

TRANSCRIPT OF PODCAST

WORK WITH PURPOSE

EPISODE #76

REVISITING 'WORKING ACROSS JURISDICTIONS'

KATE LYNCH

First Assistant Secretary of the Environment Protection Division

Department of Climate Change, Energy, the Environment and Water

WARRICK MCGRATH

Director at Biodiversity Regulatory Reform

Victorian Department of Environment, Land, Water, and Planning

Hosted by DR GORDON DE BROUWER PSM, Secretary of APS Reform

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Enquiries should be directed to Caroline Walsh on 0413 139 427 or at caroline.walsh@act.ipaa.org.au

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DAVID PEMBROKE:

Hello everyone, and welcome once again to Work with Purpose, a podcast about the Australian Public Service. My name is David Pembroke. Thanks for joining me.

I begin today's podcast by acknowledging the traditional custodians of the land from which we broadcast today, the Ngunnawal people, and I pay my respects to their elders past, present, and emerging and acknowledge the ongoing contribution they make to the life of our city and this region. I'd also like to acknowledge the custodians of all the lands on which people are listening to this podcast today.

Today, we revisit the episode we released in May of 2022, which was about working across jurisdictions on environmental policy and regulation.

The conversation was hosted by Dr. Gordon de Brouwer PSM, who was then the President of IPAA National, but is now Secretary of APS Reform. His guests were Kate Lynch who is the First Assistant Secretary of the Environment Protection Division at the Department of Climate Change, Energy, the Environment and Water (or DCCEEW), and Warrick McGrath, who is Director at the Biodiversity Regulatory Reform branch of the Victorian Department of Environment, Land, Water, and Planning. It's a fascinating discussion where the listeners were brought in to understanding exactly how they can work effectively across jurisdictions.

The podcast begins with Gordon's voice.

GORDON DE BROUWER:

So, let's start, and why don't we start with collaboration, and we'll start with you, Kate. Just how important is collaborating across government, with other departments and agencies, in developing connected and holistic responses? And maybe if you can emphasise the need, or where you see that example of connected and holistic responses between governments.

KATE LYNCH:

Thanks, Gordon. So, I think this is something that applies right across all public sector work without a doubt. But it's interesting that we are talking about environmental policy specifically today, because I think the need for collaboration is even more evident when it comes to environment. When we think about the challenges that we're charged, with developing solutions for and implementing solutions for, they really don't stop at administrative boundaries. And so, the issues that we grapple with in terms of maintaining and fostering environmental health are cross-jurisdiction. They're diffused right throughout the environment in which we are living. And so, it just doesn't make sense for us to be operating and living globally but regulating in silos locally.

KATE LYNCH:

I think we see the same thing in terms of the interaction with business. So, a lot of our work in environment protection, for example, is about preventing harm to the environment that can be caused by business activities. And businesses, of course, are operating internationally, globally, and certainly across our administrative boundaries. So, I think without collaboration, what's really at risk is that efficiency in all of our activities, because we're duplicating effort, we're causing inconsistencies and a lot of additional burden when it comes to those everyday activities that people are undertaking in their lives.

KATE LYNCH:

Some of these examples are particularly evident when we're talking about things like contamination, and there's been some fabulous examples of collaborative work across levels of government in Australia, in more effectively managing significant contamination. I'd say generally speaking, environment regulators in the public sector collaborate extremely well and have a long history of working together. So yeah, I would certainly say that collaboration is part and parcel of the work that we do in the environment space. And over the course of my career, I've certainly seen that as a real strength in the environmental policy space, and possibly stronger than a number of other portfolios that I've worked.

GORDON DE BROUWER:

That's great. We'll come back to some of those. Warrick, your views?

WARRICK MCGRATH:

I think that environmental regulators need to work together for, often, moral support or other reasons. I think that a more connected and collaborative approach is leading to better outcomes is a truism in many ways. It's self-defining, in that it's obvious to anyone that the more information flow there are across jurisdictions, both formally and informally, is always going to lead to a better outcome. I'm a fan that triangulating any decision is always going to lead to a better outcome, and there's plenty of examples. My work is primarily in the biodiversity space, but a very recent example would be we've started working with New South... Post the 1920 bushfires on the east coast, which I worked through, we have since, I guess, developed better mechanisms nationally, but also between Victoria and New South Wales around establishing some more, I guess, insurance populations of particular species that go across both jurisdictions along the east coast. And that's critical because they won't survive without those insurance populations, and it's critical both states work together on establishing those.

WARRICK MCGRATH:

The example we use is the eastern bristlebird, which we went in and had to grab some ahead of the fire front in Victoria and put them in the zoo for a while and then re-release them. But we've also established a colony now, another colony in Victoria, from animals

from New South Wales. It's incredibly important, and it makes your life easier, to be honest.

GORDON DE BROUWER:

Yeah, that's great. I think it really highlights that cooperation is not just between the Commonwealth and State, it's also between states because your protected communities are cross borders. And so, cohesion, that's a really nice point, Warrick. Maybe you can dive into some of the features that show, or there for successful collaboration. And why don't we talk about that in the context of the Commonwealth and State, but both the Commonwealth and States have constitutional responsibilities around the environment, they've got different foundations, but can you talk a bit about what works or what are the features or the characteristics of making that collaboration work between the Commonwealth and the State or Territory. And maybe if you've got an example in mind between the Commonwealth and the State. Warrick, I'll ask you.

WARRICK MCGRATH:

No worries. I think the critical factors, it ultimately all comes down to trust and the relationships that you establish between people working between the Commonwealth and the State. I've had longstanding working relationships with Commonwealth public servants. I enjoy their advice and I enjoy the debate and I enjoy their company. And it, again, can only serve to make our lives and our jobs easier by having those relationships. Again, I would say that in the regulatory space, it does take a particular type of person to play the long game in a regulatory role. So moral support's always useful, but more specifically, I think that the important things you really want to be clear about what role you're playing in relationship to the other actor, I guess, and an example I can use, we undertook a very large lands planning exercise around Melbourne called Melbourne at 5 million.

WARRICK MCGRATH:

And we relied upon the EPBC Act to provide land supply for Melbourne's housing for the next 40 years. It was an extremely complicated complex project. And the way that we really got through that was a shared commitment to not allowing issues to go unresolved. The Commonwealth was a regulator in that space and the State was, in effect, the proponent. But I think the discipline around keeping on asking those questions until it's a shared understanding across all aspects was critical and the stakes are too high to delay resolution in most cases, I reckon.

GORDON DE BROUWER:

That's really interesting. So, in terms of not letting issues not be or remain unresolved, how did you do that? Face to face?

WARRICK MCGRATH:

Lots of meetings, lots of conversations. And this was a process over three to four years. And thankfully we had mostly the same people in place. So, over that period of time, I guess there was a high level of trust. It's a high level of transparency and openness about

information flows, around standards of information, around where things needed to be clarified or further information required. There were no egos around at the table. I guess we knew we were doing something quite unique, and it held a bit of risk with it, but it was absolutely the best outcome for both the environment and Victoria's growth. There's no doubt it was a far better outcome...

GORDON DE BROUWER:

That's great.

WARRICK MCGRATH:

By doing it as a joint up process.

GORDON DE BROUWER:

Did you ever use facilitators, or did you sometimes take the conversation to be just an informal chat about an issue rather than a negotiation?

WARRICK MCGRATH:

Oh, there were lots of informal chats, yes. I think probably the most work we did were those informal discussions and there were points of difference, that's for sure, but it was always, I'm like, your life's just not going to be good if you're uncivil to people. And I think you can get through so much more if you are civil. I'm a big believer in that, and it helps that people like each other. So, you need to work that pretty hard.

GORDON DE BROUWER:

That's great. Kate?

KATE LYNCH:

Oh, I couldn't agree more with everything that Warrick suggested, actually. A couple of other things that occur to me, I think about what really drives that successful collaboration? I'd add in their problem definition. So, I think there is a bit of a tendency, particularly on environmental policy issues, where it's such a complex challenge, that sometimes we can spend a lot of time collaborating, trying to fix a problem that we don't really understand, or we haven't actually defined and scoped what we want to try to resolve at that point in time. And that can be inefficient at the best of times. And it can be incredibly frustrating at the worst of times. But really taking that time at the outset to narrow that down and be quite ruthless about, yeah but what is the specific problem? Let's try and all agree that.

KATE LYNCH:

And then I think, sharing and tapping into whatever data and evidence we can get is really important. And we've seen some fantastic, really ambitious environmental policy outcomes achieved in recent years, I think, off the basis of strong evidence and where that's gathered jointly and where we're sharing information and data. And everybody's operating from that same... Talking from the same page essentially, then it just makes it so much easier, I think, to identify potential solutions that we can work toward. I really absolutely agree with Warrick's comments here about understanding and respecting the roles that we all play in a collaborative process, particularly between different levels of government. It's not only the

constitutional differentiation that you referred to Gordon, but I think it's also the roles that we play as officials, as opposed to the roles that our ministerial masters will be playing.

KATE LYNCH:

And I've had some really frank and very constructive, useful conversations with colleagues where it's often good just to put that on the table. It's the elephant in the room often, but just to say, "Look, we don't know ultimately what our political masters will decide or what they might announce or not. That's outside of our control, but this is the scope in which we are working and as professionals all within the public sector, there's so much that we can collaborate on and so much information we can share, and we can make some such headway. Even if, ultimately, there's a difference of opinion between our governments." So, I'd definitely add that one in there. And that trust issue is fundamental. Warrick's already mentioned it. And I would just add that I do agree. It takes time. It takes time to build that, and it can be difficult if there's a lot of churns, a lot of turnover between staffing in different agencies over time, particularly when it's a really long game that you're playing.

KATE LYNCH:

We had an example of this come to fruition in the last year or two in the industrial chemicals space where actually, it really came off the back of more than a decade of concerted effort working across all of Australia States and Territories about trying to find more effective ways of managing industrial chemicals, trying to be more consistent, bring a little bit more harmonisation in the way that we regulate them and looking specifically at how do we better manage the environmental impact of industrial chemicals? And it was fantastic to eventually get that to the point where there's national legislation in place and now it will be given effect through State and Territory regulations. So, there's lots of great examples, but I think they're some of the characteristics I'd draw out.

GORDON DE BROUWER:

That's fantastic, for both, very rich and very practical. Like I said, when I was in this space, as the Secretary of Environment, I would have conversations with secretaries from State and Territory departments, precisely with the view that sometimes we need to have an informal chat and we can go off record and completely loyal to our jurisdiction, but we can have jurisdictional and political differences and different emphasis. And how do we work to find solutions through that of not amplifying problems, but actually trying to find a common base? And I think we had a common motivation for that, and that is the role of officials. So, I think what you both said, frankly, is spot on and a great example on leadership for people. So, you've been talking about State and Commonwealth. What about local government? Where do you see local government fitting to this and what role does it play? Kate.

KATE LYNCH:

So, local government plays such a fundamental role at the end of the day in terms of taking and managing practical action that impacts the health of the environment. So, they absolutely have an important role to play. What I would also point to is that the feedback that local councils can provide to other levels of government about, not only what the community's attitudes and views are or what the emerging issues in terms of environmental health or concerns or interests are, is really, really critical. It's a key component of our intelligence, I think, when we are thinking about State or Federal environmental policy positions. But also, that feedback that we hear from local governments about the practical implementation challenges that they face. So, local authorities operate within the frameworks that we set in place at the National and the State or Territory level.

KATE LYNCH:

And it's often, once it's been given effect that some of the glitches, some of the issues, the impracticalities perhaps of those policies or those programs or those regulations becomes apparent. And it's really important and really worthwhile actually, having those conversations with colleagues in local government who can point that out and say, "This is actually how it's working in practice, and this is what we're struggling with." And more to that same point, I think the more we can bring local governments into the design of those systems, those regulations or the program that we might be delivering, the better, because they will bring that different, very practical, very real perspective of how this will actually work and what can be done to make it much more effective.

GORDON DE BROUWER:

Before we go to Warrick, just on that, codesign is really essential and it's just a basic design feature, but for the Commonwealth, Commonwealth doesn't think of local government as much as states do, I'd guess, and test this with Warrick, but do you have to work with your colleagues to say, "Oh, we really need to talk to local government about this?" What are your mechanisms to talk to local government or hear their views?

KATE LYNCH:

It is a really interesting question. And I guess my personal observation, from experience of working on different things over the years would be that it's horses for courses. So, in some cases, local governments have actually been the primary mechanism that the Commonwealth has used. Obviously, we've looped in the State or Territory representatives at the same time, but it's really that intel on the ground. And some of those things evolve around, probably in that urban policy space, looking at some of those long-term environmental issues and other social and economic issues. A good example of that is in the city space over the last few years where there's been efforts to put in place, things like city deals where it's quite deliberately three tiers of government collaborating around a particular location.

KATE LYNCH:

In other instances, we are quite deliberately working with the State or Territory to deliver something and can be a little bit more hands off. And I think in those instances, it's probably more about that just general engagement with local councils that we try to do early on, make sure that we understand the ramifications of what it is, where we are developing or designing, but then perhaps it is our decision is taken at some point that we will work through the States and Territories. And yes, sometimes we do actually have to ask gently to involve local governments and sometimes the reverse is probably true.

GORDON DE BROUWER:

Thanks. Warrick, how do you see local government?

WARRICK MCGRATH:

I have so much respect for anyone who can stand on a planning counter in a local government office all day and deal with the inquiries that come in relentlessly. And look, we've worked a lot with local government over the years. They're a critical implementation partner for us. The codesign aspect is incredibly important. Often, they are the holders of the planning scheme or the equivalent across the State. So, the influence can be quite far reaching as well. It's not that they're not influential, they absolutely are, and can often be a good reflection of nuances between communities as well. So, I think that there are absolutely differences in values between communities across states and within and local governments a really good way to get a handle on those and how you might need to use a bit of wants to get either a message through to that community or partnership with that community.

WARRICK MCGRATH:

And they're pretty wonderful people. It's pretty hard work. And they all seem pretty sane. So, I have a lot of respect for planners in particular. I think they're on a [inaudible 00:23:36] most of the time. It's a very difficult job, so my hat goes out to them and like I just said, we hold that relationship very dearly.

KATE LYNCH:

And one thing I just would chime in on Gordon, and I think it's really easy for us to also talk about where we need to bring local governments into a policy process or something that we have initiated but I will say that on lots of occasions, particularly in Australia, we've got really forward-leaning local governments, and there's been heaps of instances where within the Commonwealth government, we're actually looking at the local governments to see this pushing the boundary and seeing some great examples of innovation. And then, we're in the reverse position where we are reaching out and asking them, how is this working? Do you think it could be scaled up? What made you take this particular risk? Because I think they're smaller, they're more agile and often really ground-breaking.

WARRICK MCGRATH:

And they will always tell you when it's not working, which is good.

GORDON DE BROUWER: So, this reflection on relationships between jurisdictions, does it spill over into other managing other issues or helping you with other problems, a lot like disaster, when disasters happen? Warrick.

WARRICK MCGRATH: Yeah, absolutely. I think in an emergency or in prepare...

GORDON DE BROUWER: Both

WARRICK MCGRATH: Everyone's involved. It's all hands on deck. And I think that the, putting aside the formal systems that kick into place when emergencies are declared. Most of my work has been in wildlife welfare during emergencies, which is an incredibly and increasingly so emotive issue that a lot of people want to get involved in and having everyone on the same page around things like safety of volunteers, access to sites, what is the appropriate and proportionate response to something like the devastating fires of 1920, where literally millions of hectares were burnt in over a month. It is a really difficult question about how do you, what's the proportionate response there in terms of things like wildlife welfare? But we've relied on all levels of government and a lot of the community in terms of being able to deploy people, because these are difficult jobs and a day can feel like a week.

WARRICK MCGRATH: And look, we were having regular, I guess, for those fire affected States, we were having regular weekly catch ups during that period, just so we could support each other, because it is a difficult job and give a heads up to each other about what jurisdictions we're dealing with in terms of what was happening on the ground, or often we are dealing with the same national stakeholder as well. So, that's all as useful to at least ensure that we're sending out the same messages in terms of the importance or the relative importance of things, if that makes sense, hopefully it does.

GORDON DE BROUWER: It does. Kate.

KATE LYNCH: I don't have a huge amount of personal experience in this space, certainly not at the major landscape disaster management level, but I think one thing that we probably all have observed is that confusion just adds to the burden of a natural disaster. And so, relying on those existing networks and those trusted relationships can only be really beneficial. And I've certainly seen it in instances where something that's perhaps not a national level emergency, but where something has emerged and it's time critical. And it's really sensitive having the ability to pick up the phone and talk to your existing contact, someone that you trust, and you've worked with, and you know, in another jurisdiction is just incredibly valuable. And you can shortcut hours and days and even weeks of frantic work and running around just by tapping into those collaborative networks, I think.

GORDON DE BROUWER:

Yeah, that's great. Can I shift a little bit now to think around how do you engage with others to get them to take environmental aspects seriously? How do you persuade other people to include environmental... Think about environment in a sustainable way in decision making. And maybe just a prompt on that is just the... We've got so much data, the technology gives us so much data now and how can you bring data and evidence more generally into decision making of others? Maybe just quickly Kate.

KATE LYNCH:

Look, I think this is the fundamental challenge that we face working in environmental policy, is I think that data is a key one. The more that we can unearth, not only specific information and data to help fill gaps, but the more that we can try to translate that into a context that's meaningful for the other perspective, is really, really important. So, I think here, thinking about case studies where we can demonstrate that there's genuinely a win-win opportunity. I think there's a bit of a perception sometimes that environmental issues are contentious. And so, it's an either, or. You're either going to progress an economic outcome or you're going to progress an environmental outcome. And so much of the time, that's not the case. There's so much that we can do that would actually be beneficial environmentally, as well as achieving our other goals and objectives. And so, part of it is visibility. We've got to promote these opportunities and we've got to find them.

KATE LYNCH:

Part of it is visibility of people who understand, and who've worked in environmental spaces, moving through other parts of our public sector, and sharing that insight. I think there's a lot that we can do, but it's an ongoing challenge.

GORDON DE BROUWER:

Warrick.

WARRICK MCGRATH:

I would echo the sentiments around the use of science and data. It's always how our bedrock, I would add though, that I think it's important to acknowledge that there's another layer of values that need to come. You need to consider those. So, either in policy development or in implementation, you really do ignore those things at your peril. It's not something that you would be traditionally trained in, I guess, as a legal practitioner or a scientist, but you can't leapfrog values and you need to deal with them. And you can hold both things in your head at the same time, both the science and acknowledging that, regardless of evidence, people's values will just as much drive them and their decisions. And so being able to find a way to tap into those values through things like storytelling and then trust, it's critical. It's it is a long game though. And environmental policy, in particular, I think can be a particularly long game sometimes. I think I answered that question.

GORDON DE BROUWER:

My own experience on this one was if you go to the cabinet and you want them to make a decision around an environment issue, you have to give them a solution as well for an economics... It's got to have an economic solution and a social solution. And that if you're working with your colleagues to build that up, then actually you're much more likely to get the environmental outcome that you're after. And it's there. It's not, they're not alternatives, not binary. Have you got any reflections for younger people, for young leaders when they think around environment or climate issues? What would be your bit of advice to them on thinking around that? And maybe also then a reflection of how this has changed your life or been important to you, but what would you say to them around environment and climate, given all the challenges that we face? Warrick.

WARRICK MCGRATH:

I think that it's incredibly rewarding because I think sometimes the higher the bar, when you do finally jump over it, it's incredibly satisfying and incredibly rewarding. I think if I was to offer any advice or things I've learnt is that it is a long game. You should never assume motive from stakeholders. It's a terrible thing to do. You should generally seek to understand where they're coming from, leading with empathy, those types of things will always stand you in good stead. And I think, always ask lots of questions and be quiet when people are speaking to you, would be my advice.

GORDON DE BROUWER:

That's great. Thank you. Kate.

KATE LYNCH:

I struggled, frankly, in some of the early years of my career working on environmental policy issues. And it was, I think ultimately because as Warrick's just described, values play such a huge part in our role. And I think as public servants, a lot of us who feel called to this vocation, it's a core part of who we are. And I did find in my younger years that sometimes it was a bit disheartening. It was disheartening to see some of the trends in what's been going on in the environment in Australia over the past several decades. And it can be a lot of bad news. What I have learnt to do is, as part of just generally building that resilience and building my skillset and my experience I think is realise the importance of optimism first and foremost, I think. It's so important to keep trying. And, of course, the more you see some of these great examples that we've talked about today, the more that becomes just part and parcel of tackling any new challenge.

KATE LYNCH:

It's like, oh gosh, this seems like it's impossible, but no, we've done something impossible before so we will be able to do this again. But I have also found that it's been incredibly helpful to me to learn how to understand those different perspectives. So, Warrick talked about not assuming someone's motives. I think learning more about the way that different people think, the world view that they bring to an issue is just really important. And so, something that I've personally

done is try to see that firsthand, try to get some different experience over the course of my career, spend time working with different policy topics or working on different issues, meet and form networks with people who don't come from that same area of training and who don't have the same worldview that I do.

KATE LYNCH:

And it has made it much easier for me to be influential at the end of the day, I think. It does impact us when we can speak the same language as someone. So yeah, I would encourage people to really look for those opportunities to try new things, to build a really broad and diverse network of contacts in your professional life and hold onto optimism and remember that you can actually make a difference. There are so many fabulous examples where we can point to really wonderful things occurring in terms of environmental outcomes that have been driven by the public sector.

GORDON DE BROUWER:

That's fantastic.

WARRICK MCGRATH:

To add to that, that there can be immense satisfaction and pride in the way that you do your work quite apart from the outcomes that you might be seeking, that this work is never linear. It's always backwards and forwards and sideways and every other way. So yes, there can be a lot of satisfaction from your own personal integrity in the way you conduct yourself and do work.

GORDON DE BROUWER:

I couldn't agree more. So, thank you. It's been, frankly, very substantive, very inspiring, and very practical. And I think that you can change the world and that's when you work in environment, you are changing the world and that's a really good thing. And you've really delved into how to do that well and have impact. So, thank you. Thank you very much, Warrick and Kate for today. And then I think we'll bring this podcast to a close then. So, thank you to IPAA, Victoria's Young IPAA Network and IPAA ACTs Future Leaders Committee for partnering on this episode of bringing it to life. And truth is more power to your arm. The future belongs to the young, so change the world and do it the way Kate and Warrick said. So, thank you very much, listeners and goodbye for now.

WARRICK MCGRATH:

Thank you.

KATE LYNCH:

Bye everyone.

DAVID PEMBROKE:

So, there you go. What a great conversation and once again just highlighting just how fortunate we are to have such clever people working in public service across Australia. A big thanks to Warrick McGrath from the Victorian Department of Environment, Land, Water, and Planning and also Kate Lynch from Department of Agriculture, Water, and the Environment. And a big thanks once again to Gordon de Brouwer for hosting that conversation.

DAVID PEMBROKE:

Thanks again for giving up some of your time and attention to spend with us today, very grateful for that. Certainly, also grateful for the ongoing support of IPAA and the great team at IPAA who continues to put together such interesting topics and organising such interesting guests. So a big thanks to the team at IPAA and also to the Australian Public Service Commission who have been great supporters of Work with Purpose since we began a couple of years ago. And also a big thanks to the team at contentgroup for putting together the technical production to make the program happen.

DAVID PEMBROKE:

Now if you do have time, to go to your favourite podcast app and leave a rating or review, that would be much appreciated because it does help for the program to be found. We'll be back at the same time in two weeks. My name is David Pembroke. Thanks very much for your time again, and we'll see you then. Bye for now.

VOICEOVER:

Work with Purpose is a production of contentgroup in partnership with the Institute of Public Administration Australia, and with the support of the Australian Public Service Commission.