

Feedback and Complaints Handling Policy and Procedures

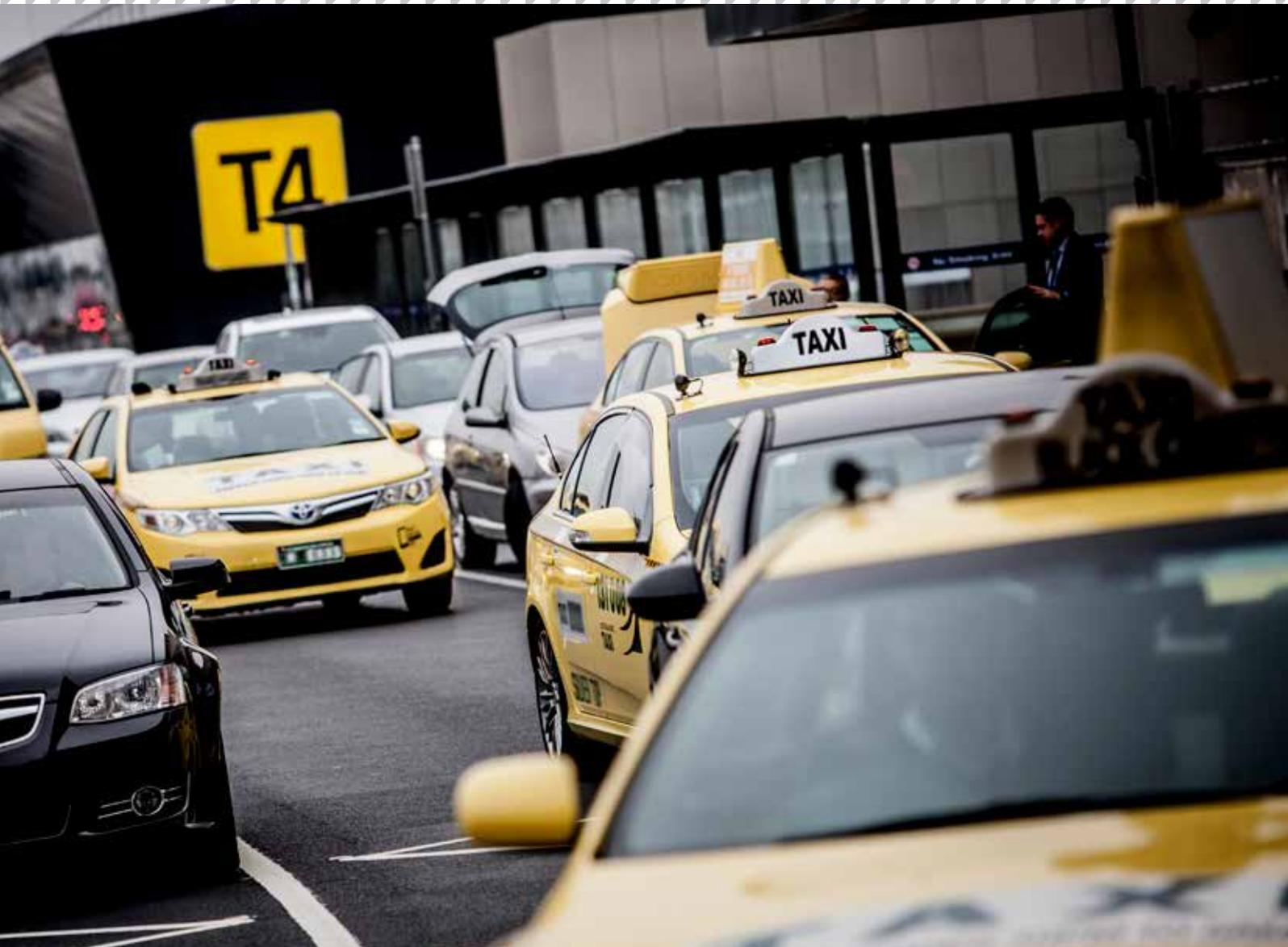


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1 INTRODUCTION

This document outlines the procedures that the Taxi Services Commission (TSC) follows, to manage feedback and complaints raised by members of the community and industry participants within the commercial passenger vehicle industry regulated by the TSC. Feedback is defined as reported matters that may consist of: feedback, compliments and intelligence reports.

The role of the TSC in dealing with complaints and reports is to provide an efficient, fair and accessible process for addressing expressions of dissatisfaction relating to the commercial passenger vehicle industries.

The industry services we receive feedback and complaints about include:

- taxi-cabs
- hire cars including special vehicles or tour vehicles/buses
- driving instructors
- Network Service Providers (booking companies).

The handling of all feedback and complaints should be timely, accurate and no discriminatory. It should also demonstrate to the community a process of industry accountability which encourages increased confidence in safety and service quality within the commercial passenger vehicle industry.

2 POLICY STATEMENT

On 1 July 2013, the TSC was established as the new regulator of the commercial passenger vehicle industry following the Taxi Industry Inquiry initiated by the Victorian Government.

The Victorian Government does not deliver the services provided by its regulated industries or employ the people who work within them.

The TSC is committed to an effective and efficient feedback and complaints handling process, that recognises an opportunity to remedy concerns, improve consumer satisfaction and promote service quality within the commercial passenger vehicle industries.

Information about our feedback and complaints handling process is made readily available to the community, complainants, commercial passenger vehicle industry and other interested parties.

The TSC values transparency and accountability when dealing with feedback and complaints and is committed to actively seeking stakeholder and industry participant feedback.

When dealing with feedback and complaints, the TSC seeks participation from customers, service providers and responsible agencies to perform our duties. The TSC will:

- provide an accessible, well publicised, transparent, timely, consistent and easy-to-use system for lodging feedback, complaints and intelligence
- adhere to the Privacy and *Data Protection Act 2014 (Vic)* when handling personal information
- examine and determine the nature of the issues presented
- recognise and address the needs and expectations of the customer
- respect any request for confidentiality
- respect the cultural and religious beliefs of all participants
- provide, wherever possible, an accurate and timely response to the complainant, and
- ensure referral to an alternative agency, such as Victoria Police or the Victorian Equal Opportunity and Human Rights Commission, where the complaint is outside the TSC's jurisdiction.

2.1 Privacy

A person has the right to complain, provide feedback or intelligence if dissatisfied with services or products provided by the commercial passenger vehicle industries. A person providing a report, such as a complaint or intelligence also has the right to expect that their personal details will be handled in the manner prescribed by the *Privacy and Data Protection Act 2014 (Vic)*. In addition, a person has the right for any special needs to be respected, and to be treated without discrimination.

Personal information collected during the receipt and logging of feedback, including complaints, is used to investigate and/or assess the issues presented.

In some cases, to fully investigate a complaint and to ensure that the complaint is handled fairly, the TSC may need to disclose the information to others whom it believes have relevant information about the complaint, including the person or body that is the subject of the complaint. However, personal details will only be provided to another party with the consent of the complainant, or if otherwise permitted under privacy laws.

Any person making a report must be made aware of the TSC's privacy obligations when their personal information is collected. This may be done with a statement by the Complaints Officer that illustrates why the personal information is collected and how it will be used. Written correspondence (letter, facsimile or email) must incorporate a privacy statement.

A copy of the TSC's Privacy Policy is available on the Taxi Services Commission website at: www.taxi.vic.gov.au/about-us/privacy-policies

2.2 Protected Disclosure Act 2012 (Vic)

The *Protected Disclosure Act 2012 (Vic) (Act)* provides particular protections to people who make what is called a "protected disclosure", a process which is commonly known as "whistleblowing". The purpose of these protections is to ensure that those making disclosures are not subject to detrimental action taken in reprisal against them.

A protected disclosure is a complaint or a report about the conduct of public bodies or public officers that is "improper conduct." Public officers include members, officers and/or employees of the TSC. "Improper conduct" is corrupt conduct or conduct that if proved would constitute a criminal offence or reasonable grounds for dismissal from employment.

Protected disclosures can also be made about detrimental action that has occurred, is occurring or is proposed to be engaged in by a public body or a public officer.

The TSC is not an entity that can receive protected disclosures. Accordingly, complaints or disclosures about improper conduct or detrimental action by a TSC member, officer and/or employee must be made directly to the Independent Broad-based Anti-corruption Commission (IBAC).

IBAC's details are as follows:

In person: IBAC Victoria
Level 1, North Tower
459 Collins Street, Melbourne

By mail: IBAC Victoria
GPO Box 24234
Melbourne Victoria 3000
Online: www.ibac.vic.gov.au
By phone: 1300 735 135
By fax: (03) 8635 6444

If the IBAC decides that your complaint or disclosure is not a disclosure about improper conduct or detrimental action, IBAC may refer you back to the TSC for your complaint to be dealt with in accordance with this guide.

For information about making a protected disclosure, please visit www.taxi.vic.gov.au

For further information about the Protected Disclosures Act (Vic) visit www.justice.vic.gov.au

3 FEEDBACK & COMPLAINT HANDLING PRINCIPLES

It is a function of the TSC to receive complaints relating to the operation and performance of the commercial passenger vehicle industry and deal with them in accordance with any relevant legislation, policies and procedures. The TSC feedback and complaints handling procedures have been developed to reflect the guiding principles as described by the Australian Standards ISO 10002:2014. The TSC will:

- recognise, promote and protect customer rights, including the right to comment and complain
- provide an efficient, fair and accessible mechanism for dealing with customer complaints
- provide information to customers on the TSCs feedback and complaints handling process
- monitor and manage feedback, complaints and reports such as intelligence matters, with the aim of improving the overall quality of products and services provided by the industry
- ensure best practice application of the feedback and complaints handling procedures by appropriately trained staff
- undertake regular audits to determine the policy and procedural effectiveness of the TSC's complaints and intelligence process.

Complaints Officers must ensure that they implement the processes and principles summarised as follows:

PRINCIPLE	PROCESS OUTPUT
Commitment	A commitment by Complaints Officers at all levels, to the efficient and fair resolution of complaints. This is demonstrated by an organisational culture which acknowledges the right to complain and provide feedback, which actively solicits feedback from the public.
Fairness	The feedback and complaints handling process will recognise the need to be fair and objective to both the complainant and to those industry participants against whom a complaint is made.
Resources	Sufficient staff resources will be provided for the feedback and complaints handling process and each will have appropriate levels of authority and training to make decisions about complaint outcomes.
Transparency	The feedback and complaints handling process will be well publicised to the industry and members of the community and will include clear information to complainants about their right to lodge a complaint and how such complaints can be submitted.
Access	The feedback and complaints handling process will be accessible to all and ensure that information is readily available on the details of making and resolving a complaint. The feedback and complaints handling process and supporting information will be easy to understand, be in plain language and have a range of various avenues to communicate with the TSC (for example: Telephone, Email, TTY, National Relay Service, Internet)
Assistance	Assistance will be available for complainants in formulating and lodging a complaint.
Responsiveness	Feedback, in particular complaints, will be dealt with quickly and complainants will be treated courteously. Specific timeframes will be established and communicated to complainants to ensure that expectations are met.
Charges	The management of feedback and complaints handling will be undertaken at no charge to the public.
Remedies	The feedback and complaints handling process will have the capacity to determine and implement remedies.
Objectivity	The feedback and complaints handling process will ensure that each matter is addressed in an equitable, objective and unbiased manner.
Data collection	Systematic recording of feedback, complaints and the outcomes will be carried out. Any collection or use of data by the TSC will conform to privacy legislation requirements.
Systemic and recurring problems	Feedback and Complaints will be classified and analysed to identify and rectify systemic and recurring problems relating to particular industry sectors or specific industry entities.

PRINCIPLE	PROCESS OUTPUT
Accountability	The TSC will undertake monthly reporting on the operation of the customer feedback and complaints handling process against documented performance standards.
Reviews	The TSC will review the feedback and complaints handling process annually to ensure it is efficiently delivering effective outcomes.
Customer focused	<p>When you make a complaint to the TSC, we will consider the resolution you are seeking and in some cases we may need to explore options for resolving your concerns. To ensure procedural fairness, Complaints Officers are required to consider all aspects of an incident before making a determination.</p> <p>At the conclusion of an assessment or investigation of a complaint, Complaints Officers are required to advise the complainant of the outcome. The TSC is required to protect the privacy of industry participants who may have been the subject of a complaint and as such, we may not be in a position to supply a complainant with specific details of compliance actions taken.</p>

4 TAXI SERVICES COMMISSION COMPLAINTS MANAGEMENT MODEL

TSC Complaints Officers review, assess and investigate complaints. They have powers to request information and records from industry participants in order to investigate complaints brought to the TSC's attention.

The TSC uses a constructive compliance model in its resolution of complaints and compliance activities that may be applied to the complainant and/or the accused party. The TSC respects the rights of complainants whose preference is to remain anonymous. A complaint made to the TSC will be accepted and reviewed on its merits. However, anonymous complaints are difficult to investigate as the complainant cannot be contacted to provide more information about specific allegations. As a result, these types of investigations are limited to the content of what has been provided and the conclusions cannot be reported back to the complainant.

The TSC is committed to protecting and promoting human rights, as set out in the Charter of *Human Rights and Responsibilities Act 2006 (Vic)* and the *Equal Opportunity Act 2010*. Complaints Officers will take these Acts into consideration when assessing and investigating complaints.

As the regulator for the commercial passenger vehicle industries, the TSC aims to improve safety, service levels and consumer satisfaction. We encourage industry participants to demonstrate professionalism and accountability by delivering safe, clean, accessible and reliable services to the people of Victoria.

Accessibility

The need for interpreter services is considered, particularly if a complaint involves complex issues. Even when an individual is able to speak and understand basic English, they may need assistance if English is their second language. All TSC Officers have access to a telephone interpreter service. It is usually not appropriate to rely on family members or friends to interpret on behalf of a complainant.

For people whose first language is not English, Complaints Officers must be willing to accept written feedback in other languages and have the feedback translated into English. Accordingly, any written response to those persons must be translated into the specified language required to ensure they fully understand any action required or taken.

The TSC recognises that some members of the community may have difficulty in making a complaint due to age, medical, physical or accessibility issues. By providing an accessible feedback and complaint process, the TSC meets its obligations under the *Equal Opportunity Act 2010 (Vic)*, the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, and the *Disability Discrimination Act 1992 (Cth)*. The TSC's Accessibility Statement outlines how we aim to improve our communication and access to our services in line with W3C Accessibility Guidelines.

The TSC offers a number of alternatives for people to lodge feedback or complaints, this includes the ability to make the report in writing, via email, using the online complaint form, by telephone, TTY (first call 1800 555 677, then ask to be connected to 1800 638 802), and in person at the TSC Customer Service Centre. If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit: www.relayservice.gov.au

When dealing with complaints and feedback, Complaints Officers are trained to assess each case with impartiality to ensure customers are provided with whatever assistance is required to communicate with us.

4.1 Assessment process

The complaint assessment process consists of a three-tiered approach to identify the issues raised and to ensure complaints are appropriately addressed. All complaints received by the TSC undergo a preliminary review to identify the issues raised, its priority and whether the matter needs to be referred another internal department or external agency.

Preliminary review

All complaints will be triaged within 2 business days of receipt.

If the preliminary assessment indicates that camera download evidence may be relevant, the matter will be consider in line with the *Victorian Taxi-Cabs Safety Camera Standards and Procedures*.

In all cases where fraud is alleged the matter will be referred to the Legal and Regulatory Services Branch for consideration by the fraud and enforcement team.

Tier 1 – Frontline case management

Tier 1 – Complaints which generally do not require an in-depth investigation will be assessed and evaluated by Complaints Assessment Officers. All tier 1 matters undergo a review that includes identifying the issues raised in the feedback or complaint, validation of an accreditation or driver licence and/or vehicle registration. The officer may also request further information to support the allegations made. Staff are empowered to respond to feedback and resolve complaints wherever possible at first contact. In the event that the issues raised cannot be resolved at first contact, staff are required to escalate the feedback or complaint (Tier 2), where it will be reviewed by a Complaints Investigation Officer, or forwarded to the relevant Network Service Provider (Booking Company).

Some examples of Tier 1 case may include issues such as:

Driving and speeding infractions, lost property, general booking issues, requests for reimbursement, matters that do lie within the jurisdiction of the regulator.

Tier 2 – Complaint investigation

Tier 2 – Complaints that are unresolved or require in-depth assessment are escalated and managed by Complaints Investigation Officers. These staff are trained and empowered to take statements, request industry records and conduct interviews. Each case is assessed on its merits to determine the appropriate action and outcome. Complaints Officers use all available and relevant information to identify breaches of legislation, make recommendations about compliance action and communicate with complainants about the outcome of the complaint. If a complainant is not satisfied with the manner in which their complaint has been handled and/or the outcome, they can request their matter be referred to the Manager, Industry Standards and Services for further review under (Tier 3).

Some examples of Tier 2 case may include issues such as:

Driver behaviour, safety related matters, disability awareness, injury sustained in a commercial passenger vehicle, MPTP fraud, refuse fare, lack of service, systemic industry issues, illegal operation of a commercial passenger vehicle.

Tier 3 – Internal / External review

Tier 3 (Internal Review)

In the first instance, a complainant should allow the TSC to undertake an internal review of the complaint before escalating their grievances to the Office of the Victorian Ombudsman. An internal review is generally undertaken by the Manager, Industry Standards and Services; who may request further information from any party to ensure the complaint has been managed within the guidelines and policies of the TSC.

Tier 3 (External Review)

Following an internal review, the reviewer will provide the complainant with the outcome and reasons for their decision. The reviewer will also provide the complainant with details of how to contact the Office of the Victorian Ombudsman, should they be dissatisfied with the TSC's handling of the complaint.

4.2 Intelligence and feedback about the industry

The TSC's feedback or intelligence forms can be utilised to provide information about activities affecting the commercial passenger vehicle industry. The TSC receives information about organisations or individuals who provide legal or illegal services in the taxi, driving instructor or illegal ride-share industries. This information is recorded as intelligence by the TSC.

When a person is providing the TSC with feedback or intelligence about the commercial passenger vehicle industry, the information is captured and assessed by TSC Complaints Officers. The TSC respects the rights of a person whose preference is to provide information anonymously. Where the identity of the person who has provided the feedback or intelligence is known, they may be contacted accordingly.

TSC Complaints Officers will record the information and may refer any intelligence to an appropriate department for further review. In some instances additional information about the report may be required, on these occasions; the TSC will, where possible, make contact with the provider of the intelligence before finalising the matter.

Because information provided as intelligence may form the basis for further TSC compliance activities or prosecution, generally the person making the report will not be provided with the outcome of what has occurred with the information they have provided.

4.3 Compliments and positive feedback

The TSC encourages industry participants to demonstrate professionalism and accountability by delivering safe, clean, accessible and reliable services to the people of Victoria. The TSC welcomes feedback from people who have had positive experiences or encounters with a member of the industry.

If you would like to submit a compliment, where possible it is encouraged that you provide the TSC with information that will allow us to identify the receiver of the positive feedback.

The type of information that can be provided includes:

- booking details (the taxi or hire car booking company)
- time / date,
- vehicle registration number, and/or
- taxi driver's identification number (displayed on the photo ID card on the dashboard).

When you submit positive feedback, the TSC will provide you with an acknowledgement that your feedback has been received and recorded. Where possible, the TSC will notify the person or entity about the compliment received.

4.4 Procedural fairness

When a complaint is received about an industry participant, in most instances the TSC will notify the identified party about the complaint and provide them with the opportunity to respond. The response will be taken into consideration along with the merit of the claims being made. When a complaint is made against a driver of a commercial passenger vehicle, the driver is notified about the number of reported complaints the TSC has received about them.

The TSC is required to adhere to the record keeping requirements outlined in the *Public Records Act 1973*. Therefore all feedback, intelligence and complaints made to the TSC are retained regardless of the outcome of the report.

4.5 Analysis of complaint, intelligence and feedback data

The vision of the TSC is to create a commercial passenger vehicle industry that is customer focused, safe, assessable and competitive. To help achieve this objective, the TSC recognises the public are a valuable source of information. Information gathered from complaints, intelligence and feedback can be used by the TSC to identify trends and systemic issues.

The information provided in complaints, intelligence and feedback assists us with pursuing and promoting improvements in safety, accessible transport, service delivery models and innovation.

5 FEEDBACK AND COMPLAINTS

The TSC's feedback and complaints handling process allows the TSC to deal with the issues raised by members of the community and industry participants. The issues the TSC can address are related to the provision of services and safety by any of the transport industries regulated by the TSC. The TSC is responsible for enforcing the legislation and regulations that apply to the commercial passenger vehicle industry, and encouraging high levels of service delivery in the industry.

5.1 What the TSC cannot investigate

As the TSC is the regulator of the taxi and hire car industries in Victoria, predominately consider the regulatory requirements of the *Transport (Buses, Taxi-Cabs, and other Commercial Passenger vehicles) (Taxi-cab Industry Accreditation) Regulations 2017* and the *Transport (Compliance and Miscellaneous) Act 1983* (Transport Act) and other relevant legislation in the context of the general 'public care objective' in the Transport Act.

Depending upon the nature of the complaint, some of the options available to the TSC in response to substantiated complaints are:

- The issuing of compliance and warning notices;
- Prosecutions;
- Disciplinary action in relation to the license or accreditation (which may result in warnings, the imposition of conditions, suspension or cancellation).

If you choose to lodge a complaint or make a report about a matter that is outside our jurisdiction, we will acknowledge your contact and if applicable, refer you to the appropriate organisation or government body.

Civil matters, compensation and refunds

The TSC does not have jurisdiction to assist complainants with refunds or compensation. If you have incurred financial loss as a result of a problem with a taxi or hire car service, you should first contact the Booking Company or the operator of the vehicle to seek a resolution.

Further information about your rights as a consumer can be found at: www.consumer.vic.gov.au or by telephone: 1800 558 181.

Criminal activity

The TSC works closely with Victoria Police and undertakes regular criminal data matching against industry participants. Complainants who allege criminal activity by industry participants will be encouraged to report their concerns to Victoria Police. The TSC will investigate concerns in the context in line with the TSC's administrative functions.

Some examples of criminal activity include:

Assault –

- physical assault by a driver against a passenger or other person
- hit and run incidents involving a commercial passenger vehicle, or
- sexual misconduct or assault.

Theft –

- failing to report and surrender items left in a commercial passenger vehicle, or
- driver taking or keeping a passenger's property without consent.

Drink driving or drug use –

- driver suspected of or witnessed consuming alcohol when driving, or
- driver suspected of or witnessed consuming drugs when driving.

In the event of an emergency, you should contact Emergency Services on 000.

5.2 Making a complaint to the TSC

A person can complain to the TSC if they are not satisfied with the services provided to them by any of the following:

- taxi industry
- hire car industry (including special purpose vehicles such as wedding cars)
- driving instructors
- small buses (less than 10 seat capacity)
- bus drivers

The TSC can also investigate complaints about organisations or individuals who provide illegal or accredited services in the commercial passenger vehicle industries.

Some of the types of issues customers can complain or provide intelligence about include:

SAFETY CONCERNS	VEHICLE SAFETY	OVERCHARGE OR FARE DISPUTES
poor customer service	route issues	MPTP fraudulent transactions
driver behaviour	vehicle condition	booking issues not resolved by the Booking Company
driver knowledge	fare refusal	Booking Company complaint handling processes
TSC staff or products	touting	injury resulting from a taxi or hire car journey
Illegal booking services	unsafe behaviour during a journey	unaccredited driver / vehicle

5.3 NDIS Member making a Complaint to the TSC

The National Disability Insurance Scheme (NDIS) is an Australian Government scheme to support people with a permanent and significant disability that affects their ability to take part in everyday activities.

The people who are eligible to transition to the NDIS from MPTP will be supported in this process. The NDIS will change the way some MPTP users receive support to travel in taxis:

- a MPTP user receiving Victorian Government disability support will transition to the NDIS when other programs move across
- a person with a disability or mobility issue seeking transport for the first time will be supported by the NDIS if they are eligible
- any MPTP user not eligible for the NDIS will continue to receive MPTP support for taxi travel.

NDIS Member Complaints Handling Process

In the initial phasing of MPTP members to the NDIS, there will be minimal change to the current complaints handling process. Complaints and other correspondence received by the TSC will be assessed and actioned accordingly. A response letter acknowledging receipt of their correspondence will be sent with confirmation that the complaint has been forwarded to the NDIS.

The TSC will seek permission from the complainant and may forward the relevant complaint information to the NDIS on their behalf. Complaints from NDIS members that cover multiple issues (for example: a complaint about a member's NDIS funds and an issue with a taxi driver or NSP) will be assessed to determine what aspects the TSC may address. The TSC will notify the complainant about how their complaint will be handled.

5.3 Our contact information and communication options

The TSC offers a number of options for lodging feedback and complaints. If you have specific communication needs, we request that you make this known to us so we can ensure we offer the appropriate options. If you would like to use an interpreter service to communicate with us, please let us know and we can arrange this.

Online and email

You can lodge a complaint or provide feedback using our online complaint, feedback or intelligence form.

To submit a complaint or to provide feedback or to make a suggestion visit www.taxi.vic.gov.au

You can also provide 'tip off' to the TSC using our online intelligence form. To provide intelligence or to report illegal activity within the commercial passenger industry visit www.taxi.vic.gov.au/intell

The online forms allow for attachments such as photographs and documents to be forwarded with your report.

If you would like to submit feedback or make a complaint by email, please send your correspondence to complaints@taxi.vic.gov.au

Telephone or facsimile

You can lodge a complaint or provide feedback via telephone, fax or TTY. The TSC's call centre's business hours are 8:00am to 6:00pm, Monday to Friday.

Telephone: 1800 638 802

Facsimile: (03) 8683 0771

TTY: 1800 555 677

(first call the National Relay Service on 1800 555 677, then ask to be connected to the TSC on 1800 638 802)

Relay service: 1800 555 727

The National Relay service offers communication options for people who are deaf or who have a hearing or speech impairment. For more information about the National Relay Service, visit their website at www.relayservice.gov.au

By mail

Customers can download a form from the TSC website or request to have a copy posted out to them by calling 1800 638 802.

Completed forms can be sent to:

Taxi Services Commission
GPO Box 1716
Melbourne VIC 3001

In person

If you would like to provide your complaint in person, the TSC has a Customer Service Centre where a complainant can attend. The Customer Service Centre is open from 9:30am to 4:00pm, Monday to Friday.

The TSC Customer Service Centre is located at:

Lower Ground Floor
1 Spring Street (corner of Flinders Street and Spring Street) Melbourne

If you require wheelchair access to the Customer Service Centre, you can use the building's entrance located on Flinders Street.

5.4 Information to supply when providing feedback or a complaint

If a person providing feedback or making a complaint would like to be contacted, we will require contact details such as a telephone number, email address and/or postal address to communicate with you.

To assist the TSC in investigating your complaint we may require specific information to assist in identifying the industry participant or vehicle involved in an alleged incident. Without this, the TSC may be limited in the scope of our assessment or investigation.

The type of information we may request includes:

- the date and time of the alleged incident
- the pick-up, drop-off or incident location
- a receipt or confirmation of payment (for example; excerpt from a bank or credit card statement)
- information identifying an individual or organisation including:
 - taxi registration number – painted on the door, on registration plates and in tactile lettering near the external passenger door handles
 - hire vehicle registration number – the registration plate
 - vehicle registration number for driving instructor, special vehicle or small bus
 - taxi driver identification number – displayed on the photo ID card on the dashboard
- any photos or video footage taken in relation to the incident
- a detailed account of the incident
- names and contact details of any witnesses.

5.5 Responsibility of Booking Company

All accredited booking companies, known as Network Service Providers must have and make readily available, a customer service and complaints handling process that is consistent with the Australian Standards for complaint handling. The TSC encourages Booking Companies to be responsible for the product and services they deliver.

To afford the Booking Company with the opportunity to self-improve and address customer concerns, in the first instance complaints should be made directly to the Booking Company involved. The types of the complaints that can be made to a Booking Company include but not limited to: the booked vehicle failed to arrive or was late.

If the Booking Company fails to respond to you or you have ongoing concerns, you can ask the TSC to review and assist with your dispute. We will review how the Booking Company has addressed the matter, whether the outcome meets the company's standard operating procedures and what remedy the Service Provider proposes. The TSC will notify you about the outcome of this review and if required, provide you with options for pursuing the matter further.

5.6 Driver Agreements and Dispute Resolution – Industry Participants.

The TSC has established a process to manage disputes between taxi drivers and operators, arising from the introduction of the Implied Conditions. From 30 June 2014, taxi drivers and operators who are in dispute about the terms of their employment or the Implied Conditions prescribed within the Transport Act, are encouraged to use the dispute resolution services of the TSC.

Disputes can be lodged via the feedback form on the TSC website. The parties must go through the TSC's dispute resolution process before the matter is referred to either:

- The Victorian Small Business Commissioner (VSBC) or
- The Victorian Civil and Administrative Tribunal (VCAT).

For more information about this process, visit our Dispute Resolution page on the TSC website: <http://www.taxi.vic.gov.au/taxi-reform/about-taxi-and-hire-car-reforms/dispute-resolution>

5.7 Internal review

If a complainant is dissatisfied with the response they receive from the TSC, they can request an internal review. When requesting a review, the complainant may be required to explain why they are not satisfied. The matter will be referred to the Manager, Industry Standards and Services for review and subsequent contact with the complainant.

An internal review will consider the process and rationale applied by the Complaints Officer, the management of the complaint and whether the outcome is fair, reasonable and unbiased. A review is not a 'new' assessment or investigation of the complaint.

The review will ensure that:

- all available information has been assessed
- the relevant laws and regulations have been considered
- the case file notes document and support the outcome of the complaint, and
- the complaint has been managed in accordance with the TSC's Customer Feedback and Complaint Handling Policy.

If a review determines further action should be taken, the case will be re-opened and returned to the Complaints Officer with instructions to investigate further. If the Manager, Industry Standards and Services determines that no further action is required, the complaint is finalised and the complainant will be provided with details of the decision. If the complainant remains dissatisfied with the process following an internal review, they can contact the Victorian Ombudsman for further advice.

6 RECORDING FEEDBACK, COMPLAINTS AND INTELLIGENCE

The TSC uses a secure case management system to manage communications received and sent. Feedback, complaints and intelligence submitted using the online portal is automatically captured in the case management system.

When the online forms are used to submit feedback, a complaint or intelligence a unique case reference number will automatically be generated and provided to the author. When feedback, a complaint or intelligence is received by any other method, the TSC will enter the details of the matter into the case management system and a unique a reference number will be generated for the case. The TSC will provide the author of the correspondence with acknowledgement that the reported matter has been received and provide the case reference number.

The TSC is required to retain records about industry participants to comply with requirements under the *Public Records Act 1973* and the TSC's Privacy Policy. The TSC collects, retains and handles complaint information about accredited industry participants to fulfil its function as a regulator of the commercial passenger vehicle industry in Victoria.

6.1 File security

The TSC uses a secure, comprehensive and integrated system designed specifically for the handling of and recording of complaints and feedback. The case management system is a secure database system which can only be accessed by authorised TSC personnel.

6.2 Expected timeframes

All complaints are reviewed upon receipt to determine what action needs to be taken. Complaints are assessed and addressed to provide timely responses proportionate to the matter reported and based on the action we have taken. Complaints that include information alerting TSC to safety issues are given first priority. Complaints that require further investigation to determine an outcome may require more time to address and complete.

Where possible an outcome will be provided for:

- Priority 1 complaints within 15 business days of receiving the complaint or feedback
- Priority 2 complaints within 30 business days of receiving the complaint or feedback
- Priority 3 complaints within 60 business days of receiving the complaint or feedback.

If a case file has been open for more than 60 business days, a letter explaining the delay will be sent to the complainant.

6.3 Responding to unreasonable correspondence

The TSC will not respond to unreasonable or vexatious correspondence it receives directly, indirectly or is copied into. Unreasonable correspondence may be sent from an individual or a company. The definition of unreasonable correspondence can be grouped into five categories:

1. Unreasonable volumes of correspondence
2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable arguments
5. Unreasonable behaviour

Correspondence which lacks the authenticity of an author, particularly where the sender cannot be reliably identified, will be reviewed on an individual basis to determine if the correspondence is unreasonable or vexatious.

7 COMPLAINTS ASSESSMENT PROCESS MAP

