

## Tow Truck Bill 2023

**Submission No:** 4  
**Submitted by:** Ready Towing  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**

# THE READY TOWING GROUP

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## Submission in relation to the proposed *Tow Truck Bill 2023*

Prepared By

The Ready Towing Group.

Ready Towing believes that the proposed *Tow Truck Bill 2023* is an opportunity to modernise a legislative instrument that has been a long-standing tenet.

The current *Act* whilst providing solid grounding, is often open to a number of differing interpretations and we suggest that the opportunity be taken to alleviate this issue from the proposed *Bill*.

Ready Towing further suggests some minor adjustments on grounds of procedural fairness.

In light of the above, Ready Towing would recommend the following:

1. Page 33, Division 3 2 (a)

Without limiting the chief executive's powers under subsection (1), it is enough to suspend an accreditation if a person complains in writing to a police officer about the conduct of the holder of an accreditation and, having regard to the nature of the complaint, the chief executive reasonably believes the conduct complained of justifies taking action under subsection (1).

**Comment:** Ready Towing would like to know why there is a distinct lack of due process in the above. We also believe that this will lead to numerous complaints that are vexatious in nature, and given that an accreditation can be suspended for a period of 56 days sans a conviction or court appearance, we would ask that this section be amended in terms of *audi alteram partem*.

2. Page 42, Section 60 3 (a)

Subsection 2 does not apply if the holder of the operator accreditation has imposed a charge under this Act on the owner of the motor vehicle in relation to towing, storage, viewing, accessing or taking property from the vehicle.

**Comment:** This is a contradiction with the regulations. In particular, the terms 'viewing, accessing and taking of personal property' are in direct contravention of section 32 of the Tow Truck Regulation in that it prohibits charges of this nature.

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### 3. Page 52, Section 74

This section applies to the holder of an accreditation if any of the following persons (each a relevant person) is charged with or served with an infringement notice for, a notifiable offence for the accreditation.

**Comment:** We would ask that the word 'infringement' be removed in that this could be construed as an

Parking ticket (or other non-notifiable offence). This means that any 'relevant person' that receives any infringement is liable to notify the EO.

### 4. Page 57, Section 81 (d)

A person must not use force of 'undue influence' to obtain or attempt to obtain a towing authority.

**Comment:** Our concern relates to the use of mobile devices at accident scenes that link websites which wrongly state the holder or the driver of an accreditation is an approved agent of an insurer when they are not, or states that they have premises or holding yards as defined under schedule 3 that are not actually owned or leased or do not actually exist. Some towing companies just put suburbs on their cards but they do not have a holding yard there.

Ready Towing further believes (although this could just be an oversight) that the omission of Section 23 of the current Act (Consideration for obtaining certain information or work) would fall to circumstances that would absolutely be seen as 'undue influence'.

For reference, should this section (23) be disregarded, the following (including but not limited to) would become legal...

- (i) Providing Hire Cars in returning for obtaining an authority.
- (ii) Spotter's fees.
- (iii) Selling personal injury claims at scenes of accidents.
- (iv) Sharing / selling of personal information obtained via an accident scene.

We believe that this Act should impose harsh penalties on those (both operators and holders of accreditations) that seek financial gain through deceptive conduct.

For the safety and security of the travelling public, Ready Towing recommends this section remain in the proposed bill.

### 5. Page 50, Section 57 (sections 1 through 3)

The holder of an accreditation must ensure all reasonable precautions are taken to prevent damage to the motor vehicle (and loss of property) whilst under the holder's control. (Maximum fine 50 penalty units)

**Comment:** Ready Towing believes that this section should be removed as (i) it would almost be considered tantamount to a breach of the common law maxim of double jeopardy and (ii) that this be replaced with the accreditation holder being lawfully obliged to provide copies of insurances to cover damages / loss for both property and vehicle,

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## 6. Page 39. Section 54

The holder of an operator accreditation must ensure that the authorized tow truck business for the accreditation provides a towing service that operates 24 hours a days 7 days a week unless the holder has a reasonable excuse.

**Comment:** Ready Towing seeks to know how the above is tested.

## 7. Further recommendations.

Ready Towing also recommends the following...

- (a) Definition of Holding Yards - All holding yards have a minimum floor size of 800 square meters.
- (b) Holding yards cannot be shared between differing accreditation holders.
- (c) All tow trucks fitted with a winch to be licenced in Queensland.  
This would be accomplished by introducing a two-tiered system. The 1<sup>st</sup> tier being for holders of Accreditations who must abide by all relevant laws & regulations and a second tier for unregulated towing (having a nominal fee) but be required to have mechanical inspections annually. The addition of a winch poses a serious and imminent risk, in that it is highly dangerous to both the operator of the tow truck and general public alike. Ready Towing proposes that this increased risk warrants additional scrutiny and Government oversight for all levels of towing.
- (d) First tow fee to increase annually inline with indices that are analogous with real inflationary costings.
- (e) The maximum distance to covered by the 1<sup>st</sup> tow fee be capped at 20 kilometers.
- (f) The maximum fee for a 'second tow' be capped at the same price and distance as the 'accident tow'.
- (g) Fee per kilometer after 20 kilometers be set at \$8.05 including gst for both accident and second tow.

Yours Faithfully,

Mark Ready

Managing Director The Ready Towing Group

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