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**DEPARTMENT OF INFRASTRUCTURE  
ACCREDITATION REQUIREMENTS**

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## **SECRETARY'S REQUIREMENTS FOR ACCREDITATION OF PASSENGER TRANSPORT COMPANIES AND BUS COMPANIES**

Under Division 4A of Part VII of the Transport Act, there are various requirements which apply to passenger transport and bus companies to obtain accreditation to manage enforcement staff. Authorised persons may only exercise their enforcement powers while employed or engaged by a company which is accredited. In addition, the Secretary may impose conditions upon accreditation of companies to manage enforcement staff.

### **The following are the requirements under the Act or imposed by the Secretary:**

- a) A company must apply for accreditation on the form provided by the Department. The forms are available from Darryl Lucas, REG, Level 3, Transport House.
- b) The company must provide documentary evidence to demonstrate its competence and capacity, by virtue of training or experience, to manage persons authorised to carry out enforcement of ticket offences on public transport ("authorised persons").
- c) The company must also provide documentary evidence as to the existing or proposed system for the management of authorised persons. The system must include a process to monitor the performance of authorised persons. The company must ensure that the system for management of enforcement staff is properly maintained.
- d) An accredited company must ensure that authorised persons do not wear a uniform resembling that of the Police Force while performing enforcement duties.
- e) An accredited company must report to the Secretary, in the form requested by the Secretary, about any aspect of the conduct of an authorised person or about the system for management of authorised persons.
- f) A company must report on matters relating to accreditation, authorised persons and matters relevant to enforcement issues when requested by the Secretary to do so, and must report in a manner and form approved by the Secretary.
- g) An accredited company must not deface or alter a document issued by the Secretary evidencing the company's accreditation, and must keep possession of the document. If the document is defaced or altered, if there is a change in its accuracy, if accreditation is suspended, cancelled or ceased, or if the Secretary gives written notice requiring its return – then the document evidencing accreditation must be returned to the Secretary within 14 days.
- h) A monitoring system must be established and maintained by the accredited company to record all complaints made against authorised persons.
- i) A public complaints register that records all complaints in relation to ticket inspection received by an accredited company that are not included in the record referred to in (h) above. The company must also record any action taken in response to such complaints.

- j) The monitoring system maintained by the accredited company must also record the action taken with respect to discipline or counselling of authorised persons relating to public complaints and the responses provided to the person complaining.
- k) The monitoring system must also record any convictions or findings of guilt of an authorised person employed or engaged by the company under the Crimes Act, the Drugs Poisons and Controlled Substances Act or the Summary Offences Act.
- l) The accredited company must immediately notify the Revenue Enforcement Group of the Department, on behalf of the Secretary, if the company becomes aware that an authorised person employed or engaged by it has been convicted or found guilty of any offence, or has been charged with an offence and the charge has not been finally disposed of.
- m) A company must also keep a register of all authorised persons, with details of their date of birth and current address. The company must notify the Secretary of any changes within 14 days.
- n) An accredited company must have an incident management plan which includes plans and procedures for use by authorised persons who may be involved in an incident involving violence or the threat of violence, and the action that authorised persons must take in the event of such an incident.
- o) The company must have a strategy for dealing with juvenile offenders (ie: those less than 17 years of age), including a requirement that authorised persons must consider whether to give a warning rather than fining those persons on the first occasion that they are identified as not having a valid ticket when required.
- p) The company must have a training program for authorised persons, designed to ensure that authorised persons continue to be competent to exercise the functions under the Act and the regulations.
- q) The company must retain all books and records, to enable the Secretary to determine whether the company has complied with the conditions to which the company's accreditation is subject. The books and records must be retained for at least 2 years. The books must be kept at the office of the accredited company and must be in the English language.
- r) The company must make the books and records referred to in (q) available for inspection or for audit by the Secretary or a person appointed by the Secretary upon demand and must, within a reasonable time of a request, make a copy of any such book or record for the Secretary.
- s) The company must lodge a periodic return about matters relevant to accreditation, the conditions of accreditation or authorised persons as specified by the Secretary on or by a date specified by the Secretary, or at intervals specified by the Secretary. The Transport Act provides that a company's accreditation is suspended if it fails to comply with the a notice of default for failure to lodge a return.
- t) The nominated franchise manager of enforcement staff must attend regular meetings with the REG and the Manager, Legal Services.

**It should be noted that the Secretary has the following powers under the Transport Act with respect to Accredited Companies:**

- A. To vary or revoke a condition of accreditation or to impose a new condition. Unless it is necessary in the interests of public safety to immediately act, the Secretary must give written notice of intention to change the conditions of accreditation and the company may make written representations about the intended action within 10 working days.
- B. The Secretary may give a temporary accreditation, for a period not exceeding 12 months.
- C. Under the Transport Act the Secretary may conduct an inquiry to determine whether proper cause exists for taking action against an accredited company and, if there is such cause, may reprimand or warn the company that if proper cause is found again in the future, then the company will be disqualified. The Secretary may also vary, suspend or cancel the accreditation or impose new conditions. The Secretary must act fairly and according to equity and good conscience in conducting an inquiry, but may act without legal formality. In conducting such an inquiry, the Secretary has wide powers under the Evidence Act to require evidence and examine witnesses on oath. Proper cause is stated in the Act as being where the company has failed to maintain an adequate system for the management of authorised persons or where the company breaches a condition of accreditation or if the company obtained accreditation improperly.
- D. Under the Transport Act the Secretary may also suspend accreditation in the interests of public safety for a specified period or until a specified event, but in such an event, the company may require the Secretary to hold an inquiry within 7 days.
- E. The Secretary may renew an accreditation as set out in the Transport Act.

**Other relevant matters:**

- I. The Secretary may give or refuse an accreditation, but must notify an applicant in writing of a refusal and the reasons for it.
- II. The Secretary must give the accredited company details of the conditions to which the accreditation is subject.
- III. It is an offence with a maximum penalty of \$10,000 for an accredited company to breach the conditions of its accreditation.
- IV. It is an offence for a company to give false or misleading information in a material particular in relation to an application for accreditation or renewal. The maximum penalty is \$6,000.
- V. An accredited company may seek a review of the Secretary's decision in relation to the application for accreditation or renewal, or with respect to the accreditation or with respect to the company. The company must apply to the Victorian Civil and Administrative Tribunal within 28 days of the Secretary's decision.

- VI. No liability attaches to the Secretary for giving an accreditation to a passenger transport company.
- VII. An accreditation is personal to the company and is not capable of being transferred or assigned or otherwise dealt with, nor does it vest by operation of law.

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