

Queensland Government Response
to
Transport and Public Works Committee Report No.10
Inquiry into the operations of toll roads in Queensland

Introduction

The Transport and Public Works Committee (the committee) tabled its report, *Inquiry into the operations of toll roads in Queensland*, in the Parliament on 13 September 2018.

Toll roads in Queensland provide much-needed additional capacity to the south east Queensland road network. The Palaszczuk Government is committed to ensuring toll roads operate in accordance with the overarching legal, contractual and commercial frameworks, and that sufficient arrangements are in place to ensure all toll road users are treated fairly.

The Transport and Public Works Committee Report No.10 considers a number of matters raised by stakeholders and makes five recommendations aimed at improving the operations of toll roads in Queensland.

In accordance with s107 of the *Parliament of Queensland Act 2001*, the government response to the recommendations is outlined below.

Recommendation 1—The committee recommends the Department of Transport and Main Roads (TMR) and Brisbane City Council (BCC) continue to monitor fees and charges on a regular basis to ensure they remain reasonable and reflect cost recovery principles.

Government response—supported

The government supports the committee’s recommendation to monitor the reasonableness of fees and charges on a regular basis.

The committee’s recommendation reflects existing legislative obligations for state and local government toll roads. Under the *Transport Infrastructure Act 1994*, administration charges and user administration charges for tolls must not be more than the reasonable cost of issuing a notice for an unpaid toll, and collecting the unpaid toll, image processing fee and administration charge.

Further, under the local government tollway declaration for each of the council tollways, BCC is required to conduct independent reviews of the administration charge and user administration charge at least every five years to certify the charges are reasonable. In November 2017, BCC finalised an independent review of Transurban Queensland’s (TQ) administration and user administration charges for local government tollways and found they reflected the reasonable costs involved.

As all fees and charges levied by TQ are consistent across the Queensland toll road network, each review commissioned by BCC will be used as a basis for meeting the committee’s recommendation to continue to monitor fees and charges on a regular basis, to ensure they remain reasonable and reflect cost recovery principles.

TMR has written to BCC seeking its assistance in addressing the recommendation to confirm the required auditing processes are in place to monitor the reasonableness of fees and charges and meet both committee expectations and legislative obligations.

Recommendation 2—The committee recommends TMR and BCC continue to work with TQ to reduce fees and charges as technological advances reduce the costs of these additional charges.

Government response—supported

The government supports the committee's view that technologies supporting tolling functions are expected to change over the life of the tolling concessions, which may result in reduced processing costs.

The potential for technological advancements to reduce fees and charges over time will be a consideration in the periodic reviews of the reasonableness of the charges identified in the response to Recommendation 1.

Recommendation 3—The committee strongly recommends that the Minister for Transport and Main Roads consider the establishment of a Queensland based Toll Road Ombudsman (TRO).

Government response—supported

The government supports the committee's recommendation to consider the establishment of a Queensland-based TRO service.

The availability of ombudsman services that provide an independent, third-party dispute resolution mechanism for tolling complaints, supports the fair treatment of toll road users. The government has noted the committee's concerns around the existing arrangements for tolling ombudsman services.

TMR is working with key stakeholders to assess options for improved ombudsman arrangements in response to the committee's recommendation. It should be noted that BCC is a major stakeholder in this process and it is yet to indicate a view on this recommendation. This involves the consideration of a number of complex issues including the provisions in the various toll concession agreements and legislative requirements, as well as the existing contractual arrangements between TQ and the Tolling Customer Ombudsman (TCO). The government will continue to work towards a customer-focused solution for a local TRO service.

Recommendation 4—The committee recommends that the Minister for Transport and Main Roads consider investigating whether contact data, including contact telephone numbers, could be shared with the toll road operator, while complying with relevant privacy principles, for the purpose of ensuring that customers are aware of toll fees earlier in the process.

Government response—supported

The government supports TQ using all available contact data, including telephone numbers, to ensure customers are better informed of their tolling debt early in the toll compliance process.

In 2016, TMR began supplying TQ with additional contact details from the vehicle registration database, including email addresses and mobile phone numbers where available.

TMR has clarified with TQ that this additional contact data may be used at the toll invoice stage in addition to the later demand notice stage. TQ must continue to mail notices to toll road users to advise them of their toll payment obligations but they may also contact toll road users by using email addresses and/or mobile phone numbers. This clarification should assist TQ to contact a toll road user as early as possible in the toll collection process, to reduce the likelihood of an unpaid toll escalating through the toll compliance and enforcement process.

The use and storage of all personal information provided by TMR to TQ, including the additional contact data, is protected by specific contractual and legislative provisions, and complies with the relevant privacy principles. Annual audits are conducted by TMR to ensure TQ's use and storage of personal information complies with those provisions, and that there are sufficient controls in place to ensure the ongoing privacy and security of personal data provided by TMR.

Recommendation 5—The committee recommends that the Minister for Transport and Main Roads consider investigating what additional processes, if any, would be necessary to ensure enforcement action is not initiated whilst unresolved disputes apply to a particular matter.

Government response—supported

The government supports the committee's view that enforcement action should not be initiated while a dispute on a matter is unresolved.

TMR has worked with TQ to determine the processes which need to be refined to ensure any unresolved dispute is not escalated for enforcement.

TQ will not request enforcement action against customers who are currently in discussions with the TCO regarding outstanding notices, or where alternative arrangements to settle or pursue debt have been, or are in the process of being, negotiated with TQ.