

23 January 2008

COPY

Mr George Brouwer  
Ombudsman Victoria  
Level 3  
459 Collins Street  
Melbourne 3000

Dear Mr Brouwer

**Public Transport Ombudsman (PTO):  
Memorandum of Understanding (MOU) with Ombudsman Victoria (OV)**

**A. AUTHORISED OFFICERS**

I refer to the MOU concluded with you in 2005. Since then the provisions in the PTO Constitution and Charter, which precluded me from investigating the conduct of Authorised Officers when exercising their statutory powers, have been amended to enable me to undertake such investigations. Marked-up copies of the PTO Constitution and Charter highlighting the amendments are attached as Appendices 'A' and 'B'. The amendments were approved by the PTO scheme's members in general meeting on 25 October 2007, and have subsequently received the consent of the Minister for Public Transport as required by Paragraph 12 of the PTO Charter. Of course the amendments have no effect upon your powers to investigate complaints relating to Authorised Officers pursuant to section 221T of the *Transport Act 1983 (Vic)*.

***Proposed Arrangements:***

Having regard to the PTO scheme's amended jurisdiction and my discussions over recent months with the Deputy Ombudsman, Mr John Taylor, it is now proposed that the following operating arrangements be adopted:

1. The PTO recognises OV's unfettered jurisdiction to conduct its own investigation of particular cases, or to institute "own motion" investigations as and when it deems appropriate.
2. The PTO will in the first instance receive all complaints relating to the conduct of Authorised Officers (AO complaints).
3. Upon receipt of an AO complaint the PTO will log it in its Resolve data base in accordance with its standard procedures for the logging of complaints.

4. The PTO will initiate an investigation of each AO complaint in accordance with attached flow chart.
5. The PTO will discuss quarterly with OV AO complaints logged by the PTO, their details and outcomes. To facilitate this process designated PTO and OV staff will meet regularly to review AO complaints received / closed, emergent issues and operational matters.
6. Where necessary the PTO will refer AO complaints to OV if it is considered that OV is better placed to investigate them. Alternatively, OV may be consulted to ascertain if a joint OV / PTO investigation is warranted.
7. If agreed, PTO and OV staff may work jointly on designated cases, the identification of systemic issues and / or OV own motion investigations.
8. The PTO and OV agree that each will provide joint training and development to their respective staff engaged in investigating AO complaints. This may include:
  - a. short term secondments of staff, and / or
  - b. participation in PTO / OV in house training programs.

## **B. STATUTORY AUTHORITIES**

The Public Transport Ombudsman has jurisdiction to receive, investigate and facilitate the resolution of *“complaints in relation to Public Statutory Bodies providing public transport services or related activities, where, under the MOU the (PTO) is the appropriate body to receive, investigate and facilitate the resolution of the complaint”* (Ref. Paragraph 3.1(e) of the PTO Charter).

Pursuant to its Charter the PTO may only investigate complaints in connection with a Public Statutory Body, if it is a member of the PTO scheme. As at 1 July 2007 the following statutory authorities were members of the PTO scheme:

- Southern Cross Station Authority
- Transport Ticketing Authority
- VicTrack

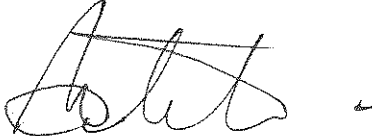
***Proposed Arrangements:***

Subject to your agreement I suggest that a similar approach to that outlined above for AO complaints be adopted in respect of complaints against the above statutory authorities.

If the above proposals are acceptable to you I will ask my Conciliation Manager to prepare guidelines and procedures for use by PTO staff in the investigation of AO complaints. In this regard I would welcome input from your staff and enquire whether you could nominate someone from your office to assist in this process?

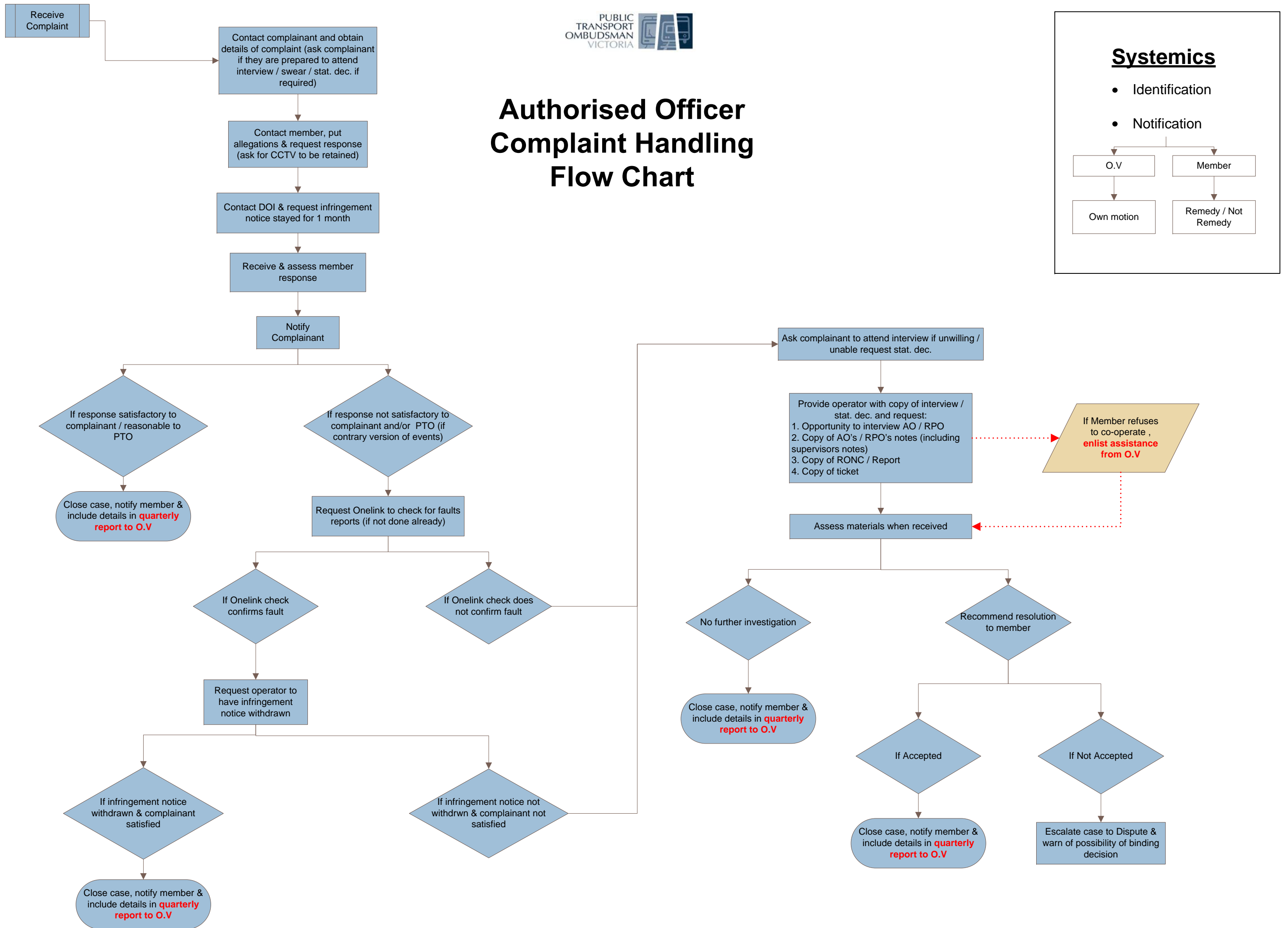
I look forward to receiving your comments. In the meantime please do not hesitate to contact me if you have any queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'James Hartnett', with a small flourish at the end.

**James Hartnett**  
**Public Transport Ombudsman**

# Authorised Officer Complaint Handling Flow Chart



**Systemics**

- Identification
- Notification

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    graph TD
      O.V[O.V] --> OM[Own motion]
      Member[Member] --> NR[Remedy / Not Remedy]
  
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RECEIVED

31 JAN 2008

30 January 2008

OV/08/41  
DOC/08/2076

Mr James Hartnett  
Public Transport Ombudsman  
P O Box 538  
Collins Street West  
Melbourne VIC 8007

Dear Mr Hartnett

Thank you for your letter of 23 January 2008 regarding proposed arrangements for dealing with complaints about Authorised Officers.

I have no problem with the approach suggested in your letter. I would be happy to contribute to the development of guidelines and procedures for use by your staff. Please contact Mr Stephen Mumford, Director of Investigations, in relation to assistance in this process.

Yours sincerely



G E Brouwer  
OMBUDSMAN