



MEDIA RELEASE

Thursday, 7 August 2008

COURT ATTACK LAUNCHED ON PRIVATE CAR PARK'S "FINES"

Consumer Action Law Centre has today instituted legal proceedings in the Victorian Civil and Administrative Tribunal (VCAT) against Australian National Car Parks Pty Ltd (ANCP), the operator of a number of private car parks around Victoria that have been charging consumers hefty "fines" for failing to display valid tickets.

Nicole Rich, Director – Policy & Campaigns, said Consumer Action is acting on behalf of a client who was given a 'notice of claim' demanding \$66 for failing to display a valid ticket while parked in the Barkly Square Shopping Centre car park in Brunswick.

"Tickets at the Barkly Square Shopping Centre car park are issued free of charge for a three hour period," Ms Rich said.

"Our client was only parked for less than forty minutes. But the car park thinks it is reasonable to demand \$66 for a service that is free."

Consumer Action is alleging that the amount of the charge, which is supposedly intended to compensate ANCP for 'losses' suffered as a result of the failure to display a ticket, is unlawful.

Specifically, Consumer Action alleges that the terms which impose the charge are unfair contract terms under the Victorian *Fair Trading Act 1999*, because they seek to recover in excess of the actual loss ANCP has incurred.

Consumer Action also argues that the car park operator failed to display the terms and conditions of parking in a reasonable manner.

"The car park's terms and conditions are in over 500 words of fine print displayed on a single A4-sized placard attached to a noticeboard near the car park entrance," said Ms Rich.

"We are arguing that it is impossible for a driver to make out print that small from sitting inside a vehicle and entering the car park."

The client in this case is an employee of Consumer Action. Consumer Action has received numerous complaints about the practice of private car parks purporting to "fine" consumers. It is therefore taking this court action as a 'test case' to try to assist other Victorians who have complained of similarly high "fines" being demanded of them from this and other private car park operators.

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