
Review of Arrangements

Authorised Officers Employed by Public Transport Operators

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SECTION 1

INTRODUCTION

Following the release of the Victorian Parliamentary Law Reform Committee Report on its Inquiry into *The Powers of Entry, Search, Seizure and Questioning by Authorised Persons*, the Honourable Peter Batchelor, Minister for Transport issued a media release in June 2002 indicating that the Government:

- wants to ensure that the travelling public has confidence in the role and powers of public transport inspectors
- would respond constructively to the recommendations of the Parliamentary Law Reform Committee recommendations
- will examine current operating procedures in a range of situations; selection criteria for inspectors; public complaints regarding the conduct of inspectors and the systems employed to oversee and supervise the process; and
- will assess the training of inspectors and identify areas in which re-training would be beneficial to ensure inspectors are able to deal effectively with all passengers on the system.

The Minister also advised that the Department of Infrastructure had been working with the Privacy Commissioner to develop guidelines to control the collection, use and disposal of private information as part of the public transport compliance process.

It was agreed with train, tram and bus operators that an independent consultant would be engaged to examine these issues against the Terms of Reference set out below.

TERMS OF REFERENCE

Examine:

Recommendations made by the Law Reform Committee of the Victorian Parliament in its Report (May 2002) on the Powers of Entry, Search, Seizure and Questioning by Authorised Persons (particularly those in Chapter 7) on the Powers of Public Transport Inspectors.

Authorised Officer Work Instructions

- National Express Group

Customer Service Employees Work Procedures

- Connex Trains

Revenue Protection Unit Operating Procedures

- Yarra Trams

Division 4AA - Authorisation of Persons for the Purposes of Enforcement – in the Transport Act 1983 which sets out responsibilities of the Secretary, Department of Infrastructure.

Reports on Complaints Handling Procedures (currently in draft form) where relevant to the conduct of authorised officers.

Records maintained by Operators (train, tram and bus) and the Department of Infrastructure on complaints about the conduct of authorised officers.

Systems employed by the Department of Infrastructure to oversee and supervise the conduct of authorised officers.

Provide Advice and Recommendations on:

- Current arrangements for the engagement, training and authorisation of authorised officers including adequacy of:
 - selection criteria
 - training provided by Operators (train, tram and bus) and the Department of Infrastructure before and after authorisation
 - supervision, particularly in the field.
- Current procedures for the conduct of enforcement activities by authorised officers including:
 - on board trains
 - on board trams
 - on board buses
 - at stations
 - off system
 - seeking Victoria Police assistance

Develop

- A common set of Protocols and Work Procedures for Authorised Officers across the public transport system.

Consultation will be required with:

Bus Association Victoria
Connex Trains Melbourne
Consumer Law Centre
National Express Australia
Public Transport Users Association
Rail Tram and Bus Union (RTBU)
Transport Workers Union (TWU)
Victoria Police
Victorian Privacy Commissioner
Yarra Trams

Any priority actions required should be highlighted for early attention.

CONSULTANT

Dunluce Services who specialise in matters relating to transport regulation were appointed to carry out the review.

The review has included consultation with each of the parties listed above and with officers of the Public Transport Division, Department of Infrastructure (DOI). Time was spent travelling the train, tram and bus networks and in observing the day to day activities of authorised officers; this included discussions with supervisory staff. On 29 October 2002 a summary of first draft recommendations was provided to train, tram and bus operators and the RTBU for consideration. Responses received have been taken into account in finalising this report.

For reporting purposes the term *public transport operator* or *operating company* is generally used to describe a private train or tram franchisee operating under a Franchise Agreement with the Director of Public Transport and a private bus company operating under a Transport Service Agreement with the Director.

BACKGROUND

At the outset it is important to understand the authority which may be exercised by authorised officers who are referred to variously as ticket inspectors, inspectors, revenue protection officers or customer service employees. Under the provisions of Division 4AA, Part 7 of the Transport Act, the Secretary, Department of Infrastructure (DOI) may authorise persons to exercise the following powers:

- serve infringement notices for ticket or other offences
- require a person to state his or her name and address
- request a person to provide evidence of the correctness of name and address
- detain or arrest a person if necessary to:
 - ensure appearance of the person at court
 - preserve public order
 - prevent continuation or repetition of an offence; or
 - ensure the safety or welfare of the public or the person concerned
- remove a person and that person's property from a bus, train or tram or from company premises or property
- require a person to produce a valid ticket and proof of entitlement to a concession fare entitlement
- prosecute offences for:
 - smoking on a train, tram, bus or property
 - protruding from a door or window of a train or boarding or leaving a train while it is in motion
 - trespassing or crossing a railway line other than at a crossing or when signals at a crossing are operating
 - damaging or defacing property including writing graffiti

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- placing feet anywhere other than on the floor

Under the Transport Act (Infringement) Regulations 1999 and the Transport (Passenger and Rail Freight) Regulations 1994 authorised officers have the power to prosecute a wide range of offences additional to the above - see Appendix 1. The powers of authorised officers under the Transport Act itself are also described in more detail in Appendix 1.

In practice authorised officers employed by an operating company carry out enforcement duties. Authorised officers employed by DOI conduct the prosecution of offences.

VICTORIAN PARLIAMENTARY LAW REFORM COMMITTEE

In its Report on the *Powers of Entry, Search, Seizure and Questioning by Authorised Persons* released in May 2002, the Committee made a number of recommendations relating to the purpose, effectiveness, fairness and consistency of legislative provisions granting powers to authorised persons. Chapter 7 of the Report was dedicated to the *Powers of Public Transport Inspectors* and the Committee expressed a view that *the powers of public transport inspectors to request a name and address and to detain and arrest under the Transport Act 1983 are without doubt the most controversial inspector's powers the Committee encountered during the Inquiry*. It reported on enforcement philosophy, fare evasion and infringement notices, detention and arrest powers, privacy issues, impact of the current transport system on the use of an inspector's powers and further areas for reform and made 19 recommendations (see Appendix 2) that related specifically to the powers exercised by authorised officers employed by public transport operators. The recommendations relevant to this review are:

Recommendation 51

Transport Companies ensure that they maintain a consistent and even-handed approach to the enforcement of the Transport Act 1983, in particular by training transport inspectors not to target particular groups of the Community

Recommendation 52

Transport Companies ensure that transport inspectors receive training in how to deal appropriately with people who do not speak English as a first language, people with an intellectual disability, and those who rarely use the public transport system

Recommendation 54

the distinction between detention and arrest in the Transport Act 1983 be clarified to differentiate the circumstances under which the powers can be exercised and to more clearly define the persons who can exercise these powers

Recommendation 55

the Transport Act 1983 be amended to allow inspectors to detain persons only for the purpose of asking for their names and addresses where the inspector suspects on reasonable grounds that an offence against the Act has been or will be committed, and for obtaining verifying information

Recommendation 56

the Transport Act 1983 be amended to require that inspectors use the power of arrest rather than detention, on the grounds that the person has committed an offence under the Act, where a person refuses to give a name and address or where the inspector suspects on reasonable grounds that the information given is false and it is not subsequently verified

Recommendation 57

Transport Company inspectors receive mandatory training prior to accreditation on the use of detention and arrest powers, including the application of section 464 of the Crimes Act 1958 to arrest situations, and that they receive ongoing training as a condition for retaining accreditation

Recommendation 58

Transport Companies develop or improve transport system design and procedures to assist people to comply with their obligation to buy a ticket under the Transport Act 1983

Recommendation 59

Transport Companies develop or improve procedures which provide inspectors access to frequently updated lists of out of order ticket machines

Recommendation 60

only where reasonable attempts have been made to verify a passenger's claims that a machine is not functioning should inspectors ask for a name and address

Recommendation 62

the Transport Act 1983 be amended to allow authorised officers to demand verification of names and addresses of passengers where they believe on reasonable grounds that the passenger has given a false name and/or address

Recommendation 63

subsequent to the Act being amended as per Recommendation 62, signs be placed at stations, trams and bus stops informing passengers of their obligation to verify their name and address if they are found without a valid ticket on public transport

Recommendation 64

any verification information establishing true identity be sighted only and not recorded

Recommendation 68

the Government give consideration to introducing a common identification badge for authorised officers employed by the Transport Companies

PRIVACY REQUIREMENTS

The Office of the Victorian Privacy Commissioner (Privacy Victoria) is an independent Statutory Office established by the Information Privacy Act 2000. The Act came into effect on 1 September 2001. Its objectives are to:

- balance the public interest in the free flow of information with the public interest in protecting the privacy of personal information in the public sector
- promote awareness of responsible personal information handling practices in the public sector; and
- promote the responsible and transparent handling of personal information in the public sector.

The functions of the Commissioner are broad and include advice, research, education, investigation, conciliation and enforcement. The Information Privacy Act establishes a regime for the protection of personal information through ten information privacy principles. These principles (set out in Schedule 1 to the Act) govern the collection, use, storage and destruction of personal information.

The privacy principles apply to all Victorian public sector organisations and, in some cases, their contracted service providers. Where there is a clause in a Government contract with a service provider requiring compliance with the privacy principles, the service provider is directly liable for a breach of the principles. In the absence of such a clause, the outsourcing public sector organisation is bound by the actions of the contracted service provider as if it were providing the service. At present there are no clauses in the franchise agreements with the train and tram operators or contracts with bus operators requiring compliance with the privacy principles. In these circumstances the Director of Public Transport in DOI is the contracting party and is liable for operating company compliance with the privacy principles under the Act.

In his comments in response to the Inquiry by the Parliamentary Law Reform Committee, Mr Paul Chadwick, the Victorian Privacy Commissioner referred to:

- certain aspects of authorised officer powers to request name and address information
- the need for authorised officers to be clearly identified
- the need for consistency with the Information Privacy Principles
- the need for all persons from whom name and address information is sought (by authorised officers) to be supplied with a carbon copy of the information that is recorded about them by an authorised officer
- the need for authorised officers to provide a generic leaflet, which explains in plain language, the relevant law, the investigation and enforcement procedure and the right to have access and to seek correction of information held about them
- verification procedures; and
- the type of detail that should be included in the Privacy Information slip

SECTION 2

THE REVIEW

The Terms of Reference are broad-ranging and call for matters raised in the Parliamentary Law Reform Committee Report and by the Information Privacy Act to be considered where they are relevant.

The issues to be addressed concern the role of staff appointed as authorised officers and matters of process and procedure respectively. They centre almost entirely on authorised officer activities as exercised on metropolitan train and tram services. As bus drivers issue or check tickets for all trips, the role of authorised officers on buses is quite different to that applying on trams and trains. Ticketing on country passenger trains and road coaches are dealt with in the main by conductors and drivers respectively. For these reasons the report is heavily weighted towards what happens on metropolitan trains and trams.

The issues concerning authorised officers relate to their:

- Engagement
- Training and Supervision
- Authorisation
- Public Acceptance and Credibility

Matters of Process and Procedure relate to:

- Operational Procedures
- Privacy Requirements
- Reporting of Offences

ENGAGEMENT

Following the franchising of public transport in 1999 three companies - National Express Group Australia, Connex Trains Melbourne and Yarra Trams - assumed responsibility for operation of metropolitan train and tram services. Each company has its own philosophy and approach to the engagement of staff for authorised officer duties. Two companies use external agencies for initial selection and short-listing, the other uses internal resources.

Currently there are 515 staff employed by train, tram and bus companies who have been authorised by DOI to exercise the powers of an authorised officer under the Transport Act. Staff turnover has been modest with Connex Trains and Yarra Trams losing and replacing some 14 staff in the twelve months to December 2002. National Express engaged 130 additional staff in 2002 as part of a strategy to expand ticket enforcement and fare blitz activities.

Yarra Trams place a clear emphasis on revenue protection with authorised officers generally engaged and employed as full-time Revenue Protection Officers. The other operators employ staff as Customer Service Employees with authorised officer responsibilities being either full-time or part of a wider set of duties depending on overall work program requirements. This is the case for example with Roving Safety Officers (Train Patrollers) employed on metropolitan train services and Tram Attendants (Roving Conductors) on tram services where the authorised officer component of the job tends to be secondary or a back-

up to the conduct of safety surveillance patrols on trains and stations or advice and assistance to passengers on trams and at major tram stops.

Processes for the selection of staff include interview, previous employment and reference checks, psychological and literacy assessments and a police check which identifies any offences committed in Australia. These processes are comprehensive to a point but they do not focus on the wider role expected of authorised officers in the current environment. They are based on the traditional inspector role applied by previous Government owned entities. Revenue protection and enforcement of the Transport Act was their only function. While this role is important it needs to be considered in concert with the customer service requirement (which the title of the job used by most operator implies) and which needs to be a key focus of job selection criteria. While it may be difficult to correlate customer service (or just plain service) with enforcement/compliance requirements it is not impossible and can be achieved if attention is given in some detail to the service aspects of the job in the selection and testing of candidates prior to their engagement.

The full extent of the role including a clear onus on service responsibilities needs to be articulated. While customer service per se may include providing advice and assistance to people, handing out information, etc the concept is much more than the work or tasks actually performed. Service in its wider sense can be provided by staff (authorised officers) primarily engaged in revenue protection and enforcement by the approach and attitude they adopt. It can be delivered through an approach which generally:

- makes people who do or might use public transport comfortable rather than uncomfortable about the way officers go about their job
- provides a presence which contributes to a sense that personal safety of passengers is important
- lets people know that their custom is appreciated; and
- conveys a positive impression about the image and reputation of public transport

Difficult situations requiring officers to exercise their powers in an authoritative manner will always be a part of the job and they need to be equipped for this aspect. The personal characteristics and experience necessary for the whole job must cater for that part as well. Perhaps the requirements for the job can best be described by the old adage, *an iron fist in a velvet glove*. Authorised officers do have considerable powers and unless people with the appropriate characteristics and experience are engaged and given the appropriate training and supervision there is a risk that the *power over people principle* will be the driver that determines the approach taken on the job.

While enforcement activities may influence approach and attitudes adopted on the job, the initial assessment and selection of staff is most important to ensure that the right people are engaged in the first place. Articulation of the role and personal criteria required is critical for that purpose.

While it may be seen to be incidental, job title is important in publicly presenting the authorised officer role. Customer Service Employee and Revenue Protection Officer are the most commonly used titles applied at present. Neither is really appropriate. Given the powers exercised and the need for public status, *Officer* is more appropriate than *Employee* and *Service* rather than *Customer Service* or *Revenue Protection* comes closer to encapsulating the concept of service provision with a compliance role. A standard title of

Service Officer or its application to the different modes as *Train Service Officer*, *Tram Service Officer* or *Bus Service Officer* are options that could be considered.

RECOMMENDATIONS

1. For the purposes of selecting staff to be appointed to positions exercising the powers of an authorised officer:
 - articulate the broader inherent responsibilities which an authorised officer has to:
 - enhance the image of public transport
 - contribute to the safety and security of people using public transport; and
 - provide service and information assistance and advice to people
 - specify the range of activities/duties to be performed, entry qualifications and experience required, personal attributes necessary and reference and character checks to be completed; and
 - review psychological and other tests used in the selection process to ensure that they are compatible with the role and personal attributes required
2. Adopt a common job title which reflects the role and avoids confusion from a public point of view through use of various formal and informal titles; *Service Officer* or *Train, Tram or Bus Service Officer* could be considered.

The draft recommendations circulated to operators and the RTBU on 29 October 2002 included proposals that:

- authorised officers should be known universally as *Public Transport Inspectors* to better identify the role from a public point of view
- there be a twelve month probationary period for people appointed as authorised officers; and
- a single agency should be contracted to recruit authorised officers for all public transport operators to ensure selection consistency.

Responses received can generally be summarised along the lines that:

- as they are employees of a passenger transport company, authorised officers must have a title that centres on customer service, that the public perception of their role must be improved and that it would be a backward step to return to job titles such as Inspector, Investigation Officer, etc
- existing arrangements for the engagement and appointment of staff already provide for a period of probation (generally six (6) months) during which performance determines whether or not an appointment is confirmed; these arrangements combined with DOI requirements for a review of performance at the end of the first year of authorisation (see page 16) are sufficiently comprehensive; and

- operators see engagement of staff as their responsibility, that use of a single agency to recruit authorised officers would shift responsibility for engagement of the *right* people to a third party and that the concept of customer service tailored to individual train, tram or bus businesses would be difficult to achieve; similar arguments are raised in response to suggestions that all authorised officer staff be employed by a single entity such as the Revenue Clearing House with a primary objective to maximise revenue through use of authorised officer powers.

For these reasons those particular draft recommendations have not been adopted in this final report.

TRAINING

Training of staff engaged to be authorised officers is completed prior to commencement of enforcement duties. Subsequent development is gained through a combination of work experience and some very limited refresher training.

Current **training and orientation** programs have two components, one provided by the employing company, the other by DOI. Duration varies by company from three to five weeks (including a one week DOI component). Content varies according to company philosophy and approaches to revenue protection and occupational health and safety. It includes a classroom training syllabus and field training which involves practice on trams or trains. Classroom training covers:

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|--|---|
| - Communication/Conflict Management | - First Aid |
| - Company Induction including Image, Expectations, Organisation and Management | - Occupational Health and Safety |
| - Customer Service including Customers with Special Needs | - Product Knowledge and Ticketing |
| - Equal Opportunity | - Role and Responsibilities - Work Instructions |
| - Equipment (mobile telephones, radio) and Vehicle Usage | - Scenario Training/Role Playing |
| | - Tram or Train Safety |

Field training tailored to train or tram operations is based on:

- familiarity with operations including line/route knowledge
- observation of ticket inspection activities including active witnessing
- briefing by Victoria Police, Transit Safety Division
- presentations by senior staff on experiences
- deployment with experienced authorised officers on ticket inspection activities.

The five day Law and Procedure Course provided by DOI is classroom based and focuses on legal and procedural matters related to enforcement of the Transport Act and Regulations. Course modules include:

- | | |
|--|--|
| - Introduction to Law | - Use of Force |
| - Authority Granted to Authorised Officers | - Police Attendance |
| - Ticket and Other Offences | - Crime Scenes |
| - Verification of Name and Address | - PERIN (Penalty Enforcement by Registration of Infringement Notice) |
| - Reporting of an Offence | - Court Procedures |
| - Evidence/Statements | |
| - Detention/Arrest Procedures | |

Participants are required to sit an examination at the end of the DOI Course. Satisfactory completion of the examination is a pre-requisite for a candidate to be considered for authorisation by the Secretary, DOI to exercise the powers of an authorised officer.

While the franchise arrangements with train and tram operators have been operating for three years, working procedures and training for authorised officers (including the DOI course) are generally those applied by the Public Transport Corporation (PTC) and which have been in place for many years. The DOI Course provides primary *legal* training. It is a core component of the training and orientation program although its place in the overall program is determined more for convenience rather than as part of a balanced and integrated total training program for prospective officers. The Course Handbook (with the exception of updates to reflect legislative change) is essentially the same as it was for authorised officers employed by the PTC and its predecessors. It has become a manual for authorised officers and is used for reference purposes by trainees and supervisors. While much of the content of the Course and the Handbook remains relevant both need to be updated to recognise the wider role of the job and to reflect the requirements of privacy legislation.

The training and orientation program provided by the companies is comprehensive in terms of the traditional authorised officer role of enforcement and revenue protection although the variance in duration from two to four weeks by company is a reflection of the different standards applied to orientation. It also needs to be updated for privacy requirements and alignment with the wider service role seen as part and parcel of the job. Training in step-by-step processes and role-playing components need to be extended. Situations that an authorised officer may confront on the job tend to be given limited treatment due to time pressures.

Sensitive aspects of the role such as dealing with conflict, people with English as a second language, the disadvantaged and people with disabilities require a specific focus and attention to ensure that they are appropriately and sympathetically covered in company training and orientation.

Selection and engagement processes need to be matched by an introductory training program which provides prospective authorised officers with the knowledge they require and an approach to the job which equips them to handle the public service role and the difficult situations which can arise in the conduct of enforcement activities.

Where an offence is detected and reported, the desirable outcome is a situation where the person concerned acknowledges that *he or she has not complied with the law but has been treated fairly, politely and with respect by the authorised officer(s) concerned. Importantly people who witness such instances would also feel that the matter was handled professionally and with respect for all concerned.*

On-the-Job Training and Supervision : Training and orientation combined with early field experience tends to determine the approach which new officers will apply to the job for the longer term. Attitude, aptitude and behaviour are generally moulded in this period. New staff are significantly influenced by first experiences.

Field arrangements are critical to the development of officers. Current approaches to the supervision of authorised officers in the field differ between the companies with some having a *nominated officer* in charge of each team in the field. The nominated person may not have more experience than other members of the team. In other cases operational teams have a clearly designated team leader accountable for team activities; the team leader is normally a senior person with some years of experience.

The National Express companies with a large number of new officers (introduced since January 2002) have had practical problems matching new staff with experienced team leaders for field operations.

The complexities of the role and the potential for difficult situations to arise are such that each team requires an experienced leader accountable for team performance and the development of new or less experienced officers. Appointment of team leaders directly responsible for the performance of operational teams in the field is essential. In each team, one officer with experience, leadership qualities and a mature approach to problem solving would assume this role.

Refresher Training : Each company has job *evaluation/appraisal* systems in place to review the performance of each officer. In cases where a need is identified for further attention to be given to legal aspects, individual officers repeat the one week DOI course. Other than that there does not appear to be any formal *away from-the-job* refresher training provided. This is an aspect that should be examined to assess the value of bringing staff in from the field for training renewal and to review experiences and performance on the system on a regular or systematic basis.

Apart from the large intake of new staff last year by the National Express Group, a large core of the authorised officer group are long-term employees who transferred to the train and tram companies from the PTC. Refresher/renewal training would provide an opportunity for these staff to be briefed on the wider role expected of them and on company expectations.

The Customer Service Charter is a contract requirement for each company and is designed to explain what a customer can expect from the Company as well as the obligations of customers. It is important that authorised officers are fully briefed on its content and objectives. For this purpose it should be included as a specific component in training and orientation programs and in follow-up refresher training.

In summary a professional review of authorised officer training needs should be undertaken by appropriate specialists to design and develop a curriculum and structure to cover all facets for their:

- initial training and orientation; and
- development on-the-job including follow up training

The restructure should encompass elements to be provided by operators and by DOI to ensure that the total program is focussed and integrated.

To achieve and uphold the appropriate standards and quality of training the public transport operators and DOI should seek accreditation of the training courses through the Transport and Distribution Industry Training Board under the auspices of the State Training Authority and apply to become Registered Training Organisations (RTOs) for the purpose of providing the program.

RECOMMENDATIONS

3. Training provided by the public transport operators and DOI for staff to be engaged as authorised officers be reviewed to:
 - provide an integrated curriculum and structure (both classroom and field-based) which meets the redefined job requirements and DOI accreditation criteria
 - recognise the particular needs of each mode - train, tram and bus; and
 - address the following areas of knowledge and skill:
 - communication skills
 - interpersonal skills
 - service concepts
 - role and powers of authorised officers
 - risk management
 - decision making
 - conflict management
 - the Customer Service Charter
 - the Transport Act and Regulations
 - the Information Privacy Act and Principles
 - legal enforcement including detention and arrest
 - court procedures
 - interaction with young people, older people, people with disabilities, people who do not speak English as a first language, visitors to Melbourne and tourists
 - occupational health and safety

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4. Programmed renewal training (away from the field) be introduced to provide authorised officer staff with regular skill and knowledge updates; this training needs to:
 - be integrated with follow-up legal training provided by DOI
 - give priority to the needs of long serving staff; and
 - be acceptable to DOI as a pre-requisite for the authorisation of officers to be revalidated
 5. Professional educational and training experts be engaged to design and develop the training packages required; the Victoria Police be consulted for input to the program particularly on enforcement including detention and arrest
 6. Training courses be accredited by the State Training Authority and public transport operators and DOI seek registration to be approved providers (Registered Training Organisations)
 7. A team leader accountable for the performance of each team of officers be a standard feature for field operations
 8. Performance assessments be utilised on an on-going basis to identify training needs of individual authorised officer staff

In framing these recommendations it is recognised that training for authorised officers engaged by accredited bus companies will need to be tailored to the different conditions which apply to activities on buses.

Implementation of these recommendations will address Recommendations 51 and 52 made by the Parliamentary Law Reform Committee concerning the training of authorised officers not to target particular groups in the community and how to deal appropriately with people who do not speak English as a first language, people with an intellectual disability and those who rarely use the public transport system.

Committee Recommendation 53 that *inspectors receive mandatory training before accreditation on the use of detention and arrest powers, including the application of section 464* of the Crimes Act 1958 to arrest situations and that they receive on-going training as a condition for retaining accreditation* would also be addressed by the recommendations above which would ensure that training in detention and arrest would be a required element of both initial and renewal training provided by companies and DOI.

* Section 464 of the Crimes Act defines that a person is in custody if he or she is *in the company of an investigating official and is-*

- (i) *being questioned; or*
- (ii) *to be questioned; or*
- (iii) *otherwise being investigated*

to determine his or her involvement (if any) in the commission of an offence if there is sufficient information in the possession of the investigating official to justify the arrest of that person in respect of that offence

An investigating official means a member of the police force or a person appointed by or under an Act (other than a member or person who is engaged in covert investigations under the orders of a superior) whose functions or duties include functions or duties in respect of the prevention or investigation of offences.

ACCREDITATION

Under the Transport Act there are requirements which train, tram and bus companies must comply with to obtain accreditation to manage authorised officer staff (see [Appendix 3](#)).

Authorised Officers may only exercise their statutory powers when employed by an accredited company or DOI. To be accredited a company must satisfy the Secretary, DOI that it is competent to manage authorised officers and has appropriate training programs and systems to manage their performance and to record incidents, complaints and action taken. The following companies are currently accredited:

Connex Trains
Grenda's Bus Lines
M>Train
M>Tram
National Bus Company
Ventura Bus Lines
Yarra Trams

To exercise statutory enforcement powers under the Transport Act individual authorised officers employed by an accredited company must be *authorised* by the Secretary, DOI. Section 211(3) of the Transport Act requires that the Secretary may only appoint a person to be an authorised officer if he/she is satisfied that the person is:

- *competent to exercise the functions; and is*
- *of good repute having regard to character, honesty and integrity*

To be considered for authorisation each person nominated by an accredited company should have completed the training provided by the Company, must have successfully completed and passed the DOI course and is required to complete a statutory declaration and finger print application to the Victoria Police for a police check. DOI officers interview each nominated person on the basis of the statutory declaration provided. Proof of identity is also obtained at this interview (by way of drivers licence or passport). On satisfactory conclusion of these processes a formal instrument of authorisation is completed with an Identification Card issued to each officer. If authorisation is refused the person is advised in writing and advised of their rights under the Transport Act 1983.

The following matters are considered as grounds that (in the absence of compelling evidence to the contrary) would justify refusal to authorise a person:

- A sentence to any term of imprisonment including at a Youth Training Centre and including a sentence which is suspended
- A finding of guilty of an indictable offence or charge proven or shop stealing warning notice
- A finding of guilty or charge proven for any offence involving dishonesty, violence, assault or property damage : a similar finding relating to any other summary offence on more than two occasions in proceeding five years
- A finding of guilty or charge proven for any offence relating to the possession, use or sale of, or dealing with illegal drugs

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- A finding of guilty or charge proven of any serious traffic offence such as an indictable offence, driving under the influence of alcohol, other alcohol or drug related driving offences, or of driving while suspended, cancelled or disqualified in the previous ten years
 - Outstanding Warrants or Court Orders : charged or awaiting criminal proceedings subject to an intervention order or found guilty of proven breach of an intervention order : a finding of guilty or charge proven of any offence relating to impersonating a police officer, breach of laws relating to licensed or other security work in involving misuse of position : a finding of guilty or charge proven of any firearm or regulated weapons offence : other more minor offences or charges where these have occurred on more than one occasion in the last five years.

These matters are taken into account when authorisation is sought. The length of time since an offence occurred, the age of the person at the time the offence was committed and employment and personal history since the time of the offence may also be taken into account. Based on such additional material the Secretary may agree to authorise a person. These guidelines are generally based on the approach taken by Victoria Police in appointing police officers.

Conditions of authorisation include:

- validation for three years from the date on which the authorisation is granted
- undertakings by the officer not to commit any offence under the Transport Act or Regulations or under the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981 or the Summary Offences Act 1966
- a requirement to immediately advise the employer if any criminal charge is laid against the officer and of any findings of a court in relation to those charges and any penalty imposed as a result of a finding of guilty on those charges
- application for renewal of authorisation to be lodged at least 60 days before current authorisation expires; and
- a review of performance at the end of the first year of authorisation

Section 221L of the Transport Act gives the Secretary power to suspend or revoke an authorisation if an authorised officer acts unreasonably or abuses his or her power, is convicted or found guilty of an offence of the kind described above or has not complied with the conditions of authorisation.

Section 221(F) provides a maximum penalty of \$1000 for failing to comply with a condition of authorisation.

As indicated earlier there are 515 authorised officers employed by the accredited companies. This compares with 270 employed at 31 December 2000. Twenty-four (24) of the total number currently authorised are employed by accredited bus companies. The increased number of officers reflects the National Express intake of additional staff and the engagement of 100 Roving Safety Officers on trains and 100 Tram Attendants who are authorised officers. In addition to staff employed by accredited companies, twenty-nine (29) DOI staff are authorised officers engaged primarily in the process of prosecuting offenders reported by company officers.

Since franchising commenced in 1999:

- the authorisation of six (6) officers has been suspended
 - one (1) suspension was removed after the officer successfully completed re-training
 - one (1) remains in place following transfer of the officer to other duties
 - four (4) remain in place pending investigation* of an incident which occurred on 16 January 2003
- four (4) officers have been warned that their authorisation would be suspended or revoked if elements of performance were not corrected
- one (1) officer resigned pending completion of an investigation
- four (4) applications for authorisation have been refused and two (2) current applications pending are likely to be refused.

Since the privatisation of train and tram services in August 1999 there has not been a case where Police have laid charges against an authorised officer exercising his or her powers in the course of their employment.

Section 225 of the Transport Act provides that *any person who assaults, resists, obstructs, hinders or delays an authorised officer in the execution of his/her duty is guilty of an offence.* Section 225 offences almost always occur in conjunction with other offences - specifically what begins as a ticketing incident, converts into refusal to provide name and address which then leads to a detention/arrest situation with some cases then resulting in the officers involved being unlawfully assaulted. etc.

Since 30 September 2001 some 720 reports of a breach of Section 225 have been submitted to DOI by accredited companies with 70% involving adults (17 years plus) and 30% juveniles (15 and 16 years old). Of those 464 briefs of evidence were approved for prosecution before Magistrates or Children's Courts. There are 115 further cases currently being considered for prosecution while 141 cases may not proceed due to evidentiary or procedural flaws or unavailability of informants or witnesses. It is estimated that some 98% of prosecutions which proceed result in penalties for offenders which generally range from good behaviour bonds to fines up to \$1500.

Each accredited company is required to record all complaints made against authorised officers and must notify DOI if it becomes aware that an authorised officer has been convicted or found guilty of any offence or has been charged with an offence under the Crimes Act, Drugs, Poisons and Controlled Substances Act or the Summary Offences Act.

Statistics compiled from information supplied by the train and tram companies on complaints about authorised officers are as follows:

* employment of the four officers concerned was subsequently terminated; Victoria Police subsequently laid charges of assault against these officers

Period	Number of Complaints	Transport Infringement Notices (TIN) Issued	Complaint (%) per TIN Issued	Number of Authorised Officers*
1999 - 2000 **	121	62,129	0.2%	270
2000 - 2001	362	59,044	0.6%	363
2001 - 2002	1420	79,484	1.8%	475
July - December 2002	605	64,757	0.9%	486
Total	2,508	265,414	0.9%	

* Excludes authorised officers employed by DOI

** From commencement of franchising - 29 August 1999

Almost 90% of Transport Infringement Notices issued are for ticket related offences, 10% are for behavioural offences.

There are 360M trips taken annually on metropolitan public transport services

While the Franchise Agreements with train and tram operators require each franchisee to have complaint handling systems and provide DOI with the right to audit those systems, there is no requirement for the companies to advise DOI of complaints made by the public about the conduct of authorised officers. The companies are required to advise DOI if they become aware of an authorised officer being convicted of an offence.

From the information supplied it is not possible to detail the specific nature of complaints due to the various criteria and procedures used by the companies for reporting complaints. A conclusion can be drawn that the majority of complaints have their genesis in the attitude and/or approach adopted by authorised officers in particular circumstances. They are generally about aggressiveness, language used, lack of respect, rudeness, etc.

While the rate of complaints made per number of Transport Infringement Notices issued has increased (particularly in 2001/2002) it should be kept in mind that less attention was given to recording of complaints about authorised officers in the first years of privatisation than is the case now. Complaint levels in 2001/2002 no doubt reflect policies adopted by companies at the time to intensify the level of compliance checking to reduce fare evasion. The substantial increase (about 80%) in the number of officers working the train and tram systems (primarily M>Train and M>Tram) is also a factor.

Complaints about authorised officers are usually made through VicTrip or direct to a Company. Each complaint is usually investigated by senior managers responsible for authorised officer staff. Complaints about officers made to the Minister for Transport or DOI are referred to the company concerned for investigation and report. In more serious cases DOI conducts its own investigation in co-operation with the employing company.

In 2002 the Navigator Company was engaged by the Public Transport Customer Charter Committee (PTCCC) and DOI to investigate complaint handling procedures used by public transport operators. The review covered the practices of all train and tram operators and

seven bus operators. Key findings were that while some operators were working hard to improve their complaint handling processes there is:

- a degree of disaggregation and different practice across the transport network; and
- a significant variation in how complaints are recorded, assessed and responded to.

It is recommended that Australian Standard AS4269-1995 for complaint handling be adopted and implemented to provide on-going mechanisms for best-practice. These recommendations are being progressed through the Public Transport Charter Consultative Committee (PTCCC). It is understood that the requirements for establishment and operation of processes and systems to give effect to the standard and how it will be monitored on an on-going basis are currently being developed and that PTCCC representatives are involved in this work.

On 30 July 2002 the Minister for Transport announced that people using public transport will have access to a Public Transport Industry Ombudsman (PTIO). Public access to an Ombudsman was extinguished by privatisation. Privately owned companies are not within the jurisdiction of the Victorian Ombudsman although the latter does have power to investigate complaints made about authorised officers exercising their statutory powers under the Transport Act.

In future people will be able to refer complaints about public transport including concerns about authorised officers to the PTIO if they are dissatisfied with the way in which a complaint has been handled by the company concerned. The PTIO will be able to deal with public transport related complaints independently and transparently and it is expected that it will be established and will commence operations later in 2003.

The accreditation and authorisation processes currently in place are sound subject to implementation of an appropriate system for reporting complaints made about authorised officers which can be monitored by the operators and DOI. Establishment of a Public Transport Industry Ombudsman in 2003 as announced by the Government will provide the public with an independent entity for the resolution of any complaints about authorised officers not dealt with to their satisfaction by operators. Complaints concerning DOI handling of authorised officer issues can be made to the Victorian Ombudsman.

RECOMMENDATIONS

9. Note that the provisions in the Transport Act and procedures for the accreditation of companies and authorisation of authorised officer staff are comprehensive and provide for accredited companies and staff to be monitored by DOI and that accreditation of a company or authorisation of staff can be withdrawn by the Secretary, DOI
10. Implementation of training programs (Recommendations 3 and 4) be made mandatory conditions (Section 228D, Transport Act) for a passenger transport company or bus company to be accredited (Section 228C) for the purpose of employing staff authorised to exercise enforcement powers
11. Successful completion of training programs (Recommendations 3 and 4) be mandatory conditions (Section 221D, Transport Act) for staff to be authorised by the Secretary, DOI and for them to retain their authorisation

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|--|
| <p>12. Accredited passenger transport companies, bus companies and DOI agree and implement a uniform system for the reporting, recording and actioning of complaints made by the public about authorised officers and for that information to be submitted to DOI on a regular basis</p> |
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Making training of authorised officers in the use of detention and arrest powers a mandatory requirement for officers to retain their authorisation was contained in Parliamentary Law Reform Committee Recommendation 57.

The draft recommendations circulated to public transport operators and the RTBU on 29 October 2002 included a proposal that each public transport operator appoint an independent Ethical Standards Officer to investigate public complaints concerning authorised officers.

As outlined above complaints about authorised officers are investigated by supervising officers or senior managers responsible for their activities, DOI conducts investigations in certain cases and the Public Transport Industry Ombudsman will investigate complaints not resolved through those processes. In addition the Victorian Ombudsman can investigate complaints about authorised officers exercising their statutory powers.

In these circumstances the establishment of Ethical Standards Officers by public transport operating companies is not necessary.

PUBLIC ACCEPTANCE AND CREDIBILITY

The privatisation of public transport created a unique situation. Prior to privatisation authorised officers (or their equivalent) were Government employees engaged by the PTC to carry out compliance and enforcement activities as prescribed in the Transport Act 1983. While those arrangements were not free of incident or public complaint, the officers concerned were seen as Government officials legitimately performing statutory functions.

Authorised officers are now employees of private companies enforcing certain provisions of the Transport Act some of which (the power to detain or arrest people for example) are controversial. This situation has resulted in some degree of public uncertainty as to the legitimacy of employees of private companies exercising enforcement powers traditionally seen as a responsibility of Government officials.

Media reports and talk-back radio have highlighted this factor and also the differing approaches taken by the train and tram companies - some appear to take a tougher approach than others on enforcement. This is evidenced by apparent differences experienced by the companies in the number of complaints received, incident rates and police callouts to particular incidents. While detailed statistics on police callouts are not readily available, it is estimated that they number in excess of 100 per month with almost all cases involving refusal by an offender or suspected offender to state name and address to an authorised officer. Victoria Police indicated that many offenders or suspected offenders do not accept (or prefer not to accept) that authorised officers have the authority to request their name and address or to detain/arrest them. Name and address is provided immediately in the great majority of cases when police are called to the scene. The number of police callouts would reduce dramatically if the authority and credibility of authorised officers was clarified from a public point of view.

Name and address are required to serve a Transport Infringement Notice on an offender and if necessary to prosecute an offender - without this information and the right for authorised officers to obtain it legally the integrity of the public transport system would collapse as the rigour within the regulatory framework for protection of revenue and property would cease to exist. The Transport (Further Miscellaneous Amendments) Act which came into effect on 13 June 2002 clarified the power of authorised officers to request a person suspected of a transport or ticketing offence to provide evidence to verify the person's name and address. This information had always been requested and recorded by transport enforcement officers and for many years the Magistrates Court upheld that practice. Given the requirements of privacy law, the Act included measures to clarify the power of authorised officers to request verification information and to record that information. It also introduced a substantial penalty for misuse of the information by authorised officers or accredited companies and only permits it to be used for the purposes of enforcing transport law.

While the powers of authorised officers in this regard have been clarified there is a significant public education issue which needs to be addressed if levels of credibility and public acceptance are to improve. The operating companies have significant resources at their disposal for informing the public through advertising, variable message signs, public address systems, recorded messages and notices on buses, trains, trams, stations and superstops.

Experience has proven that the plastic Identification Card issued by DOI and currently used by most authorised officers to identify themselves is not sufficient. Customer Operations Group staff operating across M>Train and M>Tram use four different forms of identity. A common identification badge developed through the auspices of the Safe Travel Task Force and agreed with the Victoria Police has been trialled by Connex and M>Train Roving Safety Officers since February 2002. Assessment by both companies and the Rail Tram and Bus Union indicates that the badge has been a positive in that it provides recognisable visual identification for officers, consistency from a public perspective and an acknowledgement of the authority held by officers. Its use by all authorised officers would extend these benefits and provide consistency on train, tram and bus systems. Use of a common uniform or vest or the like would also be a benefit in this regard and would avoid passengers confusing authorised officer staff with other staff including drivers and station staff.

As shown in the Table on Page 18, 90% of offences are ticket related. The unreliability (until recent times) of ticket vending machines (TVMs) on stations and the inability to convince the public of the convenience of ticket pre-purchase off the system have been issues contributing to user disquiet about ticketing and the credibility of authorised officers when people blame the ticketing system for either not having a ticket or a ticket which is not validated. The situation is similarly difficult on trams where users do not have to have a ticket to board and can purchase on-board which in itself becomes difficult (if not impossible) when trams are fully loaded.

Fare evasion was an issue raised constantly by all parties in the course of the review. Its extent is difficult to measure. Recent research conducted for DOI indicated that it could be costing more than \$50M per annum with the rate of evasion varying across the modes from 5% on buses to 20% on trams. This work also indicated that Melbourne ticket inspection rates are quite low by international standards and that to achieve a 2.5% - 3.5% passenger check standard the current ticket checking rate would need to increase by some 50% per officer or a significant number of additional staff would need to be engaged.

Centralisation of revenue enforcement has been promoted as a model to ensure a uniform approach and to maximise allocation of ticket checking resources. Such an arrangement

has been used in the past and found wanting and a return to that model is not considered to be the answer:

- it would be a return to the past with a large enforcement workforce concentrating on ticket checking and enforcement of offences at the expense of the wider image building and service role
- there is a risk that removed from operator control, the group would not be driven by operator company objectives and would become a single purpose policing force like the previous Transit Patrol and other revenue enforcement groups; demarcation issues would arise; for example Train Patrollers and Tram Attendants would continue to be train or tram company employees but would need to retain authorised officer powers
- the level and nature of fare evasion varies significantly between the modes with bus estimated at 5%, trains 12% and trams 20%+; approaches to reducing the problem need to be geared to the particular mode
- all operators - bus, train and tram - consistently expressed concern about loss of accountability for performance, the negative public image created by a large separate enforcement entity and the need to replace valuable customer service activities performed by authorised officers if they are removed to a central ticket checking/enforcement organisation.

Ticket inspection for revenue protection purposes is an important element of the authorised officer role but there is a heavy (perhaps too heavy) reliance on authorised officer activities as the cornerstone of anti-fare evasion strategies. Ticket inspection and enforcement need to be seen as part of or support to a much wider revenue growth and protection strategy which would include initiatives like:

- continuing to improve the reliability of the automatic ticketing system (ATS)
- providing authorised officers with real time information on ticketing equipment faults and locations
- information* at stations on:
 - user responsibility to travel with the appropriate valid ticket
 - responsibilities of authorised officers
 - what to do when a vending machine or validator does not function
 - location of nearest alternative ticket retail outlets
 - concession cards acceptable for concession fares; and
 - the need to validate a ticket after purchase from a TVM and before boarding a train

* observation of the train and tram systems show that there is little or no information provided by way of quality printed material or announcements by staff on these matters

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- similar information on trams and at tram stops plus:
 - simple explanation of how short trip tickets work; and
 - the need to validate a ticket not purchased on the tram
 - tram drivers reminding tram users of the responsibility they have to validate tickets
 - train and tram drivers reminding users that authorised officers travel on the system and have responsibilities to assist people and to check tickets
 - concentrating ticket inspection at departure points rather than central arrival points, ie at commencement rather than end of journey
 - local marketing of off-system ticket purchase and retail outlets available; improving incentives for retail agents
 - involvement of administrative and management staff in on-system/user interface activities

Incorporation of these suggestions (and there are probably many others) into a broader strategy to maximise usage and revenue would do three things:

- educate users on the responsibility they have to travel with a valid ticket
- improve user understanding of the responsibilities and powers which authorised officers have and why they need to exercise them; and
- significantly reduce reliance on enforcement for revenue protection

The issue of penalties and fines for offences also needs to be addressed in this context. Maximum penalties and fines have not increased since 1994 when most Transport Infringement Notice fines were increased from \$50 to \$100. Given the relative cost of a ticket, the chances of being caught without one and the level of penalty if an offence is detected, fare evaders are financially in front by deciding not to purchase or validate a ticket. Not having a ticket or having a ticket not validated represent nearly 80% of ticketing offences with non-entitlement to concession fare representing most of the balance. To disincentivise fare evaders consideration should be given to:

- increasing Transport Infringement Notice fines
- introducing higher (graduated) fines for second and subsequent offences; and
- having the offence of *failing to validate a ticket* which requires machine validation enforceable by Transport Infringement Notice (it is currently enforceable by Court action only) and for payment of a penalty fare (say \$5) as a legal alternative

RECOMMENDATIONS

13. A comprehensive revenue protection strategy incorporating compliance/enforcement activities by authorised officers be developed; such a strategy would include:
 - continued improvement of ATS reliability and ticket retailing arrangements
 - public information programs including signage and announcements on basic ticketing requirements, the legal responsibility for passengers to have a valid ticket and the responsibilities of authorised officers
 - involvement of administrative and management staff in passenger interface activities
14. Public address and recorded message systems, variable message (passenger information display) systems and facilities for fixed notices on buses, trains, trams, stations and superstops be used for these purposes ; announcements and message systems should include locations or retail outlets and access to telephone and website purchase
15. The Rail, Tram & Bus Union be consulted for station staff and drivers of trains and trams to be trained to make appropriate announcements on ticketing requirements, passenger information and the responsibilities of authorised officers
16. The Victoria Police be consulted to develop material (including photographs of a Police Officer and an authorised officer [side-by-side]) to convey the message that police and authorised officers have legal responsibilities which they are required to exercise on public transport
17. All authorised officers be issued with a combination badge/photographic ID as trialled by Roving Safety Officers (Train Patrollers) on the metropolitan train system and wear a common uniform or identifying vest
18. Require authorised officers to wear their name and company badge so that it is visible at all times when on duty
19. Printed information and notices include advice in a number of key languages; the Victorian Driver Licence test is a useful guide to languages that should be used
20. The standard and availability of signage and public information on or at ATMs be upgraded and include advice on:
 - what to do when a TVM or validator does not function
 - the different purchase and validation processes for trains and trams (there is no instruction on station TVMs to separately validate a ticket before boarding a train)
 - details of nearest alternative retail outlets and benefits of pre-purchase; and
 - provide clear advice on Concession Cards which are acceptable for concession fare travel
21. Transport Infringement Notice fines be increased, graduated fines for repeat offenders be introduced and the offence of *failing to validate a ticket which requires machine validation* be made enforceable by Transport Infringement Notice (TIN) with payment of a penalty fare (say \$5) as a legal alternative

Adoption of these recommendations would contribute significantly to satisfying Recommendation 58 made by the Parliamentary Law Reform Committee that the transport companies *assist people to comply with their obligation to buy a ticket*. Committee Recommendation 68 suggested that consideration be given to *introducing a common identification badge for authorised officers*.

OPERATIONAL PROCEDURES

Each company has a set of working procedures for authorised officers. While they differ in some areas, they are modelled on PTC procedures which had been in place for many years. They are detailed and tend to be based on what to do rather than how to do it. There is an absence of direction on how authorised officers should interact step-by-step with people who they believe have committed or are about to commit an offence.

Effective selection, training and supervision based on remodelled job and performance requirements and initiatives to improve public acceptance and credibility need to be supported by good protocols and procedures. Consistent with the Terms of Reference, a set of Protocols (see [Appendix 4](#)) have been drafted in consultation with the train and tram companies for adoption for both training and field operational purposes. They are designed to replace existing Work Procedures (which are different for each company) and cover:

- General Conduct and Code of Ethics
- Customer Responsibility
- Dealing with:
 - young people
 - senior citizens
 - people with disabilities
 - tourists and visitors
 - people with different ethnic backgrounds
- Operational Procedures
 - carriage of authority
 - working in teams
 - boarding and alighting vehicles
 - use of official notebooks
 - verification of name and address
- Ticketing
 - equipment faults
 - concession fare eligibility
 - confiscation of tickets
 - directions to purchase or validate
- Detention
 - detention criteria
 - detention procedures
 - pursuit of offenders
 - interaction with Victoria Police
 - serious offences

The Protocols are designed to meet primary objectives for authorised officers to:

- provide good customer service to people who use public transport including advice and assistance on any aspects that arise
- improve safety and security on public transport and its wider public image with both users and potential users
- provide a deterrent to fare evasion, vandalism and anti-social behaviour through reporting breaches and offences under the Transport Act; and
- ensure that the highest degree of integrity and professionalism is maintained at all times

They provide a set of business rules and it is proposed that they be adopted by all accredited companies and be maintained in a Manual format with arrangements for amendment and updating through a formal replacement page process. It will be necessary for this to be done through a single point of control.

The Code of Ethics section incorporates broad principles of expected behaviour including:

- a professional, conscientious and diligent approach
- acting in a civil, courteous and impartial manner at all times
- conduct in public that enhances public confidence and the public image of public transport; and
- wearing of uniforms correctly and identification to give a professional appearance

More sensitive areas covered by the Protocols are:

- *Plain Clothes Operations*

While the Protocols place emphasis on service to people and the need for authorised officers to be readily identifiable and available, it is recognised that from time to time operational requirements will call for their deployment in plain clothes; modus operandi expected in such circumstances is described

- *Reasonable Opportunity for People to Purchase and Validate a Ticket*

Emphasis is placed on people being given reasonable opportunity to purchase and/or validate a ticket; this applies particularly on crowded trams; a common sense approach is to be applied in all circumstances

- *Working in Teams*

It is normal practice to work in teams; other than on buses authorised officers very rarely work alone; this is for security and safety reasons given that difficult situations can arise without notice; emphasis is placed on team numbers being smaller rather than larger and numbers of authorised officers not congregating around individual people or suspected offenders; verbal contact between an authorised officer and offender or suspected offender should be on a one to one basis

- *Privacy Requirements*

Separate Guidelines for the Collection, Use and Storage of Information obtained through the Public Transport Compliance Process were introduced in October 2002 after consultation with the Victorian Privacy Commissioner (see Appendix 5); the Protocols require that these Guidelines be complied with; they describe when it is lawful to collect the name and address of a person and include rules for collecting name and address, collection of information verifying name and address, recording of information and providing a Report of Offence and Privacy Information Slip to people who have not complied with the Transport Act

- *Verification of Name and Address*

Explanation is provided as to when verification of name and address should be sought and the means by which verification can be established; examples of primary proof and secondary proof are provided and procedures for verification by telephone are included; searching of any bags or belongings of a person or asking a person to produce anything other than evidence to confirm identity is prohibited in any circumstances

- *Faults with Ticket Vending Machines/Validators*

Procedures to be followed on trams and trains are established; where an authorised officer does not have or is unable to obtain information concerning the status of a machine, the reporting procedure will proceed on the understanding that if a fault is subsequently confirmed the passenger concerned will be informed and the report will not proceed

- *Concession Travel*

Authorised officers are required to request proof of entitlement for concession fare travel from people travelling with a concession ticket; the four types of acceptable concession card are described; proof of concession entitlement should be carried at all times; arrangements are proposed to allow students (primary and secondary) not carrying or not able to produce their concession entitlement for the first time at the time of detection, time (seven days) to produce evidence of their entitlement to avoid a penalty

It is considered that storage of personal information for this purpose would be permitted under privacy principle 2 (g) which allows an exemption for law enforcement purposes; the Privacy Commissioner would need to be assured that access to the information was strictly limited and audited; such an arrangement would be similar to the existing juvenile (under 17 years of age) warning system currently administered by the Transport Infringement Administration Unit in DOI.

- *Confiscation of Tickets*

Tickets are required as evidence for the prosecution of an offence; the Protocols set out the procedures to be followed for confiscation of tickets which are not valid and for issue of receipts and travel permits to allow people to complete their journey; yearly tickets will not be confiscated - ticket number and verification of the holder's name and address is sufficient

- *Direction to Purchase*

The circumstances under which a person unable to produce a valid ticket on a tram may be directed to purchase a ticket are when:

- the ticket vending machine is/was inoperable
- the person has just boarded and has not had the opportunity to purchase
- the person has special needs and is not capable of purchasing or validating a ticket; or
- there is insufficient evidence of an offence

With the exception of purchasing on-board, similar conditions apply to validation of tickets on the train system

- *Detention Procedures*

Emphasis is placed on the need for detention to be considered as a last resort; the Protocols make it clear that all other options must be exhausted and that an authorised officer must believe on reasonable grounds that a person has committed an offence and that detention is necessary to:

- ensure the appearance of the person before a Court
- preserve public order
- prevent continuation or repetition of an offence; or
- ensure the safety and welfare of the public or of the person

Police are to be contacted as soon as possible through 000. If the reason for detention is voided immediate release of the person concerned will occur and the police will be informed accordingly.

The Parliamentary Law Reform Committee found that the obligation to pay fares on public transport would be difficult to enforce without powers of detention and arrest and concluded that they should be retained. The Committee went on to report that it is essential that the extent of the powers, in what situations they apply and who can exercise them are clearly defined in the Transport Act. It recommended that detention be allowed only for the purpose of asking initial questions for name, address and verifying information and that if a person is to be further detained it must be made clear to them that they are formally under arrest.

The power (Section 219AA) to detain persons suspected of an offence was introduced in 1998 to give authorised persons employed by private public transport operators authority to require name and address, remove offenders from vehicles and to detain offenders until they could be handed over to police.

Prior to privatisation an *authorised officer* of the PTC had power under the act to stop a person who may be involved in an offence and to *arrest* a person if the officer believed on reasonable grounds that it was necessary to do so.

In 2000 Sections 219AA (5) and (6) were added to Section 219AA to allow a person being detained (the Act says *arrested*) to be released immediately the reason for detention ceases to exist. The amendment was made to rectify a situation where, under the original Section 219AA provision the person had to be detained until

handed over to the police whether or not the reason for detention had ceased to exist.

The amendment was important to avoid situations where people by law had to be detained to await the arrival of police even though the reason for detention had ceased to exist. The amendment also made it clear that an authorised person had the power to arrest an alleged offender.

Consistent with Committee Recommendations 54, 55 and 56, the Transport Act (Section 219AA) needs to be amended to:

- clarify the circumstances in which an authorised person (employed by a passenger transport company) should use the power of arrest when they also have the power of detention
- define the legal meaning of the term *to detain*; and
- remove confusion that arises through use of definitions of an authorised person in Sections 219AA, Section 220 (power to remove offenders) and Section 221 (ticket offences) and an authorised officer in Section 218B (power to require name and address)

While the term authorised officer has been used for the purpose of this review and is used in the industry generally, the powers exercised under the Act are formally granted to them as both an *authorised person* and an *authorised officer*. The Identification Card (see Appendix 6) issued by the Secretary, DOI indicates that the officer concerned is appointed as an *authorised officer* or an *authorised person* for the purpose of the Transport Act.

- *Pursuit of Offenders*

Where an offender attempts to flee, authorised officers are required to make reasonable attempts to detain the person using minimum levels of constraint; in the event that the person is able to flee authorised officers are not to give chase or pursue the person.

- *Use of Restraining Devices*

Where a person refuses to give or verify name and address and is detained, authorised officers are required to await the arrival of Police to verify name and address; use of restraining devices by officers to detain an offender is not permitted in any circumstances; authorised officers are required to be as conciliatory and unprovocative as possible and must take all precautions to avoid injury to any person; discretion extends to allowing a particularly violent offender to abscond; the Transport Act (Section 219AA) requires that an authorised officer may not use any more power than is reasonable in the circumstances.

Restraining offenders without restraining devices can be very difficult particularly where an offender seeks to abscond or threatens to become violent. While the Protocols allow authorised officers to use discretion there are aspects associated with the physical detention of offenders which remain unclear. The issue should be referred to the Safe Travel Task Force which includes Victoria Police and Department of Justice representatives for consideration and clarification.

- *Persons Affected by Alcohol or Drugs*

Public transport operating companies have a *duty of care* to users; if a person is affected by alcohol or drugs an assessment must be made prior to contact and a decision made to minimise the risk of conflict; where removal from a vehicle is necessary, it must be conducted safely and the person should not be put at greater risk if left alone

At present it is an offence if a person consumes alcohol in an area of legal jurisdiction, ie at a station or on a train, tram or bus. It is not an offence to carry alcohol even if the container (bottle or can) has been opened for use; the offence relates to the act of consuming alcohol.

Given the difficulty this causes in handling situations involving alcohol and wider community acceptance of alcohol-free places it is recommended that consideration be given to legally declaring stations, superstops, trains, trams and buses as alcohol-free places and to making it an offence to open or have open any container containing alcohol on metropolitan public transport as well as to consume alcohol on metropolitan public transport.

INTIMIDATION - REAL AND PERCEIVED

During the course of the review *allegations* of intimidation by authorised officers have been raised with some consistency. In some instances the allegations are based on perception and hearsay, in other cases it is a sense of intimidation which can be real. Perceptions can be influenced by the physical presence of large teams of officers and the manner in which they present themselves. Involvement of more than one officer in the interviewing of a person who has offended or is suspected of an offence can be intimidatory to the person concerned and/or be seen as intimidatory by people nearby. Officers surrounding a person or maintaining a close physical presence has the same effect.

The practice of more than one officer being involved in the interview process appears to have its genesis in the need for corroboration when offences are being reported. If a person is being interviewed for a ticketing offence, the presence of two officers is required, one to question (and record) the person being reported, the other to corroborate what happened and what is done. This practice is not followed by other agencies in reporting similar offences and is considered to be unnecessary unless a serious offence is being reported and requires witness accounts, etc.

With the exception of serious offences (eg assaults) it is proposed that one authorised officer only should interview and be near a person who has offended or is suspected of committing an offence. The Protocols are based on this approach.

Under section 225 of the Transport Act it is an offence to obstruct, hinder or delay an authorised officer in the execution of his/her duty. The penalty is \$2500 or 6 months imprisonment.

REPORTING OFFENCES

A situation that remains to be finalised is the form of notice given to offenders or suspected offenders at the time of detection.

Currently an authorised officer:

- takes notes on the details of the offence, including time, nature of offence, name, address, date or birth (in case of young people under 17 years of age) and reason given for committing the offence; the notes are recorded in an Official Note Book which is an accountable document issued by DOI and subject to inspection and audit and the provisions of the Freedom of Information Act; each authorised officer is issued with a Note Book with each page individually numbered; notes recorded must be taken only for the purpose of reporting, investigating and enforcing an alleged offence under the Transport Act
- hands to the offender a company business card with the name, title and business telephone number of the reporting officer and in some cases the pamphlet *Travelling with the Right Ticket*; the reverse side of the card explains that the information provided will enable a determination to be made whether an offence has been committed and that it will be stored in accordance with the Privacy Act and destroyed when no longer required; and
- subsequently completes a Report of Offence* form (witnessed by a second officer) which sets out details of the name, address and date of birth of the offender, a description of the offence, reasons given by the offender and how name and address was verified.

The Report of Offence is processed through the company concerned to the Transport Infringement Administration Unit in DOI which then issues a Transport Infringement Notice (TIN) to the offender for payment of the fine within twenty-eight (28) days.

The Guidelines for the Collection, Use and Storage of Personal Information Obtained through the Public Transport Compliance Process (Appendix 5) require a carbon copy of the Report of Offence form to be provided to the person who is the subject of the report. This has not yet occurred. Provision of a copy of the Report of Offence would be additional to the business card with privacy slip currently provided to an offender. This situation needs to be resolved and agreed with the Victorian Privacy Commissioner.

In the past PTC enforcement officers noted details in Official Note Books and issued a TIN at the time of detection. This practice ceased some years ago due to difficulties experienced in completing a TIN on moving trains and trams and because of the aggravation it caused with offenders. Resolution may rest with expansion of information currently provided as part of the Privacy Slip or introduction of electronic *palm pilot* technology used by empowered officials elsewhere eg Council Traffic Officers.

RECOMMENDATIONS

22. The Protocols (Appendix 4) be adopted by accredited train, tram and bus companies, be maintained as a Manual with a formal amendment page process for maintaining its currency and be available for access by authorised officer staff and their supervisors
23. Guidelines for the Collection, Use and Storage of Personal Information obtained through the Public Transport Compliance Process (Appendix 5) be formally adopted and incorporated into the Protocols

* to be changed to Report of Non Compliance

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24. The DOI Law and Procedure Handbook be incorporated into the Protocols which would consolidate all protocols, guidelines and procedures into a single Manual
 25. DOI and accredited companies determine a process for central control and management of the Protocols as a single Manual
 26. Note that a procedure allowing first time primary and secondary school student offenders not carrying their Concession Card seven (7) days to produce it is proposed
 27. The Transport Act be amended to:
 - clarify the circumstances in which an authorised person (employed by a passenger transport company) should use the power of arrest when they also have the power of detention
 - define the legal meaning of the term *to detain*; and
 - remove confusion that arises through use of definitions of an *authorised person* in Sections 219AA (power to detain), Section 220 (power to remove offenders) and Section 221 (ticket offences) and an *authorised officer* in Section 218B (power to require name and address)
 28. Procedures used for the restraint of offenders under detention be referred to the Safe Travel Task Force for clarification as to what is reasonable in circumstances where restraining devices are not an option
 29. Consideration be given to legally declaring stations, superstops, trains, trams and buses as alcohol-free places and making it an offence to open or have open any container containing alcohol on metropolitan public transport as well as to consume alcohol on metropolitan public transport
 30. Long-standing procedures requiring both an informant and a corroborator to participate in the interview of an offender or suspected offender be reviewed so that only one officer is in contact with the person concerned
 31. DOI consult with accredited companies, the RTBU and the Victorian Privacy Commissioner and agree
 - details and form of information to be provided to offenders at time of detection; and
 - whether introduction of electronic technology for the issue of Reports of Offence or Transport Infringement Notices is practical

BUS INDUSTRY

Discussions with the industry including the Bus Association Victoria (BAV), a number of operators and the Transport Workers Union (TWU) confirmed that there are significant operational differences between bus services and the train and tram sectors of public transport so far as ticketing and the activities of authorised officers are concerned; the major differences are:

- buses are a closed system which is always staffed
- passengers boarding must either purchase or produce a valid ticket
- ticket inspection has been routinely carried out for decades
- ticket inspectors are usually senior bus personnel who have been with the companies for many years
- people who do not have a valid ticket are requested in the first instance to purchase one; and
- offences on buses generally relate to concessional travel.

Bus companies are supportive of the review and a number of them are seeking accreditation to enable staff to be appointed as authorised officers.

For the reasons outlined above many recommendations in this report would not have application to the bus industry and it will be necessary to consult with the BAV on those that are relevant and how they can be implemented. The Protocols would need to be adapted for application to buses including the approach by drivers to the checking of tickets (particularly for entitlement to concession travel).

SECTION 3

TRAM ATTENDANTS (CONDUCTORS)

In the course of the review the Consultant was asked to examine the role of Roving Tram Attendants in circumstances where it was considered that they may be able to provide a wider service to tram users.

BACKGROUND

The Government made a commitment to fund staff to improve personal security on the train system and to reintroduce conductors on some trams. The commitment with respect to Conductors was:

Through negotiation with private operators increase the number of staff providing customer service on the tram network. From 2000-01 Labor is committed to providing an extra \$5.5M a year to see the return of 100 conductors who will work with existing customer service officers to bring back the human face to Melbourne's much beloved trams.

These "super conductors" will sell tickets, provide travel information, check for fare evasion, provide help and assistance and offer increased personal security to tram users.

Agreements were subsequently negotiated by the Director of Public Transport with M>Tram and Yarra Trams for the engagement of 100 Tram Attendants (or Roving Conductors) with 55 employed by M>Tram and 45 by Yarra Trams. The current three year Agreements which expire on 31 December 2003 specify the duties as:

- rove from tram to tram
- carry and offer for sale premium daily tickets
- encourage and assist customers to purchase the appropriate ticket
- encourage customers to validate tickets
- provide general assistance and advice to customers; and
- sell tickets at Special Events

The title *Tram Attendant* was preferred by operators to avoid any confusion that *Conductors* were being returned in their former role.

While Tram Attendants are authorised officers for the purpose of revenue protection and enforcement of the Transport Act and Regulations, the Agreements state that *issuing of a Report of Offence (for ticket infringements) by roving conductors must only be used as a last resort in managing inappropriate behaviour.*

Activities are spread over weekdays and weekends. On weekdays Tram Attendants operate four shifts starting at 6.30am and finishing at 7.30pm and work on trams, at super stops and at selected locations for major events. They are deployed across the network in different ways and generally work in two-person teams; if one member of the team is absent for any reason, the other member is joined with another team which then works as a three-person unit. Yarra Trams staff tend to rove within a designated area such as the CBD while M>Tram staff are rostered on and off particular routes. A proposal by M>Tram to utilise

Attendants in integrated ticket inspection operations with Customer Service Employees (authorised officers) has not proceeded.

Processes for the engagement of staff vary and both companies have used different agencies for the initial selection of staff. The duties stipulated in the Agreements appear to drive the process as position descriptions with job and qualification requirements have not been prepared. While they rarely use their authorised officer powers, training provided by both companies is essentially the same as that provided for staff who regularly exercise authorised officer powers. Given the nature of the Tram Attendant role it may be necessary for them to have regular updates on authorised officer responsibilities to compensate for the limited use they make of those powers.

OBSERVATIONS

The quarterly Customer Satisfaction Survey conducted by DOI was adjusted for one quarter to seek customer feedback on the availability and use of *Conductors (Tram Attendants)*. The findings were:

- about one in eight tram users saw one on their last tram journey and almost half saw one in the last three months
- the perceived role was seen as providing or handing out information (40% of persons surveyed), checking tickets (25%), providing safety and security assistance (20%) providing assistance on use of ticket machines (10%) and selling tickets (5%); and
- in the three months of the survey period they were observed checking tickets (25%), providing verbal or handout information (25%), selling tickets (5%) and providing a presence (45%).

Observation of Tram Attendants on duty suggests that definition of the role is not clear, training may not be sufficiently focussed, daily activities could be better planned, supervision could be improved and the staff themselves generally lack confidence and motivation. This situation has been compounded to some degree by daily tickets being made available through on-tram TVMs which has removed the need for Tram Attendants to sell premium priced daily tickets on trams.

Discussions on the role have been conducted with representatives of DOI, M>Tram, Yarra Trams, the Rail, Tram & Bus Union (RTBU) and Tram Attendants employed by both companies. The RTBU believes that there needs to be change and has put forward suggestions that Tram Attendants could:

- work on their own on all day shifts
- work the City plus one section
- be rostered to meet identified needs across the City (eg out-patient days at the Children's Hospital, Markets etc)
- focus on particular routes
- carry change to enable customers to purchase tickets
- be better coordinated
- all wear the same uniform
- have very good operational knowledge
- have a broader cultural background and non-English language skills
- model some of their activities on the City Circle Tram service; and
- be able to readily communicate with authorised officers or Police when there are problems

Tram Attendants spoken to felt that they could -

- visit schools to discuss the tram system and services with students
- visit community groups to explain tram services
- visit hotels to advise tourists and visitors of services etc
- be roving ambassadors especially during peak tourist times
- co-ordinate with centres such as the Royal Children's Hospital and provide regular tram trips for sick children and their carers
- provide better service information particularly when services are disrupted
- attend special promotions
- work directly from depots to build better relationships with drivers and depot staff
- replenish trams with Time Tables, Discover Melbourne Information , Fare and Travel Guides
- still sell tickets ; and
- be involved in the planning of rosters

Tram companies were initially concerned about the proposal to re-introduce Tram Attendants (Conductors) seeing it as a return to the old tram structure and way of doing things and contrary to key strategies to encourage pre-purchase of tickets off-system. In practice they have gained a good measure of goodwill from their introduction which has had a positive benefit on fare evasion although this may be marginal given that they cover 10% of tram services at most.

Feedback by operators indicates that Tram Attendants are not called upon to provide assistance or advice on many trips and that users are generally not conducive to being supplied with information unless they seek or require it. The Customer Survey indicated that a third of tram users were provided with word or printed information by Tram Attendants (Conductors) at some time in the preceding three months.

Yarra Trams indicated that some Tram Attendants have become disheartened because the role lacks substance. They sell few tickets and with the introduction of daily tickets on trams, the ticket selling role has all but disappeared. This was the primary role in the past when all trams had conductors; other services (such as travel advice, etc) were important but always secondary to ticket sales. Currently any ticket checking performed is secondary to advising people on ticketing requirements, how to purchase tickets, the need for validation and travel assistance.

Surveys supported the view that the presence of Tram Attendants provides comfort to many users from a safety/security point of view but that this aspect is limited because:

- deployment is focussed on times of maximum patronage in central areas when safety and security is generally not an issue
- they tend to move on and off trams and do not generally remain on board for an entire tram journey; and
- tram users are not aware of their travel patterns ie there is no way of knowing when a Tram Attendant will be on board

The tram operators are interested in developing the safety/security aspect particularly at night and on routes which are prone to anti-social behaviour. On vehicle cabin security required for drivers and their concentration of driving limits the degree to which they present

a safety presence for tram users. The increasing numbers of larger articulated trams is an issue in this regard as well.

OPTIONS

Given the role erosion that has occurred with ticketing changes, concern about lack of substance in the remaining activities, deterioration in staff morale and the expressed need for a safety/security presence on trams at off-peak times (particularly at night) it is timely to redefine the role of the Tram Attendant to examine the possibilities for wider service activities which could involve:

- staff commencing at 5.00pm and ceasing at last scheduled tram
- from 5.30pm to 7.30pm being located at busier departure stops, checking tickets and encouraging people to validate tickets; moving from location to location as necessary
- from around 8.00pm until last scheduled tram performing an on-board tram presence concentrating on those sections of the network with greatest need
- checking tickets, encouraging and assisting passengers to purchase the appropriate ticket or to have a valid ticket; and
- providing travel advice and assistance to passengers.

They could work in teams of two with one as nominated team leader, although it could be common for them to work alone in partnership with the tram driver; they would be qualified authorised officers and could:

- assist tram drivers, other Customer Service Employees and operational staff
- provide reports on condition of trams, stops, infrastructure, ticketing equipment, signage and information material
- assist passengers with ad hoc issues such as disruption to service; and
- work with Transit Police as necessary.

They would need to be appropriately equipped with radios or mobile telephones and have direct contact with supervisors, Transit Police and Operations Control while on duty.

They would be subject to the selection criteria and training requirements for authorised officers.

RECOMMENDATION

32. A review of the role of Tram Attendants be undertaken in the light of experience gained since their introduction in 2000 and service needs to be addressed in refranchising of the tram businesses

SUMMARY

The findings and recommendation of the review are:

RECOMMENDATIONS

1. For the purposes of selecting staff to be appointed to positions exercising the powers of an authorised officer:
 - articulate the broader inherent responsibilities which an authorised officer has to:
 - enhance the image of public transport
 - contribute to the safety and security of people using public transport; and
 - provide service and information assistance and advice to people
 - specify the range of activities/duties to be performed, entry qualifications and experience required, personal attributes necessary and reference and character checks to be completed; and
 - review psychological and other tests used in the selection process to ensure that they are compatible with the role and personal attributes required
2. Adopt a common job title which reflects the role and avoids confusion from a public point of view through use of various formal and informal titles; *Service Officer* or *Train, Tram or Bus Service Officer* could be considered.
3. Training provided by the public transport operators and DOI for staff to be engaged as authorised officers be reviewed to:
 - provide an integrated curriculum and structure (both classroom and field-based) which meets the redefined job requirements and DOI accreditation criteria
 - recognise the particular needs of each mode - train, tram and bus; and
 - address the following areas of knowledge and skill:
 - communication skills
 - interpersonal skills
 - service concepts
 - role and powers of authorised officers
 - risk management
 - decision making
 - conflict management

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- the Customer Service Charter
 - the Transport Act and Regulations
 - the Information Privacy Act and Principles
 - legal enforcement including detention and arrest
 - court procedures
 - interaction with young people, older people, people with disabilities, people who do not speak English as a first language, visitors to Melbourne and tourists
 - occupational health and safety
4. Programmed renewal training (away from the field) be introduced to provide authorised officer staff with regular skill and knowledge updates; this training needs to:
 - be integrated with follow-up legal training provided by DOI
 - give priority to the needs of long serving staff; and
 - be acceptable to DOI as a pre-requisite for the authorisation of officers to be revalidated
 5. Professional educational and training experts be engaged to design and develop the training packages required; the Victoria Police be consulted for input to the program particularly on enforcement including detention and arrest
 6. Training courses be accredited by the State Training Authority and public transport operators and DOI seek registration to be approved providers (Registered Training Organisations)
 7. A team leader accountable for the performance of each team of officers be a standard feature for field operations
 8. Performance assessments be utilised on an on-going basis to identify training needs of individual authorised officer staff
 9. Note that the provisions in the Transport Act and procedures for the accreditation of companies and authorisation of authorised officer staff are comprehensive and provide for accredited companies and staff to be monitored by DOI and that accreditation of a company or authorisation of staff can be withdrawn by the Secretary, DOI
 10. Implementation of training programs (Recommendation 3 and 4) be made mandatory conditions (Section 228D, Transport Act) for a passenger transport company or bus company to be accredited (Section 228C) for the purpose of employing staff authorised to exercise enforcement powers
 11. Successful completion of training programs (Recommendations 3 and 4) be mandatory conditions (Section 221D, Transport Act) for staff to be authorised by the Secretary, DOI and for them to retain their authorisation
 12. Accredited passenger transport companies, bus companies and DOI agree and implement a uniform system for the reporting, recording and actioning of complaints made by the public about authorised officers and for that information to be submitted to DOI on a regular basis

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13. A comprehensive revenue protection strategy incorporating compliance/enforcement activities by authorised officers be developed; such a strategy would include:
 - continued improvement of ATS reliability and ticket retailing arrangements
 - public information programs including signage and announcements on basic ticketing requirements, the legal responsibility for passengers to have a valid ticket and the responsibilities of authorised officers
 - involvement of administrative and management staff in passenger interface activities
 14. Public address and recorded message systems, variable message (passenger information display) systems and facilities for fixed notices on buses, trains, trams, stations and superstops be used for these purposes; announcements and message systems should include locations or retail outlets and access to telephone and website purchases
 15. The Rail, Tram & Bus Union be consulted for station staff and drivers of trains and trams to be trained to make appropriate announcements on ticketing requirements, passenger information and the responsibilities of authorised officers
 16. The Victoria Police be consulted to develop material (including photographs of a Police Officer and an authorised officer [side-by-side]) to convey the message that police and authorised officers have legal responsibilities which they are required to exercise on public transport
 17. All authorised officers be issued with a combination badge/photographic ID as trialled by Roving Safety Officers (Train Patrollers) on the metropolitan train system and wear a common uniform or identifying vest
 18. Require authorised officers to wear their name and company badge so that it is visible at all times when on duty
 19. Printed information and notices include advice in a number of key languages; the Victorian Driver Licence test is a useful guide to languages that should be used
 20. The standard and availability of signage and public information on or at ATMs be upgraded and include advice on:
 - what to do when a TVM or validator does not function
 - the different purchase and validation processes for trains and trams (there is no instruction on station TVMs to separately validate a ticket before boarding a train)
 - details of nearest alternative retail outlets and benefits of pre-purchase; and
 - provide clear advice on Concession Cards which are acceptable for concession fare travel
 21. Transport Infringement Notice fines be increased, graduated fines for repeat offenders be introduced and the offence of *failing to validate a ticket which requires machine validation* be made enforceable by Transport Infringement Notice (TIN) with payment of a penalty fare (say \$5) as a legal alternative

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22. The Protocols (Appendix 4) be adopted by accredited train, tram and bus companies, be maintained as a Manual with a formal amendment page process for maintaining its currency and be available for access by authorised officer staff and their supervisors
 23. Guidelines for the Collection, Use and Storage of Personal Information obtained through the Public Transport Compliance Process (Appendix 5) be formally adopted and incorporated into the Protocols
 24. The DOI Law and Procedure Handbook be incorporated into the Protocols which would consolidate all protocols, guidelines and procedures into a single Manual
 25. DOI and accredited companies determine a process for central control and management of the Protocols as a single Manual
 26. Note that a procedure allowing first time primary and secondary school student offenders not carrying their Concession Card seven (7) days to produce it is proposed
 27. The Transport Act be amended to:
 - clarify the circumstances in which an authorised person (employed by a passenger transport company) should use the power of arrest when they also have the power of detention
 - define the legal meaning of the term *to detain*; and
 - remove confusion that arises through use of definitions of an *authorised person* in Sections 219AA (power to detain), Section 220 (power to remove offenders) and Section 221 (ticket offences) and an *authorised officer* in Section 218B (power to require name and address)
 28. Procedures used for the restraint of offenders under detention be referred to the Safe Travel Task Force for clarification as to what is reasonable in circumstances where restraining devices are not an option
 29. Consideration be given to legally declaring stations, superstops, trains, trams and buses as alcohol-free places and making it an offence to open or have open any container containing alcohol on metropolitan public transport as well as to consume alcohol on metropolitan public transport
 30. Long-standing procedures requiring both an informant and a corroborator to participate in the interview of an offender or suspected offender be reviewed so that only one officer is in contact with the person concerned
 31. DOI consult with accredited companies, the RTBU and the Victorian Privacy Commissioner and agree
 - details and form of information to be provided to offenders at time of detection; and
 - whether introduction of electronic technology for the issue of Reports of Offence or Transport Infringement Notices is practical

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32. A review of the role of Tram Attendants be considered in the light of experience gained since their introduction in 2000 and service needs to be addressed in refranchising of the tram businesses

Responses to Law Reform Committee Recommendations relevant to the review are summarised as follows:

Recommendation	Description	Response
Recommendation 51	training inspectors not to target particular groups in the community	Addressed in section on Training - Pages 10-14
Recommendation 52	inspectors to receive training in how to deal appropriately with people	
Recommendation 54	distinction between detention and arrest be clarified in the Transport Act	Addressed in sections on Public Acceptance and Credibility - Pages 20-25 and Operational Procedures - Pages 25-32
Recommendation 55	detention of persons only for purpose of asking for name and address and obtaining verification	
Recommendation 56	use of powers of arrest rather than detention	
Recommendation 57	officers to receive mandatory training prior to accreditation on the use of detention and arrest powers	Addressed in section on Training - Pages 10-14 and Accreditation - Pages 15-20
Recommendation 58	improve transport system design and procedures to assist people to comply with their obligation to buy a ticket	Addressed in section on Public Acceptance and Credibility - Pages 20-25
Recommendation 59	improve procedures to provide officers with lists of out of order ticket machines	
Recommendation 60	name and address to be requested only when reasonable attempts have been made to verify passenger claims that a ticketing machines was not functioning	
Recommendation 62	verification of name and address to be demanded only if officer believes false name or address has been provided	Addressed in Code of Conduct - Appendix 4
Recommendation 63	placement of signs at stations, tram and bus stops to remind passengers of obligation to verify name and address if found without a ticket	Addressed by Recommendation 13 - Page 24

Recommendation 64	verification information establishing identity be sighted only	Addressed in Code of Conduct - Appendix 4
Recommendation 68	introduction of common identification badge for authorised officers be considered	Addressed by Recommendation 17 Page 24