# Tip Fire D: Infrastructure

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## 0. Introduction

This article is another in the Tipfire series concerning promises made at the 2022 Federal election. The topic is the promise of a better approach for transport infrastructure - eschewing pork barrelling.

Prior to taking office, the present Labor Government claimed its predecessor was involved in a form of pork-barrelling – the use of public monies to ‘buy votes’ via small infrastructure projects. The involvement was presented as a failure of ‘integrity’.

The failure was part of the justification for the election promise of an ‘integrity/anti-corruption commission’ – the subject of the TipFire B article. At present the promise is being advanced by a Bill before the Parliament.[[1]](#footnote-1)

The former Government’s alleged pork-barrelling is also the likely motivation behind the attempt to have the Bill operate retrospectivity.

Hence, it is opportune to start this article with some background on ‘integrity’.

## 1. Background - above the law?

Readers may recall an article saying there was a belief that proponents and Commonwealth Governments need not obey all laws when it comes to infrastructure proposals.[[2]](#footnote-2)

That point seems to have been picked-up by the Ethics Centre. Its submission to the Parliamentary Committee for the anti-corruption commission Bill claimed:

*‘The suggestion seems to be that what otherwise might be deemed impermissible will be allowed if made in the context of an ‘election promise’. In general, we hope that we are mistaken in this reading of the Bill.’[[3]](#footnote-3)*

The claim is based in the Explanatory Memorandum for the Bill which has the following:

*‘2.14  In the context of Australia’s representative democratic system of government, it would not be considered partial, in and of itself, for a Minister or public official to implement the election commitments or policy platform of the government of the day. For example…...where a government has made an election commitment to provide a particular grant to a particular recipient then, subject to the rules of the grants program in question allowing the grant to be made in such a manner, at face value, the third or fifth elements of Mahoney JA’s concept of partiality listed above would also not be satisfied.’*

It is understood the reference to Mahoney JA relates to a NSW court decision regarding legislation for its Independent Commission Against Corruption. The Commission’s powers can be activated by ‘partiality’, a concept explored by Mahoney JA .[[4]](#footnote-4)

The third and fifth elements of his concept of partiality were expressed as:

*‘3.  the advantage must be given in circumstances where there was a duty or at least an expectation that no one would be advantaged in the particular way over the others but, in the relevant sense, all would be treated equally; 5. the preference was given for a purpose which was extraneous to the power in question.’[[5]](#footnote-5)*

The relevance of partiality: the Explanatory Memorandum for the present Commonwealth Bill could be read as suggesting that election promises cannot be considered partial, and thus would not activate the powers of the proposed national anti-corruption commission. In my view that is wrong and misleading.

It is wrong because an election commitment could (be considered to) be partial.

It is misleading for two reasons. First, the example given – a particular grant to a particular recipient conforming with rules of an existing program - is extremely narrow. The example differs from more common election promises such as changing program rules, establishing new programs etc.

The second reason it is misleading is: it could be taken to suggest illegality is, or should be, overlooked if promised in an election campaign. That is akin to: an offence is excused because there was a promise to offend.[[6]](#footnote-6)

That second reason is also the reason the ‘explanation’ - for a Bill aimed at countering illegal behaviour – is improper.

A previous article noted an opinion of the NSW Independent Commission Against Corruption - public spending is illegal if its dominant purpose is vote buying. The article said public spending by the Commonwealth is also illegal unless supported by valid legislation. Commonwealth legislation is valid only so far as it extends to: matters the Constitution permits the Commonwealth to legislate; essential functions of a national government in a federation; grants to the States.[[7]](#footnote-7)

Wilfully ignoring legal constraints on public spending can, if serious, constitute a crime.

The suggestion in the Explanatory Memorandum of the anti-corruption commission Bill indicates the Government’s fervour to stamp-out corruption has not extended to an intention to stamp-out corrupt implementation of corrupt election promises.

## 2. Infrastructure disparities

Why is it supposed election-promises should be exempt from proposed anti-corruption measures? It is tempting to answer with reference to the Government’s 16 October $9.6bn infrastructure spending announcements – which seems to relate to ‘new spending’.

Already there is some disquiet about the announcements - even among those usually supporting Labor like *Crikey*. At a high level, the disquiet reflects enormous disparities of spending among States that was announced e.g., NSW receiving 10 percent; the Northern Territory 26 percent. Generally, I don’t think disparities are significant – not least because it does not take into account pre-existing spending. However, present circumstances are different.[[8]](#footnote-8)

Although not in the way *Crikey* sees them. Its condemnation of the differential was based on the Commonwealth providing funds to a port in the Northern Territory which had some relation to El diablo – fossil fuels.

That follows a *Crikey* article that condemned the Inland Rail project via the use of novel arithmetic in the belief that too was a spawn of coal. Strange as that project has nothing to do with coal.[[9]](#footnote-9)

The real reason disparities point to something significant doesn’t concern the Northern Territory, El diablo or the latest item for quasi-religious damnation. It concerns public transport in Victoria – the suburban rail loop.

## 3. Victoria #1

Enter the Victorian element of the recent Commonwealth infrastructure announcement - $2.2bn for a suburban rail program proposed by the State Labor government. Total program cost is unknown but could easily exceed $125.0bn. Benefits are even less certain – apart from some surety to be very far short of costs.

Infrastructure Australia has not considered it. It is not on the relevant website even as a proposal submitted to Infrastructure Australia.

The Victorian Auditor General issued a scathing report condemning the proposal – and whatever decision-making process lay behind it. It trashed the Victorian government’s claims of a return of $1.70 for each dollar ‘invested’ – finding a return to be more like 0.47:1.0.[[10]](#footnote-10)

The Commonwealth Government’s announcement was less than a month after the Auditor General’s report. Unusually, it was just a few days before the Budget. It was a month before the Victorian State election – where the proposal is a central issue hotly contested by the Opposition. Those facts heighten suspicions the announcement involves the Government attempting to buy votes for its State counterpart.

Initial Ministerial comments hardly allayed concerns:

*“we had a slightly different relationship in opposition with the Victorians than we did with New South Wales, so we didn’t really have a lot of projects on the table from opposition from them”*.

*Crikey’s* interpretation was:

*‘So this is the way*[*the government*](https://www.smartcompany.com.au/finance/economy/financial-markets-australias-budget/)*will run infrastructure policy: it all depends on the “relationship” you have with Labor, and projects without any clear benefit will get funded if they’re in the right seat’.*

What could be seen as an attempt to downplay the situation – the several billion dollars are just for ‘early works’ and there are no further commitments, at this time – added to the impression.

Yet according to the anti-corruption commission Bill, all of that – and any other questions – are trumped by the gift being implementation of an election promise.

## 4. Questions?

The questions raised by the disparate largesse to the government of Victoria as it enters an election campaign extends to whether the anti-corruption commission Bill – or at least its explanation - was nobbled to enable such gifts.

It also brings up the Minister’s *‘integrity and fairness’* pledge to ditch Labor election promises that don’t stack-up under merits-based reviews. Or was that pledge limited to just swimming pools and other trivia?[[11]](#footnote-11)

When asked how the gift sat with the Government’s supposed position on Infrastructure Australia the Minister claimed Infrastructure Australia had completed ‘step one’.[[12]](#footnote-12)

Yet the proposal does not appear on the relevant website as even being submitted to Infrastructure Australia.[[13]](#footnote-13)

When asked about Infrastructure Australia not completing a review of the proposal, the Minister replied the Government will be using the organisation and that an assessment is necessary under relevant legislation. When pressed, she resorted to a version of Saint Augustine’s prayer to be pure but not yet – ‘*we will make those assessments in the usual way we would as a government.’*[[14]](#footnote-14)

The appearance of confusion is amplified by reviews initiated by the Minister. One is of Infrastructure Australia which appears to be part of a plan limited to replacing Coalition appointees on its Board with Labor appointees.[[15]](#footnote-15)

Another is the latest review of the Inland Rail project, which is just as curious as the continuous(!) review sought by a Senate inquiry last year.[[16]](#footnote-16)

## 5. Inland Rail?

The Minister’s announcement of a review, and most commentary, completely missed the point of the Inland Rail concept. That point being to reduce long-haul traffic traversing the central Sydney basin from Macarthur to Newcastle.

Inland Rail, or something like it, is needed to mitigate the effects of ‘the national plan’ set up by successive Governments and the Department. That ‘plan’ involved duplication of the Hume and Pacific Highways, endless jawboning yet no action over road reform, and failure to properly deal with rail issues – especially Queensland’s backwards intransigence.

The result is needless and stupid funnelling of much of Australia’s long-haul freight into Sydney.

To lessen the impacts of the ‘plan’, a rail route to bypass Newcastle-Sydney-Wollongong is needed. The route must hinge on deepwater ports unencumbered by urban sprawl and a junction of the east-west and north-south national corridors. Ultimately it must start near Melbourne, go through Parkes and Narrabri, have a Brisbane offshoot and end at Gladstone.

The issue with Inland Rail is not if, but when these segments need to be constructed. Cost is clearly a determinant of that – at present there is some uncertainty about that with $14.5bn being committed as ‘equity’, while there are reports construction costs could total $20.0bn.[[17]](#footnote-17)

Hence if there is to be a real review of elements of Inland Rail, as envisaged by the Minister, it will need to review long term strategic freight policy in Australia, starting with the functionality of major ports and terminals. Despite ‘climate-inspired’ commentary which – like Inland Rail - has little if anything to do with coal.

The well-known Inland Rail concept gets ‘reviewed’ but the $125.0bn plus suburban loop in Melbourne steams ahead despite being slammed by Victoria’s auditor and not even being submitted to the organisation the Minister says she will use – Infrastructure Australia?

## 6. Too fast to suffer ‘review’?

Also immune to ‘review’ is another idea slammed by transport experts – intercapital high speed rail. This has been such a long term and stupid political fixation former Prime Minister Turnbull had to step in and try to mitigate its damage by restricting attention to fast-rail-transits between capital and second tier cities such as Sydney and Newcastle.[[18]](#footnote-18)

The current Prime Minister appeared to miss out on the memo that almost everyone else received – that intercapital high-speed rail in Australia is an exceptionally dumb idea.

In the election campaign he continued to refer to a near fraudulent study – a ‘work’ - he commissioned from the infrastructure Department when Minister a decade or so ago. He made the claim this proved the case for high-speed rail.

The location of making that claim was, of all places, Newcastle for which the Department said the optimal place for a station was 20km – around 30 minutes – west of the CBD.

Was that location for a station the explanation for the Department saying there would be more travellers to Sydney from Mittagong than from Newcastle or the Central Coast?

The Minister and Prime Minister might also ask what is to happen in inner Sydney given Sydney Metro has probably sterilised vital route options for any railway whether high-speed, fast or just a plain ordinary one.

High-speed rail is an indeterminate opportunity for the unforeseeable future - i.e hasn’t and probably won’t happen - judging from the Minister’s announcement of $500m to be provided for a new high speed rail authority.

A Bill is before Parliament to create an authority. It is merely symbolic as legislation is unnecessary because the functions could be conducted by a Department. The Bill allows the authority to build a line with the approval of relevant States – consistent with the formulation set out in the Constitution.[[19]](#footnote-19)

The Minister indicated the first leg might be Sydney-Newcastle, at $20.0bn. Financial cost of the envisaged full project might be $130.0bn.[[20]](#footnote-20)

Among other things, that suggests the $0.5bn will not go far, even towards Newcastle. Meanwhile promised train speeds to Newcastle seem to have dropped by 100kph. That is consistent with inconsistent pre-election statements.[[21]](#footnote-21)

## 7. The reviewed and rehabilitated

In an interview, the Minister claimed she had reviewed infrastructure spending commitments of the previous Government’s Budget ‘*line by line’* and cut some ‘*pork*’. She did not indicate the criteria for the decisions. *[[22]](#footnote-22)*

Among the cuts was the former Government’s regional grants scheme – which had decisions made by a Minister from the National Party. That Party held all ten of its House of Representative seats at the last election - its Coalition partner lost seventeen and office.

The Minister announced that scheme will be replaced by two new schemes and a group of election promises for projects in several specific regional communities. With decisions to be made by a Labor Minister.[[23]](#footnote-23)

One new scheme will invite:

*‘Community groups and government ….to seek support (for) infrastructure that enhances liveability and supports prosperity, funding projects like arts and cultural centres, sports facilities libraries and airport upgrades’.*

The other scheme will:

*‘work with states and local councils in a nationally consistent way to invest in larger scale place-based projects aimed at transforming regional and rural centres’…*.

There is more:

‘*Further, our commitment to a much stronger partnership with local government will support our ability to listen and respond to the needs of regional Australia. Including by partnering with them to provide another $250 million through the Local Roads and Community Infrastructure to upgrade roads.’*

Such comments should be of interest to those concerned about the legality of spending.

Among matters for which spending is not obviously within Commonwealth powers are: ‘*community groups….infrastructure that enhances liveability and supports prosperity….arts and cultural centres, sports facilities, libraries, airport upgrades…scale place-based projects aimed at transforming regional and rural centres… Local Roads and Community Infrastructure… local councils…. local government’.[[24]](#footnote-24)*

That is the case irrespective of requests or applications for such funding, independent assessment recommending proposals on merit-based criteria, national consistency or election promises. However, it is possible some elements might be covered by Commonwealth responsibilities such as interstate and international trade, or treaties.

Spending on matters such as community groups could be valid if paid to the States with conditions – such as the States are to use the funds on e.g., cultural centres - set by Parliament. That is enabled by Constitution s.96.

However, if funds are paid directly to e.g., community groups there is a significant chance of invalidity – illegality. Such illegality has been held by the High Court to effectively undermine the system of government. Motives and merit – pork barrelling or not – is irrelevant to the issue of such illegality.

Given the central task of a corruption commission is to investigate illegality by Ministers and officials that undermines public confidence in the system of government, the Minister’s comment that she went through the previous Government’s Budget spending ‘*line by line’* was courageous.

## 8. More!

The Minister also made some specific announcements regarding the second program and ‘*larger scale place based*’ projects. They included ‘*Cairns Marine Precinct, the Middle Arm marine precinct, logistics hubs in north and central Australia, enabling infrastructure in the Pilbara and our transformative Central Australia Plan.’[[25]](#footnote-25)*

Questions similar to those asked in section 7 (above) apply to these. It is not immediately apparent how the Commonwealth can legally provide funds to most of these projects, other than through s.96 grants to States. The Northern Territory projects – like the Middle Arm marine precinct - can be funded directly. Not so local governments or their projects in Cairns or the Pilbara.

## 9. And onto Sydney Metro…..

Beyond this, some spending proposals apparently survived the Minister’s review. Among these are the Sydney Metro to the western Sydney airport – Commonwealth spending: $5.2bn.[[26]](#footnote-26)

The airport Metro is a supremely idiotic project – rejected by even Infrastructure Australia in 2021 via an extraordinary media release.

It is a stand-alone railway from St Marys, incompatible with other railways in Sydney, which provides only marginally improved access to the airport. It sterilises the opportunity for orders-of-magnitude superior and cheaper options. It does not have a reasonable published business case. The reason given for its incompatibility is fraudulent – single deck and double deck trains cannot operate on the same tracks.[[27]](#footnote-27)

Infrastructure Australia’s assessment cited the proponent’s – NSW Government – estimate of a benefit:cost ratio of 0.75:1.00 and net economic loss of $1.8bn. According to NSW, public transport benefits are practically negligible – or worse as it could increase crowding on adjacent rail lines. ‘Benefits’ are dominated by land revaluation.

The benefit:cost was likely highly overstated and the losses were probably grossly under-estimated – even were Infrastructure Australia’s extraordinarily lenient treatment of Sydney Metro projects disregarded. The reason is they were based on estimated capital costs of $7.3bn, whereas Governments have already committed $10.4bn to the project. Adjusting for these might see a benefit:cost ratio of 0.50:1.00 and net economic losses of $4.9bn.

Even those shortcomings might be understated as there are reports of a $2.0bn cost blow-out before a shovel has been touched![[28]](#footnote-28)

Yet like high-speed rail, despite being the subject of widespread expert condemnation, the Metro to the new airport survived whatever review the Minister did, attracting the following:

*‘federal Infrastructure Minister Catherine King said the airport line would “benefit western Sydney communities for years to come”, noting that the state government’s advice was that the $11 billion project was “tracking to time and budget”.?’*

Such trust in the NSW Government might seem surprising given the Minister’s excuse for the pre-Victorian election commitment of less than half this sum for the Melbourne ‘loop’ was the Victorian government had a different – presumably more trusted – relationship with Federal Labor than did/does the NSW government.

Surprising perhaps until reports about a proposed rail line to Melbourne airport – with its own controversial elements ‘blindsiding’ the airport’s managers – are seen. Raising another question: is $5bn the going rate for the new Government to sponsor airport railway lines that Infrastructure Australia refuses to put on a list of nationally significant priorities? Refusal driven by a benefit:cost ratio of 0.5:1.0 and economic losses of $3.8bn.[[29]](#footnote-29)

To be fair, there are reports the Government will review questions raised about the Melbourne airport rail line. And to be doubly fair, there is no re-iteration of the current Government’s principal criticism of its predecessor – of ignoring Infrastructure Australia – an organisation ‘under review’.[[30]](#footnote-30)

Back to the Sydney-Metro-to-western-Sydney-airport: as a relevant resident I can assure the Minister this is the type of ‘benefit’, and project, western Sydney would be much better off without. The Commonwealth’s relation to this project should be investigated by anti-corruption authorities.[[31]](#footnote-31)

## 10. Conclusions

The current Government’s reviews of its predecessor’s infrastructure programs have not been published. If its decisions are based on such reviews, there must be some doubt about its competence or bona fides.

It is as if the problems identified in Professor Twomey’s article on Constitutional risk are unknown to the Government – despite it demonstrating an awareness of relevant Constitutional issues via its approach to high-speed rail.

And it is as if some vital ‘independent and expert’ reports on infrastructure projects with stratospheric costs but undiscernible benefits have not been read or comprehended by the Minister.*[[32]](#footnote-32)*

Against the sums being outlaid, and the new commitments to ill-starred grandiose projects, the former Government’s pork-barrelling on things like the Woy Woy car park – while offensive, illegal and possibly ‘corrupt’ within the strange meaning promoted by its successor - was pretty puny.[[33]](#footnote-33)

The announced (transport) infrastructure decisions of the new Government so far include echoes of a previous unlamented ideologically driven Government that on taking office - in 2013 - sponsored WestConnex and Sydney Metro sight unseen with the excuse de jour being election commitments. Those commitments were subsequently ‘endorsed’ by Infrastructure Australia, a matter also worthy of attention by anti-corruption authorities.[[34]](#footnote-34)

Or perhaps a more pointed echo is of that former Government’s offer to donate $3bn to a transport project proposed by the Victorian government but viscerally opposed by the Victorian opposition in the 2014 State election – Melbourne’s East-West road ‘link’ – dubbing that election a referendum on the road.[[35]](#footnote-35)

The exculpatory plea of ‘election commitment’/mandate is generally pathetic – even more so now as in the 2022 election Labor’s primary vote fell to under 33% - the lowest since either 1903 or 1934. Such an excuse flies in the face of claims about desires to improve public sector integrity, and is among factors likely to give Government initiatives the look of shabby ideological symbolism. It virtually tells corrupters they might be able to achieve their goals – if they can secure an election promise for something that (otherwise?) would be illegal.[[36]](#footnote-36)

The way things are shaping up, the new Governments of 2014 and 2022 will have more in common than just the initials of their ‘infrastructure’ Prime Ministers.

To repeat, unless there is clear demonstration to the public incontrovertible lawfulness of infrastructure spending, and the what, why and worth of proposals the supposed nation building endeavours of the new Government ought to be regarded as a sham - of using your money to buy self-glory and votes. This Government needs to urgently lift its game.

J Austen

11 November 2022

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1. <https://www.thejadebeagle.com/attempted-submission-to-committee-on-corruption-commission.html> [↑](#footnote-ref-1)
2. <https://johnmenadue.com/john-austen-infrastructure-claims-above-the-law/> [↑](#footnote-ref-2)
3. [*https://www.aph.gov.au/Parliamentary\_Business/Committees/Joint/National\_Anti-Corruption\_Commission\_Legislation/NACC/Submissions*](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Anti-Corruption_Commission_Legislation/NACC/Submissions) [↑](#footnote-ref-3)
4. <http://classic.austlii.edu.au/au/journals/CICrimJust/1994/25.pdf> [↑](#footnote-ref-4)
5. Explanatory memorandum: <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr6917_ems_8ca94541-584a-4100-8c52-2be6478cff68%22> [↑](#footnote-ref-5)
6. In NSW, the *Electoral Act (2017)* s.209(1) makes it an offence to seek to influence a person’s ‘election conduct’ by offering a reward. Election conduct includes the way a person votes but is not limited to an election or an election campaign. However, s.209(4) excuses ‘*a declaration of public policy or a promise of public action’*. See note 1.

   [↑](#footnote-ref-6)
7. <https://johnmenadue.com/restoring-integrity-to-commonwealth-infrastructure-spending/> and see note 1. [↑](#footnote-ref-7)
8. <https://www.crikey.com.au/2022/10/17/labor-infrastructure-funding-middle-arm-nsw-pork-barrelling/> [↑](#footnote-ref-8)
9. <https://www.crikey.com.au/2022/10/07/inland-rail-press-gallery-catherine-king/> [↑](#footnote-ref-9)
10. <https://www.audit.vic.gov.au/report/quality-major-transport-infrastructure-project-business-cases?section=> [↑](#footnote-ref-10)
11. <https://www.smh.com.au/politics/federal/minister-puts-integrity-and-fairness-in-the-infrastructure-pipeline-20220608-p5as2x.html?btis> [↑](#footnote-ref-11)
12. Transcript: ‘***CONNELL****: Vic Suburban Rail Loop, it's a massive spend. In terms of the overall budget, it's 85% just the Victoria's infrastructure. No cost benefit* *analysis done by Infrastructure Victoria or Infrastructure Australia. Is that going to be done?*

    ***KING****: Yes, Infrastructure Australia is obviously…* ***CONNELL:****They've done step one?* ***KING:****Yes, so they've certainly done that and will be doing that.’* <https://minister.infrastructure.gov.au/c-king/interview/transcript-tv-interview-sky-news-newsday-tom-connell> [↑](#footnote-ref-12)
13. <https://www.infrastructureaustralia.gov.au/search?keys=melbourne+rail>; <https://www.infrastructureaustralia.gov.au/search-infrastructure-priority-list?nid=&search_api_fulltext_db=melbourne> [↑](#footnote-ref-13)
14. Saint Augustine: Lord, make me pure, but not yet. Transcript (see note 12):

    ***‘CONNELL****: You put a lot of emphasis on Infrastructure Australia and say, why didn't the coalition use it? But you're not using it for your biggest infrastructure spend in this budget.* ***KING****: Well, we will be using it and also, I remind people, under the National Land Transport Act, there has to be an assessment done as part of our funding flow to Victoria….*

    ***CONNELL****: What if under Infrastructure Australia, or as you say, under that Act, the cost benefit analysis is not a positive one, what then?.....****KING****: You're asking me a hypothetical. So we’ll wait…*

    ***CONNELL****: The money is already being spent and we could find out later it wasn't the best way to spend money. K****ING****: Well, we have made a decision as a government that the investment in Suburban Rail Loop, based on the cost benefit analysis that we had from the Victorian State Government prior to the election campaign,….*

    ***CONNELL****: If (Infrastructure Australia) finds that it is not a project that has a cost benefit analysis that is positive….Would there be no more investment? Would you stop it?* ***KING****: Well, again, we haven't had number one, we haven't been asked for any further investment in Suburban Rail Loop from the Victorian State Government. And we will make those assessments in the usual way we would as a government.’* [↑](#footnote-ref-14)
15. <https://johnmenadue.com/john-austen-infrastructure-australia-review/> [↑](#footnote-ref-15)
16. <https://minister.infrastructure.gov.au/c-king/media-release/inland-rail-independent-review-announced>; <https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024401/toc_pdf/InlandRailderailedfromthestart.pdf;fileType=application%2Fpdf> [↑](#footnote-ref-16)
17. In theory, ‘equity’ differs from Government grants – grants are the subject of most of the projects in this article - in that it is recoverable by the Government. However, most commentators assume a sizable amount – if not all – the equity in ARTC for Inland Rail will eventually be written off, and become the equivalent of a grant. <https://www.inlandrail.gov.au/understanding-inland-rail/building-and-planning> [↑](#footnote-ref-17)
18. <https://johnmenadue.com/john-austen-nsw-farce-rail/>; <https://johnmenadue.com/john-austen-fast-rail-apologies-please-from-perpetrators/> [↑](#footnote-ref-18)
19. Constitution ss.51 xxxii, xxxiii, xxxiv. <http://classic.austlii.edu.au/au/legis/cth/consol_act/coaca430/s51.html> [↑](#footnote-ref-19)
20. <https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6904_ems_8ec99afb-9b82-4eaa-8e17-d8c11ac1a06d/upload_pdf/V1%20JC007348.pdf;fileType=application%2Fpdf#search=%22legislation/ems/r6904_ems_8ec99afb-9b82-4eaa-8e17-d8c11ac1a06d%22>; <https://minister.infrastructure.gov.au/c-king/media-release/high-speed-rail-gathers-speed> [↑](#footnote-ref-20)
21. <https://www.thejadebeagle.com/newcastle-fast-rail.html> [↑](#footnote-ref-21)
22. Transcript: *‘There was lots of loading put in for all sorts of pork, frankly, across all sorts of areas. And so I looked at it line by line. There's a lot that we've kept, but a lot that….we've….cut.’* See note 12 (above). [↑](#footnote-ref-22)
23. <https://minister.infrastructure.gov.au/c-king/speech/transcript-minister-catherine-king-regional-budget-statement> [↑](#footnote-ref-23)
24. Constitution s.51 <http://classic.austlii.edu.au/au/legis/cth/consol_act/coaca430/s51.html> [↑](#footnote-ref-24)
25. <https://minister.infrastructure.gov.au/c-king/media-release/investing-australias-future>;

    <https://minister.infrastructure.gov.au/c-king/speech/transcript-minister-catherine-king-regional-budget-statement> [↑](#footnote-ref-25)
26. <https://minister.infrastructure.gov.au/c-king/media-release/investing-australias-future> [↑](#footnote-ref-26)
27. <https://johnmenadue.com/the-curious-case-of-the-new-airports-metro/> [↑](#footnote-ref-27)
28. <https://www.infrastructureaustralia.gov.au/sites/default/files/2021-03/SMWSA%20Evaluation%20Summary.pdf>

    Reports: <https://www.smh.com.au/national/nsw/secret-documents-cast-doubt-over-cost-of-sydney-s-new-airport-rail-line-20220729-p5b5o5.html> [↑](#footnote-ref-28)
29. <https://www.infrastructureaustralia.gov.au/sites/default/files/2022-10/Evaluation%20Summary%20-%20Melbourne%20Airport%20Rail.pdf> [↑](#footnote-ref-29)
30. <https://www.afr.com/companies/infrastructure/labor-to-review-melbourne-airport-rail-concerns-20221101-p5buo5>;

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