

# TCO Review

## 1 January to 31 March 2023

**Phillip Davies**

**Tolling Customer Ombudsman**

### STAKEHOLDER ENGAGEMENT ACTIVITIES AND MEASURES

The Tolling Customer Ombudsman (TCO) continues in 2023, as part of effecting the Scheme and engaging with stakeholders, to travel to Brisbane two days every month to ensure Queensland consumers have an opportunity to meet face to face with the TCO. The TCO, whilst in Brisbane, is located at the Servcorp offices at level 19, 10 Eagle Street in the Brisbane CBD. A meeting with the TCO in Brisbane can be scheduled by calling 1800 431 384 or by email at [admin@tollingombudsman.com.au](mailto:admin@tollingombudsman.com.au). Please note that the TCO 1800 number has changed.

The TCO is available for consumers in all states and territories but especially Victoria, New South Wales and Queensland by teleconference via Microsoft Teams. The TCO is also available to meet consumers in both Sydney and Melbourne in person if required, provided adequate notice is given to enable travel arrangements to be made and meeting rooms booked in these cities.

The TCO continues to openly engage with stakeholders as an important part of the Tolling Customer Ombudsman Ltd (TCOL) Strategic Plan. The Board of TCOL regularly reviews the Strategic Plan later to determine whether it needs amending or updating.

The TCO continues to meet with Linkt on a quarterly basis to discuss “hot button issues” for consumers when dealing with Linkt.

In 2023, the TCO as an Alternative Dispute Resolution Scheme for the purposes of the Office of the Australian Information Commissioner (OAIC) is seeking to further integrate into the OAIC system and network with the other ADR Schemes under the OAIC’s auspices.

### A NEW YEAR DAWNING

The start of a new Year is always a busy time, but it has been especially busy at TCOL. During this first quarter of the Year, I was re-appointed as CEO and Company Secretary of TCOL. More importantly, for these purposes, I have been re-appointed as the TCO for the next 3 years. Moreover, as discussed at the Annual General Meeting for TCOL, Michele Foulds who has been working for TCOL and its predecessors for the last 17 years has decided to retire so

in this quarter we went through the process of finding a replacement for Michele. We thank Michele for her significant and longstanding contribution to the TCO administration and Scheme and wish her all the best in her retirement. At the date of this Report, we had finished interviewing potential candidates for this important role. Postscript in early April 2023, TCOL appointed Deepa Patel to the position of TCOL Office Manager/Administrative Assistant.

The new year also brought back normality in our lives without the constant threat of Covid 19 shutdowns. This has also brought back normality generally to toll road use in Melbourne, Sydney and Brisbane and accordingly to the TCO business and claims under the TCO Scheme.

It would appear from the figures for the quarter that all states have returned to pre-COVID normality:

- The total figure of 219 complaints in this quarter is a significant increase on the number of complaints in the same quarter last year, which was 113 complaints and therefore almost double the number. It is more than the September to December 2022 quarter being 169. The increase is largely attributable to the significant increase in claims in Victoria.
- The Queensland figures in this quarter were up slightly, being 37, as opposed to 31 in the last quarter and 18 in the same quarter in 2022.
- In Victoria, the figure of 113 complaints is a significant increase on the last quarter of 85 complaints. There were 40 complaints in January 2023 and 44 complaints in March 2023, which is more than the substantial figure of 38 complaints in October 2022.
- the figure in Victoria for this quarter suggests some teething issues with the implementation of the new customer interface system in Victoria.
- In New South Wales the number of complaints was 69 in this quarter, more than 53 in the last quarter.

The number of complaints for this quarter being a substantial increase to the last quarter seems to be directly attributable to the increase in Victoria. The figure of 697 complaints nationally for the 12-month period (ending 31 March 2023) is relatively low in terms of numbers of complaints in a pre-COVID-19 environment but more than for the 12-month period ending 31 December 2022 being 591. The TCO will need to actively monitor the figures in Victoria as there have been two spikes in complaint numbers in two months in the last two quarters.

## COMPLAINT RESOLUTION

The TCO has a quarterly reporting regime. This was implemented to address stakeholder feedback that trend analysis would be useful. This report provides data on the last 12 months (building on data already presented), being report 16. The TCO will keep presenting the prior 12 months of statistics on a rolling basis. With the impact of COVID-19 reducing, the recent and historical data will establish trends for before COVID-19, within the COVID-19 period and back to normal circumstances beyond COVID-19.

Consumer demographics: Overall, the predominant means of contacting the TCO with a complaint continues to be electronically, either through the online complaint form or via email after downloading the complaint form from the TCO website: [www.tollingombudsman.com.au](http://www.tollingombudsman.com.au).

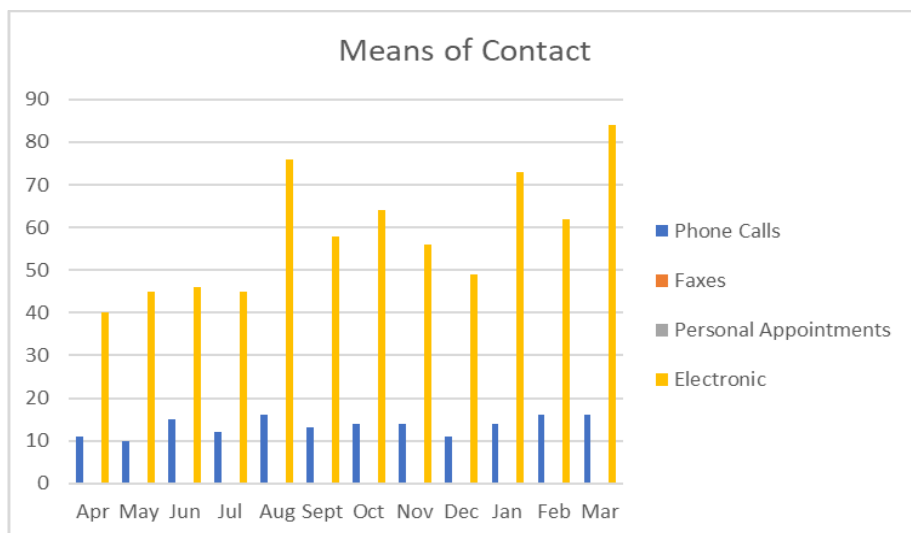
The TCO recognises that telephone contact continues to be very important for consumers and understands some consumers, when a dispute arises, would prefer and need to discuss or clarify issues over the telephone with the TCO. It continues to be important at this time to discuss matters over the telephone with consumers so as to assess what the “hot button” issues are for consumers and what consumers perceive to be systemic issues/problems in respect to their use of toll roads. Anecdotally, calls to the 1800 number remain steady and

come from all jurisdictions. However, the number of referrals from the full-time office hours reception service to the TCO has declined as customers are often able to receive a prompt answer to their query from the service staff. TCOL, in the past few months, has implemented a new 1800 number along with a more efficient telephone system that should now ensure a better service for consumers.

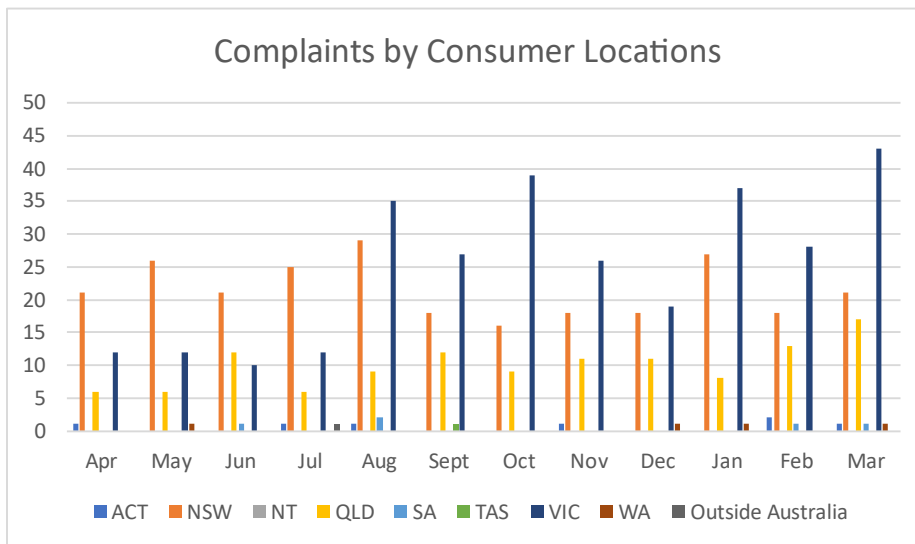
In recent interactions with consumers, the TCO has been checking on whether the consumers found the making of claims on the TCO website to be both easy and user-friendly. The feedback has been generally positive in this regard. Occasionally the TCO works through the process of lodging a claim over the telephone with consumers if that is what they require. In addition, to ensure the appropriate processes are followed, the TCO asks consumers whether they have sought to resolve the matter with the Toll Operator’s Customer Resolutions team before they contacted the TCO to ensure that proper process is being followed.

As a general observation, those consumers who solely rely on Australia Post for their communication seem to be more concerned about the amount of time taken to receive communication/correspondence in the mail. This has been impacted by different operating practices by Australia Post since 2020. This is a matter that has been raised with the TCO during telephone contact. These consumers tend to be elderly who either cannot use or do not have access to technology. There is also a small number of consumers who cannot afford the technology for email or internet. The TCO will continue to monitor this matter going forward.

The TCO meets with the Toll Operator every quarter to discuss any “hot button” issues that, in the view of the TCO, are causing consumers concerns or any aspect of the Toll Operator’s processes or systems that have the potential to cause concerns for consumers. However, if systemic issues are identified and are causing fundamental consumer concerns, the TCO will seek to meet with the Toll Operator as soon as possible and not wait for the quarterly meeting. The meeting with the Toll Operator was held during this quarter.



The TCO operates across three states in Australia – New South Wales, Queensland and Victoria.



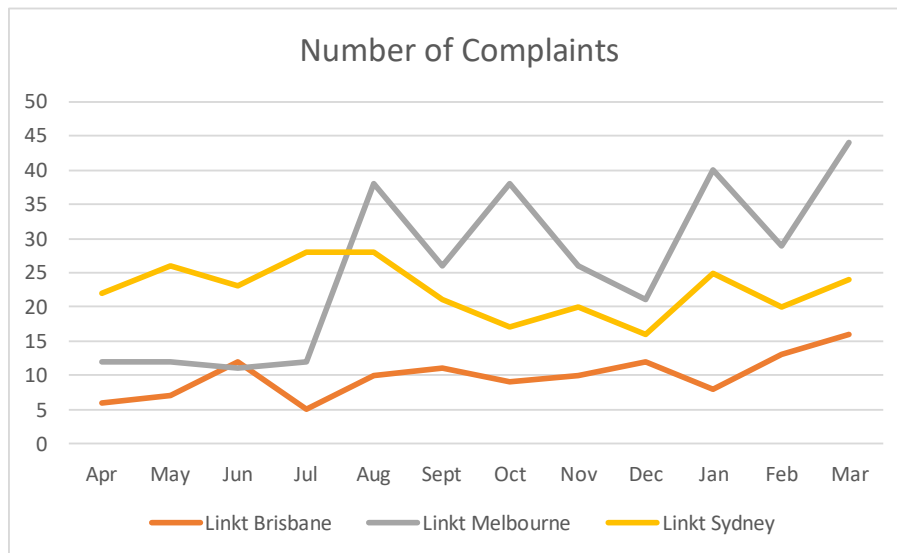
### Complaint information

In the most recent 12-month period (i.e. 1 April 2022 to 30 March 2023 inclusive), 697 complaints were received.

New South Wales consumers generally represent approximately half of the TCO workload. However, for the present period it is less than 50%, i.e. 39% (270 complaints out of 697). In turn, Victoria generally represents approximately 30% of complaints. The rate for the last 12 months is well in excess of 30%, being 44%, and is attributable to the spike in complaints in Victoria in the last two quarters. Queensland consumers generally represent just over 20% of complaints but for the last 12 months it is approximately 16%.

The recent trends in Victoria are interesting and need to be monitored in terms of why there were spikes in claims in that state in the last two quarters and in particular increased figures in January and March 2023. Last year Victoria was most impacted in terms of number of complaints and therefore the percentage of Victorian complaints to total complaints was significantly down on previous years. Obviously, Victoria was significantly affected by COVID-19 in 2021 and had more “lockdowns” than any other state. The toll road usage numbers from the Toll Operator seem to support such a conclusion.

As discussed in previous reports, the TCO anticipates, subject to a continuing increase in Victoria as has been the case in the last two quarters, that in the next year the percentage of Victorian complaints to total complaints will go back to the historical percentage of about 30% of complaints. The Queensland percentage will revert back to near 20% of total complaints. The percentage of NSW claims to the total claims will increase to the norm once the spike in Victorian claims reduces. However, this is, subject to monitoring of the situation in Victoria and whether the number of complaints in the last two quarters was an aberration or more a systemic issue.



The time period for the purposes of this report is now more than two years so the view of the TCO is that some long-term projections can be drawn just from this information. These conclusions must take into account significant parts of the period where the impact of COVID-19 will necessarily affect the numbers.

In this context, we also note the refinements and improvements made by the Toll Operator in respect to the increased focus on its internal dispute resolution process. This, coupled with its refinements to the Financial Hardship mechanisms for consumers, is also having an impact.

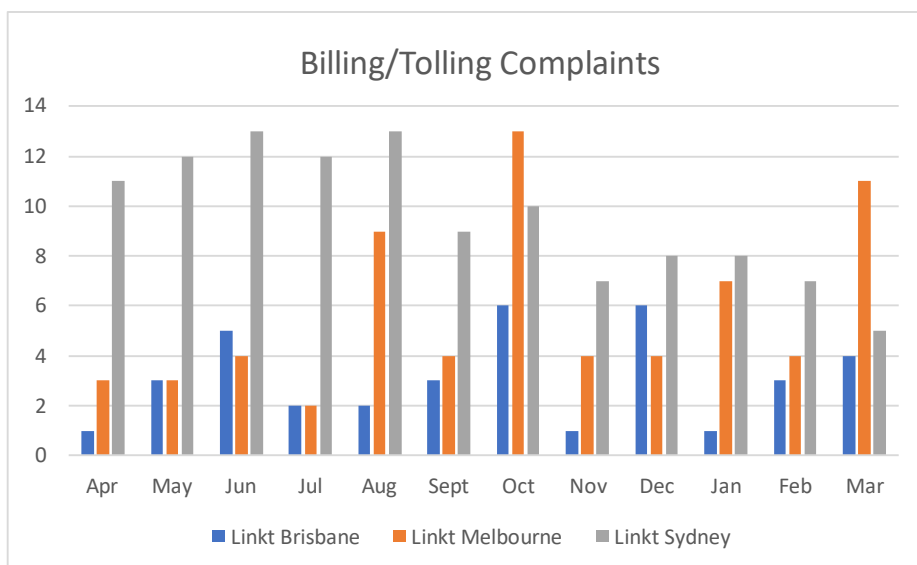
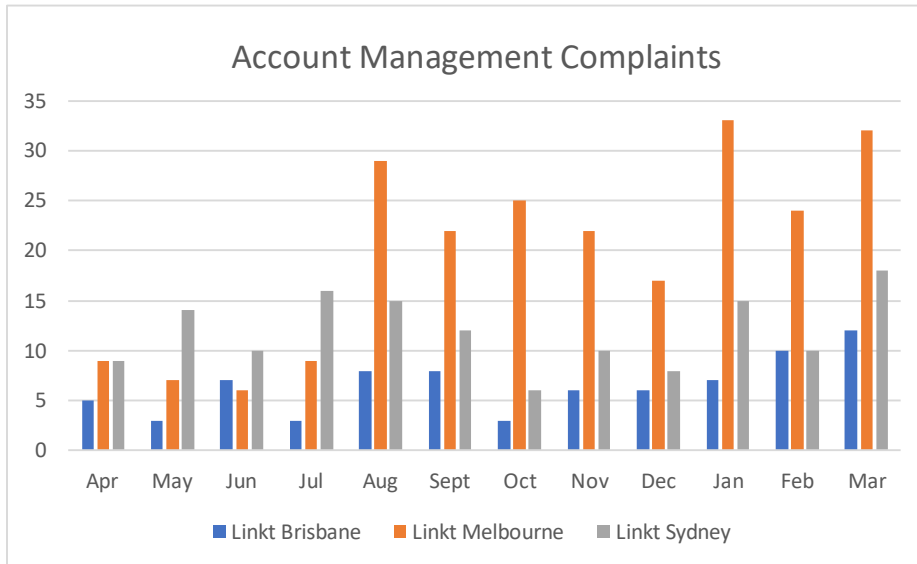
The total of 219 complaints made in the period 1 January to 30 March 2023 is a significant increase on the number of complaints in the previous quarter. It is important to note that this number of 219 complaints is well in excess of the July to September 2021 quarter, being 118. It is also well in excess of the historic low of 74 complaints in the April to June 2020 quarter. This reflects the significant impact COVID-19 had on all three states during that period and how there has been a vast increase in travel on toll roads over the last 12 to 18 months.

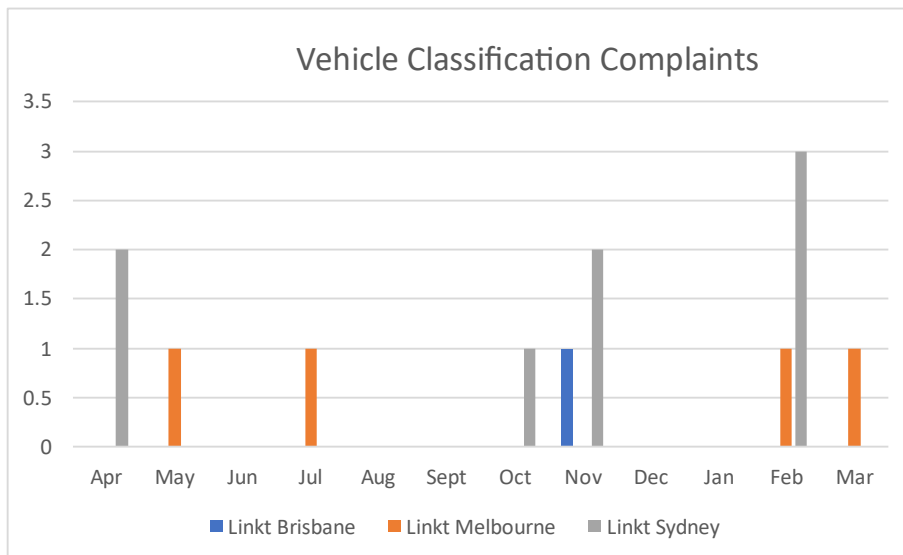
Obviously, COVID-19 over the last three years had an impact in all jurisdictions, but has had a more significant impact in some jurisdictions, i.e. Victoria. For example, the number of complaints in Victoria in the October to December 2021 quarter was 18, in the two subsequent quarters the complaint numbers almost doubled at 35 complaints in each of those quarters. In the present quarter, the Victorian complaints are considerably more than 35 and are more in line with previous quarters not affected by COVID-19. However, again we note, the apparent spike in complaints in Victoria in the last two quarters compared to other quarters during 2022. To complete the comparison analysis, Queensland complaints for the January to March 2023 quarter is essentially the same as in the previous quarter.

Generally, and historically, the TCO averages 1,000 complaints per year for the Toll Operator in the Scheme and so would expect approximately 250 complaints per quarter. To receive 697 complaints in the last 12-month period is a significant reduction on the number expected. This is particularly the case where there seems to be a temporary spike in claims in Victoria. However, the TCO notes again in the last 12-month period the number of complaints has been impacted significantly by COVID-19. Nevertheless, the Toll Operator should be commended on the continual improvements being made to its internal complaint resolution services.

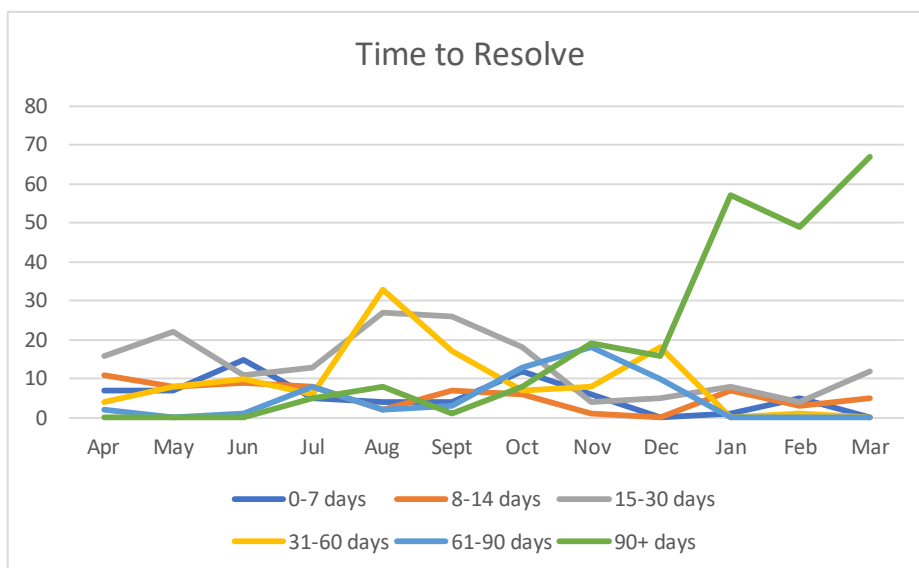
Irrespective of location, the nature of the complaints remains essentially the same. The main issues in the last year relate to Billing/Tolling. This is most often the application of administrative fees or infringement fines and whether these have been properly incurred. However, there does seem to be a steady increase in the number of Account Management

complaints early to mid-year 2022 in the context of overall complaints. In addition, in Victoria in the last two quarters, there seems to be a significant increase in Account Management complaints. The TCO will continue to monitor developments in this area. The number of vehicle classification disputes continues to be relatively minor.





Often, once lodged, the complaints handled by the TCO are generally quickly resolved in discussions with the Toll Operator.

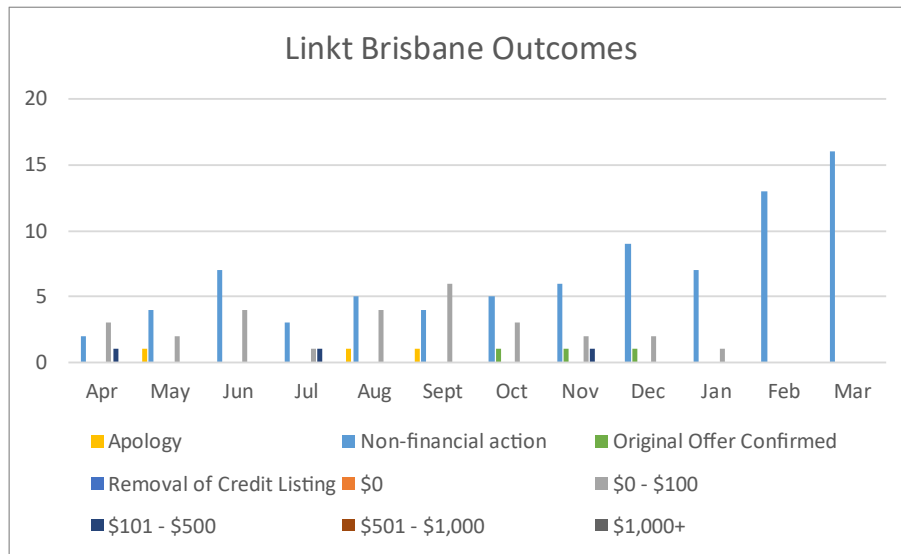


It is pleasing to note that over the last three years, longer timeframes are generally coming down in comparison to late 2019, which tended to be more in the 31-60 day period. However, in the two most recent quarters there has been a significant increase in the periods of time taken to resolve disputes. Anecdotally, it is taking significantly longer than in the recent past for Transurban to respond to claims that have been referred to them through the TCO System. The TCO at his quarterly meeting in March with Transurban, raised this issue as one that needed to be monitored and addressed.

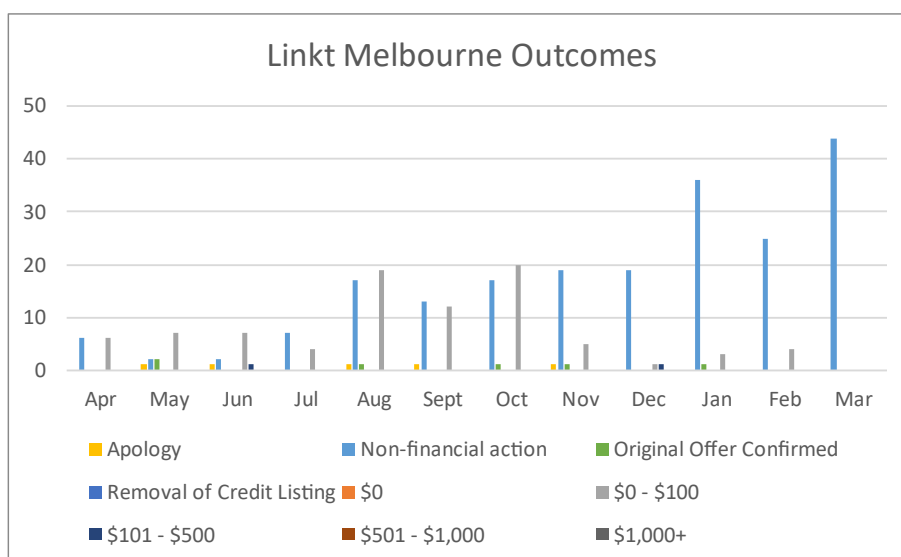
In addition, in this quarter the 31-60 day category has been affected by a significant spike in the complaints in Victoria in this quarter but this needs to be monitored closely as the trend in December was up again. In the previous quarters, especially in the last 2 quarters this year, there were a number of earlier disputes that took longer than usual to settle. However, this does not explain the significant spike in January and March 2023 in terms of complaints taking 31-60 days to resolve. Any 90-plus day matters are generally few and far between. However, in the last quarter there has been a spike in this category as well.

Where a resolution is achieved, the outcome can range from non-financial actions (explanations, release of information, assistance with referrals, etc.) to an acceptance of an original offer to resolve, to updating a credit listing as paid or a removal of a credit listing due to extenuating circumstances, to a financial benefit from waiver of an amount of debt or a payment.

In some complaints, the financial benefit can be proportionally significant, but the instances of tens of thousands of dollars of debt are generally not able to be resolved through the TCO Scheme as these levels of debt arise predominantly through the imposition of fines by state authorities, which are outside of the TCO's jurisdiction.



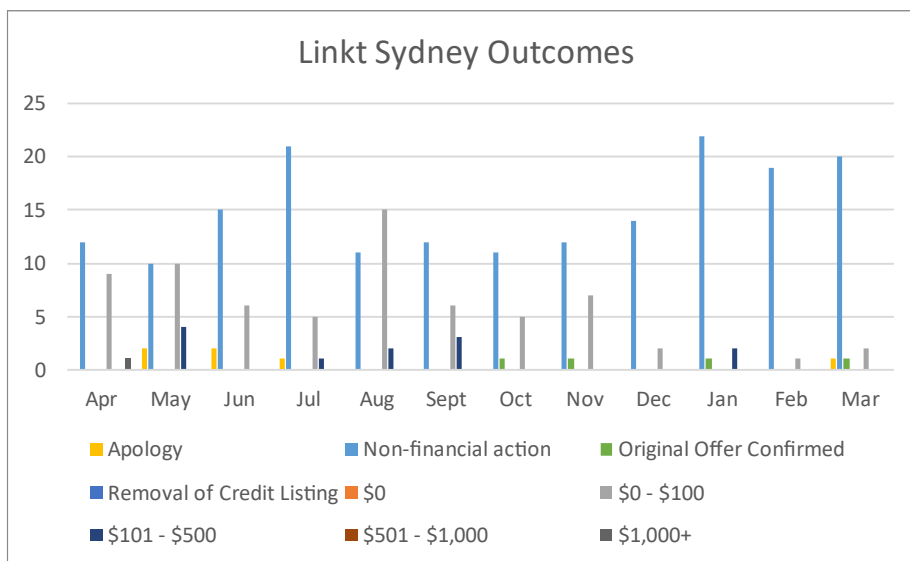
The number of complaints is relatively steady for the last several quarters and the numbers in respect to disputes are at the relatively minor end of the scale. The outcomes in respect to disputes continue to be relatively stable in Brisbane for the 12-month period.



The number of complaints from Linkt Melbourne in 2020 was generally down for the most part of 2020 due to COVID-19 restrictions, but for 2021 and 2022 the number of complaints was



trending more towards historical levels, albeit slowly. In the last two quarters, in particular the present quarter, there seems to be a significant increase in the number of complaints in Victoria. The TCO will continue to monitor this to determine whether this is an aberration or a more systemic issue going forward.



The number of complaints from Linkt Sydney in 2020/2021 and in the first quarter of 2022 was generally down from the historical numbers, but less than for other jurisdictions. In the most recent quarter, the number of complaints was a minor reduction from the previous quarter. The figure in this quarter is clearly a reduction on the usual numbers. Once the impact of COVID-19 is reduced, it is likely the number of complaints will be near historic levels.

## SYSTEMIC THEMES AND ISSUES

Efforts by the Toll Operator to contact consumers is a continuing common theme in the complaints. The consequence of this is that tolls and default notices are issued for debts which have been incurred over a significant period of time before the complaint is raised. This obviously is a source of frustration for consumers and anecdotally seems to be one particular factor that derogates against consumers wanting or being willing to settle complaints or settle complaints in a timely fashion.

As noted in various reports over the last three years, in these situations, the consumer claims not to have received any correspondence about any non-payment and no contact is made with them. Where there are multiple letters sent, given the overall success rates for delivery by Australia Post, albeit their service delivery times for postage has increased over the period, the likelihood is that the correspondence reaches the location to which it is addressed.

The explanation is frequently that multiple attempts were made through a variety of media (email, post, telephone, SMS) but were unsuccessful. This is often attributed to a failure to update contact details with the relevant licencing authorities.

Outdated contact information continues to seem to be the problem and could explain the lack of success in reaching relevant consumers. However, it appears that once debt collectors are engaged, the collection agency is quickly able to locate the consumer and make contact. This implies that the consumer can be reached through the application of different approaches.

The underlying cause of why collection agencies are able to quickly locate and make contact with consumers when the Toll Operator has not been able to for long periods of time is something that the Toll Operator may wish to investigate in liaison with state authorities, which maintain the licencing information for drivers.

As a general observation, once a debt collection agency is involved in dealing with consumers, the anxiety level of the consumer rises considerably.

In this regard, at our quarterly meetings with the Toll Operator, we continue to raise this matter with the Toll Operator as a consumer concern.

In my view, earlier follow up and negotiation on the debt incurred will result in a greater and more timely recovery rate and enhanced consumer satisfaction. We are hopeful the new Linkt App for consumers that is being implemented by the Toll Operator may assist in greater up to date accuracy of records and therefore make it more effective in the Toll Operator reaching customers if and when required.

## **FUTURE REPORTING**

This report is the 16<sup>th</sup> version of this reporting approach.

Reporting is not merely focused on a particular quarter in a particular reporting period (although the commentary will focus on the most recent trends) but builds on the data above to provide trend analysis over the longer term. As discussed earlier, hopefully the next reporting period will not be impacted by COVID-19 at all. However, if it is, it will hopefully be on a much less significant basis than for the period from March 2020 to 31 December 2021.

The toll road usage numbers from the Toll Operator seem to indicate that the signs in the present quarter support the contention that circumstances are coming back to normal in terms of toll road travel.

## APPENDIX 1: RAW DATA 2022/2023

TCO Contact Types	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
Phone Calls	11	10	15	12	16	13	14	14	11	14	16	16	
Faxes	0	0	0	0	0	0	0	0	0	0	0	0	
Personal Appointments	0	0	0	0	0	0	0	0	0	0	0	0	
Electronic	40	45	46	45	76	58	64	56	49	73	62	84	
TOTAL	51	55	61	57	92	71	78	70	60	87	78	100	
TCO Consumer Locations	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
ACT	1	0	0	1	1	0	0	1	0	0	2	1	7
NSW	21	26	21	25	29	18	16	18	18	27	18	21	258
NT	0	0	0	0	0	0	0	0	0	0	0	0	0
QLD	6	6	12	6	9	12	9	11	11	8	13	17	120
SA	0	0	1	0	2	0	0	0	0	0	1	1	5
TAS	0	0	0	0	0	1	0	0	0	0	0	0	1
VIC	12	12	10	12	35	27	39	26	19	37	28	43	300
WA	0	1	0	0	0	0	0	0	1	1	0	1	4
Outside Australia	0	0	0	1	0	0	0	0	0	0	0	0	1
Complaint Numbers	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
Linkt Brisbane	6	7	12	5	10	11	9	10	12	8	13	16	119
Linkt Melbourne	12	12	11	12	38	26	38	26	21	40	29	44	309
Linkt Sydney	22	26	23	28	28	21	17	20	16	25	20	24	270
TOTAL	40	45	46	45	76	58	64	56	49	73	62	84	698
Time Taken to Resolve	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
0-7 days	7	7	15	5	4	4	12	6	0	1	5	0	66
8-14 days	11	8	9	8	2	7	6	1	0	7	3	5	67
15-30 days	16	22	11	13	27	26	18	4	5	8	4	12	166
31-60 days	4	8	10	6	33	17	7	8	18	0	1	0	112
61-90 days	2	0	1	8	2	3	13	18	10	0	0	0	57
90+ days	0	0	0	5	8	1	8	19	16	57	49	67	230
TOTAL	40	45	46	45	76	58	64	56	49	73	62	84	
Linkt Brisbane Outcomes	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
Apology	0	1	0	0	1	1	0	0	0	0	0	0	
Non-financial action	2	4	7	3	5	4	5	6	9	7	13	16	
Original Offer Confirmed	0	0	0	0	0	0	1	1	1	0	0	0	
Removal of Credit Listing	0	0	0	0	0	0	0	0	0	0	0	0	
\$0	0	0	0	0	0	0	0	0	0	0	0	0	
\$0 - \$100	3	2	4	1	4	6	3	2	2	1	0	0	
\$101 - \$500	1	0	0	1	0	0	0	1	0	0	0	0	
\$501 - \$1,000	0	0	0	0	0	0	0	0	0	0	0	0	
\$1,000+	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL	6	7	11	5	10	11	9	10	12	8	13	16	

Linkt Melbourne Outcomes	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Apology	0	1	1	0	1	1	0	1	0	0	0	0
Non-financial action	6	2	2	7	17	13	17	19	19	36	25	44
Original Offer Confirmed	0	2	0	0	1	0	1	1	0	1	0	0
Removal of Credit Listing	0	0	0	0	0	0	0	0	0	0	0	0
\$0	0	0	0	0	0	0	0	0	0	0	0	0
\$0 - \$100	6	7	7	4	19	12	20	5	1	3	4	0
\$101 - \$500	0	0	1	0	0	0	0	0	1	0	0	0
\$501 - \$1,000	0	0	0	0	0	0	0	0	0	0	0	0
\$1,000+	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	12	12	11	11	38	26	38	26	21	40	29	44

Linkt Sydney Outcomes	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Apology	0	2	2	1	0	0	0	0	0	0	0	1
Non-financial action	12	10	15	21	11	12	11	12	14	22	19	20
Original Offer Confirmed	0	0	0	0	0	0	1	1	0	1	0	1
Removal of Credit Listing	0	0	0	0	0	0	0	0	0	0	0	0
\$0	0	0	0	0	0	0	0	0	0	0	0	0
\$0 - \$100	9	10	6	5	15	6	5	7	2	0	1	2
\$101 - \$500	0	4	0	1	2	3	0	0	0	2	0	0
\$501 - \$1,000	0	0	0	0	0	0	0	0	0	0	0	0
\$1,000+	1	0	0	0	0	0	0	0	0	0	0	0
TOTAL	22	26	23	28	28	21	17	20	16	25	20	24

Account Management Complaints	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
Linkt Brisbane	5	3	7	3	8	8	3	6	6	7	10	12	78
Linkt Melbourne	9	7	6	9	29	22	25	22	17	33	24	32	235
Linkt Sydney	9	14	10	16	15	12	6	10	8	15	10	18	143
TOTAL	23	24	23	28	52	42	34	38	31	55	44	62	456

Billing / Tolling Complaints	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
Linkt Brisbane	1	3	5	2	2	3	6	1	6	1	3	4	37
Linkt Melbourne	3	3	4	2	9	4	13	4	4	7	4	11	68
Linkt Sydney	11	12	13	12	13	9	10	7	8	8	7	5	115
TOTAL	15	18	22	16	24	16	29	12	18	16	14	20	220

Vehicle Classification Complaints	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
Linkt Brisbane	0	0	0	0	0	0	0	1	0	0	0	0	1
Linkt Melbourne	0	1	0	1	0	0	0	0	0	0	1	1	4
Linkt Sydney	2	0	0	0	0	0	1	2	0	0	3	0	8
TOTAL	2	1	0	1	0	0	1	3	0	0	4	1	13

Infrastructure / Signage Traffic Management Complaints	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
Linkt Brisbane	0	1	0	0	0	0	0	0	0	0	0	0	1
Linkt Melbourne	0	0	0	0	0	0	0	0	0	0	0	0	0
Linkt Sydney	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	1	0	0	0	0	0	0	0	0	0	0	1