

# TCO Review

## 1 July to 30 September 2021

**Phillip Davies**

**Tolling Customer Ombudsman**

### INTRODUCTION

Since the last report there has been a continuing significant impact of COVID-19 on the TCO Scheme.

During the period of this report, the impact of the COVID-19 pandemic was still being felt in Victoria, New South Wales and Queensland, and correspondingly has had a bearing on the number of complaints in each of these States. The impact overall for the quarter for Victoria and Queensland is similar to the last quarter. The impact on New South Wales was more severe than in previous quarters.

The impact of COVID-19 was being particularly felt in New South Wales and Victoria during this period because of a series of long-term lockdowns in both States. In Victoria and New South Wales during that period, the community in largely the capital city of each State was still experiencing considerable “lockdown” measures. It is true to say, however, that in this period Victorians were subject to COVID-19 measures which were similar to the measures for the previous 12 months and New South Wales, which had previously been not subject to significant COVID-19 lockdowns, had a long-term lockdown from late June 2021.

Obviously, the impact of COVID-19 may continue beyond September 2021 in all jurisdictions. The more difficult issue to determine is how long the impact of COVID-19 will be felt in each State and to what extent.

Anecdotally, COVID-19 has continued to have an impact on the complaints made by consumers. That is, the nature of the calls made to the TCO through our telephone service were different from prior to COVID-19. Whilst the number of complaints overall has been somewhat reduced because of the reduced traffic on the toll roads, the level of anxiety of the callers had increased. The length of time on calls increased and there were deeper discussions on those calls.

In general, the callers obviously were anxious because of COVID-19, but also were concerned about the impact of the pandemic on their health generally and, in particular, their personal financial circumstances. Another feature of these calls was there were more relatives calling on behalf of the claimant, being generally sons and daughters ringing up in respect to their claimant mothers or fathers. This heightened level of anxiety, once again in my view, added to the overall reluctance of consumers to settle claims. It seemed to mean that generally consumers adopted a harder line in respect to settlement of a complaint. This led commonly to more correspondence between the parties and more active engagement by the TCO in these matters.

However, in my objective view, the response of the Toll Operator in regard to COVID-19 and the heightened anxiety of consumers has been very professional and with an understanding this is a trying time for consumers. This is particularly the case in respect to those consumers who have lost their jobs or have limited means. To help customers directly impacted during COVID-19, Transurban implemented a number of different initiatives including toll credits, more time to pay, fee waivers, payment plans and the pausing of account suspensions.

I note additionally that the Toll Operator also instituted special toll measures for those essential health workers during the height of the pandemic last year.

During the period from April to June 2021, I noted there was an increase in the number of complaints out of New South Wales from the last quarter. The reasons for the increase were due to:

- New South Wales having less COVID-19 restrictions for its citizens than other jurisdictions;
- New toll applied to the M5 East (aka M5 tunnel) from 4/5 July 2020, which was previously not tolled; and
- M8 is a newly completed roadway.

Of course, M5 East and M8 may result in more customers on more tolled roads, so naturally there may be a few more complaints arising because of this fact. The New South Wales complaint numbers in this quarter, however, do not necessarily bear this out (see more detailed analysis of New South Wales below). I note that in this quarter, July to September 2021, the number of disputes in New South Wales has been reduced from 80 in the last quarter to 52 in this present quarter. This reduction from the last quarter may be reflected by the fact that New South Wales was locked down due to COVID-19 for most of that period. Given the fluctuations in numbers in NSW over the last three quarters, it is therefore difficult to get an exact read on the numbers and any trend in respect to numbers in New South Wales. I will carefully monitor complaint numbers over the next few quarters in New South Wales to ascertain with more certainty the dispute trends in that State.

## COMPLAINT RESOLUTION

The TCO has a quarterly reporting regime. This was done to address the stakeholder feedback that trend analysis would be useful. This report provides data on the last 12 months (building on data already presented), being report 9. 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:

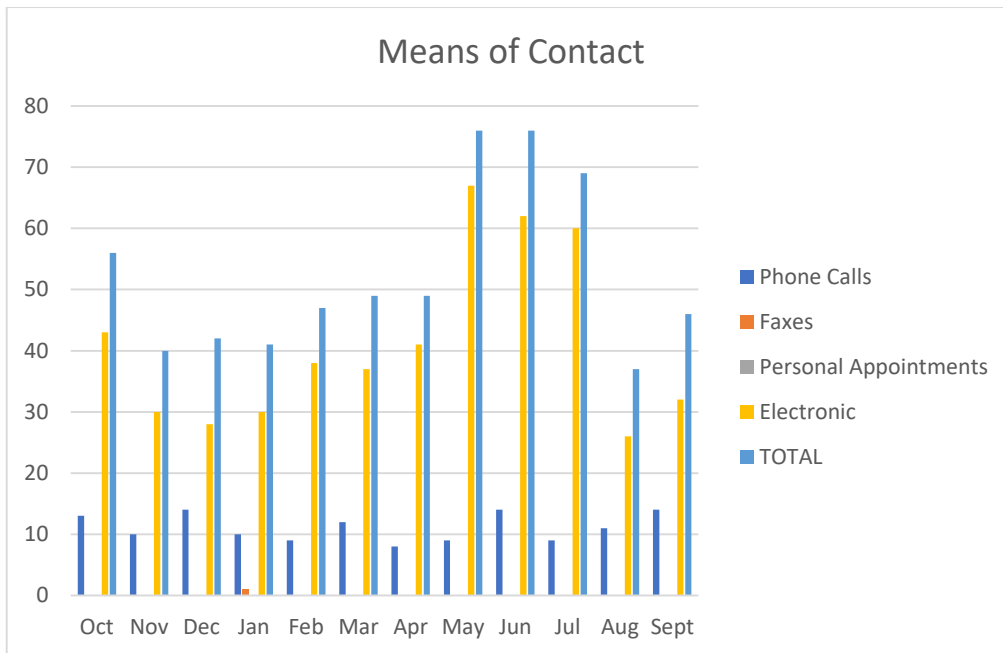
[www.tollingombudsman.com.au](http://www.tollingombudsman.com.au).

However, the TCO recognises that telephone contact is very important for some consumers and understands some consumers, when a dispute arises, would prefer and need to discuss or clarify issues over the telephone with the Ombudsman. As mentioned above, as COVID-19 has added to the anxiety of consumers, it has been even more important at this time to discuss matters over the telephone with consumers and be aware that consumers may seek more wide-ranging discussions than simply discussing the dispute in hand. 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 generally declined as customers are often able to receive a quick answer to their query from the service staff.

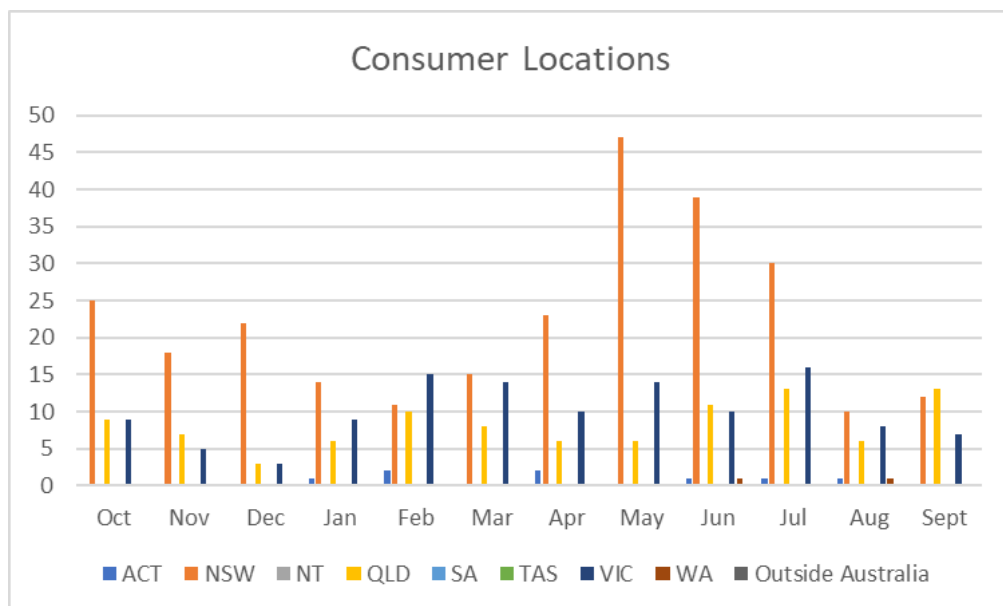
The Ombudsman also made himself available to meet with consumers in Victoria, New South Wales and, in particular, Queensland where the Ombudsman, subject to COVID-19 restrictions, is on the ground in Brisbane for two days per month. The Ombudsman has also made himself available to meet with consumers in Victoria, New South Wales and Queensland by teleconference given the current lockdowns due to COVID-19.

As a general observation, those consumers who solely rely on Australia Post for their communication seem to be more concerned about the amount of time taken to receive communication/correspondence in the mail. Anecdotally, it would seem that COVID-19 has impacted on delivery times for Australia Post and particularly those that involve correspondence between States. This is a matter that has been raised with the TCO during telephone contact. We will continue to monitor this matter going forward. These consumers tend to anecdotally be elderly who either cannot use or do not have access to technology. There is also a small number of consumers who cannot afford the technology for email or internet.

It is important to note also that the Ombudsman is meeting with the Toll Operator every six months to discuss any “hot button” issues that, in the view of the Ombudsman, are causing consumers concerns or any aspect of the Toll Operator’s processes or systems that have the potential to cause concerns for consumers. However, if systemic issues are identified and are causing concerns the Ombudsman will seek to meet with the Toll Operator as soon as possible and not wait for the six monthly meeting.



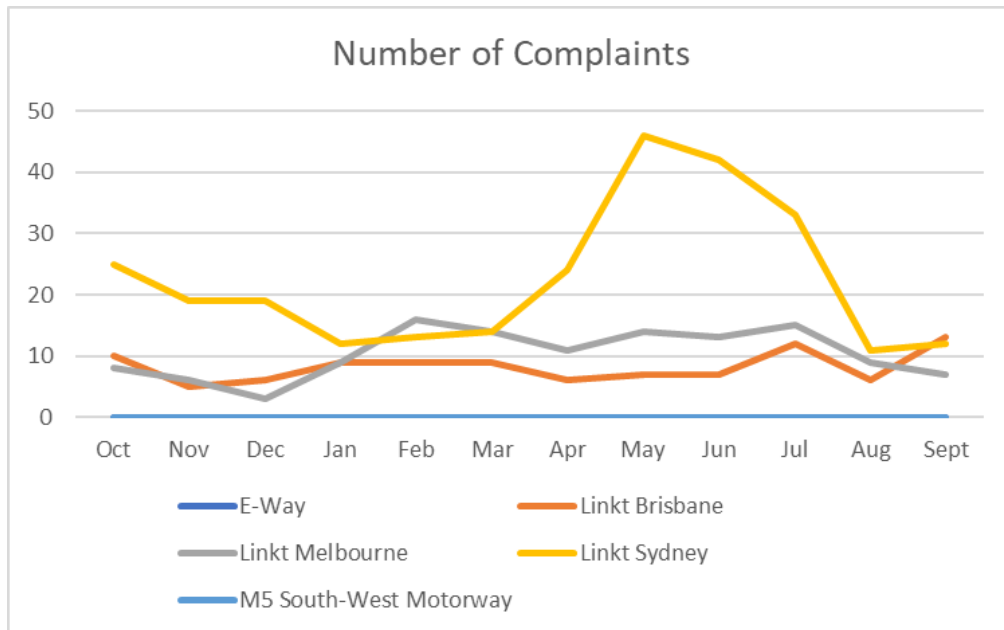
The TCO operates across three states in Australia – New South Wales, Queensland and Victoria. It is intuitive that Interlink Roads, which operated the E-way system and the M5 South-West Motorway in New South Wales, would have predominantly New South Wales based consumers, however, the geographic location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



### Complaint information

Over the past 12 months (ie 1 October 2020 to 30 September 2021 inclusive), 494 complaints were received for that period. New South Wales consumers continue to represent approximately just over half of the TCO workload, with Victoria approximately 27% and Queensland consumers just over 20%. Last year Victoria was most impacted in terms of number of complaints, and therefore the percentage of Victorian complaints to total complaints was significantly down on previous years. However, in the last three quarters,

surprisingly given the lockdowns in Melbourne, complaint numbers have been steadily increasing from the very low numbers in the June-September 2020 and October-December 2020 quarters. I anticipate, and the recent numbers seem to support this view, subject to any unusual COVID-19 impact, that in the next year the percentage of Victorian complaints to total complaints will go back to the historical percentage of about 30% of claims and the Queensland percentage will revert back to near 20% of total claims. I note in the present quarter, the trend seems to be coming back to the historical percentages of claims for Victoria and Queensland in respect to the total percentage of complaints.



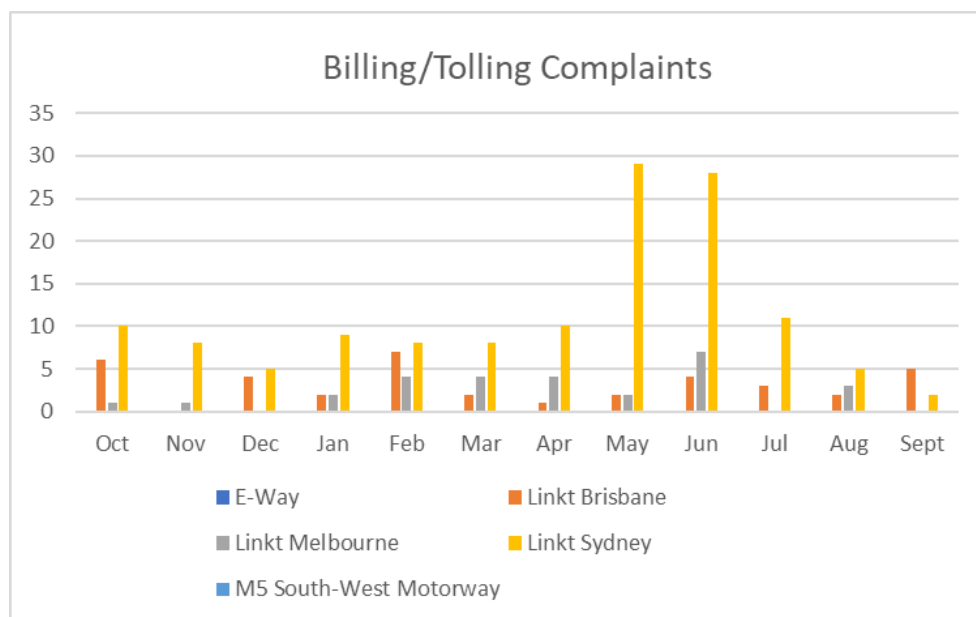
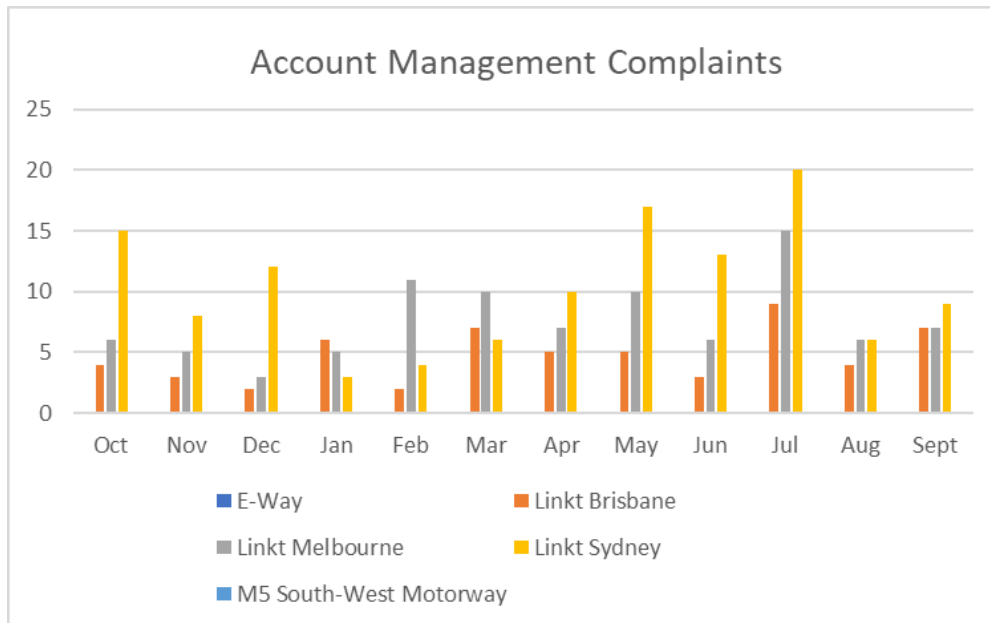
The time period for the purposes of this report is more than the last 18 months and so in my view some long-term projections can be drawn just from this information. However, it must be noted in that context that these conclusions must take into account significant parts of the period where the impact of COVID-19 will necessarily affect the numbers. No doubt this will improve over time and be easier to assess after the COVID-19 impact, albeit that report 10 (the next report) it would seem should be affected by COVID-19, but hopefully to a lesser extent than previously.

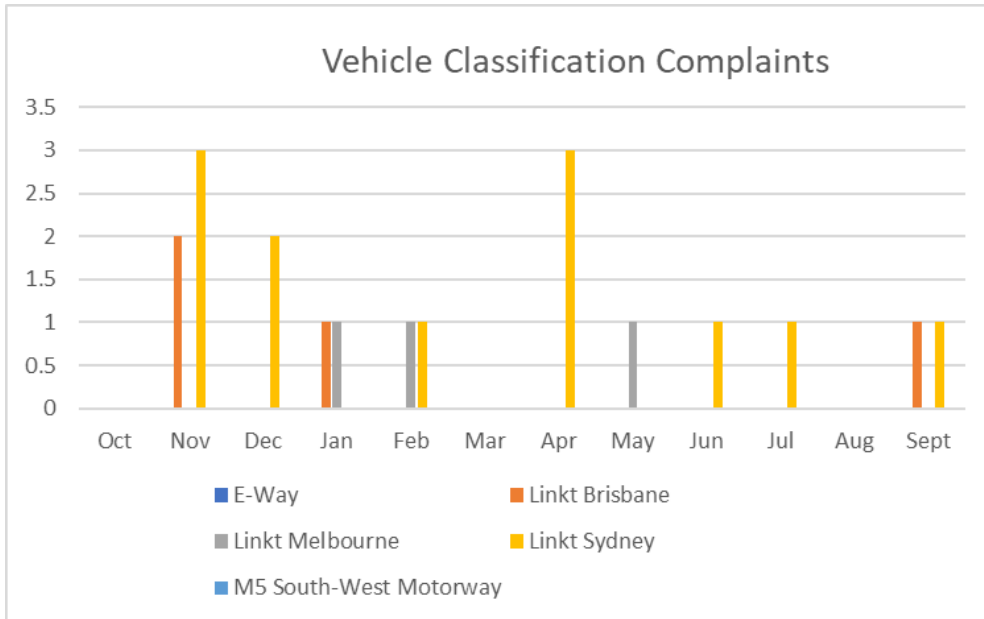
The total of 104 complaints made in the period 1 July to 30 September 2021 is a decrease on the number of complaints in the previous quarter. It is important to note, however, that this number of 104 complaints is well in excess of complaints for the April to June 2020 quarter being 74, which is a historic low and reflects the significant impact COVID-19 had on all three States during that period. However, what is not entirely clear is the impact of COVID-19 on these numbers and, in particular, the matters contributing to a decrease in the New South Wales numbers (see discussion earlier on the reasons for this).

Obviously, COVID-19 still has had an impact in all jurisdictions, but has had a more significant impact in some jurisdictions. For example, the number of complaints in Victoria in the July to September 2021 quarter is slightly reduced from the last two quarters for Victoria. However, this figure is an increase on the figures in Victoria during the stringent COVID-19 lockdown measures in some other quarters in 2020. To complete the comparison analysis, the Queensland complaints for July to September 2021 is 21, which is substantially similar to the 20 complaints in the previous quarter. This may be a reflection of the fact that Queensland was not subject to the same severe COVID-19 restrictions in this quarter as was the case in Melbourne and Sydney.

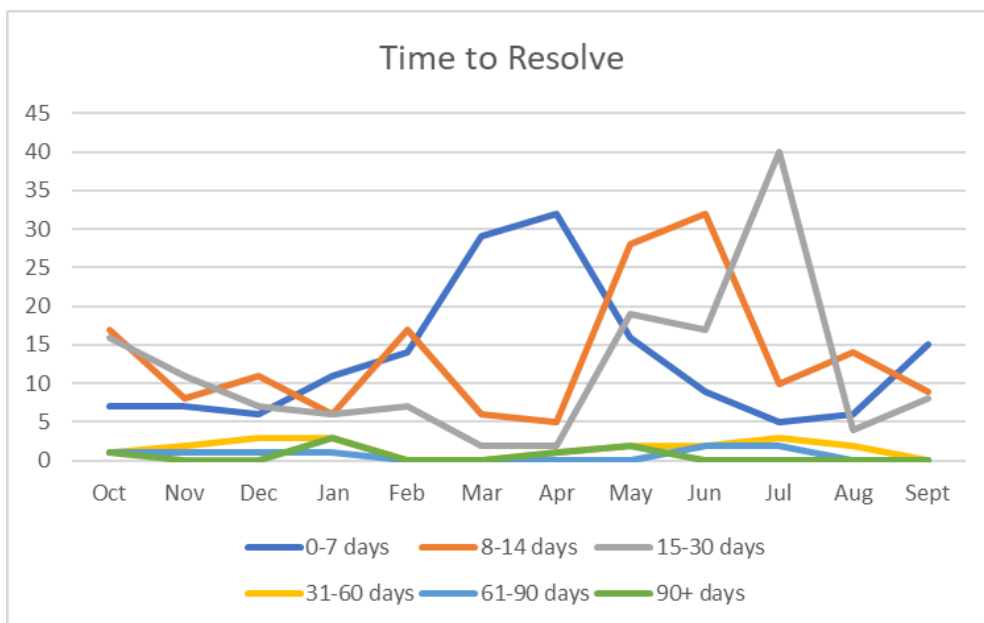
Generally, and historically, the TCO normally averages 1,000 complaints per year for the Toll Operator in the scheme and so would expect approximately 250 complaints per quarter. To receive 494 complaints in the last 12-month period is a significant reduction on the number expected. However, I note again in the last 12-month period the number of complaints has been impacted significantly by COVID-19. Nevertheless, the Toll Operator should be commended on the continual improvements being made to their internal complaint resolution services.

Irrespective of location, the nature of the complaints remains 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.





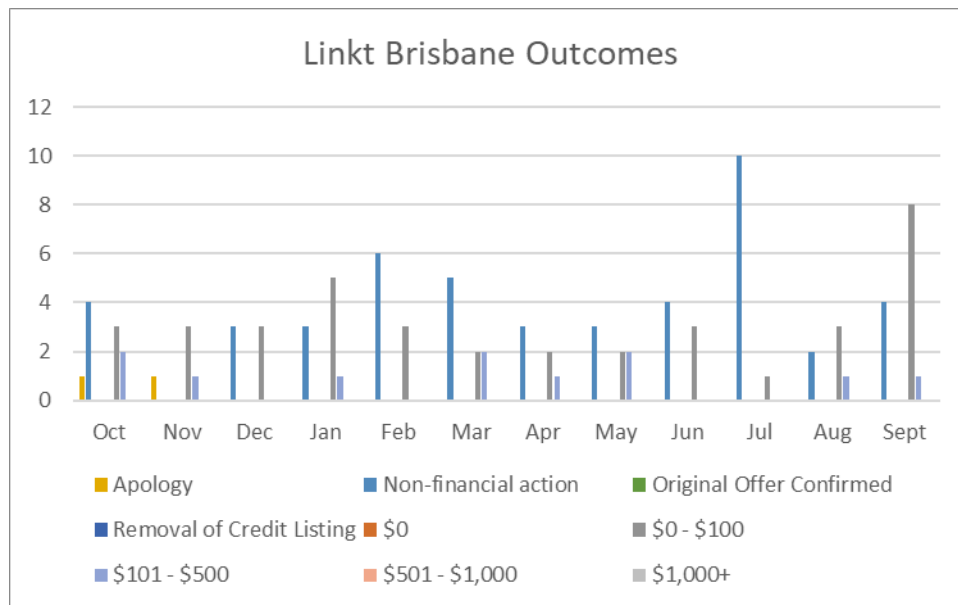
Often, once lodged, the complaints handled by the TCO are quickly resolved in discussions with the Toll Operator.



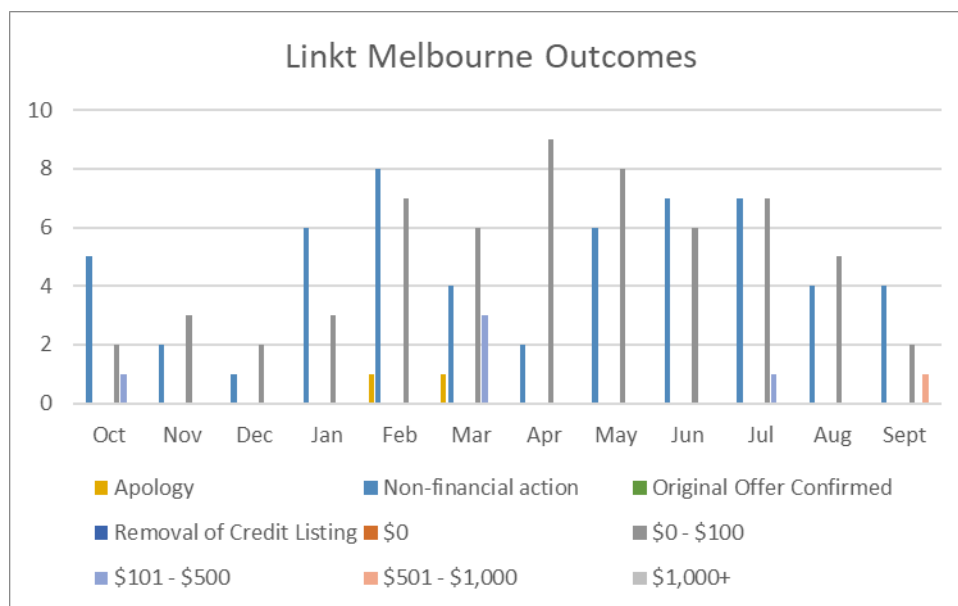
It is pleasing to note that the longer timeframes are generally coming down in comparison to late 2019, indicating a quicker time of resolution of complaints, particularly given the period includes various months where COVID-19 has had a detrimental impact on the psyche of consumers. In addition, pleasingly in this quarter the 31-60 days category has significantly been reduced and this is markedly better than the industry standard for internal dispute resolution, being allowed to take up to 45 days. This obviously needs to be monitored carefully. In the previous quarters, there were a number of disputes that, in my view, took longer than usual to settle due to the anxiety of consumers because of COVID-19 and COVID-19 related financial issues. Overall, in this quarter the number of days to resolve disputes is reducing, but obviously the hard work needs to continue to ensure this is a continuing trend.

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.



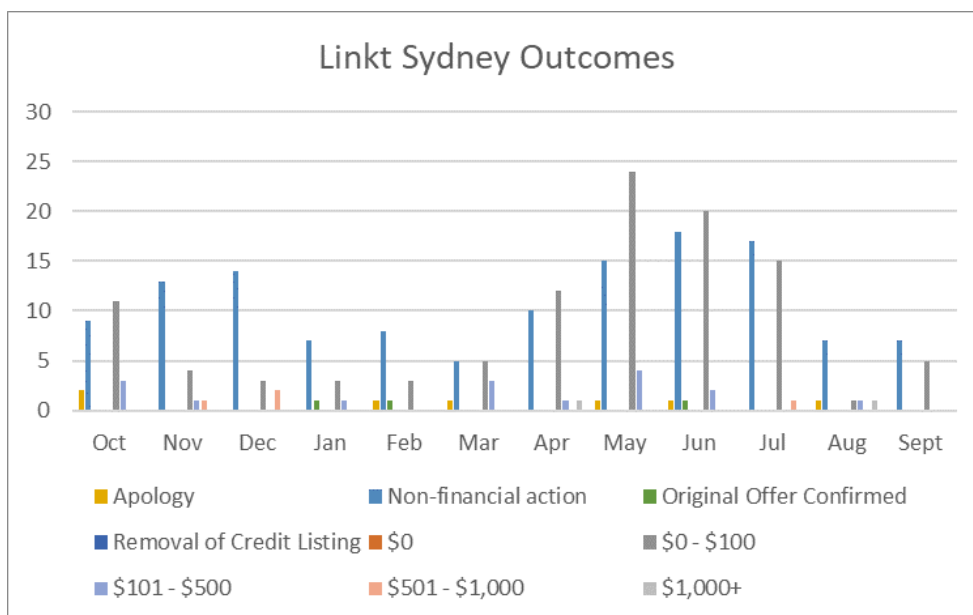
Given the data from Linkt Brisbane is now for more than 12 months, some conclusions can be drawn from the information. That is, the number of complaints is relatively steady and that the numbers in respect to disputes are at the relatively minor end of the scale.



Given the data from Linkt Melbourne is now for more than 12 months, some conclusions can be drawn from the information. That is, the number of complaints in 2020 was generally



down for the most part of 2020 due to COVID-19 restrictions, but for 2021 the number of complaints is moving more towards historical levels, albeit slowly.



Given the data from Linkt Sydney is now for more than 12 months, some conclusions can be drawn from the information. That is, the number of complaints in 2020/2021 was generally down from the historical numbers, but less than for other jurisdictions. In the most recent quarter, complaints were reduced from the previous quarter but I consider the reason for that is the severity of the New South Wales lockdown, whereas in 2020 they had no long-term lockdowns. In my view, once the impact of COVID-19 is reduced, it is likely that the number of disputes will be near historic levels.

## ISSUES

Efforts by the Toll Operator 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 over 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 being willing to settle complaints or settle complaints 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 times for postage has increased over the period, the likelihood is that the correspondence reaches the location to which it is addressed.

The explanation is frequently that multiple attempts were made through a variety of media (email, post, telephone, 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 Operator has not been able to for long periods of time is something that the Toll Operator 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 report is the ninth 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 10, will still be impacted by COVID-19 but hopefully on a less significant basis than for the period from March 2020 to September 2021 and certainly in particular for the April to June 2020 quarter.

## APPENDIX 1: RAW DATA

TCO Contact Types	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Phone Calls	13	10	14	10	9	12	8	9	14	9	11	14
Faxes	0	0	0	1	0	0	0	0	0	0	0	0
Personal Appointments	0	0	0	0	0	0	0	0	0	0	0	0
Electronic	43	30	28	30	38	37	41	67	62	60	26	32
<b>TOTAL</b>	<b>56</b>	<b>40</b>	<b>42</b>	<b>41</b>	<b>47</b>	<b>49</b>	<b>49</b>	<b>76</b>	<b>76</b>	<b>69</b>	<b>37</b>	<b>46</b>

TCO Consumer Locations	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	
ACT	0	0	0	1	2	0	2	0	1	1	1	0	8
NSW	25	18	22	14	11	15	23	47	39	30	10	12	266
NT	0	0	0	0	0	0	0	0	0	0	0	0	0
QLD	9	7	3	6	10	8	6	6	11	13	6	13	98
SA	0	0	0	0	0	0	0	0	0	0	0	0	0
TAS	0	0	0	0	0	0	0	0	0	0	0	0	0
VIC	9	5	3	9	15	14	10	14	10	16	8	7	120
WA	0	0	0	0	0	0	0	0	1	0	1	0	2
Outside Australia	0	0	0	0	0	0	0	0	0	0	0	0	0

Complaint Numbers	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	
E-Way	0	0	0	0	0	0	0	0	0	0	0	0	
Linkt Brisbane	10	5	6	9	9	9	6	7	7	12	6	13	99
Linkt Melbourne	8	6	3	9	16	14	11	14	13	15	9	7	125
Linkt Sydney	25	19	19	12	13	14	24	46	42	33	11	12	270
M5 South-West Motorway	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>43</b>	<b>30</b>	<b>28</b>	<b>30</b>	<b>38</b>	<b>37</b>	<b>41</b>	<b>67</b>	<b>62</b>	<b>60</b>	<b>26</b>	<b>32</b>	<b>494</b>

Time Taken to Resolve	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	
0-7 days	7	7	6	11	14	29	32	16	9	5	6	15	157
8-14 days	17	8	11	6	17	6	5	28	32	10	14	9	163
15-30 days	16	11	7	6	7	2	2	19	17	40	4	8	139
31-60 days	1	2	3	3	0	0	1	2	2	3	2	0	19
61-90 days	1	1	1	1	0	0	0	0	2	2	0	0	8
90+ days	1	0	0	3	0	0	1	2	0	0	0	0	7
<b>TOTAL</b>	<b>43</b>	<b>29</b>	<b>28</b>	<b>30</b>	<b>38</b>	<b>37</b>	<b>41</b>	<b>67</b>	<b>62</b>	<b>60</b>	<b>26</b>	<b>32</b>	

E-way Outcomes	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Apology	0	0	0	0	0	0	0	0	0	0	0	0
Non-financial action	0	0	0	0	0	0	0	0	0	0	0	0
Original Offer Confirmed	0	0	0	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	0	0	0	0	0
\$0 - \$100	0	0	0	0	0	0	0	0	0	0	0	0
\$101 - \$500	0	0	0	0	0	0	0	0	0	0	0	0
\$501 - \$1,000	0	0	0	0	0	0	0	0	0	0	0	0
\$1,000+	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0

Linkt Brisbane Outcomes	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Apology	1	1	0	0	0	0	0	0	0	0	0	0
Non-financial action	4	0	3	3	6	5	3	3	4	10	2	4
Original Offer Confirmed	0	0	0	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	0	0	0	0	0
\$0 - \$100	3	3	3	5	3	2	2	2	3	1	3	8
\$101 - \$500	2	1	0	1	0	2	1	2	0	0	1	1
\$501 - \$1,000	0	0	0	0	0	0	0	0	0	0	0	0
\$1,000+	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	10	5	6	9	9	9	6	0	7	11	6	13

Linkt Melbourne Outcomes	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Apology	0	0	0	0	1	1	0	0	0	0	0	0
Non-financial action	5	2	1	6	8	4	2	6	7	7	4	4
Original Offer Confirmed	0	0	0	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	0	0	0	0	0
\$0 - \$100	2	3	2	3	7	6	9	8	6	7	5	2
\$101 - \$500	1	0	0	0	0	3	0	0	0	1	0	0
\$501 - \$1,000	0	0	0	0	0	0	0	0	0	0	0	1
\$1,000+	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	8	5	3	9	16	14	11	14	13	15	9	7

Linkt Sydney Outcomes	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Apology	2	0	0	0	1	1	0	1	1	0	1	0
Non-financial action	9	13	14	7	8	5	10	15	18	17	7	7
Original Offer Confirmed	0	0	0	1	1	0	0	0	1	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	0	0	0	0	0
\$0 - \$100	11	4	3	3	3	5	12	24	20	15	1	5
\$101 - \$500	3	1	0	1	0	3	1	4	2	0	1	0
\$501 - \$1,000	0	1	2	0	0	0	0	0	0	1	0	0

\$1,000+	0	0	0	0	0	0	1	0	0	0	1	0
<b>TOTAL</b>	<b>25</b>	<b>19</b>	<b>19</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>24</b>	<b>44</b>	<b>42</b>	<b>33</b>	<b>11</b>	<b>12</b>

M5 Outcomes	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Apology	0	0	0	0	0	0	0	0	0	0	0	0
Non-financial action	0	0	0	0	0	0	0	0	0	0	0	0
Original Offer Confirmed	0	0	0	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	0	0	0	0	0
\$0 - \$100	0	0	0	0	0	0	0	0	0	0	0	0
\$101 - \$500	0	0	0	0	0	0	0	0	0	0	0	0
\$501 - \$1,000	0	0	0	0	0	0	0	0	0	0	0	0
\$1,000+	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Account Management Complaints	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
E-Way	0	0	0	0	0	0	0	0	0	0	0	0
Linkt Brisbane	4	3	2	6	2	7	5	5	3	9	4	7
Linkt Melbourne	6	5	3	5	11	10	7	10	6	15	6	7
Linkt Sydney	15	8	12	3	4	6	10	17	13	20	6	9
M5 South-West Motorway	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>25</b>	<b>16</b>	<b>17</b>	<b>14</b>	<b>17</b>	<b>23</b>	<b>22</b>	<b>32</b>	<b>22</b>	<b>44</b>	<b>16</b>	<b>23</b>

Billing / Tolling Complaints	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
E-Way	0	0	0	0	0	0	0	0	0	0	0	0
Linkt Brisbane	6	0	4	2	7	2	1	2	4	3	2	5
Linkt Melbourne	1	1	0	2	4	4	4	2	7	0	3	0
Linkt Sydney	10	8	5	9	8	8	10	29	28	11	5	2
M5 South-West Motorway	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>17</b>	<b>9</b>	<b>9</b>	<b>13</b>	<b>19</b>	<b>14</b>	<b>15</b>	<b>33</b>	<b>39</b>	<b>14</b>	<b>10</b>	<b>7</b>

Vehicle Classification Complaints	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
E-Way	0	0	0	0	0	0	0	0	0	0	0	0
Linkt Brisbane	0	2	0	1	0	0	0	0	0	0	0	1
Linkt Melbourne	0	0	0	1	1	0	0	1	0	0	0	0
Linkt Sydney	0	3	2	0	1	0	3	0	1	1	0	1
M5 South-West Motorway	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>