




Speech By
Hon. Dr Steven Miles
MEMBER FOR MOUNT COOT-THA

Record of Proceedings, 22 August 2017

TOW TRUCK AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. SJ MILES** (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (4.13 pm): I present a bill for an act to amend the State Penalties Enforcement Act 1999, the State Penalties Enforcement Regulation 2014, the Tow Truck Act 1973, the Tow Truck Regulation 2009, the Transport Infrastructure Act 1994 and the Youth Justice Act 1992 for particular purposes. I table the bill and the explanatory notes. I nominate the Public Works and Utilities Committee to consider the bill.

Tabled paper: Tow Truck and Other Legislation Amendment Bill 2017 [[1400](#)].

Tabled paper: Tow Truck and Other Legislation Amendment Bill 2017, explanatory notes [[1401](#)].

It is with pleasure that I rise today to introduce the Tow Truck and Other Legislation Amendment Bill 2017 which will implement all of the recommendations made by former District Court judge Mr Michael Forde from the independent investigation into the towing industry. I want to take this opportunity to thank Mr Forde for undertaking the review and delivering his investigation report ahead of the deadline. The report was officially presented to me on 6 August 2017, making 22 recommendations to reform the towing industry for the removal of vehicles from private property and outlining eight matters for consideration regarding broader issues in the tow truck legislation. The report sets out the framework to reform the towing industry and this bill begins the process of delivering that reform.

As recommended in the report, the bill requires the licensing of tow trucks performing private property towing in regulated areas and the accreditation of the tow truck driver and any assistant. Bringing private property towing into the tow truck licensing and accreditation scheme will introduce suitability and conduct requirements for tow truck operators, drivers and assistants. It will also require minimum standards for tow trucks to ensure they are safe and well maintained and requirements for the business premises and holding yards to ensure they are safe and secure. Anyone operating an unlicensed tow truck or operating without accreditation will face increased penalties under the changes in the bill. For example, the fine for operating an unlicensed tow truck will be six times higher than the current fine of \$252. The report also recommended that fees for private property towing be regulated by capping charges and prohibiting a range of fees. The bill introduces maximum fees of \$250 for a standard private property tow, including three-day storage, \$150 for the on-site release of a vehicle at private property and \$25 per day for storage in excess of three days. These maximum fees will put a stop to the exploitation of motorists by rogue operators. Queensland is the first state to cap the fees for private property towing. Additionally, to ensure rogue operators do not get around the fee caps to make up the difference by charging for incidental services, the bill also prohibits charging separate fees for things like fuel and administration.

The bill also implements the report's recommendations that towing operators must have an occupier consent demonstrating their arrangement with the private property occupier to remove vehicles and must notify the police as soon as practicable after removing a vehicle. Vehicles towed from

private property may only be taken by the most direct route to the towing operator's nearest holding yard. These requirements will increase the accountability and transparency of private property towing. As recommended in the report, the bill introduces conduct requirements on those performing private property towing to ensure these practices are fair and reasonable. Towing operators and drivers will have to take reasonable steps to locate the driver before loading the vehicle and if the driver is found before the vehicle is fully loaded must release the vehicle at no charge. The bill will also prohibit inappropriate conduct such as intimidating, abusive or insulting behaviour. Importantly, the bill also implements the recommendations to safeguard motorists' privacy—a key issue of concern for motorists. The bill will restrict the disclosure of information about a vehicle towed from private property and protect the vehicle owner and driver's personal information.

The report also highlighted the need to minimise regulatory burden where possible and suggested issuing tow truck licences and accreditations for more than one year. The bill implements this by allowing licences and accreditations to be issued for one to five years. This will create flexibility in the scheme without compromising the suitability checks of licences and accreditation holders. A monitoring process will be implemented to ensure towing operators remain suitable to hold a licence, with actions available to cancel the authority if appropriate. The bill also includes amendments to ensure a penalty regime that deters noncompliance with the licensing scheme and the suitability of towing operators. Technical and clarifying amendments are also included in the bill to ensure the effective implementation of the towing industry reforms. It is proposed to commence this legislation to reform the towing industry on 1 December 2017, subject to the consideration of this House. This will ensure the changes are introduced quickly while allowing government and industry sufficient time to prepare.

In addition to the towing industry reforms, the bill also proposes changes to ensure young drivers are accountable for their driving behaviour. Changes made by the Palaszczuk government to move 17-year-olds into the youth justice system would have some consequential effects for young drivers. As members of the House know, the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2017, which will commence on 12 November 2017, will increase the upper age of a child from 16 to 17 years. The Department of Justice and Attorney-General has been working closely with stakeholders in preparation for the commencement of the act.

During the process, careful consideration has been given to the operational impacts of the act. These amendments will ensure that 17-year-olds who are eligible for a P1 provisional licence continue to be held accountable for their driving behaviour. The amendments will preserve the current rule making 17-year-olds liable for a mandatory disqualification if they commit a serious driving offence. They will also be subject to enforcement action for the recovery of unpaid fines and subject to the demerit points system for relevant offences. The need for these amendments became clear during the detailed planning for transitioning 17-year-olds to the youth justice system.

Finally, the bill introduces amendments to provide flexibility for road toll operators to issue a single demand notice for multiple unpaid tolls and reduce the fees payable by toll road users. This will provide customers with a clear record of outstanding debt and a simpler and more streamlined approach to paying outstanding tolls while lowering fees for motorists. This initiative is the result of collaboration between the state government, Transurban Queensland and the Brisbane City Council, with the shared goal of reducing the fee burden on Queensland motorists and providing a fairer tolling system.

This bill demonstrates the Palaszczuk government's commitment to delivering a better transport system for Queenslanders and to ensuring the integrity of our regulatory frameworks. The bill begins the much needed process of overhauling the towing industry, promotes road safety by ensuring our young drivers are accountable for their actions and provides a more efficient and fairer tolling system. I commend the bill to the House.

First Reading

Hon. SJ MILES (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (4.21 pm): 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 Elmes): Order! In accordance with standing order 131, the bill is now referred to the Public Works and Utilities Committee.