

## CHAPTER 16: CARING COMMUNITIES

### Key findings of the Committee:

- 16.1 The Victorian government released *Restoring the balance – Victoria’s Alcohol Action Plan 2008-2013* in May 2008. Under the plan, the government will provide \$37.2 million in funding to build on existing programs and initiatives to encourage the appropriate use of alcohol and support those members of the community affected by the inappropriate use of alcohol.
- 16.2 Output funding of \$37.2 million is being provided in the 2008-09 Budget for a package of initiatives developed under the Plan which are to be rolled out over four years.
- 16.3 The Department of Justice should provide to Parliament additional information on how the Action Plan initiatives relate to output funding and on estimated implementation timelines.
- 16.4 The Department of Justice should also analyse the performance outcomes from the implementation of all initiatives under Victoria’s Alcohol Action Plan 2008-2013 in its Annual Report.
- 16.5 A major feature of this plan is the establishment of a \$17.6 million Liquor Licensing Compliance Directorate, with the aim to significantly strengthen the government’s enforcement of liquor licensing laws across Victoria, and to enable their liquor licensing squad to focus on licensing issues that are directly causing violence in and around venues.
- 16.6 It would be of benefit to Parliament and the community if more information was made available on the expected outcomes, goals and targets associated with the establishment of the Liquor Licensing Compliance Directorate.
- 16.7 In October 2006, the Victorian Government published a new policy framework for Indigenous Affairs, *Improving the Lives of Indigenous Victorians – Victorian Indigenous Affairs Framework (VIAF)*. Linked to the seven nationally agreed strategic areas for action, the VIAF defined six short to medium term areas for action in Victoria.
- 16.8 The VIAF provides the broad policy framework for managing Indigenous affairs in the state. However, the Committee found it difficult to determine the full range of programs that impact on Indigenous Victorians and it would like to see more centralised monitoring and reporting of such programs.
- 16.9 The 2007-08 and 2008-09 Budgets provided an accumulative \$55.7 million in additional funding to improve the lives of Indigenous Victorians. These funds were split across ten initiatives and have a combined impact on 12 major budget outputs across five Departments.

- 16.10** While the committee recognises the inherent difficulties in presenting government wide output initiatives in a budget paper where outputs are listed according to department, it would like to see more done to ensure that new output initiatives are not simply lost among the existing budget paper outputs and performance measures.
- 16.11** The 2008-09 Budget provided \$3.6 billion in funding to deliver the Department of Justice Outputs in 2008-09.
- 16.12** Following the 2006-07 Budget, the Department of Justice revised its output measures, consolidating 13 measures of court timeliness into one condensed measure. The Committee identified that performance between 2006-07 and 2007-08 fell across six of the 13 measures of while performance rose in only two measures. As such the Committee has recommended that the Department reinsert these measures into future budget papers.
- 16.13** According to the Australian Institute of Health and Welfare, between 2001-02 and 2005-06, Victoria had the highest number of level crossing-related hospitalisations with 129, or 51.8 percent, of the 249 Australians seriously injured in crossing accidents.
- 16.14** Funding for upgrading level crossings includes the allocation of \$10.8 million over four years in the 2005-06 Budget for the Level Crossing Upgrade Program and \$33.2 million over four years from 2007-08 to 2010-11 as part of the Level Crossing Safety Package contained in the 2007-08 Budget update.
- 16.15** The Level Crossing Safety Package includes \$11.1 million for the installation of 53 automated advance warning signs and \$11.7 million for the installation of rumble strips at 200 crossings. While these components comprise almost 70 per cent of the funding package, the Committee noted that \$3.6 million or 10.8 per cent of the package is allocated towards program management.
- 16.16** The government upgraded 153 level crossings during 2005-06 and 2006-07 and expects that a further 46 would be improved in 2007-08 (a target has been set for 45 public railway crossings to be upgraded in 2008-09).
- 16.17** A number of initiatives have taken place at a national level to ensure that a system-wide approach to level crossing safety is adopted such as the decision by the Australian Transport Council for a package of railway crossing safety initiatives to be developed.
- 16.18** On 14 May 2008, the Minister for Public Transport released the results of a two year audit of every road level crossing in Victoria. The Australian Level Crossings Assessment Model (ALCAM) results were available to road and rail safety experts as well as local councils, VicRoads and other stakeholders to use as the basis for level crossing improvements.
- 16.19** The Committee was advised by the Minister for Public Transport that the outcome of using the ALCAM method of risk assessment was not to provide an assessment of the danger at crossings, but rather to provide a priority listing of the sorts of works that might be done to actually affect driver behaviour.

**16.20** The Committee considers that more information should be released by the government to explain the ALCAM model and the particular deficiencies that have been highlighted at high risk level crossings throughout Victoria. There is also scope for expanding disclosure in the Department of Transport’s annual report to include information surrounding timelines for safety improvement works to be completed, crossings assessed as having the highest safety risks together with the particular risks encountered and the safety improvement works completed in the past year and those planned for the ensuing year.

## 16.1 Introduction

In considering the budget estimates the Committee asked a total of 132 questions pertaining to the Caring Communities vision of the *Growing Victoria Together* (GVT) initiative. This represented 26.0 per cent of all questions asked in the budget estimates hearings.

The 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 2008-09 Budget Estimates – Part One* and in Appendix 1 of the *Report on the 2008-09 Budget Estimates – Part Two*.

This chapter sets out an analysis of several key issues canvassed by the Committee at the budget estimates hearings relating to the Caring Communities vision of *Growing Victoria Together*.

## 16.2 Tackling Alcohol Abuse in Victoria

Alcohol has a significant role in our society – it contributes to our way of life, generates employment in the industry and supports the tourism industry. According to the *National Drug Strategy Household Survey*, conducted by the Australian Institute of Health and Welfare, alcohol remains the most widely used drug in Australia.<sup>326</sup> A study conducted by the World Health Organisation in 2005 on alcohol consumption patterns in 185 countries across the world also showed that although the per capita consumption of alcohol in Australia has declined since the 1980’s it still remains high by world standards.<sup>327</sup>

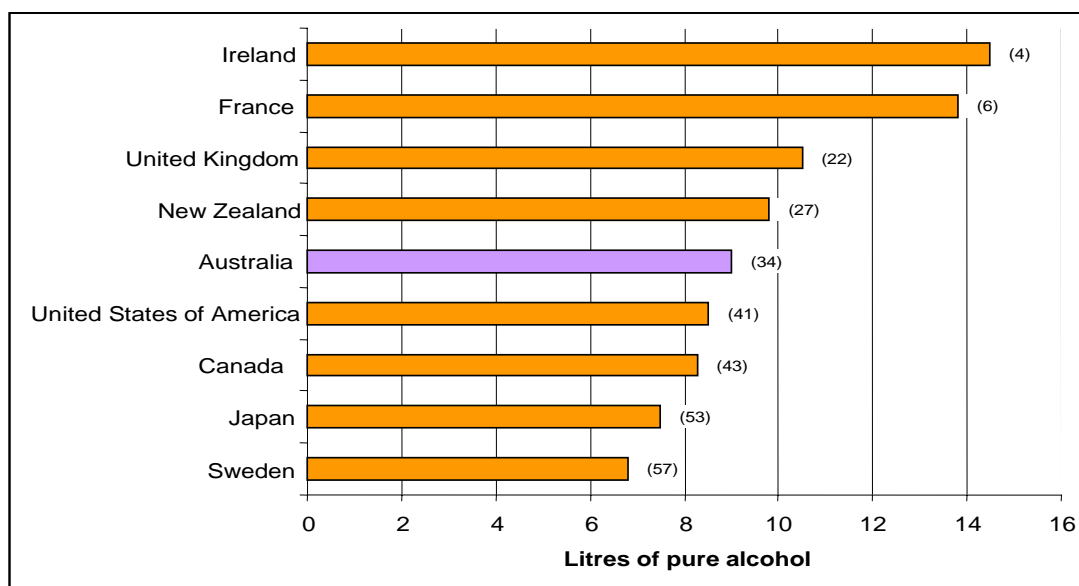
Figure 16.1 shows the ranking of Australia against other countries in per capita alcohol consumption according to the World Health Organisation (countries selected with similar cultural, economic and social profiles) – this shows that Australia ranks at 34 out of the 185 surveyed in terms of alcohol consumption.

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<sup>326</sup> Australian Institute of Health and Welfare, *2007 National drug strategy household survey: First results*, April 2008, Canberra, Australia, p.18 (accessed at [www.aihw.gov.au/publications/index.cfm/title/10579#full\\_publication](http://www.aihw.gov.au/publications/index.cfm/title/10579#full_publication))

<sup>327</sup> Ministerial Council on Drug Safety, *National Alcohol Strategy 2006-2009*, May 2006, p.2

**Figure 16.1 Total Adult per capita alcohol consumption, selected countries (by rank out of 185 countries)**



Source: *National Alcohol Strategy 2006-2009, released May 2006, p. 9*

The excessive consumption and abuse of alcohol can be extremely detrimental to individuals, families and the community, and as such has become an area of concern for the government. Excessive alcohol consumption is second only to tobacco as a 'preventable cause of death and hospitalisation in Australia'.<sup>328</sup>

In a survey conducted by the Australian Institute of Health and Welfare in 2007, it was found that 82.9 per cent of Australians aged 14 years or older consumed alcohol in quantities that was considered risky to their health in the long term (ranging from low to high risk).<sup>329</sup>

The survey also found that approximately one third of persons aged 14 years or older in Australia put themselves at risk of alcohol-related harm in the short term on at least one occasion during the previous 12 months.<sup>330</sup>

The situation in Victoria is no different to that which is occurring nationally, with alcohol estimated to directly account for 4.9 per cent of the total burden of disease in Victoria. This compares with a figure of 4.0 per cent nationally. Furthermore, thirty-three per cent of all Victorian adults (aged 18 or over) drink at levels which could cause short-term harm at least once a year, and 9.1 per cent drank at levels which were at high risk of harm in the long term.<sup>331</sup>

As a result of the outcomes of the 2004 *National Drug Strategy Household Survey* conducted into the negative effects of alcohol (developed by the Australian Institute of Health and Welfare), the Victorian Government established the Ministerial Taskforce on Alcohol and Public Safety in November 2007. The goal of this taskforce was to lead the development of an action plan and respond to public safety issues. The taskforce comprised the Minister for Mental Health (Chair), Attorney-General, Minister for Consumer Affairs, Minister for Police and Emergency Services and the Minister for Health.

<sup>328</sup> Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Harmful Alcohol Consumption*, March 2006, p.ix

<sup>329</sup> Australian Institute of Health and Welfare, *2007 National drug strategy household survey: First results*, April 2008, Canberra, Australia, p.18 (accessed at [www.aihw.gov.au/publications/index.cfm/title/10579#full\\_publication](http://www.aihw.gov.au/publications/index.cfm/title/10579#full_publication))

<sup>330</sup> *ibid.* pp.22-24

<sup>331</sup> *Victoria's Alcohol Action Plan 2008-2013*, released May 2008, p.9

### 16.2.1 Victoria’s Alcohol Action Plan 2008-2013

Subsequent to this Taskforce being established, an action plan entitled *Restoring the balance-Victoria’s alcohol action plan 2008-2013* was released in May 2008. Through this plan, the government sought to encourage the appropriate use of alcohol while acknowledging the needs and support required for those members of the community affected by the inappropriate use of alcohol. Table 16.2 outlines the amount of funding to be provided each year under the Plan over the next four years, as per Budget Paper No.3:

**Table 16.2: Funding for the Victorian Alcohol Action Plan**

Output Initiative	2008-09 (\$ million)	2009-10 (\$ million)	2010-11 (\$ million)	2011-12 (\$ million)
<b>2008-09 Budget Initiatives</b>				
<b>Victorian Alcohol Action Plan</b>	6.4	8.6	11.5	10.8

Source: 2008-09 Budget Paper No.3, p.290

The government has committed \$37.3 million in funding to build on existing programs and initiatives, and seeks to achieve the following objectives through the plan:<sup>332</sup>

- reduce risky drinking and its impact on families and young people;
- reduce the consequences of risky drinking on health, productivity and public safety; and
- reduce the impact of alcohol-fuelled violence and anti-social behaviour on public safety.

Funding is being provided in the 2008-09 Budget for a package of initiatives, including:<sup>333</sup>

- \$4.3 million over three years to promote safe and sensible alcohol use, with a community awareness campaign aimed at changing community acceptance of intoxication and drunkenness and to reduce the incidence of risky drinking;
- \$4.7 million over four years to improve the way risky and high risk drinkers are identified and supported to reduce their drinking with the introduction of an early alcohol intervention program. This will include a range of community based alcohol education strategies as well as online and telephone screening to enable people to confidentially assess their personal risk in relation to alcohol;
- \$9.4 million over four years to improve treatment responses to alcohol misuse. Funding will be targeted to enhance GP capacity and strengthen family therapeutic interventions, to improve engagement in treatment, family functioning and long term health and wellbeing outcomes for young people who are misusing alcohol;
- \$18 million over four years to establish a compliance directorate and an assault reduction strategy to better focus enforcement activity on high-risk licensed venues and to assist in reducing the number of assaults and other offences in and around these venues; and
- \$1.2 million over two years to fund a Victoria Police safe streets public safety research and evaluation.

Overall the plan includes 35 actions linked to six broad initiatives as identified in Figure 16.3:

<sup>332</sup> Victoria’s Alcohol Action Plan 2008-2013, released May 2008, p.15

<sup>333</sup> 2008-09 Budget Paper No.3, *Service Delivery*, pp.22-23

**Figure 16.3** Summary of actions within *Restoring the balance – Victoria’s Alcohol Action Plan 2008-2013*

	Initiative	Actions
1) Restoring the balance for families	<p>More support in mainstream health services to help people reduce their drinking early.</p> <p>Providing the best quality care for more serious alcohol use problems.</p>	<p>1.1 Establish an early alcohol intervention program</p> <p>1.2 Produce information for culturally and linguistically diverse (CALD) communities</p> <p>1.3 Develop a Koori alcohol plan</p> <p>1.4 Implement the Blueprint for alcohol and other drug treatment services</p> <p>1.5 Response more effectively to clients with co-occurring mental illness</p> <p>1.6 Extend shared-care models and promote primary care settings</p> <p>1.7 Introduce extended-stay withdrawal programs</p> <p>1.8 Introduce family therapeutic interventions</p> <p>1.9 Develop a community corrections alcohol program</p> <p>1.10 Introduce new legislation to provide for involuntary detention</p>
2) Restoring the balance within our culture	<p>Sustained community awareness to change community attitudes and encourage a safe and sensible approach to alcohol use.</p>	<p>2.1 Develop a community awareness campaign</p> <p>2.2 Support the distribution and uptake of the revised <i>Australian alcohol guidelines for low-risk drinking</i></p> <p>2.3 Introduce more effective alcohol and other drug education in Victorian schools</p> <p>2.4 Support the Good Sports Program</p> <p>2.5 Introduce warnings on alcoholic energy drinks</p>

**Figure 16.3** Summary of actions within *Restoring the balance – Victoria’s Alcohol Action Plan 2008-2013 (continued)*

	Initiative	Actions
3) Restoring the balance for our community	<p>Properly enforced controls on the sale and marketing of alcohol.</p> <p>Preventing and reducing the consequences of excessive alcohol use such as alcohol-fuelled violence.</p>	<p>3.1 Enhance enforcement of the <i>Liquor Control Reform Act 1998</i></p> <p>3.2 Review liquor licensing fees</p> <p>3.3 Review obligations of managers and employees of licensed premises</p> <p>3.4 Consider introducing underage operatives</p> <p>3.5 Review compliance with the Voluntary water guidelines</p> <p>3.6 Develop an assault reduction strategy</p> <p>3.7 Introduce late-hour entry restrictions</p> <p>3.8 Freeze issuing of late-night liquor licences</p> <p>3.9 Implement new security camera regulations</p> <p>3.10 Review patron numbers in high-risk venues</p> <p>3.11 Amend the Victoria planning provisions</p> <p>3.12 Consider a new rehabilitation system for high-risk drink-driving offenders</p> <p>3.13 Extend the zero blood alcohol concentration (BAC) limit for young drivers</p> <p>3.14 Conduct the Safe Streets public safety research and pilot evaluation</p>

**Figure 16.3** Summary of actions within *Restoring the balance – Victoria’s Alcohol Action Plan 2008-2013 (continued)*

	Initiative	Actions
4) Restoring the balance in partnership	Working with the Commonwealth and other state and territory governments to address alcohol-related issues on a national level.	4.1 Conduct research into alcohol product packaging and labelling 4.2 Reduce your people’s exposure to alcohol advertising 4.3 Explore actions to address secondary supply 4.4 Review the alcohol content in ready-to-drink-products 4.5 Support including alcohol in the National Illicit Drug Strategy Drug Diversion Initiative 4.6 Enhance alcohol diversion programs for your people

Source: *Victoria’s Alcohol Action Plan 2008-2013, p. 7*





## 16.2.2 Liquor Licensing Compliance Directorate

Another major feature of this plan is the establishment of a \$17.6 million Liquor Licensing Compliance Directorate, with the aim to significantly strengthen the government's enforcement of liquor licensing laws across Victoria. The initiative was developed as a result of the increasing number of liquor licenses being issued, and a concurrent increase in the amount of monitoring activity being conducted by Victoria Police, who are responsible for the monitoring and inspection of all liquor license holders under the *Liquor Controls Reform Act 1998*.

The number of liquor licenses has increased almost three fold since 1986, climbing from around 4,000 to more than 12,000 in 2004.<sup>336</sup> This increase occurred alongside an increase in the monitoring and inspection activity being conducted by Victoria Police. In 2004-05 alone, Victoria Police issued 2,914 on-the-spot infringement notices for breaches of the Act, and initiated 19 licensee disciplinary proceedings.<sup>337</sup>

The remit of the directorate will include looking at innovative means of enforcement such as using underage operatives as has been done to prevent tobacco sales to minors. The government hopes that the additional resources provided by the Liquor Licensing Compliance Directorate will free-up police from doing routine licence checks and enable their liquor licensing squad to focus on licensing issues that are directly causing violence in and around venues.<sup>338</sup>

With the anticipated establishment of this new directorate (within Consumer Affairs Victoria) in 2008-09, the Committee was concerned that, in spite of the significant funding being provided to establish the Directorate, there appeared to be no increase in the amount of inspections due to be carried out in 2008-09.<sup>339</sup> The Department of Justice responded to these concerns by advising that whilst the establishment of the Compliance Directorate will occur during 2008-09, a transfer of the routine inspection activity will be made to the Directorate staff during 2008-09, and from 2009-10 there will be approximately 25,000 inspections per year being conducted. The Committee was unable to establish the exact level of inspection activity which had occurred in 2007-08, or the levels of activity for the 2008-09 year. Police will remain focussed on higher-level licensing issues that directly create social harm in and around venues, whilst Directorate staff will handle the routine inspections.

Whilst the Committee understands that the establishment of the Directorate will provide Victoria Police with much needed assistance in the enforcement of the *Liquor Control Reform Act 1998*, it still believes that there is a lack of publicly available information on the objectives and benefits of the establishment of the Directorate. The Committee is of the view that Consumer Affairs Victoria (for whom responsibility of the Directorate will fall under) should provide detailed information on the objectives and expected activity levels of the Directorate.

**Recommendation 37:** **Consumer Affairs Victoria should improve transparency regarding the role, goals, objectives and estimated performance outputs of the Liquor Licensing Compliance Directorate by making such information available to Parliament in a timely manner.**

<sup>336</sup> Ministerial Council on Drug Safety, *National Alcohol Strategy 2006-2009*, May 2006, p.29

<sup>337</sup> Consumer Affairs Victoria, *2005-06 Annual Report*, p.113

<sup>338</sup> Consumer Affairs Victoria website media release ([www.premier.vic.gov.au/newsroom/victorias-alcohol-action-plan-to-restore-the-balance.html](http://www.premier.vic.gov.au/newsroom/victorias-alcohol-action-plan-to-restore-the-balance.html)), 2 May 2008

<sup>339</sup> Mr A. Robinson, Minister for Consumer Affairs, *2008-09 Budget Estimates hearing, transcript of evidence*, 21 May 2008, p.4

## 16.3 Indigenous Community and Cultural Development – Reconciliation of Outcomes and Outputs

### 16.3.1 National and State Frameworks for Indigenous Affairs

On 5 April 2002, the Council of Australian Governments (COAG) agreed to commission the Steering Committee for the Review of Commonwealth/State Service Provision to produce a regular report against key indicators of indigenous disadvantage. A core function of this report was to identify indicators that are of relevance to all governments and indigenous stakeholders and that can demonstrate the impact of programme and policy interventions.<sup>340</sup>

In May 2007, the Steering Committee for the Review of Commonwealth/State Service Provision produced the third report on *Overcoming Indigenous Disadvantage*.<sup>341</sup> The Report focused on the disadvantage experienced by many Indigenous people, arising from historical, social and economic causes and detailed the framework upon which Australian Governments have agreed to focus their policy attention. The framework established the following seven strategic areas for action which have been carried through into the Victorian Government's policy framework for Indigenous Affairs:

- early childhood development and growth (prenatal to 3 years);
- early school engagement and performance (preschool to year 3);
- positive childhood and transition to adulthood;
- substance abuse and misuse;
- functional and resilient families and communities;
- effective environmental health systems; and
- economic participation and development.

In October 2006, the Victorian Government published a new policy framework for Indigenous Affairs. *Improving the Lives of Indigenous Victorians – Victorian Indigenous Affairs Framework* (VIAF) established the principles for reform and the performance, partnership and strategic policy frameworks for the state. The overall objective of the VIAF is to improve the life expectancy and quality of life for Indigenous Victorians.

Linked to the seven nationally agreed strategic areas for action, the VIAF defined six short to medium term areas for action:

- improve maternal health and early childhood health and development;
- improve literacy and numeracy;
- improve year 12 completion or equivalent qualification and develop pathways to employment;
- prevent family violence and improve justice outcomes;
- improve economic development settle native title claims and address land access issues; and
- build Indigenous capacity.

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<sup>340</sup> Council of Australian Governments' Communiqué, 5 April 2002

<sup>341</sup> Steering Committee for the Review of Government Service Provision 2007, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Productivity Commission, Canberra.

The VIAF performance framework includes 22 strategic change indicators which relate to the six strategic action areas above. In December 2007, the Government released the *Victorian Government Indigenous Affairs Report 2006-07*. The report was the first of an annual reporting regime introduced with the VIAF to report on the Government's progress against its strategic change indicators. While the Committee commends the Government's intentions in producing this report, it found a lack of clear performance targets and timelines for delivery of objectives in both the VIAF and the Indigenous Affairs Report 2006-07.

While the VIAF provides the broad policy framework for managing Indigenous affairs in the state, the *Victorian Government Indigenous Affairs Report 2006-07* acknowledges that there are a number of other government programs that operate outside the VIAF which contribute to the quality of life of Indigenous Victorians. However, the Committee found it difficult to determine, from publicly available information, the full range of programs that impact on Indigenous Victorians and it would like to see more centralised monitoring and reporting of such programs.

**Recommendation 38:** **Aboriginal Affairs Victoria provide an overview of all government programs and initiatives that impact on Indigenous Victorians and monitor and report performance of these in a one centralised area.**

To assist in the delivery of the VIAF, a Ministerial Taskforce for Indigenous Affairs has been established by the Premier, while a Secretaries Group for Aboriginal Affairs has also been established to oversee the whole of government coordination of Indigenous affairs and to ensure the delivery of the VIAF. The Government has also established an Aboriginal Advisory Council to manage and oversee the engagement of local indigenous communities.

### **16.3.2 Investment in Indigenous Affairs**

The 2007-08 and 2008-09 Budgets provided an accumulative \$55.7 million in additional funding to improve the lives of Indigenous Victorians. The funds are split across the ten programs as detailed in table 16.4.

**Table 16.4: Budget Investment in Improving the Lives of Indigenous Victorians**

Output Initiative	TEI (\$ million)
2007-08 Budget Initiatives	
Building capacity of Indigenous Victorians	5.1
Improved Koori Maternity Services	1.2
Improving the lives of young Indigenous Victorians	11.5
Koori Business Network	1.8
<b>2007-08 Budget Total Estimated Investment</b>	<b>19.6</b>
2008-09 Budget Initiatives	
Enhanced and expanded residential care	4.1
Strengthening aboriginal organisations	3.8
Improving outcomes for indigenous children in early childhood and at school	25.3
Youth employment program	2.0
Koori County Court	0.6
Indigenous leadership strategy initiatives	0.4
<b>2007-08 Budget Total Estimated Investment</b>	<b>36.2</b>

Source: 2007-08 Budget Paper No. 3 Service Delivery, p. 274

2008-09 Budget Paper No. 3 Service Delivery, p. 292

The new budget allocations since the release of the VIAF in October 2006, as detailed in table 16.4, bear close relation to VIAF Strategic Actions. These new funding allocations are recorded in the budget papers as Government-wide output initiatives and have a combined impact on the 12 major budget outputs across five Departments.

### **16.3.3 Major Outputs and Performance Measures**

The 2008-09 Budget papers contains only one major output which relates directly to Indigenous affairs, *Indigenous Community and Cultural Development*. However, analysis of the Departmental Output Statements in Budget Paper No. 3 identified a total of five major outputs which have associated performance measures that relate to Indigenous Affairs. In total, the 2008-09 Budget papers include 21 performance measures that relate directly to Indigenous Affairs. These are detailed in Table 16.5:

**Table 16.5: Major Outputs/Deliverables and performance measures that relate to indigenous communities**

<b>Department</b>	<b>Major Outputs/Deliverables and Performance Measures</b>
Department of Human Services	Long Term Housing Assistance
	Number of households assisted (public, aboriginal and community long-term tenancies at end of year)
Department of Planning and Community Development	Indigenous Community and Cultural Development
	Formal consultations with Aboriginal communities concerning community building and cultural heritage management activities and government issues
	Governance training programs supported
	Heritage projects jointly developed and carried out with Aboriginal communities
	Heritage training activities addressing community identified priority issues
	Local Indigenous representation groups established
	Meetings of Aboriginal Heritage Council supported
	Verified records added to heritage data base
	Increase in board members undertaking governance training
	Local Indigenous groups developing local plans
	Proportion of Indigenous community organisations receiving funding from multiple departments on a single funding agreement
	High priority cyclical building maintenance works completed within stipulated time frames
	Lake Tyers projects: completed within set timeframes
	Proportion of Community Infrastructure feasibility studies completed within agreed time
Department of Education and Early Childhood Development	Early Years (schools)
	Percentage of Year 3 Indigenous students reaching national benchmarks in reading
	Percentage of Year 3 Indigenous students reaching national benchmarks in numeracy
	Koorie home school liaison officers employed
	Koorie educators employed
	Middle Years (schools)
	Percentage of Year 5 Indigenous students reaching national benchmarks in reading
Percentage of Year 5 Indigenous students reaching national benchmarks in numeracy	
Department of Justice	Community Safety and Crime Prevention
	Crime prevention initiatives established to support the Koori community

Source: 2008-09 Budget Paper No.3 Service Delivery, pp.68-70, 116, 174, 185-203

A wide range of Government programs impact on the lives and wellbeing of Indigenous Victorians, as evidenced by the spread of initiatives and outputs identified in tables 16.4 and 16.5. However the Committee is concerned that the outcomes associated with these programs are not clearly established in the Departmental Output Statements in the budget papers. This makes it difficult to determine the effectiveness of the Government in delivering these programs.

This was further evidenced in the Estimates Hearing with the Minister for Aboriginal Affairs, where the Minister advised the Committee that only one of the new output initiatives listed in the 2008-09 Budget related to his portfolio.

While the committee recognises the difficulty in presenting government-wide output initiatives in a budget paper where outputs are listed according to department, it would like to see more done to ensure that new output initiatives are not simply lost among the existing budget paper outputs and performance measures.

Specifically, in the case of Indigenous affairs, the outputs and performance measures included in the 2008-09 Budget bear little reference to either the VIAF strategic actions or the new output initiatives of the 2007-08 and 2008-09 Budgets. The Committee Recommends that:

**Recommendation 39:**

**That the Government review the Departmental Output Statements in Budget Paper No. 3 with a view to ensuring that the strategic actions identified in the Victorian Indigenous Affairs Framework are adequately reflected.**

## 16.4 Strengthening the Justice System and Ensuring the Corrections System can meet Increasing Demand

### 16.4.1 Introduction

The main purpose of the Department of Justice is to assist the government to achieve its vision of a 'safe and just Victoria'. While the Department is responsible for six portfolios, this chapter will focus on specific aspect of the portfolios of the Attorney General and the Minister for Corrections.

The 2008-09 Budget contains 15 major Department of Justice outputs, relating to eight key areas. Total expenditure in 2008-09 across these eight areas is estimated to be \$3.6 billion, an increase of 13.5 per cent over the previous year. Two of these areas, Dispensing Justice (\$415 million in 2008-09) and Enforcing Correctional Orders (\$570 million in 2008-09) are the focus of this chapter.

#### (a) The Justice System

The justice system in Victoria has two main separate systems:<sup>342</sup>

- the Criminal Justice System. Brings together a number of agencies to prevent, detect and prosecute crimes, support victims of crime, dispense justice and manage offenders in correctional settings; and
- the Civil Justice System. A network of courts and legal processes that provides a just and accessible means of resolving civil disputes at the lowest appropriate level and enforces, restores and protects private and personal rights.

In May 2004, the Attorney-General released the Justice Statement. It outlined the Government's vision for the justice system in Victoria in light of challenges facing the system including the over-representation of disadvantaged groups in the criminal justice system and finding new approaches to address the high cost of litigation and to make dispute resolution more accessible. The Justice Statement identified 25 major initiatives to be completed by 2014 within the following categories:

- reforming criminal law and procedure;
- modernising the courts;
- modernising the legal profession;
- resolving civil disputes earlier;
- promoting human rights and reducing systemic discrimination;
- improving responses to victims of crime;
- developing problem solving courts to address the causes of crime; and
- improving access to legal advice, information and assistance.

*Dispensing Justice* has two major outputs, *Court Matters and Dispute Resolution*, and *Public Prosecutions*. The 2008-09 Budget provided \$415.2 million in 2008-09 to address these outputs with \$198.2 million in new funding to be applied over four years to strengthen the justice system, reduce delays and improve the experience of Victorians in dealing with courts and the judicial system.

<sup>342</sup> Department of Justice, *Annual Report 2006-07*, pp.6-7



**(b) The Corrections System**

The Victorian corrections system includes more than 50 community correctional facilities and 13 prisons across the state, each catering to the specific needs and requirements of its inmates.

Enforcing Correctional Orders also has two major outputs, Prisoner Supervision and Support, and Community Based Offender Supervision. The 2008-09 Budget provided \$570 million in 2008-09 to address these outputs, with \$603.6 million in new funding to be applied over four years to ensure the corrections system can meet increasing demand and protect the Victorian community.

**16.4.2 Justice System Improvements**

During the budget estimates hearings, the Committee questioned the Attorney-General on the performance of the Courts in relation to waiting lists and waiting times. Budget paper No.3 Service Delivery, includes one measure of timeliness across all courts as detailed in table 16.6

**Table 16.6: 2008-09 Budget Paper Performance Measure**

	<b>2006-07 Expected Actual (Per Cent)</b>	<b>2007-08 Expected Actual (Per Cent)</b>	<b>2008-09 Target (Per Cent)</b>
Court Matters and Dispute Resolution			
Criminal and non-criminal matters disposed within agreed timeframes.	81	79	80

Source: Department of Treasury and Finance, Budget Paper No. 3 Service Delivery, p.171

This measure was introduced in the 2007-08 Budget to consolidate the ‘matters disposed within agreed timeframes’ measures and was achieved by averaging the individual performance targets for the Supreme, County, Magistrates’, Children’s and Coroner’s Courts as well as the State Coroners Office, the Victorian Civil and Administrative Tribunal (VCAT) and the Dispute Settlement Centre of Victoria (DSCV).

For the purpose of clarity, the Committee requested a breakdown of this information for each court in Victoria (see table 16.7).

**Table 16.7: Court Performance (Timeliness)**

Matters disposed within agreed timeframes		2006-07 Actual	2007-08 Expected Actual	2008-09 Target
		(Per Cent)	(Per Cent)	(Per Cent)
Supreme Court	Civil cases disposed of within 12 months of commencement	85	75	75
	Criminal cases disposed of within 12 months of commencement	81	75	75
County Court	Civil cases disposed of within 12 months of commencement	51	50	45
	Criminal cases disposed of within 12 months of commencement	84	80	80
Magistrates' Court	Proportion of matters finalised within 12 months VOCAT	53	68	60
	Proportion of matters finalised within 6 months CFV	97	97	97
	Proportion of matters finalised within 6 months Civil	79	79	75
	Proportion of matters finalised within 6 months Criminal	88	88	85
Children's Court	Criminal division matters finalised within 6 months	88	85	85
	Protection applications finalised within 6 months	77	80	80
Coroner's Court	Matters finalised within target elapsed time benchmarks	75	75	75
VCAT	Matters finalised within target elapsed time benchmarks	90	90	90
DSCV	Matters finalised within target elapsed time benchmarks	85	82	82
<b>2008-09 Budget Paper Figures</b>		-	<b>79</b>	<b>80</b>

Source: Department of Justice, response to Questions on Notice (Appendix 4)  
Department of Justice, Annual Report 2006-07, pp.108-112

Court performance between 2006-07 and 2007-08 fell across six of the 13 measures of timeliness, while performance rose in only two measures. Likewise, eight of the targets identified for 2008-09 are lower than either the 2006-07 actual or the 2007-08 estimated actual.

The Committee understands, and appreciates that the Government has taken significant steps in the last few years to reduce the number of output measures to a more accessible level. However, it believes that given the significant variations in the performance of individual courts, ranging from 50 per cent to 97 per cent in 2007-08, the measures identified in table 16.7 should be included within the Budget Papers. The Committee believes that the removal of these measures from the budget papers hampers the ability of Parliament to effectively gauge performance in an area identified as a high priority in the Justice Statement and reflected in the new funding associated with this output (\$198.2 million).



**Table 16.8: New Investment in the Justice System 2008-09 (continued)**

	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>Total</b>
	<b>(\$ million)</b>	<b>(\$ million)</b>	<b>(\$ million)</b>	<b>(\$ million)</b>	<b>(\$ million)</b>
<b>Asset Funding</b>					
Children's Court Workload and Resourcing	0.3	0.1	-	-	<b>0.4</b>
Evidentiary Audio Visual Recording Equipment	7.5	9.2	2.4	-	<b>19.1</b>
Improving Dispute Resolution Services	0.2	0.1	-	-	<b>0.3</b>
Magistrates' Court – Safety, Security and Risk Management	2.0	-	-	-	<b>2.0</b>
Melbourne Legal Precinct Master Plan – Old County Court Refurbishment	17.5	5.0	-	-	<b>22.5</b>
Mortuary Services(a)	-	-	10.0	18.0	<b>38.0</b>
Reducing Court Delays – Supreme Court	0.3	0.2	-	-	<b>0.5</b>
Sexual Assault Reform (Rural and Regional and Geelong)	0.8	0.4	-	-	<b>1.2</b>
<b>Asset Investment Total</b>	<b>28.6</b>	<b>15.0</b>	<b>12.4</b>	<b>18.0</b>	<b>84.0</b>
<b>Total</b>	<b>50.5</b>	<b>42.3</b>	<b>43.5</b>	<b>51.9</b>	<b>198.2</b>

Notes: (a) The TEI includes 10 million funding in 2012-13

Source: Department of Treasury and Finance, 2008-09 Budget Paper No. 3, pp.335-342

The new funding for the justice system, as detailed in table 16.8 is a combination of asset and output funding to address eight programs. The largest investment in 2008-09 is \$61.8 million, to provide a more modern and responsive forensic pathology service within the State’s mortuary service. This funding will enable the employment of five additional forensic pathologists, a trainee forensic pathologist and related scientific staff, and the upgrading of facilities at the Victorian Institute of Forensic Medicine.<sup>343</sup>

During the Estimates Hearings the Attorney-General advised the Committee that court matters are becoming more complex and as they become more complex, are more difficult to settle out of Court. Consequently, more cases are being heard in Court which is having a knock-on effect on the time taken to dispose of cases. To combat this, the 2008-09 Budget includes \$17.7 million to improve dispute resolution services. This funding will enable a range of initiatives including:<sup>344</sup>

- an expansion of dispute resolution services in rural and regional locations;
- enhancing court annexed mediation in the Magistrates’ Court; and
- providing additional resources in each of the Supreme and County Courts for judge-led mediation.

### **16.4.3 Corrections System Improvements**

The 2008-09 Budget provided \$603.6 million in new funding over four years to improve the corrections system, with \$287 million in output funding and \$316.6 million in asset investment. Table 16.9 details the estimated budgeted funding over four years.

**Table 16.9: New Investment in the Corrections System 2008-09**

	<b>2008-09</b> <b>(\$ million)</b>	<b>2009-10</b> <b>(\$ million)</b>	<b>2010-11</b> <b>(\$ million)</b>	<b>2011-12</b> <b>(\$ million)</b>	<b>Total</b> <b>(\$ million)</b>
<b>Output Funding</b>					
Better Pathways	3.8	3.9	-	-	7.7
Building Confidence in Corrections	53.2	65.1	73.3	83.0	274.6
Major Crimes	1.1	1.2	1.2	1.2	4.7
<b>Output Funding Total</b>	<b>58.1</b>	<b>70.2</b>	<b>74.5</b>	<b>84.2</b>	<b>287.0</b>
<b>Asset Funding</b>					
Building Confidence in Corrections <sup>(a)</sup>	78.2	92.3	98.8	44.4	316.6
<b>Asset Funding Total</b>	<b>78.2</b>	<b>92.3</b>	<b>98.8</b>	<b>44.4</b>	<b>316.6</b>
<b>Total</b>	<b>136.3</b>	<b>162.5</b>	<b>173.3</b>	<b>128.6</b>	<b>603.6</b>

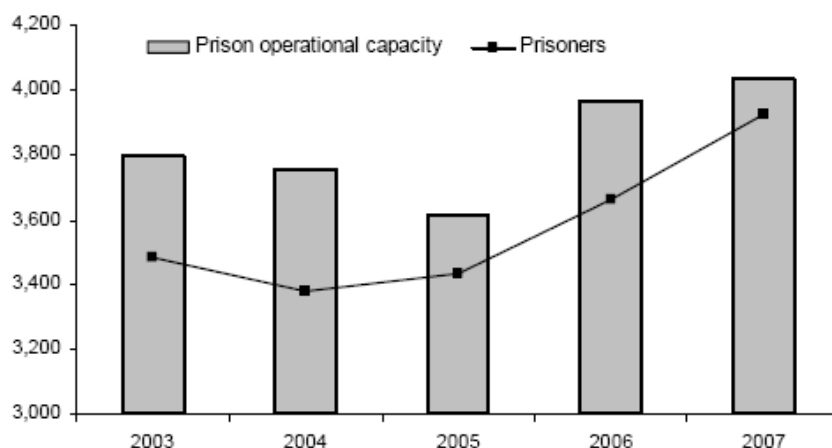
Notes: (a) the TEI includes \$2.9 million funding in 2012-13

Source: Budget Paper No. 3 Service Delivery, 2008-09, pp. 335-341

<sup>343</sup> Department of Treasury and Finance, Budget Paper No. 3 Service Delivery, 2008-09, pp.335-341  
<sup>344</sup> ibid. pp.337

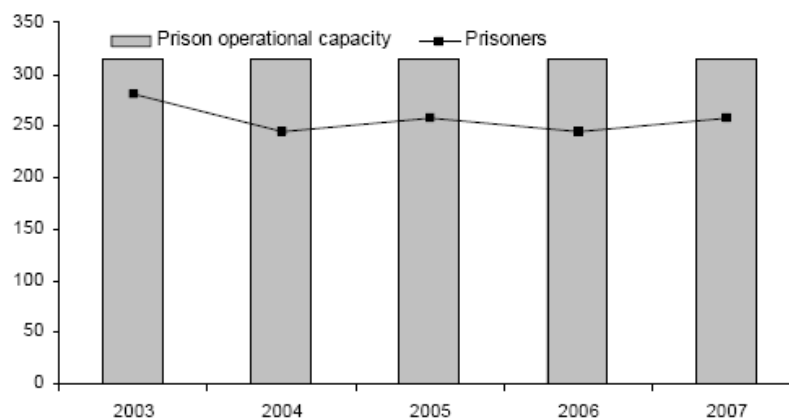
Victoria's prison population is increasing. In June 2003, there were 3,763 prisoners in Victorian prisons. Since then, this figure has increased by 11.2 per cent to 4,183.<sup>345</sup> Correspondingly, while capacity has increased by 5.8 per cent, prison utilisation rates rose from 91.6% in 2003 to 96.2 per cent in June 2007. This has increased the pressure on the State's corrections system and provided the impetus for the Government's new initiative Building Better Confidence in Corrections.<sup>346</sup> Figures 16.10 and 16.11 detail the trends in male and female prisons in Victoria from 2003 to 2007.

**Figure 16.10: Prisoner numbers and prison operational capacity - men's prisons at 30 June 2003 to 30 June 2007**



Source: Corrections Victoria, *Statistical Profile Of The Victorian Prison System 2002-03 to 2006-07*, p. 8

**Figure 16.11: Prisoner numbers and prison operational capacity - women's prisons at 30 June 2003 to 30 June 2007**



Source: Corrections Victoria, *Statistical Profile Of The Victorian Prison System 2002-03 to 2006-07*, p. 9

Of the \$603 million of new funding in the budget papers that relates to improvements in the corrections system, \$591.2 million (98 per cent) is attributed to the Building Confidence in Corrections initiative. Building Confidence in Corrections provides for the expansion of the male prison system, including the construction of a new 350 bed prison at Ararat and expansion of capacity at various existing prison sites. Funding will also allow the Government to continue its detention scheme for high risk sex offenders and expand post release housing support initiatives to reduce the risk of reoffending.

<sup>345</sup> Corrections Victoria, *Statistical Profile Of The Victorian Prison System 2002-03 to 2006-07*, p.8  
<sup>346</sup> *ibid.* p.9

## 16.5 Level crossing safety package

### 16.5.1 Background

The Committee noted that the Australian Institute of Health and Welfare found in its national overview of serious non-fatal injury in Australia due to transport accidents involving a railway train, including level crossing accidents, that major railway disasters are uncommon. However, when they do occur, they often involve a number of fatalities as well as persons seriously injured. While it is usual for there to be a small number of fatalities, occasionally many deaths occur such as the level crossing crash near Kerang in 2007 with 11 fatalities.<sup>347</sup> The Institute reported that from 2001-02 to 2005-06, Victoria had the highest number of level crossing-related hospitalisations with 129 or 51.8 per cent out of the 249 persons seriously injured in Australia as a result of a transport accident involving a collision with a train at a level crossing (Queensland with 50 hospitalisations was the second highest). In terms of the circumstances surrounding the injury, of the 129 hospitalisations in Victoria over the five year period, 52 related to injuries to occupants of cars while 49 related to injuries to pedestrians injured in the collision with trains. Victoria had the second highest number of public level crossings, next to Queensland.<sup>348</sup>

Ensuring level crossings are safe for road, rail and pedestrian traffic is an important priority for the Victorian Government. As part of the transport and liveability statement, *Meeting Our Transport Challenges*, the government has increased funding for level crossing upgrades.<sup>349</sup> The Committee is aware that:

- \$10.8 million was allocated over four years in the 2005-06 Budget for the Level Crossing Upgrade Program;<sup>350</sup>
- activities associated with the upgrade of public railway crossings forms part of the Department of Infrastructure's Public Transport Safety and Regulation output;<sup>351</sup> and
- the government has provided \$33.2 million over four years from 2007-08 to 2010-11 as part of the Level Crossing Safety Package (refer to sections 16.4.2 and 16.4.3 of this chapter for further comments).

As at 12 May 2008, there were 1,872 road level crossings on active rail lines in Victoria. The various types of level crossings are shown in table 16.12.

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<sup>347</sup> Australian Institute of Health and Welfare, *Serious injury due to transport accidents involving a railway train, Australia, 2001-02 to 2005-06*, p.1

<sup>348</sup> *ibid.*, pp.13 and 18

<sup>349</sup> [www.transport.vic.gov.au](http://www.transport.vic.gov.au), accessed 19 September 2008

<sup>350</sup> *ibid.*

<sup>351</sup> Budget Paper No.3, *2008-09 Service Delivery*, p.123

**Table 16.12: Road Level Crossings on Active Rail Lines in Victoria  
12 May 2008**

Type of crossing	Number	Percentage %
Crossings with Give Way signs	936	50.0
Crossings with flashing lights and warning bells	398	21.3
Crossings with boom barriers	360	19.2
Crossings with stop signs	151	8.1
Crossings with another form of protection e.g. traffic lights, position markers or interlocked gates	27	1.4
<b>Total</b>	<b>1,872</b>	<b>100.0</b>

Source: [www.doi.vic.gov.au](http://www.doi.vic.gov.au), accessed 19 September 2008

The government upgraded 153 level crossings during 2005-06 and 2006-07 and expects that a further 46 would be improved in 2007-08.<sup>352</sup> The government has set a target for 45 public railway crossings to be upgraded in 2008-09.<sup>353</sup>

In terms of developments at a national level to ensure that a system-wide approach to level crossing safety is adopted, the Committee observed that:

- rail level crossing working groups were considering a range of safety improvements at level crossings such as nationally consistent speed reductions in the lead-up to crossings, advance warning systems on approaches to crossings and the trialling of cameras;<sup>354</sup>
- when the Australian Transport Council met on 2 May 2008, Ministers agreed to the development of a package of railway level crossing safety initiatives, including consideration of:<sup>355</sup>
  - a major trial of low-cost level crossing treatments;
  - national media and enforcement initiatives for level crossings;
  - other best practice initiatives to improve level crossing safety; and
- the National Transport Commission, in its Strategic Plan for 2008-09 to 2010-11, earmarked as a high priority the development of enforcement guidelines to support improved safety at level crossings.<sup>356</sup>

On 14 May 2008, the Minister for Public Transport released the results of a two year audit of every road level crossing in Victoria. The Australian Level Crossings Assessment Model (ALCAM) results were available to road and rail safety experts as well as local councils, VicRoads and other stakeholders to use as the basis for level crossing improvements (further comments are included in section 16.4.4 of this chapter).<sup>357</sup>

<sup>352</sup> Hon. L Kosky MP, Minister for Public Transport, 2008-09 Budget Estimates hearing, 14 May 2008, p.3

<sup>353</sup> Budget Paper No.3, 2008-09 Service Delivery, pp.123-124

<sup>354</sup> Victoria's Road Safety Committee, Inquiry into Safety at Level Crossings, Mr T. Sargant, General Manager, Safety and Asset Management, Department of Infrastructure, transcript of evidence, 3 March 2008, p.2

<sup>355</sup> Australian Transport Council, Joint Communique, 2 May 2008, p.5

<sup>356</sup> National Transport Commission, 2008-09 to 2010-11 NTC Strategic Plan

<sup>357</sup> Hon. L Kosky MP, Minister for Public Transport, media release, *Victoria's level crossing audit sets foundation for Brumby Government to build on rail safety record*, 14 May 2008



The Committee noted that according to the Minister for Public Transport, the government intended to request the Victorian Rail Crossing Safety Steering Committee, which includes experts from the Department of Infrastructure, VicRoads, VicTrack and rail operators, to research new technologies to help improve level crossing safety, particularly GPS devices and radio signalling.<sup>358</sup>

The Committee also noted that the Victorian Parliament's Road Safety Committee, by resolution of the Legislative Council on 18 July 2007, has been assigned the reference to inquire into and report on existing, new and developing technologies for implementation to improve safety at level crossings. The report date for this inquiry has been extended from 29 February 2008 to 31 October 2008.<sup>359</sup>

The Auditor-General's Office Annual Plan for 2007-08 included a prospective limited scope review for 2009-10 titled "*Status of rail safety initiatives and the potential impact of outstanding works (including level crossing improvement program)*".<sup>360</sup> In the Annual Plan for 2008-09, the Auditor-General has included a wider banner titled "*Assessment of major rail projects, including project outcomes*".<sup>361</sup>

The Committee looks forward to monitoring developments in this area over the ensuing years.

### **16.5.2 Funding package to improve safety at level crossings**

On 25 June 2007, the Premier announced a program to improve level crossing safety in Victoria. Under the program, every rail crossing on a Highway in regional Victoria is to have flashing early warning signs as part of a \$33.2 million package to improve safety at level crossings across the state.<sup>362</sup> The package also included new penalties and laws relating to enforcement. A summary of the Level Crossing Safety package, which contains extra safety measures in addition to the annual program, is shown in table 16.13.

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<sup>358</sup> The Office of the Premier, Media release, *Major program to improve level crossing safety in Victoria*, 25 June 2007

<sup>359</sup> [www.parliament.vic.gov.au/rsc/Crossings/lc](http://www.parliament.vic.gov.au/rsc/Crossings/lc), accessed 19 September 2008

<sup>360</sup> Victorian Auditor-General's Office, *Annual Plan 2007-08*, p.23

<sup>361</sup> *ibid.*, p.27

<sup>362</sup> The Office of the Premier, Media release, *Major program to improve level crossing safety in Victoria*, 25 June 2007

**Table 16.13: The Level Crossing Safety Package  
Description of components and associated funding**

Component	Description	\$ Million	Percentage
53 automated advance warning signs	To be installed at all 26 level crossings on Highways and a further 27 high road traffic volume sites. The flashing lights are to be activated automatically when a train is approaching to warn motorists well in advance of reaching the crossing.	11.1	33.4
Installation of rumble strips at 200 crossings	Rumble strips to be installed on each side of 200 level crossings in regional Victoria. These raised road strips will physically alert motorists to upcoming level crossing signage.	11.7	35.2
The Don't risk it! Awareness campaign	The campaign will be updated to incorporate new measures and laws, and will be distributed via print, radio and television and school programs.	2.0	6.0
Line of sight improvements	An accelerated program of works will occur at approximately 75 level crossings to eliminate any 'line of sight' problems such as overgrown vegetation.	3.0	9.0
Trial of compliance cameras	A trial of compliance 'red light' cameras will be undertaken at two major level crossings – one metropolitan and one regional	1.8	5.4
Program management		3.6	10.8
<b>Total</b>		<b>33.2</b>	<b>100.0</b>

Notes: (a) *the Level Crossing Safety Package includes enforcement provisions whereby penalties for level crossing infringements will be strengthened, rising from \$177 and three demerit points to \$430 and four demerit points. A new offence will also be introduced for speeding to beat a train, crossing tracks when lights and bells are operating, or weaving in between boom-gates that are down. It will carry a fine of 30 penalty units (\$3,304), four demerit points and automatic three month licence suspension*

Source: *The Office of the Premier, Media release, Major program to improve level crossing safety in Victoria, 25 June 2007*

### **16.5.3 Allocation of level crossing safety package over the forward estimates**

The way in which the funding for the Level Crossing Safety Package is reflected in the budget papers over the forward estimates is explained in table 16.14. Under the Department of Infrastructure's Public Transport Safety and Regulation output, the Committee noted that against the target for 40 public railway crossings to be upgraded in 2007-08, the expected outcome was for 46 upgrades to occur in 2007-08, which demonstrated the government's commitment to continue improving level crossing safety across Victoria. The expected total cost for this output of \$29.9 million was also significantly above the target of \$20.0 million for that year, reflecting the additional funding provided post the 2007 budget.<sup>363</sup>

<sup>363</sup> Budget Paper No.3, 2008-09 Service Delivery, pp.123-124 and 127

**Table 16.14: Level Crossing Safety Package  
Presentation in the budget papers over the forward estimates**

Item	2007-08	2008-09	2009-10	2010-11	Total
	\$ Million	\$ Million	\$ Million	\$ Million	\$ Million
<b>2007-08 Budget Update</b>					
Output initiatives : government -wide					
Level Crossing Infrastructure	4.2	1.0	1.0	2.2	8.4
Pilot Compliance Cameras	0.6	0.6	...	...	1.2
Sub-total	4.8	1.6	1.0	2.2	9.6(a)
Asset initiatives : government -wide					
Level Crossing Infrastructure	13.8	6.4	2.7	...	22.9
Pilot Compliance Cameras	0.6	...	...	...	0.6
Sub-total	14.4	6.4	2.7	...	23.5
<b>Total output and asset initiatives</b>	<b>19.2</b>	<b>8.0</b>	<b>3.7</b>	<b>2.2</b>	<b>33.1</b>

Note: (a) the forward estimates contained in the 2008-09 Budget include \$1.5 million in 2011-12

Sources: 2007-08 Budget Update, pp.113-114 and Budget Paper No.3, 2008-09 Service Delivery, pp.290 and 301

#### **16.5.4 Risk assessment to assist in prioritising crossings for upgrading**

The Committee noted that the government had undertaken a two year survey of all road and pedestrian railway crossings in Victoria to assist in the identification of railway ‘blackspots’ and provide the basis for prioritising crossings for upgrading using the Australian Level Crossing Assessment Model (ALCAM) method of risk assessment.<sup>364</sup>

At the budget estimates hearing, the Committee heard from the Minister for Public Transport that ALCAM, a nationally agreed assessment, is based on the likelihood of an accident and the consequences if there is an accident. It takes into account rail and road traffic volumes, weather conditions and the types of vehicles (e.g. carrying large numbers of people or single cars).<sup>365</sup> There are some 40 risk characteristics and controls which are considered by the model, which then produces a Likelihood Factor for the crossing. The Likelihood Factor indicates whether a crossing is categorised as ‘high-medium-low’ risk, with safety hazards that require priority attention.<sup>366</sup> Multiplying the Likelihood Factor by the number of trains and vehicles using the crossing (exposure rating) gives the Total Risk Exposure Score. This allows comparison of the relative risk between different level crossings, which enables priorities to be set for future safety improvement works.<sup>367</sup> Level crossings are ranked in terms of a risk score.

<sup>364</sup> [www.transport.vic.gov.au](http://www.transport.vic.gov.au), accessed 19 September 2008

<sup>365</sup> Hon. L Kosky MP, Minister for Public Transport, 2008-09 Budget Estimates hearing, transcript of evidence, 14 May 2008, p.14

<sup>366</sup> Director of Public Transport and the Victorian Rail Industry Operators Group, *Criteria for Infrastructure at Railway Level Crossings – Occupation Crossings*, p.12

<sup>367</sup> *ibid.*, p.13

The Committee noted that the five crossings with the highest risk scores were as follows:<sup>368</sup>

(1)	Springvale Rd	Nunawading	Richmond-Ringwood route
(2)	Springvale Rd	Springvale	Caulfield-Dandenong route
(3)	Mitcham Rd	Mitcham	Richmond-Ringwood
(4)	Main Rd	St Albans	North Melbourne-Sydenham
(5)	Furlong Rd	St Albans	North Melbourne-Sydenham

With regard to providing a contextual background to the risk assessment to assist in understanding the outcome, the Minister brought to the Committee's attention that:<sup>369</sup>

- given that ALCAM is a dynamic assessment at a particular point of time, rankings will change as level crossing upgrades are completed;
- every level crossing is dangerous if people do not obey the rules;
- a recent report by the Australian Transport Safety Bureau found that in almost all cases driver error was the cause of a level crossing accident;
- the outcome is not an assessment of the danger, but rather the risk assessment provides a priority listing for the sorts of works that might be done to actually affect driver behaviour in a sense; and
- the top ranked crossings already have boom gates, flashing lights and warning bells in place and, as such, the issue of enforcement as well as ensuring drivers are doing the right thing at those level crossings become important (these 200 crossings have a higher rating because of the volume of road traffic which passes across them).

The Committee also noted that the list does not categorise crossings as 'most safe' or 'least safe' because the government claims that all level crossings are safe if drivers obey the signs and take care.<sup>370</sup> At the budget estimates hearing, the Minister for Public Transport stated that the government is transparent about the level crossing upgrade program as the crossings have been nominated.<sup>371</sup> The Minister informed the Committee, however, that:<sup>372</sup>

*"I think it is very dangerous to be talking about the most dangerous level crossings versus the others, because it actually gives the impression to people that, when they get to a level crossing that is at a lower number, somehow it is safe to break the law and to actually do the wrong thing — it is not. It is not in order of the most dangerous; it is a risk assessment on the basis of volumes of traffic — rail and road — and local conditions, and a number of other issues about vehicle occupancy as well, whether it is passenger train versus rail freight train, or whether it is a larger vehicle carrying quite a number of passengers versus a car or versus a truck. So it takes into account all those sorts of issues."*

The Committee welcomed the commitment given by the Minister to provide information to Members of Parliament about the model on which the process is based if they have genuine

<sup>368</sup> [www.transport.vic.gov.au/Railway](http://www.transport.vic.gov.au/Railway) crossing safety initiatives, level crossing assessments, Priority List 12 May 2008

<sup>369</sup> Hon. L Kosky MP, Minister for Public Transport, 2008-09 Budget Estimates hearing, transcript of evidence, 14 May 2008, p.20 and Hon. L Kosky, media release, *Victoria's level crossing audit sets foundation for Brumby Government to build on rail safety record*, 14 May 2008

<sup>370</sup> Hon. L Kosky MP, Minister for Public Transport, media release, *Victoria's level crossing audit sets foundation for Brumby Government to build on rail safety record*, 14 May 2008

<sup>371</sup> Hon. L Kosky MP, Minister for Public Transport, 2008-09 Budget Estimates hearing, transcript of evidence, 14 May 2008, p.22

<sup>372</sup> *ibid.*, p.21

requests about particular level crossings.<sup>373</sup> However, the Committee notes that the basis of prioritisation of works needs to be made more transparent, given the time and investment undertaken by the Department of Transport in technical assessments for each level crossing, as alerted by the Minister for Public Transport.<sup>374</sup>

To assist interested parties understand the process involved in undertaking the risk assessment of level crossing safety and the identification of safety improvement works that may be undertaken by authorities, the Committee considers that more information should be provided by the government to explain the ALCAM model and the particular deficiencies that have been highlighted at high risk level crossings throughout Victoria.

**Recommendation 42:**

**The Department of Transport publish on its website:**

- (a) a plain English summary of the Australian Level Crossing Assessment Model; and**
- (b) further details on the risk scores and risk rankings.**

Ensuring that rail level crossings are safe is an important priority for the Victorian Government and the wider community in general. The Committee believes the Department of Transport should provide the following information (e.g. in its annual report):

- a consolidated summary of the crossings assessed as requiring priority works, together with the risk mitigation treatments to be applied at those crossings;
- the safety improvement works that have been undertaken at the level crossings; and
- a timeline for planned safety improvement works.

**Recommendation 43:**

**The Department of Transport provide the following information (e.g. in its annual report) relating to the unfolding of the level crossing safety program:**

- (a) the particular crossings assessed as requiring priority works, together with the associated risk mitigation treatments to be applied at each crossing in summary form;**
- (b) the safety improvement works that have been undertaken at each level crossing; and**
- (c) a timeline covering the safety improvement works that are planned to be undertaken.**

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<sup>373</sup> Hon. L Kosky MP, Minister for Public Transport, 2008-09 Budget Estimates hearing, transcript of evidence, 14 May 2008, p.22

<sup>374</sup> *ibid.*, p.21