



# ***2021 Australian Infrastructure Plan - recommendations***

**Submission to Infrastructure Australia**

## About us



Consult Australia is the industry association representing consulting businesses in design, advisory and engineering. Our industry comprises some 48,000 businesses across Australia, ranging from sole practitioners through to some of Australia's top 500 companies, providing solutions for individual consumers through to major companies in the private sector and across all tiers of government. Our industry is a job creator for the Australian economy, directly employing 240,000 people. The services we provide unlock many more jobs across the construction industry and the broader community.

Some of our member businesses include:



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## Background and summary

In early August 2020, Infrastructure Australia provided a briefing to Consult Australia on the development of their 2021 Australian Infrastructure Plan and discussed opportunities to engage with our membership to understand reform opportunities from our industry's perspective. Consult Australia and Infrastructure Australia co-chaired two workshops to explore opportunities for reform with member representatives. The recommendations and findings from the workshops have been captured and presented in this submission to inform the plan.

The first workshop was held on 20 August 2020 and participants included senior leaders from our large member firms, the CEO of Infrastructure Australia, Romilly Madew and colleagues responsible for developing the plan. This session provided an overview of the plan and its areas of focus. Participants identified the four key areas that Consult Australia's engagement should focus on:

1. Procurement practices and methodologies
2. Industry capability, capacity and culture
3. Use of technology
4. Visibility of the pipeline.

A second workshop was held on 3 September 2020 between Infrastructure Australia and delegates nominated by the senior leaders at the first workshop. Its purpose was to undertake a deep dive in four breakout sessions on the above key areas and to identify targeted, practical and solutions-focused reforms that could inform the recommendations in Infrastructure Australia's plan. This submission outlines these recommendations and a summary of these is below.

### Procurement practices and methodologies

- Adoption of the Model Client Policy
- A procurement strategy that is accountable and measurable
- Clear and accountable procurement principles, rules and guidelines

### Industry capability, capacity and culture

- Increase awareness of careers in the infrastructure industry
- Cultural standards should be incorporated into infrastructure projects
- More formal pathways need to be established into the infrastructure industry

### Use of technology

- Use central digital information portals and produce digital assets

### Visibility of the pipeline

- Introduce five-yearly investment strategies in line with the UK approach
- Agree on datasets that are the key drivers of investment decisions

Consult Australia would like to acknowledge and thank Infrastructure Australia for their engagement with our membership in developing the plan. We look forward to further opportunities to collaborate and the release of the plan in early 2021.

## Procurement practices and methodologies

### Adoption of the Model Client Policy

**Recommendation:** All government clients adopt a '[model client policy](#)' which, like the model litigant policy, seeks to address the market power imbalance that favours government clients.

The inherent and substantial power imbalance that favours government clients when contracting with the private sector has never been addressed. Yet, this same power dynamic is acknowledged and addressed when it comes to legal disputes between a government entity and the private sector and private individuals.

Some examples of this power imbalance and challenges created include:

- Government clients negotiate one on one with private sector suppliers for every contract, often using bespoke contracts or modified 'standard' contracts that often repeat the same problematic terms
- Problematic terms resolved in previous contracts re-appear in new contracts
- Government clients often get external legal advice to set the terms of the contract, which prioritise risk avoidance rather than a commercial approach to risk management and proper risk allocation, thus often includes problematic terms. This means that governments sometimes inevitably end up over-paying as a result, which is what they were seeking to avoid in the first place
- Industry participants invest significant time and expertise in contract negotiations, arguing the same concerns over and over - time that could be better spent providing the service

This is why we support reforms focused on governments becoming model clients by working collaboratively with industry to achieve mutually beneficial outcomes and not using their market power to the disadvantage of local businesses and their employees.

Education should be a focus of any reforms focused on introducing a model client behaviour across government departments and agencies. Infrastructure Australia and relevant government departments could release model client behaviours with a practical application guide which includes information on which risks are best allocated to which party based on best for project experience and case studies. This should also include the delivery of commercial capability training of governments clients (down to project managers) to increase knowledge of commercial factors and techniques to move away from risk avoidance to a proper assessment and a well-reasoned allocation approach.

The adoption of a model client policy by all government clients would improve:

- productivity, for both clients and industry as time previously wasted arguing against unfair contracting is saved as the 'model client policy' sets out how best to contract with consultants for better project outcomes
- the culture of the industry more broadly, as private sector clients tend to follow the lead of government clients;
- bidding prices, if risk is properly allocated
- risk management in the delivery in infrastructure generally

- government expenditure, as need for external legal advice diminishes.

We believe this recommendation could result in real change over the medium to long-term, noting the time needed to deliver education and drive a cultural change, and understanding that the majority of relevant procurements are at a state/territory level.

### A procurement strategy that is accountable and measurable

Recommendation: Governments should:

- introduce greater accountability and transparency in the procurement model decision making process by using the business case gateway process, and an integrated collaborative team approach, to develop options and test the market
- audit the outcomes of the project against the procurement model selection process and use the findings to drive continuous improvement.

Procurement strategy is often not given due consideration by the right experts.

Some examples of the current approach and challenges created include:

- government clients too often decide on a procurement model without comprehensive expert advice (i.e. an economist might recommend what seems to be the cheapest model, a lawyer might recommend the most risk adverse model for the client)
- often a procurement model is used because it was used last time or because of a lack of subject matter expertise – without consideration if it suits the particular project and circumstances
- rarely does industry engagement occur early enough so government clients can utilise their expertise and experience to help determine an appropriate procurement model
- there is little documentation or justification of the procurement model chosen, which reduces accountability for the decision and makes measuring the outcomes difficult.

We believe reforms should focus on strategic planning, increasing engagement and collaboration. This can be achieved by:

- more rigour in selecting a procurement model
- better defining desired accountability
- addressing accountability
- instigating continuous improvement.

It has been recognised that business case development is a key element of good infrastructure governance.<sup>1</sup> We also need to recognise that the procurement model selection is equally important. In 2017, the Productivity Commission identified in their 5-Year Productivity Review that:

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<sup>1</sup> Consult Australia, [Infrastructure governance in Australia \(2018\)](#)

*Overall, there has been little change in infrastructure planning, management and governance arrangements, and hence the underlying concerns raised in relation to the quality of infrastructure decisions in the 2014 report remain.<sup>2</sup>*

The 2014 Productivity Commission report that they refer to above found the existence of inadequate incentives and accountability for ensuring the projects are properly analysed and the existence of incentives for preferred projects to be selected at an early stage and maintained even if new information showed them to be deficient.

The business case process exists to ensure that there is a robust approach to problem identification and any subsequent investment decision. The procurement model selection should be subject to a high standard of rigour and gateway reviews and needs to involve an integrated team to inform that decision (see Consult Australia's recommendations in our [Business Case Development Report](#)).

Examples are how our recommended could be implemented include:

- Gateway reviews – governments should ensure the procurement strategy is seen as an integral component of a project and to have these needs considered by relevant experts. Governments could also establish gateway reviews to refine the procurement strategy. For example, in the initial business case, all procurement models might be selected as relevant, at various gateways these options could narrow and then pre-tender a shortlist of two to three models could be released to market for comment.
- Engagement/collaboration – government clients should undertake early industry engagement to get their feedback on a number of procurement model options (rather than the current 'take it or leave it' approach).
- Education – Infrastructure Australia and relevant government departments could release practical guidance material on the procurement option analysis and deliver commercial capability training to government clients (down to project managers) to increase knowledge of commercial realities and techniques.

We see this recommendation being an important step to elevating the procurement strategy within the business case. It would result in a number of benefits in areas such as:

- Productivity, for both clients and industry as time previously wasted arguing against inappropriate procurement models is saved and time wasted when government client changes procurement model after an RFT has already been released.
- Cost burden on industry – bidding costs are significant for consultants, having to bid multiple times for a project because the procurement model changes is both a productivity and financial burden.
- The culture of the industry more broadly as there is increased engagement and knowledge-sharing
- Accountability for procurement decisions – running through a formal options analysis and gateway review process will introduce greater accountability and transparency in the decision making and outcome. The process and decisions made can then be appropriately audited.

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<sup>2</sup> Productivity Commission 2017, Shifting the Dial: 5-Year Productivity Review Report No.84, Canberra.

- Future decision-making – the transparency and accountability noted above can then lead better measurement of the outcomes against this objective. This will provide continuous improvement and inform future projects.

We believe this recommendation could result in real change over the medium-term, noting the majority of relevant procurements are at a state/territory level.

## Procurement principles, rules and guidelines

**Recommendation:** Improve procurement principles, rules and guidelines to ensure that:

- all agencies use the same principles, rules and guidelines (only by exception and with justification should agencies be permitted to produce separate principles, rules or guidelines)
- expected behaviours are made clear (rather than high-level principles)
- rules are flexible enough to apply in all cases
- there is mandatory reporting against the procurement rules by all agencies for all projects
- post-project reporting on successes and failures of the procurement strategy
- third-party concerns (e.g. by industry associations) about procurement can be raised with Treasury
- transparency to the public of reporting and complaints (similar to how Commonwealth Government published regulatory impact statements (RIS) and post-implementation reviews for regulatory reforms.

Centralised procurement rules are often drafted broadly with limited practical standards of behaviour government agents can align with. Most government agencies create their own procurement rules and guidelines under a 'devolved model' without consistency of approach across agencies. This means there is a lack of transparency and accountability when it comes to procurement – while government clients defend decisions based on use of public funds, the public does not have any oversight of how funds are being managed and decisions are being made.

Below are some examples of the current approach and challenges created:

- it is difficult to raise valid concerns with government clients, as procurement rules are often too high-level rather than demonstrating best practice behaviours. Also, terms such as 'value for money' are amorphous and industry concerns are often dismissed
- under a devolved model it is difficult for industry and the public to navigate which procurement rules and guidelines apply to which agency when individual agencies are permitted to have separate rules.
- very few jurisdictions hold government agencies to account against central rules.
- very few jurisdictions have a mechanism for industry to raise concerns about the procurement practices of agencies outside of that agency
- there is limited public transparency of procurement decisions.

We believe reforms could focus on increasing accountability, improving engagement and collaboration, and through the delivery of education:



- All centralised procurement principles, rules and guidelines should be designed in a way that:
  - is behaviour based (i.e. Model Client based) and flexible enough to apply in all cases, which takes away the need for agency-specific rules
  - includes a mandatory reporting regime for all government departments and agencies for all projects
  - requires post-project reporting on success and failures of the procurement strategy
  - allows for third-party concerns about procurement to be raised directly with treasuries or finance departments
  - includes a public register of all reports, concerns and post-project reviews.
- Engagement/collaboration – Governments must consult with industry when reviewing central procurement rules, to ensure they capture the commercial realities that industry faces.
- Education – Infrastructure Australia and relevant government departments could deliver commercial capability training to government clients (down to project managers) to increase knowledge of commercial realities and techniques.

Our recommendation on procurement principles, rules and guidelines would improve:

- productivity, for both clients and industry as time previously wasted arguing against inappropriate procurement practices is saved
- the culture of the industry more broadly as there is increased engagement and knowledge-sharing
- increased accountability and transparency for procurement decisions
- future decision-making.

As the 2019 Australian Infrastructure Audit identified,

*“How the public sector make decisions, handle procurement, select contract models and handle risk will have significant impacts on the functionality and efficiency of our infrastructure.”<sup>3</sup>*

We believe this recommendation could result in real change over the medium-term, noting the majority of relevant procurements are at a state/territory level.

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<sup>3</sup> 2019 Australian Infrastructure Audit, Chapter 4 Industry efficiency, capacity and capability, pg. 210

## Industry capability, capacity and culture

### Visibility of design and engineering professionals and perception of the industry

**Recommendation:** Increase awareness of career opportunities in the broader infrastructure industry by investing in an ‘infrastructure careers’ campaign targeted at young students with an interest in STEM education and their families.

The community, and students in particular, do not have a clear understanding of the critical role that design and engineering professionals play in the delivery of infrastructure projects, and have a perception of the industry of hard hats, hi-vis and construction sites. This perception is reducing the pool of young people interested in a career in our industry.

Current challenges with a lack of visibility of design, advisory, and engineering professionals, and an inaccurate perception of the industry, include:

- not having a workforce that represents the diversity of our community – this also reduces the pool in which we recruit talent from, and limits our ability to design engineering solutions with the full community in mind
- young people not pursuing career opportunities in our industry because they have the wrong picture of what we do – a 2015 research report shows that students most commonly perceive engineers as mechanics or construction workers, with most selecting images of tools, cars, protective clothing, hardhats and construction sites when asked what they associate with engineers<sup>4</sup>
- skill shortages in our industry, and an ongoing challenge as an industry to have capacity to meet growing demands – Consult Australia’s [annual skill surveys](#) consistently highlight that many engineering specialities have ongoing skill shortages.

We believe governments could work together to develop initiatives that increases awareness of career opportunities in the infrastructure industry, particularly the roles that support construction activities which are not widely known. Ideally, this initiative would target young students with an interest in STEM education and their families. While this initiative would have an engagement and marketing focus, it should be incorporated into curriculum for a more meaningful learning experience. The Australian Government’s women in STEM program would be an ideal approach to follow for an infrastructure careers campaign.

Our recommendation would result in the following improvements:

- Promoting career opportunities in a high-growth industry at the same time that many others are contracting due to COVID-19 impacts
- Ultimately increase industry’s capacity in the long-term, enabling it to deliver more infrastructure projects to meet the demands of our cities and regions

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<sup>4</sup> The Australian Association for Engineering Education, [Australian primary students’ perceptions of engineering \(conference paper\) \(2015\)](#)

- Creating greater community engagement with the infrastructure industry and potentially increasing the social licence for projects being delivered
- Helping create a positive, innovative and collaborative workplace culture, noting the links between these topics and having a diverse workforce.<sup>5</sup>

We believe this recommendation could be implemented fairly quickly (over the next year), particularly if the first step would be developing a strategy to shape the approach, and the benefits would be experienced over the long-term.

### Culture of the broader industry

**Recommendation:** Incorporate cultural standards, similar to the [culture charter](#) that has recently been developed by the Queensland Major Contractors Association and Consult Australia in Queensland, into project management arrangements for infrastructure developments.

As highlighted by the [Construction Industry Culture Taskforce](#) (CICT), the infrastructure and construction industries face a number of cultural challenges that have a significant impact on employees and result in the industries not being seen by many as an employer of choice. As such, we support calls to develop and support cultural standards, and believe governments can play a role in their successful implementation.

Consult Australia has recently partnered with the Queensland Major Contractors Association (QMCA) to develop a cultural charter, which we believe could be used as a model for project management arrangements for infrastructure developments. We also note that CICT is also developing similar standards for release in December 2020.<sup>6</sup> Our culture charter with QMCA, which is available [here](#), is based on the following five commitments:

- Developing people – promoting diversity, providing unselfish support to peers and mentoring our future generations, and focusing on empowering people
- Accountability – ensuring everyone is accountable for their behaviours and actions, avoiding dispute processes and aggressive commercial conditions in dealings, pursuing collaborative models that focus on shared success, and supporting fair and equitable risk and liability allocation
- Relationships – acting with integrity and honesty in dealings, being clear and transparent, and building trust through better relationships
- Recognition – celebrating our achievements, creating a legacy for future generations, and showcasing the role that industry can play in collaboration
- Cooperation – avoiding a blame culture, focusing on mutually beneficial outcomes and shared goals, and fostering a culture that supports open and honest communication.

<sup>5</sup> HBR, [How diversity can drive innovation \(2013\)](#)

<sup>6</sup> ACA, [Construction Industry Culture Taskforce – initiative](#)

Along with our separate procurement recommendations, we believe truly incorporating cultural standards, based on the five commitments in our charter with QMCA, into project management arrangements for infrastructure developments will go a long way towards supporting healthier and more collaborative workplaces and practices.

From this recommendation, we see the following improvements:

- an industry that can attract and retain more talent
- mentally and physically healthier workplaces and working environments
- a more productive industry – one focused more on productive outcomes rather than adversarial processes
- better quality infrastructure.

The development of culture standards could be achieved in a fairly short timeframe, particularly if complementary to our work with QMCA and the CICT's work. We believe benefits in terms of project outcomes from the implementation of culture standards could be experienced over the medium term (up to five years).

### Connection between sector demands and workforce needs

**Recommendation:** Formally establish more pathways into the infrastructure industry, particularly for those from non-traditional backgrounds and between different parts of the industry.

Feedback from across our membership suggests that the career paths into our industry are fairly linear and from traditional channels. For example, many engineers enter our industry directly from universities and will have undertaken similar route to develop the skills the experiences needed in senior roles. We believe a significant factor in this is how qualifications are structured and the types of skills and experiences sought by employers and clients.

In additions to a call on industry to help support changes, we believe governments can also support non-linear career paths by looking at reforms related to qualifications and other ways for individuals to enhance their skills in a recognised way to support career changes or different ways of entering an industry. This should look at supporting more short courses or designing qualifications around specific skillsets.

We believe our recommendation would encourage more people to join our industry through non-traditional routes, create more flexibility in moving between different elements of the industry, and as a result have a broader mix of skills, experiences and backgrounds amongst the industry's employees. The recommendation could also help encourage more people back into the industry, and better recognise the experiences they have developed in other roles and education.

This is a longer-term recommendation that we believe could be implemented over the next ten years and is something that we encourage governments to look at from the perspective of all industries.

## Use of technology

### Use central digital information portals and produce digital assets

Recommendation: Government and industry should:

- use central digital information portals to ensure all parties can access the same information from any location
- invest in producing digital assets of the tangible assets including via building information modelling (BIM).

Digital is no longer the future and many projects have shown how investment in technology can deliver significant benefits, from parties using technology to store information, design or innovate. A central digital information portal is an approach that gives all parties (consultants, contractors and government) access to the same information at the same time. As projects become larger and more complex central digital information portals become increasingly necessary. Past projects like the Transport Network Reconstruction Program in Queensland demonstrate how a dedicated information management platform can ensure everyone can access the same data from any location. It also ensures that data becomes part of the asset and assists in creating a digital asset that mirrors the physical asset.

Consult Australia notes the current drive for digital engineering through the Australian BIM Strategic Framework, endorsed by the Australian Board of Treasurers in August 2019. The Framework is intended to establish a nationally consistent approach to BIM and standardise the use of BIM in the delivery and operations of major buildings and infrastructure assets. This approach prioritises data governance throughout the entire project and supply chain. It also has benefits over the lifecycle of the final asset and can be used to drive improvements in future projects. Without investing in information retention through portals and digital assets, industry pays for recreating the same data over and over at different stages of the same project for different audiences and then again for future projects. This cost is necessarily passed onto the client. The key restraint on having digital information and assets is lack of trust – linked back to the uncollaborative nature of contracting in Australia.

Designers can innovate on current as well as future projects with the right access to data. Restricting data access to a limited scope can stifle such innovation. Therefore, centralised data access should be prioritised. This delivers client benefits:

- Clients have transparency over all aspects of the project.
- It helps ensure good governance as information is retained and managed consistently across all parties.
- There are permanent records and resources even after the project is complete.
- It enables more effective whole-of-life management of physical assets including operation, maintenance and ultimately demolition. From a government policy perspective this enables a circular economy approach through recycling building materials etc.
- It drives innovation for the current project as well as future projects.

This also delivers benefits for industry:

- It drives collaborative behaviours and can streamline processes and information-sharing
- There is an increased understanding of the client's business and governance needs
- It drives innovation for the current project as well as future projects.

## Visibility of the pipeline

### 'Go slow' for pipeline planning to 'go fast' for pipeline delivery

**Recommendation:** Governments should introduce five-yearly investment strategies for infrastructure sectors such as roads, rail and water. These investment strategies should be evidence-based from strategic needs assessments, developed through extensive stakeholder engagement, and aim to remove cyclical investment periods through more upfront and long-term planning decisions.

There is not one clear and complete pipeline in Australia, either nationally or at a state or territory level. We have a series of pipelines of infrastructure projects across Australia that can be short or incomplete and be inconsistent with what is delivered. We also see election cycles heavily skewing the projects that are included in these pipelines, which means some decisions are made before a thorough needs analysis is undertaken and without considering market capabilities and other delivery considerations.

Some examples of the current approach and challenges created include:

- It is difficult to anticipate the pipeline of work and to align this with industry's workforce planning (e.g. anticipating demands on skillsets and alignment to capacity)
- Industry does not know if government projects announced will actually be delivered to market and when (e.g. governments do not indicate what projects are mere proposals compared to certainties and there is little information provided to industry on project release to market and the post-tender start date).
- We have a strong pipeline of potential projects for governments, such as Infrastructure Australia's priority list, but these cannot be used for industry planning because they are still dependent on government decisions.

Reforms at different levels of governments should focus on taking a more strategic approach to making investment decisions for infrastructure programs, and as such create a more complete forward pipeline of projects. This could be similar to arrangements in the United Kingdom where the government has introduced five-year investment cycles for a range of infrastructure sectors such as water, water and roads. These investment cycles are the result of a four-stage process:

1. Assessment of infrastructure demands and needs at a network level and suggested priority projects for external consultation
2. Decision on which projects will be included in the next cycle through an investment strategy and proposed delivery mechanism, which are again externally reviewed

3. Mobilisation of the projects – where further development of the projects happens and a delivery plan is prepared
4. Delivery – this is when the five-yearly investment period begins.

This recommendation would help improve:

- industry’s understanding of projects coming to the market, reducing their reliance on a ‘predict and provide’ approach
- how industry builds teams to respond by better understanding client demands
- consistency between different sectors and levels of government
- how governments consider the ‘business case’ of investments at a program level
- the baseline level of commitment that governments are able to make in some areas and for some projects in the early pipeline stages.

We believe this recommendation could be iteratively introduced over the short to medium term (over the next five years), and completely in place in the long term (five to ten years).

### A data cycle to inform investment decisions and to provide greater pipeline predictability

**Recommendation:** Governments should agree on the datasets and performance frameworks that are the key drivers of their infrastructure investment decisions, periodically reviewed for completeness, and to share these on a central platform to assist with government planning and to provide greater pipeline predictability to assist with industry planning.

Governments have made inroads over recent years identifying and collecting more data to inform investment decisions, such as the Commonwealth’s [National Infrastructure Data Collection and Dissemination Plan](#), and should be commended for their progress. The next step should be agreeing a consistent approach in how datasets and performance frameworks are used to inform investment decisions. This is needed to create greater pipeline predictability for industry planning, and to also improve investment decisions.

We see benefits from a ‘data cycle’ where industry can use these and additional information, such as more geospatial datasets, to have a better idea where future investments will likely be directed. This could be complemented with new data on project delivery mechanisms and industry capacity, which would help inform how and when projects are delivered. These findings could then be reported in documents such as Infrastructure Australia’s five-yearly audits and plans to then provide the industry as a whole (which includes government clients) a pulse check on the state of the market, which would include opportunities at a geographic and sector level.

Some examples of the current approach, and challenges created, are below.

- In the context of COVID-19, many of our member firms noted that the visibility of their pipeline of work is patchy, particularly in some sectors – in our [industry health check](#) in September 2020, one-fifth indicated their pipeline of work will likely become more uncertain in the next six months.

We believe the COVID-19 experience has exposed shortcomings in our long-term pipeline, when the flow of work is disrupted and projects are needed to be brought forward.

- Industry initiatives, such as the comprehensive [Australia and New Zealand Infrastructure Pipeline](#) (ANZIP), developed by Infrastructure Partnerships Australia (IPA), only includes major infrastructure projects (valued at over \$300 million for construction). This therefore only provides a snapshot of the overall pipeline and limited insights for governments on delivery considerations.
- McKinsey in a paper on [Australia's infrastructure innovation imperative](#) notes that project pipelines become less clear beyond the four-year budget forward estimates as governments are often reluctant to publish longer-term plans prior to political commitment. Forward pipeline projects therefore show activity levels reducing when in reality governments are planning to sustain or increase them. This in turn has an impact on supply chain confidence and commitment, which they note could be addressed through more suitably qualified medium to long-term information.

Our recommendation on agreeing on key datasets and performance frameworks to inform investment decisions could help by:

- leading to better investment decisions by governments
- using advanced analytic opportunities in how we better use existing infrastructure and compliment this with new assets
- improving how industry anticipates new projects in the forward pipeline
- improving how skills and industry capacity is factored into the investment decision making process – particularly when and how projects are delivered.

To expand the number of datasets and performance frameworks, this recommendation could be implemented in the short term through an updated National Infrastructure Data Collection and Dissemination Plan. Agreement on key datasets and performance frameworks that drive investment decisions could occur in the medium term (more than five years).



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## Contact us

We thank you for the opportunity to contribute to the 2021 Australian Infrastructure Plan. Please contact us at the contact details below if you would like to discuss this submission further.

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