

DECISION

Summary and outcome

- The complainant, Mr S, lived in Sydney. His initial complaint made in June 2021 was with respect to a toll notice received from Linkt which he considered has already been paid.
- Mr S is concerned that this issue has caused him stress and has meant he has spent time on this that otherwise he could have spent doing his work. He suggests he wants to be compensated by Linkt because of the stress and time spent. He also complained that there is no online resolution mechanism to fix the dispute.
- Presently, Mr S owes an amount to Linkt of \$36.37 for trips taken after 21 April 2021 and which does not include any administration charges attached to the initial toll.
- Linkt's position was that whilst Mr S had paid for a trip on 21 April 2021, the present charge is in respect to a subsequent trip to April 2021 on the toll road.

Background

- The complainant, Mr S, first made a complaint to the Tolling Customer Ombudsman (TCO) on 20 June 2021. After the initial complaint, there was some correspondence between and from each of the parties.
- The view of Mr S is that he has been issued by Linkt incorrectly a toll notice for a trip which he considers he has already paid. Mr S considers that Linkt should compensate him for the stress involved in dealing with Linkt. Mr S, in his complaint form, stated:

“I require an compensation \$150 for non economical loss and stress created and there is no dispute resolution available online for THE HILLS MOTORWAY LIMITED ABN 28 062 329 828.”
- Linkt, on 5 July 2021, stated:

“I understand [Mr S] received a Toll Notice for a trip he believed was already paid for. I've investigated and confirm the toll paid for on 28 April 2021 was for travel

with the vehicle [A***B] on 04 April 2021 at 02:22 on the Hills M2 Motorway (Pennant Hills Rd East). The outstanding Toll Notice details are as follows:

Vehicle	Class	Toll Notice no.	Trip Date/Time	Motorway	Trip Details	Toll	Admin Fee
[A***B]	Car	[15***62]	[***/**]	WestConnex	Silverwater Rd - Concord/Strat	\$4.23	\$20.00
[A***B]	Car	[18***91]	[***/**]	Westlink M7	The Horsley Dr to Old Wallgrove Rd	\$1.52	\$10.00
[A***B]	Car	[18***16]	[***/**]	Westlink M7	Old Wallgrove Rd to The Horsley Dr	\$1.52	\$10.00
[A***B]	Car	[19***97]	[***/**]	M5 South-West	Hammondville 9 East	\$4.88	\$10.00
[A***B]	Car	[15***92]	[***/**]	WestConnex	M5 West - General Holmes	\$7.23	\$10.00
[A***B]	Car	[15***61]	[***/**]	WestConnex	St Peters - M5 West	\$7.23	\$10.00
[A***B]	Car	[19***01]	[***/**]	M5 South-West	Hammondville 4 West	\$4.88	\$10.00
[A***B]	Car	[19***35]	[***/**]	M5 South-West	Henry Lawson Dr 23 West	\$4.88	\$10.00

As a goodwill gesture and as part of our First Time Waiver program, I can offer a full waiver on the administration fees. This will reduce the outstanding amount from \$126.37 to \$36.37. To make payment, [Mr S] will need to contact the Linkt Customer Resolutions Team by 15 July 2021 on 1300 381 570 and quote reference no. [5***3-NR].”

- Mr S, on 6 July 2021, replied:

“I am disappointed with this response and no actions is referring to Business who collecting unreasonable admin chargers without doing admin duties properly, by sending Toll notice to my home address of paid toll , I am feeling business is trying to

- * Stress drivers with notices
- * trying to scam drivers in Sydney roads to make pay twice or many times and using my money at least for some days until refund, respondent refund policy does not quote about interest for time take for refund, so the respondent trying to scam for interest charges

resolution seeking;

- * Refunding admin charges , because admin hasn't done Job properly here
- * Paying non economical losses charges

If business is not agreeing with this resolution , please advise the next step to file an application with small courts.”

Current position of the parties

- Mr S stated that he does not want to pay the outstanding amount of \$36.37, albeit that Linkt has agreed to not impose any administration charges in addition to the initial toll charge.
- Linkt states that whilst it understands Mr S is frustrated that this matter has taken some time to resolve, it considers all of the charges imposed have been imposed on Mr S legitimately. These charges to Mr S are correct in view of his travel on the relevant toll roads for which Linkt is the toll operator.
- Linkt considers its offer of Mr S paying the outstanding amount of \$36.37 without imposing administration charges is reasonable in the circumstances.

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, the matters relating to this decision were complicated by the fact that Mr S wanted compensation for non-economic issues from Linkt as part of an offer to settle with Linkt.
- In my view, the crucial evidence in this case is that Linkt has established the outstanding amount owed by Mr S arose in relation to a toll trip after 21 April 2021. Having said that, the evidence supports that it was an honest mistake by Mr S, who forgot he had travelled on the toll road after 21 April 2021.
- Linkt has offered to waive any administration charges on the outstanding tolls owed by Mr S to Linkt for toll road travel as a goodwill gesture.

Determination

- I am satisfied that, in the circumstances, Mr S has not established grounds for his complaint against Linkt in respect to this matter.
- In my view, the confusion largely involves a misunderstanding by Mr S as to what Linkt can offer in terms of settlement of a dispute and particularly that it does not award compensation in these matters.

- 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.
- In making this Determination, subject to the comments above, I note that the manner in which Linkt's resolution team has engaged with Mr S in respect to the issues in dispute and this complaint more broadly, has been clear, transparent and conciliatory.
- When responding to consumers, complaints management staff have a responsibility to properly investigate the matters being raised and provide clear responses, supported by relevant evidence. In my view, the Linkt resolution team has reasonably discharged this responsibility in the present circumstances.
- I note that Mr S has acted in good faith in relation to this matter and acknowledge that he had an honest belief that he had satisfied his obligations appropriately to the Toll Operator. He has been clear, thorough and constant in his communications with the TCO and Linkt during this process.

Phillip Davies
Tolling Customer Ombudsman

Dated: 13 October 2021