

## DECISION

### Background

- 1 The complainant, Ms AR, first made a complaint to the Tolling Customer Ombudsman (TCO), copied to CityLink and EastLink, on 4 April 2014, as follows:<sup>1</sup>

“I'm writing because I am fed up- with the citylink/ Eastlink union. More than 2 years ago I had issues & errors with citylink account being suspended resulting in a court appearance; for which not all civic compliance records had been applied; I am now back in court in May to address those matters all over again. Further to this; it would seem that there was a problem with my credit card direct payments in dec;January just this summer which has resulted in my account into suspension.

This was not communicated to me as for some strange & bizarre reason the address update that was processed in August 2013- had re-adjusted itself to my previous address; & so we found out my birthdate had also been reset- bizarrely the call person at the time couldn't explain this; I had an account with citylink for more than 10years; it was very strange.

I had addressed trips through Eastlink that were for travel 25/12. This trip was to be applied to my citylink account; they admit they made an error & are requesting civic compliance to withdraw the notice obligation number [\*\*\*363].

I now refer to travel made on citylink 10/11 January. Invoices issued 23/01; [#\*\*\*723] (issued 30mins post my call in reference to above 25.12 travel; unlucky) Eastlink are saying I was meant to call back with a citylink account number post a call on 18/02; which being 22weeks pregnant today; & coping with life issues & a partner that has left me- apologies that life got ahead. I want to raise the issue that my account number is/was not linked between these two & the issues it has/is posing for me.

The above invoice for travel 10/11 jam has now gone to civic compliance; & I now have to battle these fines as well.

My issue- is that your two systems- should speak to each other better & as I am the account holder & call & do the security checks; should be able to apply the travel over the phone; as you are linked. This linking isn't an operational function; & now- yet again I am having to spend my valuable time battling & writing letters because your systems a) broke down & reset my personal information & b) don't talk to each other in the cyber space.

---

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

What do I want?

I would like your support in writing to me to confirm the error by citylink adjusting my personal address/dob which resulted in me not being notified that my account was suspended; which resulted in invoices going to civic compliance.

I would like this letter within 7 days so I can attach & contest the civic compliance fines.

I would like you & Eastlink to do a system upgrade that has access to the others account numbers. Eg; Eastlink will have my citylink number constantly on record should this issue arise again; so it may be processed immediately; I will not be further inconvenienced in having to do the run around & collect numbers & make multiple calls- that it can be processed within that one call. Perhaps you could call this streamlining customer service?

I would also like financial compensation. 6.45pm on a Friday night sitting here crying because of your systems as a hormonal pregnant woman who really has much better things to do with my time than have what should be my joyful pregnancy days interrupted with the issues that after 2 years; between Eastlink & citylink- you can't sort out; is unacceptable I think in most peoples world.

I get paid a salary that works out to be \$50/hr. I will keep a time sheet & I will be invoicing you back these charges. I will also be claiming personal grievances- this shouldn't get to the point of sheer frustration that I am left in tears.

& an apology & a promise that your system will not do this to me again. Because I don't know anyone who goes through this much grief with you both."

2 The TCO acknowledged receipt of the complaint and forwarded same to CityLink and EastLink for comment<sup>2</sup> on 6 April 2014.

3 On 8 April 2014 EastLink responded to Ms AR as follows:

"We can confirm that we have requested that notice obligation number [\*\*\*363] be retracted from Civic Compliance Victoria (CCV) and we sincerely apologise for the error made by our Customer Service Operator at the time of your call 23/01/14. The final decision lies with Victoria Police, however, our recommendations are highly regarded. You will receive a written outcome from Victoria Police in due time.

We appreciate the feedback you have supplied in regards to upgrading the systems and we will insure to pass this on to the appropriate department.

We do require customers to advise us of the account number they are wishing to have a Toll Invoice to be transferred to for the following reasons.

- (A) The vehicle may have been sold.
- (B) The vehicle is a hire car and the Toll Invoice(s) has been nominated.
- (C) They were not the driver at the time of travel and wish to nominate another party.
- (D) The registered owner may have opened a new Tolling Account.

---

<sup>2</sup> Subsequent correspondence was addressed to all parties.

If the system(s) were to automatically transfer Toll Invoices to a previous Toll Account number that was entered into the system, you could understand the issues that may occur.

As we did not receive a call back after the request to have a lock placed on the Toll Invoices, unfortunately we are unable to assist you any further with the CCV Infringement Notifications once they have been issued.

Once travel has been referred to an Enforcement Agency, the matter is out of our jurisdiction. To dispute an infringement notice(s), the person who has been issued with the infringement must submit a written application including the Obligation and Infringement Notice Number(s) for internal review to:

**Civic Compliance Victoria  
GPO Box 1916  
Melbourne Vic 3001**

Should you require any assistance with your Infringement Notice(s) please contact Civic Compliance Victoria directly on 03 9200 8111 to discuss this matter further.

As we do not have access to your CityLink Account to investigate the remainder of your questions. We suggest you contact them directly [www.citylink.com.au](http://www.citylink.com.au) or 13 26 29.

If you have any further enquiries please contact our Customer Service Centre on 13 LINK (13 54 65).”

**4** Ms AR responded to EastLink that same day:

“Thanks for the response; please see my below further comments as it is not consistent with my previous interactions with Eastlink / Citylink; & hence my complaint. I am not satisfied with your response as a business & you will see I raise the same points which are not responded to.

Thanks  
[Ms AR]

NOTE: Time consumed responding to this email: 25mins; I will be keeping a register of time taken for invoicing back for unsatisfactory resolution. Note my previous email where I have listed an hourly rate.

...

We can confirm that we have requested that notice obligation number [\*\*\*363] be retracted from Civic Compliance Victoria (CCV) and we sincerely apologise for the error made by our Customer Service Operator at the time of your call 23/01/14. The final decision lies with Victoria Police, however, our recommendations are highly regarded. You will receive a written outcome from Victoria Police in due time.

- \*Please note I was promised a call back within 24-48 hours of my inquiry / call 02/04; which was not received. I had then called YOUR office back on

Friday 04/04 to find out the outcome. This telephone call & process took in excess of 26minutes; & required a call back: further 7 minutes. A truly unsatisfactory process.

We appreciate the feedback you have supplied in regards to upgrading the systems and we will insure to pass this on to the appropriate department.

- Please note Eastlink; that I authorise for my Citylink Account number to be accessible / held on file within your system; so that this will NEVER happen again & until you do a system upgrade. Account Number: [\*\*\*005].

We do require customers to advise us of the account number they are wishing to have a Toll Invoice to be transferred to for the following reasons.

- \*How come then – on the 23/01 – I didn't have to provide a number & it could be transferred; albeit the operators error to make the correct notation which has resulted in issues; he was able to access that; & subsequently my telephone conversation last week I was told that "if we look back far enough – we are able to access but it's easier if you supply us with this?" So – can I understand – it is up to the operator I get – pot luck? Not a company policy? & based on the POT LUCK & how a customer service relations person feels on the day; my risk is \$144...? Is that how I understand this process? It would seem that there are blurred & grey areas of your policies & reasoning's; to the detriment of the customer.

(E) The vehicle may have been sold. \*This is not for you to address; this is for me to address on my CITYLINK statement; as a credit card account – this is the OWNERS responsibility.

(F) The vehicle is a hire car and the Toll Invoice(s) has been nominated. \*This is not for you to address; this is for me to address on my CITYLINK statement; as a credit card account – this is the OWNERS responsibility.

(G) They were not the driver at the time of travel and wish to nominate another party. \*This is not for you to address; this is for me to address on my CITYLINK statement; as a credit card account – this is the OWNERS responsibility.

(H) The registered owner may have opened a new Tolling Account. \*It all links on registration of the vehicle; is that not correct?

If the system(s) were to automatically transfer Toll Invoices to a previous Toll Account number that was entered into the system, you could understand the issues that may occur.

- \*No – I don't understand the issues that may occur? MAY occur; not that DO occur – but MAY occur.... This is of interest to me. From my logical understanding - they would be transferred to citylink account; citylink pay you for it & you wouldn't receive complaints. It would be a smoother process & the owner of the ETAG – CITYLINK – would raise the matter with the customer if it brought their count into suspension – YOUR bills would be paid. & for me – who has an automatic direct debit account with Citylink – smooth sailing!

As we did not receive a call back after the request to have a lock placed on the Toll Invoices, unfortunately we are unable to assist you any further with the CCV Infringement Notifications once they have been issued.

\*Refer above note – & again I ask why should I have to call back when precedent shows you **ARE** able to access this information within my history? I would like acknowledgement that you are able to access my account number within your system; & this extra step was un-necessary; thus pushing my account over to Civic Compliance. It's just East link operators being either purposefully lazy; difficult etc. – which wouldn't be an issue if you regulated this process within your customer relations. Had I received a different operator on the day; it probably would have been done & saved me the grief; the time it is taking me to receive affirmation that East link are not servicing their customers consistently; or in a positive manner.

Once travel has been referred to an Enforcement Agency, the matter is out of our jurisdiction. To dispute an infringement notice(s), the person who has been issued with the infringement must submit a written application including the Obligation and Infringement Notice Number(s) for internal review to:

**Civic Compliance Victoria**  
**GPO Box 1916**  
**Melbourne Vic 3001**

Should you require any assistance with your Infringement Notice(s) please contact Civic Compliance Victoria directly on 03 9200 8111 to discuss this matter further.

As we do not have access to your CityLink Account to investigate the remainder of your questions. We suggest you contact them directly [www.citylink.com.au](http://www.citylink.com.au) or 13 26 29.

\*Please confirm that you have added my CITYLINK account number to my file so that this matter will NOT happen again? CITYLINK account Number: [\*\*\*005].

If you have any further enquiries please contact our Customer Service Centre on 13 LINK (13 54 65).”

**5** On 16 April 2014 Ms AR followed-up with the following email to EastLink:

“Please can you advise your reply to the below outstanding.

In the meantime I am printing a copy of all communication to assist in my application for revocation of the fines that are now sitting with Civic Compliance. This will be lodged today.

Again; as a 25week pregnant woman working full time; my time is better spent than chasing you all up.”

**6** On 30 April 2014 Miss AR addressed the TCO as follows:

“To Whom it may concern at the Tolling Ombudsman,

My response raising further queries that have questions initialled has not been responded to by the customer service team at Eastlink. I request that Eastlink put in an application for revocation on the outstanding matters (based on the grounds of precedence that their customer service team have been able to access my Citylink Account number on previous occasions; invoices: ; [#\*\*\*723]; that have now converted to Civic Compliance Obligation Numbers: [\*\*\*897] & [\*\*\*901].

Please are you able to step in now to help me with this matter?

I am now in my 3<sup>rd</sup> trimester as a single mother who's partner has left her & I am pleading for a bit of help here,"

7 The TCO also received EastLink's response to Ms AR dated 16 April 2014 in which it responded to the points that were raised. This is quoted below:

"Please see the below response to each points you raised.

- \*Please note I was promised a call back within 24-48 hours of my inquiry / call 02/04; which was not received. I had then called YOUR office back on Friday 04/04 to find out the outcome. This telephone call & process took in excess of 26minutes; & required a call back: further 7 minutes. A truly unsatisfactory process.

After reviewing the phone calls on 02/04/14 & 04/04/14 we can confirm that we advised you on 02/04/14 that we would contact you within 48 hours with the outcome after the reviewing the call made to us on 23/01/14.

During the call on 02/04/14, you were asked by the operator to supply the CityLink Account number to transfer the EastLink Toll Invoice to your account, but you were unable to provide this during this call.

You then contacted us on Friday 04/04/14 to supply us with your CityLink account number to have Toll Invoice [\*\*\*314] transferred to your CityLink account. We then contacted you back on the same day 04/04/14 with the outcome from the investigation into the call recording from 23/01/14.

- Please note Eastlink; that I authorise for my Citylink Account number to be accessible / held on file within your system; so that this will NEVER happen again & until you do a system upgrade. Account Number: [\*\*\*005].
- \*How come then – on the 23/01 – I didn't have to provide a number & it could be transferred; albeit the operators error to make the correct notation which has resulted in issues; he was able to access that; & subsequently my telephone conversation last week I was told that "if we look back far enough – we are able to access but it's easier if you supply us with this?" So – can I understand – it is up to the operator I get – pot luck? Not a company policy? & based on the POT LUCK & how a customer service relations person feels on the day; my risk is \$144...? Is that how I understand this process? It would seem that there are blurred & grey areas of your policies & reasoning's; to the detriment of the customer.
- \*Refer above note – & again I ask why should I have to call back when precedent shows you ARE able to access this information within my history? I would like acknowledgement that you are able to access my account number within your system; & this extra step was un-necessary; thus pushing my account over to Civic Compliance. It's just East link operators being either purposefully lazy; difficult etc. – which wouldn't be an issue if you regulated this process within your customer relations. Had I received a different



operator on the day; it probably would have been done & saved me the grief; the time it is taking me to receive affirmation that East link are not servicing their customers consistently; or in a positive manner.

We will note the CityLink Account number [\*\*\*005] on file for future reference. However, we will require confirmation of this account number upon request of having any future Toll Invoices transferred. We appreciate your feedback in regards to upgrading the systems and we will insure to pass this on to the appropriate department

Furthermore, after reviewing the phone call on 23/01/14, we can confirm that you did provide your CityLink Account Number to our Customer Service Operator to initiate the Toll Invoice transfer.

Our request for the customer to supply/confirm the CityLink Account number when transferring the invoice, is purely to minimise the risk of the transfer being rejected by CityLink and resulting in additional fees. If an EastLink Toll Invoice transfer is rejected, the only option is full payment directly to EastLink including any additional fees.

As per the conversation with one of our Customer Service Operator on 18/02/14, you advised the operator that you would contact us the following day to supply the CityLink Account number. The operator then placed a hold on the invoices until 04/03/14 and advised you to contact us before this date to transfer the Toll Invoices. Unfortunately, as you did not contact us before the agreed date, the Toll Invoices progressed to Civic Compliance Victoria (CCV).

As stated previously, once travel has been referred to an Enforcement Agency, the matter is out of our jurisdiction. To dispute an infringement notice(s), the person who has been issued with the infringement must submit a written application including the Obligation and Infringement Notice Number(s) for internal review to:

**Civic Compliance Victoria  
GPO Box 1916  
Melbourne Vic 3001**

Should you require any assistance with your Infringement Notice(s) please contact Civic Compliance Victoria directly on 03 9200 8111 to discuss this matter further.”

**8** On 6 May 2014 the TCO emailed Ms AR as follows:

“Please advise what steps you have taken now with Civic Compliance in respect to the revocation of the fines. All correspondence between CityLink, EastLink and the TCO can be provided in support of the application for consideration by Civic Compliance or a Magistrate.”

**9** To which Ms AR responded:

“Please find attached the letter I wrote to Civic Compliance last week; it was faxed 02/05 along with every copy of all emails to Eastlink & to yourself. I have explained that I have been chasing down Eastlink as I believe these 2 should also be revoked; but as the due date for these fines was upcoming; I had to address

it as I just didn't know what was happening at your ends.... I couldn't risk further trouble with Civic compliance."

**10** The attached letter referred to above is quoted below:

"I would like to have the above matters heard within a court; as I dispute these.

I believe I have been issued these in error by Eastlink. I am in the process of contesting this & requesting Eastlink to apply for these to be revoked.

In Dec 2013 Eastlink underwent a system upgrade.

When this happened – 3 things happened to my account.

1. It reset my postal address to be the previous address;
2. It again reset my expiry date on my credit card (that was set up for automated payments); note: This is the same issues that I have for all infringements dating back to 2012 that have been heard both in Dandenong Magistrates Court & Melbourne Magistrates Court).
3. It changed my birthdate from [23.\*\*.\*\* to 27.\*\*.\*\*].

Due to the above; my account had gone into suspension; & I was unable to receive the communication of this as the address was not the current address (that was changed in August 2013). I took the proactive action to call Citylink to query what was going on because my device was beeping 4 times which meant there was a problem with my account; thus uncovering the above 3 points.

This was discovered in a telephone call on 23/01. I then called Eastlink.

On 23/01 – The Eastlink operator applied the outstanding toll notices to my citylink account over the telephone.

On 17/02 – I phoned eastlink again because I had received the a further 2 late tolling invoices(which have eventuated in above 2 infringements); which I questioned how based on my 23/01 call; & was told these 2 were issued 30mins POST my call. I was told that I needed to call back with my citylink number. I explained to the telephone operator that this had automatically been applied before without cross checking a citylink account number (The telephone call was made while driving; & no I did not have my citylink account number with me; as it had been automatically applied before; precedent was set that this information & detail WAS accessible by Eastlink.) & that I demanded this happen again as I do not have the time to chase around different calls when a precedent had been set that it WAS accessible. I also to the person at the time that I was pregnant & shouldn't have to waste my time running around after them when my Citylink account number had been applied previously; less than a month ago.

On 04/04 – I received above infringements from Civic Compliance; including an additional [\*\*\*363] / [\*\*\*958]. I phone Eastlink as I knew I had made above calls. After investigation it was found the operator on 23.01 did not complete the relevant fields that needed to list which late toll invoices were transferred to my citylink. Eastlink then contacted CIVIC COMPLIANCE & have recommended this infringement be withdrawn as it was an Eastlink Error. I requested that the 2 above listed outstanding infringements also be recommended by Eastlink to be withdrawn; however Eastlink are refusing as I had not applied an account number. I was told on



the phone this day that the account number CAN be accessible if the operator goes back a bit on the file notes & details; so my request on 18/02 – could have happened. It was on a personality basis that it wasn't – not a system basis.

I have attached all correspondence to Eastlink & now to the Tolling ombudsman as I do not believe I or the courts time should be wasted for a 'difficult' customer service person who on the day; was not very helpful. I have stated to Eastlink to permanently record my citylink number so that this erro doesn't happen again; I have not received confirmation. I have requested that Eastlink support the documentation that it was their system upgrade that adjusted such things on my account that took it into suspension; & that I have acted proactively to address the matters so that the CIVIC COMPLIANCE infringements would not be issued; & so that the cases would not go to court as it is a waste of taxpayers money.

Eastlink as you can read has given what I dem to be a disatttisfactory response; for which I st8ill had queries; on 08/08; still unanswered that I passed onto the tolling Ombudsman who is chasing.

My hope is that Eastlink will support me with a letter or also to recommend that tehse 2 infringements are also withdrawn; & to not waste mine or the courts time.

If this can't happen; then I am happy to come to court & plead not guilty on the grounds of precedence.

Note: If a court Date is set: I am currently 26 weeks pregnant; due date 08.08.2014. I am embarking on motherhood as a single parent so a court date post the childs birth will be difficult to prganise; so if I could request it to happen earlier or how you accommodate this situation; that would be appreciated.

Note: I will have a new address: [address]; please address all future correspondence to this.

Looking forward to your response; & I apologise that this takes up your time.”

- 11 On 7 May 2014 the TCO acknowledged receipt of Ms AR's email and requested an update on the CCV outcome. Ms AR responded:

“I'll let you know.

Has East link responded at all to you re: my queries?

Notably – to add my City link account number permanently to this East link account so that this NEVER happens again?

If I do need to go to court – it will be the 3<sup>rd</sup> time because of East link. & Quite frankly – it shouldn't have been at all. It's becoming increasingly stressful.

The incidents from Jan 2012 – were again due to a credit card expiry date being wrong; that by the time I followed up with City link who approved & understood A) there was an error with my device & B)the expiry date was wrong had given me a cross reference number to contact east link to have all fines brought over. Instead East link just said “too late – take it up with Civic Compliance” as opposed to helping me by writing a referral letter to have 12 fines revoked.

I went to court on this in April 2013. In that court hearing it was noted: NO OUTSTANDING MATTERS. I explained to the judge at the time that I had delayed the calling on City link / East link as I had more pressing matters; a mother with MS who was in ICU from a stroke; supporting my stepfather as her only carer; dealing with depression & a new job.

Not all fines were addressed – I received more outstanding fines in September – which I addressed; advising that the matters were meant to have been dealt with in April 2013 - & advised what transpired in court April 2013. Somehow – It got transferred to special circumstances; & I ended up in Melbourne Magistrates Court; I have to pay \$40 for the outstanding East link matters that were addressed - @ \$40 each = \$120; I don't think I should have had to pay this; for East link in the first place; then in the case of Dandenong Magistrates court where it should have been addressed at the time.

NOW – I may have to go back to court again; & I am 6 months pregnant.

It takes me away from work for at least 3-4 hours at a time; so far I've lost about 6 hours; plus the time that its taking for me to plead my case in these East link matters; for which now – because of all of this – my number plate registers all the time with VIC police & I am 'red flagged'. I am an honest; professional hardworking female who pays my taxes; & in the higher bracket at that; & I just don't know how I can get out of this situation as I do the right thing & it keeps coming up; so I'm trying to protect myself by clarifying details below & East link are ignoring this....

I am happy to meet with you to discuss this as something needs to be done; so that you can see & understand that I am (apologies for using this term) not a loser/ criminal/ dole bludge who's dodging the system! I'm sure I'm not the only person, & all I can say is that this is unfair to a fair & reasonable human being.

It's getting to the point – that I am seriously considering getting a solicitor involved – to see what I can take East link to court based on – as this treatment is in-humane when I am trying to do the right thing; clear my name & set up something to ensure it doesn't happen again! If it does happen again – you do realise – east link will have a much bigger court case on their hands; their ignorance of this matter & what I think they think is a 'small fry' may actually be their un-doing...

This is not at all directed at you or your company; I am just so desperate & at a loss that I don't know what else to do....

Thank you for listening,"

- 12** On 9 May 2014 CityLink provided the TCO with copy of its response to Ms AR of even date:

"Thank you for your enquiry, forwarded to CityLink by the Tolling Customer Ombudsman. I understand you have requested a letter from CityLink regarding your Account details as you have received infringement notices for travel on EastLink. I apologise for the inconvenience caused.

Your CityLink Account [\*\*\*005] was suspended between the 17<sup>th</sup> December 2013 – 23<sup>rd</sup> January 2014. I appreciate you believe CityLink had an incorrect mailing address at this time, however our records confirm notification of your CityLink

account suspension was issued via email. I have included a breakdown of your Account suspension below:

- On the 6<sup>th</sup> December 2013, an automatic payment to your Account of \$40.00 declined via your Credit Card.
- On the 7<sup>th</sup> December 2013, a payment failure letter was issued via email to [email address]
- On the 12<sup>th</sup> December 2013, a suspension notification was issued via email to [email address]
- On the 17<sup>th</sup> December 2013, your Account was suspended
- On the 23<sup>rd</sup> January 2014, contact was made with CityLink and your Account was reactivated after a payment of \$88.91 was processed

Additionally, you have advised the D.O.B on our records was incorrect. The D.O.B is used for identification purposes only and does not impact tolling or your Account status.

You have also advised in your correspondence the Account was suspended due to a change of Credit Card expiry date. Our records indicate the declined payment was not affected by the expiry date. You may want to verify your Credit Card status with your bank at the time of the attempted payment and may also wish to provide that information from your bank to Civic Compliance Victoria.”

**13** The TCO forwarded same to Ms AR:

“I acknowledge receipt of your email and understand that CityLink has provided you with the attached detailed response.

Further, I will forward your email to EastLink and seek comment on the issues you raise in regard to that toll road operator.”

**14** Ms AR responded to the TCO:

“Thanks Micheal; yes I have receipted it too.... it’s ironic tho that they have avoided the issue of a system upgrade that re-set all details in the firstplace & are STILL taking Zero accountability.

I have checked my Email - & those emails are in there; it was over an xmas/new year period & to be brutally honest with you – it was my first trimester; first baby – I was incredibly unwell & not as focused on personal emails! I am going to update that Citylink no longer have an email address; to eliminate this going forward; esp when I will have a newborn to tend to!

Thanks again & I look forward to the response re: the operator; & have eastlink Confirmed that they have automatically applied my account number to my account so this won’t happen again?”

**15** On 19 May 2014 EastLink emailed the TCO as follows:

“We can confirm that we have placed [Ms AR’s] CityLink account number to the notes on our System.

We will require [Ms AR] to confirm these details upon requesting to have any future Toll Invoice(s) transferred to the CityLink account.

As we have stated previously, once travel has been referred to an Enforcement Agency, the matter is out of our jurisdiction. To dispute an infringement notice(s), the person who has been issued with the infringement must submit a written application including the Obligation and Infringement Notice Number(s) for internal review to:

**Civic Compliance Victoria**  
**GPO Box 1916**  
**Melbourne Vic 3001**

Unfortunately, we are unable to assist you any further with the Civic Compliance Victoria Infringement Notifications once they have been issued.

Should you require any assistance with your Infringement Notice(s) please contact Civic Compliance Victoria directly on 03 9200 8111 to discuss this matter further.

We wish Ms AR a positive outcome with her dispute, however we are unable to assist any further regarding her complaint.”

**16** The TCO forwarded EastLink’s email to Ms AR for information. Ms AR responded:

“Thanks Micheal, for the follow up.

However it is proven; again – by precedence - that Eastlink CAN assist once something has been sent to Civic Compliance; as they have lodged a letter to Civic Compliance to recommend that infringement [# \*\*\*958] be withdrawn; & it therefore has been withdrawn; without any paperwork required from me. In this case, with that response & knowing what they have been able to help with in the past; they are being difficult in this instance; & CAN assist; I would just read that as they are refusing to help. Could you raise this very VALID point with them & ask for a response?

I raise a question also to the definition of the below:

We will require [Ms AR] to confirm these details upon requesting to have any future Toll Invoice(s) transferred to the CityLink account.

Does this mean they will read it out to me when I call them? Or that I will have to recite it? Therefore – I question whether this has been applied in the reality & you would understand & sympathise with my conclusion that these are all words; & that nothing about this is a ‘customer service’. It’s not servicing the customer if the customer needs to provide this every time where it is requested in writing – as I cannot always have that information easily accessible & a phone call needs to be lodged IMMEDIATELY with East link; this not always having a list of all account numbers for everything we use on hand at all given times. You would admit; banking; east link; health fund; superannuation funds; licence numbers; electricity account numbers; gas account numbers; internet account numbers; club membership numbers - & the list goes on; are not always readily available & on hand when you are trying to address an issue. I go through the security checks that I need to; isn’t this enough? Isn’t this what they are for? It is unreasonable – if you offer the service to cross over the accounts – that I need to re-confirm all details every time. The process – getting back to the root of all of this – is to make it easier; not harder.

Again – some clarification on this point would be appreciated. I'm sure it's in their customer service training manual so a cut & paste from this would be suffice.

I have inquired if I am able to have 2 separate accounts – one east link & one City link – both with a separate direct debit set up – but East link told me this was not possible, so I am not being given any flexibility here to address the bigger issue – that if the systems 'talk' to each other; this wouldn't have happened to me; or probably anyone. I can't even take control of it even tho I have tried. Every way possible. My City link account number isn't even on my tag in my car to be able to access it!

Is my questions the only time these have been raised? I would be surprised to believe I would be the only reasonable person trying to problem solve this for both City link & East link; who has suffered this; & looking for a way to make experiences so much nicer with both; but given the replies – I need to assume I am the only one who actually cares about a resolution.”

- 17 As it appeared that this matter will not be resolved by conciliation, the TCO notified Ms AR that he will now proceed with making a written Decision.

## Decision

- 18 The objective of the TCO is to resolve complaints, which fall within its jurisdiction, between toll road operators 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.
- 19 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.
- 20 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 Civic Compliance Victoria (CCV) or other outside bodies.
- 21 This complaint relates primarily to the mismanagement of her toll account and service provided to Ms AR by EastLink and its interoperability arrangements with CityLink. This has led, in her view, to unpaid tolls being wrongly referred to CCV. She has said:

“My issue- is that your two systems- should speak to each other better & as I am the account holder & call & do the security checks; should be able to apply the travel over the phone; as you are linked. This linking isn't an operational function; & now- yet again I am having to spend my valuable time battling & writing letters because your systems a) broke down & reset my personal information & b) don't talk to each other in the cyber space.”

**22** Leaving aside Ms AR's dissatisfaction with EastLink's processes, it is apparent from the material provided by Ms AR that there were a number of circumstances, not directly related to the service provided by a toll operator, that caused the predicaments in which she found herself over the last few years in relation to travel on the toll roads.

**23** She said in respect to incidents in 2012 and 2013:

“The incidents from Jan 2012 – were again due to a credit card expiry date being wrong; that by the time I followed up with City link who approved & understood A) there was an error with my device & B)the expiry date was wrong had given me a cross reference number to contact east link to have all fines brought over. Instead East link just said “too late – take it up with Civic Compliance” as opposed to helping me by writing a referral letter to have 12 fines revoked.

I went to court on this in April 2013. In that court hearing it was noted: NO OUTSTANDING MATTERS. I explained to the judge at the time that I had delayed the calling on City link / East link as I had more pressing matters; a mother with MS who was in ICU from a stroke; supporting my stepfather as her only carer; dealing with depression & a new job.”

**24** Apparently not all fines were addressed as Ms AR received more outstanding fines in September – which she addressed by advising that the matters were meant to have been dealt with in April 2013. It transpired that matters were transferred due to special circumstances to the Melbourne Magistrates Court. It would appear that the Court was not completely satisfied with Ms AR's submissions as she had to pay \$40 for the outstanding EastLink matters, a total of \$120.

**25** EastLink has responded in detail to Ms AR's complaint, explaining its processes and the rationale behind them. It has also said in particular to part of Ms AR's complaint:

“Your CityLink Account [\*\*\*005] was suspended between the 17<sup>th</sup> December 2013 – 23<sup>rd</sup> January 2014. I appreciate you believe CityLink had an incorrect mailing address at this time, however our records confirm notification of your CityLink account suspension was issued via email. I have included a breakdown of your Account suspension below:

- On the 6<sup>th</sup> December 2013, an automatic payment to your Account of \$40.00 declined via your Credit Card.
- On the 7<sup>th</sup> December 2013, a payment failure letter was issued via email to [email address]
- On the 12<sup>th</sup> December 2013, a suspension notification was issued via email to [email address]
- On the 17<sup>th</sup> December 2013, your Account was suspended



- On the 23<sup>rd</sup> January 2014, contact was made with CityLink and your Account was reactivated after a payment of \$88.91 was processed

Additionally, you have advised the D.O.B on our records was incorrect. The D.O.B is used for identification purposes only and does not impact tolling or your Account status.

You have also advised in your correspondence the Account was suspended due to a change of Credit Card expiry date. Our records indicate the declined payment was not affected by the expiry date. You may want to verify your Credit Card status with your bank at the time of the attempted payment and may also wish to provide that information from your bank to Civic Compliance Victoria.”

- 26** This indicates that there were also circumstances in respect to later events in addition to the toll road operator’s interoperability system, Ms AR’s bank’s failure to meet an automatic debit on her credit card in December 2013. It also involved her not accessing and checking emails in late 2013 in respect of her account suspension, due to the Christmas period and the understandable pressures associated with relationship difficulties together with her having her baby. She also did not respond to EastLink’s query in relation to her CityLink account number within the time agreed following the telephone conversation with the EastLink operator in January 2014.
- 27** Ms AR, like any toll road customer, has the obligation to maintain her account in good order whilst EastLink has the duty to have its systems as customer friendly as possible. EastLink has provided an explanation to Ms AR about the reasons for its processes in relation to its requiring customers to advise it of the account number to which they are wishing to have a Toll Invoice to be transferred. Ms AR is not satisfied with the explanation from her perspective but EastLink must develop its processes based on its experience to provide an overall system for its customers.
- 28** Further, EastLink and CityLink have designed interoperability arrangements in a manner that they believe can best suit their and their customer’s needs. The aim is to have their systems, in Ms AR’s words, “talk to each other” as effectively as possible.
- 29** Although the interoperability arrangements may not be completely failsafe and should be monitored, the low level of any complaints that come to me in respect of same indicates that it is effective for the majority of toll road customers. There is no evidence that there is a systemic problem.
- 30** I note, however, that EastLink has responded to Ms AR’s request for assistance in managing her account. It has said:

“We can confirm that we have placed [Ms AR’s] CityLink account number to the notes on our System.

We will require [Ms AR] to confirm these details upon requesting to have any future Toll Invoice(s) transferred to the CityLink account.”

- 31** I also note that EastLink provided assistance to Ms AR in respect of a certain infringement notice. The capacity of EastLink to interfere with matters once they are referred to CCV or the courts is limited by way of legislation. They can provide factual information forward for consideration where it may be appropriate. Such information is not binding on CCV.
- 32** The TCO is always concerned about service issues and the need for constant monitoring and improvement for the benefit of toll road users. Such concerns have been voiced in my six monthly published reports and toll operators have responded to such concerns. This is a matter in which consideration will be given for discussion.
- 33** I am satisfied that EastLink has responded to the matters raised by Ms AR promptly and fairly during the period of this complaint. I recognise that EastLink is not responsible in total for Ms AR's problems and has appropriately apologised to her about certain problems that arose from a conjunction of events in January 2014. I note in addition that EastLink credited Ms AR with \$30.27.
- 34** I have considered all the circumstances. I recommend that EastLink credit Ms AR \$70, either directly or by way of a toll credit, in view of the circumstances of this dispute and in particular the error in January 2014.

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

**Dated: 12 June 2014**