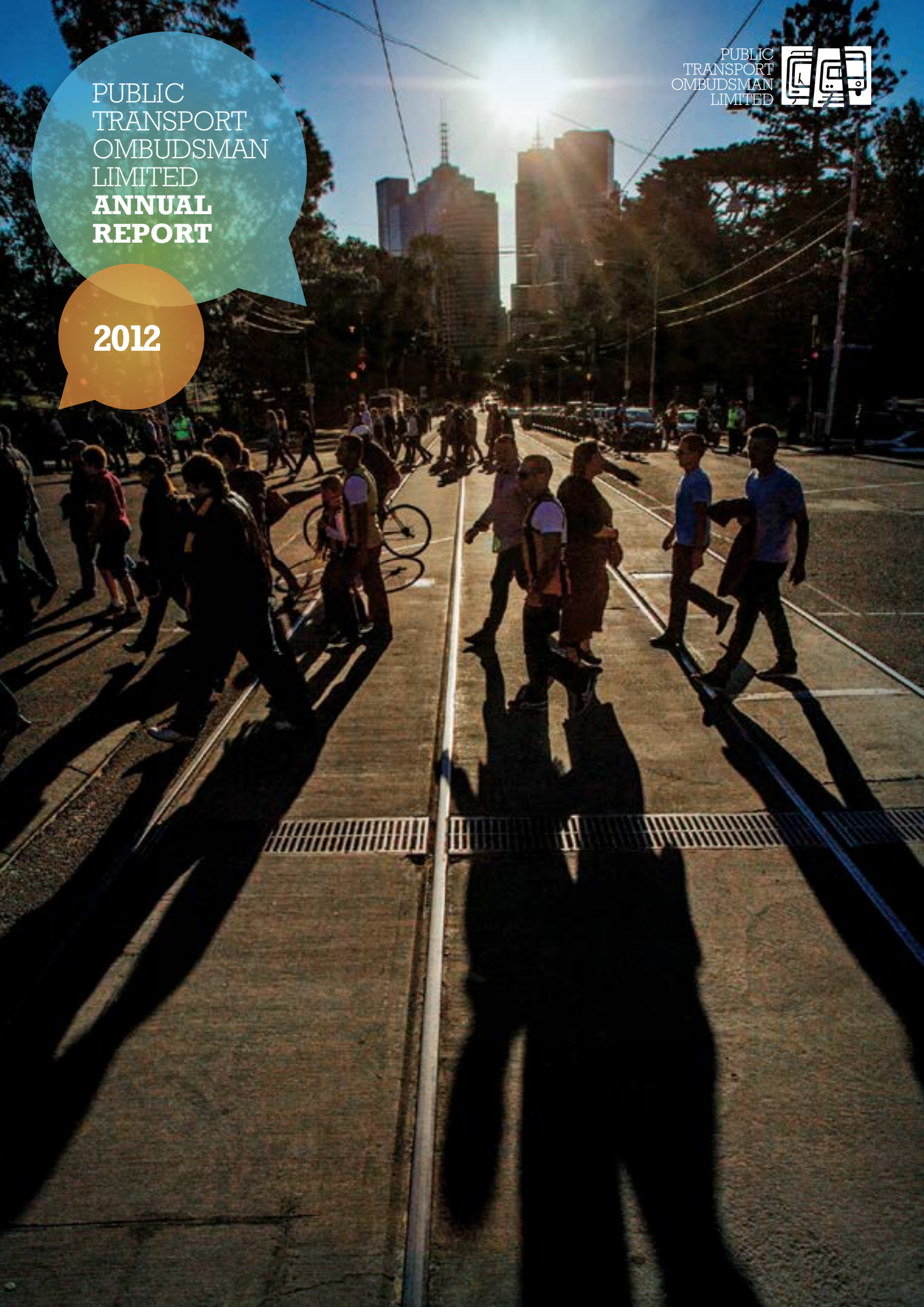


PUBLIC
TRANSPORT
OMBUDSMAN
LIMITED
**ANNUAL
REPORT**

2012

PUBLIC
TRANSPORT
OMBUDSMAN
LIMITED



3,555

Cases received

5,014

Issues registered

Cases finalised

91% within 31 days

Complaints investigated
and finalised

568 complaint investigations

999 complaint issues

91% resolved by agreement

Our mission

The mission of the Public Transport Ombudsman (PTO) is to receive, investigate and facilitate the resolution of complaints and disputes between users of public passenger transport services in Victoria and Members of the PTO scheme, where the public transport operators have been unable to resolve the complaint in the first instance.

Our mission is founded on principles of independence, natural justice, access, equity, effectiveness, accountability and community awareness.

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Our values

Excellence

Quality focused, Accountable, Responsive, Accurate

We strive for excellence because we value what we do.

Integrity

Open, Confident, Strong, Committed

We are transparent, honest and consistent.

Leadership

Inspired, Creative, Courageous, Effective

We lead through encouragement, guidance and innovation.

Respect

Empathic, Considerate, Honest, Fair

We treat ourselves and others with dignity.

Independence

Equitable, Reasonable, Consistent, Transparent

We are impartial and objective.

Glossary of terms

ANZOA	Australian & New Zealand Ombudsman Association
AO	Authorised Officer
AORTA	Authorised Officer Regulation, Training and Accreditation unit
DoT	Department of Transport
IDR	Internal dispute resolution
PTO	Public Transport Ombudsman
PTV	Public Transport Victoria
RTM	Refer to Member
RFIE	Refer for Internal Escalation
TTA	Transport Ticketing Authority

From the Chair



The establishment of Public Transport Victoria (PTV) and the roll-out of myki have both altered the operational environment of the PTO.

The past year has seen the most significant changes in the operation of the PTO since it was established in 2004.

The establishment of Public Transport Victoria (PTV) and the roll-out of myki have both altered the operational environment of the PTO.

PTV's role as the statutory authority administering Victoria's train, tram and bus services, and as a single contact point for commuters, has necessitated a re-evaluation of procedures for handling commuter complaints across all modes of public transport. This process presents a unique opportunity to set up new protocols and reporting mechanisms and it is important that the right balance is struck between the roles of the PTO and PTV for the benefit of Victoria's commuters.

From a work load perspective, the PTO's case volumes increased from 1,838 in 2010/2011 to 3,555 in 2011/2012. A major driver of this was the rise in the number of myki cases, but transport operator case volumes also increased.

The increasing case load presented significant challenges for the PTO. Ombudsman, Janine Young, and all the dedicated staff of the PTO, deserve much credit for their hard work and ability to maintain high standards of performance during a particularly challenging twelve months. The significant rise in cases and investigations also necessitated an increase in PTO staff numbers.

There have been a number of changes of membership at Board level in the past year. Merran Kelsall finished her term as Chair on 25 June 2012 and I would like to acknowledge Merran's enormous contribution to the development of the PTO over an eight-year period from its establishment onward. Under Merran's leadership, the PTO was established on a firm footing and, under her guidance, operated efficiently and effectively. Having served as a Consumer Director of the PTV since July 2011, I was delighted to commence as Chair on 26 June 2012 and I look forward to building on Merran's work.

I would also like to thank our departing Consumer Director Maree Davidson, a director since the scheme's inception, and an insightful contributor to the Board's deliberations, and welcome to the Board newly appointed Consumer Directors – Lawrence Seyers and Caroline Elliott.

The year ahead will undoubtedly be another challenging one for the PTO. The PTO Board and the Ombudsman will work with all Members of the scheme to adapt to the rapidly changing public transport environment, while ensuring that the PTO continues to meet its obligations to Victorian commuters by dealing fairly and efficiently with all the cases it receives.

I am pleased to present this Annual Report for the year ended 30 June 2012 and I would like to thank all those who provided support to the PTO scheme during a particularly busy year.

Richard Allsop

*Chair
Public Transport Ombudsman Limited*

From the Ombudsman



During the past year, not only did we experience an increase in case volumes but also an increase in complaint complexity. While this could have tested the effectiveness and efficiency of the office, we were already focused on moving our service from being 'good to great'. Our major projects focused on aligning our service with the National Benchmarks for Industry Based Customer Dispute Resolution Schemes – Accessibility, Independence, Fairness, Accountability, Efficiency and Effectiveness, so we were positioned and ready to manage our larger and more complex caseload.

Our key achievements included enhancements to our case management system, reporting improvements, and the development of a comprehensive learning and development program for PTO staff.

Our key achievements included enhancements to our case management system, reporting improvements, the development of a comprehensive learning and development program for PTO staff complemented by a comprehensive case handling manual, and the development of a new and accessible website.

It has been a challenging year, with many major changes. An increase in complaints, particularly resource intensive complaint investigations, the myki transition and the establishment of PTV all impacted our ability to forecast case activity and resource needs with any certainty.

Although we had budgeted for an increase in case load, the expected increase of up to 2,300 cases actually became a total of 3,555 cases for the year, nearly double our previous year's case load. In order to ensure that complaints were handled effectively and in a timely manner, the PTO team grew from nine to 12. Despite this, we managed the larger volume without exceeding our budget.

Both the PTO and its Members are focused on ensuring that financial resources are used effectively and this message was strongly directed to the PTO by its Members during the 2012/2013 budget process. As a result, we are reviewing our case activity and budget as at 30 September 2012 to ensure that the PTO maintains its independence and the level of service expected by all of our stakeholders throughout 2012/2013.

It is, therefore, very pleasing to see PTO Members engaging positively and implementing new approaches as a result of PTO recommendations to address systemic issues. This will increase consumer satisfaction, which should, in turn, reduce PTO case activity. In 2012/2013, we will continue to provide advice and recommendations to PTO Members aimed at addressing emerging complaint issues and trends.

I have continued to strengthen our relationship with consumer organisations including Victorian Council of Social Service (VCOSS), Travellers Aid, Vision Australia and Guide Dogs Victoria, VicDeaf, Youthlaw and the Victorian Equal Opportunity and Human Rights Commission. These relationships have increased the PTO's value to commuters and public transport operators, as they have resulted in the PTO providing training sessions to operator staff about dealing with people with disabilities or diverse needs. Most importantly, an increased awareness about the role of the PTO empowers consumers to confidently raise complaints with operators and, where necessary, my office.

The PTO team has done a tremendous job over the past 12 months – and I commend their commitment to providing high quality and timely service during a period of significantly increased workloads. The team has continued its dedication to sustainable practices, resulting in the PTO receiving the 2011 CitySwitch Signatory of the Year Victoria Award for maximising energy efficiency and embracing sustainable principles.

Again, I have been strongly supported by the PTO Board and I thank the Directors for their contribution to the continual development of the PTO.

Finally, thank you to all of the consumer groups with whom we liaise and to the consumers who seek our advice or dispute resolution service. Contributing to public transport service improvement through complaint analysis and dispute resolution is the mission of the PTO – and is therefore reliant on effective consumer interaction.

Janine Young

*Ombudsman
Public Transport Ombudsman Limited*

About the PTO scheme

The PTO has been providing a free, fair, informal and accessible service to people who use or are affected by Victorian public transport services since its establishment in 2004. We are a not-for-profit, dispute resolution body, independent from both transport operators who are Members of the scheme, and government.

PTO Members

- BusVic
- Metro Trains Melbourne (Metro)
- Public Transport Victoria (PTV)
- Southern Cross Station
- Transport Ticketing Authority (TTA) (myki/Metcards)
- V/Line
- VicTrack
- Yarra Trams



Corporate governance

The PTO is a private, not-for-profit company, limited by guarantee. The PTO Constitution and Charter determine our structure and how we operate.

The PTO Limited Board has:

- three Industry Directors, appointed by passenger carrying Members of the PTO scheme to represent the views of the industry;
- three Consumer Directors, appointed by the Minister for Public Transport, who represent consumers and the community; and
- an independent Chairperson appointed by the Minister for Public Transport.

Responsibilities

The Board is responsible for the business affairs and property of the PTO - including corporate governance, risk management, the setting of budgets, strategic planning, the appointment of the Ombudsman and ensuring the Ombudsman's independence.

The equal representation of industry and consumers ensures the independence of the Board and the PTO itself.

The Ombudsman is responsible for complaint handling and the day-to-day operations of the PTO.

The PTO Ltd Board

From left to right:

- Richard Allsop, Chair
- Rob Barnett, Industry Director
- Caroline Elliott, Consumer Director
- Greg McGann, Industry Director
- Lawrence Seyers, Consumer Director
- Wendy Smith, Consumer Director
- Leah Waymark, Industry Director
- Bernard Stute, Company Secretary
- Janine Young, Ombudsman

Access and awareness for those who need it most

An industry ombudsman can only achieve its mission if people know of its existence.

The PTO is required by its Charter and the National Benchmarks for Industry-Based Customer Dispute Resolution Schemes, to ensure that all Victorians are aware of the PTO's existence, procedures and scope. We make ourselves readily available to consumers through awareness and engagement activities, being easy to use and having no cost barriers.

We are also required by the Benchmarks to provide appropriate facilities and assistance for disadvantaged consumers and those with special needs. This is the PTO's target sector, as these are the consumers most at risk of experiencing public transport disadvantage.

The PTO ensures that it provides an accessible service and that consumers understand that they need to raise their complaint with the transport operator first, before the PTO can investigate.

To this end, the PTO engages with a wide range of organisations to share information about operator complaint handling processes, general public transport information, ticketing, accessibility and the PTO's complaint handling processes.

This year we have worked closely with consumer organisations including VCOSS, Travellers Aid, Vision Australia and Guide Dogs Victoria, VicDeaf, Youthlaw and the Victorian Equal Opportunity and Human Rights Commission.

How, why and who accesses the PTO?

The profile of those who contact the PTO, particularly how and why they heard about us, enables us to tailor services and ensure that all members of the community can find us when they need us.

Consumers by gender

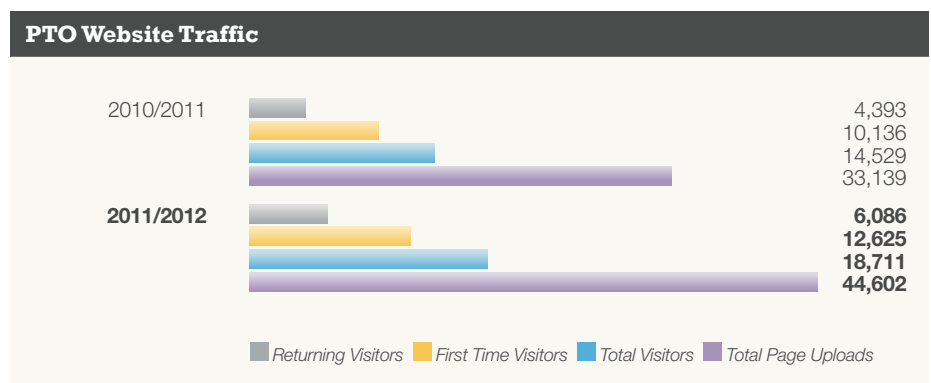
56% Male
44% Female

Where consumers came from

Regional/rural Victoria 5%
Melbourne Metropolitan area 95%

**collected from 73% of consumers*

Note: 95% of public transport travel occurs in the metropolitan area.



Website traffic

Our web traffic has leapt substantially this year, with 34.5% more page loads and 28.8% more visitors than in 2010/2011. This year, the PTO website was redesigned with accessibility as a top priority, in line with the increased use of the web by all community sectors.

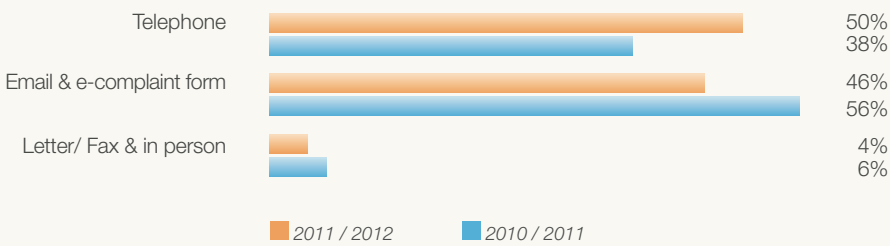
“The PTO’s awareness work has been great – at GDV we’ve increased our public transport knowledge 100%.”

- Guide Dogs Victoria

“The PTO has been invaluable in helping vulnerable transport users engage meaningfully with public transport operators, by making an independent source of advice and complaints resolution more visible. By carefully explaining engagement processes, building awareness of the best way to resolve customer frustrations, investigating clear instances of poor practice, and engaging in systemic analysis of accessibility, the Ombudsman provides a valuable mechanism to improve customer service in the public transport network.”

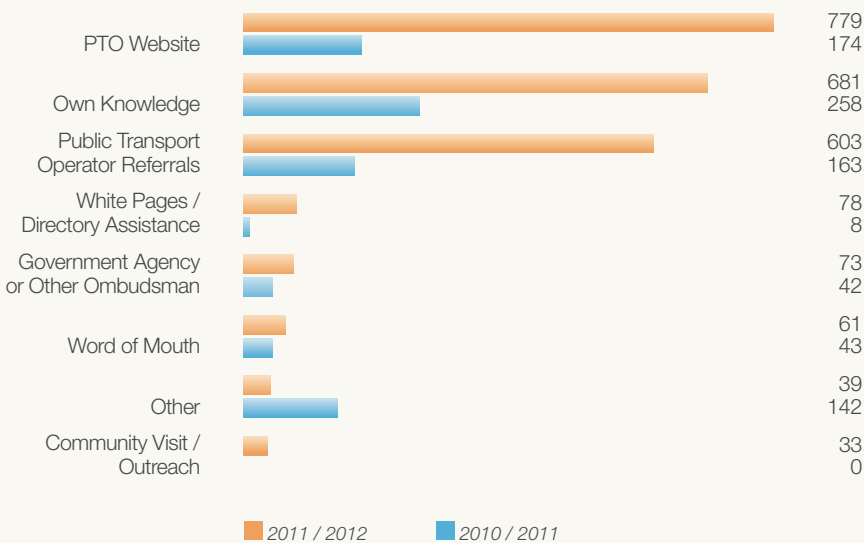
- Victorian Council of Social Service (VCOSS)

How consumers contacted us (total 3,555)



This year, we received more complaints by telephone (up 12%), with 10% fewer complaints coming in by email and e-complaint forms.

Where consumers heard about us - collected from 2,347 of 3,555 consumers



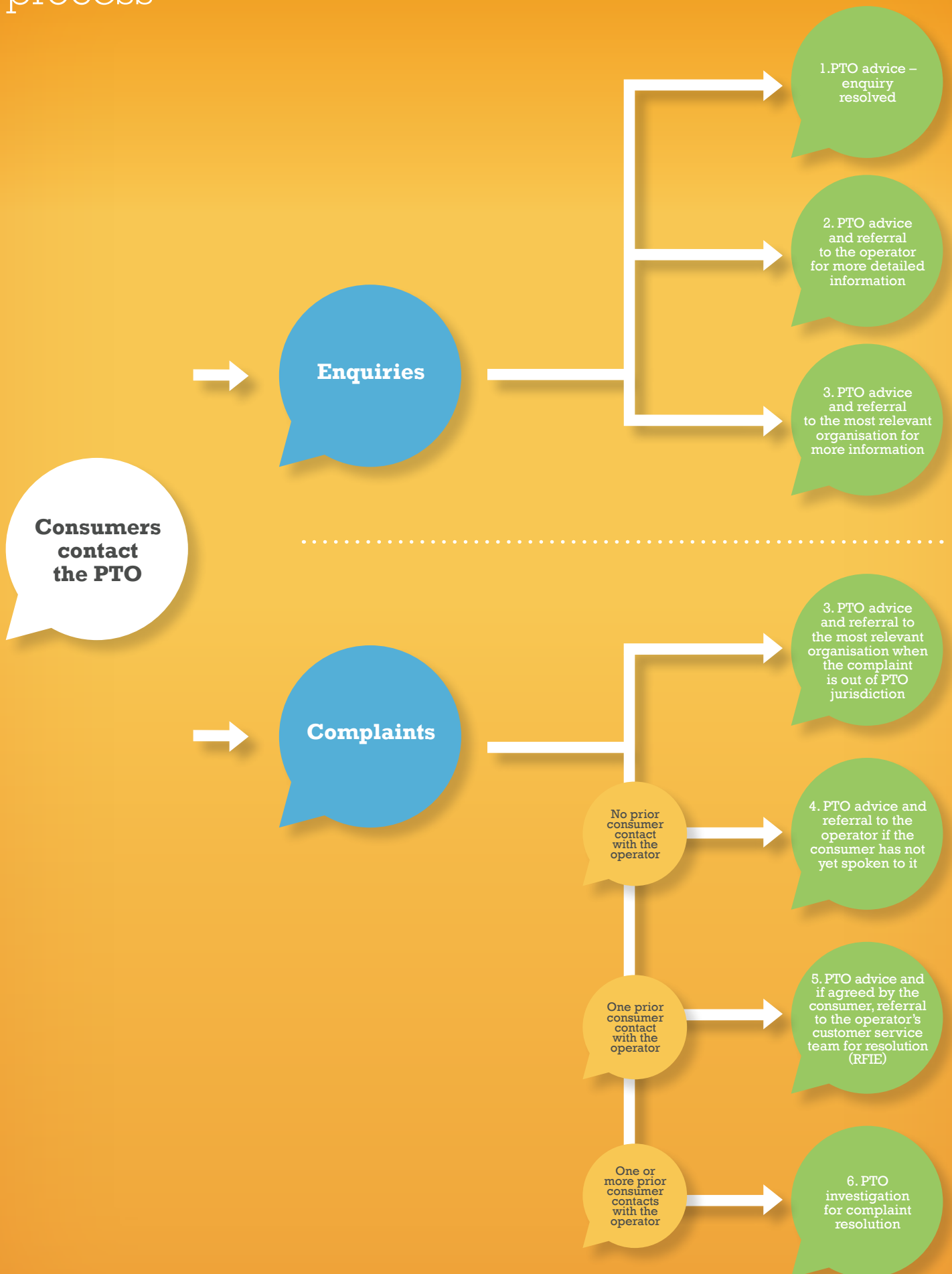
In 2011/2012, 66% of consumers provided specific information about how they heard about the PTO, compared with 45% of consumers in 2010/2011. The increase in data collection and in total cases received explains some of the variances in how people heard about the PTO over the period. All transport operators provide information on websites and in other publications, about how consumers can lodge complaints through the operator's internal dispute resolution process and contribute to consumer awareness of the PTO by including our contact details on their websites and in other publications.

“We have assisted the PTO to reach people who experience transport disadvantage, people with disabilities and mobility needs and people facing emergency situations. This helps to identify areas for improvement in public transport and these issues are discussed on a regular basis and enable the PTO to liaise with its Members to affect positive change”.

- Travellers Aid Australia



Complaint process



2011/2012 Cases Received

Overall cases received

Cases received by file type	2011/ 2012
Information Requests	43
Refer to PTV, Department of Transport (DoT) or Other Organisations	679
Refer to Member - Enquiry	367
Refer to Member - Complaint	1,203
Refer for Internal Escalation (RFIE)	695
PTO Investigation	568
Total cases	3,555



PTO case types explained

All enquiries and complaints made to the PTO are categorised into one of six file types. This enables us to provide detailed data to scheme Members, stakeholders and consumers through public reports, about how we've handled and responded to the enquiries and complaints raised with the PTO.

1. Information requests

Enquiries that are about public transport generally, or the role of the PTO.

2. Refer to Member Enquiries

Consumer information requests about operator service which are referred to the operator.

3. Refer to Public Transport Victoria, Department of Transport or other bodies

Enquiries and complaints that are outside of the PTO's jurisdiction, most often about ticket infringements and government ticketing or public transport policy.

4. Refer to Member Complaints

Complaints about operator service where the consumer is seeking resolution but has not yet given the operator the opportunity to resolve the complaint, or it is in the process of being resolved. These are referred to the operator.

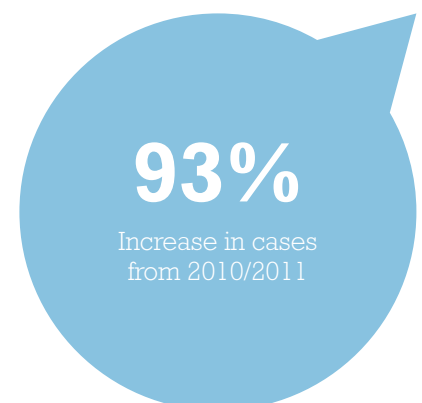
5. Refer for Internal Escalation (RFIE)

Complaints referred to an operator's Customer Service Team for response and resolution. The operator must contact the consumer within 24 hours to acknowledge the referral, openly and fairly investigate the complaint and provide the consumer with a full and thorough response within seven business days. We use this process when a consumer has spoken to an operator staff member once and hasn't received a satisfactory response, but is happy to keep dealing directly with the operator, rather than have the PTO investigate.

The PTO may also RFIE complaints where the consumer has not contacted the operator, if the complaint involves complex issues, Authorised Officers or where the consumer has special needs.

6. PTO Investigations

The PTO registers and investigates complaints where the issue is within our jurisdiction and the consumer has raised their concerns with the operator without resolution.





5,014

issues raised

39%

increase in
case issues from
2010/ 2011

Case Issues

Many consumers raise more than one issue when they contact the PTO, which explains why 5,014 issues were raised from 3,555 cases. This figure is up 39% from 3,619 in 2010/2011.

In addition to recording each case, it is just as important to accurately capture the issues consumers are complaining about to help identify and address the cause of complaints.

Issues raised by case type	2011/2012
Refer to Member - Complaint	1,702
RFIE	1,152
PTO Investigations	999
Refer to PTV, DoT or Other Organisations	734
Refer to Member - Enquiry	381
Information Requests	46
Total	5,014

Issues by major category	2011/2012
Ticketing - myki	2,319
Staff	633
Service Delivery	576
Infrastructure and Rolling Stock	459
Infringement Notices	375
Other Requests	250
Ticketing - Metcard and V/Line	207
Authorised Officer	138
Land	57
Total	5,014

Issue categories

Complaint issues fall into eight major categories:

Authorised Officer: behaviour and conduct, communication, the exercise of discretion and safety and security

Infrastructure and rolling stock: vehicles, stations, tracks, toilets, announcements, overcrowding and maintenance works and noise that impact on residents and others

Infringement notices: these issues are out of the PTO's jurisdiction and are referred to the appropriate body for review

Land: car parks, rail and tram corridors, fencing and maintenance work

Other requests: general requests for public transport information and other services

Service delivery: punctuality, cancellations, disruptions, timetabling (including changes to timetables) failure to pick up / set down commuters and website information

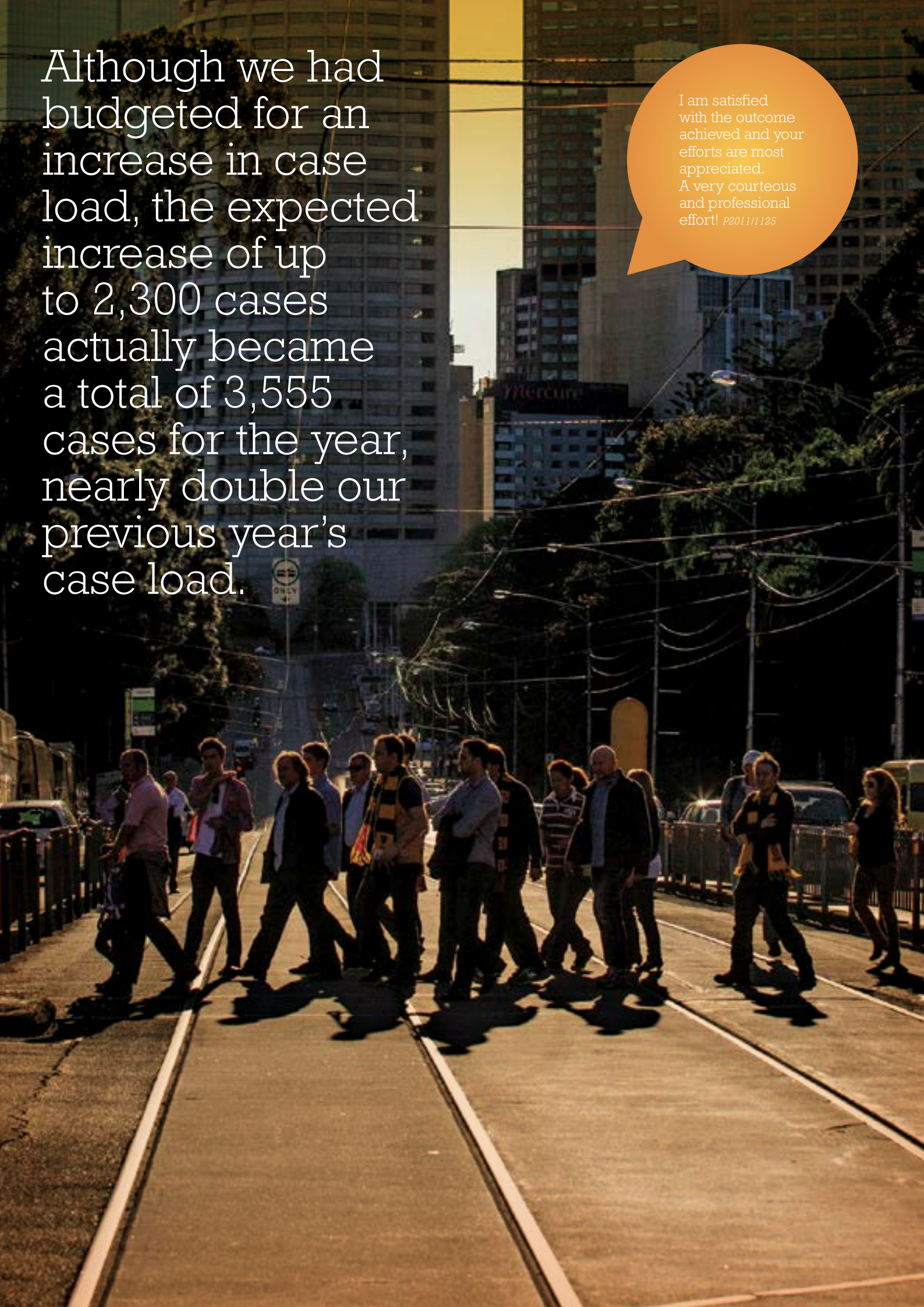
Staff: customer service, information provision, behaviour / demeanour, failure to pick up / set down, safety / security and complaint handling

Ticketing – Metcard and V/Line: faulty tickets and machines, refunds, replacements, compensation, information and conditions

Ticketing - myki: faulty cards and machines, refunds, replacements, compensation, information and conditions

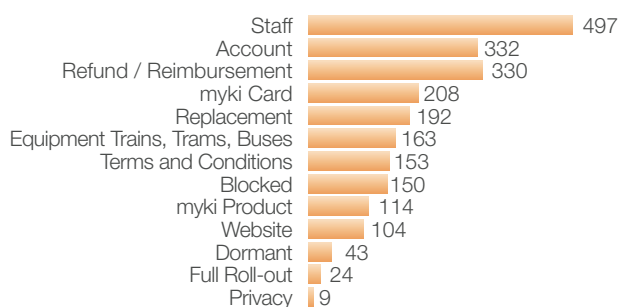
Although we had budgeted for an increase in case load, the expected increase of up to 2,300 cases actually became a total of 3,555 cases for the year, nearly double our previous year's case load.

I am satisfied with the outcome achieved and your efforts are most appreciated. A very courteous and professional effort! P2011/1125

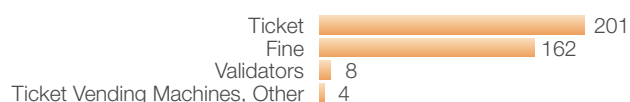


Detailed Issues by Category

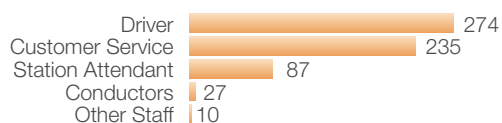
myki - 2,319 issues



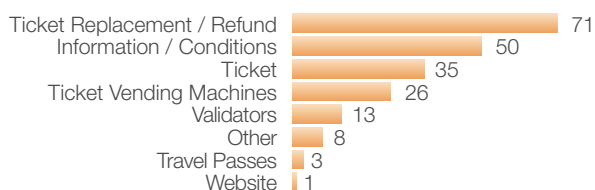
Infringement Notice - 375 issues



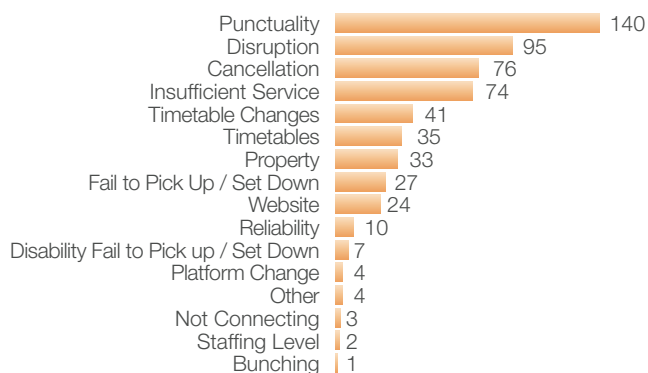
Staff - 633 issues



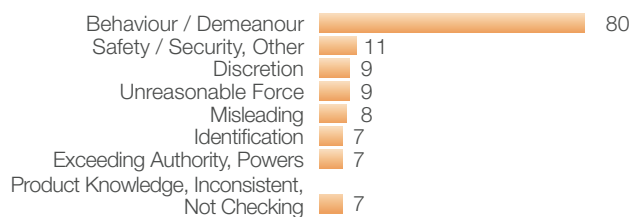
Ticketing (non-myki) - 207 issues



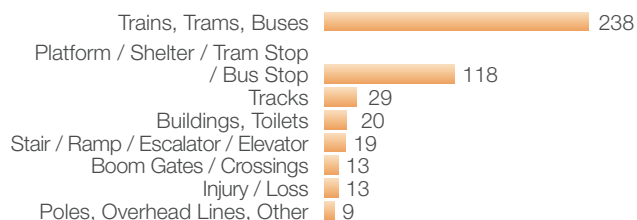
Service Delivery - 576 issues



Authorised Officer - 138 issues



Infrastructure and Rolling Stock - 459 issues



Land - 57 issues

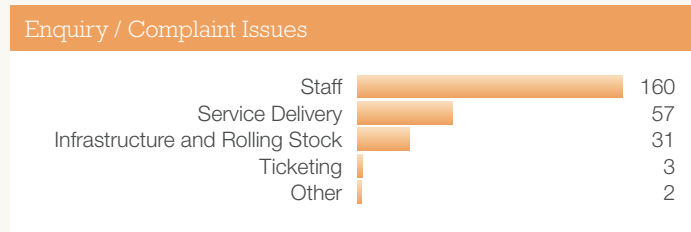
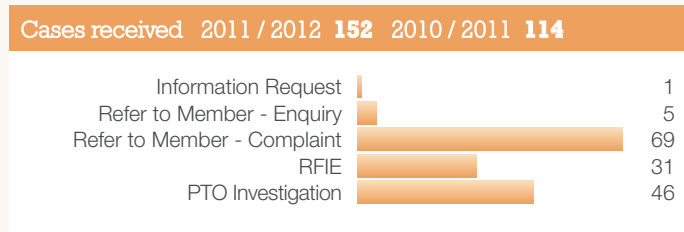


The PTO also registered 250 general issues

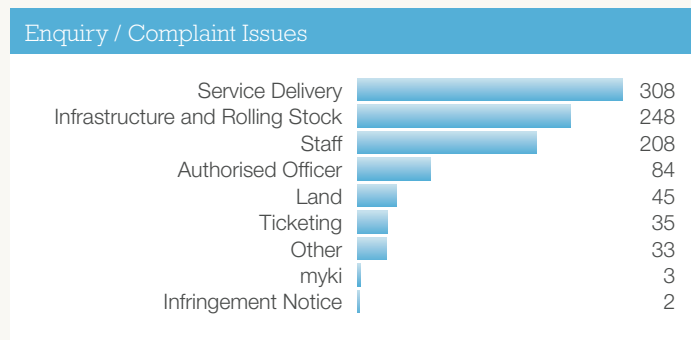
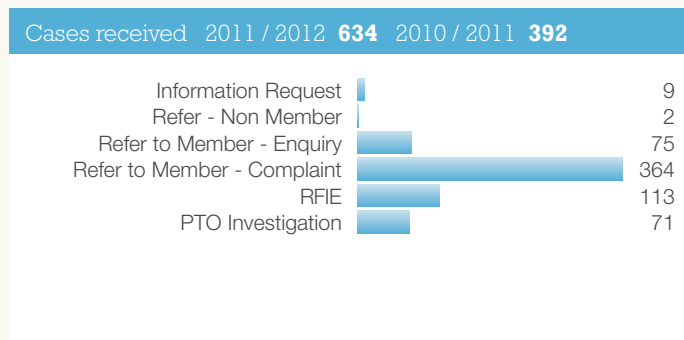
Non Public Transport Information 149
General Public Transport Information 101

PTO Members

Bus Association Victoria Inc is the industry representative body for Victoria's accredited bus operators including the 470 bus operators across Victoria that fall within the PTO's jurisdiction.

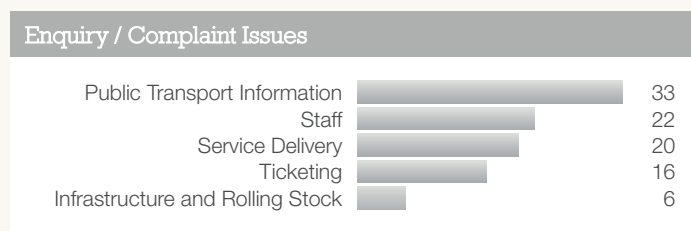


Metro Trains transports around 415,000 customers each day, has a workforce of 4,200, and operates 203 six-carriage trains across Melbourne's metropolitan train network of 15 lines and 215 stations.



Public Transport Victoria (PTV) is the statutory authority that administers Victoria's train, tram and bus services. It provides a single contact point for customers wanting information on public transport services, fares, tickets and initiatives.

PTV took over from Metlink from 2 April 2012. The PTO's jurisdiction is limited to PTV's role as a customer interface and communication point regarding public transport in Victoria. PTO has no jurisdiction over PTV as the administer of Victorian train, tram and bus services.

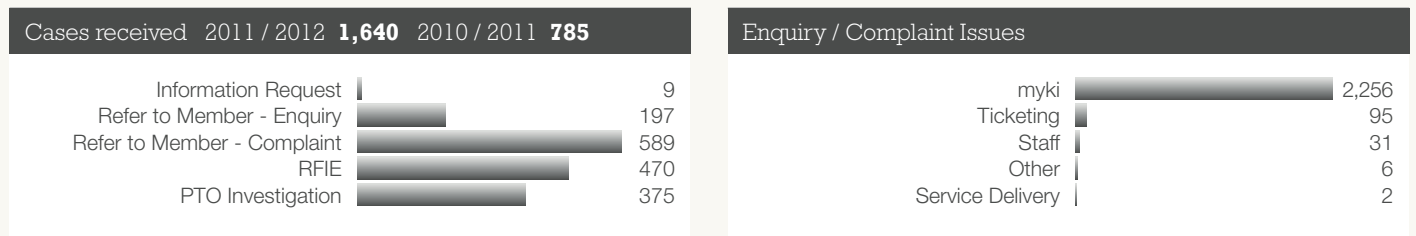


Southern Cross Station is the major railway station and transport hub of Melbourne and is managed by Southern Cross Station Pty Ltd. Around 40 million people use the facility annually.

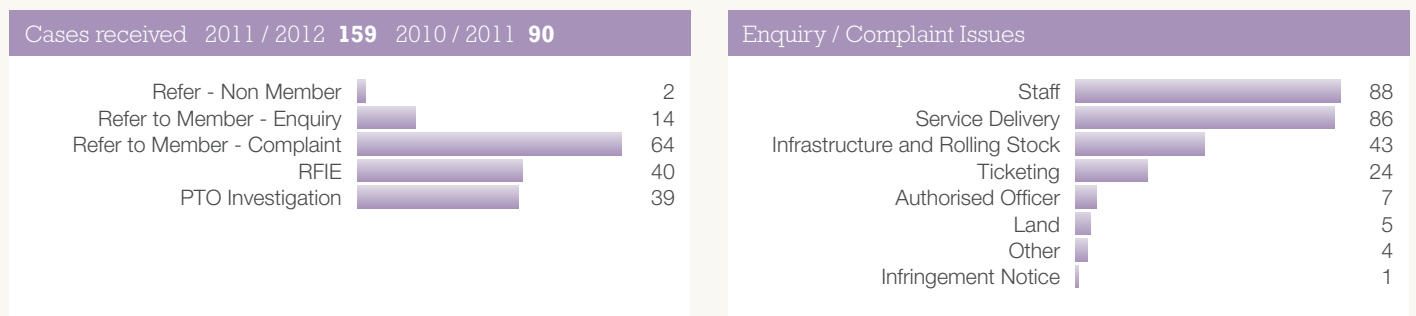


Transport Ticketing Authority (TTA) is the state agency which is responsible for the introduction and implementation of myki and the operation of Metcard. Ticketing and fares policy is developed by PTV.

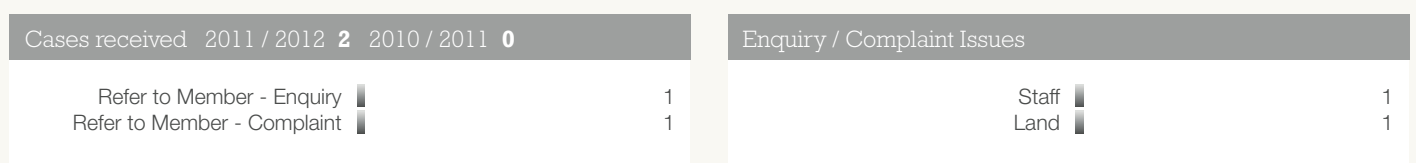
The functions of TTA and the ongoing management of myki will become the responsibility of PTV during 2012/2013.



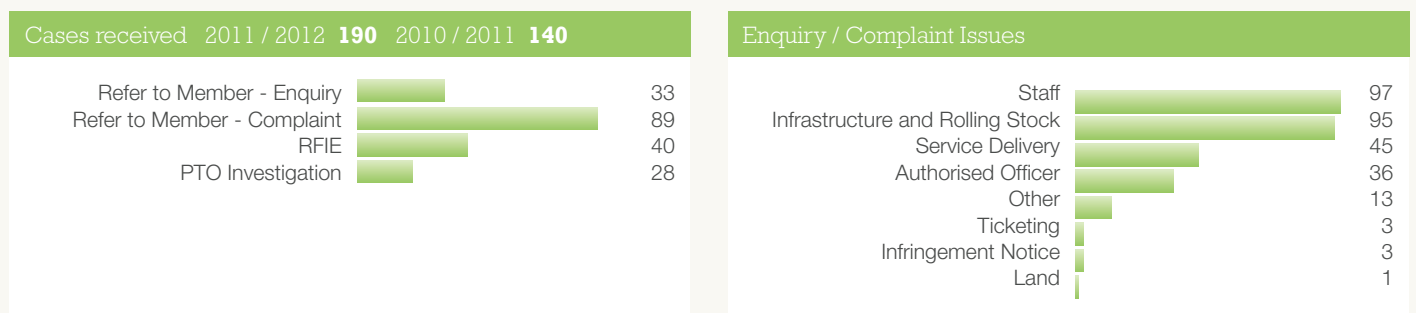
V/Line is Australia's largest regional public transport operator, running more than 1,400 train services and 600 coach services throughout regional Victoria (and into Melbourne) each week. In 2010/2011, passengers made more than 14 million boardings on V/Line services.



VicTrack is a state authority and provides essential telecommunications and other services to support a safe and efficient public transport system. It is the legal owner of Victoria's railway land and infrastructure but leases those assets to Victoria's rail and tram operators.



Yarra Trams' operator, Keolis Downer EDI Rail (KDR), manages Melbourne's tram network, the biggest operating tram network in the world. It has 250 kilometres of double track, 1,763 trams stops and 29 tram routes with 31,500 weekly services and around 182 million boardings per year.



As evident in these tables, some cases, particularly complaints, involve more than one issue. The PTO also received 696 non-PTO Member Cases.



1,600

myki cases

2,319

myki issues

myki – Melbourne’s public transport ticketing system

What is myki?

myki is Victoria’s fully integrated ticketing system for travel on train, tram and bus services. It is a durable, plastic smart card which stores value, and can be used repeatedly. The Transport Ticketing Authority (TTA) is responsible for the implementation of myki via contractor Kamco, who as part of its operation of the system, has an established myki contact centre.

PTO and TTA engagement

Regular monthly meetings between the PTO and TTA continued in 2011/2012 to discuss emerging issues arising during the myki roll-out. One of the major initiatives from our discussions was the PTO development of a new myki ‘issue tree’ from March 2012, to better classify and report on myki complaint issues.

PTO myki case activity

This year, the PTO received 1,600 myki related cases (up from 775 in 2010/2011), which included 2,319 issues (up from 1,051).

Consumer take up of myki was significant from February 2012. 32% of ticket validations were made using myki in January 2012 and this number had risen to 80% of all ticket validations by mid-2012. After such a surge in usage, the increase in myki complaints was not surprising.

Systemic issues

The PTO managed a number of systemic complaints arising from the myki transition this year.

Major issues under PTO review or investigation included:

- myki remote unblocking – cards must be sent to myki to be unblocked when auto top up payments fail as a result of insufficient funds or outdated card expiry dates, resulting in a number of complaint issues including lack of access to cleared customer funds stored on the myki;
- bus Zone 1/2 overcharges – overcharge occurs for some Zone 1 stops that are close to Zone 2 boundaries, affecting not all, but some consumers;
- myki pass refund calculations – lack of consumer information and incorrect calculation estimates have contributed to a significant number of complaints;
- confusing card vending machine information resulting in new myki cards being loaded with myki money or passes purchased when a consumer simply wanted to top up their existing myki card; and

- myki money and myki pass same day transactions resulting in commuters being overcharged.

Software upgrades that will address some of these transitional issues are in the process of being introduced. Some issues will also be addressed by improved customer education activities and website information (continued page 18).

myki case issues 1,600 cases, 2,319 issues	
Staff - Customer Service	351
Train, Tram, Bus Card - Readers, Vending Machines	163
Refund / Reimbursement - Declined	144
Refund / Reimbursement - Delay	130
Account - Charges/Overcharge	129
Staff - Inadequate Product Knowledge	108
myki Card - Faulty	106
myki Card - Quality, Damaged, Availability, Fee	102
Account - Access, Set Up, Other	84
Replacement - Not Received, Incorrect, Other	82
myki Card Blocked - Auto Top Up Failure	75
Website - Access	71
Account - Top Up/Auto Top Up	69
myki Pass Commuter Club, Incorrect Amount, Top Up, Delay	68
Terms & Conditions - Fares / Default Fares	64
Replacement - Delayed	60
myki Card Blocked - Unblocking Process	59
Refund / Reimbursement - Calculation, Commuter Club, Other	56
Account - Delayed Transactions	50
Replacement - Interim Travel Option Not Provided	50
Terms & Conditions - Travel Entitlements	48
myki Money - Top Up, Incorrect Amount, Delay	46
Dormant Transactions - Information/Reactivation Process	43
Staff - Behaviour, Delayed Response, Other	38
Website - Information Provision	33
myki Roll-out - Information Provision, Knowledge	24
Terms & Conditions - Concessions	21
Terms & Conditions - Rounding, Card Cost, Commuter Club, Other	20
myki Card Blocked - Lost/Stolen, Incorrect, Other	16
Privacy - Compliance / Policy	9
Total myki issues	2,319

Refer to page 15 for full details of TTA cases

myki – Melbourne’s public transport ticketing system (continued)

PTO recommendations to reduce complaints

The PTO has recommended to TTA that more information be made available via:

- the myki website;
- refund and reimbursement forms;
- publications;
- contact centre scripting and increased contact centre staff training; and
- internal escalation of complaints.

Positively, the PTO has seen a reduction in myki cases in the first quarter of 2012/2013, as TTA has implemented an internal complaint escalation process and quality assurance initiatives.

Looking ahead

The Metcard ticketing system will end in Melbourne on 28 December 2012, and myki will be the only valid transport ticket from the first service on 29 December 2012. myki roll-out activity in Melbourne will continue through to the early part of 2013, with V/Line inter-urban services expected to commence with myki in the first half of 2013.

I have been very impressed with the PTO's courtesy, responsiveness and willingness to listen. I have told many people what a great job you are doing!

P2011/1413-1

myki refund calculation error influences consumer decision (P2012/0174-1)

A consumer contacted the myki contact centre as he wanted to know his options when refunding the remaining balance of his yearly Zone 1/2 Commuter Club pass, as he no longer travelled in Zone 2 and wanted a Zone 1 pass for the 148 remaining days. When he contacted myki he was advised that he would receive an estimated refund of \$900.00, which would allow him to purchase a Zone 1 pass for the remainder of the year. Based on this information, the consumer submitted a refund request and initially received a refund of \$270.00, substantially less than the estimate provided. The consumer again contacted myki and as a result, the refund was reviewed. He was advised that the calculation was incorrect and he was entitled to a further refund of 20 pass days, bringing the total refund amount to \$386.00. This was not enough to purchase a Zone 1 myki pass for 148 days.

The consumer remained dissatisfied as he had relied on the information originally provided and stated that had he been advised the refund would be for \$386.00 he would have retained his myki pass and used it for all further travel.

He then contacted the PTO. The investigation included a review of the calculation method and found that the refund had been calculated in accordance with TTA's Business Rules. However, the PTO was concerned that TTA had not acknowledged that the inaccurate advice provided had resulted in the consumer suffering a detriment. TTA confirmed that the consumer had been provided with incorrect information; however, it viewed this as a customer service issue and reconfirmed its position that the consumer had received the correct refund amount and no further suggestions for resolution were provided.

The PTO was not satisfied that fair and reasonable resolution options had been provided and continued investigating. The PTO reviewed the call transcripts and established that the consumer was provided with inaccurate advice, the estimate being so different from the final refund amount that it could not reasonably be considered an estimate. The PTO formed the view that the consumer had reasonably relied on the information when making his decision to refund his myki pass. The PTO recommended that TTA place the consumer back in the ticketing position he would have been in if the incorrect advice had not been provided. TTA responded that it should not be held accountable for the mistake of an individual myki contact centre staff member. The PTO disagreed with TTA's position.

As a result of the 85 day investigation, which included a number of meetings and discussions between the PTO and TTA, TTA accepted the PTO's resolution suggestion and offered to issue a new myki card loaded with a 148 day pass for Zone 1/2 travel. TTA also provided the consumer with a goodwill gesture of \$30.00 for the inconvenience that had been caused to him. The consumer was happy to accept the new myki and the \$30.00 goodwill gesture in resolution of his complaint.

The PTO identified that a number of consumers had lodged complaints regarding the provision of incorrect refund estimates. Accordingly, the PTO classified the issue as systemic and TTA has recently advised that it is trialling an automatic refund calculator to assist myki agents in providing accurate estimates of payout figures to consumers seeking a refund.

Information requests and referrals

A vital part of the PTO's role is to ensure that consumers receive independent advice and information about public transport.

In 2011/2012 we separated Requests for Information into two categories, those which were responded to by the PTO and those referred to Public Transport Victoria (PTV), Department of Transport (DoT) or other organisations.

The PTO responded to 43 requests for information about 46 issues.

Referred to PTV, DoT or other organisations outside PTO jurisdiction cases

The PTO often receives complaints that fall outside our jurisdiction, such as those regarding infringement notices. After providing information about the correct processes to the consumer, the PTO refers the enquiry to the appropriate agency or body, most frequently DoT, PTV or Ombudsman Victoria. In 2011/2012 we referred 679 enquiries, about 734 issues, to non-Member organisations.



Requests for information (most common issues)	
General Public Transport Information	13
myki	8
Ticketing (Metcard / V/Line)	3
Infrastructure and Rolling Stock	3

Issues referred to PTV/DoT/Other Organisations (most common issues)	
Infringement Notice Ticket	199
Infringement Notice Fine	156
Non Public Transport Information	129
Service Delivery Timetables Changes	24
myki Terms and Conditions	18
Infrastructure and Rolling Stock Trains, Trams, Buses	14

Missing infringement notice (P2102/1469)

A consumer contacted the PTO as she was concerned that she had not yet received a Ticket Infringement Notice (TIN) she was due to be issued by the Department of Transport (DoT) after a Report of Non Compliance was made by an Authorised Officer when she travelled without a valid ticket. She was concerned that if the TIN had already been issued but had not been received, that further costs may be added to the fine. She wanted information about how she could find out the status of the TIN.

The PTO outlined its role, process and jurisdiction, explaining that it had no jurisdiction to investigate TINs. The consumer was provided with the contact details of the DoT infringement administration area and recommended that if the fine had been issued and was overdue that she outline to DoT her reasons for not paying the fine on time and advised that she may be able to seek a payment extension.

Enquiries and complaints referred to operators - the Members of the PTO

In line with the PTO Charter, we will not undertake an investigation unless the operator has had a reasonable opportunity to respond and resolve the complaint directly with the consumer.

Accordingly, we will always refer enquiries and complaints to the appropriate operator, via the PTV contact centre, when the consumer has not contacted the operator in the first instance.

Information about delay compensation - Refer to Member Enquiry (P2012/1263)

A consumer contacted the PTO to request advice regarding a service disruption on the Geelong Line. The consumer stated that he was a regular traveller on this line and had been on board a train that was stationary between two stations for some hours. He wanted to know how he could claim compensation for the delay.

The PTO had been briefed by V/Line about the disruption to the Geelong line and the challenges it faced in getting services back up and running. V/Line had implemented a compensation process to quickly address customer detriment and inconvenience. The PTO was able to fully inform the consumer about the reason for the long delay and how he could approach V/Line to make a claim for compensation as a result of the delay. As the consumer had not yet contacted V/Line, the PTO explained that he would need to do so first and could re-contact the PTO if his concerns were not addressed.

Blocked myki card - Refer to Member Complaint - (P2012/1189)

The consumer contacted the PTO as he was concerned by the confusing and conflicting advice he had been provided with, following the failure of an auto top up payment and the blocking of his myki card. The PTO explained that it was unable to investigate until the Transport Ticketing Authority (TTA) had been provided with a reasonable opportunity to respond to his complaint. As the matter was in process, the PTO referred the consumer back to TTA, advising that he provide TTA with seven business days to respond.

The consumer subsequently re-contacted the PTO as he was not satisfied with the response TTA had provided and the PTO undertook an investigation.

This year the PTO referred 367 enquiries to operators, involving 381 issues.

Refer to Member Enquiries – most common issues

General Public Transport Information	61
myki Account	44
myki Terms and Conditions	36
myki Website	35
myki Replacement	25
Infrastructure and Rolling Stock Trains, Trams, Buses	20
Service Delivery Lost / Damaged Property	21
myki Card	18
Ticketing Information/Conditions	16
Service Delivery Disruption	10

The PTO referred 1,203 complaints to operators in 2011/2012, involving 1,702 different issues. The number of complaints rose 47% from the 816 complaints referred last year.

Refer to Member Complaints – most common issues

myki Account	151
Staff Driver	131
Infrastructure and Rolling Stock Trains, Trams, Buses	87
myki Card	85
myki Staff	85
myki Equipment Trains	63
Service Delivery Punctuality	63
myki Card Blocked	59
myki Refund / Reimbursement	53
myki Product	49
Infrastructure and Rolling Stock Platform / Shelter / Tram Stop / Bus Stop	48
myki Terms and Conditions	47
myki Replacement	46
Staff Station Attendant	46
Service Delivery Disruption	42
Service Delivery Cancellation	39
myki Website	38
Staff Customer Service	33

Complaints referred to operator Customer Feedback Managers for resolution

The PTO referred 695 complaints, involving 1,152 issues, to operators for internal escalation.

Complaints are referred to the operator's Customer Feedback Manager using the RFIE process when the consumer has raised their complaint on one occasion and it remains unresolved.

Refer for Internal Escalation – most common complaint issues	
Staff Customer Service / Knowledge	265
myki Refund / Reimbursement	141
myki Account	66
myki Replacement	66
myki Card	61
Staff Driver	57
myki Card Blocked	51
myki Equipment Trains	39
Infrastructure and Rolling Stock Trains, Trams, Buses	35
myki Product	23
myki Website	23
myki Terms and Conditions	22
Authorised Officer Behaviour / Demeanour	17
Staff Station Attendant	15

Complaints can be resolved by a variety of means, however, in most cases, a detailed explanation and/or an apology will satisfactorily resolve a complaint.

Redress for RFIE complaints	
Detailed Explanation Provided	449
Apology	316
Goodwill Gesture	141
Ticket Compensation	59
Monetary Compensation	45
Recommendation for Change of Policy/Procedure	20
Member Staff Disciplined/Counselled	14
Refund	10
Member Staff Training	9

Closing tram door on boarding RFIE (P2011/1235)

A consumer stated that his wife and daughter boarded a tram and while boarding, the tram doors were closed on his daughter's leg. The consumer lodged a complaint with Yarra Trams and received an automated email advising that the complaint had been received and would be investigated. He was expecting a detailed written response from Yarra Trams and when this did not arrive he contacted the PTO seeking the written response and an assurance that it would not happen again.

After discussion with the PTO, the consumer consented to his complaint being referred to a senior staff member at Yarra Trams. As a result of the referral, Yarra Trams apologised for not providing a written response following its investigation. It also advised that it had spoken to the driver and had taken action to ensure the driver did not close the tram doors until all passengers were safely on board. The consumer was satisfied with the outcome.

Long grass a fire hazard RFIE (P2012/0088)

A consumer contacted the PTO to explain that he had contacted Metro to request that the grass between the railway and his home be cut, as summer growth posed a fire hazard. He was dissatisfied by Metro's response as he felt his safety concerns were not being addressed.

The consumer consented to the complaint being referred to a Metro senior staff member. In response, the consumer was informed that the slashing and weeding program had been delayed as a result of higher than expected rainfall. Metro had engaged additional contractors and the grass behind the consumer's property would be cut within 14 days. Metro also provided a direct contact to the consumer should he need to raise further issues. This resolved the complaint.

124%

increase in
investigations

568

investigations

PTO Investigations

In 2011/2012 the PTO investigated 568 complaints, a 124% increase on 2010/2011. There were 999 complaint issues.

Investigation process

After first ensuring that the complaint is within PTO jurisdiction and that the operator has had the opportunity to resolve the complaint, we will undertake an investigation.

PTO investigations are mostly informal and focus on what is fair and reasonable for all parties under all the circumstances. We assess all information from both the consumer and operator to determine what most likely occurred and will assist the consumer and operator to negotiate a suitable resolution.

PTO investigations aim to resolve the individual complaint but also encourage public transport operators to address the broader issues arising from complaints to prevent repetition.

Exceptionally helpful, professional, punctual and practical - your Conciliator is a great asset to the PTO.

P2011/0612

Investigations – most common complaint issues

Staff Customer Service / Knowledge	287
myki Refund / Reimbursement	125
myki Account	71
Staff Driver Service	61
myki Replacement	44
Infrastructure and Rolling Stock Trains, Trams, Buses	43
myki Equipment / Trains	37
myki Product	36
myki Card	32
myki Card Blocked	31
myki Terms and Conditions	24
Service Delivery Punctuality	22
Infrastructure and Rolling Stock Platform / Shelter / Tram Stop / Bus Stop	19
Authorised Officer Behaviour / Demeanour	16
Ticketing (non-myki) Ticket Replacement / Refund	13
Staff Station Attendant Service	11
Service Delivery Disruption	11
Service Delivery Cancellation	11

Cost of a missed flight (P2011/1473)

A consumer contacted the PTO to complain about a V/Line service disruption which caused him and his children to miss a flight home to Brisbane. The consumer incurred additional accommodation costs as he had to reschedule their flights for the following day and he believed that V/Line had not sufficiently addressed his inconvenience and out of pocket expenses.

During the PTO investigation, V/Line agreed that the train was disrupted for four hours and despite the consumer being assured by the conductor that alternative travel would be arranged for him, this did not occur. The consumer was of the view that the lack of timely information and the failure to provide alternative travel arrangements when V/Line's conductor had advised him that this would occur, had contributed to him missing his flight.

V/Line sincerely apologised for the inconvenience and frustration experienced and acknowledged that alternative travel arrangements should have been made for the consumer as the V/Line conductor had advised that this would occur. Further training was provided to staff in dealing with such disruptions. V/Line also agreed to provide the consumer with reimbursement of expenses totalling \$183.90. The consumer was extremely pleased that V/Line had reimbursed his expenses and acknowledged the inconvenience caused.

It is noted that there is no requirement on V/Line to make individual travel arrangements for consumers in the event of a disruption or cancellation of a service. Transport operators are required to provide replacement bus services when normal services are disrupted.

Finalised PTO Investigations

In 2011/2012 91% of PTO investigations were resolved by agreement.

Binding decisions

When an agreed outcome cannot be reached between the consumer and the operator, the Ombudsman may make a binding decision. If the consumer agrees with the Ombudsman's decision, the operator must abide by it, but if the consumer rejects the decision the complaint is dismissed and the consumer may pursue the complaint through another forum (such as a Court or Tribunal). The Ombudsman did not make any binding decisions in 2011/2012.

Discretion not to further investigate

The Ombudsman may decide a case has insufficient or no further merit and finalise the investigation on that basis. This usually occurs when a consumer rejects a fair and reasonable resolution offered and has had full opportunity to present their views for PTO consideration. In 2011/2012, 14 cases were finalised with a no further investigation outcome.

Consumer Redress

Investigations are most often resolved following the provision of detailed explanations and apologies for service deficiencies. Goodwill gestures are sometimes made in recognition of the inconvenience or frustration caused by the complaint and are an effective way of rebuilding the relationship between the consumer and the operator.

Finalised investigations	
PTO Resolution	399
Discretion not to Further Investigate	14
Discontinued - Withdrawn by Consumer	14
Discontinued - No Further Consumer Contact	10
Total	437

Redress for investigations	
Detailed Explanation Provided	325
Apology	227
Goodwill Gesture	136
Ticket Compensation	45
Refund	36
Recommendation for Change of Policy/Procedure	33
Member Staff Training	31
Member Staff Disciplined/Counselled	23
Monetary Compensation	18

Driveway damage following railway track work (P2011/1843)

A consumer lived on a private parcel of land adjoining a railway track requiring him to run his driveway across the train tracks to gain access to the public road. Metro had undertaken track works resulting in the need to reinstate part of the consumer's driveway. Metro used gravel to reinstate the driveway but did not compact the gravel and as a result the consumer was concerned that the gravel would erode, making the driveway difficult to drive on and potentially causing damage to his family's vehicles and posing a potential safety risk. The consumer had attempted to resolve the issue directly with Metro but was unsuccessful and requested a PTO investigation.

In response to the PTO investigation, Metro initially reported that the crossover had been improved from its pre-work condition and offered no further suggestions to resolve the issue. The consumer did not accept this and advised that the condition of the non-compacted gravel posed a danger and that restorative works were required as crossing safely was becoming more difficult. The PTO reviewed the rights and responsibilities of the parties taking into account the Franchise Agreement, advice from VicTrack – the owner of the track and railway corridor – the title to the consumer's property and any easements on the property. The PTO was in the process of seeking further information from Metro when the consumer advised that his wife's vehicle had become stuck on the tracks and she was unable to manoeuvre it off the tracks without his assistance. The PTO was concerned with the serious safety risk involved and immediately contacted Transport Safety Victoria and Metro. Metro arranged for an urgent inspection of the rail crossing and agreed to undertake further restorative works. The works were completed within a week to the consumer's satisfaction. While the consumer was unhappy with the time it took for Metro to address his concerns, he was satisfied with the works that took place as a result of the PTO investigation.

**Overcrowded bus
(P2012/1393)**

A consumer complained that the bus service from Laverton to Sunshine frequently bypassed his stop, often leaving 10 to 15 people waiting for the next bus which was not scheduled for some time. The consumer was dissatisfied with Westrans' advice that when a bus is at capacity the bus driver will bypass stops.

The PTO investigation identified that there were capacity issues affecting this service. In its response to the PTO, Westrans advised that it had been in discussions with PTV prior to receiving the complaint, regarding funding for an additional bus service to ensure that all passengers could be picked up. Subsequently, Westrans was able to confirm that funding had been approved by PTV and an additional service would be added to the route. The PTO provided the consumer with a detailed explanation of the reasons for the bypassing of his stop and advice about the new service. The consumer was extremely satisfied as he now understood Westrans' position and that it had been proactively seeking another service.

The PTO notes that additional services are negotiated between bus companies and the PTV. The PTO does not have the power to direct a transport operator to implement an additional service.

**Tram Noise
(P2011-1014-2)**

The consumer contacted Yarra Trams as he considered the trams on Route 55 were causing noise pollution when crossing the 'shunting' rails located directly in front of his home, at what he considered were excessive speeds. Yarra Trams had responded to his complaint advising that the speed trams were travelling at was appropriate and if drivers reduced the speed it would impact the timely provision of tram services. The consumer was dissatisfied and contacted the PTO.

Yarra Trams advised the PTO that it had inspected the crossover in question and the noise emitted was consistent with normal operating noise. It also confirmed that there was an enforceable speed limit of 15km/ph over shunting rails and that speed tests had indicated that trams were travelling within this limit. To address the concerns raised by the consumer, the Yarra Trams' Depot Manager displayed an official notice on the Depot's staff notice board for all tram drivers, reminding them of their obligations regarding speed and delivered a letter to all tram drivers with specific reference to the location and again reminding them of the 15km/ph speed limit. Yarra Trams also placed a 15km/ph road sign within the area of the crossover to further alert drivers of their obligations. Yarra Trams also asked that the consumer stay in touch and alert it to any further concerns.

The consumer was extremely happy with the efforts Yarra Trams had made to address his complaint and advised the PTO that there had been a noticeable reduction in the noise emissions at his property. He was confident that if he had any concerns in future that Yarra Trams would respond appropriately.

437

finalised
investigations

91%

resolved
by agreement

The tram tracks
outside our house
were repaired last
night. Thank you
very much for
intervening, now we
can sleep!

P2012/0403

Using PTO cases to improve public transport service

By identifying systemic issues through either a single or a series of individual complaints, the PTO contributes to the improvement of the public transport system as a whole.

Systemic issues

During 2011/2012, the PTO investigated and finalised eight operator systemic issues and referred one issue to the Department of Transport / Public Transport Victoria as it was outside of PTO jurisdiction.

Where the PTO identifies an issue which may be systemic but is outside of jurisdiction, the Ombudsman will write to the body with jurisdiction to deal with the issue, outlining:

- the nature of the issue;
- why the PTO considers it systemic; and
- how consumer enquiries and complaints will be handled by the PTO, through information provision and referral.

Refund backlog results in many complaints P2012/1291

A consumer contacted the PTO stating that her husband had requested a replacement myki and was sent a concession card loaded with his current myki money instead of a full fare card. She contacted the myki contact centre to cancel the concession card and was advised that the registered card holder needed to fill in a refund and reimbursement form. The form was completed and posted and the consumer waited the published 21 days for the refund cheque to arrive. When the cheque did not arrive she again called myki and was informed that the refund had been rejected. She submitted a second form directly to the myki Discovery Centre to ensure it was submitted correctly and waited a further 21 days for the cheque to arrive. When the cheque had not arrived by the second 21 day period, she contacted myki a number of times, and was provided with conflicting information regarding the delay.

The PTO investigation confirmed that the published timeframe for the refund process was 21 days. The Transport Ticketing Authority (TTA) advised there was a substantial backlog of refund requests. It offered the consumer an apology for the inconvenience this caused and offered to express post the refund cheque for \$15.84 to her immediately. It also offered a goodwill payment of \$50.00 for the delay in processing the refund and for the poor customer service provided to her. The consumer was satisfied and this resolved her complaint.

During 2011/2012 the PTO raised a number of systemic issues with the TTA including delays in processing refund and reimbursement requests which, for a period of time, were over and above published timeframes. In addition, confusion was caused by inconsistencies in stated timeframes on the myki website, forms and call centre scripting.

Additional staff were recruited to process the backlog and after a few months, requests were processed within published timeframes. TTA also committed to addressing the inconsistencies in published timeframes.

This issue was one of the drivers of complaints to the PTO in the first half of 2012.

PTO Systemic Issue Process

- 1. Investigation** – the PTO identifies a potential/actual systemic issue as a result of the registration of one or more complaints which may or do affect more than one consumer;
- 2. Registration** – the PTO maintains a register of all current and finalised systemic issues including the current status of an ongoing investigation;
- 3. Notification** – the PTO notifies the operator of the complaint and its actual/potential systemic ramifications and seeks operator advice about the issue;
- 4. Investigation** – when the matter is confirmed as being systemic, by either the operator or based on the PTO's assessment, the PTO undertakes an investigation seeking information about the issue from the operator;
- 5. Redress** – the PTO works with the operator, seeking advice about how the issue may be addressed and what redress affected consumers will receive; and
- 6. Reporting** – once the issue has been finalised, the PTO will report the outcome of the issue via Board, Member and public reports.

Operator internal dispute resolution

The cases brought to the attention of the PTO are only a small slice of the complaints handled by operators every year. However, often these cases shed light on broader issues within operators' internal dispute resolution systems.

The majority of consumers are seeking:

- timely and complete responses, addressing all of the issues raised;
- to be kept informed throughout the process;
- appropriate options for resolution; and
- follow up on agreed actions.

The PTO continues to monitor, review and help improve operator internal dispute resolution processes.

The adjacent table represents the top eight reasons consumers gave for being dissatisfied with operator internal dispute resolution processes.

Consumer concerns with operators' IDR processes	
Complaint Lost / Not Followed Up	1,023
Dissatisfied with Policy Decisions / Procedure Application	899
Inadequate / Incomplete Response	640
Meaningless Response / Form Letter	478
Conflicting Advice Given / Incorrect Procedure Advised	358
Impractical Outcome	268
Inadequate Investigation	267
System and Processes Onerous / Difficult to Follow	238

Since 2008, the PTO and Ombudsman Victoria have had a shared jurisdiction over Authorised Officer (AO) complaints.

Allegation of use of excessive force P2012/1359

The consumer contacted the PTO and alleged that he had been arrested inappropriately by a number of Authorised Officers (AOs) employed by a transport operator, and that while arresting him and during the 40 minutes he was under arrest while waiting for police officers to arrive, the AOs used unreasonable and excessive force to hold him. He alleged that the use of force had resulted in a number of injuries. Given the serious nature of the allegations raised by the consumer, the PTO immediately referred his complaint to Ombudsman Victoria.

How we handle Authorised Officer complaints

Since 2008, the PTO and Ombudsman Victoria have had a shared jurisdiction over Authorised Officer (AO) complaints. Historically, the PTO received all AO complaints in the first instance and sought advice and assistance from Ombudsman Victoria where necessary.

In late 2011, the PTO and Ombudsman Victoria reviewed the arrangements for shared jurisdiction regarding AOs to assess which organisation was best placed to effectively investigate AO complaints involving serious issues.

As a result of the review, the PTO will now refer complaints to Ombudsman Victoria that raise serious issues about the exercise of statutory powers by AOs. This includes complaints about:

- use of excessive force;
- unlawful restraint;
- injury caused by an Authorised Officer;
- police involvement, other than to verify identification; and
- potential prosecution by the Department of Transport, following an interaction with an Authorised Officer (the PTO has no jurisdiction over the Department).

The PTO may elect to refer either the entire complaint or part of the complaint to Ombudsman Victoria, while continuing to investigate any other issues involved - including but not limited to, operator policy and process and its application, customer service and complaint handling.

This new approach ensures that holistic investigations can be undertaken by Ombudsman Victoria, which may include review of the relevant transport operator and the Department of Transport.

Complex investigations drive continual improvement

Many of the cases dealt with by the PTO are straightforward, and resolved through a referral to the operator, or the provision of advice and information by the PTO. At the other end of the spectrum, the PTO investigated 16% of all cases received in 2011/2012 and resolved 85% of those complaints in 90 days. Complex investigations can take much longer...



A small number of complaint investigations are so complex that they require months of investigation, negotiation and consultation. The benefit of working through these cases is that new avenues for advice and complaint resolution may be identified.

While the consumers who registered the following complaints with the PTO for investigation did not consider their complaint to be fully resolved, they appreciated the PTO's diligence and what was achieved as a result. Importantly, the investigation has had very positive flow-on effects for the PTO, operators and consumers.

This investigation provided the basis for:

- the establishment of a referral and information sharing relationship between the PTO and the Environment Protection Authority (EPA Victoria) for complaints about rail noise;
- a PTO submission at the Regional Rail Link (RRL) which led to the Ombudsman presenting at the Regional Rail Link Section 2 Advisory Committee Public Hearing; and
- the development of more efficient and effective case handling processes for noise complaints.

I would just like to say what a great job Ombudsman offices do - fantastic stuff, keep up the good work.

P2012/0962

Idling train noise (P2011/0288 and P2011/0276)

Two consumers contacted the PTO shortly after Metro began overnight stabling of two trains at a railway station located close to their properties. The sidings had been used by Metro for a number of years to undertake project work during the day, but had not been used to stable trains overnight.

The consumers advised that noise emissions from the trains were interfering with the quiet enjoyment of their property. Some evenings, trains would idle for 3 – 4 hours at a time while waiting to be cleaned and during cleaning, and then would start up again at 5am and idle for more than an hour as required for the drivers' train preparation, before entering morning commuter service. The consumers believed that Metro should erect sound barriers, stable quieter trains or install an alternative power supply to remove the need for continual running of the trains, particularly Comeng trains, while waiting for late evening cleaning and sometimes overnight safety checks and maintenance.

The PTO investigated, explaining to the consumers the limits of the Ombudsman's jurisdiction, particularly that the cost of implementing their resolution options would likely exceed the Ombudsman's binding decision limits of \$5,000, or \$10,000 with the agreement of all parties. The PTO explained that any outcome would need to be negotiated by agreement. The consumers were advised that due to increased patronage additional trains had been placed on the network which in turn led to additional stabling needs. The consumers understood the limited scope of the investigation from the outset.

Under the Transport (Miscellaneous and Compliance) Act 1983 (the Act), noise emanating from sidings when a train is powering up or shutting down in connection with the provision of a passenger service is exempt from claims of nuisance and from environmental protection controls.

Initially, our investigation focused on whether noise emanating from idling trains waiting to be cleaned and while being cleaned formed part of the shutdown process. If cleaning could not be considered part of the shutdown process, then Metro would need to comply with relevant noise controls.

The PTO sought regulatory advice from the Department of Transport (DoT), and later Public Transport Victoria (PTV), and EPA Victoria about its interpretation of the exemptions. The PTO also sought independent legal advice to inform the investigation about the extent of the exemptions and the possible outcome of complaints of this nature given the Ombudsman's jurisdiction and binding decision powers.

DoT, PTV and Metro all considered that noise emanating from trains while waiting to be cleaned or while being cleaned formed part of the shutdown process and was exempt from usual noise controls under the Act. Independent legal advice obtained by the PTO did not consider noise of this nature exempt and the EPA advised that it agreed with this interpretation.

The difference in legislative interpretation created a dilemma which the Ombudsman considered was beyond the scope of her role to determine and which was likely only to be resolved through the Courts. Given the consumers' preference to resolve the complaint through an alternative process to the Courts, the PTO focused the investigation on the practical steps that could be taken to reduce noise from the sidings.

In July 2011, Metro offered to stable quieter Siemens trains at the sidings from October 2011, subject to operational requirements, which would fully resolve the issue. However, by January 2012, it became clear that Metro was unable to stable Siemens trains at the sidings with any regularity due to the demands of the network. A number of other suggestions were made by Metro in November 2011 to remove or reduce noise emissions from the sidings; however upon further review Metro advised that the options were not operationally viable.

By February 2012, the consumers were increasingly frustrated by Metro providing suggestions that were later found to be unworkable.

Having considered and ruled out a number of options for resolution, Metro's CEO wrote to one of the consumers in February 2012 apologising that Metro was finding it operationally very challenging to fulfill its proposal. Metro implemented a tailored arrangement for the cleaning of trains at the sidings to reduce the length of time trains were waiting to be shut down. The process resulted in a significant reduction of evening noise. Metro also directed its train drivers to ensure that trains were not being started up any earlier than absolutely necessary to limit the impact on residents.

Under Franchise Agreements with the State Government, all operators must act reasonably in emitting noise in the circumstances referred to in the Act. PTV advised that it considered Metro had met this obligation by implementing the changes to the cleaning arrangements and in relation to the morning powering up of trains.

Following onsite meetings with the consumers and Metro, and a meeting between the consumers, their local Member of Parliament and Metro's CEO, the PTO's investigation was finalised.

The consumers remained dissatisfied with noise emissions, particularly in the mornings, but understood that the outcomes they could achieve through the PTO were limited. The consumers were satisfied that the PTO's independent investigation had fully considered their concerns and resulted in a reduction in the evening noise timeframe. The consumers appreciated Metro's provision of a direct contact person for future liaison.

Case Handling Performance

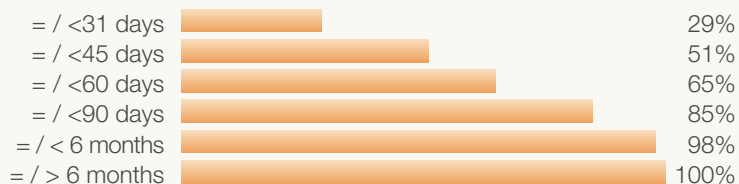
Cases finalised within 31 days

91%
2010 / 2011

91%
2011 / 2012

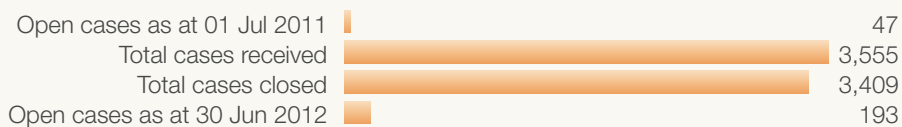


Days to finalise investigations



Seven complex complaints took more than six months to resolve - with one taking 476 days (see page 28-29 for a detailed case study).

Cases Handled 2011/2012



Summary Financial Statements

The following is a concise version of the Financial Report for the Public Transport Ombudsman Ltd. for the year ending 30 June 2012. The financial statements and specific disclosures contained in this concise financial report have been derived from the full financial report and the concise financial report cannot be expected to provide as full an understanding of the financial performance, financial position and financing and investing activities of the entity as the financial report.

Audited Financial Statements and Directors' Report for the Public Transport Ombudsman Ltd. have been lodged with Australian Securities and Investment Commission in accordance with the Corporations Act requirements.

Comprehensive Income Statement

	\$ 2012	\$ 2011
Continuing operations		
Revenue from annual levies	1,606,900	1,406,254
Non-operating activities		
Interest income	35,502	28,071
Other income	3,700	201
Total income	1,646,102	1,434,526
Expenses from ordinary activities		
Depreciation and amortisation expense	39,777	32,544
Employee benefits expense	1,112,127	992,444
Occupancy Costs	85,653	82,524
Telephone and IT expenses	69,119	50,226
Consultancy expenses	87,967	78,148
Other expenses from ordinary activities	140,793	117,099
Surplus from ordinary activities before income tax expense	110,666	81,541
Income tax expense relating to ordinary activities	-	-
Surplus for the period from continuing operations	110,666	81,541
Other comprehensive income for the year	-	-
Total comprehensive income for the year	110,666	81,541

Balance Sheet

Current assets		
Cash and cash equivalents	790,563	846,722
Trade and other receivables	626,468	443,534
Total current assets	1,417,031	1,290,256
Non-current assets		
Plant and equipment	113,671	109,306
Total non-current assets	113,671	109,306
TOTAL ASSETS	1,530,702	1,399,562

The Australian Taxation Office has issued a private tax ruling declaring that the company is deemed exempt from income tax for the financial years ending 30 June 2012 to 30 June 2015.

	\$ 2012	\$ 2011
Current liabilities		
Trade and Other Payables	968,051	965,454
Provisions	38,633	29,744
Total current liabilities	1,006,684	995,198
Non-current liabilities		
Provisions	15,949	6,961
Total non-current liabilities	15,949	6,961
TOTAL LIABILITIES	1,022,633	1,002,159
Net assets	508,069	397,403
Equity		
Retained profits	508,069	397,403
TOTAL EQUITY	508,069	397,403

Statement of Changes in Equity

Total Equity at the beginning of the financial year	397,403	315,862
Total comprehensive income for the year	110,666	81,541
Total Equity at the end of the financial year	508,069	397,403

Cash Flow Statement

Cash flows from operating activities		
Receipts from Members	1,427,667	1,372,006
Payments to suppliers and employees	(1,474,759)	(1,332,077)
Interest received	35,502	28,071
Net cash inflow / (outflow) from operating activities	(11,590)	68,000
Cash flows from investing activities		
Payments for plant and equipment	(44,569)	(42,014)
Net cash inflow / (outflow) from investing activities	(44,569)	(42,014)
Net increase / (decrease) in cash held	(56,159)	25,986
Cash at beginning of financial year	846,722	820,736
Cash at the end of financial year	790,563	846,722



Contacting the Public Transport Ombudsman

The Public Transport Ombudsman provides a fair and independent way to resolve complaints about trains, trams, buses, ticketing and other public transport services.

The Public Transport Ombudsman can help if you cannot solve your complaint with the public transport operator. Our services are free and available to anyone who travels on, or is affected by, public transport in Victoria.

Free Call: 1800 466 865

National

Relay Service: **TTY users** phone 1800 555 677
then ask for **1800 466 865**

Speak & Listen (speech-to-speech)
users phone 1800 555 727
then ask for **1800 466 865**

**Interpreter
Service:**

131 450

Fax: 03 8623 2100

Email: enquiries@ptovic.com.au

Website: www.ptovic.com.au

Mail: PO Box 538
Collins Street West
Melbourne VIC 8007