



PUBLIC
TRANSPORT
OMBUDSMAN
LIMITED



SUBMISSION

**Productivity Commission Inquiry
Access to Justice Arrangements
November 2013**

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Public Transport Ombudsman**

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Role of the Public Transport Ombudsman (PTO)

The PTO is an independent industry-based Ombudsman scheme, established in 2004 to receive, investigate and resolve complaints about public transport services provided by Victorian public transport operators that are members of the PTO scheme. PTO scheme members include passenger train, tram and bus companies, and others involved in providing public transport services, such as Public Transport Victoria and Southern Cross Station. The scheme is funded by the industry, based on an annual fixed membership fee and on a variable user-pays basis, calculated on annual complaint numbers.

The PTO complies with the *National Benchmarks for Industry-Based Customer Dispute Resolution Schemes* and utilises the principles of alternative dispute resolution to effectively and efficiently handle complaints. If a complaint cannot be resolved through agreement, the Ombudsman is able to make a Binding Decision to resolve the complaint, or may dismiss the complaint.

The PTO has extensive experience in handling customer complaints and working with the public transport industry to improve customer service practices and internal dispute resolution (IDR) processes. We also play an important role in the identification of systemic issues facing the public transport industry, including investigation and resolution of issues within PTO jurisdiction and referral to appropriate agencies for other issues.

Further information about the operation of the PTO, including public reports can be found on our website www.ptovic.com.au.

PTO Vision

Through providing leading dispute resolution services, we will contribute to improving how public transport services meet the needs of the Victorian community.

Cultural Values

Excellence:	Quality focused, Accountable, Responsive, Accurate We strive for excellence because we value what we do
Integrity:	Open, Confident, Strong, Committed We are transparent, honest and consistent
Leadership:	Inspired, Creative, Courageous, Effective We lead through encouragement, guidance and innovation
Respect:	Empathic, Considerate, Honest, Fair We treat ourselves and others with dignity
Independence:	Equitable, Reasonable, Consistent, Transparent We are impartial and objective

Access to Justice Inquiry

Thank you for providing my office with an extension of time to make a written submission to the Productivity Commission's Inquiry into Access to Justice Arrangements.

As a member of the Australian and New Zealand Ombudsman Association (ANZOA), I have contributed to and endorse its submission to the Commission's Inquiry.

Access to Justice and the Public Transport Industry in Victoria

My office was established in 2004 to fill the void in access to justice created by the introduction of franchised private operators to the public transport industry in Victoria. Prior to the contracting out of public transport services to private train, tram and bus operators, consumers could pursue complaints through the Victorian Ombudsman's office.

It was recognised then, and continues to be recognised today, that it was essential to provide consumers with access to an independent and cost free dispute resolution services and to ensure that there is independent oversight of private operators providing vital public services.

Industry-based Ombudsman schemes are often referred to as an 'alternative' avenue for complaint. In the case of public transport, my office is often the only avenue of complaint. For many of the issues raised with my office, it is unlikely that a consumer would even contemplate court or tribunal proceedings. For example, a consumer seeking a ticket refund – which will generally have a low monetary value – is unlikely to commence legal proceedings if a legitimate entitlement to a refund is refused by a private operator.

Since 2004, my office has handled over 17,000 consumer enquiries and complaints that would otherwise have gone unaddressed or in limited cases be pursued via tribunal or court processes.

Our Dispute Resolution Service

The PTO's aim is to provide independent and prompt resolution of complaints having regard to what is fair and reasonable for both parties, good industry practice and the law.

Our processes are cost free and informal and are designed to ensure the efficient and effective resolution of complaints.

My office is the only industry-based Ombudsman scheme in Australia with oversight of public transport. We therefore work closely with other industry-based schemes, through ANZOA, to ensure our complaint handling policies and process are aligned and are based on a best practice model.

We expect parties to be actively involved in the negotiation and resolution of complaints and we discourage either party taking an adversarial approach.

While discouraging parties from taking a legalistic approach to complaints, we are careful to ensure that legal rights and responsibilities are understood and addressed through the resolution process.

We are also able to seek fair and reasonable outcomes for issues where no legal entitlement exists but where redress is warranted. This important aspect of my role ensures that complaints are resolved fully, and not just in accordance with minimum legal requirements, which may be the outcome achieved in a court or tribunal process.

My office has the jurisdiction to deal with the majority of public transport related complaints that consumers raise with us. My Binding Decision powers are broad; however decisions cannot exceed the value of \$5,000 (or \$10,000 with agreement of both parties).

Where an issue is more appropriately handled by a court or tribunal or other dispute resolution body, I have powers to decline to investigate. This ensures that consumers and transport operators are directed to the most effective avenue for having the issue resolved.

We resolve the vast majority of complaints by agreement (88% in 2012/13) and only 1 Binding Decision has been made in the 9 years the scheme has been operating.

We continually monitor the timeliness and effectiveness of our dispute resolution services and publicly report on our performance.

Access for Consumers

We ensure that our service is accessible for all Victorians. Complaints can be made over the phone, in writing, via the internet or in person. We provide access to our services via the National Relay Service and the Telephone Interpreting Service and information is available in alternative formats.

We understand that accessibility does not just relate to how to lodge a complaint, it also relates to our approach to investigating, negotiating and resolving the complaint.

Understanding the different needs of consumers and the power structures that may impact their ability to resolve a complaint is a vital part of our work.

The structure of the public transport industry in Victoria is such that there is a lack of choice available to consumers to exercise their market power by selecting an alternative service provider if a complaint arises. This means we must not only resolve the root cause of the individual complaint but we must also assist operators and consumers to rebuild relationships so that public transport services can be confidently used again.

We recognise that the consumers who contact us are at risk of being affected by unequal bargaining power when trying to negotiate an outcome with a public transport operator. This can be amplified when a consumer is disadvantaged or vulnerable.

The model for industry-based Ombudsman schemes is designed to address these power imbalances, without the need for either party to have legal representation. This is achieved through our independent investigative function, accessible services and the process of shuttle negotiation, whereby consumers do not have to deal directly with the body they are complaining about, unless it is assessed as suitable and the consumer agrees.

Community Awareness

We work hard to ensure that all public transport users are aware of our office, our procedures and scope.

We are particularly concerned with providing appropriate facilities and assistance for disadvantaged consumers. These are the people who are most likely to experience difficulties accessing public transport and least likely to be aware of their right to complain, first to the scheme member and then to the PTO if their complaint can't be resolved.

Over the past three years we have developed a regular program of community outreach activities, working with community groups, disability advocacy services, government agencies, PTO scheme members, universities and other dispute resolution services.

We also work with operators to ensure that they are continually promoting awareness of our services in their complaint correspondence, publications and websites.

While we have seen a year on year increase in the number of complaints being lodged with my office, increasing public awareness of the right to complain is a perennial issue facing industry-based Ombudsman schemes. Despite extensive community outreach, unprompted awareness about the existence of my office remains relatively low.

The PTO considers that the promotion of information about rights and dispute resolution services is a collective responsibility amongst those providing access to justice. It is our view that organisations working within the justice arena should actively promote links to other services within the arena, to assist consumers to obtain information about their rights, responsibilities and how they can get assistance when they need to.

Systemic Issues

The PTO, and other industry Ombudsman schemes, are required either through mechanisms such as their Charter and/or the National Benchmarks to identify, review, refer or resolve systemic issues facing the industry they oversee. The PTO is resourced to undertake this work and has ready access to relevant regulators and to executive management of the members of the scheme to progress this work.

Often an individual complaint can indicate a systemic issue that may affect a number of consumers. The systemic nature of a complaint can be overlooked or not progressed, during the course of resolving the individual complaint through the scheme member's internal dispute resolution process.

In the past three years my office has had a particular focus on systemic issues relating to the full roll out of the smartcard ticketing system - myki. My office has identified issues through the investigation of individual complaints and then worked with the ticketing authorities to systemically address the root cause of complaints, thereby limiting the impact to other consumers.

In 2012/13 we identified and resolved 18 myki related issues, many of which involved complex consumer and contract law issues.

We also highlight systemic, industry-wide issues and make recommendations for change.

We have recently produced a report into the accessibility of public transport in Victoria. This is a key issue for people with disabilities, the elderly, young people, parents with young children, people from non-English speaking backgrounds and people living in regional and rural areas. We reviewed our complaint data over an 18 month period and found systemic industry-wide problems with customer service and information provision which was impacting the accessibility of services.

In the report, I made 14 recommendations about how improvements to customer service and information provision by the industry can increase the accessibility of services. The industry is currently working through the recommendations and we look forward to seeing the progress it makes.

A copy of our report is available on our website www.ptovic.com.au.

Better Public Transport Services

Through the investigation and resolution of individual complaints and systemic issues, my office is able to influence the industry to improve the services it provides. By improving services the causes of complaint are reduced.

We also work closely with operators to review their internal dispute resolution processes to give consumers the best chance of resolving complaints directly with the operator, without the need to escalate to my office, a court or tribunal or other dispute body.

We provide professional development training to operator staff in complaint handling, managing difficult behaviours, best practice complaint correspondence and resilience.

All of this work is aimed at reducing complaints at their source, having them effectively handled internally by operators and reducing the burden of complaints about private operators on the justice system.

Case Studies and Data

I have attached a number of case studies to illustrate the important work my office does, both for the resolution of individual complaints and the identification and rectification of systemic issues. I have also provided data about the number of complaints received by my office and the timeliness of our dispute resolution process.

Conclusion – an Effective and Efficient Service

Since being appointed in 2010, I have seen a 138% increase in enquiries and complaints to my office. This increase has been managed with only a 14.7% increase in budget.

The ability of informal dispute resolution processes to adapt and evolve to the changing needs of consumers and industry, while maintaining quality outcomes, is one of the key features of industry-based Ombudsman schemes.

In my view, industry-based Ombudsman schemes provide a multitude of benefits to consumers, industry and government.

- We are able negotiate effective and lasting outcomes for complaints.
- We offer excellent value for money for consumers and industry when compared to the costs associated with court or tribunal proceedings.
- We provide independent oversight of privatised industries and work closely with Government regulators and system administrators to improve services for consumers.
- We work closely with industry to identify and resolve the cause of complaint and to improve internal dispute resolution processes.
- We are an information source via our public reports, on how an industry is performing from a customer service and internal dispute resolution perspective.

If you would like any further information, please contact me on (03)8623 2111 or at enquiries@ptovic.com.au.

Janine Young
Ombudsman
Public Transport Ombudsman Limited

Case Study 1

myki card vending machine - misleading pass information

John was an irregular train user, heading to the football. When he arrived at the station he discovered he could no longer purchase a 2-hour Metcard. Unfamiliar with the myki Card Vending Machine (CVM) and feeling pressured from the queue behind him, he paid \$6.00 for his myki card and a further \$32.00 for a 7-day pass.

When John activated the pass a short time later, the myki reader did not provide expiry date information. When he touched off, using a hybrid Metcard/myki reader, no expiry date information was provided either. He used the pass for one further trip six days later.

The following week the card did not work, so he contacted myki (the Transport Ticketing Authority - TTA). He was advised the pass had expired as it was only valid for seven consecutive days of travel and not seven separate days. John explained that he was a first time user who had made a genuine mistake and wasn't given any notification of the expiry times when he touched on and off. He requested a refund for the five unused days. TTA advised that as the pass had expired he was not entitled to a refund.

When John contacted the PTO we advised him of the refund rules used by TTA which state that consumers can only seek a refund of a myki pass for unused days before a pass expires. Considering his lack of knowledge and the fact that the two initial myki readers did not provide expiry information, we undertook an investigation.

Our investigation highlighted confusing and misleading information at the point of sale. The CVM did not state passes would expire after seven **consecutive** days. We considered that for new users it was understandable that they may think the pass provided seven separate days of travel – replacing the 5 by Daily Metcards or 10 by 2hourly Metcards. This was compounded by the myki readers not providing an expiry date when a pass is first activated. We believed that the Australian Consumer Law should have been considered by TTA and we sought independent legal advice, specifically regarding whether the terms and conditions relating to consecutive travel days were described clearly enough at the point of sale. Legal advice supported our view that given John's circumstances, a refund should be offered.

TTA acknowledged that the CVM did not explicitly state that travel was for consecutive days and provided an apology and the \$19.68 reimbursement, an offer that John accepted.

We provided this legal advice to TTA and PTV (who took over the management of myki in January 2013). TTA acknowledged the issue and undertook to include the terminology 'consecutive days' at CVM's and to refund eligible customers until the CVM information had been updated, enabling a number of similar complaints to be resolved.

P2012/1170

Case Study 2

Ticket overcharge as fares increase - systemic investigation

Date to date (DTD) tickets are a periodical ticket for travel between two designated locations (e.g. Melbourne to Geelong) with unlimited travel from 10 to 52 weeks.

Consumers are forewarned of fare increase amounts and dates with an announcement by the Minister for Public Transport and placement in the Government Gazette. Consumers may then save money by purchasing a periodical ticket at the current price for the period after the fare increase takes effect.

V/Line advised that when a fare increase was announced, the new fares were loaded into V/Net (V/Line's ticketing system) so that the new fare would be charged from the effective date regardless of the date of purchase, rather than being loaded from the date the fare increase came into effect. All DTD tickets sold after the announcement were subject to a pro rata fare increase or decrease from the effective date.

For example, on 6 December 2011, the Minister for Public Transport announced that from 1 January 2012 an 8% fare increase would come into effect. V/Line loaded the new fares into V/Net on 6 December 2011, with the result that the new fare would be applied on the portion of the ticket being used from 1 January 2012. This meant that consumers purchasing a DTD ticket between 6 December and 31 December, for travel in December 2011 and into the New Year, would be charged the current fare for the period 6 December to 31 December 2011 and would then be charged the increased fare for the remainder of the DTD ticket.

Given the new fare became effective for tickets purchased from 1 January 2012, we considered that the current fare should have been applied to the entire ticket and not just the period prior to the date of the fare increases coming into effect. In our opinion, the fare calculation had resulted in consumers being overcharged.

As a result of our systemic investigation, V/Line agreed that in the future it would not load new fares into the system until the date they came into effect.

V/Line undertook a detailed analysis of all DTD ticket sales from 2004 to 2011 and identified that 1,551 tickets were affected with a total overcharge value of \$27,092.00 – the average overcharge being \$17.45 per ticket.

V/Line considered that best practice redress for a systemic ticket overcharge would be to reimburse each affected consumer. However consumer details were not routinely collected or recorded when tickets were sold and V/Line estimated the cost of identifying, contacting and refunding all impacted consumers would be \$75,000.

V/line also considered an advertising campaign in major regional newspapers and/or at V/Line stations to alert affected consumers to refund entitlements.

V/Line's view was that redressing the issue in either of the above ways would place a higher cost on Victorians than the actual overcharge and was therefore not practical or reasonable. At the same time, V/Line recognised it was not appropriate that they retain the overcharged amount.

V/Line sought advice from us about alternative ways of redressing the issue. We suggested that it explore opportunities for these funds to be used to provide services/assistance to regional commuters who experienced challenges with public transport accessibility. We also emphasised the fact that consumers who approached V/line at any time in the future about being overcharged as a result of this issue should be appropriately reimbursed, where appropriate proof of purchase information is provided.

V/Line informed PTV about the overcharge and also sought its views about redress.

As a means of addressing the systemic overcharge, V/Line:

1. Made a donation equivalent to the full amount of the identified overcharged to Travellers Aid, an organisation which provides services to regional commuters, specifically those with accessibility challenges.
2. Changed its process for loading fare increases into V/Net to prevent future overcharges.
3. Undertook to reimburse any consumer who raises a complaint about past overcharges as a result of this issue when proof of purchase is provided
4. Notified the Secretary to the Department of Transport and PTV about the systemic issue and how it was addressed.
5. Arranged for PTV to brief the Minister for Public Transport about the issue and how it had been addressed.

Case Study 3

Free Travel Passes for People with Disabilities

Paul felt anxious when myki was introduced. He has an acquired brain injury, which makes it hard for him to retain new information. He was really worried that he would forget to touch his myki on and off every time he travelled and would get fined.

He contacted myki a couple of times to ask what he should do and was eventually advised to go to a city loop train station and someone would help him. When he got there, he was told that there wasn't anyone there who could help him.

By the time Paul contacted the PTO he was very distressed about how he would be able to use public transport with the new ticketing system.

Through our investigation, we found that Paul was eligible for an Access Travel Pass. The pass enables him to travel without needing to touch on and off.

The application form for an Access Travel Pass was part of a 33 page document. It required personal information from Paul and from his doctor about the nature of his condition. Paul could not fill out the form himself, as he cannot read or write.

We tried to find an advocacy service to help him apply for the pass. We contacted 10 different agencies and unfortunately, none had the resources to offer immediate assistance to Paul.

We arranged a meeting between Paul and a senior member of staff at the ticketing authority who completed the required paperwork on Paul's behalf.

Paul can now travel independently on public transport.

The ticketing authority – Public Transport Victoria (PTV) - has reviewed its application forms. Forms have been simplified and the information reordered to increase their usability. For example, the Access Travel Pass information and application form is now 20 pages long, down from 33 pages. Frequently asked questions relating to Free Travel Passes have now been developed and are available on the ticketing authority's website.

P2012/1176-1

Case Study 4

Incorrect myki advice for Keysha

In December 2012 Keysha moved house. She visited the PTV Hub to ask about changing her Zone 1 & 2 Yearly Commuter Club pass to a Zone 1 pass. Her Commuter Club pass had 42 travel days remaining on it.

PTV Hub staff told her that she could not transfer the pass, but could apply for a refund of the Zone 1 & 2 pass. She was advised to purchase 7-day passes until her new Commuter Club pass was issued in February 2013. She later received an email confirming this advice.

Keysha sent her Commuter Club myki in for a refund and purchased two new myki cards, topping them up with a number of 7-day Zone 1 passes at a cost of \$222.00. A month later myki informed her that as the Commuter Club pass had been used for more than 290 days she was not owed a refund.

Keysha was dissatisfied that she was not advised either time she spoke with PTV staff that she had too few pass days remaining to be eligible for a refund. If she had been told, she would have continued using her current pass at no additional cost.

Keysha attempted to resolve her complaint directly with myki over several months, and was offered a \$30.00 goodwill gesture. She wasn't satisfied, as the offer did not address the unnecessary out of pocket expenses she had incurred. She asked the PTO to investigate.

The PTO confirmed that PTV's Business Rules state that if more than 290 days are used on a Commuter Club pass, the pass is not eligible for refund. This is because the entitlement to 40 days free travel associated with a yearly pass only becomes available through holding the pass for an entire year. Further, refunds are calculated on the basis of what a consumer would have paid had they purchased that number of days initially. However, the Rules also state where no refund is owing that the myki should be returned to the consumer as soon as possible so any remaining pass days can continue to be used.

We expect that front line staff would understand the refund process, or refer consumers to the contact centre if unsure. This did not occur. The PTO was of the view, and PTV agreed, that had better information been provided to Keysha when she first enquired about refunding her pass she would have retained her Zone 1 & 2 pass until it expired in February 2013 and would not have incurred the additional cost of six 7-day passes.

PTV apologised for providing incorrect information and poor customer service, offering to reimburse her \$222.00 for the cost of the 7-day passes and the two myki cards she purchased. PTV also offered a further \$50.00 goodwill gesture.

P2013/1637

Case Study 5

Cyclists in the way – Jesse’s experience

Jesse uses a mobility aid and can only board his train at the first door of the first carriage as the train driver uses a manual ramp to help him board. Jesse was concerned that cyclists boarded at this door and put their bicycles in the space allocated for people using mobility aids. This meant that sometimes Jesse couldn’t get on the train as there wasn’t enough space for him.

Cyclists are prohibited from boarding at this door or placing their bicycles in the allocated space in the VFTM. Jesse was dissatisfied that Metro did not proactively advise cyclists they were prohibited from doing so through signage or when their staff observed it occurring.

He’d contacted Metro to complain but was dissatisfied with its response.

We investigated. Metro considered that there was already sufficient information about travelling with bicycles, available from a number of sources, including on websites and in brochures. While the PTO agreed that this information was available, we were concerned at its effectiveness, as bicycles were still being boarded inappropriately, making it difficult for people with disabilities to access train services. We suggested that drivers could simply ask cyclists to move when assisting commuters with mobility aids to board. Metro advised that its drivers did not have powers to compel other commuters to move from an allocated space and its Authorised Officers were only empowered to make a report of non-compliance if the bicycle was causing an obstruction. We also suggested that Metro could place some signage on its trains or at stations to alert cyclists not to use the front carriage as the space is allocated for people with disabilities. Metro advised it wasn’t able to do this, as signage of this type was a PTV responsibility.

We consulted the Authorised Officer Regulation Training and Accreditation Unit (AORTA), within the Department of Transport, Planning and Local Infrastructure, about who was responsible for enforcing the prohibition on cyclists boarding at the first door of the first carriage, as outlined in the VFTM. AORTA confirmed that the Regulations differed from the VFTM and a fine could only be issued if the bicycle was causing an obstruction to someone wanting to access the allocated space. AORTA advised that it expected that Authorised Officers would explain to any passenger with a bicycle in the allocated front carriage area that the area should be kept clear and ask that they move.

We then approached PTV who advised that it was introducing an education programme including placement of stickers on all Metro trains clearly stating that bicycles are not permitted on the front carriage. This should help reduce the incidence of cyclists using the front carriage and should increase the accessibility of Metro’s services. We asked that Jesse be kept informed of the progress of this initiative, PTV agreed to do so.

P2012/3396

Name of Ombudsman: Public Transport Ombudsman							
How complaints can be made (online, telephone, writing, walk ins etc). Please include percentage breakdowns for these (e.g. 80% by telephone etc)							
Complaints can be made to the PTO in various formats including online via email or our website complaint form; telephone; in writing including fax and letter and walk in. As indicated by the below figures complaints are primarily received via email or telephone.							
2010/11 - 6% in person or by letter; 56% email/complaint form and 38% telephone.							
2011/12 4% in person or by letter; 46% email/complaint form and 50% telephone							
2012/13 4% in person or by letter; 49% email/complaint form and 47% telephone							
Representation permitted (eg advocate, financial counsellor, lawyer, social worker, credit repair agency) or not permitted. If available, please also provide any quantitative/proportionate data for cases with representation							
Representation is permitted. Consumers are advised from the outset that the PTO provides a free service and they can deal directly with us free of charge, rather than paying their authorised representative to do so. It is then up to the consumer to decide if they want to continue being represented. No quantitative/proportionate data is available.							
Volume of contacts and complaints received	**Until 9/10	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
all contacts recorded as a complaint.							
Enquiries - number of approaches or contacts that are not complaints	**	**	270	580	1,089	1,165	
Complaints - number of in jurisdiction disputes	939	1,072	1,496	1,258	2,466	3,212	
Total	939	1,072	1,766	1,838	3,555	4,377	
Demographic information (e.g., metro/regional/rural, ATSI, CALD, residential/small business; information about community awareness of ombudsman etc).							
	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	
**Note this data was not routinely collected pre-09/10			55% male 45% women	61% male 39% women	56% male 44% women	54% male 46% women	
			7% regional 93% metro	8% regional 92% metro	5% regional 95% metro	6% regional 94% metro	
Timeframes for resolution or finalisation	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	
Resolved/finalised within 10 days (referral period or closed upon receipt)							
Resolved/finalised within 1 month (or 28/30 days)	91%	90%	92%	91%	91%	90%	
Resolved/finalised within 3 months (or 90 days)	Not available	99%	99%	82%	66%	87%	
Resolved/finalised within 6 months (or 180 days)	Not available	99%	98%	98%	98%	98%	

Resolved/finalised after 6 months (> 180 days)	100%	100%	100%	100%	100%	100%
Brief description of resolution/finalisation processes (eg referral, early resolution, conciliation, investigation, decision, report)						
<p>Referral: When a consumer has had no contact with a Scheme Member we refer them to the Scheme Member to make their complaint via the IDR process. When a consumer has contacted a Scheme Member on one occasion but remains dissatisfied we may refer their complaint back to a higher level member of staff at the Scheme Member for a final opportunity for resolution through the IDR process. When a consumer has had multiple contacts with an Operator and remains dissatisfied with the outcome the PTO may investigate the complaint and negotiate with the parties to resolve the complaint.</p> <p>Conciliation: When a consumer has had multiple contacts with a Scheme Member and remains dissatisfied with the outcome the PTO may investigate the complaint. We then negotiate with the parties to reach an agreed outcome, using conciliation techniques.</p> <p>Determination: If a complaint cannot be resolved by agreement, the Ombudsman has powers to decide/determine the outcome of the complaint. No Further Investigation - the Ombudsman has the discretionary power to decline to investigate a complaint if in the opinion of the Ombudsman is frivolous, vexatious or was not made in good faith; does not have sufficient interest in the subject matter of the complaint; investigation, or further investigation, is not warranted or if the complaint is more appropriately or effectively dealt with by any other body. Binding Decision - when, following an investigation a complaint remains unresolved, the Ombudsman may resolve a complaint by making binding decision. The decision is binding on the Scheme member and the consumer may accept or reject the decision. If the decision is accepted, the Scheme Member must abide by the decision. If the decision is rejected by the consumer, the decision is no longer binding on the Scheme Member, the complaint is finalised and the consumer is free to pursue the complaint elsewhere. Dismissing the complaint: the Ombudsman may dismiss a complaint.</p>						
Complaints resolved/finalised by process (examples provided below)	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Complaints resolved by referral	769	1171	1487	1002	1582	2584
Complaints resolved by conciliation	433	324	274	247	481	708
Complaints resolved by determination	0	1	0	0	0	0
Outcomes achieved (details of resolutions, or outcomes of consumer satisfaction surveys)						
The outcomes achieved by the PTO can range from a goodwill gesture; apology; Operator staff discipline; detailed explanation; refund/reimbursement to a change in process/policy and/or system.						
Transactional costs	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
**Please note that the PTO funding model is based on a fixed levy per member, the total of which is approximately equal to the fixed annual cost of the scheme and a variable levy based on the previous share of cases by member. An average cost (fixed and variable) per case is determined by dividing the total number of cases into the total annual expenditure for each year.						
Total expenses for dispute resolution						
Transactional cost = annual cost of resolving disputes (Total Expenses) divided by each <u>contact</u>)						
Transactional cost = annual cost of resolving disputes (Total Expenses) divided by each <u>complaint</u>)		\$958.44	\$690.93	\$707.23	\$425.92	\$398.93

Other activities that promote access to justice provided by Ombudsman: e.g., systemic investigations, community outreach activities (regional visits, Bring Your Bills days), awareness raising activities (e.g., for migrant, indigenous, disabled communities), policy activities, member IDR education.

The PTO also undertakes the following activities in addition to individual complaint handling:
The identification, investigation, resolution and reporting of systemic issues affecting the public transport industry.
Community outreach - to regional centres, disability advocacy services, legal services etc.
Research and reports (to industry, external stakeholders and the public) into the public transport industry, for example - the accessibility of public transport
Provision of training for operator staff in complaint handling and how to improve IDR processes
Submissions to government and other inquiries on issues about the public transport industry, disability access, IDR, EDR and ADR.

Internal dispute resolution (details of any quantitative information about IDR by within jurisdiction organisations)

Public transport operators are required to self report their complaint numbers to Public Transport Victoria (PTV). While the PTO has access to this information, we do not have PTV or member's permission to report this data. It may be obtainable under FOI provisions. PTV operates a centralised contact centre for receipt of all enquiries and complaints. Complaints about operators are then directed to each operator for resolution via their IDR process, which was developed for the industry initially by Metlink in 2004 and more recently updated by PTV. PTV has now established a 'Customer Advocacy' team. Its role is to review operator complaints if the consumer is dissatisfied with the outcome and chooses to escalate it to PTV's Advocacy Team. Operators will be required to inform consumers who raise complaints that they may escalate the complaint to PTV or PTO. This is being introduced from 1 December 2013 and the PTO will closely monitor it as it is introducing a further IDR step which could result in consumer confusion or complaint fatigue.