

TCO REVIEW

1 September 2010 – 28 February 2011

**Michael Arnold
Tolling Customer Ombudsman**

TOLLING CUSTOMER OMBUDSMAN REVIEW

1 SEPTEMBER 2010 – 28 FEBRUARY 2011

Introduction

This is the 13th Tolling Customer Ombudsman Review since the inception of the service. The Reviews are intended to not only reflect any problems faced by toll operator customers in the previous six months but to establish a pathway for change to the benefit of both toll operators and their customers.

Although there has been an upward trend in the number of complaints coming to the TCO, it is pleasing to report that the toll operators continue to respond to recommendations positively and fine-tune their operations appropriately when a complaint has merit.

This also means that there continues to be a high level of response to the complaints of customers, which leads to better and more timely resolution of particular problems. This must be encouraged. However, this does not mean that all complaints can be resolved to the satisfaction of a customer. There are inevitably complaints that cannot be resolved in a customer's favour by a toll operator.

These are the complaints that typically come to the TCO. The TCO considers the facts of such complaints and, after considering the relevant legislation and the Customer Service Agreements or terms and conditions of the use of a toll road, makes a decision which is fair in all the circumstances. Fairness must apply to both the toll operator and the customer in the making of decisions.

The TCO publishes all written decisions on its website but there are a number of complaints that are resolved between toll operators and their customers and I will point out some particular examples.

Trip Pass

EastLink has positively responded to an issue about the wording of a receipt issued by Australia Post for single trip passes. The EastLink website reads *"You can travel the full length of EastLink in one direction for the cost of one trip pass. You can exit and re-enter EastLink in the same trip, provided you keep going in the same direction, don't repeat any section and complete your trip within 60 minutes"*. This information was reflected in the EastLink Customer Service Agreement and its prices guide.

However, the Australia Post receipt read *"Each EastLink Trip pass is only valid for one trip (in one direction) on EastLink"*.

There was no reference to the fact that the trip had to be completed within 60 minutes. Upon referral to the TCO, the complaint was resolved directly with the customer. EastLink further liaised with Australia Post to update the information on its trip pass receipts so that it clarified the terms and conditions of the trip pass.

Licence Plate Number Recognition

Toll operators are required to have in place licence plate number recognition technology that operates effectively and efficiently and in accordance with best tolling practice. There is no evidence before me that it is an endemic problem but issues have been raised about a failure of recognition. Toll operators have been co-operative in this regard in relation to changes.

There are variables including low light, sun glare, reflections, wind, rain, fog and possible physical obstructions that affect the clarity of an image. Toll operators should err on the side of caution in charging tolls if a licence plate number cannot be absolutely confirmed.

Change of Ownership of Vehicles and Use of Hire Vehicles

Complaints continue to arise as a consequence of failures to notify toll operators of changes in ownership of vehicles or the conclusion of a tolling payment arrangement for hire vehicles.

I can only emphasise the importance of toll operators regularly publishing information to avoid such problems. This should include ongoing liaison with vehicle hire companies to limit this particular area of concern. Toll operators have shown consideration in a number of circumstances by making partial ex gratia refunds.

Conclusion

The provision of information by toll operators to their customer is of paramount importance if unnecessary complaints are to be avoided. There are differences between the terms and conditions of use of toll roads, eg EastLink tolls motorcycles. It is important that customers understand the different services provided. There must continue to be information in all segments of the media to achieve the widest possible spread into the community. Such publicity is enhanced by toll operators becoming involved in community projects, as they currently do. The greater the interaction with the public, the better the familiarity with the terms and conditions of toll road use.

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



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CityLink
EastLink
Roam
Roam Express

Category	Sept 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11
Account Management	10	8	9	5	7	11
	3	1	5	5	4	7
	3	5	4	5	7	4
		2			2	1
Tolling/Billing		3	2	3	3	7
		2	4	2		5
	1		1		4	1
	2	1	1	1		
Damage to Vehicle					2	
Infringement Notice/ Late Toll Invoice			1	1		2
		1	1			
Infrastructure/ Signage			1			
Service	1					1
Jurisdiction						
						1
Website						1
	1					
TOTAL	11	11	13	9	12	21
	3	4	10	7	4	12
	4	5	5	5	11	6
	3	3	1	1	2	1
Resolved/Closed by Customer Resolutions	11	10	13	9	12	21
	3	4	10	7	4	11
	4	5	5	4	10	5
	3	3	1	1	2	1
Pending		1				
						1
				1	1	1