

Code of Conduct

 For Public Transport
Authorised Officers

Version Effective: 9 January 2026



Department
of Transport
and Planning



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Introduction

Authorised Officers (AO) are employed by passenger transport companies to perform statutory duties and functions essential to the successful and safe delivery of public transport services in Victoria.

Responsibility for ensuring the successful performance of an AO is divided between the Department of Transport and Planning (DTP) and the passenger transport company which employs the AO.

DTP has responsibility for ensuring that AOs are performing their duties and functions in accordance with the provisions of the *Transport (Compliance and Miscellaneous) Act 1983* (the Act) and, as such, acts as a regulator of AOs.

The passenger transport companies, as employers of AOs, are required to ensure that their staff are properly trained and equipped with the skills to perform their duties. Each of these employers has its own procedures, policies and operating requirements relevant to how its AOs go about their work. The passenger transport companies are required to have their own Authorised Officer Management System (AOMS) and to keep proper records in relation to it.

This Code of Conduct for Public Transport Authorised Officers (the Code) has been developed by DTP to provide guidance on the obligations and responsibilities of AOs from the regulatory perspective. It has been written with AOs as the intended audience.

The Code is not intended to be a comprehensive outline of how AOs are expected to conduct themselves as employees (of passenger transport companies). It does not address issues which are more properly the responsibility of the passenger transport companies. It must be read in conjunction with other documents containing the operational and policy requirements of each AO's employer.

The team within DTP which is responsible for the authorisation and regulatory oversight of AOs and passenger transport companies, is the Transport Regulatory Operations Branch.

Further information about the regulatory framework can be obtained from:

Director, Transport Regulatory Operations
Business and Regulatory Operations
Department of Transport and Planning
PO Box 2392 Melbourne Victoria 3001

Email: aorta@transport.vic.gov.au



Objective of this Code

The principal objective of this Code is to promote knowledge of, and compliance with, the legislative responsibilities of AOs.

The primary functions of an AO are to:

- Check tickets and report ticketing and behavioural offences against the Act and regulations made under the Act, whilst exercising discretion where special or exceptional circumstances exist, or where cases of inadvertent non-compliance are apparent.
- Provide passenger information.
- Improve safety on the network by acting as a deterrent to vandalism and anti-social behaviour.
- Help during special events and disruptions.
- Provide evidence to any court or tribunal relevant to ticketing and behavioural offences.

Note: Authorised Officers do not issue warnings or fines.

This Code draws on the following legislation and instruments, and should be read in conjunction with them:

- *Transport Integration Act 2010.*
- *Transport (Compliance and Miscellaneous) Act 1983 (the Act).*
- *Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017.*
- *Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2025.*
- *Transport (Compliance and Miscellaneous) (Infringements) Regulations 2019.*
- *Privacy and Data Protection Act 2014.*
- *Charter of Human Rights and Responsibilities Act 2006.*
- Conditions Imposed on a Person Authorised under Section 221AB of the Act.
- Government Gazette, G41, 14 October 2021, page 2159 - Determination of relevant incidents and occurrences, determined under section 228H(7) of the Act.
- Victorian Fares & Ticketing Manual.
- Public Transport Law and Procedure Reference Notes for Authorised Officers.
- Certificate III in Public Transport Customer Service and Compliance, including guidelines for the collection, use and storage of personal information obtained through the public transport compliance process.

AOs must also have detailed knowledge of all relevant operating procedures and internal policies of the passenger transport company that employs them.

Overview

AOs have two lines of accountability. The first is to the passenger transport company that employs them as part of the employer-employee relationship. The second is to DTP, which is responsible for regulatory oversight of AO conduct in accordance with the Act.

The Act sets out the provisions/conditions in which a person may be authorised, as well as the situations which allow the Secretary of DTP (the Secretary) to hold an inquiry into the conduct of an AO and to impose disciplinary action where appropriate. This Code reflects expectations relating to the second of these accountabilities - that is, the regulatory one.



1. Legislative Framework

The Secretary is the statutory office responsible for the authorisation of AOs. Section 221AB of the Act empowers the Secretary to authorise a person who is employed or engaged by a passenger transport company, but only if the Secretary is satisfied in relation to the matters set out in section 221C of the Act.

The Secretary has delegated these powers and functions to a number of DTP officers. References to the Secretary in this Code also refer to those DTP officers to whom the Secretary has delegated relevant powers and functions under the Act.

To authorise a person as an AO, under the Act, the Secretary must be satisfied that the person:

- is competent to exercise the functions of an AO
- is of good repute, having regard to character, honesty and integrity
- has agreed in writing to exercise the functions conferred on an AO by the Act according to performance criteria established from time to time by the Secretary (this includes the conditions imposed on an authorisation)
- is employed or engaged by a passenger transport company which has been accredited by the Secretary under Division 4A of the Act.

AOs must also adhere to a broader, overlapping list of criteria set out in section 221L of the Act to maintain authorisation. This list relates to competence, good repute, honesty and integrity, as well as matters enabling the Secretary's powers to investigate officer behaviour and suspend or revoke an authorisation.

The Secretary has powers to investigate and discipline AOs under Part VII of the Transport (Compliance and Miscellaneous) Act 1983 if the Secretary becomes aware of any situation or conduct as set out in section 221L. If satisfied that the AO has behaved in a way which is inconsistent with requirements set out in section 221L, the Secretary can take a number of actions, ranging from a reprimand, to suspending or revoking a person's authorisation.

An AO may appeal any decision made by the Secretary at the Victorian Civil and Administrative Tribunal (VCAT).

2. Conduct Generally

AOs are required to conduct themselves at all times in a manner which is consistent with the law and the lawful instructions of their employer.

AOs are required to perform duties to the best of their ability and in a professional, conscientious and diligent manner. Their conduct should at all times be ethical, honest, appropriately civil and within the requirements of applicable laws, those within this Code and any other lawful instructions of their employer. Such conduct is fundamental to maintaining all of the requirements for their authorisation.

AOs should ensure that there is no conflict between their personal interests and the impartial fulfilment of their official duties and obligations. If any actual or perceived conflicts of interest occur, AOs must immediately notify their employer of the circumstances in accordance with their company policy.

AOs are not to accept any benefit (including any gift, gratuity, remuneration, allowance, fee, subsidy, consideration, free service or entertainment) from any person or organisation that may require, or appear to require, them to forego or prejudice their duties or obligations.

All information gathered by AOs relating to persons allegedly committing an offence, must be treated lawfully (refer to Section 6 - Privacy Requirements)



Under no circumstances should AOs behave in a manner which could reasonably be perceived by members of the public as disreputable behaviour.

For example, AOs must:

- show respect for members of the public, their colleagues, and the personal property of other people
- refrain from using language or behaving in any way which could be deemed offensive, improper or inappropriate by the Secretary, their employer or members of the public
- constantly assess passenger safety and comfort considerations in the execution of their duties to report ticketing compliance breaches and other offending behaviour.

3. Charter of Human Rights and Responsibilities

Public authorities are required by the Charter of Human Rights and Responsibilities Act 2006 (the Charter) to act in a way that is compatible with human rights.

The term '*public authority*' is defined to include an entity whose functions are of a public nature, when it is exercising those functions on behalf of the State. This means that passenger transport companies and AOs conducting enforcement duties under the Act are required to comply with the Charter.

AOs are expected to be aware of the rights set out in the Charter. Some of these rights are directly relevant to their enforcement duties. In particular, AOs should note a person's right to:

- protection from degrading treatment
- freedom of movement
- protection of privacy and reputation
- freedom of expression
- peaceful assembly and freedom of association
- the presumption of innocence
- liberty.

The Secretary is required to have regard to the Charter when deciding if an AO has behaved in a way which breaches the Act. In other words, if an AO has unreasonably interfered with a passenger's rights under the Charter, or has done so without proper excuse, the Secretary might consider this interference constitutes a lack of competence by the AO or an abuse of power, depending on the circumstances.

Examples:

- If an AO has arrested a person on a train, they must not prevent other members of the public from leaving the train when it arrives at a station.
- An AO must not use insulting or intimidating language or gestures towards a person who they have lawfully arrested.
- An AO must not detain a person unless they are effecting a lawful arrest.



4. Identity Card and Badge

Official identity cards, wallets and badges are issued to AOs to allow them to identify themselves for the purposes of compliance reporting activities. AOs are to keep these identification materials safe and secure at all times.

Whenever AOs are performing official duties, they must:

- carry their identity card and badge
- produce the identity card and badge to any person they intend to report for noncompliance
- produce their identity card and/or badge to any person upon request.

It is an offence under the Act for an AO to fail to - or refuse to - produce their identity card upon request (in accordance with section 221(3) of the Act).

Additionally, misuse of the badge or identity card may, depending on the circumstances, call into question an AO's honesty and integrity, or may be considered a failure to properly exercise the functions of an AO.

5. Request to State Name and Address

When AOs believe on reasonable grounds that a person has committed or is about to commit a public transport offence - i.e. an offence against the Act or the regulations, or against the *Graffiti Prevention Act 2007* - they are required to prepare a Report on Non-Compliance for submissions to DTP.

In preparing that report, AOs can request a person, who they intend to report for an offence, to state their name and address.

In making this request, an AO must:

- introduce themselves as AO
- state their name
- produce proof (in the form of their identity card and badge) that they are an AO.

It is an offence under section 221 of the Act for an AO to fail to provide their identity when asked to do so. Failure by an AO to identify themselves as above, may also be considered a failure to exercise their duty.

If the person being reported asks an AO to repeat their name, or to show their identity card again, the AO must comply with that request. If asked to supply their own name in writing, or a supervisor's name and contact details, the AO should do so.

AOs must provide their employer's address, if requested. This information may be given orally or in writing, however, should be given in writing if this is specifically requested.



6. Privacy Requirements

When AOs collect personal information from any person, for example, the person's name, contact details and age, the AO must comply with the *Privacy and Data Protection Act 2014*. Misuse of any such information by the AO will result in disciplinary action.

Whenever personal details are obtained from a person, an AO should either provide the brochure titled "What Happens if You Are Reported", or, provide a verbal statement to the person that aligns with the content contained within the brochure.

The verbal statement to be provided by an AO is:

"You have been spoken to by me

I am an Authorised Officer, and I believe on reasonable grounds that you have committed an offence of under the *Transport (Compliance and Miscellaneous) Act 1983* or its regulations.

I am required to obtain and confirm your name and address to enable a report to be submitted to the Department of Transport and Planning. This information will be stored in accordance with the *Privacy and Data Protection Act 2014*, and it will not be disclosed to any other party except for the legal or related purpose for which it has been collected."

AOs must also collect personal information only by lawful and fair means and not in an unreasonably intrusive manner or by illegal means.

AOs must not use information collected for any other purpose.

7. Arrest

Arresting a person is always a serious matter, as it deprives that person of their liberty. It should not be the first response. An AO should only arrest a person as a last resort.

As soon as the reason for the arrest ceases to exist, the person arrested must be informed that the person is "no longer under arrest" and is "free to leave".

If an arrest is recklessly or negligently effected or maintained contrary to these requirements, the AO may be liable to disciplinary consequences and/or to civil or criminal action for unlawful arrest or false imprisonment. Such an arrest may also be considered to be an abuse of power.

In most cases, an AO will be required to arrest a person to obtain confirmation of their identity - following the persons refusal to comply with the AO request to state a name and address or provide evidence verifying identity. When an AO arrests a person, the AO may only use such force that is reasonable in all the circumstances to affect that purpose.



8. Notifiable Incidents

The Secretary has determined a series of incidents and occurrences which must be reported to DTP by the relevant passenger transport company. These incidents are listed in the Government Gazette and are updated from time to time.

Responsibility for reporting these incidents to DTP ultimately falls on the relevant passenger transport company (called 'accredited company' in the Government Gazette). However, AOs are responsible for reporting any incidents that may fall under any of these categories to their supervisor or manager. If AOs do not report relevant incidents to their manager, it may be considered a failure to display honesty and integrity or go to an issue of competence.

Notifiable incidents and occurrences must be reported to DTP within 48 hours.

The current list of notifiable incidents and occurrences – listed below - are published in the Victoria Government Gazette, G41, 14 October 2021 (at page 2159).

Notifiable incidents and occurrences under section 228H of the *Transport (Compliance and Miscellaneous) Act 1983*:

1. Disciplinary action taken by an accredited company in respect of an authorised officer employed or engaged by that accredited company during the course of the authorised officer's duties.
 2. An incident between an authorised officer and a member of the public involving the application of force by an authorised officer, including lawful arrests.
 3. An incident between an authorised officer and a member of the public involving the application of force or verbal threats by a member of the public.
 4. An incident involving an authorised officer which results in a person (excluding the authorised officer) being injured, or the person alleging that he or she has been injured.
 5. An incident involving an authorised officer which results in damage to, or interference with, the personal property of a member of the public.
 6. A finding of guilt by a court against an authorised officer for a criminal offence.
- * For the purposes of this notice, 'incident' includes a complaint received by an accredited company.
- ** For the purpose of this notice, 'application of force' includes indirect applications of force such as through an object being thrown by a person and can include liquids and gases as well as solids, for example spitting, throwing drinks, spraying an aerosol.
- *** For the purpose of this notice, 'verbal threats' means any words where the speaker intends that the other person would fear that threat would be carried out or is reckless as to whether or not that other person would fear the threat would be carried out.