

## DECISION

### Background

- 1 The customer, Ms A, initially made a complaint to the Tolling Customer Ombudsman (TCO) on 22 June 2009, as follows: <sup>1</sup>

*“Could you please provide me with some guidance as I am very stressed about the situation I find myself in.*

*I have had my etag for approx 8 years (device number 05452065\*\*\*\*) and I now also use this on Eastlink.*

*I pay approx \$200 per month onto my etag or top up when it starts to do the usual top up beeping. In March of this year I received an infringement notice for driving in a toll zone when it is not registered in that area. I wrote a letter on the 13th March to Civic Compliance and also Citilink, Citilink never responded by Civic Compliance did on the 14th May 2009 which was 2 months after I wrote to them. They advised me that my account was suspended from 21/11/08 - 16/01/09 yet at no time had I been advised of this nor was my etag beeping to indicate there was a problem.*

*I had not received any notification until beginning of March when I received a collection of fines.*

*Since then I have made several calls to Citilink and have been advised that someone would contact and I am yet to have someone contact me.*

*I have received the following correspondence and yet still have no clarity around it nor a suspension notice.*

*My statement dated 13th April -12th May 2009*

*My statement dated 13th May - 12th June 2009 has 19 0.23 cent charges on it which I am still unable to get anyone to confirm what they are for?*

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

*I received a fine from Breeze on the 10th June stating that I owe them \$169.06 for not having an etag which I do, I have a Citilink one. (I have lodged an objection with Breeze but am yet to hear back from them)*

*11th June 2009 I receive a solicitors letter about a debt owed to Citilink for \$56.76 plus their \$45 charge on it, to date do not have an invoice or explanation for this amount*

*4th June 2009 receive a bill for \$21.73 billing me for a late toll invoice.*

*8th June I have a low balance alert saying it needs a top up.*

*10th June 2009 I have a final notice from Citilink to pay \$31.63 yet never received the first notice and have no explanation as to why I owe them this amount. None of the amounts are the same.*

*I have 4 fines for driving whilst my etag was supposedly suspended, yet I had no notification of that nor can I understand how I have all these different invoices and amounts owing all of a sudden.*

*Obligation Number:*

*091155007\**

*091155009\**

*091155008\**

*090868734\**

*I am very distressed about this as at present I keep getting all these invoices, solicitors letters and fines to pay something that I can't possibly see can be accurate when I have been a customer for at least 8 years, my etag it beeping as usual and I am paying approx \$200 most months even if I don't get the signal to say funds are low.*

*I am quite disappointed that [Name] from the Traffic Camera Office did not speak to me or ask for any further information but immediately agreed that Citilink were correct. I do not want to take this to the magistrates court as this would mean time off work which I can not afford. I feel I am being bullied into paying these fines and that Citilink do not have anyone to answer to. He states that I just need to pay the fine well that is all good and well but would he like to pay a fine that he does not feel is his, surely not.*

*Please assist me as I do not know what to do as Citilink has been no help and Civic Compliance just repeat that I was suspended off Citilink."*

- 2** The complaint was acknowledged by the TCO and referred to CityLink on 29 June 2009.

3 CityLink responded directly to Ms A on 2 July 2009 as follows:

*“Thank you for your recent enquiry addressed to the Tolling Customer Ombudsman. The Tolling Customer Ombudsman has forwarded your concerns to us and requested that we respond to you directly.*

*The Infringement Notices for [LPN] for travel on CityLink on 6, 28, 29 December 2008 and 3 January 2009 were issued because the vehicle was suspended from CityLink Account from 21 November 2008 to 16 January 2008.*

*A Suspension Warning letter was sent on 4 November 2008 requesting a payment of \$67.48. No payment was received. The vehicle was suspended and a letter confirming this was sent on 23 November 2008 requesting a payment of \$156.07. A payment of \$100 was made on 15 December 2008, however this was not enough to re-register the vehicle. A further payment of \$250 was made on 15 January 2009 when the vehicle was re-registered. The suspension letters were sent to you at the above address. I have attached copies of these letters for your record.*

*The following Late Toll invoices and Final Notices for [LPN] were sent to you at the above address. I have attached copies of these for your record.*

- **9008186155**\*for travel on 6 December 2008. This was issued on 22 December 2008 with a due date of 7 January 2009. As no payment was made a Final Notice was issued on 13 January 2009 with a due date of 29 January 2009.
- **9008367768**\*for travel on 28, 29 December 2008. This was issued on 15 January 2009 with a due date of 31 January 2009. As no payment was made a Final Notice was issued on 2 February 2009 with a due date of 22 February 2009.
- **9008367769**\*for travel on 3 January 2009. This was issued on 15 January 2009 with a due date of 31 January 2009. As no payment was made a Final Notice was issued on 2 February 2009 with a due date of 22 February 2009.

*As no payment or dispute was raised prior to the due date of the Final Notices the images of the vehicle were sent to Victoria Police and the owner of the vehicle may have been issue 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 Notice you must submit a written application for an Internal Review direct to Civic Compliance Victoria, PO Box 1916, Melbourne, Vic, 3001; alternatively you may contact them by telephone on (03) 9200 8111 with any queries or additional information.”*

- 4 No further correspondence was received by the TCO from Ms A in relation to CityLink's explanation.
- 5 By a subsequent letter (undated) received by the TCO on 15 September 2011, Ms A lodged a further complaint as follows:

*"Thank you in advance for taking the time to review my concerns, I don't have an issue paying for tolls I use what I do have a concern with is feeling that due to a lack of quality systems or products or a breakdown in the process that I should be heavily penalised financially.*

*There are several problems with my Citylink account which then includes some issues with Eastlink.*

1.

*I contacted you along with the member for [Name] 2008/2009 as I received an invoice from Eastlink for toll fees. I had an active Citylink account so contacted Eastlink to discuss. After many, many discussions I was advised it was a billing error at this point I no longer progressed with my complaint to you.*

*It is now almost 3 years later and the information that I collected through this matter including time/dates/and who I spoke to I no longer have, I kept for 12 months but never is my wildest dreams did I think I would get another invoice 3 years later.*

*In mid June 2011 I received a letter from Eastlink's collection agency for outstanding monies from 2008. I contacted them and was told to basically "pay up or they would send someone around to my house to discuss the collection options". They said I had ignored all the correspondence over the past 3 years. I asked for copies of that correspondence as I hadn't received any, I received copies of invoices (which I had never seen before) to date I have still not received any correspondence about outstanding monies.*

*I contacted Eastlink to explain the situation with little to no luck.*

*I do not believe I owe this money and do not think that after nearly 3 years Eastlink should be able to change their mind and decide that I do now owe the money.*

2.

*Each month I pay my Citylink account via bpay, I will pay extra payments on the rare occasion that my etag has beeped to indicate it is low on funds.*

- a. *I have recently received 3 infringement notices for not having an etag, one infringement notice was dated Dec 2010 and I received the infringement notice almost 6 months later. You can imagine my surprise getting these when I pay my Citylink account each month.*

b. *I received invoices for various amounts all over \$25.00 stating that I didn't have an active toll account, this being a total surprise to myself as I pay it each month. To my disgust the toll amount was \$1.80 on most of them but I was charged in-excess of \$25.00. I received a lot of these; I do not believe they should be able to charge this sort of margin on these invoices. I contacted Citylink to be told they occurred because I didn't have funds on my etag they didn't seem at all interested that my etag had not beeped in indicate the funds were low, I tried to explain that if you are paying a monthly amount and your etag does not beep to indicate funds a low (just has the usual beep) then how are you suppose to know. Common sense would tell you if it was a choice of \$1.80 or \$25.00 you would have paid extra to top up your etag.*

*I beg you to assist me I have a new baby and like everyone funds are tight, I expect to pay what I use but I shouldn't have to pay a bill that after 3 years Eastlink has changed their mind and decided to I owe. Again, they have not contacted for 3 years in relation to this and then send me a bill and give me 7 days to pay. I refused to deal with the matter at that time as I was going into hospital to have my daughter and wanted to contact you.*

*The say you can use Citylink etag on Eastlink but somewhere there seems to be a problem as I have all these outstanding invoices with excessive costs. If these costs were allocated to a credit card and I went to the ombudsman they would be reversed. I am not sure what you can do but this is a very stressful matter.”*

6 The TCO responded to Ms A on 16 September 2011 in the following terms:

*“I acknowledge receipt of your letter post marked 12 September 2011 outlining your complaint.*

*CityLink has notified me that a detailed response has been provided to you directly, as follows:*

*‘Thank you for your email dated 6 July 2011. We appreciate you taking the time to advise us of your concerns.*

*We sincerely apologise for the delay in responding to your concerns. This delay was due to the fact that we were waiting for EastLink to provide us with the details of the dates of travel for your vehicle [LPN] on their Toll road.*

*In response to your email we would like to confirm the e-TAG device in your CityLink Account 5852\*\*\*\* should beep three times (one beep followed by two beeps) every time the Account balance falls below \$25. This indicates the balance is low and needs to be topped up. When the balance falls below \$15 we may issue you with an Account alert letter. When the payment falls below \$0 we issue you with a*

*Suspension Confirmation letter and your e-TAG device beeps four times. This indicated the vehicle Registration in your CityLink Account has been suspended and you need to make a top up to bring the balance to a minimum \$40 before you next use a Toll road.*

*My records have confirmed on a number of occasions payment have been received on or around the 15<sup>th</sup> of the month. However these payments have not been enough to bring the balance to \$40 credit and if the vehicle Registration has been suspended it is not reregistered.*

*I have spoken with my contact at EastLink and have been advised a number of Toll Notices for [LPN] for travel on EastLink are still outstanding in your name. You are kindly requested to contact them directly and make full payment for these. EastLink have confirmed as it is past the due dates of the Notices payment is required immediately.*

*My investigations have confirmed these Toll Notices were issued because vehicle [LPN] was suspended from your CityLink Account 5852\*\*\*\* during the following periods.*

*For travel on EastLink on 1, 2, 3, 5, 8, 9, 10, 12, 15, 16, 17, 18 and 19 December 2008:*

***Suspended from 21 November 2008 to 16 January 2009*** – A Suspension Warning letter (Account Alert letter) was issued on 4 November 2008 requesting a payment of \$67.48. No payment was received. A Suspension Confirmation letter was issued on 23 November 2008 requesting a payment of \$156.07. A BPay payment of \$100 was received on 15 December 2008 however as this was not enough and the suspension process continued. A further BPay payment of \$100 was received on 15 January 2009 and the vehicle was reregistered.

*For travel on 28, 30 April 2009, 1, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 18 and 19 May 2009:*

***Suspended from 24 April 2009 to 18 May 2009*** – An Account Alert letter was issued on 14 April 2009 requesting a payment of \$157.46. A BPay payment of \$150 was received on 20 April 2009 however this was not enough and the suspension process continued. A Suspension Confirmation letter was issued on 21 April 2009 requesting a payment of \$42.20. A BPay payment of \$200 was received on 15 May 2009 and the vehicle was reregistered.

*For travel on 14, 15, 16, 17 December 2010, 5, 6 and 7 January 2011:*

***Suspended from 10 December 2010 to 18 January 2011*** – A Suspension Confirmation letter was issued on 5 December 2010

*requesting a payment of \$55. A BPay payment of \$60 was received on 14 December 2010 however this was not enough and the suspension process continued. A further BPay payment of \$100 was received on 17 January 2011 and the vehicle was reregistered.*

*For travel on 12, 13, 14, 15, 18, 19, 21, 27, 28, 29 April 2011, 2, 4, 5, 6, 16, 17 and 19 May 2011:*

***Suspended from 6 April 2011 to 23 May 2011 – A Suspension Confirmation letter was issued on 3 April 2011 requesting a payment of \$63.34. A BPay payment of \$100 was received on 20 May 2011 and the vehicle was reregistered.’***

*Your comments are sought on the above.*

*Additionally, I have forwarded your correspondence to CityLink for response to the issues you have raised. I will get back to you on receipt of same.”*

- 7** CityLink also responded to the complaint. A copy of the response was provided to the TCO. The TCO wrote to Ms A on 23 September 2011:

*“I refer to previous correspondence, resting with my email to you dated 16 September 2011.*

*CityLink has provided me with the following additional information:*

*‘Thank you for sending us a copy of your email dated 16/09/2011 addressed to [Ms A].*

*Unfortunately there is nothing further that I can add as [Ms A] has not raised any new concerns.*

*I am however pleased to advise I spoke with my colleague [Name] at EastLink and she has agreed that they will reverse the administration fees of the Toll invoices for vehicle [LPN] for travel on EastLink from 1 December 2008 if [Ms A] makes a payment of \$560.33 (for the trips) in one payment immediately.*

*To make this payment she will need to call the EastLink on 135465 provide the vehicle registration number [LPN] and make the payment alternatively she can contact [Name] on [resolve@connecteast.com.au](mailto:resolve@connecteast.com.au) and make the payment by providing her credit card details.”*

- 8** Ms A responded to the TCO on 4 October 2011 as follows:

*“I am concerned as my email states I am on maternity leave and am not checking emails regularly as I have a new born baby and time is limited. I would have thought I would have received something from you in hard copy,*

*I don't mean to be rude but don't feel you have address any of my issues.*

*There were two sections to my complaint one in relation to Citylink and the other Eastlink, I am being continually harassed by Eastlink about an account that is 3 years old that I addressed back then and was told it was a administrative error now almost 3 years later they have sent me a letter from a collection agency stating that I have not responded to any of their request. Does it not seem funny to you that all of a sudden they have re-activated this invoice and continue to harass me and threaten me with legal action but for almost 3 years have not contacted me.*

*I will respond to your email and would like you to look into this for me, not to be difficult but the whole idea of the ombudsman is to support the individual when they are not getting any satisfaction.*

*You will be able to see from your records I contacted you about the account Eastlink were charging me almost 3 years ago and then once they said it had been reversed I advised you and took the complaint no further. They surely can't be allowed to change there mind all this time later? Also confused about them reducing the amount as going back to when I initially dealt with this matter years ago the amount was for around \$500 so how can I now owe more than that once them take the admin fees off?"*

- 9 The TCO referred this complaint to EastLink on 12 October 2011 for response.
- 10 EastLink responded to the TCO on 21 October 2011. The TCO wrote a letter to Ms A on 24 October 2011 as follows:

*"I refer to previous correspondence in this matter. EastLink has now provided me with a detailed response as follows:*

*'On 10/07/09 [Ms A] spoke with our Contact Centre regarding the debt of 4 outstanding Toll Invoices totalling \$354.29 for licence plate number (LPN) [LPN]. She advised our operator that she had a CityLink account and had had one for some time. [Ms A] stated she was in dispute with CityLink regarding her account and had lodged a Tolling Customer Ombudsman complaint. Our operator agreed to place a "hold" for payment on the Toll Invoice debt and issued copies of those 4 invoices. The "hold" stopped outstanding Toll Invoices from proceeding to Overdue Notices and eventually enforcement, if unpaid.*

*[Ms A] continued to use EastLink without LPN [LPN] being registered to an active tolling account or valid Trip Pass. A further 9 Toll Invoices were issued from 31/12/10 to 02/06/11 totalling \$288.90.*

On 19/01/11 payment was received for Toll Invoice 116004689067 in the amount of \$11.55. As of this date, the outstanding Toll Invoice debt was \$379.44

During a review by our Credit Department in May 2011, we identified that the “hold” placed on [Ms A’s] Toll Invoices from July 2009 was still active. The “hold” was removed, which re-commenced our enforcement process. This included 3 Overdue Notices being issued. As stated on these notices, “Failure to pay the amount demanded may result in an Infringement Notice being issued to your for each day of unregistered travel on EastLink.” Due to non-payment of Overdue Notice 80001278\*\*\*\* issued on 06/06/11 with payment due 20/06/11, travel proceeded to Civic Compliance Victoria on 20/07/11. There are a further 2 Overdue Notices for which payment was required by 26/06/11 and 04/07/11. These have not proceeded to enforcement as yet. Due to the delay in lifting the “hold”, 8 Overdue Notices were not issued. This was a saving of \$42.36 in fees. While these Toll Invoices have gone unpaid as well, they have not proceeded to enforcement. This is a considerable saving for [Ms A].

The current debt outstanding is \$632.26. We have thoroughly investigated this matter and responded to [Ms A] multiple times. At no time has EastLink advised there was an administrative error and the debt was no longer outstanding. Furthermore, [Ms A] continued to use EastLink, incurring Toll Invoices that she has elected not to pay.

As a goodwill gesture we are prepared to waive 12 Toll Invoice fees and 4 Overdue Notice fees totaling \$74.98. This brings the total outstanding debt to \$557.28 as of 21/10/11. To assist [Ms A], we will provide a further extension of payment to 11/11/11. If payment is not received by this date, further travel for outstanding Overdue Notices may proceed to enforcement with infringements issued.”

11 EastLink attached the table below in support of the outstanding debt as at 21 October 2011:

Toll Invoice	Issue Date	Due Date	Amount	Overdue Notice	Issue Date	Due Date	Fee	Payment	Date	CCV	Date	TOTAL
113000456021	27.04.09	16.05.09	164.56	800002567355	05.06.09	24.06.09	4.48					169.04
116000791602	21.06.09	20.07.09	27.41				0					196.45
114000860345	03.07.09	22.07.09	130.27				0					326.72
113000912692	09.07.09	28.07.09	27.57				0					354.29
113004629599	31.12.10	14.01.11	25.15				0					379.44
116004689067	05.01.11	19.01.11	11.55				0	11.55	19.01.11			379.44
114004899521	25.01.11	08.02.11	35.67				0					415.11
113005781084	29.04.11	13.05.11	46.52				0					461.63
110005838781	05.05.11	19.05.11	40.93				0					502.56
110005902785	12.05.11	26.05.11	40.93				0					543.49
110005981425	19.05.11	02.06.11	28.87	800012780279	06.06.11	20.06.11	4.74			13.60	20.07.11	563.50
110006038423	25.05.11	08.06.11	23.61	800012870559	12.06.11	26.06.11	4.74					591.85
110006102104	02.06.11	16.06.11	35.67	800012968916	20.06.11	04.07.11	4.74					632.26

12 On 15 November 2001 EastLink notified the TCO of the following:

*“Due to non-payment:*

- *EastLink have withdrawn any offer to waive fees.*
- *EastLink is lifting the hold on the debt outstanding and will proceed with recovery of debt.*
- *Due to non-payment of the last 2 expired Toll Invoices, these will be proceeding to enforcement. Five days of travel is being referred to enforcement, which may result in a further 5 infringements issued.”*

13 This information was provided to Ms A by letter dated 17 November 2011.

14 Ms A said by email to the TCO dated 23 November 2011:

*“Today I received your letter but am very confused as it speaks about my not paying my invoices and about Eastlink removing the ‘hold’ off my account.*

*I am yet to receive a response from my previous complaint where I am still awaiting an outcome.*

*Please come back to me as a matter of urgency.”*

15 The TCO wrote to Ms A by email dated 24 November 2011:

*“I acknowledge receipt of your email.*

*EastLink made a proposal to resolve your complaint, which I confirmed to you on 24 October 2011. The proposal required resolution by 11 November 2011. As you did not take up EastLink’s offer they have now withdrawn it.”*

16 Mr A responded by email to the TCO dated 1 December 2011:

*“I responded to your correspondence previously but am still awaiting your reply from this.*

*You have not addressed any of my concerns re: the issues with the process including the fact that Eastlink have changed their story on several occasions. Further I am concerned as I was under the impression that the whole point of going to an ombudsman was to get an impartial person to resolve a problem that has escalated, you refer to speaking to your colleague?*

*None of my concerns have been addressed, you seem to think I should be grateful that they waived some minor fees.*

*I would appreciate you addressing my issues if you feel that you can't then I will move to another resource who can help me.*

*I would suggest you advise them that they need to keep the account on hold as unless you can assist me with some resolution I will take this matter to both VCAT and also the Minister for transport along with my concerns about your inability to resolve the situation or even seem to investigate my concerns other than speaking with your colleague.”*

17 The TCO then wrote to Ms A by email dated 7 December 2011:

*“I refer to your email of 1 December. I am satisfied that ConnectEast/EastLink addressed the issues that you raised and provided explanations in respect of the charges they have made.*

*I further believe that ConnectEast/EastLink acted reasonably in offering to compromise your claim by waiving their administration fees and offering to withhold enforcement proceedings in respect of your debt, an offer that you did not take up.*

*I cannot take the complaint any further as I believe that ConnectEast /EastLink has acted reasonably in the circumstances.*

*I can make a formal decision if you require.*

*You are entitled to seek any alternative avenue open to you to seek redress.”*

18 The TCO has determined that a formal written Decision be made in this matter as a negotiated settlement was not achieved.

## **Decision**

19 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.

20 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.

21 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.

- 22** Ms A, according to the information she has provided, has been a long term customer of CityLink and became a customer of EastLink. I have no information indicating that she had difficulty managing her toll accounts until late 2008 and early 2009.
- 23** According to CityLink, a suspension warning notice was sent to Ms A on 4 November 2008 requesting a payment of \$67.48. Despite this notice, no payment was received. Her vehicle was suspended on 22 November 2008 and a notice was sent on 23 November 2008, confirming this and requesting payment of \$156.07. A payment of \$100 was made on 15 December 2008 but this was not sufficient to re-register the vehicle. A further \$250 was paid on 15 January 2009 and the vehicle was re-registered.
- 24** Ms A had continued to travel in her vehicle on the CityLink toll roads during the period it was suspended, namely on 6 December 2008, 28/29 December 2008 and 3 January 2009. Invoices and Final Notices were issued in respect of this travel but no direct payment was made in respect of these charges.
- 25** Ms A also travelled on EastLink in periods of suspension from 21 November 2008 to 16 January 2009. She subsequently travelled in periods of suspension from 24 April to 18 May 2009, 10 December 2010 to 18 January 2011 and 6 April to 20 May 2011.
- 26** Ms A made payments to EastLink during periods of these suspensions but they were insufficient to cover outstanding debts. As a consequence her vehicle remained in suspension until top-up payments were made to cover outstanding debts.
- 27** Following lodgement of the complaint with the TCO in September 2011, EastLink indicated that it would waive all administration fees for the toll charges from December 2008 on the basis that Ms A made a payment of \$560.33 for travel on EastLink. Ms A did not accept this proposal.
- 28** The TCO referred Ms A's response to EastLink, which then provided a detailed response on 24 October 2011. It provided a table in support of its calculations of the outstanding debt and made the following offer:

*“The current debt outstanding is \$632.26. We have thoroughly investigated this matter and responded to [Ms A] multiple times. At no time has EastLink advised there was an administrative error and the debt was no longer outstanding. Furthermore, [Ms A] continued to use EastLink, incurring Toll Invoices that she has elected not to pay.*

*As a goodwill gesture we are prepared to waive 12 Toll Invoice fees and 4 Overdue Notice fees totaling \$74.98. This brings the total outstanding debt to \$557.28 as of 21/10/11. To assist [Ms A], we will provide a further extension of payment to 11/11/11. If payment is not received by this date, further travel for outstanding Overdue Notices may proceed to enforcement with infringements issued.”*

29 Ms A did not respond to this offer.

30 EastLink then notified the TCO in the following terms on 15 November 2011:

*“Due to non-payment:*

- *EastLink have withdrawn any offer to waive fees.*
- *EastLink is lifting the hold on the debt outstanding and will proceed with recovery of debt.*
- *Due to non-payment of the last 2 expired Toll Invoices, these will be proceeding to enforcement. Five days of travel is being referred to enforcement, which may result in a further 5 infringements issued.*

*I will keep the complaint up til the end of November 2011.”*

31 Ms A was advised of EastLink’s position on 17 November 2011. She responded to the TCO on 23 November 2011 in the following terms:

*“Today I received your letter but am very confused as it speaks about my not paying my invoices and about Eastlink removing the “hold” off my account.*

*I am yet to receive a response from my previous complaint where I am still awaiting an outcome.*

*Please come back to me as a matter or urgency.”*

32 The further course of correspondence is set out in the Background to this Decision. It is self-explanatory and there is no need to reiterate it.

33 I am satisfied that EastLink has acted appropriately in this matter. There is no evidence to sustain Ms A’s arguments that it was at fault, whilst EastLink has explained at some length the reasons for the charges that were levied for Ms A’s use of the toll road. Further, it offered to reduce the charges payable in order to resolve the complaint.

34 I am satisfied that EastLink is entitled to recover its toll road charges and fees from Ms A.

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

**Dated: 7 February 2012**