

DECISION

Summary and outcome

- The complainant, Mr B, lives in Sydney. Mr B has a Linkt Account. He has a number of complaints about the payment of tolls including amongst other matters payment by cash, payment by credit card and payment of tolls at outlets that are in his local area. He has framed his arguments in the context of suggesting Linkt is deficient in its customer service delivery and also in particular its Account Management for customers. His complaint made on 9 February 2024 was in respect of the lack of customer service delivery by Linkt in respect to payment terms of tolls to Linkt. He suggested that he has been paying a surcharge for toll payments for 10 years. 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 issues resolved. Mr B says he was disappointed with the way that Linkt engaged with him on this matter. Mr B 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 B believes that Linkt's systems for resolving disputes with consumers generally are ineffective for a person in Mr B's circumstances. The dispute Mr B suggests is entirely due to Linkt's failure to clearly communicate with him about its payment processes in this matter. Mr B has been in contact with the TCO over various months by email in relation to these matters.
- However, Mr B has continually rejected Linkt's explanation of its processes and the issues raised in respect to the payment of tolls.
- Linkt's position was that generally its dealings with Mr B were professional and appropriate. They point out that they have provided a credit to Mr B for the delays in responding and have provided a number of full and comprehensive explanations in respect to each of Mr B's queries.
- 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 payment of toll charges of Mr B. They also made clear to Mr B on what basis any

surcharge was being paid by Mr B on toll charges. They also suggest that they have provided clear advice to Mr B on how to avoid surcharges on toll payments.

- Linkt, point out they had been consistent in their explanations of their processes. They also point out that they have apologised to Mr B for the delays during the TCO process. They also point out that given a delay in response to responding to Mr B early in the TCO process they gave Mr B a \$75 credit in his Linkt account.

Background

- The complainant, Mr B, first made a complaint to the TCO on 9 February 2024. The focus of the dispute for Mr B seems to be in respect to Linkt's account management procedures generally. More particularly, it involves the manner in which Linkt accept payment from customers and the payment options for customers. Mr B also suggests that Transurban's practices has led him to be paying a surcharge for toll roads for 10 years. Mr B has concerns about the amount of time that Linkt have taken to resolve the matter. The overall dispute raised by Mr B also involves his various interactions with Linkt and the communication processes of Linkt with consumers.
- The view of Mr B is that Linkt should justify its position. In particular Mr B 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 and ultimately made settlement of the matter more difficult.
- In his application to the TCO, Mr B on 29 February 2024 stated that:

“I have recently noticed that I've been paying a surcharge for road tolls for over 10 years. Link insists it has nothing to do with the surcharge. On that basis it seems that Link is not required to make road users clearly aware that they probably are paying a surcharge and hides information regarding the surcharge on their website. It is not possible to pay road tolls with cash- why.

Complaint response

I have recently noticed that I've been paying a surcharge for road tolls for over 10 years. Link insists it has nothing to do with the surcharge. On that basis it seems that Link is not required to make road users clearly aware that they probably are paying a surcharge and hides information regarding the surcharge on their website. It is not possible to pay road tolls with cash- why.

Desired outcome

tolls should be payable in cash.

Surcharges and ways to avoid them should be clearly indicated to road users on their website & payment portals.

Terms and conditions should be understandable to everybody”.

- In response to the application of Mr B on 3 May 2024, Linkt stated that:

"Thank you for referring Mr B's enquiry to us. Please accept my sincere apologies for the delayed response and I thank Mr B for his patience.

I acknowledge Mr B's concerns regarding payment surcharge.

The Payment Card Surcharge is a direct charge received from our financial institution when customers make an account payment using a credit or debit card. The amount is set by our financial institution. Further information on these fees can be found on our website at:

<https://help.linkt.com.au/melbourne/article/melbourne/payments-tolls-and-fees/tolls-and-fees/what-are-the-payment-card-surcharges>

Mr B can avoid the Payment Card Surcharge by switching to direct debit payment from nominated bank account. Simply log into account, select 'Set up auto payments', and follow the prompts. Mr B can also avoid the surcharge by using BPAY (these details can be found on your statement).

As an acknowledgement of the delay and the inconvenience this has caused, I've placed \$75.00 trip credit on Linkt account [8*****3]. Mr B's Linkt account balance is 108.53 credit.

Mr B can also look for pay via cash options here Pay in person – Linkt.

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

Please advise if any further information is required."

- In response to the Linkt email, Mr B on 23 May 2024 stated that:

"The response from Linkt is not acceptable to me.

the timing of the response is unacceptable

The following : 'Pay in person - Linkt' is not helpful, it doesn't use words in sentences and paragraphs. Linkt seems you're hiding the answer?

I think Linkt is avoiding the substance of the complaint re; unannounced surcharges past & present. The stuff about Westpacs? charges are misleading.

Please note i have trouble accessing the internet and phone reception.

so there will be delays in my response (but not 3 months or not at all, as Linkt does)"

- Linkt responded to Mr B's response of 23 May 2024 on 2 June 2024

"Thank you for forwarding Mr B's correspondence through to us.

We apologise to Mr B, for the delayed response and the time taken to have this issue addressed.

Linkt is unable to remove the payment surcharge associated with transaction as it passed on by financial institution when customer chooses account payment option. The amount is set by our financial institution.

In relation to pay in person option, please select "Sydney page" on top left-hand corner and enter NSW in search to locate All stores to "pay in person".

While we understand this may not fully align with Mr B'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 B by email on 7 June 2024 stated that the response from Linkt was totally unacceptable to me.
- Linkt on 14 June 2024 by email responds to Mr B on the following basis:

"Thank you for providing Mr B's further correspondence to us.

I've looked into Mr B's concerns further and acknowledge this relates to payment surcharge fee.

A payment surcharge fee is an additional charge imposed by a business or service provider when a customer uses certain payment methods. This is also common across service industries such as Utilities, Telecommunications, and more.

We recommend using a bank account as an autopay method as no surcharge is associated with this option.

<https://www.linkt.com.au/help/payments-tolls-and-fees/what-are-the-payment-card-surcharges/melbourne?vid=LEMDP95F2S5S4MRQ3J>

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 B responded to the Linkt email on 14 June 2024 and states:

“Thank you for your email

it seems we have a language problem?

i'm not sure why Linkt keep repeating itself as i've repeatedly told them that the statement - "A payment surcharge fee is an additional charge imposed by a business or service provider when a customer uses certain payment methods. This is also common across service industries such as Utilities, Telecommunications, and more" is not acceptable and told them why.

i suggest they find & provide the previous emails i've sent them (as i'm not a corporate financial instrument front with staff), before and after i made a complaint to the ombudsman and respond to my queries ...”

- On 8 July 2024, Linkt again responded to Mr B and stated:

“We understand your ongoing concerns regarding the payment card surcharge on Mr B's Linkt account. The Payment Card Surcharge is a direct charge received from our financial institution when customers make an account payment using a credit or debit card. This surcharge is determined by our financial institution and passed directly to customers without any additional markup from Linkt.

To clarify, here are the current surcharge rates as of our last review on 19 June 2024:

- VISA Credit: 0.84%
- VISA Debit: 0.37%
- Mastercard Credit: 0.86%
- Mastercard Debit: 0.37%
- AMEX: 2.15%

We acknowledge that Mr B may find these charges inconvenient. To avoid these surcharges, we recommend setting up direct debit payments from his nominated bank account. This can be done by logging into his account, selecting the 'Set up auto payments' option, and following the prompts. Additionally, Mr B can use BPAY as a fee-free payment option, with details available on his statement.

If Mr B needs further assistance or wish to discuss this matter in more detail, please do not hesitate to contact me directly via resolve@transurban.com or by calling the Customer Resolutions team at 1300 381 570.

Thank you for your patience and understanding”.

- Mr B responded to Linkt on 8 July 2024 on the following basis:

"I see no evidence that linkt has in fact answered or responded to my detailed complaints and my explanations.....

I do not feel obliged to linkt, a multi national corporation, that i have to repeatedly ask the same questions or provide the same information for consideration.

I do not accept the explanation provided by linkt is reasonable response to my complaints. In fact I believe the explanation provided is deliberately misleading and brief."

- Linkt provided another email to Mr B on 17 July 2024:

"Thank you for providing this update.

I understand that this explanation is not acceptable to Mr. B.

As previously advised, we offer multiple payment options that are free of charge. These include:

- Setting up direct debit payments from his nominated bank
- BPAY
- Paying in cash at an affiliated petrol station – Mr. B may find a convenient location here: Paying with cash - Linkt
- No need to have internet access for toll travel.

The Payment Card Surcharge is a direct charge received from our financial institution when customers make an account payment using a credit or debit card. This surcharge is determined by our financial institution and passed directly to customers without any additional markup from Linkt.

As an explanation and various alternative options have been provided to Mr. B, there is no further information to be provided.

Mr. B is welcome to call the Customer Resolutions Team on 1300 381 570 or to email resolve@transrurban.com for further assistance.

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 B responded to the Linkt email of 30 July 2024:

"Transurban has not explained why to my satisfaction, it adds a surcharge to tolls users fees . I understand due to a exploitation of the law technically you can get away with it if you make it clear before payment that you are adding a surcharge.

It was not clear, it is not clear that you add a surcharge to toll payments. I have looked at your 27 or so terms conditions on your website and it is not included there.

I intent to forward this email to the Reserve Bank of Australia for them to consider as they are currently make an enquiry in to surcharges.

I will ask them for feedback.

Also I have repeatedly asked for the full details of cash payment and asked not to be given links to your website. Transurban has not complied. Transurban is it to difficult for you to provide cash payment information in detail on request?"

- Linkt responded by email on 16 August 2024:

"Thank you for providing us with the further correspondence from Mr B

As we understand, Mr B has two issues that he would like us to clarify for him:

1. where do we make clear that a Payment Card Surcharge will be charged when a person pays using a credit card; and
2. how can a person pay for a toll using cash.

Payment Card Surcharge

We make clear that a Payment Card Surcharge will be charged when a person pays using a credit card in a number of ways:

- clause 7 of the Tag Account Customer Service Agreement clearly states that "Where You pay Your account via an accepted credit card or debit card, You may be charged a Payment Card Surcharge on the amount paid";
- our website has a dedicated information page explaining "What are the payment card surcharges" and how they will be charged when payment is made by a credit card or debit card. It also sets out ways to avoid this surcharge;
- when a customer calls us to make payment over the phone using a credit card, our operators are trained to mention that this will incur the Payment Card Surcharge.

Paying for a toll using cash

As previously advised, there are multiple ways a person can avoid the Payment Card Surcharge.

These include setting up direct debit payments from the person's nominated bank, BPAY, and paying in person at an affiliated store.

The paying in person option is explained in more detail on our website:
Pay in person - Linkt.

What Mr B will find on that page of our website is a box where Mr B can type his location (eg "Sydney"). Once he's typed in his location, he can select "Search". This will generate a list of the stores closest to him that he can visit. The location of the stores will also be populated on the map on the page. The stores closest to him will mostly be a BP, a United or Freedom petrol station. If he continues to have trouble navigating this page, he can call us on 13 33 31 and our customer service operator will be able to help him work out which store is closest to him and what he needs to bring along with him to the store.

If he chooses to pay using this option, he'll need to bring a copy of his statement, toll invoice or notice to the store. Once at the store, the attendant at the store will be able to take it from there.

We do note that, as of 6 February 2024, Mr B has added a direct debit payment option. He will not incur a Payment Card Surcharge paying by this method.

Next steps

We believe the information provided is fair and reasonable and adequately answers his questions. Linkt considers Mr B's ongoing inquiry through your office resolved and remains committed to working with Mr B if he has a new inquiry to raise.

Once again, we thank you for your ongoing engagement with Mr B's inquiry."

- Mr B responded to Linkt on 16 September 2024:

"Linkt- i am not finding your responses helpful.

you are hiding behind the internet and the many layers of your website.

it is not clear that linkt surcharges its customers.

There is no reasonable reason for a multinational corporation who has a monopoly on tolls that it has to charge an additional surcharge for its services. if Linkt charges a surcharge it should be clear to the customer. It is not clear that Linkt charges a surcharge.

The information regarding surcharges is not on the 'home page' of your organisation.

Also as I use a debit card so it is not clear to me why a extra charge for credit cards was applied to me. I am especially interested to understand why I was charged an extra surcharge on that debit card when I was in effect paying in advance?

can Linkt please tell where i can pay in cash for your services- you know where i live- please tell me the two closest places to my home address where it is possible for me to pay using cash?

Or is Linkt hiding behind the internet - where its information requires computer access ability and can be changed without notice.

Is Linkt a parasite who employs professionals to design and maintain a financial system that seeks to take any gain it can get away with. Is this a corporate obligation?

- Linkt responded by email on 25 November 2024:

"Thanks for providing further correspondence from Mr B. We are sorry for the ongoing inconvenience this matter may have caused Mr B and for the delayed response.

By way of explanation, I can confirm the following information.

Due to the location of Mr B's home address in relation to Sydney, the nearest Pay in Person locations, if he is travelling to Sydney are in the following areas. This depends on whether Mr B travels to Nowra and up the coast or stays inland and follows a more direct route through South-West Sydney.

Pay in person locations include:

Shell Berry
88 Queen St,
Berry, NSW 2535

Ampol Gerringong
2 Belinda St,
Gerringong, NSW 2534

Metro Petroleum (Warilla)
230 Shellharbour Rd,
Warilla, NSW 2528

Metro Petroleum Lake Illawarra
37 Shellharbour Rd,
Lake Illawarra, NSW 2528

United Windang
217-221 Windang Rd,
WINDANG, NSW 2528

BP Port Kembla
71 Church St,
Port Kembla, NSW 2505

Crown Petroleum Pty Ltd T/A Metro Petroleum
394-396 Crown St,
Wollongong, NSW 2500

Metro Petroleum Keiraville

270 Gipps Rd,
keiraville, NSW 2500

BP Fairy Meadow

224 Princes Hwy,
Fairy Meadow, NSW 2519

BP Austinmer

42 Lawrence Hargrave Dr,
Austinmer, NSW 2515

BP Service Station Picton

403 Argyle St,
Picton, NSW 2571

BP Tahmoor

2710 Remembrance Dr,
Tahmoor, NSW 2573

Metro Petroleum Tahmoor

1/2790 Remembrance Dr,
Tahmoor, NSW 2573

Ampol Tahmoor

2900 Rememberance Dr,
Tahmoor, NSW 2573

Shell Wilton

1109 Argyle St,
Wilton, NSW 2571

Ampol The Oaks

38 John St,
The Oaks, NSW 2570

Mobil Appin

136 APPIN RD,
APPIN, NSW 2560

BP Camden

12 Argyle St,
Camden, NSW 2570

BP Connect Macarthur

Cnr Campbelltown Rd & Blaxland Rd,
Campbelltown, NSW 2560

As previously advised through your office, if Mr B chooses to pay by this option, he will need to bring a copy of his statement, toll invoice or notice to the store. Once at the store, the attendant will be able to take it from here.

While we understand Mr B's confusion, it is important to note his Linkt account has

been set up with a direct debit payment method and currently has a credit balance of \$58.13.

Linkt remains committed to working with Mr B as much as possible to help ensure his toll travel is effectively covered. We encourage Mr B to give the Customer Resolutions team a call on 1300 381 570 if we can be of further assistance with his inquiry and to discuss his options for travel on the toll network.

We thank you for your ongoing engagement with Mr B's inquiry and trust this information is of assistance."

- Mr B responded to Linkt on 3 December 2024:

"Linkt has shown contempt for this complaint process and to me personally. Linkt should respond to all the parts of my complaints- re: the payment system, in future.

Please try again to respond to both- my last email and this one. thankyou for noting my confusion, please note in return that the 'confusion' is being caused by Linkt.

I have noted your reply took over 2 months and that Linkt needed to be asked to reply. Linkt did not note that? Also Linkt your reply is incomplete and unhelpful (the 2 closest cash payment sites, this is the 4th time i've asked).

Linkt charged me in advance of the tolls and took a surcharge? Please provide me with full details so i can not get confused then we will check your website for the corresponding information so we know no one else is getting confused.

I am now also interested in who is writing Linkt responses to me. Who is personally accountable to the public at Linkt? I look forward to hearing from that person."

- Linkt responded by email on 11 December 2024 which set out a comprehensive summary of the interactions between the parties:

"Thank you for forwarding Mr. B's follow-up email to Linkt. We appreciate the opportunity to address his concerns through your office.

Regarding Mr. B's inquiry about the Credit Card Surcharge, we have the following information:

Credit Card Surcharge

On 15-05-2024, we informed Mr. B that the Credit Card Surcharge is a direct charge from his financial institution when payments are made via credit or debit card. The amount is set by his financial institution, and we provided a link to our website for more details.

We advised Mr. B that he could avoid these surcharges by switching to direct debit payments from his bank account or using BPAY.

Due to a delay in responding to his inquiry, we provided Mr. B with a \$75 goodwill credit.

Mr. B's Response on 23-05-2024

Mr. B expressed that our response was not acceptable and questioned whether he would have received a response without reminding both TCO and Linkt.

Linkt's Response on 04-06-2024

We reiterated that we could not remove the payment surcharge as it is set by his financial institution.

We provided further information on how to find Pay in Person locations on the Linkt website to avoid the surcharge.

Mr. B's Response on 05-06-2024

Mr. B found our response completely unacceptable.

We informed him of his right to pursue the complaint outside the TCO, but he chose to continue through your office.

Linkt's Response on 14-06-2024

We explained that the Credit Card Surcharge is applied when payments are made via certain methods and that this practice is common across various industries such as Utilities and Telecommunications.

Mr. B's Response on 14-06-2024

Mr. B questioned why we kept repeating the same information and mentioned that he does not normally have internet access, asking if it is a requirement for road users.

Linkt's Response on 08-07-2024

We provided detailed information on Credit Card Surcharges and advised Mr. B to call our Customer Resolutions team at 1300 381 570 for further assistance.

We noted that Mr. B had changed his payment preference to avoid surcharges.

We provided further information on Pay in Person locations and invited Mr. B to call 13 33 31 if he required assistance.

We believe the information provided is fair and reasonable and adequately answers his questions. Linkt considers Mr. B's ongoing inquiry through your office resolved and remains committed to working with Mr. B if he has a new inquiry to raise.

Mr. B's Response on 16-08-2024

Mr. B stated that he did not find our responses helpful and felt that we were hiding behind the internet and the many layers of our website. He also mentioned that it is not clear that Linkt surcharges its customers.

Mr. B's Response on 25-11-2024

Mr. B expressed frustration over not receiving a reply from Linkt for over two months and questioned the reasonableness of this delay.

Linkt's Response on 02-12-2024

We provided a list of 19 Pay in Person locations that were convenient for Mr. B based on his travel in NSW and the location of his home.

Mr. B's Response on 03-12-2024

Mr. B advised that Linkt has shown contempt for this complaint process and him personally.

Linkt believes we have worked towards a satisfactory resolution for Mr. B through multiple emails to your office dating back to earlier this year. We have provided relevant information about the terms and conditions of his Linkt account, the Linkt website, Credit Card Surcharges, ways to avoid Credit Card Surcharges, and Pay in Person locations.

We understand Mr. B is still dissatisfied with our responses and request that he provides details of the further information he believes will help resolve his inquiry and what is unsatisfactory with the information already provided.

We thank you for your ongoing engagement with Mr. B's inquiry."

- Mr B responded to Linkt on 16 December 2024 and stated that:

"Linkt

I think you are deliberately misinterpreting and / or avoiding several detailed questions I have put to Linkt.

In case there is some reasonable misunderstanding I'm going to break my questions into parts, with just one part today- 'payment by cash- part 1' .

-to start with I'm particularly interested if it is indeed practical & possible to pay tolls in cash - if not then i will assume some level of coercion of toll payers towards unannounced surcharges has occurred.

Yes, some time ago (long) before my suggestion of contempt of process I had no choice but to receive credit with no explanation from Linkt. We can come back if the new claim of an apology in the form of credit is relevant to my current questions or if Linkt is trying a type of 'gaslighting'-or I might ask in the future if this was a type of 'shut up money' credit?

I note that there is now indication that a person is representing the corporation in the latest email.

Part 1

I plan to travel to Sydney early in the new year and would like to pay the tolls in cash.

I do not use the internet where possible due to a lack of trust and my limited ability to navigate through it.

a)- Can linkt provide details in the form of an email on how i would pay the tolls by cash?

b)- i think i need to know things like where is the closest place to my home i can pay in cash?

c)- How much will it cost? I may like to travel to various areas sydney?

d)- Where does the document that Linkt says I need to pay cash come from?

e)- I assume I would have a month to pay the tolls, is this correct? (I'm sure Linkt doesn't pay their contractors or staff after each day's work so it would be only fair if you gave the drivers the same terms?)- if not , why not?"

- Given the resolution process had been going on for 12 months, the TCO after discussions with Mr B, wrote a formal email to Mr B on 8 January 2025 and stated that:

"Dear Mr B,

I acknowledge your email and understand your frustration with this matter.

I understand that you want me to move to drafting a formal determination.

Once again, you as a consumer is not bound by any determination by the TCO.

Obviously, to draft a determination it may take a little while as I will need to review all the evidence and arguments by each of the parties.

Is there anything you would like to add to put to Linkt i.e. facts, evidence or arguments before I draft a determination?"

- Mr B responded to the TCO on 9 January 2025 and stated that:

"Your presumption that I want you to draft a determination is incorrect.

I am seeking from Linkt answers which they are not providing me with and I fear your determination will give Linkt an opportunity to avoid answering my questions and would prevent Linkt from providing proof to back the statements they have provided.....

Linkt has provided no formal details regarding the claim that their bank requires Linkt to charge their customers a surcharge on the bank's behalf. I think Linkt should be given an opportunity to provide evidence of that claim before any determination is made.

I should be given time to verify Linkt's formal claims already made.

Also Linkt has provided no information regarding where they provide customer surcharge details before the point of sale or toll charge. Linkt should be able and willing to do so without a determination from the Ombudsman. It is clear and obvious that the claims they have made are, at best, misleading if not, at worst, outright lies.

It should be standard practice for the author of any formal response from Linkt to provide some sort of identity by name or code so misleading claims can be traced to the author who represents the corporation.

Please ask Linkt to provide the information I have asked for repeatedly and various ways so I can see how genuine they are about the customer service Linkt provides."

- During the rest of January and most of February 2025, there was correspondence between the TCO and Mr B which discussed the alternative legal rights that Mr B could pursue if he did not want the TCO to draft a determination which was usually the end of the TCO process. Mr B at this time confirmed a number of times that he did not want the TCO to draft a determination on the matter. Given the position of Mr B, the TCO had discussions with Linkt to seek to have them address the issues raised by Mr B again.
- Linkt by email on 25 February 2025 stated that:

Linkt's customer service agreement terms disclose to customers that where they pay their account via an accepted credit card or debit card, they may be charged a payment card surcharge on the amount paid.

The Reserve Bank of Australia (**RBA**) allows businesses to charge a surcharge for accepting card payments that reflects the cost to the business of accepting that payment type. Linkt charges a payment card surcharge reflecting the cost of accepting particular credit or debit cards. The following information about the current charges, and about the availability of payment types that do not incur a surcharge, can be accessed by customers on our website (extracted here)

We have previously informed Mr B of options to pay his tolls that do not incur a payment card surcharge (direct debit or cash at pay in person locations). We have provided to Mr B previously a list of pay in person locations based on his home

address and travel plans. Alternatively, Mr B can also use the below link to find which pay in person location best suits his travel.

<https://www.linkt.com.au/pay-in-person/sydney>

We note that Mr B has changed his payment preference to avoid incurring a payment card surcharge.

Should Mr B require further assistance with account payments or locating pay in person locations, he may call 13 33 31.”

- Mr B responded to Linkt on 1 April 2025 and stated that:

“i have looked at the the latest from Linkt.

i believe i was mislead by Linlt regarding why surcharges are charged and why i was not aware of the surcharge

i am not satisfied that i have received the help i requested from Linkt regarding cash payment”

- Linkt on 16 May 2025 sent an email and stated that:

“After reviewing Mr B’s case, we stand by our previous response. To date, Mr B has received \$125 in credit in hopes of reaching a resolution.”

- Mr B responded to Linkt on 29 May 2025 and stated that:

“I note your recent email and the latest unhelpful response from Transurban that seems to refer to credit received that I did not ask for and had no choice in accepting. Why is it usual or normal corporate practice to give multiple credits for unresolved complaints?

Transurban have not substantiated specific misleading claims they have made. I have not received the information I asked for in full. Providing a direct link to information which transurban could provide has not occurred nor has the full information been provided in the manner which i requested: ie- via email.”

- During June 2025 to December 2025, the TCO had various periodic interactions with Mr B discussing the TCO’s power and jurisdiction and its dispute resolution role and that it was important that the dispute be resolved as soon as possible.
- In December 2025, Mr B agreed to the TCO writing a determination on the matter.

Current Position of the Parties

- In short, Mr B is not satisfied with the way Linkt have dealt with answering his questions about surcharges payable by customers under certain payment alternatives for tolls. Mr B considers that Linkt have been less than transparent in discussing with him the various alternative methods for payment of tolls. Mr B is not happy that Linkt have provided credits to his accounts to seek to resolve the dispute.
- Linkt states, whilst it understands Mr B is frustrated that this matter has taken some time to resolve, it considers it has dealt with Mr B appropriately. Linkt considers the various interactions with Mr B over the last 2 years indicates its desire to seek to assist Mr B and answer his questions. It has also provided credits to Mr B during the process to seek to resolve the issue with Mr B.

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 in certain circumstances surcharges will be charged to customers on toll payments depending upon the method of payment by the customer. Where the parties differ is who is responsible for those surcharges and who has the power to impose those surcharges on payments made to Linkt. The parties also have a difference in opinion as to whether Linkt have adequately disclosed the reasons why a surcharge will be levied on toll payments. 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 Mr B considered that Linkt has imposed surcharges on toll payments and are responsible for and has the power not to levy surcharges on the tolls. Accordingly, Linkt has mismanaged his account and payments made in respect to his account. In contrast, Linkt maintains it has managed Mr B's account appropriately and in accordance with its obligations. Linkt considers that it has made clear to Mr B on numerous occasions why surcharges are incurred on toll payments, who is responsible for imposing those charges and the circumstances in which customers will pay surcharges on toll payments. They also provided Mr B clear guidance as to how those surcharges could be avoided.

- 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.

Determination

- I am satisfied that, in the circumstances and on balance, Mr B has not established grounds or evidence for his complaint in respect to the mismanagement by Linkt of Mr B's account. Subject to my comments below about timeliness, given all the circumstances, I consider that Linkt's solution to resolving the dispute, its explanations to the customer about the various alternative methods of payments and the consequences to the customers of making those payments under various payment alternatives and what it has sought to offer the consumer in respect to the dispute have all been reasonable. This is on the basis that I note that Linkt, has made many and varied explanations to Mr B about modes of payment by customers for toll travel. It has also made clear that in certain circumstances surcharges will be paid on tolls and how customers can avoid paying the surcharges. It should be noted that Linkt on two occasions provided credits to Mr B to seek to resolve the dispute.
- In my view, Linkt has discharged its responsibility to make entirely clear to their customers what are its processes and their potential impact on consumers in these circumstances.
- However, as a general observation, I do note Mr B'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 a significant contribution to the time delay was also attributable to Mr B's actions and inactions.
- I also consider that Mr B has an honest belief 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 B and that he can seek relief in any other forum.