

Fact Sheet

August 2017

Private property parking and towing

Information for private property owners and occupiers

Removing vehicles

You must ensure you have a legal basis to remove unauthorised vehicles from your parking area - there is no general right to remove vehicles parked on private property. Signage is one way you may be able to establish a lawful basis for removing vehicles.

If you are uncertain whether you have a legal basis to remove a vehicle, you should obtain independent legal advice. If you remove a vehicle you are not entitled to, you may be charged with a criminal offence or sued for interfering with or detaining the vehicle.

Engaging a towing operator

You can engage a towing operator to monitor and enforce the conditions of your parking area on your behalf. The towing operator will act as your agent, they are only permitted to do things that you would be legally entitled to do, and if they do the wrong thing you could be liable for their actions.

If your towing operator tows a vehicle they are not legally entitled to remove, you may be charged with a criminal offence or sued for interfering with or detaining a vehicle.

When engaging an operator consider whether their services, fees and business practices meet your needs. Choose a towing operator whose service delivery model aligns with what you need.

Signs

You should make sure your parking area has good signage. The signs should provide easy to understand information about the parking conditions and be positioned to clearly identify the areas the conditions apply to.

Clear, highly visible signs with comprehensive information are important for you to establish the legal basis to have vehicles removed, and may in fact reduce the need to remove any vehicles if motorists understand where they can and cannot park and on what conditions.

Signs should include the fees that will be charged if motorists contravene the parking conditions and the name and contact details of the towing operator you have engaged to enforce the parking conditions of your property, so motorists know who to contact if their vehicle is towed.

Consider other options

If you want to restrict parking 24 hours a day 7 days a week you should consider erecting barriers, such as chains or bollards, outside business hours to stop motorists accessing the parking area. Stopping motorists from entering your parking area when your business is closed, and erecting barriers that won't hinder your customers, may be a more effective and less contentious way to control parking on your property than removing unauthorised vehicles.

Wheel clamping

You cannot use wheel clamping to enforce the conditions of your parking area. It is illegal to detain a parked or stopped vehicle using an immobilising device including wheel clamps.