

Transit Safety Unit Public Complaints Handling Policy

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| 2 | November 2019 | Passenger Transport | <ul style="list-style-type: none"> Complaints now to go through Transit Safety Managers not Customer Service Officers |
| 3 | August 2023 | Passenger Transport | <ul style="list-style-type: none"> Added in definition for Customer Service Officer. Included Director of Transport roles and responsibilities. Included Use of Force Directions (No.1) 2023 in section 6.2. Added Section 7.3 Transit Safety Operational Standards Committee. |
| 4 | September 2023 | Passenger Transport | <ul style="list-style-type: none"> Minor feedback included from Executive Director, Transport Safety and Services |

| Acronyms | Full form |
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| CSO | Customer Service Officer |
| DIPL | Department of Infrastructure, Planning and Logistics |
| TO | Transit Officer |
| TSU | Transit Safety Unit |

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1 Policy Statement

Transit Officers (TOs) provide a customer service function for the Department of Infrastructure, Planning and Logistics (DIPL). TOs patrol the bus network in Darwin, Palmerston and Surrounding areas engaging with the travelling public to maintain safety and security.

DIPL supports the public's right to complain about the conduct or actions of an individual TO as well as the policies, practices and procedures of the Transit Safety Unit (TSU).

DIPL has a procedure in place to ensure that any complaint made against the conduct of a TO or the operations of the TSU will be handled appropriately and in a manner that is consistent with relevant standards, in line with best practice and meets the expectations of the public.

DIPL takes complaints against TOs and the TSU seriously and recognises that customer complaints and feedback is an important way to improve the Northern Territory's public transport system and maintain the integrity of the TSU and DIPL.

2 Objective

DIPL has created a policy to ensure that DIPL, TSU Management and TOs are aware of their responsibilities in relation to handling complaints made by the public.

This policy establishes a system of administrative review for the purpose of dealing effectively with complaints about the conduct of TOs or the operation of the TSU.

3 Definitions

Complaint – means an expression of dissatisfaction made to DIPL, related to the conduct of a TO, or TSU or conduct of those services, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

Complainant – means a person, organisation or its representative, making a complaint.

Customer Service Officer – means a person appointed by CDC Northern Territory to provide a customer service function at Casuarina, Darwin and Palmerston bus interchanges.

Directions means the Use of Force Directions (No.1) 2023 which apply to TOs appointed under section 6 of the *Public Transport (Passenger Safety) Act 2008* (the Act), excluding ex-officio transit officer.

Disqualifying Offence – means an offence defined as a “disqualifying offence” in section 3 of the Act.

Director Transport – means the Director under the *Public Transport (Passenger Safety) Act 2008*.

Frivolous Complaint – means a matter that is trivial, without grounds, without substantial merit, or clearly intended merely to harass, waste time, delay or embarrass.

Identity Number – means the TOs identity number issued under section 8 of the Act..

The Act – means the *Public Transport (Passenger Safety) Act 2008*.

Transit Officer – means a person appointed under section 6 of the Act.

Vexatious Complaint – means a matter determined by the Director Passenger Transport that is frivolous, a repeated abuse of the process and where it is found the motive and intent is to harass, annoy, cause delay or achieve another wrongful purpose.

4 Roles and Responsibilities

4.1 Manager Transit Safety

The Manager Transit Safety Unit (Manager) is responsible for:

- implementation of this policy and procedure;
- monitoring the conduct and performance of TOs when handling complaints;
- ensuring that all complaints received are appropriately recorded and all records are stored securely; and
- investigating all complaints thoroughly and impartially.

4.2 Transit Officers

TOs are responsible for:

- following this policy and procedure;
- taking any complaint, of any nature, from a member of the public by way of Body Worn Camera (BWC);
- categorising the BWC by the end of shift with the title 'Complaint';
- informing the Manager of all complaints received, even those believed to have been resolved; and
- providing complainants with a 'Feedback' business card.

4.3 Customer Service Officers

Customer Service Officers (CSOs) are responsible for:

- taking the contact details of the complainant and immediately referring the matter to the Manager;
- informing the complainant of the complaints process and that the Manager will contact them as soon as possible; and
- providing the complainant with a 'Feedback' business card.

CSOs must not receive or record details about the circumstances surrounding the complaint.

4.4 The Department of Infrastructure, Planning and Logistics

DIPL is responsible for:

- regularly reviewing this policy;
- ensuring that TOs are provided with regular and appropriate training;
- investigating all complaints referred by the Managers and taking appropriate action, including referral to the Northern Territory Police where required under legislation.

4.5 Director Passenger Transport

The Director of Passenger Transport is responsible for:

- handling complaints about the Manager; and
- investigating all complaints referred by the Manager and taking appropriate action, including referral to the Transit Safety Operational Standards Committee where required under legislation.

4.6 Director Transport

The Director of Transport is responsible for:

- investigating complaints referred by the Director Passenger Transport and taking appropriate action where required under legislation.

5 Procedure for Making a Complaint

Procedure for the appropriate handling of complaints made by the public will be developed by DIPL in consultation with the Director Passenger Transport and the Manager.

Complaints may be made through the following channels:

- in person to a TO;
- in person to a Customer Service Officer based at the Darwin, Casuarina and Palmerston bus interchanges;
- by telephone to the Manager Transit Safety on 08 8936 4015;
- by email to passenger.transport@nt.gov.au or feedback.dipl@nt.gov.au; or
- complete an online feedback form at dipl.nt.gov.au/feedback.

5.1 Information to be provided

5.1.1 By Transit Officers

TOs must provide a complainant with their first name and their TO Identity Number, even if those details were not requested by the complainant.

5.1.2 By the Complainant

A complainant should be prepared to provide their name and contact details for the complaint to be fully investigated.

Anonymous complaints will be investigated as thoroughly as all other complaints. However, in the absence of contact details and the inability to check details with the complainant, it may be impossible to provide a response or effectively resolve the issue.

5.2 Receipt of Complaint

All complaints made against a TO or the TSU must be recorded by the Manager, regardless of how the complaint was made.

If a complaint is made to a TO, it is the responsibility of the TO to advise the complainant of the use of their BWC which will be used as a record of the complaint. Alternatively, a TO may provide a complainant

with a 'Feedback' business card if that person would like to make a complaint at a later time. The complaints must be directed to the Manager as soon as possible.

If a complaint is made to a CSO in person, only the details of the complainant are to be taken, not the complaint itself. The details of the complainant will be immediately forwarded to the Manager.

All complaints about the Manager must be referred to the Director Passenger Transport.

5.3 Complaint Management Procedure

All complaints must be recorded and stored in a secure register which is managed and accessible only by the Manager.

All reasonable efforts should be made to close a complaint as quickly as possible and preferably at the time the complaint is made, however, as a guide, the following timeframes for investigating complaints are:

- seven working days from the day of complaint receipt; or
- an interim response is to be provided within the seven working days.

If the Manager or Director Passenger Transport believes that the complaint may not be resolved within the timeframes, they must contact the complainant to advise when the complaint is expected to be closed.

Complainants must be treated courteously and kept informed of the progress of their complaint through the complaints handling process.

Every reasonable effort should be made to investigate all the relevant circumstances and information surrounding a complaint. The level of investigation should be commensurate with the seriousness, frequency of occurrence and severity of the complaint.

The TO who is the subject of the complaint is to be provided with the substance of the complaint and be given the opportunity to respond.

Following the investigation, and where requested by the complainant, a response is to be provided. This response may include the outcomes of the investigation, including details of any decisions or actions to prevent the incident occurring again, as well as information about review avenues.

All records relevant to the complaints handling process must be dealt with in accordance with Public Service Records Management requirements, *Information Act* and DIPL's Privacy Statement.

TOs are to treat all complaints in the strictest confidence and only disclose information and the complainant's personal information to persons who have a requirement to know.

6 Management of Complaints

Complaints will be managed by DIPL differently depending upon:

- the severity of allegations; and
- whether the complaint may be frivolous or vexatious.

6.1 Severity of Complaints

6.1.1 Minor Complaint

Minor complaints relating to allegations of discourtesy, minor misconduct and underperformance issues will be actioned by the Manager within the workplace. This may involve the Manager dealing directly with the complainant to resolve the issue.

Minor complaints can commonly be resolved through explanation of the law, explanation of TSU practice or by bringing the complainant's concerns to the attention of the TO who is the subject of the complaint. While the TO will be provided with the substance of the complaint, the complainant's personal details will not be revealed to the TO (unless express permission has been obtained from the complainant to release such detail).

6.1.2 Serious Complaint (non-criminal)

Serious complaints relating to allegations of serious misconduct or a serious neglect of duty made against a TO must be immediately referred to the Director Passenger Transport.

6.1.3 Criminal Complaint

A complaint of a potentially criminal nature (e.g. allegations of unlawful exercise of powers; assault of a passenger; theft of passenger belongings including confiscation of passenger items without lawful authority) must immediately be reported by the Manager through to the Director Passenger Transport.

The Director will, if the complaint is substantiated, formally notify the Northern Territory Police (Police) of the allegation and offer assistance to the complainant to make their statement of complaint with the Police if the complainant has not already done so. Assistance to the complainant may be in the form of arranging an appointment with an appropriate member of the Police and/or arranging for a support person.

A criminal complaint made against a TO that leads to a criminal charge(s) that are disqualifying offence(s) will require the TO to advise both the Director Passenger Transport and Director of Transport of that charge(s). A conviction of a disqualifying offence will result in the revocation of the TOs appointment as a TO.

Any conviction of a disqualifying offence against a TO and any subsequent action against the TO are to be recorded on the officer's personnel Human Resources file.

6.2 Complaints and Breaches of the Transit Safety Code of Conduct or Use of Force Directions

Complaints against a TO may constitute a contravention of the Transit Safety Code of Conduct or the Use of Force Directions (No.1) 2023 which will be investigated and determined separately.

Substantiated complaints will be referred through to the Director to determine whether there has been a contravention and what action must be taken. Substantiated complaints against a TO, including the officer's response to the complaint, are to be recorded on the officer's personnel Human Resources file.

6.3 Frivolous and Vexatious Complaints

A complaint may not be dealt with where the Director Passenger Transport is satisfied at any time after receiving the complaint that the complaint is frivolous, vexatious or is being pursued by the complainant for an improper purpose.

As a general principle, in making this determination, the Director Passenger Transport will have regard to past dealings from the complainant and the circumstances of the complaint.

In particular, the Director Passenger Transport may make this finding if they are satisfied that the complaint:

- is trifling or characterised by lack of seriousness or sense;
- lacks sufficient grounds or is clearly untenable;
- serves only to cause annoyance or embarrassment to DIPL; and
- has been made for a collateral purpose and not solely for the purpose of closing the complaint through the Director Passenger Transport complaints handling processes.

The Director Passenger Transport will not continue to deal with the complaint if:

- the complainant fails without reasonable cause to respond substantively to the Director Passenger Transport for information necessary to assist in the investigation of the complaint;
- a communication by the complainant to the Director Passenger Transport is misleading or deceptive;
- the Director Passenger Transport regards the complaints as offensive or defamatory;
- the complainant fails to accept the Director Passenger Transport's offer to close the complaint and the Director Passenger Transport is satisfied that:
 - the offer of resolution is reasonable;
 - the complainant's failure to accept the offer of resolution appears to be for an otherwise collateral purpose; and
 - in failing to accept the Director Passenger Transport's offer of resolution, the complainant is exerting or attempting to exert or use unfair pressure or undue influence on the Director Passenger Transport.

7 Reviews of Complaints

If a complainant or TO is not satisfied with the outcome of a closed complaint, they may request a review of the complaint. The matter will be referred to the Director Passenger Transport for further review and, if necessary, referred on to an appropriate agency.

If a complainant is still dissatisfied with the outcome they have the right to refer matters to the Northern Territory Ombudsman.

7.1 Internal Review Procedure

Reviews shall be conducted by the Director Passenger Transport or a nominated representative. Any representative nominated by the Director Passenger Transport must be at least one level senior to the original investigating officer.

The Director Passenger Transport or nominated representative will only review complaints that have already been dealt with in accordance with this procedure and the Manager has been given a reasonable opportunity to close the complaint.

If a TO is dissatisfied with the finding or outcome of a complaint against them they can seek a further review of that finding or outcome by making a written application to the Director Passenger Transport.

In hearing any application, the Director Passenger Transport will appoint an independent officer who will review the complaint and make a recommendation to the Director Passenger Transport to affirm, vary or revoke the finding or outcome. Any independent officer appointed by the Director Passenger Transport must be at least one level senior to the original investigating officer.

Any internal review of complaints against a TO, including the officer's response to the complaint review and any subsequent action involving the Transit Safety Code of Conduct or Use of Force Directions (No.1) 2023, are to be recorded on the officer's personnel Human Resources file.

7.2 External Review

7.2.1 Transit Safety Operational Standards Committee

The Transit Safety Operational Standards Committee (TSOSC) is the strategic review committee that exercises the authority to guide the behaviours of TOs involved in the use of force and ensures all investigations pertaining to matters concerning TOs are conducted in an appropriate and consistent manner.

To ensure legally compliant investigations and undertaken, the principles of natural justice are applied. The principles of natural justice are a legal concept developed by the courts designed to ensure procedural fairness in the exercise of administrative power. This requires that during the investigation of a complaint against a TO, the TO must be afforded a fair hearing prior to any decision being made and that the decision maker should be impartial.

A Fair Hearing means that the TO must be given fair notice of any hearing, the TO will be provided with the content of the material to be considered (e.g. witness statements, video footage etc.) and an opportunity to answer any complaint and make their own submissions.

Refer to the TSOSC Terms of Reference for further information.

TOs must adhere to directives issued by the Director of Transport in relation to Transit Safety Operational Standards Committee Directives.

7.2.2 Northern Territory Ombudsman

A complainant is entitled to raise their matter with the Northern Territory Ombudsman if they are not satisfied with DIPLs internal review procedure.

Northern Territory Ombudsman

Phone: 1800 806 380 (land lines only) or 08 8999 1818

Email: nt.ombudsman@nt.gov.au
Website: www.ombudsman.nt.gov.au

8 Confidentiality and Privacy

All personal information relating to the complaints process will be used specifically for the purpose that it is collected and will be treated confidentially and in accordance with the *Information Act 2002* and DIPLs Privacy Statement.

TOs and DIPL are to treat all complaints in the strictest confidence and only disclose information and the complainant's personal information to those who have a requirement to know.

9 Monitoring and Review

This policy will be regularly reviewed and amended by DIPL in consultation with the Manager and TOs to ensure practices are effective, appropriate and compliant.

TOs will undergo regular training to ensure competence in the procedure.

The procedure will be regularly evaluated to consider whether complaints are being appropriately managed and incorporate any feedback from TOs or the public.

10 Further Information

For additional information or to provide feedback, please contact the DIPL's Passenger Transport Branch via email at passenger.transport@nt.gov.au or visit www.nt.gov.au/publictransport

11 References

*Information Act 2002*¹

Public Sector Employment Manager Act ²

*Public Transport (Passenger Safety) Act 2008*³

Transit Officer Code of Conduct

Transit Safety Operational Standards Committee Directives (No.2) 2023

Transit Safety Operational Standards Committee Terms of Reference

Use of Force Directions (No.1) 2023

¹ <https://infocomm.nt.gov.au/about-us/the-information-act>

² <https://ocpe.nt.gov.au/employment-law/public-sector-employment-and-management-act-and-regulations>

³ <https://legislation.nt.gov.au/en/Legislation/PUBLIC-TRANSPORT-PASSENGER-SAFETY-ACT-2008>