




Speech By
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MEMBER FOR GLASS HOUSE

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TOW TRUCK AND OTHER LEGISLATION AMENDMENT BILL

 **Mr POWELL** (Glass House—LNP) (5.16 pm): I rise to address the Tow Truck and Other Legislation Amendment Bill 2018. It is probably best that I start where I started on 8 August 2017, when we introduced the LNP private member's bill titled Tow Truck (Towing from Private Property) Amendment Bill. I think all members in this House would agree that the response was required because a number of unscrupulous operators were removing private vehicles from private property and, in some cases, towing them excessive distances and, in nearly all cases, charging exorbitant prices. That happened because that area of towing was not regulated in the same way that, for example, towing from an accident has been regulated for many years through the acts we are amending in the bill before the House today.

Unfortunately, last year we saw a classic example of the Palaszczuk Labor government mark I: a government that dithered, a government that reviewed and a government that procrastinated. We had an issue that was clearly burning in the community but that was relatively simple to fix. We had a minister who did nothing for some time, before finally calling for a review and instigating the Forde investigation. That investigation took three months, from May to August. On 8 August we helped them out by introducing into this House a bill. A fortnight later, the minister finally submitted the government's response and the government's bill.

However, because the minister did not want it shown that the LNP's bill was far superior to his own, rather cheekily he convinced the leader of government business to ensure that the committee responsible for reviewing the bills was given a report-back date of 5 October for the ALP bill and a report-back date of 8 February for the LNP bill. Despite all the efforts of the LNP deputy chair of that committee, the member for Southport, there was no swaying the chair, the member for Kurwongbah as the electorate is now known, to convince the government to allow the committee to look at the two bills cognately.

It was quite clear that the minister was ashamed that the LNP's bill was far superior and did not want the committee to consider the bills at the same time, because that would have been clear to everyone who considered them. Therefore, we had the farcical situation where the committee was to report back to the House on the ALP bill by 4 October and it did not even look at the LNP's bill before the House rose for the election late last year.

Mr Bailey: Nonsense.

Mr POWELL: I take that interjection from the minister. He says that it is nonsense. It is not. The Palaszczuk Labor government's bill continues to be deficient in two areas. We even helped him out. When the former committee reported on the bill last year, our then deputy chair, the member for Southport, provided a response for the government's consideration. He pointed out where the legislation was deficient. He said—

The Palaszczuk Labor Government's bill also does not act on a number of significant concerns raised by the community, namely car park signage and maximum towing distances.

It did not. The LNP's bill did, but Labor's bill did not, and this current bill still does not. Despite the fact that they have had an additional number of months since the election to sort this out, they have chosen not to fix this up.

I refer to some of the commentary on the original bill particularly with regard to signage. We actually heard not just from the community, but from the Queensland Law Society. They were very specific in saying that there should be an obligation placed on tow truck drivers not to tow a car from a relevant car park unless the required signage is present at the time the car is towed. It is not just the LNP saying this. It is not just the community saying this. The Queensland Law Society is saying that a relevant car park must have the required signage present at the time the car is towed.

The response from the department and therefore the government was that this is pretty much too hard for us, we cannot solve this and it is beyond our capacity to solve. The response from DTMR to the committee at the time was—

... the bill covers the removal of vehicles from private property, the towing of vehicles. It does not address the issue of parking on private property. That issue is a complex area of common law in many ways.

There are possible scenarios where people park on private property. If you were to regulate the actual parking on private property, the reach would be quite significant.

It was put in the too-hard basket. The government squibbed it on one of the community's key concerns—that was signage on private property. Contrary to this, the LNP actually made the effort in terms of our bill of consulting with the Queensland Law Society before we tabled the bill in the House. I refer to my introductory speech of 8 August. I stated—

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.

Unlike with the Labor bill, we spoke to the Queensland Law Society. We heard what they were saying around things like signage. We included it in our bill. We reminded the government when it came time to consider their bill in committee that it was deficient in that area and they still have not addressed it with this bill.

They have not looked at the issue of maximum towing distances either. I recall this quite clearly because I actually participated in the committee's consideration of this issue. A number of people were quite concerned about this. Some of the worst situations we heard about in the committee were not just that a vehicle was towed and that the fees to release it from the impounding yard at the tow truck premises were steep, but the fact that the premises were so far removed from where the vehicle was actually taken or from where the owner of that vehicle lived. We had situations where cars were being towed from the inner city and ending up in Logan or in North Lakes. One of the key concerns of the community was the maximum towing distance.

I have heard others say that the issue may be that there may not be a compound for that company within a given area. What the government has chosen to do is put a maximum fee on it thereby saying that economics will judge—that is, the company is not going to tow a car too far because the cost of the fuel for towing it too far means the fee would not be recovered. I am sorry, but I do not think that cuts it. The committee report states—

The department advised that while the bill proposes to limit where vehicles may be towed by requiring that a vehicle removed from private property may only be taken to the nearest holding yard of the tow truck licensee, by the most direct route, it does not propose to impose a maximum distance that vehicles may be towed ...

Again, that is a deficiency that was addressed in the LNP's bill. The minister has had every opportunity now to address that and has not. Whilst there is, as the shadow minister said, plenty in this bill that the LNP is comfortable supporting, the fact is that those two key areas that were in the LNP bill that was punted into the long grass by a minister who did not want to be shown up by handing in the LNP's homework—albeit a bill that is inferior to the LNP's homework—could not be reported on by the committee.

In the time remaining I want to turn briefly to the other aspects contained in the bill—that is, the provisions dealing with youth driving offences. The bill includes amendments to the Youth Justice Act 1992 and the State Penalties Enforcement Act 1999 to include 17-year-old drivers. I must reflect that my eldest son is about to turn 17. He is only a matter of months away from getting his P-plates. I hope if he does the wrong thing that you throw the book at him. We have taught him to drive the right way and to abide by the law, but if he is going to learn the hard way then make sure he does and he gets fined accordingly. Everyone would see this change as eminently sensible and therefore support it.

The other aspect of the bill is around tolling demand notices. The amendment proposed in the 2017 bill and again in this bill provides toll road operators with the flexibility to issue a single demand notice for multiple unpaid tolls, streamlining the operators' processes and minimising administration fees for motorists while maintaining the integrity of the enforcement procedures. Again, that is eminently sensible. The idea of compounding fees on multiple notices is not what we should be doing with people who owe these kinds of debts. By consolidating them, and therefore consolidating the administration fees and minimising those fees, it is a far more sensible outcome.

I echo the words of the shadow minister that SPER continues to be an area where more work is needed. There are some ridiculous situations. I have been dealing with a number in my former capacity as the shadow minister for transport and main roads. I would ask the government to seriously look at SPER and make sure we sort out some of those worst instances of its implementation and make sure that we get a far fairer outcome for all Queenslanders.