



## **Public Transport Users Association – Fairer fines survey results January 2016**

In anticipation of being asked to contribute to the Victorian Government review into Public Transport Infringements, the PTUA surveyed public transport users to gather feedback for our response to the review. We received an overwhelming response from almost 500 people, even though the survey was only open for a month. This level of interest proves that many people are concerned about the infringement process and want to have a say in how it can be improved. The survey gathered information about passengers' experiences with Authorised Officers and views about the fine system itself, as well as their opinions about policy and potential improvements.

### **Summary of the results**

We surveyed both people who had received a fine and those who hadn't. 68% of people who responded had received a fine.

#### **The reasons for their fines included:**

- 40% failing to properly validate a Myki Card
- 22% travelling on a concession ticket without evidence of a concession card on their person
- 21% travelling without a valid card
- 17% fined because they were unable to validate a card due to technical problems

#### **Authorised officers and the \$75 on-the-spot fine:**

- 84% of people opted to have the fine sent to them rather than pay the on-the-spot fine

#### **Reasons people opted not to pay the on-the-spot fine:**

- 35% wanted to contest the fine at a later date
- 27% believed there was a problem due to a faulty card or Myki equipment
- 17% said they were concession card holders but had forgotten to take their proof with them on the day
- 15% were unable to pay due to lack of personal funds
- 6% did not own a credit card to complete the transaction

It's clear from these results that many of the respondents were not trying to avoid paying for their fare. However, they had encountered a problem related to understanding the fare technology, or technical failures of the system, or had forgotten concession cards.

The significant number of passengers who had problems with the technology indicates that a large percentage of these cases can easily be resolved without the need for people to proceed to court. One immediate solution would be to allow those who don't have their concession cards with them to provide their card at a later date. The Department of Transport and/or PTV also need to seriously do their own investigations into whether Myki machines have been faulty or not.

Additionally, it is concerning that 21% of passengers said they did not have the means to pay in the first place, which indicates that a larger fine would be even harder to pay, putting these people into further hardship.

**Those who chose to pay the on-the-spot fine gave the following reasons:**

- 32% paid because they felt pressured by the Authorised Officer
- 29% paid because it was cheaper than paying the larger fine at a later date
- 25% paid because they didn't want to spend time arguing about it later
- 12.5% paid because they knew they were in the wrong
- 4% paid because they felt the Authorised Officer explained their options clearly and they therefore had a fair choice between paying now and contesting it later.

It is also a concern that a third of respondents felt pressured by the Authorised Officer to pay the fine but only 12.5% felt comfortable with the options given to them by the Authorised Officer. Overall, some 54% of people said they paid because it was more convenient.

**Experience with the Department of Public Transport and the court system:**

- 31% said the Department reviewed their fine and withdrew it
- 27% contested their fine but the Department rejected their claim, so they paid the fine
- 19% said they were issued the fine by the Department and paid it without contesting the matter
- 15% said the matter went to court but was withdrawn before the hearing by the prosecutor or Department
- 3.5% went to court, pleaded not guilty, and were not fined
- 1% pleaded not guilty and were fined
- 1.5% went to court and pleaded guilty and received a reprimand
- 1% pleaded guilty and were ordered to pay

Overall, 52% of people contested their fine after it was issued. Although 31% had their fine reviewed and withdrawn by the Department, 71% of those who continued to pursue the matter through the court had it withdrawn before the hearing, and 23% went to court but received no fine or were given a warning. Fewer than 6% received a fine after contesting the matter. Clearly there are many valid reasons why people are not travelling with a valid card.

Many respondents listed legitimate extenuating circumstances for not having a valid card on the day including:

- Lost card
- Left card at home
- Left a proof of concession at home
- Faulty fare machines
- Attempted to touch on but machine didn't work and they either didn't realise, or had no alternative way to touch on at the time
- Didn't realize until on the tram that they had insufficient credit or there was a delay in credit being loaded onto their card and they assumed the card had sufficient credit

This feedback strongly suggests that individual circumstances are not being considered by Authorised Officers or by the Department during the review process.



### Legal advice

- 83% of people who chose to contest the fine sought legal advice

### Legal advice came in the following forms:

- 72% of people were able to get pro bono advice on how to contest the matter
- 21% represented themselves
- 1 person paid a lawyer to attend with them
- 4% got Legal Aid to assist them
- 2% got advice from a community legal centre

### We also asked people questions about improvements they would like to see made in the system:

- 87% agreed that if a ticket has not been purchased, or there has been a problem with the Myki technology, Authorised Officers should have the ability sell passengers a ticket without an extra fine
- 75% agreed with the statement “when travelling without a ticket the penalty fare should be \$20-30 not \$75,” which is significantly higher than the daily cap but more affordable for people on low incomes
- 95% agreed that people who forgot to travel with their proof of concession should be able to present it to the Department within a specified time frame
- 97% agreed that Authorised Officers should be given better customer service training and the ability to review cases where a problem with the system has been reported
- 96% agreed there should be improved processing by the Department, allowing it to review and withdraw cases before they are referred to court. This change seems sensible, given that many cases are withdrawn or dismissed once they get to this stage.

### PTUA recommendations to the Review into Public Transport fare Enforcement

1. **Penalty fares:** People travelling without a valid Myki card should be given the opportunity to pay a penalty fare of \$20-30 without further appeal, and issued with a Myki card with \$4 credit on it to cover the current journey. Alternatively, the matter should be sent to the Department and a fine issued which they can contest at a later date.
2. **Hardship and ability to pay:** Where a person is unable to pay a penalty fare due to hardship, or not having access to a credit card, they should be able to pay the reduced fare by alternative means. In the case of hardship, the Department should have the ability to review their circumstances and apply a reduced fine.
3. **Lost card and proof of concession:** If a person has a card with a current Myki pass on it but it has been either lost, stolen or left behind on the day of travel, they should be able to present the card, or proof of the lost card, to the Department within a specified time frame to avoid receiving a fine. The same policy should apply to people travelling

on a concession Myki card who did not have proof of concession at the time.

4. **Behaviour of Authorised Officers:** Many survey respondents made complaints and comments regarding the behaviour of Authorised Officers, and their approach to passengers. Many people felt officers were rude and did not give any consideration the circumstances which might have led to them not having a valid ticket, and felt intimidated into paying the \$75 fine. Additionally, people felt intimidated by the groups of officers surrounding them when they were being spoken to. Many felt the experience deterred them from travelling on public transport in the future.

Therefore the PTUA recommends the Department review the practices of Authorised Officers and provides better training in customer service, especially in dealing with people in a more considerate way, ensuring that the passengers with whom they interact feel they are being listened to, rather than being treated as guilty or as part of a revenue raising process.

5. **Department review process:** Additionally, many people gave negative feedback about the response they received from the Department when seeking a review of their fine. They indicated that they felt the system was designed to bully them into paying the fines, rather than considering their individual circumstances, and possibly withdrawing the fine where there was a legitimate reason for the non-payment of the fare. People felt Department letters were unreasonably rude, and seemed like form letters that did not respond to the actual details provided by them. This poor communication by the Department made them feel ignored.

Therefore the PTUA recommends that the Department improve its policies and practices regarding consideration of individual's circumstances that may be legitimate. In particular, PTUA recommends that the department consider passengers' travel history and if they regularly touch on when travelling. Further, where a dispute exists that involves technology failure or unintentional error by the passenger touching on that the Department seek to clarify the claims and treat people as innocent until proven guilty as opposed to the other way round.

6. **Producing evidence:** At present there is a considerable delay between when an infringement incident occurs and when the department issues the fine in writing. This delay is causing people difficulty in being able to request relevant evidence, such as CCTV footage or Myki machine maintenance records, because these records are only kept for a limited period.

PTUA therefore recommends that information needs to be kept for a longer period of time. Furthermore, Authorised Officers need to advise passengers of their right to obtain such information if they wish to rely on it for evidence, and to contact the relevant agency to get that access.

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