

# Fact Sheet

August 2017

## Private property parking and towing

### Information for tow truck operators and drivers

#### Authority to remove vehicles

You must have authority from the property owner or occupier to remove vehicles from their property. You cannot remove vehicles you observe breaching parking conditions without the authority of the property owner or occupier.

If you have authority from the property owner or occupier you must also ensure that they, and you acting as their agent, have a legal basis for removing a vehicle from their property. You may be charged with a criminal offence or sued for interfering with or detaining a vehicle if you are not legally entitled to remove the vehicle.

If you are uncertain whether you have an appropriate arrangement with the property owner or occupier, or uncertain if there is legal basis to remove a vehicle, you should obtain independent legal advice.

#### Signs

You should make sure that every private parking site you remove vehicles from has good signage. Clear, highly visible signs with comprehensive information are important to minimise the potential for conflict with motorists and to establish the legal basis to remove a vehicle.

The signs should provide easy to understand information about the parking conditions and be positioned to clearly identify the areas the conditions apply to. You should ensure the signs include the fees that will be charged if motorists contravene the parking conditions and your name and contact details so motorists can contact you if their vehicle is towed.

#### Fees

Make sure the fees you charge for towing and storing a vehicle are reasonable. If your fees are exorbitant, unconscionable or out of all proportion with the service you are providing, they may not be enforceable. If you charge a fee for releasing a vehicle at the private parking site where a motorist returns before the vehicle is removed, you should also ensure the fee is reasonable and proportionate to the service provided. Charging the same fee for releasing the vehicle at the site and the towing fee would likely not be reasonable given the different work involved, and may make the fee unenforceable.

#### Notifying the police

You should notify the Queensland Police Service as soon as practicable after removing a vehicle from private property. You should provide the following information:

- Details about the removal of the vehicle including your name and contact details, the date and time the vehicle was towed, where the vehicle was removed from and where it was moved to.
- Details about the towed vehicle including the make, model, colour and registration number.

#### Good conduct

You should take steps to see if a motorist is close by before loading a vehicle, and exercise discretion in charging fees to release a vehicle if the motorist returns before it is towed. Allowing motorists to remove vehicles from the area may be the best course of action in some situations. Be courteous to motorists as the situation will be less stressful for all involved if everyone remains calm and courteous.