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## Wheel Clamping in WA

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*The information in this document is a guide only and is derived from the relevant legislation listed above. Should there be any inconsistency between the information in this document and the content of the 'Road Traffic Act 1974' and the 'Road Traffic (Towing of Vehicles) Regulations 2020' then the content of the Act and Regulations shall apply in preference to this document.*

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*Source: Department of Transport (transport.wa.gov.au)*

*Legislation: Part 6A of the Road Traffic Act 1974  
Road Traffic (Towing of Vehicles) Regulations 2020.*

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### Private parking

From **14 December 2020** wheel clamping will be banned in Western Australia and can no longer be used as a parking control measure. A new system for regulating towing as a private parking control measure will be established.

The regulation of towing relates to towing vehicles from private property only and does not regulate break down or crash towing in Western Australia.

### Transitional Period

To assist owner-occupiers of private property to transition to the new signage requirements, a transitional period has been introduced. The transitional period will not be extended.

Until **31 March 2021**, large regulated property must only comply with the signage requirements of a small regulated property, that is, sufficient signs displayed on the property such that a reasonable person parking on the property would see a sign before, or when, parking.

### Wheel clamping

Wheel clamping refers to all means of vehicle immobilisation, including wheel boots and other devices such as Barnacles, which attach to a vehicle's windscreen.

There will still be some circumstances where it will be legal for wheel clamps or other devices to be used, for example, an owner may clamp their own vehicle, trailer or caravan as an anti-theft measure. Law enforcement agencies, including Sheriffs and local government, can continue to use wheel clamps when authorised by law to do so.

### Towing

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

It is important not to assume it is ok to park somewhere just because the business premises are vacant, its 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.

Drivers have a responsibility to determine if they are allowed to park somewhere and comply with any terms and conditions of parking on private property.

As the owner or occupier of a private property, it is important that you understand your obligations in relation to the towing of vehicles from private property that you own or occupy.

Part 6A of the Road Traffic Act 1974 and the Road Traffic (Towing of Vehicles) Regulations 2020 prescribe the requirements and obligations of all parties involved in the towing of and storage of vehicles from private property, including penalties for failure to comply.



### **Towing - Agreement**

A vehicle can only be towed from your property if you have entered into a towing agreement with a towing service provider using the approved Private Property Towing Arrangement (E202T) form which can be downloaded at [www.transport.wa.gov.au/privateparking](http://www.transport.wa.gov.au/privateparking)

Email a signed copy of the towing arrangement to [privateparking@transport.wa.gov.au](mailto:privateparking@transport.wa.gov.au)

### **Towing – Signage Requirements**

A vehicle parked at your property cannot be towed unless signs are displayed in accordance with the signage requirements that relate to your property.

Signage requirements may vary depending on the type of property or the size of the property's parking area.

Information on signage requirements can be located in the Private Property Parking Signage Guidelines which can be downloaded at [www.transport.wa.gov.au/privateparking](http://www.transport.wa.gov.au/privateparking)

### **Towing – Signage Exemption**

If it is not practicable for your property to comply with signage requirements you may apply for a signage exemption/variation using the Signage Exemption Application (E201T) form available at [www.transport.wa.gov.au/privateparking](http://www.transport.wa.gov.au/privateparking)

If your private property has been granted a signage exemption/variation you will be provided a written notice and must provide a copy of the notice, as soon as possible and in any event within 5 business days after the day on which it was granted, to any towing service provider who is a party to the towing arrangement relating to the property.

### **Conditions of towing**

Before a tow truck driver can tow a parked vehicle from your private property certain conditions must be met.

These conditions are required by law and failure to comply with them is an offence.

### **Reasonable steps before towing**

Reasonable steps must be taken to locate the driver of a vehicle parked at your property before a tow truck driver can tow the vehicle away.

Reasonable steps include:

- looking around the immediate area to see if the vehicle driver is nearby;
- asking other people at the carpark or nearby shops if they know the whereabouts of the vehicle driver; or
- looking for contact or business name details on the vehicle.

As the controller of your property you may wish to assist the tow truck driver by taking reasonable steps to locate the driver of a vehicle before the tow truck arrives.

The tow truck driver is not required to take these steps if you have done so and advised the tow truck driver of this fact.

It is an offence to give any information to the tow truck driver that you know is false or misleading in a material particular.



### Waiting Periods before towing

A vehicle cannot be towed from your property until the tow truck driver has complied with all conditions of towing and a period of 60 minutes has lapsed from the time the driver failed to comply with the terms and conditions of parking on your property.

Waiting periods do not apply to a vehicle that is parked in a position where it is causing a hazard or unreasonable obstruction and can be towed immediately.

### Signage Requirement

The *Road Traffic (Towing of Vehicles) Regulations 2020* (Regulations) prohibit the towing of vehicles from private property unless signs are displayed in accordance with the Regulations.

Signage requirements may vary depending on the type of property, the size of the property's parking area or whether the owner-occupier of the property has been granted a signage variation/exemption.

Signage requirements do not apply to a vehicle that is parked in a position where it is causing a hazard or unreasonable obstruction. These vehicles can be towed immediately if a towing arrangement, between the owner-occupier of the property and a towing service provider, is in place.

### Sign Types

There are two types of signs, being a **minor** sign and **major** sign.

All signs must be made of retro reflective sheeting designated Class 1 in Australian/New Zealand Standard 1906.1 - Retroreflective materials and devices for road traffic control purposes.

All writing on signs must be in Helvetica font.

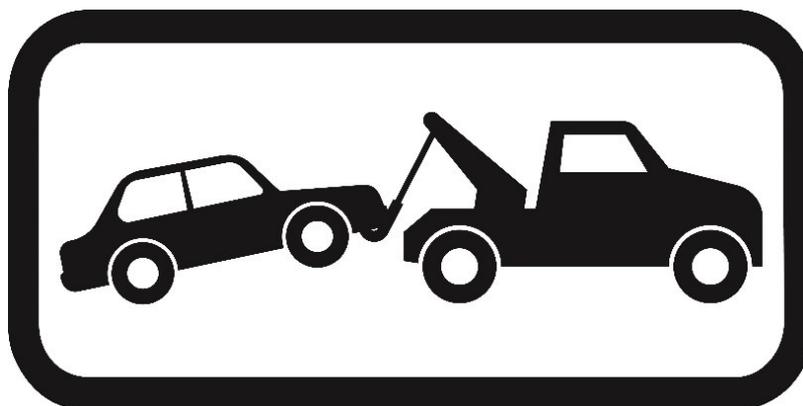
### Tow away Symbol

A **minor** sign must have a tow away symbol that is, at a minimum, 200 mm wide x 100 mm high in size.

The symbol used may be the image provided by the Department of Transport (see below) or another image detailed in the Australian Standard Manual of Uniform Traffic Control Devices: Parking Controls (AS1742.11).

A **major** sign must have a tow away symbol that is, at a minimum, 400 mm wide x 200 mm high in size.

The symbol used may be the image provided by the Department of Transport (see below) or another image detailed in the Australian Standard Manual of Uniform Traffic Control Devices: Parking Controls (AS1742.11).





## Minor Signs

A minor sign must be, at a minimum, 300mm wide x 450 mm high in size.

A minor sign must have the following information:

- The wording TOW AWAY ZONE in capital letters, which must be at least 30 mm high. This wording must be white against a candy apple red background.
- Contact information in the form of the letters PH followed immediately by a telephone contact number for the relevant towing service provider. These letters and numbers must be at least 20 mm high and be black against a white background.
- A statement about parking conditions and any liability limitations in letters at least 150 mm high written in black against a white background.

A minor sign may also include other information relating to the parking of vehicles on the property.

This information must be written in plain, simple English in letters at least 10 mm high, written in black against a white background, and may include information about:

- Any purposes for which parking is permitted, e.g. shopping on the premises.
- When parking is not permitted.
- When parking restrictions apply.
- Specific conditions, such as whether the driver must remain on the premises at all times.
- The name of the towing service provider.

## Major Signs

A major sign must be, at a minimum, 600 mm wide x 900 mm high in size.

A major sign must have the following information:

- The wording TOW AWAY ZONE in capital letters, which must be at least 70 mm high and be white against a candy apple red background.
- Contact information in the form of the letters PH followed immediately by a telephone contact number for the relevant towing service provider. These letters and numbers must be at least 5 cm high and be black against a white background.
- A statement about parking conditions and any liability limitations in letters at least 150 mm high written in black against a white background.
- A major sign may also include other information relating to the parking of vehicles on the property.
- This information must be written in plain, simple English in letters at least 10 mm high, written in black against a white background, and may include information about:
  - Any purposes for which parking is permitted, e.g. shopping on the premises.
  - When parking is not permitted.
  - When parking restrictions apply.
  - Specific conditions, such as whether the driver must remain on the premises at all times.
  - The name of the towing service provider.



## Number and Positioning of Signs

The number and positioning of major and minor signs that must be displayed will depend on whether the property is a large or small regulated property (see definitions below).

All signs must be unobscured, and the words and symbols displayed on the sign must be clearly visible and undefaced.

### Type of property – Small or Large

A **small regulated property** is a property is:

- on which 1 or more businesses are carried on that has **less than 50 parking bays**; or
- that is **residential strata property**.

A **large regulated property** is a property:

- on which 1 or more businesses are carried on and there are **50 or more** parking bays made available for use by customers of, or other visitors to, the business; or
- used predominantly as a **commercial car park** where payment of a fee is a condition of a vehicle parking at the property.

### Number and type of signs

A **Small** regulated property must have sufficient signs displayed on the property such that a reasonable person parking on the property would see a sign before, or when, parking.

The sign(s) must be at least 2200 mm above ground level at its lowest point and must be positioned so that a reasonable person parking on the property would see the sign(s) before, or when, parking.

A **Large** regulated property must have a major sign that must be displayed:

- In a prominent position at each place where a vehicle can enter the property;
- within 1 metre of any machine or booth on the property where people can pay for parking at the property; and
- So that wording and symbols on the sign face the carriageway from which vehicles enter the property.

At a **Large** regulated property Minor signs must be displayed:

- at a rate of one tenth of the number of parking bays on the property (rounded up to the nearest whole number);
- so that they are:
  - 1) reasonably evenly distributed amongst the parking bays; and
  - 2) positioned at the end of a parking bay no further than 1 metre from the bay and facing the bay.

### Signage Exemption

If it is not practicable for a private property to comply with signage requirements the owner/occupier of the property may apply for a signage exemption/variation.

An exemption/variation may to seek to exempt the property from complying with a signage requirement such as a variation in the number of signs, the size of signs, positioning of signs, use of major or minor signs, or other such variations.



An application for a signage exemption/variation must be made using the Signage Exemption Application (E201T) form available at [www.transport.wa.gov.au/privateparking](http://www.transport.wa.gov.au/privateparking)

Applications must be emailed to [privateparking@transport.wa.gov.au](mailto:privateparking@transport.wa.gov.au)

Each application will be assessed on a case by case basis on the underlying principle that adequate signage must be present to ensure that drivers are made aware of the conditions for parking and that their vehicle may be towed away if these conditions are breached.

#### **Notification of Signage exemption/variation**

If a private property has been granted a signage exemption/variation the Department of Transport will provide a written notice that outlines any conditions or alternative requirements for the display of signs on the property.

A copy of a signage exemption notice must be provided, as soon as possible and in any event within 5 business days after the day on which it was granted, to any towing service provider who is a party to the towing arrangement relating to the property.