



**PUBLIC
TRANSPORT
OMBUDSMAN**

LISTEN · ACT · RESOLVE · IMPROVE

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The background image shows a street scene in Melbourne. On the left, a white and green tram with the number 2131 and the PT logo is visible. Behind it is the ornate, yellowish-brown facade of Melbourne City Hall, featuring a large green dome. In the background, a modern blue glass skyscraper rises. A red circular graphic on the right contains text. Another red circular graphic at the bottom right contains more text. Street signs for 'Swanston' and 'Flinders St' are visible on the right.

OUR VALUE PROPOSITION

The Public Transport Ombudsman (PTO) 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.

ACKNOWLEDGEMENT 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

3192

APPROACHES
TO THE PTO



1674

COMPLAINTS
REFERRED TO
MEMBERS



1073

ENQUIRIES

TOP COMPLAINT ISSUES



412

CONCILIATIONS
OPENED



1150

STAFF



588

SERVICE
DELIVERY



33

INVESTIGATIONS
OPENED



574

TICKETING



418

LAND AND
INFRASTRUCTURE



264

INFRINGEMENT
NOTICES



225

TRAMS,
TRAINS AND BUSES



567

ENQUIRIES
ABOUT
MEMBERS



170

ACCESSIBILITY



150

AUTHORISED
OFFICERS



506

APPROACHES
ABOUT
NON MEMBERS



33

CORONAVIRUS/
COVID-19



13

PRIVACY

CHAIR'S REPORT



It is my pleasure to introduce the PTO's Annual Report 2023. Last financial year marked the first year of the PTO's three-year Strategic Plan. Emerging from low patronage and uncertainty, it was necessary to set goals and trial initiatives to regain lost ground and to ensure that the PTO remains forward-looking, sustainable and relevant to the needs of the community. Public transport usage is now hovering around 75 per cent of pre-COVID-19 levels, but there are also changing travel patterns on evenings and weekends that show strong usage. Regional travel has rebounded strongly, and statewide fare-caps make this a dynamic and exciting time to be involved in Victoria's public transport system with all its various partnerships and ambitious works projects.

The PTO handled 61.6 per cent more approaches to the scheme in the 2022-23 financial year than in 2021-22, and I was heartened to see that this rise was accommodated with only slight deviation from the KPIs that the organisation commits to over the longer term.

The Board was very pleased to see the Ombudsman and Secretary of the Department of Transport and Planning sign a Memorandum of Understanding to better address complaints about the fairness of transport fines where consumers may have had special circumstances or exceptional circumstances. The Board looks forward to continuing a productive partnership with the Department in this respect, and the Ombudsman will continue to provide feedback on procedural or systemic improvement opportunities.

In the 2022-23 financial year, the PTO posted financial results that were well within the budget set by the Board and approved by members. The PTO reported an operating deficit of \$173,828 incurred in the context of a budgeted deficit of \$272,501. The deficit budget was a result of the return of surplus funds accumulated over the previous two years during the COVID pandemic as the PTO found significant savings. In 2022, the retained surpluses were used to partially offset the necessary increase in member levies as the PTO ensured it budgeted resources for the inevitable return of patronage to the network, increased demand for PTO services and the welcome return of community engagement and outreach activities.

During the year, Industry Director Jonathan McKeown completed his term on the Board. Jonathan provided the PTO with valuable insight into the challenges that the industry faced during turbulent years, and the benefit of his experience as he served on the Board. Jonathan ably supported the strategic development of the scheme in a three-year term that spanned 2020 to 2022, encompassing unprecedented change in the public transport sector, and the Victorian community. During his term, Jonathan was appointed Executive Director, Network Development, Assets and Maintenance at V/Line. I congratulate as well as thank Jonathan and wish him well in his continued contribution to the sector.

This reporting year also saw the departure of Mark Davies, Consumer Director from 2016 to 2022. On behalf of the Board and Ombudsman, I would like to thank Mark for his dedication and diligence in supporting the Board and the PTO as Director, and in his role as Chair of the Board's Finance and Audit Committee.

The PTO benefited enormously from Mark's expertise in financial services and implemented a number of improved financial governance processes under his guidance.

I would like to welcome Andrew Dix, Consumer Director appointed by the Minister during 2022. I would also like to congratulate Consumer Director Llewellyn Prain on her reappointment by the Minister for Public Transport for a further two-year term. Llewellyn's and Andrew's profiles appear on [page 42](#).

A heartfelt thank you also goes to the staff of the PTO. Whether delivering consumer-facing dispute resolution services or supporting the PTO in other important ways, it is the diligence and professionalism of our staff that underpins the sustainability and success of the PTO. Wellbeing initiatives and a focus on supporting our people is central to our strategy.

I thank Ombudsman Simon McKenzie for his excellent leadership of the PTO throughout this year, a year in which there was yet again much change. I wish also to thank Simon personally for his nine years of service to the PTO. Simon has taken up a new appointment as the Chief Executive Officer of the Mental Health and Wellbeing Commission in Victoria. On behalf of the Board and the wider organisation I congratulate Simon and wish him the very best in his new role.



Kay Rundle
Chair

OMBUDSMAN'S REPORT

It is my privilege to present the PTO's Annual Report 2023 – my fourth and final report as Victoria's Public Transport Ombudsman.

During the year, my office received 3,192 approaches about public transport-related issues, 61.6 per cent more than last year. Complaints rose in line with patronage on the network, with total Victorian patronage increasing 61.9 per cent for the 2022-23 year compared to the 2021-22 year.

Staff at the PTO worked hard to maintain our usual high service levels and efficiency targets, especially in the area of conciliated complaints, where the PTO's conciliators managed 412 matters, an increase of 102 per cent on last year's 204 conciliated complaints.

On average, conciliations took 39 days to finalise, compared to 34 days last year. We raised around the same number of formal investigations this year – 33 compared to last year's 34. On average, investigations took 130 days to finalise.

In August 2022, I signed a Memorandum of Understanding (MOU) with the Secretary of the Department of Transport and Planning (DTP), Paul Younis, to enable the PTO to engage with DTP about the fairness of public transport fines.

Where a person has a complaint about the fairness of a fine for a ticketing or behavioural offence and believes that there are special or exceptional circumstances that warrant the withdrawal of the fine, the PTO can now consider the matter and – where the Ombudsman thinks it is appropriate – make submissions to the Department about withdrawing the fine.

Under the MOU, I made two formal submissions to DTP that resulted in the withdrawal of fines. A further 20 fines were withdrawn following discussions and information sharing with DTP.

I thank the Secretary and the staff at DTP's Transport Regulatory Office for their commitment under the Memorandum to consider continuous improvement of the infringements internal review process.

The most common issues reported for the 2022-23 financial year period related to staff (1,150 complaints, up 44 per cent from 797 the previous year); land and infrastructure (418 complaints, up 5 per cent from 398), service delivery (588 complaints, up 58 per cent from 371) and ticketing (574 complaints, up 101 per cent from 285).

With patronage showing a consistent return to levels around 75 per cent of the pre-pandemic baseline, the number of complaints about Authorised Officers and public transport fines also increased.

In terms of raw numbers, Authorised Officer complaints rose 168 per cent (150 complaints, up from 56) and complaints about accessibility rose 107 per cent (170 complaints, up from 82). Closer inspection shows that – if we use pre-pandemic complaints data as a baseline – Authorised Officer complaints are around double what was reported in 2017-18 and 2018-19.

The PTO is currently reviewing themes raised in consumer complaints about Authorised Officers, with a view to identifying any systemic issues or improvement opportunities for members and DTP.

Enforcement activities and network revenue protection measures will inevitably intersect with people experiencing hardship or special circumstances.

For this reason, training of Authorised Officers, regular review of techniques to de-escalate situations and the proper application of discretion are essential.

The PTO also continues to monitor accessibility trends and where necessary will raise any concerns or improvement opportunities highlighted within our data. These types of complaints require close monitoring as they are indicators of potential systemic issues.

We welcomed the opportunity to re-enter into active engagement with the community this year, with the team conducting community visits and engagements across 24 Local Government Areas in metropolitan Melbourne and regional Victoria.

This included attendance at community events and conversations with representatives from local government, community legal centres and advocacy organisations around the state. Read more about our community outreach activities on [page 36](#).

I would like to take this opportunity in my final report to thank the members of the PTO for their commitment to providing an independent avenue for dispute resolution.



Finally, I thank the Board for its support during my term as Ombudsman, and the staff of the PTO who were unrelenting in their provision of independent and effective dispute resolution options for consumers.

Simon McKenzie
Public Transport Ombudsman

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 work with the parties towards a resolution of the complaint and take the circumstances into consideration. We consider the law, good industry practice, codes and standards. If a complaint doesn't resolve through agreement, we can decide what is fair and reasonable and make a binding determination if necessary.

We focus on informal conciliation when we begin handling an unresolved complaint. We may still investigate more formally if the parties can't agree or the issues that need to be addressed are more complex.

Our process allows us to be flexible, to apply the most suitable approach based on a consumer's circumstances, and to consider any steps already taken to try to resolve the matter. We can change our approach if a complaint remains unresolved, or new information comes to light.

FIVE KEY APPROACHES

REFERRAL TO A PTO SCHEME MEMBER

Members are given the opportunity to resolve a complaint before we conciliate or investigate.

We take details, issue a reference number and provide the consumer with a pathway back to us if the complaint isn't resolved by raising it with the member.

REFERRAL TO OTHER AGENCIES

When a complaint is about something the PTO Scheme does not handle, or is about an agency that isn't a member, we try our best to help by putting the consumer in touch with another agency that can assist with their complaint.

CONCILIATION

An informal, mainly phone-based process where we independently work with each of the parties to discuss options and broker an agreement about how a complaint should be resolved.

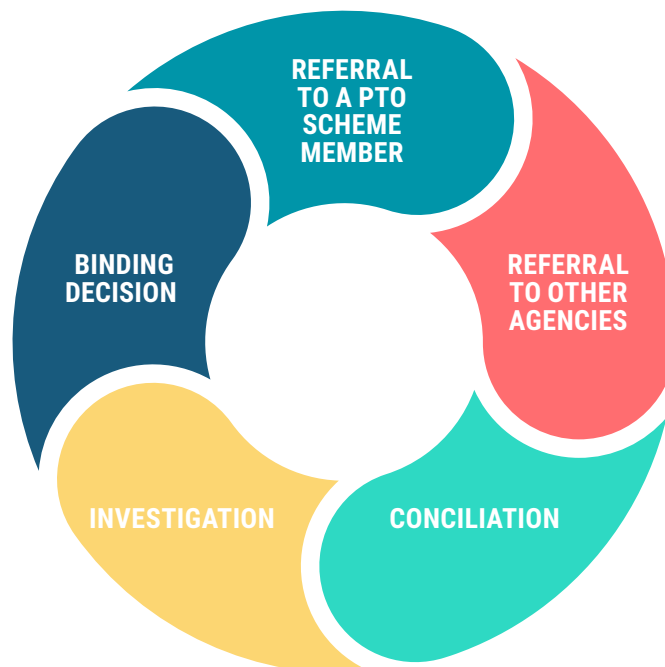
INVESTIGATION

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

Investigation is a more formal process we use when the parties can't agree on an outcome, or the issues are many and complex. We investigate because we may need to make recommendations or a binding decision to finalise a dispute. We ask the parties questions and gather information about what happened and how the complaint was handled. We discuss options for resolving the complaint and make assessments of the merits of the complaint to inform our decision-making.

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



STAFF PROFILE

LOUISE IRVING

COMMUNICATIONS AND ENGAGEMENT OFFICER

Louise Irving is a core member of the small communications team at the PTO and one of the people who worked hard to bring you this annual report.

Lou's first foray into the Victorian public transport sector was a role at the Transport Ticketing Authority (TTA) in the late 2010s. "I started in a project coordinator role, but quickly moved into a stakeholder engagement role in the customer service space – a better fit for me," she says.

Her time at the TTA coincided with the Metcard-to-myki ticketing transition and was her first exposure to working with the PTO: "I was involved in writing briefs and presenting to PTO staff about new myki services and emerging issues," she recalls.

Lou spent five years at the TTA and subsequently PTV, in roles she describes as "broadly focused on information and enquiry management". A stint in communications and industry engagement roles in the tertiary education sector followed, before Lou joined the PTO in April 2022.

"When my role at the PTO was advertised, I was doing a bit of post-COVID lockdown reflection about what motivates me, work-wise, especially if I was going to have to leave my house on a regular basis again," she says.

"I've always been drawn to public and community service sectors. And I had an 'a-ha!' moment where I realised that what truly motivates me is creating or contributing to solutions that address people's needs and problems.

"My skill set is communications and engagement, which just happen to be tools I bring to that task.

"I especially love the challenge of connecting people with opportunities and services, in ways that are useful and relevant. It's one of the many things I enjoy about working for the PTO – that this is a core focus of my job."

Lou's enthusiasm for engaging people and communities, honed over many years in a diverse range of paid roles, volunteer gigs and personal endeavours, is a great match for her current responsibilities at the PTO.

The diversity of her experiences as a 'communications all-rounder' also helps her bring creative flair to the job.

"I've produced community radio programs, I've run and promoted community events, and I even ran my own copywriting business for nearly a decade," she says.

She recently bolstered her skills by completing an IAP2 Certificate in Engagement: "This gave me a more structured and rigorous approach to ensuring that services are informed by community needs and expectations." Lou's career choices have been characterised by a blend of curiosity and a love of variety in her day-to-day work.

Her five-year-stint hosting a community radio show, interviewing a range of writers and artists about books, writing and culture, remains one of her most cherished experiences.

"I'm a real 'people person' and I love working collaboratively. I'm the kind of person who finds something interesting in just about everyone I meet," she shares.

Away from work, Lou immerses herself in books, films and comedy. Gardening is also a passion.

When it comes to relaxation, nothing beats camping for Lou. "Lately, I've been exploring south Gippsland and the Gippsland Lakes areas. Before that, I spent a couple of years camping in Tasmania every chance I got."

"There's something uniquely calming about being in nature, especially with a glass of wine after 4 pm," she laughs. "I love nothing more than being surrounded by stunning views of nature. Camping really helps you focus on the simple joys of life."



COMPLAINTS, CONCILIATIONS AND INVESTIGATIONS

COMPLAINTS REFERRED TO MEMBERS

There was a significant increase in the number of complaints the PTO referred to members in 2022-23, with 1,674 complaints referred (up 41 per cent on 1,185 complaints in 2021-22).

We use issue categories and sub-categories to track the themes that people are complaining about. Complaints can contain more than one issue. For example, some complaints may contain a complaint about a ticketing issue and a complaint about how a public transport staff member dealt with that issue when the consumer raised it. Both 'ticketing' and 'staff' would be logged as issues within this complaint.

The largest category of complaints referred to members contained issues with public transport staff (711 referred complaints in total, or 42 per cent of complaints referred to members overall). Complaints about public transport staff include complaints about driver conduct and customer service staff.

Complaints referred to members that contained service delivery issues were up 52 per cent (494 complaints, up from 325 in 2021-22). The main service delivery sub-categories reported were about the reliability/punctuality of services and information about services. Complaints referred to members about replacement services also rose 118 per cent (107 complaints, up from 49 in 2021-22).

Complaints referred to members that contained issues about Authorised Officers increased 146 per cent (133 complaints, up from 54 in 2021-22). Accessibility complaints referred to members also increased (125 complaints, up from 82 in 2021-22). Myki complaints increased 46 per cent (346 complaints, up from 232 in 2021-22) as did ticketing complaints overall (415 complaints, up from 285 in 2021-22).

CONCILIATION

In 412 cases, we used conciliation to try and resolve complaints (up from 204 conciliated cases in 2021-22). In these cases, a PTO Conciliator was assigned to work with the consumer and member to summarise the issues and clarify what would resolve the matter from the consumer's point of view.

We shuttled between the parties, explored alternatives and encouraged the generation of options to reach agreement and achieve a resolution.

The top issues present within conciliated cases were:

- Staff (411)
- Myki (130)
- Land and infrastructure (100)
- Service delivery (92)
- Trams, trains and buses (46)
- Accessibility (39).

The PTO finalised 387 conciliations during the year, with an average closure time of 39 days.

INVESTIGATIONS

In 33 cases we proceeded to an investigation. Some of the reasons we commenced investigations included:

- Inability to reach agreement during a conciliation
- Detailed responses already provided to the consumer by the member
- Complex issues and behaviours.

Subject matter for investigations undertaken in 2022-23 included:

- Conduct of Authorised Officers
- Opening of the accessible gate at a train station
- Change not being provided on a regional bus service
- Actions taken by a driver following injury of a person on a tram
- Damage claims made in relation to level crossing removal works
- Injuries sustained at a train station
- Boarding of buses by people with hidden disabilities
- Generator and construction noise due to level crossing removal works.

The top issues within investigated cases were:

- Staff (28)
- Land and infrastructure (14)
- Accessibility (6)
- Authorised Officers (5).

We finalised 22 investigations during the year, and closure took an average of 130 days.

CONCILIATIONS AND INVESTIGATIONS BY PTO SCHEME MEMBER 2022-23

MEMBER	CONCILIATIONS	INVESTIGATIONS
Public Transport Victoria (DTP)	172	2
Metro Trains Melbourne	64	11
V/Line	55	5
Level Crossing Removal Project	28	9
BusVic	23	1
Yarra Trams	19	1
Kinetic	16	-
Rail Projects Victoria	10	-
SkyBus	9	-
Ventura	6	1
Transit Systems Victoria	5	3
Southern Cross Station	4	-
VicTrack	1	-
CDC Victoria	-	-
Suburban Rail Loop Authority	-	-

“

He wanted confirmation that he and Vidya had access to a 'usable balance' for an upcoming trip they had planned.



CASE STUDY:

SUNIL AND VIDYA'S STORY

Sunil and Vidya are infrequent public transport users. They got an email from PTV reminding them that their Seniors myki cards would expire soon. They opted to order replacement cards online. This meant their current balances would be transferred to the replacement cards when their current cards expired.

After their cards expired, Sunil checked their online myki account. He noticed that their replacement myki cards had an available balance of \$0 and showed the balance transfer transactions as 'pending'. He called PTV to ask why the balance wasn't available to use. The call centre agent explained that the next time he and Vidya used their new myki cards to touch-on, their cards would 'collect' the pending transactions and the transferred funds would become immediately available for travel and show as 'available balance' in their online account.

Sunil and Vidya decided to take a short bus trip to 'collect' and activate their balances. But when they checked their online account after the bus trip, the pending transfers still hadn't loaded onto their cards. Because a bus fare had been deducted, both myki cards now had negative balances.

Sunil contacted PTV again. This time, the agent told Sunil to top up the cards at a myki machine to activate the balance. Sunil wasn't satisfied with this solution. He didn't think they should have to spend more to access their existing balances.

WHY DID SUNIL COMPLAIN TO THE PTO?

Sunil contacted the PTO because he had 'lost confidence' in PTV's ability to assist him. He wanted confirmation that he and Vidya had access to a 'usable balance' for an upcoming trip they had planned.

HOW DID THE PTO HANDLE SUNIL AND VIDYA'S COMPLAINT?

We spoke with PTV on Sunil and Vidya's behalf. PTV confirmed that their bus trip occurred 34 days after the balance transfers were processed. This information established that the action to credit Sunil and Vidya's new myki cards had become dormant¹. It also established that the first call centre agent had given Sunil incomplete information about how to 'collect' the pending transactions, because the information didn't account for dormancy. The second call centre agent's advice was incorrect. Simply presenting their myki cards to any myki device would have collected the transactions, because they had already 're-activated' the dormant funds via their bus trip.

WHAT WAS THE OUTCOME?

In recognition of the incorrect information they received, PTV offered both Sunil and Vidya a \$20 myki money credit as a goodwill gesture. To ensure that their transferred balance was available for travel, PTV offered Sunil and Vidya two options:

- They could opt to use the system again. Provided they did this within 30 days of their bus trip, their transferred funds would become immediately available for travel.
- PTV could cancel the cards they currently held and post out two new myki cards with the value of their 'pending' balances pre-loaded onto them. This would remove any need to 'collect' the transactions by using the system.

Sunil and Vidya decided on the second option. Sunil confirmed he was happy with this outcome and thanked us for our assistance.

¹myki money top-ups (including transfers of myki money balance) made online or via the call centre are currently available for passengers to 'collect' for 30 days, after which they are placed into 'dormancy'.

HOW WE PERFORMED

The PTO's annual Service Satisfaction Survey asks respondents to rank their satisfaction with key aspects of our service. It covers interactions with our staff, our processes, and our approach to information sharing.

We invited 349 individuals who had a complaint conciliated or investigated by the PTO during the 2022-23 financial year to respond anonymously to this year's survey. We received 112 responses, representing a 32 per cent response rate. Invitations to participate in the survey were issued via email, with anonymous responses captured via online survey software.

Because we offer an impartial, independent complaints review service, it's understandable that not everyone will be satisfied – especially if they don't get the resolution they were hoping for. Overall, around six out of 10 respondents said they'd recommend our service to a friend.

SERVICE USER INSIGHTS:

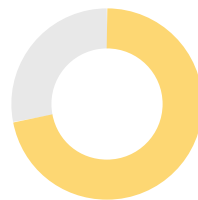
The PTO's annual Service Satisfaction Survey includes a set of optional demographic questions that provides us with an indicative snapshot of PTO service users and helps inform our community outreach and awareness-raising activities. This year, replies from survey respondents found that:

- 30 per cent speak a language other than English at home
- 20 per cent identified themselves as persons living with a disability
- 10 per cent travel with a Disability Support Pension (DSP) concession entitlement
- 18 per cent travel with a Victorian Seniors concession entitlement
- 2 per cent were Free Travel Pass holders
- 1 per cent travel with a student concession entitlement.

KEY FINDINGS FROM THE SURVEY



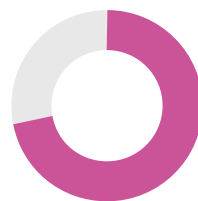
63 per cent of respondents would recommend the PTO to a friend if they had a public transport complaint



72 per cent agreed that PTO staff were approachable and courteous



48 per cent were satisfied or very satisfied with their interactions with the PTO




72 per cent felt our Conciliator took their personal circumstances into account in the complaint-handling process



66 per cent agreed that our Conciliator was able to quickly identify and understand the key issues in their complaint



37 per cent believed their complaint could have been handled more efficiently or in a more reasonable timeframe



*"...I am very thankful for this service.
I didn't know how else to resolve the
unacceptable response I received...
and never could have on my own."*

Anonymous Respondent, Survey 2022-23

*"Very courteous, friendly and understanding.
First time using this service and very impressed
in how they dealt with my complaint."*

Anonymous Respondent, Survey 2022-23

*"I found the service to be efficient,
professional and yes it did restore my
faith in dealing with organisations."*

Anonymous Respondent, Survey 2022-23

KEY PERFORMANCE INDICATORS

At the core of our work are the Benchmarks for Industry-based Customer Dispute Resolution (the Benchmarks). Our key performance indicators around fast, informal service recognise the Benchmarks for Efficiency and Effectiveness.

We aim to finalise approaches according to the following breakdown:

KEY PERFORMANCE INDICATORS	TARGET	RESULT
Non-investigated cases closed within three days	95%	87%
Conciliations closed within 40 days	80%	71%
Conciliations closed within 90 days	95%	95%
Investigations closed within 180 days	90%	84%

“

Nahla said she'd complained to the bus operator twice. She said they'd told her there "wasn't much they could do" and the problem kept happening.



CASE STUDY: NAHLA'S STORY

Nahla, a Year 12 student, gets a public bus home from school every day. She lives in a town with one primary school and one secondary school located next to each other. Twice each weekday, the bus is supposed to make an extra stop to drop off and pick up students from the schools. The bus takes a short deviation from its standard route to service this extra stop.

Nahla told us that, at least a couple of times a month, bus drivers will forget to do the route deviation and miss the stop. She said this was a safety risk for children who don't have any other way home, some of whom are only primary school aged. There had been quite a few occasions where Nahla had to let young children use her phone to call their parents, then had to stay with them until someone came to collect them.

WHY DID NAHLA COMPLAIN TO THE PTO?

Nahla said she'd complained to the bus operator twice. She said they'd told her there "wasn't much they could do" and the problem kept happening.

When Nahla contacted us, she was frustrated and upset. It was nearly 5pm and she still wasn't home from school because she'd had to help young children who didn't have a lift again.

HOW DID THE PTO HANDLE NAHLA'S COMPLAINT?

We contacted the bus operator on Nahla's behalf. They said they'd explained to Nahla that "there was only so much they could do" because PTV was the authority to contact about changes to routes or timetables. We were able to clarify that Nahla wasn't asking for a change to the timetable or route. What

she wanted was for the bus to consistently do the route deviation it was timetabled to do.

Once Nahla's request was clear, the operator was able to identify changes to fix the issue. We also prompted the operator for instructions we could pass on to Nahla, so she knew what to do if the bus was a 'no show' in future.

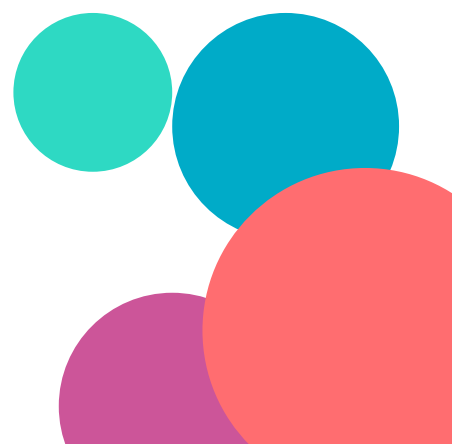
WHAT WAS THE OUTCOME?

The operator agreed to implement the following changes before the start of the new school term:

- improved instructions in driver shift journals that highlighted the route deviation
- drivers would stay in direct radio contact with the Operations Control Centre (OCC) during the route's AM and PM run to help ensure the school stop was serviced
- OCC staff would monitor these services to ensure they ran as timetabled.

The operator confirmed that Nahla could phone the OCC directly if the bus didn't arrive. If this did happen again, the OCC would either get the driver to turn back or send another vehicle to pick up students.

Nahla confirmed that she was satisfied with the operator's suggestions and thanked us for our help.



AUTHORISED OFFICER COMPLAINTS

The PTO saw an uptick in complaints about Authorised Officers (AOs) in 2022-23, with 150 AO complaints received compared to 56 the previous year.

Most of the AO complaints the PTO sees in any given year relate to the conduct of individual AOs. Given the frontline nature of an AO's role, this is unsurprising. Typically, AO conduct complaints involve personal stories of a consumer's experience of being stopped, questioned or reported by an AO.

This year, 93 per cent of the 150 AO complaints we received were about AO conduct and described behaviours and interactions that consumers perceived as unprofessional, inappropriate, intimidating and/or discriminatory.

Additionally, around a third of AO complaints (37 per cent) highlighted concerns or uncertainty about the scope of an AO's authority, particularly in relation to AOs asking consumers to show proof of identity or address.

MONITORING THE UPTICK IN AUTHORISED OFFICER COMPLAINTS

While AO complaints to the PTO represent a small percentage of overall interactions between passengers and AOs, each complaint is important due to the nature of the AO's role and the powers that AOs have (see facing page). The significant increase in complaints between 2021-22 and 2022-23 (168%) partially reflects an increase in patronage and associated AO enforcement activity over the reporting period, as COVID-19 restrictions eased.

However, if we look at patronage at pre-COVID levels as our baseline for comparison, AO complaints in 2022-23 are around double what they were in 2017-18 (81 complaints) and 2018-19 (73 complaints).

Mindful of this trend, we continue to monitor AO complaints data. Where necessary, systemic issues and improvement opportunities will be raised for action with the Department of Transport and Planning and relevant scheme members.

HOW WE HANDLE COMPLAINTS ABOUT AUTHORISED OFFICERS

Our conciliation and investigation work in relation to AO complaints incorporates obtaining and viewing CCTV footage, reviewing statements and reports made by AOs, and reviewing the reports of witnesses.

Of the 150 AO complaints we received in 2022-23, the PTO conciliated or investigated 17 of them. We referred 133 complaints to our scheme members Metro Trains and Yarra Trams, who are responsible for staffing and training AOs on the public transport network.

AUTHORISED OFFICERS: THEIR ROLE AND POWERS UNDER LAW

Authorised Officers (AOs) are employed by public transport operators to check tickets, help prevent anti-social and unsafe behaviours, and assist passengers during special events and service disruptions.

AOs don't issue warnings or fines directly to passengers. If an AO believes a passenger has committed a public transport offence, they will report this to the Department of Transport and Planning (DTP). DTP then decide whether to issue an infringement notice to the passenger who was reported.

AOs must comply with the Authorised Officers Code of Conduct. They are authorised by law to ask passengers:

- to present tickets and concession entitlements for checking
- for their name, address and proof of identity
- to surrender their myki card or paper ticket for use as evidence.

AOs can arrest and detain a person until police arrive if they do not comply with these requests.



CASE STUDY: JASON'S STORY

Jason was stopped by an Authorised Officer (AO) at a metropolitan train station.

Jason alleged that the AO stopped him forcefully by putting a hand on his chest and acted in an aggressive, threatening and intimidating manner. Jason said the interaction caused him to have a panic attack, which made it difficult for him to speak to the AO. He also said the AO made a taunting comment, about his difficulty speaking, which Jason felt was racially motivated.

Jason lodged a complaint about the AO's conduct with PTV, who referred his complaint to Metro. Metro investigated Jason's complaint and found that the AO had acted "politely and professionally" and in line with the obligations of their role. Metro's investigation also found that Jason hadn't exhibited signs of a panic attack and hadn't told the AO that he was experiencing one. Metro's response indicated that its investigation had relied on the statements of a witnessing AO, which corroborated statements made by the AO who was the subject of the complaint.

WHY DID JASON COMPLAIN TO THE PTO?

Jason wasn't satisfied with Metro's response. He decided to contact his local community legal centre about his options. The legal centre referred Jason to the PTO and continued to act as his advocate throughout our investigation.

The PTO conducted an investigation to review the incident and Metro's complaint handling process.

HOW DID THE PTO INVESTIGATE?

We asked Metro to respond in detail to Jason's allegations, and to confirm whether CCTV footage had been reviewed as part of their investigation. We also asked Metro to provide any case notes, statements, policies or CCTV footage relevant to the case.

In its response, Metro reiterated that Jason's allegations were inconsistent with the statements of the witnessing AO and that the allegations were denied. Metro confirmed that they had reviewed CCTV footage of Jason's interaction with the AO, a decision they said was triggered by Jason's allegation of physical contact from the AO. However, a subsequent decision was made not to retain the footage because it didn't substantiate Jason's physical contact claim. As a result, CCTV footage was no longer available for the PTO to independently review.

Metro acknowledged that the decision not to retain the footage was made in error and contrary to procedure. It confirmed that the correct procedure is to retain CCTV footage of all incidents subject to physical force allegations, regardless of whether the footage confirms the allegations. Metro advised the PTO it had taken steps to ensure the error didn't happen again.

The PTO shared a summary of Metro's response with Jason and his advocate for comment. They expressed their view that CCTV footage should be reviewed in all cases where a consumer alleges AO misconduct, racism or mental health incidents. We relayed Jason and his advocate's feedback and asked Metro to respond.

WHAT WAS THE OUTCOME?

Metro confirmed to the PTO that, effective immediately, it had implemented a policy of reviewing and retaining CCTV footage of all AO interactions subject to consumer complaints about misconduct, racism or mental health incidents. Metro also confirmed that, per its existing policy, retention of this footage would apply regardless of whether it supported a consumer's account of an incident.

Metro expressed regret that Jason felt intimidated during his interaction with the AO and had experienced a decline in his mental health after the interaction.

Jason indicated he was satisfied with the outcome of his PTO complaint.



PUBLIC TRANSPORT FINES

The PTO received 264 approaches from consumers about fines in 2022-23, up 118 per cent on 121 approaches received the previous year.

In August 2022 the PTO entered into a Memorandum of Understanding (MOU) with the Department of Transport and Planning (DTP). This has changed how the PTO handles complaints about fines. The aim of the MOU is to enhance the accessibility and overall fairness of the fines review system.

The MOU allows the PTO to consider complaints about fines where a consumer has applied to DTP for an internal review and that application has been unsuccessful. If the PTO forms the view that special or exceptional circumstances are relevant, we can make non-binding submissions to DTP recommending that a fine be reconsidered or withdrawn. The PTO also takes into account the guiding principles of fair and reasonable decision making when making a submission.

Special circumstances include homelessness or family violence, mental illness, cognitive disability, or serious addiction to alcohol or other drugs. Legislation does not define 'exceptional circumstances' but this broadly refers to scenarios where a fine results from circumstances that are out of the ordinary, unavoidable or unexpected.

In addition to making formal submissions, the PTO can also provide DTP with information that DTP may not have had available when assessing the consumer's internal review application, but which the PTO has subsequently identified in its interaction with the consumer.

A key objective of the MOU is to promote collaboration and information-sharing between the two parties, with the aim of promoting continuous improvement of the fines review system. The PTO has met with DTP regularly throughout the year, to refine shared processes and discuss individual cases.



HOW THE PTO HANDLES COMPLAINTS ABOUT FINES

When we're approached about a fine, our first step is to work out what stage the consumer's fine is at:

- **If they've been reported by an Authorised Officer but haven't yet received an infringement notice**, we explain DTP's reporting review and infringement process. We also explain how to request an internal review if they receive a fine.
- **If they've received an infringement notice and want to appeal their fine**, we refer them to the DTP's internal review process. The exception is where DTP has already sent their fine to Fines Victoria, in which case we'll refer them to Fines Victoria and/or to seek legal advice.
- **If they've asked for an internal review and DTP did not withdraw their fine**, we will speak with them about the circumstances surrounding their fine and explain our role in the fines review process.

If a case appears to fit our criteria under the MOU, we will proceed by asking DTP to share information about the fine and their decision-making. We may obtain information such as myki travel history or myki device fault reports. We may also ask the consumer to provide us with any information or documentation that either substantiates their circumstances (for example, a doctor's letter) and/or other aspects of their grounds for review (for example, bank records of myki top-up transactions).

Once all relevant information is received, we will decide whether to make a formal submission to DTP about the fairness of the fine. In 2022-23 the PTO made two formal submissions to DTP. In both cases the fines were withdrawn and replaced with a warning. In a further 20 fine complaints received in 2022-23 we shared information or had discussions with DTP that resulted in the fine being withdrawn.





CASE STUDY: JOSH AND SHANNON'S STORY

Josh was issued a public transport infringement notice for putting his feet on the seats. His mother, Shannon, asked the Department of Transport and Planning (DTP) to review its decision to fine Josh on the grounds that he has a painful medical condition, and that elevating his feet was an attempt to reduce pain.

DTP confirmed its decision to fine Josh on the basis that Shannon's application didn't offer a reasonable excuse for the offending behaviour. Shannon decided to contact the PTO.

REVIEWING AN INDIVIDUAL'S CIRCUMSTANCES AND THE FAIRNESS OF ENFORCEMENT

We talked with Shannon about Josh's medical condition and asked for more details about the circumstances that immediately preceded his interaction with the Authorised Officer (AO). Our initial conversation with Shannon indicated exceptional circumstances may have been relevant to Josh's offending behaviour.

Shannon told us she had doctor's correspondence relating to Josh's medical condition but said she hadn't included this documentation in her application to DTP. Shannon provided this information to the PTO. Shannon also confirmed that Josh was under 18 and hadn't received an infringement notice previously.

We liaised with DTP to help us understand the factors that informed the outcome of DTP's internal review. DTP confirmed that Shannon's application didn't provide any evidence for Josh's condition. It also noted that, when the AO asked Josh why he had his feet on the seats, Josh said he didn't know that doing so was an offence. DTP found that this didn't support the explanation that Josh was seeking relief from pain.



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...Josh was under 18 and hadn't received an infringement notice previously.

MAKING A SUBMISSION TO THE DEPARTMENT OF TRANSPORT AND PLANNING

After reviewing the available information, the PTO submitted to DTP that withdrawing Josh's fine was fair and reasonable on the following grounds:

1. **Josh was a child, with no history of official warnings or infringements.** We submitted our view that children placing feet on seats should be handled under the same guidelines as ticketing offences, and that it was appropriate to exercise this same discretion in Josh's case by issuing him a warning. In our view, a consistent approach to exercising discretion for these offences reflects their comparative seriousness. It also serves to educate the consumer about the offence, in line with broader policies aimed at diverting children from the justice system.
2. **Josh's medical condition amounted to exceptional circumstances.** We submitted that Josh's response to the AO and the explanation that his actions helped relieve pain were not contradictory statements. We also submitted that it wasn't unreasonable for a young person not to give a detailed explanation when speaking to an AO.

DTP'S RESPONSE AND THE OUTCOME FOR JOSH

DTP withdrew Josh's fine and replaced it with an official warning. DTP's response noted that, in making this decision, it had considered Josh's age, his lack of prior history of warnings or infringements, and the exceptional circumstances of his medical condition.

DTP said that it had already taken steps to change its approach to issuing official warning to include 'feet on seat' offences for young people without prior warnings or infringements. This was also a factor in its decision to withdraw Josh's fine.

CASE STUDY: LILY'S STORY

Lily was issued a public transport infringement notice for travelling without a valid ticket. The Authorised Officer's (AO's) report said that the myki she presented wasn't touched-on and had a negative balance.

Lily asked the Department of Transport and Planning (DTP) to review its decision to fine her on the grounds that she did have a touched-on myki but had accidentally presented the wrong myki for checking.

In her review application, Lily explained that she had several myki cards in her bag and had used one of them to touch-on when she boarded the tram. She said she'd become anxious when a verbal altercation between a passenger and another AO occurred just prior to her interaction with an AO. She believed this anxiety had contributed to the fact that she couldn't locate the correct myki to show the AO. Lily's application listed three myki card numbers, and noted her belief that one of them would show a touch-on that matched her tram trip.

DTP's internal review found no relevant touch-on data on the myki cards that Lily listed, and no system faults that might account for the absence of this data. DTP confirmed its decision to fine Lily based on these findings.

REVIEWING AN INDIVIDUAL'S CIRCUMSTANCES AND APPLICATION FOR REVIEW

Lily contacted the PTO for assistance. She told us she thought that DTP had made an error in its findings, and that she was confident she had touched-on one of the myki cards listed in her review application. She did note that it wasn't impossible that she may have used another myki, as she did own other myki cards. Lily also provided us with some additional information about her personal circumstances, including the fact that she suffered from and had been treated for anxiety.

We asked Lily to send us a revised list of myki cards in her possession. The list she gave us included some cards that hadn't been included in her application to DTP. We then asked Public Transport Victoria (PTV) to send us myki travel histories for each card in the revised list, for the relevant date, so that we could review them.

Our review identified a touch-on very close to the time listed in the AO's report on one of the myki cards that Lily hadn't listed in her application for review. We provided this new information to DTP.

DTP'S RESPONSE AND LILY'S OUTCOME

DTP found that this new touch-on information was consistent with the AO's report and the explanation in Lily's review application. It agreed to withdraw Lily's fine based on this new information.

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...she did have a
touched-on myki
but had accidentally
presented the
wrong myki for
checking.



ACCESSIBILITY AND INCLUSION

Accessibility is one of five Benchmarks that guide Industry-based Ombudsman schemes. It obliges us to ensure that our services are cost-free and easy to understand, access and use. It also makes the link between accessibility and our promotional efforts explicit, because if people aren't aware of our services, they can't access their right to complain.

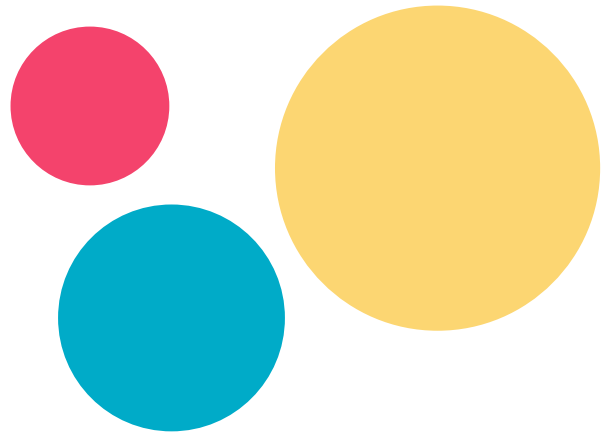
The accessibility of public transport is another core aspect of our commitment to accessibility and inclusion. Public transport is an essential service for many Victorians, and the complaints we help resolve include complaints from individuals about the accessibility of those services.

MAKING OUR SERVICES MORE ACCESSIBLE AND INCLUSIVE

All PTO staff completed Hidden Disability Sunflower training this year — read more on [page 41](#). We also continued to improve the usability and accessibility of PTO publications for a diverse range of abilities and preferences by:

- Publishing PTO service information in Easy and Plain English formats. Produced in consultation with disability support service provider Scope, our Easy English brochure is designed for people with difficulties reading or understanding English. Our Plain English brochure conveys information that's quickly understood at a Year 7 – 9 reading level.
- Creating capacity to produce Easy English documents in-house. Our Communications team completed Easy English training with experts from the Victorian Advocacy League for Individuals with Disability (VALID) in May 2023.
- Implementing new website functions that allow users to:
 - convert text to speech, to cater for those who like to consume text in audio form and support people with low vision and reading-related disabilities
 - customise text size and spacing, so readers can increase text size according to preference and help accommodate people with low vision
 - invert or convert website colours, to allow readers to boost the contrast between text and background, and support those with light sensitivity, low vision or colour vision issues.





PUBLIC TRANSPORT ACCESSIBILITY

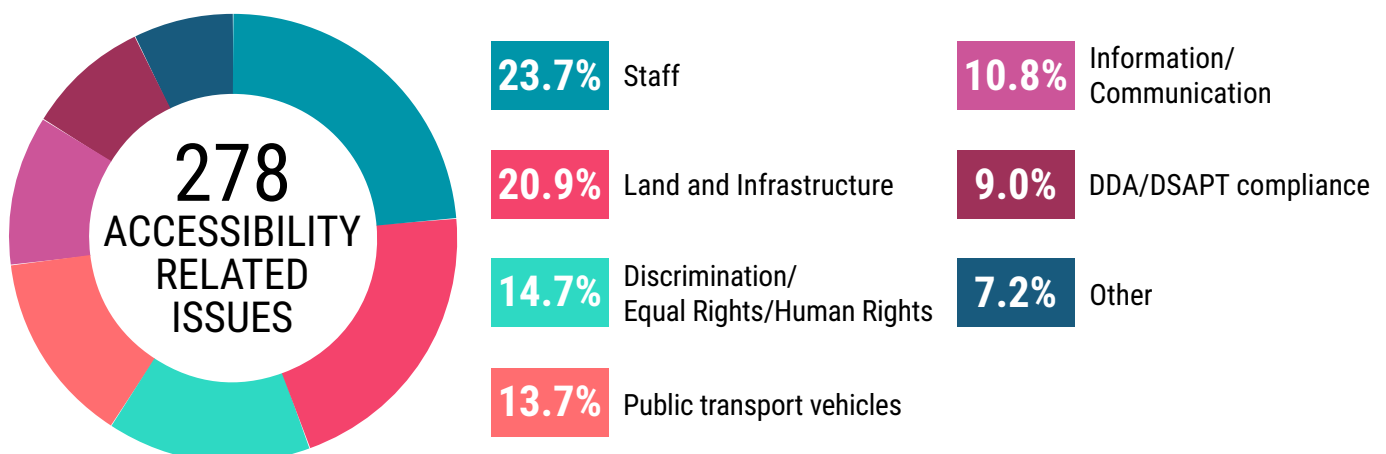
We received 170 complaints about the accessibility of public transport services in 2022-23. This represents a 107 per cent increase on last year (up from 82 complaints in 2021-22) and a 56 per cent increase if we use pre-pandemic data as our baseline (up from 109 complaints in 2018-19).

Complaints to the PTO can contain one or more issue, which we record and track separately. Within the 170 accessibility complaints received this year, we recorded a total of 278 accessibility-related issues. A breakdown of accessibility issues as a percentage of total accessibility issues recorded is as follows:

- Public transport staff (23.7 per cent of reported issues). Around half of these issues related to interactions with drivers. Interactions with station attendants, Authorised Officers and call centre agents also featured.
- Land and Infrastructure (20.9 per cent). Accessibility of stations, stops or crossing points were the majority of reported land and infrastructure issues.
- Discrimination and/or breaches of equal/human rights (14.7 per cent).

- Public transport vehicles (13.7 per cent). These issues were evenly spread across three topic areas: (1) access to priority seating or allocated wheelchair spaces; (2) access to and/or frequency of low floor services; (3) problems or barriers to using vehicle access ramps.
- Information / Communications (10.8 per cent). Accessibility of on-system announcements represented around half of these issues. Passenger information displays, website issues and non-English language translations made up the difference.
- Compliance with the Disability Discrimination Act (1992) and/or Disability Standards for Accessible Public Transport (9 per cent).
- Other issues (7.2 per cent). Other reported issues were about the accessibility of replacement services, assistance animals and special needs booking services.

The PTO conciliated or investigated 45 accessibility complaints during the 2022-23 period and referred the remaining 125 to scheme members.



OUTREACH AND ENGAGEMENT

COMMUNITY OUTREACH'S VITAL ROLE

Community outreach is central to our accessibility efforts, serving as a bridge to reach those who might otherwise be unaware of their right to complain to the PTO. Our outreach initiatives go beyond awareness-raising; they facilitate meaningful conversations with individuals and organisations, touching upon observed public transport issues and barriers to social inclusion and equity.

Community outreach also enables us to build connections with community organisations that represent, support or advocate for people who face barriers to using public transport.

COMMUNITY AWARENESS RAISING VISITS

In 2022-23, we took significant strides with community outreach initiatives.

As COVID-19 restrictions began to ease, we embarked on a journey to engage with communities in regional Victoria and metro Melbourne, in line with our strategic goals for 2022-25.

We aimed to conduct 20 awareness-raising visits during the financial year and in fact surpassed this target, conducting a total of 52 face-to-face outreach and engagement activities that reached representatives and residents from 24 Victorian Local Government Areas (LGAs) – 15 LGAs in regional Victoria and nine in metro Melbourne. An additional five activities took place virtually and engaged some 40 LGAs.

Regional outreach efforts were focused on the Latrobe Valley and the Greater Ballarat, Bendigo and Geelong areas, allowing us to gather insights from a diverse range of communities.

Key activities included:

- participating in the Latrobe Health Advocates' round-table consultation on public transport
- presenting to the Federation of Community Legal Centre's Infringements Working Group
- meeting with eight Local Councils and visiting 29 Neighbourhood Houses
- attending VALID's 'Have Your Say' Conference
- holding information stalls at Victoria University Open Days (Footscray and Melbourne CBD campuses).



ENGAGING CONSUMERS WITH LIVED EXPERIENCE OF DISABILITY

A milestone in our outreach efforts was the development of a new three-year *Communications, Outreach and Engagement (COE) Plan*, which was finalised in March 2023.

A key step in COE Plan development was mapping the 'priority cohorts' that are the focus of PTO outreach activity to 2025. Our initial focus is on engaging with consumers who have lived experience of disability and the organisations that represent or support them, with a particular focus on advocacy, self-advocacy and peer support networks.

In June 2023, we delivered four in-person presentations to the Victorian Advocacy League for Individuals with Disability (VALID) Self-Advocacy Network meetings across metropolitan Melbourne. VALID supports individuals with intellectual disabilities to develop their self-advocacy skills.

PTO presentations at VALID Self-Advocacy Network meetings covered how to raise public transport complaints, how we support complainants through the resolution process, and how we help address systemic public transport issues. These sessions facilitated valuable interactions, including Q&A sessions and feedback opportunities.

Our Communications team was grateful to work with VALID's Self Advocacy Project Officers and Easy English experts, to develop Easy English materials to support this, and future, presentations. The sessions facilitated valuable interactions that generated feedback for our systemic issues work, and we were also able to register complaints on-the-spot for some Network members.



Photos L to R: PTO stall at Victoria University Footscray, VALID conference participants, Ombudsman Simon McKenzie with City of Greater Bendigo Mayor Cr Andrea Metcalf and Deputy Mayor Cr Jennifer Alden.

CASE STUDY: ANNETTE'S STORY

Annette has a disability that affects her mobility but isn't immediately apparent because she doesn't use a walking aid. She uses two local buses three to four times per week.

Annette told us that drivers on these routes often don't stop next to the kerb. This forces her to step up from the road to board or down onto the road to exit the bus. Her mobility issues make it hard to manage the extra gap, and she's often in pain afterwards.

Annette complained to PTV and the bus operator. She wanted the operator to ensure that drivers consistently pulled up to the kerb so that she (and others) could access their services safely.

The operator told her that the issue had been raised with their People and Culture department, and her feedback had gone to their driver training team to action.

WHY DID ANNETTE COMPLAIN TO THE PTO?

When Annette didn't see any improvement in driver behaviour she contacted the PTO.

Because of the range of issues within Annette's complaint, we decided to conduct an investigation.

HOW DID THE PTO INVESTIGATE?

In our initial conversations with Annette, she told us she thought that the hidden nature of her disability was relevant to her experience. She said that drivers would almost always stop at the kerb when passenger's accessibility needs were visible – for example, if they had a pram or used a mobility aid. But even when Annette asked drivers to pull into the kerb, they sometimes disregarded her request.

The PTO contacted the bus operator and asked them to respond to a range of questions, including:

- Are drivers required to stop at the kerb, or is this at the driver's discretion?
- What training (if any) do drivers get on this issue? Does this training cover hidden disabilities specifically?
- Did the organisation have a disability inclusion plan?

The operator confirmed that drivers are expected to stop close and parallel to the kerb, except where safety hazards (such as protruding tree limbs) prevented this. It also confirmed that its driver training materials covered this requirement.

The PTO's review of the operator's training materials indicated that they covered safe boarding and safe exiting scenarios for passengers who are vision impaired, or who use wheelchairs or mobility scooters. However, they didn't cover people with other disabilities, including hidden disabilities, or the specific scenario Annette had raised.

The operator also confirmed that it had a Disability Support Plan. Our review of this document indicated that the Plan was primarily focused on action internal to the organisation and its workforce.

We shared the operator's response with Annette. Annette told us that there had been "much improvement" since she contacted the PTO, although she believed driving practices had begun to slip again recently. She also reiterated her view that the operator needed to improve its support for passengers with hidden disabilities.

HIDDEN DISABILITIES SUNFLOWER

Our response to the operator drew its attention to the Hidden Disabilities Sunflower program, noting that other Victorian public transport operators and the PTO had implemented Sunflower training for their staff. We also relayed Annette's most recent feedback and mentioned that her preferred resolution at this stage of our investigation was for drivers to receive a reminder to stop at the kerb whenever possible.

WHAT WAS THE OUTCOME?

The operator committed to including information about support for passengers with hidden disabilities into its driver training modules, and to look further into the Hidden Disabilities Sunflower program. It also committed to delivering two internal communications campaigns annually, with the aim of raising employee awareness of the needs of passengers with hidden and visible disabilities. The operator said each campaign would incorporate a direct SMS message to all operations staff, including drivers.

Annette was satisfied with this outcome and agreed to close her complaint.

Annette has re-contacted the PTO to report that drivers were again failing to consistently stop at the kerb. At the time of writing, the PTO had opened a new complaint to look into this issue.

The Hidden Disabilities Sunflower gives people with non-visible or 'hidden' disabilities the option to signal that they may need extra support or extra time when using public transport.

People with hidden disabilities, their carers and loved ones can choose to wear a Sunflower lanyard, pin-on badge or wrist band while travelling. Public transport staff who've completed Sunflower training can wear Sunflower supporter badges to signal that they understand and support the needs of passengers with hidden disabilities.

The PTO is a member of the Hidden Disabilities Sunflower program. Our complaints-handling and communications teams completed Sunflower training in April 2023. This has equipped our staff with a deeper understanding of the challenges faced by public transport users with hidden disabilities, and enabled the PTO to play a more effective role in promoting the Sunflower as an option for consumers with hidden disabilities.

CASE STUDY: LINH'S STORY

Linh is a lived experience advocate for people with autism spectrum disorder (ASD) and sensory processing issues. She commutes to work on a V/Line train and is a frequent user of V/Line's quiet carriages.

Linh told us that passengers in quiet carriages often talk loudly or listen to audio devices without headphones. Conductors don't address these behaviours, even when she's asked them to.

Even though V/Line's quiet carriages didn't consistently meet Linh's expectation of a 'quiet zone', she felt they had the potential to help V/Line offer a more accessible service for people with sensory processing issues.

To raise this issue with V/Line, Linh submitted an enquiry. She asked V/Line to clarify the purpose of the carriages and explain why quietness wasn't enforced. She also asked V/Line if it had considered other approaches to accommodating service users with ASD and/or sensory processing issues.

In their response, V/Line explained that quiet carriages are a customer-regulated initiative, i.e.: passengers volunteer to speak softly and mute their devices. They said 'quiet courtesy behaviours' were encouraged through on-board announcements prior to service departure. V/Line confirmed that conductors don't enforce these behaviours, which it said was related to the fact that public transport operators aren't permitted to ban or eject passengers for behavioural issues or offences.

WHY DID LINH COMPLAIN TO THE PTO?

Linh noted that V/Line's response didn't answer her question about the purpose of quiet carriages, and she didn't recall ever hearing on-board announcements. V/Line's response also didn't address her query about what initiatives were either in place, or had been considered, to accommodate passengers with sensory processing issues.

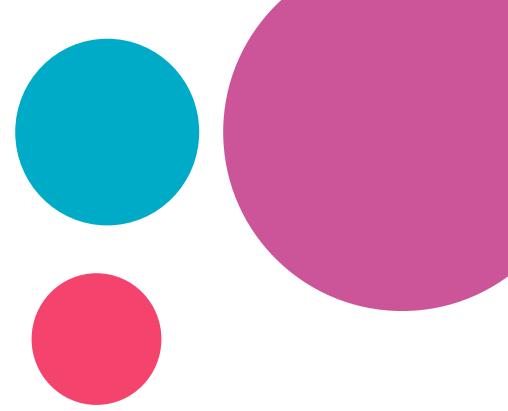
Linh decided to contact the PTO for assistance.

HOW DID THE PTO HANDLE LINH'S COMPLAINT?

Our first step was to speak with Linh and ask her questions, to get a clear understanding of the aims of her original enquiry and the issues she wanted addressed.

In this initial conversation, Linh told us she thought that public information about quiet carriages gave people unrealistic expectations about how quiet they would be. She said this had the potential to cause issues for passengers with ASD, because some people with ASD may become agitated or distressed if their expectations are disrupted or 'rules' aren't followed.

Linh also explained to us that she was seeking to 'test' her belief that quiet carriages were a 'missed opportunity' to provide a more accessible service. This is why she was asking V/Line to clarify its purpose. If the purpose wasn't to support people with disabilities, was there an opportunity to make this a focus?



Our next step was to work with Linh to clarify how she wanted V/Line to resolve her complaint and help her formulate resolution options for V/Line to respond to. Her preferred resolution outcomes included:

- a meeting with V/Line's Accessibility Manager to discuss her ideas and concerns
- for V/Line to advise whether its frontline staff received disability support training that included the voices of people with lived experience of disability.

We were also able to make Linh aware of the Hidden Disabilities Sunflower program. Linh decided that she wanted to wear a Sunflower lanyard while using public transport. She also wanted to give employees at the disability support organisation she runs the option to wear a lanyard too. We posted 10 Sunflower lanyards to Linh and her staff.

WHAT WAS THE OUTCOME?

In its response to Linh's complaint, V/Line advised that the purpose of quiet carriages is to give all passengers the option to travel in a quieter environment.

V/Line also committed to undertake the following, in response to Linh's complaint:

- to review its website content, to ensure quiet carriage information was clear and passengers know what to expect
- to review the frequency and content of on-board announcements, to help promote quiet carriage awareness and the courtesies passengers should observe when using them
- to arrange a conversation between Linh and V/Line's Accessibility Manager.

V/Line also confirmed that:

- all frontline staff had completed Hidden Disabilities Sunflower training
- V/Line's disability awareness and accessible communications training was co-facilitated by people with lived experience of disability.



OUR BOARD



KAY RUNDLE

Chair

Kay is an experienced board chair and CEO with an extensive background as a former local government CEO who has held several directorships and chair appointments. She was the first woman to be appointed CEO of the Cities of Maribyrnong and Greater Geelong and was most recently CEO of the City of Port Phillip. An executive coach, Kay works with CEOs in government, hospitals and schools. Kay has qualifications in social work and information technology and holds an MBA.



LLEWELLYN PRAIN

Consumer Director since January 2016

Llewellyn is an experienced company director with a background in law and public policy. Her directorships have spanned the health, infrastructure and disability sectors, and she is an AICD Fellow. Alongside senior roles in a number of government agencies she ran her own business for seven years. Llewellyn has a vision impairment and is an advocate for disability inclusion and accessibility. In 2021 she received a Victorian Disability Award in the emerging leader category.



GLENYYS ROMANES

Consumer Director since January 2018

Glenyys is an AICD Graduate, who has held roles across all tiers of government including with the Victorian Parliament, Commonwealth Ombudsman, and as a 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 responsible for the implementation of Plan Melbourne. Throughout her career, Glenyys has maintained a keen interest in public transport, planning, housing and environmental sustainability. She travels mainly by public transport and bicycle.



ANDREW DIX

Consumer Director since August 2022

Andrew started his career at Price Waterhouse in external audit before he held senior roles at Telstra for more than 20 years across business, finance, risk, assurance and compliance. After leaving Telstra he embarked on a non-executive career with positions on boards and audit and risk committees for several federal, state, and local government organisations including Services Australia, Bureau of Meteorology, Department of Justice, and the Cities of Monash, Manningham and Melbourne. Current board appointments include NBN Co., Western Leisure Services, and the Public Transport Ombudsman, where he also chairs their audit and risk committees.

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.



ADELE McCARTHY

Industry Director (Yarra Trams) since February 2021

Adele McCarthy is Chief Development Officer at Yarra Trams, leading advice on future plans, projects and innovations and overseeing project delivery and infrastructure maintenance. Adele established and led the Planning and Precincts Division of the Suburban Rail Loop Authority, headed up the inaugural state-wide 30-year infrastructure strategy as Director of Strategy at Infrastructure Victoria, and drove the Metro Tunnel Project through its planning and development phases as Project Director.



PETE GLEESON

Industry Director (Metro Trains) since January 2022

Pete Gleeson is the Executive Director – Projects at Metro Trains Melbourne. He has more than 20 years of experience in managing and planning large scale rail projects in complex brownfield rail environments with safety underpinning all aspects of delivery. Pete worked with London Underground for more than six years before his 15-year stint at Metro Trains Melbourne. He holds a Bachelor of Civil Engineering (Hons), is a Fellow of the Institute of Engineers Australia and a Graduate Member of the AICD.



PETER KAVANAGH

Industry Director (BusVic) since January 2023

Peter Kavanagh is a lawyer who has worked across the private and public sectors, advising clients on a range of issues including governance issues and arrangements, corporations law, transport and roads law, industrial law, intellectual property and technology law, privacy law, and the development of legislation. Peter is the General Counsel and Director of Member Services and Government Relations at the Bus Association of Victoria Incorporated (BAV), and a director of two BAV-owned companies.



BERNARD STUTE

Company Secretary

Bernard is a senior executive who has been leading commercial, finance, risk and audit, procurement and legal divisions in the private and public sectors for more than two decades. He has been Company Secretary at the PTO since the establishment of the office and boasts extensive experience in public transport, critical infrastructure and property development in senior public sector roles spanning his career. Bernard is also a qualified lawyer who has worked in private practice with large law firms.

APPROACHES WITH ISSUES BY MEMBER

BUSVIC 2022-23	
Conciliations	23
Investigations	1
Member Complaints	69
Member Enquiries	2
Total	95
Top Issues Within Approaches	
Staff	149
Service Delivery	87
Buses	25

KINETIC 2022-23	
Conciliations	16
Investigations	0
Member Complaints	80
Member Enquiries	14
Total	110
Top Issues Within Approaches	
Service Delivery	138
Staff	120
Buses	41

METRO TRAINS MELBOURNE 2022-23	
Conciliations	64
Investigations	11
Member Complaints	390
Member Enquiries	166
Total	631
Top Issues Within Approaches	
Service Delivery	423
Staff	284
Land and Infrastructure	258

RAIL PROJECTS VICTORIA 2022-23	
Conciliations	10
Investigations	0
Member Complaints	11
Member Enquiries	3
Total	24
Top Issues Within Approaches	
Land and Infrastructure	45
Staff	27
General Enquiry	2

CDC VICTORIA 2022-23	
Conciliations	0
Investigations	0
Member Complaints	29
Member Enquiries	0
Total	29
Top Issues Within Approaches	
Service Delivery	56
Staff	33
Buses	4

LEVEL CROSSING REMOVAL PROJECT 2022-23	
Conciliations	28
Investigations	9
Member Complaints	35
Member Enquiries	3
Total	75
Top Issues Within Approaches	
Land and Infrastructure	123
Staff	71
Accessibility	8

PUBLIC TRANSPORT VICTORIA (DTP) 2022-23	
Conciliations	172
Investigations	2
Member Complaints	527
Member Enquiries	212
Infringement matters	227
TOTAL	1,140
Top Issues Within Approaches	
Ticketing (myki)	840
Staff	539

SKYBUS 2022-23	
Conciliations	9
Investigations	0
Member Complaints	22
Member Enquiries	16
Total	47
Top Issues Within Approaches	
Ticketing	41
Staff	23
Service Delivery	14

A consumer's approach to the PTO may involve one or more public transport-related issues, which the PTO logs and tracks separately.

SOUTHERN CROSS STATION 2022-23	
Conciliations	4
Investigations	0
Member Complaints	14
Member Enquiries	14
Total	32
Top Issues Within Approaches	
Land and Infrastructure	24
Staff	11
General Enquiry	10

TRANSIT SYSTEMS VICTORIA 2022-23	
Conciliations	5
Investigations	3
Member Complaints	24
Member Enquiries	0
Total	32
Top Issues Within Approaches	
Staff	42
Service Delivery	31
Buses	15

VICTRACK 2022-23	
Conciliations	1
Investigations	0
Member Complaints	11
Member Enquiries	11
Total	23
Top Issues Within Approaches	
Land and Infrastructure	20
General Enquiry	8
Staff	3

YARRA TRAMS 2022-23	
Conciliations	19
Investigations	1
Member Complaints	175
Member Enquiries	20
Total	215
Top Issues Within Approaches	
Staff	170
Authorised Officer	78
Service Delivery	77

SUBURBAN RAIL LOOP AUTHORITY* 2022-23	
Conciliations	0
Investigations	0
Member Complaints	1
Member Enquiries	2
Total	3
Top Issues Within Approaches	
Staff	2
Land and Infrastructure	1
Service Delivery	1

VENTURA 2022-23	
Conciliations	6
Investigations	1
Member Complaints	59
Member Enquiries	6
Total	72
Top Issues Within Approaches	
Staff	92
Service Delivery	70
Buses	20

V/LINE 2022-23	
Conciliations	55
Investigations	5
Member Complaints	227
Member Enquiries	98
Total	385
Top Issues Within Approaches	
Service Delivery	366
Staff	259
Ticketing	99

* Suburban Rail Loop Authority became a member of the PTO Scheme in March 2023.

SUMMARY FINANCIAL REPORT

The following is a concise version of the Financial Report for the Public Transport Ombudsman Ltd. for the year ending 30 June 2023. 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 2023 was \$1,848,377.

This was derived from the following sources:

- Annual Levies from Members: \$1,840,942; and
- Other Income (Interest): \$7,435

OPERATING EXPENSES

Operating Expenses for the period ending 30 June 2023 were \$2,022,205. The majority of operating expenses were employee benefits (\$1,511,130), telephone and IT expenses (\$136,444), Depreciation and Amortisation expenses (\$137,320) and consultancy expenses (\$51,584).

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 2026.

DISCUSSION AND ANALYSIS OF THE STATEMENT OF FINANCIAL POSITION

TOTAL ASSETS

Total assets increased by \$33,892 during the period due primarily to an increase in total current assets of \$127,360 and a decrease in non-current assets of \$93,468.

TOTAL LIABILITIES

Total Liabilities increased by \$207,722 during the period. This is due to an increase in total current liabilities of \$331,032 and a decrease in total non-current liabilities of \$123,310.

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 \$1,081,433. This was derived from:

- Cash inflow from operating activities (\$691,143)
- Cash outflow from investing activities (\$422,990)
- Cash outflow from financing activities (\$91,416); and
- Cash and cash equivalents at the beginning of financial year \$904,696.

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 2023

	2023 \$	2022 \$
Revenue	1,848,377	1,977,349
Expenses		
Employee benefits expense	1,511,130	1,349,728
Depreciation and amortisation expense	137,320	33,786
Occupancy costs	39,792	168,112
Telephone and IT expenses	136,444	117,955
Consultancy expenses	51,584	59,430
Other expenses from ordinary activities	145,935	119,756
Surplus before income tax expense	(173,828)	128,582
Income tax expense	-	-
Total Comprehensive Income for the year	(173,828)	128,582

BALANCE SHEET

As at 30 June 2023

	2023 \$	2022 \$
Current Assets		
Cash and cash equivalents	1,081,433	904,696
Financial Assets	386,024	-
Trade and other receivables	773,859	1,269,834
Other Assets	61,717	1,143
Total Current Assets	2,303,033	2,175,673
Non-Current Assets		
Property, plant and equipment	252,148	334,967
Intangible Assets	15,773	26,420
Total Non-Current Assets	267,921	361,387
Total Assets	2,570,954	2,537,060
Current Liabilities		
Trade and other payables	238,688	172,217
Provisions	-	-
ROU Asset Liability	108,531	102,949
Employee benefit liability	196,805	139,950
Other liabilities	1,116,913	914,789
Total Current Liabilities	1,660,937	1,329,905
Non-Current Liabilities		
Provisions	28,157	28,158
ROU Asset Liability	106,878	215,409
Employee benefit liability	1,445	16,223
Total Non-Current Liabilities	136,480	259,790
Total Liabilities	1,797,417	1,589,695
NET ASSETS	773,537	947,365
Equity		
Retained surplus	773,537	947,365
Total equity	773,537	947,365

STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2023

	2023 \$	2022 \$
Total Equity at the beginning of the financial year	947,365	818,783
Total comprehensive income for the year	(173,828)	128,582
Total Equity at the end of the financial year	773,537	947,365

STATEMENT OF CASH FLOW

For the year ended 30 June 2023

	2023 \$	2022 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts from Members	2,519,246	1,527,264
Payments to suppliers and employees	(1,834,197)	(1,705,845)
Other Income	-	-
Interest received	6,094	9,967
Net cash inflow from operating activities	691,143	(168,614)
CASH FLOWS FROM INVESTING ACTIVITIES		
Payments for office equipment	(36,966)	(10,873)
Payments for intangible assets	(386,024)	-
Net cash outflow from investing activities	(422,990)	(10,873)
CASH FLOWS FROM FINANCING ACTIVITIES		
Lease liability	(83,311)	(122,203)
Interest	(8,105)	(2,655)
Net cash outflow from financing activities	(91,416)	(124,858)
Net increase in cash and cash equivalents	176,737	(304,345)
Cash and cash equivalents at the beginning of financial year	904,696	1,209,041
Cash and cash equivalents at the end of financial year	1,081,433	904,696



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TRANSPORT
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CONTACT US

TELEPHONE

1800 466 865

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

National Relay Service (NRS)

Provide 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](#).

EMAIL

enquiries@ptovic.com.au

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