

# **TCO REVIEW**

**1 March – 31 August 2014**

**Michael Arnold  
Tolling Customer Ombudsman**

# **TOLLING CUSTOMER OMBUDSMAN REVIEW**

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## **Introduction**

Trust has been the central issue at a number of recent conferences organised for various industries and industry associations. It is a theme that has been constantly revisited in our media over recent times.

Statistical measures show that there is a declining trust in our institutions and leaders at all levels. The responsibility lies with all of us to address this situation. Toll roads are an important part of Australia's infrastructure. It will continue so and in fact provide an expanding role. Accordingly, it is important for toll operators, amongst others, to establish and maintain a level of service that meets the requirements of trust. Customers will be quick to blame if they perceive what is a breach of a toll operator's obligations. The fallout is usually a complaint that impacts on the operations of a business.

There is a constant need for attention to service. Accordingly, it is important toll operators should ensure that they have systems in place that are reliable and in which the customer has confidence.

## **Methods of payment of tolls**

A number of issues have gained considerable media publicity over the past six months. Although it is not intended to provide legal advice, the TCO will seek to clarify misinformation in respect to a toll road customer's obligations to pay toll.

Arguments have been made that show a lack of understanding of the division of powers between the Commonwealth and State Governments in the Australian Constitution. Section 115 of the Constitution has been targeted as a section that disallows toll operators from levying tolls or requires that the tolls be paid in "gold and silver coin". Such an interpretation is incorrect as State legislation can govern the operations of toll roads and the method of payment.

Having said this, toll operators should have a choice of methods of payment at outlets, such as a post office or convenience store, which will accept payment in cash to facilitate some who do not have alternative means of payment.

## **Level of administration fees**

Recent decisions in respect of fees has caused the issue of the level of administration fees and the multiplicity of fees charged to again rank highly in the complaints that come to the TCO.

Different methods apply in respect to the fixing of the level of fees. Some are negotiated with the State Government, others are not. It is important that both the level of fees and the imposition of fees must not be punitive. There continue to be class actions against banks and credit providers in respect of fees. There should not be an opportunity for this to be replicated in respect to tolling administration charges.

### **Toll road operators' systems**

Complaints have been raised in relation to the ability to use toll road operators' contact and payment systems.

Issues were raised about the long delays in telephone responses and the difficulty in using online services. There continues to be a problem with customer understanding that paying by way of BPAY will not result in an immediate payment of a toll or a toll and associated administration fee.

These are communication issues which toll operators should continually seek to enhance with their customers, staff and agencies.

I am satisfied that there have been improvements by toll road operators in respect of these processes over the years. However, future development will always benefit toll road operators and customers in their transactions.

### **Regional and interstate customers**

There is always an obligation on the part of toll road operators to meet the particular needs of regional and interstate customers. Such toll road users are often not familiar with travel on toll roads or do not understand the interoperability arrangements between State operators.

Complaints have been raised in respect of a perceived failure to have proper interoperability practices that lead to the imposition of unnecessary administration fees. This should always be the subject of ongoing discussion between toll operators.

### **Events**

Toll road operators, with the advent of better weather conditions in Spring and Summer in Australia, often make their roads available for community events such as fun runs, cycling and the like.

Such events are a valuable addition to community activities. However, there must be timely and comprehensive warnings of such activities to avoid inconvenience to motorists, who need to seek alternative travel routes.

Below is a table of complaints and outcomes for the reporting period.



**Michael Arnold**  
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<b>AirportlinkM7</b>
<b>CityLink</b>
<b>EastLink</b>
<b>Go Via</b>
<b>Roam</b>
<b>Roam Express</b>

Category	Mar 14	Apr 14	May 14	June 14	July 14	Aug 14
Account Management						1
	11	13	13	13	14	15
	5	1	2	4	3	1
	18	18	19	20	19	13
	2	3	4	3	5	3
	1	1	3	2	4	
Billing/Tolling	6	3	7	3	4	2
	9	5	8	6	10	6
	5	3	7	5	3	3
	21	12	10	6	18	18
	6	2	3	2	2	2
	3	2	1	1	2	2
Service						
	1	1	1		1	2
	1					
	1					1
			1			
Damage to Vehicle					1	
Vehicle Classification						1
Website/Feedback					1	
	1					
					1	
<b>TOTAL</b>	<b>6</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>3</b>
	<b>21</b>	<b>19</b>	<b>22</b>	<b>19</b>	<b>27</b>	<b>24</b>
	<b>12</b>	<b>4</b>	<b>9</b>	<b>9</b>	<b>6</b>	<b>4</b>
	<b>40</b>	<b>30</b>	<b>29</b>	<b>26</b>	<b>38</b>	<b>32</b>
	<b>8</b>	<b>5</b>	<b>7</b>	<b>5</b>	<b>7</b>	<b>5</b>
	<b>3</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>6</b>
Resolved/Closed by Customer Resolutions	6	3	7	3	4	3
	21	19	22	19	27	24
	12	4	9	9	6	4
	40	30	29	26	38	32
	8	5	7	5	7	5
	3	3	3	4	4	6

Category	Mar 14	Apr 14	May 14	June 14	July 14	Aug 14
Pending						