Turning over a new franchise: assessing the current health of public transport management in Melbourne

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Abstract

Melbourne's unique franchise model for public transport management and service delivery, now a decade old, is a subject of international interest for practitioners and scholars of transport planning.

In December 2009, two new franchisees, under reworked eight-year contract arrangements, took over the operation of Melbourne's train and tram systems ending the ten-year run of the two survivors of the first decade of public transport privatisation – Connex (Veolia) and the Transdev/Transfield consortium.

Based on material from public documents and interviews with senior managers from the departing companies and the Victorian Department of Transport, this research uses the perspectives of the departing franchisees, with their previous intimate engagement and current detachment from on-going operational and institutional issues, to provide a unique insight into the dynamics of Melbourne's franchise system.

The research explores the lessons of the first decade of privatisation of transit operations in Melbourne. It examines financial performance, the value to government of the franchises as a means to distance itself from public criticism over the operation of public transport, and the effectiveness of planning for current and future patronage growth.

1. Introduction

Introduced during the wave of privatisations of public utilities in Britain, Australia and New Zealand in the 1980s and 1990s, the franchise operation of Melbourne's tram and train systems is a unique experiment in the application neo-liberal ideologies to the design and delivery of metropolitan public transport services. Its performance, over the decade since the first contracts were signed in 1999, has been hotly debated.

Support has come from expected ideological quarters such as the IPA (Allsop 2007), who rely in large part on data and analysis provided by Jim Betts, an architect and current chief regulator of the franchises as Secretary of the Victorian Department of Transport (DoT). The principal academic critic, Paul Mees, (2005, 2010) bases his analysis on benchmarking of the performance of Melbourne's public transport governance regime against cities that have achieved long-term improvements in public transport patronage and operational efficiency. In the court of public opinion, privatisation is clearly seen as a major cause of the many current ills of the system.

In this research, the voices of the franchisees themselves are heard through interviews with senior managers of Connex and Yarra Trams¹. Both companies had held franchises, for the trains and trams respectively, since 1999, but each lost its bid to continue when the government re-tendered for operation of the services in 2009.

While the perspectives of the franchisees represent only one view on a complex set of issues, they are very valuable for their immediacy of the links to current debates and in the frankness that their departure from the scene allows. Although interpretation of events may vary, some confirmation of facts was achieved through an interview conducted with Hector McKenzie, the current Director of the Public Transport Division within the DoT, and statements made by interviewees were checked against material on the public record.

To evaluate the intentions and performance of the franchises, three broad areas are covered: financial performance; the value to government of the franchises as a means to divert criticism over the operation of public transport; and the effectiveness of planning for current and future patronage growth. The conclusions reached in each of these areas provide a useful component of a fuller assessment of the outcomes of the franchising experiment, which, because of the many parameters involved, is beyond the scope of this paper.

¹ A joint interview with Connex managers (Jonathan Metcalfe (CEO), Mark Paterson (Director, Corporate Affairs) and Chris White (General Manager, Network Development)) was undertaken on 8 Dec 2009. Dennis Cliche, CEO of Yarra Trams under the Transdev/Transfield franchise was interviewed on 4 March 2010. All unattributed quotes are from these interviews.

2. Franchising in Melbourne: intention and performance

A brief history of the operation of the tram and train franchises is set out in Table 1.

1999	 Train and tram operations privatised with two competing regions created for each mode. Three private operators took up the four franchises on offer: National Express (Bayside Trains (M-Train) and Swanston Trams (M-Tram)); Transdev/Transfield (Yarra Trams); and Connex (Hillside Trains) ALP elected
2000	M-Tram and M-Train report financial difficulties
2001	 Decision not to build Rowville/ Monash rail line Box Hill tram extension paid for by the government Sydenham rail extension paid for by the government
2002	 Financial 'rescue package' (AUD\$110m) for operators Collapse of National Express franchises (for M-Train and M-Tram); government faces crisis in franchise system Airport rail link concept scrapped
2003	State government rescues franchise system by creating new franchise model based on a single operator for each mode
2004	Government negotiates with Connex and Yarra Trams and new train and tram franchises are signed
2006	Proposal for \$1b rail expansion to Dandenong line as part of government plan <i>Meeting Our Transport Challenges</i> (later abandoned)
2007	 Existing Connex and Yarra Trams contracts extended by 12 months to November 2009 Overcrowding on peak hour trams and trains ('Early Bird' offers begin) Siemens trains suffer braking problems; speed restrictions imposed
2008	 Announcement of possible 2 year delay on new Myki ticketing system Five 'Bumblebee' trams leased from France Release of State Government's <i>Victorian Transport Plan</i>
2009	 New franchises announced (June); both existing operators are replaced (Metro Trains Melbourne and Keolis Downer EDI, which chose to trade as Yarra Trams); 8-year contracts signed Buyback of retired Hitachi trains
2010	 Delays in delivery of new trains Continuing brake problems with Siemens trains

 Table 1: Major events in franchising of Melbourne's trams and trains since 1999

The first moves towards the adoption of franchising as the preferred model for public transport governance came with the election of the Kennett Government in 1992, but it took some time for the proponents of a privatised system to develop a model that would ensure profitability for private interests (Cole 2003). In 1995, the Treasurer, Alan Stockdale,

established the Transport Reform Unit (TRU) within his department to refine the details of a franchising model. The current Secretary of the Department of Transport, Jim Betts, came to Melbourne from the UK to work in the TRU. (He has been intimately involved with all phases of privatisation in Melbourne, writing key sections of apparently independent analyses of its performance including the audit review of government contracts initiated by the incoming ALP government (Russell et al. 2000), which was instrumental in locking in ALP support for franchising during the financial crises of 2002-04.)

The preferred option of the TRU was to create four 'competing' corporations – two for suburban train and two for tram operations – for later sale or franchising to the private sector through competitive bidding.

The expectations of the architects of the 1999 privatisation of Melbourne's trams and trains were clear: "bringing in private operators would have (positive) effects on efficiency, service delivery (and) customer focus" (Stockdale, quoted in Cole, p. 30).

It is beyond the scope of this paper to assess the performance of franchises in detail, but two parameters can be examined as proxies for Stockdale's stated expectations. These are financial performance and effectiveness in planning for growth. A third area for investigation is the way government has used the franchise arrangements as a means to 'spin' its relationship with the public over transport issues.

2.1. Financial performance

There has been heated debate about the financial performance of the public transport franchises. Most of this hinged on a report by the Victorian Auditor General from 2005 and a graph, contained in this report, showing past and projected subsidies paid to the train franchisees. This graph is reproduced below in Figure 1, with the original explanatory notes from the Auditor General's report (p. 25).

This graph was used to argue that:

the privatisation of Melbourne's trams and trains has been an expensive failure. By June 2006, the privatised system will have cost \$1.2 billion more in public subsidies than continued operation by the former PTC (Mees et al. 2006).

The Department of Infrastructure² attempted to refute this claim (Dol 2007, p. 9) by arguing that the Auditor General had not included adjustments for inflation – a clear misrepresentation of the original graph as the explanatory notes in Figure 1 show. It also argued that most of the subsidy increase was spent on new rolling stock, staff and services. However, analysis of Annual Reports shows that expenditure on these items made up only 55 percent of the total subsidy payment (Figure 2). The unaccounted sum, which amounted to \$122 million in 2005, is described by the Auditor General as payment to "secure the franchisees' operation over the franchise period" (2005, p. 26). It should also be noted that these subsidy payments did not include fare revenues which were received directly by the operators.

² The Victorian Department of Infrastructure became the Department of Transport in April 2008.

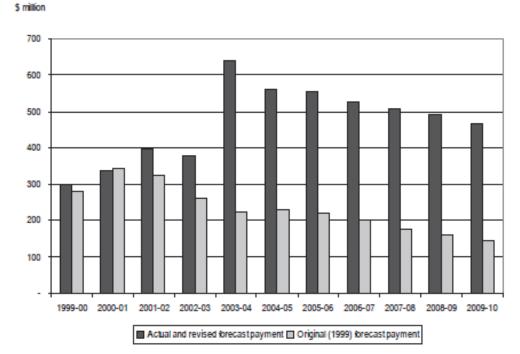


Figure 1: Graph from Victorian Auditor General – subsidies paid to train franchisees

FIGURE 2E: MELBOURNE'S TRAIN AND TRAM PAYMENT PROFILE (2004-05 REAL DOLLARS) – PAYMENTS TO FRANCHISEES

Note: Consumer price index (CPI) sourced from the Australian Bureau of Statistics for the period 1999-2004. Base year of 1999-2000 used (March 2000). Forecast CPI sourced from the 2005-06 state budget.

Based on 30 June figures.

Includes additional costs associated with running the metropolitan train and tram system that are paid to the franchisees (such as rolling stock adjustments, concession fare payments and other service costs). These differed slightly between 1999 and 2004.

Source: Information provided by Department of Infrastructure.

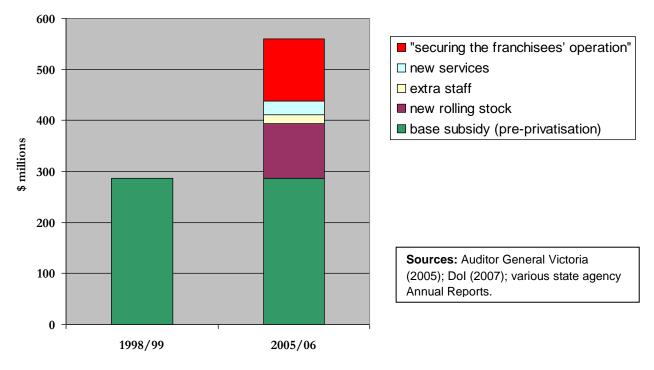
While both Connex and Yarra Trams managers generally accepted this analysis of the scale of growth in subsidies, both argued that this was offset by their cost risk, which was imposed through the mechanism of performance penalties (2009). Cliche points to penalties for breaches of performance standards imposed on Yarra Trams of \$25 million in 2009.

In the lead up to the 2009 re-tendering process, the heat came out of the previously intense debate about the costs of franchising with the surprisingly frank and anti-climatic admission by the then Minister for Public Transport Lynne Kosky that: "it's no cheaper...we have had to put a lot more money into the system" (Lucas 2009b). And, in the new contracts, annual performance penalties have been capped at \$12 million, so removing the major element of cost risk.

Current payments to train and tram operators are difficult to compare accurately with the 2004/05 figures reported by the Auditor-General because payments now include fare revenues. The May 2010 state budget estimated that payments to train and tram operators would be \$1.18 billion in the 2010/11 financial year. Adjusting for inflation and removing fare revenues (Budget Papers, ch. 3, p. 231), it can be broadly estimated that, on the same scale

as that used by the Auditor-General in 2005, the payment to operators would be around \$700 million (or half as much again as indicated in the Auditor-General's forecasts).

These blowouts in subsidies clearly have not been accompanied by a comparable improvement in services. It is beyond the scope of this paper to assess service quality performance in detail, but it is sufficient to note that the government's own target for customer satisfaction for trams and trains is, in the 2010 budget papers, put at only 70 percent.





2. Depoliticising public transport: relationships between government, franchisees and the public

If, as seen in the previous section, franchising is costing more, why does the government persist with it? Political science theory provides one set of reasons. Government decisions since 1999 make sense if seen as an example of a desire to *depoliticise* the business of governing. Depoliticisation describes a mode of governance that includes:

a range of tools, mechanisms and institutions through which politicians can attempt to move to an indirect relationship and/or seek to persuade the [public] that they can no longer be reasonably held responsible for a certain issue, policy field or ... decision (Buller and Flinders 2005, pp. 295-296)

This does not imply that the political dimension no longer exists; rather it suggests that the politician recognises an advantage in the appearance of distance.

There is certainly much in the current operations of Melbourne's public transport system that any minister would wish to keep at arm's length, although it remains to be seen whether the electorate are persuaded that fault lies with the operators. Certainly, the operators recognised that the government was looking for "shield" when the ranking of public transport as an issue for voters went from a ranking of sixth at the time of the 2006 election to first place by early 2009 (Metcalfe et al. 2009). Both Metcalfe and Dennis Cliche, from Yarra Trams, made the unsurprising suggestion that this imperative was likely to have played a part in the government's decision to choose two new franchisees in June 2009.

Metcalfe recognised the need for the government and the franchisee to maintain their working partnership by being scrupulous in defending each other in public. However, he felt that Connex had "gone too far, for little return, until too late in the piece". He also said that most of the company's effort had gone into:

maintaining and developing its partnership with the government and the department, at the expense of developing a relationship with customers.

This exposes one of the risks of the franchise model described by BITRE economist Peter Kain, who argues that the creation of "cosy' relationships between the franchisee and the government are regulatory capture in another guise" (2006, p. 62).

Both Metcalfe and Cliche acknowledge that the private operators should play an active role in promoting public transport in public and political debate even to the extent, as Metcalfe said, of "making the relationship with the government difficult". However, only Yarra Trams made significant efforts in this regard during the first decade of franchising, particularly through the work of its first CEO, Hubert Guyot, from 1999 to 2004. In Cliche's view, Guyot was able to:

get people in [state and] local government, in Vicroads, and the public to some extent, to ... understand how important trams were to the overall fabric of Melbourne [and to reverse their previous belief that] trams were a necessary evil or a freak of history.

It is an interesting comment on both the franchising process and the government's transport policy priorities that, despite the fanfare surrounding the big public transport projects in the Victorian Transport Plan, no individual politician or official from the DoT has succeeded Guyot as a credible advocate for public transport as a competitor to the car. The absence of public figures able to carry a brief on technical issues in professional forums is illustrated by reference to a particular incident in the on-going debate about road-space priority – a central issue for tram management, which Guyot and Cliche had pursued in various forums.

During 2009, the death of a cyclist prompted Melbourne City Council to re-consider the reallocation of space in Swanston St, the CBD's main spine. Because the timing of consultations coincided with the transfer of the tram franchise from Transdev to Keolis, Cliche was no longer on the scene. He had previously made very strong representations to the Lord Mayor, Robert Doyle, against the latter's election promise in 2008 to re-open Swanston St to cars. However, with Keolis just finding its feet, there were no institutional voices actively engaged in the debate on behalf of tram passengers and tram operational requirements, and the outcomes of the process reflect this. The absence of the operator only served to emphasise the silence of the Transport Minister and the DoT. The very thin public offerings from the government and the DoT in relation to the practical operations of the \$4 billion 'Regional Rail Link' to bring Geelong trains to Southern Cross via Sunshine and Footscray provide another case in point, although there is not space in this paper to explore this in detail.

2.2. Planning for growth

Beyond finances and political positioning, the key question for the franchise model is this. How well does it work to plan and deliver public transport services that are needed to meet the current demand and, more crucially, to meet the challenges of peak oil, climate change, suburban social isolation and population growth?

Planning for public transport is required at three levels, originally defined by van de Velde (1999) as:

- Strategic system objectives such as levels of accessibility, mode-share targets, and cost-recovery levels.
- Tactical translation of strategic objectives into system-wide service plans, such as design of networks choice of technologies and co-ordinating timetables.
- Operational translation of tactical planning into day-to-day operations such as workforce management and maintenance.

Supporters of the franchise model, including the current Secretary of the DoT, argue that successful planning can be done under the franchise system through careful allocation of strategic, tactical and operational planning functions between the parties (Stanley et al. 2006). Some critics, using evidence from cities that have achieved significant long-term growth in public transport patronage, argue that a regional public authority with staff skilled in the application of modern techniques network planning is necessary to ensure the tactical delivery of clear strategic objectives set by government through effective processes of community engagement (Mees 2010; Nielsen 2005). Recent research, to be reported at this conference, has shown some support for this model from Melbourne's private operators themselves (Lazanas and Stone 2010).

Three issues are used to explore the planning and delivery of public transport services in Melbourne under the franchise model: the huge patronage targets contained in the first franchise contracts in 1999, the responses to the real growth in patronage on the trains since 2005, and the efforts to give priority to trams on congested roads.

2.3.1. Huge patronage growth targets in 1999 contracts

In all four franchises signed in 1999, the bidders proposed large reductions in government subsidies over the life of the contracts (see Figure 1). These attractive propositions were based on the promise of large increases in patronage – up to 83 percent over fifteen years in the case of the National Express bid for Bayside Trains. Although, it has since become clear that the bidders intended to meet the subsidy shortfalls by cost cutting rather than by patronage growth.

In hindsight, it is difficult to believe that anyone took seriously these projections for simultaneous cost reduction and patronage growth with no explicit program for service

improvements, and it is now unsurprising that the contracts based on such goals quickly unravelled. One can only assume that the TRU did little to validate the bidders' forecasts because they were blinded by ideology.

Connex now says that it over-estimated the options for reform: "Alan Brown [Liberal Transport Minister from 1992-96] had done more than we realised" in cutting staff and removing inefficiencies within the government-run Public Transport Corporation (research interview). For its part, National Express was relying on a large-scale Thatcherite assault on wages and conditions that was stymied by the unexpected election of the ALP in late 1999 and the strength of union resistance (Stone 2009b). In addition, the tactic of the operators was to promise high and sort it out later. As Cliche put it, "if you don't bid aggressively, you are not there to try and fix it".

There was another factor behind the ability of bidders to propose such large targets without having to set out any clear mechanisms for fulfilling their promises. That factor is the 'disconnect' between stated government policies on public transport and the expectations of powerful figures within successive administrations of both parties – a characteristic feature of Melbourne transport policymaking since Steve Crabb's undermining of the ALP's 'no freeway' policy in 1982 (Stone 2009a).

The ALP may have set a target of '20% of all motorised trips by public transport by 2020' in the *Melbourne 2030* strategic plan (DOI 2002), but this was quickly recast by the caroriented senior management of the DoI as an 'aspirational' goal and largely ignored in the development of plans for further freeway construction. Moreover, whether they believed the target was possible or not, public transport managers were in a very weak position in the wider state bureaucracy. An illustration of just how weak is the fact that budget bids for extensions of the Epping rail line to South Morang (an ALP election promise) were included in forward estimates in the 2003 and then subsequently removed.

It might be said, in light of the patronage growth spurt that began in 2005, that the original bid forecasts were simply premature. However, the state has twice had to bear the cost of false assumptions about future patronage. First, as we have seen, because it chose to bail out the private operators in 2004 and, second, because the 2005 patronage spurt came as a surprise to operators and departmental planners.

2.3.2. Responding to patronage growth after 2005

Patronage growth on both train and tram was first observed in 2005 and has continued. It is welcome, although figures from BITRE (2009) show that Melbourne is not, as the DoT has claimed, "Australia's public transport capital" (DoT 2009, p. 11). The response of the government and Connex to this growth illustrates the exercise of the 'tactical' planning function under Melbourne's franchise system.

Despite the patronage targets in the original franchise agreements, "the reality is that no-one was planning for growth" (Metcalfe) until well after this 'spurt' began. Government analysts (Gaymer and Kinnear 2009) accept that most new passengers were coming to the public transport for reasons external to the management of the system itself. These reasons include demographic changes such as growth in CBD employment and inner-city gentrification, rising petrol prices and growing environmental awareness.

The first response of planners in Connex and the Dol was to assume that the growing patronage was "a blip". During 2005 and 2006 a range of explanations were postulated, including petrol price rises and a 'boost' from the Commonwealth Games in March 2006. A common feature of these explanations was an assumption that growth would quite soon return the pattern of annual growth that had been seen consistently since about 1980. This growth of around 1.0-1.5 percent p.a. was roughly in line with population growth.

Because the 2004 franchises were written on the assumption that this pattern of slow patronage growth would continue, there was no formal mechanism in the contracts to deal with the reality that the operators faced after 2006. As it became obvious that the rate of patronage growth was not abating, there was no clear direction for either party.

The department's first response was to cobble together a package of capital works and service upgrades in *Meeting Our Transport Challenges* (DOI 2006). The 'big ticket' items in this plan included a third track from Dandenong to Caulfield (since abandoned), the development of the SmartBus suburban orbital routes, and the procurement of additional rolling stock. It also marked the first assertions of an apparent 'capacity crisis' in the operation of the inner city rail network. This theme was expanded upon in Sir Rod Eddington's *East West Links Needs Assessment* (2008) and critiqued by Mees (2008) and Dotson (2009).

Connex was not part of the development of this plan, which Metcalfe later described as "a grab bag of projects". Its focus on infrastructure investment, rather than on the sorts of operational planning suggested by Mees and Dotson, can partly be explained by the absence of the operational perspective inside the DoT.

There was, however, recognition of the need to involve the operator in future planning. In 2006, a 'retreat' attended by senior DoT and Connex officials resulted in what was called the 'Lancefield Accord'. This agreement set the groundwork for a new operating plan, which, with the attendant process of 'network development partnerships', was written in to the new franchises. This new operating plan will deliver some simplified stopping patterns, run some citybound trains on the previously unused tracks that bypass the City Loop, and rely more on transfers for passengers to reach their destinations. This will allow the creation of new timetables that, if done effectively, will go some way towards maximising the impact of the 38 new trains funded through MOTC and the later Victorian Transport Plan.

This joint planning still only addressed short and medium term objectives. Connex had no engagement with the DoT in planning for the Regional Rail Link (from Werribee to the CBD via Sunshine) or the Metro Tunnel proposals.

Connex managers suggest that too many planners, in its own ranks and in the DoT, are without experience beyond Melbourne. This observation is directly at odds with the government's claim that "innovation and international expertise" (Lucas 2009b) are the major benefits of the franchise model.

The response to the unexpected patronage growth reveals significant problems with public transport planning in Melbourne. As a direct consequence of the franchise arrangements, operational and capital planning functions have been separated leading to poor outcomes such as MOTC, with its unhelpful reliance on capital works at the expense of operational

changes. This reliance on capital solutions explains, to some extent, the creation by the DoT of the so-called 'capacity crisis' to justify its budget bids. Its defensiveness in response to criticisms by Mees and Dotson reinforces perceptions of a lack of skills within the Department and puts it in an invidious position of having to explain how it is that new capacity has now been found. This defensiveness extends to employing consultants to debunk their critics (Lucas 2010), and is direct contrast to the efforts of the successful public transport manager, Stuart Hicks in Perth, who made a point of finding ways to "deal with the objections (of his critics) constructively and so build a stronger consensus" (Stone 2009a, p. 430).

2.3.3. Getting priority for trams on congested roads

The major planning issue for the tram operations in Melbourne is to improve tram speeds and reliability by reducing conflicts between trams and private cars. This is one objective of the Vicroads' *SmartRoads Network Operating Plans* (announced in Feb 2010) with the intention of defining "which transport modes have priority on the road at different times of the day" (Vicroads 2010).

Many inner-suburban arterial roads in Melbourne are also busy shopping and commercial strips. This creates a conflict for road space between traffic flow and parking. Peak period parking bans – called 'clearways' – are the principal tool used to manage this conflict. *SmartRoads* included a plan to extend the hours of 'clearway' operation after 9 am and before 4 pm in many of these shopping precincts, sparking a fierce backlash from traders and local councils. Cliche says that *SmartRoads* was:

clearly a car-driven strategy ... but if we could take it and get something for trams it would be well worth it ...Today, we have, at least, a symbolic statement that this is how Vicroads – with the sanction of government – will allocate road space in the future... To say 'this is a priority route for public transport' would have been impossible five years ago.

Although noting that it is still only symbolic, Cliche sees this as one of the few policy gains for trams in recent years. He found it very difficult to get serious attention paid to the needs for investment in the tram system because:

The DoT mantra for years was 'get the trains out of trouble and keep the trams off the front page' ... all our projects got pushed out ... even in the last budget I was there (only) \$5 million for tram (compared with) \$880 million for (metro and country) trains ... Kosky was very unsuccessful in getting us money.

With only limited funds for discretionary projects such as improving signal priority, Cliche found a further bottleneck in a lack of resources for this function within Vicroads:

with very little money (allocated to trams to start with), much of it was going to Vicroads to support the replacement of traffic signalling.

Cliche fears that will be some time before the new franchisee will have the credibility and the local experience to be able to act effectively to reverse this situation. Particularly, he argues, because Keolis came to Melbourne with the intention of winning the train franchise:

the people they recruited for the bid were train people – their safety person came from Railcorp NSW, their COO ran a train station for SNCF.

As Cliche understands the process, his company was the only respondent to the original expression of interest for the tram tender, and Keolis entered the field only after the government offered \$5 million to potential bidders. Under the rules for the re-tendering, a consortium could bid for both the tram and train franchises, but would not be able to win both. Cliche believes that there was a tacit understanding that, by providing competition for the tram tender, Keolis would enhance its bid for the trains. While Cliche argues that his competitor's bid lacked detail and depth when compared to that of his own company, Keolis was seriously in the running for the train franchise, and was even rumoured to have won its bid (Lucas 2009a). However, in the end, it appears that a political imperative to 'clear the decks' and an aggressive bid on price for trams may have left Keolis with a prize it had not intended to win. Cliche says that, for at least two weeks after the successful bidders were announced, the Keolis website read: 'we are here to fix Melbourne's trains'.

3. Conclusion

The Melbourne experiment in public transport franchising has been assessed against three important parameters: its financial performance, its role as tool for distancing government for responsibility for operational performance, and its impact on the effectiveness of planning for future improvements in service and in patronage.

On the financial measure, the government and the operators appear to broadly accept that public subsidies for public transport operations are have grown faster than any corresponding output in service quantity or quality.

As a tool for managing political risk, a number of decisions, including those relating to the most recent re-tendering, appear to a considerable extent to have been made in order to manage short-term political concerns. The ultimate success of this tactic will be tested at the November state election.

The interviews with the departing franchisees reveal how planning for growth of public transport in Melbourne is hampered by the rigidity of contract definitions and by the fragmentation of responsibilities between franchisees and the government. However, even though these are significant problems, and probably represent fatal flaws in the franchise model, they are a less significant than the lack of real political support for public transport solutions to Melbourne's transport problems. Without genuine engagement from political leaders, departmental managers will be able to continue their defensive attitude to ideas and criticisms from policy analysts and from the wider community, and poorly developed programs and policies will continue to be brought forward.

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