GW Public Transport Enforcement & Infringement Framework

1. Purpose

To support a fair, consistent, and transparent approach to public transport fare compliance and enforcement supporting goal's set out in Greater Wellington's Regional Public Trasport Plan (RPTP). This includes reducing fare evasion and maintaining public confidence in the system.

2. Scope

This framework applies to all Greater Wellington Warranted Transport Officers (WTOs), involved in fare enforcement across the Metlink public transport network, including rail, bus, and harbour ferry services.

3. Legal Authority

Under a 2021 Letter of Agreement with NZ Police delegated authority is obtained Under the Land Transport Act 1998, Land Transport (Offences and Penalties) Regulations 1999, and the Land Transport Amendment Act 2017, WTOs are authorised to:

- Request proof of fare payment
- Request identification details
- Issue infringement notices
- Direct individuals to disembark or not board
- Refer serious or repeated offences for prosecution

4. Framework Components

A. Offence Detection

Step 1: WTO boards vehicle or station and conducts checks.
Step 2: Passenger asked to produce evidence of fare payment.
Step 3: Passenger refusal or inability to produce proof is recorded → offence detected

B. Infringement Decision Tree

Cooperative (First offence, low severity)

- **Action:** Engage and educate; collect fare payment; request passenger to disembark or deny boarding if necessary; collect passenger details
- **Outcome:** Incident recorded in system, potential follow up

Cooperative (Repeat or deliberate offence)

- **Action:** Collect fare payment where possible; request passenger details; request passenger to disembark or deny boarding; recommend infringement notice
- **Outcome:** Infringement fee recommended, and incident recorded in system

Uncooperative / Serious (Obstructive, aggressive, or fraudulent behaviors)

- **Action:** Collect fare payment where possible; request passenger details; request passenger to disembark or deny boarding; recommend infringement notice; escalate to Police where necessary; refer to Greater Wellington prosecution function if applicable
- **Outcome:** Infringement fee recommended and incident recorded in system, plus Police involvement and/or prosecution where appropriate

C. Fare Evasion Categories

Cooperative

- Engages respectfully and shows willingness to resolve the issue
- May be unaware of payment system rules (e.g., child 14 or under, not carrying valid concession ID)
- May have evaded payment deliberately but cooperates once approached (e.g., admits non-payment, presents invalid Snapper card, or withheld cash but responds when asked)
- **First-time offences remain cooperative if resolved, but repeat offences may be treated as uncooperative**

Uncooperative / Serious

- Refuses to engage or comply with staff directions
- Displays fraudulent behaviors (e.g., using false ID, deliberate deception)
- Aggressive, hostile, or threatening behaviors (verbal or physical)
- **Repeat offences after prior education/interaction escalate to uncooperative**

5. Warranted Transport Officer Protocols

Warranted Transport officers are to:

- Champion the use of public transport, working alongside our partners on bus, rail and harbour ferry.
- Conduct fare inspections across the network and issue infringement notices when required.
- Provide education and information on the use of public transport network.
- Assist customers when boarding and disembarking public transport.
- Perform daily inspections of public transport facilities including vehicles and report any health and safety hazards or maintenance requirements.

Providing a high level of customer service to engage and educate customers on the importance of fare enforcement, this includes proactive fare evasion management through fare inspections and issuing infringement notices if required.

This role will also act as a point of contact for customer related or security incidents on the network, including stations and surrounding areas, and assist in emergency management through a close working relationship with the New Zealand Police and Transport Operators.

Responsibilities:

- Act in a fair, courteous, and proportionate manner.
- Ensure valid identification is shown at all times.
- Apply Conditions of Carriage and Metlink Fare Manual.
- Use discretion in line with public interest and behavior.

- Utilise 4E model and de-escalation for all interactions (as set out in the 2021 Letter of Agreement with Police):

    - Engage – ask the person why evidence of the correct fare payment is unable to be produced
    - Encourage – support the passengers understanding as to why fare payment is important aiming to encourage the correct fare payment in the future
    - Educate – advise the passenger of their obligation to make the correct fare payment and your role as a Transport Officer.
    - Enforce – advise the passenger of your warranted authority and what details you are going to require from them.

  Tools:

    - Mobile ticket readers / cell phones
    - ID
    - Copy of legislation powers applicable under
    - Conditions of Carriage
    - Metlink Privacy Policy and statement

Application of Discretion

- WTOs must always put health and safety of themselves, other Metlink employee's, and passengers first and foremost in all circumstances
- Refer to Metlink Fare Manual
- Manager Revenue Protection reviews and monitors use and application of discretion and may consider alternative action and training

6. Enforcement Escalation Process

Starts with Warning → request person to disembark or not to board → Issue Infringement Notice → Commence Formal Prosecution (not a decision for WTOs – this is made at discretion of Greater Wellington Chief Executive)

1. Request payment and issue verbal warning / request to disembark or not to board service (discretionary)
2. Written infringement (standard $150)
3. Escalation for serious/repeat offences
4. Police referral for aggressive / hostile behavior / obstruction / refusal to provide ID

7. Customer Dispute & Appeals Process

- Clear instructions on all notices for how to appeal (see **disputes resolution policy** below)
- Internal review within 20 working days of submission
- Option to escalate to the District Court included

8. Training & Accountability

WTOs to complete the training curriculum agreed with NZ Police to endorsed Warranted Authority. This may include:

- Conflict de-escalation

- Privacy and data protection
- Understanding Unconscious Bias
- Knowledge of network and customer
- Regular audits of enforcement data and decision consistency
- Reporting and data captured on infringement volumes and outcomes

Refer to the WTOs training curriculum as agreed with NZ Police.

9. Technology Integration

- All offences will be recorded digitally
- Centralised database of passenger infringement history
- Real-time sync with fare payment system (ie: Snapper)
- Privacy-compliant storage of personal information
- Data and intelligence analysis (e.g. patronage trends on lines and stations)

10. Discretion Considerations (passenger types)

- Special protocols and higher level of consideration of discretion required for vulnerable groups including:
- Youth (under 15) – in line with child concession (we will not collect and child's details underage of 15)
  - Passengers with disabilities
- Tourists and those who struggle with English

Note: that we are unable to infringe anyone under the age of 14, however, there may be instances where details are collected of someone under this age due to incorrect identification of age. WTOs are to follow the procedure of requesting a person's Date of Birth as part of their ability to issue an infringement. Anyone identified as being 14 or under, the WTO should advise the person that they need to pay the correct fare in future but should not proceed any further with collecting their details or issuing any infringement. Therefore, the any collection of personal information of someone being 14 or under will rely solely on the person's self-reported Date of Birth.

11. Communications & Public Education

- Clear signage on all services (public facing)
- Onboard staff announcements (Rail and by WTO team)
- WTOs to use education in 4e model before enforcement
- Awareness campaigns (public facing)
- Conditions of Carriage (public facing)

12. Monitoring & Review

- Number of checks, warnings, notices, appeals all reported on
- Annual policy review which may include input from:
- Legal advisors
  - Disability and youth advocates
  - Transport operators
  - Police
- Feedback from scenarios and incidents reviewed by the Operations team and consider as part of policy review

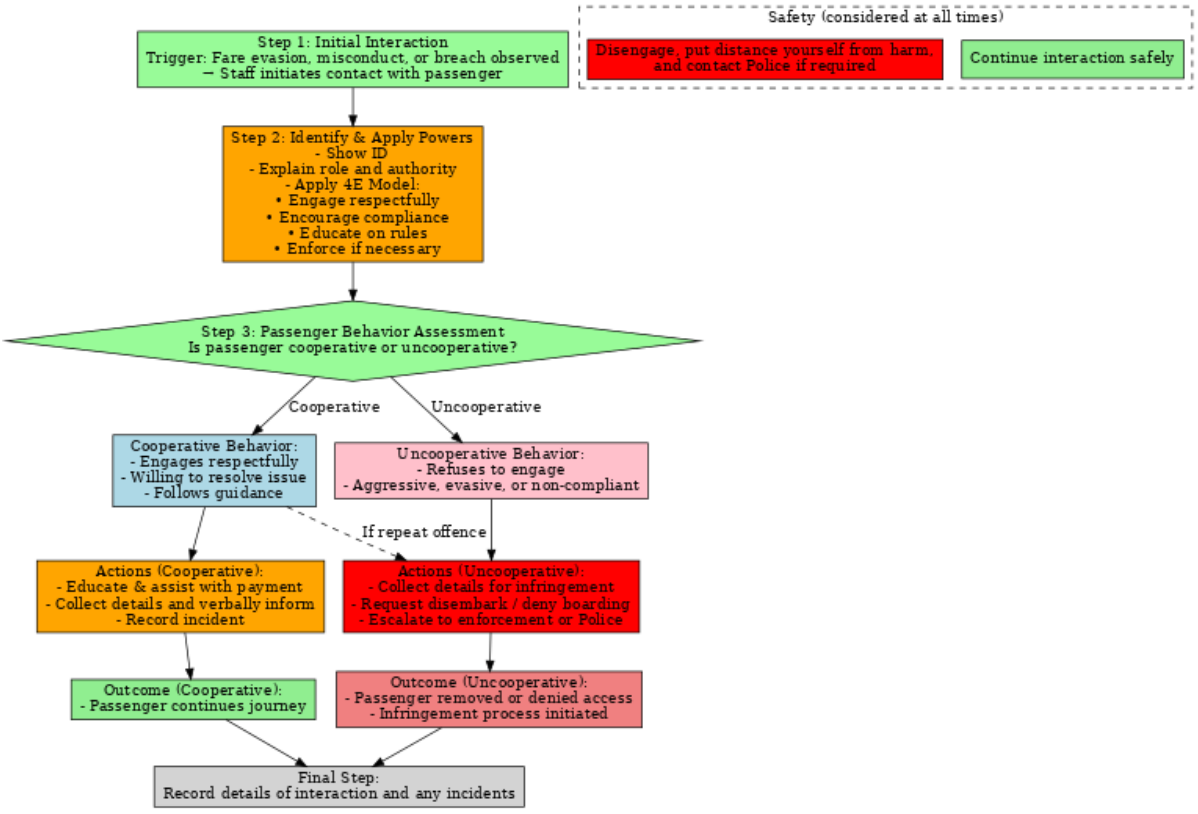
Process for WTOs

In short:

If a person is unable to provide evidence of the correct fare payment you will take the following steps:

- Show the passenger your Transport Officer ID
- Explain warranted authority and powers
- Provide a final opportunity to make fare payment
- Request the person not to board, or to disembark where appropriate
- Collect the passengers' details (refer them to the GW privacy statement)
- Offer to answer any questions
- Enter the service details
- Make a recommendation based on the facts provided
- De-escalate and keep yourself safe at all times including using discretion to remove yourself from the situation at any point during the process
- Contact Police in the event of hostile / aggressive behaviour

WTO fare enforcement flowchart



Greater Wellington Regional Council Dispute Resolution Policy – Metlink Infringement Notices

Signed: _____Date:

Group Manager Metlink

Policy Owner	Manager Policy, Metlink
Effective Date	The day following Group Manager Approval
Review Date	As required

Document ID:

Legislation and Policies Applicable

- **Local Government Act 2002 (LGA)** – Sets the framework and powers for local authorities regarding the activities they are responsible for.
- **Land Transport Act 1998 (LTA)** – Provides the legal framework under which Transport Officers operate. Fare evasion offences are defined under this Act.
- **Land Transport (Offences and Penalties) Regulations 1999 (LTR)** – While the LTA establishes the offences, the LTR sets the infringement fees, which are fixed and not determined by Greater Wellington.
- **Land Transport Management Act 2003 (LTMA)** – Establishes planning powers for local government and sets up Waka Kotahi NZ Transport Agency as the national transport authority.
- **Greater Wellington Long-Term Plan** – Outlines how Greater Wellington will allocate funding across the organisation over a 10-year period.
- **Greater Wellington Regional Public Transport Plan (RPTP)** – A key policy and planning document that defines the strategy, policies, and actions to enforce fare payment and reduce fare evasion to protect revenue.
- **Metlink Conditions of Carriage** – The contract between passengers and Metlink for the use of services. It sets out the terms and conditions for travel on public transport services in Wellington, as well as Metlink's service obligations.
- **Health and Safety at Work Act 2015** – The cornerstone of health and safety legislation. It establishes the framework for ensuring workplace safety and outlines the responsibilities of various parties, including employers, employees and contractors.

Purpose

This document sets out GW policy for resolving disputes infringement notices issued on Wellington's public transport network (Metlink services). The purpose is to provide clarity to both Greater Wellington staff and the public regarding the infringement dispute process and the circumstances under which a notice may be reviewed or reversed.

Background

The **Wellington Regional Public Transport Plan (RPTP) 2021–2031** includes the following policies:

- "Ensure that all users pay the correct fares."
- "Implement ticket checks and enforcement action, where required."

The **RPTP 2025–2035** builds on this under **Objective P9: Balance user contribution with public funding**, with a policy to:

- "Ensure that all users pay the correct fares."

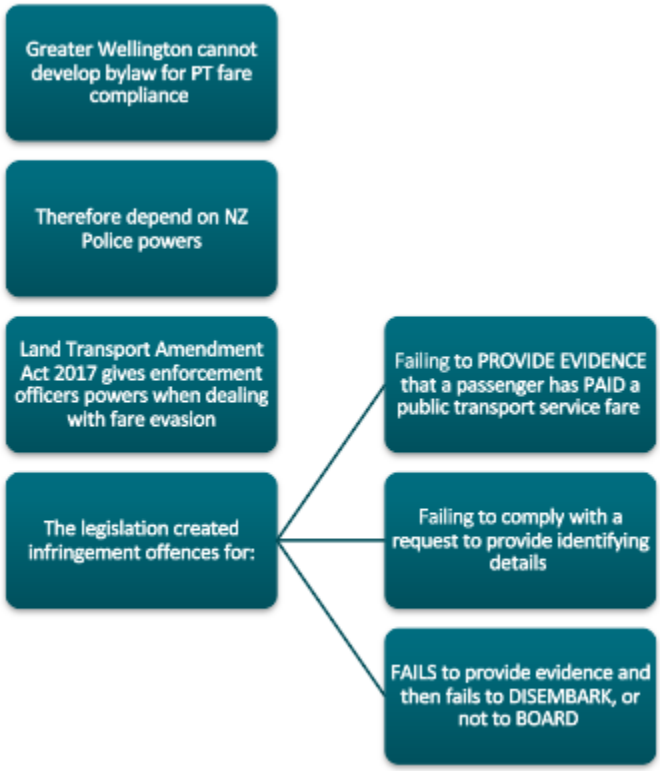
- **Action ii:** "Ensure fare compliance through effective fare revenue protection measures, including through ticket checks and enforcement action, where necessary."

To support these policies, Greater Wellington Regional Council has employed Warranted Transport Officers (Transport Officers). Their focus is both revenue protection and delivering a positive customer experience.

Transport Officers are appointed as enforcement officers and are issued Warranted Authority by the Commissioner of Police. This is formalised through a Letter of Agreement between Greater Wellington and the New Zealand Police. Each officer must meet specific requirements to be eligible for this authority.

Warranted Authority empowers Transport Officers to issue infringement notices. These notices are only able to be issued in certain circumstances.

The following chart outlines the **offences** that may result in an infringement notice.



If you receive an infringement notice for one of these offences, you may dispute it via the Metlink website here: [LINK].

Warranted Authority Powers

The powers of warranted officers employed by Wellington Regional Council are limited to the following functions:

a. Directing a person to **provide evidence** that they have **paid** the required fare – *s128F(1), LTA*
b. Requiring a person who fails to provide evidence to give their **identifying particulars** (full name, full address, telephone number, and date of birth) – *s128F(2)(a), LTA*
c. Directing a person who fails to provide evidence **not to board**, or to **disembark** the service – *s128F(2)(b), LTA*
d. **Issuing an infringement notice** to persons who fail to pay the fare or fail to provide evidence of payment – *s79M(2), LTA*
e. **Commencing proceedings** if a person fails to provide identifying particulars or refuses to comply with a direction to board or disembark – *s79M(3), LTA*

Dispute Process

All requests to review an infringement notice will be assessed by the **Manager, Network Operations, Metlink**.

Review criteria include but are not limited to:

- Was the person provided with a fair and reasonable opportunity to pay the applicable fare?
- Is this the first Metlink infringement notice the person has received?
- Based on the accounts of the Transport Officer and the person disputing the issuing of the notice, was the person actively attempting to avoid paying the fare?
- Did the person not board the service or disembark if and/or when requested?
- Was the person able to provide evidence of fare payment at the time? If not, can they now?
- Did the person willingly provide identifying particulars when asked by the Transport Officer?
- Were there other circumstances that should be considered (e.g., hostility, abuse, safety breaches)?
- Were there exceptional circumstances requiring further discretion?

CCTV footage, staff notes, and operational records may be used to inform the review decision.

Outcome

After considerations, the Manager, Network Operations will either uphold the Infringement Notice or cancel the Infringement Notice. In some cases, more information may be requested before a decision is made.

Appeals

If the person disagrees with the appeal outcome, they may pursue the matter by applying for a hearing at the District Court.

Refer to Ministry of Justice website for more information on starting a proceeding with the District Court: https://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-district-court/starting-a-proceeding-in-the-district-court/#general-civil

Commencing Proceedings

Greater Wellington Regional Council reserves the right to apply to the District Court for a hearing if we believe the customer is intending not to pay the infringement after our final decision has been made. At this point Metlink also reserves the right to seek further reparations for any additional costs incurred such as staff time or legal costs for example. This step may also include the use of a debt collector to collect the monies owing on our behalf.