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Dear Anita

Public transport concession entitlements review – Proposal for the development of a new temporary travel product

The Infringements Working Group (**IWG**)¹ commends the significant reforms introduced by the Department of Economic Development, Jobs, Transport and Resources (**Department**) regarding Victoria's Ticketing Compliance and Enforcement System.

The IWG appreciates the ongoing opportunity to comment on reforms related to the early identification of, and more effective responses to, people experiencing special circumstances who travel on public transport.

1. Background

The Department's May 2016 Review into Ticketing Compliance and Enforcement recommended that "a review be undertaken of the arrangements for concessions (including concession identification arrangements)"² (**Concession Review**). The Concession Review

¹ The Infringements Working Group (**IWG**) is a joint working group of the Federation of Community Legal Centres (Victoria), Victoria Legal Aid and the Financial and Consumer Rights Council. The IWG's 36 member organisations are listed in **Annexure 1**.

² Department of Economic Development, Jobs, Transport and Resources, *Report of the Review into Public Transport Ticketing Compliance and Enforcement*, May 2016, http://economicdevelopment.vic.gov.au/data/assets/pdf_file/0020/1307036/Report-of-the-review-into-public-transport-ticketing-compliance-and-enforcement.pdf 80.

presents an important opportunity to consider additional measures to embed the effectiveness of reforms targeting people with special circumstances that the Department has been undertaking since 2016.

The purpose of this letter is to propose the development of a new temporary travel product for particular cohorts of passengers with complex needs and acute circumstances, which warrant granting a temporary period of free public transport that will prevent them entering the infringements system.

We also refer to our previous correspondence as part of the review process, including:

- IWG submission to the Department's 2016 review entitled '*On Track to Fairer Fares and Fines*';³
- Follow-up letter sent to the Department dated 14 November 2016;
- Letter to the Department in relation to AO Depot Training Sessions dated 21 February 2017; and
- Letter to the Department about evidence of concession entitlement reforms dated 28 April 2017.

Please let us know if you would like further copies of any of this correspondence.

The IWG reiterates the recommendations made in our previous correspondence, including the need for government to consider introducing free public transport for concession card holders. However, this letter is focused on the needs of more discrete groups of highly disadvantaged passengers, as these considerations are pressing and directly correspond to the Department's reforms targeting passengers with special circumstances.

2. Summary of the proposed temporary travel product and its benefits

The proposed model for the temporary travel product, its target groups and its benefits are summarised below.

Proposed temporary travel product

The IWG recommends the introduction of a new temporary travel product that identifies people with special circumstances or other acute hardship that temporarily prevents them from being able to keep their Myki in positive credit or engage with the Myki infrastructure.

The product would permit free travel for a limited period, while still encouraging passengers to touch on and off.

To be eligible, applicants should be required to have an appropriate practitioner endorse their eligibility.

The product would:

³ Infringements Working Group, 'On Track to Fairer Fares and Fines' Public Transport Position Paper, March 2016, [https://www.justiceconnect.org.au/sites/default/files/IWG%20-%20Public%20Transport%20Position%20Paper%20\(March%202016\).pdf](https://www.justiceconnect.org.au/sites/default/files/IWG%20-%20Public%20Transport%20Position%20Paper%20(March%202016).pdf).

- Be temporary (for six months, one year or two years, as set out in part 6 below), recognising that a person's conditions or circumstances may improve over time;
- Be administered by PTV;
- Include photo ID (PTV should provide free passport photo services to eligible applicants).

This would be a centralised, consistent and cost-effective approach to prevent Reports of Non-Compliance (**RONCs**) being issued to passengers who will ultimately be exited from the system.

Eligible groups

Recognising that their health, social and financial circumstances mean they are unable to consistently touch on or keep their Myki in positive balance, the following groups should be eligible for the temporary travel product:

- People with special circumstances falling short of a permanent disability (mental illness, substance dependence, homelessness and/or family violence);
- People with no income, including:
 - Young people, recognising the crucial role of public transport in keeping highly disadvantaged young people safe and engaged in school;
 - Asylum seekers; and
 - Other vulnerable groups with no income, including New Zealand citizens.

Benefits

This new temporary travel product would strengthen and complement the Department's recent reforms regarding passengers experiencing special circumstances, particularly by achieving the following objectives:

- Effective use of Departmental resources by preventing travellers experiencing special circumstances or other acute disadvantage from entering the infringements system in the first place, so resources are not used screening out vulnerable transport users through review processes.
- Providing genuine and revenue-neutral pathways to compliance for vulnerable individuals because people will build the habit and practice of touching on and off, despite not having credit on their Myki at that point in time.
- Supporting authorised officers (**AOs**) to identify people with special circumstances or other acute hardship (i.e. so people with special circumstances can be prevented from entering the infringements and fines system, corresponding with the Department's May 2016 report).⁴ AOs have identified that a product of this nature could make their job safer and easier.
- Enabling short-term free access to public transport for highly vulnerable passengers who might otherwise fare evade because of their temporary inability to keep their Myki in credit or use the Myki infrastructure.

⁴ Ibid 86.

We recommend this travel product based on our member agencies' work with disadvantaged clients, as well as strongly conveyed views from AOs that a product of this nature would make their jobs safer and easier.

3. Benefits of a travel product aligned with grounds for discretion and withdrawal

The IWG congratulates the Department on its impressive steps towards identifying and exiting vulnerable public transport users from the fines system as early as possible. We note that further opportunities exist to strengthen and enhance these measures, as well as to encourage greater compliance with ticketing laws and to ensure effective use of the Department's limited resources and maximise AOs time and skills.

The current Access Travel Pass scheme⁵ (ATP) is an under-utilised but effective product to prevent people who cannot engage with Myki infrastructure because of a permanent disability from entering the infringements system. In our view, a new separate travel product is needed to prevent travellers experiencing special circumstances or other acute disadvantage from entering the infringements system. It would be appropriate for this product to be temporary, recognising that a person's conditions or circumstances may improve over time. Development of a new travel product addressing this cohort presents a key opportunity to:

- save Department resources that would otherwise be required to screen out vulnerable transport users through review processes;
- provide genuine and network revenue-neutral pathways to compliance for vulnerable individuals; and
- make AOs' jobs easier and safer.

Departmental resources

As noted, the Department has already begun implementing proactive measures to exit vulnerable passengers from the infringements system as early as possible. This includes sending request for evidence letters to passengers identified as possibly having special circumstances, and improving processes to exit people who have established their special circumstances at internal review and revocation stages. We also commend the Department's new policy to register persons with special circumstances where a report has been provided in support of internal review or revocation, and to continue to rely on that report for six months to ensure that these same individuals are not issued with fines after the Department becomes aware of their circumstances (although in our view, the report should be relied on for two years).

These policies are worthwhile, and represent a significant shift from the Department's previous approach to internal review, which the Ombudsman recognised did not devote sufficient resources to properly assessing each application on its merits.⁶ However, the internal review

⁵ Public Transport Victoria, *Access Travel Pass*, available at: <https://www.ptv.vic.gov.au/tickets/fares/free-travel-passes/access-travel-pass/>.

⁶ Victorian Ombudsman, *Investigation into Public Transport Fare Evasion Enforcement*, May 2016, <https://www.ombudsman.vic.gov.au/getattachment/b3ef3775-ecd3-42e5-8acd-40f43769f521> 31.

process remains time-consuming and costly for the Department, particularly given the extent of information to be reviewed and the need for case-by-case decision-making. These policies will be effective in exiting people from the fines system, but rather than relying solely on a resource-intensive “issue now, withdraw later” approach, complementary measures could prevent this group of passengers from entering the system in the first place. This approach would achieve significant resource benefits for the Department and the broader fines system.

A new photo-ID travel product that easily identifies people with special circumstances or other acute hardship to AOs would achieve this prevention objective. To be eligible, applicants should be required to have an appropriate practitioner endorse their eligibility, similar to the ATP application process. Applicants could alternatively be required to file a support letter from a relevant practitioner, as is the case for internal review or revocation. In effect, this would implement a centralised, consistent and cost-effective approach to prevent Reports of Non-Compliance (**RONCs**) being issued to passengers who would ultimately be exited from the system.

Passengers who have their vulnerability identified by AOs at the time of an offence or at the RONC review stage should be referred to the scheme. We also recommend that Public Transport Victoria (**PTV**) undertake further community engagement to raise awareness of the new product and the ATP with passengers, representative bodies and service providers.

Pathways to compliance

Introduction of a product for people with temporary conditions or circumstances that prevent them from being able to travel with a valid Myki is a key opportunity to build a culture of transport compliance among vulnerable public transport users. Currently, vulnerable passengers who are unable to validly touch on or to keep their Myki in credit experience extreme stress while travelling because they fear being intercepted by an AO. Many of the IWG members’ clients have no option but to fare evade because of their circumstances. This type of fare evasion is not the kind intended to be dealt with through the infringements system, which the Department has rightly reserved for deliberate repeat offenders. Without a new product identifying these passengers to AOs and entitling them to travel for short periods, these vulnerable people will continue to travel without paying and/or touching on due to their special circumstances, which has resource implications for AOs and the Department.

Provision of a short-term entitlement for eligible individuals offers a revenue-neutral opportunity for these passengers to become used to complying with, rather than evading, transport laws. For those persons whose financial or health circumstances improve, they will have become familiar with a compliant means of travelling on public transport and will be much more likely to travel with valid tickets in the future. This measure will not have any appreciable impact on revenue because:

- these customers would not be paying to travel anyway;
- the group of passengers entitled to the product would be relatively small; and
- we understand that operators are paid by the number of people who validly touch on (tram and train operators) or by route (bus operators).

The perspective of AOs

Feedback from AOs provided during Depot Training Sessions conducted by PTV in 2016 strongly suggested that a travel product aligned with the definition of special circumstances would be beneficial for AOs. This included helping AOs to recognise special circumstances and exercise appropriate discretion, without making judgment calls, relying on stereotypes or requiring people with special circumstances to self-identify at the point of contact in public space.⁷

AOs specifically stated a product of this nature would make their jobs safer – the frequency of escalations of interactions with vulnerable passengers would be reduced because these people would not be subjected to high-stress situations with AOs. AOs also raised the fact that they are exposed to criticism or abuse from other commuters when they are seen to exercise discretion in relation to vulnerable people. The proposed alternative product could also minimise these challenges as there would be a clear and consistent interaction between AOs with card-holders that would appear less arbitrary to other commuters.

This product would also increase consistency because it would shift the function of determining eligibility to PTV, rather than relying as heavily on the individual practices of AOs.

The alignment of new travel product criteria with circumstances that would result in withdrawal or the exercise of discretion could be complemented by a searchable database of public transport users holding the product (or an ATP), which AOs could access on their smart devices to alleviate problems arising from a person's failure to carry their product.

We note that even with a new scheme addressing this cohort, it will never be the case that all vulnerable passengers will actually obtain the product for a range of reasons, including their often chaotic lives, lack of engagement with services, limited awareness of the product among relevant service providers, and the fact that special circumstances and other forms of hardship can emerge suddenly. For this reason, there would remain an ongoing need for AOs to be supported to exercise their discretion and make appropriate referrals to services.

4. Alternative approaches to identifying passengers with special circumstances

We understand the Department is considering options for identification that could be provided to people experiencing special circumstances, so that an AO can easily identify these passengers. We also understand that the purpose of this identification would be limited to assisting AOs to exercise discretion (i.e. as a defence), rather than entitling the person to travel on the network using the product (i.e. as a proactive preventative measure).

In the IWG's view, it would be ineffective, confusing and unviable for vulnerable transport users to be provided with a card that confirms they have special circumstances, while continuing to require them to pay for their travel on the network. Explanation of the product would be confusing and compromised, particularly as community agencies would be required to tell

⁷ Above n 4, 13-18 and IWG letter to the Department dated 21 February 2017.

clients that RONCs and fines will not be issued if they hold the special circumstances ID card, which is inconsistent with an ongoing requirement for those passengers to pay for travel.

In addition, a product that functions only to identify special circumstances, rather than entitling a person to travel, would not give effect to the government's recognition that public transport is an essential service for all citizens, including passengers with special circumstances who are unable to put money on their Myki or use the Myki infrastructure and will be unable to enter many train stations. As a result, this approach would also fail to reduce safety issues associated with vulnerable passengers attempting to enter stations by jumping barriers or fare evading in other ways.

We understand the Department may hold concerns that this type of travel product could be sold to other users. We would welcome the opportunity to understand the basis of these concerns. In the IWG's experience, this has not arisen with the ATP and, in our view, this risk is minimal, particularly with the use of photo identification.

5. Acutely vulnerable groups of passengers warranting access to temporary free public transport

Based on IWG members' work with people experiencing disadvantaged circumstances, the below groups of vulnerable passengers require access to a temporary travel product to:

- identify them to AOs and prevent their entry into the infringements system; and
- entitle them to a temporary period of free public transport while they are unable to keep their Myki in positive credit or engage with the Myki infrastructure because of their health or social circumstances.

People with special circumstances falling short of a permanent disability

The special circumstances legislative framework and the Department's efforts to respond appropriately to people facing these circumstances are important measures for vulnerable passengers. These measures recognise that certain health or social circumstances contribute to a person being unable to control or understand their offending conduct.

In relation to ticketing offences, a person's failure to understand or control the offending conduct because of a mental illness or substance dependence is very similar to a passenger's inability to consistently touch on their Myki due to their condition.⁸ These conditions also often result in an inability to maintain a positive Myki balance due to impairments of judgment, decision-making, consequential thinking, planning, memory or other cognitive functions. Many people with mental health conditions or who experience substance dependence are unable to utilise the Myki infrastructure in a similar way to people with permanent physical, intellectual or mental health disabilities, which can result in incurring many ticketing infringements.

⁸ We have not included people with diagnosed cognitive or intellectual disabilities in this discussion as these are permanent conditions and are likely to make a person eligible for the Access Travel Pass.

It is arbitrary that, currently, a person who has a permanent mental health condition can access indefinite free public transport through the ATP, but support cannot be accessed by a person with a recently diagnosed mental health condition who has an unclear long-term prognosis.

Homelessness and family violence may not themselves result in cognitive impacts interfering in capacity to touch on, but they these circumstances commonly affect a passenger's ability to keep a Myki in positive balance. People experiencing homelessness are often particularly reliant on public transport to attend regular (often daily) appointments with housing services. Homelessness is a product of poverty and acute financial hardship, resulting in an inability to maintain a positive Myki balance.

Melanie's below case study illustrates how special circumstances frequently inter-relate and interfere with a person's ability to travel validly on public transport.

Homeless woman with mental illness and alcohol dependence fined after being forced to choose between Myki credit & accessing supports

Melanie had been a successful professional young woman before being diagnosed with Post-Traumatic Stress Disorder after a violent assault in her late 20s. After the assault, she struggled to manage everyday tasks due to her continued trauma and turned to alcohol in an attempt to cope with her mental health concerns. Unfortunately, she then developed a substance abuse disorder, lost her job and became homeless, which made her life even more chaotic. Reliant on the Newstart Allowance and living in a private rooming house in the outer suburbs of Melbourne, which cost almost all of her income, Melanie had to choose between food, Myki credit or attending vital support and treatment services. By the time Melanie saw a financial counsellor she had several fines at enforcement and warrant stages and no capacity to pay. After a revocation application on the basis of Melanie's special circumstances, all of her matters were proven and dismissed.

Family violence frequently has a pervasive economic component, with victims' finances being deliberately controlled and limited by perpetrators. People fleeing family violence will often have no independent access to income, so they are unable to pay for public transport.

The legislative framework makes clear that these conditions or circumstances can result in a person being unable to control their conduct (i.e. unable to consistently touch on or keep their Myki in positive balance).

A temporary travel product for vulnerable passengers will contribute to their recovery as it will enable access to services and support. It will also alleviate the stress of being forced to travel without paying, and the stress of entering and trying to navigate the infringements system. This stress is known to interfere with recovery and can lead to relapse or re-offending. As discussed, creating pathways to compliance for these passengers is likely to have significant long-term benefits for the resources of the Department and for consistency and centralisation of decision-making about eligibility, while having minimal impact on revenue.

Young people with no income

Another important group to consider is young people with no access to income. In our recent letter to the Department dated 28 April 2017, the IWG addressed improved evidence of concession measures and the need for additional supports for vulnerable young people.

A recent report published by IWG member WEstjustice and Victoria University, *Fare Go: Myki, Transport Poverty and Access to Education in Melbourne's West*,⁹ highlights a cohort of public transport users whose lack of access to income due to family violence, financial hardship, homelessness or other circumstances seriously interfered with their access to education. Since the publication of that report, WEstjustice has been working with school-aged couch surfers who are homeless due to family violence. Many of these young people have also incurred significant numbers of public transport fines because of their inability to pay the fares.

This transport-related poverty drives young people away from school and interferes with their right to education. In the IWG's view, this is a priority issue, requiring a whole-of-government response to ensure that school-aged children are not precluded from accessing education because they or their families cannot afford to pay for public transport.

Being stranded away from home, particularly at night, without access to public transport also exposes this cohort to the risks of engaging in criminal behaviour. For this reason, access to public transport is also an issue of youth crime prevention.

The introduction of Work and Development Permit (**WDP**) scheme from 1 July 2017 is also relevant. Because young people are fined through the Children and Young Persons Infringement Notice System (**CAYPINS**) rather than the infringements system, they will not be eligible to apply for the WDP scheme. On this basis, many vulnerable young people will not be able to be diverted from the court system regarding their fines. Unless effective measures are introduced to prevent young people entering CAYPINS as a result of poverty or special circumstances, this will result in a starkly inequitable system, which further entrenches young people in disadvantage and the court system.

The impact of public transport fines on vulnerable young people can be seen through the below case studies of Mafu, Mike and Tony.

Public transport fines lead to school disengagement for young man facing financial hardship

Mafu is 16 years old and in Year 10. His family is Tongan and have been residing in Australia for the past three years. Due to visa restrictions, Mafu and his family are not entitled to any Centrelink benefits. Mafu has six brothers and sisters. His father works full-time in the packing industry and his mother is a stay-at-home parent with no income.

At the beginning of Year 10, Mafu was removed from school by his family for around three months. When he returned, the school was told by his family that Mafu had

⁹ Su Robertson, *Fare Go: Myki, Transport Poverty and Access to Education in Melbourne's West*, WEstjustice, 2016, http://www.westjustice.org.au/cms_uploads/docs/westjustice-fare-go-report.pdf.

accrued almost \$2,000 in Myki fines for travelling without a ticket. Most of these fines were incurred when he was travelling to school. Mafu's father borrowed the money from close family members to pay for the fines and arranged for Mafu to repay his debt to them by working as a labourer for the time he was absent from school.

Like many low-income students, Mafu's circumstances made him more likely to be chronically absent than other students for reasons beyond his control. For Mafu, public transport was financially inaccessible, his family lacked social and government support, and his cultural values meant he was required to pay back his fines by working.

Mafu's absence from school to assist his family to pay off his Myki fines has resulted in him not being present for important learning and development opportunities, causing him to fall significantly behind in his studies. As part of this process, Mafu has exhibited disengaged behaviour, including decreased motivation to remain in school, weaker social bonds and school friendships. He has also missed out on the social life of school and the extra-curricular opportunities, which would otherwise have been available to him.

Transient young man forced into further disadvantage by public transport fines

Mike is 15 years old and is in year 10 at school. His parents are divorced and he lives with his father. Mike's father is verbally and emotionally abusive and often plays harmful psychological games involving money. In order to escape the bullying, Mike spends some nights of the week couch surfing at his friends' houses.

Mike relies solely on his father for financial support. He is not eligible for Youth Allowance and does not have a job. For 12 months, his father only gave him \$5 a day to pay for his bus and train to school and to pay for his lunch. Mike's father knew that he would have to choose between paying for his Myki (\$3.50 per day) or food. One of the bus drivers became aware of Mike's circumstances and allowed him to travel for free. When travelling on buses operated by other drivers, Mike was often forced to travel without a valid ticket to get to school.

After 12 months of living between his father's house and couch surfing, Mike accumulated 24 public transport fines for failing to produce a valid ticket, totalling around \$3,400. The majority of these fines were incurred when Mike was travelling to school or finding a safe place to sleep for the night.

Young man fleeing family violence fined when travelling to safe housing

Tony had experienced family violence since the day he was born. His parents were not living together and he would be sent back and forth between their homes. Both his father and his mother's boyfriend used physical violence against him. From the age of

10 years old, Tony would regularly spend several nights a week sleeping at his best friend's house to escape this violence.

One night when Tony was 15 years old, his father got drunk and kicked him out of the house. Tony had nowhere to go and no money on his Myki. He decided to catch the train to his friend's house where he hoped to spend the night. After exiting the train, Tony was stopped by an AO and reported for 'failing to provide a valid ticket', which led to a fine.

Tony did not identify as homeless and given his circumstances, would not discuss his family situation or the violence he was escaping with the AO.

Causes and impacts of public transport fines for vulnerable young people

School staff and specialist youth services were also interviewed for the *Fare Go* report. The following responses are particularly illuminating. Asked what effect public transport fines have on school students, the professionals interviewed responded as follows:¹⁰

- "It stops them attending school, mental strains and stressors, may be the tipping point for many children."
- "Stress, anxiety, anger."
- "Added stress to their life... Makes them worry about this fine matter following them into adult life and having a large debt they can't pay off."
- "Homelessness – have had a couple of students thrown out of home" because of fines.
- "Fines often put young people further into debt and generate poor respect for the public transport system."
- "Very stressful, mental health issues... Feel targeted by people in positions of power."

Asked what they saw as the main cause of public transport fines for school students, the professionals interviewed responded as follows:¹¹

- It's caused by "poverty, they don't have money to put on a Myki card. Sometimes they don't have money for food and drink and think they are lucky to be at school. Myki isn't in the budget."
- "There are many poor families in this school community who can't even feed their children breakfast – they are fed through the school. Many families can't afford the initial payment for Myki."
- "A lot [of students] stay at home, miss out on school until they can top up [Myki], starting the cycle of educational disadvantage."
- "Financial barriers experienced by young people (cost of tickets)."

¹⁰ Ibid 7.

¹¹ Ibid 10-11.

Asked about the financial impact that fines have on students, the professionals interviewed responded:¹²

- “They do whatever they can to get to school, like getting on a train without a valid ticket, because they don’t want to get into trouble at school. But they don’t want to get into trouble from home either, when they have to go back and ask for money or they have a fine.”
- “Some redirect money from buying school textbooks to paying fines.”
- “The students often feel shocked. They think, ‘it’s a huge amount of money. It’s not possible for me to pay that’.”

The current public transport fines and fares system is a barrier to education

It is important to recognise the unseen impact that the current regime has on schools and alternative education providers that cater for particularly disadvantaged or at risk students. There is no scheme within the Department and other parts of government, including the Department of Health and Human Services (DHHS) (even where children have had involvement with Child Protection) and the Department of Education, to ensure that education is accessible for all school-aged children who are subject to compulsory school attendance laws.

This forces education providers with vulnerable students – who cannot pay for public transport – to put scholarship funds towards transport needs, meaning fewer funds are able to be applied to books and other essentials. This process is extremely time-consuming for teachers and welfare officers. This is particularly problematic for alternative education providers, including St. Joseph's Flexible Learning Centre or Wyndham Community and Education Centre, which have high numbers of disadvantaged students who have struggled to engage with mainstream education. Acquitting and reporting back to funders is then required, which adds to the resource strain on under-resourced education providers. In the IWG’s view, it is inappropriate and unsustainable to rely on limited philanthropic funds to give effect to government policy that makes school attendance compulsory. A sustainable solution is required as a priority, and the IWG recommends collaboration between the Department, the DHHS and the Department of Education to overcome this entrenched problem.

Insights from other jurisdictions

The *Fare Go* report highlighted a number of Australian jurisdictions where travel schemes have been developed to allow free travel to school (and services).¹³ The IWG has also identified several jurisdictions that have provided free public transport to specified groups.¹⁴ The IWG has previously recommended free public transport for all concession card holders. Although we reiterate this recommendation, we understand that it may not be viable currently from the Victorian Government’s perspective. In this submission, the IWG has focussed on the specific transport needs of extremely vulnerable community members. We urge the

¹² Ibid 14.

¹³ For example, Canberra (see https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1246/kw/student), New South Wales (see <https://apps.transport.nsw.gov.au/sssts>) and London (see <https://tfl.gov.uk/fares-and-payments/travel-for-under-18s>).

¹⁴ Infringements Working Group, above n 4, 10.

Department to take measures (in conjunction with the Department of Education and/or the DHHS as appropriate) to ensure that young people are not prevented from attending school or fleeing family violence because they cannot afford to pay for public transport.

We note that IWG member WEstjustice has also had discussions with transport operators and the Department in relation to a pilot to enable young couch surfers in the Wyndham area to be provided with Myki funds through their schools. The IWG commends this proposed initiative, but we note the inherent limitations related to geographic scope and financial resourcing. The IWG submits that a new temporary travel product would provide a more sustainable option.

Asylum seekers

In the IWG's letter to the Department dated 14 November 2016, we highlighted the specific vulnerabilities and very limited income of asylum seekers and the extremely disproportionate impacts of fines on this group of people. The IWG commends the Department on implementing policies to enable asylum seekers to be screened out of the fines system at internal review stage, where they are identified. However, because of their vulnerability, it is likely that many asylum seekers will not identify themselves to the Department in a timely manner.

The Victorian Public Transport Asylum Seeker Concession Card recognises the inherent vulnerability of this group. However, the IWG submits that access to concession fares is insufficient to address asylum seekers' level of disadvantage. In the experience of the IWG, most asylum seekers live well below the poverty line and due to their poverty and dependence on services, they are particularly reliant on public transport. The majority of asylum seekers are also unable to afford to pay for concession public transport fares. To pay for public transport, IWG members' asylum seeker clients regularly sacrifice food or medical care.

The disproportionate impact of fines for asylum seekers is also extreme. The receipt of an infringement constitutes a breach of the Code of Behaviour, which most asylum seekers are subject to, meaning they are at risk of having their visa cancelled and being re-detained. The Australian Government Department of Immigration and Border Protection's framework for responding to breaches of the Code is unclear, and even an infringement that is later revoked or withdrawn may expose asylum seekers to these dire consequences.

Asylum seekers are generally easy to identify and would only be eligible for the new travel product for a defined period. This measure would be consistent with other strategies the Victorian Government has announced for asylum seekers, including enhanced access to legal assistance and opportunities for education and training. As discussed above, this approach would also make better use of Departmental resources and create a culture of compliance among passengers who currently have no choice but to fare evade.

Other vulnerable groups with no income

Other groups of people may also experience periods of having no income and related vulnerabilities.

New Zealand citizens permanently residing in Australia are generally not entitled to substantive Centrelink benefits. Depending on their date of arrival in Australia, some but not

all New Zealand citizens who are not working will receive the Family Tax Benefit and hold a Health Care Card, but they are not eligible for Newstart and most other pensions. Some New Zealand citizens with significant health problems may be eligible for the Disability Support Pension but only for a limited period of time (e.g. six months). This places unemployed New Zealand citizens who are permanently residing in Australia at high risk, and IWG members regularly assist families who subsist without any income or with extremely limited income. The extreme hardship experienced within this community has received little public attention to date.

For other people who are entitled to Centrelink, such as those who have recently become unemployed and regional and remote community members, including people who identify as Aboriginal or Torres Strait Islander, it can take some time to begin receiving Centrelink payments. These vulnerable people may face periods of several months of financial hardship where they have no income before their Centrelink is processed.

In this context, these further vulnerable groups of people are unable to maintain a positive Myki balance and it is unreasonable to expect them to do this. Spending what extremely limited funds they might have on Myki fares will require these vulnerable passengers to give up essentials such as food, rent or health expenses.

6. Proposed new temporary travel product

Based on the matters raised in this submission, the IWG recommends that the Department should develop a new temporary travel product that entitles holders to free public transport for a period of time that corresponds with their special circumstances or other acute hardship. The product should be centrally administered by PTV and include photo identification. To enhance accessibility of the product (and other concession products that require photo identification, in particular the PTV student ID), PTV could provide free passport photo services to eligible applicants.

This product could function similarly to the ATP, particularly in terms of being used to touch on through barriers and being presented to AOs and other staff if the person is unable to use the Myki infrastructure. Where a person goes through barriers using the card, it could beep the same way a concession Myki does, so that AOs and other staff can confirm the person using the product corresponds with the related photo identification.

The IWG also recommends that eligibility for the new temporary travel product should be defined as follows:

- The person is a permanent resident of Victoria;
- The person has a diagnosed mental health condition or is experiencing substance dependence, homelessness or family violence or has no access to income;
- As a result, the person is unable to touch on or touch off a Myki at the Myki readers and/or to keep their Myki in positive credit independently and/or consistently in all cases.

The new temporary travel product could have two streams: special circumstances and no income. The IWG proposes the following:

Stream	Period	Eligibility criteria	Evidence
Temporary special circumstances	Two years	The person has special circumstances and as a result is unable to touch on or touch off a Myki at the Myki readers and/or to keep their Myki in positive credit independently and/or consistently in all cases	Endorsement of eligibility criteria by: <ul style="list-style-type: none"> • Housing service; • Accredited drug treatment agency or accredited drug counsellor; • Family violence service; • Social worker, case worker or case manager; • General practitioner; • Psychiatrist, psychologist or psychiatric nurse.
No income	One year	The person is an asylum seeker and as a result is unable to keep their Myki in positive credit consistently	Same as VPT Asylum Seeker Concession Card
	Six months	The person has no access to income and as a result is unable to keep their Myki in positive credit consistently	Endorsement of eligibility criteria by: <ul style="list-style-type: none"> • Housing service; • Financial counsellor; • Family violence service; • Social worker, case worker or case manager; • General practitioner; • Education provider; • Specialist youth service.

In addition to endorsement by the practitioner, applicants could also be required to submit a supporting letter from their practitioner explaining why they have no income or the nature of their special circumstances. We note, however, that due to the limited resource capacity of agencies, this requirement may have the effect of reducing access to the scheme.

The above timeframes correspond to the types of hardship and general recovery periods experienced by IWG members' clients. However, we note that special circumstances and financial hardship can be long-standing and as appropriate, renewal may be required where a person's circumstances have not changed.

For people experiencing homelessness or mental health conditions, it can take a significant period of time to access housing or specialist social services, be effectively stabilised on medication and supported in the community, or effectively address problematic consumption of drugs or alcohol. For example, there are currently around 35,000 people on the waiting list for public housing in Victoria, corresponding to a four to ten year wait. There are around 10,000 people on the State's priority public housing list, which may be available to people with extremely acute circumstances, and corresponds to a waiting time of two to three years. Residential drug rehabilitation programs can range from six months to two years. Residential support in a community care unit for people with mental health issues is usually provided for at least 18 months.

* * *

The IWG hopes that the above information and recommendations will inform the Department's concession review, particularly in terms of the potential development of new temporary travel product. The IWG looks forward to continuing to work with you on these reforms.

Please contact us if you would like to discuss any of the matters raised in this letter.

Yours sincerely



Shifrah Blustein
Co-Convenor



Joanne Parkin
Co-Convenor



Lucy Adams
Co-Convenor

Annexure 1 – List of IWG member organisations

- Bendigo Community Health Services
- Brimbank Melton Community Legal Centre
- Carlton Fitzroy Financial Counselling Service
- Casey Cardinia Legal Service
- Diversitat
- Eastern Community Legal Centre
- Federation of Community Legal Centres
- Financial & Consumer Rights Council
- Fitzroy Legal Service
- Flemington and Kensington Community Legal Centre
- FMC Mediation & Counselling Vic. (Financial Counselling & Capability Program)
- Good Shepherd Youth & Family Service
- Hume Riverina Community Legal Service
- Inner Melbourne Community Legal
- Justice Connect Homeless Law
- Lentara UnitingCare
- Loddon Campaspe Community Legal Centre
- Mental Health Legal Centre
- Monash University
- Moonee Valley Legal Service
- Nankivell Taylor Lawyers
- Odyssey House
- Peninsula Community Legal Centre
- Port Phillip Community Group
- ReGen UnitingCare
- SouthPort Community Legal Service
- Springvale Monash Legal Service
- St Kilda Legal Service
- Upper Murray Family Care
- Victoria Legal Aid
- Victorian Aboriginal Legal Service
- West Heidelberg Community Legal Service at Banyule Community Health
- Whittlesea Community Legal Service
- Women's Legal Service Victoria
- WEstjustice (Western Community Legal Centre)
- Youthlaw