



Fact Sheet

Parking on Private Property

In response to rising public concern about the practice of wheel clamping vehicles in private property parking areas, the State Government has now banned wheel clamping in Western Australia and established a new system for regulating towing as a private parking control measure.

This information relates solely to the towing of vehicles from private property and does not apply to vehicles towed due to a breakdown or crash.

Parking on private property

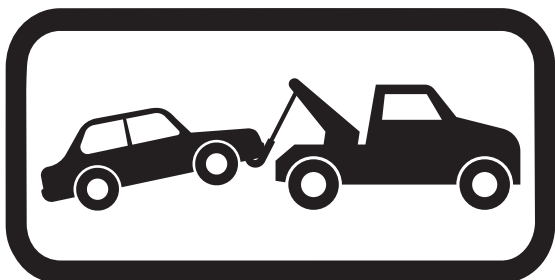
There is no general right to park on private property. If you park in a place you are not authorised to park, or do not comply with the parking terms and conditions in a private property parking area, your vehicle may be towed.

It is important not to assume it is ok to park somewhere just because the business premises are vacant, it's outside business hours, you aren't going to be very long, there are plenty of vacant spaces, you have parked there before, or simply because other vehicles are parked there.

As a driver you are responsible for determining if you are parking legally and/or complying with the parking terms and conditions of a private property.

Signs

You should read signs carefully as you enter a private property and before you leave your vehicle parked there. In particular, you should be aware that if a sign with the words "TOW AWAY ZONE" depicting the image below is present in the parking area, your vehicle may be towed if you are not authorised to park there or do not comply with the terms and conditions applied to that parking area.



Towing of Vehicles from Private Property

Tow truck driver is loading your vehicle

If you return to your vehicle and a tow truck driver is in the process of loading and securing your vehicle on a tow truck, the driver must immediately release your vehicle without charge if you agree to remove your vehicle from the private property immediately or within a reasonable time.

Tow truck driver has loaded and secured your vehicle

If you return to your vehicle after it has been fully loaded onto a tow truck and the tow truck has not left the property, the tow truck driver must inform you that if you pay a \$100 on-site release charge the vehicle will be immediately released. The tow truck driver cannot tow your vehicle from the property if you pay the on-site release charge.

Reasonable steps

A tow truck driver must take reasonable steps to locate you and provide you an opportunity to move your vehicle before it can be towed away.

Towing Arrangements

Towing service providers are required to enter into a towing arrangement with private property owners/occupiers that authorises the removal of vehicles from the private property. You can request to see the towing arrangement from the towing service provider, to verify that an arrangement exists.

Your vehicle has been towed

If you return to where you parked your vehicle and you think your vehicle has been towed you should contact the towing service provider using the details on the signs at the property to find out where your vehicle has been towed to.

The towing service provider must advise you whether your vehicle is being or has been towed. If the vehicle is being or has been towed you must be advised of the storage yard to which the vehicle is being towed and the time it is expected to arrive at the storage yard.

The tow truck driver must tow your vehicle by the most direct route, without taking longer than is reasonably necessary, to the nearest suitable and approved storage yard that the towing service provider is approved to store vehicles.

Storage Yard

There is no obligation for a storage yard to be open on weekends or after 5 pm on a business day, therefore if your vehicle has been towed outside of these hours you may not be able to collect your vehicle until the storage yard is open.

Release of Vehicle

The person in charge of a storage yard must, upon your request release your vehicle as soon as is practicable but, in any event, it must be released no later than 4 business hours after you made the request between 9 am and 5 pm on a business day.

If you are unable to pay the storage charge immediately your vehicle must still be released upon your request. You will be liable for the storage and towing charges and payment may be pursued through other legal mechanisms as a debt.

Charges

Charges for the towing and storage of vehicles from private property are prescribed in the *Road Traffic (Towing of Vehicles) Regulations 2020* and drivers must not be charged an amount that exceeds the following:

On-site Release Charge

On-site release charge \$100

Charges paid at storage yard

Towing charge	\$150
Storage charges	
24 hours or less	\$25
1-14 days	\$25 per day
15 days or more	\$350 + \$10 per day for each additional day

Complaints

If you believe you have complied with parking conditions and your vehicle shouldn't have been towed, you should seek independent legal advice as you may be able to pursue a civil action through the courts.

If you feel that a tow truck driver, towing service provider, or storage yard has not complied with their obligations, please call 13 11 56 to provide the Department of Transport information to allow the matter to be investigated.