

## DECISION

### Background

- 1 The complainant, Mr E, has initially lodged a complaint with the Victorian Government Ombudsman on or before 1 December 2011. This followed responses he had received from CityLink in respect of complaints about their service, centering on a problem with his expired credit card.
- 2 I have annexed to this document the documentation that has been provided to me during the course of this complaint.
- 3 Mr E first made a complaint to the Tolling Customer Ombudsman (TCO) on 11 January 2012, as follows:<sup>1</sup>

**“Q3. Summarise in one or two sentences what action, decision or conduct you are complaining about.**

*Poor Administrative processes creating unnecessary disputes, delayed resolve and a refusal to engage in resolve at great cost to a paying customer. Some events which also indicate an abuse of privacy.*

**Q4. Please give details of your complaint:**

*Initially, when dealing with this body, payment options were unusually limited and encouraged higher expenditures than necessary. Sure enough, the payment system I utilised ran into some difficulties in 2007. My credit card expired and a direct debit fell through. I was alerted by the e-tag. I made several attempts to resolve the situation immediately. These attempts were overruled by misleading information. Consequentially, I was applied a number of fines and late tolls which snowballed my time and reputation in attached administrative processes with other civil bodies. Attempts to resolve this issue with Citilink and other bodies were met with more delays, misdirections and even denial of events at times. Psychological pressure was utilised in a manner to suggest that the customer was largely at fault when in actual fact, customer accepted responsibility and further took action to rectify the situation within extremely reasonable time frames. More recent incidents again included misdirection by staff when customer attempted to avoid any further tolling issues in October of 2011. I took no chances following this call and*

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

avoided toll use period. On one day, I had problems with my vehicle and needed to pass a tollpoint to avoid the prospect of further damaging the vehicle. Again I was forced into dispute, I was informed that my account displayed a number of tolls which I did not incur. This led to a lengthy call which encouraged me to engage in a dispute which I was no part of. Also, I was not provided with an opportunity to even purchase a pass. The staff member argued with me incessantly, whilst in a pincer movement, I was approached by Citilink road staff and concurrently yelled at to move my vehicle. I was successfully able to communicate my position to both members, however, they continued with this behaviour until I was forced to utilise a toll point. I was unable to purchase a toll later due to phone company disputes and reasons of homelessness and I did inform phone staff, several times, that issues with my phone would impact on the time to resolve problem. More recently in late November, I purchased a daypass, purely because the problems on my account were so extensive, that the most sensible option was to utilise this higher payment structure. I asked a staff member to provide the date of travel as I was able to provide the amount of days and the day...and was provided with the wrong date. This again incurred a late toll. I contacted them again to highlight problems with my account and received a message several days later suggesting that this latest problem may be resolved, as long as I contact them.

**Q5. If you have not attempted to resolve your complaint before contacting this office, the Ombudsman may ask that you do so before accepting your complaint. Have you already complained about this to the agency?**

Yes

**Q5a. When? (if yes)**

Sep / 2007

**Q6. What result are you seeking?**

Firstly, I'd like to be able to use this service. I would like to be able to use this service in the manner available to most people. The process cost me a significant amount of time, money and a great deal of distress. The flow on effects of dealing with the relevant bodies have led to seizure of property and a long threat of incarceration. This is ridiculous considering it was the result of an expired credit card. This situation has acted as a large catalyst, amongst other reasons, in a period of psychological damage, reputational damage, homelessness and financial hardship. I would like specialist assistance in mental health, assistance with flow on process difficulties, indemnities against defamation and some financial assistance. These are realistic outcomes given my personal situation. I understand they are not appropriate for everybody, but not everybody has experienced the hardships I have gone through. I ask for an indication of the realistic outcomes your body can achieve because I need to plan my follow up and have already lost considerable time.

**Q7. Will you send relevant supporting documents by mail?**

Yes”

- 4 The TCO acknowledged receipt of the complaint on 11 January 2012 and forwarded the documentation to CityLink for response.
- 5 CityLink responded to the TCO on 25 January 2012 in the following terms:

*“Thank you for your recent enquiry regarding the concerns raised by [Mr E].*

*We are pleased to confirm the details of our previous dealings with [Mr E].*

- *28 July 2005 – CityLink Account [\*\*\*\*\*814] was opened.*
- *20 July 2007 to 4 October 2007 – Vehicle Registration ([\*\*\*326]) in CityLink Account [\*\*\*\*\*814] was suspended.*
- *19 March 2008 – [Mr E] contacted us and advised about 12 months ago he called to change his address and at the same time he changed over his vehicle details. However we did not have any record of the change of vehicle. He further advised he called on 2 October 2007 when his e-TAG was beeping three times. He was then advised that he just needed to make a payment for the outstanding amount on the Account and confirm his new credit card details for auto payment which he did. He also claimed to have inquired at that time if there were any outstanding Late Toll invoices or Infringement Notices but was advised there was nothing and everything would be okay once the payment was made and his account was reactivated.*
- *23 March 2008 – Vehicle [\*\*\*972] was registered to CityLink Account [\*\*\*\*\*814].*
- *31 March 2008 – [Mr E] called again. He referred to his call on 19 March 2008 and advised that he had registered vehicle [\*\*\*972] VIC to his Account. He was advised we did not have any record of this. He also advised that he did not receive the Late Toll invoices and any correspondence from CityLink. He was advised to contact Civic Compliance Victoria with regards to the receipt of the Infringement Notices.*
- *29 May 2008 to 3 June 2008 – Vehicle [\*\*\*972] in CityLink Account [\*\*\*\*\*814] was suspended.*
- *14 April 2010 – [Mr E] contacted us again with the receipt of a number of Infringement Notices for his vehicle [\*\*\*972] for travel on CityLink from 31 May 2007 to 20 September 2007. A detailed letter was sent dated 15 April 2010 explaining the reasons for the receipt of the Infringement Notices. I have attached a copy of this letter for your record. [Attachment A]*
- *21 April 2010 – [Mr E] called back he advised he felt my letter dated 15 April 2010 should have mentioned the amount of payment he made on 2 October 2007 and what the balance was at the time this would perhaps give a better idea he tried to make payment towards the Late Toll invoices. I sent out another letter with the additional requested information. I have attached this letter for your record. [Attachment B]*

- 15 August 2011 – Customer called back yet again requesting to be provided with the notes from his CityLink account be sent to his email address. He had concerns about his account and that someone else was logging into the account online. He said he had problems with his account in the past and with the automatic payment system. I send him a letter dated 22 August 2011. Attached this letter for your record. [Attachment C]
- 9 October 2011 to date – Vehicle [\*\*\*972] in CityLink Account [\*\*\*\*\*814] has been suspended.
- 30 October 2011 – [Mr E] disputed a trip made on 19 October 2011. Even though this trip was an e-TAG device related trip, this trip was reversed as a gesture of goodwill. [Mr E] was advised of this on 2 November 2011.
- 26 November 2011 – We received an email from [Mr E] (attached for your record). [Attachment D] This was responded to verbally by [Name of CityLink representative] on 1 December 2011 and customer was happy with the outcome.
- 10 December 2011 – The CityLink Account number was been changed from [\*\*\*\*\*814] to [\*\*\*\*\*281].
- The current balance of the Account is \$1.11 debit and the status is suspended. Customer would need to make a minimum payment of \$41.11 to bring the balance to \$40 credit and then the vehicle Registration [\*\*\*972] would be reregistered.”

6 This information was forwarded by the TCO to Mr E for comment.

7 On 20 February 2012, Mr E emailed the TCO as follows:

*“These details are a confusing, re-assembled collection of details about the incidents which draw minor details from actual events and combines them things that never happened with wrong dates. It appears they have now gotten to the point where they are just making things up completely and it appears to me at this stage they are allowed to do it to a point where it beins to really screw saomeone's life without any consequence. Can you help with this? If you can't, please let me know as soon as possible.*

*Please don't give them any further time to change their story. At this stage I have no idea of how badly they have been able to create further problems in my life. I have been told my account is in negative when it should not be and I may well be receiving fines for this as we communicate. it's certainly happened in the past. I have never come across a more unethical organisation in my entire life. They are completely abusing every power they have to a fraudulent and deceptive level. I seriously can not believe this stuff is allowed to happen, it's a disgrace.*

8 On 21 February 2012 the TCO's office notified Mr E as follows:

*"Please advise if you wish to continue using toll roads. If you do it will be necessary to bring your account into credit to avoid any further problems. It would assist if you have a regular top up scheme.*

*In the meantime the TCO will look at your complaint further."*

9 Mr E responded to the TCO's office:

*"It's [Full name of Mr E], just so there is no feigned confusion in future or any suggestions that I am engaging in such confusing activities either.*

*I already mentioned that I wished to be able to have the option of using such a service as well as being able to use my account in the correct fashion. I don't accept the notion that this body will deny me service by creating complications for me.*

*Their system was lacking in development, I tried early to fix it, this action was not supported and a range of serious problems have arisen since. I refuse to be forced out of using the service, it's discriminatory because it isolates me for no specified reason and is available to everyone. I refuse to ignore the amount of hardship it has caused and I refuse to continue letting this body continue to create problems for me and invest such an effort into completely inventing stories to make me appear to be the root of the problem.*

*It was well publicised in terms of the difficulties this body had in implementing their policies. I would not even bother if I was not personally affected by their continued action. I am a customer, not a person who is here to fund the shortfall in the gaps between body 'classifications' with my finance, my time and my well being.*

*If I wished to do that on a personal level, that is my prerogative, but I will not lay down and continue to be ripped off. So many people do and if they are happy to neglect their rights, fine. However the only feedback I have is, pull your socks up. They refused, so now I want my stuff back.*

*They can invent any story they like, I'd be happy to highlight the distinctions between fiction and fact in court for even more substantial amounts that's how they would prefer it. Luckily, I have a tolling Ombudsman who can assist. Right?"*

10 The TCO's office apologised for addressing Mr E incorrectly in the email of 21 February 2012. The TCO noted Mr E's comments and requested that he be more specific in what he wanted the TCO to do at that stage.

11 On 24 February 2012, Mr E emailed the TCO's office as follows:

*"Perhaps I could get a copy of my original complaint. I thought I was specific in that document, but perhaps I was not.*

*The way I see it is, the backlog of red tape on this particular mishap forced me to spend time on unnecessary phone calls, the poor and misleading communication in subsequent documentation led to further delays in first having to discern the issue, spending time fighting what were termed us 'driving an unregistered vehicle in a toll zone'. It took a lot of back and forth between myself, civic compliance and the justice department and Citylink to even discern what the actual issue was, because I had previous communication with Citylink that led me to be believe the issue in question had already been dealt with. I would estimate a cost of around 86 hours in total. Some compensation that represents this would be of assistance.*

*It was also quite stressfull to deal with. Running around stressing about this and numerous other problems led to some problems with anxiety. Although I don't exclusively place responsibility on Citylink for this, it was undoubtedly a sizeable contributor.*

*I have found Citylink's response to be quite deflammatory. My experience has been that they simply respond to the problems that attempt to cast you as reponsible for their own processing shortcomings. In this process, it is you who is being blamed for things that are not your problem to deal with, and this has been done by attempting to paint of picture of me being a problematic client.*

*It's difficult to suggest ways in which I can be compensated by these actions, without having an idea of what outcomes are available. As an industry mediator of sorts, do you have any suggestions as to how this type of thing can be compnsated?*

12 On 8 March 2012, Mr E was provided with a copy of his original email complaint as requested. The TCO further said:

*"In view of the fact the complaint has not been resolved, I will now proceed with making a written Decision."*

13 Mr E responded on 8 March in the following terms:

*"Thanks for responding Arnold,*

*I see in the notes I forwarded I would be sending supporting documentation. It is 5 years worth of documentation, so please allow me some time to send it to you to assist in making your decision. It will consist of 15 inappropriate fines, with inappropriately classified penalty descriptions and some letters required by the Justice Department. It will also contain notes and references I*

*was provided by CityLink. As I mentioned, I have been suffering some Mental Health issues as a result of this and some other inappropriate civil concerns that have arisen so I can not guarantee a timeframe. It appears I have been severely debilitated by an overabundance of buruerocracy by bodies such as this which is of course providing them with a substantially unfair advantage in some of these disputes.*

*I apologise for any inconvenience this may cause in reaching an outcome.”*

14 The TCO responded on 9 March 2012:

*“Thank you for your email.*

*On receipt of the promised supporting documentation I will commence writing a formal decision.”*

15 Mr E replied by email on the same day:

*“If I make promises, I deliver.*

*Unfortunately, organisations have tended to interfere with such arrangements. So, I can't promise that and hence I didn't promise such a thing.*

*I'm sorry on behalf of however that became unclear.*

*I will do what I need to. But history shows bodies like these somehow have some say in the matter.*

*When I make a mess, I clean it up. Sometimes I don't, but I don't go and make a mess fir someone else.*

*I ask you to consider this when coming to a conclusion. In a way, it's almost like I am an unpaid Industrial cleaner.*

*It's not very Australian to hire people to work for you with no pay.”*

16 Mr E then provided a detailed summary of his complaints on 22 March 2012:

*“I'm sending through any additional information I come across.*

*My complaint has been so sustained, that I may need to clarrrify issues as I go.*

***PART A - Detailed***

- First serious problems occurred in 2007*
- Initial problem was that credit card had expired and was unable to draw needed funds for direct debit*
- I was not contacted, I became aware of a problem because of an unusual amount of beeps when travelling on CityLink*

- *I made numerous lengthy attempts by phone to contact Citylink.*
- *Eventually I got through and explained this problem to customer service. I asked repeatedly and was told several times, there are no fines and there are no problems with your account. In hindsight, this was misleading information. I was informed on much later contact, that these fines go through on a seperate system which does not effect what customer service can see on the accounts. This explanation is consistent with what I experienced.*
- *Unusual beeping continued, so again I contacted CityLink. This time, we were able to discern that it was an expired card creating the issue, however, this was somehow not discernable on initial contact. We restored the account by me paying for additional credit. Yet again, I was informed and told "There are **definatly** no fines associated with this account. Again, this was incorrect information.*
- *Some time later, in 2008, I received information in the form of penalty notices from Infringements court, that I had fines for **Driving Un-Registered Vehicle in Toll Zone**. Becasue I had previously been told there were no fines associated with the account, In order to object to the infringements, I went on a very time consuming and frustrating expedition to firstly, investigate how my vehicle had been labelled as **Un-registered** with CityLink. I knew they had my vehicle details and an account. Of course I could not find any information about this, because the fine title was quite misleading. So I took the initiative and began to gather information that supplied proof of an account and proof of vehicle registration. Then I began an application for objection on these grounds.*
- *After this two year long process of receiving fines, objecting, gathering information from citylink, contacting civic compliance, the Justice Department, Infringements courts, running around chasing vehicle registration papers, collecting stat decs etc, I had to arrive at the conclusion myself, that the problem was the credit card had expired and I was , in fact receiving penalties for this. Of course, I did not arrive at this conclusion for awhile, as I had been told numerous times this was not the issue and was receiving fines for an **un-registered** vehicle in a toll zone. For a lengthy list of reasons, that do not seem relevant for this situation, I was not receiving the Late Toll Invoices sent out by Citylink. These were sent to varied addresses, so they obviously had some of the information necessary to get them to me and I was actually recieving Infringement notices first. Why Citylinks correspondence was not reaching me on time is still unknown to me.*
- *I had received one Late Toll Invoice, which I rang about and was again told "we do not have any record of these late tolls".*
- *Once I worked out what the real issue was, I again had to set out on the process of objecting to the Infringements, which by now were warrants. I had to repeat the process mentioned earlier, with the personally clarified issue in mind. Whilst obtaining the necessary information requested by the Infringements Court from Citylink, I was subject to excessively lengthy delays in receiving information. I was supplied with the wrong information of who to contact, I was directed to incorrect departments, they would not*

*initially supply the information at all. As I persisted, I was told on some phonecalls that there were no notes with listed reference numbers. They were extremely guarded about the notes and references and were just generally quite defensive.*

- I became very stressed about the situation. I felt like nothing I did to rectify the problem was going to work in any way. These Infringements threatened seizure of property and possible imprisonment. I had never been in this position before and took it quite seriously. This was greatly effecting my budgeting at the time and made me much more conservative in approach as some \$6000 of fine were being demanded. I became CityLink was literally, gathering information from me and changing the story as they went. Let me be clear about this. I had calls with CityLink representatives who told me straight out, "we do not have record of the reference number you are supplying". Also, the notes provided to me about what the reference numbers were related to, were literally read out to be different on numerous occassions. And the worst part was, I had gone to great lengths to try and fix a problem which for 2-3 years, had not even been made clear to me. It took a substantial amount of my time cleaning this mess up, It was not my mess as I had done everything humanly possible to stop these issues from occurring. Like people don't have other issues in their life to stress about. This issue was withoput doubt, very debilitating in terms of stress and anxiety.*
- The relevant reference numbers for these initial important calls which I was able to gather were: [\*\*\*\*\*303], [\*\*\*\*\*502], [\*\*\*\*\*983]. Five years down the track, I have no clue as to what CityLink has in terms of information for these references, but the general gist is, I began requesting that customer service reps began taking notes quite simply because I was being told there was no problem, but my beeper was indicating different.*

*I am still, now, Five years down the track writing detailed information for relevant bodies to sort this problem out. CityLink is still creating problems for my account. I will not be refused service from this company because they want to paint me up to be someone I am not.*

*I hope this helps clarrify part of my end of experience.*

*Thre's a little more to come."*

**17** The TCO responded on 23 March 2012:

*"I acknowledge receipt of your email providing additional information. This will be placed on your file in readiness for the TCO's written Decision."*

18 The TCO emailed Mr E on 2 May 2012 in the following terms:

*"I refer to your detailed email of 22 March 2012 and the TCO's response of 23 March. Please advise if you intend providing any further material for the TCO's consideration."*

19 Mr E responded on 2 May 2012 as follows:

*"I do wish to, but as I have explained my anxiety, personal circumstance and abilities have been negatively afflicted for me to be able to deal with this competently. This in conjunction with subsequent bureaucratic time consumption has left me only partially able. In time, I would do normally and comply with your questions."*

*Apologies."*

20 The TCO is satisfied that it is appropriate to make a Determination in these circumstances.

### **Reasons for Decision**

21 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.

22 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 legislation such as the Melbourne CityLink Act 1995 can be accessed through Government websites.

23 The TCO is not a judicial body and does not have punitive powers. When making a decision it 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. I only have jurisdiction over the conduct of CityLink and cannot determine matters in relation to allegations against Civic Compliance Victoria or other outside bodies.

24 Mr E opened an account with CityLink on 28 July 2005 for vehicle [\*\*\*326]. Mr E experienced difficulties with the payment of his tolling account in 2007 when his credit card expired and his direct debit was not facilitated. As a consequence, his account was suspended from 20 July 2007 to 4 October 2007.

25 He reactivated his account in October 2007 and provided new credit card details for his automatic debit facility.

- 26** According to CityLink records, Mr E contacted it on 19 March 2008 and advised that he had made contact 12 months previously to inform CityLink of his change of address and vehicle ownership. CityLink did not have any record of the change of his vehicle details. Mr E claimed that at the time there were no Late Toll invoices or Infringement Notices outstanding.
- 27** On 23 March 2008 Mr E's vehicle [\*\*\*972] was registered to his account. His account in respect of [\*\*\*972] was suspended from 29 May 2008 to 3 June 2008.
- 28** Mr E subsequently contacted CityLink on 14 April 2010 in respect of a number of Infringement Notices for the use of vehicle [\*\*\*972] on CityLink between 1 May 2007 and 29 September 2007. Correspondence then followed between Mr E and CityLink from 21 April 2010.
- 29** According to CityLink records, Mr E called it on 15 August 2011 requesting to be provided with notes from his CityLink account to his email address as he had concerns with his account. CityLink responded to him on 22 August 2011.
- 30** Mr E's account was suspended on 9 October 2011. He later disputed a trip made on 19 October 2011 whilst the account was suspended and this was waived by CityLink on 2 November 2011.
- 31** Mr E sent an email to CityLink on 26 November 2011. CityLink believed that the issues raised were resolved to the satisfaction of Mr E following a conversation between a CityLink representative and him on 1 December 2011. Mr E's CityLink account was changed to a different number on 10 December 2011.
- 32** As at 25 January 2012, Mr E's account was suspended. His current balance was \$1.11 debit and he needed to make a payment of \$41.11 to have the account reinstated for vehicle [\*\*\*972].
- 33** According to Mr E, he has been put in a position by the conduct of CityLink, Civic Compliance Victoria and others and was facing \$6,000 in fines. He argues that this had placed him under a great deal of stress. He says that just because of a problem with an expired credit card there had been seizure of his property and threats of incarceration.
- 34** Mr E responded to a question from the TCO as to what result he was seeking:

*"Firstly, I'd like to be able to use this service. I would like to be able to use this service in the manner available to most people. The process cost me a significant amount of time, money and a great deal of distress. The flow on effects of dealing with the relevant bodies have led to seizure of property and a long threat of incarceration. This is ridiculous considering it was the result of an expired credit card. This situation has acted as a large catalyst, amongst other reasons, in a period of psychological damage, reputational damage, homelessness and financial hardship. I would like specialist assistance in mental health, assistance with flow on process difficulties, indemnities against*

*defamation and some financial assistance. These are realistic outcomes given my personal situation. I understand they are not appropriate for everybody, but not everybody has experienced the hardships I have gone through. I ask for an indication of the realistic outcomes your body can achieve because I need to plan my follow up and have already lost considerable time.”*

- 35** Mr E is seeking relief which I cannot provide, despite the fact that I am most sympathetic to his situation. He does appear to have had difficulties with understanding and managing his account for his travel on the toll roads. His difficulties appear to have been compounded by the changing of his addresses during the period between 2007 and 2012, his failure to keep his account in good order and difficulties of communication with CityLink.
- 36** It would be of further assistance if there were recordings of the conversations that took place and consideration should be given to implementing this system as it would assist in clarifying factual issues in disputes such as this.
- 37** I am satisfied, however, that CityLink and its representatives acted in accordance with the terms of its Customer Service Agreement with Mr E. There appears to have been a number of conversations with him over the years in respect of the management of his account in which assistance has been provided. Following these conversations, he reinstated his account and then allowed it to fall into debit.
- 38** I am not satisfied that Mr E is entitled to any compensation from CityLink in respect of the management of his account but assistance should be given in the future in recognition of his difficulties.

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

**Dated: 29 May 2012**

Your Reference Number: [\*\*\*]

## ATTACHMENT A

15 April 2010

[Name and address]

Dear [Mr E]

### **Infringement Notices for [\*\*\*972]**

Thank you for your recent enquiry, we appreciate you taking the time to advise us of your concerns.

We understand you are in the process of disputing Infringement Notices for [\*\*\*972] with Victoria Police and request details from your CityLink Account.

We would like to confirm vehicle [\*\*\*972] was registered to your CityLink Account [\*\*\*\*\*814] on 20 March 2008. You contacted us on the following dates with the receipt of Infringement Notices for [\*\*\*972].

**19 March 2008** – You advised you contacted us about 12 months ago to change your address and at the same time you changed over your vehicle registration. Unfortunately we did not have any record of this. You also advised you called us on 02 October 2007 when your e-TAG device was beeping three times. You were then advised that you just needed to make a payment for the outstanding amount on the Account and confirm your new credit card details for auto payment which you then did. You further claimed to have inquired at that time if you had any outstanding Late Toll invoice or Infringement Notices but were advised that there were none and everything would be okay once the payment was made and your Account was reactivated.

My investigations today confirm you contacted us on 2 October 2007 and your credit card details were changed. However there is no record of you asking if there were any outstanding Late Toll invoices. I am further able to advise on 2 October 2007 the Late Toll invoices below had not progressed to Infringement Notices.

**31 March 2008** – You called again and referred back to your call of 18 March 2008. You again advised [\*\*\*972] (VIC) should have been registered to your CityLink Account 12 months ago. You further advised you had made a change of address around the same time. Therefore you did not receive the Late Toll invoices or any correspondence from CityLink regarding the Suspension of your CityLink Account. . At the time it was confirmed your CityLink Account had been active from 04 October 2007. You were requested to contact Civic Compliance Victoria with regards to the receipt of the Infringement Notices as CityLink was unable to assist.

My investigations further confirm the following:

The vehicle in your CityLink Account during the following period:

30 July 2007 to 4 October 2007

29 May 2008 to 3 June 2008

The following Late Toll invoice and Final Notices for [\*\*\*972] were issued to you at the above address:

[Number] for travel on 31 May 2007

[Number] for travel on 10 June 2007

[Number] for travel on 19 June 2007

[Number] for travel on 6, 7, 8 August 2007

[Number] for travel on 13 August 2007

[Number] for travel on 18, 20 August 2007

[Number] for travel on 27 August 2007

[Number] for travel on 5 September 2007

[Number] for travel on 12 September 2007

[Number] for travel on 15 September 2007

[Number] for travel on 19, 20 September 2007

As we did not receive a dispute or payment prior to the due dates of the Final Notices the images of the vehicle was sent to Victoria Police and the owner of the vehicle may have been issued with Infringement Notices.

Following the introduction of the Infringements Act 2006, CityLink is not able to respond to Infringement Notice disputes directly. Should you wish to dispute the issue of the Infringement Notices you must submit a written application for an Internal Review direct to Civic Compliance Victoria, PO Box 1916, Melbourne, Vic, 3001; alternatively you may also contact them by telephone on (03) 9200 8111 with any queries or additional information.

**You may attach a copy of this letter with your application.**

Thank you for the opportunity to respond to your concerns. Should you wish to discuss this issue further, please contact me on [telephone number].

Yours sincerely

[Name]

Resolution Adviser

Customer Resolutions

Your Reference Number: [\*\*\*]

## ATTACHMENT B

21 April 2010

[Name and address]

Dear [Mr E]

### **Infringement Notices for [\*\*\*972]**

Thank you for your recent enquiry, we appreciate you taking the time to advise us of your concerns.

We understand you are in the process of disputing Infringement Notices for [\*\*\*972] with Victoria Police and request details from your CityLink Account.

We would like to confirm vehicle [\*\*\*972] was registered to your CityLink Account [\*\*\*\*\*814] on 20 March 2008. You contacted us on the following dates with the receipt of Infringement Notices for [\*\*\*972].

**19 March 2008** – You advised you contacted us about 12 months ago to change your address and at the same time you changed over your vehicle registration. Unfortunately we did not have any record of this. You also advised you called us on 02 October 2007 when your e-TAG device was beeping three times. You were then advised that you just needed to make a payment for the outstanding amount and confirm your new credit card details for auto payment which you then did. You further claimed you inquired at if you had any outstanding Late Toll invoice or Infringement Notices. You were advised that there were none and everything would be okay once the payment was made and your Account was reactivated.

My investigations today confirm you contacted us on 2 October 2007 and changed your credit card details. However there is no record of you asking if there were any outstanding Late Toll invoices. I am further able to advise on 2 October 2007 the Late Toll invoices below had not progressed to Infringement Notices. However it is the customer's responsibility to advise us of any Late Toll invoices they may have received. My records also confirm a BPay payment of \$260.17 was made which bought the balance of the Account to \$25 credit.

**31 March 2008** – You called again and referred back to your call of 18 March 2008. You again advised [\*\*\*972] (VIC) should have been registered to your CityLink Account 12 months ago. You further advised you had made a change of address around the same time. Therefore you did not receive the Late Toll invoices or any correspondence from CityLink regarding the Suspension of your CityLink Account. . At the time it was confirmed

your CityLink Account had been active from 04 October 2007. You were requested to contact Civic Compliance Victoria with regards to the receipt of the Infringement Notices as CityLink was unable to assist.

My investigations further confirm the following:

The vehicle in your CityLink Account was suspended during the following periods:

30 July 2007 to 4 October 2007

29 May 2008 to 3 June 2008

The following Late Toll invoice and Final Notices for [\*\*\*972] were issued to you at the above address:

[Number] for travel on 31 May 2007

[Number] for travel on 10 June 2007

[Number] for travel on 19 June 2007

[Number] for travel on 6, 7, 8 August 2007

[Number] for travel on 13 August 2007

[Number] for travel on 18, 20 August 2007

[Number] for travel on 27 August 2007

[Number] for travel on 5 September 2007

[Number] for travel on 12 September 2007

[Number] for travel on 15 September 2007

[Number] for travel on 19, 20 September 2007

As we did not receive a dispute or payment prior to the due dates of the Final Notices the images of the vehicle was sent to Victoria Police and the owner of the vehicle may have been issued with Infringement Notices.

Following the introduction of the Infringements Act 2006, CityLink is not able to respond to Infringement Notice disputes directly. Should you wish to dispute the issue of the Infringement Notices you must submit a written application for an Internal Review direct to Civic Compliance Victoria, PO Box 1916, Melbourne, Vic, 3001; alternatively you may also contact them by telephone on (03) 9200 8111 with any queries or additional information.

**You may attach a copy of this letter with your application.**

Thank you for the opportunity to respond to your concerns. Should you wish to discuss this issue further, please contact me on [telephone number].

Yours sincerely

[Name]

Resolution Adviser

Customer Resolutions

Your Reference Number: [\*\*\*]

## ATTACHMENT C

22 August 2011

[Name]

[Email address]

Dear [Mr E],

Thank you for your recent enquiry regarding the details from your CityLink Account [\*\*\*\*\*814].

As requested I am pleased to advise you contacted CityLink on the following occasions.

- 02 October 2007 – Credit card details changed.
- 19 March 2008 – Removed vehicle [\*\*\*326] and added [\*\*\*972]
- 03 June 2008 – You did not know your CityLink Account was suspended as you had changed your credit card details.
- 03 June 2008 – You made a credit card payment of \$39.36.
- 20 September 2009 – There was a credit card payment failure.
- 21 September 2009 – You made a credit card payment of \$25
- 29 September 2009 – You opted for a web based statement.
- 12 November 2009 – You made changed your credit card details. You rang in with regards to the credit card number on this account, you advised CityLink re-entered your details. Unfortunately at the time your phone kept cutting out, but you advised the previous operator took your bank account details to direct debit but your credit card was being debited instead.
- 14 April 2010 – You requested the reference numbers of his previous interactions and wanted a print out of the notes of the interactions.
- 27 June 2010 – You updated your CityLink Account and Payment details.
- 15 August 2011 – You called to enquire about your CityLink Account. You were advised the account balance as of 15 August 2011 was \$2.56 credit and was active. You were also advised that there were no outstanding Late Toll invoices and the only Registration on the account was [\*\*\*972]. You were further advised that if a payment was not made the account may go into a negative balance resulting in suspension, and possible Late Toll invoices. If no travel is made then there would not be any further deductions from the account.

Thank you again for your enquiry. Should you wish to discuss this matter further, please contact me on [telephone number].

Yours sincerely

[Name]

Resolution Adviser

Customer Resolutions

**ATTACHMENT D**

-----Original Message-----

From: [Name of Mr E and email address]  
Sent: Saturday, 26 November 2011 11:13 AM  
To: Resolve  
Subject: Stop this activity

Hi,

My name is [Full name of Mr E]. My Registration is [\*\*\*972]. I have had an account with Citilink for many years and have experienced problems the entire time that all seem to lack resolve at great expense to myself.

I have contacted Citilink before many times in relation to the various points of dispute and have been given the impression I have dealt with every department available for dispute.

The problems continued recently when I discontinued use of of charged toll points and again was hit with numerous and volumous charges that I did not incur. Whilst I was on the phone with one of your representitives, I attempted to purchase a pass to avoid further problems with my account and was forced into conflict by your companies inability to manage it's account and staff. The phonecall lasted an unreasonable amount of time and I was in no position to engage in a dispute that I had not willingly entered into and was not provided an opportunity to avoid further problems, ie. purchase a pass. Problems with my phone company and homelessness did not provide adequate means to follow through either... Which was not my responsibility in the first instance.

Recently, I have had to purchase a day pass. This was to avoid further problems with my account. This was for one toll point. Your companies actions are consequentially forcing me into higher payment structures and this is against the law.

If past experience is anything to go by, the consequences of the late tolls (which I did not incur) and the toll I attempted to buy a pass for, will probably lead to a confusing set of late tolls which will be very time consuming to manage.

YOU are responsible for the time it will take. YOU will fix any problems which are caused in relation to these matters. YOU will stop this activity immediately or YOU will deal with the consequences.

I wish to have my account attended to immediately. This is not a demand, this is an instruction to help resolve the issue. I do not currently have access to an account that works like other peoples accounts, in case you are unaware, this is discriminatory.

Thank You

[Name of Mr E]

Sent from my iPhone