

## DECISION

### Summary and outcome

- The complainant, Mr W, lives in Sydney. Mr W has a Linkt Account. His complaint made on 2024 was about the Linkt tag of Mr W not working properly and that led to a non-tag fee/video matching fee being imposed on Mr W on 15 November 2023 for the vehicle with licence plate [1\*\*\*\*M]-VIC. He suggested that there was 2 Linkt gantries that did not record the travel on the day in question even though other gantries did record the travel. Accordingly, Mr W suggests that given some gantries worked on that day with the eTag and others did not means that the eTag is working and its batteries are not flat. It means that some of the gantries were not working at that time. Mr W says he was disappointed with the way that Linkt engaged with him on this matter, and they did not continue dialogue on the matter when Mr W wanted to continue the discussion. Mr W is of the view that Linkt have been very slow in responding to him on this matter during the whole dispute process.
- In short, Mr W believes that Linkt systems for resolving disputes with consumers generally are ineffective in relation to a person in Mr W's circumstances. The dispute Mr W suggests is entirely due to Linkt's failure in its infrastructure and equipment. This is compounded by Linkt's failure to communicate appropriately with him in this matter. Mr W has been in contact with the Tolling Customer Ombudsman (TCO) over various months by email in relation to these matters.
- Presently, Mr W does not owe any amount to Linkt before any settlement offer.
- However, Mr W has rejected Linkt's offer to provide a credit for the video matching fees, and provide a credit of \$30.00 to settle the matter.
- Linkt's position was that generally its dealings with Mr W were professional and appropriate. They point out that they have apologised to Mr W on a few occasions on the basis that the matter has taken a while to resolve. The amount of the credit of the video fees by Linkt was nominal so that is why they gave Mr W a \$30 credit.

The amount of the initial credit was nominal as the difference between the amount Mr W was charged because of the video fee and the general toll charges for using the eTag was minimal. Linkt also suggests it has continued to, after the complaint was lodged, engage appropriately with Mr W to seek to resolve the dispute. Linkt, maintain they have before and after the TCO process tried on a number of occasions to clearly explain the processes of Linkt in regard to accounts and toll notices to Mr W.

- Linkt considers that its settlement offer is fair and reasonable in the circumstances. Linkt point out they had been consistent in their settlement position. They also point out that they have apologised to Mr W during the TCO process.

## Background

- The complainant, Mr W, first made a complaint to the TCO on 2 February 2024, but the origin of the dispute is in respect to matters going back to toll road travel in November 2023. However, the focus of the dispute for Mr W seems to be getting verification from Linkt of the number of times that these gantry infrastructure fails to work for consumers. The overall dispute raised by Mr W also involves his interactions with Linkt and the communication processes of Linkt with consumers.
- The view of Mr W is that Linkt should justify its position. He also suggests that Linkt's systems are cumbersome, not user friendly and not effective. In particular Mr W 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 W stated that:

“Why was I charged two video matching fees on 15 November when my eTag was working correctly on other toll roads?”
- He also suggested in the application referring to his earlier email to Linkt on 28 November 2023:

“the eTag battery can't be flat as it works perfectly on all other toll points in Sydney and Melbourne.

Could it be a problem at the toll gantry point?

I wonder how many people may be getting incorrectly charged the video matching fee and are totally unaware if they haven't checked their Linkt accounts.”

- Linkt responded to Mr W on 26 February 2024 and states:

“Thank you for providing Mr W’s correspondence. I appreciate Mr W’s patience and again apologise for delay and inconvenience this has caused.

I understand Mr W’s is concerned about the No Tag in vehicle fee and gantry fault.

I want to express my sincere gratitude to Mr W for bringing the matter to our attention regarding his recent experience on our roads. Mr W’s feedback is invaluable to us, and we greatly appreciate the time he took to share his concerns about other toll users.

I can confirm Mr W was advised on few occasions in the past about the low battery of his (faulty/old) tag is a reason 2 trips charged with Tag 1\*\*\*\*\*0 and other with License plate [1\*\*\*\*M]-VIC on 15th November 2023.

We can confirm that there was no fault with the Gantries on 15th November 2023, an incorrectly mounted TAG device will also affect the ability to interact with the gantries and can result No Tag in Vehicle.

TAGs are made to detect at all toll points and the trip is then automatically charged to account. If a tag fails to detect on certain gantry an image is then taken of the vehicle to identify it and charge the trip to the account.

This fee is \$0.55 on CityLink and \$0.31 on EastLink. When a Tag stops working, Linkt needs to be notified in order to issue a replacement Tag. We advise our customers of potential failing Tags through the trip history in both the Linkt app and website, as well as on account statements.

We note the TAG devices 1\*\*\*\*\*2 ,1\*\*\*\*\*0 and 1\*\*\*\*\*1 has been in possession for over five years, the age at which most TAG require replacement due to a low battery and require replacement. In recognition of Mr W’s experience and as a gesture of goodwill, credit of \$30.00 to Mr W’s Linkt account. The balance of Mr W’s Linkt account is now \$63.33 in credit.

Please advise if any further information is required”.

- Mr W responded to Linkt on 26 February 2024:

“Thanks for following up this matter and whilst I appreciate the provided response from Linkt (inclusive of the additional credit). I am still not satisfied with their response.

My eTag was and still is functioning perfectly and has no battery fault given other gantry registrations did and continue to register correctly with the exception of the two listed gantries in question (inclusive of travel and alternate gantry activations on the same date as the travel in question).

Two original questions remain unanswered and they are:

1. How many other motorists were incorrectly charged a video matching fee around the same time and were they advised and credited the video matching fee accordingly, and

2. Why the two gantries did not register my travel when other gantries and associated travel on the same day registered correctly which in my view negates Linkt's assertion that I have a flat battery in my eTag?

I am also keen to know why Linkt refused to continue to engage with me despite my attempts for ongoing dialogue necessitating my engagement of the Ombudsman's Office?"

- Linkt in response on 25 March 2024, stated that:

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

I understand Mr W, raised concerns related to his tag not functioning correctly and as a result "no tag in vehicle" fees charged on 15th November 2023 for vehicle [1\*\*\*\*M]-VIC.

I understand Mr W has raised concerns regarding his tag function on 15th November 2023.

We have received response from our roadside team confirming gantry had no maintenance or faults reported on 15th November 2023

Mr W, claims in his most recent email to find out two below questions: Our road time has confirmed below:

1. How many other motorists were incorrectly charged a video matching fee around the same time and were they advised and credited the video matching fee accordingly, and

*"All of the other vehicles at this time do have a tag transaction, and there also are no alarms or faults registered for toll point."*

2. Why the two gantries did not register my travel when other gantries and associated travel on the same day registered correctly which in my view negates Linkt's assertion that I have a flat battery in my eTag?

*"Customers are only getting NTIV charge for travel, when the tag is not properly installed, or tag is running out of battery and requires replacement tag soon, customer can order replacement tag via our App."*

Please advise if any further information is required.

- Mr W responded to Linkt on 25 March 2024 stating that:

"I am a little frustrated in that Transurban continually place the onus back on me to get a new eTag. I am not sure why that is required given the eTag worked perfectly well prior to and ever since the faulty gantry registrations. ....

It is almost like the response to Q.2 is generated from a proforma list of responses instead of actually providing any meaningful explanation. .... Several attempts have been made to linkt to discuss this with zero communication on their behalf which is demonstrated by waiting over 2 months to get this response".

- Mr W after corresponding with the TCO on 26 March 2024 stated that:

“I would indeed like to continue the process and reiterate that I merely ask Transurban to provide a meaningful response as to why the gantry didn’t register my vehicle when the eTag was and still is operating correctly with multiple charge points being registered (sans the two in Sydney)”.
- On 9 July 2024 Linkt responded to a follow up email from the TCO and Mr W email stating that:

“Dear Mr W,

Linkt has further responded to your email dated 21 June as follows:

“Thank you for forwarding Mr. W’s further correspondence through to us. I appreciate Mr. W’s patience and apologise for the delay.

We understand Mr. W’s frustration and accept that Mr W’s tag was not detected at the two Sydney gantry points on the occasions Mr W identified.

As explained previously, Mr W’s account was credited with the amount of the video matching fees charged and a further credit of \$30 was applied to acknowledge the inconvenience he has experienced.

However, unfortunately, despite our best efforts, and having investigated Mr W’s complaint, we cannot provide a definitive explanation for why the gantry did not register Mr. W’s tag on those occasions. In the circumstances, we are unable to provide a further explanation that is likely to satisfy Mr W.

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 W on 9 July 2024 stated:

“I acknowledge receipt of the further advice from Linkt which I find unsatisfactory. It seems to me that Linkt have at all stages during this matter has not been openly forthcoming with timely and satisfactory responses. I have had to continually push for an explanation. I again wonder how many other customers receive ‘video matching’ charges which they are unaware of but appreciate that will never be established.”
- Mr W after correspondence with the TCO stated:

“I am happy for to continue correspondence with Linkt but that said, I am not sure they will do anything more as their last advice was that they are unable to explain why the video matching fee was charged to my account.”

- On 29 July 2024 Linkt stated that:

“Thank you for providing Linkt with further correspondence of Mr W’s complaint and apologise for delay in responding.

I understand that explanation provided earlier is not acceptable to Mr W.

We understand and sincerely apologize for the frustration this has caused you. As previously communicated, we have credited Mr W account with the video matching fees incurred, along with an additional \$30 credit as a gesture of goodwill for the inconvenience experienced.

Despite a thorough investigation into the matter, we regret to inform Mr W that we have been unable to determine a definitive cause for the failure in tag detection on the specified occasions. We assure you that we have exhausted all possible avenues to provide a satisfactory explanation, but the issue remains unresolved for Mr W.

Please advise if any further information is required.”

- In a further email from Mr W on 10 July he states:

“I .....do want too reaffirm my original position that it is totally unacceptable that Linkt have a tolling system that incorrectly charges consumers”

- From August through December 2024, the TCO and Mr W corresponded in relation to Mr W’s options to resolve the matter and the consequences of the TCO making a determination for the parties.

## Current Position of Parties

- In short, Mr W wants to understand why he had to pay certain video matching fees on 15 November 2023 when seemingly his eTag was working that day and subsequently. Mr W also wanted to get an acknowledgement from Linkt that they had been slow in responding to him both before and after the matter had been under the TCO’s jurisdiction. Accordingly, Linkt did not provide clear and correct information to Mr W in respect to the charges imposed.
- Linkt states, whilst it understands Mr W is frustrated that this matter has taken some time to resolve, it considers it has dealt with Mr W appropriately. They reject totally that they have not been clear on the basis upon which its charges are imposed. Linkt considers the various interactions with Mr W over the last 12 months indicates its desire to seek to assist Mr W and answer his questions. In particular, it notes that their offer included providing a \$30 credit and a credit for the video matching fees. 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 to Mr W 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 Mr W’s e tag for some reason did not work going through 2 gantries on the NSW toll roads on 15 November 2023.
- In my view, on the balance of probabilities it would seem that the eTag batteries were low or flat. This is on the basis that Linkt have tested the particular gantries, and confirmed they were working on that day, and no other customers have complained that the tag did not work when going through those gantries.

## Determination

- I am satisfied that, in the circumstances, Mr W has not established grounds or evidence for his complaint in respect to the Linkt gantries not operating properly rather than the battery in the e tag being low on this occasion. Subject to my comments below about timeliness (a real issue in this case), given all the circumstances, I consider that Linkt’s solution to resolving the dispute and what it has sought to offer the consumer in respect to the dispute is adequate. This is on the basis that I 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 delay in responding to Mr W and the fact that the matter has taken a while to resolve. I do also note again, Linkt provided a small credit amount for Mr W’s trouble as well as a credit for video matching fees.
- However, as a general observation, I do agree with Mr W that this matter has taken too long to resolve both before the matter was in the TCO jurisdiction and after the matter came into the TCO jurisdiction. As discussed with Linkt previously, it remains of fundamental importance to consumers that their matters are dealt with in a timely and efficient manner. In particular, it is important when customers lodge a claim with the TCO, and it is passed onto Linkt that Linkt provide timely responses. In this case, I note that during the TCO mediation and negotiation process between the parties, it took almost 12 weeks from the date of an inquiry from the customer for Linkt to provide a response to that inquiry. This is after the customer had previously complained about and to Linkt that they had

not continued dialogue with him about the matter when he wanted to do so. The onus is on Linkt to ensure effective turnaround times for these disputes.

- Going forward, I would consider that if timeliness is an issue again for Linkt in respect to consumers, in similar circumstances to the present, I would recommend a greater quantum of goodwill credit to be provided to the customer in future determinations.
- I note also that when responding to consumers, Linkt have a responsibility to make entirely clear to their customers what are its processes and their potential impact on consumers. In this case they should have been clearer earlier what the consequences to customers is if customers eTag's do not work properly or the battery in the eTag is low.
- I also consider that Mr W has been reasonable in advocating his position and making representations in respect of the dispute.
- I remind the parties that under the TCO process, my decision is not binding on Mr W and that he can seek relief in any other forum.

**Phillip Davies**  
**Tolling Customer Ombudsman**

**Dated: 20 March 2025**