

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Inquiry into infrastructure projects

Melbourne — 26 October 2016

Members

Mr Joshua Morris — Chair

Mr Khalil Eideh — Deputy Chair

Mr Jeff Bourman

Mr Nazih Elasmr

Mr Bernie Finn

Ms Colleen Hartland

Mr Shaun Leane

Mr Craig Ondarchie

Participating member

Ms Samantha Dunn

Staff

Secretary: Lilian Topic

Witness

Mr Kevin Devlin, chief executive officer, Level Crossing Removal Authority.

The CHAIR — I declare open this Standing Committee on the Economy and Infrastructure public hearing. I welcome Mr Devlin and people who are present in the gallery. Today we are hearing evidence in relation to our infrastructure inquiry, and the evidence is being recorded. This hearing is to inform the third of at least six reports into infrastructure projects, and witnesses present may well be invited to attend future hearings as the inquiry continues. All evidence taken today is protected by parliamentary privilege; therefore you are protected for what you say here today, but if you go outside and repeat those same things, those comments may not be protected by this same privilege. At that point, once again welcome, Mr Devlin. Thank you for agreeing to come along and provide evidence to our inquiry. I believe you have a presentation for us.

Mr DEVLIN — Yes, definitely.

The CHAIR — At the conclusion of your presentation we will have some questions from the committee, but at this point over to you.

Visual presentation.

Mr DEVLIN — Thank you, Chair. I will not take too long. I thought, as I have done in the past, I would continue with a status update with the level crossing removal program and other related projects.

A key point to note since last time is that we have awarded contracts for now 20 level crossing level crossing removal sites, totalling just over \$2.3 billion worth of contracts awarded. Budget allocations to date total \$2.928 billion for the level crossing works. We have got construction underway at 15 sites, more sites will commence soon and we are continuing, obviously, with the planning on the balance of the 50 level crossing sites.

Since we have last met we had very successful major occupation in completing the North, Centre and McKinnon level crossing sites on the Frankston line during winter, so with those three completed during winter, it brings the total number of level crossings completed to four so far, with hopefully two in a matter of a few days adding to that, at Main and Furlong.

Current works are underway at Blackburn Road and Heatherdale Road, out east; Main and Furlong roads, as I mentioned, at St Albans; Scoresby Road and Mountain Highway at Bayswater; and nine level crossing sites on the Caulfield to Dandenong line. At the moment we have released design options for the remaining eight level crossing sites on the Frankston line.

Just to touch base then in terms of sites in procurement, as we have noted in the past, the Level Crossing Removal Authority is also responsible for a number of other infrastructure projects that are complementary to the level crossing removals, including the Mernda rail extension. At the moment we are in the midst of tender assessment, and we hope to recommend a successful tenderer to the government and an announcement on contract award in late 2016, with construction starting in 2017.

The Hurstbridge line upgrade project, removing the single-track running section near Rosanna. We have currently announced a preferred contractor for that works, including the Lower Plenty and Grange Road level crossings, where they are all in close proximity to one another, announcing Laing O'Rourke, Fulton Hogan as the construction partners for that infrastructure works.

We have also just released expressions of interest to the market, which have now closed, for our other two program alliances, which include multiple packages — one covering a number of level crossing sites on the west and the north-west. That was released to market on 6 September with the aim of having those program alliances having the construction partner on board to help with finalising the planning for those level crossing sites, bringing the expertise of the contractor to bear earlier than we have done on past projects.

Projects in planning — or sites in planning: a number of the early planning and engineering assessments have commenced on some of the balance of the level crossing sites that are not currently under any active procurement. We continue the planning on those, including Manchester Road, Mooroolbark; Maroondah Highway; Hallam Road; Clyde Road; South Gippsland Highway; and Toorak Road in Kooyong.

I have touched on this in the past. This slide 'To summarise' shows that we obviously are getting on with delivering that. At the moment we are on schedule to have at least 20 level crossings complete by the end of 2018 in accordance with the government's commitments. The dollars have been allocated for those level

crossings. We hope to have many more under construction as well by the end of 2018, and the procurement is well advanced to achieve that, hopefully obviously contributing to the benefits of jobs, improved safety and reduced congestion across the public transport and road network. That is all I just wanted to touch on. I am happy to take questions.

The CHAIR — Excellent. Thank you, Mr Devlin. I was hoping that you might be able to shed some light on what is happening on the Frankston to Stony Point line with regard to trains that are currently running on there. I have heard that sprinter diesel cars from V/Line are being used on that particular line, and when they are not being used they are being replaced by buses. Can you give us an idea of what is happening on that line?

Mr DEVLIN — That question might be better pointed to V/Line or PTV. I am not aware that diesels will be —

The CHAIR — On that line.

Mr DEVLIN — Obviously there is a section of that line that is still not electrified and has diesel running to Stony Point. I am not aware of any operational issues at that stage. We do not have any current live occupations of the Frankston line at this point in time.

The CHAIR — Very good. Not a worry at all. I might move on to some questions. I know we covered some of these questions in a previous hearing, and that is to do with the Office of the Victorian Government Architect. I was just hoping to get an understanding from you. There are two particular documents, and there was one that was provided before the government spoke about level crossing removals and sky rail. Then there was another document that was released by the Office of the Victorian Government Architect after the government announced sky rail. I am just wondering if you might be able to tell me what involvement the LXRA had with the drafting of that document that came out after the announcement of sky rail?

Mr DEVLIN — I am just trying to think. When the authority was first established we obviously sought to establish a rapport with the state government architect, as we saw that position and office as a key stakeholder and contributor to what we were going to be designing, developing and delivering. So the state government architect — we have set up an urban design advisory panel for the level crossing removal program, and they are a member of that urban design advisory panel. There is obviously an information bulletin that the state government architect had produced before my time and earlier, and they have produced an updated document since then. I have not been party myself to any discussions, so I would have to maybe take on notice what discussions we did have. But, as the authority, we did immediately commence discussions with the state government architect to get them on board to assist with developing the program and help us develop our urban design principles, which they have helped us immensely with.

The CHAIR — Who is your director, communications and stakeholder relations, person?

Mr DEVLIN — Melissa Horne is our director, strategic communications, and Jo Weeks is our director, corporate affairs, and they have a dual role across those communications tasks.

The CHAIR — So this person that I am hoping to identify had the title on 18 February this year of director, communications and stakeholder relations.

Mr DEVLIN — That would have been Tim Holmes, whose position now is leading the Frankston corridor communications and stakeholder engagement process.

The CHAIR — And Mr Holmes, is he an architect?

Mr DEVLIN — No. He is a communications practitioner.

The CHAIR — That is great. On the same date, on 18 February 2016, who was the manager of communications and stakeholder engagement?

Mr DEVLIN — Tim Holmes.

The CHAIR — So there is the director and there is the manager.

Mr DEVLIN — Sorry, the manager? We had multiple comms managers. We have six packages — six project packages — each with a project director and each with a supporting comms manager to support that project package, which is generally broken up on a corridor basis.

The CHAIR — Okay, so there are several people who have the role of manager, communications and stakeholder engagement?

Mr DEVLIN — There are several with that title.

The CHAIR — And do you know if any of those are architects, anybody who has that role of manager, communications and stakeholder engagement? Do you know if any of those people — —

Mr DEVLIN — No.

The CHAIR — The reason that I ask the question is that under — are you aware of a recent FOI release of documents from the Office of the Victorian Government Architect?

Mr DEVLIN — No, I am not.

The CHAIR — The reason for the question is that it appears that this Mr Holmes has in fact written the second document that the Office of the Victorian Government Architect published in relation to the level crossing removals. Were you aware of that?

Mr DEVLIN — No, I was not.

The CHAIR — This email is dated 18 February 2016, which is the day prior to the Victorian government architect releasing their view on level crossing removals. If this is indeed Mr Holmes, there is an email from him saying:

Suggest addition to the following para —

meaning paragraph —

This release is now more critical given the Channel 9 story tonight —

and it continues:

In our Lessons Learned paper we cautioned that ‘Where an elevated road or rail structure is the only solution, a commitment to the highest quality outcome for the place is required’.

And in the Office of the Victorian Government Architect it stated:

In the Lessons Learned paper the OVGA cautioned that where an elevated road or rail structure is the intended solution a commitment to the highest quality outcome for the place is required.

So what we have here is, on the face of it, evidence that someone within the LXRA has drafted the view of the Victorian government architect about sky rail.

Mr DEVLIN — I am not aware of the email that you are referring to, so that is the first time — you have read it out there.

The CHAIR — You had no idea this was happening?

Mr DEVLIN — As I said to begin with, it is not uncommon for the agencies to be liaising and reviewing drafts of various documents with one another and providing comments. I am not sure whether that was from that. It is not clear to me whether that it is a complete write or whether he has just provided comments, which would not be unusual practice between government agencies.

The CHAIR — There is actually even further in here a tracked document where the Office of the Victorian Government Architect have edited a document that appears to have been authored within the LXRA. Did you have any awareness of that?

Mr DEVLIN — Other than that, as I said, we sought to establish close ties with the state government architect from day one. We sought their support and advice to help us develop urban design principles, which is in keeping with I think the statement you read out: where we have elevated structures we require the highest levels of urban design to be applied. So that is why we sought to engage with the state government architect to help prepare that urban design framework, which is a document that we have developed since that time and published online and serves as our benchmark and qualitative references to achieve good urban design across all options, whether it be a rail trench or a rail bridge.

The CHAIR — One would think that this indeed has been drafted by the LXRA, because in the final sentence — and this was a paragraph that was singled out in the office of the government architect’s release — Mr Holmes it appears wanted the Office of the Victorian Government Architect to say, ‘The OVGA fully supports the proposed design solution for the Caulfield to Dandenong level crossing removal’. However, the government architect could not quite go that far and removed that word ‘fully’ in the tracked document that has been provided as part of this FOI request, and we see that the release given by the government architect said, ‘On this basis the OVGA supports the proposed solution for the Caulfield to Dandenong level crossing removal’.

Now, I find it terribly concerning that what is supposed to be an independent body, being the Office of the Victorian Government Architect, is publishing material that has been authored by effectively the spin doctor of the LXRA in advice that is supposed to appease the community about sky rail.

Mr DEVLIN — We see the state government architect as an advisory service to us to help inform our urban design.

The CHAIR — You are dictating to them. People in your organisation are dictating to them. They are bullying them into putting their own advice into their media releases.

Mr LEANE — What, an email is a bully?

The CHAIR — There are many ways to bully, Mr Leane.

Mr DEVLIN — As I said, it is not uncommon practice for exchange of drafts and comments to go back and forth between government agencies, and I do not see that this is any different to those situations. The state government architect was involved in the tender assessment panel for the Caulfield to Dandenong line. That document I think you are referring to, though, is not necessarily specific to Caulfield to Dandenong. It was talking more generally about urban design and the types of options that level crossings can provide.

The CHAIR — No. This release specifically says the proposed design for the Caulfield to Dandenong project shows a serious commitment to design quality. So it was speaking specifically to that.

Mr DEVLIN — As I say, I am not aware of that.

The CHAIR — I am concerned that you are not concerned that you did not know that the spin doctor for the LXRA was providing words to the Office of the Victorian Government Architect to provide some certainty to the community that their independent office said that this was okay. Your organisation was and you did not know?

Mr DEVLIN — As I said, I am not aware of the emails that you are referring to. So I am happy to look at those in their fullness and make a better judgement about what has transpired in those conversations, but as I said it is not uncommon between government agencies to be exchanging comments and views between those government agencies to land at a final position.

The CHAIR — This is not an exchange of ideas. This is dictation by your organisation to the office of the Victorian architect.

Mr DEVLIN — Without seeing the context in which those emails are put, the comments being provided and the further background, I am not able to give you an on-the-spot comment about whether that has gone too far or not. I would have to have a closer look and make an assessment of whether that has gone too far or not.

The CHAIR — If it is as I have described, does that concern you? If the spin doctor for the LXRA is dictating words to an independent body like the Office of the Victorian Government Architect, does that concern you?

Mr DEVLIN — I think there is a point where we need to respect, as government agencies, each other's roles and functions and should not be going too far with lobbying for certain outcomes.

The CHAIR — One would suspect this is too far.

Mr LEANE — That is your opinion.

Mr DEVLIN — But as I said, I am not aware of the emails, so I would have to make an assessment. Again, the state government architect we do not necessarily treat as an independent body. It is an advisory service that is there to help the authorities and the delivery agencies achieve great urban design outcomes through their commentary.

The CHAIR — Are they there, though, to help you deliver sky rail and appease the community? If this is the way it appears, which I am quite sure it is, we have the spin doctor for the LXRA telling the Office of the Victorian Government Architect what to put in their media release to tell the community, 'No, it's all okay. Sky rail is all okay'. This is the way it is presented. If it is that way and you are not concerned about it, I am very concerned that you are not concerned.

Mr DEVLIN — As I said and I have said in the past, we do not have a vested interest in whether the options are under or over; we are trying to find the best urban design outcome, as one of the variables, for the community that balances all the competing interests. We are not trying to do one size fits all on this program. We are trying to find the best solution at each of the sites. I am not leading an organisation that is attempting to have a one size fits all which is an elevated rail. We are doing multiple different types of options, and we are making an assessment of what the best option is at each of the 50 level crossings. We make those recommendations and give that advice to government.

The CHAIR — I think we certainly need to hear from Mr Holmes about this to get a better understanding of where we are, but my view is that the Victorian people have had a hatchet job done on them.

Mr LEANE — I think Mr Devlin would disagree with that, and so would I. But we respect your view.

The CHAIR — Everybody has got an opinion.

Mr LEANE — Everyone has got something else as well. Are you surprised that the Victorian architect would want to see any project have the best urban design?

Mr DEVLIN — No, I would have thought that is their role — to help all the agencies deliver the best urban design outcome for all the infrastructure projects.

Mr LEANE — Is the authority's role to make sure the best urban design is the outcome of level crossing removals after the minister signs off on the final design?

Mr DEVLIN — Absolutely. I think we invest a lot of energy in trying to make great places and get great urban design outcomes with what we are doing. The level crossings, particularly with rebuilding stations, provide that opportunity to provide great place making and new civic spaces. We have an extensive team of advisers and architects that we engage to help us do that, as well as the state government architect and as well as within councils, VicRoads and the other agencies.

Mr LEANE — I am happy to be corrected, Chair, but I just want — —

The CHAIR — By me?

Mr LEANE — By you, actually, this time, believe it or not. I have some text that I believe was in a previous report from this committee — but as I said, I am happy to be corrected — that may have been from the Chair's foreword. I will read it, and then you correct me if I am wrong:

There have been no independent noise studies to establish the impact sky rail —

which is the CD9 project. I will start again:

There have been no independent noise studies to establish the impact sky rail will have on local communities. The government has also done nothing to alleviate community concern about the impact that diesel fumes from trains on the sky rail will have on the health of local residents.

The CHAIR — That is right.

Mr LEANE — I am glad you have confirmed that. So is the Chair correct that there has been no noise studies or studies into fumes that have been undertaken, and if he is wrong, could you please actually outline what studies exist and what they show?

Mr DEVLIN — There has been extensive noise modelling and measurements to calibrate the model, and there is a noise assessment report available online on our website that demonstrates the outcomes of that assessment undertaken by one of Australia's leading design firms and acoustic consultancies. Again, as I mentioned, that modelling is being calibrated with field data — the noise of trains and things like that calibrates the model — and that is available online. It shows a reduction in noise compared to existing across the corridor. We are fully compliant with the noise attenuation policy of the government. At the moment a large number of people living along that corridor do not have noise attenuation, so we will be making the situation better with that site and all of the 50 level crossing sites as well. Whether it is over or under, we will comply with policy and ultimately deliver a reduced noise profile for those local residents.

Again with air quality, there is an air quality assessment available online. Again, the air quality is a fairly straightforward one in that actually having it elevated contributes to a quicker dissipation into the atmosphere. That is the methodology of vent stacks and things like that around tunnels, so in elevating it it does provide an improvement in air quality compared to the existing corridor.

Mr LEANE — Okay. I am glad that you have clarified that incorrect statement. You mentioned in your submission, or it might have been in your response to the Chair, about level crossings being looked at with different remedies. I am pretty sure I asked you this question last time you appeared before this committee but I think it is very important I ask you this question again.

There are a lot of people, in particular a few opposition MPs — David Davis, Inga Peulich — that are saying that the Frankston line remedy will be exactly the same as the Dandenong line remedy as far as an elevated rail across all nine that have been identified for removal. Is that correct, and can you go over what is actually happening at the moment on the Frankston line at those eight different locations?

Mr DEVLIN — We have released feasible options at the nine sites — you are right, Park Street has been added to the eight originally identified as one of the sites we are unable to get back to grade essentially before we hit the Park Road site. The pure engineering and geometrics of it require us to remove Park Road as well at the same time, so that adds the ninth. We have outlined the feasible options. We have spent six weeks now consulting extensively on those options, which include rail bridges and rail trenches, and we are getting the community's feedback. Again, those sites are all eight individual sites.

The government has come out and ruled out a sky rail, a CD9 type, and that is simply because it is very different to the Caulfield–Dandenong line. The Caulfield–Dandenong line was closely spaced level crossing sites. The Frankston line is not a continuous sequence of level crossings, there still remain 19 level crossings on that site — it is a 40-kilometre section — compared to the Caulfield–Dandenong line where we are removing all remaining nine level crossings on that line, which are closely spaced and make continuous structures.

Frankston is not a continuous structure solution, and we presented the feasible options, which include rail-under and rail-over options. Again I want to keep reiterating that the authority has no vested interest in one option or the other. We are merely trying to establish on balance what we believe is the best solution for each site, taking into account the engineering and the technical conditions at the site, the geology of the site, the constructability of the site, the disruptions, the community's views, the environmental requirements. Every site will be different, and we want to find the best solution for every site.

Mr LEANE — So taking into account what you have just described — what has to be taken into account as far as each particular, individual remedy goes, and with the 31 that the government hopes will be started by the end of 18 — there may be rail-over sites where there is actually a rail bridge that goes over a road. I think even

in that instance the opposition described that as sky rail — a rail over a bridge is called ‘sky rail’. If that is the case and we accept their terminology — and you can take this on notice, Mr Devlin, and I think you maybe should — how many sky rails do we currently have across Melbourne, existing ones?

Mr DEVLIN — I would have to go away, but there are clearly hundreds of rail bridges in the Melbourne network, and there are hundreds of road bridges.

Mr LEANE — So there are hundreds of existing sky rail sites.

Mr FINN — Not too many going through backyards, though, I would not have thought.

Mr LEANE — I know Mountain Highway — and you can correct me if I am wrong — has been a site that is identified where maybe the road will go over the rail. Is that correct?

Mr DEVLIN — Yes, so we are lifting the road at Mountain Highway in combination with lowering the rail. So there are various hybrids as well as just a pure trench or an over. We are using a combination at that site. I can add that there are approximately 220-odd situations in Melbourne where road has already been separated from rail, and approximately 40 per cent of those are a rail bridge.

Mr LEANE — A rail bridge.

Mr DEVLIN — We have still got another 170 level crossings to remove, but of the 220 that have been removed over the decades, 40 per cent of those are rail situations.

Mr LEANE — So rail over, as in going up, going over and going down.

Mr DEVLIN — As in rail bridge. There are a number of road over and a number of rail under, and I expect that we will see a continued mix of all the different types of solutions — road over, road under, rail over and rail under — at the various sites, because engineering, in particular, requires that not one size can fit all. You do need to use trenches and bridges to solve our challenges in an urban city like Melbourne.

Mr LEANE — So with the Mountain Highway, I understand opposition members have actually called that ‘sky road’ because it is actually going over, so if you could take on notice how many sky roads — as in road bridges going over rail — that currently exist in metropolitan Melbourne. Could you take that on notice as well? I would appreciate that.

Mr DEVLIN — I will take that on notice.

Ms HARTLAND — The documents, Chair, that you have just been reading from — I presume that they will be made available to all members of the committee.

The CHAIR — That is a good point. I will consider that, yes.

Ms HARTLAND — Surely with documents that are read out during a hearing that other committee members have not seen, I would have thought that they should be shared with all committee members.

The CHAIR — I would not request your notes, Ms Hartland.

Ms HARTLAND — I am quite happy to give you my notes at any time.

The CHAIR — I will consider that.

Ms HARTLAND — No, I think this needs — because how can we consider what you have said tonight when we actually deliberate on this report if we do not have access to the emails?

The CHAIR — I did not say you would not have it then.

Ms HARTLAND — So when will we have it?

The CHAIR — We might take this to a committee meeting if that is — —

Ms HARTLAND — No, I would actually like it resolved now, and I would like it on the Hansard transcript, because if we are going to have to deliberate these particular matters, I think all members of the committee need to have access to them. Are you going to provide access or not?

The CHAIR — I will decide at a future date.

Ms HARTLAND — In that case I would suggest that when it comes to deliberation of that matter, that will not be able to be included in the report because not all members of the committee have seen it.

The CHAIR — That is up to you, Ms Hartland. You are a member of the committee just like everybody else.

Ms HARTLAND — Yes, I know I am a member of the committee. I just think if you are not prepared to actually — especially as the chair of the committee if you are going to present documents, and I found those documents very interesting and I think they do go to an issue about the way government has behaved —

The CHAIR — I agree.

Ms HARTLAND — but if we are going to deliberate those documents in the report, I think all members of the committee should have access to them.

The CHAIR — I will certainly consider that, Ms Hartland

Ms HARTLAND — I have a number of questions on behalf of my colleagues in south eastern and southern metropolitan, who have had a number of meetings with you, I understand. I am just going to read their question. They have received many queries from concerned constituents regarding the elevated rail solutions. In an effort to learn more about the level crossing removals, their design and construction process as well as the social and environmental impacts, my colleagues have met with LXRA senior staff on two occasions. On the second occasion they requested a set of documents to assist them in responding to constituent inquiries.

The LXRA committed to providing these, but this has not occurred. The documents requested are listed: the environmental management strategy for the elevated rail project; details of proposed removal, destruction or lopping of native vegetation/exotic vegetation; details of native vegetation offsets; site plans for works in heritage overlay and heritage management plan; design statement; open space development plan; airspace development plans; sound mitigation plans and report; replanting schedule for Girdwood and Carnegie stations; tree retention plan; the Glen Eira local heritage considerations report; and the tree retention summary report. Is there any reason why these documents have not been given to my colleagues?

Mr DEVLIN — No, no, and I was in that meeting with your colleagues and I committed to providing those. I have been away on leave for a month or so. I will follow up. There is no reason why we should not have provided those by now. Some of them are not yet produced — some of the landscape plans are still in design development — but of the plans that exist, yes, we are happy to make those available. I will follow up tomorrow and find out why they have not been to date.

Ms HARTLAND — So they will be contacted within, say, the next few days to be told when they will be available.

Mr DEVLIN — Yes.

Ms HARTLAND — If you like, I can send you that, and I will send it to Hansard, and I will send it to other members of the committee as well.

Mr LEANE — Thank you.

Ms HARTLAND — That was my only question for this.

Mr FINN — Mr Devlin, thank you for joining us this evening. The Sunbury line — and excuse me if I am a little bit parochial about this — is due to reopen on 31 October. Is that on schedule? Is that going to happen?

Mr DEVLIN — We are closely monitoring that occupation currently at the moment. There has been an above-average degree of rainfall that has — —

Mr FINN — We have noticed.

Mr DEVLIN — Yes. It has made these last three to four weeks very difficult for that occupation. So we are monitoring that. At the moment we are targeting opening by that date, but it is very tight at the moment — the construction schedule — and as I said, I actually have a hook-up tomorrow with the construction team out there to get an update on the current forecast completion time. So we are under a huge amount of pressure to have it open by that date, but it is a matter of hours, not days, that I am talking about.

Mr FINN — If it goes beyond 31 October, is that entirely the weather, or is there some union activity that has put pressure on that as well?

Mr DEVLIN — There has been some tension on site between CPB and the unions, as there is on all construction projects to be honest. There is a degree of tension that occurs between the unions and major contractors, which has occurred for many years on all construction sites. CPB has worked those issues through with the union, I understand. Again my apologies, I have been on leave and so I am not fully briefed with that. That issue occurred very early on in the program. The majority of the delay has been the inclement weather. We have particularly been delayed around the earthworks, which is obviously susceptible to the weather, so that has been the primary cause of concern for us.

Mr FINN — So the difficulties with the union were resolved, not ongoing?

Mr DEVLIN — Most industrial issues on sites are particular disputes relevant to that site, and our contractors are very diligent at working with the parties to resolve those. I understand that those issues were resolved and we have been working to progress that occupation.

Mr FINN — My understanding is the CFMEU is gaining right of entry by citing safety concerns. In your view, is there a genuine safety concern on this project?

Mr DEVLIN — Look, I think our safety performance across the whole program has been very good. We have had incidents, which all construction projects do have — and no incident and certainly no injury is acceptable — and we work extremely diligently to improve safety. Our safety stats are well below industry benchmarks at the moment, and that is what I am referring to when I say safety has been quite good on the projects. Again, as I said, we have done over 5 million man-hours of work so far on the level crossings, which is a huge amount, and we have got an LTI of 0.7 and a total injury frequency rate of 4.7, which is well below industry standard. So on those measures we are going okay, but my focus and the team's focus and the contractors' focus is never wavering. You cannot take your eye off safety. We continue to do that — we continue to investigate and learn when incidents occur.

Mr FINN — Given that you are very proud of your safety record, and I have no reason to doubt that at all, do you think the union is using the project to bring pressure about to get a signature on the EBA?

Mr DEVLIN — As I say, there have been a number of safety incidents, which as a matter of course normally do attract the attention of the unions to assess whether there is a systemic issue or not. That is what I understand: the unions have sought those assurances that there are no systemic issues. I do not believe there are any systemic issues. But it is not unusual to attract the attention of the unions when those incidents occur.

Mr FINN — Okay. You mentioned before you have got some projects in the west and the north-west, which I think was announced or something similar on 6 September, from memory.

Mr DEVLIN — Yes. We put to market an EOI for those programs of work.

Mr FINN — Are you in a position to tell us tonight what those projects are?

Mr DEVLIN — I think the government announced that. The Acting Premier was out at Buckley Street announcing that Buckley Street and Camp Road were being brought forward. They will be the first two in the north-east program alliance.

Mr FINN — Is that Buckley Street, Essendon?

Mr DEVLIN — Yes, that is right. We were focusing on Kororoit Creek Road on the western package, so as the main focus for selecting the contractors at the western package, Kororoit Creek Road will be the first one they will do, and for the north-east program package Camp Road and Buckley Street will be the first ones that they will focus on.

The CHAIR — I was hoping to go to the work of case manager workers or the case management team and what their role is in supporting affected residents. What do they do?

Mr DEVLIN — Case managers were introduced in the initial consultation announcement of the designs for Caulfield to Dandenong. We still have a number of case managers who are particularly helping some of the community members go through their assessment of the voluntary purchase scheme. Their role is to support, to be assigned to a number of residents so they have a consistent point of contact for any of their concerns and for progressing matters that we are progressing with a number of residents around new fences, landscaping and voluntary purchase.

The CHAIR — Are you aware of the concerns of residents in Oakdene Crescent in Carnegie?

Mr DEVLIN — Could you be more specific?

The CHAIR — Just generally I have received correspondence from some of these residents. There has been a significant amount of concern raised by these residents with regard to the lack of communication from their case managers. In one instance here there is an email in which a case manager said that they will be in contact shortly about an issue of broken drainage pipes which was seeing their backyard flooding and the residents still had not heard from their case manager four weeks after making that contact. I am wondering: is four weeks an adequate response time in terms of responding to concerns of residents by case managers?

Mr DEVLIN — No, I would not have thought so, and I am not aware of that particular instance, although I am aware that that drainage issue actually was not of our making — it was a utility company. Nevertheless, we actually did rectify that flooding issue for that particular resident; I am aware of that. I am not aware that the resident has indicated that they did not get a contact for four weeks. I do know that flooding issue was promptly remedied even though it was not of our making.

The CHAIR — This resident also raised concerns about their fence and palings having fallen off their fence, at which point a caseworker went out to inspect the fence and could not find palings fallen off a fence. One would have thought finding palings that had fallen off a fence might be quite easy to identify. I cannot verify the specifics of the issue, but one might imagine that if there are fence palings lying on the ground, that would be rather easy to identify.

Mr DEVLIN — I would have thought so.

The CHAIR — I raise these issues because I have had a series of a dozen emails, correspondence between case managers and residents who are unhappy with the treatment they have received from their case managers. What is your view on the job that your case managers are doing to this point?

Mr DEVLIN — I think on the whole, and without knowing the specifics of that four-week delay, our teams are doing a very good job of communicating the disruptions and trying to work with the community to address any issues they have in a timely manner. Not all of them can necessarily be resolved instantly, but we certainly have increased the number of resources across the team to improve and support the community's need for more attentive and quicker responses. We have also implemented a revised 1800 number too, which actually moves away from a call centre basis to a customer experience basis. They are tasked with trying to attempt to resolve the issue on the spot rather than just being a conduit to refer to another person. So we are doing a number of things to try and give more timely and responsive feedback back to the community where they have some concerns.

Mr LEANE — Just a couple of follow-up questions. I think the authority would probably agree with Mr Morris's concerns that if there are not prompt responses to certain issues like he highlighted, the authority would want to see that being improved.

Mr DEVLIN — Yes, and I am happy to take it. If there are situations like that, I am happy to hear about that from anyone, and I will address the issue promptly.

Mr LEANE — Just I suppose, a follow-up from Mr Finn's line of questioning. As far as any large project dealing with construction unions goes, a lot of the personnel that the authority and the particular project alliance, blue-collar workers, will have on the project will be members of different construction unions — they might be covered by about five or six depending on their skills. So the authority respects that being union members, they are represented by a union office and officials. They are just as important stakeholders as any other group, so the authority would welcome any heads-up about a safety issue or any working with the workforce representative to make sure that if there was an issue, it is made safe.

Mr DEVLIN — Absolutely.

The CHAIR — I did just want to raise something. This is a particular email that was sent to a case manager that reads:

We've always thought that this elevated design decision by LXRA and the Labor government was a *fait accompli* right from the very start. Hints were made in December 2015 that an elevated rail was the preferred option but unfortunately, both LXRA and the Labor government did not have the strength of mind to admit this then. Instead, there were empty promises of negotiation and 'constructive' consultation. The 'consultation' has always been loaded and one-sided. LXRA's and the government's offers of feedback from the affected residents were pure tokenism. We never had a chance, our 'say' was not really taken into consideration, the report summarising the feedback LXRA received attests to this — it is as evasive as the responses have ever been in addressing our concerns. The community has never opposed the removal of the 'dangerous' crossings — it is 'how' that has always been in question.

A person, like our local member, Mr Steve Dimopoulos, who claims that he feels as passionate about the area in which he lives would not sanction such a scourge on our environment and havoc on our livelihoods.

Basically, we feel we've been taken for a ride. We feel that we have been taken for fools and idiots. This hurts the most and above all, is extremely disappointing.

Finally, how can we trust the outcomes of LXRA's 'property condition surveys', or for that matter, the government's 'voluntary acquisition scheme' where promises of buying our properties at 'market value regardless of the elevated rail structure' have been made?

Disappointed, dismayed and disgusted.

That was an email from a resident to a case manager. The question that I want to pose from that is: you have stated that the LXRA had no preference for the solution for removing the level crossings. I am hoping that you might be able to clarify whether or not there is an electoral time frame that the LXRA is trying to work to in terms of delivering a completed level crossings removal program?

Mr DEVLIN — I would like to correct that. The Level Crossing Removal Authority has no one-size-fits-all preference for a particular solution to be applied for the whole 50. We are trying to find the right outcome at each and every site. I have been tasked with delivering 50 level crossings by the end of 2022 and having 20 complete by the end of 2018. They are my riding instructions and mandate from my bosses to deliver those, and that is an eight-year program. It is a multibillion-dollar program, a terrific project and we are confident of delivering it in that time frame.

The CHAIR — So you need to deliver 20 level crossing removed by 2018. That is correct?

Mr DEVLIN — Yes.

The CHAIR — So if there was to be a solution rather than sky rail that would see you deliver those 20 level crossings removed in 2019 but would be more appealing to the community and something they would be more supportive of, you could not do it? Because it would be a year beyond the electoral time frame that has been set by your boss. What I am trying to get to is the point that the removal of these level crossings and the solution of sky rail is where it is because of the time frames that have been imposed upon you by the government.

Mr DEVLIN — The timing is that we are expecting to have 37 under construction by the end of 2018 —

Mr LEANE — We will have more.

Mr DEVLIN — and hopefully more than 20 complete. So I am not necessarily accepting the premise of your argument. These infrastructure projects have many competing interests that we have to try to strike a balance between and we are trying to do that — trying to find the best outcome — at each and every site.

Disruptions to commuters, cost, the community's preferences, urban design, environmental considerations, engineering constraints and design constraints all go to trying to achieve the right outcome for infrastructure projects. That has been no different for building any infrastructure project that I have ever been involved in. It is balancing sometimes competing interests, and that is what we have had to do there.

The CHAIR — No, I agree.

Mr DEVLIN — Sometimes there is never a perfect solution that satisfies every single person's concerns.

Mr LEANE — It is impossible.

Mr DEVLIN — It is impossible to do when we are building these big infrastructure projects in a brownfields built-up city like Melbourne.

The CHAIR — I agree entirely with you that there are competing interests. The one you are ignoring, though, is the electoral time frames that have been imposed upon you by the government.

Mr LEANE — He has just answered that question. He has answered the question about four times, about what is taken into account. Ask it a different way, and I would expect that the four answers you have already got will be the answer.

The CHAIR — Let me try, and we will see what happens. I hear you saying that you may have more than 20 level crossings done by 2018; that is fabulous. But had you used a solution that was not going to war with the community, like you have presently with the sky rail — —

Mr LEANE — Eighty-seven per cent of the people in the area support it.

The CHAIR — That is consultation done by the LXRA — —

Mr LEANE — No, it is not. It was an independent survey. What about the *Age* survey?

The CHAIR — Right. What I am saying is: if there was a solution that people actually liked but it would take until 2019 to complete it — it was going to cost the same and people were just going to like it more but it could not be completed until 2019 — you could not do it.

Mr DEVLIN — As I have said, I have not factored in the electoral cycle — —

The CHAIR — But the government have in the time frames they have given you. You can blame the Premier if you want, that is fine.

Mr DEVLIN — Our objectives are to deliver at least 20 by 2018 and the 50 by 2022.

Mr LEANE — No-one is blaming anyone for anything.

Mr DEVLIN — At Caulfield to Dandenong in particular, our lines at North, Centre and McKinnon where we just did an occupation in record time, was a rail-under solution that they did very quickly.

Mr LEANE — Thirty-seven days.

Mr DEVLIN — There is not a direct correlation between elevated rail being quicker than under. It all comes down to the site constraints, the engineering challenges and the width of the corridor. Have we got space to build it offline or not? Other factors come into determining how quickly we can build some of these things. At St Albans we are taking longer to build there because we are excavating in hard, basalt rock so it is slower progress. So every site is different.

The CHAIR — Thank you, Mr Devlin, for your attendance tonight. You will receive a transcript of tonight's evidence, and we look forward to seeing you in the future.

Mr DEVLIN — Thank you, Chair.

Committee adjourned.