

DECISION

Summary and outcome

- The complainant, Mr M, lived in Sydney. Mr M does not have a Linkt Account. His complaint made on 21 March 2024 was about Mr M's contact with Linkt and its debt collection agents acting for Linkt. In particular, his issue is in respect to certain admin charges applying in particular circumstances. Mr M is of the view that both Linkt and their debt collectors have been misleading in their discussions on this matter with him.
- In short, Mr M believes that Linkt systems for resolving disputes with consumers generally are ineffective and defective particularly in relation to a person in Mr M's circumstances. The dispute Mr M suggests is entirely due to Linkt's failure and its agents failure to communicate appropriately with Mr M in this matter. Mr M has been in contact with the Tolling Customer Ombudsman (TCO) over various months by email in relation to these matters.
- Presently, Mr M does not owe an amount to Linkt before any settlement offer as Linkt have waived various outstanding toll fees and administration fees. However, Mr M has rejected their offer to waive the fees as the settlement offer and wants a refund of admin fees that were incurred by Mr M when he thought they should not be incurred. Mr M is also arguing that Linkt has also caused Mr M not to be able to access the toll relief system.
- Linkt's position was that generally its dealings with Mr M were professional and appropriate. They point out that they have sought to assist Mr M in relation to toll debts. The amount of the debts waived by Linkt is \$859.32. However, Linkt suggested that because Mr M does not have a Linkt account, and he paid money to the debt collector directly it did not have the power to refund the admin fees. This is on the basis that in this instance the toll notice was issued by Transport NSW and both the original toll notice, and the reminder toll notice were not repaid. The process is that after a certain time, Transport for NSW would then release the information to Linkt's credit team to engage with the customer by communicating the outstanding toll notices through Linkt's debt collection agency.
- Linkt suggests that there had been significant communications between Mr M and Linkt over a long period of time including from the time of him lodging the complaint on 21 March 2024. Linkt also suggests it has continued to, after the complaint was lodged, engage appropriately with Mr M to seek to resolve the

dispute. Linkt also make the point that the Toll Relief Scheme is run by the NSW Government and that they do not have any role in that scheme.

- Linkt suggests that they made various offers during the course of their interactions and discussions with Mr M in respect to various toll road trips which involved a reduction on the administration fees to certain travel fees as well as waiving toll charges. Linkt have suggested that they had waived all of the toll charges and administration charges on the various trips undertaken by Mr M that they had the power to waive. Linkt considers that its settlement offer is fair and reasonable in the circumstances, in view of the amount of outstanding charges it has waived in this case. Linkt point out they had been consistent in their settlement position. They also point out that they have apologised to Mr M during the TCO process for, in his view, not answering the questions he raised through the process.

Background

- The complainant, Mr M, first made a complaint to the TCO on 21 March 2024, but the origins of the dispute is in respect to matters going back to toll road travel for a number of years. The toll notices and the fees upon which were waived by Linkt were first discussed between the parties in June 2023. However, the focus of the dispute for Mr M seems to be his dealings with Linkt after the toll debts had been waived by Linkt. The overall dispute raised by Mr M involves his interactions with Linkt and the processes of Linkt to recover toll debts.
- The view of Mr M is that Linkt should justify its position and refund him for admin charges irrespective of the payment to the debt collectors by Mr M. He also suggests that Linkt's systems are cumbersome, not user friendly and not effective and this is one of the reasons for the present dispute continuing for a number of months. In particular, Mr M considers that Linkt, as a result of its processes has complicated the matter, caused undue stress to him and made ultimately settlement of the matter more difficult.
- In his application to the TCO, Mr M stated that:

“I received a request to buy an amount of tolls via linkd collection agency, then I reached out to linkd who confirmed that this amount doesn't contain any admin fees portion since I have an E-tag account where am able to transfer payment which drops the admin fees dramatically, this process occurred twice for 2 different amounts, unfortunately upon receiving a third amount request I spoken with the collection agency who advised that the first 2 amount that I had paid did contain an admin fee portion of about \$460, and advised to seek a refund from linkd since they only collect these funds and transfer them back to linkd, so i reached out back to linkd to request a refund”.
- Mr M in the application stated he wanted the following result from the outcome of the dispute:

"I need these admin fees of about \$460 to be refunded asap since they have failed to provide the correct information at the time where i consulted them and i could have used my E-tag instead, this is extortion, and their reasoning is misleading".

- Linkt responded to Mr M on 6 May 2024:

"Thank you for providing Mr M's correspondence. We appreciate your assistance and Mr M's patience with this matter and apologise again that we have not been able to provide an answer that sufficiently addresses Mr M's concerns to date.

Toll Notices:

Toll notices are issued by Transport for NSW who holds the ownership details including information pertaining to the registered owners' details including Phone Number, Email etc. In the instance where if both the original toll notice and the reminder toll notices remain unpaid, after a certain period of time, Transport for NSW would then release the information to Linkt's credit team to engage with communicating the outstanding toll notices via our debt collection agency. We understand Mr M's have paid admin fee instead of transferring to the account, as gesture of goodwill we have now cancelled outstanding toll notices for vehicle [B****E]-NSW from 11th Oct 2023 till 24th Apr 2024 amounting \$859.32.

Please Note: Admin fee paid with collections cannot be refunded."

- Mr M in response to Linkt on 7 May 2024 stated that:

"my payment to them was like \$672 for both bills, and these tolls are not concealed yet?

I have also inquired with linkt concerning reporting toll payments by them as my toll tracker has not been showing my toll spending both last and current financial year's, which prevented me from claiming any toll relives? who can I contact to have this tracker checked?"

- Linkt on 17 May 2024 sought to respond to Mr M's email by explaining their processes in these matters stating that:

"Linkt has further responded to your email dated 7 May as follows:

"Thank you for providing this update and apologies for delays in responding.

As indicated earlier in previous email toll notices for vehicle [B****E]-NSW has been cancelled amounting \$859.32.

We request Mr M to please recheck website www.Linkt.com.au

Please advise if any further information is needed.

Thanks again for your enquiry. If you require any further assistance or wish to discuss this further, please get in touch with me via return email. You can also contact the Customer Resolutions team on 1300 381 570."

- Mr M responded to Linkt on 30 May 2024 stating that:

"They still applied what suits them!

Especially ignoring my request of them not reporting paid tolls to service NSW which caused me missing on toll reliefs last financial year and potentially this year as well?

- Linkt on 31 May 2024 responded to Mr M's email stating that:

"I appreciate Mr M's patience in this matter and apologise for any inconvenience this may have caused.

I can confirm Mr M initially raised concern to refund admin fee amounting \$460, however admin fee paid with collection cannot be refunded.

To resolve issue and provide outcome, Toll notices has been cancelled for Mr M as gesture of goodwill amounting \$859.32.

While we understand this may not fully align with Mr M's expectations, we believe it's a fair resolution to address his concerns.

Thanks again for your enquiry. If you require any further assistance or wish to discuss this further, please get in touch with me via return email. You can also contact the Customer Resolutions team on 1300 381 570."

- Mr M responded to Linkt on 11 June 2024 as follows:

"I initially requested the refund of admin fees portion because linkt and their collection agency failed to communicate the correct information on multiple occasions, being abrasive, which caused this dispute now, linkt applied their own methodology to resolve this I paid \$672 for both bills whether this is refundable or not has nothing to do with me not my issue these are your protocols!

Also, most importantly, why your not reporting these tolls to service NSW so I can get my toll relief I still paid you \$672 for tolls?"

- Linkt responded to Mr M on 22 June 2024 on the following basis:

"Linkt has further responded to your email dated 11 June as follows:

"Thank you for forwarding Mr M's correspondence through to us. I appreciate Mr M's patience in this matter and apologise for any inconvenience this may have caused.

I understand Mr M concerns regarding toll rebate.

To answer Mr M's questions in order to be eligible for toll relief please refer below:

1. Toll notices should have been transferred to account and trips should have appeared on statement.
2. Mr M has paid the toll notices directly to debt collection agency.
3. Mr M then raised dispute with Linkt for \$460 administration fee.
4. Linkt cannot refund administration fee paid to collection agency.
5. To resolve Mr M concern, Toll Notices for \$859.32 for vehicle [B****E]-NSW was waived as gesture of goodwill.

6. Mr M will need to speak with Service NSW if there any further enquiries in relation paid toll notices to collection agency as Linkt cannot intervene.
7. The toll relief program is a scheme run by New South Wales (NSW) government) who set the criteria for eligibility. Please refer more information on eligibility [Claim toll relief rebate | Service NSW](#).

Once again, we apologise for the delay and appreciate Mr M's patience and sincerely apologise for inconvenience this has caused."

- Mr M responded to Linkt on 19 June 2024 on the basis that:

"How audacious, is defiantly unacceptable response, the dispute was caused by linkt staff ignorance and them provided misleading information, linkt got paid this amount, hence why they need to report it to service nsw I will not be contacting service nsw on their behave, this seems to drag what are the next steps since linkt are not corporatising?"
- After several discussions with the TCO Mr M stated that:

"Hi,
Pls make a formal determination, it's been long enough, cheers"

Current Position of Parties

- In short, Mr M wants a refund of admin charges on the basis that Linkt and its debt collectors did not provide correct information to Mr M in respect to the admin charges at an earlier stage in the dispute. Mr M wants therefore a refund of \$460. He also wants toll relief; However, Mr M also refuses to approach Services NSW in respect to the Toll relief rebate and wants Linkt to approach Services NSW on his behalf.
- Linkt states, whilst it understands Mr M is frustrated that this matter has taken some time to resolve, it considers all of the toll charges originally imposed have been imposed on Mr M legitimately. They reject totally that they or their debt collectors provided any misinformation to Mr M about admin charges. Linkt makes clear that if the toll notices were originally issued by Transport NSW and then ultimately paid to Linkt 's debt collectors it cannot refund those admin fees. Linkt considers the various interactions with Mr M over the last 10 months indicates its desire to seek to assist Mr M and ultimately settle the dispute. In particular, it notes that this included effectively waiving toll charges and admin charges for a number of trips on toll roads in the amount of \$859.32 by withdrawing the toll notices in full. They also point out that they are not responsible for the toll relief rebate, the responsibility is that of Services NSW.
- The offer of Linkt for settlement is effectively the waiver of debts owed by Mr M as a goodwill gesture by withdrawing the toll notices in full. It also suggests that there have been a number of apologies in the last 6 months from Linkt representatives both over the phone and by email about the contact with Mr M for not resolving the matter earlier.

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.
- As a general observation, there also is no dispute between the parties that Linkt have waived the toll charges and administration charges of Mr M for multiple use of the toll roads in the amount of \$859.32. There is no dispute between the parties that the original toll charges were incurred by Mr M for the use of toll roads through Transport NSW.
- In my view, it would seem from the evidence that Mr M incurred toll notices with the Transport NSW and did not pay for them in a timely fashion. After a period of time, Transport NSW released the information in respect to the toll notices to Linkt through its debt collection agency. Mr. M initially contacted Linkt regarding the outstanding toll notice amount he received when he was contacted by the debt collection agency. The Linkt debt collection agent advised him that the administration fees of the toll notices would be heavily discounted if he transferred the notice to a Linkt account. He did not open a Linkt account. Mr M subsequently made payments for the outstanding amount to the debt collection agency instead of making payments to a Linkt account and transferring the toll notices. Mr. M then raised a dispute with Linkt, requesting a refund of \$460 for the administration fees he paid to the debt collection agency. Linkt advised Mr. M that a refund was not feasible in these circumstances, as it was paid to the debt collection agency. However, as a gesture of goodwill, Linkt processed a cancellation of the remaining toll notices for vehicle [B****E]-NSW in the amount of \$859.32.
- In my view, I think some of the confusion on the part of Mr M as to what were the consequences of dealing with debt collection agencies and what were circumstances that admin charges can be waived or not applied by Linkt.

Determination

- I am satisfied that, in the circumstances, Mr M has not established grounds or evidence for his complaint that Linkt and the debt collectors for Linkt have misinformed Mr M in relation to various debts that were waived or not his debts as part of a communication failure by Linkt with its debt collector. Mr M has not provided any evidence of any misinformation from the debt collectors or Linkt in relation to the matters the subject of this determination.
- However, I note that when responding to consumers, Linkt have a responsibility to properly brief, instruct, communicate and manage their agents and in particular their debt collector agents. It is critical in all circumstances that Linkt’s

debt collectors when dealing with consumers deal with them in a clear and transparent way. Linkt must also ensure that the debt collectors communicate to consumers in this way.

- The TCO meets with Linkt regularly every quarter to discuss “hot button” issues affecting consumers. The need for effective management by Linkt of its debt collector agents and the need for effective systems to ensure the appropriate management by Linkt of its debt collector agents has been raised directly by the TCO with Linkt. Linkt have acknowledged to the TCO the importance to consumers of both these matters.
- Given all the circumstances, I consider that Linkt’s approach to resolving the dispute and what it has sought to offer the consumer in respect to the dispute has been appropriate in the circumstances. It is important in this context to note that the amount of the debts waived by Linkt was in the amount of \$859.32. I also note that Linkt, during the dispute (including correspondence between the parties through the TCO) apologised on a number of occasions both by phone and in writing for the misunderstanding of Mr M and the fact that the matter has taken a while to resolve. Whilst it is entirely his decision, I think it would be prudent for Mr M to approach Services NSW to seek toll relief rebate if applicable.
- I also consider that Mr M had an honest belief that his position and representations in respect of the dispute are correct.
- I remind the parties that under the TCO process, my decision is not binding on Mr M and that he can seek relief in any other forum.
- As discussed with Linkt previously, it remains of fundamental importance to consumers that their matters are dealt with in a timely and efficient manner. There are valid reasons why this matter has taken some while to resolve but the onus is on Linkt to ensure effective turnaround times for these disputes. As referred to above, I do however note again, Linkt waived toll and admin charges by withdrawing toll notices in full for Mr M and have apologised on a number of occasions for the delay in resolving this matter.

Phillip Davies
Tolling Customer Ombudsman

Dated: 25 October 2024