

DECISION

Summary and outcome

- The complainant, Mr G, lives in Queensland. Mr G has requested a refund of all of the fees payable to Linkt since 2015. This claim would include all charges for all cars that Mr G has used since 2015 to travel on toll roads, but also all cars used by his company and all cars used by his father.
- Linkt's position was that the Toll Invoices were issued correctly, it would not be reasonable to refund the administration fees simply that Mr G had not topped up his account where appropriate, but was still using the toll roads. Therefore, the account of Mr G was suspended as tolls were not being appropriately paid for.

Background

- Mr G first made a complaint to the Tolling Customer Ombudsman (TCO) on 14 October 2020. He suggested:

“I want all my fees paid for all tolls refunded. This is from 2015 up to now...”
- After the initial complaint there was a considerable amount of correspondence between the parties.
- Mr G in an email dated 20 October 2020 stated:

“My basis is that I should not have had to pay so much in administration fees over the years for my cars and the class action that is being held against LINKT is for this exact reason.....I suggest someone from LINKT senior management give me a call and advise me that they will review the entire case and all the fees which I have paid I was told to not pay anything due to the class action but I am being rather fair and contacting you guys directly to resolve it as I don't have time for headache and just want to sort this rubbish out. But I also don't want to be thieved or conned. I strongly suggest you review my entire profile so that we can come to a resolution.”
- Linkt provided a substantive response to Mr G's complaint on 22 October 2020 stating that:

“I understand [Mr G] is requesting for all administration fees paid on toll invoices previously to be refunded. Toll invoices and Notices of Demand

request payment of the toll and an administration fee. Linkt's administration fees recover our costs incurred when dealing with customers with unpaid tolls. Toll Invoices are only issued in the case where there is no valid tolling arrangement. In this case, Toll Invoices were issued either before [Mr G] opened his Linkt account or while the account was suspended. As the Toll Invoices were issued correctly, it wouldn't be reasonable to refund the administration fees. Please also note that Linkt have previously waived a total of \$662.80 in toll invoice administration fees as a goodwill gesture in order to assist [Mr G]. I spoke to [Mr G] over the phone on 15th July regarding his enquiry."

- A further email from Mr G was sent on 30 October 2020 where he reaffirmed that he was disputing all administration charges in particular because he did not think that he was liable for the invoices.

Current position of the parties

- Mr G wants to dispute all charges imposed by Linkt from 2015 to the present in respect to various vehicles associated with him because those charges were not legitimately imposed. In particular he is "tired" of Linkt imposing administration charges on unpaid tolls and these administration charges are excessive.
- Linkt considers that all Toll Invoices were issued appropriately and accordingly the administration charges were imposed appropriately on the basis of those Toll Invoices. Linkt can also appreciate that Mr G has made payment of Toll Invoices in the past, however, these were issued correctly and could have been avoided had there been a valid tolling arrangement in place.
- Accordingly, Linkt considers that it is not appropriate to reduce any of the fees or administration charges as they were validly issued and imposed. Linkt notes that they waived administration charges for Mr G in the amount of \$662.80 in the last few months in respect to another matter.

Discussion

- When making a decision, I am required to examine all the available information and to reach an outcome which is fair to both parties and is based on the "balance of probabilities". This means that where the parties do not agree on an issue, I need to decide whether it is more likely than not that a particular event did, or did not, happen.
- From examining all the information and based on a review of what is fair in the circumstances, I am satisfied that the following is what most likely occurred.
- Linkt has validly issued Toll Invoices and administration charges as there are no tolling arrangements in place for Mr G. Linkt provided an adequate response to Mr G as to why Toll Invoices were issued, why the administration fees are charged and how to avoid Toll Invoices.

- Mr G has not had appropriate tolling arrangements in place, including correct payment mechanisms for the various charges on various occasions throughout the relevant period. This appears to be a pattern of conduct by Mr G. It is not entirely clear on the information available why Mr G adopted this approach. However, more recently he suggests that because of a class action that he apparently is involved in against Linkt he did not think he needed to have appropriate tolling arrangements in place, including mechanisms to pay tolls or charges when they have been incurred.

Determination

- I am satisfied that, in the circumstances, Mr G has not established grounds for his complaint against Linkt. Mr G is not disputing he used the toll roads but is suggesting the various fees and charges, including particularly the administration charges, have not been imposed properly by Linkt and that the administrative charges are unfair and excessive.
- On the basis of the analysis above, I am satisfied that the approach by Linkt is fair and reasonable in the circumstances. This is particularly the case given it has substantially reduced the amount of the administrative charges for Mr G in the last few months on another matter. I note in this regard that Linkt provided an adequate and clear response to Mr G as to why Toll Invoices were issued, why fees are charged by Linkt generally and why administration fees are charged and how to avoid Toll Invoices.
- I remind the parties that under the TCO process, my decision is not binding on Mr G and that he can seek relief in any other forum.
- In making this Determination, I note that the manner in which Linkt's resolution team has engaged with Mr G in respect to the issue in dispute and this complaint more broadly, has been clear, transparent and conciliatory. Linkt has sought to make clear to Mr G that if appropriate tolling arrangements were in place Toll Invoices are not issued.
- When responding to consumers, complaints management staff have a responsibility to properly investigate the matters being raised and provide clear responses, supported by relevant evidence. In my view, the Linkt resolution team has reasonably discharged this responsibility in the present circumstances.

Phillip Davies
Tolling Customer Ombudsman

Dated: 24 November 2020