

## DECISION

### Reason for Decision

- 1 Ms A lodged a complaint with the Tolling Customer Ombudsman (TCO) on 20 October 2010 in respect of toll charges which she believed she should not have to pay to the tolling operator Roam.
- 2 She said in particular:

*"I would like to lodge a complaint against Roam on Ref No: \*\*\*69.*

*On the 24th of May 2010, I registered for an e-toll pass which I accidentally entered the state of car registration as NSW rather than QLD. It was a rental car that was hired by work in which I picked up from Sydney. It was an overlook that the state of car registration is entered as NSW rather than QLD as you would have imagine how confusing it is since I picked the car up in Sydney.*

*The moment I realised that I got the state of car registration wrong, I endeavoured to fix it by calling Roam and RTA to fix it. RTA and Roam referred me back and forth to each other numerous time. After much attempt, I was told by RTA that the e-toll pass was fixed.*

*1/2 months later, I got toll notices for all the tolls that I passed throughout the e-toll pass time period from 24th till 27th of May 2010 with administration charge of \$10 per toll. This is absolutely unfair seeing that I did the right thing by registering for an e-toll pass and endeavoured to fix the problem albeit the inconvenience of going back and forth between RTA and Roam. You can only imagine how frustrated I am that I got the toll notices. I'm being penalised for a human error.*

*Since the toll notices, I've had to:*

- call Roam twice;*
- sent 2 letter of objection to Roam; and*
- numerous email correspondence to Roam.*

*and now to Ombudsman. I've spent way too much time being penalised for a simple human error.*

*I hope you can help me resolve this matter. I've attached the e-toll registration and the email communication with Roam customer resolution team.*

*On another note, before I left my previous employer, I called Roam to check for any outstanding toll notices that has not been billed as I would need to claim them from my previous employer. I explained to them that the e-toll pass was registered wrongly and told them to check for the e-toll pass registered under NSW and QLD. I was assured that I don't have any toll outstanding. I got the notices after I left the previous employer and now I've to pay for the toll from my own pocket. I don't think I should need to pay any of the administration charge nor the toll charges seeing that: 1, e-toll pass was a human error and 2, I called to check and explain the situation and was assured that I do not have any toll outstanding.*

*Please help me get out of this nightmare.”*

- 3 The complaint was acknowledged by the TCO on 22 October 2010 and forwarded to Roam for comment.
- 4 Roam responded on 3 November 2010 in detail, but in short said:

#### ***“Investigation***

*[Ms A] established a Visitor's e-PASS with RTA to cover travel in her rental vehicle \*\*\*\* QLD.*

*The vehicle nominated on the Visitor's e-PASS was \*\*\*\* NSW. The pass was valid from 24 May 2010 8am – 27 May 2010 6pm.*

*An account with the correct details, \*\*\*\* QLD was opened on the 28 May 2010 between 7am and 3pm, but the trips in question were made between 24th and 27th. This has resulted in Toll Notices being issued for travel on Westlink M7 with associated administration fees.*

#### ***Resolution***

*As the administration fee on the Toll Notice covers the cost of image processing, viewing vehicle registration plate images, storing images, costs relating to printing and issuing of Toll Notices, postage and general staff costs incurred when the toll charge cannot be applied to an e-TAG account or pass, Roam is not in a position to waive all administration fees. However, as a gesture of goodwill the following resolution was provided where one in three administration fees were waived with the remainder reduced from \$20 to \$10.”*

5 Roam said in summary:

*"[Ms A] has made what seems to be a small error in her attempt to cover her travel. However, as a result of this error, a cost has been incurred. Roam is willing to share with [Ms A] that cost, as a gesture of goodwill but is not in a position to bear the entire cost.*

*There do not appear to be any Customer Service issues required to be addressed by Roam Express."*

6 Roam's full response was forwarded to Ms A on 4 November 2010. The complainant responded on 9 November 2010 in the following terms:

*"Thanks for the email. I believe there's been miscommunication. The 'Investigation' section mentioned that correct pass was registered subsequently on the 28th of May 2010 to cover my 24th May 2010 - 27th May 2010 travel. That is a false statement. I did register a pass on the 28th of May 2010 but that was for 28th of May 2010 travel. That should not be in this investigation. I also registered a pass on the 24th of May 2010 - 27th of May 2010 for 24th - 27th May 2010 travel. However, I've mistakenly entered the state of car registered as NSW rather than QLD. As you can understand, I picked up the car from NSW hence it's rather confusing. I have also made all necessary attempts to correct the error in which I was told that it was fixed.*

*It is unfair that I'm being penalised for:*

- 1, I did register for a pass for travel period 24th May to 27th May 2010. Please see attached.*
- 2, I tried all avenues to rectify the error by calling RTA and M7 and I was told that the error was fixed.*
- 3, I'm being penalised for a simple human error despite me trying to do all the right thing.*

*As for the below Toll Notice, I've already paid. I've communicated to M7 multiple times. I should perhaps start charging them administration fee!*

<i>****031</i>	<i>[Reg No ***]</i>	<i>28/05/2010 12:42</i>	<i>\$6.77</i>
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*As for "Resolution",*

*As the administration fee on the Toll Notice covers the cost of image processing, viewing vehicle registration plate images, storing images, costs relating to printing and issuing of Toll Notices, postage and general staff costs incurred when the toll charge cannot be applied to an e-TAG account or pass, Roam is not in a position to waive all administration fees. However, as a*

*gesture of goodwill the following resolution was provided where one in three administration fees were waived with the remainder reduced from \$20 to \$10.*

*I just want to point out that this is a misleading statement. The administration fee on the toll notice that I received is \$10 for every trip. The statement of "remainder reduced from \$20 to \$10" is absolutely misleading. What is waived if the administration fee that I'm supposed to pay originally is \$10?*

*Anyway, I should not need to pay the administration fee at all seeing that I did all the right thing."*

- 7 This response was sent to Roam on 11 November 2010. Roam responded on 23 November 2010 in some detail and said in short:

*"[Ms A] has requested that I respond directly to you in relation to her dispute.*

*Firstly, [Ms A] has advised that two of the outstanding Toll Notices have been paid. On investigation, Roam's IT area advise me that the tolls have been charged to another Tolling Account. Therefore, these Toll Notices are considered paid and have been removed from the list of outstanding Toll Notices.*

*Secondly, [Ms A] disputes that the administration fees had escalated to \$20 and therefore my offer to reduce these fees as a gesture of goodwill from \$20 to \$10 was spurious. Had [Ms A] disputed the fees when they were at Level 1, she would only have been charged \$10. However, as you can see, these Toll Notices fees had escalated to Level 2 at the time of dispute. This makes my offer to reduce from \$20 to \$10 legitimate."*

- 8 After a detailed review of all the toll fees charged, it concluded:

*"Revised amount now due \$75.15.*

*I hope I have addressed [Ms A's] concerns adequately."*

- 9 A full copy of Roam's response was forwarded to Ms A on 25 November 2010, seeking her comments. She responded by providing a copy of an email sent to Roam on 23 November 2010:

*"In reply to the below, thanks for finally removing the 2 outstanding toll notices that I've paid a while ago.*

*Again, I do not agree to pay the administration fee as it is an honest human error and an epass was registered. Please advise how do I go from here.*

*On the reduction from \$20 to \$10 matter, I still do not agree. I responded to Roam within 7 days of receiving the notice. A letter lodging the objection was sent on the 16th of August 2010 for notices received on the 13th of August*

*2010 and another was sent on the 19th of August 2010 for notice received on the 17th of August 2010. Why is it escalated to level 2 seeing that I've responded within 7 days as stated on the toll notices? I just want to state this to make it clear as I've again done what I was supposed to do. This does not however indicate that I'm agreeing to pay the administration fee."*

**10** Roam responded on 15 December 2010 as follows:

*"As previously advised, these Toll Notices were issued on 17 June 2010 and again on 24 July 2010. Objections were not received until after 24 July 2010 when the Toll Notices were at Level 2.*

*However, Roam has reduced the administration fees from \$20 to \$10 and of the remainder waived administration fees on one in three. I believe under the circumstances of this case, this is a very generous gesture.*

*Payment remains outstanding."*

**11** This response was conveyed to Ms A on 16 December 2010:

*"I refer to previous correspondence in this matter and now provide below Roam's response to your email of 23 November 2010:*

*"As previously advised, these Toll Notices were issued on 17 June 2010 and again on 24 July 2010. Objections were not received until after 24 July 2010 when the Toll Notices were at Level 2.*

*However, Roam has reduced the administration fees from \$20 to \$10 and of the remainder waived administration fees on one in three. I believe under the circumstances of this case, this is a very generous gesture."*

**12** Ms A responded on 30 December 2010 and said, amongst other things:

*"I stand strong on what I've written on all my emails. This appeal has been going on for half a year and there's no indication that there will be a solution which is agreeable to all. I would like to take this to another level. Please advise. I really hope that I don't have to spend all my time writing emails for the next 3 months. It's really causing too much pain, time and costs."*

**13** I responded to Ms A on 11 January 2011 in the following terms:

*"The reference in my email of 16 December 2010 referred to Roam's email of 23 November (a copy is enclosed) which indicated the tolls incurred and the reduction made in the administration fees.*

*I believe that Roam has taken a reasonable approach in reducing its fees in this matter."*

- 14 Following an exchange of emails, Ms A has sought a detailed decision from the TCO.
- 15 I have read the entirety of the documentation provided by Ms A and Roam. I appreciate Ms A's argument that the toll administration charges were due to human error. The error being her mis-describing the registration number of a hire vehicle as \*\*\*\* NSW instead of \*\*\*\* QLD when applying for a Visitor's e-PASS to use toll roads on her trip to New South Wales. This caused her to incur fees in respect of travel on toll roads between 24 and 27 May 2010. According to Roam's records, the correct registration number was provided on 28 May 2010. There were no problems with the cost of travel on toll roads on that date.
- 16 After Ms A had lodged a complaint with Roam, Roam discussed with her its administration fees which had been incurred as a consequence of the complainant's error. Roam has detailed the basis on which the fees are costed. I am satisfied that the fees charged were reasonable in the circumstances and the complainant was at first instance liable for the fees.
- 17 I am satisfied that Ms A incurred these fees as a consequence of her error and not as a result of any fault of Roam. Roam was entitled to receive the fees and administration costs but has reduced them by half by way of concession.

### **Determination**

- 18 I am satisfied that Roam incurred the administration costs associated with Ms A's incorrect Visitor's e-PASS through no fault of its own. Ms A is liable to pay the fees and charges. I accordingly find that a reduction of these charges by 50%, leaving a balance owing of \$75.15, was reasonable in the circumstances.

**Michael Arnold**  
Tolling Customer Ombudsman

**Dated: 14 February 2011**