


Annual Report 2008



Snapshot


 1137 cases received
Increase of 14 per cent

 17 case studies
report on PTO
complaints
about train, tram, bus
and ticketing services

 New jurisdiction
The PTO can now deal with
complaints about ticket
inspectors and other
authorised officers exercising
Transport Act powers

 1342 complaints
finalised, including 249
complaints investigated and
finally determined
91 per cent finalised within 31 days
77 per cent complainant
satisfaction with PTO services
– up 10 per cent

 New Public
Transport
Ombudsman
Simon Cohen became the
second Ombudsman in
February 2008

 Public submissions
The PTO made submissions
to reviews about the
East-West Link needs
assessment, bus safety and
vexatious litigants

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Chairman's message

This year, the Public Transport Ombudsman (PTO) has shouldered its share of the increased demand caused by a surge in public transport passenger numbers. Our cases are up more than 14 per cent, further evidence of the importance of the PTO as a referee for consumer complaints that transport operators cannot resolve themselves.

Critical to the success of the PTO scheme is a constructive relationship with public transport operators, both to solve individual complaints, and to raise commuter awareness of the Public Transport Ombudsman. This year has seen continued achievement in both areas.

The Ombudsman and Board met with PTO scheme CEOs and staff in March 2008 to resolve long-standing issues about promotion of the Public Transport Ombudsman. The meeting and resulting Task Force have ensured that people who are not satisfied with the outcomes of their complaints are told about the Public Transport Ombudsman. Action is also being taken to include information about the PTO in appropriate brochures and on the websites of public transport operators. These steps should go some way to raising awareness of the PTO. The Board is closely monitoring the effectiveness of these agreements.

The March 2008 meeting has also resulted in new procedures to allow the PTO to refer simple cases back to senior managers of public transport operators for a second attempt at resolution. The PTO monitors these matters, and complainants retain their right to request an investigation by the PTO. Early indications are that the *refer for internal escalation* guideline, as we call it, is achieving timely and effective outcomes.

The coming year presents significant opportunities for the PTO scheme, including effectively managing the increased jurisdiction for authorised



The PTO Ltd Board:

Back Row: Russell Coffey, Maree Davidson, Mark Paterson, Joe Nieuwenhuizen, Bernard Stute (Company Secretary), Toni McCormack. Front Row: Merran Kelsall (Chair), Simon Cohen (Ombudsman).

officer complaints and readying the scheme for the introduction of myki.

We welcome Simon Cohen as the second Ombudsman, thank him for his contribution to date and look forward to working with him and PTO officers on the challenges ahead.

The Board wishes the inaugural Public Transport Ombudsman, James Hartnett, well in his future endeavours. James has provided an excellent start for the office. We have appreciated both his dedication to the PTO, and his sage and careful advice.

I am pleased to advise that the Minister has extended the terms of Maree Davidson, Toni McCormack and Joe Nieuwenhuizen, the three community directors of PTO Ltd. Each of them offers a unique and valuable

contribution to the PTO Ltd Board, and their work is integral to the ongoing success of the scheme. It is also important that I acknowledge the continued hard work of our industry directors, Russell Coffey, Mark Paterson and Boyd Power. The Board's focus and harmony has been a key factor in the success of the PTO to date; I thank all of our directors for their ongoing support.

Merran Kelsall
Chairman, Public Transport
Ombudsman Ltd

Ombudsman's message

Like many Victorians, I am a regular user of public transport. However, I am a newcomer to the public transport industry. My experience lies in many years of complaint handling, investigation and resolution. While every sphere of public life attracts attention, few if any generate the passion of public transport issues. Everyone has an opinion, and a willingness to share it.

This comes as no surprise. Public transport – perhaps more than any other public service – has a direct impact on the daily lives of millions of Victorians. Many commuters spend hours each week on trains, trams or buses to attend work or school, or to attend to their chores or leisure activities. Transport infrastructure is a very significant part of the built environment, affecting the amenity and accessibility of every community. Passenger numbers are at record highs, and continue to increase.

Every trip, commute or public transport encounter can become a talking point, a shared experience to which most people are able to relate. The 2008 annual report reflects this; it is not only about numbers or statistics – it is also about stories.

The Public Transport Ombudsman's job is a very specific one – to receive, investigate and resolve consumer complaints where public transport operators cannot resolve them in the first instance. The PTO's role is one of referee, and we bring a fair and independent mind to consumer disputes. The 17 case studies reported below explore some of the effects of public transport services on Victorians. They demonstrate the often very good outcomes that can come from making complaints. The case studies also show the difference that people who complain can make not only to their own circumstances, but also for other commuters.



PTO officers

Back Row: Megan Cooper, Petra Jankulovski, Simon Cohen, Jason Goh, Christine Arthur.
Front Row: Kristen Barnes, Clare Tucker.

The Public Transport Ombudsman is founded on the people who work here. James Hartnett, the first Ombudsman, completed his duties in January 2008. This report is further evidence of the strong start James gave to the office. He and other past officers, especially Digby Reid, the previous executive officer, have built very solid foundations for the Public Transport Ombudsman to meet our mission.

Our current staff, Christine, Jason, Kristen, Megan, Petra and Clare, continues in this tradition. The PTO's team is a young one, but with substantial skills and expertise in complaint investigation and resolution.

Our officers are complemented by a stable and experienced Board, led by Merran Kelsall, which has ensured a seamless transition of Ombudsman. I am very appreciative of their warm welcome to me as the Public Transport Ombudsman.

Simon Cohen
Public Transport Ombudsman

The PTO scheme explained

The Public Transport Ombudsman (PTO) Ltd is an independent dispute resolution scheme. The PTO provides cost-free, fair, informal and accessible remedies for the complaints of commuters and others affected by public transport services provided by scheme members. Scheme members are:

- V/Line Passenger Pty Ltd, Victoria's regional train operator
- VicTrack, the custodian of substantial rail assets
- Transport Ticketing Authority, which is implementing the myki ticketing system
- Southern Cross Station (SCS) Authority, which owns SCS and monitors its management by private operators
- Metrolink Victoria Pty Ltd (Yarra Trams), the Melbourne tram operator
- Metlink Victoria Pty Ltd, the network-wide provider of information services
- Connex Melbourne Pty Ltd, Melbourne's metropolitan train operator
- bus operators who are members of the Bus Association of Victoria.

The PTO scheme includes:

- the Public Transport Ombudsman, who is responsible with PTO officers for receiving and resolving complaints and day-to-day operations
- a Board, with the functions including ensuring the Ombudsman's independence and overseeing the operation of the scheme.

Importantly, the PTO does not operate in isolation, but is part of a 'whole of public transport industry' complaints process. Public transport operators (operators) always have the first opportunity to resolve complaints about their services or staff. Operators must comply with the Victorian Public Transport Industry complaints handling procedure, which provides minimum standards for dealing with complaints. In 2007-08, 36 323 complaints were received and managed by public transport

operators through this process.

The PTO investigates only a small proportion of public transport complaints. In 2007-08 we received 1137 cases. Many were referred direct to operators to give them the first opportunity to resolve the complaint. 404 complaints were finalised through PTO assessment, investigation and resolution. Reasons why the PTO deals with only a small proportion of complaints may include that many are handled well by operators – as reported below (), even where we investigate complaints, we mostly find the initial handling by operators satisfactory. Another reason is that people who complain to operators may not be aware of the PTO. We have taken substantial steps this year to make sure operators tell people who are dissatisfied with complaint outcomes about the PTO. We are also working to increase awareness of the PTO scheme. This is further reported below at .

The PTO complaint process

Step 1: The person contacts the PTO – by telephone, letter, email or through the PTO website.

Step 2: The PTO can only deal with complaints about public transport services provided by operators who are members of the PTO scheme. If the complaint is not about public transport services, the PTO refers the person to another agency.

Step 3: The PTO only deals with complaints that operators have been unable to resolve. If the operator has not had a chance to deal with the complaint, the PTO refers the person back to the operator.

Step 4: Where an operator has had the chance to resolve a complaint, and the person remains dissatisfied, the PTO may investigate. A PTO investigation includes:

- hearing the person's side and finding out what outcome they want
- giving the operator a chance to respond, including to propose a resolution
- obtaining documents or information from the operator and others.

Step 5: After an investigation, the first aim is to resolve the complaint. This may include providing information, conveying an apology or offer of compensation, or an operator making changes to the way public transport services are provided

Step 6: Where there is no resolution, and the PTO finds the operator's response fair and reasonable, the PTO will end the investigation. However, if this is not the case, there are two further options.

Step 7: The PTO may conciliate the complaint. Here, PTO conciliators meet with the person and public transport operator – sometimes 'on-site' at bus stops and rail stations – to see if a solution can be reached.

Step 8: If the PTO does not agree that the operator's response is fair and reasonable, and all avenues of resolution have been exhausted, the Ombudsman may make a binding decision, up to an amount of \$5 000.

Complaint handling 2007-08

Complaints received

The PTO received 1137¹ cases during 2007-08. This is an increase of more than 14 per cent on the same period in 2006-07 (see Figure 1).

The most common PTO complaint² issues in 2007-08 were:

- Ticketing – concerns about malfunctioning ticket machines and validators, faulty tickets, refunds, travel passes and infringement notices (fines)
- Service delivery – complaints about punctuality, reliability and cancellations, failure to pick up or set down passengers and timetable availability and changes
- Infrastructure and rolling stock – issues such as access for disabled passengers, vehicle and carriage condition, location of stops and signage
- Authorised officers – complaints concerning authorised officer conduct and demeanour, and the exercise of authority and use of force

- Staff – drivers, conductors, station attendants and customer service officers – with issues including announcements, product knowledge and behaviour
- Land – complaints about car parks and rail/tram corridor cleanliness

(see Figure 2).

Authorised officer complaints have shown the biggest increase in 2007-08, up 22 per cent in the past year. This most probably reflects the increased jurisdiction of the PTO to deal with these complaints (). Conversely, complaints about land related matters have decreased by almost 70 per cent.

Most of our cases are received by telephone – about 63 per cent. The remaining 37 per cent are received in writing, via email or letter, or through our on-line complaint form.

Most people find out about the PTO through our website – some 28 per cent of cases are a result of this. In 2007-08 we have seen an increase of more than 80 per cent in visitors to the PTO website (see Figure 3). Other common ways for people to find out about us include by word of mouth, through their own knowledge, or by referrals from government, other ombudsman schemes or public transport operators.

Complaints finalised

The PTO finalised 1342 complaints in 2007-08, an increase of 12 per cent on 2006-07. Most of the complaints finalised were referred to public transport operators. This was because the operator had not had the first opportunity to resolve the complaint, as required by the PTO Charter. For these complaints, PTO conciliators provided operator contact details to complainants and a summary of the complaint

Figure 1: Cases Received

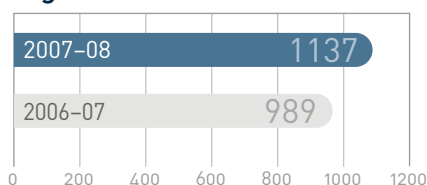


Figure 3: PTO Website Hits

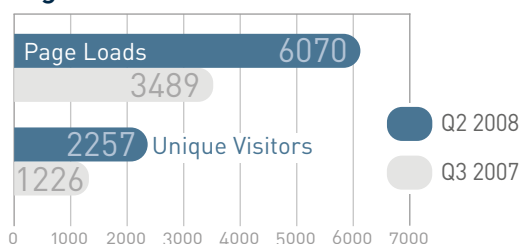
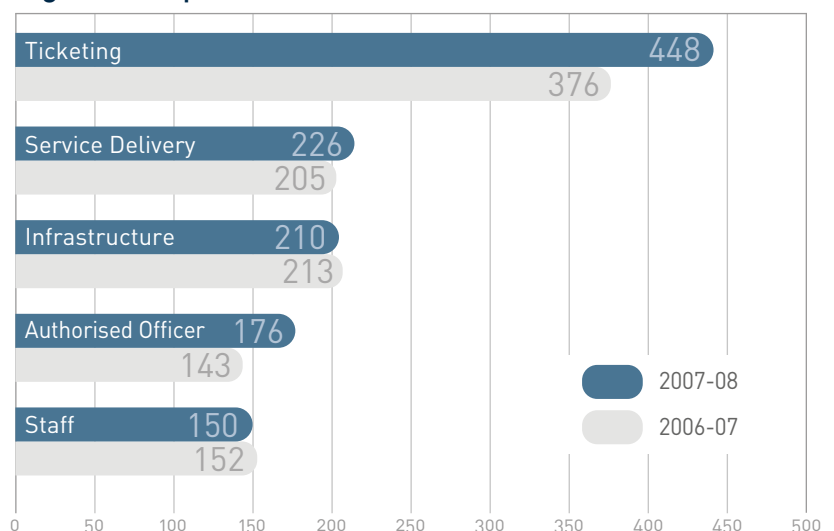


Figure 2: Top Five Issues



1 Case: The PTO registers a case when a complainant contacts the PTO to raise a new issue or issues.

2 Complaint: A complaint is the issue raised by the complainant – sometimes there is more than one complaint in a case.

PTO cases have increased more than 14 per cent to 1137. Most complaints are about ticketing, service delivery, staff conduct and public transport infrastructure and vehicles.

to operators, who were then well prepared when the person contacted them.

In May 2008, the PTO commenced referring some complaints, where the person was not satisfied with the first response, back to senior officers of public transport operators to resolve directly (). 32 people were referred for internal escalation under this new procedure.

A number of complaints were referred to the Department of Transport – these were primarily complaints about infringement notices, where the department has a review function. With these complaints, PTO conciliators ascertained whether the person was also concerned about the conduct of authorised officers who made the report. Where there were concerns, the PTO investigated, or, when required, referred the complaint to the public transport operator for the first opportunity to investigate and resolve the matter.

The PTO finalised 404 complaints through assessment, investigation and resolution. This includes 249 complaints investigated and finally determined³ (see Figure 4).

PTO timeliness

The PTO finalised 1342 complaints during 2007-08. 83 per cent of complaints were finalised within 14 days, 91 per cent in 31 days and nine per cent in more than 31 days (see Figure 5).

For complaints referred to public transport operators, the Department of Transport, Ombudsman Victoria and others, 97 per cent were finalised by referral within seven days.

For the 249 complaints investigated by the PTO and finally determined:

- 30 per cent (76) were finalised within 14 days

- 64 per cent (160) were finalised within 31 days
- 36 per cent (89) took longer than 31 days to finalise.

Complainant satisfaction with PTO services

The PTO surveys all people who make complaints to us whenever we have a postal or email address to which we can forward correspondence. We survey satisfaction for both the quality

of our services, and the outcomes achieved. The primary reason for this is to identify opportunities to improve our services. This year 543 surveys were sent, and 112 returned.

Figure 6 demonstrates the generally positive view of the PTO's services expressed by those who complained⁴. This includes the courtesy, knowledge and professionalism of PTO officers.

For some survey respondents, the PTO was unable to resolve complaints to their satisfaction – only 36 per cent of those who responded

Figure 4: PTO Complaint Outcomes

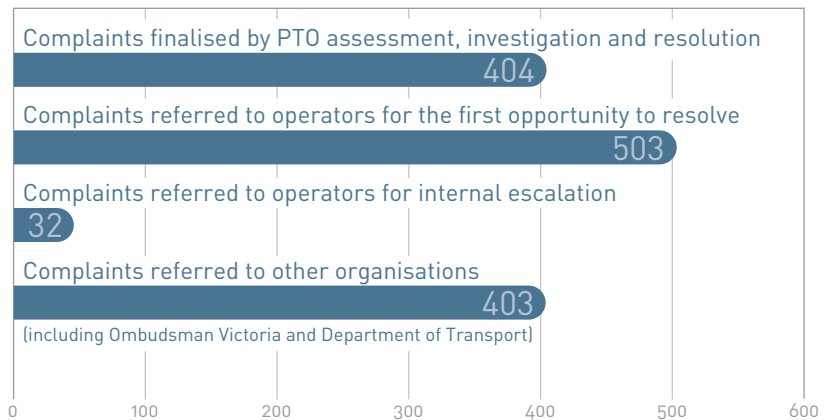


Figure 5: Days to Finalise Complaints



3 Investigated and finally determined complaints include those resolved by the PTO, or where the PTO determined not to further investigate as the operator's response was fair and reasonable.
 4 Survey results do not include those surveys where complainants did not respond to the question asked; these have been removed for the purpose of calculating survey results.

Complaint handling 2007-08

to this question agreed that the outcome was to their satisfaction. However, where the PTO was unable to resolve a complaint, the PTO was generally able to explain why a resolution could not be reached (77 per cent). In only 14 surveys did respondents state that the PTO could not explain why the complaint could not be resolved.

As part of our review of satisfaction with PTO services, we undertook a detailed analysis of the matters where complainants had expressed dissatisfaction with the PTO. The review indicates survey respondents are most likely to be dissatisfied when the PTO has been unable to deal with their complaint. For example, the complaint may not have been within the PTO's jurisdiction. In addition, almost half were not dissatisfied with PTO services, but with the services of others. Comments included dissatisfaction about the financial hardship caused by a transport infringement notice – a matter not directly related to PTO services.

In 10 matters the concerns were about PTO services. During 2008, we have taken action to address issues arising from the surveys, including:

- when complaints are received in writing, the PTO will generally provide written advice about the complaint outcomes in addition to any verbal advice

- where survey results indicate dissatisfaction, and the complaint can be revisited, the PTO will contact the person to discuss their concerns and the options available.

Reviews of PTO decisions

During 2008, reviews of two decisions were completed by the Public Transport Ombudsman personally at the request of complainants. One review led to further investigation by the PTO, resulting in an apology by a bus company for a failure to respond to the person's original complaint. The person also received substantial additional information about his concerns. The second review affirmed the PTO decision not to investigate the complainant's case.

Operators' complaint management

For every complaint investigated by the PTO, we record the reason why the person was dissatisfied with the public transport operator's complaint response. When we finalise

the complaint, we assess whether the operator dealt with the complaint satisfactorily.

Of the 249 complaints investigated and finally determined by the PTO, 73 per cent were found to have been handled satisfactorily by members (see Figure 7). However, in some 66 complaints our conciliators found the dissatisfaction with the complaint handling sustained. Reasons for unsatisfactory complaint handling include:

- a failure by operators to respond to complaints
- not keeping people informed about how their complaint is being handled
- complainants having legitimate issues with complaint responses which are incomplete, or where outcomes are not implemented.

The results suggest members are doing a satisfactory job in dealing with most complaints. In the coming year we will closely examine this area and provide information and advice to operators about common complaint management issues.

Figure 6: Satisfaction with PTO Services

Service Standard Category	2007-08	2006-07	2005-06
Promptness of Service	93%	92%	87%
Courtesy	90%	98%	93%
Staff Knowledge	92%	81%	84%
Quality of Advice	82%	76%	73%
Professionalism	93%	90%	84%
Clarity of Communications	91%	93%	84%
Overall Satisfaction	77%	70%	68%

Figure 7: Operators' Complaint Management



Public Transport Operators

Most complaints received by the Public Transport Ombudsman are about PTO scheme members, that is:

- passenger carrying public transport operators, including Connex, V/Line, Yarra Trams and the Bus Association of Victoria on behalf of bus companies
- non-passenger carrying public transport operators, including operators providing ticketing, information or infrastructure services.

This section reports on complaints about public transport operators that are PTO scheme members. The PTO also receives complaints that are not about public transport operators, and these matters are referred to other agencies as appropriate.

METROPOLITAN TRAINS

Connex Melbourne Pty Ltd operates Melbourne's metropolitan train services. During 2007-08 the PTO received 392 cases about Connex, an increase of 28 from 2006-07. The most common complaint issues for Connex concern authorised officers, ticketing, infrastructure and rolling stock, and service delivery (see Figure 8).

The PTO finalised 500 complaints about Connex, with almost half (247) being referred to Connex. This was because Connex had not been provided an opportunity to resolve the complaint in the first instance. For these complaints the PTO provided full contact details to the person making the complaint, and a summary of the complaint to Connex.

88 complaints were investigated by the PTO and resolved (54), or finalised for reasons including that the Connex response was fair and reasonable (34). Another 16 were referred to senior Connex managers for direct resolution with persons concerned, and a

requirement that the PTO also be provided the response. A common theme in complaints investigated by the PTO was providing information to passengers – this is the focus of our metropolitan train case studies.

A number of complaints (41) were referred to Ombudsman Victoria – these were complaints about the conduct of authorised officers exercising statutory functions, and received before the PTO had increased jurisdiction to deal with these complaints. A similar number (46) were referred to the Department of Transport – mostly infringement notices for review.

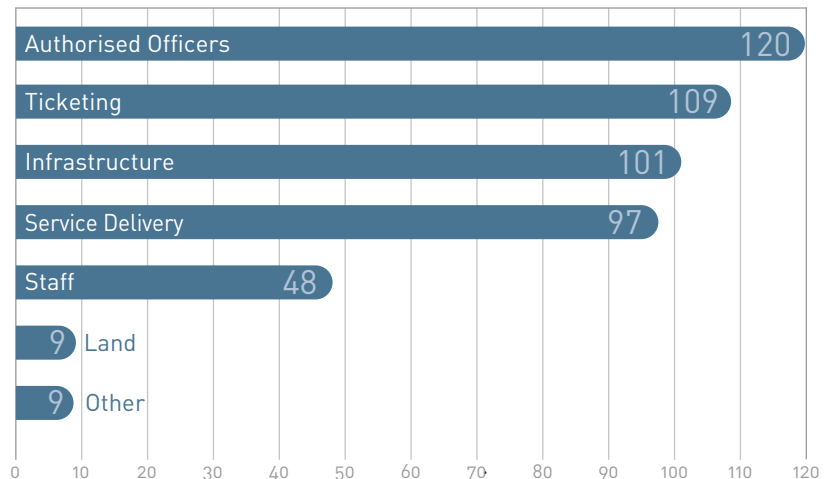
Providing information to commuters

Sometimes, it is necessary and inevitable that changes will be made to train services. Commuters need accurate, up-to-date information about these changes if they are to catch their train.

A commuter relying on information on a Passenger Information Display Screen (PIDS) was directed to the wrong platform for his train service. As a result, he missed his train and, through necessity, caught a taxi. While Connex admitted the PIDS error, the commuter's request for reimbursement was denied. Following the PTO investigation of the complaint, further information about the reasons for the PIDS error was provided, and the commuter was reimbursed his \$140.75 taxi fare.

A commuter complained that on two occasions in 10 days, Werribee line trains she boarded at Parliament changed their route to Upfield. On the first occasion the commuter was unable to change services in time, and in order to avoid being late for work, caught a taxi. On the second occasion the commuter was able to change services. The commuter complained to the PTO that Connex did not

Figure 8: Connex Complaint Issues



Public Transport Operators

respond to either complaint. As a result of the PTO investigation, Connex provided information about how services may change at Flinders Street, its terminating station. Connex also acknowledged that the commuter may not have been aware of this practice. Connex offered the commuter Metcards to the value of her cab fare in recognition of the failure to respond to her complaints.

Providing information in an accessible manner is central to commuters' ability to effectively and conveniently access public transport services, as the following case study demonstrates.

A commuter complained about a missing PIDS at Melbourne Central station. The Connex response indicated that there were no spare PIDS parts available for repairs, and that they could not advise when the PIDS would be repaired. During our investigation, a further request was sent for repairs. Within seven days of commencing our investigation, the PIDS was again operational.

Sometimes, for those who live near rail stations, train announcements present different issues, as the following case study shows.

A resident complained about the volume of new external loudspeakers at a rail station next to his home. This included that the speakers operated from 5:30am until midnight. The noise was disturbing his family's sleep. He was not satisfied with the response of a Connex supervisor, who stated that he had asked station staff to lower their voices for manual announcements, and referred the speaker volume issue to the maintenance area. The resident complained to the PTO that nothing had changed. During the PTO investigation, a further review found that the

original intention was that the external speakers only operate from 7:00am to 6:30pm, but technician error resulted in them operating from first to last train. While the platform speakers remained operational so that information was available to commuters, the external speakers were disconnected, and the resident was satisfied.

44 complaints (34 per cent) were investigated by the PTO, and resolved or finalised for reasons including that the V/Line response was fair and reasonable. Resolutions included complementary tickets and refunds, or special arrangements to assist in transport accessibility – these are the focus of our case studies. Six complaints were referred to senior V/Line managers for direct resolution with persons concerned, and a requirement that the PTO also be provided with the response.

REGIONAL TRAINS



V/Line Passenger Pty Ltd operates Victoria's regional rail network and allied bus services. During 2007-08 the PTO received 100 cases about V/Line, an increase of 21 from 2006-07. The most common complaint issue for V/Line was service delivery, which comprises 45 complaints (36 per cent), including service disruptions and their impact on commuters. Infrastructure and rolling stock was another common issue, representing 40 complaints (32 per cent) (see Figure 9).

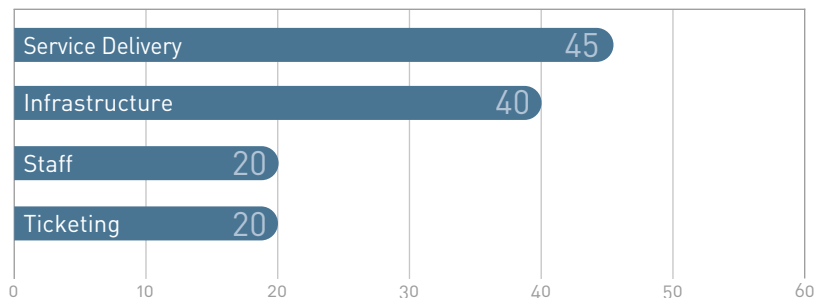
The PTO finalised 128 complaints about V/Line, with almost half (59) being referred to allow V/Line the first opportunity to resolve the complaint.

Complaints resolved during PTO investigations

Sometimes public transport operators do provide refunds or other recompense when there are disruptions to rail services, or where the person's circumstances are outside the ordinary. The following case studies explore these areas.

A night-shift worker was a regular commuter on the V/Line Traralgon/Bairnsdale service. Due to a signaling fault, she was required each morning to change from a V/Line train to a Connex one, and back again, adding 45

Figure 9: V/Line Complaint Issues



'Providing information in an accessible manner is central to commuters' ability to effectively and conveniently access public transport services'.

minutes to an already long journey, and meaning that she was travelling up to six hours a day. When she contacted V/Line for information about how long the situation would continue, she stated that she was told it would not be fixed for a few months. The commuter complained to the PTO in order to have the signal fault repaired. PTO conciliators established a precise date for the repair works to be finished. We obtained press releases and customer notices issued to V/Line customers, and ascertained that periodical ticket holders would be eligible for compensation in the form of free tickets for the period of the service disruption. The commuter was satisfied with this outcome.

Business card tickets were a popular fare with some V/Line customers, permitting travel trips to be pre-purchased. For reasons including the proposed introduction of new ticketing solution (myki) and because the tickets were not valid on metropolitan services, business cards were withdrawn from use in 2007, with the final refunds being given in June 2007. Both the withdrawal of business cards and the refund process were well publicised. A V/Line commuter was not aware of the cut-off date for refunds because of exceptional family circumstances. His initial refund application was refused by V/Line. The PTO agreed to receive his complaint due to his exceptional personal circumstances. During our investigation, V/Line agreed to refund \$250 to the commuter as a good will gesture, which resolved the complaint.

Flexibility from public transport operators in meeting the reasonable requests of commuters can improve transport accessibility, especially for commuters with disabilities, as the following case study demonstrates.

A 75 year old commuter with very limited mobility found the walk across a pedestrian overpass to the V/Line ticket office extremely difficult. She asked V/Line to issue her with a letter authorising her to purchase her ticket from the train conductor; this request was refused. During the PTO investigation we conducted a site visit which demonstrated the long walking distance when the overpass was used. We also obtained a report from the commuter's medical practitioner confirming her mobility restrictions. After substantial negotiation, V/Line agreed to provide the commuter with a formal letter to authorise her to purchase her ticket from a conductor.

TRAMS

Metrolink Victoria Pty Ltd, trading as Yarra Trams, operates Melbourne's tram network. During 2007-08 the PTO received 149 cases about Yarra Trams, a decrease of 36 from 2006-07. Most commonly,

complaints were about ticketing (59 or 34 per cent) and authorised officer conduct (51 or 29 per cent), although complaints about both issues have decreased from 2006-07 (see Figure 10).

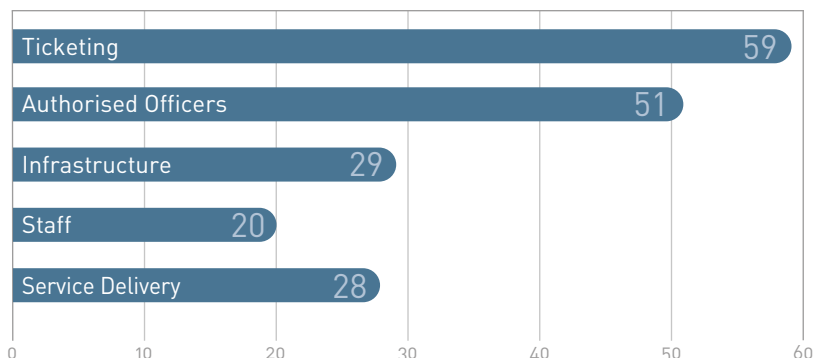
The PTO finalised 179 complaints about Yarra Trams, with 40 per cent (72) being referred to Yarra Trams, to give them the first opportunity to resolve the complaints. 33 complaints were investigated by the PTO and either resolved or finalised for reasons including that the Yarra Trams response was fair and reasonable. Another five were referred to senior Yarra Trams managers for direct resolution with complainants. The Yarra Trams case study shows the very serious issues some complaints raise.

Assisting passengers in distress

Sometimes complaints raise grave issues of passenger safety. How these concerns are addressed, at the time they occur and subsequently, can substantially affect the impact of distressing events on commuters, as the following case study demonstrates.



Figure 10: Yarra Trams Complaint Issues



Public Transport Operators

A commuter on an evening tram was inappropriately touched by a male passenger. The commuter stated that the male appeared intoxicated, and touched her on a number of occasions, and also approached and touched a number of other female commuters. The commuter approached the tram driver and asked that he eject the male passenger, who had become abusive and began fighting with another commuter. She stated that the tram driver refused the request, and that the male passenger approached the front of the tram, yelling abuse at the driver and other passengers. The male passenger eventually left the tram after an announcement from the driver requesting that he leave. The commuter was extremely upset about the incident. The commuter stated that she contacted Yarra Trams the day after this incident and was informed that somebody would contact her, but she was not contacted for a number of days. During the PTO investigation, Yarra Trams provided the driver's response, which indicated that he had not contacted the Fleet Operations Centre (FOC). Yarra Trams policy is that all drivers must report incidents such as this to FOC, which will determine the most appropriate response, including requesting police attendance, attendance by authorised officers or other actions. The driver was made fully aware of his responsibilities and duties. All Yarra Trams' drivers attended compulsory safety and customer service training in the week following the incident. In addition, senior Yarra Trams' managers, including the CEO, and trainers closely considered the incident at a passenger safety workshop. The CEO also met with the Transit Police superintendent to examine whether communications and cooperation could be further improved.

The commuter was given an unreserved apology for the distress caused to her, and full advice about the actions taken by Yarra Trams since the commencement of the PTO investigation. In addition, she was offered three months of daily zone 1 and 2 Metcards. The commuter accepted this resolution, and was especially satisfied with the additional training provided to tram drivers.

delivery was the next most common issue, representing 45 complaints (36 per cent) (see Figure 11).

The PTO finalised 128 complaints about bus operators. 55 of these (43 per cent) were investigated by the PTO and either resolved (48 complaints) or finalised for reasons including that the bus company response was fair and reasonable. A common theme in these matters was bus stops; our case studies highlight bus stop issues. 39 per cent of the complaints were referred direct to operators to provide them with the first opportunity to resolve the complaint.



BUSES

The Bus Association of Victoria, also known as BusVic, represents private bus operators, both metropolitan and regional, and is a member of the PTO scheme. The PTO can deal with complaints about bus companies that are BusVic members.

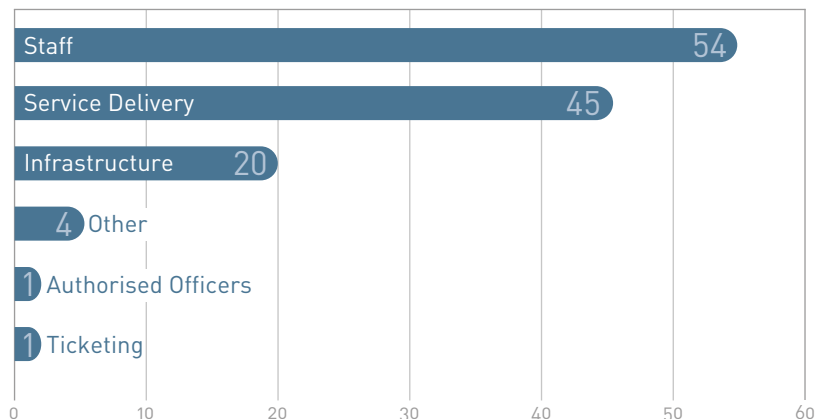
During 2007-08 the PTO received 100 cases about buses, an increase of 15 from 2006-07. The most prevalent complaint issue for bus companies was staff conduct – making up 54 complaints (43 per cent). Service

Bus stops and stopping buses

Whether, where and how buses stop is central to access by commuters to bus services, as the following case studies demonstrate.

A commuter with a mobility disability complained that a bus stop was removed and the next nearest stop was too far for him to walk. He complained to the bus

Figure 11: Bus Complaint Issues



‘Sometimes complaints raise grave issues of passenger safety. How these concerns are addressed, at the time they occur and subsequently, can substantially affect the impact of distressing events on commuters’.

company and others, asking them to reinstate the bus stop without success. The commuter wrote to the PTO, requesting the stop be replaced. During the PTO investigation, a site inspection by the bus company and the local council resulted in agreement to replace the bus stop. Within a month of making his complaint to the PTO, the commuter contacted us to express his satisfaction with the new stop.

A father complained on behalf of his daughter, who stated that a bus had failed to pick her up from one stop. She ran to the next stop, but stated that the bus had left the stop early. As a result, the complainant’s daughter was left to walk to work. During the PTO investigation, the bus company advised that the driver had no recollection of the complainant’s daughter. The bus company provided full advice about the procedures for ensuring buses run in accordance with schedules and are not early. However, the bus company could not rule out that the bus may have left a designated stop early. The bus company apologised to the complainant’s daughter, and offered her a weekly zone 1 + 2 Metcard. The complainant accepted the explanation and recompense to resolve his complaint.

A commuter’s daughter complained about the failure of a bus to stop at a designated stop. The complainant stated that the bus had overshot the stop; her mother had to walk over long grass to board the bus and tripped, breaking her spectacles and grazing her face. While the bus company had advised that it was very sorry for the accident, it did not agree to compensate the commuter. However, during the PTO investigation, the bus company agreed to pay \$254 as compensation for the broken

glasses, and the cheque was delivered by the company owner personally. The complainant was very pleased with the resolution.

NON-PASSENGER CARRYING PTO SCHEME MEMBERS

While most PTO cases are about the services of passenger carrying members (see Figure 12), there are other public transport operators who are part of the PTO scheme to ensure commuters have a one-stop shop for their complaints. These operators are listed below.

Metlink Victoria Pty Ltd has responsibility for providing network wide commuter information services. Until recently, Metlink also dealt with ticketing complaints such as refunds and malfunctioning tickets; these complaints are now primarily being dealt with by the Transport Ticketing Authority.

- 92 Metlink cases were received

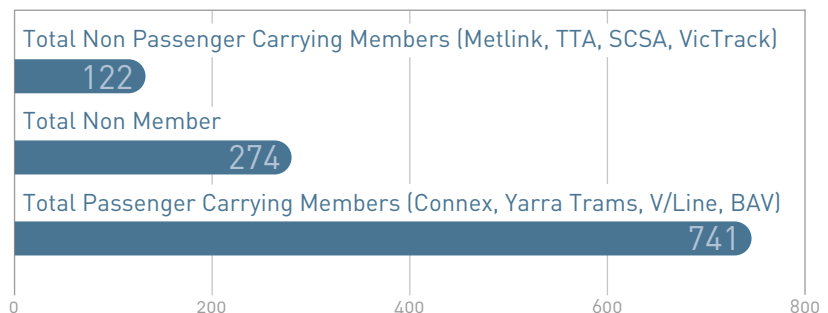
- Most complaints were about ticketing issues (79 per cent) – other issues included service delivery and staff
- Most complaints were either referred to Metlink to afford them the first chance to respond (48 of 94 finalised complaints) or investigated by the PTO (24 complaints).

Transport Ticketing Authority (TTA) has responsibility for implementing the new ticketing solution, myki. During 2007-08, TTA has also assumed responsibility for most complaints about the current ticketing system.

- 26 TTA cases were received
- Almost all TTA issues concerned ticketing complaints
- Almost all complaints were referred back to TTA to allow them the first opportunity to resolve the matters.

Southern Cross Station Authority Pty Ltd (SCSA) is the owner of Southern Cross Station, with the functions of monitoring and assessing the management and operation of Southern Cross Station by private operators. Only three cases about SCSA were received during 2007-08.

Figure 12: Passenger and Non Passenger Carrying Member Cases



Public Transport Operators

VicTrack is the custodian of substantial rail assets, including land, track, wiring, signals, and rolling stock. VicTrack has a number of asset management and commercial functions. Only one VicTrack case was received in 2007-08.

Ticketing

Ticketing complaints include issues about faulty ticket machines and validators, concerns about fines (infringement notices) and complaints about refused refunds or travel passes. This complaint issue is the most common category recorded by the PTO. What follows are two examples of ticketing complaints resolved by the PTO during 2007-08.

A university student studying the equivalent of a full time course at two separate tertiary institutions was unable to have his concession card application form stamped by either. Therefore, his application for a tertiary concession card could not be processed, and his mother said that this was costing the student \$50 per week. The PTO investigation included obtaining full information about the courses studied by the student. In addition, the student's case was brought to the attention of the Fares and Ticketing Administrator, who used his discretion to authorise the application form, and a concession card was issued.

A commuter who had unsuccessfully attempted to purchase a yearly ticket from a rail station on the day prior to a \$36 price rise complained that she should be permitted to purchase the ticket at the cheaper price. During the PTO investigation the commuter provided evidence of her attempt to purchase the ticket, and Metlink facilitated the sale of the ticket at the cheaper price.

Systemic issues

The PTO Charter emphasises the focus of the PTO scheme on individual complaints. The Charter also allows the Public Transport Ombudsman to:

- receive and record complaints about systemic issues, and
- monitor general trends and systemic issues arising from complaints and raise the issues with PTO scheme members and regulators.

A notable feature of many of the complaints made to the PTO is that the issue raised by one commuter often affects many others. Case studies earlier in this report, including:

- the Connex case studies examining the provision of information to passengers (),
- the V/Line case study about a service disrupted by a signalling fault (), and
- the removed bus stop case study (),

are all examples of complaints raised by one commuter, where the issues affect, or are likely to affect, many others.

Other complaints provide an opportunity to improve systems and training, which benefits all commuters – such as was evidenced in the Yarra Trams comprehensive response to the PTO investigation after a commuter was inappropriately touched by a fellow passenger ().

Sometimes, the solutions to complex public transport complaints take time to implement – the following case demonstrates the PTO verifying agreed outcomes from such a case.

A 2005 complaint about tram wheel squeal resulted in a range of actions by Yarra Trams including expert examination and additional lubrication of identified trouble spots to reduce noise. The long term solution included the application of a rubber boot to the track, which required substantial planning, night work and government approval. The PTO verified the application of rubber booting, which was completed on schedule in early 2008. The PTO contacted the person who complained, who was satisfied with the new works.

In July 2007 the Public Transport Ombudsman provided a report, at the request of the Director of Public Transport, about some of the issues raised in complaints received by the PTO. This included:

- communications with commuters, including drivers communicating the reasons for delays, and effective advice 'on station' of delayed, changed or cancelled services
- failures of tickets and equipment resulting in infringement notices being issued – the report noted the PTO has sometimes been able to establish that malfunctions have occurred where public transport staff did not accept commuters' explanations
- safety, especially for boarding and alighting public transport vehicles.

The report also raised issues about the PTO's jurisdiction for authorised officer complaints, and low public awareness of the PTO scheme, matters which have been addressed or considerably advanced during 2008.

New developments

The PTO scheme is fairly new – our fourth anniversary was on 18 April 2008. Therefore, we are still refining our processes, learning from our experiences in dealing with complaints, and listening to the feedback from complainants and public transport operators. Our new procedures for complaints about authorised officers and to facilitate referral of some complaints to senior managers of public transport operators are among the important changes implemented in 2008.

Authorised officers

From the commencement of the PTO scheme, only a limited range of complaints about authorised officers, including revenue protection officers and ticket inspectors, have been able to be investigated or resolved by the PTO. Complaints about authorised officers exercising statutory powers, such as the power in some circumstances to require commuters' names and addresses and to arrest commuters, could only be independently examined by Ombudsman Victoria (OV). This arrangement was less than ideal; it meant that complaints with issues about authorised officers and other concerns could not be dealt with together by the one agency. Public transport operators and some complainants asked for this to be changed.

In October 2007 the necessary amendments were made to the PTO Ltd Charter to allow the PTO to deal with the full range of authorised officer complaints. In January 2008 an exchange of letters between the PTO and OV made clear that the PTO would deal with most authorised officer complaints in the first instance. OV retains a substantial role, both to deal with any matters it sees fit, and to work with PTO officers on identified cases. As with other complaints to the PTO, public transport operators

must be given the first chance to deal with an authorised officer complaint. In May 2008 we finalised our guideline for dealing with authorised officer complaints; the guideline is available on the PTO website. In the two months since finalising the guideline we have received 36 authorised officer complaints, eight of which have been, or are being, investigated – the more serious still under investigation at the time of writing this report.

We will report in full on authorised officer complaints in future reports.

Refer for internal escalation

The PTO is a strong advocate for effective complaint handling by public transport operators as a cornerstone of the operator/commuter relationship. This includes robust arrangements for review of complaint matters by senior officers of public transport operators. Sometimes, people complain to the PTO when there is an opportunity to have the matter 'internally escalated' to senior managers of public transport operators. In certain circumstances, rather than the PTO conducting its own investigation, a better solution may be to refer the person directly to this senior manager.

Since May 2008, we have commenced referring some complaints to these senior managers – a process we call refer for internal escalation. This is only done with the agreement of the person who has complained, and we do not refer serious complaints, such as those about authorised officers exercising statutory powers, or complaints where, in our view, it is preferable for the complainant or the operator if the PTO deals with the complaint.

Under our new guideline, the senior manager must contact the person within 24 hours, and provide a substantive response within seven working days. The response must also be provided to the PTO. People who we refer to a higher level within the operator can always contact us again if they are not satisfied with the outcomes, and we will investigate the complaint. We also survey everyone we refer to a senior manager, to assess their level of satisfaction with the responses they receive.

Since 1 May 2008 we have referred 32 complaints to public transport operators for internal escalation. Examples of some outcomes for these referred matters include:

A commuter who was provided with the wrong information, subsequently purchased more expensive tickets, and initially had a refund request rejected, was given additional tickets for future travel to the value of the overcharge.

A commuter who had not received a response to her compensation claim for Yarra Trams not meeting performance targets received an apology and a daily zone 1+2 Metcard as required by the Passenger Compensation Code.

A commuter whose V/Line train was disrupted by a points failure, and whose complaint was not responded to, received an explanation for the delay, an apology and two daily zone 1+2 Metcards.

Submissions and outreach

Cooperating with PTO investigations

In 2008, the PTO changed the way complaints are classified.

Since the commencement of the PTO scheme, complaints have had different classifications – Levels 1, 2 and 3 – to reflect matters such as complexity, length of time to resolve, and the managerial level at which the complaint is being handled. Most complaints have been classified at the basic level – Level 1; in 2007-08 over 99 per cent of complaints were classified at Level 1, and only eight complaints escalated to higher levels. Even when a complaint was escalated to a higher level, it meant little other than an administrative process within the PTO.

However, if public transport operators do not work cooperatively with the PTO, there can be real impacts upon the possible outcomes and increased time and resources required to investigate and resolve a complaint.

A review of our escalation policy has resulted in major changes to complaint classifications, which commenced on 1 July 2008. All PTO complaints are classified as Level 1 on receipt. Complaints are only escalated to a higher classification when a public transport operator fails to meet PTO information requests or otherwise cooperate with our complaint resolution process without a valid reason. Escalated complaints will attract a levy, from \$200 to \$2 000. It is important to emphasise that operators mostly do cooperate with PTO investigations. We envisage that only a small number of complaints will need to be escalated; for these matters escalation now has a real effect.

Submissions

An important part of the PTO role is making submissions to reviews and inquiries where appropriate. Submissions made by the PTO in 2008 include the following.

- A submission to the *East-West Link Needs Assessment* review was made after the release of the Investing in Transport report by Sir Rod Eddington. We noted that in the last four years complaints to the PTO about cancellations, reliability and overcrowding had increased more than 50 per cent. This information is consistent with the review findings, and reflects considerable strain on the public transport network. Our recommendations included careful planning for the impacts of any new infrastructure works on current services, comprehensive transitional planning, and full and accurate information to the community.
- A submission was made to the discussion paper *Improving Bus Safety in Victoria*. We observed that the most common issue in bus complaints is staff conduct – including driver conduct. The PTO commented upon questions about regulating commuter conduct and the role of drivers. The submission emphasised the need for clear communication with passengers about any conduct requirements, and the importance of making independent resolution available for commuter complaints about driver conduct.
- An invited submission was made to the Victorian Parliament Law Reform Committee *Inquiry into Vexatious Litigants*. The PTO provided information about our procedures for dealing with frivolous or vexatious complaints, and our experiences in dealing with complainants who act unreasonably. We noted that some complainants do take up disproportionate resources when regard is had to the issues raised. We emphasised our approach of dealing with each complaint on its merits, while tailoring our response to deal with any inappropriate conduct by complainants.
- A submission was made to the *Inquiry into Alternative Dispute Resolution* conducted by the Victorian Parliament Law Reform Committee. We noted the important role of the PTO in providing access to justice for public transport commuters. The submission reflected upon improved complaint handling by public transport operators since the PTO commenced. We also drew attention to the importance of the PTO having a comprehensive knowledge and understanding of the public transport industry.

These submissions are available on our website.

Any Victorian who has a complaint about public transport should know about the Public Transport Ombudsman.

Promoting the PTO

The National Benchmarks for Industry-based Customer Dispute Resolution Schemes⁵ promote accessibility through a range of practices, including promotion by both the scheme and its members.

Research in 2007 found a low awareness of the Public Transport Ombudsman in the community – five per cent unprompted awareness and 33 per cent aided awareness. Other research conducted on behalf of Consumer Affairs Victoria found that 51 per cent of those surveyed had heard of the PTO⁶. Our view is that any Victorian who has a complaint about public transport should know about the Public Transport Ombudsman. In the past year we have taken significant actions to increase community awareness.

These include:

- reaching agreement with scheme members to tell people who complain about the Public Transport Ombudsman when dealing with their complaints
- the publication by Metlink of the *Customer feedback for public transport* brochure, which includes advice about the Public Transport Ombudsman
- the distribution of PTO brochures on trams and at premium rail stations.

In addition, the PTO has continued to promote our services to those who may have cause to use them. For example, in 2008:

- PTO officers attended a number of 'O-week' activities at Victorian university campuses to provide information about our services
- the Ombudsman met with a range of organisations who represent the interests of public transport commuters to discuss our services and hear views on how we can operate more effectively



Petra Jankulovski, PTO Conciliation Manager (back row, second from left) at the *Kooris – know your rights* workshop in May 2008.

- the Conciliation Manager attended a *Kooris – know your rights* workshop in the Barwon South West Region.

A comprehensive communication and promotion strategy has been settled for 2008-09, including specific actions to increase our accessibility for vision-impaired persons and those who use languages other than English. These actions, and additional commitments we are seeking from public transport operators, will be closely reviewed to assess their effectiveness in increasing community awareness of the PTO.

5 Industry-based customer dispute resolution schemes include industry ombudsman such as the PTO.

6 Dispute Resolution in Victoria: Community Survey 2007, Ipsos Australia Pty Ltd, June 2007.

Continuous improvement

Achievements 2007-08

The 2007-08 PTO Business Plan identified 10 key objectives to improve our business. These objectives and associated tasks were in large part met by 30 June 2008. Some, such as the changes to allow the PTO to deal with complaints about authorised officers, have already been reported upon. Other significant achievements include the following.

- 1 We reviewed our *Complaint and Dispute Resolution Service (CDRS) Guidelines*, which have been found by the Victorian Auditor-General's Office to be consistent with the National Benchmarks. We also publish our Guidelines on the PTO website.
- 2 We have improved our communication with members through quarterly reports to Chief Executive Officers on complaints and cases.
- 3 We have made changes to the way our members are levied to fund the PTO, using 'whole of industry' complaints information to increase objectivity and transparency, while providing a stable funding base for PTO activities.
- 4 We have implemented an enhanced database for recording complaints to the PTO, which will provide a platform for automated case management.
- 5 We have introduced a knowledge management system to catalogue and provide easy access to our information holdings.

PTO Officers have attended a range of training opportunities including the inaugural Australian and New Zealand Ombudsman Association conference in April 2008, and training provided by other organisations including the Victorian Equal Opportunity and Human Rights Commission and the Law Institute of Victoria.

2008 has also seen the development of a new procedure to deal with complaints about the Ombudsman and

PTO officers. A summary of the new procedure has been placed on the PTO website, and we will publicly report on complaints we receive.

2008-09 PTO Action Plan

For the next year, the PTO has planned a range of actions to meet our strategic plan priorities, that is, effective complaint handling, improved public transport services, efficient service delivery and excellent stakeholder relationships. The actions include:

- delivering on the outcomes of our 2008 planning sessions to promote PTO services to commuters and others in the community
- developing position statements on common complaint themes for the guidance of members and information of complainants
- meeting complaint handling performance indicators for timeliness and complainant satisfaction
- reporting on systemic issues that have come to our attention in complaint handling and public transport services
- improving our CDRS Guidelines and other complaint handling systems
- increasing the range of PTO services and information available to public transport operators and the community.

Our five year scheme review, scheduled for completion in April 2009, will provide an opportunity to assess the progress of the PTO scheme to date, and map out future strategies to meet the dispute resolution needs of complainants and transport operators.

Summary Financial Statements

The following is a concise version of the Financial Reports for the Public Transport Ombudsman Ltd. for the year ending 30 June 2008. 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 cash flows of the entity as the financial report. Audited Financial Statements and Directors' Report for the Public Transport Ombudsman Ltd have, in accordance with the Corporations Act 2001 requirements, been lodged with ASIC.

Income Statement

	2008 \$	2007 \$
Revenue from continuing operations	1,042,486	898,828
Depreciation and amortisation expenses	38,811	35,871
Employee benefits expense	836,827	650,337
Occupancy costs	136,182	134,386
Telephone and IT expenses	38,223	45,525
Consultancy expenses	34,360	49,473
Other expenses from ordinary activities	126,999	102,030
Profit/(loss) before income tax expense	(168,916)	(118,794)
Income tax expense relating to ordinary activities ⁷	-	-
Net profit/(loss) after income tax expense	(168,916)	(118,794)

Balance Sheet

	2008 \$	2007 \$
Current Assets		
Cash and cash equivalents	125,950	227,249
Trade and other receivables	677,970	31,331
Total Current Assets	803,920	258,580
Non-current Assets		
Plant and equipment	171,136	187,714
Total Non-current Assets	171,136	187,714
TOTAL ASSETS	975,056	446,294
Current Liabilities		
Trade and other payables	759,348	60,990

TOTAL CURRENT LIABILITIES	759,348	60,990
Non-current Liabilities		
Provisions	2,922	3,602
TOTAL NON-CURRENT LIABILITIES	2,922	3,602
TOTAL LIABILITIES	762,270	64,592
Net Assets	212,786	381,702
Equity		
Retained profits	212,786	381,702
TOTAL EQUITY	212,786	381,702

Cash Flow Statement

	2008 \$	2007 \$
Cash Flows From Operating Activities		
Receipts from customers	380,761	857,720
Payments to suppliers and employees	(474,914)	(967,508)
Interest received	15,086	23,828
Net cash inflow/(outflow) from operating activities	(79,067)	(85,960)
Cash Flows From Investing Activities		
Payments for plant and equipment	(22,232)	(14,101)
Net cash inflow/(outflow) from investing activities	(22,232)	(14,101)
Net increase/(decrease) in cash held	(101,299)	(100,061)
Cash at beginning of financial year	227,249	327,310
Cash at the end of financial year	125,950	227,249

⁷ 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 2008 to 30 June 2011.

CONTACTING THE PUBLIC TRANSPORT OMBUDSMAN

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

The Public Transport Ombudsman can help if you cannot solve your complaint with the public transport provider. Our services are cost-free, and available to anyone affected by public transport in Victoria.

Office Hours: Monday-Friday 9am-5pm

Free Call: 1800 466 865

TTY: 1800 809 623

Fax: 03 8623 2100

Email: enquiries@ptovic.com.au

Website: www.ptovic.com.au

Mail: PO Box 538, Collins St West, Melbourne VIC 8007