

TCO Review

1 March to 31 August 2017

**Michael Arnold
TCO Tolling Customer Ombudsman**

TCO TOLLING CUSTOMER OMBUDSMAN REVIEW

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Introduction

This review period has seen ongoing Government or Parliamentary investigations into toll operations and their complaint handling processes. I made reference in some detail to the issues which have been the subject of consideration in my previous Review. I do not intend to repeat them but there have been meaningful discussions between toll operators and government agencies, again assisted by submissions from community groups and Legal Aid, in relation to a range of issues. The TCO has continued to be part of these discussions at both industry and community levels.

The objective is to address the impact that enforcement penalty debt, along with other commitments, has on people in hardship or who have difficulty meeting their financial commitments. The number of people facing financial stress because of rising utility and energy costs in a time of low income growth is of concern in the community and it must be addressed by society as a whole.

The difficulties facing a range of people in the community are diverse. Organisations such as FareShare are providing a record number of meals to those in need across a range of socio-economic groups. An evaluation of this problem shows there are a range of pressures of which toll debt only plays a part.

Statistics produced for the purpose of discussion again show that the overwhelming majority of toll road users have arrangements in place for travel on toll roads prior to travel, and a large proportion of those that do not will make timely payment on receipt of a toll notice with the initial administration fee.

Although any unnecessary burden on the Courts is to be avoided, the evidence indicates that a small proportion of toll road users find themselves before the Courts. Amongst those there are certainly people who are facing hardship or are in this position because of circumstances that are beyond their control. However, it has to be acknowledged there are a significant number of instances in which people are seeking to avoid the obligations to pay tolls for the use of toll roads.

It is not always a “cut and dried” situation but the TCO has a broad jurisdiction to make a decision, taking into account all the circumstances and what is fair and reasonable. Toll operators will usually acknowledge that special circumstances may apply and provide relief to the toll road customer in respect to administration fees, but it is not fair to those who pay for the use of the toll roads to in effect subsidise those who choose not to pay.

It is hoped the consultation that takes place between Governments, toll operators and the community will achieve a balance that can address the issues around that proportion of toll road users who do not meet toll obligations, in order that those in hardship or are facing difficulty are not affected.

Number Plate Recognition

Issues have been raised in regard to number plate recognition, particularly in respect of motorcycles, which has led to the imposition of administration fees for non-payment of tolls. There have been problems in relation to number plate recognition in the past that have been largely overcome by more sophisticated processes. It is the usual practice for toll operators to respond by withdrawing tolls and administrative fees upon notification of the mistaken recognition.

There have been problems caused by “cloned” number plates on motor vehicles which have led to incorrect identification of a toll road user. The issue of number plate cloning is not limited to toll roads. It also applies to traffic camera related offences (e.g. speeding and red light infringements) and Police criminal investigations that involve tracking of vehicles.

These problems are not readily apparent to toll operators until they are notified of the problem by the toll road user. Therefore State vehicle registration authorities need to put in place a more effective solution for dealing with cloned number plates. Once the problem is brought to the attention of the toll operators, however, it is important that it be efficiently addressed.

It may be inappropriate to prevent issue of toll notices in instances where the cloned number plate vehicle is the same make and model and of similar colour to the toll road user’s vehicle, which can often be the case. However, complaints are raised by toll road users of continually being sent toll notices in respect to the cloned number plate after they have notified the toll operator of the situation. Toll operators should have efficient and effective “Watch Lists” to limit the toll notices being sent to the toll road user and the inadvertent escalation to further toll collection process.

It is important that a motorist who has evidence that their vehicle number plate has been cloned should **immediately** contact their State vehicle registration authority to arrange for a new number plate. This is similar to credit card fraud – if it becomes known that your credit card details have been compromised, then the card should be cancelled immediately and a new card issued.

Lodgement of Complaints with Toll Operators

The largest numbers of complaints that come to the TCO are in relation to toll road users establishing contact with a customer representative who can deal with their particular issue and provide a response. These include failures to promptly follow-up on the issues raised in the complaints. I have raised this matter in previous Reviews and toll operators must continually address this issue. I note that toll operators do make ex gratia payments to customers in some instances of poor communication or administration.

Particular complaints have been made in respect to the toll road user’s initial objection process offered by toll operators. An allegation was made that the objection process was purposefully made cumbersome and designed to make it easier and more cost effective for a customer to pay the amount said to be owing, rather than going through the objection process.

One of the core components of a dispute resolution process is for the toll operator to have an efficient and fair internal dispute resolution process. All toll operators have a customer relations section which will initially deal with a complaint, which escalates to a senior manager for decision. Toll operators must be conscious that its customers will rightfully become concerned and dissatisfied if their complaints are not handled effectively and promptly.

Complaints Particular to Customers

The TCO must consider all complaints raised by toll road users and has a broad jurisdiction in respect to complaints arising from non-payment of tolls. Complaints are on occasions raised by toll road customers because the tolling system does not satisfy their particular expectations or requirements.

Complaints can range from the very existence of toll roads to the fact that some call centres are located overseas. There is no doubt that issues do arise from toll operators' systems and telephone contact. However, making combative allegations about dissatisfaction with the tolling system overall can often not be the way to resolve a dispute.

The TCO is not an adversarial process but an inquisitorial one that allows the parties to provide their contrary views. It is for this reason the TCO relays the toll operators' and the customers' submissions to each other to establish an understanding of their respective points of view.

I make the following points from my experience over the period of time as the TCO:

- a) The overwhelming majority of toll road users, both casual and account holders, use toll roads and payment systems without any problems.
- b) The contact officers, whether in Australia, the Philippines or elsewhere, are trained and speak English to a required level. Their performance is monitored and customers are interviewed regularly about their contact experience.
- c) Complaints by customers about tolls and toll roads are considered by toll operators. Particular issues raised by toll road users have, when required, been commented upon in my six-monthly TCO Reviews. Toll operators respond positively to these Reviews.

However, toll operators cannot alter their systems on the basis of individual complaints without due consideration of the impact on a system that currently meets the overwhelming majority of customers' needs. Having said this, toll operators must be sensitive to the needs of the customer. I enclose a de-identified excerpt from a complaint file by way of example:

"As per our investigation, we can confirm the following:

- [Name of customer] was issued an [Name of toll operator] Toll Invoice for travel made [Date] 2017, [Date] 2017 and [Date] 2017.
- We confirm that the trips mentioned were rejected by [Name of 2nd toll operator] and as a result we proceeded to invoice the customer directly to recover the funds.
- The fees on Toll Invoice [Number of invoice] were waived (\$8.24) and the trips cleared. The customer has paid [Number of 2nd invoice] in full and as a goodwill gesture [Name of toll operator] has credited his account \$10.95 to offset our Toll Invoice fees.

The customer's feedback regarding the level of customer service he received when he spoke to a supervisor on [Date] has been taken seriously. I have reviewed the call and I did not find that the supervisor unnecessarily raised her voice during the conversation, and confirm that she used her regular tone and cadence when interacting with [Name of customer]. This recording of the conversation is available for you to review if you request.

In closing, we find nothing further outstanding with [Name of toll operator] for LPN [Number] at this stage and refer the customer to [Name of 2nd toll operator] if he wishes to discuss why the trips did not apply to his account originally."

and:

"I will take your suggestion of an enhanced communication campaign to (Name of Toll Operator) and other tolling operators and regret that we were unable to assist you further on this occasion."

Signage and Fees

Issues have been raised in respect to the displaying of the fees charged to toll road users who have no payment arrangements in place prior to travel on toll roads. Such fees are available on the toll road operators' websites but cannot all be contained on signage placed on the toll roads as a matter of practicality and safety. Toll road users have an obligation to determine the terms and conditions of travel prior to travel.

Conclusion

There will be continuing consultation between toll operators, government agencies and the community in respect to the enhancement of toll operators' practices and complaints handling, in which the TCO will be involved. There are no doubts that issues in relation to the impact enforcement penalty debt has on those in hardship and the impact the collection process has on the Courts will continue to be considered.

The emphasis should be on protecting those who may have been affected by the system unfairly or are placed in particular hardship, and not on those who deliberately avoid paying tolling obligations.

Importantly, in the interim, the toll operators will continue to improve processes that will reduce the number of complaints made to toll operators about their systems. Information is provided by toll operators that satisfy the vast majority of their toll road users but it is often the casual user who may infrequently have difficulty in accessing toll operators' systems when they have a problem or complaint.

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



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

Category	March 17	April 17	May 17	June 17	July 17	August 17
Account Management	10	6	5	8	12	11
	2	2	4	8	7	5
	-	-	2	2	-	1
	23	19	21	20	21	23
	-	-	-	1	-	1
	2	2	9	11	21	15
	4	3	7	2	3	7
Billing & Tolling	5	2	4	5	1	4
	5	4	4	11	4	12
	-	-	-	1	-	-
	21	18	10	14	10	16
	3	1	1	-	3	5
	8	3	3	10	21	33
	4	4	9	-	5	13
Service						
					1	
Damage to Vehicle		1				
Vehicle Classification	1	1	1		1	
	1	2				
			1			
			1			
Website						
			1			

Category	March 17	April 17	May 17	June 17	July 17	August 17
TOTAL	16	10	10	13	14	15
	8	8	8	19	11	17
	-	-	2	3	-	1
	44	37	33	34	31	39
	3	1	1	1	3	6
	10	5	13	21	43	48
	8	7	16	2	8	20
Resolved / Closed by Toll Road Operator	16	10	10	13	14	15
	8	8	8	19	11	17
	-	-	2	3	-	1
	44	37	33	34	31	39
	3	1	1	1	3	6
	10	5	13	21	43	48
	8	7	16	2	8	20
Pending						