

ANNUAL REPORT

2021



PUBLIC
TRANSPORT
OMBUDSMAN

LISTEN · ACT · RESOLVE · IMPROVE

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OUR VALUE PROPOSITION

The Public Transport Ombudsman is a fair, free and fast service to sort out public transport complaints and help make the system better for everyone.

- We’re here to listen.
 - We have the power to act, influence and drive change.
 - We are highly skilled.

- We help people reach agreements.
 - We’re impartial and achieve fair resolutions.
 - We act on opportunities to improve the system.
 - We’re here for the whole community.

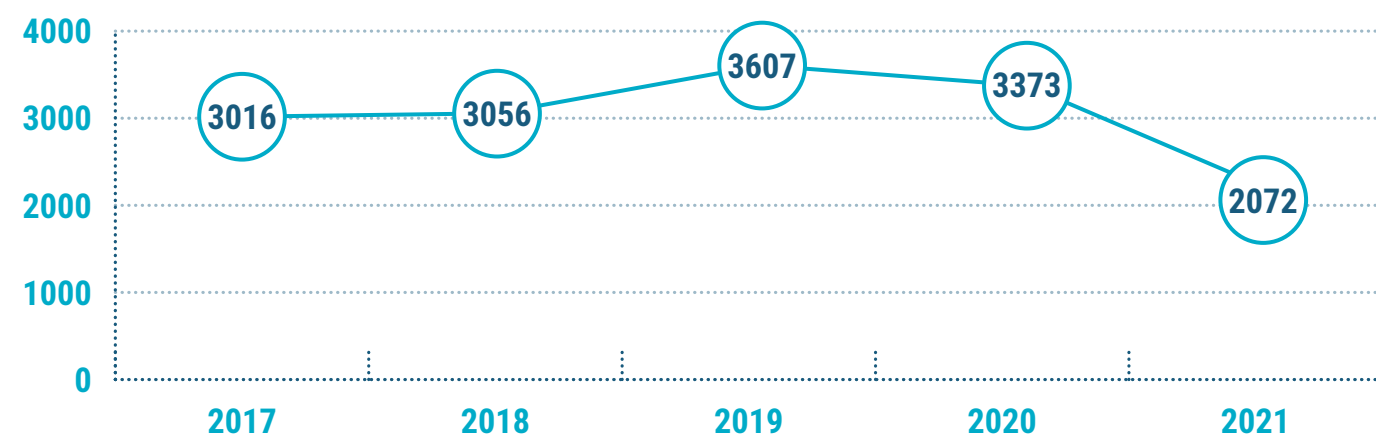
ACKNOWLEDGMENT OF COUNTRY

The Public Transport Ombudsman respectfully acknowledges the traditional custodians of the lands on which we operate our services. We pay our respects to the ongoing living cultures of Aboriginal and Torres Strait Islander peoples, and to Elders past, present and emerging.

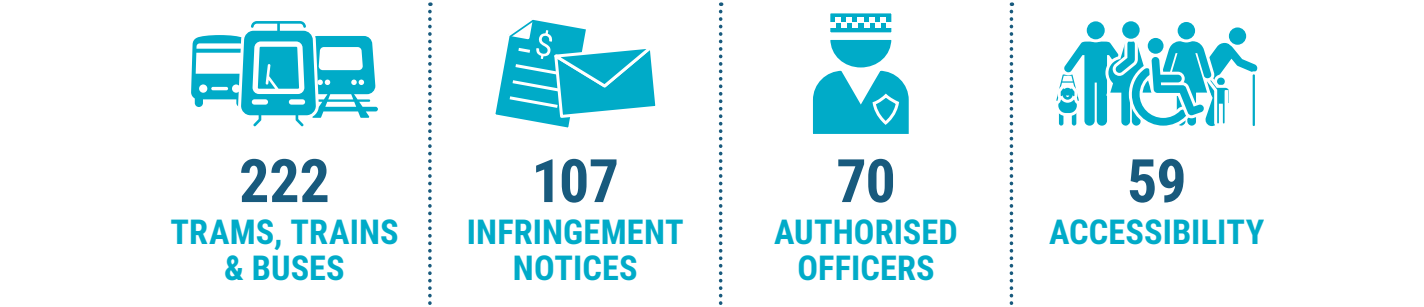
YEAR AT A GLANCE



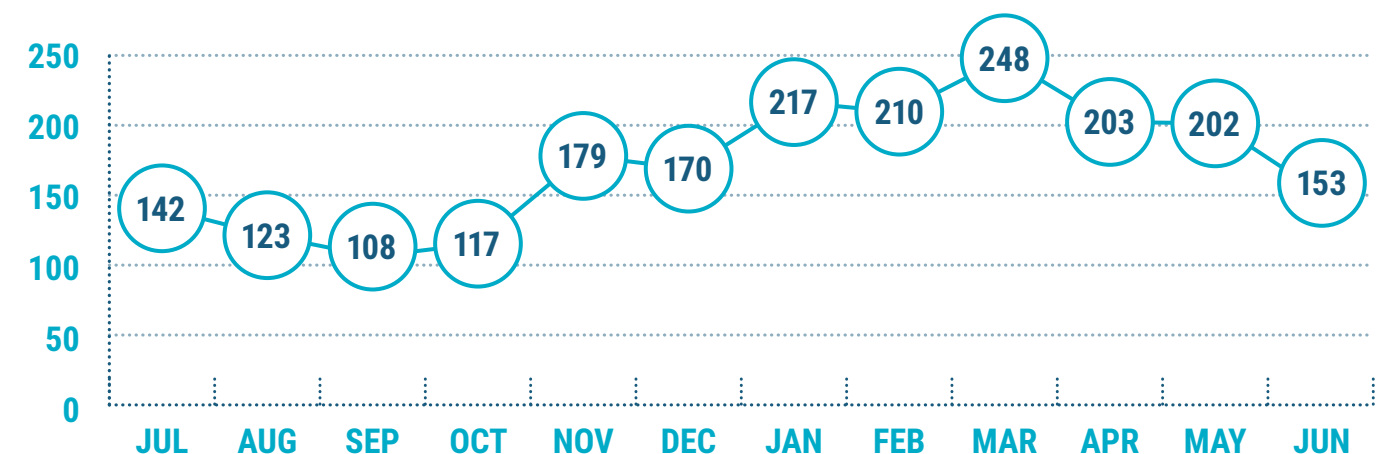
APPROACHES OVER PAST FIVE YEARS



COMMON ISSUES WITHIN APPROACHES



APPROACHES PER MONTH 2020/2021 FY



CHAIR'S REPORT



It is my pleasure to introduce the 2020/2021 Annual Report as Chair of the Public Transport Ombudsman (PTO) as we, and the broader Victorian community, continue to navigate the challenges brought on by COVID-19.

The pandemic has had far reaching effects on the PTO scheme and its operations. Our Board and PTO Staff have adapted to working remotely, making use of technology to remain efficient and connected. We have reduced our operating budget and found considerable savings arising from the downturn in public transport usage and lower numbers of approaches to the scheme.

The Ombudsman and our highly skilled staff delivered our core dispute resolution services in innovative ways while remaining mindful of the effects that COVID-19 inevitably had on the operations and priorities of members. The PTO achieved an operating surplus of \$225,004 while delivering services in a timely and professional manner in line with the Benchmarks for Industry-based Customer Dispute Resolution.

Like the PTO and all businesses in Victoria, our members were required to enact COVID-safe work plans, and in addition, remain responsive to calls to comply with and enable the public health response. Public transport passenger services, major project construction and other essential services provided by our members continued throughout the year. During this time, the Board focused on continuing to be a strong and independent PTO, able to investigate concerns raised in the community and to work with members on resolving individual complaints and improving the system for everyone.

After a national search, the Board was delighted to appoint Simon McKenzie to the role of Ombudsman in March 2021. Previously our Deputy Ombudsman, Simon rose to the challenge of leading the organisation during an extraordinarily complex and difficult period. Simon has experience in a broad range of management roles, leading teams in for-profit and not-for-profit organisations. He has also held senior management roles with the Telecommunications Industry Ombudsman.

Working in consultation with members, the Ombudsman and team completed a review and implementation of new complaint handling procedures, which adopt the operational recommendations concerning investigations from the 2019 PTO Scheme review. The Board was pleased to see the adoption of the recommendations completed, and looks to feedback from consumers and members about the clarity and efficacy of the new approach in the coming year.

During the year, Industry Director Chris Lowe completed his term on the Board. I would like to thank Chris for his service and contribution to the company. I acknowledge and thank all industry and consumer directors for their continued contribution to the PTO. I would like to congratulate Consumer Director Glenyys Romanes on being appointed a Member of the Order of Australia for significant service to the Parliament of Victoria, and to the community in the 2021 Queen's Birthday Honours. Congratulations also to Consumer Director Llewellyn Prain who was announced as a recipient of the Emerging Leader Award at the Victorian Disability Awards announced in September 2021, for her work outside the PTO as founder and chairperson of the WaterAble initiative to promote a more inclusive water industry.

In closing, I want to thank the Ombudsman and the staff of the PTO, including our Company Secretary Bernard Stute and Business Manager Jenny Wang, for their tireless work ensuring that the PTO is appropriately managed and remains available to consumers and members in need of services, advice and support. I want to particularly acknowledge that this has been a difficult and challenging year and we appreciate the commitment demonstrated by all our staff to providing a high-quality service to our members and consumers.

Kay Rundle
Chair

BENCHMARKS FOR BEST PRACTICE

At the core of our work are the Benchmarks for Industry-based Customer Dispute Resolution (the Benchmarks).

The Benchmarks foster best practice in industry dispute resolution schemes and are central to everything we do. They underpin our awareness raising within the community, long-term strategic planning and day-to-day dispute resolution.

The Benchmarks are:

- **Accessibility** – consumers should be aware of and easily able to access our scheme
- **Independence** – governance and funding of our scheme should be independent
- **Fairness** – our procedures and decision-making should be fair and seen to be fair
- **Accountability** – we should publish and report on our activities to maintain public confidence
- **Efficiency** – we keep track of and endeavour to improve our complaint-handling performance
- **Effectiveness** – we have appropriate and effective jurisdiction and are subject to periodic independent reviews of our performance.

Our performance against the Benchmarks is independently assessed every five years.

"The PTO has become an important, accepted and respected part of the public transport ecosystem." –
Independent Review of the Public Transport Ombudsman, Victoria (2019)

OMBUDSMAN'S REPORT



Welcome to my first Annual Report as Ombudsman. It is an honour to take on the opportunity and challenge of providing an independent dispute resolution service and voice as Victorians look towards recovery from the effects of the pandemic. It is my aim to continue to improve the way we address complaints and feedback about public transport in Victoria and contribute to improving the public transport experience for everyone.

Reduced patronage on the network led to 2072 approaches to the PTO, a 39% reduction from 3373 in the previous year. From these, my office recorded and referred 1292 complaints and investigations about members (down 47% from 2428 last year). Our contact points at our member organisations were provided the opportunity to resolve 1052 matters on referral, with files being created and the PTO providing a pathway back in case the complaint remained unresolved. In 240 cases, investigation was required. During the year we finalised 249 investigations, with 80% completed within 60 days. Read more about complaints received during the year and some of our consumers' stories on pages 17 and 22.

During lockdowns in regional Victoria and metropolitan Melbourne, the work of our members continued, providing passenger services and carrying out activities closely related to public transport, such as major infrastructure works. Public transport remained an essential service for those needing to travel for essential reasons. Staff issues remained the most common issue category within complaints and investigations (975), this is understandable given consumers are often approaching our scheme after an interaction with staff at contact centres or out on the wider network. When investigating, we not only look at what caused the complaint and how it was handled after that by the operator. It was encouraging to see that there were only two investigations required into Authorised Officer complaints, significantly down on previous years. Service delivery issues within complaints (550) including late, cancelled or overcrowded services was the next category, followed by Land and infrastructure issues (521) including noise from tracks, maintenance works and construction, followed by ticketing issues including myki (398) and other ticketing systems (46).

The PTO continued to deliver a high-quality service to consumers seeking information or resolution of their complaints. All of our services had to be delivered by staff working remotely for the majority of the year. This presented challenges in terms of the way we work together as a team, and we had to ensure that we were able to reach consumers and members during our handling of complaints. We improved our systems and introduced new technologies to make the experience as seamless as possible for consumers and members. We conducted a consumer satisfaction survey at the end of the year, asking people how they thought we performed during this time. Pleasingly, 75% of respondents said they would recommend the PTO to a friend if they had a public transport complaint, but we also welcomed feedback about where we could improve. There is more information about our survey on page 23, and more about changes to our systems on page 26.

Throughout the year, I consulted with members on the need to modernise and rewrite the PTO's complaint handling procedures that members of the PTO must adhere to. Several drafts were shared with members and feedback incorporated into the consultation draft. The results focus on making the procedures accessible and clear to participants in our process. The procedures adopt a key recommendation from the 2019 PTO Independent Scheme Review, making it clearer when there is to be a transition from attempts at conciliation to more formal investigation. Read more about our updated complaint handling procedures on page 14.

Our members continue to provide information about the PTO on their websites, via social media and in correspondence connected with feedback and complaints. This is important to ensure that consumers have information about the PTO at the time when they most need it. The PTO also focuses on raising awareness in the community by attending events and participating in forums and reference groups. Unfortunately, many events were cancelled due to COVID-19 lockdowns and restrictions. We shifted some of the focus to regularly communicating with people via our social media channels and website, reviewing our correspondence and procedures to ensure that we communicate effectively with diverse audiences.

We continue to hone our strategy to reach consumers and look for opportunities and partnerships to raise awareness and share information about the services the PTO offers.

I would like to thank the hard-working PTO team who continue to deliver a professional, independent, and excellent service to consumers and members during these uncertain times. I also thank the members of the PTO Scheme for their participation and ongoing support.

I would also like to thank the PTO Board comprising Consumer and Industry Directors for their support of my office, and I join the Chair in congratulating Glenyys Romanes and Llewellyn Prain on their recent recognition for services to the community and leadership.

A stylized, handwritten signature in black ink, likely belonging to Simon McKenzie.

Simon McKenzie
Public Transport Ombudsman

OUR BOARD



KAY RUNDLE

Chair

Kay is an experienced Board Chair and CEO with an extensive background as former CEO of local government and has held several directorships and Chair appointments. As an executive coach, she works with CEOs in government, hospitals and schools. Kay has qualifications in social work, information and technology and holds an MBA.



GLENYYS ROMANES

Consumer Director since January 2018

Glenyys is an AICD graduate, with a background across all tiers of government including the Victorian Parliament, Commonwealth Ombudsman, Mayor and Councillor. Glenyys is an active member of many NGO committees and community groups, including the Victorian Transport Action Group, and is currently Deputy Chair of the Ministerial Advisory Panel.



LLEWELLYN PRAIN

Consumer Director since January 2016

Llewellyn is an experienced company director and a Fellow of the AICD. She has a background in law, public policy, transport and health. Llewellyn has a vision impairment and is passionate about improving disability inclusion and accessibility in Victoria.



MARK DAVIES

Consumer Director since July 2016

Mark is a Chartered Accountant and former CEO of local government. With extensive experience in the private sector and local government, Mark now provides consultancy services to state and local governments.

The PTO is governed by a Board of consumer and industry representatives with an independent Chair. The responsibilities of the Board include oversight of the PTO Scheme and maintenance of the day-to-day independence of the Ombudsman.



MARIKA HARVEY

Industry Director (Public Transport Victoria) since December 2018

Marika is an AICD graduate and currently the Director of Network Performance Insights at the Victorian Department of Transport. Marika has extensive professional experience in operations, corporate communications and marketing, customer service, and contract management in the public sector.



JONATHAN MCKEOWN

Industry Director (V/Line) since February 2020

Jonathan is an AICD graduate and currently the Executive General Manager for Network Development and Integration at V/Line. Jonathan holds an MBA and has more than 25 years' experience working with state and local government and private industry.



ADELE MCCARTHY

Industry Director (Yarra Trams) since February 2021

Adele is currently the Chief Development Officer at Yarra Trams. Adele has a background in infrastructure planning, transport and project development, including leading the Planning and Precincts Division of the Suburban Rail Loop and Project Director of the Metro Tunnel Project.



BERNARD STUTE

Company Secretary

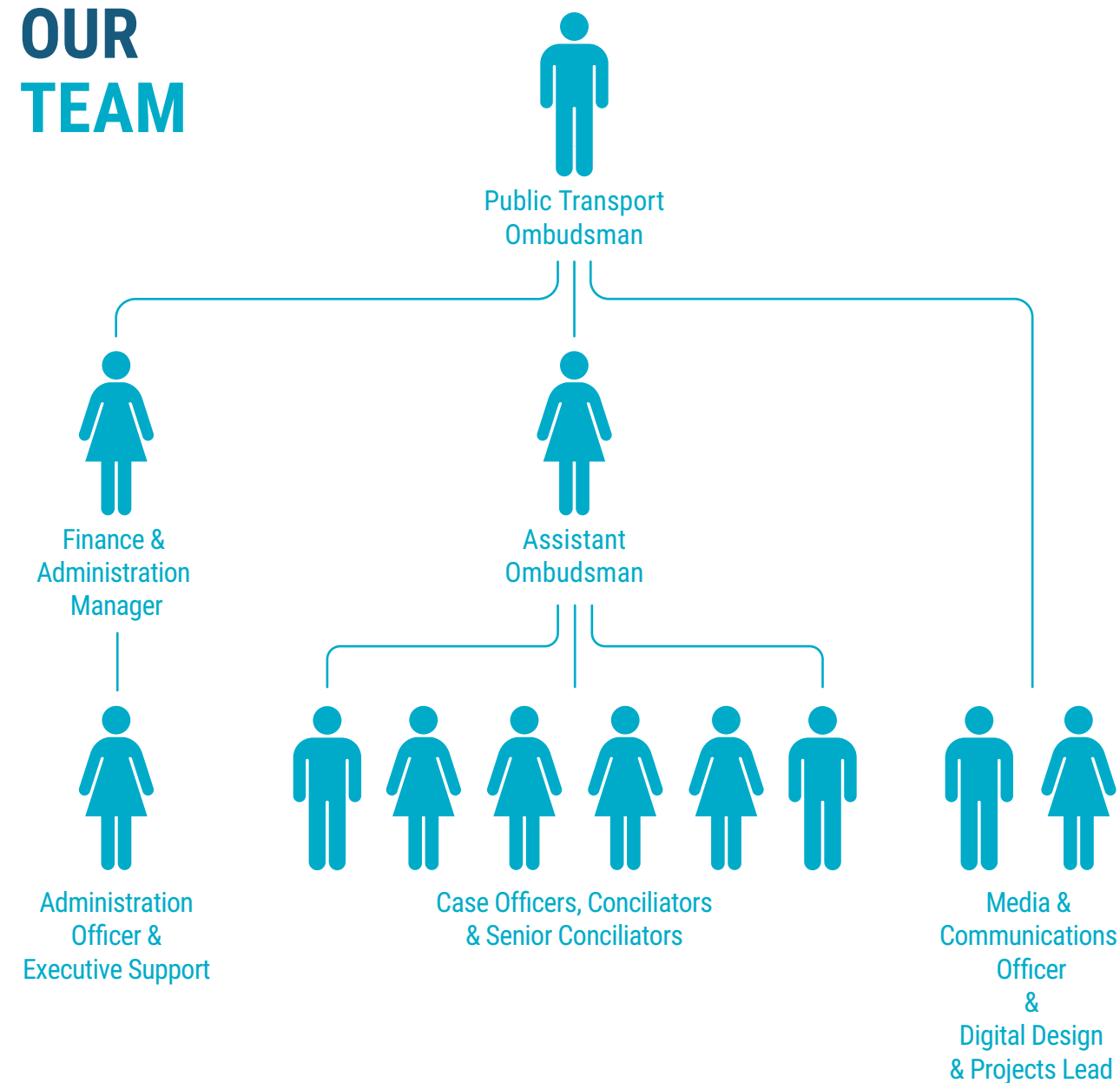
Bernard has been the Company Secretary since the establishment of the Ombudsman's office. He has extensive experience in public transport having worked for more than 19 years in senior roles in the public sector. Bernard is also a qualified legal lawyer having worked in private practice with large law firms.

ABOUT US

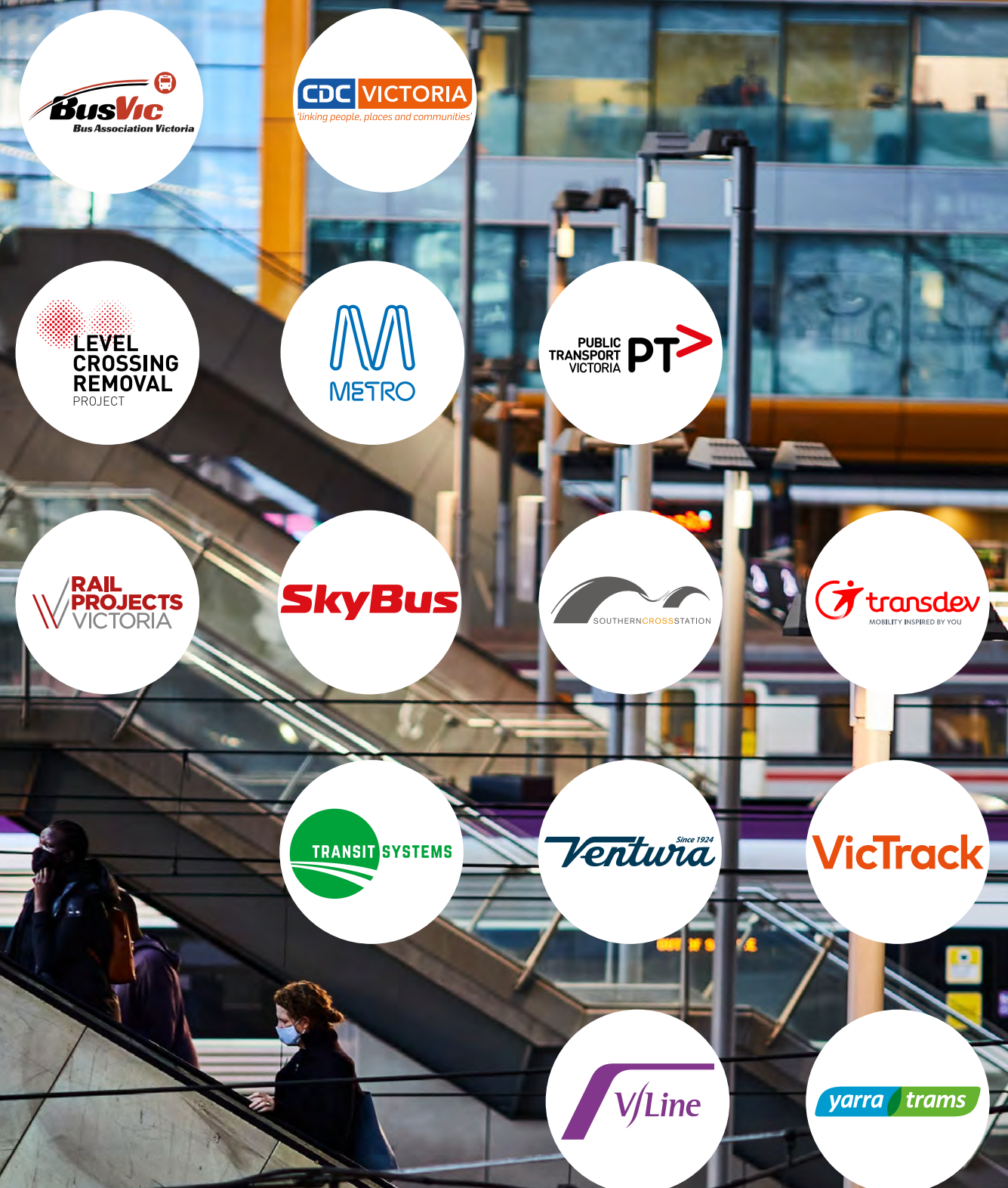
In an average year in Victoria, approximately 600 million passenger journeys are made annually across networks within our jurisdiction. The public expects that this system will be reliable, efficient and problem-free. The PTO was established by the Victorian Government in 2004 in recognition of the need for mechanisms to address disputes where the system does not meet this public expectation.

We are a free and independent dispute resolution service for consumer complaints about public transport in Victoria – we help improve public transport for everyone. We use conciliation to consider and resolve outstanding disputes between complainants and transport operators that are members of our scheme.

OUR TEAM



OUR MEMBERS



HOW WE HANDLE COMPLAINTS

We handle complaints from consumers in a fair, free and fast way. Our process is independent, informal, and focused on helping the parties work towards an agreement.

We guide the parties towards a resolution of the complaint, considering the law, relevant codes and standards, good industry practice and individual circumstances. If a complaint cannot be resolved through agreement, we can decide what is fair and reasonable and make a binding determination if necessary.

Our staff are highly skilled in complaint handling and have broad experience with the public transport industry. Every complaint is different, so we apply our procedures on a case-by-case basis and provide the parties with clear information about our process and decisions.

We consulted with members during 2020/2021 and finalised a new, simplified set of complaint handling procedures that incorporated recommendations from the 2019 Independent Review of the PTO Scheme.

Our process allows us to be flexible, with five key phases linked to a consumer's circumstances and what steps have already been taken to resolve the matter. We have the option to change phases if a matter remains unresolved, or new information about the circumstances comes to light.

1 REFERRAL TO A PTO SCHEME MEMBER

If a consumer contacts us before making their complaint to the member, we will give them information about how to do this in the first instance. Members must be given the opportunity to resolve a complaint before we can investigate.

We let consumers know they can contact us again if the complaint isn't resolved by the member.

Consumers may contact us to understand our complaint handling processes, so they can decide whether and how to make a complaint. Our staff may offer information based on our experience and knowledge of the industry.

Sometimes, there may be special circumstances that call for us to provide additional assistance to a consumer to make their complaint. In these instances, we'll take steps to ensure the member receives details of the consumer's complaint and that the consumer receives a response in an appropriate timeframe.

2 REFERRAL TO OTHER BODIES

Sometimes we can't handle a complaint, or it might not be about a PTO member. If this happens, we'll refer the consumer on if we are able to. We participate in the 'No wrong door policy' initiative in collaboration with other Ombudsman schemes. This uses 'warm transfer' to provide consumers with the right avenue to have their complaint managed effectively, ensuring they are transferred to the relevant service straight away.

3 CONCILIATION

We use conciliation to handle most unresolved complaints. This is an informal, mainly phone-based process where we speak with the consumer first to clarify the issues in their complaint and discuss what resolution options might be possible in the circumstances.

We then contact the member and provide information about the consumer's complaint. We ask the member to provide a response with its suggestions for resolving the complaint within seven days.

Some complaints will be resolved in the course of the member's response, or we can use conciliation to facilitate further discussion and negotiation between the parties.

If the complaint can't be resolved quickly through conciliation, we may decide to investigate.

4 INVESTIGATION

Investigation is a more formal process we use when the parties can't agree on an outcome, and we need to decide how to resolve the complaint. We ask the parties to provide information to help inform our decision making. We then review the information and contact the consumer within 21 days to discuss any suggestions for resolution made by the member and our assessment of their complaint.

We use phone discussions during an investigation to clarify the issues, manage expectations and progress a complaint to resolution, and to keep the parties updated throughout the investigation.

5 BINDING DECISION

If the parties don't agree on an outcome after an investigation, the Ombudsman can make a binding decision to resolve the complaint. The Ombudsman can bind an member to their decision up to the value of \$5000, or up to \$10,000 by agreement with the member.

The Ombudsman can also decide to finalise a complaint, for example by deciding that further investigation is not warranted after review.

ANOTHER YEAR LIKE NO OTHER

In 2020/2021, with services and businesses in lockdown and Victorians working from home, patronage on the network dropped to a staggering 9 per cent of average yearly footfall.

Along with the reduced necessity for travel, several barriers prevented people from using public transport – fear of infection for those experiencing vulnerability, including the immuno-compromised, those living with a disability, children and the elderly. Complaints to the PTO regarding long-term travel passes were common, as those who stopped travelling requested refunds.

Despite patronage across the network falling to record lows, demand for our services did not fall as much, never dropping below 30% of our pre-COVID baseline. The nature of issues within complaints changed, reflecting the unique circumstances Victorian commuters faced through 2020/2021. Demand for PTO services recovered during October and November as restrictions eased.

We have tracked mentions of COVID from the start of 2020, building up a collection of user stories that show how the pandemic, the public health response and the need to travel for authorised or essential purposes combined to affect dissatisfaction levels and the expectations of consumers.

Members kept the PTO up to date on how they were responding to the rapidly changing environment and public health orders. This meant in many complaint discussions with consumers, the operator or the Department of Transport needed to take the time to explain the steps that were being taken to ensure safe journeys, and in some cases to explain that staff, including Authorised Officers, were not in a position to police or enforce public health orders.

Authorised Officers faced a challenging environment, and the small number of investigations into Authorised Officer complaints (2) indicates we may be seeing the benefit of the work that members – including the Department of Transport, Metro Trains, Yarra Trams, Bus Association Victoria, V/Line, Ventura and Transdev – have done delivering customer service and conflict management training under the ongoing Ticketing Compliance and Enforcement reforms.

Consumers told us in various ways about how the pandemic had changed their circumstances, making the resolution of their complaint important for financial reasons, or helping them to cope with the stress and uncertainty around them. In our discussions with complaint handlers at other Ombudsman schemes, staff agreed that it seemed that were higher levels of stress and challenging behaviours experienced by case handlers across various industry schemes.

It was encouraging to see that issues raised about the customer

experience of travelling specifically linked to COVID, and information about travel, were relatively low. Our snapshot indicates that the things people complained about the most were lack of social distancing (105), expectations about hygiene and cleanliness (98) including mask wearing by staff and passengers (59) and ticketing (70) including delays and refund disputes brought on by changed circumstances. Despite low patronage there were complaints about overcrowding on some services linked to social distancing concerns (12) and replacement services (8).

“Since the introduction of these reforms and programs, indicators show improved perceptions of AOs. This includes a substantial reduction in the number of infringement and AO-related approaches to the Public Transport Ombudsman (PTO).”

Network Revenue Protection Plan 2020

THE STORIES CAPTURED BELOW GIVE AN INSIGHT INTO THE DIVERSE RANGE OF COVID-19-RELATED COMPLAINTS TO OUR OFFICE DURING 2020/2021:

Wenying relies heavily on PTV travel vouchers to be able to attend medical appointments in the city. Travelling to her appointments became unfeasible one day after a COVID-19 outbreak and meant she had to postpone several of these appointments. She asked that her vouchers be extended so she could travel in the future, but was told it wasn't possible. This meant she would miss her vital medical appointments.

Bronte became concerned when five authorised officers suddenly boarded his tram to check tickets during a state-wide lockdown. He noticed they weren't meeting social distancing requirements. He felt compelled to complain to our office as he was not satisfied with PTV's response to his complaint.

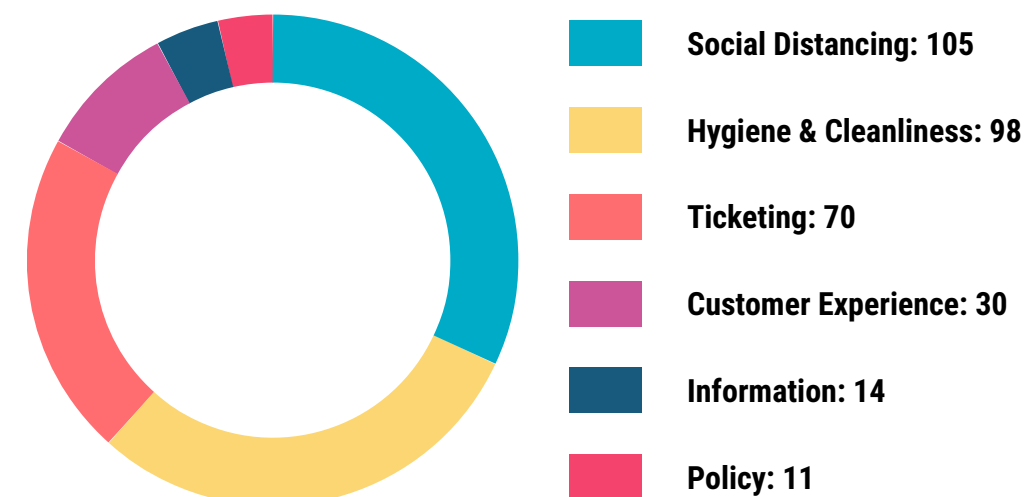
Mohammed contacted our office after complaining to Metro Trains about overnight track maintenance works on a train line by his home. He told us that the night works were disruptive at a time when his mental health and wellbeing was already impacted due to lockdown. He was unhappy with Metro's response and felt the works should have been carried out during the day when they would cause the least impact. He said that the legislation Metro Trains quoted in its response needed to be updated to reflect the residential environment that the train line operates in.

Jamie and his wife were unable to sleep when Yarra Tram works outside their home took place during the night. Both were working from home and unable to escape the noise. They contacted us with concerns for their mental health and told us they were unsatisfied with the response from Yarra Trams when they tried to complain.

Gail was concerned after making three separate complaints to V/Line about the reduction in train carriages from Melbourne to Geelong. She told us that passengers were unable to socially distance and when she did ask another passenger to keep their distance, they refused. She wanted to know why seats or areas on the train couldn't be cordoned off to create more space between passengers.

Farouk contacted us when he became worried about using a SkyBus because he'd heard they were being used to transport people with COVID-19 to hotel quarantine. Before using the service, he wanted to ensure the buses were being deep cleaned thoroughly before being used for regular service.

THE TOP SIX ISSUES WITHIN COVID-19-RELATED COMPLAINTS WERE:



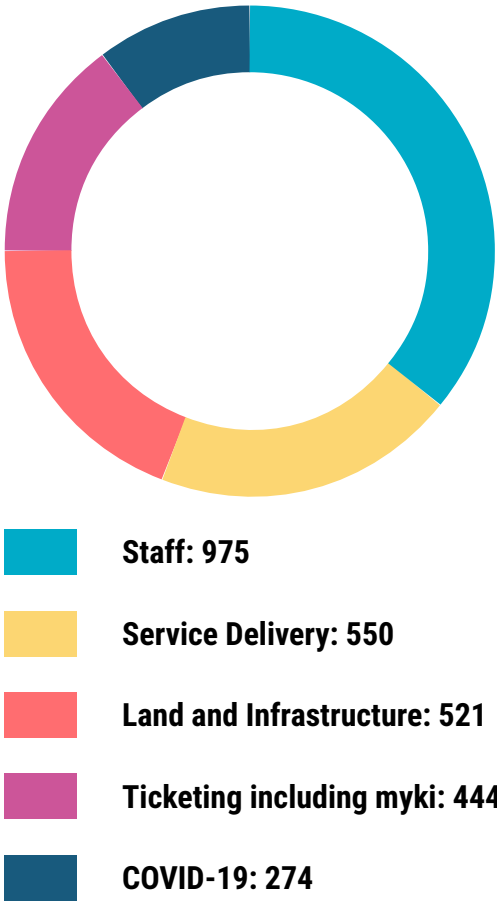
COMPLAINTS AND INVESTIGATIONS

We take close look at all complaints to our office, tagging our files with issues that either caused or contributed to the complaint being brought to our office. The impact of COVID-19 can be seen in the number and type of investigations we opened this year. Of the 2072 approaches to the scheme we referred 1052 complaints, following up on many of them with assisted referral processes, and we commenced 240 investigations into unresolved complaints. Reduced patronage across the network reduced complaints overall, but while the pandemic added some new issues to the mix, our data still showed that the key issue categories contributing to complaints remained fairly stable.

Our data capture is linked back to individual cases and we are able to provide detailed reports to our members who wish to track trends and explore themes further, for example conduct issues or pinpointing the source of delays. We use this data to look into potential systemic issues and to highlight consumer stories that have broader educative value.

The investigations we commenced were spread across our growing and diverse membership. Investigations into complaints about operators who do not run passenger services (136) were more common than complaints about operators of passenger services (104), reflecting a COVID-affected year where patronage fell, land and infrastructure complaints rose in proportion and ticketing issues were common due to changed travel patterns.

THE TOP FIVE ISSUES WITHIN COMPLAINTS AND INVESTIGATIONS WERE:



INVESTIGATIONS BY MEMBER 2020/2021			
NON-PASSENGER CARRYING	INVESTIGATIONS	OPERATOR OF PASSENGER SERVICES	INVESTIGATIONS
PTV/DOT	115	V/Line	33
Level Crossing Removal Project	17	Metro Trains Melbourne	27
Rail Projects Victoria	2	Yarra Trams	20
VicTrack	2	BusVic	6
Southern Cross Station	0	CDC Victoria	6
		Skybus	4
		Ventura	3
		Transdev	3
		Transit Systems	2

STAFF

Complaints containing staff issues are to be expected given the nature of an Ombudsman office, where people approach an independent office after an interaction to seek guidance or make a complaint. It is the most common category as we often see a staff issue accompanying a root cause issue within a complaint. Drilling down, the most common complaints issues in the category were dissatisfaction with responses to consumer approaches to the member (319), staff conduct (200), delays in responses (127). Of 30 complaints investigated containing conduct issues, 15 concerned drivers of buses and trams.

SERVICE DELIVERY

There were 550 issues related to service delivery. About a third of these (189) were about late, unreliable or cancelled services. There were 91 issues about information, mostly about it not being available or inaccurate.

LAND AND INFRASTRUCTURE

There were 521 issues relating to land and infrastructure, and complaints containing this issue rose as a proportion of complaints from 17% of complaints to 27% during the year due to COVID. Public transport continued as an essential service, despite patronage. This meant that the same amount of maintenance, repairs to infrastructure had to occur to keep the network safe. In addition many of our non-passenger carrying members continued with construction and maintenance of assets and facilities. There were 98 issues about maintenance, and 89 issues about environmental nuisance such as noise, vibration and dust.

COVID-19

Read about consumer stories where consumers mentioned COVID-19 as relevant to their complaint at page 16.

MYKI AND OTHER TICKETING

There were a total of 444 myki and other ticketing issues of which 140 related to refunds and reimbursement processes or outcomes. Myki can be a complicated product, and passengers applying for refunds need good information about the processes and methods involved. Due to the pandemic, many passengers used the refund and reimbursement processes for the first time. Also, many passengers paused their myki pass with the intention of returning to the network at some stage in the year. Victoria's lockdowns meant that this was not to be, and refunds of paused passes were requested.

Some of the processes that had to be used in this unprecedented event involved manual steps involving card replacements and we received complaints about delays or disputes about the calculation method. In some cases, passengers were eligible for reimbursement instead of refunds. We kept in touch with PTV about the type and number of complaints we were receiving, and PTV worked with us to discuss how to ensure that customers did not miss out on an entitlement to a fair refund or reimbursement because of any issue out of their control.

Drilling down into these cases, there were 49 issues or 38% related to the refund and reimbursement process, 37 issues or 29% where the refund and reimbursement was declined, and 29 issues or 22% where there was a processing delay. There were 58 issues with failed or incorrect top-ups.

OUTCOMES

Members provided a total of \$7322 in refunds to consumers during the period, while goodwill gestures within investigations totalled \$4703. Agreed member resolutions to our investigations typically contain a combination of outcomes, including: an apology, an undertaking to correct an error, refunds, compensation for loss, reimbursement of expenses, free travel, staff retraining, commitments to review or change policies or practices and consumer or staff education.

SYSTEMIC COMPLAINTS

Identifying, addressing and monitoring systemic complaints – those complaints that form part of a broader pattern affecting a larger cohort of travellers – is a core component of our work. We work with members to address systemic complaints, which in turn delivers broader improvements to the transport system.

The 2019 Review, recognising the inherent public good of early identification of systemic issues, recommended that the PTO review its processes to consider new approaches, including moving to a more proactive, informal model for identifying systemic issues, and also increasing investigations, research and reporting on them.

As we began our implementation of the review of systemic complaints, the Victorian public transport system was severely affected by the pandemic. COVID-19 drastically reduced patronage on the network and this meant not only fewer people approaching the PTO with complaints and concerns, but a reduced opportunity to identify system-wide issues or those that might be affecting wider classes of consumers. At the same time, our members were understandably focused on enacting their COVIDSafe Plans and dealing with the implications and requirements of the State of Emergency.

In response to this unique situation, we put the review on hold and took the opportunity to meet regularly with operators to discuss emerging issues informally and to focus on potential system improvements. A particular focus of this drive was accessibility of the network, complaint handling and assisting consumers who may face barriers or circumstances making them vulnerable. We expect to continue this work into the next financial year, and embark on the full review of our systemic complaints processes postponed by COVID-19.

Not surprisingly, COVID-19 itself provided the context for some of our systemic investigations in 2020/2021. A strong theme emerged of complaints from people who were attempting to revise their myki choices due to the changed circumstances of travel. The volume of refund requests because of reduced need created some delays and frustration for consumers.

In addition to this, the method of calculations of large refunds on products such as passes is not well understood. Many consumers found themselves applying for refunds for the first time. Passes purchased for longer periods attract larger discounts – for example, a 325-day pass gives you 40 free days. When a consumer then tries to seek a refund partway through the year, the refund calculation will ensure they do not gain from the transaction by being refunded for free days.

In many cases, pass-holders were dissatisfied with the amount to be refunded, thinking that the refund should be pro-rata. In our investigations, our staff double check the calculations for errors and will help the consumer to follow the logic and the application of the refund rules. We also look into whether reimbursement may be fairer than a refund. During the pandemic there were many cases where commuters expected more cash back than the rules provide for. This was exacerbated by commuter club schemes where consumers purchased passes through their employer and then no longer required them.

SOME POTENTIALLY SYSTEMIC ISSUES DISCUSSED IN 2020/2021:

- COVID and compliance with public health advice, including public transport staff
- Access to travel information by passengers with hearing impairment when travelling on regional services
- Suitability and consistency of signage on regional buses directed at passengers travelling in a wheelchair
- Availability of information about COVID-19 as it relates to travel on public transport
- Refunds of commuter club passes due to COVID-19 and working from home arrangements
- Incorrect information provided on an operator's website for consumers purchasing a myki card
- Use of personal information for survey purposes
- Overcrowding of replacement bus services for regional trains.

SYSTEMIC ENQUIRY

The PTO raised an enquiry with the Department of Transport (DOT) after receiving a complaint from an authorised representative of a consumer who used a wheelchair. The complaint was about signage on the bus which informed passengers that a wheelchair must face backwards. However, as buses don't have restraints, the consumer said the safest way for them to travel was facing the aisle. The authorised representative experienced difficulties getting a response from the bus operator before being told the consumer should just ignore the sign as it wasn't going to be removed. The consumer wasn't comfortable with this advice and felt that they might be judged by other passengers if they didn't follow the instructions on the sign. The representative had approached the PTO to resolve the complaint.

The PTO felt this was an issue that had the potential to impact several passengers, so we sought information from DOT about safe travel on buses when using a wheelchair.

DOT explained that the *Disability Standards for Accessible Public Transport* (DSAPT) do not specify any direction of travel as being safer

than another, so accordingly, DOT doesn't provide instruction about which direction to face when travelling using a wheelchair. DOT directed the bus operator to remove the sign as the information it contained was not relevant in Victoria. It appears that the issue was isolated to that specific bus, as it had been purchased interstate and we felt that DOT's actions were appropriate in the circumstances.

The PTO felt this was an issue that had the potential to impact several passengers, so we sought information from DOT about safe travel on buses when using a wheelchair.

While looking into the enquiry we identified that some bus operators provided information about travelling safely using a wheelchair that was inconsistent with the advice we received from DOT. The PTO recommended that DOT liaise with the bus operators to remove this information from their websites. We also recommended that DOT conduct a broader review of all bus operator websites to ensure that information was consistent in the industry. DOT accepted the recommendations, and the enquiry was closed.

We spoke with the representative of the consumer who was satisfied that the signage would be removed and didn't require the PTO to look at the matter further.

PEOPLE'S STORIES

RONNIE'S STORY

Ronnie experienced extensive delays and confusing information when applying for a medical reimbursement on her myki during a COVID-19 outbreak. Due to her high risk of contracting the virus on public transport she was advised by her doctor to work from home and provided with a medical certificate. Ronnie told the PTO that when she contacted the operator to arrange a reimbursement on her myki, she was just told to report the myki as lost or stolen to enable a reimbursement.

She felt that it would be dishonest to do this, and decided to apply for a reimbursement on medical grounds. When she spoke to the transport operator again, she received differing accounts of the reimbursement amount she was entitled to and no information about the breakdown of the reimbursement when the funds suddenly showed up in her bank account.

When she decided to make a complaint to the operator once more about her experience, she was told she would receive a further amount in her account and that she was required to provide them with her bank details once again.

We worked closely with PTV and highlighted that consumers should not be penalised for their inability to travel due to a medical condition and they agreed to apply new calculations based on their medical reimbursement procedures.

Ronnie waited months for the reimbursement and when she didn't receive a response from the operator about her complaint or the promised reimbursement, she contacted the PTO.

Ronnie told us her story and we opened an investigation to find that the transport operator had used a standard reimbursement process to calculate her refund, which was at odds with the medical grounds on which she was unable to use public transport and her entitlement under the operator's medical reimbursement procedures. We worked closely with the operator to highlight that consumers should not be penalised for

their inability to travel due to a medical condition and it agreed to apply the correct calculations. Ronnie also received an apology and a goodwill gesture of \$30. The transport operator also agreed to train all staff involved with Ronnie's complaint.

OLIVIA'S STORY

Olivia approached our office after travelling home on a V/Line coach and noticing the driver was not wearing a face mask. Olivia was travelling on the Euroa bound coach from Southern Cross Station when she noticed the driver was not wearing his face mask for extended periods of more than ten minutes at a time. She felt very concerned about his behaviour and decided to contact our office to report the conduct of the driver. After reviewing all aspects of her complaint, our office opened an investigation.

MONIKA'S STORY

Monika received conflicting advice over months when she asked an operator to convert her commuter club pass to myki money, after she stopped taking public transport to work because of COVID-19. Despite being told it would be converted within ten days, when she phoned back to check, she was told it couldn't be converted and a refund was her only option. Monika agreed to the refund and when she didn't receive a response, she made several more calls to the operator and was told each time that she would need to speak to her case manager.

HOW WE PERFORMED

At the end of 2020/2021, we conducted a customer satisfaction survey which was distributed to consumers who had a complaint investigated by PTO during the year.

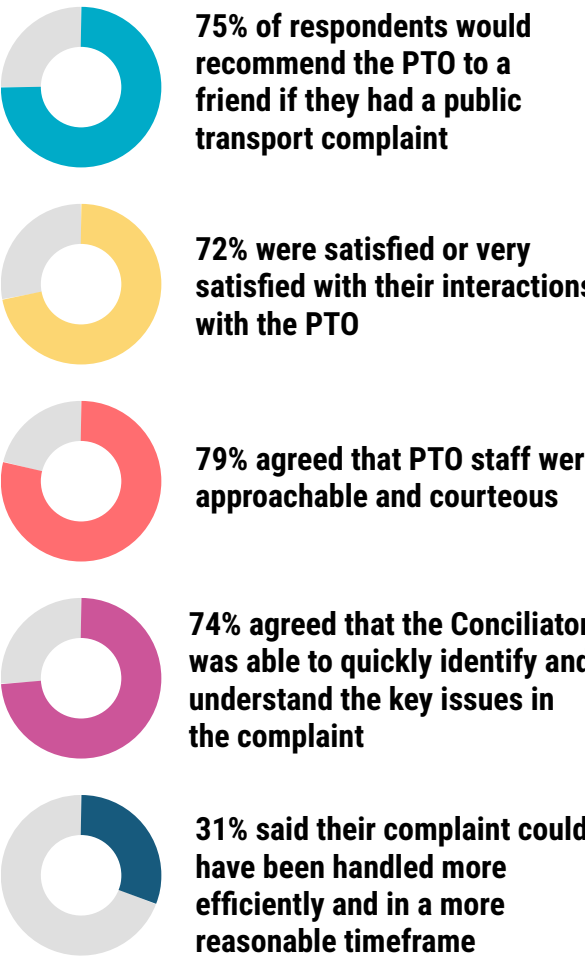
We operate as an independent office, so it is understandable that not all consumers will be satisfied, especially if they don't get the outcome they were hoping for. We sought suggestions as well as ratings and used critical feedback to inform our review of closed cases. In such a challenging year, we felt it important to listen to consumers who took the time to provide their thoughts on where we could improve. We thank those consumers who provided suggestions and even some compliments.

The survey was useful, demonstrating general satisfaction with the PTO and providing valuable insights into areas where we can improve.

Overall, 75% of respondents said they would recommend the PTO to a friend, and 72% said they were very satisfied or satisfied with their interactions with the PTO.

"Every part of my complaint was handled smoothly and seamlessly. The conciliator was excellent! He wrote a detailed report about my concerns and responded efficiently and thoroughly to my complaint." – Consumer responding to the 2021 Customer Satisfaction Survey

KEY FINDINGS FROM THE SURVEY



OUR KPIs

Our key performance indicators around fast, informal service recognises the benchmarks of efficiency and effectiveness. We aim to finalise approaches according to the following breakdown:

KEY PERFORMANCE INDICATORS	TARGET	RESULT
Non-investigated approaches finalised within 3 days	95%	91%
Investigated complaints finalised within 45 days	70%	62%
Investigated complaints finalised within 60 days	80%	80%
Investigated complaints finalised within 90 days	90%	91%

ACCESSIBILITY AND AWARENESS

Accessibility is one of the five Benchmarks guiding industry Ombudsman schemes. Our office is committed to making itself readily available to customers by promoting knowledge of our services, being easy to use and having no cost barriers.

We also promote and support efforts to make the public transport system in Victoria fairer and more accessible for everyone. While resolving individual complaints, we work to identify improvement opportunities and discuss potentially systemic issues with our members and other stakeholders.

We investigated six complaints that included accessibility issues:

- Difficulty accessing information on operator websites using an older operating system
- Bus replacement service not suitable for a person with a disability, dispute over taxi reimbursement
- Bus driver stopping too far from curb making access difficult
- Unresolved complaint about lack of handrails at Flinders Street Station
- Inability to purchase ticket with cash causing distress for person with intellectual disability
- Driver refusing to assist a person with a pram get off a vehicle with steps

While accessibility issues form a small percentage of complaints, they are especially important as they give insight to the types of issues and potential systemic problems that may be discouraging people from using public transport, raising the risk of social isolation and removing choice.

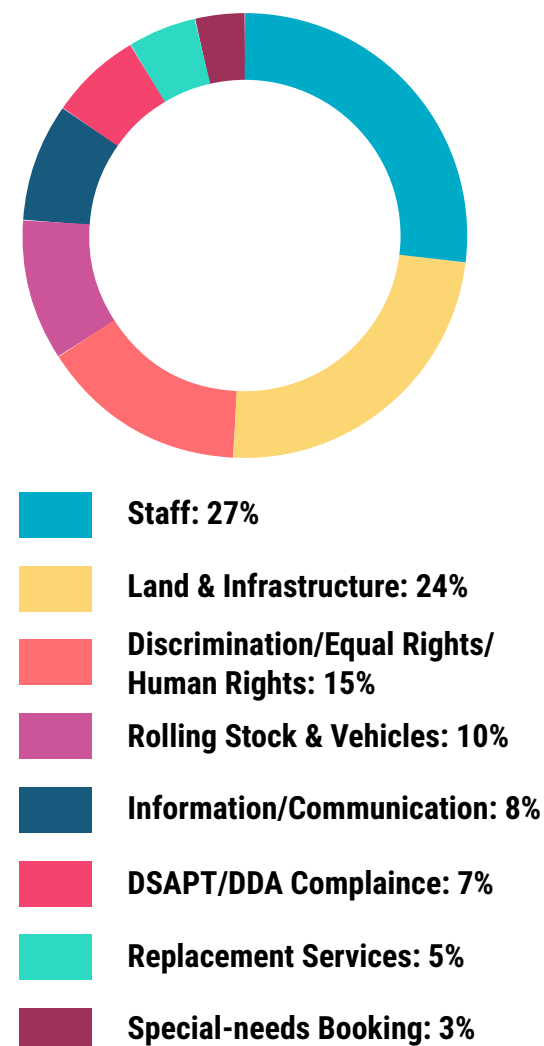
During the year we held regular meetings with operators of passenger services and the Department of Transport about accessibility, keeping each other abreast of common themes linked to COVID and emerging issues such as assistance animal accreditation and training requirements, tram stop accessibility, restraints for wheelchairs on buses and regular updates on DSAPT developments.

Post lockdown, we look forward to participation in member-initiated events such as accessibility forums and “Try Before You Ride” initiatives.

ACCESSIBILITY OF THE PUBLIC TRANSPORT SYSTEM

We know the community has been anxious about using public transport during this time and we hear consumers when they tell us of the impact this has on their connection to their social networks and support systems.

During 2020/2021 we recorded 59 issues about accessibility of services and information. The breakdown of these issues is as follows:



PROMOTION AND AWARENESS RAISING

During 2020/2021, the Ombudsman was a member of the Disability Access Forum chaired by the Accessibility Commissioner, Colleen Furlanetto, at Commercial Passenger Vehicles Victoria. The forum was particularly relevant during COVID restrictions, bringing together a diverse cross-section of senior leaders across government, health, transport and advocacy organisations to discuss the effects of the pandemic on groups facing barriers to access or living with a disability. As a result, we have kept some of the connections made at the forum going, and continue to look for opportunities to partner in delivering information and services to communities and consumers who may not otherwise know about us, or feel able to use our service.

During the year the Ombudsman also spoke to the Commissioner for Senior Victorians, Gerard Mansour, about the landmark *Ageing Well in a Changing World* report, launched by the Minister for Disability, Ageing and Carers in November 2020. The report revealed how valuable connection with family and friends is to older Victorians from diverse backgrounds and cultures, and the critical importance for them to be able to get around, stay connected and access services. The report highlighted just how important it is for us to reach seniors who might be feeling disconnected and hesitant when they access public transport.

We also made progress on a planned collaboration with Travellers Aid and Seniors Online Victoria to let consumers know about the services Travellers Aid offers travellers with access or mobility issues and to promote feedback to operators or complaints to the PTO when services do not meet expectations or standards.

As Victoria starts moving again and we can get out and about in the community, we will continue to work with Travellers Aid to find ways to help people reconnect with life and help build their confidence to use public transport. Together we help raise awareness and promote each other's services.

ACCESSING OUR SERVICES

In 2020/2021 we started to work through our *2020 Accessibility and Inclusion Action Plan*. Initiatives such as simplifying our communications, disability awareness training and improving our communications and social media channels were given priority as a result of COVID-19. Some of the steps in our plan became impractical due to resourcing and logistical issues, so we adjusted our timeframes to account for the changed environment. We are revisiting our plan for 2022 and beyond and look forward to revisiting elements that were delayed by our operating environment in 2020/2021. You can find our Accessibility and Inclusion Action Plan on our website.

We re-wrote our complaint handling procedures to be simple and easy to use, and rolled them out on 1 July 2021. The procedures put the consumer and their circumstances at the front and centre of our decisions about next steps and what approach to use. This includes providing extra assistance where someone tells us about personal circumstances that call for it. We are now having our key letters and advice to consumers reviewed for accessibility and translated to Easy English and plain language.

SUPPORTING OUR PEOPLE, IMPROVING OUR SYSTEMS

During the year, the Ombudsman was honoured to be accepted as a member of the Australian and New Zealand Ombudsman Association (ANZOA). This important association continued to provide our staff valuable opportunities to share experiences and learnings with likeminded offices doing similar work during the pandemic. Our communications and dispute resolution teams participated in various interest groups, including complaint handling, public relations and communications, accessibility and reaching vulnerable consumers, and using data and analytics. These connections allow us to partner and pool resources to help us improve, reach the community and enhance the services we provide. Inspired and enabled by this network, the PTO initiated a focus group bringing together complaint handling staff from Melbourne-based parliamentary and industry Ombudsmen to share experience and opportunities, and to compare measures put in place to keep services running during the long lockdown.

The PTO participates in the 'No wrong door policy' initiative in collaboration with other ANZOA member Ombudsman schemes, connecting consumers and providing the right avenue to have their complaint managed effectively even if their initial contact is directed to the wrong Ombudsman or complaint handling body. This initiative puts consumers on the right track by ensuring a warm transfer to the most appropriate office, escorting the complainant across to the right service within our network, who can then help them straight away.

Throughout the year we reviewed our Human Resources Manual, Occupational Health and Safety Policy and our Risk Management Framework. Our working conditions called for focus on how to accommodate flexible working arrangements while finding ways to limit screen and meeting fatigue, keep the team connected, and to encourage informal peer support and one-on-one contact where possible. We also revisited our Employee Assistance Program and provided training opportunities delivered through webinars and similar platforms to assist staff in navigating challenging interactions with consumers exhibiting high levels of stress and challenging behaviours.

TECHNOLOGY AND CYBER-SECURITY

We took the downturn in complaints and the need to work from home to reassess our technology needs and the security underlying the platforms on which we deliver our service. Technology is critical to our ability to achieve our mission – in particular, our ability to respond and communicate to the public in a timely, efficient way while maintaining confidentiality and privacy.

Key information technology improvements to support our staff included:

- Implementing a new PBX phone system to replace the ISDN phone system when the ISDN network in the Melbourne CBD was decommissioned.
- Migrating to Microsoft 365 as a platform and service system, resulting in less reliance on infrastructure hosted on virtual machines and harnessing the power and features of a cloud storage solution.
- Reviewing our data security and awareness of cyber-attack with our IT partner. Measures include conditional access, custom blocking scripts and using market leading anti-virus software to scan and pick up on any malware/malicious programs that may have entered the network.
- Reviewing our website hosting to ensure performance, availability and scalability.
- Launching a series of internal fake phishing campaigns to raise staff awareness of malware/ malicious programs in the cyber security space; and
- Auditing and revising our Risk Management Framework in partnership with our insurer and risk advisory service at VMIA. This involved key staff in workshops and highlighted the need to look out for our people within into our risk appetite and overall approach.



APPROACHES WITH ISSUES BY MEMBER

BUSVIC	2020/2021
Investigation	6
Member - Complaint	36
Member - Enquiry	2
Assisted Referral	0
Total	44
Top Issues	
Staff	62
Service delivery	21
Trains, trams, buses	10

LEVEL CROSSING REMOVAL PROJECT	2020/2021
Investigation	17
Member - Complaint	58
Member - Enquiry	2
Assisted Referral	1
Total	78
Top Issues	
Land and infrastructure	122
Staff	64
Service delivery	14

PTV (DOT)	2020/2021
Investigation	115
Member - Complaint	250
Member - Enquiry	211
Assisted Referral	12
Total	588
Top Issues	
myki ticketing	522
Staff	274
Service delivery	134

CDC VICTORIA	2020/2021
Investigation	6
Member - Complaint	20
Member - Enquiry	4
Assisted Referral	1
Total	31
Top Issues	
Staff	34
Service delivery	24
Coronavirus/COVID-19	7

METRO TRAINS MELBOURNE	2020/2021
Investigation	27
Member - Complaint	272
Member - Enquiry	108
Assisted Referral	12
Total	419
Top Issues	
Land and infrastructure	208
Service delivery	178
Staff	164

RAIL PROJECTS VICTORIA	2020/2021
Investigation	2
Member - Complaint	20
Member - Enquiry	3
Assisted Referral	1
Total	26
Top Issues	
Land and infrastructure	31
Staff	10
Service delivery	6

SKYBUS	2020/2021
Investigation	4
Member - Complaint	6
Member - Enquiry	6
Assisted Referral	0
Total	16
Top Issues	
Non-myki ticketing	15
Service delivery	15
Coronavirus/COVID-19	5

SOUTHERN CROSS STATION	2020/2021
Investigation	0
Member - Complaint	4
Member - Enquiry	6
Assisted Referral	1
Total	11
Top Issues	
Land and infrastructure	10
Staff	2
General enquiry	1

TRANSIT SYSTEMS	2020/2021
Investigation	2
Member - Complaint	7
Member - Enquiry	0
Assisted Referral	0
Total	9
Top Issues	
Staff	21
Trains, trams, buses	3
Accessibility	2

VICTRACK	2020/2021
Investigation	2
Member - Complaint	5
Member - Enquiry	0
Assisted Referral	0
Total	7
Top Issues	
Land and infrastructure	10
Staff	3
Service delivery	1

YARRA TRAMS	2020/2021
Investigation	20
Member - Complaint	107
Member - Enquiry	13
Assisted Referral	7
Total	147
Top Issues	
Staff	125
Land and infrastructure	61
Service delivery	41

TRANSDEV	2020/2021
Investigation	3
Member - Complaint	45
Member - Enquiry	19
Assisted Referral	0
Total	67
Top Issues	
Staff	61
Service delivery	30
Trains, trams, buses	17

VENTURA	2020/2021
Investigation	3
Member - Complaint	40
Member - Enquiry	10
Assisted Referral	1
Total	54
Top Issues	
Staff	51
Service delivery	44
Trains, trams, buses	13

V/LINE	2020/2021
Investigation	33
Member - Complaint	136
Member - Enquiry	149
Assisted Referral	10
Total	328
Top Issues	
Service delivery	230
Staff	115
Non-myki ticketing	85

SUMMARY FINANCIAL REPORT

The following is a concise version of the Financial Report for the Public Transport Ombudsman Limited for the year ending 30 June 2021. 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.

DISCUSSION AND ANALYSIS OF THE COMPREHENSIVE INCOME STATEMENT

REVENUE FROM ORDINARY ACTIVITIES

Revenue for the period ending 30 June 2021 was \$1,947,092. This was derived from the following sources:

- Annual Levies from Members: \$1,853,271
- Interest Income: \$5,223; and
- Other Income: \$88,598

OPERATING EXPENSES

Operating Expenses for the period ending 30 June 2021 were \$1,722,088. The majority of operating expenses were employee benefits (\$1,281,296), telephone and IT expenses (\$117,936), depreciation and amortisation expenses (142,837) and occupancy expenses (\$40,652).

INCOME TAX

The Australian Taxation Office ("ATO") issued a private tax ruling declaring that the company is deemed exempt from income tax for the financial years ending 30 June 2019 to 30 June 2022.

DISCUSSION AND ANALYSIS OF THE STATEMENT OF FINANCIAL POSITION

TOTAL ASSETS

Total assets increased by \$156,084 during the period due primarily to an increase in total current assets of \$264,844 and a decrease in non-current assets of \$108,760.

TOTAL LIABILITIES

Total Liabilities decreased by \$68,920 during the period. This is due to an increase in total current liabilities of \$76,692 and decrease in total non-current liabilities of \$145,612.

DISCUSSION AND ANALYSIS OF THE STATEMENT OF CASH FLOWS

CASH FLOWS FROM OPERATING ACTIVITIES

Cash at the end of the financial year as shown in the statements of cash flows is \$1,209,041. This was derived from:

- Cash inflow from operating activities \$304,523
- Cash outflow from investing activities (\$40,236)
- Cash outflow from financing activities (\$126,935); and
- Cash and cash equivalents at the beginning of financial year \$1,071,689.

Audited Financial Statements and Directors' Report for the Public Transport Ombudsman Limited have been lodged with ASIC in accordance with the Corporations Act requirements.

INCOME STATEMENT

For the year ended 30 June 2021

	2021	2020
	\$	\$
Revenue	1,947,092	2,319,415
Expenses		
Employee benefits expense	1,281,296	1,674,082
Depreciation and amortisation expense	142,837	149,195
Occupancy costs	40,652	48,685
Telephone and IT expenses	117,936	141,270
Consultancy expenses	31,101	41,739
Other expenses from ordinary activities	108,266	138,263
Surplus before income tax expense	225,004	126,181
Income tax expense	-	-
Total Comprehensive Income for the year	225,004	126,181

BALANCE SHEET

As at 30 June 2021

	2021	2020
	\$	\$
Current Assets		
Cash and cash equivalents	1,209,041	1,071,689
Trade and other receivables	620,999	493,248
Other Assets	49	308
Total Current Assets	1,830,089	1,565,245
Non-Current Assets		
Property, plant and equipment	144,990	254,919
Intangible Assets	41,567	40,398
Total Non-Current Assets	186,557	295,317
Total Assets	2,016,646	1,860,562
Current Liabilities		
Trade and other payables	183,751	163,966
Provisions	28,158	-
ROU Asset Liability	118,891	121,332
Employee benefit liability	144,852	105,255
Other liabilities	704,980	713,387
Total Current Liabilities	1,180,632	1,103,940
Non-Current Liabilities		
Provisions	-	28,158
ROU Asset Liability	1,661	120,552
Employee benefit liability	15,570	14,133
Total Non-Current Liabilities	17,231	162,843
Total Liabilities	1,197,863	1,266,783
NET ASSETS	818,783	593,779
Equity		
Retained surplus	818,783	593,779
Total equity	818,783	593,779

STATEMENT OF CASH FLOW

For the year ended 30 June 2021

	2021	2020
	\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts from Members	1,717,371	2,342,227
Payments to suppliers and employees	(1,506,669)	(2,074,915)
Other Income	88,598	50,000
Interest received	5,223	10,923
Net cash inflow from operating activities	304,523	328,235
CASH FLOWS FROM INVESTING ACTIVITIES		
Payments for office equipment	(28,341)	(6,110)
Payments for intangible assets	(11,895)	(22,920)
Proceeds from office equipment	-	647
Net cash outflow from investing activities	(40,236)	(28,383)
CASH FLOWS FROM FINANCING ACTIVITIES		
Lease liability	(121,332)	(113,042)
Interest	(5,603)	(9,107)
Net cash outflow from financing activities	(126,935)	(122,149)
Net increase in cash and cash equivalents	137,352	177,703
Cash and cash equivalents at the beginning of financial year	1,071,689	893,986
Cash and cash equivalents at the end of financial year	1,209,041	1,071,689

STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2021

	2021	2020
	\$	\$
Total Equity at the beginning of the financial year	593,779	467,598
Total comprehensive income for the year	225,004	126,181
Total Equity at the end of the financial year	818,783	593,779



CONTACT US

TELEPHONE

1800 466 865*

** Free from landlines, standard rates apply for calls from mobiles. If you call from a mobile you can ask us to call you back.*

If you are deaf, or have a hearing or speech impairment you can contact us by:

National Relay Service (NRS)

Contacting the National Relay Service
Providing the NRS with the Public Transport Ombudsman number (1800 466 865).

If you speak a language other than English you can contact us by:

Translating and Interpreting Service (TIS)

Information about TIS can be found on the TIS website.

131 450

COMPLAINT FORM

Submit a complaint via our online complaint form here.

EMAIL

enquiries@ptovic.com.au

** Emails received outside of PTO business hours are addressed the next business day and you should hear back from us within three business days.*

MAIL ADDRESS

Public Transport Ombudsman
PO Box 538
Collins Street West
MELBOURNE VIC 8007

SOCIAL MEDIA

facebook.com/PublicTransportOmbudsman/
twitter.com/ptovic

HOURS OF OPERATION

9.00 am to 5.00 pm
Monday to Friday