




Speech By
Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 8 August 2017

TOW TRUCK (TOWING FROM PRIVATE PROPERTY) AMENDMENT BILL

Introduction

 **Mr POWELL** (Glass House—LNP) (11.34 am): I present a bill for an act to amend the Tow Truck Act 1973 for particular purposes. I table the bill and explanatory notes. I nominate the Public Works and Utilities Committee to consider the bill.

Tabled paper: Tow Truck (Towing from Private Property) Amendment Bill 2017 [[1232](#)].

Tabled paper: Tow Truck (Towing from Private Property) Amendment Bill 2017, explanatory notes [[1233](#)].

If there is yet another example of this 'review, not do' government it is the issue of motorists being taken advantage of by unscrupulous tow truck companies from private car parks. In Queensland, the towing of a motor vehicle from the scene of a crash on a road—accident towing—is regulated by the Tow Truck Act 1973 and Tow Truck Regulation 2009. All other forms of towing, including the removal of vehicles from private property and associated fees, are not currently subject to these regulations. Our bill seeks to amend this.

Property owners currently have a common law right to deal with vehicles parked on private land. These rights apply where vehicles are trespassing or if vehicle owners do not obey the terms and conditions of parking on the land, which are usually displayed on a sign. There are no laws to stop motorists from being ripped off when they are towed from private property. There is already a considerable framework for accident towing, as I mentioned, and the LNP is seeking to apply those principles to include anywhere motorists are towed from. Owners or managers of private parking areas frequently arrange for tow truck operators to remove vehicles on their behalf. Unfortunately, some tow truck operators are exploiting the current loophole to charge exorbitant towing fees of more than \$600 and punitive storage fees with no limit on how far they can tow your vehicle.

There has been increasing community discontent and recent media attention surrounding practices involving the removal of parked motor vehicles from private property. Common issues raised include: vehicles being removed without the owner's permission, which has left vehicle owners stranded and feeling vulnerable; the level of fees being charged by the tow truck operator; the absence, lack of clarity or poor placement of signage outlining the terms and conditions of parking; vehicles having to be retrieved from tow truck operators which are sometimes many kilometres away; and the behaviour or other conduct of tow truck drivers. When concerns about how widespread this issue has become were brought to the attention of the minister at the time, what did he do? True to form, sidelined Minister Bailey sent the issue off to a three-month review. Perhaps if concerned Queenslanders had emailed Minister Bailey they would have been heard.

An opposition member interjected.

Mr POWELL: I will take that interjection. In contrast, the LNP has listened to Queenslanders. We have a plan and we are now acting. We could not sit idly by while motorists are duped into parking in empty lots, usually with very poor signage, only to be towed away minutes after they leave their vehicle.

We could not sit here in good conscience and embark on a three-month review and then spend six weeks drafting a bill, so we have acted. Uncapped fees mean that tow operators can pay spotters to instantly identify cars which are parked on private property and, in some cases, use other cars to bait unsuspecting motorists. Penalties and the ability to cap fees will set an economic disincentive to dodgy towies.

Motorists have experienced intimidating, thuggish behaviour from some bad eggs in the industry. While in government the LNP acted to weed out bad characters in the tow truck industry. Our strong criminal gang laws specifically targeted the tow truck industry to prevent criminal gang members from working in the industry. The Palaszczuk Labor government wound back these laws with no real alternative. While we were unable to reintroduce the measures to prevent criminal gang members from being granted a tow truck licence in this term of parliament, an LNP government will do so next term.

The bill that I am introducing today seeks to enable the minister to set maximum towing fees from private property. Regulation will set the maximum fee that can be charged for towing and storing a motor vehicle. The minister will be able to set different fees for metropolitan and non-metropolitan areas. It will restrict how far away your car can be towed without your consent by creating a head of power to regulate the distance a vehicle can be towed without the written consent.

The amendments to the Tow Truck Act 1973 will allow the minister to prescribe a maximum distance a vehicle can be towed. They will set minimum signage standards and ensure the person in control of a car park and the tow truck licence holder are accountable to these standards. They will allow complaints against a person or company to be considered when deciding to grant a tow truck licence to weed out some of the bad eggs. They will ensure there is a proper complaints management process for the tow truck industry, because the lack of such a process is what has led to this mess in the first place.

The department will be required to publish statistics annually about the number of complaints received against tow truck licence holders and the outcome of these complaints. If the tow truck licence holder gets written permission from the vehicle owner, they will be able to charge fees outside the cap and tow the vehicle to any destination. This is to ensure car club members and people who have a genuine need for towing from private property are still able to reach agreement with tow truck operators.

The Queensland Law Society was consulted on the draft of this bill. While raising issues of clarification on provisions contained in the bill, correspondence from the Queensland Law Society to the office of the Leader of the Opposition was broadly supportive of the proposed amendments, stating—

The Society has previously advocated for standards to be imposed on tow truck drivers and for the introduction of set fees that represent the real cost of towing a car, thereby removing financial incentives for nefarious activity. Such fees should be comparable to fees to which proper contractors charge for removal from clear ways.

The laws flagged by the acting minister—I stress ‘flagged’, because we have still not seen anything—will, simply put, leave towed motorists miles from nowhere. The government’s announcement does not seek to limit the distance a car can be towed from private property, meaning a car towed from a Valley car park could end up in Logan or North Lakes. The government also has refused to act on signage standards. By contrast, we will act. The solution offered by the acting minister is too little, too late for Queensland motorists being ripped off. Queenslanders know that the LNP will deliver better government. We will not be a do-nothing, review-all government like this Palaszczuk Labor government. We have the experience and the policies to build a better Queensland, and I commend this private member’s bill to the House.

First Reading

Mr POWELL (Glass House—LNP) (11.42 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Public Works and Utilities Committee

Mr DEPUTY SPEAKER (Mr Stewart): In accordance with standing order 131, the bill is now referred to the Public Works and Utilities Committee.

Leave to Move Motion



Mr POWELL (Glass House—LNP) (11.42 am): I seek leave to move a motion without notice.

Division: Question put—That leave be granted.

AYES, 44:

LNP, 40—Barton, Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Elmes, Emerson, Frecklington, Hart, Janetzki, Krause, Langbroek, Last, Leahy, Mander, McArdle, McEachan, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seeney, Simpson, Smith, Sorensen, Stevens, Stuckey, Walker, Watts, Weir.

KAP, 2—Katter, Knuth.

PHON, 1—Dickson.

INDEPENDENT, 1—Pyne.

NOES, 40:

ALP, 40—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, O'Rourke, Palaszczuk, Pearce, Pease, Pegg, Pitt, Power, Russo, Ryan, Saunders, Stewart, Trad, Whiting, Williams.

Pair: Miller, Springborg.

Resolved in the affirmative.

Declared Urgent



Mr POWELL (Glass House—LNP) (11.48 am): I move—

That under the provisions of standing order 137 the Tow Truck (Towing from Private Property) Amendment Bill be declared an urgent bill and the Public Works and Utilities Committee report to the House on the Tow Truck (Towing from Private Property) Amendment Bill by 1 September 2017.

Division: Question put—That the motion be agreed to.

AYES, 40:

LNP, 40—Barton, Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Elmes, Emerson, Frecklington, Hart, Janetzki, Krause, Langbroek, Last, Leahy, Mander, McArdle, McEachan, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seeney, Simpson, Smith, Sorensen, Stevens, Stuckey, Walker, Watts, Weir.

NOES, 45:

ALP, 41—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, O'Rourke, Palaszczuk, Pearce, Pease, Pegg, Pitt, Power, Russo, Ryan, Saunders, Stewart, Trad, Whiting, Williams.

KAP, 2—Katter, Knuth.

PHON, 1—Dickson.

INDEPENDENT, 1—Pyne.

Pair: Miller, Springborg.

Resolved in the negative.