

## Exhibit YY - Minimum Requirements for Toll Road Operator Debt Recovery Arrangements

### Minimum requirements

The TRO must adopt, and require its staff and contractors involved in debt recovery activities to comply with, written arrangements for debt recovery activities that meet the following requirements:

- (a) The arrangements must apply equally to persons who hold accounts with the TRO ('**customers**') and persons who do not hold accounts with the TRO, or whose accounts are suspended ('**non-customers**').
- (b) The arrangements must require compliance with Debt Collection Guidelines published from time to time by the ACCC and/or ASIC.
- (c) The arrangements must identify an independent body to which disputes or complaints can be referred for resolution. Such a body must:
  - (i) be functionally independent of the TRO;
  - (ii) be able to make decisions which are binding on the TRO; and
  - (iii) operate in accordance with the Australian Government's *Benchmarks for Industry-based Customer Dispute Resolution*.
- (d) The cost of the independent body referred to in section (c) may be borne by the TRO subject to the body maintaining its functional independence.
- (e) The arrangements must incorporate a hardship policy which:
  - (i) applies equally to customers and non-customers;
  - (ii) applies where person who owes the debt establishes that he or she is experiencing financial hardship due to illness, disability, unemployment, drug or alcohol dependence, domestic violence or other reasonable cause affecting their ability to pay;
  - (iii) sets out the hardship relief available (which must include options for reduction or waiver of the debt, extending time to pay and payment plans (with a payment free period from the date of contact)) and the circumstances in which different forms of relief may be available;
  - (iv) sets out how a person may apply for relief under the policy, including the supporting information that must be provided;
  - (v) provides for the TRO to request the enforcement agency to discontinue or suspend action with respect to an infringement notice or court proceedings issued against a person if the person applies for hardship relief in accordance with the hardship policy;
  - (vi) provides for persons suffering financial hardship to be given information about the availability of financial counselling services;

- (vii) is made visible by publication on the TRO's website and references in requests for payment and further requests for payment, and where practicable in all other debt collection communications or contacts.
- (f) The arrangements must provide that in respect of a non-customer the TRO will not provide credit reporting information about a tolling related debt to a credit reporting agency or otherwise represent that failure to pay that debt may affect a person's ability to obtain credit except to the extent permitted under Part IIIA of the *Privacy Act 1988*.
- (g) The arrangements must provide that, where a further request for payment remains unpaid after the date specified in the request, at least two informal contact attempts must be made by telephone, SMS, email or electronic message if relevant contact details are available.
- (h) The arrangements must provide that, where two informal contact attempts are made and payment or an arrangement for payment is not made within 7 days, a field call may be made or civil debt recovery proceedings commenced (provided that civil proceedings must not be commenced unless a solicitor's letter or final notice has been sent notifying the person that proceedings will be commenced if the debt is not paid within 7 days).
- (i) The arrangements must provide that the TRO is not to include marketing communications in correspondence or communications made in the course of its debt collection activities (provided that this is not intended to prevent the offering of incentives to open an account in order to prevent further non-arrangement travel on the TRO's tollway).
- (j) The arrangements must prohibit the TRO from:
- (i) commencing civil proceedings against a person; or
  - (ii) requesting enforcement of a tolling offence believed to have been committed by a person—
- if the person has a hardship application, or a relevant dispute or complaint pending with the TRO. For this purpose:
- a hardship application is pending if the person is complying with an payment plan or other agreed arrangement;
  - a dispute or complaint is relevant dispute or complaint if it relates to a trip giving rise to the debt in relation to which civil proceedings are proposed or an alleged tolling offence in relation to which referral to enforcement is proposed;
  - a relevant dispute or complaint is pending unless it has been finalised by a decision of TRO which the person does not refer to the independent complaints and disputes body within 7 days, or by a decision of that independent complaints and disputes body.
- (k) The arrangements must prohibit the TRO referring a tolling offence for enforcement if:
- (i) civil debt recovery proceedings have been commenced against the person in relation to the relevant trip; or

- (ii) the TRO has made a request for enforcement of a tolling offence committed by the person in respect of a trip made on the same day on another tollway operated by the TRO in Victoria.