

DECISION

Summary and outcome

- The complainant, Mr E, lives in Brisbane. Mr E has a Linkt Account. His complaint made on 26 March 2024 was about Mr E not receiving toll notices from Linkt and that the amount of fees charged by Linkt was excessive. Mr E also suggests that Linkt have not complied with his various requests for obtaining the toll notices for him. Mr E has made an offer to Linkt to seek to settle the matter, but it has been rejected by Linkt. Mr E is of the view that Linkt have been evasive and misleading in their discussions on this matter with him.
- In short, Mr E believes that Linkt systems for resolving disputes with consumers generally are ineffective in relation to a person in Mr E's circumstances, The dispute Mr E suggests is entirely due to Linkt's failure to communicate appropriately with him in this matter. Mr E has been in contact with the Tolling Customer Ombudsman (TCO) over various months by email in relation to these matters.
- Presently, Mr E owes an amount of \$6,413.78 to Linkt before any settlement offer as Linkt have waived various outstanding toll fees and administration fees. However, Mr E has rejected their offer to waive the fees as the settlement offer and wants to pay only an amount of \$1000 to settle the matter.
- Linkt's position was that generally its dealings with Mr E were professional and appropriate. They point out that they sought to assist Mr E in relation to toll debts. The amount of the debts waived by Linkt is \$2000 and a \$75 credit. However, Linkt suggested that because of the waiver of some of the debts and the fact that Mr E actually travelled on the toll roads and the charges were in respect to toll road use they would not reduce or change its settlement offer. Linkt suggests that there had been significant communications between Mr E and Linkt over a long period of time including from the time of him lodging the complaint on 26 March 2024. Linkt also suggests it has continued to, after the complaint was lodged, engage appropriately with Mr E to seek to resolve the dispute. Linkt, maintain they have before and after the TCO process tried on a number of occasions to clearly explain the processes of Linkt in regard to accounts and toll notices to Mr E.
- Linkt suggests that they made various offers during the course of their interactions and discussions with Mr E in respect to various toll road trips which involved a

reduction on the administration fees to certain travel fees. Linkt considers that its settlement offer is fair and reasonable in the circumstances, in view of the amount of outstanding admin charges it has waived in this case. Linkt point out they had been consistent in their settlement position. They also point out that they have apologised to Mr E during the TCO process for, in his view, not answering the questions he raised through the process.

Background

- The complainant, Mr E, first made a complaint to the TCO on 26 March 2024, but the origin of the dispute is in respect to matters going back to toll road travel for a number of years. However, the focus of the dispute for Mr E seems to be getting verification from Linkt of the charges incurred. The overall dispute raised by Mr E involves his interactions with Linkt and the communication processes of Linkt with consumers.
- The view of Mr E is that Linkt should justify its position and accept a reduced amount to settle the matter. He also suggests that Linkt's systems are cumbersome, not user friendly and not effective and this is one of the reasons for the present dispute continuing for a number of years. In particular Mr E considers that Linkt, as a result of its processes has complicated the matter, caused undue stress to him and made ultimately settlement of the matter more difficult.
- In his application to the TCO, Mr E stated that:

“I was advised by Linkt that I alleged owe over \$5000 in invoices. I contacted Linkt Brisbane to ask for copies of invoices. After 5 emails, two phone calls and countless online chats I am yet to be provided these details. I then asked for an email to contact them on to discuss the amount, including the alleged admin fees that they have placed on top of this amount. I emailed them on Feb 20th. I called again after not receiving a response and got told to wait to hear back. On March 10 I received an email asking me to fill out a form which I did. I am yet to hear a single thing back from them. After calling and not getting through to anyone I went on the online chat feature and was told my alleged debt was passed onto Recoveries Corp, even after emailing, calling etc trying to get to the bottom of this alleged debt. It did not stop them texting and emailing me about the alleged debt but no one could speak to me when I asked for proof, a breakdown of costs and how to negotiate this issue “
- He also suggested that the outcome required was as follows:

“I want either the alleged debt to be resolved as I had this issue 2 years ago and instead of fighting it I just paid it. I was it resolved, I want it removed from any credit bodies and I want some sort of apology or something for the amount of time I have had to spend on trying to get a hold of someone to discuss.”
- Linkt responded to Mr E on 14 May 2024 and states:

“Thank you for referring Mr E’s enquiry to us. Please accept my sincere apologies for the delayed response and I thank Mr E’s for his patience.

I acknowledge Mr E’s concerns regarding outstanding toll invoices for vehicle [4****4] QLD outstanding for \$4999.24. Mr E’s Linkt account (7*****1) has been suspended for over year, with an outstanding balance of 313.65. There have been no payments made to the account since 16th February 2023.

Prepaid account:

A Linkt Prepaid account is a user-managed account, and it is the responsibility of the account holder to ensure there is sufficient credit in the account to cover toll charges. Customers are required to regularly monitor their account balance and top up as needed to ensure uninterrupted usage of our tolling services. Failure to maintain a sufficient balance may result in toll charges being incurred but not covered by the account balance, which can lead to negative balances or account suspension which may result in the user receiving tolling invoices.

Toll invoices

A toll invoice is a bill for unarranged toll road travel in Australia. It’s sent to the postal address of the vehicle’s registered owner within four weeks of the travel date and includes the cost of the trip and an additional administration fee. A customer may receive a toll invoice if they do not have a valid pass or account, if the account is suspended or if they are travelling in a vehicle that is not linked to the account.

Communication

After a detailed investigation into Mr E’s account, I can confirm Mr E’s has filled up hardship with Linkt.

Several contacts attempted were made by our Linkt Assist Team 9th Oct 2023 ,12th and 14th March 2024 11:53AM however there was no response received from Mr E’s. Below test messages along with voicemail and email has been sent.

*SMS successfully delivered to (+61*****3) with message, "Hi, we recently tried to contact you about your hardship application for tolls. Please call Linkt Assist today on 1300 767 865."*

- Mr E responded to Linkt on 14 May 2024:

“Thank you I have just read the email thoroughly and this does not address my concerns.

I have asked about the invoices as I have not seen any invoices. My complaint also asks about admin fees placed on these invoices, these have not been addressed. \$75 credit for months and months of no communication is not acceptable. I specifically asked for all communication, even with the hardship agreement to be via email, this was not done. I only get a response when I threaten more action.

I am not agreeable to any of this and will not be paying anything until invoices are sited, admin fees are removed and a mutual agreement is established. The customer service from Linkt has been appalling especially since I could not get an email regarding a complaint however I have received multiple demand requests”.

- Linkt in response on 20 May 2024, stated that:

“Thank you for providing Linkt with a copy of Mr E’s enquiry.

I understand Mr E’s enquiry relates to copies of toll notices.

Toll invoices

A toll invoice is a bill for unarranged toll road travel in Australia. It’s sent to the postal address of the vehicle’s registered owner within four weeks of the travel date and includes the cost of the trip and an additional administration fee. A customer may receive a toll invoice if they do not have a valid pass or account, if the account is suspended or if they are travelling in a vehicle that is not linked to the account.

A toll invoice includes the unpaid toll and administration fee of \$10.18. If the tolling invoice is not paid by the due date, a follow-up toll notice will be sent to the vehicle’s registered owner which includes the original toll notice amount and an additional fee of \$28.52.

As the Toll Invoices were issued correctly, it wouldn’t be reasonable to waive the administration fees. Toll Invoice will automatically get issued if there is no arrangement for toll road travel. It is requirement to have credit balance before toll travel.

I have now attached password protected excel report for Mr E’s inconvenience which will have details of toll invoices. Password to follow via separate email.

Toll invoices outstanding for vehicle [4****4] QLD \$6413.78 however few toll invoice shows nominated which have additional debt accumulated on the vehicle.

We are unable to locate any recent communication on account, last contact made by hardship team on 14th Mar 2024 for the hardship application filled by Mr E on 11 March 2024 at 3:07 PM.

If Mr E still experiencing hardship, he can contact them on 1300 767 865 and set up arrangement, we are unable to locate any agreement laid down between Mr E and Hardship team.

Please be advised Toll invoice outstanding amount may vary anytime due to additional invoices being issued for ongoing travel.

Also, we can confirm vehicle [4****4] QLD is also registered on another Linkt account, should Mr E have sold this vehicle or lend to family please take necessary step to have this vehicle removed from required account.

We do not offer free travel and as a result, Mr E will still need prepay the account (along with the toll invoices) to make sure any toll travel gets registered on the account to avoid any future paper toll invoices.

Mr E has also been notified multiple times to make payment on the account. Last payment of \$10.04 received on 16th February 2023.

Mr E Linkt account is still suspended with \$238.65 any travel may result additional toll invoices with administration fee.

Please advise if any further information is required.

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 E responded to Linkt on 20 May 2024 stating that:

“Thank you. I am confused as to what the outcome is? Is there no movement as the current balance still remains ? Several attempts have been made to linkt to discuss this with zero communication on their behalf which is demonstrated by waiting over 2 months to get this response”.

- Linkt responded to Mr E on 31 May 2024 stating that:

“Thank you for forwarding Mr E’s complaint through to us.

Linkt recognises that this matter is concerning to Mr E, and once again we would like to thank you and him for bringing the matter to our attention.

By way of explanation, a driver of a vehicle who travels on a toll road in Queensland is liable to pay the stipulated toll. The driver may pay the toll via an existing valid account or pass or by contacting us within three days of travel to make an arrangement to pay. An arrangement to pay may include, establishing a valid account or pass to pay the toll (and future tolls) or payment by credit card. Our Queensland toll road operations, including the amount of the toll payable for drivers who choose to travel on a toll road, are governed by the Transport Infrastructure Act 1994 (Qld). The Transport Infrastructure Act 1994 is available online at: <https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-1994-008> .

A toll invoice was issued for vehicle [4****4] because Mr E’s did not have an arrangement in place to pay the toll when vehicle travelled on the Queensland toll road. The toll invoice includes the amount of the toll together with the applicable fees associated with issuing the toll invoice. Payment of the toll notice can be made by contacting us on 13 33 31 or via our website at: <https://www.linkt.com.au/brisbane/pay-for-tolls> .

Failure to make payment of the toll invoice within the stipulated time may result in

the outstanding debt being referred to the State or local government infringement unit for further action. Any toll invoice proceeded to infringement required to be disputed with the issuer as Linkt has no visibility over infringement.

Mr E's opened Linkt account (7*****1) on 10th January 2023 and last payment of \$10.04 was made on 16th February 2023.

Mr E's current owing Linkt account balance is \$238.65 as \$75.00 trip credit applied on 14th May 2024. As trips made on toll roads are valid and no further waivers offered on the account.

It's important to note that Mr E's account is a prepaid, user-managed account. The responsibility lies with the account holder to maintain a sufficient balance to cover toll charges. Regular monitoring and timely top-ups are essential to ensure uninterrupted use of our tolling services.

Toll Invoice Excel sheet has been provided for outstanding debt for vehicle [4****4] under Mr E's name, as gesture of goodwill we can offer maximum administration fee waiver of \$2000 which will reduce the outstanding amount \$4413.78 payable in lump sum directly to Linkt. (refer to excel sheet provided). Amount may change subject to new charges.

If Mr E's facing financial challenges, he is encouraged to utilize the Linkt Assist service 1300 767 865. Our dedicated team can help with establishing a payment plan, extending payment deadlines, liaising with relevant state authorities on Mr E's behalf, and providing personalized assistance based on her specific circumstances.

Mr E is still travelling on suspended account and accumulating more toll invoices, last travel recorded as toll invoice on 18th May 2024.

If Mr E intends to travel on the Queensland toll road network in the future, we recommend putting in place a payment arrangement to avoid a toll invoice being issued as no further waiver will be offered.

Please advise if any further information is required.

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."

- On 31 May 2024 Mr E responded to Linkt's email stating that:

"Thank you for the response.

I appreciate the goodwill waiver for \$2000 however I do believe this is not good enough. I would like to see a breakdown of what the admin fees are. I am more than happy to pay for the actual tolls that were used but I do not believe the admin fees should be paid especially with the nature of this complaint, the time it has take to be addressed and the impact this has had.

I am happy to pay a lump sum of \$1500 to close the issue for good as the time, stress and impact this has had to even get a response has been terrible.”

- Linkt responded to Mr E on 12 June 2024 as follows:

“Thank you for providing Linkt with a copy of Mr E further response.

As previously advised in an email dated 31st May 2024, a fee waiver for outstanding toll invoices for vehicle [4****4] was offered as a one-off gesture of goodwill.

Mr E were also advised in the email that Linkt account (7*****1) currently suspended \$238.65 and that any further travel without a valid arrangement in place would result in further toll invoices being issued.

As such, a further fee waiver will not be offered.

If Mr E’s facing financial challenges, he is encouraged to utilize the Linkt Assist service 1300 767 865. Our dedicated team can help with a payment plan and providing assistance based on his specific circumstances.

Please advise if any further information is required.

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 E responded by suggesting on 12 June 2024:

“I do not agree to the offer or resolution set out by Linkt.

The process has been highly frustration especially the length of time this has gone on for with little to no communication from Linkt.

As for currently driving on the toll roads my car has an account with an active tag”.

- Linkt responded to Mr E on 26 June 2024 on the following basis:

“Thank you for providing Mr E’s correspondence.

Please accept my apologies for the delayed response and I thank Mr E for his patience.

I acknowledge Mr E complaint regarding the outstanding toll invoices against licence plate number [4****4] QLD.

We attempted to call Mr E on 26th June 2024 approximately 4:45pm on (0*****3) and discuss the complaint and advise of the investigation findings but was unsuccessful in reaching out to him.

We did leave a voice mail requesting to call us back and no call has been received yet.

Mr E can call us back on 1300 381 570 from 9:00AM to 5:00PM with the reference number [*****-QR].”

- On July 2 Mr E responded to Linkt on the basis that:

“Thank you however this is where the main issue stemmed I am unable to answer the phone during business hours as I work. I am more than happy to approve my wife to speak with you as her number is the number that you phoned as I am unable to have my phone at work.”

- Linkt on 3 July sought to provide a comprehensive email of the dispute and issues underlying the dispute on the following basis:

“Thank you for your patience as we work to resolve Mr. E’s concerns regarding his toll invoices and account status. I would like to address the issues he has raised and provide a comprehensive update on the actions we have taken.”

On 26 March 2024, Mr. E raised a TCO complaint regarding the non-receipt of toll invoices. We responded on 14 May 2024, providing details of the outstanding toll invoice amounting to \$4,999.24 for vehicle [4****4] QLD and we informed him of his account suspension due to an outstanding balance of \$313.65.

We also notified Mr. E of multiple attempts by our Linkt Assist team to reach him on 9 October 2023, 12 March 2024, and 14 March 2024. Despite our efforts to contact him via SMS and email, we did not receive a response. To acknowledge the delay in our response, we offered a \$75.00 goodwill gesture and provided the Linkt Assist contact number again.

On 14 May 2024, Mr. E requested details on the amount owing once more, which we had already sent. Subsequently, on 16 May 2024, we provided the total amount owing again. After receiving another email from him requesting copies of the toll invoices, we sent an Excel sheet containing over 100 toll invoices on 20 May 2024, which was password-protected.

Mr. E responded on 20 May 2024, questioning why the current balance had not changed despite his attempts to resolve the issue over the past two months. In response, we emailed him on 30 May 2024, providing an administration fee waiver of \$2,000.00, reducing the new payable amount to \$4,413.78. The Linkt Assist details were provided again and we requested that he make the payment to avoid further infringements.

On 31 May 2024, he expressed a desire to settle the matter for \$1,500.00 and discussed the stress and service issues he has experienced. However, on 11

June 2024, we informed him that we could not accept his offer of \$1,500.00 as the trips are valid. We reminded Mr. E of the account suspension and the admin fee details. Mr. E's email on 12 June 2024, highlighted his frustration and stated that he would continue to use toll roads despite the suspended account.

We understand that this situation has been frustrating, and we are committed to resolving it promptly. It is essential to address the outstanding balance to reinstate Mr. Es account and avoid further complications such as state debt. Mr. E must be aware that should he continue to use the toll roads with a suspended account, the debt owing to Linkt will continue to increase as further toll invoices will be issued that contain administration fees. These will not be waived.

Can I please request a convenient time for Linkt Assist to contact Mr. E to discuss a suitable payment arrangement and to prevent any additional fees or penalties as toll invoices can only be discussed with the registered owner.

Due to privacy regulations, we can only discuss Toll invoices with the registered owner of the vehicle [4****4] QLD at the time the invoices were issued. Further to this as Mr. E mentioned that he cannot discuss this due to time constraint, can I please kindly ask to fill the Letter of Authority that is attached to this email.

Please let us know if you have any further questions or require additional 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 E responded on 9 July stating that:

“Thank you.

Can you please follow up as my wife has not heard anything from Transurban.

I would like this matter finalised asap, Email if the preferred method of communication due to being able to have things in writing as I have had issues in the past with phone calls and not honoring what was said.’

- Linkt responded again to Mr E on 16 July on the following basis:

“Thank you for providing a copy of Mr E's further correspondence to Linkt.

We have attempted to call the number that's been provided on “Letter of Authority “at 1:46 pm, and left voicemail.

We acknowledge the comments Mr E has provided with regards to the outstanding Linkt account & toll invoice debt.

Toll Invoices was issued due to no valid arrangement made while using the toll roads.

Mr E's was seeking to settle the owing amount to \$1500, which Linkt has declined.

Linkt Offer:

- Trip credit offered for \$75.00 has been applied on 14th May 2024 on the account as gesture of goodwill and administration fee waiver of \$2000 was offered.
- Reduced the payable amount of toll invoices to \$4,413.78.(Amount can vary depend on recent travel).
- Linkt Assist service 1300 767 865

We carefully considered debt in question relates to toll travel services rendered and not a product of operational errors.

Please note Mr E current account balance is \$238.65 in arrears, any travel during account suspension may result in toll invoices being issued. Toll Invoices are separate to the account, so we encourage Mr E's settle the balance at their earliest convenience or contact our credit team to enter an arrangement to avoid further invoices and fees.

The debt in question relates to toll travel services rendered and not a product of operational errors.”

- Mr E responded on 16 July to the Linkt email by suggesting:

“Thank you for the email.

Can you please ask them to confirm what the actual offer is as I am a little confused.

As mentioned email is the best was if communication.

I understand they have offered some waiving however as mentioned countless times the issue was the lack of communication, understanding and trying to get it sorted consistently without any avail is the issue.”

- Linkt responded on the same day:

“Further to your email on 16 July, Linkt has today advised as follows:

Thank you for providing Linkt with further correspondence of Mr E's complaint.

I acknowledge the concerns raised by Mr E regarding the payable amount.

Total debt owing \$4,413.78.(Amount can vary depend on recent travel) for vehicle [4****4] QLD

Please advise if any further information is required.”

- On 1 August Mr E set out his final position and stated that:

“Thank you. I do not agree to this.

I have a current toll tag with an account set up with \$49 in credit so unsure why it states that I am still travelling without a tag.

I do not agree to this resolution due to the significant effort I had to go through just to get a response from Linkt.

I have made an offer and I cannot pay anything over this offer at all.

The administration fees are ridiculous and if it was just for the toll travel I would be happy to pay however adding these ludicrous fees on top is just a basic money grab for zero extra travel, work or anything.”

Current Position of Parties

- In short, Mr E wants to pay a portion of toll charges (\$1500) on the basis that Linkt did not provide clear and correct information to Mr E in respect to the outstanding toll charges. He suggests that the amount of the admin charges imposed in respect to the toll charges are excessive.
- Linkt states, whilst it understands Mr E is frustrated that this matter has taken some time to resolve, it considers all of the toll charges originally imposed have been imposed on Mr E legitimately. They reject totally that they have not been clear on the basis upon which toll charges and admin charges are imposed. Linkt considers the various interactions with Mr E over the last 10 months indicates its desire to seek to assist Mr E and ultimately settle the dispute. In particular, it notes that this included effectively reducing the outstanding to \$4,413.78. This offer included providing a \$75 credit and waiving admin charges for a number of trips on toll roads in the amount of \$2000. The offer of Linkt for settlement is therefore the waiver of some of the debts owed by Mr E. It also suggests that there have been a number of apologies in the last 6 months from Linkt representatives both over the phone and by email about the contact with Mr E for not resolving the matter earlier.

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 also is no dispute between the parties that Linkt have offered to reduce the outstanding amount owed to \$4,413.78. The evidence supports the view that the original toll charges were incurred by Mr E for the use of toll roads.
- In my view, I think some of the confusion on the part of Mr E was as to what were the consequences of having an account suspended and what were the consequences of having an account in arrears and the issue of toll notices to customers in those circumstances. I think Mr E would also have been assisted in his circumstances if he had of contacted Linkt Assist as recommended by the Linkt Customer Resolution Team.

Determination

- I am satisfied that, in the circumstances, Mr E has not established grounds or evidence for his complaint that Linkt has not applied the toll charges and admin charges appropriately in these circumstances where Mr E has travelled on the toll roads.
- However, I note that when responding to consumers, Linkt have a responsibility to make entirely clear to their customers what are its processes and the consequences to customers if customers are not diligent in their account management of a Linkt account. It is critical in all circumstances that Linkt when dealing with customers deal with them in a clear and transparent way. Linkt must also ensure that its debt collectors communicate to consumers in this way.
- Given all the circumstances, I consider that Linkt's approach to resolving the dispute and what it has sought to offer the consumer in respect to the dispute has been appropriate in the circumstances. It is important in this context to note that the amount of the debts waived by Linkt was in the amount of \$2000. I also note that Linkt, during the dispute (including correspondence between the parties through the TCO) apologised on a number of occasions both by phone and in writing for the delay in responding to Mr E and the fact that the matter has taken a while to resolve.
- I also consider that Mr E had an honest belief that his position and representations in respect of the dispute are correct.
- I remind the parties that under the TCO process, my decision is not binding on Mr E and that he can seek relief in any other forum.
- As discussed with Linkt previously, it remains of fundamental importance to consumers that their matters are dealt with in a timely and efficient manner. In particular, it is important when customers lodge a claim with the TCO and it is passed onto Linkt that Linkt provide a timely response and in this case, I note it took almost 6 weeks from the date of claim for a response. There are valid

reasons why this matter has taken some while to resolve but the onus is on Linkt toas well to ensure effective turnaround times for these disputes. As referred to above, I do however note again, Linkt waived admin charges for Mr E as a goodwill gesture as well as providing a small credit amount and have apologised on a number of occasions for the delay in resolving this matter.

Phillip Davies
Tolling Customer Ombudsman

Dated: 6 November 2024