

The Barriers We Face

Navigating A Way Through The Rules And Regulations
Of Bureaucracy



Popular Perception of Bureaucracy

For many people the word 'bureaucracy' conjures up an image of a mass of office workers buried in mounds of paper and tied to a set of petty rules, the notorious 'red tape.' Bureaucracies are often the focus of popular dislike, especially because they are perceived to be inefficient and lack flexibility to meet individual requirements. The infamous 'they' who are continually meddling in people's lives are often thought of as remote bureaucrats.

Most large modern organisations are bureaucratic in form: Such as government departments, corporations, political parties, churches and trade unions.

Critical Function of Bureaucracy

Government agencies both national and local can be a useful tool to carry out the will of the people. They can manage water, sewers, roads borders and transport and provide many other public services. Some type of bureaucracy is essential when an agency is charged with a mission that serves thousands or millions of people. Government agencies are created for the public good. But, too often bureaucracies are a symptom of personal irresponsibility and the desire to let someone else solve our problems. They can grow uncontrollably and spend tax and rating dollars foolishly. Once they have served their purpose, they are hard to terminate. They are hard to hold accountable.

The Barriers We Face

- Rules and regulations are necessary to keep order and encourage efficiency.
- Some one has to be in charge of ensuring compliance with the rules.
- This is particularly important where a public interface is concerned,
- Compliance is a duty of heritage tramways and railways.



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This is a reasonable view of modern management and services provided by our regulators, and in the main there is a good working relationship between our respective tramway managers and regulators. Provided the dissemination of information and the enforcement of rules is fair and reasonable members accept the principles and put them into place willingly.

Regulatory power is both relational and contextual; it is contingent on internal and external institutional arrangements changing in the face of political, organizational, and economic shifts. Furthermore, these arrangements vary between agencies in the same policy realm depending on their role and the differences within and between agencies are magnified in the presence of institutional contradictions and conflicting political signals.

The Barriers We Face

- In both New Zealand and Australia Good working relationships have been forged between regulator and operator.



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We in New Zealand and Australia are fortunate that the social infrastructure is robust enough to establish and maintain a reasonable amount of orderliness even in the face of adversity. This arrangement must be a two way street so that harmony is preserved.

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- At least we can have a reasonable expectation of consistency with our current bureaucracies.
- It's how the day to day services and changes are managed that is important.
- Some regulators do this well while others do not.



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Recently we had an incident where the Department of Labour (DoL) banned the use of an ex tramways tower wagon at MOTAT because it did not appear to comply with the Power Operated Elevating Work Platforms Code of Practice and could never be made to comply. The DoL claimed that MOTAT were not taking all practical steps to ensure the safety of the crew working on the overhead at the time. We (FRONZ) would beg to differ and have some strong views on this incident and have asked our lawyers to review the case and advise us on the next steps. This sort of thing can be devastating to the member museums concerned who may have to spend money on new tower trucks that could have been used for museum development. Incidentally inquiries about suitable replacement vehicles reveal they would cost between \$130,000 to 150,000 for a vehicle that would be used occasionally and sit unused for most of the time. Hiring tower wagons would not be an option because of the expense and would not be available in the case of a breakdown or emergency.

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- The fundamental principles of compliance are basically the same no matter what the jurisdiction
- The intention is to facilitate efficient use of resources
- If properly managed, safety is an intrinsic outcome of efficiency.



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Most organizations including ourselves employ various internal functions to help our executives comply with government and regulatory agencies (e.g., filing forms to report incidents, accidents and significant operational failures that could have resulted in injury or death . These requirements are reasonable and contribute to lessening of such incidents in the future. We have no issues with that.

However there is increasing concern about the amount of prescriptive and unnecessary detail creeping in to regulator demands which are time consuming and costly, as well as their administrative burden. For example New Zealand Transport Agency have recently requested the qualifications of committee members of our societies to the point of requiring a short CV. If we were to provide the requested information and NZTA had some objection to an elected officer holding a certain position, what then? Will we be required to sack them and find someone else? I think not. Their intention is honorable and to ensure safety critical tasks are performed by competent people. However, this could be seen as a government agency meddling in the constitutional affairs of a bonifide incorporated society.

The Barriers We Face

- Bureaucracy gone mad:
 - when process gets in the way of reasonable service management.



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It is understandable that certain operating system information is necessary and we willingly provide that, but this is an example of processes getting in the way of service management.

I have noticed a recent creep of more prescriptive requirements which impact on the time of executives and members to the point where we are in danger of spending more time on administrative functions than enjoying our chosen recreation, restoring, maintaining and running trams. In some cases some members have indicated they are not comfortable with the way things are going and no longer offer themselves to fill committee and operational functions. A major concern is that many of these requirements will either not occur within the required timeframe or not happen at all and we will be taken to task by the regulator. An extreme outcome could be withdrawal of an operating licence.

The Barriers We Face

- The doctrine of continuous improvement:
 - It does not help to achieve this if we continually face more levels of compliance on top of existing ones.



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When a purpose appeals to the moral conviction of members, then they are capable of acting with conviction and self-determination without being micromanaged. And when organizations operate with a clear and well-aligned purpose, they become stable and efficient. This efficiency will be manifest in successful performance and absence of reportable incidents.

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- It would help if we were consulted before procedural changes were made.
- My main concern is that no action will be taken if members feel it is too hard or time consuming.
- A consequence could also see members walking and we cannot afford that.



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It would be helpful if regulators took all operational levels into consideration before making unilateral changes to processes.

1. For example:

- What impact will the change have on the affected operators.
- The one size fits all concept is not appropriate (there is a tendency for regulators to treat everyone as if they were operating Yarra Trams or a heavy freight service between Sydney and Melbourne or Wellington and Auckland).
- The effect of this approach can impact heavily on heritage museums who are forced to divert precious resources into inappropriate changes that often bear no relevance to the operation.

Please before introducing a process or edict that may take time and cost money, spare a thought for the little guy.

A worst case scenario is that the operator will only partially comply, or not at all, and put their operating licence at risk.

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- Your advocates COTMA, FRONZ and ATHRA are there to assist.
- That assistance is offered to both the operator and regulator in an effort to facilitate harmonious relationships.



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A major role of the industry advocates is to bring about a level of appropriate management for all concerned. This will ultimately lead to greater compliance and efficiency and safety on our respective tramways and railways.

QUESTIONS PLEASE