

Questions taken on notice and further information agreed to be supplied at the hearings

Portfolio:	Minister for Public Transport
Witness:	
Committee member:	Mr Richard Riordan MP
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Relevant text:

Budget Paper Number 3, p.339, and more specifically to the 2nd performance measure down the page which is: 'Regulatory interventions conducted on high-risk or accredited rail transport operators'.

What sort of regulatory interventions are conducted and why, and can you please explain in much more detail – why the Targets and Actuals over time – for this measure have plummeted - from 142 Actual in 2017-18; to an Expected Outcome of 81 in 2018-19, to a Target of 80 in 2019-20?

Answer:

In 2017-18 TSV exceeded its target of 100 by 42 for the measure *Regulatory interventions conducted on high-risk or accredited rail transport operators*. This 2017-18 actual result reflects an increase in regulatory activity due to a focus on tram operations that occurred during the reporting year.

The frequency and type of regulatory activity is determined using the risk based regulatory approach of the Office of the National Rail Safety Regulator (ONRSR), which is applied to each operator. This ensures the regulatory activities are commensurate with the risk presented by the rail transport operator.

The target for this measure changed from 100 to 80 in 2019-20 because it is forecast that a change to the types of regulatory interventions will occur, in line with ONRSR's risk-based approach. This measure captures regulatory activities regarding audits, inspections and investigations.

Site visits, which are not captured in this measure, are becoming a preferred regulatory activity due to their alignment with the risk-based approach. By increasing site visit interventions, other activities relating to audits and inspections will decrease.

TSV will focus on site visits to observe railway operations and railway premises for the purpose of:

- Gathering information about a rail transport operator's railway operations;
- Seeking clarification about the nature of an incident or potential safety issue;
- Understanding the operator's railway risks and railway operations; and
- Observing a specific feature of an operator's railway operations.

Site visits allow the regulator to increase its regulatory presence by completing more regulatory interventions. This aligns to the risk-based regulatory approach where the appropriate regulatory intervention is commensurate with the risk presented by the railway operator.

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Roll backs in safety compliance activities of any magnitude is very worrying – let alone a roll back of 62 (2017-18: Actual - 142 – 2019-20: Target - 80) or almost 80% over 3 years for this published performance measure. What other cuts to safety and compliance activities on our transport system have you and your government made - putting at risk commuters, public transport staff, and the community at large?

Answer:

In 2017-18 TSV exceeded its target of 100 by 42 for the measure *Regulatory interventions conducted on high-risk or accredited rail transport operators*. This 2017-18 actual result reflects an increase in regulatory activity due to a focus on tram operations that occurred during the reporting year.

The frequency and type of regulatory activity is determined using the risk based regulatory approach of the Office of the National Rail Safety Regulator (ONRSR), which is applied to each operator. This ensures the regulatory activities are commensurate with the risk presented by the rail transport operator.

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Relevant text:

Budget Paper Number 3, p.340, more specifically the Total Output Cost performance measure for the Transport Safety and Security output at the bottom of the page.

For 2018-19 the Target, or the Budget for this output was \$374.3 million, and the 2018-19 Expected Outcome is \$27.3 million, a massive cut of \$347.0 million or 93 per cent.

The footnote explains this by saying that activities, performance measures and budgets have been moved to other outputs. Please provide an historic actual – total output cost from 2014-15 to 2017-18 for the activities and performance measures – shown and funded by the Transport Safety and Security output in the 2019-20 budget?

Answer:

	2017-18 Actual \$m	2016-17 Actual \$m	2015-16 Actual \$m	2014-15 Actual \$m
Total output cost for the activities and performance measures shown and funded by the Transport Safety and Security output	27.93	28.93	28.51	27.84

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Relevant text:

Please provide the committee with an historic actual output and capital cost from 2014-15 to 2017-18, separately for:

- a. metro and regional rail safety and compliance activities
- b. metro and regional bus/coach safety and compliance activities; and
- c. tram safety and compliance activities;

Answer:

The following output costs apply to the safety and compliance activities covered by the Transport Safety output:

- a. and c. Metro and regional rail and tram safety and compliance:

Rail and tram safety	Jun-14	Jun-15	Jun-16	Jun-17	Jun-18	May-19
Costs (\$m)	3.414	3.770	4.150	4.273	4,173	3.870

- b. Metro and regional bus/coach safety and compliance:

Bus safety	Jun-14	Jun-15	Jun-16	Jun-17	Jun-18	May-19
Costs (\$m)	1.707	1.772	2.023	1.953	1.990	2.011

The safety and compliance activities covered by the output do not attract any capital funding.

The Transport Safety Victoria (TSV) rail branch undertakes safety and compliance activities as set out in legislation for both metro and regional rail safety and compliance activities and tram safety and compliance activities. As such, historic output costs reflect the total costs for these activities.

Compliance activities carried out by Bus Safety Victoria (BSV) are conducted either solely by BSV officers or jointly with other enforcement agencies including Victoria Police (VicPol) and VicRoads.

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Relevant text:

Please provide the committee with a complete list of all safety and compliance activities funded by the public purse during 2018-19.

Answer:

BUS:

COMPLIANCE AND ENFORCEMENT TEAM

Compliance activities carried out by Bus Safety Victoria (BSV), a branch of Transport Safety Victoria (TSV), are conducted either solely by BSV officers or jointly with other enforcement agencies including Victoria Police (VicPol) and VicRoads. The compliance activities occur at metropolitan and regional route and school bus interchanges and tourist attractions. The duration of the activities varies from a one day event to an activity that can run over several days at the one location.

The purpose of carrying out compliance activities is to ensure:

- ensure the bus service is being operated by an appropriately permissioned person. Operators who provide bus services are required to be either accredited or registered depending on the type of bus service being provided;;
- the bus appears to be in a condition to enable the service to be provided safely;;
- the driver holds the appropriate driver's licence, accreditation and is complying with driver fatigue management law.

During 2018/19 there were 21 multi agency compliance activities and 20 activities carried out solely by BSV. As a result of these compliance activities 983 buses and drivers were scrutinised during the activities.

AUDIT TEAM

The Bus Safety Audit Team conducts safety audits of accredited and registered bus operators to check:

- Regulatory compliance
- Ability to manage safety risk
- Organisational safety culture

The audit regime is an intelligence led, risk-based program. Audit schedules are based on but not limited to the following:

- Incident follow up
- Annual Bus Safety Inspection – defect data

- Compliance data
- Complaint information
- Previous audit result

The Audit Team conducted 560 safety audits for the 2018/19 financial year, as per the BP3 measure.

ACCREDITATION AND REGISTRATION TEAM

The seven main work flows of the accreditation and registration team include:

1. Processing applications for bus operator accreditation
2. Processing applications for bus operator registration
3. Processing applications for exemption from conditions
4. Processing applications for variation to conditions
5. Processing bus operator changes in circumstances
6. Administering bus operator accreditation fees
7. Answering and responding to general enquiries from bus operators and members of the public both written and verbal.

The abovementioned activities are all driven by public demand and therefore outputs are unknown prior to each reporting period.

RAIL:

Within Victoria, rail regulation exists under a dual regime. TSV is responsible for the regulation of 'local' rail operators under Victorian rail legislation: ten Tourist & Heritage rail operators and one light rail operator (Yarra Trams). These operators are located in both metropolitan and regional areas.

The Office of the National Rail Safety Regulator (ONRSR) is responsible for regulation of all mainline operators (approximately 85 per cent of Victoria's rail regulation), including Metro Trains Melbourne and V/Line. ONRSR is a national regulator responsible for all rail regulation in Australia except for Victoria's 'local' rail operators. On 19 May 2014, Victoria joined ONRSR via a Service Level Agreement (SLA).

During the 2018-19 reporting period, TSV undertook 24 'local' regulatory activities under Victorian legislation. A further 81 'national' activities were conducted on behalf of ONRSR through the SLA. Both TSV and ONRSR activities included inspections, audits and investigations.

TSV undertakes safety and compliance activities as set out in legislation, including:

- Administer, audit and review the accreditation regime under local and national legislation;
- Conduct research and collect and publish information relating to rail safety;
- Provide, or facilitate the provision of, advice, education and training in relation to rail safety;
- Monitor, investigate and enforce compliance with local and national legislation;

The TSV rail branch does this by:

- Administering:

- Reviewing and assessing Accreditation applications, including variations and exemptions;
- Reviewing and assessing “notifications of change” to Accredited operations;
- Imposing conditions on an Accreditation where appropriate; and
- Managing fee structure and payments/exemptions for “local” operators.
- Education:
 - Developing educational material, including policies, guidelines, safety bulletins and safety alerts;
 - Developing and releasing rail safety reports; and
 - Undertaking education interactions, including rail safety forums, rail safety news, and education regarding transition (from local to national legislation).
- Monitoring compliance:
 - Undertaking audits and compiling findings (including the issuing of a report);
 - Undertaking inspections and compiling findings (including the issuing of a report);
 - Undertaking site visits;
 - Reviewing Safety Performance Reports and Annual Activity Statements;
 - Undertaking Investigation activity (ranging from initial inquiries through to comprehensive investigations resulting in prosecution); and
 - Engaging in a range of safety meetings (ensuring regular safety meetings are held with significant or high-risk operators);
- Undertaking enforcement activity:
 - Imposing cancellations or suspensions on Accreditations;
 - Assisting in the management of prosecutions;
 - Issuing statutory notices (such as Improvement or Prohibition notices);
 - Raising and monitoring non-conformances; and
 - Imposing and monitoring Enforceable Voluntary Undertakings.

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Portfolio:	Minister for Public Transport
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Relevant text:

Budget Paper Number 4, p.158, more specifically the City Loop Fire and Safety Upgrade (Stage 2) project which is now at a standstill due to the major contractor being in administration.

This project was to deliver:

- a. intruder detection and alarm systems to prevent unauthorised access to the City Loop; and
- b. new smoke management and fire sprinkler systems at Melbourne Central, Flagstaff and Parliament stations.

These works importantly were to bring the City Loop in line with current safety standards. I am assuming that the City Loop today - does not comply with current safety standards.

Despite a budget blow out of almost 20 per cent, on the original \$132.9 million investment of public money - commuters and Victorians two years later, are no closer to a fire and intruder safety compliant city loop.

When and what did the Minister, your department and your government know about the financial difficulties of the major contractor, what did you do to mitigate the risk of stalling this important public safety related project, and why have you not been able to manage the budget, and provide value for public money?

Answer:

To date, a range of areas relating to fire and safety systems in the City Loop have been updated, including existing fire detection systems, fire hydrant infrastructure, upgraded CCTV, and the implementation of an intruder detection system.

In late 2018, the main contractor for the project – RCR Tomlinson – entered voluntary administration. Following the administration process, a review of the delivery schedule is being undertaken.

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Relevant text:

When can you and your department deliver a fully safety compliant city loop upgrade, and how much will it cost?

Answer:

The Department of Transport is currently working to determine the best mechanism that provides value for public money to finish the remainder of works required to upgrade fire and safety systems in the City Loop.

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Relevant text: Budget Paper Number 3, pages 100 and 107, Tables 1.19 and 1.20. I draw your attention to the Public Transport Network Integrity project which is a total of \$88.5m over 3 years for:

- a. Upgrades at eight substations to ensure compliance with the Electrical Safety Act 1998; and
- b. Remediation works for B-Class trams to ensure they remain in service.

Please specify which substations will be upgraded, at what cost, and when will this work will be completed?

Answer:

Only funds in table 1.20 (Total \$59.7 million) on page 107 of Budget Paper 3 apply to this question. Table 1.19 on page 100 of Budget Paper 3 does not relate to the substation or B-Class tram works.

Of the \$59.7 million, \$41.1 million has been allocated to upgrade train power substations at Coolaroo, Eltham, Montmorency, Mooroolbark, Ferntree Gully, Lilydale, Wattle Glen, and Upwey to the prevent damage caused by the introduction of Rapid Earth Fault Current Limiting mandated by the Bushfires Royal Commission. The work is expected to be complete in Q4 2021. \$18.61 million over three years has been allocated for remediation works on B-Class trams.

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Portfolio:	Minister for Public Transport
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Relevant text:

Is the electrical network that powers our trams and trains compliant with the Electrical Safety Act 1998? If not, why not?

Answer:

The power network that supplies our trams and trains complies with the *Electrical Safety Act 1998*.

Upgrades to train power substations funded in the 2019-20 State Budget are to protect existing substations from the effects of installing Rapid Earth Fault Current Limiting required as part of legislation changes resulting from the Bushfires Royal Commission.

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Relevant text:

What are the safety risks to commuters and train and tram works posed by these non-compliant substations? How are these risks being mitigated?

Answer:

The Andrews Labor Government and the Department of Transport (DoT) take safety very seriously. DoT ensures all equipment operates safely within the relevant standards and guidelines for operations, health, and safety.

Upgrades to train power substations funded in the 2019-20 State Budget are to protect existing substations from the effects of installing Rapid Earth Fault Current Limiting required as part of legislation changes resulting from the Bushfires Royal Commission.

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Relevant text:

What is the budget for the B-Class tram works, and when will these works be completed?
How many tram services and on what routes will be cut while the work on the trams is being done?

Answer:

The budget for the B-Class tram works is \$18.61 million over three years: \$5.65 million in FY19-20; \$6.18 million in FY20-21; and \$6.78 million in FY21-22.

The program is planned to be completed by June 2022.

There will be minimal disruption to tram services resulting from these works.

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Portfolio:	Minister for Public Transport
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Relevant text:

Budget Paper Number 3, p.335, and the timeliness performance measure: ‘Major periodic maintenance works completed against plan – tram network’

I note the Target for this performance measure is 100 percent; the 2017-18 Actual is 70 per cent; and the 2018-19 Expected outcome is 73 percent - a 30 per cent underperformance for the second consecutive year.

I also refer to Budget Paper Number 3, p.402, and the performance measure: ‘Public transport network improvement – minor projects completed - tram’ and note that 7 minor network improvements were scheduled, and not even one was delivered, due to planning permit delays.

30 per cent of major periodic maintenance was not done for the second year in a row, and 100 per cent of minor network improvements was not done this year. Why are you risking the wellbeing of commuters and public transport personnel? Why is our tram system allowed to deteriorate and fail – and why are required major maintenance and minor improvements not being done?

Answer:

A significant investment in tram infrastructure has been made since the new tram contract, MR4, commenced in November 2017. Maintenance and renewal of tram operational assets is now at an average of \$35 million per annum compared to \$8 million in the previous contract. Infrastructure assets have seen a step-up in investment per annum from, on average, \$56 million to \$79 million. There has been a significant improvement in the condition of tram assets since the start of MR4 because of this significant step-up in investment.

Safety and asset critical works have been prioritised. Works that have been delayed to future years are low risk works that do not risk the safety of commuters or public transport personnel. The Department of Transport is currently reviewing Yarra Trams’ forward plans for maintenance and renewals work to ensure delivery on its commitments.

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Portfolio:	Minister for Public Transport
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Relevant text:

What were the major maintenance works, and minor network improvements, scheduled over the period 2015-16 to 2018-19 inclusive that were not delivered in accordance with the original scheduled completion date?

Answer:

Financial years 2015-16 and 2016-17 fall under the previous tram contract. There was a significant step-change in work volumes expected under MR4, which commenced in November 2017, especially for major renewal projects for the tram network. Works may be deferred to prioritise critical state projects.

Brought into Lease Year 1 (Dec 2017 – June 2018):

- Inclusion of Smith Street maintenance and renewals of overheads and curved track
- Inclusion of Queen Parade track maintenance and renewals
- Brought forward William Street and Nicholson Street.

Completed in Lease Year 1:

- Carlisle Street and Moreland Road track renewal works.

Deferred to Lease Year 2 (FY2018-19):

- West Coburg Terminus (originally planned May 2018, still awaiting Moreland Council planning approval)
- Bundoora Terminus (originally planned May 2018, completed in 2018-19).

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Portfolio:	Minister for Public Transport
Witness:	
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Relevant text:

Budget Paper Number 3, p.332, the performance measure: 'Payments made for metropolitan train services'. The footnote states that payments include selected capital payments to support the delivery of maintenance works. Can you please tell the committee:

- i. How much the payments are and at what frequency they will be paid;
- ii. What the maintenance works are; and
- iii. What are the completion dates for the maintenance works?

Answer:

The capital payments relating to maintenance works are expected to be \$148 million in 2019/20. Payments are made on a monthly basis through the maintenance and renewal regime.

The capital maintenance works involve replacement of life-expired assets (for example, sleepers and rail track) and form part of the Annual Infrastructure Works Plan agreed between Public Transport Victoria and Metro Trains Melbourne.

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Relevant text:

The timeliness performance measure on the same page: 'Major periodic maintenance works – completed against plan – metropolitan train network', what are the major maintenance works scheduled for 2019-20, and when are they due to completion?

Answer:

Major periodic maintenance and renewal works are nominated by Metro Trains Melbourne under an Annual Infrastructure Works Plan, in consultation with Public Transport Victoria.

The Annual Plans are indicative only and may be adjusted as necessary to accommodate the timing of other major project works overseen by the State of Victoria. The Plans align with MTM's maintenance and renewals obligations over the term of the MR4 contract.

In each quarter of Lease Year 3 of the MR4 contract with MTM (2019/20), planned periodic maintenance and renewal works will be undertaken in the following areas:

- **Track** – includes renewals of ballast, sleepers, and station pits
- **Facilities and structures** – includes works on lighting, drainage, lifts and escalators, signal structures, and rail bridges
- **Electrical** – includes renewing wires, switches, and insulators.
- **Signals** – includes renewals of track circuits, LED indicators, and train stops.

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Relevant text:

In relation to maintenance works and safety and compliance activities, can you please clarify which entity and business unit is responsible for what, and whether there are any restructures planned over the next 12 months?

Answer:

The State's contract with MTM includes stringent performance targets and maintenance requirements, and enforces tough penalties if targets are not met.

The Department of Transport (DoT) monitors Transport Operators' spend on maintenance and renewal works against contractual obligations. Operators are responsible for prioritising works. This prioritisation is then verified by DoT via its Network Integrity and Assurance function.

The contract also features a 37 per cent increase in maintenance and renewal investment (compared to the previous contract) to improve network infrastructure and reduce the number of faults, including signalling failures, and overhead wires and points failures, which lead to train delays and cancellations. In the first year since the contract commenced in late 2017, metropolitan train faults dropped by almost 20 per cent, and infrastructure faults reduced by almost 30 per cent.

DoT and Transport Operators have shared obligations to ensure the safety of services and infrastructure. Transport Operators have the primary accountability for the safety of their operations and are required to be accredited/registered by the respective safety regulator:

- Bus, trams – Transport Safety Victoria
- Trains – Office of the National Rail Safety Regulator.

DoT undertakes activities to provide assurance with contractual requirements, which includes ensuring safety. These activities are led by the Franchise Operator Management Division and the Network Integrity and Project Assurance Division. The relevant safety regulator undertakes audits to ensure Transport Operators comply with legal obligations.

The Transport Operators undertake compliance checks within their own business to ensure safety and they engage third-party auditors as appropriate. This is required under law as part of their safety accreditation/registration.

DoT also works with our Transport Operators to improve the safety of our services. This includes seeking funding for capital upgrades to improve safety and outlining safety process requirements to ensure safety risks are assessed and considered appropriately.

All employees of Public Transport Victoria were transferred to the Department of Transport on 1 July 2019.

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Portfolio:	Minister for Public Transport
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Relevant text:

Budget Paper Number 3, p.26, and the performance measure: ‘Service punctuality for – metropolitan bus services’. I note that the 2019-20 target is up from 82 per cent in 2018-19 to 86 per cent, despite the fact that the 82 per cent target has not been met. The footnote says this is due to a change in methodology for calculating punctuality. What is the new methodology and how that is different to the way punctuality has been calculated in the past?

Answer:

The new method for measuring punctuality is outlined below. The key difference between the new and previous methods is that punctuality is now based on both the arrival and departure times of services at timing points. Previously, only the departure times were used in evaluating punctuality for this measure.

New method – Punctuality based on arrival and departure from timing points

The new method is based on the proportion of services that arrive at timing points no more than four minutes and 59 seconds late, and depart no more than 59 seconds early.

This method is consistent with how the incentive regime is structured in the new metropolitan bus contracts.

This method is also better aligned with the punctuality aspects of greatest interest to passengers.

This method is now also consistent with how tram punctuality is currently monitored.

Previous method – Punctuality based on departure from timing points

The previous method was based on the proportion of services that depart from a timing point no more than 59 seconds early, and no more than four minutes and 59 seconds late.

This method was chosen as it was consistent with how tram punctuality was monitored prior to the contracts introduced in November 2017.

This method of reporting commenced in the 2015–16 Budget papers.

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Relevant text:

Given there is a change in methodology going forward, for continuity, Minister can you please provide the Actual punctuality per year - for the period 2014-15 to 2018-19 so that the year on year results can be compared.

Answer:

The below table shows a comparison of the punctuality figures under the old and new measures. Over these periods the maximum difference between the two measures was four per cent. This is in line with an increase in the service punctuality target from 82 per cent in 2018-19 to 86 per cent in 2019-20.

The retrospective figures derived from the new methodology are indicative only and are not an official estimate of performance.

Financial year	Previous method	New method
2015-16	79.1%	82.8%
2016-17	80.6%	84.4%
2017-18	80.8%	84.8%

Complete bus tracking system data for the entire metropolitan bus network became available from 1 July 2015. As such the first financial year data available is 2015-16. Figures for the complete financial year ended June 2019 are not yet available.

Figures for the comparison are based on reference data and route parameters in effect during those periods.

New timing points were established for the benchmarking period 1 July 2017 to 30 June 2018 to monitor performance from July 2018 under the new metropolitan bus contracts. These timing points were selected after development of timing point selection criteria and a review of each route covered by the new contracts.

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Portfolio:	Minister for Public Transport (referral from the 'Disability, Ageing, and Carers' PAEC hearing)
Witness:	
Committee member:	Mr Richard Riordan MP
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Relevant text:

2018-19 BP3 page 80 which refers to delivering on the State Disability Plan 2017-20. One of the key components of the key priorities is Public transport. Page 24 of the Plan states the Government will improve access to public transport options in rural and regional Victoria and specifically states it will do this by upgrading bus and coach stops with disability access. Minister can you outline how this "key priority" of your plan is progressing in relation to how many bus stops have been upgraded as there appears many areas where this has not occurred?

- a) Can you please provide a list of how many bus stops have been upgraded in each local government area and how many remain to be upgraded?

Answer:

Since January 2018 the Victorian Government has delivered new or increased bus services in Gisborne, Wallan, Bendigo, Kyneton, Lancefield and Romsey as well as improved coach services in Seymour, Shepparton, Apollo Bay, Wangaratta, Albury, Horsham, Daylesford, Dimboola and Ouyen. Within this context 330 new fully accessible bus stops have been built in regional Victoria.

On schedule for delivery in 2019 are new or increased services in Armstrong Creek and Bellarine Peninsula.

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Portfolio:	Minister for Public Transport
Witness:	
Committee member:	Mr Sam Hibbins MP
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Relevant text:

When will the business case for the next generation of tram be completed?

Answer:

The 2018-19 State Budget provided \$16.3 million to commence planning and design of a Next Generation Tram to address future demand needs and enable the retirement of the high-floor tram fleet.

The 2019-20 State Budget provides further funding to continue the design process and pre-procurement activities of a Next Generation Tram.