

DECISION

Background

- 1 This is a complaint by a customer, Mr GC, in relation to the signage for motorcyclists travelling on the EastLink toll road and the service provided by Breeze, EastLink's toll operator. The complaint can be summed up in a letter from Mr GC to the Tolling Customer Ombudsman on 1 October 2010, in which he said: (quoted verbatim)

"I have an unresolved issue with Breeze, the company which operates the tolling aspect of Eastlink from Springvale Rd and beyond.

I have contacted and spoken to them on several occasions without the satisfaction I had hoped to gain. I had some partial success but the main contention is still unresolved and very concerning to me.

*In short, my complaint is: **the system of protocols they use, in their accounts department, allow for the address of undelivered mail (of un-registered users) to continue to be used repetitively to send new bills, despite it being returned to them as Undeliverable by Australia Post.***

Succinctly, their system allows for the repeated use of incorrect addresses.

I also maintain a complaint that Eastlink did not take ample effort to make known to motorcyclists that they would be charged. This is still true today and is explained later in this letter.

The system of protocols they use, allows this phenomena to go on ad infinitum. That is, it was ONLY because of my inquiry to Vic Roads that this situation eventually came to light and was discovered. At this point, it had reached the ridiculous number of 59 such repeated errors. Not 1 or 2 or 5, but 59.

Conversely, had I not made a disrelated inquiry to Vic Roads, this circumstance (of more and more UNKNOWN amounting penalized bills) would have continued UNHINDERED indefinitely.

Their response to this, even today, is and I quote (to the best of my recall) 'There is nothing wrong with our system. We are not at fault'.

I say there is. I have – all at once, mind you – become aware of about 60 fines which I was not aware of at all, due to the above ‘crack in the system’ which they employ.”

- 2 Mr GC has provided the sequence of events dating from his acquiring a motorcycle licence in 1987 and his travel on CityLink toll roads between 1999/2000 when motorcycles were not charged for travelling on toll roads. He explained that he registered his postal address with VicRoads in or about 2005 and then shifted his address in or about July 2007.
- 3 He further explained that he was going through extreme financial pressure in this period and as a consequence he ceased paying for his Post Office Box. He said he contacted VicRoads in late 2007/early 2008 to advise it that his Post Office Box was not valid and to make some other enquiry.
- 4 EastLink commenced operation and Mr GC primarily used his motor car until it broke down and its registration expired in September 2009. He repaired his motorcycle and commenced to use it on the toll road.
- 5 He contends that at this stage he did not believe that EastLink was charging for motorcycles and he continued to think that until August 2010. In early August 2010 he went to VicRoads to change his name and was alerted to the fact his Post Office Box address was still on his driver’s licence. It was then changed.
- 6 In late August 2010 Mr GC received three notices from Civic Compliance Victoria and discovered he had 60 fines with accumulated penalties but not with his current address. The fines totalled over “Ten Thousand Dollars”.
- 7 Mr GC approached Civic Compliance Victoria and the Penalty Review Board and was advised that motorcycles were always charged and e-TAGs could be obtained for them. He checked with EastLink and CityLink and obtained conflicting information.
- 8 Mr GC subsequently contacted EastLink and paid some outstanding bills. He opened an EastLink Breeze account on 27 August 2010 and put \$40 into the account. He subsequently received a bill from Breeze in early September 2010. After discussions with Breeze, 18 of 59 fines were recommended to Civic Compliance Victoria, leaving him with 41.
- 9 Mr GC then drives down EastLink from Alexandra Parade, Clifton Hill, to the Maroondah turnoff (after the tunnel) to find signs which indicate that motorcycles will be charged. He says that he found only one sign in the 17 kilometre stretch, placed after a motorcyclist had entered the toll zone. The sign is in fact a small sign attached to a larger sign. His further travels on the toll road reveal there is no other sign. Mr GC sought the following relief: (quoted verbatim)

“My unresolved complaint is with Eastlink. My request for review is with Civic Compliance.

Eastlink, regardless of the outcome which I may have with the Penalty Review Board, do have a complex accounting system. It is complex enough for even them to make mistakes with. More importantly, I could actually say that had I not gone into Vic Roads that day, that I would still right now be accumulating fines unknowingly. It is just horrific to think further billing was averted only by sheer chance.

My second complaint is that Eastlink have failed to properly inform motorcyclists.

I maintain this, because there is only ONE small sign in an entire 30 km stretch of road INCORRECTLY placed, at that too.

I request fair mediation on this.

I am happy to pay for all the usages of the tolls, but not all the extra billings especially the extra \$5 they charge me to asking Vic Roads the same thing and getting exactly the same non-deliverable address with returned mail. That is just stupid.

I also request that I do not have to pay the additional \$99 dollars that is added to the usage of the tollway.

I am happy to consider a middle of the road arrangement too. But, I want fair consideration.

I do request and expect logic and common sense to herald over ‘accepted protocols’ no matter how accepted they are, where such is warranted.”

- 10** The Tolling Customer Ombudsman referred the complaint to EastLink on 14 October 2010. EastLink responded in some detail on 1 December 2010 and a copy of the response was sent to Mr GC. It relevantly advised that:

“[Mr GC] has stated ‘...the system of protocols they use, in their account department, allow for the address of undelivered mail (of un-registered users) to continue to be used repetitively to send new bills, despite it being returned to them as Undeliverable by Australia Post.’

Should a vehicle travel on EastLink that is not registered to a valid Tolling Account or Trip Pass, the details of the registered owner are obtained from VicRoads via the Licence Plate Number (LPN). As vehicle ownership can change at any time, a VicRoads Look Up is conducted per date and time of the offence. ConnectEast (owner and operator of EastLink) pass on the daily lookup fee imposed by the road

authority. Only the name and address of the registered owner at the time of the offence is supplied to ConnectEast.

- a. ConnectEast obtains vehicle ownership information from VicRoads, as entitled under s 223 of the EastLink Project Act to disclose information about registration for the purposes of collecting tolls by ConnectEast.

...

[Mr GC] has stated ‘...EastLink did not take ample effort to make known to motorcyclists that they would be charged.’

1. We are unable to comment on any misinformation supplied by CCV regarding the tolling of motorcycles on EastLink.
2. EastLink has been tolled since 27 July 2008, including the tolling of motorcycles at half the cost of a car. Most tollways in Australia charge full price tolls for motorcycles - CityLink is the major exception.
3. From inception of opening we have been clear in our media and marketing communications that motorcycles are tolled on EastLink. This includes brochures, newspaper articles, and our websites www.connecteast.com.au and www.eastlink.com.au. During the high profile launch of EastLink we also advertised in a range of national motorcycle magazines to help communicate this information.
4. Each year ConnectEast publish toll pricing, which includes motorcycles, in The Age and the Government Gazette.
5. EastLink is sign posted at entry Southbound and Northbound that motorcycles are tolled.

[Mr GC] states ‘...the extra \$5 they charge me to ask Vic Roads the same thing...’

- The charge for a VicRoads Lookup is \$1.54 per day.
- We have previously addressed why we request a VicRoads look up for each day of travel.
- ConnectEast does impose administration fees for the generation of invoices. The fee for each Toll Invoice is \$4.75. The fee for each Overdue Notice is \$4.74.

[Mr GC] stated ‘...to pay additional \$99 dollars that is added to the usage of the tollway.’

ConnectEast do not have any fee of this value. We require [Mr GC] to elaborate if he wishes us to respond.

While we appreciate [Mr GC's] circumstance, ConnectEast issued Toll Invoices and Overdue Notices to the address supplied by VicRoads. It is unfortunate that VicRoads did not have the current address to provide ConnectEast.

ConnectEast have clearly communicated to the public that motorcycles are tolled on EastLink. Motorists must also familiarise themselves with the terms and conditions of travelling on a toll road.”

- 11 Mr GC replied at some length, contending that EastLink’s accounting system was complex, their signage was inadequate and that it should take some responsibility for the conduct of Civic Compliance Victoria. EastLink responded on 24 January 2010:

“ConnectEast has met all reasonable requirements of issuing Toll Invoices by sourcing details of registered owners for non-registered travel on EastLink from VicRoads. The motorist’s obligation is to ensure their details are up to date with VicRoads within the applicable timeframe.

Due to [Mr GC’s] three (3) vehicles being registered with different variations of his name and addresses, the other “[Full name of Mr GC]” was included. We apologise for any confusion or inconvenience that this may have caused.

*A Toll Invoice was issued for License Plate Number (LPN)-*** on 01/09/10. This was for travel made prior to the date [Mr GC] opened his EastLink Tolling Account. As this Toll Invoice was not yet generated at the time of account opening, we would not have been able to accept payment or transfer the debt to the tolling account. Once issued, we could then accept payment for this Toll Invoice. Since [Mr GC] had updated his details with VicRoads for this LPN, he was aware he had outstanding unregistered travel to pay.*

CityLink legislation does stipulate motorcycles in its vehicle classifications to toll. They too publish motorcycle pricing in the Government Gazette. However, currently they do not impose this charge. EastLink’s legislation regarding vehicle classification is similar to CityLink’s. However, our tollway technology enables motorcycle images to be taken. Therefore we are able to charge for this travel.

All reasonable measures including signage, advertising distribution and publication of tolling costs have been taken. These measures have been expanded upon in our previous response. Ultimately, although CityLink currently choose not to impose tolls for Motorcycles, the responsibility for being aware of EastLink charges lies with the motorist.

We recognise that motorists are not obligated to read any literature regarding the charges imposed on EastLink. However, there are many channels by which we endeavour to make our motorists aware of our pricing information. Many of these channels are freely accessible by the public. It is in the best interests of all motorists to source this information and educate themselves prior to travelling on a toll road.

The location for signage stating “Motorcycle tolls also apply” is

- Southbound - 100m past Mitcham Road prior to entering the Mullum Mullum tunnel.
- Northbound - 10m past the Ruthford Road Onramp overpass.

If a motorist unintentionally enters EastLink, then departs at the next available exit and contacts EastLink to advise, we consider all circumstances and may waive the trip as a once off good will gesture.

Our records indicate that [Mr GC's] three (3) vehicles passed the Southbound sign "Motorcycle tolls also apply" at least 95 times. Based on the number of times [Mr GC] was presented with this sign, we are of the opinion that he was made aware his two (2) motorcycles were being tolled.

Again it is unfortunate that [Mr GC] did not update his address with VicRoads for the vehicles he used while travelling on EastLink. However, [Mr GC] did pass signage numerous times alerting him to the fact that "Motorcycle tolls also apply"

12 Mr GC then responded on 8 February 2010: (quoted verbatim)

"Thank you for your email. I will elaborate as requested.

My main issue revolves around two points:

A) Eastlink's accounting and billing systems are complex enough for even them to make mistakes. Mistakes which are now empirical.

In my initial complaint, I outline at least three instances of them failing to accurately tell me what was outstanding and in each case it was only my insistence that they further check for outstanding invoices that more bills were found. Additionally, in one of their responses they mistakenly named another "[Full name of Mr GC]" travel as my own.

How this relates to me is that their billing system allows for returned bills of invalid addresses to be continually used, over and over. And in my case this was done some 69 times. And this does mean that someone at Eastlink sixty-nine times received returned mail and then him or some other person then again requested from Vic Roads the same faulty address again SIXTY-NINE TIMES.

If just once at a reasonable point someone at Eastlink had made a special enquiry to Vic Roads, just once, this whole issue would be over and done with. But they didn't. They have the right to be paid for a toll, why didn't they?

This cannot be considered as a 'responsible discharge of duty'.

In short, their accounting system is faulty and vitally requires review, regardless of how 'authorized' it may be. It has inherent faults.

B) Inadequate and misplaced signage.

Only two signs exist. The one they suggest I should have seen is IN THE TOLL ZONE ITSELF. This is major error in location-placement. Common sense dictates that such a sign should be placed in the area BEFORE THE TOLL ZONE, not in it thereby giving the traveler an inalienable right to choose to go through or not.

Further, they changed the benchmark from Citylink. Citylink did not charge for the Toll. What Citylink may charge for is not something the reasonable man would go looking for, hence that they were within their right to charge but didn't is inconsequential.

As a rider since 1987, I am disciplined in looking at the road signs. Eastlink's problem which they imposed on themselves, I might add, was not well solved. They approached it with the notion of advertising in papers and magazines etc. This is inherently faulty logic as it assumes that all motorbike riders read these. They don't.

Had they placed a notice before the southbound Springvale Road area (the area BEFORE YOU ENTER THE TOLL ZONE AND BEFORE THE SPRINGVALE ROAD TURN OFF), all would have been fine. I would have seen the sign, noted that a charge for motorbikes would be charged and would have made my decisions then. But, no, they placed the notice IN THE TOLL ZONE where common sense would tell you that it is misplaced.

In short, the signage is at an irreducible minimum (meaning it could not have been less otherwise it would be at a near zero) and secondly it was misplaced."

- 13** The Tolling Customer Ombudsman responded to Mr GC on 18 March 2010 in the following terms:

"I refer to previous emails in this matter. This is a complaint which stemmed from your failure to meet the EastLink tolling payment requirement for motorcycles. EastLink has imposed tolls on the use of motorcycles since inception in late July 2008.

It would appear that subsequent to that date you opened a tolling account with EastLink and eventually had a number of vehicles registered with or paying tolls for the use of the EastLink toll roads. A history of this relationship is set out in a response from EastLink to the Tolling Customer Ombudsman, forwarded to you on 2 December 2010.

It is apparent from material issued to the public by EastLink that motorcyclists were put on notice they would be subject to tolls. In addition, signs were put

before and after entry to the EastLink toll road, warning motorcyclists they would be subject to tolls.

I note that you have said that you are disciplined in looking at road signs and EastLink's road sign was not in the appropriate position. However, EastLink's records indicate that your vehicles passed the signage at least 95 times. Even if one accepted your contention that the signage was incorrectly placed, it would be reasonable to presume that after a few trips that you would have understood the tolling requirement for motorcycles and been alerted to the fact that you would have to pay tolls.

I note that you did not receive toll invoices because you had not updated your address with EastLink nor with VicRoads until August 2010.

Leaving that aside, I seek your explanation why you were not aware of the fact that you were liable to pay tolls, taking into account the number of times you passed the EastLink signage."

- 14** Mr GC responded to the Tolling Customer Ombudsman on 19 March 2010 as follows: (quoted verbatim)

"I am answering your question at the bottom of this email, where you seek my response as to why I was not aware that I was liable to pay tolls taking into consideration of the number of times I had passed through the tolling point.

- 1. The benchmark was set by other tolling companies. Citylink did not charge. Had not charged. Still does not charge. This predetermines a certain mindset. That is, "motorcycles do not get charged". So, the need to reconsider this was not apparent. Any marketer will tell you the validity of such a mental disposition. Certainly any layman will attest to its validity.*

THEREFORE THE NEED TO LOOK / EXAMINE IN MINUTE DETAIL WAS NOT NEEDED. It was mentally dismissed.

However, I can attest – in a court of law, if needed – that I observed ALL SIGNS BEFORE THE ENTRY POINT noting their relevance to my travelling need.

I am not required to read the various journals or public notices etc. I am required to read signs. Trust is given by the public to have these signs correctly placed. That they are INCORRECTLY PLACED reduces their effectiveness and of course, reliability.

- 2. I looked at all the signs BEFORE ENTERING for payment rules etc. AFTER ENTERING MY CONCERN BECOMES SAFELY GETTING THROUGH AND ADHERING TO THE SPEED CHANGES WHILE ENTERING A TUNNEL POINT.*

I would take a reasonable assumption and state that I do not think you ride a motorcycle and so you are not aware of what concerns come up for a rider when entering a section road conditions change and where, for your benefit, I will list these for that specific section of Eastlink:

- a) The speed drops 20%. Doesn't sound like much, but how would you like to be hit from behind while on a motorcycle by a car?*
 - b) The road curves twice – inhibiting long-distance observance due to attention on how other drivers are navigating the change.*
 - c) A tunnel point is looming where road conditions change AGAIN. And again, what and how other drivers are navigating the up and coming change.*
 - d) Road traffic conditions multiply in potential danger as all the above tends to “compress” the traffic, while also DEALING WITH THE USUAL REQUIRMENT OF DEBRIS ON THE ROAD, CARS, SPEEDING PAST, CARS FAILING SLOW DOWN BEHIND YOU (REAL CONCERN WHEN SPEED DROPS).*
- 3. Taking all that into consideration, one must allow that the emphasis is now on “surrounding traffic flow” and not necessarily on permanently fixed fixtures such as signs that do not change.*

As a point in argument, when I was told there IS a sign, I looked for it, I had to ride by it THREE TIMES till I saw it. Three times! And this was with an effort to spot it. You may ask why that is so; because it is SMALL and physically designed to be diminished in importance and again because of the need to adhere to a) to d). You don't believe me? Try it yourself – ride through on a bike and then go on 'search mode' and see if you are able to do both. I dare you.

How I did it in the end, was that I slowed down a lot and rode near the emergency lane. In other words, I had to diminish the tasks at hand to accomplish spotting the sign.

If you seek proof of the design flaws of Eastlink relative to motorcyclists – I can certainly supply ANOTHER one to you. On the inbound emergency lane some 50-meters past the tunnel end, the storm water drainage grate is dangerously placed and may even kill a motorcyclist if not cause bodily damage to a rider one day. This is because the rungs run parallel to the road and are about 3 to 4 inches apart – just wide enough for the front wheel to slip through the grate. Now, are you going to tell me:

- a) This is not dangerous*
- b) It will never happen*
- c) Is completely observable by all*
- d) There is notice placed in the paper indicating its position and to be aware of this*

IT IS A DESIGN FLAW – PURE AND SIMPLE. JUST LIKE THE POOR AND INCORRECT PLACEMENT OF A SMALL SIGN IN THE TOLL ZONE.

...

I refer to previous emails in this matter. This is a complaint which stemmed from your failure to meet the EastLink tolling payment requirement for motorcycles. EastLink has imposed tolls on the use of motorcycles since inception in late July 2008.

I believe the correct view on this, my view on this and one shared by several in fact, is that I was 'entrapped' by Eastlink's poor placement of that one small sign.

It would appear that subsequent to that date you opened a tolling account with EastLink and eventually had a number of vehicles registered with or paying tolls for the use of the EastLink toll roads. A history of this relationship is set out in a response from EastLink to the Tolling Customer Ombudsman, forwarded to you on 2 December 2010.

That is not right. It is should be, SUBSEQUENT to discovering this error, I opened up two accounts with Eastlink.

It is apparent from material issued to the public by EastLink that motorcyclists were put on notice they would be subject to tolls. In addition, signs were put before and after entry to the EastLink toll road, warning motorcyclists they would be subject to tolls.

It would be a matter of opinion that "motorcyclists were put on notice" or not. I am not required by law to read gazettes, magazines or read charters of companies. I am required to read road signs correctly placed. Incorrectly placed signs INCLUDE signs placed after the fact of the need.

I note that you have said that you are disciplined in looking at road signs and EastLink's road sign was not in the appropriate position. However, EastLink's records indicate that your vehicles passed the signage at least 95 times. Even if one accepted your contention that the signage was incorrectly placed, it would be reasonable to presume that after a few trips that you would have understood the tolling requirement for motorcycles and been alerted to the fact that you would have to pay tolls.

Yes, I am disciplined in looking at road signs. I look where needful to look. One does not look for payment signs or when one has passed the entry point. I am disciplined to look at the road itself, right and left up ahead, right and left behind, the sky, and whats on the road too. And certainly, one does NOT look at signs at the detriment of safety. Acceptable proof of my discipline is that I am still alive after 24 yrs of holding and riding a motorcycle.

You make an assumption, which I do not agree with. That is, “*Even if one accepted your contention that the signage was incorrectly placed, it would be reasonable to presume that after a few trips that you would have understood the tolling requirement for motorcycles and been alerted to the fact that you would have to pay tolls*”. You say, I should have noticed. I say and maintain, that the need to look such a sign is needless after entering the zone. At that point in the zone, debris, speed and surrounding traffic become not just important, but tantamount.

Further, I have mentioned on more than one occasion that the Accounts department would have had to notice that some 90 times the same address was being used resulting in the same non-deliverable result. I have also demonstrated and supposedly its been recorded, that their accounting system is more than just complex it even confuses them. Additional proof to this was they inadvertently violated the Privacy Act by putting forth another “[Full name of Mr GC]”.

I note that you did not receive toll invoices because you had not updated your address with EastLink nor with VicRoads until August 2010.

Again, not entirely true. I updated my address sometime early 08 by phone to Vic Roads. Vic Roads however, requires me to name the exact day and time in that day too for me to expunge the phone recording. That this cannot be done, does NOT mean I did not update my address.

Leaving that aside, I seek your explanation why you were not aware of the fact that you were liable to pay tolls, taking into account the number of times you passed the EastLink signage. See above.”

- 15 I have considered all the material provided to me in respect of this complaint. I will now make a decision.

Decision

- 16 Mr GC, according to information provided, commenced to use his motorcycle on the EastLink toll road in September 2009. Prior to that he had used his motor vehicle. EastLink had been tolled since 27 July 2008 and motorcycles had been tolled from that date at half of the cost of a car.
- 17 Mr GC contends that he did not know that EastLink tolled motorcycles because the other toll road operator in Victoria, CityLink, did not. However EastLink, from its opening, had published in the media and marketing communications that motorcycles are tolled on EastLink. This information was communicated in brochures, newspaper articles and on its website.
- 18 During the launch of EastLink it was advertised in a range of national motorcycle magazines to assist further in getting the message across that motorcycles were

being tolled. Further, each year tolling prices, that include motorcycles, are published in The Age newspaper and the Government Gazette. There is signage at Northbound and Southbound entries to EastLink that motorcycles are being tolled.

- 19** Mr GC states he had no obligation to read such EastLink material and that he should be able to rely on signs. He says in this regard that the signage was small and poorly sited.
- 20** Despite Mr GC's belief that motorcycles were not tolled by EastLink because CityLink did not and the signage was small and placed at such a position within the toll road, I am satisfied that EastLink had taken reasonable steps to inform motorcyclists that they would be tolled for the use of EastLink.
- 21** I cannot accept that Mr GC had no obligation in the face of the publicity generated by EastLink, and that he could rely on CityLink's practice of not charging tolls, to assume that EastLink would not charge tolls without ascertaining the terms and conditions of the use of EastLink by motorcycles.
- 22** Further, although understanding his view of the concentration requirements of using a motorcycle on EastLink, I cannot accept that having passed the sign a number of times he would have been aware of the fact tolls applied to motorcycles well before he had driven on the road 95 times.
- 23** EastLink advises that it has on average approximately 25,000 motorcycle trips a month. Of these trips it receives less than .01% of complaints about motorcyclists not being aware of tolling requirements. I am satisfied that EastLink's education and publicity campaign is both effective and reasonable.
- 24** The issue of Mr GC's knowledge of the tolls that he incurred centres on the fact that he had not formally changed the address on his licence with VicRoads until early August 2010. Up until that time EastLink would have been relying on that address as being the correct one to which to send its Toll Invoices and any reminder notices.
- 25** The fact that Mr GC had not changed this address meant that the toll charges and any additional fees were not paid and as a consequence were escalated to involvement by Civic Compliance Victoria. This resulted in Mr GC incurring a significant number of fines.
- 26** Mr GC states that EastLink should have become aware that he was not living at that address because of returned unclaimed mail it would have received and it should have made further enquiries. Due to Mr GC's motorcycle and car not being registered to an active Trip Pass or valid Tolling Account, EastLink's automated tolling system deemed these trips as "un-registered" travel, which generated a VicRoads Look-up for current ownership details, ie name and address. This is standard operating protocol for Australian Tollway operators. Had Mr GC updated his vehicle details with VicRoads he would have received the Toll Invoices.

- 27** EastLink advises that over 6 million trips per month are deemed “un-registered” travel on its toll roads. Its process to generate Toll Invoices is completely automated. Due to the volume of Toll Invoices issued to the only address provided to it by VicRoads (or applicable State road authority), it does not action “Return to Sender” Toll Invoices. Furthermore, it cannot be certain that mail returned to EastLink is correct. Therefore, it continues to issue Toll Invoices to the address provided by VicRoads. This process is reasonable in the circumstances. Mr GC has not suggested any viable alternative method of establishing his address that EastLink could use.
- 28** Even if Mr GC was not aware of the fact that motorcycles were tolled for the use of EastLink, he could have become aware of the tolls upon receipt of notices from Breeze if his address had been updated with VicRoads. Mr GC cannot avoid his responsibility to pay tolls because of his failure to notify VicRoads of his change of address and then a further failure to meet the terms and conditions of the use of EastLink by motorcycles.
- 29** As mentioned previously, the generation of a Toll Invoice is automated. EastLink obtains the name and address of the registered owner as at the date and time of the offence. If the address has been updated with the applicable road traffic authority between the time of the offence and the date of request, Breeze would have had these details and sent notices to Mr GC.
- 30** Mr GC has raised an issue about the confusion of another account in the name of Mr GC. Breeze has provided an explanation for the error. Care should be taken in respect of account management to avoid such errors. However, the error did not affect Mr GC’s liability for the toll charges and fees he had incurred on his account.
- 31** Mr GC also raised the fact that a Civic Compliance Victoria employee had provided incorrect information about the liability for motorcycles to incur tolls. The information was incorrect but Civic Compliance Victoria is a State Government body over which EastLink has no control. Again, the Civic Compliance Victoria officer’s error did not affect Mr GC’s liability for the tolls he had incurred as it post-dated the incurring of the tolls.
- 32** In all the circumstances I cannot uphold the complaint.

Michael Arnold
Tolling Customer Ombudsman

Dated: 16 May 2011