

TCO Review

1 September 2016 to 28 February 2017

**Michael Arnold
TCO Tolling Customer Ombudsman**

TCO TOLLING CUSTOMER OMBUDSMAN REVIEW

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Introduction

This Review follows the previous Review dated from 1 March 2016 to 1 November 2016 which took the six monthly Review process out of its normal time frame. I have determined to report on the period between 1 September 2016 and 28 February 2017 to bring the Reviews back into kilter.

This is the first Review in the name of the TCO Tolling Customer Ombudsman (TCO). There have been a number of name changes of the Ombudsman established to deal with disputes between toll operators and their customers. The changes from the CityLink Customer Ombudsman, to the Transurban Customer Ombudsman, to the Tolling Customer Ombudsman, reflected the increased scope of the dispute resolution responsibility of the Tolling Ombudsman in the eastern States of Australia for differing toll operators.

An objective was to have a dispute resolution system that toll road customers could readily identify as being one that was not only free of charge to them but was, importantly, one in which nominated toll operators had agreed they would be bound by the Ombudsman's decision.

There were, unexpectedly in 2016, certain domain name/website issues, as discussed in previous Reviews. These issues, in my view, potentially impacted on a toll road customer's recognition that the Tolling Customer Ombudsman, which had existed for many years, was the only tolling ombudsman system which had an agreement with toll operators to provide such a system. This could have created unfortunate and unnecessary confusion for toll road customers and the speed with which they could have their disputes resolved.

In order to resolve matters and any uncertainties, the TCO Tolling Customer Ombudsman business name and a domain name, TCO Tolling Customer Ombudsman, have been obtained to identify the Ombudsman responsible for future dispute resolution for toll road customers and toll operators. The Tolling Customer Ombudsman logo has been trademarked and will be retained, along with the existing email address: admin@tollingombudsman.com.au.

Parliamentary Inquiries

Parliaments or Governments are conducting Inquiries into toll roads and operations in their respective States. At their invitation, I have provided submissions as to the operation of the predecessor Tolling Customer Ombudsman that contracted with toll operators to provide dispute resolution services. I also drew the attention of the Inquiries to the website and the six-monthly Reviews in order that they had an understanding of processes and the issues that I had raised over the years.

Penalties

There is currently an Inquiry in Victoria into the impact of penalties following Enforcement Notices in respect to a range of non-payment of fines. These range from traffic and parking offences and include toll infringements. The current recovery of these fines are impacting on the efficient operation of the Courts. Further, once recovery is referred to this system the penalties increase dramatically. It should be noted that the toll operators do not directly benefit from this process.

Again, at the invitation of VicRoads and the RMIT Justice Centre, I have had discussions in respect to the issues and drawn attention to six-monthly Reviews which discuss issues relevant to the Inquiry. There is now a trend to having such matters treated as civil debts rather than through the Government compliance or justice system.

There may not be a “one solution fits all” as each toll operator in different States may have its own issues because of its level of fees. There needs to be ongoing discussion between the State Governments, Law or Justice Departments, Road Traffic Authorities and toll operators to achieve the best outcome.

Whatever is the outcome as far as toll infringements are concerned, there should be an extended period of time in all States to enable outstanding tolls and fees to be recovered by co-operation between customers and the toll operators, before being referred to the Government compliance. Such a process would allow a fair and reasonable outcome for toll operators and toll road customers. I note both Transurban and EastLink are taking steps to assist payment and reduce the level of enforcement required.

Administration Fees

Toll road customers frequently raise issues about the quantum of the administration fees charged by toll operators in the recovery of outstanding tolls. I do not have jurisdiction over the level of fees charged. In some States the fees are defined in Concession Deeds. Whatever the situation, it is essential that these fees reflect the cost of administration only and not include any element of profit. Further, the toll road operators should, on an ongoing basis, introduce efficiencies to keep downward pressure on the costs of administration.

Toll Operators Technology and Equipment

Complaints have been raised about the sophistication of the technology currently used by toll operators as well as the consistency of e-tag recognition at certain toll road gantries. It is essential for toll road customers to have confidence in the tolling processes at all levels. The same applies to the competence and the knowledge of telephone operators, whether located in Australia or in call centres overseas. I have not identified any systemic issues, but it is imperative that toll operators monitor and improve existing technology and equipment.

Transfer of Vehicle Registration

The problems associated with toll operator account customers' or casual toll road users' failure to ensure that State motor vehicle registration authorities are notified of a change of ownership of a motor vehicle has been discussed in a number of my Reviews.

The obligation is on all such customers, as with any vehicle owner, to notify the relevant authority. However, customers selling vehicles often rely on the purchaser to notify the authority of the change in registration of the vehicle ownership. This is not always done and so the customer can be charged for or is paying for tolls incurred by the subsequent owner.

If a toll road account customer does not remove the sold vehicle from a toll operator's account or a casual user of the toll road does not notify the authority of the change of ownership of the vehicle, the toll operator acts on the basis that the customer has retained ownership of the vehicle and is responsible for the tolls.

Account customers do not always monitor their accounts and can continue to pay these fees beyond the period in the account terms in which a customer should notify the toll operator of

the issue. Casual road users can often shift address without notifying an authority of changes. They can continue to be charged for tolls and the consequent administration fees without knowing. They are often not aware until an intervention through the Government compliance process some years later.

Some customers have to continually provide statutory declarations to toll operators within a fixed period of time, confirming that the vehicle is no longer theirs and providing details of the sale. There can be a problem if records of the sale have not been retained. A requirement for continual statutory declarations appears excessive.

Any customer, upon realising there is a problem, should notify the authority and the relevant toll operator to avoid any escalation. Toll operators should have the capacity to confirm with the authority that the customer is no longer the vehicle owner and cease sending tolls or infringement notices for future use of a toll road to such customers.

Despite measures that appear to be taking place to assist alleviate the issues, there are recurrent complaints. There must be on-going discussions between toll operators and the relevant registration authorities to address the problem.

Housing and the Homeless

The issue of homelessness does not fall within the jurisdiction of the TCO, but it is a matter that impacts upon the whole community, including toll operators and toll road customers. The TCO has provided support to Launch Housing, a not-for-profit organisation that provides housing assistance in Victoria. I would encourage that support be given to such or similar organisations throughout Australia to relieve the plight of the homeless.

Conclusion

Vale

I would like to pay tribute to the late Andrew Hilton, who died recently. Andrew, as required, provided administrative and first contact telephone service for the TCO for a number of years. He will be missed because of his attentiveness and patience, which was often required at being the first point of contact at the TCO.

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



Michael Arnold
TCO Tolling Customer Ombudsman

CityLink
EastLink
E-way
Go Via
M5 South-West Motorway
Roam
Roam Express

Category	Sept 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17
Account Management	10	10	10	4	8	11
	1	3	4	1	6	7
	-	3	2	1	4	-
	32	18	34	28	25	26
	1	-	1	-	-	-
	7	1	2	8	5	9
	3	2	3	-	3	5
Billing & Tolling	5	5	4	6	1	10
	6	5	3	2	4	7
	-	1	-	-	-	1
	19	26	13	14	14	28
	1	1	1	1	2	1
	5	8	2	5	5	3
	7	7	10	2	2	5
Service						
		1	1			1
Damage to Vehicle					1	
Infrastructure/ Traffic Management	1					
					1	
Vehicle Classification	1			1	1	
						1
Website						
			1			

Category	Sept 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17
TOTAL	17	15	14	11	11	21
	7	8	7	3	10	15
	-	4	2	1	4	1
	51	45	48	42	40	55
	2	1	2	1	2	1
	12	9	5	13	10	12
	10	9	13	2	5	10
Resolved / Closed by Toll Road Operator	17	15	14	11	11	21
	7	8	7	3	10	15
	-	4	2	1	4	1
	51	45	48	42	40	55
	2	1	2	1	2	1
	12	9	5	13	10	12
	10	9	13	2	5	10
Pending						