



MEDIA RELEASE

Monday, 1 March 2008

CONSUMER ACTION CALLS ON CAR PARKS TO BE FAIR

Consumer Action Law Centre has written to two operators of private car parks in Melbourne seeking a review of their business practices and the installation of barriers so that consumers are not fined unfairly when they forget to obtain tickets.

Private car park operators Australian National Car Parks Pty Ltd and Care Park Pty Ltd operate a number of car parks around Melbourne, often close to supermarkets and shopping centres. The car parks allow consumers to park for free for a period of time, provided they obtain a ticket. In many cases, consumers forget or are not used to obtaining tickets, meaning that they are breaching car park conditions and are issued with payment notices of between \$60 and \$80.

"We are inundated with complaints from consumers alleging that they have been fined unfairly" said Consumer Action Director of Policy & Campaigns Gerard Brody, "in most cases, consumers are only parking within the free period, yet are being fined between \$60 and \$80".

"These private companies do not have the power to issue fines" said Mr Brody.

"Theoretically, they can seek recovery of any loss suffered when a consumer breaches car park conditions. However, we do not see how the companies that operate these car parks suffer loss or damage anywhere near the amount of the payment notices when the car parking is free to begin with", said Mr Brody.

This means it is arguable that the payment notices seek to impose unlawful penalties, he said.

Consumer Action believes that, at a minimum, the car park operators should install barriers at the entry to such car parks should they require consumers to obtain a ticket.

"The car parks are zealously issuing payment notices as a revenue raising activity and we believe this is unfair" said Mr Brody. "It would be much fairer if a consumer was required to get a ticket up front – installing an entry barrier, as many car parks have in place, would ensure that consumers are not inadvertently breaching car park conditions".

Consumers who have challenged the payment notices by starting proceedings at the Victorian Civil and Administrative Tribunal have had agreement from the companies not to pursue payments, Mr Brody said.

Media Contact: Gerard Brody, Director – Policy & Campaigns 9670 5088 or 0415 223 211

Consumer Action Law Centre
Level 7, 459 Little Collins Street
Melbourne Victoria 3000

Telephone 03 9670 5088
Facsimile 03 9629 6898

info@consumeraction.org.au
www.consumeraction.org.au