

CHAPTER 16: VIBRANT DEMOCRACY

Key findings of the Committee:

- 16.1** The government has implemented a range of funding and operational approaches to address the reduction in the number of criminal and non-criminal matters disposed of by Victoria's courts due, in the main, to the increased complexity and volume of cases coming before the courts.
- 16.2** Continued effort needs to be directed at improving clearance rates of criminal and non-criminal matters, given Victoria's poor performance compared to the other states and territories.
- 16.3** The Committee found that on average the administrative cost per lodgement of criminal cases at \$672 for Victoria was higher than three other states (Queensland, South Australia and Tasmania) and lower than the remaining four states and territories. In relation to the average administrative cost per lodgement of civil cases at \$436 for Victoria, this outcome for 2005-06 was the second lowest among the states and territories apart from Tasmania.
- 16.4** Given that patronage on the metropolitan train network has increased by more than 20 per cent over the past two years which has led to overcrowding on some trains, various initiatives have been introduced by the government to address this situation (such as additional funding of some \$360 million in the budget to accelerate the purchase of new trains, the introduction of new timetables and various capital works).
- 16.5** In view of the overcrowding on some trains, the Committee considers there is a need for surveys of overcrowding to include those passengers who have not been able to board their regular train due to overcrowding.
- 16.6** There is scope for expanding performance indicators of overcrowding to cover tram and bus networks.

16.1 Introduction

In considering the budget estimates pertaining to the *Vibrant Democracy* vision of the *Growing Victoria Together* (GVT) initiative, the Committee asked a total of 254 questions, which represented 36.9 per cent of all questions asked during the budget estimates hearings. Given the fundamental importance of holding government accountable for how the use of budget outlays is to be measured in future, in terms of categorisation against the GVT visions, a large proportion of the Committee's questions related to the accountability goal of the *Vibrant Democracy* vision.

Answers provided at the estimates hearings were recorded in *Hansard* and the transcripts of evidence were contained in Appendix 1 of the *Report on the 2007-08 Budget Estimates – Part One* and the *Report on the 2007-08 Budget Estimates – Part Two*. The material received to the questions on notice and unasked questions since the Part Two report is presented in full in Appendices 4 and 5 respectively of this report. These responses are categorised according to the applicable *Growing Victoria Together* vision to which they relate.

In setting out an analysis of various issues pursued by the Committee at the estimates hearings that relate to the *Vibrant Democracy* vision, this chapter brings together:

- one issue relating to enhancing more accountable government in connection with the performance standards disclosed in the budget papers (i.e. refer to section 16.2 dealing with the reduction in the number of criminal and non-criminal matters disposed of by Victoria's courts); and
- another issue relating to greater public participation, whereby the Victorian public will be involved in contributing to decision making through being consulted in decisions of a policy nature that affect them (i.e. refer to section 16.3 dealing with the overcrowding of public transport during peak periods).

16.2 Handling of court cases

16.2.1 Reduction in the number of criminal and non-criminal matters disposed of by Victoria's courts

In relation to the *Criminal and non-criminal matters disposed* output, the Committee was interested to understand the reasons for the performance target for 2007-08 of 316,500 being less than the 2006-07 target (317,700), the expected outcome for 2006-07 (318,850) and the actual result for 2005-06 (319,414)²²⁶, bearing in mind that the budget provided a total of \$45.3 million in output and asset investment over four years (\$11.5 million in 2007-08) to reduce delays in the criminal and civil justice systems.²²⁷

Research undertaken by the Productivity Commission

The Committee also noted that, according to research undertaken by the Productivity Commission, Victorian courts had some of the lowest clearance rates among the states and territories in 2005-06 as shown in table 16.1. However, the Committee noted that in relation to the clearance rates for electronic infringement notices, Victoria clearly out performed those states (Queensland, Western Australia and South Australia) where the workload and expenditure of the electronic infringement and enforcement system, while coming under the ambit of the Magistrates' Court, were separately identified to allow for a more comparable interpretation of Magistrates' Court data.²²⁸ The 'clearance rate' is an output (efficiency) indicator showing whether the volume of case finalisations has matched the volume of case lodgements during the reporting period. It indicates whether a court's pending caseload has increased or decreased over that period. In interpreting the information shown in table 16.1, a figure of less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload has increased.²²⁹

²²⁶ Budget Paper No.3, *2007-08 Service Delivery*, p.162

²²⁷ *ibid.*, pp.313, 318

²²⁸ Productivity Commission, *Report on Government Services 2007*, Volume 1 Part C (Justice) Chapter 6 Court Administration, pp.6.6– 6.7

²²⁹ *ibid.*, p.6.34

Table 16.1: Clearance rates (finalisations/lodgements), 2005-06 (per cent)

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
Supreme/Federal									
Criminal	102.9	97.0	92.1	95.2	119.7	100.4	86.1	110.3	..
Civil ^{a, b}	103.5	84.8	91.5	98.1	124.5	132.1	91.2	100.9	105.8
<i>Total</i>	103.4	85.8	91.6	97.7	123.4	122.8	90.1	105.9	105.8
District/county									
Criminal ^c	95.5	85.0	105.2	110.5	88.5	..	..	..	..
Civil ^b	110.4	121.5	130.6	130.8	106.8	..	..	..	..
<i>Total</i>	101.9	103.1	116.7	122.0	100.8	..	..	..	..
Magistrates'									
Criminal	101.0	93.5	96.0	108.0	99.3	71.9	113.7	100.0	..
Civil ^d	93.2	84.2	99.2	97.7	118.3	103.1	106.2	89.9	..
<i>Total</i>	96.8	88.2	97.1	104.1	105.3	76.5	109.8	96.4	..
Children's									
Criminal	99.4	81.0	99.7	99.8	102.5	79.7	94.6	117.4	..
Civil ^e	97.9	80.1	98.8	108.4	99.2	91.6	94.3	124.7	..
<i>Total</i>	98.8	80.7	99.5	100.5	102.0	81.8	94.5	118.1	..
Family courts									
	..	..	..	86.4	..	..	..	..	107.0
Federal Magistrates									
	..	..	..	..	..	..	..	..	99.4
Electronic^f									
	..	144.8	88.0	44.2	87.2	..	..	..	..
Coroners' courts									
	82.3	93.6	89.3	79.6	108.2	105.2	96.0	105.4	..

^a Excludes probate matters. ^b Queensland data are extrapolated. ^c Queensland District Court appeals finalised have been extrapolated. ^d The Victorian Magistrates' Court civil data include a proportion of hearings from the Victorian Civil and Administrative Tribunal. ^e The Queensland Children's Courts civil data for 2005-06 is based on a count of cases, not the number of children involved in the care and protection case. ^f The clearance rate relates to unpaid infringement notices. Excludes unpaid court fines. .. Not applicable.

Notes: (a) Some clearances are underestimated due to the following:²³⁰

- in Queensland, some Children's Court matters are heard in the District Court. As a result, the inclusion of all Children's Court matters in the Magistrates' Court will lead to a slight overestimation of the Magistrates' Court total and an underestimation of the District Court total; and
- in the Victorian Magistrates' Court and the Australian courts the 12 month deeming rule for inactive cases has not been used. This may result in an underestimate of the finalised cases according to the report's counting rules for these courts.

(b) Under the deeming rule, lodgements that have not been acted upon in the past 12 months are counted as finalised for the purpose of the report, the aim being to focus on those matters that are part of an 'active pending' population. For this Report, the Victorian Magistrates' Courts have not applied this deeming rule, which may result in an increased pending caseload with longer duration. Some courts (e.g. the Australian courts) proactively manage all their civil cases. Consequently, cases that, by their nature, cannot be finalised for a lengthy period are not deemed finalised, but continue to be monitored from time to time by these courts²³¹

Source: Productivity Commission, Report on Government Services 2007, Volume 1 Part C (Justice) Chapter 6 Court Administration, p.6.35

²³⁰ *ibid.*, p.6.19, tables 6.5 and 6.6

²³¹ *ibid.*, p.6.27

The *Report on Government Services 2007* indicated increasing delays and lower clearance rates (due in part to long and complex trials relating to police corruption, gangland killings and organised crime),²³² however it also confirmed that Victorian courts have continued to improve in many areas.

Despite the continued increase in lodgements, Victoria's courts still continued to increase its finalisations. A total of 1,089,900 civil and criminal lodgements (excluding probate lodgements) were received in 2005-06 (increase of 5 per cent over 2004-05),²³³ but the courts continued to increase also its finalisations. In 2005-06 Victoria's courts finalised 1,380,700 civil and criminal cases,²³⁴ compared to 1,342,400 for 2004-05 (an increase of 3 per cent).²³⁵

Victoria had the highest number of finalisations of the electronic courts, second highest number of civil finalisations, and third highest number of criminal finalisations. Despite a fall in clearance rates in some jurisdictions, Victoria has kept these rankings from previous years.²³⁶

Cost per finalisation indicates how much output is being generated for the level of funding for the court. A lower cost per finalisation indicates the same amount of output being done for less funding.²³⁷ In cost per finalisation, Victoria still compares favourably with the other states and territories. The lower the cost per finalisation, the lower (and better) the ranking. Victoria ranks third (out of five states) in criminal matters and sixth out of eight states and territories in civil matters.²³⁸

The Supreme Court particularly showed improvements. Despite the impact of the long and complex trials dealing with police corruption, gangland killings and organised crime, and an increasing workload of 7 per cent per year, the Supreme Court's clearance rate for the period 2002-03 to 2005-06 for all matters improved from 68 per cent²³⁹ to 86 per cent.²⁴⁰ Also the level of finalisations have continued to rise since 2002-03 when 4,091 finalisations were achieved, representing an average annual increase since 2002-03 of 17 per cent a year.

At the end of 2005-06 the number of cases pending had increased, however despite the rise in cases pending, the Supreme Court has been able to improve on its backlog. Backlog is measured in percentage of cases pending greater than 12 months and percentage of cases pending greater than 24 months. The lower the percentage means lesser cases pending.²⁴¹ The proportion of its backlog pending for more than 12 months came down from 34.2 in 2003-04 to 28.9 per cent for 2005-06.

The Magistrates' Court of Victoria had the lowest in percentage of civil cases pending for more than 6 months (24 per cent)²⁴² and the second lowest in percentage of criminal matters pending for more than 6 months (20 per cent)²⁴³. In cases pending greater than 12 months, Victoria Magistrates' Court was third lowest in both civil and criminal.²⁴⁴

²³² Hon. R Hulls MP, Attorney-General, 2007-08 Budget Estimates hearing, transcript of evidence, 30 May 2007, p.4

²³³ Productivity Commission, *Report on Government Services 2007*, Volume 1 Part C (Justice) Chapter 6 Court Administration, pp.6.16, 6.17

²³⁴ *ibid.*, p.6.19

²³⁵ Productivity Commission, *Report on Government Services 2006*, Volume 1 Part C (Justice) Chapter 6 Court Administration, p.6.18

²³⁶ *ibid.*, p.6.19

²³⁷ *ibid.*, p.6.37

²³⁸ *ibid.*, pp.6.38, 6.40

²³⁹ Productivity Commission, *Report on Government Services 2004*, Volume 1 Part C (Justice) Chapter 6 Court Administration, p.6.50

²⁴⁰ Productivity Commission, *Report on Government Services 2007*, Volume 1 Part C (Justice) Chapter 6 Court Administration, p.6.35

²⁴¹ *ibid.*, pp.6.24, 6.25

²⁴² *ibid.*, p.6.29

²⁴³ *ibid.*, p.6.26

²⁴⁴ *ibid.*, p.6.26, 6.29

The cost per finalisation for Victoria's Magistrates' Court is the second lowest in the country at \$91.²⁴⁵

Low clearance rates and increases in backlogs were experienced due to the additional workload and the more complex cases, however this should not overshadow the improvements that have been gained over time.

The Committee also observed that the Productivity Commission found that in relation to net expenditure per criminal and civil finalisation for Magistrates' Courts in 2005-06 (excluding electronic and childrens' courts), Victoria incurred lower costs than other states and territories in relation to the following types of cases:²⁴⁶

- criminal matters – New South Wales, Western Australia, the Australian Capital Territory and the Northern Territory; and
- civil matters – New South Wales, Queensland, Western Australia, South Australia, the Australian Capital Territory and the Northern Territory.

Funding initiatives provided in the 2007-08 budget

The Committee noted that the 2007-08 budget committed a further \$318 million over five years and \$167 million TEI to strengthen the justice system.²⁴⁷ Initiatives to be delivered under this funding included employing 350 new police officers, providing new or upgraded police stations and appointing additional judges to the Supreme and County Courts to reduce court delays. The funding will also be used to enhance Victoria's emergency response capability.²⁴⁸

In improving access to justice, the Committee also noted that of the \$43 million provided over four years to provide for the additional judges and support staff for the Supreme and County Courts,²⁴⁹ the additional funding will also provide for an additional Supreme Court Master, and additional prosecutors and support staff for the Office for Public Prosecutions and Corrections Victoria to increase capacity for prosecutions and to reduce court delays.²⁵⁰

Deliberations emanating from the budget estimates hearing

At the estimates hearing, the Attorney-General explained that the 2007-08 target for fewer matters to be disposed has been based on the increasing complexity and length of major trials and hearings (such as those connected with police corruption, gangland killing and organised crime) as well as more matters coming before the courts.²⁵¹ In relation to this latter point, the Attorney-General brought to the Committee's notice that the Productivity Commission found that low clearance rates and delays have been experienced in the courts due to a continual increase in cases initiated. In terms of increased workload, the Attorney-General stated that: *'we have got more police out there, and more police means more people are being charged and more matters are coming before our courts'*.²⁵²

Some of the measures that have been applied to address this situation are set out below:²⁵³

²⁴⁵ *ibid.*, p.6.42

²⁴⁶ *ibid.*, p.6.42, figure 6.7

²⁴⁷ Budget Paper No.3, *2007-08 Service Delivery*, p.6

²⁴⁸ *ibid.*

²⁴⁹ *ibid.*, pp.27, 313, 317

²⁵⁰ *ibid.*, p.27

²⁵¹ Hon. R Hulls MP, Attorney-General, 2007-08 Budget Estimates hearing, transcript of evidence, 30 May 2007, p.4

²⁵² *ibid.*

²⁵³ *ibid.*

- funding provided in the budget to provide two additional judges in the Supreme Court, two judges in the County Court, an additional master in the Supreme Court, additional resources for the Office of Public Prosecutions (OPP) for in-house and external prosecutions and also to help implement a strategy to encourage early pleas of guilty. Those resources will also go to Corrections Victoria, the Juries Commissioner and the Victorian court reporting service;
- the introduction of a new criminal trial practice note, which provides for criminal matters to be listed for a mention hearing (the first listing of an application in court) within 14 days of committal;
- a more aggressive approach to listing of criminal matters in the County Court;
- the introduction of a new electronic briefing system in the next 6 to 12 months by Victoria Police;
- the introduction and training of new procedures and stronger case management at the OPP; and
- courts examining the introduction of specialised lists.

The Attorney-General acknowledged the need to continue to monitor how courts can address their casework in a better way and the resources supplied to Victoria's courts, while courts will need to look at specialisation in future.²⁵⁴

In the light of these comments, the Committee raised with the Attorney-General whether the need to continue with committal hearings is to be examined in the context of reviewing how the higher courts could be made more efficient. The Attorney-General's advice on this matter is set out below:²⁵⁵

It is a good question. We have obviously conducted a review of committals, and there are some who say we should abolish committals altogether and just allow the Director of Public Prosecutions (DPP) to directly present. Others say – and this is how the argument went – that the committal process is actually efficient because it actually weeds out a lot of the issues and crystallises what the issues are at trial and, as a result, trials are shorter as a result of committals.

We have introduced a whole range of reforms in relation to the committal process to ensure that certain witnesses cannot be cross-examined about certain matters. Those reforms are coming through the system and they are working. It means that people, particularly in sexual assault matters, cannot be cross-examined up hill and down dale, and basically you are able to crystallise at an earlier stage what the issues are.

My view is that it is false economy to abolish committals; committals play a very important role in the system and they lead to shorter trials. That does not mean that we cannot continue to work on trying to make the committal system more efficient, but I certainly do not believe, as some do, in abolishing the committal process. I think it works well, but we have to continue to monitor it to make sure it is efficient as it can be.

The Committee noted the additional funding in the 2007-08 budget that is directed at reducing court delays in relation to the Supreme Court, County Court and OPP, the various initiatives that have been introduced aimed at addressing delays in the justice system and the acknowledgement by the government to continue monitoring ways to improve the efficiency of the court system.

²⁵⁴ *ibid.*

²⁵⁵ *ibid.*, p.5

16.2.2 Case processing timelines in criminal matters

In examining case processing timelines in criminal matters, data collected by the Productivity Commission on the 'backlog indicator' for criminal matters as at 30 June 2006 revealed that Victoria performed well compared to most of the other states and territories in relation to the following courts:²⁵⁶

• Higher: appeal	Pending caseload cases > 12 months	10.6 per cent
• Higher: appeal	Pending caseload cases > 24 months	3.1 per cent
• Higher: non-appeal	Pending caseload cases > 12 months	17.6 per cent
• Higher: non-appeal	Pending caseload cases > 24 months	2.9 per cent
• Supreme: non-appeal	Pending caseload cases > 12 months	19.9 per cent
• District/county: appeal	Pending caseload cases > 12 months	8.6 per cent
• District/county: appeal	Pending caseload cases > 24 months	3.7 per cent
• District/county: non-appeal	Pending caseload cases > 12 months	17.3 per cent
• District/county: non-appeal	Pending caseload cases > 24 months	2.3 per cent
• Magistrates	Pending caseload cases > 6 months	20.1 per cent
• Magistrates	Pending caseload cases > 12 months	5.4 per cent
• Children's	Pending caseload cases > 6 months	13.2 per cent
• Children's	Pending caseload cases > 12 months	1.6 per cent

16.2.3 Case processing timelines in civil matters

In examining case processing timelines in civil matters, data collected by the Productivity Commission on the 'backlog indicator' for civil matters as at 30 June 2006 revealed that Victoria performed well compared to most of the other states and territories in relation to the following courts:²⁵⁷

• Higher: non-appeal	Pending caseload cases > 12 months	35.4 per cent
• Higher: non-appeal	Pending caseload cases > 24 months	17.4 per cent
• Supreme/Federal: non-appeal	Pending caseload cases > 12 months	30.2 per cent
• Supreme/Federal: non-appeal	Pending caseload cases > 24 months	10.9 per cent
• District/county: appeal	Pending caseload cases > 12 months	2.2 per cent
• Magistrates (a)	Pending caseload cases > 6 months	23.6 per cent

(a) *data excludes Children's Courts but includes a proportion of pending caseload from the Victorian Civil and Administrative Tribunal*²⁵⁸

²⁵⁶ Productivity Commission, *Report on Government Services 2007*, Volume 1 Part C (Justice) Chapter 6 Court Administration, p.6.26, table 6.9

²⁵⁷ *ibid.*, p.6.29, table 6.10

²⁵⁸ *ibid.*, p.6.30, table 6.10 notes (d) and (e)

16.2.4 Costs per lodgement for criminal cases and civil cases

Using information compiled by the Productivity Commission on court administration recurrent expenditure and lodgements in the criminal and civil jurisdictions, the Committee calculated the average administration cost per lodgement for 2005-06 in each of these jurisdictions.

This information, which is presented in tables 16.2 and 16.3, shows that on average the administrative cost per lodgement of criminal cases at \$672 for Victoria was higher than three other states (Queensland, South Australia and Tasmania) and lower than the remaining four states and territories. In relation to the average administrative cost per lodgement of civil cases at \$436 for Victoria, this outcome for 2005-06 was the second lowest among the states and territories apart from Tasmania.

Table 16.2: Average administration cost per lodgement for criminal cases, 2005-06

	NSW (\$)	Vic (\$)	Old (\$)	WA (\$)	SA (\$)	TAS (\$)	ACT (\$)	NT (\$)
Average cost per lodgement for criminal cases	883	672	456	865	564	205	1,132	1,110

Source: Productivity Commission, *Report on Government Services 2007, Volume 1 Part C (Justice) Chapter 6 Court Administration*, pp.6.12, 6.16–6.17

Table 16.3: Average administration cost per lodgement for civil cases, 2005-06

	NSW (\$)	Vic (\$)	Old (\$)	WA (\$)	SA (\$)	TAS (\$)	ACT (\$)	NT (\$)
Average cost per lodgement for civil cases	658	436	490	934	784	389	1,013	1,443

Source: Productivity Commission, *Report on Government Services 2007, Volume 1 Part C (Justice) Chapter 6 Court Administration*, pp.6.12, 6.16–6.17

16.2.5 Role of the Victorian Auditor-General – examination of administrative systems of courts

The Committee also was pleased to see that, in response to its recommendation that the Department of Justice finalise the necessary protocols to allow the Auditor-General to conduct performance audits of the administrative systems and processes of Victoria’s courts, in mid 2006 a performance audit protocol was endorsed by the Supreme, County and Magistrates’ Courts.²⁵⁹ The first performance audit of such systems and processes covered the administration of certain non-judicial functions of the Magistrates’ Court of Victoria. This audit report, which was tabled in June 2007, included an

²⁵⁹ Victorian Auditor-General, *Administration of Non-judicial Functions of the Magistrates’ Court of Victoria*, June 2007, p.7

assessment of whether the following administrative functions efficiently and effectively supported the operations of the Court:²⁶⁰

- governance and structure;
- corporate planning, performance monitoring and reporting;
- budget planning, financial monitoring and reporting;
- asset management and security;
- staff recruitment and retention; and
- court user information and assistance.

The Committee noted that the response to the report from the Chief Magistrate, Magistrates' Court of Victoria, included the following comment:²⁶¹

Increasing diversity within our community and the complexity of cases has presented a challenge to this court. We must continue to examine how the court can remain dynamic and responsive.

The Committee believes that after a sufficient lead time has elapsed, the Auditor-General should consider undertaking a performance audit into the efficiency of the administrative functions of all courts in relation to access. Such a review should examine whether any improved processes need to be recommended to the Parliament to enhance productivity in terms of clearance rates, thereby increasing the number of criminal and non-criminal disposals.

The Committee recommends that:

Recommendation 50: **Given the downward trend in the number of criminal and non-criminal matters disposed across Victoria's courts, after a sufficient lead time has elapsed, the Auditor-General consider whether there is a need to build on his work covering the Magistrates' Court by undertaking a more targeted approach to examining efficiency aspects relating to the various levels of courts within the judiciary.**

16.3 Increased use of public transport and overcrowding of public transport during peak periods

In her presentation to the Committee, the Minister for Public Transport noted the recent significant increase in patronage on public transport, especially on the metropolitan rail network.²⁶²

²⁶⁰ *ibid.*, pp.7–9

²⁶¹ *ibid.*, p.5

²⁶² Hon. L Kosky MP, Minister for Public Transport, 2007-08 Budget Estimates hearing, transcript of evidence, 9 May 2007, pp.2–3.

... we have had an unexpected increase in the metropolitan rail network patronage of 18.4 per cent in 2004 and 2005-06 ... in the last calendar year we had a 12 per cent growth in patronage on the train network ... the forecast is that it will grow by an average of 3.5 per cent to 2012 and is expected to grow by 4.9 per cent in 2007-08 due to the removal or abolition of zone 2 fares. This is expected to result in about an additional 1.8 million train trips

As shown in table 16.4, the Committee noted that there has been a 12.8 per cent increase in Melbourne public transport over the last two financial years and a 21.9 per cent increase in rail patronage. Total Melbourne patronage exceeded 400 million in 2006-07 – the last time that occurred was 40 years ago, in 1966-67.

**Table 16.4: Metropolitan Melbourne Public Transport patronage
Historical time series – excluding Commonwealth Games (a)**

Financial Year	Train				Tram				Bus ^(b)				Total			
	Boardings (million)		Annual growth (%)		Boardings (million)		Annual growth (%)		Boardings (million)		Annual growth (%)		Boardings (million)		Annual growth (%)	
1998/99	118.0		4.4		120.4		3.1		91.5		-0.8		329.9		2.5	
1999/00	124.2		5.3		127.3		5.7		91.6		0.1		343.1		4.0	
2000/01	130.3		4.9		129.4		1.6		92.0		0.4		351.7		2.5	
2001/02	131.8		1.2		131.9	(c)	1.9		92.0	(c)	0.0		355.7		1.1	
2002/03	133.8		1.5		134.7		2.1		93.9		2.1		362.4		1.9	
2003/04	134.9	(d)	0.8		135.9	(d)	0.9		93.6		-0.3		364.4	(d)	0.6	
2004/05	145.1	(e), (f)	4.0	(g)	145.3	(e)	2.0	(g)	90.0		stable	(g)	380.4	(e)	2.5	(g)
2005/06	159.1	(a), (f)	9.7	(a), (f)	149.6	(a)	2.9	(a)	79.1	(a), (e), (f)	stable	(a), (e)	387.8	(e)	4.9	(h)
2006/07	178.6		12.2		154.9		3.6		85.0		7.4		418.4		7.9	

- Notes:
- (a) The figures in this table differ from the 2005-06 annual report which included additional patronage associated with the Commonwealth Games (CG). The annual report states train at 162.4 million (growth of 11.2 per cent including CG & 9.4 per cent excluding CG) tram at 151.1 million (growth of 4 per cent including CG & 2.9 per cent ex CG) and at Bus 78 million (stable growth)
 - (b) Bus includes metropolitan school bus services
 - (c) The 2001-02 patronage estimates for tram and bus are different to those published in the DOI Annual Report for 2001-02. Those in the Annual Report for trams and metro bus are incorrect due to an error introduced in the production of that report
 - (d) Patronage estimates for 2003-04 are based on operator supplied growth of 0.9 per cent for metro trams and 0.8 per cent for metro trains applied to the base patronage figures for 2002-03
 - (e) Patronage estimates for the three metropolitan modes are based on a new and improved measurement methodology from 2004-05. This methodology involves factoring up ticket validations from the Automatic Ticketing System database with a 'validation rate' obtained from surveys to obtain an estimate of patronage for each mode. This change in methodology means a step-change in patronage estimates from 2003-04 to 2004-05 for train and tram and 2004-05 to 2005-06 for bus. This needs to be considered when comparing estimates across years.
 - (f) These figures have been amended slightly from those in the annual report because of definitional changes and recovery of missing data. Train for 2004-05 was reported at 146 million and in 2005-06 at 162.4 million, with an inclusive CG growth rate of 11.2 per cent and exclusive CG growth rate of 9.4 per cent. Bus was revised upwards from 78 million
 - (g) Growth figures for 2004-05 are estimates arrived at jointly by DOI, Metlink and the operators due to the change in patronage measurement methodology between 2003-04 and 2004-05
 - (h) Total metropolitan public transport growth of 4.9 per cent assumes bus was stable from 2004-05 to 2005-06.
- The double line in the above table shows the break in series.

Source: Public Transport Corporation and the passenger businesses, franchisees / bus operators / Department of Infrastructure, Metlink

The Committee also noted from the budget papers the trend in the use of public transport as a proportion of motorised trips towards the government's long term indicative target of 20 per cent by 2020.²⁶³ The Committee looks forward to further reporting on this by the Minister to Parliament and by the department in its annual report.

The issue of the overcrowding of trains during peak periods was of interest to the Committee, particularly in the light of the government's goals for greater use of public transport and lower carbon emissions.

The Minister provided the Committee with the following information:²⁶⁴

... the overcrowding is obviously an issue as a result of the incredible patronage growth that we have seen over the last two years, which was greater than what was anticipated. About 3 to 4 per cent growth each year has been anticipated, and then over the last two years we saw significant patronage growth largely as a result – not only as a result – of the spike in petrol prices. But what we saw this time, rather than what happened last time, was there was not a dramatic drop-off in public transport usage once the petrol prices dropped, so that has meant that we have had greater patronage growth than anticipated.

The large part of that is actually during the peak periods, particularly in the mornings ... The busiest time of the day for Connex is during that 7.30 to 9.00 a.m. period during the weekdays, and, as I mentioned, whilst it occurs in the evening it tends to be less severe because it is spread out over a period of several hours.

Under the franchise agreement, a railway line is considered overcrowded if, during a given hour, the average number of passengers per train exceeds 798. This is known as a load breach. Crowding levels are measured at the stations on the fringes of the CBD – that is, when trains are at their most crowded heading into or out of town ...

The department does conduct surveys of crowding levels on trains once a year, and that is conducted in May. If a load breach is recorded, Connex is required to submit a plan to the department showing what it intends to do to eliminate the breach. If the breach cannot be eliminated without significant capital expenditure, Connex is required as a minimum to demonstrate it is doing everything it reasonably can to provide extra services. The May 2006 load survey revealed load breaches on the Pakenham, Cranbourne, Frankston, Broadmeadows, Epping, Sydenham and Werribee lines, and the worst overcrowding was concentrated on the Sydenham, Cranbourne and Pakenham lines. As a result of that the 2006 timetable change targeted extra services onto those lines.

Services are changed, obviously looking at issues of capacity, where trains can be moved and services can be changed, and one of the reasons we have provided the 10 extra trains in this budget, or the initiation of the purchase of those trains, is as a response, because it is significant capital expenditure ... There are requirements of Connex, when it is within its power to actually deal with those, but obviously because of the significant patronage growth that we have had, particularly over the last 12 months, we are bringing forward the purchase of those 10 extra trains, as well, I should say, as keeping the 6 Hitachi trains in service, which have gone some way to alleviating the issue of overcrowding.

²⁶³ Budget Paper No.3, 2007-08 Service Delivery, p.364

²⁶⁴ Hon. L Kosky MP, Minister for Public Transport, 2007-08 Budget Estimates hearing, transcript of evidence, 9 May 2007, pp.10–11

We are looking at other issues. Obviously the Dandenong triplication project is very important in terms of providing extra capacity within the system. There are also the works at Sunshine and the works that are occurring at Clifton Hill. With North Melbourne station, one of the reasons that is being redeveloped is so that where people are changing services it can actually be a more pleasant area to change in ... I should say the load breaching does not mean that there are safety breaches. It is just based on what is judged as comfortable in terms of the overcrowding on the trains.

At the estimates hearing, the Committee was also told that the extent of overcrowding was measured every May, on all lines and at all times of day, with a concentration on the morning peak when the level of crowding is at its greatest. Given the significant growth in patronage in recent times, the Minister has directed that there needs to be more frequent and intensive monitoring, including the need to obtain information about whether people are being left behind and, if so, where. This information, together with details about where people have to stand if the seating capacity is no longer available, flow into timetabling decisions going forward.²⁶⁵

The Committee understands that the May 2007 survey was more extensive than previous surveys, in that more stations further out in the network were surveyed. There does seem to be some issues in regard to survey methodology and the gathering of meaningful data.

The Committee noted that, despite being informed at the budget estimates hearing that surveys of overcrowding on the train network would be expanded to determine the extent of Melbourne commuters unable to board crowded trains and, if so, where, it is understood from subsequent reports in the media that this concept will not occur as it would be too difficult to gather this data as part of monitoring passenger numbers. While there will be passenger counts at more places citywide, the Minister has been reported as saying that:²⁶⁶

One of the difficulties with the count of passengers who are left behind is determining why they've decided not to board the carriage ... the advice is that its much better to do the count on the overcrowding on the trains

The Committee remains of the view that data on passengers left behind at stations or indeed at tram stops is a useful additional indicator of overcrowding as well as evidence of actual overcrowding on trains and trams. Bypasses of stops is also another meaningful indicator. Bus drivers or tram drivers could be required as part of shift reports to indicate whether they were forced to bypass stops because of overcrowding.

The Committee believes there is scope for more frequent surveys of overcrowding and for improvement in survey methodology.

The Committee recommends that:

Recommendation 51: **More frequent surveys of overcrowding using improved methodology be undertaken, including surveys of actual numbers on vehicles/carriages and surveys of stranded passengers. Consideration also be given to including in shift reports of drivers, details of stops that they were forced to bypass because of overcrowding.**

²⁶⁵ Mr J Betts, Director, Public Transport, Department of Infrastructure 2007-08 Budget Estimates hearing, transcript of evidence, 9 May 2007, p.11

²⁶⁶ A Gardiner, 'Commuters Out for the count', *Herald Sun* newspaper, 27 July 2007, p.4

The Committee also observed that measures addressed in the budget to address the overcrowding and reliability pressures on Melbourne's train network included output funding of \$22.2 million (\$2.6 million, 2007-08) and asset funding of \$339.8 million (\$37.7 million, 2007-08) over four years to increase the number of metropolitan train services.²⁶⁷ This budget allocation includes funding for the purchase of an additional 10 trains, associated capital stabling, maintenance facilities and operating costs.²⁶⁸

In view of the 21.9 per cent increase in patronage growth that has occurred on the metropolitan train network over the past two years²⁶⁹, the Committee was interested in examining whether the provision of new rolling stock would be responsive to the increase in passenger growth. To ensure timely delivery of the 10 new six-carriage trains, the Minister for Transport announced on 16 July 2007 that two companies would be invited to tender for the delivery of two primary train models that were already on Melbourne's network and were accredited by the independent safety regulator. The Minister also advised that the government had brought forward the \$360 million funding in this year's budget to accelerate the purchase of new trains. In terms of the timelines for the delivery of the new trains, the Minister pointed out that:²⁷⁰

Trains are not bought off the shelf and immediately rolled out of the warehouse. New trains need to be designed and constructed and then extensively tested on our tracks to ensure safety ... These 10 trains are part of a bigger \$800 million plan to buy more trains for the metropolitan network over the next decade. In the meantime the government is introducing new timetables to reduce overcrowding on Melbourne's transport network. New morning peak services have already been added on the Dandenong line, and in October there will be 39 new daily services, including nine in peak periods.

The Committee also noted that the new Premier, the Hon. John Brumby MP, will give further priority to public transport. In announcing the new Cabinet, the Premier stated that:²⁷¹

Easing congestion on the public transport network by accelerating the government's \$10.5 billion transport action plan 'Meeting our Transport Challenges' is another key priority for the next three years

²⁶⁷ Budget Paper No.3, 2007-08 Service Delivery, pp.299–302

²⁶⁸ *ibid.*, p.300

²⁶⁹ Hon. L Kosky MP, Minister for Public Transport, *Tender for new trains on Melbourne tracks*, media release, 16 July 2007

²⁷⁰ *ibid.*

²⁷¹ Hon. J Brumby MP, Premier, *Premier announces new cabinet*, media release, 2 August 2007