

Complaints about authorised officers

The Public Transport Ombudsman (“PTO”) can receive and investigate complaints about authorised officers, including about the exercise of statutory powers. Complaints most commonly arise when authorised officers are undertaking enforcement activities. This includes when checking tickets at stations or on trains and trams, and monitoring compliance with conditions of travel. Complaints may also arise where authorised officers are dealing with security incidents or in general dealings with commuters.

PTO approach to investigating complaints about authorised officers

Complaints about authorised officers potentially raise very serious issues – this is especially the case where the complaints concern the use of statutory powers such as the power to arrest a commuter and to require identification. For these complaints, the PTO will request all relevant information. This will include:

- **Information from complainants:** where relevant and available, the PTO will request any witness contacts a complainant may have, any medical reports obtained by the complainant or any other information that may assist the investigation.
- **Information from public transport operators:** the PTO will request all relevant information including:
 - complaint documents such as details of the operator’s investigation, statements and other evidence (for example, CCTV tapes) obtained, and correspondence to and from the complainant or others
 - contemporaneous records including copies of Reports of Non-Compliance (“RONC”), arrest advices, travel permits, and the authorised officers’ notebook entries
 - corporate records such as any relevant authorised officer rosters or timesheets
 - statements from authorised officers and other staff where these have not already been obtained.
- **Information from others:** the PTO will obtain a copy of any CCTV tapes from the Department of Transport. The PTO will also contact other authorities that may have been involved in the incident, including police officers, to request information for the PTO investigation. The PTO may also consult with Ombudsman Victoria during its investigation.
- **Law, codes and industry practice:** the PTO has regard to the law, industry codes and good practice, and what is fair and reasonable, when investigating complaints. For authorised officer complaints, documents considered will include:
 - relevant legal requirements in the *Transport Act 1983* (Victoria) and regulations
 - the Code of Conduct for public transport authorised officers
 - the Reference Notes for authorised officers prepared by the Department of Transport
 - any relevant policy or procedure of the public transport operator.