

## Advice sheet

### Complaints about public transport on-the-spot penalty fares or infringement notices

This advice sheet:

- provides information about how you can make a complaint about:
  1. a penalty fare you have paid or
  2. an infringement notice you have received
- explains the roles of the agencies who deal with complaints about travelling on the public transport system.

If you do not have a valid ticket when travelling on public transport or if you refuse to show your ticket when asked, you may have committed an offence under the *Transport (Compliance and Miscellaneous) Act 1983*. Authorised officers, employed by transport operators and often called 'ticket inspectors', enforce the fare system.

#### *Penalty fares and infringement notices*

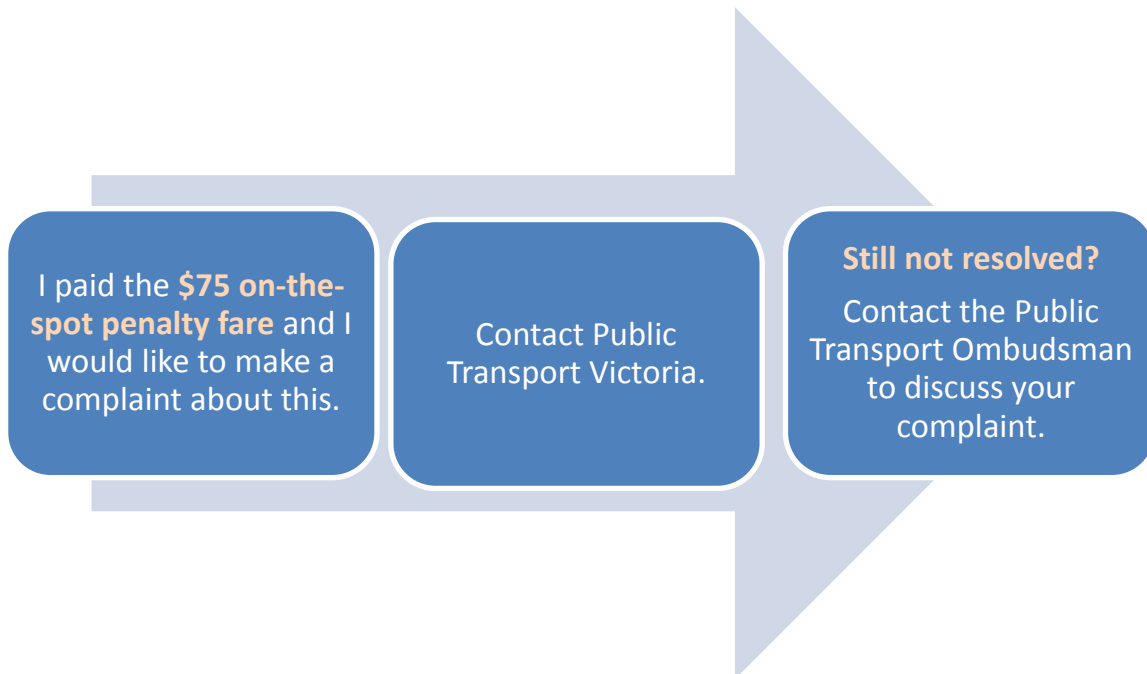
If an authorised officer believes you do not have a valid ticket or a valid concession, they can:

1. offer you the option of paying an on-the-spot **penalty fare** of \$75 (metropolitan area only) or
2. report you to the Department of Economic Development, Jobs, Transport and Resources (department) who may issue you with an **infringement notice**.

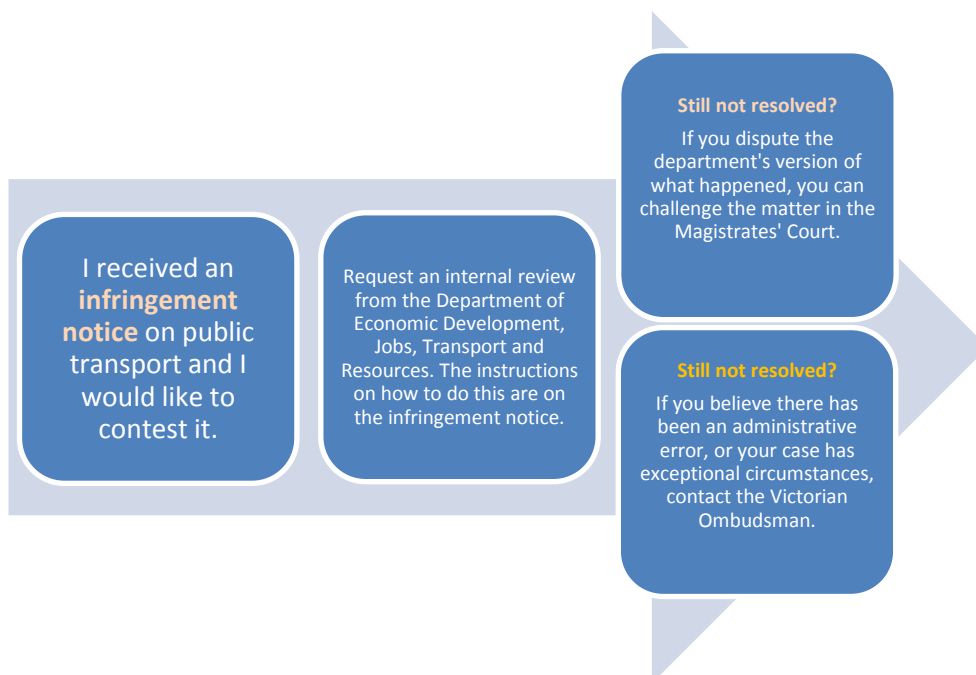
If you choose the **penalty fare** option, you will be required immediately to pay a \$75 fare by credit or debit card. By paying the fare you are accepting liability for a ticketing offence. Authorised officers will not ask you for any personal information, such as your name and contact details, and you will not be sent any correspondence about the ticketing offence. Penalty fares are issued by Public Transport Victoria and are not reviewable by the department or the Magistrates' Court.

If you are not offered or choose to not accept a penalty fare, the authorised officer will record your personal details and send these to the department. The department will review the information provided and **may issue you with an infringement notice**.

Who should I speak with if I wish to complain about:  
1) a penalty fare?



2) an infringement notice?



*What if I have complained about a penalty fare or infringement notice, but would like an independent review?*

After contacting Public Transport Victoria (for penalty fares) or the department (for infringement notices), if you still wish to complain about your penalty fare or infringement notice, you can seek an independent review as follows.

*A penalty fare:*

The Public Transport Ombudsman is an independent dispute resolution body. The Public Transport Ombudsman **can review** complaints about on-the-spot penalty fares **but cannot review** complaints about infringement notices. It can also investigate the conduct of authorised officers, and in some instances refer some investigations to the Victorian Ombudsman.

*An infringement notice:*

The Victorian Ombudsman investigates the decisions and actions of Victorian government bodies. She can accept complaints about both the Department of Economic Development, Jobs, Transport and Resources and Public Transport Victoria.

However, the Victorian Ombudsman is not able to determine if a person should have been issued with an infringement notice. This can only be done by challenging the infringement through the Magistrates' Court. Section 15(6) of the *Ombudsman Act 1973* states that the Victorian Ombudsman must refuse to deal with complaints if the complainant has or had a remedy by taking proceedings in a court.

While people can complain to the Victorian Ombudsman about the issue of an infringement notice, unless the Ombudsman considers that there are 'exceptional circumstances', people will be advised to access the department's internal review process, or if they have already had an internal review, contest the infringement in proceedings in the Magistrates' Court. Exceptional circumstances may exist:

- where there is substantial objective evidence that the issue of the infringement was wrong
- where the infringement was issued due to an administrative error by the department.

The complainant must therefore provide the Victorian Ombudsman with reasons why requiring them to challenge the infringement in court would be unreasonable or unjust.

Contact details:

**Victorian Ombudsman**

Level 1, North Tower

459 Collins Street

Melbourne VIC 3000

Tel: 03 9613 6222 (press 4) or 1800 806 314 (regional callers only)

Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

Website: [ombudsman.vic.gov.au](http://ombudsman.vic.gov.au)

**Public Transport Ombudsman**

PO Box 538

Collins Street West

MELBOURNE VIC 8007

Tel: 1800 466 865

Online complaint: [ptovic.com.au/make-a-complaint/complaint-form](http://ptovic.com.au/make-a-complaint/complaint-form)

Website: [ptovic.com.au](http://ptovic.com.au)

**Department of Economic Development, Jobs, Transport and Resources**

GPO Box 4509

Melbourne VIC 3001

Tel: 03 9208 3333

Online form: [economicdevelopment.vic.gov.au/contact-us](http://economicdevelopment.vic.gov.au/contact-us)

Website: [economicdevelopment.vic.gov.au](http://economicdevelopment.vic.gov.au)

**Public Transport Victoria**

PO Box 4724

Melbourne VIC 3001

Tel: 1800 800 007

Online form: [feedback.ptv.vic.gov.au/feedback\\_2.aspx](http://feedback.ptv.vic.gov.au/feedback_2.aspx)

Website: [ptv.vic.gov.au](http://ptv.vic.gov.au)