

DECISION

Background

- 1 The complainant, Ms SH, made a complaint to the Tolling Customer Ombudsman (TCO) on 6 October 2015, as follows:¹

"Hi. I have a fairly long winded, complicated case..

Basically, I have a go via account with a go via tag with auto top up function.

There had been no funds in my account over a few weeks. So the auto top up had ceased and I was receiving toll notices separately via email in my name.

After receiving a loan from a family member I paid all the tolls together via either bpay or online at go via. I paid off all of the tolls on the 27th of July 2015. The one toll notice in question was paid via BPAY for \$59.89 for the period 16 June 2015 until 23 June 2015. It contained 20 trips over those days through different tolls. (Toll invoice number [***799])

The following day, 28th of July, I contacted go via to confirm that there were no further outstanding toll notices, to which they did confirm.

My partner, (Mr X), near the same time, received a toll notice via post for the same trips(exact dates,car and times) as the above toll notice but a new toll notice number [***681]. As I had already spoken to go via regarding this toll, I had assumed there was a mistake.

Around the 11 August,(Mr X)s received again in the mail, a list of every single toll from that invoice which was now itemized at \$25.07 per toll trip x20 trips.

I called go via regarding the issue. Again. After a fair while on hold and trying to get her to understand, the girl "[S]" who's employee ID is [***50] told me she has found the payment and will waive the subsequent toll fines. Ref [***8000]. She then said in a few weeks, someone will contact me from their "back office".

When we finally spoke to this back of house team, the woman (name unknown) called and started the conversation with "i just want to let you know I can't discuss

¹ All parties' submissions used in this Decision are quoted verbatim

these tolls with you as I need to speak to the registered owner of the vehicle, [Mr X] " i explained we are both registered owners.

She said then that I had not made the payment and that I would need to pay the inflated amount now that it was overdue. I said I had paid it. She would not allow me to explain and interrupted saying I had paid after a due date which is why the new tolls were issued. I tried to explain again and her new response was that I had paid for a different toll, not the toll in question. I told her she can call me back tomorrow at a specific time (lunch break) so that I can talk through the dates and times and reference numbers etc. She agreed.

Then she didn't call me.

I tried to call go via and got through the call centre and spoke to [n] (who would not give me an employee number) who would not put me through to the back office and kept reassuring me that they would call. I asked for his manager, he wouldn't get him saying that the Manger would say the same thing. I explained I knew they would call me eventually but I needed them to call when I could actually answer the phone. He even tried to lie and say "I can see they are attempting to call you now, you might just need to free up this line". I told him I was calling from a different phone. He then tried to organise a new time to be contacted and added a saturday onto my file. As far as I was aware this team would not be open on Saturday. He said that they were and that he had left a note to call me on Saturday . Later on that evening (while i was working) this "back office team" called. I told her again she needed to call at the right time as I am working.

She tried to call the next day. (Not saturday) but I was unable to charge my phone. She left a message saying I had not paid, I needed to pay that day and call go via for payment processing. My call backs were now closed.

Now the debt has been handed to probe collections who is chasing a random amount of \$372.57 under (Mr X) (my partners name).

I dont know what to do. But I refuse to pay this amount. I refuse to pay for something I have already paid for. I understand my account was in suspension as there were no funds available but I have already paid my dues.

Please advise me with a reference number, a time frame and instructions on what to do. Please help."

2 The TCO acknowledged receipt and forwarded the complaint to Transurban Queensland (go via) for investigation and response.

3 On 7 October 2015 go via responded to Ms SH as follows:

"Thank you for your email, forwarded to **go via** from the office of the Tolling Customer Ombudsman (TCO).

I confirm your **go via** account [60***01] was suspended on 30 September 2015, the suspension occurred due to insufficient credit on your account. Your current balance is \$96.44 in credit.

Below is a summary of notifications issued;

Date	Description
30.07.2015	ACCOUNT SUSPENDED notification sms alert
16.06.2015	ACCOUNT SUSPENDED notification sms alert
12.06.2015	Suspension warning sms alert sent
01.06.2015	Payment failure sms sent
01.06.2015	ACCOUNT SUSPENDED notification sms alert
08.02.2015	ACCOUNT SUSPENDED notification sms alert
07.02.2015	Suspension warning sms alert sent
27.01.2015	ACCOUNT SUSPENDED notification sms alert
11.01.2015	Suspension warning sms alert sent

When a **go via** account is outside the credit terms, 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 a \$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.

I confirm these invoices were issued to the email address listed on your account, [email address].

Toll Invoices relating vehicle [0***L] (QLD) were written off your account and reissued to the address listed under (Mr X) details, as the registered owner, with Department of Transport and Main Roads.

These notices were issued to [address].

Toll Invoice [***799] for \$59.89 was due payable by 10 July 2015, payment was not made until 27 July 2015.

As payment was not within the due date, the invoice was written off and regenerated under the registered owner.

The payment allocated to another invoice which was payable on your **go via** account.

Post date	Due date	Invoice Number	Invoice	Amount
11.08.2015	10.09.2015	[***523]	Demand Notice	\$25.72
11.08.2015	10.09.2015	[***522]	Demand Notice	\$25.72
11.08.2015	10.09.2015	[***521]	Demand Notice	\$25.72
11.08.2015	10.09.2015	[***520]	Demand Notice	\$25.72
11.08.2015	10.09.2015	[***519]	Demand Notice	\$25.72
11.08.2015	10.09.2015	[***514]	Demand Notice	\$24.68
11.08.2015	10.09.2015	[***513]	Demand Notice	\$24.68
11.08.2015	10.09.2015	[***512]	Demand Notice	\$24.68
11.08.2015	10.09.2015	[***511]	Demand Notice	\$24.68
11.08.2015	10.09.2015	[***509]	Demand Notice	\$24.68

11.08.2015	10.09.2015	[***508]	Demand Notice	\$24.68
11.08.2015	10.09.2015	[***507]	Demand Notice	\$24.68
11.08.2015	10.09.2015	[***506]	Demand Notice	\$24.68
11.08.2015	10.09.2015	[***505]	Demand Notice	\$23.46
11.08.2015	10.09.2015	[***504]	Demand Notice	\$23.07

Toll invoice [***681] was then issued on 20 July 2015 requesting payment was due by 3 August 2015, however no payment or contact was made. The billing and invoicing of tolls as it is an automated process, and has to be paid by the due date to prevent further escalation.

The below invoices are still payable to **go via** and require payment as they have past their due dates;

We remain compliant to State legislation (*Transport Infrastructure Act 1994 Qld*) 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. This offence attracts a separate fine, also known as a Penalty Infringement Notice (PIN) in excess of \$164.00. These PINs are issued by the State Tolling Offence Unit and/or Brisbane City Council, depending on which toll point was used.

I confirm five Demand Notices have escalated to PIN and are no longer payable to **go via**.

At the time of my response, the current balance payable to **go via** for vehicle [0***L] (QLD) is **\$375.57**.

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

To make payment, please contact 13 33 31.”

4 On 8 October 2015 Ms SH replied to go via:

“Thank you. I am aware of my current balance.

And no it wasn't the response I was hoping for but I am thankful for the clarification of what happened to the payments I made as none of the other go via staff that I have spoken to have been able to give me that.

I understand that the payment was made after the due date. However, the invoice stated that should the payment fall out of that due date time slot, I would be required to pay a different amount of an inflated price. But INSTEAD you cancelled it and sent it to the other registered owner.

Instead of cancelling/rejecting my payment to the invoice I had referenced, it was applied to another invoice. I would like to know which invoice for starters. This was done without notifying me and without my consent. I did not reference that payment

to another invoice. All my other Invoices were paid anyway. Let's say you are within rights to do that, I called go via the following day in another effort to avoid anything like this occurring. I spoke to a staff member on the 28th to confirm all my payments had been successful. They confirmed. So if this was NOT the case they should have notified me immediately.

I then called again as I stated in my previous email where sheila noted she had located my payment and I would have the notices waived.

So feel free to divide that fine to your incompetent Staff who are at fault for providing incorrect information and also using a payment which was specifically ment for one toll, be tacked onto something else and then informing me it was done the way I had intended.”

5 To which go via said:

“Our staff may not have provided this information to you as you were not the registered owner of the vehicle.
Representatives will only provide you information reflecting your account and only if you're authorised.

Yes, the invoices to supply an amount payable after the due date however you did not pay the amount requested after the due date.

Your payment of \$59.89 part paid other Toll Invoices on the account such as Toll Invoice [***919].

Unfortunately, the agent has provided you the incorrect information, feedback has been provided to our Customer Service Delivery Manager.

As a gesture of goodwill I have waived 5 Demand Notices fees bringing the balance payable to **\$260.22**.

Please contact 13 33 31 to make payment.”

6 On 9 October 2015 the following exchange of emails took place:

Ms SH to go via:

“I am one of the two registered owners of the vehicle so your potential excuse for incompetence is invalid.

Even if I was not, you must, if asked provide the correct information to your customer to ensure they do not recieve \$500 bills in the mail. So when a customer rings you, even if they are not a registered owner, you must inform them the payment they ment for one thing was unsuccessful for that purpose. Even if you cannot tell me why. If this correct information was provided, I would have known to allocate those fund to the invoice under [Mr X] instead of disregarding it as I was told my payment was successful. I would not have to pay a further \$200 odd dollars after a "good will " waiver !

And furthermore you earlier wrote

I confirm five Demand Notices have escalated to PIN and are no longer payable to **go via**.

If this is the case why would I be contacting go via for payment ? How would you be able to waive toll notices?

Am I to understand you have/will be withdrawing the debt from probe collections ?

As GOODWILL you should charge your fees fairly. If you see there is a payment made, then either tell them the invoice is written off or accept it the payment.

Further more you stated that the money i paid for the toll notice that you wrote off went to other toll notice. Such as [***919].

I have attached the transaction listing from my bank acc that had been paid in full.

I have also attached that toll notice to this email.

What other toll invoices have you divided my payment upon that I have paid already?"

Go via to Ms SH:

"Department of Transport and Main Roads provide us this information, the invoices were issued to primary registered owner.

Regardless of where the payment allocated to, the payment allocated to unpaid tolls and Toll Invoices, resulting in a high credit balance on your **go via** account. Payment should have been made within the due date.

The gesture of goodwill has been allocated to Demand Notices payable to **go via**. We are unable to assist in any State issued notice and direct you to the notice issuer.

Out of the 19 Demand Notices, 5 have escalated to PIN.

No, the debt is still payable to the collection agency, however you can make payment to us.

I understand your statement however the agent will only check your **go via** account as you are the account holder.

The registered operator should have contacted us upon receiving invoices in the mail requesting payment for vehicle [0***L] (QLD)."

Ms SH to the TCO:

"Ombudsman

Can you please provide me with some advice !?

How can they lie when they confirmed my payment was successful! Then can they take my money for a payment and lie to me about where my payment has gone and then bill us for not paying ?! Because of what they have done, a \$59.89 toll will cost me a further \$260 after their "good will " gesture ! I should not have to pay one cent more !! Please, surely there is someone who regulates this !? Are they bound by an agreement ? What are my options here ? Please respond."

7 On 11 October 2015 the TCO responded to Ms SH:

"Go via has provided an explanation of the invoices or demands that were issued whilst your account was suspended. It would appear on the information currently provided that these were not be paid by you.

However this matter can be clarified by reconciling any payments made from your bank/credit account statements against the invoices or demands forwarded to you by go via. It would be of assistance if they could be provided to me with other personal transactions crossed out."

8 Ms SH replied:

"They have admitted I paid them. But are stating that it was made too late. Even though they originally told me the payment was successful when it actually wasn't. They took my payment for the toll in question and apartntly paid something else with it without telling me.

They gave me a toll notice requiring \$59.89, then wrote of the toll under my name and put it in my partners name. I paid it under my name to which they said was successful. Then they charged us extra fees because it hadn't been paid under my partners name. But we didn't have to because they TOLD ME MY PAYMENT WENT THEORY FOR THOSE TOLL TRIPS. If they had told me that it was NOT PAID because that toll was NO LOL GET MINE I would have done it under my partners name prior to reaching the due date therefore not emailing ANYONE regarding this issue !

Now they can't even tell me where my money is !!!!

I will give you all invoices and all payments. But I don't know what you need them for as that is only a small part of the issue.

The issue is I PAID THE TOLL.

Go via CONFIRMED I paid the toll.

Then gave us fines because the trip was paid against my name instead of my partners name!

Why would I pay it against his name if I had ALREADY PAID IT AGAINST MY NAME and it had been CONFIRMED by go via.

Go vias reply is basically WHOOPS OUR BAD. Just pay \$260 more and I'll give them some feed back."

9 On 12 October 2015 the TCO advised Ms SH as below. The latest correspondence was forwarded to go via for further comment.

“If you provide the relevant credit card/bank statement which can be matched with the invoice, you will have evidence of payment.”

10 On 13 October 2015 go via responded directly to Ms SH:

“The Toll Invoice was paid after the due date, the invoice was written off your account, as no payment was received, and reissued under the registered owners details listed with Department of Transport and Main Roads.

No contact was made to rectify the invoice, instead payment was received to your **go via** account, the payment cleared outstanding invoices on your **go via** account and further provided a credit.

Contact should have been made upon receipt of Toll Invoices to clarify what was/was not paid.

The Toll Invoices states the amount payable after the due date, yet this amount was not paid.”

11 Ms SH replied as follows:

“No contact was made to rectify the invoice, instead payment was received to your **go via** account, the payment cleared outstanding invoices on your **go via** account and further provided a credit.

Contact was made by me to go via. And go via did "clarify " by telling me the wrong information. That the toll invoice was paid for the toll invoice it was intended. On the 28th of July. Had they provided the correct information, we would not be here emailing each other.

"the payment cleared outstanding invoices on your **go via** account and further provided a credit"

There were no outstanding invoices. I have paid every single one individually and I would like to know which outstanding tolls that were apparently paid.

[D] from customer relations had said one of the tolls was [***919] to which I have proved payment already in previous emails . When confronted with that information reply with "Regardless of where the payment allocated to, the payment allocated to unpaid tolls and Toll Invoices..." In other words 'we took your money and put it somewhere else on your account somewhere against something it wasn't supposed to'

Go via this is on you. I could have fixed this had the staff told the truth.”

12 To which go via responded:

“Thank you for your response.

I confirm three Bpay payments were received on 28 July 2015 paying the below tolls;

IRIS ID / PRC ID	Payment/ Trip Date	Time	Description	Amount	LPN	State
	28.07.2015		Payment Received Thank-y	-\$29.54		
	28.07.2015		Payment Received Thank-y	-\$18.28		
	28.07.2015		Payment Received Thank-y	-\$59.89		
[***571]	19.07.2015	9:30:05	Toll	\$3.00	[0***L]	QLD
[***571]	19.07.2015	9:30:05	Video Fee	\$0.46	[0***L]	QLD
[***631]	19.07.2015	8:15:36	Toll	\$4.85	[0***L]	QLD
[***631]	19.07.2015	8:15:36	Video Fee	\$0.46	[0***L]	QLD
[***722]	24.07.2015	15:48:57	Toll	\$2.69	[0***L]	QLD
[***722]	24.07.2015	15:48:57	Video Fee	\$0.46	[0***L]	QLD
[***546]	23.07.2015	7:15:35	Toll	\$2.69	[0***L]	QLD
[***546]	23.07.2015	7:15:35	Video Fee	\$0.46	[0***L]	QLD
[***067]	22.07.2015	17:31:00	Toll	\$2.69	[0***L]	QLD
[***067]	22.07.2015	17:31:00	Video Fee	\$0.46	[0***L]	QLD
[***475]	21.07.2015	17:15:34	Toll	\$2.69	[0***L]	QLD
[***475]	21.07.2015	17:15:34	Video Fee	\$0.46	[0***L]	QLD
[***246]	20.07.2015	15:20:52	Toll	\$2.69	[0***L]	QLD
[***246]	20.07.2015	15:20:52	Video Fee	\$0.46	[0***L]	QLD
[***642]	18.07.2015	15:10:26	Toll	\$2.69	[0***L]	QLD
[***642]	18.07.2015	15:10:26	Video Fee	\$0.46	[0***L]	QLD
[***516]	25.07.2015	5:49:45	Toll	\$2.69	[0***L]	QLD
[***516]	25.07.2015	5:49:45	Video Fee	\$0.46	[0***L]	QLD
[***417]	24.07.2015	6:20:04	Toll	\$2.69	[0***L]	QLD
[***417]	24.07.2015	6:20:04	Video Fee	\$0.46	[0***L]	QLD
[***046]	23.07.2015	5:53:10	Toll	\$2.69	[0***L]	QLD
[***046]	23.07.2015	5:53:10	Video Fee	\$0.46	[0***L]	QLD
[***195]	22.07.2015	5:49:01	Toll	\$2.69	[0***L]	QLD
[***195]	22.07.2015	5:49:01	Video Fee	\$0.46	[0***L]	QLD
[***511]	21.07.2015	5:44:55	Toll	\$2.69	[0***L]	QLD
[***511]	21.07.2015	5:44:55	Video Fee	\$0.46	[0***L]	QLD
[***294]	20.07.2015	5:50:52	Toll	\$2.69	[0***L]	QLD
[***294]	20.07.2015	5:50:52	Video Fee	\$0.46	[0***L]	QLD
[***839]	18.07.2015	6:01:08	Toll	\$2.69	[0***L]	QLD
[***839]	18.07.2015	6:01:08	Video Fee	\$0.46	[0***L]	QLD
[***154]	24.07.2015	15:38:21	Toll	\$1.64	[0***L]	QLD
[***154]	24.07.2015	15:38:21	Video Fee	\$0.46	[0***L]	QLD
[***417]	23.07.2015	7:05:14	Toll	\$1.64	[0***L]	QLD

[**417]	23.07.2015	7:05:14	Video Fee	\$0.46	[0***L]	QLD
[**822]	22.07.2015	17:20:18	Toll	\$1.64	[0***L]	QLD
[**822]	22.07.2015	17:20:18	Video Fee	\$0.46	[0***L]	QLD
[**076]	21.07.2015	17:05:10	Toll	\$1.64	[0***L]	QLD
[**076]	21.07.2015	17:05:10	Video Fee	\$0.46	[0***L]	QLD
[**603]	20.07.2015	15:10:36	Toll	\$1.64	[0***L]	QLD
[**603]	20.07.2015	15:10:36	Video Fee	\$0.46	[0***L]	QLD
[**113]	18.07.2015	14:59:31	Toll	\$1.64	[0***L]	QLD
[**113]	18.07.2015	14:59:31	Video Fee	\$0.46	[0***L]	QLD
[**158]	25.07.2015	5:59:31	Toll	\$1.64	[0***L]	QLD
[**158]	25.07.2015	5:59:31	Video Fee	\$0.46	[0***L]	QLD
[**135]	24.07.2015	6:30:11	Toll	\$1.64	[0***L]	QLD
[**135]	24.07.2015	6:30:11	Video Fee	\$0.46	[0***L]	QLD
[**696]	23.07.2015	6:03:16	Toll	\$1.64	[0***L]	QLD
[**696]	23.07.2015	6:03:16	Video Fee	\$0.46	[0***L]	QLD
[**442]	22.07.2015	5:58:54	Toll	\$1.64	[0***L]	QLD
[**442]	22.07.2015	5:58:54	Video Fee	\$0.46	[0***L]	QLD
[**261]	21.07.2015	5:54:52	Toll	\$1.64	[0***L]	QLD
[**261]	21.07.2015	5:54:52	Video Fee	\$0.46	[0***L]	QLD
[**583]	20.07.2015	6:00:55	Toll	\$1.64	[0***L]	QLD
[**583]	20.07.2015	6:00:55	Video Fee	\$0.46	[0***L]	QLD
[**027]	18.07.2015	6:11:30	Toll	\$1.64	[0***L]	QLD
[**027]	18.07.2015	6:11:30	Video Fee	\$0.46	[0***L]	QLD
	28.07.2015		Administration Fee	\$8.07	[0***L]	QLD
	15.07.2015		Toll	\$2.65	[0***L]	QLD
	15.06.2015		Tolls	\$13.67	[0***L]	QLD
	15.06.2015		Video Fees	\$6.30	[0***L]	QLD

You can reference the above tolls with your Toll Invoices/Customer Statement using the trip dates, times and IRIS ID.

No contact was made in regards to receiving the secondary Toll Invoice issued in the registered operators name.”

13 On 15 October 2015 Ms SH replied:

“So as far as i can decipher, these trips fit into toll invoice:

LPN: [0***L]

INVOICE NUMBER: [***353]

INVOICE PERIOD: 18/07-25/07

COST: \$85.09)

That was not the tolls those payments were intended for.

So i now have two more issues.

First being, i have paid that toll invoice with all these trips, in full.

Invoice number: [***353]
Invoice period: 18/07 to 25/07
Amount due: \$85.09
**see attached transaction history and receipt

2. Are you now also saying that the intended tolls attached to \$18.28 are not paid. The Payment of \$18.28 carries a reference of [***020] as it was paid via bpay. These tolls were for trips made on a different car [2***] on the 03/06
***SEE ATTACHED TRANSACTION HISTORY AND RECEIPT

So, if the money for the main toll in question \$59.89 went on two tolls that are paid (LPN [2***J]
INVOICE NUM: [***702]
INVOICE PERIOD: 03/06-03/06
COST: \$18.28

And

LPN: [0***L]
INVOICE NUMBER: [***353]
INVOICE PERIOD: 18/07-25/07
COST: \$85.09)

Then where did the other payments for these tolls go.

Why provide a reference number on invoices if you don't intend on using them ?

Why accept payments if there is no toll notice attached to the reference?"

14 And Go via responded:

"The Toll Invoice was written off your account as it has past the due date. If payment was made, within the due date and the account details match records with Department of Transport and Main Roads, payment would have allocated it.

As the details on the vehicle registration did not match the account holders details, the invoice was reissued and posted to the registered owners.

The other vehicle on the account, is registered under your name and did not get written off and reissued as the details matched the records with Department of Transport and Main Roads.

The amount listed on the invoice, payable after the due date, should have been paid as you paid the invoice after the due date.

When an invoice specifies an amount payable after the due date, the correct payment should be made.

Alternatively, paying the notice within the due date.

Toll invoice number [REDACTED] 799
Date of issue 27 Jun 2015
Invoice period 16 Jun 2015 - 23 Jun 2015

Total amount*
incl. GST **\$59.89** dr
Due date
10 Jul 2015
GST incl. in this invoice \$5.45

[REDACTED] [REDACTED]

Vehicle details

LPN	State	Vehicle class
[REDACTED]	QLD	Car

Payments allocated to tolls and administration fees payable reflecting the toll invoices and debt payable on your account.

Invoice [***799] was not payable on your **go via** account at the time of payment.

15 On 29 December 2015 Ms SH advised the TCO and go via in the following terms:

“I have contacted the collections agency as we had moved and i needed to update the address just in case. They informed me that Trans urban qld have informed them NO COMPLAINT WAS LAID against that reference (see subject bar). Obviously incorrect. I have provided the reference again for you to raise again.”

16 On 30 December 2015 go via responded to Ms SH:

“Thank you for your email received 29 December 2015.

As no payment has been received for the outstanding balance under the registered owner of the vehicle, the collection process has continued. As the billing and invoicing of tolls are automated, we are unable to stop this process.

I would advise making payment of \$257.22 to either the collection agency or directly through go via.”

17 Ms SH replied:

“As the payment was already made, and the payment confirmed by multiple staff at go via, and receipts produced, and three unsuccessful attempts at misleading me in an attempt to tell me my payment was made to separate toll trips, AND I HAVE PROOF OF ALL OF THIS IN WRITING AND REFERENCE NUMBERS, there will be no further payments.

I will continue to provide any references to any collections agency until you investigate and acknowledge this and I reach a justified outcome.”

18 On 31 December 2015 go via notified the TCO as follows:

“The customer has been advised a number of times that she has paid a Toll Invoice late, which has resulted in it being re-issued to the details of the registered owner of the vehicle [0***L] (QLD).

She was advised that the payment made paid off other outstanding tolls.

I am unsure of what we can do further to assist the customer. Your advice would be appreciated please.”

19 On 19 January 2016 the TCO provided go via’s email above to Ms SH with the recommendation that she provides all the documentation in her possession in support of her position.

20 On 22 January 2016 Ms SH responded to the TCO as follows:

“I have quite a lot of documentation to send. Is there something in particular you need to see ?

I can send every invoice they've ever sent me and a receipt for every single one which shows there were no other tolls to be paid ?

I can send a receipt for the toll invoice in question with the reference number ?

I can send emails that show customer relations telling me what toll invoices my payment made instead of the intended toll invoice. When I have shown them the receipts for payment to made to those tolls, they change their story. Two or three times.

Is any of this going to be sufficient though ?

The point is if they had have told me my payment was unsuccessful due to being late (when I called them to check) I would have paid the toll the second time around as it had a whole new due date, months later. But instead they told me it was OK. All my payments were successful. They are stating there was no contact made. How many times do you think we should have to call a company to ask the same question ? Cause I called twice and got the same answer from the them which customer relations is ignoring”

21 On 26 January 2016 the TCO emailed Ms SH with the following request:

“Please provide me with the material you have to support your position.”

22 Ms SH provided the following together with three attachments:

““Statement 3” is the original toll invoice

receipt attachment is for a lot of the payments that were made including the toll invoice.

"Toll inv duplicated [Mr X]" obviously is the same toll invoice with the same trips now with a different name on it.

I called on the 28th of July. Payment was confirmed.

I called again on the 18 August
Spoke to [S] employee ID [***50]
Ref [***8000]. She confirmed that the payment was located. Govia could provide you with the recordings of both.

If you scroll back through this email thread, I have asked customer relations a few different times where the payment went if it had not paid the toll. They have each time provided different dates, toll trips and invoices that I have been able to correlate with separate receipts. This makes me think they're lying because they keep changing their answer."

- 23** The TCO provided the additional information to go via. On 27 January 2016 go via wrote to Ms SH, together with enclosed statement, as follows:

"The payment of \$59.89 was received on account [60***01]. This was allocated to an outstanding balance that was on the account at the time payment was made. I have attached the go via statement for the account that covers this period.

I note on the Toll Invoices that were attached, they provided two different reference numbers and two different names.

Our Customer Service Representatives raised a call back. Attempts were made as follows:

First call back was made on 8 September 2015 and answered. Our Customer Service Officer advised the amount outstanding and when the suspension occurred on the account. Our notations advise that the customer had requested a call back to be made the next day at 1.30pm.

Second call back was made, our notations suggest that a call back was requested for the next day at 1pm. Our Customer Service Officer advised that the due date was the next day (10 September 2015). A \$250 waiver was offered.

Third call back was made 10 September 2015. A voice mail message was left as no answer.

Fourth call back was made 10 September 2015. A voice mail message was left advising the escalation process and the amount outstanding.
The call back was closed after this attempt of contact."

- 24** On 29 January 2016 Ms SH initially emailed the TCO:

"Hi Arnold. We are going going in circles. I'm sure this is the 4th time they have changed the allocation of of my payment.

Payment was made in July 2015. The invoice they have attached was not even issued until the 16 August 2015 . All my calls were made prior to this.

In regard to the call back, even though I had requested call backs at a certain time she had ensured not to call when I asked in order to leave voice messages instead as she knew I was in Ina customer facing job all day. I was unable to contact them but tried to anyway through go via. The guy on their end tried to tell me to hang up as they were calling at that minute. He would not provide me staff details or references . He would not allow me to speak to a superior. He lied saying he'd arrange a Saturday call back.

Yes the references and names on the toll are different. But the TRIPS, VEHICLE AND TIMES ARE IDENTICAL.”

25 Ms SH subsequently sent a follow-up email:

“Further more to my reply below, the reference number on my payment is the same as the issued toll. They can't legally write that to another payment anyway without telling me. Not that it matters seeming that the toll was not even issued until august (a month after my payment)”

26 On 1 February 2016 the TCO advised the parties that a written Decision will be made on the dispute.

27 On 2 February 2016 this notification was acknowledged by Ms SH. Further, Ms SH advised a change of residential address and that go via had been updated with the new information.

28 On 7 February 2016 the TCO advised Ms SH as follows:

“I am preparing a decision in this matter and I require further information from you. According to the information provided you had an account with go via and received a number of account and other payment warnings between January 2015 and July 2015, including one on 30 July 2015. Please confirm if this correct.

You then paid \$59.89 in respect of a go via invoice for vehicle LPN [0***L] for trips between 16 June 2015 and 23 June 2015. The amount payable was due on 10 July 2015 but you paid on 28 July 2015.

Go via has provided a statement of trips and of trips and fees for the period between 18 July 2015 and 25 July which includes the payment of \$59.89 which I presume were for the trips for the 16 June to 23 June 2015 period. Go via has stated that invoices for these trips were sent to you by way of email. Could you please confirm that these invoices were received as they indicate that more monies was owing than the \$59.89 held. In this regard can you advise what other vehicles you had that used go via toll roads and what was the status of their accounts, if any.

Could you also clarify whether these invoices have been paid, when and by what means as this is not clear from your current submissions. It would be of assistance if you could provide documented evidence of payment.”

29 Ms SH replied:

“Looking through, I can't locate anything sent to me on the 30th of July but do have one "payment warning" dated on the 29th of July of \$85.09 which was paid.

We have a second vehicle LPN: [2***J] registered to my partner as well. This has another govia tag inside. The tag is also attached to this go via account (in my name) so there are no further outstanding payments in this regard. I don't think I have the statement your talking about. I would could assume that I had received the invoices held there as I have received all the others.

So I can provide you with the receipts you require, can you please clarify which invoices you need documentation for. The amounts should be sufficient. Or perhaps just attach the statement your speaking of.”

30 On 8 February 2016 the TCO sought clarification:

“The statement to which I refer was the detailed one go via provided in the course of the dispute for travel in July 2015.

Could you also advise if the \$59.89 was credited to your other account.”

31 Ms SH responded, together with three screenshots:

“Yes sorry the one that goes from 16 July to 15 august.

Invoice charges
\$ 41.67
\$85.09
\$65.82

I have made payment for these also. The payment of \$41.67 was a card charge so I can only show a screen shot from my transition history. The others have been done via BPAY.

I can confirm that we don't have two go via accounts, only the one. Both number plates for both vehicles have tags that are registered against my account with go via.”

32 Ms SH's response was forwarded to go via for comment on 19 February 2016. On 26 February 2016 go via responded to the TCO as follows:

“I confirm payments as follows:

\$85.09 for Toll Invoice [***353] received 15 September 2015 via BPAY under prepaid account [60***01] – [Ms SH].

\$41.67 for Toll Invoice [***339] received 27 July 2015 via the Self Service Portal with a Credit/Debit Card under prepaid account [60***01] – Ms SH.

\$65.82 for Toll Invoice [***532] received 15 September 2015 via BPAY under **go via** generated account [63***01] – (Mr X).

I confirm we currently have one prepaid account under [Ms SH], we also have a go via generated account under (Mr X). As he is name as the registered owner for vehicle [0***L] (QLD), notices have been reissued under this account.”

- 33** On 28 February 2016 go via’s response was forwarded to Ms SH for her information, to which she responded:

“Seriously. I know this already. These are the charges we are disputing as i already made the payments on MY account they are trying to recollect the payment from [Mr X] FOR THE SAME TRIPS . I owe govia nothing. [Mr X] and I are the joined registered owners of the car. Are you not reading the emails ?

Trips were made and charged to my govia account with an invoice.

I paid them in my name with the invoice number as the reference.

I called them again to ensire payment for those trips. Which were confirmed.

They sent the same toll to (Mr X) and have given us more fees and charges UNDER (MrX). They have reissued the same toll although it was PAID.

This is what we have bewn disputing from the very beginning. Please read the emails.

We have made more than enough of reasonable steps to confirm payment to which govia have been”

Discussion

- 34** 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.
- 35** 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.
- 36** 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 rights.

- 37** I am satisfied that the parties have had the opportunity to resolve this matter and it would not benefit from further mediation. I am satisfied that all relevant information has been provided to me including details of toll invoices and demands.
- 38** The primary issue in this complaint relates to the payment of \$59.89 by Ms SH for toll invoice [***799] on 27 July 2015. The toll invoice was due and payable on 10 July 2015 and accordingly was made well outside of the terms required for payment under her account with go via. It goes without saying that this complaint would not be before the TCO for decision if the invoice had been paid on time.
- 39** A copy of the toll invoice has been provided by go via to both Ms SH and to me. It clearly recites that if the total amount of \$59.89 was not paid by the due date of 10 July 2015 the amount payable, including administration fees and GST, would then be \$497.73.
- 40** Ms SH should have paid the amount of \$497.73 against the invoice and she would have been aware of this from the details provided on the toll invoice. I am satisfied that if Ms SH had quoted the invoice number when she contacted go via she would have been required to pay the amount of \$497.73 as that was the amount owing at the time.
- 41** As the payment had not been made within the required time, the invoice had been written off as against Ms SH and invoices regenerated against the registered owner of the vehicle, her boyfriend Mr X. The amount paid by Ms SH was credited against another toll invoice due on her go via account.
- 42** Following the regeneration of the toll invoices, toll demands were sent to Mr X but were not paid. Ms SH states that they were not paid because she believed that she had paid them on 27 July 2015. This was, however, not the case.
- 43** Ms SH states that she had conversations with go via about the tolls, although go via states that its operators would not have discussed the tolls that were in Mr X's name. Ms SH states that she has made payments to go via and has provided evidence of some payments. She has not provided evidence of payment of the \$497.73 owing after 10 July 2015 or the total amount owing by Mr X.
- 44** I note that go via had offered to waive the amount owing under five toll demand notices, which I believe was fair, in order to resolve the matter, but Ms SH did not accept this offer.

Determination

- 45** I am satisfied that Ms SH did not pay the toll invoice of \$59.89 that was due and payable on 10 July 2015 on or before that date. I am further satisfied that she did not pay the \$497.73 that was then payable on 27 July 2015. This failure led to the regeneration of outstanding tolls in Mr X's name, which have also not been paid.
- 46** I do not uphold Ms SH's complaint. I reaffirm that she is not bound by my decision and that she can seek legal or any other redress in respect to her complaint in any other forum

Michael Arnold
Tolling Customer Ombudsman

Dated: 4 April 2016