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RESPONSIVE GOVERNMENT DUPLICATION AND OVERLAP IN THE AUSTRALIAN FEDERAL SYSTEM

Christine Fletcher

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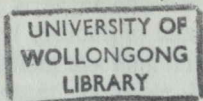
**FEDERALISM RESEARCH CENTRE
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RESPONSIVE GOVERNMENT

DUPLICATION AND OVERLAP IN THE AUSTRALIAN FEDERAL SYSTEM

Christine Fletcher

Duplicated functions and overlapping jurisdiction have become shorthand for inefficiency of government in the Australian federal system (Keating 1988; FMIP 1988). As a rule, duplication and overlap are terms used to describe government/administrative functions which appear to be performed, either by two or more different governments, or by more than one government agency with power sharing arrangements over the same jurisdiction.

Concepts of duplication and overlap are broad, varied and unclear. A reasonable definition may be to say that some interpretations of these terms assume that, under some circumstances, more or less the same group of constituents receive a service, or part of a service, from other than one sphere of government. This would reinforce the belief that motives attached to the surge of interest in duplication and overlap are as varied as the institutions targeted for reform. Proponents of a more efficient system of government usually support a neater, and more clearly defined, role for commonwealth and state governments (Wiltshire 1990). But, eradicating duplication and overlap can be synonymous, also, with reducing available policy options and, as this paper will explain, administrative checks and balances contribute to the overall stability of the federal system; citizen demands are more likely to be addressed by the combined operations of several governments rather than through the limited efforts of one central authority.

Institutional diversity and power sharing are fundamental to commonwealth and state government functions in Australia. Political power is merged through arrangements which cut *across the spectrum* of the system. This makes it difficult to identify the responsibility of one sphere of government without touching on the jurisdiction of another.

The purpose of this paper, therefore, is to develop a clearer understanding of what the terms 'duplication and overlap' really mean in relation to government reform and, as a corollary, to stress the importance of diversity, as opposed to uniformity, within the federal framework. The bottom line is, of course, citizen participation and the need to recognise that there is a fine, almost indistinguishable, line

between improving cost efficiency/accountability in government at the expense of effectiveness and a reduction in government willingness to *respond* to the diverse needs of Australian citizens.

Debates over government responsibility within the complex operations of more than one government in Australia are as old as debates over federation itself (note WA Debates 1934). More recently, there has been a renewed interest in understanding the complex organisation of government functions. In 1986, duplication and overlap were discussed at the Premiers' Conference and, at about the same time, the Advisory Council for Inter-Government Relations (ACIR) itself contributed to debates over intergovernmental cooperation through assorted inquiries into the respective roles of state, commonwealth and local governments in Australia (for a summary of ACIR functions see Chapman 1988). The whole issue of federal reform was strengthened, further, by the attention it received from a number of state and commonwealth leaders at the special Premiers' Conference in October 1990 and again in July 1991 (SPC 1990a; Wiltshire 1990; SPC 1991). A major point accompanying reform standards is, of course, having the capacity to recognise, first, what selective pieces of the system actually look like and ask how important these pieces are, in the long-term, before they are hived off for reform. The second important point is knowing what it is about the system that permits *one* government to reduce the powers of *another* government.

Some understanding of the federal process can be gained by developing a conceptual explanation of intergovernment activities in Australia (see Galligan, Hughes & Walsh 1991). In the first instance, this means that some political benefits accompanying the federal organisation of power with reference to several, predominantly intergovernmental, policy operations need to be clearly expressed. General dynamics of the system in Australia become more apparent if some government policy functions are illustrated, bearing in mind that part of the aim of the paper is to draw attention to the ambiguities associated with the use of terms such as duplication and overlap and, from the standpoint that it is more fruitful if various policy functions across various government jurisdictions are selected and discussed in context with duplication and overlap, rather than the paper becoming bogged down in any single policy area.

Overall, the paper takes a broad approach to the use of the above terms and this, in itself, provides a basis for a clearer approach to a more selective definition of duplication and overlap in the future. It also encourages a more detailed analysis of these ambiguous concepts. In the meantime, the following section looks at aspects of the Australian federal system which are helpful to support and sustain arguments relating to the political dimension of duplication and overlap.

Some virtues of duplication and overlap

Research into intergovernmental relations in Australia is relatively recent but there is enough historical evidence available to suggest that administrative reform of *federal* aspects of the system are more likely to be successful if premised on aims that are modestly selective rather than ambitiously comprehensive (for government examples, see the Miller Report 1985 and the CGC 1990; also, Galligan, Hughes & Walsh 1991). The basic problem is that the very institution of Australian federalism was not accorded much respect prior to the 1950s (see Davis 1952).

The last few decades have witnessed an emerging interest in federal functions but, generally, any recognition of the potential benefits for citizens, and communities, participating in the federal structure are hard won (but note Sharman 1989; Walsh 1990). It is not enough to simply recognise two or more legislatures, or two or more administrative structures, as 'duplication'. In electoral terms, almost all Australian citizens are 'overlapped' by commonwealth, state and local government representation. Political links between state, commonwealth and local governments in Australia are, undeniably, among the most important features of the federal system. This is what builds responsiveness into the system of government. Governments are required, by their constituents, to meet community demands and the intergovernmental arrangements which spring from commonwealth, state and local government functions provide political stability within the federal framework.

Most of the difficulties faced by would-be reformers lie in attempting to alter the functions and operations of several governments simultaneously: the political jurisdiction of administrative reformers is almost always limited to one sphere of government. In fact, there are problems in deciding exactly who has the power to reform a particular government since, for the most part, reformers often implicitly target government administrative operations other than their own.

The combined level of policy-making activity in the operations of all governments in the federal system is fueled by duplication. This can be illustrated by borrowing some ideas developed, over the years, for analysing the American federal system of government. Since British policy literature has been used, consistently, as a guide for analysing the Australian system of government and, on many occasions, as a standard bearer for administrators, there should be no problem applying some American ideas to the Australian federal process (see Landau 1974 and Wildavsky 1984).

Landau's basic argument in the United States is, simply, that the error proneness of government in meeting the needs of citizens is likely to increase when political options diminish. In relation to the American

Bullshit!!

federal system, Landau argues that duplication and overlap have developed into mechanisms for correcting the political mistakes of governments. If one government makes a monumental policy blunder, groups within the community are likely to suffer the consequences. If two or more governments are engaged in agenda setting, the possibility for total policy failure is likely to be reduced. Landau's concept is designed for the organisation of all governments in the system.

- Citizens who receive poor or inadequate services from one government are far more likely to be accommodated by another government if the system provides the institutional framework which is able to support overlapping functions. In essence, this is about democratic generosity and it is certainly the case that the system is generous in Australia, particularly in areas of housing assistance, road funding, and general community health and welfare, to name a few. At a more general level, according to Landau's thesis, the likelihood of the entire system collapsing as a result of an economic or political crisis brought about by the mistakes of one government is reduced if the system is federal.

In many key respects, the Australian system resembles the American system, particularly with respect to the federal organisation of power. Authority in both systems is organised, by varying degrees, to restrain and divide power for political, rather than simply for administrative, purposes. The American system boasts a varied and complex assortment of federal institutions which were designed to preserve political freedom through limited authority. Comparative research between the federal dispersal of power in the United States model and the peculiar Australian federal system is uncommon, however, according to a recent analysis by Gerritsen (1990) the American federal system generates multijurisdictional activity through a far greater mix of government organisations than the Australian system.

Set in the Australian context, Gerritsen's study focuses on specific policy areas, such as school funding, conservation, Aboriginal affairs and childcare facilities. Gerritsen's 'jurisdictions' are treated as 'legal' rather than 'political'. At the coal face, Australians are more likely to choose another level of government in the same location than to move to another jurisdiction to obtain better services. Gerritsen argues that people are less likely to move from state to state, or from local government to local government in the Australian federal system than in the United States (Gerritsen 1990). There are a variety of reasons for this, including geography and the much reduced variation in the combination of services provided by American sub-governments. Government institutions are less ambitiously organised in Australia in the formal sense but, nonetheless, governments make substantial gains, politically, on the jurisdictions of other governments.

- All governments have overlapping jurisdictions. For reform to have any real political and economic value, policy areas have to be identified

which reflect the political demands of different local communities rather than the stated aims of appointed administrators. Governments are aware of this (SPC 1990b).

Major areas targeted for reform by commonwealth and state government leaders include financial relationships between commonwealth and state governments, clearer linkages between governments and a more uniform approach to government regulatory and administrative operations (see Hawke 1990; SPC 1990c). This does not, however, guarantee uniformity in the federal system. If anything, competition between governments over regulatory and administrative jurisdictions is likely to ensure that the maintenance of state differences is perpetuated.

For example, in mapping 'copy-cat' law-making functions of state and commonwealth legislatures during the period 1983–85 Nelson found that '[u]niform legislation in the Australian federal context often meant "uniform legislation with an allowance for state differences"' (1988, 29). Uniformity and duplication/overlap are contradictions in terms. In Australia, governments are deft at preparing and pushing their legislative program through their respective parliaments to minimise opposition and strengthen government operations, but there inevitably comes a time when plans for future cost and efficiency measures give way to the political aims of governments (see Nelson p. 34). Competition between governments, in pursuit of objective setting on behalf of their respective constituents, is an ongoing part of government responsiveness in Australia. Nonetheless, uniformity is also part of the public agenda. Ideally for some, uniformity is part of the ultimate outcome which results from cutting duplicated and overlapping administrative functions from the federal body.

The meaning of 'uniformity'

Nothing sets the cat among the pigeons in the 'small' states faster than the commonwealth's call for more uniformity, particularly if it means that certain states are asked to put their own political and financial influence at risk (for example, see state responses to higher education recommendations in the *Financial Review* 29 January 1991). Uniform policies may be acceptable when initiated through inter-state negotiations, but not when the regulations are developed and imposed by the commonwealth government. Plus, there is a fundamental weakness in the idea of uniformity.

In a democratic federal system, uniformity, as a concept, has little or no use as a blanket application (see, for example, Galligan & Uhr 1990). Even when uniform regulations and policy classification are agreed upon by various state and commonwealth governments, there are obvious differences which occur along the way within the federal process itself

(see May 1975). Sanders made this point in a recent characterisation of intergovernmental relations with regard to Aboriginal affairs policy. He argued that indicators to state and commonwealth policies must be sought by observing outcomes rather than by comparing policy labels which, by all appearances, seem characteristically uniform (1991, 275). Aboriginal affairs policy decisions have notoriously unreliable outcomes and what appears to be one single structure is often a veneer for dispersing a range of diverse functions throughout various administrative agencies. What some government practitioners perceive as policy outcomes and policy 'implementation', others probably see as part of the policy process.

- Uniform results can only be defined within an observable regulatory framework, not in terms of essential service delivery. Even then, this says nothing about the quality of service delivery. Uniform laws and regulations are not always undesirable but, as Wildavsky (1984) points out, '[s]ome uniformity is one thing; a lot of uniformity is another' (1984, 68). The important question is whether uniformity is imposed by one government onto another, or whether there is agreement between different governments for selective uniform regulations.

Road transport vehicle regulations provide an example of agreed uniformity between the states and the commonwealth. For example, in 1988, the Australian Transport Advisory Council agreed to apply uniform truck load limits to certain types of large-axle vehicles (NSWRTA 1989, 13).

All governments in Australia (including local authorities) have a role in transport policy. Regulatory legislation governing truck axle loads may influence costs to the commercial transport industry and satisfy the uniformity advocates but transport is about meeting the needs of citizens as well as governments. Uniform heavy-load haulage regulations are only one small aspect of the complex and diverse nature of road transport policy-making in Australia. The regional location of particular roads, resource distribution, local and state government politics and client groups serviced by certain types of roads are also a determinant of policy effectiveness (BTE 1987; also Painter 1991).

- Commonwealth road grants are predetermined by classification criteria applied by the commonwealth but largely developed by the various state road transport authorities. Local governments also have a major role in the provision of roads. They classify road types in their respective regions and submit road inventories to the state road authorities for funding (BTE 1987). Local government discretion over road expenditure decisions annoys the Commonwealth Grants Commission which attaches fiscal equalisation criteria to the distribution of commonwealth general purpose funds to the states. Commonwealth uniform transport legislation governing truck axle loads may be effectively controlled, but commonwealth standards for road policy outside of its own jurisdiction is

unworkable in any practical sense. Road classification and the various financial transactions between governments that accompany road policy types are not determined by uniform policy regulations.

At one level, it is almost impossible to trace, in any coherent fashion, the funds which flow from the commonwealth through the Australian Centennial Road Development program, to the various state Treasuries. Once under state jurisdiction, grants are reshaped by state road authorities, acting in response to the demands of state and local constituents, and dispensed to the assorted communities.

It is possible to establish regulatory standards but it is not possible to guarantee uniform outcomes within the wider political community. State and commonwealth governments are conscious of the problems they face in attempting to cater to diversity within the context of regulatory standards. At worst, one government (often the commonwealth) can use institutional pressure to alter the revenue-raising ability of other governments (such as state taxing powers in 1942); at best, commonwealth and state governments can agree 'in principle to consult' (SPC 1990b, 4).

Consultation processes reduce the intensity of political conflict between governments. The example of uniform tax powers is an extreme case of enforcement and conflict, but there are dozens of examples where governments have negotiated a limited form of uniform standards without jeopardising state powers over the entire policy area. Food standards are an example of this. Most of the issues concerning food standards are usually related to labelling, hygiene and food recalls but the main aim is to develop a workable 'national' *negotiating* body. In reality, the states will continue to regulate food under state law and, aside from cooperation by executives within a Ministerial Council, state laws ensure that the fate of 'uniformity' depends on state, rather than commonwealth, interpretations (CDCSH 1990).

If governments find it difficult to reach agreement on the application of uniform standards, the provision of uniform services directly to constituents poses an even greater problem, particularly for the commonwealth.

Housing policy, particularly the commonwealth's recently terminated First Home Owners Scheme (FHOS), is useful for illustrating the significance of regional diversity at the expense of uniformity in Australia. The commonwealth is a major source of funds for state housing programs and, despite the jurisdictional shift of housing assistance schemes from the commonwealth to the states, state housing assistance programs depend on the commonwealth for housing grants.

The FHOS program is probably one of the most well known housing assistance projects. FHOS was a commonwealth program primarily designed to assist potential first home buyers into the housing market in

the states (see HIA 1989; Walsh & Silberberg 1990; Gruen 1988; Parkin 1991). Rising housing costs in some regions and low-cost housing in other areas disqualified many potential first home owners from receiving commonwealth subsidies from the scheme and, in light of income related factors, the scheme was rendered ineffectual. Finally, there was no political kudos to be gained for the commonwealth by continuing the program. First, the FHOS had limited value for low-income groups facing high-cost housing and high interest rates and, second, given regional disparities between and within different states, the FHOS program had limited value as a commonwealth-funded scheme.

Housing programs, both commonwealth and state, *cut across* several administrative structures ranging from the commonwealth Department of Community Services and Health, the commonwealth Department of Industry, Technology and Communications, through to the various state and territory public housing organisations.

Duplicated mechanisms are an integral part of the housing policy community and, in a general sense, it is impossible to separate the combined operating processes of the different governments structures in any meaningful fashion. The First Home Owners Scheme highlights problems for governments attempting to provide uniform services to constituents living in areas with different political, economic, state and regional features (see Painter 1988).

Regional differences in housing costs between states, intrastate housing price variations and administrative and political differences combined to make the FHOS unfeasible. The FHOS scheme became too costly for the commonwealth to retain. Finally, once the scheme was absorbed into state housing assistance schemes, commonwealth 'national' guidelines for housing assistance virtually disappeared.

There is nothing unusual about one government withdrawing from an economically and politically undesirable area of policy-making. Aboriginal affairs policy is replete with intergovernmental agreements based on conflict over who should, or should not, administer housing and other essential services to Aboriginal communities. The commonwealth remains committed financially and administratively to the provision of state housing, and the strength of state and commonwealth government commitments to the provision of housing for different community groups is driven largely by political incentives. This counters the strengthening of pressure to conform to uniform standards which would, otherwise, reduce the political options available to policy-makers and, consequently, weaken the ability of governments to respond to the needs of their local majorities (see Dahl & Tuft 1973).

- The commonwealth often assumes a major subsidising role in policy-making and this tends to create more opportunities for commonwealth administrative overlapping into state policy areas. State and commonwealth policies were never intended to stand alone. The federal

system assumes that organisational power, and a certain degree of spontaneous political action, is formally institutionalised in the states; there is no doubt that commonwealth government operations were formally designed to accommodate, and in many cases to encourage the development of, state regulations (see Galligan & Uhr 1990).

As Galligan and Uhr argue, the maintenance of colonial differences has been woven into the fabric of the commonwealth Constitution from the outset. In fact, the dominance of state political operations becomes apparent whenever the commonwealth and states engage in negotiations over 'national' standards: rail freight standards (see SPC 1990c, 6, also *The Australian*, 23 November 1990) and 'national' road programs are a good example (Brown 1990; see also Painter 1991).

The mix of state and commonwealth laws varies in the operations of each policy area in the different states and territories. Every state and territory has its own legal regime consisting of regulatory frameworks created from an overlapping mixture of commonwealth/state laws (see Lindell 1989). All development and infrastructure policies in the Northern Territory are determined in the shadow of guidelines established by the commonwealth *Northern Territory Aboriginal Land Rights Act* (the Territory government also has a land rights Act). Mining and other economic decisions in the Northern Territory are bound to consult the Land Rights Act. But, across the border in Western Australia, the story is quite different; all state legislation is formally subordinate to the state's Mining Act in Western Australia. Duplicated state and commonwealth legislation, such as Aboriginal Heritage Acts, are often used 'in turn', particularly when a state or commonwealth government finds itself in opposition to the prevailing political climate among its constituents. The state government, for example, tends to withdraw formal legislative support with regard to Aboriginal heritage areas and, as a rule, the practice is to invite the commonwealth to invoke its duplicated legislation and suffer the political fall-out. The commonwealth then bears the brunt of the wrath of the mining industry. This type of activity is common in Western Australia and it results, in large part, from the strength of the state's mining laws (note Seaman Report 1984).

Overlapping jurisdictions created by the mixture of law and regulations means, inevitably, that some regulations and administrative functions are duplicated. But overlapping jurisdictions and some duplication indicate the political health of government. Theoretically, political health can be gauged by the measure of institutional responsiveness in a system (note Sharman 1989). As the next section illustrates, political health and federal flexibility are twin concepts. Landau's (1974) argument, developed to analyse the political health of the American federal system, is useful for explaining the significance of these points.

A democratic concept of intergovernmental redundancy

Landau claims that the designers of the American Constitution 'multiplexed it at every crucial choice point' (1974, 188). This does not mean that the designers were intent on creating havoc, or that duplication and overlap were foremost in their minds, but redundancy was undoubtedly woven intentionally into the American Constitution as protection against excessive centralised authority (note Galligan & Uhr 1990).

In a federal system, authority is dispersed in such a way that if one government makes policy blunders other governments have the capacity to maintain functions in that part of the system. Duplication and overlap take primacy in Landau's 'redundancy and system reliability' argument (1974, 173). Conceptually, according to Landau, redundancy is *institutionalised* into the American federal system by virtue of the multiplicity of governments.

From this perspective, redundancy is also characteristic of the Australian federal system. Different governments gain constitutional legitimacy for the functions they perform as components of the overall organisation (see Holmes & Sharman 1977). All states and territories in Australia have the capacity to develop laws overlapping those of the commonwealth and other states. Indeed, after 1901, this was the way political life was intended to be in Australia.

Duplication is synonymous with the expansion of government functions, just as overlap is evidence of stability. These elements drive the natural progression of the political system. Legislatures, administrative structures and courts entrench duplication in Australia.

As Galligan and Uhr (1990) clearly argue in 'Australian Federal Democracy and the Senate', it was *the people of the colonies* of New South Wales, Victoria, South Australia, Queensland, and Tasmania who gave their approval for the federal union, *not the people of the commonwealth*; 'people of existing colonial states' (1990, 2) created the commonwealth. The commonwealth did not decentralise power to the states.

Different governments have different objectives and if a community is dissatisfied with one government there is likely to be competition from other governments to bridge the policy gap with what purports to be a more effective service. As a rule, participating governments in Australia do not perform the same function for the same interests. In fact, the national organisation representing local government authorities in Australia pointed out that 'circumstances' determine the role of government (ALGA 1990). All three spheres of government are involved in delivering services and governments are developing the concept of greater harmony to smooth government operations (ALGA

Encourages
"competency in citizens"

p. 1). That does not mean, however, that one sphere of government is prepared to let another government move in and take over its constituents; the constituent groups would be unlikely to agree to a political take-over.

'Creating' harmony out of conflict

Harmonising government activity means understanding existing government regulations before attempting to adjust regulations and realign powers, particularly if it means altering the responsive nature of governments. From a local government perspective, responsiveness relates to the demands of their local citizens. State and commonwealth governments are also at the mercy of their constituents, but governments at these levels are more likely to favour regulations that are responsive to the desire of other governments, particularly if other governments are offering to provide or maintain a substantial source of revenue (SPC 1991) But even with financial leverage, political autonomy is a limited concept; there are few, if any guarantees for political ambition in intergovernmental policy-making in Australia.

Most of the debates linking administrative inefficiencies to overlapping responsibilities tend to be more concerned with competition between the commonwealth and the states, rather than with the provision of effective services. This is clearly apparent in the ISC's recent report on 'national uniformity'; 'Recommendation g', for example, (ISC 1990, 203) suggests that the 'federal legislation (for a national road vehicle registration scheme) should delegate all administrative responsibilities for vehicle registration to the States and Territories, subject to satisfactory arrangements being negotiated'. This says more about the policy desires of the commonwealth than it does about the satisfactory delivery of services, or the effectiveness (from a constituency perspective) of administrative functions.

If services are not cost-efficient under the current system, then there are no guarantees that the same services can be more effectively delivered by one dominant central authority which lacks regional infrastructure but which could delegate powers to subordinate state governments.

The major federal characteristics of government are institutionalised in the commonwealth Constitution. Overlapping forms a safety net for democratic participation in the Australian federal system and for reliability in the delivery of services. In the American context, Landau equates 'overlapping' with 'equipotentiality' (1974, 189); he points out that checks, balances, and overlap form part of the same system.¹

¹ Equipotential' refers to equivalent power or effect; the potential of a force is constant at all points (Concise Oxford Dictionary).

- Overlapping strengthens the reliability of the system and effectiveness is a more likely prospect within the present federal structure than would otherwise be the case. These are elements that should be considered in relation to the organisational shape of government in Australia. Overlapping functions may not improve the policy-making functions of the system, but overlap is a responsive and adaptive device which reduces the risk of total, all out, policy failure.

Landau and Chisholm argue that policies are likely to be more effective in a system which discriminates in favour of overlapping jurisdictions than in a system where attempts are made to systematically minimise duplication and overlap and centralise power. They argue that 'investment in reliability as opposed to efficiency is the most economical approach when full life-cycle costs are calculated. Even where budget restrictions are important, this will hold' (1985, 14-15).² In other words, when administrative policy errors occur, or when policies fail, adaptive political processes are available to counter any impending disasters. On this premise, a reduction in the number of governments and administrative structures could result in more, rather than less, policy failures.

This is an important point because policy disasters may be expensive both in budgetary terms and politically. Plus, consolidating policies throughout administrative and budgetary processes is limited by the nature of the system itself. As Leach argues, 'the federalism of policy varies from time to time, from place to place, and especially from issue to issue' (1973, 17).

Western Australia, for example, has different infrastructure priorities on its political agenda than New South Wales (see ISC 1990). Western Australia is sparsely populated and lacks a strong manufacturing base whereas New South Wales has the largest population in Australia. These are the type of characteristics that contribute to differences in 'national' housing and infrastructure policies. In reality, once state differences begin to emerge, political 'submission' carries no guarantee of success for either government.

² Landau's argument is based on Pareto's 'principle of the "significant few and the insignificant many," where we attempt to identify those causes that produce the largest number of failures' (Landau & Chisholm 1985, 15). It is more economical, therefore, to solve reliability problems and achieve effective results than to reduce the life of worthwhile, or successful, projects by rigidly applying initial cost effective methods.

Conclusion

Federalism is premised on checks and balances; it is a system designed for political stability and to increase the capacity of the system to organise its elements to satisfy as many political demands as possible (note Sharman 1990). Duplication is not simply about administrative repetition, or two different legislatures governing the same constituents. Rather, it forms part of the process through which program recipients have access to a variety of government resources. In the process, it also increases the opportunity for one government to avoid political dominance by another government.

Governments tend to emphasise duplication and overlap as targets for the reorganisation of more efficient government in Australia but, as this paper suggests, duplication and overlap are signs of a healthy system of government. Almost all sections of government and administrative structures in Australia are either duplicated or overlapped to provide reliability and responsiveness. These are common features of healthy democratic federal systems. Indeed, Anton, in an analysis of American intergovernmental relations, suggests that effective policy-making is a direct result of government coalitions continually 'bumping around' together (1989, 101).

Organisational change in the Australian federal system is produced by a combination of government functions. The general confusion of government roles is a natural outcome of intergovernmental operations and debates over the abolition of duplication and overlap are, in essence, disputes about the role of governments in Australia.

This is a far cry from the neat, ideal federal model put forward in the EPAC (1990) paper. These points need to be recognised. What appears to be the minutia of government in a federal system is often the most important in the context of reform. It is the seemingly small elements of governing that make the role of governments difficult to define in any systematic way. This is the most protective mechanism available to citizens for preserving the spontaneity of government.

Reform of the system is not limited to either commonwealth or state initiatives. Duplication and overlap are ubiquitous and many proposed policy changes outlined at the October Premiers' Conference in 1990, particularly those concerning health and education, are state initiatives (Greiner 1990, 5). The states tend to view government duplication and overlap as synonymous with commonwealth government activity; commonwealth government proposals for reform appear to be aimed at reducing duplication and overlap by consolidating commonwealth authority.

As illustrated, the complexities of policies go much deeper than the termination of administrative functions from one sphere of government

to another. Commonwealth housing assistance programs over variations in the cost of land touch on these points. Take local government authorities in New South Wales (NSW); local governments have an additional revenue raising capacity in that state as a result of section 94 of the *New South Wales Environmental Planning and Assessment Act*, 1979. There are variations of this in other states, nonetheless, land developers in NSW are required to contribute towards 'the cost of providing services to new development' (LGANSW 1989, 3). Section 94 of the *New South Wales Environmental Planning and Assessment Act* 1979 affects commonwealth government housing policy designed around development and building processes in the state. State perspectives, however, are quite different and it is said that, in certain states, governments look enviously at the revenue raising potential of s.94. This is symptomatic of the system; state and commonwealth governments tend to use similar legislative style-sheets, copying each others apparent innovative trends (Nelson 1988).

The commonwealth's view of efficient economic reform tends to emphasize the concept of 'uniformity' (Hawke 1990, 2). As this paper explained at the outset, uniformity is limited to specific, rather than general, policies.

Commonwealth and state debates concerning reform are about agreement in principle. Almost all major commonwealth administrative structures have developed a range of committees and task forces to address the issue of administrative reform. This adds a further complex dimension to the system as it now stands and advocates of uniformity are likely to be unhappy with the system in its federal form anyway (Emy & Hughes 1988, 267). Commonwealth and state government functions are not designed to produce uniform outcomes: the operation of different governments reflects the different needs of the diverse range of political communities in Australia. From a citizen's perspective, it is difficult to justify why administrators want to weaken the vitality of political responsiveness in the system. Responsiveness is the federal system's most important virtue.

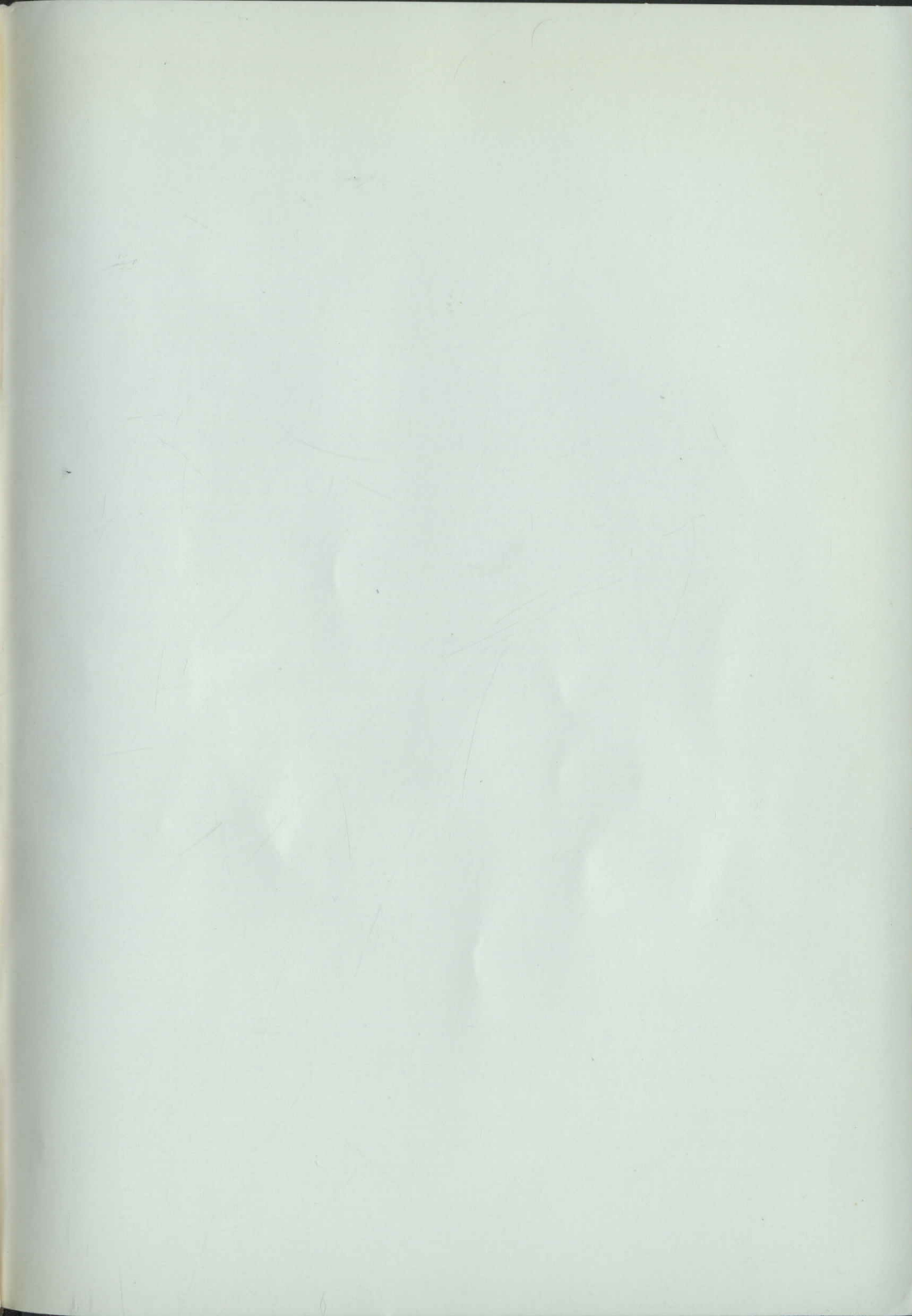
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