

# BCCM Fact Sheet - Parking

Incorrect parking of motor vehicles within community titles schemes can be a significant issue, particularly in situations where a vehicle is causing an obstruction to entering or exiting the scheme, a lot or utility infrastructure.

The [Body Corporate and Community Management Act 1997](#) (BCCM Act) does not specifically set rules around parking in community titles schemes. Rather, how, when and where you can park on common property may be stated within your body corporate's by-laws or on erected signage.

If a vehicle is parked in a way that is unauthorised, the body corporate may:

- take steps to enforce the by-laws, or
- tow the vehicle.

There are set processes for enforcing the by-laws and towing vehicles.

## Parking by-laws

Each body corporate has a unique set of registered by-laws. Registered by-laws are rules owners and occupiers must follow (in addition to the legislation). The by-laws are contained in your body corporate's community management statement (CMS). You can request a copy of your CMS from [Titles Queensland](#).

While each set of by-laws are different, by-laws may:

- grant you the exclusive use of an area for parking
- set designated visitor parking areas
- state that occupiers cannot park on the common property without written approval from the committee.

Regardless of the by-laws, only genuine visitors to the scheme should park in designated visitor car parks.

## Enforcing parking by-laws

The body corporate is responsible for enforcing the by-laws.

If a vehicle is parked on the common property in violation of the by-laws, either the body corporate or another owner or occupier has the authority to initiate the by-law enforcement process as fully outlined within [Practice Direction 6](#).

If a person parks in a carpark on common property that you have exclusive use of under the by-laws, you can ask the body corporate to enforce the by-law.

## Towing vehicles

A body corporate is not obligated to follow the usual by-law enforcement process to tow a vehicle from common property. For instance, towing a vehicle may be applicable when a vehicle is blocking access for emergency services and time is of the essence.

Unless it is a restricted issue for the committee, the committee can make the decision to tow a vehicle.



The body corporate is still required to make reasonable decisions under [section 94](#) and [section 100](#) of the BCCM Act, and the body corporate may still be liable for any costs or damages incurred if the decision to tow a vehicle is found to be unreasonable or unlawful.

A body corporate can only tow a vehicle if all other Acts or laws allow for it. The body corporate should carefully consider all legal obligations before towing a vehicle.

Towing laws are generally administered by the Department of Transport and Main Roads (TMR). Further information, including signage guidelines and towing fact sheets can be found on the [TMR website](#).

For more information about private property parking and towing read the TMR fact sheets:

- Information for [motorists](#) fact sheet
- Information for private property [owners and occupiers](#) fact sheet
- [Signage guidelines](#) for parking on private property.

If a person parks in a carpark that is part of another person's lot, the owner of the lot should deal with the owner of the offending vehicle directly. The body corporate does not need to be involved.

If a person parks on common property, subject to an exclusive use by-law, the owner of the lot to which the exclusive use by-laws apply can ask the body corporate to enforce the by-law.

In either situation, the lot owner may have rights to tow the vehicle under other legislation or laws. The lot owner may like to seek legal advice before towing the vehicle.

## Further information

The Office of the Commissioner for Body Corporate and Community Management (BCCM office) provides information on the *Body Corporate and Community Management Act 1997* (BCCM Act). General information about most body corporate topics can be found on our website at [www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate).

You can also contact our Information and Community Education Unit on 1800 060 119 or in writing at [www.qld.gov.au/bodycorporatequestion](http://www.qld.gov.au/bodycorporatequestion).

Some information for this fact sheet was sourced from The Department of Transport and Main Roads (TMR) website—[www.qld.gov.au/transport/safety/rules/road/parking](http://www.qld.gov.au/transport/safety/rules/road/parking)—which provides information about towing requirements for the removal of vehicles parked on private property.

