

# Banning Notice Policy

Transit Safety Unit

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Acronyms	Full form
Department	Department of Infrastructure, Planning and Logistics
DIPL	Department of Infrastructure, Planning and Logistics
Director	Director of Transport under the <i>Traffic Act 1987</i>
NT	Northern Territory
NTG	Northern Territory Government
TO	Transit Officer
TSU	Transit Safety Unit
SO	Security Officer

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# 1. Policy Statement

The Department of Infrastructure, Planning and Logistics (the Department) is committed to providing and maintaining a safe and secure public transport network across the Northern Territory (NT). The Department recognises the importance of having appropriate measures in place to adequately manage antisocial behaviour across the network.

The Director of Transport (Director) has the power to issue banning notices to persons who engage in certain conduct on buses, at bus stops and at or in the vicinity of bus stations. The issuing of banning notices to persons who engage in offensive, threatening, violent or disorderly conduct or damage certain property, will assist the Department to manage problem passengers.

## 2. Objective

The objective of this policy is to:

- provide clear guidance to the Department, Transit Safety Unit Management and Transit Officers (TOs), contracted Security Company, Security Officers, Bus Operators and their employees as to their roles and responsibilities relating to banning notices; and
- provide details about how the Department will manage personal information relating to this policy.

## 3. Background

TOs have previously issued 12 month trespass notices to problem passengers in response to managing antisocial behaviour. However, trespass notices have seen little success across the network primarily due to the lengthy period of time, the inflexibility of the notice and the central issue of only being able to trespass a person from a specified bus interchange. The use of a banning notice in lieu of a trespass notice will provide a more effective approach to managing problem passengers across the network and will align the Department with interstate counterparts.

## 4. Banning Notice

A banning notice is a statutory revocation of the implied right to enter or remain on a designated premises. It is a written document to an identified person, clearly stating the boundaries of the designated premises/property and period of time the person is banned for.

A banning notice will prohibit a specified person from entering or remaining in or on a bus, or in or at a bus stop or bus station in circumstances where a Transit Officer, authorised by the Director, believes on reasonable grounds that the person:

- a) engaged in offensive, threatening, violent or disorderly conduct on a bus, at a bus stop, in a bus zone or at or in the vicinity of a bus station; or
- b) damaged a bus, a transit safety vehicle, a bus stop, a bus station or a bus zone; or
- c) damaged property on a bus, in a transit safety vehicle, at a bus stop, at a bus station or in a bus zone.

## 4.1. Issuing a Banning Notice

The Director may, in writing, authorise a TO to exercise powers to issue banning notices under the *Public Transport (Passenger Safety) Act 2008* (the Public Transport Act).

Before issuing a notice, a TO must inform the person of the TO's intention to issue the notice section 28B (1) of the Public Transport Act. Failure to do so may invalidate the notice.

The notice must then be served personally on the person as required under Section 28A (3) of the Public Transport Act.

The notice must contain the following information:

1. The name of the banned person;
2. A description of the conduct for which the person is being given the notice, and the grounds for the TOs belief as to that conduct;
3. The name of the TO giving the notice;
4. A description of the places to which the ban applies. This should include whether it restricts:
  - the general route services or public transport infrastructure the person may use;
  - the days, or the times or periods of a day, when the person may or may not use the public transport network; or
  - the purpose, if any, for which the person may use the public transport network.
5. The date and time when the notice is given to the person and the period of the ban;
6. A statement that it is an offence to contravene the notice; and
7. An explanation of how the ban can be varied or revoked.

A banning notice may be issued at the complete discretion of a TO. However, if a TO decides to issue a banning notice the TO must comply with the processes and requirements set out in the Act.

## 4.2. Duration of a Banning Notice

A banning notice will be effective from the time it is personally served on the person and will remain in force for the period specified in the notice which shall not exceed:

- 90 days if the person has not previously been issued with a banning notice; or
- 180 days if they have previously been issued with a banning notice.

A banning notice can be varied or revoked before the expiration period. Where the Director decides to vary or revoke a notice, this will be communicated to the banned person in writing when such a decision is made.

A banning notice cannot be varied to extend the period for which the notice applies in accordance with section 28E (5) of the Public Transport Act.

## 4.3. Enforcement of a Banning Notice

Once a banning notice has been issued, compliance with the banning notice will be monitored and enforced by TOs in accordance with the Public Transport Act. TOs undertake a range of monitoring and enforcement measures as part of their daily operations, including tasks like ticket checks, bus rides, interchange patrols, reassurance patrols and CCTV monitoring.

Additionally, ex officio transit officers (bus drivers, security officers and members of the Northern Territory Police Force) will also have a role in monitoring and enforcing the banning notices across the network.

## 4.4. Variations and Revocations

In circumstances where a banned person is unreasonably disadvantaged, the Director may vary or revoke a banning notice. Only the Director of Transport has the delegation to vary or revoke a banning notice. The Director will assess a request for a variation or revocation on a case-by-case basis. The Director may take into consideration any relevant matter in determining whether to grant a variation or revocation of the banning notice, including the individual circumstances of the banned person and the safety and security of the public transport network.

The Director may grant such variations to banning notices as the Director deems appropriate. A variation may include adding, varying or removing the terms or conditions of a banning notice. The banning notice cannot be varied to extend the period for which the notice applies. The application to vary or revoke a banning notice form can be found at [nt.gov.au/banning-notices](http://nt.gov.au/banning-notices).

## 4.5. Contravention of a Banning Notice

A person who is subject to a banning notice, and who attempts to enter, enters or remains in, on or at a bus, bus stop or bus station contrary to the banning notice, commits an offence under section 28F of the Act.

A banned person will be directed to leave by a TO or SO from the location, and if they do not comply, a TO will issue the banned person with an infringement notice. An amount equivalent to 3% of the maximum monetary penalty (20 penalty units) will apply.

# 5. Roles and Responsibilities

## 5.1. The Department of Infrastructure, Planning and Logistics

The Department is responsible for regularly reviewing this policy.

## 5.2. Transit Safety Unit Management

TSU Management is responsible for:

- Implementing this policy;
- Developing and implementing the procedure for banning notices;
- Ensuring that all TOs are fully trained in banning notices;
- Ensuring that the contracted security company and bus operators are provided with the necessary information to develop their internal training procedures;
- Overseeing the development of the security company and bus operators training procedures;
- Notifying all TOs of the banned person, location and period of ban;
- Notifying the contracted security company and bus operator management team of the banned person, location and period of ban through Evidence.com;
- Ensuring that all banning notices are issued in accordance with the legislation; and
- Ensuring that all banning notices are appropriately recorded and that all records are stored securely.

### 5.3. Transit Officers

TOs are responsible for:

- Only issuing banning notices if they have received authorisation from the Director;
- Adhering to this policy and any subsequent procedures;
- Advising TSU Management of any operational issues that may arise surrounding banning notices;
- Ensuring they familiarise themselves with their obligations, processes and procedures around the issuing and enforcing of banning notices; and
- Ensuring that all banning notices are issued and enforced in accordance with the relevant legislation.

### 5.4. Contracted security company

A contracted security company is responsible for:

- Providing a visual deterrent to anti-social behaviour and politely handle and defuse situations without endangering themselves or the general public;
- Encouraging compliance with the signage and rules at the interchanges as stipulated by DIPL;
- Providing a direction to a person if they believe on reasonable grounds that a person has committed, is committing, or is about to commit a contravention of a rule of behaviour;
- Ensuring that all SOs are trained internally on the banning notice process;
- Security management/delegate to notify all contracted SOs of banned persons through their internal notification method;
- SOs to notify a TO as soon as practicable of a banned person who has entered or remains in or on a bus, bus stop or bus station; and
- Adhering to this policy.

### 5.5. Bus operators

Bus operators are responsible for:

- Ensuring that all bus operators are trained internally on the banning notice process;
- Notifying bus drivers of banned persons through their internal notification method; and
- Adhering to this policy.

### 5.6. Bus drivers

Bus drivers are responsible for:

- Ensuring they notify a TO as soon as practicable if a banned person has entered or remains in or on a bus, bus stop or bus station; and
- Adhering to this policy.

## 6. Managing Personal Information

Banning notices issued by TOs are classified as 'government information' that includes 'personal information' under the *Information Act 2002 (NT)* (the Information Act). The Department will deal with all personal information in a manner that is consistent with privacy legislation (the Information Act, the Information Privacy Principles set out in the Information Act, and any "code of practice" approved under the Information Act).

The Department will collect, use, disclose or otherwise deal with personal information relating to banning notices for the purpose of fulfilling its obligations under the Public Transport Act. A TO may give the Director, other Transit Officers (including ex-officio transit officers), bus operators, and their employees, a copy of the notice and a photograph of the banned person for enforcement purposes. TOs, (including ex-officio transit officers) bus operators and the employees of bus operators will be notified of any revocation of a banning notice and will be provided with details of any variation to the terms and conditions of a banning notice. They may also be provided with copies of applications to amend or revoke banning notices, by the Director.

A banned person may request access to this information by contacting the Department of Infrastructure, Planning and Logistics, Passenger Transport Branch on 08 8924 7666 or email [passenger.transport@nt.gov.au](mailto:passenger.transport@nt.gov.au). Alternatively, they may request access by contacting DIPLs Freedom of Information team at [foi.dipl@nt.gov.au](mailto:foi.dipl@nt.gov.au) or by phone 08 8924 7930.

## 7. Confidentiality and Privacy

All personal information relating to banning notices will be used specifically for the purpose that it is collected and will be treated confidentially and in accordance with the *Information Act 2002*. The Department, TO, SO, authorised security company, bus operators and their employees will treat all banning notices in the strictest confidence and only disclose information on the banned persons personal information to those who have a requirement to know.

For further information please contact the Department of Infrastructure, Planning and Logistics, Passenger Transport Branch on 08 8924 7666 or email [passenger.transport@nt.gov.au](mailto:passenger.transport@nt.gov.au).