

## Decision

The Tolling Customer Ombudsman has considered the issues in this matter and has set out the background to the dispute for consideration by the parties.

## The complaint

Ms LD, first made a complaint to the Tolling Customer Ombudsman (TCO) on 15 June 2015, as follows:<sup>1</sup>

“My account number with Govia is [574\*\*\*22]

I added a new vehicle to my Govia account in May, I accidentally typed the wrong rego number when adding the vehicle online.

I was then charged extra for the vehicle’s tolls and invoiced separately to my account. I keep receiving invoices even though I have since corrected the rego details on my account.

My account has been suspended even though there is an automatic top up.

Every time I speak to customer service (on 3 separate occasions) they cannot understand my problem and are extremely unhelpful. I end up hanging up in frustration.

I ended up sending an email to get a phone call back from someone who spoke English as a first language and they called my work number on a weekend and advised they would not leave a contact number and that they would not call me back.

Today I visited the customer service centre at Murarrie and there was a queue of 12 people. I waited for over 10 minutes without the line moving.

Can I please have someone who speaks English as a first language call me and let me know how much I owe and to reassure me that my account is not going to be suspended again and that I am not going to get any fines. If I do not answer I would like them to keep calling until I do answer or to leave a message with a number for me to call back.

I am so angry. If there was any other company for me to deal with I would. It is not fair that Govia are the only company that you can pay tolls with and they refuse to help me pay my invoices!

Can you please advise when I will receive help with this? I do not want to pay ANY fines or late payment fees.”

The TCO acknowledged receipt of the complaint and referred same to go via for investigation and response.

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<sup>1</sup> All parties’ submissions used in this Decision are quoted verbatim

On 16 June 2015 go via responded to Ms LD, copied to the TCO, as follows:

“Thank you for your email, forwarded to **go via** from the office of the Tolling Customer Ombudsman (TCO) and your time over the telephone today.

I confirm your **go via** account [574\*\*\*001] has a positive balance of \$10.75.  
I further confirm that vehicle [02\*\*\*O] (QLD) is added onto your account and has nothing payable to **go via**.

As discussed, please find attached Statutory Declaration for vehicle [99\*\*\*K] (QLD) should you find that you were not responsible for the below travel;

Issue date	Invoice no	LPN	Travel between	Amount	Due date	Amount payable after due date
12.06.2015	[36***78]	[99***K] (QLD)	24.03.14 to 18.04.2015	\$69.13	25.06.2015	\$334.05

I hope to have clarified the matter.

Should you have any further queries, please do not hesitate to contact **go via**.”

On 4 August 2015 the TCO was copied into the following correspondence between a Ms N and go via:

“Received this email from [Ms LD] (driver of our company vehicle) regarding our company vehicle registration [02\*\*\*O] advising her that there were no outstanding charges against this vehicle

We received the attached letter from Probe Collections regarding an outstanding amount of \$757.38, as there is no outstanding amounts owing can you please advise Probe Collection to withdraw there letter

Your prompt attention to this would be appreciate, please confirm back to me as soon as possible.”

To which go via responded:

“Thank you for your recent email.

With regards to the email sent from [Ms LD], all matters discussed were pertaining to her account only. We had no mention that [Ms LD] was referring to an outstanding debt for the company [Company JB], so this was never discussed due to privacy.

The amount that Probe Collections has stated in the letter is the amount that is outstanding to **go via** for that vehicle [02\*\*\*O] (QLD). This outstanding balance is registered directly under the company name [Company JB].

I appreciate this may not be the response you were hoping to receive, however I hope I was able to clarify the matter.”

On 11 August 2015 a Mr F emailed go via:

"[Ms LD] is a direct report to myself. I am involving myself in order to try and resolve this matter which we believed was resolved by [Ms LD] following discussions and email with [D].

We have conflicting information and confirmations from go via, namely:

1) Response from [D] (See below email trail):

I confirm your **go via** account [574\*\*\*001] has a positive balance of \$10.75.

I further confirm that vehicle [02\*\*\*O] (QLD) is added onto your account and has nothing payable to **go via**

2) Subsequent response from [C]:

The amount that Probe Collections has stated in the letter is the amount that is outstanding to **go via** for that vehicle [02\*\*\*O] (QLD).

The issue was clearly discussed with [D] and no privacy issues were raised.

Please review call to discuss. I am keen to finalise this matter."

On 17 August 2015 the following exchange of correspondence ensued:

Go via to Mr F:

"Thank you for your response. I apologise for the delay in replying to you.

Everything that was discussed with [D] was directly for the account under [Ms LD].

The outstanding balance underneath the company name of [Company JB] was not discussed as this had no relevance to the outstanding balance for [Ms LD]. We were not aware that she worked for the company and that the outstanding balance under the company name was her travel also.

As advised, due to privacy, we would not have connected the 2 together unless advised by the customer to do so.

I hope this has clarified the matter for you."

Mr F to go via:

"This does not help clarify the matter. I don't understand how it can be stated now that the matter was not discussed due to privacy issues as reading [D's] response to [Ms LD] the matter was clearly discussed and [D's] email response states: "I further confirm that vehicle [02\*\*\*O] (QLD) is added onto your account and has nothing payable to **go via**."

Further clarification and assistance to help us understand the inconsistency appreciated."

Go via to Mr F:

“As advised below, the amount that [Ms LD] cleared was the amount that was directly under her name.

Invoices that had not been paid by the due date then got re-issued to the registered owner of the vehicle, in this case the company [Company JB].

Any outstanding balance that was not under [Ms LD] was not cleared as we were not advised the registered owner/operator of the vehicle was in fact the company, and that [Ms LD] needed to clear the amount under the company as well as her personal name.”

Ms N to go via:

“Is it possible to have a listing of the outstanding Toll trips against this vehicle?”

Ms LD to go via:

“Can you please include the invoices issued to myself as well as the payments I have made?”

On 18 August 2015 go via responded firstly to Ms N as follows:

“Thank you for your response.

We are unable to provide a detailed listing of the trips that are outstanding. I can provide all the Demand Notice numbers that are outstanding with **go via**/Collection Agency. These are as follows:

Post date	Due date	Invoice Number	Text	Amount
18.06.2015	18.07.2015	***71	Demand Notice	\$29.13
18.06.2015	18.07.2015	***69	Demand Notice	\$29.13
18.06.2015	18.07.2015	***67	Demand Notice	\$29.13
18.06.2015	18.07.2015	***66	Demand Notice	\$29.13
18.06.2015	18.07.2015	***64	Demand Notice	\$29.13
18.06.2015	18.07.2015	***62	Demand Notice	\$29.13
18.06.2015	18.07.2015	***61	Demand Notice	\$29.13
18.06.2015	18.07.2015	***60	Demand Notice	\$29.13
18.06.2015	18.07.2015	***57	Demand Notice	\$29.13
18.06.2015	18.07.2015	***56	Demand Notice	\$29.13
18.06.2015	18.07.2015	***54	Demand Notice	\$29.13
18.06.2015	18.07.2015	***53	Demand Notice	\$29.13
18.06.2015	18.07.2015	***52	Demand Notice	\$29.13
18.06.2015	18.07.2015	***51	Demand Notice	\$29.13
18.06.2015	18.07.2015	***50	Demand Notice	\$29.13
18.06.2015	18.07.2015	***49	Demand Notice	\$29.13

18.06.2015	18.07.2015	***48	Demand Notice	\$29.13
18.06.2015	18.07.2015	***47	Demand Notice	\$29.13
18.06.2015	18.07.2015	***46	Demand Notice	\$29.13
18.06.2015	18.07.2015	***45	Demand Notice	\$29.13
18.06.2015	18.07.2015	***44	Demand Notice	\$29.13
18.06.2015	18.07.2015	***43	Demand Notice	\$29.13
18.06.2015	18.07.2015	***42	Demand Notice	\$29.13
18.06.2015	18.07.2015	***41	Demand Notice	\$29.13
18.06.2015	18.07.2015	***40	Demand Notice	\$29.13
18.06.2015	18.07.2015	***39	Demand Notice	\$29.13
			<b>OUTSTANDING BALANCE</b>	<b>\$757.38</b>

Below is a list of the Demand Notices that have been referred to the State Tolling Offence Unit and/or Brisbane City Council, depending on which toll point was activated:

Post date	Due date	Invoice Number	Text
18.06.2015	18.07.2015	***70	Demand Notice
18.06.2015	18.07.2015	***68	Demand Notice
18.06.2015	18.07.2015	***65	Demand Notice
18.06.2015	18.07.2015	***63	Demand Notice
18.06.2015	18.07.2015	***59	Demand Notice
18.06.2015	18.07.2015	***58	Demand Notice
18.06.2015	18.07.2015	***55	Demand Notice

I hope this has helped.”

Go via subsequently responded to Ms LD’s request of 17 August 2015:

“My apologies, I just read this email now.

I was able snip a copy of the tolls paid by you as they are all in the one screen. These are as follows:

1115050707532059	07 May 15	07:53:20	Muramie North	6.39	0.45	6.84 dr
1115050715535511	07 May 15	15:53:55	Muramie North	6.39	0.45	6.84 dr
1215050714210148	07 May 15	14:21:01	Muramie South	6.39	0.45	6.84 dr
1115050809582377	08 May 15	09:58:23	Muramie North	6.39	0.45	6.84 dr
1115050817212249	08 May 15	17:21:22	Muramie North	6.39	0.45	6.84 dr
1215050807511504	08 May 15	07:51:15	Muramie South	6.39	0.45	6.84 dr
1215050815560607	08 May 15	15:56:06	Muramie South	6.39	0.45	6.84 dr
1115051108333271	11 May 15	08:33:32	Muramie North	6.39	0.45	6.84 dr
1115051115042973	11 May 15	15:04:29	Muramie North	6.39	0.45	6.84 dr
1215051106472850	11 May 15	06:47:28	Muramie South	6.39	0.45	6.84 dr
1215051113502736	11 May 15	13:50:27	Muramie South	6.39	0.45	6.84 dr
1115051209062715	12 May 15	09:06:27	Muramie North	6.39	0.45	6.84 dr
1115051212270685	12 May 15	12:27:06	Muramie North	6.39	0.45	6.84 dr
1115051216143469	12 May 15	16:14:34	Muramie North	6.39	0.45	6.84 dr
1215051206554804	12 May 15	06:55:48	Muramie South	6.39	0.45	6.84 dr
1215051211331526	12 May 15	11:33:15	Muramie South	6.39	0.45	6.84 dr
1215051215031707	12 May 15	15:03:17	Muramie South	6.39	0.45	6.84 dr
1115051307503458	13 May 15	07:50:34	Muramie North	6.39	0.45	6.84 dr
1115051314414091	13 May 15	14:41:40	Muramie North	6.39	0.45	6.84 dr
1215051312484030	13 May 15	12:48:40	Muramie South	6.39	0.45	6.84 dr
1215051306461268	13 May 15	06:46:12	Muramie South	6.39	0.45	6.84 dr
1215051406542418	14 May 15	06:54:24	Muramie South	6.39	0.45	6.84 dr
1215051413522330	14 May 15	13:52:23	Muramie South	6.39	0.45	6.84 dr
1115051415590090	14 May 15	15:59:00	Muramie North	6.39	0.45	6.84 dr
1115051408022283	14 May 15	08:02:22	Muramie North	6.39	0.45	6.84 dr

With an administration fee of \$7.96 – amount paid was **\$178.96** on the 16<sup>th</sup> June 2015.

1115042014365972	20 Apr 15	14:36:59	Muramie North	6.39	0.45	6.84 dr
1215042014104962	20 Apr 15	14:10:49	Muramie South	6.39	0.00	6.39 dr
1115042115272600	21 Apr 15	15:27:26	Muramie North	6.39	0.00	6.39 dr
1215042106471331	21 Apr 15	06:47:13	Muramie South	6.39	0.00	6.39 dr
1115042914502707	29 Apr 15	14:50:27	Muramie North	6.39	0.45	6.84 dr
1215042913161021	29 Apr 15	13:16:10	Muramie South	6.39	0.45	6.84 dr
1115043011221614	30 Apr 15	11:22:16	Muramie North	6.39	0.45	6.84 dr
1215043010423055	30 Apr 15	10:42:30	Muramie South	6.39	0.45	6.84 dr
1115050114475396	01 May 15	14:47:53	Muramie North	6.39	0.45	6.84 dr
1215050114205814	01 May 15	14:20:58	Muramie South	6.39	0.45	6.84 dr
1115050407542946	04 May 15	07:54:29	Muramie North	6.39	0.45	6.84 dr
1115050415342151	04 May 15	15:34:21	Muramie North	6.39	0.45	6.84 dr
1215050406465484	04 May 15	06:46:54	Muramie South	6.39	0.45	6.84 dr
1215050414155870	04 May 15	14:15:58	Muramie South	6.39	0.45	6.84 dr
1115050507433842	05 May 15	07:43:38	Muramie North	6.39	0.45	6.84 dr
1115050515025807	05 May 15	15:02:58	Muramie North	6.39	0.45	6.84 dr
1215050506452549	05 May 15	06:45:25	Muramie South	6.39	0.45	6.84 dr
1215050514112026	05 May 15	14:11:20	Muramie South	6.39	0.45	6.84 dr
1215050614224647	06 May 15	14:22:46	Muramie South	6.39	0.45	6.84 dr
1215050606524923	06 May 15	06:52:49	Muramie South	6.39	0.45	6.84 dr
1115050615365498	06 May 15	15:36:54	Muramie North	6.39	0.45	6.84 dr
1115050607501714	06 May 15	07:50:17	Muramie North	6.39	0.45	6.84 dr

With an administration fee of \$7.96 – amount paid was **\$157.09** on the 4<sup>th</sup> June 2015.”

On 21 August 2015 Ms N emailed go via in the following terms:

“Can you confirm that this is the amount that is outstanding and do I contact Probe Collections to pay this?”

To which go via responded:

“Thank you for your email.

Payment can be made either directly to Probe or by calling **go via** on 13 33 31, 7am-7pm daily. If you were to pay **go via** direct, it takes about 10 working days to clear on Probes systems and vice versa, if you were to pay Probe it will take around 10 days to clear on our **go via** system.”

On the same day Ms LD emailed the following request to go via:

“Is there anyway you can give me a call regarding this?”

Subsequent to telephone contact between the parties, go via emailed Ms LD as follows:

“Thank you for our conversation today regarding vehicle registration number [02\*\*\*O] (QLD).

I have investigated your concerns and note as discussed, that registration [02\*\*\*O] (QLD) was added incorrectly online as [02\*\*\*U] on 25 April 2015 and deleted on 27 May 2015, on **go via** account [574\*\*\*22] in the name of [Ms LD]. However as **go via** is separate and private entity to the Department of Transport and Main Roads (DTMR); we were unaware of what vehicle is registered to you. Due to this error, the Toll Invoices and Demand notices have been sent to the registered owner of the vehicle with the Department of Transport and Main Roads and as is noted below the Invoices have been going to [Company JB].

It is noted that the company have sent three Statutory Declarations for tolls to be transferred to your account, for some of these trips. One between 20 April to 21 April 2015 prior to the incorrect registration being added to your account, the 29 April 2015 to 06 May 2015 and 07 May 2015 to 14 May 2015, which have been paid.

The tolls for [02\*\*\*O] that **go via** have not received a statutory declaration for are still on the account of [Company JB]. As they have not been paid these tolls have escalated as per the process below.

When a vehicle travels through tolls and remains unpaid, invoices are issued to the account holder/registered owner should the vehicles continue to travel without a valid means to pay for the toll.

This invoice attracts an \$8.07 administration fee.

Should these invoices be left unpaid by the due date, further Demand Notices are issued for each outstanding toll, attracting a further \$23.07 Demand Notice fee.

We are obligated under legislation to notify the State and local governments when a Demand Notice is unpaid by the due date.

The fine attracts a \$164.00 amount, payable to the Department of Transport and Main Roads (DTMR).

If these fines are not paid, the fines may be referred to the State Penalties Enforcement Register (SPER).



As payment by the due date did not occur, we met our legal obligations in referring the matter for enforcement.

**Go via** do not have jurisdiction on the matters of the State government, and any enquiry you have about their Infringements should be forwarded to them directly.

As advised below, the amount that [Ms LD] cleared was the amount that was directly under her name. Invoices that had not been paid by the due date then got re-issued to the registered owner of the vehicle, in this case the company [Company JB].

Any outstanding balance that was not under [Ms LD] was not cleared as we were not advised the registered owner/operator of the vehicle was in fact the company, and that [Ms LD] needed to clear the amount under the company as well as her personal name. The outstanding balance underneath the company name of [Company JB] was not discussed as this had no relevance to the outstanding balance for [Ms LD]. We were not aware that she worked for the company and that the outstanding balance under the company name was her travel also. As advised, due to privacy, we would not have connected the two together unless advised by the customer to do so.

The email from **go via** dated 16 June 2015 relates to the account in the name of [Ms LD] only as we were unaware of any connection between [Company JB] and yourself.

The debt for Registration [02\*\*\*O] with [Company JB] on account [635\*\*\*41] remains correct and payable. We remain compliant to State legislation when issuing these notices, and the same legislation advises that it is an offence to not pay a Toll Road Demand Notice by the due date.

I appreciate this may not be the response you were hoping to receive, however I hope I was able to clarify the matter.”

On 24 August 2015 Ms N emailed go via:

“Account was paid to Probe on Friday

Hoping this now clears all outstanding's”

On 28 October 2015 Ms N emailed go via in response to its email of 18 August 2015:

“You advised me of this list of Demand Notices that have been sent to the State Tolling Office, i final received these notices in the mail.

I asked [Ms LD] to send me a copy of her statement as she advised all Tolls for registration [02\*\*\*O] were put on her account.

The issue we have is that these Demand Notices have dates of travel from the 15.5.2015 to the 22.5.2015, Toll Notices that were charged to [Ms LD] account [574\*\*\*22] for May 2015 dates are from 7.5.2015 to the 27.5.2015

It seems that out of all of May 2015, only 7 Toll trips did not reach her account but 22 Toll trips did

We advised that we will pay for the 7 Toll trips of \$29.75 but not the accumulation of fees



I have attached copies of the Demand Notices as well as [Ms LD] Account Summary

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Below is a list of the Demand Notices that have been referred to the State Tolling Offence Unit and/or Brisbane City Council, depending on which toll point was activated:

Post date	Due date	Invoice Number	Text
18.06.2015	18.07.2015	***70	Demand Notice
18.06.2015	18.07.2015	***68	Demand Notice
18.06.2015	18.07.2015	***65	Demand Notice
18.06.2015	18.07.2015	***63	Demand Notice
18.06.2015	18.07.2015	***59	Demand Notice
18.06.2015	18.07.2015	***58	Demand Notice
18.06.2015	18.07.2015	***55	Demand Notice

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Hoping this now clears up this matter.”

On 29 October 2015 go via responded:

“Thank you for your email.

To clarify, the vehicle [02\*\*\*O] (QLD) was added on [Ms LD's] **go via** account on the 29<sup>th</sup> May 2015. She originally had the vehicle registered to her account as [02\*\*\*U] (QLD).

As the vehicle was registered incorrectly we sent out Toll Invoices/Demand Notices to the registered owner being the company.

Statutory Declarations were received to transfer trips to [Ms LD] between the following dates:

20<sup>th</sup> April – 21<sup>st</sup> April 2015

29<sup>th</sup> April – 6<sup>th</sup> May 2015

7<sup>th</sup> May – 14<sup>th</sup> May 2015

The notices referred to Penalty Infringement were for trips made between the 15<sup>th</sup> May – 22<sup>nd</sup> May 2015, as no payment was received and no Statutory Declaration to transfer the trips to [Ms LD].

[Ms LD] had made a payment towards the notices that were issued to her, but did not advise us that the company owned the vehicle and we needed to take payment for any outstanding under the company name also.”

On 30 October 2015 Ms LD responded to the above:

"I added the registration [02\*\*\*U] onto my Govia account. When I realised my error I called your customer service and explained that I had miss typed and the correct rego was [02\*\*\*O]. I asked for all charges for that rego to come to me. Govia has made the error by not transferring those charges to me. If that was something they were unable to do without a stat dec, I should have been advised and I would have organized that.

To the tolling ombudsman – can we please escalate this issue?"

Go via advised Ms LD and Ms N on 2 November 2015:

"To clarify, all charges were advised that were under your name at the time. As the company was the registered owner/operator of the vehicle, we would not have discussed that information directly with you due to privacy."

On 11 November 2015 Ms N wrote to the TCO as follows:

"The issue we have is that these Demand Notices have dates of travel from the 15.5.2015 to the 22.5.2015

Toll Notices that were charged to [Ms LD] account [574\*\*\*22] for May 2015 dates are from 7.5.2015 to the 27.5.2015

So why were these missed in transferring to here account?

I have advised Go Via we are happy to pay the original Toll Charges of \$29.75 which covers these trips

We would like to have this matter resolved as soon as possible"

The TCO sought further comment from go via on the issues raised by Ms N. On 12 November 2015 go via responded to Ms N, copied to the TCO:

"I refer to our email of 29/10/2015 in relation to this matter. I have copied it below for your records.

**From:** Customer Relations [<mailto:customerrelations@transurban.com>]  
**Sent:** Thursday, 29 October 2015 3:22 PM  
**To:** [Ms N]  
**Cc:** [Ms LD]; Customer Relations; 'Tolling Customer Ombudsman'  
**Subject:** RE: Go Via-[Name of Ms LD] -Our ref: TCO-GV-6-15

Dear [Ms N],

Thank you for your email.

To clarify, the vehicle [02\*\*\*O] (QLD) was added on [Ms LD's] **go via** account on the 29<sup>th</sup> May 2015. She originally had the vehicle registered to her account as [02\*\*\*U] (QLD).

As the vehicle was registered incorrectly we sent out Toll Invoices/Demand Notices to the registered owner being the company.

Statutory Declarations were received to transfer trips to [Ms LD] between the following dates:

20<sup>th</sup> April – 21<sup>st</sup> April 2015

29<sup>th</sup> April – 6<sup>th</sup> May 2015

7<sup>th</sup> May – 14<sup>th</sup> May 2015

The notices referred to Penalty Infringement were for trips made between the 15<sup>th</sup> May – 22<sup>nd</sup> May 2015, as no payment was received and no Statutory Declaration to transfer the trips to [Ms LD].

[Ms LD] had made a payment towards the notices that were issued to her, but did not advise us that the company owned the vehicle and we needed to take payment for any outstanding under the company name also.

...”

Ms N acknowledged receipt of the above correspondence:

“I have emailed the Ombudsman; he is looking into this and will let me know”

On 17 November 2015 the TCO enquired of Ms N:

“I have examined all the correspondence between go via and yourself. Do you have anything further to add?”

To which Ms N responded:

“We would like this matter resolved also that the business will pay the original Toll charges of \$29.75”

On 16 December 2015 Ms N emailed the TCO as follows:

“Could you advise me of the outcome as I have not heard, I have just received another overdue notice”

On 29 December 2015 the TCO advised Ms N, copied to go via:

“I have reviewed your complaint file. As it appears that this matter will not be resolved by conciliation, I will now proceed with making a written Decision.”

## Discussion

The objective of the TCO is to resolve complaints, which fall within its jurisdiction, between toll road operators, which fund the TCO, and their customers efficiently, fairly and without charge to the customer. In attaining this objective the focus is to look at the issues that are relevant to the resolution of the complaint between the toll road operator and its customer. The TCO decisions are binding on toll road operators but not on customers, who retain all their legal rights.

This is done in the context of the circumstances of the complaint, any terms of the use of toll roads and legal requirements. Relevant terms are contained in the Customer Service Agreement, on a toll road operator's website or in other material that is available to customers, whilst the applicable legislation can be accessed through Government websites.

The TCO is not a judicial body and does not have punitive powers. The TCO, when making a decision, does so on the basis of what it considers fair in the circumstances, taking into account the effect of a decision on each party and any public interest.

The TCO only has jurisdiction over the conduct of toll road operators and cannot determine matters in relation to allegations against other outside bodies, such as Government agencies like SPER. Decisions are binding on toll operators but not customers, who retain all their legal and other rights if they are not satisfied with the TCO decision.

I am satisfied that the parties have had the opportunity to resolve this matter and it would not benefit from further mediation.

This dispute arose following contact Ms LD made with go via on 25 April 2015 to add a vehicle to her account number [574\*\*\*22]. She then, incorrectly, added vehicle LPN [02\*\*\*U] (QLD) online instead of [02\*\*\*O] (QLD) to her go via account. This error was rectified on 27 May 2015 with deletion of the incorrect LPN and the substitution of registration [02\*\*\*O] (QLD).

Events were to show that this vehicle was not owned by Ms LD. The registered owner was [Company JB] (the Company), for whom Ms LD was a company driver. According to go via, it was not advised that the company was the owner of the vehicle.

Tolls were incurred in respect of travel on go via's toll roads between April 2015 and the date of the rectification of the LPNs. The toll invoices would have been sent to the Company as the registered owner. The Company provided Statutory Declarations in respect of travel on the toll roads between 20/21 April, 29 April to 6 May and 7 May to 15 May 2015 prior to the rectification of the error in respect to the LPNs. These required the tolls be transferred to Ms LD's account and they were paid by her.

Further tolls than those paid were incurred, however, by [02\*\*\*O] in the name of the Company. According to go via, the toll invoices were sent to the Company but there were no Statutory Declarations provided to go via by the Company and the tolls remained unpaid. This led to escalation with the issue of toll demands and the eventual referral to either (a) Dunn and Bradstreet or (b) the State Tolling Unit or Brisbane City Council for collection.

Details were provided of toll demands transferred to Dunn and Bradstreet for collection and those paid by the Company. Details have been provided of the toll demands forwarded to the State Tolling Unit or Brisbane City Council but they have not been paid by either the Company or Ms LD.

It appears that following Ms LD's contact with the TCO, go via confirmed that vehicle [02\*\*\*O] was added to her account and that there was no outstanding monies owed by her. The outstanding tolls and administration fees were transferred into the name of the Company as the registered owner.

The Company has used this conversation and information or other material it obtained and submitted on 28 October 2015:

"The issue we have is that these Demand Notices have dates of travel from the 15.5.2015 to the 22.5.2015, Toll Notices that were charged to [Ms LD] account [574\*\*\*22] for May 2015 dates are from 7.5.2015 to the 27.5.2015

It seems that out of all of May 2015, only 7 Toll trips did not reach her account but 22 Toll trips did

We advised that we will pay for the 7 Toll trips of \$29.75 but not the accumulation of fees"

Go via responded on 29 October 2015, explaining that Ms LD paid the tolls (in respect of which the Company Statutory Declarations had been provided) until 14 May 2015. The remaining tolls were not subject to the provision of Statutory Declarations and were not paid.

Ms LD stated on 30 October 2015, in this regard, that when she contacted go via to rectify the registration error she asked for all charges to be transferred to her. She argues that if that was something it could not have done without a Statutory Declaration from the Company she should have been advised and it would have been done.

Go via says that there is no record of such a request being made or the fact that Ms LD was not the registered owner of the vehicle at the time.

The TCO, by way of letter to parties of 12 January 2016, set out the background to the complaint and sought further information.

He requested the following be provided:

- “a) Copies of the Statutory Declarations made on behalf of the Company from either go via or the Company.
- b) Copies of the Toll Demand Notices held by the Company and referred to in the Company’s email of 28 October 2015.
- c) Any further submissions the parties wish to make. In particular, as to why Statutory Declarations were not made in respect to the 15 – 22 May trips or that the toll demands were not responded to by the Company between 18 June and 18 July 2015.”

On 25 January 2016 Ms N provided the TCO and go via with the following submission, together with relevant attachments:

“In regards to the TCO attached – further information required

Details are:

- A) Attached copies of two Toll Notices received with statutory declarations returned to Go Via travel from the 29.4.2015 to the 14.5.2015
- B) The last attachment is a copy of [Ms LD] account with Go Via from the 4<sup>th</sup> May to 3 June 2015
- C) In regards to the trips of the 15 – 22 May no statutory declarations were written as shown by [Ms LD] Account Statement No. [574\*\*\*22] at the time we could see that all trips in May 2015 were covered by her account, therefore we believed that the matter was all cleared

On [Ms LD] account [574\*\*\*22] from the 15<sup>th</sup> May 2015 to the 29<sup>th</sup> May 2015 there were 34 trips and out of this only 7 trips were not added to her account

Details of these travels are:

On the 15.5.2015 at 06:47 Location Murarrie South – not added to account – But on the same day at 11:35:15 Murarrie North and at 14:18:31 Murarrie South were added to [Ms LD] account

On the 16.5.2015 at 10:33 Location Murarrie South – not added to account – No other trips were recorded that day on [Ms LD] account

On the 18.5.2015 at 06:50 Location Murarrie South – not added to account – No other trips were recorded that day on [Ms LD] account

On the 19.5.2015 at 06:48 Location Murarrie South – not added to account – But on the same day at 12:25:51 Murarrie North and at 15:58:10 Murarrie South were added to [Ms LD] account

On the 20.5.2015 at 06:49 Location Murarrie South – not added to account – No other trips were recorded that day on [Ms LD] account

On the 21.5.2015 at 06:49 Location Murarrie South – not added to account – But on the same day at 10:11:37 Murarrie North and at 12:34:46 Murarrie South were added to [Ms LD] account

On the 22.5.2015 at 06:53 Location Murarrie South – not added to account – But on the same day at 15:08:10 Kuraby south and at 15:17:17 at Heathwood West were added to [Ms LD] account

On the 15<sup>th</sup>/19<sup>th</sup> /21<sup>st</sup> and 22<sup>nd</sup> of May 2015 that these travels were not pickup to go to Account [574\*\*\*22] yet other trips on the same day were?

Also on the 16<sup>th</sup>/18<sup>th</sup>/and 20<sup>th</sup> of May 2015 that these travels were not pickup to go to Account [574\*\*\*22] yet there was no return travel, but travel from the 15<sup>th</sup> May to 29<sup>th</sup> May were?

I believe that Go Via has made an error in not picking up these trips to go to [Ms LD] account”

On 27 January 2016 go via responded to the TCO on the above submission:

“I have further investigated the concerns raised in [Ms N’s] response.

I confirm we have not processed a Statutory Declaration for travel between 15 and 22 May 2015.

Trips that are shown on the Statement issued 4 May – 3 June 2015 under tag reference [140\*\*\*31] are trips made in vehicle [93\*\*\*I] (QLD). The other vehicle registered to [Ms LD’s] account.

Below is a list of trips that were charged to the company directly between 15 and 22 May 2015:

LPN	Plate Issuer	Date	Time	Tolling Point	Lane	Final Class	Toll Amount	Other Fees	Account ID
[02***O]	QLD	15/05/2015	06:47:13	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	15/05/2015	09:41:57	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	15/05/2015	12:44:51	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	15/05/2015	14:45:07	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	15/05/2015	16:20:38	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	16/05/2015	10:33:02	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	16/05/2015	17:13:55	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	06:50:38	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	08:36:24	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	10:38:23	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	12:08:44	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	14:18:47	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	15:17:36	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	15:48:33	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	18/05/2015	16:23:03	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	19/05/2015	06:48:41	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	19/05/2015	08:01:02	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	19/05/2015	14:23:01	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	19/05/2015	16:16:38	GWY	01	3	\$6.39	\$0.45	[635***41]



[02***O]	QLD	20/05/2015	06:49:44	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	20/05/2015	08:34:37	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	20/05/2015	10:53:57	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	20/05/2015	11:37:31	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	20/05/2015	14:25:58	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	20/05/2015	16:12:29	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	21/05/2015	06:49:06	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	21/05/2015	08:59:56	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	21/05/2015	13:34:44	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	21/05/2015	15:38:48	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	22/05/2015	06:53:14	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	22/05/2015	10:27:12	GWY	01	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	22/05/2015	14:18:19	GWY	02	3	\$6.39	\$0.45	[635***41]
[02***O]	QLD	22/05/2015	16:17:58	GWY	01	3	\$6.39	\$0.45	[635***41]

The TCO forwarded go via's response to Ms N for information. Ms N replied:

"Thank You, but can I just add to what [C] has listed below, what has happened to the 26 trips, if they were transferred to [Ms LD] account why then did the remaining 7 not go there as well"

On 28 January 2016 the TCO advised Ms N as follows:

"I acknowledge receipt of your email and note its contents. I am satisfied that I have responses from the parties on the relevant issues and further investigation will not produce any different evidence."

I am satisfied from the information provided that Ms LD and/or her employer, which owned the vehicle, has created the difficulties in this matter, which has led to the non-payment of tolls. This included the nominating of an incorrect LPN and the failure to disclose the owner of the vehicle was a company, her employer. There was a further complication in that Ms LD had another vehicle. There was an attempt to rectify the situation by the provision of Statutory Declarations and a number of tolls and fees were paid. However, seven tolls and fees remained unpaid.

Go via has provided statements in relation to travel by vehicles [02\*\*\*O] and Ms LD's other vehicle ([93\*\*\*I] (QLD)) registered to her account, which I believe adequately clarifies the situation in relation to why the tolls were not paid and others remained unpaid and were escalated for collection. Moreover, Ms LD had the opportunity to pay the seven outstanding tolls prior to escalation as both toll and toll demands were sent out prior to escalation and remained unpaid. Go via has provided specific details in respect to these.

## **Determination**

Based on the evidence before me, I cannot uphold Ms LD's complaint and relieve her of the obligation to pay the outstanding costs and fees in addition to the tolls.

I reaffirm that Ms LD is not bound by my decision and can seek relief in any other forum.

**Michael Arnold**  
**Tolling Customer Ombudsman**

**Dated: 22 March 2016**