

# OverView

Winter 08 Issue →

Welcome to the first edition of OverView

What happens when a complainant contacts the Public Transport Ombudsman

Until recently, the Public Transport Ombudsman could only deal with a limited range of complaints about Authorised Officers

A commuter contacted the PTO about an injury he sustained while he was on a public transport vehicle

...complaints to the PTO increased by almost 10%



## Issue 1

### Ombudsman Message

Welcome to the first Public Transport Ombudsman newsletter, OverView.

OverView is one part of our strategy to increase the awareness of and understanding about the Public Transport Ombudsman, or PTO, in the community and among the staff of public transport operators.

The PTO has been in operation for more than four years. In that time, we have received over 4000 complaints and resolved hundreds of disputes between commuters and others affected by public transport, and the operators of trains, trams and buses.

The PTO can deal with most public transport complaints

– including complaints about ticketing, service provision (including late running or

cancelled services), rolling stock and other public transport infrastructure, and staff conduct (including Authorised Officers).

We only deal with disputes which operators who are members of the PTO scheme have been unable to resolve. There are presently eight PTO members: Bus Association Victoria; Connex; Metlink; Southern Cross Station Authority; Transport Ticketing Authority; V/Line; VicTrack; and Yarra Trams.

Our objective is to provide a cost-free, informal and accessible dispute resolution service. We have regard to what is fair and reasonable, good industry practice and the current law when investigating and resolving complaints.

I am the second Public Transport Ombudsman. I lead a small team of conciliators and support staff. Our organisation, the PTO Ltd, has a Board of seven directors, including Merran Kelsall, our independent Chair, three consumer directors appointed by the Minister for Public Transport, and three industry directors appointed by public transport operators.

Through OverView I will provide you with regular advice about the complaints we receive, the issues we are considering and significant developments or events.

I welcome your comments on information or issues you would like to see discussed.

I hope you find OverView a brief, interesting and informative read.

Simon Cohen  
Public Transport Ombudsman



Simon Cohen

### PTO Complaints Process:

**Step 1:** The complainant contacts the Public Transport Ombudsman – by telephone, letter, email or through the PTO website.

**Step 2:** The PTO can only deal with complaints about public transport services provided by Victorian public transport operators (operators) who are members of the PTO scheme. If the complaint is about something else, the PTO will refer the complainant to another agency, such as another Ombudsman or a government department.

**Step 3:** The PTO will only deal with complaints that operators have been unable to resolve. If the operator has not had a chance to deal with the complaint, the PTO will refer the complainant back to the operator to resolve the matter directly.

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

- hearing the complainant'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, witnesses or others who may be able to assist the investigation
- researching and considering industry practice, government policy and the law.

**Step 5:** After an investigation, the first aim of the PTO is to resolve the complaint. This may include:

- giving information to a complainant about the PTO investigation
- conveying an apology or offer of compensation from an operator
- an operator making changes to the way public transport services are provided, or making special arrangements to assist a complainant's access to services.

Sometimes, complaints will bring forward issues that may also affect others. For example, a complaint may identify a defective vehicle. It may highlight a

procedure that could be improved. Where this occurs, the resolution of the complaint will include addressing these broader issues.

**Step 6:** Where there is no resolution, and the PTO finds the operator's response fair and reasonable, and consistent with good industry practice and current law, the PTO will end the investigation. However, if the PTO is not of this view, there are two further options.

**Step 7:** The PTO may conciliate the complaint. Here, PTO conciliators meet with the complainant and public transport operator to see if a solution can be reached. Sometimes the meeting will be "on-site" at places such as bus stops or rail stations, and include representatives of other organisations who may be able to assist in getting to an agreed outcome.

**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 final course of action is for the Ombudsman to make a binding decision, up to an amount of \$5000. To date, no binding decisions have been necessary.

## What's New at the PTO – Authorised Officers

Until recently, the Public Transport Ombudsman could only deal with a limited range of complaints about Authorised Officers (AOs).

While Ombudsman Victoria (OV) generally cannot investigate complaints about Victorian public transport operators, it had the exclusive role of investigating complaints about the exercise of statutory functions by AOs. This includes complaints about AOs when:

- requiring a commuter to provide their name and address

- requiring a commuter to provide evidence of the correctness of their identity
- arresting commuters.

This meant that sometimes the PTO or OV could deal with only one part of a complaint, but not other issues.

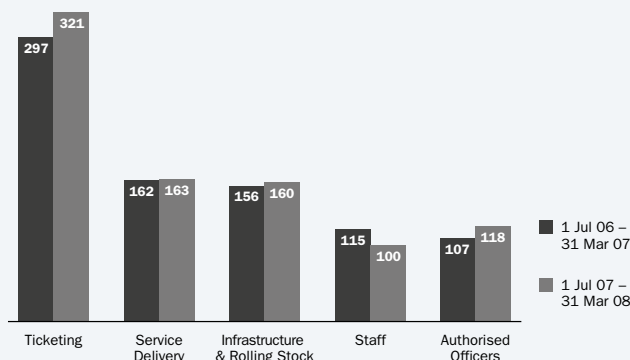
This arrangement was not the best for commuters or public transport operators and their staff, and meant that the PTO could not act as a 'one stop shop' to resolve public transport complaints. Changes in early 2008 mean that the PTO can now deal with complaints about

AOs exercising statutory functions. OV can still deal with AO complaints, but agreed protocols will see most cases handled by the PTO.

Complainants must still give the public transport operator a chance to deal with an AO complaint before coming to the PTO.

We have put in place new guidelines to deal with AO complaints, and met with senior authorised officers and other staff from each of the public transport operators to consult with them about our increased role. We are confident that the new arrangements will improve our services to both commuters and public transport operators.

### Top Five Issues



### Case Study

**In each OverView, we will include a case study that shows some of the good outcomes achieved through PTO complaints. Here, the complainant has not accepted the transport operator's decision and complained to the PTO.**

A standing passenger was thrown forward when a public transport vehicle braked suddenly. He landed on his knee on the seat behind the driver. Something on the seat pierced his knee. After getting off the vehicle, the passenger had difficulty walking and felt increasing pain. He called an ambulance and was taken to hospital.

The passenger complained to the public transport operator about his injury. The operator's check of the vehicle, however, failed to locate anything protruding from the seat. The passenger later caught the same vehicle and stated that he found a sharp screw on the seat. As he was not satisfied with the operator's first response he took his complaint to the Public Transport Ombudsman.

During the PTO investigation, the operator undertook further checks which found that the screws used to secure the seat may protrude when weight is applied to the cushion. As a result, the vehicle was taken out of service so that the seat could be fixed.

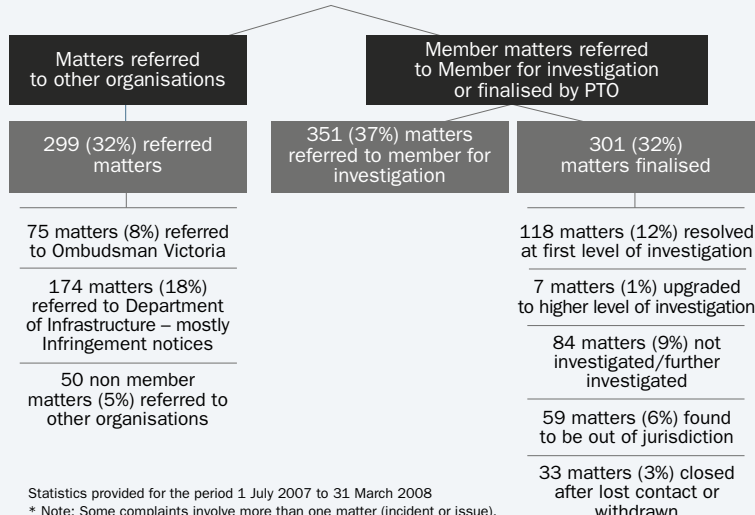
The operator apologised for the injury caused to the passenger. As the Transport Accident Commission (TAC) deals with injury claims arising out of public transport accidents, the operator informed TAC of the complainant's accident. The complainant was also provided with information about how to lodge a claim with the TAC.

## PTO Operations Report

In the first 9 months of 2007/8, complaints to the PTO increased by almost 10% to 816. This rise is consistent with an increase in patronage for trains, trams and buses. Most complaints concerned public transport

ticketing, service delivery, infrastructure and rolling stock, and the conduct of authorised officers and other staff. We finalised 951 matters, including more than 200 investigated by PTO officers.

### PTO Outcomes\*



Statistics provided for the period 1 July 2007 to 31 March 2008

\* Note: Some complaints involve more than one matter (incident or issue).

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