

IMPORTANT PUBLIC NOTICE

BY ORDER OF THE SUPREME COURT OF VICTORIA

In legal proceedings taken by the Director of Consumer Affairs Victoria, the Supreme Court of Victoria has declared that, during the period March 2007 to March 2010 ("the period"), **PARKING PATROLS (VIC) PTY LTD (formerly known as PARKING INFRINGEMENTS VICTORIA PTY LTD); ACE PARKING PTY LTD; KEVIN JOHN ENGLISH; and JAMES JOHN ENGLISH** contravened the misleading or deceptive conduct; false representations in relation to goods and services; and undue harassment and coercion provisions of the Fair Trading Act 1999 (Vic) ("the Act").

The Court held that during the period PARKING PATROLS (VIC), ACE PARKING, KEVIN JOHN ENGLISH, and JAMES JOHN ENGLISH engaged in misleading or deceptive conduct and made false representations by:

- using, or permitting to be used, documents sent to users of the private Ace Parking car parks with one or more of the following:
 - a design, layout, or get-up similar to that of parking tickets and documents sent by Government authorities in respect of alleged public parking offences;
 - terms such as "offence"; "offence date"; "breach"; "code"; "the relevant regulations"; "fines";
 - a map of the State of Victoria;
 - the term "Parking Infringements Victoria";
 - references to "VicRoads" and the "Road Safety Act 1986";
 - wording similar to the wording used in the *Road Safety (General Regulations) 1999 (Vic)* to describe regulatory contraventions or offences –

which had the effect, or likely effect, of misleading users of Ace Parking car parks about the basis or nature of Ace Parking's or Parking Infringements Victoria's authority to use or issue such documents and to pursue demands for payment.

- using, or permitting to be used, documents representing that users of Ace Parking car parks may be prosecuted, subject to a fine or a penalty, for breaching regulations or committing an offence, whereas, in fact, users had not breached regulations or committed an offence and were not liable to prosecution, a fine, or a penalty.
- representing that official car parking regulations apply to users of Ace Parking car parks when such car parks are private property and the car parking regulations do not apply.
- representing that, by entering and parking a car, on a casual basis, in an Ace Parking Permit Zone car park, the driver had entered into a contract with Ace Parking, when that is not the case.
- representing that an owner of a car had entered into a contract with Ace Parking when that owner's car was driven into, and parked in, an Ace Parking car park by someone else, when that is not the case.
- representing that, by entering and parking a car in an Ace Parking car park, the driver had entered into a contract with Ace Parking which included certain onerous terms, when that is not the case.

The Court also held that during the period PARKING PATROLS (VIC), ACE PARKING, KEVIN JOHN ENGLISH, and JAMES JOHN ENGLISH engaged in undue harassment and coercion conduct because:

- in connection with the supply of, or payment for, car park services in a private car park, they:
 - (a) made false or misleading representations to users of the car park about the consequences of not paying demands for payment;
 - (b) used documents modelled upon or resembling official documents to mislead users of Ace Parking car parks regarding documents used in connection with the car parking services or payment for such services;
 - (c) unfairly sent letters of demand to owners of cars parked in an Ace Parking car park making demands for payment;
 - (d) threatened owners of cars parked in an Ace Parking car park that if they did not pay the amount of money demanded by the due date, they would be lawfully obliged to pay a higher amount when that was not the case;
 - (e) unfairly threatened the users of Ace Parking car parks with the institution of legal proceedings.

PARKING PATROLS (VIC), ACE PARKING, KEVIN JOHN ENGLISH, and JAMES JOHN ENGLISH have been restrained by Court Order from engaging in such conduct or similar conduct in the future. They are also required to pay compensation or refunds to nominated consumers.

This Notice is published and paid for by **PARKING PATROLS (VIC), ACE PARKING, KEVIN JOHN ENGLISH, and JAMES JOHN ENGLISH** in accordance with the Order of the Supreme Court of Victoria made on 13 April 2012 in legal proceedings taken by the Director of Consumer Affairs Victoria.