

7 August 2018

Committee Secretary
Transport and Public Works Committee
Parliament House
George Street
BRISBANE QLD 4000

Our ref: (KB – C+C)

By email: [REDACTED]

Dear Committee Secretary

Inquiry into the operations of Toll Roads in Queensland

Thank you for the opportunity to provide comments on the inquiry into operations of Toll Roads in Queensland (the Inquiry).

The Queensland Law Society (QLS) is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. The QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This submission has been compiled with the assistance of the QLS Competition and Consumer Law Committee, whose members have substantial expertise in this area.

We note that the Inquiry has a number of terms of reference. QLS does not propose to make extensive comments on each of these, however, our members have identified a number of issues with the current operations of toll roads in South-East Queensland.

First, a period of three days to pay a toll may not always be adequate in circumstances. For example, our members report a toll road user may not always be aware of their account balance within the three days. We understand that accounts are not always sent to users nor are these users alerted when their account is in debit. Conversely, there are also reports that emails are sent to a user stating that the account needs to be "topped-up" when there is still a positive balance.

This uncertainty about a user's account balance can lead to missed payments and additional late and administration fees. QLS submits that toll road users should be provided with clear, accurate information about their account balance and be able to gain instant access to this information through web-based and phone services.

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We also consider that the description of the "Overdue Interest Charge" on the Linkt website needs further clarification so that consumers can understand how much interest will be charged in a specified period of time.

The accrual of interest and other administration fees often leads to a debt that the toll road user is not aware of and not in a position to pay. This issue becomes more complex if the debt is referred to SPER. We would like to see further consideration given to how debts are recovered and managed.

QLS is concerned that these difficulties may have a greater impact on people who do not reside in South-East Queensland who may be unfamiliar with the toll road process and payment options available. Increased and more accessible information should be disseminated to these people.

Finally, the Committee may be assisted in its inquiry by the Australian Securities and Investment Commission (ASIC) Regulatory Guide (RG185) on non-cash payment (NCP) facilities. This document can be found at <https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rq-185-non-cash-payment-facilities/>. Whilst there is some discussion in the Regulatory Guide about electronic road toll devices being a NCP facility, ASIC has issued a legislative instrument (2016/211 available at: <https://www.legislation.gov.au/Details/F2016L00367>) to specifically exclude these from being financial products for purposes of the *Corporations Act 2001*. Nevertheless, whilst there are no licensing and related obligations, the consumer protections under the *Australian Securities and Investment Commission Act 2001* could still apply.

The Regulatory Guide outlines the disclosure necessary for consumers which supports our above calls for better information on toll fees and other charges. We would be pleased to see the Committee make this recommendation.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Senior Policy Solicitor, Kate Brodnik by phone on [REDACTED] or by email to [REDACTED]

Yours faithfully

[REDACTED]
Ken Taylor
President