

City Link Legal Action Continues

Trade practices challenge dismissed

On 22nd May, Justice Northrop of the Federal Court handed down his decision in PTUA member Phil Morey's challenge to the City Link prospectus. The challenge was dismissed on a technicality: Mr. Morey had argued that revenue projections in the prospectus were inflated and therefore misleading to investors. Justice Northrop decided that Transurban had never claimed the revenue figures in its prospectus were accurate, and therefore nobody had been misled even if the figures turned out to be wrong! This meant that the evidence led during the case, which clearly showed serious flaws in the way the revenue projections were calculated, was not considered.

Appeal lodged

Not surprisingly, Mr. Morey's counsel suggested that an appeal against this decision had a reasonable prospect of success, and an appeal has been lodged to the full Federal Court. This appeal will be heard by three new judges, probably in the next three months.

Transurban seeks costs from PTUA

Counsel for Transurban indicated on 22 May that the City Link consortium intended to seek payment of its legal costs in the Federal Court from the PTUA. It argued that Phil Morey had been a "man of straw", an innocent dupe of cunning PTUA members. This case has now been heard and we are awaiting a decision.

No risk to members

At no time have members of the PTUA been at any personal risk as a result of Transurban's application against the PTUA. The Association is incorporated under the Associations Incorporation Act 1981, which provides absolute protection to members from liability for the debts of an incorporated association. This is provided by Section 15(1), a copy of which appears on this page (the reference to "except as otherwise provided..." is to section 51(3) of



the Act, which applies where members, in breach of the Act, use an incorporated association as a profit-making or "trading" venture).

Transurban's bullying tactics

Why has Transurban been throwing its weight around like this? Everyone knows that the PTUA - and Paul Mees - don't have tens of thousands of dollars to spare. The objective seems to be to silence critics of the City Link project through financial intimidation, a most undemocratic way of dealing with critics!

Transurban is also clearly trying to scare off possible legal challenges to City Link. It has attempted to have the challenge to its tax breaks (see below) moved from the "cheap" Administrative Appeals Tribunal (where no costs can be ordered against losing parties) to the expensive Federal Court, in a transparent attempt at intimidating challengers.

Meanwhile, in the Administrative Appeals Tribunal On 9th July, Transurban's attempt to have the appeal against City Link's tax breaks moved from the AAT to the Federal Court flopped badly. The Development Allowance Authority, which granted the tax breaks, argued - at Transurban's insistence - that the AAT had no jurisdiction to hear the case. Deputy President McDonald decided to go ahead with the case and determine the jurisdiction issue later. He also decided that, until he determines the issue, Transurban cannot apply to be made a party to the case. So Transurban have been hoist on their own petard: they have failed to shift the case to the Federal Court, and in the process dealt themselves out of the hearing! The AAT hearing is expected to take place in early August.

From Associations Incorporation Act 1981 (p.20)

15. Rights and liabilities of members

1. Except as otherwise provided by this Act or the rules of an incorporated association, a member or officer of the incorporated association shall not, by reason only of his being such a member or officer, be liable to contribute towards the payment of the debts and liabilities of the incorporated association or the costs, charges and expenses of the winding up of the incorporated association.

Keeping in touch...

PTUA office

Ground Floor 247 Flinders Lane, Melbourne
Telephone: 03 9650 7898

Committee Meetings

Monthly at 6.15 at 247 Flinders Lane
For details please call the office

Membership

Graeme Gibson: 03 6950 7898

The PTUA on the 'Net'

The PTUA home page is on
Vicnet at <http://www.vicnet.net.au/~ptua/firstpt.htm>.

Committee Members

Paul Mees - President	Alan Hardie
Neva Finch - Vice President	Tim Hoffman
Les Chandra - Secretary/Act. Treasurer	Phil Morey
John McPherson - Ass't Secretary	Domenica Settle
Patrick O'Conner - Media Liaison	Gerry Warren

We are sorry to report that Tim Grant and Gracy Giradi have left the committee due to work commitments. Our thanks to them for their contributions.

PTUA Annual General Meeting:

Wednesday 18 September 1996,
7pm, 4th floor, Ross House
(see below for nomination form)

The Agenda will include reports from the office bearers, election of a new committee for 1996/97 and a special item on the agenda - an opportunity for members to discuss a rise in our membership fees. These have not risen since 1987 and while members have been generous with donations, the costs of running the PTUA and our various campaigns inevitably keep going up. We will not have a guest speaker at this year's AGM - expect someone special at our end of year 20th Anniversary Celebrations

**No we haven't forgotten the
20th Anniversary Celebrations for the PTUA.
We're still planning it!**

Look forward to our special event at the end of the year

Nominations for the PTUA committee

The current election procedure allows for the AGM to elect a President, Secretary and Treasurer and up to nine committee members. Nominations must be on the form attached, and signed by the nominator and the candidate, both of whom must be members of the PTUA. Nominations must be received at the PTUA office (ground floor, 247 Flinders Lane Melbourne) by hand or by mail by 4.00 pm Friday 13 September 1996. Nominations will not be called for the AGM unless fewer than 12 nominations are received by the above date.

PTUA Committee Nomination Form



I _____
of _____
nominate _____
of _____
for election to the position of:

Committee member

President

Secretary

Treasurer

Revenue Protection Officers: *Is that really the way to treat your customers?*

PTUA office volunteers continue to receive a stream of complaints concerning the activities of the Revenue Protection Officers (RPO's).

Patrolling in gangs, RPO's appear to confront train travellers in a particularly aggressive way - with special emphasis on young people and people who are identifiably migrants.

We remind our members that tickets **MUST** be purchased at the beginning of a journey if the ticket office is open, even if this means missing a soon-to-depart train. However there is no requirement in the Transport Act regulations that tickets be purchased at junction or other main station where passengers change trains. Also there is no requirement that passengers attempt to buy tickets at milk bars or other off-system outlets if the ticket office is shut.

The RPO's now have most of the powers of police officers. The RPO's often choose to write out a large \$100 fine even when a passenger's ticket turns out to be clearly valid. The RPO's aggressive manner will often drive the most law abiding passenger to "abusive" language.

So the PTUA recommends members;

- stay very calm while dealing with RPO's and obtain officer's name;
- have a witness if possible;

- make very sure the ticket office is either open or closed at your originating station (if closed note the time);
- check that date information etc is clearly printed/punched on all tickets.

The appeal process for the on-the-spot fines (\$100 or more) remains very unsatisfactory. First step is an internal appeal to the head of the Infringement Section of the Public Transport Corporation. Putting one's faith in the Magistrate's Court can be a trap. If you fail, the PTC may attempt to recover hundreds of dollars in addition to your fine in court costs from you. Some appeals to the Transport Minister's office have succeeded. The Assistant Ombudsman, Mr. John Flemming, is also interested in following up some PTC

infringement cases.

Peter Couchman on Radio 3LO followed up the issue of RPO behaviour some weeks ago and agreed with one caller that he could think of no organisation other than the PTC that treats its customers so badly.

Incidentally, we have received no complaints to date at the PTUA about the officers of the Victoria Police Transit Division. The discipline and effectiveness of the Transit Division also needs to be applied to the seemingly out-of-control RPO's.

"...there is no requirement that passengers attempt to buy tickets at milk bars or other off-system outlets if the ticket office is shut."

in brief

Automated Ticketing gets up "a head of steam"

Just over three years ago, the Minister for Public Transport announced that automated ticketing would be introduced on to the system within 18 months.

Now *AT Update, Issue No 2* published in June, imparts the exciting news that there has been a lot of activity in the last month. Equipment has been fitted for initial testing on trams at Camberwell, on rail at Caulfield, Ashburton and Alamein, and on buses at the Ventura Knoxfield depot. In addition, "Train the Trainer" courses are being run so that senior staff members will be able to instruct their own staff "at about three weeks prior to the actual introduction of automated ticketing".

The only thing not mentioned is just when that might be! We look forward to *AT Update Issue 3*.



Good News from Calcutta

The latest information received from Calcutta is that at present the threat of closure of Calcutta Tramways has been lifted.

Professor John Whitelegg, an eminent traffic consultant and long time member and supporter of the PTUA, is currently visiting Calcutta for a month to review the city's traffic situation. Dr Whitelegg is also the managing director of the journal, *World Transport Policy and Practice* and was the first person of international repute in the area of public transportation who spoke against the planned closure of Calcutta Tramways.

Behind the Upfield victory

from Nik Dow

The Upfield campaign started in 1980 when Robert Maclellan, then Minister for Public Transport, decided to close four suburban lines on the advice of the Lonie Report. The incoming Cain Labor Government promised to reopen these lines if they were closed and so the line seemed saved. Plans were immediately made to modernise the line with automated signalling and boom gates, however Labor caught the 'light rail' mania, with the intention of using railway land around Macaulay to extend the Tullamarine Freeway.

During the late 80's a vigorous community campaign ensued and after the scratch ticket fiasco Minister Spyker gained Cabinet approval to retain the line but failed to address the catenary, the 13 sets of hand operated gates and the manually operated semaphore signals lit by kerosene lamps which remain today. Once again the campaign rested, but hopes were lifted by Premier Kirner's pledging \$10m to modernise the line. But Labor raised hopes only to dash them: the funds were never spent and the campaign got back into top gear even before the decimation of public transport was threatened by Minister Brown in January 1993.

The reluctance of the Federal Labor Government to come to our aid was disappointing. Lavish funding for Queensland and New South Wales rail reflected calculations on winning seats, while the Labor heartland in Victoria was ignored.

The characteristics of the campaign were its close involvement with the community, especially train travellers, with frequent on board leafleting in community languages and broad based actions such as postcard mail-ins, deluges of faxes to Ministers and bureaucrats, such as the head of VicRoads. We successfully ran steam trains in 1990 and 1994, published the Northern Suburbs Transport Plan and the History of the Upfield Line, started community gardens at stations, demonstrated, letterboxed, had film and quiz nights, organised submissions, met ministers and back-benchers and partied in Brunswick Town Hall. All these enabled us to show not only that there was significant community support, but

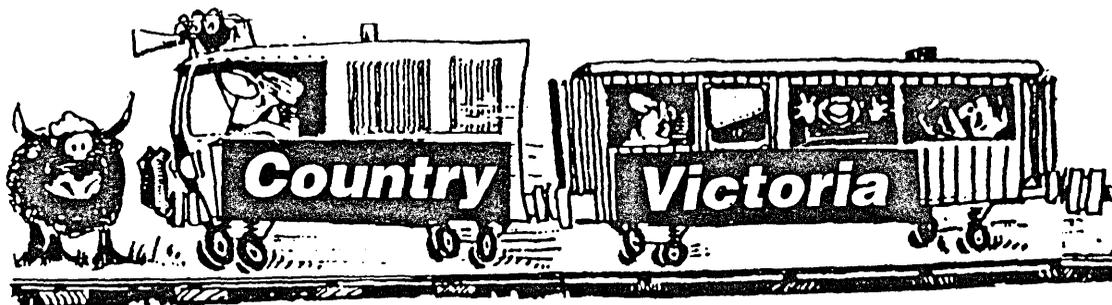
"The characteristics of the campaign were its close involvement with the community , especially train travellers.... leafleting in community languages and broad based actions..."

also that we had mobilised it and sustained a high profile issue. In this way Alan Brown was offered evidence of the political value to him of retaining and modernising Upfield. Perhaps, once again, his own met-ticket fiasco also helped.

The conduct of the campaign group was always inclusive, meetings were open, there were no office bearers and there was no voting. Win or lose, the excitement and achievements of the campaign, and the strong friendships that formed were reward enough for the hard work. The recent announcement of the long awaited \$25M upgrade is a wonderful victory and we eagerly await mid-1998 when Sunday and evening services will be restored.

Join us for the party on the first Sunday train.

CRITICAL MASS	
LAST FRIDAY OF EVERY MONTH	
THE MUSEUM, SWANSTON ST, MEET @ 5.30PM	
Celebrating the alternative. BICYCLE CULTURE.	
The most energy efficient, non-polluting, and FUN inner-city transport.	
LAST FRIDAY OF EVERY MONTH	



WMRS

The Wimmera-Mallee Rail Service Association has prepared a paper which outlines issues it believes need resolving if passenger trains are to return to the west. These issues include a feasibility study into the viability of a return to the trains; the use of Sprinter trains extended to Ararat; road coaches to provide feeder services to the rail; the leasing and development of the Ararat Railway Station, and the staffing of stations along the route.

Ararat Lobbies for Service

Ararat Rural City Council has affirmed its support of the Wimmera-Mallee Rail Service Association to lobby for the return of day-return passenger trains west of Ballarat. (Ararat Advertiser 2/7). The Council will continue support for a feasibility study into the return of passenger services as part of an integrated regional development for the Wimmera.

Bairnsdale Train Survey

The Bairnsdale Save our Trains Group

is gratified by the response it received to a 'Train Survey' which it published in the local papers and its own newsletter.

"On the Rails" reports that 650 surveys were returned, "...which is a testament to the determination of the people of East Gippsland. Most of the responses came from households rather than individuals, which indicates the level of interest in this issue within the community... A full report is being compiled and will be published as soon as possible."

People Against City Link

People Against City Link consists of community groups along the City Link route and concerned bodies such as the Public Transport Users' Association, Coalition Against Freeway Extensions and Australian Conservation Foundation. The group believes City Link will exacerbate rather than improve Melbourne's transport problems. It will generate more traffic, pollution and congestion on our roads, and will continue the unplanned urban sprawl which has made parts of Melbourne dependant on private transport. Melbourne needs a balanced urban and transport planning scheme providing people with a genuine choice between private and public transport.

Many costs will be borne by the State Government,

including extensive sound attenuation, cost of road changes near City Link, compensation payouts and increased health costs. A more effective and economical solution would be to upgrade public transport. City Link was approved with only a limited Environment Effects Statement, carried out without detailed plans.

Toll road users will pay exorbitant tolls for 34 years in order to finance the private sector, and will be forced to carry a transponder at an estimated cost of \$100.

People Against City Link meets on the 2nd and 4th Tuesday of each month at 7.30 pm at the Australian Conservation Foundation, 340 Gore Street Fitzroy. For more information please telephone 9376 4482

letters

from Judith Holmes

I heard that a spokesman for PTUA addressed the Ringwood Branch of U3A (University of the Third Age) last month. Having missed this event,

I have borrowed your literature from our Secretary, and she wants it back, so hence this "homemade" enrolment form!

I have spoken to many people of my age (70's) and we would all cheerfully give up driving and get off the roads, IF WE COULD STILL GET ABOUT ON PUBLIC TRANSPORT.

Please enroll me as a member of the PTUA for 2 years.

**Chartered Institute of Transport 1996 National Conference: "Transport and Communication, Into the Future"
1-3 October 1996, World Congress Centre, Melbourne. Contact 9816 9287 for more information**

PTUA News

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