

Powers of transit officers



Transit officers provide security on public transport. They might be referred to as “railway police” or “public transport security”.

Transit officers have similar powers and privileges, duties and obligations on Public Transport Authority property as any Police Officer. This means that a transit officer can arrest you at the train station or on Public Transport Authority property without a warrant if they reasonably suspect that you have committed an offence.

The following information is a guide about what powers transit officers have to arrest, detain and search you and what your legal obligations are in these circumstances.

Do I have to answer questions?

You **must** give your name, date of birth and address to a transit officer when you are asked to do so. However, you are under no obligation to give any more information to a transit officer or answer any other questions.

Can a transit officer arrest or detain me?

Arrest

Transit officers have the same powers, privileges, duties and obligations as any police officer while on Public Transport Authority property.

This means that a transit officer can arrest you at the train station or on any other Public Transport Authority property without a warrant if they reasonably suspect that you have committed an offence.

Generally they will only arrest you in relation to offences related to public transport. For example, you may be arrested if:

- you are drunk
- you are acting in a disorderly manner i.e. swearing or using obscene language in an inappropriate context, disturbing or pestering people

- you are trespassing on Public Transport Authority property
- you damage Public Transport Authority property
- you behave in a violent or offensive manner on a train or at a train station
- you do or attempt to do anything which may endanger people’s lives, or
- you refuse to give your name and address when required to do so or give a false name or address.

A transit officer can also arrest you on a warrant and take you to the police for processing.

Transit officers may issue infringement notices instead of arresting you.

Detain

A transit officer may detain you for as long as is reasonably necessary to have you searched or to convey you to a police station.

When can a transit officer search me?

If a transit officer reasonably believes that you have a restricted item on public transport they can stop, detain and search you. These items include:

- an explosive

- a syringe other than a syringe for medical purposes
- a firearm
- a controlled or prohibited weapon,
- a tool, device, substance or apparatus that is capable of being used to create graffiti or mark property.

They may order that you be searched even though you have not been arrested, but there must be a good reason for the transit officer thinking that you have one or more of the above in your possession.

If you are arrested by a transit officer, you can be searched for items of property that could cause harm to you or to another person. If any are located, the transit officer can seize the item.

A transit officer will only conduct a pat down search. If a more intrusive search is required, you will be taken to a police station.

In order for the search to be lawful, a person of the same sex as you must carry out the search. If this is not possible, the transit officer may detain you for as long as it reasonably takes to arrange this or to take you to a place where a lawful search can be carried out.

They can use force if you resist but they can only use as much force as is reasonably necessary for that purpose.

You should not be abusive or violent towards transit officers. If you have a complaint, it is best to deal with this formally at a later point in time to avoid additional charges being laid against you.

If you think that you have been unlawfully arrested or searched by a transit officer, you should seek legal advice immediately and see a doctor if you have been injured.

Can I be removed from a train?

A transit officer has the power to remove you from a train for a variety of reasons, including if you:

- cause an obstruction
- damage property
- create a disturbance
- don't pay the right fare
- don't have the correct ticket
- have an invalid ticket, or
- refuse to give your name and address to a transit officer when requested to do so.

How can I make a complaint?

Complaints can be made by calling Public Transport Authority feedback on **13 62 13**. Alternatively, a complaint can be made to the State Ombudsman on **(08) 9220 7555** or **1800 117 000**, but only in relation to a complaint about a matter of administration.

Where can I get more information?

Legal Aid WA

Go to Legal Aid WA's website at www.legalaid.wa.gov.au under Information about the Law for information about:

- Powers of railway police
- Powers of security guards and bouncers.

Legal Aid WA Offices

TELEPHONE INFOLINE: 1300 650 579 (General Enquiries)
Infoline open Monday to Friday 9.00 am to 4.00 pm
(Australian Western Standard Time) except public holidays

Translating and Interpreting Service 131 450
National Relay Service (for hearing and speech impaired) 133 677

www.legalaid.wa.gov.au

Perth Office

32 St Georges Terrace, Perth, WA 6000
1300 650 579
(08) 9261 6222

Southwest Regional Office

7th Floor, Bunbury Tower, 61 Victoria Street, Bunbury, WA 6230
(08) 9721 2277

Great Southern Regional Office

Unit 3, 43-47 Duke Street, Albany, WA 6330
(08) 9892 9700

Goldfields Regional Office

Suite 3, 120 Egan Street, Kalgoorlie, WA 6430
(08) 9025 1300

Midwest & Gascoyne Regional Office

Unit 8, The Boardwalk, 273 Foreshore Drive, Geraldton, WA 6530
(08) 9921 0200

Pilbara Regional Office

28 Throssell Road, South Hedland, WA 6722
(08) 9172 3733

West Kimberley Regional Office

Upper Level, Woody's Arcade, 15-17 Dampier Terrace, Broome, WA 6725
(08) 9195 5888

East Kimberley Regional Office

98 Konkerberry Drive, Kununurra, WA 6743
(08) 9166 5800

Indian Ocean Office

Administration Building, 20 Jalan Pantai
Christmas Island, Indian Ocean, WA 6798
(08) 9164 7529

This information contains a summary of the law and is correct at the date of publication. It is not legal advice. You should always seek legal advice about your individual situation. Any services referred to which are not operated by Legal Aid Western Australia are not endorsed or approved by Legal Aid Western Australia.

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