com/john-austen-the-high-court-the-williams-case-and-transport/> [↑](#endnote-ref-4)
5. E.g. <https://www.thejadebeagle.com/roads.html>

   <https://www.thejadebeagle.com/glory-without-power.html> [↑](#endnote-ref-5)
6. <https://www.thejadebeagle.com/a-reply---october-2018.html> [↑](#endnote-ref-6)
7. <https://www.thejadebeagle.com/western-sydney-rail-response.html> [↑](#endnote-ref-7)
8. <https://www.thejadebeagle.com/urbans-admonition.html> [↑](#endnote-ref-8)