

DECISION

Background

- 1 The customer, Mr D, made a complaint to the Tolling Customer Ombudsman on 11 February 2011 in which he said, amongst other things:

*“On 10/10/10 I drove a hire car from Sydney airport to Newcastle. On 11/10/10 my wife registered the hire car for a Roam visitors EPass (No ***637). Even though we returned the hire car to the rental company on 10/10/10, unfortunately when registering the car on Roam for the E-Pass we inadvertently selected the date range of 10/10/10 to 31/10/10. We did not realise this at the time. When our credit card statement arrived we were shocked to see that we had been charged four different amounts by Roam Tolling Pty Ltd. The first two were OK as they were related to our travel but the second two were confusing. When my wife enquired on the Roam customer service line she was told that the hire vehicle we registered with them had indeed travelled on the toll roads at all of the billed times. When we informed them that the vehicle was not in our possession at these times the customer service operator told her he could do nothing about it but would refer it to their disputes dept and we would be notified in writing of the decision. When the letter arrived (Ref ***704) we were informed that the finding was in favour of Roam. I then made an approach to Roam via the customer service line and was once again told my complaint could be referred to the disputes dept for a second appeal. Once again when the letter arrived (Ref ***809) we were informed that the finding was in favour of Roam.*

I acknowledge that we were in error by entering the incorrect finish date for the E-Pass. However, I have documented proof that I was not in possession of the hire vehicle in question when the tolls were logged against it. It is not my fault that other non law abiding citizens chose to drive the car on a toll road without registering and paying their fare.”

- 2 The complaint was referred to Roam by the Tolling Customer Ombudsman and on 23 March 2011 the Tolling Customer Ombudsman responded to Mr D as follows:

*“[Mr D’s] wife has opened Roam VEP ***637 on 10/10/2010 backdated to 9/10/2010 and valid until 31/10/2010. [Mr D] acknowledges that his wife has mistakenly submitted the expiry date as 31/10/2010.*

*Charges for trips made while [Mr D] had the car amounted to \$10.
Charges for trips made after the car was returned amounted to \$20.74.*

On 25 February 2011 Roam refunded \$10 (approx 50%) to [Mr D] as a gesture of goodwill.

...

I have attached a copy of the Customer Service Agreement, to which [Mrs D] agreed when she established her Roam Visitor's e-PASS. Please refer to Item 6. Charging tolls and Vehicle Matching Fees to your Visitor's e-PASS and Item 13. Expiry.

Roam is not in a position to refund all tolls incurred."

- 3** Roam has, in addition, provided details of the travel by the hire vehicle under Visitor's e-PASS ***637 between 11 October 2010 and 1 November 2010, which are attached to this Decision.

Decision

- 4** I am satisfied that Mr D's wife inadvertently nominated the incorrect expiry date of a Visitor's e-PASS ***637 taken out to cover travel between 9 and 10 October 2010. Mr D paid, according to the records, \$10 for tolls and matching fees on or about 17 October 2010.
- 5** Due to the fact that Mrs D had nominated the incorrect expiry date, the hire vehicle continued to incur tolls in respect of travel on toll roads in Mr D's name until that date. According to the records, these tolls and fees amounted to \$20.74.
- 6** I am satisfied that Roam could not have been reasonably aware that tolls and fees were being incorrectly charged to Mr D's account.
- 7** I am also satisfied that Roam was entitled to charge the fees under the Customer Service Agreement.
- 8** I note that Roam has, by way of a goodwill gesture, refunded \$10 to Mr D, being approximately 50% of the tolls and fees incurred after 11 October 2010. I find that this was a reasonable approach to resolve this complaint in all the circumstances.

Michael Arnold
Tolling Customer Ombudsman

Dated: 5 May 2011