



Transit Officer Powers

When you use public transport, you may come into contact with train and bus guards (referred to as transit officers). Transit officers are responsible for ensuring that you and other members of the public are safe when using public transport (buses, trains, ferries) and are given some legal powers similar to the police, which apply when using public transport or being on public transport property.

It is common for serious offences to occur as a result of Transit Officers approaching young people travelling on public transport without a valid ticket, not paying to travel or failing to produce their concession card.

If this happens to you, it is important that you give the Transit Officer your name, address and date of birth and you most likely will receive an infringement notice (fine).

If you refuse to provide your details to the Transit Officer, then the situation can escalate whereby you can be detained and charged with an offence (Refusing to Supply Details). It can escalate further if you argue and lash out at Transit Officers as you may be arrested and charged with a serious offence (Assault Public Officer). If bodily harm is caused to the Transit Officer and you have turned 18, you may get a mandatory prison sentence of not less than 6 months.

Power To Ask For Your Name, Address, Date Of Birth

If a transit officer reasonably suspects that you have committed or are about to commit an offence or a breach of the Public Transport Regulations (having an invalid ticket, travelling without paying), he or she can:

- Ask for your name, address and date of birth.
- Ask you to produce identification and detain you for the length of time it takes to get this information.
- Detain you if you refuse to give them these details.

Power Of Search

Transit officers also have the power to stop, detain and search you if they reasonably suspect you have in your possession anything that may affect the safety or security of other members of the public or be used to commit an offence (e.g. weapon, firearm, can of spray paint, etc.).

The search must be carried out by a person of the same sex as you. Reasonable force may be used.

Power To Remove You From Public Transport Or Station

Transit officers have the power to use reasonable force to remove you from the train, bus, ferry or station if you have been warned but have not complied with a direction, including:

- Sitting in an unauthorised seat after having been asked to vacate it and/or refusing to vacate the seat.
- Interfering with a sign or equipment after having been asked to stop and/or refusing to stop the interference.
- Travelling on a train or part of a train not intended for passengers after having been asked to move away and/or refusing to move away.
- Entering or leaving other than through a passenger door after having been asked to stop and/or refusing to stop.



- Being in an area not intended for use of passengers after having been asked to move away and/or refusing to move away.
- Travelling with a bicycle in a peak flow direction during peak times on a working day after being asked to disembark and/or refusing to disembark.
- Travelling on a train after having been advised that you are banned.
- Acting in a way so as to cause danger or annoyance to another person using the train.

If you fail to comply with a direction given by a transit officer, you also commit an offence.

Power Of Arrest

Transit officers have the power to arrest you and take you to a police station if you:

- Behave in a disorderly manner (e.g. shouting, swearing, insulting other passengers, etc.).
- Trespass on Public Transport Authority property (e.g. taking a short cut over the train track)
- Damage any Public Transport Authority property (e.g. spray painting, kicking bins, smashing windows, scratching a window, drawing on a seat, etc.).
- Continue to do any act that is an offence after having been warned that the offence may result in you being arrested.

If you are arrested by a transit officer, do not struggle or make it difficult for the transit officer as you could be charged with serious offences. Never spit, push, shove or hit a transit officer as this is a very serious offence. If you do not like the way you are being treated, you can complain later.

Tickets And Infringements

You must have a valid ticket to travel on public transport.

Transit officers and Transperth inspectors can issue infringements for not having a valid ticket or for any other actions which are against the Regulations (e.g. spitting, having feet on the seats, littering, smoking, drinking alcohol on the train or in the station, etc.).

Speaking To Transit Officers And Transperth Inspectors

Sometimes it can be embarrassing and humiliating when transit officers or Transperth inspectors approach you and give you a warning or ask you for proof of your identity. It is very important to stay calm and be polite even if you feel you are being unfairly treated. If you are unhappy about how you were spoken to, or believe the officers behaved badly, you can make a complaint afterwards to the Public Transport Authority.



More Information

For information about your own circumstances, call Youth Legal Service **9202 1688** or **9202 1800**

To make a Complaint relating to the Public Transport Authority: <https://www.pta.wa.gov.au/about-us/complaints-and-comments>

For information of Fines and Infringements with Transperth: <https://www.transperth.wa.gov.au/Contact-Us/Fines-and-Infringements>

Legal Aid: <https://www.legalaid.wa.gov.au/InformationAboutTheLaw/crime/securityOfficers> and then click on Powers of railway police.

Please note: Laws are subject to change. Last updated July 2020.

Important: The information provided in this infosheet is for information only.

It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.