

## DECISION

### Summary and outcome

- The complainant, Mr S, lives in Sydney. Mr S has a Linkt Account. His complaint made on 29 October 2024 was in respect of the lack of customer service delivery by Linkt for the payment of outstanding debts owed to Linkt in respect to several vehicles. His view was that all charges for the tollways travel should be waived in respect to each of the vehicles because of this failure in service delivery by Linkt. He suggested that before entering into the Tolling Customer Ombudsman (TCO) jurisdiction he had been dealing for years with Linkt to seek to have these debts paid. Accordingly, Mr S suggests that given he has been trying to resolve this matter for a number of years, Linkt should waive each of these debts for the full amount. Mr S has suggested the way Linkt dealt with him about his complaint and debts has caused him great stress. Mr S has suggested given the way Linkt have behaved has caused him stress and he wants compensation over and above any waiver of fees by Linkt. Mr S says he was disappointed with the way that Linkt engaged with him on this matter. Mr S is of the view that Linkt have been very slow in responding to him on this matter during the whole process with Linkt, prior to the matter coming into the TCO jurisdiction and after it came under the TCO Jurisdiction.
- In short, Mr S believes that Linkt's systems for resolving disputes with consumers generally are ineffective for a person in Mr S's circumstances. The dispute Mr S suggests is entirely due to Linkt's failure to communicate appropriately with him in this matter. Mr S has been in contact with the TCO over various months by email in relation to these matters. Mr S was not happy that Linkt had asked the NSW police to do a welfare check on Mr S after certain discussions between Mr S and Linkt. Mr S wants some compensatory damages for the "emotional stress" of dealing with Linkt.
- Presently, Mr S owes \$194.51 to Linkt comprising of toll fees for toll travel pursuant to the Linkt offer during May 2025.

- However, Mr S has continually rejected Linkt's offer to settle the matter even though Linkt had waived certain toll fees pursuant to their first offer in May 2024 and made a further offer in May 2025 reducing other toll fees from February to April 2025.
- Linkt's position was that generally its dealings with Mr S were professional and appropriate. They point out that they have proposed two settlement offers which involved paying an outstanding amount after earlier waiving charges including toll fees and administrative fees. They do not therefore consider that they should waive all of the charges for the toll road travel by Mr S.
- Linkt, maintain they have before and after the TCO dispute process tried on a number of occasions to clearly explain the processes of Linkt in regard to the non-payment of toll charges to Mr S. They also suggest that they pointed out the potential consequences if Mr S travelled on toll roads without topping up the Linkt account to cover the charges associated with such travel.
- Linkt considers that its settlement offers were both fair and reasonable in the circumstances. Linkt point out they had been consistent in their settlement position in that in the two offers they have sought to waive various amounts owed by Mr S during the dispute process. They also point out that they have apologised to Mr S for the delays during the TCO process. They also suggested that they asked the police to do a welfare check on Mr S because they were concerned about Mr S's comments to them about self-harm.

## Background

- The complainant, Mr S, first made a complaint to the TCO on 29 October 2024, but the origin of the dispute is in respect to matters going back to toll road travel in early 2022. However, the focus of the dispute for Mr S seems to be the amount of time that Linkt have taken to resolve the matter and that this has caused him great stress. In his view, this delay caused by Linkt outweighs the fundamental requirement of consumers to pay for travel on the toll roads. The overall dispute raised by Mr S also involves his various interactions with Linkt and the communication processes of Linkt with consumers.
- The view of Mr S is that Linkt should justify its position. In particular Mr S considers that Linkt, as a result of its processes and its failure to communicate clearly to the customer about these processes has complicated the matter, caused undue stress to him and ultimately made settlement of the matter more difficult.
- In his application to the TCO, Mr S on 29 October 2024 stated that:
 

“In brief: I owe them money and when I tried to pay they kept calling me although I told them NOT to call as I dont answer phone and to use emails there are few toll

fees from the previous owner and it is still coming under my name. I also paid money and tried to pay notices via the account, but I cannot see any toll notices to see what I am paying. They put me under a lot of pressure until I told them that they are driving me mad and thinking to shoot myself. The idiots called the police on me so they understood English but they still kept calling me”

- In response to the application of Mr S on 8 November 2024, Linkt stated that:

“Thank you for passing on the details of Mr. S’s recent email.

Linkt can confirm there are no outstanding toll invoices for licence plate number [E\*\*\*\*Y].

Linkt can also confirm that as requested all contact with Mr. S will be via his preferred communication method, email.

Thank you for assisting us in resolving this matter.”

- In response to the Linkt email, Mr S on 11 November 2024 stated that:

“They think that they resolved the issue, but I want my right for their denying my requests BEFORE they said that they will only email me.

I am going to repeat the sections from my previous email sent on 25/10/2024:

*I believe that there is some difficulties in understanding what I am referring to. The finances were never an issue, and the delay in the payment is was due to the lack of getting the point that I am referring to.*

*L... claims that their customer service team did their job by calling the police force on me to do a welfare check, after I mentioned that I am going to self harm. Can you please understand that they have been playing games with me, and I told them NOT TO CALL ME, but they kept doing this. After less than a minute of telling them don't call me but they called. They did that twice, and I have had it with them, and told them that I have had it with the and feel like I am going to kill myself.*

*All this happened AFTER and DUE to them playing games with me. So before the excuse of the welfare check, you need to question WHY DID THEY KEEP CALLING ME?*

*The attendance of the police caused me a lot of distress, and I had been in trouble because of them. I got questioned in front of my wife and family, and I didn't want to disclose any of my business with Linkt to them.*

*So please understand it is not a the financial issue, it is the misuse of the customer contact details; and they are NOT to be trusted with my contact details hence I have changed them since the incident.*

*The issue is NOT resolved until they pay a penalty that you can determine for causing me all that distress and for the trouble with the police.”*

I am not sure if you know that if the Linkt account goes into a debt, it keeps going until a certain negative/debt amount where the account will be suspended; and toll notices will start to be generated. When my account went into the minus they started calling me and please refer to the above. I then kept emailing them until they drove me to the edge. They THINK that they are the ones who decided not to use other means than emails to contact me; BUT that is not the case. I had to unlock my account by paying the amount due, so I can have access to edit my details and I changed my mobile number to a dodgy number and my correct work address to be both for physical and residential. This way if they can call the number that they have and they will get no where; so it is ME who blocked them from calling me. So it is MY doing not theirs. They CAN NOT be trusted with people data.

I had an episode of high blood pressure when I had the police attended my place, plus tight airway due to asthma. The police presence had a lot of terrible experience for me personally and to my wife, where an argument started due to the police presence. I DO NOT have to disclose my financial situation to my wife; and I was forced to do this all this was due to stupid games that their staff was playing. If I have any financial hardship I could have gone to any charity and they have their ways to deal with removing admin fees, as they have done it before with people with hardship; so my delays of payment was due to the unprofessional handling of customers instructions; where they SHOULD be penalised.

So they have not done with the finances as the second item on the complaints lists. They will defend their staff and come to you with the excuse that "they have to do a welfare check after I mentioned a self-harm"; where THEY ARE THE ONES who brought me to the stage. So they should think of a duty of care BEFORE they pushed me to that limit."

- Linkt responded to Mr S (see comments in black) and Mr S responded to Linkt's response (see comments in red) and see material below generally:

"Thank you for providing this update.

This response will only be addressing the concern regarding the toll invoice attached to the last piece of correspondence.

After a thorough investigation, into the toll invoice [1\*\*\*\*\*B] which was attached by Mr. S in his last update, I confirm that that this invoice was waived in full on the 4 November 2024 which was communicated directly to Mr. S on this date via email which is attached.

*KS: Thank you.*

I also confirm that there is no toll invoice debt outstanding with Mr. S according to the vehicle registration details that he has provided us. If there is another registration that he has not provided us, Mr. S will need to disclose this so that we can ensure that all debt is being managed accordingly and accurately disclosed.

*KS: Transurban has all the details for my 3 cars so not sure what is the above. If there is car that is not registered then I would received a fine.*

I would like to note that during the resolution process, that a credit of \$307.36 was provided to Mr. S's account on 13 November 2024 to bring it out of suspension and into active as a gesture of goodwill.

*KS: Thank you.*

Currently, the account is in a negative balance of -\$132.25 if Mr. S and will be at risk falling into suspension where collections activity may recommence if not settled.

*KS: This is correct, and am not the only one among the millions of your customers! If you refer me to a collection agency, I will refer them to the Ombudsman.*

As we are still investigating the core issue of the complaint which pertains to a welfare check and debt collection activity, we require Mr. S to either settle the outstanding balance on the account or enter into a payment plan with Linkt Assist where all collections activity will cease during the period of which the account is being paid off.

*KS: Welfare check is just an excuse and it is abused, again and again your awful customer service should have thought how to deal with people before reaching to the point of claimed "welfare check". I will share some health information with the Ombudsman office ONLY to show him what impact I had on my health after what you did the me. For the millionth time, if your staff didn't call me although I told them to refrain from this; you would have to call for a welfare check; and with whom? With the Police Force who killed Clare Nowland. I am paying my debt to you slowly and your slowness is the reason stopping me from settling it.*

Until the balance has been settled, Mr. S will need to refrain from using the toll roads.

*KS: good luck telling this to my wife who is a stubborn woman, and has a back pain from using them to cut distances. Remember that all the motorways are built and paid off by us, the taxpayers!*

I must highlight that if the account does fall into arrears, that Mr. S is at risk of collections activity resuming. However, we will continue to monitor account regularly to attempt to place a hold on this debt, should it fall into the suspended status.

*KS: If you refer me to a collection agency, I will refer them to the Ombudsman. Your monies will be paid so don't worry, you will still get your salaries paid!!*

In the event that the account falls into suspension, Mr. S will continue to receive toll invoices that contain additional administration fees should he continue to use the toll roads. As we are not able to prevent these invoices from being issued I recommend the use of the [Toll calculator - Linkt](#) and map which is included in the link. This way Mr. S can manage and plan his journey effectively while this complaint is being resolved.

*KS: the inflation and your increase is not helping. I know all that.*

Mr. S wellbeing is important to us and as such we want to ensure that he is aware that we are taking this complaint seriously and will provide a further update when we can."

*KS: PLEASE spare me the lecture for my wellbeing as it is not true. I repeat myself, if your staff care about people then they should NOT have called me and driving me to the edge. YOU ARE IN THE WRONG SO ADMIT IT. Check my history, I have stopped my automatic payment when your staff were very rude with me and when I complained I was given a \$100 just an gesture of apology for their rudeness."*

- Mr S on 20 December 2024 concluded his comments in red by suggesting:

"The response from Transurban is NOT satisfactory, when they refer to the "CORE" issue is not resolved then it is still not resolved".

"Thanks for your response

Please note I have already lodged a complaint to Linkt in the past, and have not had any response back.

In fact, I can provide email proof of this."

- Mr S on 27 February 2025 by email states:

"I don't know when this is going to end. I have settled my account many many times, and they have not resolved the issue. Now my account is suspended again, and they started to issue me toll notices.

This is not a joke, and I am prepared to bring a medical report to prove that I have this condition from my GP. They have to learn how to deal with people, and stop putting people lives in jeopardy. Not everyone can handle their games.

Again, they claim that they called the police for welfare check, but what lead to that was their stupid irresponsible careless actions. This is the bit that they should understand, and be punished for."

- Linkt responded to the email of 27 February (comments in black) and Mr S replied (see comments in red):

"On November 13th, Mr. S account was credited with \$307.36, bringing the account balance to \$0 with no outstanding toll invoices for both license plate numbers (LPNs).

- The financial balance report reflects that the account was \$0 and in good standing as of 13/11/2024.
- The second report details all outstanding toll invoices issued to Mr. S due to the account being in suspension.

- Mr S is also opted into the M5 cashback scheme which he is eligible to claim a portion of his travel made on the M5 back per quarter.
- As of last quarter Mr S is eligible to claim \$1242.89 back for the last quarter of travel."

"This is specifically IRRELEVANT. I was paying \$100 every now and then; and it is none of their business how I spent the cash back.

You keep mixing your misuse/abuse of the personal information with the finances. You mentioned that you want to settle the account from before you look into this issue. I did settle it, but you failed to address it again; and you now you suspended it and it is because of you. You are not holding the reign here, why do I have to be a slave to you to answer you when you want, and you take your time; and am not allowed to do that?! If I am in financial stress you will hear from the Salvation Army about that; which is a separate issue."

"The report also indicates that Mr. S frequently uses toll roads, and the payments made to the account are insufficient to cover the toll road usage which has resulted in the account Falling into suspension status on the 04/02/2025."

"If Mr. S requires financial assistance or guidance on maintaining the account, we advise him to contact the Linkt Assist team. If Mr. S intends to continue using the toll roads, we recommend that he either clear the outstanding debt or alternatively purchase a road pass and set up a payment plan."

"I contacted you before, and your conditions are too tough, again this is a separate issue"

"We regret to inform you that we will not be providing any further credit or waivers, as this situation clearly indicates that Mr. S has not managed his account effectively."

"Incorrect, you are the one who failed to deal with the case since May 2024. You referred me to a collection agency, and I asked them to go back to the Ombudsman."

"Regarding the welfare check conducted by the police last year, we have previously addressed the reasons for this action. We take any threats of self-harm very seriously and are committed to ensuring the safety and well-being of our customers."

"Let's REWIND the incidents before what you mentioned above:

1. I recieved a call from a Melbourne number, I did not answer as I dont take strange calls. I called this number back to check it, and it was Linkt.
2. I emailed Linkt through the feedback telling them NOT to call me and to communicate by email ONLY.
3. They IGNORED this request and they called me again.
4. I emailed them SECOND time telling them via the same method (feedback), telling them NOT to call me and to communciate by email ONLY.
5. They IGNORED the SECOND request, this is when I went off my head and told them (metaphorically) that I will shoot myself.

This is when they got the police involved, not for a welfare check that is a BS; but for the police to harrase me as well on the source of the bullets to shoot myself.

They mentioned that they don't tolerate threat. what about me tolerated their abuse of my information and NOT listening to one of their salaries contributors to STOP calling and harrasing me. I sent you the images of my eyes that was caused by a high blood pressure due to their actions. Get them not to be offended about their salaries as this the truth, they and their share holders get money from people paying tolls. So before they say welfare check, have they considered my welfare when they played games with me and kept calling me. People have sicknesses and being careless is not the proper way to deal with such cases with sick people. Before the welfare you should have a duty of care, which is below zero here, and was NOT considered. This is the PART that we keep arguing about, they MISUSED & ABUSED people's information contact. If they didn't have my number, nothing would have happened."

- On 10 April 2025, Linkt again responded to Mr S and stated:

"As previously mentioned, Mr S's account was credited with \$307.36 on November 13th, 2024, bringing the balance to \$0. This credit was provided to get the account back in working order and to come to a resolution after the [debt agency] contacted Mr S when toll invoices should have been on hold.

Despite the successful payments made to the account, the account fell into suspension due to insufficient funds to cover ongoing toll usage. We recommend contacting the Linkt Assist team for financial assistance or setting up a payment plan and planning your journey to avoid future suspensions.

The NSW Cashback Scheme, specifically the M5 South-West Cashback Scheme, was introduced to alleviate the financial burden of tolls for NSW residents. How you choose to use these funds is entirely your decision.

We acknowledge Mr S's request to be contacted via email only. Moving forward, we will adhere to this preference. However, it is crucial to understand that our actions, including the welfare check conducted by the police, were taken out of concern for your safety. We take any threats of self-harm seriously and acted accordingly.

Mr Sayrafi currently has outstanding toll invoices for the L..... and E... totalling \$783.46 including the admin fees. If Mr S transfers the toll invoices to the account this will reduce it outstanding toll invoice balance to \$292.91

Mr S's account balance is also reflecting a debt of \$194.51

We have addressed your case since May 2024 and provided the necessary information and support. We stand by our previous decision that we will not be providing any further waivers"

- Mr S responded to Linkt on 10 April 2025 on the following basis:

"The keep going in circles for a year and saying: "We acknowledge Mr S's request to be contacted via email only. Moving forward, we will adhere to this preference.

However, it is crucial to understand that our actions, including the welfare check conducted by the police, were taken out of concern for your safety. We take any threats of self-harm seriously and acted accordingly." when I also keep telling them what happened before the "threat", and what lead to it; caused that; they keep denying it.

As a compensation for this, I am again requesting at least clear my account and lets start fresh. I know you are the middle man in this, but I am sure that you can have your say in this and suggest that to them please so we can end it."

- After the TCO confirmed with Mr S that he had not made a determination on the matter but wanted to give Linkt another opportunity to make another offer, Linkt on 25 April 2025 made another offer:

"I acknowledge Mr. S's response on April 11, 2025.

I understand that this matter has been ongoing for some time and would like to propose a resolution.

As a gesture of goodwill to resolve Mr. S's complaint, we will provide a full waiver for toll invoices issued from February 5, 2025, to April 14, 2025. Any toll invoices issued after this date will need to be paid by Mr. S or transferred to the account.

Additionally, Mr. S will need to settle the outstanding balance on the account of \$194.51 to get the account into an active status and prevent further toll invoices from being issued.

As these trips have been charged to the account, they can be claimed via the NSW M5 cashback scheme.

I look forward to hearing from Mr S and hope we can come to an agreement to settle this."

- Linkt provided another email to Mr S on 8 May 2025:

"I wanted to confirm that we have requested the cancellation of the toll invoices issued to the license plates [E\*\*\*\*Y] and [B\*\*\*\*C] for the period from February 5, 2025 to April 14, 2025. Please note that this process may take up to 48 hours to reflect.

As mentioned in our previous email, Mr. S will need to pay for any toll invoices for travel made after April 14, 2025, as well as the outstanding debt of \$194 on the account."

- Mr S responded to the Linkt email of 8 May 2025 on 13 May 2025:

"I believe that no more discussion with Transurban will bring any solution that is satisfactory to me, and I also thought that you will need to step in after one year of going around the same issue.

Finances were never a problem for me, and sometimes I leave my account ignored hoping that this matter would have resolved ages ago. My account got locked many many times and I unlocked hoping to end and for you to step in. I am not sure what are your processes here!!

They also saying that they have requested the cancellation of the toll invoices, but am I am still receiving piles of them and some are with double the admin fees. So they are lying and NEVER to be trusted with what they are saying.

I informed you before that I am seeking compensation for the distress and the health risk that they put me through. I sent you images of the impact that happened to me, and how this affected my health and put me at risk for a stroke. With all this wait I am expecting to be a decent amount. It is a jackpot that I am targeting; it is just to teach them a lesson not to play with people's feeling as some are fragile and cannot tolerate the shocks. Having the Police Force knocking on my door, asking questions for some stupid actions from their team will NOT be tolerated. They keep saying welfare check, and it is simple to understand it is not that; but it is what lead to that; which was their doing and their faults."

## Current Position of the Parties

- In short, Mr S wants all debts waived for the toll travel including both toll fees and administrative fees on the basis that Linkt have been very slow in dealing with the issues raised by Mr S. Mr S also wanted to get an acknowledgement from Linkt that they had been slow in responding to him particularly before the matter had been under the TCO's jurisdiction. He also wants compensation from Linkt in respect to the dispute.
- Linkt states, whilst it understands Mr S is frustrated that this matter has taken some time to resolve, it considers it has dealt with Mr S appropriately. Linkt considers the various interactions with Mr S over the last 3 years indicates its desire to seek to assist Mr S and answer his questions. In particular, it notes that it has made two offers to settle the matter including one more recently. These offers both included waiving a substantial amount of fees and these offers take into account the delays in resolving the matter. They do not also consider that they should compensate Mr S for their actions during the dispute process.

## 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 is no dispute between the parties that Mr S travelled on the toll roads on the dates that relate to the toll fees incurred. Where the parties differ is whether Linkt should be entitled to charge for toll road travel if subsequently Linkt has been slow in responding to the customers inquiries about payment of those tolls. The parties also differ in their view as to who was at fault in respect to the delay in resolving the matter.
- In my view, on the balance of probabilities it would seem that Mr S considered that the alleged conduct of Linkt after the toll travel should mean that Linkt waive completely all charges for the toll travel of his vehicles. In contrast, Linkt in its two offers of settlement in May 2024 and May 2025 to reduce the charges to the customer in respect of the toll charges took into account the difficulties that were experienced by the customer in relation to the payment of the outstanding debts and the resolution of the dispute. In my view, the Linkt approach is to be preferred given all the evidence provided by each of the parties and the circumstances of the dispute. I also consider that in the circumstances and on the basis of evidence Linkt acted appropriately in getting the NSW police to do a welfare check of Mr S (see further below).

## Determination

- I am satisfied that, in the circumstances and on balance, Mr S has not established grounds or evidence for his complaint in respect to the non-payment of all toll fees for travel on the toll roads the subject of this dispute. Subject to my comments below about timeliness, 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 reasonable. This is on the basis that I note that Linkt, has made two settlement offers in May 2024 and May 2025 both involving the reduction of toll fees by waiving fees in relation to toll travel by Mr S on certain vehicles. Moreover, it should be noted that Linkt waived several toll invoices from February to April 2025 for not an insubstantial amount and despite this Mr S continued to use the toll roads without an account even though he was advised by Linkt of the risks associated with suspension of the account and further toll invoices. For similar reasons as set out above, Mr S has not established grounds for receiving any additional compensation from Linkt in respect to "emotional distress" arising out of the dispute. This is particularly the case where Linkt have sought to support the consumer by seeking a welfare check on the consumer.
- In my view, Linkts decision to conduct a welfare check was appropriate and based on legal and ethical obligations to respond to self-harm threats. To not do so would not have been an appropriate action. Furthermore, it would seem that

the calls made by Linkt prior to the welfare check were within the standard recovery protocols of Linkt.

- However, as a general observation, I do note Mr S's observation that Linkt has taken too long to deal with the issues and seek to resolve the matter before that matter was in 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 both before and after the matter is in the TCO jurisdiction. The onus is on Linkt to ensure effective turnaround times for these disputes both before and after the matter is in the TCO jurisdiction. However, I do note in the present case that some of the time delay before the matter was in the TCO jurisdiction was also attributable to Mr S's actions and inactions.
- 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.
- I also consider that Mr S 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 S and that he can seek relief in any other forum.

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

**Dated: 23 July 2025**