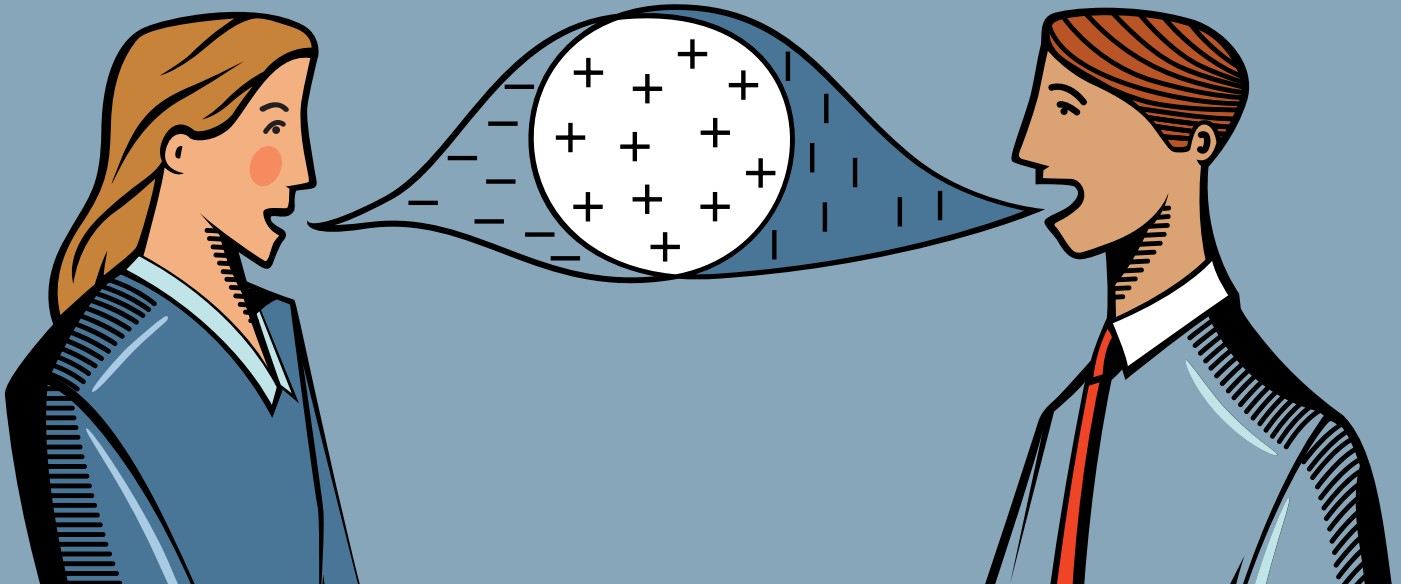


PUBLIC TRANSPORT OMBUDSMAN INVESTIGATIONS



Please read this information carefully as it will help you to participate in our investigation

You recently contacted us to make a complaint about a public transport operator. The Public Transport Ombudsman (PTO) has assessed your complaint as appropriate for investigation.

To keep you informed, we provide the following information so you know how the PTO investigates a complaint. Please read this information carefully as it will help you to participate in our investigation.

This information is a general guide only. The steps taken to investigate your complaint may vary, to take into account the best way we can resolve your concerns.

What is the PTO?

The PTO is a dispute resolution scheme for complaints about Victorian public transport services. We provide a cost-free, informal and confidential service to commuters and others affected by public transport services. We investigate complaints which cannot be resolved directly with the public transport operator. We assist both sides in reaching an agreed outcome, having regard to what is fair and reasonable, the law, and industry standards and practice. We are independent, which means we don't take sides.

What is the purpose of a PTO investigation?

The primary aim of the PTO is to resolve the complaint. We do this by collecting and analysing information about your complaint, and exploring possible solutions that are agreed to by you and the public transport operator.



What happens now?

A PTO conciliator has been assigned to your case. The conciliator will advise the public transport operator of your complaint, and what you are seeking in order to resolve the matter. The operator will be asked to provide the PTO with a response to your complaint and any information they have within 14 days.

The conciliator may also request information from other people or organisations. The PTO may also make more than one request for information – if new facts come to light, circumstances change or if new information will help resolve some issues.

Once the relevant information is received, the conciliator will review the material. You will be contacted by telephone or in writing at this time.

Resolving your complaint

Where the public transport operator has provided a full response and offers a reasonable resolution, the conciliator will advise you of the operator's response and offer. If you are satisfied with the response and offer, the PTO will prepare a resolution letter for you and the operator setting out the terms of your agreement, and finalise your case.

Some situations are best resolved with a face to face meeting. Where this is useful, the PTO may arrange a conciliation meeting. At a conciliation meeting, PTO officers meet with you and the public transport operator to talk about possible solutions to your concerns. Sometimes the meeting will be "on-site" at places such as bus stops or rail stations, and include representatives of other organisations who may be able to assist in reaching an agreed outcome.

What happens if I am not satisfied with the resolution offered?

You do not have to accept the response or resolution offered by the public transport operator. Where you are not satisfied, you will be given a chance to provide your reasons and any other information which you think is relevant to your case. You can also make a further suggestion or offer to solve your complaint. This information will be considered by the PTO, and may result

in further investigation of your complaint by the PTO, including further negotiation with the operator, to see if an agreed solution can be reached.

Some situations are best resolved with a face-to-face meeting. Where this is useful, the PTO may arrange a conciliation meeting



What happens if my complaint cannot be resolved?

Sometimes, the person making the complaint and the operator cannot agree to a solution. Where, after an investigation, an agreement cannot be reached, and the PTO is of the view that the public transport operator's response is fair and reasonable, and consistent with good industry practice and current law, we will end the investigation. We will advise you of the reasons for our decision, and your right to request a review.

Where the PTO agrees that the operator's response is not fair and reasonable, and all avenues of investigation and resolution have been exhausted, the Ombudsman may make a binding decision in your favour, up to an amount of \$5,000. This can include a decision that the operator must pay you compensation, or to make changes to how public transport services are provided. Operators must act on these decisions. However, you will be given an option to accept the decision, or to reject the decision and pursue any other remedy.

Can I ask for a review?

If you are dissatisfied with the outcome of your complaint, you can request a review by the Ombudsman. This request should generally be made in writing, and include reasons why you think the PTO's decision is wrong. The Ombudsman will personally review your complaint, and determine if any further investigation or action should be taken.



How might my complaint be resolved?

We have set out below some of the range of outcomes that are achieved by PTO investigations. It is important to emphasise that every complaint is different. What is a fair outcome will depend on all the circumstances, and the resolution of a complaint requires the agreement of both parties.

Some of the outcomes that might be achieved include:

- giving you detailed information about the incident in your complaint
- the public transport operator offering an apology for the incident
- the operator offering a refund or compensation, or a good-will gesture (such as Metcards) to resolve the complaint
- the operator making changes to the way services are provided, or if appropriate, making special arrangements to assist in accessing public transport services.



The resolution of a complaint requires the agreement of both parties; you and the operator must be willing to compromise where this is reasonable.

Where the PTO's investigation shows that a number of people could be affected by the same issue in a complaint, we may ask the operator to also address this broader issue.

Sometimes, complaints cannot be resolved, even after a thorough investigation. Where this happens, and there is not enough evidence to support a complaint, the PTO will end the investigation. We will give reasons for our decision.

It is important for you to be aware that in some circumstances a compensation offer from an operator may be limited by Government regulations, or Government approved compensation codes. There is provision to depart from these regulations or codes in special circumstances, and for operators to make good will gestures on other occasions. However, where an operator deals with a matter in accordance with these regulations and codes, the PTO will generally view the response as fair and reasonable.

What can you expect from us?

The PTO aims to provide a trusted and respected dispute resolution service. You can expect us to:

- handle your complaint professionally, efficiently and fairly
- keep you informed of the progress of our investigation
- provide you with explanations of our decisions
- make the time to clarify your questions or concerns
- remain independent at all times and to not take sides
- treat you with respect.

What do we expect from you?

When you make a complaint to the PTO, we will need your assistance to properly do our job. We therefore expect you:

- to provide us with full information about your complaint and the resolution you want
- to participate in the investigation, by returning our calls, emails or letters, providing further information when we request it, or letting us know if you no longer want our help
- not to discuss your complaint with the public transport operator while we are investigating. If you are contacted by the operator, advise the operator that the matter is being investigated by the PTO, and refer them to us
- to treat us with respect.

Contacting the PTO

If at any stage, you would like to discuss your case with the PTO, please contact us. We can be contacted on any of the contact methods listed at right:

Phone: **03 8623 2111** or free call **1800 466 865**

TIS: **131 450**

TTY: **1800 809 623**

Fax: **03 8623 2100**

Email: **enquiries@ptovic.com.au**

Website: **www.ptovic.com.au**

Post: **PO Box 538, Collins Street West,
MELBOURNE VIC 8007**