

DECISION

Background

- 1 The complainant, Ms JR, first made a complaint to CityLink, copied to the Tolling Customer Ombudsman (TCO), on 11 April 2014, as follows:¹

“I am writing to you with regard to ongoing problems with City link

In August 2013 I requested any accounts with Citylink be closed due to no longer requiring the account, on this call I also requested to clear any outstanding accounts, invoices or debt owing under my name and registration.
Payment was then made to clear the TOTAL of which I was advised.

Upon contact with city link we were advised there was now an additional amount owing of between \$30 to \$40 dollars which was a tag fee, I explained the the supervisor that we still had the tag and we would send this back and he would send us an envelope.

No envelope was received and subsequently this slipped my mind, we still have the tag.

The supervisor I spoke to assured me this was the last of anything owing.

Close to six months later I received a collections notice from Dun and Bradstreet relating to a \$250.00 debt.

We then contracted City link again.

After escalation we were passed on to [W] a member of City link’s customer relations department.

Through [W] I requested a copy of any call transcripts or recordings as I had asked numerous times to clear all debt under my name and registration. This was declined as I was informed the company does not hold this information for more than three months.

I was then advised there was no record of my payments or notes left across the account, after

Which time I provided [W] with an email copy of my bank statements out lining my payments, and other relevant information.

After 2 week wait City links final response was that this was for another account, which remained open after my requests to have everything closed.

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

The eventual outcome was that I would just have to pay this amount to settle the debt and hope that it hadn't marked my credit.

It is incredulous that CityLink has received payment but cannot confirm this. Furthermore, Had I been advised when I requested to pay everything outstanding Of this debt I would have been able to address the situation at the prior to it progressing to this stage.

Now I am seeking help from prior to taking my complaint to the ombudsman as I believe all reasonable effort was made by myself to clear my debt with Citylink."

- 2 The TCO acknowledged receipt of the complaint, copied to CityLink, in the following terms:

"Your correspondence addressed to resolve@transurban.com, copied to the office of the Tolling Customer Ombudsman (TCO), is acknowledged.

The TCO is appointed as an independent person to assist in the resolution of complaints between AirportlinkM7™, CityLink®, EastLink®, Go Via®, Hills M2™, Lane Cove Motorway, Roam®, and Roam Express® tolling businesses and its customers.

The primary aim of the TCO scheme is to have your complaint resolved by the relevant toll road operator. Therefore, if your complaint is not resolved by Customer Resolutions team at CityLink you may bring your complaint to the TCO."

- 3 On 14 April 2014 CityLink notified the TCO that it had previously responded to Ms JR's complaint. However, Ms JR had expressed a desire to have her complaint reviewed by the TCO. CityLink's email response to Ms JR dated 26 March 2014 is quoted below:

"Thank you for your recent enquiry.

Following on from our phone call this morning, please see details below.

Late Toll Invoices:

(please note, I am unable to provide you with the travel dates the Late Toll Invoices relate to as they were not issued in your name)

- On the 31st July 2013, the following Late Toll Invoices for vehicle [Y***5] (VIC) were paid via the CityLink Call Centre:

Late Toll Invoice	Amount
[***869]	\$48.84
[***369]	\$26.52
[***946]	\$35.65
[***751]	\$48.84
[***283]	\$48.84

Total payment of \$208.69 paid via Credit Card. Receipt Number: [***134]

- On the 7th August 2013, the following Late Toll Invoices for vehicle [Y***5] (VIC) were paid via the CityLink Call Centre:

Late Toll Invoice	Amount
[***284]	\$49.11
[***345]	\$62.58
[***010]	\$42.80
[***416]	\$37.37
[***774]	\$29.67
[***607]	\$35.89
[***489]	\$19.99

Total payment of \$277.41 paid via Credit Card. Receipt Number: [***657]

CityLink Accounts:

CityLink Account [***702]:

- On the 27th May 2013, CityLink Access Account [***702] was opened via the CityLink Website. At this time, the \$5.50 Account start-up fee was paid via Credit Card (Receipt Number: [***664])
- On the 2nd June 2013, CityLink attempted to process an automatic payment of \$14.69 via the Credit Card attached to the Account, however the payment declined.
- On the 3rd June 2013, an Account alert was issued via email to [email address 1] to advise of the above
- On the 7th June 2013, an Account Suspension letter was issued via post to [residential address 1]
- On the 12th June 2013, the Account was suspended

The Account currently remains suspended with an outstanding balance of \$202.90. This amount relates to travel on CityLink with vehicle [Y***5] (VIC) between the 28th May 2013 – 12th June 2013. CityLink records confirm no payment has been made to this Account apart from the \$5.50 Account start-up fee.

CityLink Account [***284]:

- On the 24th June 2013, CityLink Everyday Account [***284] was opened via the CityLink website. At this time, the \$50.00 Account opening payment was paid via Credit Card (Receipt Number: [***131]) and your Account was activated with \$50.00 credit.
- On the 2nd July 2013, a Low Balance alert was issued via email to [email address 2] as the Account balance had fallen below \$15.00 credit and your e-tag device was signalled to emit 3 beeps indicating a low balance
- On the 7th July 2013, an Account Suspension letter was issued via post to [residential address 2] and your e-tag device was signalled to emit 4 beeps indicating a suspended account
- On the 12th July 2013, the Account was suspended

The Account currently remains suspended with an outstanding balance of \$28.95. CityLink records confirm no payment has been made to this Account apart from the \$50.00 Account opening payment.

I acknowledge you do not wish to settle both outstanding as you do not believe you were sufficiently advised of these. I note CityLink have taken reasonable steps to advise of your Account suspensions and outstanding amounts via email and postal correspondence, as well as e-TAG beeps when referring to CityLink Account [***284].

As the debts relate to unpaid travel on CityLink, I kindly request these be paid to CityLink as soon as possible.

Failure to settle the outstanding amounts may result in your details being forwarded to a credit reporting agency which may affect your credit rating.

Per our phone conversation, I acknowledge you wish to pursue a dispute regarding these debts with Mr. Michael Arnold, the Tolling Customer Ombudsman. His details are as follows:

[TCO contact details]

You can obtain further details online at www.tollingombudsman.com.au.

I would suggest forwarding your dispute to the Ombudsman as soon as possible to prevent further action being taken upon the debts.”

- 4 The TCO promptly forwarded the above email to Ms JR, seeking comment on same.
- 5 On 23 April 2014 Ms JR provided the following comments:

“My response to the email sent through from CityLink is as follows;

As previously stated prior to receiving the overview from CityLink on the 26th of March.

It has been advised to you the upon contact with CityLink multiple times throughout the end of 2013

I have requested any accounts under my name be closed and finalised and I wished to pay not only the balance remaining from those accounts but whatever was remaining outstanding under my name and license plate.

It is not the notifications sent to me that I am disputing.

I understand that CityLink have attempted to contact me using old information as would be found in the Vic roads data base, I have since moved from the address in [location M] and my contact number also changed.

However in assuming that my accounts were closed like I requested I see no legitimate reason why myself or any person in this situation would need to contact the company individually to update that information.

I also note that I was told by CityLink when I initially closed the account that if at anytime I travelled without an active account Vic roads would be contacted to supply CityLink my current details for a late toll invoice to be issued.

The fact of the matter remains that I have called both before and after any of the notices were issued and assured the balance I was paying would clear any debt owing.

I find it unjust that I am being punished because I have taken the information provided to me by customer service operators and supervisors employed by CityLink to be correct.

Evidently had I been advised on those calls to CityLink that there were further amounts payable I would have cleared the debt before it reached this point.

I still request copies of either the call recordings or transcripts both of which I am legally entitled.

Information drawn from the calls would be of considerable importance in proving as a customer of CityLink I was misguided.

I also require written confirmation that my accounts are now closed.”

6 TCO email dated 24 April 2014 to CityLink, copied to Ms JR:

“For information and further response pending my making a written decision.”

7 On 28 April 2014 CityLink provided the TCO with the following response:

“Thank you for forwarding the concerns of [Ms JR] for response.

Per my email to [Ms JR] on the 26th March 2014, I am satisfied CityLink provided sufficient advice to [Ms JR] in via post and email regarding amounts outstanding to CityLink on both Accounts.

In regards to [Ms JR’s] request for call recordings, while CityLink may record phone conversations for coaching and quality purposes, these recordings are not kept. As such, the requested call recordings are not available.

I would suggest [Ms JR] pay the amounts outstanding to CityLink as soon as possible to prevent further debt collection action. Neither CityLink Access Account [***702] and Everyday Account [***284] are closed – these will not be closed until amounts outstanding are paid.”

8 On 30 April 2014 the TCO informed Ms JR:

“I am preparing my decision in respect to your complaint. It would be of assistance if you could provide me with a direct response to CityLink’s information about amounts paid and amounts outstanding. CityLink has provided information that according to its records indicates monies were paid for travel invoiced in another persons name in respect to vehicle [Y***5]. It would assist if you provided me with your details of when and how much was paid by you and in respect of what travel.”

9 On 23 May 2014 Ms JR responded:

“Thank you so much for your email. I do apologise for the delay in my reply.

In regards to the payments that have been made for the travels on vehicle [***5], I do agree with Citylink in regards to what payments have been made.

I made contact with Citylink multiple times in regards to the total outstanding under the vehicle [Y***5]. Every time that I spoke with a different consultant, they all advised me that the balance for the vehicle [Y***5], was nil. Therefore, I have not made further payment, as I was not aware there was payment to be made, to only receive a debt collections notice regarding the amount."

Decision

- 10 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.
- 11 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.
- 12 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.
- 13 This is a dispute in respect of unpaid toll fees and related charges that Ms JR incurred in respect of travel by vehicle [Y***5] on CityLink's toll roads between May and June 2013 and June and July 2013 in respect of Access Account [***702] and Everyday Account [***284]. The total amount owing appears to be \$231.85.
- 14 Ms JR argues that she had rung CityLink in August 2013 requesting that her accounts with CityLink be closed and to be advised how much was required to clear her accounts. Amounts of \$208.69 and \$277.41 had been paid on 31 July 2013 and 7 August 2013 respectively for travel on CityLink's toll roads by vehicle [Y***5]. CityLink's records indicate that this was for travel invoiced to a person other than Ms JR.
- 15 I am satisfied that there are no recorded conversations in existence because such calls are not kept for more than three months. CityLink has, however, provided details of vehicle [Y***5] and Ms JR's transaction history between May/June and June/July 2013. I am satisfied that Ms JR has paid a total of \$277.41 but that has not covered the tolls and fees incurred by [Y***5] for all the travel on the toll road.
- 16 I am satisfied that vehicle [Y***5] incurred the tolls and fees as outlined by CityLink and that Ms JR is responsible for the tolls incurred. However, I accept that there

might have been a shortfall in the service provided by CityLink when contacted by Ms JR in relation to the amount of the fees outstanding.

- 17 In these circumstances I recommend that CityLink accept \$200 in full settlement of the monies due by Ms JR provided this amount is paid directly to CityLink Customer Resolutions within 30 days of this Decision. The full amount otherwise remains outstanding.

Michael Arnold
Tolling Customer Ombudsman

Dated: 10 June 2014