

TCO Review

1 January to 31 March 2020

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Tolling Customer Ombudsman

INTRODUCTION

Since the last report, there have been considerable changes undertaken within the Tolling Customer Ombudsman (TCO) service. Nicolas Crowhurst has retired as the interim Tolling Customer Ombudsman during this period. I was appointed as Tolling Customer Ombudsman on 29 January 2020. There was a brief transition and overlap period between my appointment and the retirement of Nicolas Crowhurst.

I am a lawyer of more than 35 years standing and have been involved in dispute resolution matters for 30 years. I have been and continue to be a member of various informal and formal dispute resolution tribunals in various sectors including industry, sporting and Governmental. I have also had considerable experience as a CEO in the not-for-profit sector prior to being appointed as CEO of the TCO.

The Tolling Customer Ombudsman Limited (TCOL), a company limited by guarantee with an independent and experienced board, will continue to operate the independent scheme using a clearer and simpler Terms of Reference to better explain the issues the TCO can, and cannot, assist with.

These, and other, improvements to the TCO user experience were commenced near the end of 2019 and continue to be implemented over time.

To seek to tap into the international ombudsman network and to continue to monitor global developments for ombudsmen, I am seeking membership with the International Ombudsman Association (IOA). The IOA is recognised as the premier global body for Ombudsmen. Accordingly, the Board and I consider that the IOA will be a valuable resource for the Ombudsman.

It has been an interesting time to begin such an appointment as during this period the first and significant impacts of the COVID-19 pandemic were being felt in Victoria, New South Wales and Queensland, and correspondingly have some impact on the number of complaints in each of these States. In particular, the impact of COVID-19 was felt during March in all States and especially in the second half of March, where many people in all the

States were effectively “locked down” in their homes and travel was limited to essential travel and travel by essential services workers. Obviously, the impact of COVID-19 will continue beyond March 2020. The more difficult issue to determine is how long the impact of COVID-19 will be felt in each State.

COMPLAINT RESOLUTION

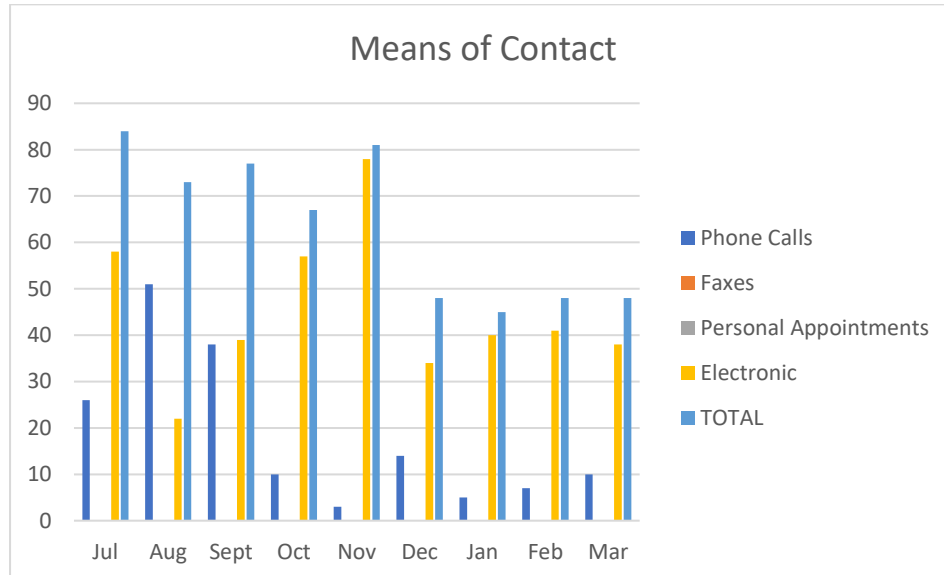
The TCO has moved to a quarterly reporting regime. To address the stakeholder feedback that trend analysis would be useful, this report provides data on the last nine months (building on data already presented) being report 3. After report 4, the TCO will keep presenting the prior 12 months of statistics on a rolling basis.

Additional information will also be presented as our systems developments allow.

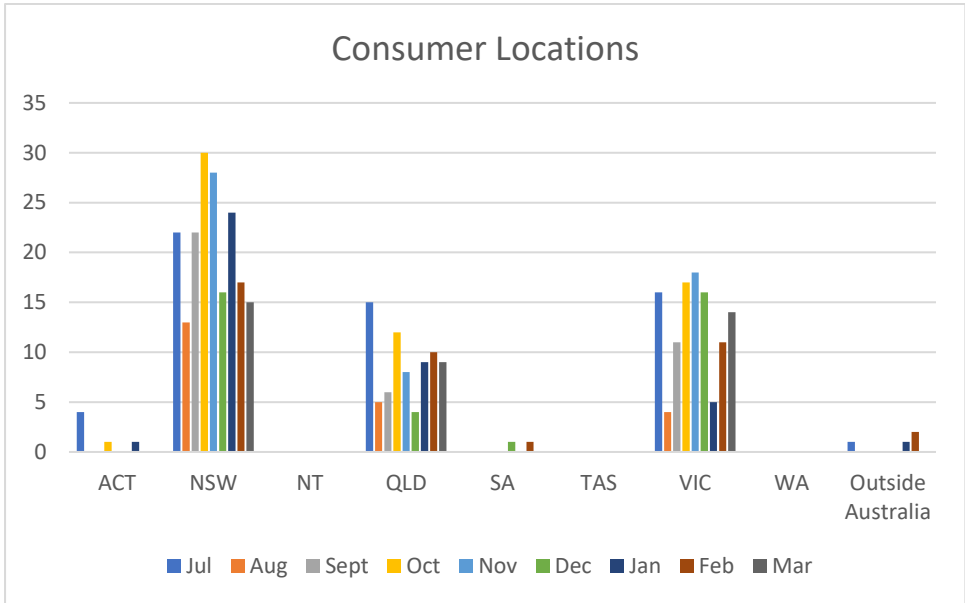
Consumer demographics: Overall, the predominant means of contacting the TCO with a complaint continues to be electronically, either through the online dispute form or via emailing the complaint form after downloading it from the TCO website:

www.tollingombudsman.com.au.

However, the TCO recognises that phone contact is very important for some consumers and understands that some consumers, when a dispute arises, would prefer and need to discuss or clarify issues over the phone with the Ombudsman. Anecdotally, calls to the 1800 number remain steady. However, the number of referrals required from the full-time office hours reception service (another response to recent constructive feedback) to the Ombudsman has declined as customers are often able to receive a quick answer to their query from the service staff.

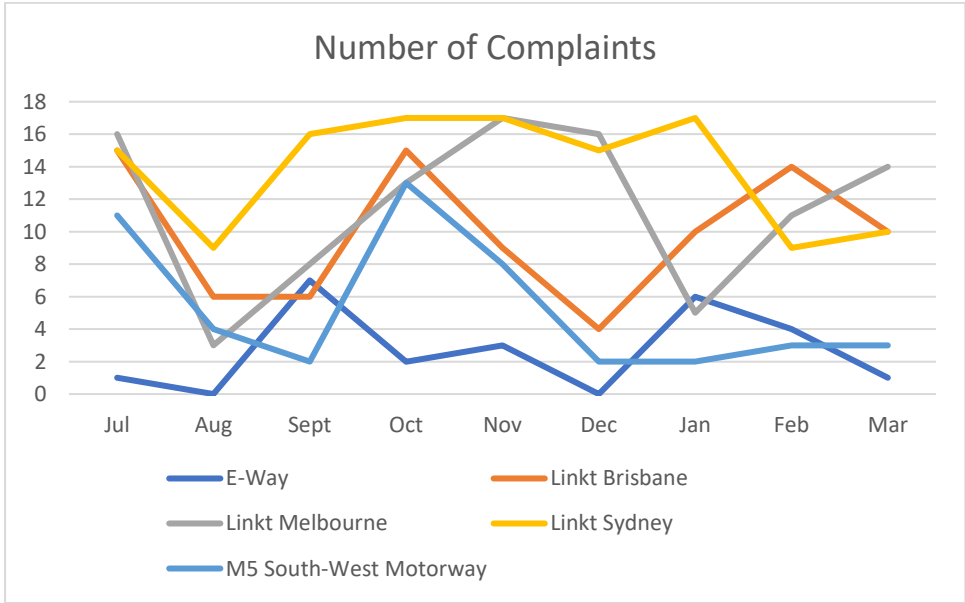


The TCO operates across three states in Australia – New South Wales, Queensland and Victoria. It is intuitive that Interlink Roads, which operates the E-way system and the M5 South-West Motorway in New South Wales, would have predominantly New South Wales based consumers, however, the geographic location of Transurban consumers who bring complaints to the TCO is more diverse.



Over the past nine months (ie covered by this report), 390 complaints were received. New South Wales consumers continue to represent approximately half of the TCO workload, with Victoria approximately 30% and Queensland consumers just over 20%.

Complaint information



The time period for the purposes of this report is limited to the last nine months and so long-term projections cannot be drawn just from this information. This is particularly the case where for part of the period the impact of COVID-19 will necessarily affect the numbers. This will improve over time and be easier to assess after the COVID-19 impact, albeit that report 4 (the next report) it would seem should be significantly affected by COVID-19.

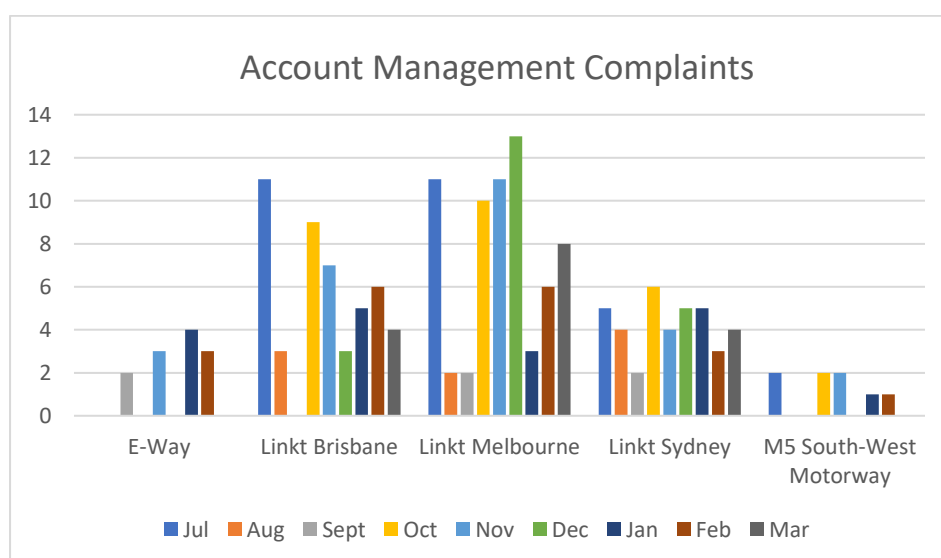
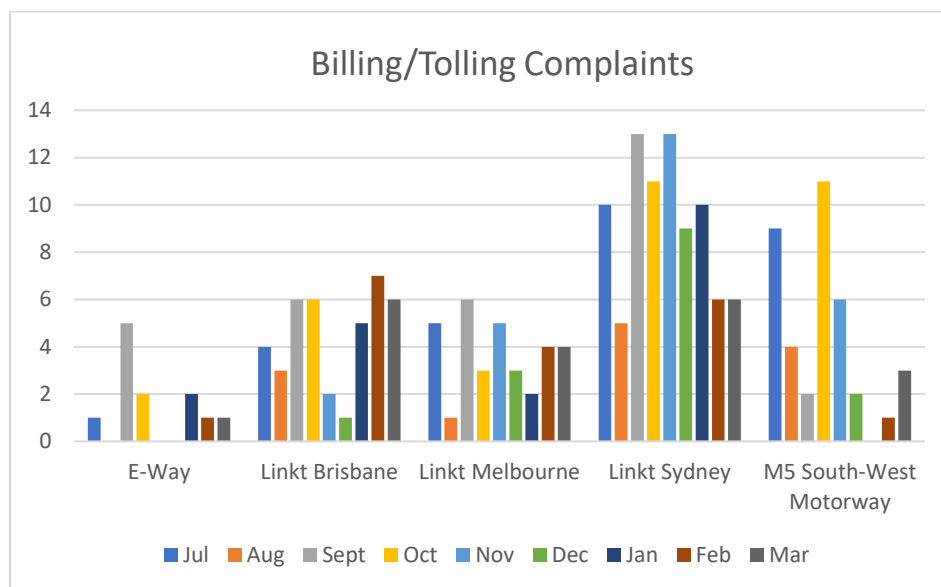
However, in this short period of time, after a spike for the majority of providers in October 2019, the numbers for all toll road operators have started to decrease, with Linkt Brisbane and M5 South-West Motorway making the most rapid decline in numbers. It is not entirely clear on the data why in particular there was a spike in October 2019.

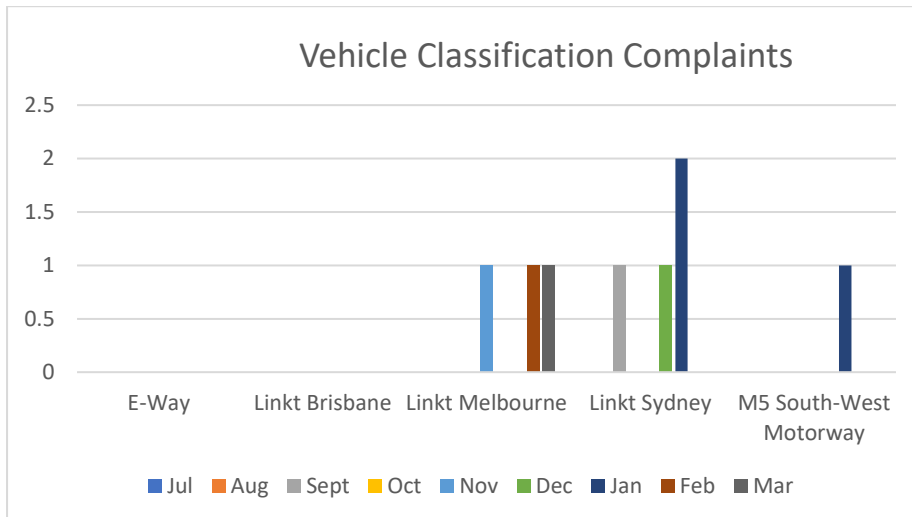
The total of complaints (120) made in the period January-March 2020 is a further reduction in the number of complaints in a quarter, but what is not entirely clear is the impact of COVID-19 on these numbers. For example, in the period January-March 2019 there were 193 claims as opposed to 120 claims in January-March 2020.

Given the small set of numbers for each, the graph makes things appear more volatile than they actually are. A longer-term data set is required.

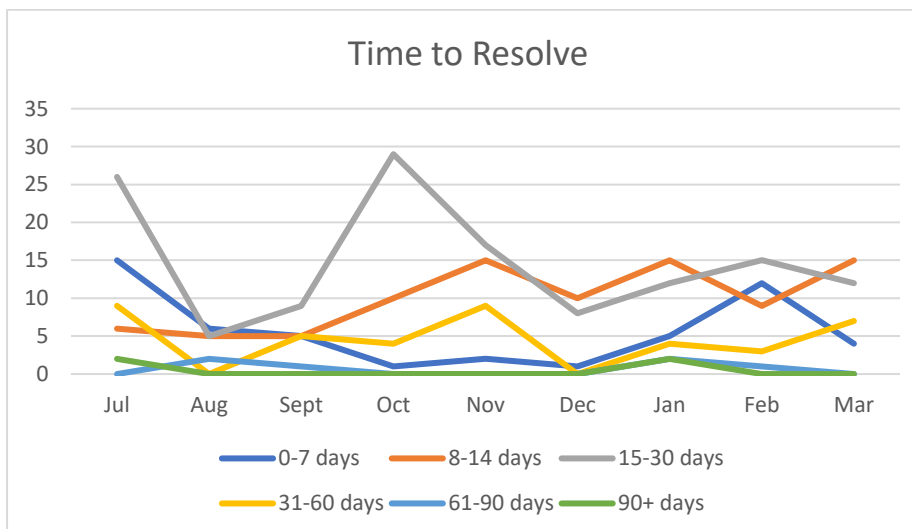
Generally and historically, the TCO normally averages 1,000 complaints per year for the toll operators in the scheme and so would expect approximately 250 complaints per quarter. To receive 390 complaints in the last nine month period is a significant reduction on the number expected. All toll road operators should be commended on the continual improvements being made to their internal complaint resolution services.

Irrespective of location, the nature of the complaints remain essentially the same. The main issues relate to billing/tolling. This is most often the application of administrative fees or infringement fines, and whether these have been properly incurred.





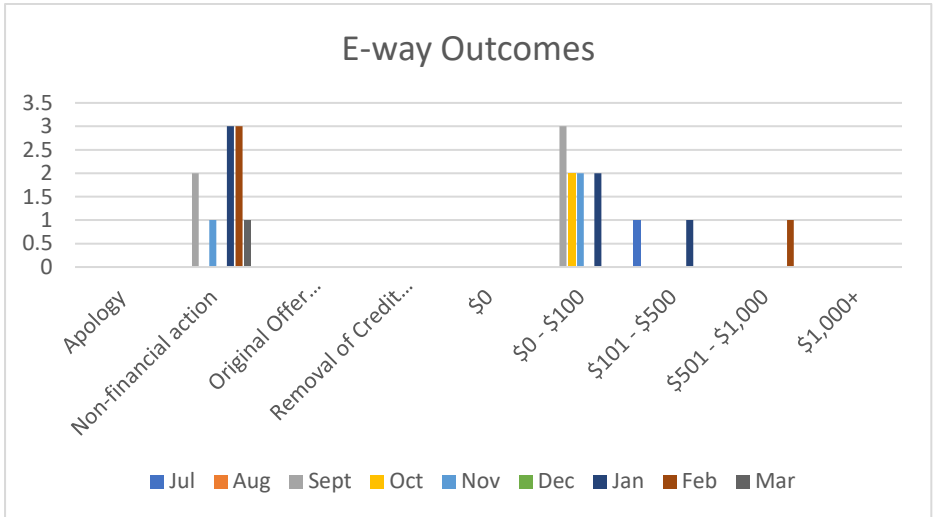
Often, once lodged, the complaints handled by the TCO are quickly resolved in discussions with the toll road operator.



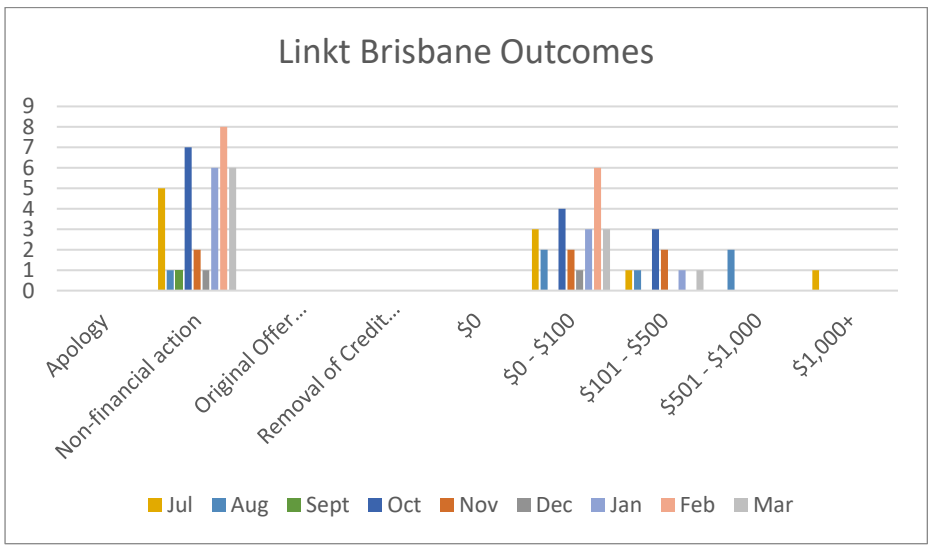
It is pleasing to note that the longer timeframes are coming down in comparison to September and October 2019, indicating a quicker time of resolution of claims, particularly given the period includes the festive season in December/January. In addition, despite the 31-60 day category still being higher than we would like, this is aligned with the industry standard for internal dispute resolution being allowed to take up to 45 days.

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

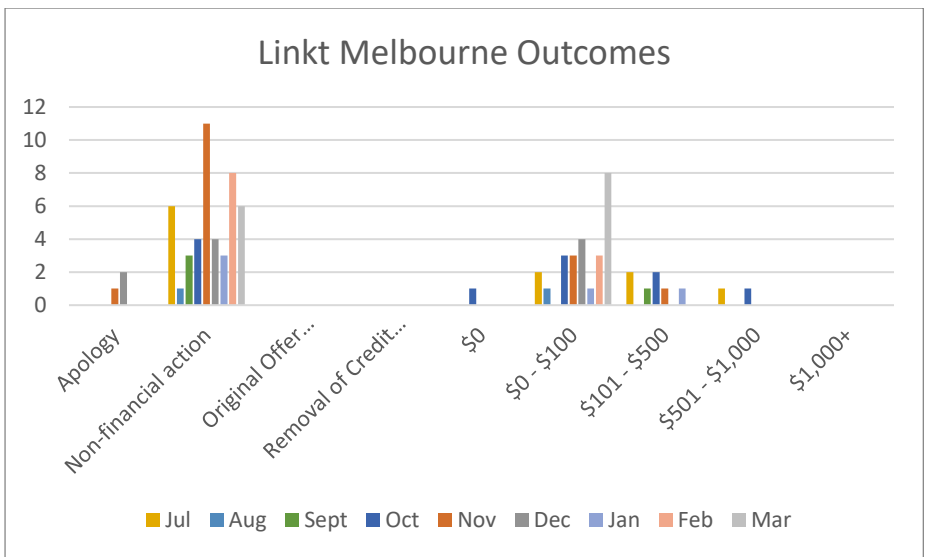
In some complaints, the financial benefit can be proportionally significant, but the instances of tens of thousands of dollars of debt are generally not able to be resolved through the TCO scheme as these levels of debt arise predominantly through the imposition of fines by State authorities, which are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



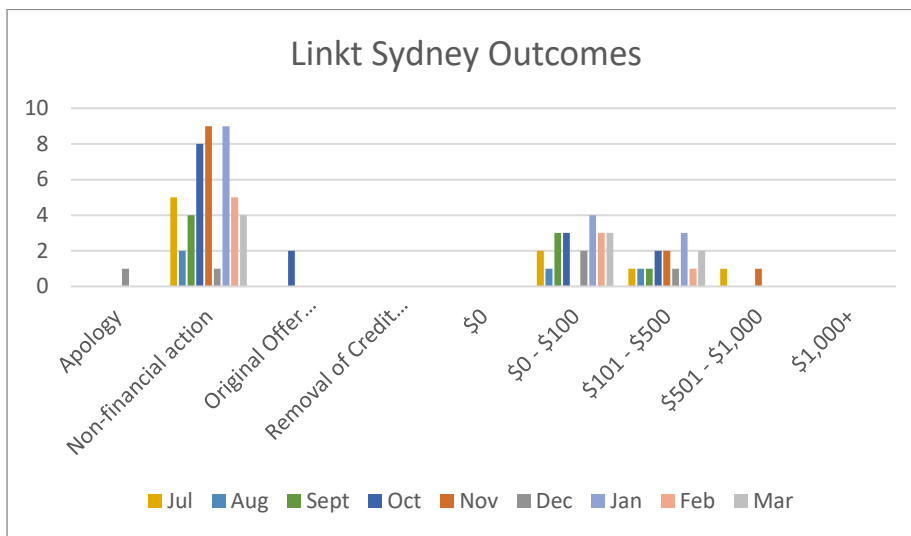
Due to the low numbers of complaints, data from E-way cannot be used to draw any conclusions at this stage.



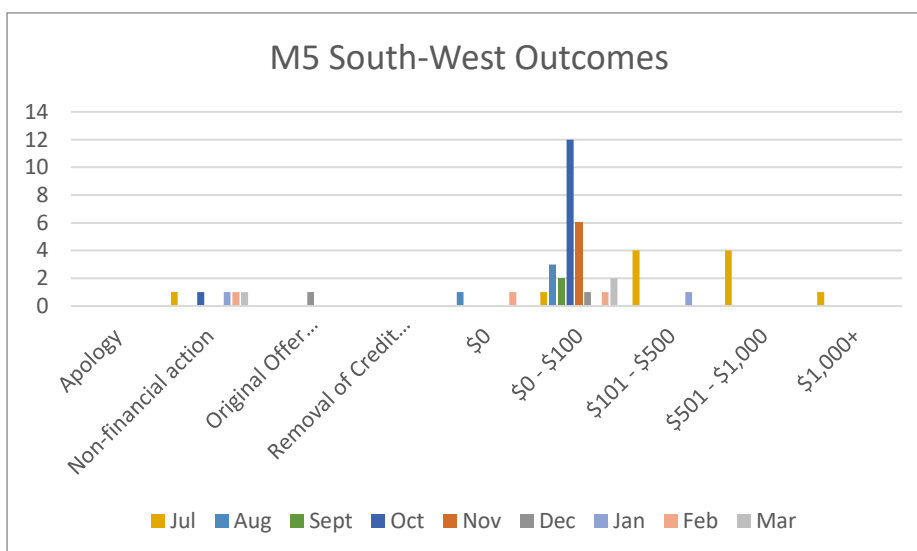
Due to the low numbers of complaints, data from Linkt Brisbane cannot be used to draw any conclusions at this stage.



Due to the low numbers of complaints, data from Linkt Melbourne cannot be used to draw any conclusions at this stage.



Due to the low numbers of complaints, data from Linkt Sydney cannot be used to draw any conclusions at this stage.



Due to the low numbers of complaints, data from M5 South-West Motorway cannot be used to draw any conclusions at this stage.

ISSUES

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

As noted in the last report, the consumer claims not to have received any correspondence about any non-payment and no contact is made with them. Where there are multiple letters sent, given the overall success rates for delivery by Australia Post, albeit their service

delivery timing for postage has increased over the period, the likelihood is that the correspondence reaches the location that it is addressed to.

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

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

The underlying cause of why collection agencies are able to quickly locate, and make contact with, consumers when the toll road operators have not been able to for long periods of time is something that toll road operators may wish to investigate in liaison with State authorities who maintain the licencing information for drivers.

In my view, earlier follow up and negotiation on the debt incurred will result in a greater recovery rate, a more timely recovery rate and enhanced consumer satisfaction.

FUTURE REPORTING

This interim report is the third version of the enhanced reporting approach and will become more sophisticated over time. Reporting will also not merely look at a particular quarter for the reporting period (although the commentary will focus on the most recent trends), but will build on the data above to provide trend analysis over the longer term. It is important to note, however, that the next reporting period, being report 4, will be significantly impacted by COVID-19 and possibly on a more fundamental basis than in this reporting period from January-March 2020.

APPENDIX 1: RAW DATA

TCO Contact Types	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Phone Calls	26	51	38	10	3	14			
Faxes	0	0	0	0	0	0	0	0	0
Personal Appointments	0	0	0	0	0	0	0	0	0
Electronic	58	22	39	57	78	34	40	41	38
TOTAL	84	73	77	67	81	48	40	41	38

TCO Consumer Locations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
ACT	4	0	0	1	0	0	1	0	0
NSW	22	13	22	30	28	16	24	17	15
NT	0	0	0	0	0	0	0	0	0
QLD	15	5	6	12	8	4	9	10	9
SA	0	0	0	0	0	1	0	1	0
TAS	0	0	0	0	0	0	0	0	0
VIC	16	4	11	17	18	16	5	11	14
WA	0	0	0	0	0	0	0	0	0
Outside Australia	1	0	0	0	0	0	1	2	0

Complaint Numbers	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
E-Way	1	0	7	2	3	0	6	4	1
Linkt Brisbane	15	6	6	15	9	4	10	14	10
Linkt Melbourne	16	3	8	13	17	16	5	11	14
Linkt Sydney	15	9	16	17	17	15	17	9	10
M5 South-West Motorway	11	4	2	13	8	2	2	3	3
TOTAL	58	22	39	60	54	37	40	41	38

Time Taken to Resolve	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
0-7 days	15	6	5	1	2	1	5	12	4
8-14 days	6	5	5	10	15	10	15	9	15
15-30 days	26	5	9	29	17	8	12	15	12
31-60 days	9	0	5	4	9	0	4	3	7
61-90 days	0	2	1	0	0	0	2	1	0
90+ days	2	0	0	0	0	0	2	0	0
TOTAL	58	18	25	44	43	19	40	40	38

E-way Outcomes	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Apology	0	0	0	0	0	0	0	0	0
Non-financial action	0	0	2	0	1	0	3	3	1
Original Offer Confirmed	0	0	0	0	0	0	0	0	0
Removal of Credit Listing	0	0	0	0	0	0	0	0	0
\$0	0	0	0	0	0	0	0	0	0
\$0 - \$100	0	0	3	2	2	0	2	0	0
\$101 - \$500	1	0	0	0	0	0	1	0	0
\$501 - \$1,000	0	0	0	0	0	0	0	1	0
\$1,000+	0	0	0	0	0	0	0	0	0
TOTAL	1	0	5	2	3	0	6	4	1

Linkt Brisbane Outcomes	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Apology	0	0	0	0	0	0	0	0	0
Non-financial action	5	1	1	7	2	1	6	8	6
Original Offer Confirmed	0	0	0	0	0	0	0	0	0
Removal of Credit Listing	0	0	0	0	0	0	0	0	0
\$0	0	0	0	0	0	0	0	0	0
\$0 - \$100	3	2	0	4	2	1	3	6	3
\$101 - \$500	1	1	0	3	2	0	1	0	1
\$501 - \$1,000	0	2	0	0	0	0	0	0	0
\$1,000+	1	0	0	0	0	0	0	0	0
TOTAL	10	6	1	14	6	2	10	14	10

Linkt Melbourne Outcomes	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Apology	0	0	0	0	1	2	0	0	0
Non-financial action	6	1	3	4	11	4	3	8	6
Original Offer Confirmed	0	0	0	0	0	0	0	0	0
Removal of Credit Listing	0	0	0	0	0	0	0	0	0
\$0	0	0	0	1	0	0	0	0	0
\$0 - \$100	2	1	0	3	3	4	1	3	8
\$101 - \$500	2	0	1	2	1	0	1	0	0
\$501 - \$1,000	1	0	0	1	0	0	0	0	0
\$1,000+	0	0	0	0	0	0	0	0	0
TOTAL	11	2	4	11	16	10	5	11	14

Linkt Sydney Outcomes	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Apology	0	0	0	0	0	1	0	0	0
Non-financial action	5	2	4	8	9	1	9	5	4
Original Offer Confirmed	0	0	0	2	0	0	0	0	0
Removal of Credit Listing	0	0	0	0	0	0	0	0	0
\$0	0	0	0	0	0	0	0	0	0
\$0 - \$100	2	1	3	3	0	2	4	3	3
\$101 - \$500	1	1	1	2	2	1	3	1	2
\$501 - \$1,000	1	0	0	0	1	0	0	0	0
\$1,000+	0	0	0	0	0	0	0	0	0
TOTAL	9	4	8	15	12	5	16	9	9

M5 Outcomes	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Apology	0	0	0	0	0	0	0	0	0
Non-financial action	1	0	0	1	0	0	1	1	1
Original Offer Confirmed	0	0	0	0	0	1	0	0	0
Removal of Credit Listing	0	0	0	0	0	0	0	0	0
\$0	0	1	0	0	0	0	0	1	0
\$0 - \$100	1	3	2	12	6	1	0	1	2
\$101 - \$500	4	0	0	0	0	0	1	0	0
\$501 - \$1,000	4	0	0	0	0	0	0	0	0
\$1,000+	1	0	0	0	0	0	0	0	0
TOTAL	11	4	2	13	6	2	2	3	3

Account Management Complaints	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
E-Way	0	0	2	0	3	0	4	3	0
Linkt Brisbane	11	3	0	9	7	3	5	6	4
Linkt Melbourne	11	2	2	10	11	13	3	6	8
Linkt Sydney	5	4	2	6	4	5	5	3	4
M5 South-West Motorway	2	0	0	2	2	0	1	1	0
TOTAL	29	9	6	27	27	21	18	19	16

Billing / Tolling Complaints	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
E-Way	1	0	5	2	0	0	2	1	1
Linkt Brisbane	4	3	6	6	2	1	5	7	6
Linkt Melbourne	5	1	6	3	5	3	2	4	4
Linkt Sydney	10	5	13	11	13	9	10	6	6
M5 South-West Motorway	9	4	2	11	6	2	0	1	3
TOTAL	29	13	32	33	26	15	19	19	20

Vehicle Classification Complaints	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
E-Way	0	0	0	0	0	0	0	0	0
Linkt Brisbane	0	0	0	0	0	0	0	0	0
Linkt Melbourne	0	0	0	0	1	0	0	1	1
Linkt Sydney	0	0	1	0	0	1	2	0	0
M5 South-West Motorway	0	0	0	0	0	0	1	0	0
TOTAL	0	0	1	0	1	1	3	1	1