

QCOSS

Queensland Council
of Social Service

Taking its toll

*QCOSS submission to the
parliamentary inquiry into the
operations of toll roads in
Queensland*



Image credit: Linkt.

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About QCOSS

The Queensland Council of Social Service (QCOSS) is the state-wide peak body representing the interests of individuals experiencing or at risk of experiencing poverty and disadvantage, and organisations working in the social and community service sector.

For nearly 60 years, QCOSS has been a leading force for social change to build social and economic wellbeing for all. With members across the state, QCOSS supports a strong community service sector.

QCOSS, together with our members continues to play a crucial lobbying and advocacy role in a broad number of areas including:

- place-based activities
- citizen-led policy development
- cost-of-living advocacy
- sector capacity and capability building.

QCOSS is part of the national network of Councils of Social Service lending support and gaining essential insight to national and other state issues.

QCOSS is supported by the vice-regal patronage of His Excellency the Honourable Paul de Jersey AC, Governor of Queensland.

Lend your voice and your organisation's voice to this vision by joining QCOSS. To join visit [the QCOSS website](http://www.QCOSS.org.au) (www.QCOSS.org.au).

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QCOSS position

Thank you for the opportunity to make a submission to the Transport and Public Works Committee inquiry into the operations of toll roads in Queensland.

QCOSS undertakes advocacy and develops policy on how to support people out of poverty and disadvantage. Our aim is that everyone can function in society without financial stress and that access to essential services is achieved regardless of income. QCOSS is making a submission to this tolling inquiry to ensure that the voice of low income and vulnerable road users is heard and taken into consideration.

This submission is based on the following principles:

- QCOSS believes that transport is an essential service and should be accessible for all to use.
- Roads are community assets underpinning many aspects of community and personal wellbeing.
- There are not always viable alternatives to toll roads.
- Reform is needed to make this essential service fair, reasonable and simple, including consideration of concessions and exemptions for people on low incomes, (as with other essential services).
- Escalating debt from tolling charges and fees trap vulnerable people, with devastating consequences for wellbeing.
- Effective hardship programs are mutually beneficial. Wellbeing should come before super-normal profits.

Recommendations

QCOSS believes that the road tolling system in Queensland is unfair and needs to be reformed. Our recommendations aim to improve outcomes for all road users, but particularly those on low incomes and those experiencing financial hardship.

1. Integrate transport planning and limit toll roads

- 1.1. Transport planning must take a long-term, integrated network view (not driven by market-led proposals). This should incorporate the benefits to community and the environment of public and active transport.
- 1.2. Queensland government prioritisation of transport infrastructure projects should be separated from their mode of financing.
- 1.3. Any Queensland public-private partnerships must be transparent and subject to review by the Australian Competition and Consumer Commission (ACCC).
- 1.4. The Queensland government should place a moratorium on all new private toll roads until, and only if, all issues raised in this inquiry have been adequately addressed.
- 1.5. Review concession agreements with a view to improving KPIs to address concerns raised in this inquiry.
- 1.6. The Department of Transport and Main Roads should publish the annual toll road performance report.

2. Make the system fair, reasonable, simple and clear

- 2.1. Prevent small toll debts escalating into large fines. Make all fees and fines proportionate to the non-compliance. Automatically waive all administrative fees and fines associated with inaccurate contact information.
- 2.2. Provide incentives for people to update contact information.
- 2.3. Extend the time to pay, introduce monthly billing, and limit debts to unpaid tolls only for at least 30 days after an amount becomes due (like other service billing).

- 2.4. The government could fund road usage concessions through vehicle registration discounts or exemptions to those on low incomes who already qualify for other concessions.
- 2.5. Transurban could fund concessions by modelling the impact on toll road traffic flows of off-peak discounts and renegotiating concession agreements to include these discounts if modelling indicates it is revenue neutral.
- 2.6. Reduce the complexity of the system particularly for infrequent users. Number plate recognition allows the system to recognise who is a regional or interstate driver and could provide alternative, longer terms of payment.
- 2.7. Clearly communicate the tolling process, including the timing of fees and charges, and escalation to SPER. Clearly communicate and resource both hardship programs and the role of the community sector in supporting people in financial hardship.

3. Support those in financial hardship

- 3.1. Transurban should build on their Hardship Pilot, designing products for people on low incomes to help them manage the cost of using toll roads. This could include a combination of a toll only account, longer time to pay without incurring fees, a cap on total fees or a cap on the toll amount.
- 3.2. Change the language of Transurban and Queensland government material to remove the language of “if you do not pay” to “if the toll is not paid” prior to confirmation of the address and driver identity.
- 3.3. The tolling ombudsmen should be entirely separate from Transurban. The Queensland ombudsman should deal with all tolling and SPER complaints. Otherwise the Queensland government should appoint an independent Queensland tolling ombudsman that operates under the Attorney-General’s Department guidelines for industry compliant schemes.

These recommendations are expanded on below under “Issues, experiences and recommendations”.

Background

Toll roads in Queensland

Road tolling aims to bring forward the construction of transport infrastructure, moving capital debt off government balance sheets onto the private sector. Toll roads have been in existence in Australia for over 200 years, some private and some operated by governments. (The Queensland government previously operated tolls on the Story Bridge and the Walter Taylor Bridge.) Tolls both finance the construction and operation of roads and limit their traffic flow.

There are six toll roads in Queensland, all operating within Greater Brisbane: the Logan Motorway, the Gateway Motorway, AirportlinkM7, Clem7 Tunnel, Legacy Way Tunnel and the Go Between Bridge. All are operated by Transurban Holdings Ltd. The roads use a free-flowing tolling system that electronically record vehicle movements using in-vehicle tags and cameras with video matching. Tolls for a car range between \$1.72 to \$5.46 per trip. Tolls must be paid within 3 days. If not, they aggregate for up to 3 days of unpaid tolls on a single notice of demand, with a single fee.

In 2017, there was a Federal Senate inquiry into Australian toll roads. Issues identified for Queensland included small unpaid tolls quickly escalating through fees, exacerbated by notices of demand being sent to incorrect addresses resulting in large accumulated debts.

In 2016-17 Transurban total toll revenue was \$2.1 billion, and net profit rose to \$239 million. Traffic on Brisbane roads, jumped 15 per cent in 2016-17 on the previous year, pushing toll revenue up to \$385 million. Transurban reporting for the first half of 2018 shows toll revenues,

are up 3.5 per cent to \$200 million, and average trip frequency is up 3.5 per cent to 408,000 trips per year.

Tolling Inquiry

On 13 June 2018 the Queensland Parliament requested the Transport and Public Works Committee to inquire into and report by 13 September 2018 on the operations of toll roads in Queensland. Considering:

- a) the operation of existing toll roads in South-East Queensland;
- b) toll pricing and incentive options to deliver better outcomes for Queenslanders;
- c) the operation of the existing complaint process and current statistics;
- d) possible measures to continue to improve customer service standards; and
- e) existing relationship between the Tolling Customer Ombudsman and the Queensland Ombudsman.

Logan Hardship Pilot

In November 2017, Transurban engaged with QCOSS to assist with a Transurban national hardship pilot program that would include Queensland toll road users. Transurban ran the 3-month national hardship pilot project in Victoria, NSW and Queensland from March 2018.

QCOSS supported Transurban's choice of the Logan local government area and helped facilitate engagement with local community service providers who support clients in financial hardship impacted by toll roads.

The purpose of the pilot was to test the effectiveness of an enhanced hardship program in reducing tolling debt and fines in communities vulnerable to financial stress. The pilot did not involve any legislative, contractual or technological changes.

The pilot included:

- a dedicated hardship line for community practitioners.
- the ability to make an online hardship application.
- clearer information about choices in paying tolls.
- new training and some discretionary powers available to Transurban support staff.
- a trial of a new streamlined eligibility process, where Transurban presumed eligibility for hardship, based on a community practitioner's recommendation.

Transurban are currently preparing the final evaluation report on the pilot.

QCOSS community focus group feedback on the Transurban hardship pilot. The community organisations who had trialled the use of Transurban's hardship pilot for the three months, including the dedicated hardship telephone line, reported good experiences, and noted incidences of debt waivers and payment plans. This was an improvement from the Transurban call centre that often had long wait times and may not have staff trained to work with people experiencing financial difficulty and / or vulnerability.

QCOSS consultation in Logan

On 16 July 2018, QCOSS convened a community focus group in Logan to hear from community organisations regarding the operation of toll roads and the impacts on road users, especially those in financial hardship. This forum was attended by volunteers, workers, lawyers, and managers from neighbourhood centres, social service providers, community legal centres, and the federal government.

Many of these representatives are also members of the Logan Financial Literacy Action Group (FLAG) and were participants in the Transurban hardship pilot. QCOSS has been regularly engaging with both initiatives.

The de-identified stories recounted below in this submission are from this consultation.

Better connected-up services. One direct outcome of this focus group was to better link up services to address toll debts earlier. The neighbourhood centres provide emergency relief to clients in financial hardship, including those with significant toll debts. Participants believed more could be done to create a better referral pathway between frontline workers and financial counsellors or legal advocates. Yet the legal advocates often did not see these people until their issues have escalated to formal court proceedings. Better communication between such organisations will be beneficial in preventing these debts escalating.

Issues, experiences and recommendations

1. Integrate transport planning and limit toll roads

Transport is an essential service and our roads are community infrastructure. The purpose of toll roads is to bring forward the construction of transport infrastructure, not to create an enduring right for a company to reap super-normal profits. Most toll road concession agreements run for 30 or 40 years, (regardless of whether the company involved built the road or not), constraining the flexibility and responsiveness of future transport planning and financing.

Market-led proposals disrupt the transport infrastructure planning processes of governments, shifting the focus from long term community needs to short term private profitability. Numerous such proposals have suffered from significantly inaccurate traffic forecasts which suffer from optimism bias, always overestimating, never underestimating, the traffic flows. This significantly increases the risks of these public-private partnerships failing. Often Governments must underwrite the first private public partnership which fails, and then negotiate very favourable terms in the second public private partnership for the private company.

Transurban implemented a market-led proposal to fund the work on the Inner-City Bypass by increasing tolls on Legacy Way, Clem Jones Tunnel and the Go Between Bridge (TAPWC, 2018). This effectively charges road users a toll for roads they are not using. This public cross-subsidy is appropriate for government, but not for a private company making a profit from building and operating public infrastructure.

With only one operator in Queensland, there is now an effective monopoly in the operation of toll roads. With no effective competitive constraint on the operation of toll roads, there is reduced pressure to be efficient, flexible and responsive to customers. For example, there is no pressure to offer off-peak or low-income discounts despite this being permitted within the concession agreements. (Transurban does have discretion to charge lower tolls and fees, as only *maximum* tolls and fees are set in the agreement.)

If the state government were to require Transurban to discount tolls or fees (for off-peak or low-income users), the government would be liable to pay compensation to Transurban. This is unacceptable for a public asset. This means that the government, rather than the private toll road operator, is required to fund any toll discounts.

In practice, there is often no viable alternative to using the toll road, despite the requirement that there must always be a free road alternative. Constraints such as time, congestion and

vehicle operating costs mean that, despite their financial position, some users are compelled to incur tolls as a means of safety or necessity.

Fleeing domestic violence. One woman, after fleeing domestic violence, moved from Marsden to Ipswich, felt compelled to maintain some stability for her two children by keeping them enrolled in their high school, despite the much greater distance and peak hour travel times involved. This resulted in the mother travelling along the Logan Motorway 4 times a day, 5 days a week. This route was not chosen for financial viability, but out of desperation to provide some normalcy for already vulnerable children, and lack of a viable alternative. This situation resulted in more than \$15,000 of tolling charges and fines.

Fleeing domestic violence. Another domestic violence survivor was forced to place her two children under the care of family in two separate locations, Browns Plains and Eight Mile Plains, to ensure their safety from her violent partner. This resulted in the children being enrolled into separate schools, requiring the mother to travel at peak times between the two schools at peak morning drop off and afternoon pickup. The lack of a viable option for ensuring the children were safely picked up at a prompt time involved the use of toll roads, again not as a financially viable option but out of desperation to provide safety and security for vulnerable children.

Recommendation 1: Integrate transport planning and limit toll roads

- Transport planning must take a long-term, integrated network view (not driven by market-led proposals). This should incorporate the benefits to community and the environment of public and active transport.
- Queensland government prioritisation of transport infrastructure projects should be separated from their mode of financing.
- Any Queensland public-private partnerships must be transparent and subject to review by the Australian Competition and Consumer Commission (ACCC).
- The Queensland government should place a moratorium on all new private toll roads until, and only if, all issues raised in this inquiry have been adequately addressed.
- Review concession agreements with a view to improving KPIs to address concerns raised in this inquiry.
- The Department of Transport and Main Roads should publish the annual toll road performance report.

2. Make the system fair, reasonable, simple and clear

Toll road charges are part of a range of road transport user charges which also include vehicle registration and petrol excise. These charges are all effectively government taxes that help pay for needed transport infrastructure. Therefore, toll road charges and fees should be fair, reasonable, proportionate and equitable.

Queensland toll roads are privately funded, but they are still public infrastructure, not luxury or premium services. (They do not provide 'order of magnitude' savings in travel times like airlines or high-speed rail.) QCOSS does not object to the government funding transport infrastructure by using tolls. However, this public infrastructure should be accessible and available for all road users on fair and just terms.

Significant toll debts for those in financial hardship. As part of participating in the Transurban hardship pilot, one neighbourhood centre began collecting client data of toll debt that had previously been grouped with total SPER debts. The centre indicated that in just the three-month period of the pilot, 83 emergency relief clients accumulated toll debts of over \$94,000. Three of the clients had debts of \$10,000 each or more.

Fair tolls and charges

There are clearly inequities in the setting and collection of tolls, fines and charges. These inequities are causing and compounding financial hardship for low income and vulnerable people. These coupled with lack of financial literacy and existing financial hardship is leading to very high toll debts. These inequalities include:

- A road user on Newstart is charged the same toll and fee as a high-income earner. This does not reflect the toll road being public infrastructure, which should allow all road users access to the road, including as a means to gaining and maintaining employment.
- It is unfair to pay excessive fees and charges for overdue payments. Toll fees and fines should reflect and be proportionate to the non-compliance. However, the Department of Transport and Main Roads indicates that the value of fines is “*unrelated to the amount of the toll*” (TAPWC, 2018).
- Currently, a single unpaid \$5 toll will attract \$275 worth of administration fees by the time the debt is referred to SPER or a private debt collector. That is an incurred debt 5,500 per cent greater than the initial cost of the toll. Tolls and fees transferred to SPER are written off and not recovered by the toll operator. However, this makes no difference to the road user who continues to accumulate debt.
- Services that support people with toll debts note the difficulty in negotiating fair payments, citing the high administration fees as a key reason people avoid contacting the toll operator at earlier stages of the process.

As noted above, the concession agreements lock the government into compensating the toll road operator for any enforced discounts on tolls or fees. Transurban has indicated that they are “*not in a position to discount*” (TAPWC, 2018). So, if the toll operator will not voluntarily reduce tolls and fees for people on low incomes, the government must fund this necessary policy change.

Predatory debt collection. One young man, who was in a stable financial position, suffered a workplace injury resulting in his inability to work. This man was forced to get by on a minimal Workcover payment. This circumstance resulted in a gradual deterioration of his financial position and mental health. His SPER debts were pursued to a warrant of seizure of his vehicle. It wasn't until this young man attempted suicide, leaving him hospitalised, that SPER was convinced to stand down their position on his debts.

Reasonable time to pay

Transurban claims that free-flowing electronic tolling is “*better for everyone*” (TAPWC, 2018). However, its ‘invisibility’ contributes significantly to unintentional use of toll roads, (previously rare with toll gates). Some roads and signage funnel drivers into a toll road or don't provide adequate warning or information about what to do to avoid the toll. (An App that tells you when you are already on a toll road does not help you avoid it.)

Transurban justifies the harsh nature of fines in the unpaid tolls system by saying that unlike utilities they “*cannot cut off a service*” (TAPWC, 2018). This is an unfortunate comparison as disconnecting vulnerable utility customers is harmful, exacerbating the financial problems they already have, causing further social harm. People unable to pay are not motivated by harsh consequences. Toll road operators should be implementing positive measures to support people's use of the toll roads, not seeking to emulate punitive practices.

People also need more time to pay. Monthly billing should be introduced to limit debts to unpaid tolls only for at least 30 days after an amount becomes due and payable.

Simple process

The Queensland inquiry into SPER highlighted the difficulties in dealing with toll-road operators with “*A number of submitters and witnesses advised that they have had difficulty navigating the public-private partnership (Transurban, Tolling Offence Unit, Tolling Ombudsman, SPER), to query, negotiate and manage fines and fees. The committee*

repeatedly heard that the toll road operator, TMR and SPER pass responsibility for dealing with the complaint to each other.” (FAAC, 2017)

QCOSS has also heard from several community organisations that infrequent users especially found the system confusing. The short payment time of three days creates significant issues, especially those who are unfamiliar with the roads and those who are visiting for reasons that are emotionally distracting, such as health or fleeing domestic and family violence.

The Department of Transport and Main Roads has acknowledged that the unpaid toll system is ‘complex’ and ‘tricky’, especially when different debts are at different stages of the system (TAPWC, 2018). Concerns include the lack of clarity around how a toll fine is processed, how quickly fees inflate and who eventually collects the debt. This results in many toll debts reaching court before people seek legal help, often because of confusion rather than evasion.

Regional or interstate drivers unfamiliar with city roads face particular challenges in navigating the toll road system. Sometimes, they “ended up on a toll road” or “may not be aware that [they] did not pay” (TAPWC, 2018). Even if they did realise they incurred a toll, they weren’t sure how to pay it. If it is difficult to pay, then people won’t pay. Regional travellers are less likely to have a tag or account and are more likely to incur increased video-matching toll fees.

Clear communication

The communication of toll debts with road users is inconsistent and can cause further debt escalation. Vulnerable people are more open to complications caused by slow post, misplaced or deliberately hidden post as well as incorrect contact details.

The tolling operator needs to clearly let people know what the process is. This should include how the unpaid toll can escalate, what the administrative fees and charges are, when does the unpaid toll go to SPER, and what happens then. This process and the hardship provisions should be easy to find on their website.

It would be helpful to have clearer communication and adequate resourcing of the community sector in preventing escalation of toll debts and supporting vulnerable people to access the hardship team. The tolling operator should also regularly consult with community workers to see how to improve their hardship policies and help prevent toll debts from reaching SPER.

Recommendation 2: Make the system fair, reasonable, simple and clear

- Prevent small toll debts escalating into large fines. Make all fees and fines proportionate to the non-compliance. Automatically waive all administrative fees and fines associated with inaccurate contact information.
- Provide incentives for people to update contact information.
- Extend the time to pay, introduce monthly billing, and limit debts to unpaid tolls only for at least 30 days after an amount becomes due (like other service billing).
- The government could fund road usage concessions through vehicle registration discounts or exemptions to those on low incomes who already qualify for other concessions.
- Transurban could fund concessions by modelling the impact on toll road traffic flows of off-peak discounts and renegotiating concession agreements to include these discounts if modelling indicates it is revenue neutral.
- Reduce the complexity of the system particularly for infrequent users. Number plate recognition allows the system to recognise who is a regional or interstate driver and could provide alternative, longer terms of payment.
- Clearly communicate the tolling process, including the timing of fees and charges, and escalation to SPER. Clearly communicate and resource both hardship programs and the role of the community sector in supporting people in financial hardship.

3. Support those in financial hardship

The Department of Transport and Main Roads has indicated that “*the objective of a compliance and enforcement system is to encourage behavioural change, so motorists pay their toll*” which only a “*small minority of toll road users avoid*” (TAPWC, 2018).

Regardless of how small the minority is, there are people that have “*ended up on a toll road*” or “*may not be aware that [they] did not pay*” (TAPWC, 2018). Some of these road users are not able to be contacted by the toll operator until the number plate matching identifies them, and even then, the contact details may not be up to date. Throughout this process the road user may not have deliberately avoided paying the toll at all, and yet they are labelled by the system as ‘*you did not pay*’.

There are also those in significant financial or personal hardship that are not capable of prioritising or organising the toll debt payment. Some people have little real choice when it comes to using toll roads, and sometimes will have to use toll roads even when they cannot afford it.

The combination of flaws in the current tolling system has contributed to mental health impacts in the community. Many people who have incurred toll debts in addition to other debts can't cope with the demands of such financial stress and suffer declining mental health.

The Transurban hardship pilot is an excellent first step towards a fairer system, but Transurban could go further by introducing new products for low income customers to help them stay out of financial hardship. This could include a combination of a toll only account, longer time to pay without incurring fees, discounts for paying on time or a cap on the toll amount.

The Queensland Ombudsman has expressed the view that “*the public is somewhat confused about the operation of the tolling complaints system*” (TAPWC, 2018). Despite costing \$250,000 to run, the industry-funded Tolling Customer Ombudsman has no full-time staff, no physical office, and a recorded message answering service (TAPWC, 2018). This is clearly not good practice. This confusion was also evidenced in the Logan community with a lack of widespread knowledge of the process and powers of the tolling ombudsman.

This confusion may have been contributed to by the Queensland Ombudsman itself receiving contradictory legal advice about its jurisdiction of treating toll road complaints. In 2015 it was advised that Tolling complaints were within its jurisdiction, and in 2017 it was advised that they were not, referring all toll road complaints since then to the industry-funded Tolling Customer Ombudsman.

The Queensland inquiry into SPER highlighted problems with the Tolling Ombudsman with “*A number of submitters called for an independent ombudsman to examine disputes regarding toll road fees and charges. Submitters also queried the impartiality of the Tolling Customer Ombudsman employed by Transurban*” (FAAC, 2017)

Fleeing domestic violence. One woman was left with tolling debts of over \$10,000 after an estranged ex-partner deliberately racked up fines driving her vehicle. The policy of registering SPER debts to the registered owner of a vehicle creates incidents of abuse by controlling and manipulative partners and family members. This also results in the possibility for posted toll invoices to be hidden and kept from registered owners, or for those in a transient position or fleeing violence to not be informed of incurred and growing debt.

Recommendation 3: Support those in financial hardship

- Transurban should build on their Hardship Pilot, designing products for people on low incomes to help them manage the cost of using toll roads. This could include a combination of a toll only account, longer time to pay without incurring fees, a cap on total fees or a cap on the toll amount.
- Change the language of Transurban and Queensland government material to remove the language of “if you do not pay” to “if the toll is not paid” prior to confirmation of the address and driver identity.
- The tolling ombudsmen should be entirely separate from Transurban. The Queensland ombudsman should deal with all tolling and SPER complaints. Otherwise the Queensland government should appoint an independent Queensland tolling ombudsman that operates under the Attorney-General’s Department guidelines for industry compliant schemes.

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