




Speech By
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MEMBER FOR JORDAN

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TOW TRUCK AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs MULLEN** (Jordan—ALP) (12.18 pm): Today I rise to make a contribution in support of the Tow Truck and Other Legislation Amendment Bill 2018. As members are aware, the substantive issues being addressed within the bill relate to the regulation of the towing industry in Queensland. Previously, the regulation applied to the operation of tow trucks in specified areas when removing vehicles from the scene of a crash or when seized by police from a regulated area controlled by a local government or the relevant department. Yet until now an area of greater concern—that is, the practice of removing vehicles from private property—was not covered by the regulatory framework.

Following revelations and heightened concerns of questionable practices by rogue tow truck drivers, including charging exorbitant fees for vehicle collection and tricking drivers into parking in private spaces, the Palaszczuk government acted decisively by appointing former District Court judge Michael Forde to head an investigation into the industry. In particular, the investigation was tasked with clarifying the legality of towing vehicles from private property and how to regulate fees for towing and storing cars. The terms of reference also included better signage for private parking, restrictions on the distance a car can be towed and how to stop predatory practices such as spotting.

It is pleasing to see that the investigation was assisted by a range of stakeholders, including towing operators, private property occupiers, motorists as well as government and non-government bodies and organisations. The investigation was cognisant of the need to balance the rights of private property occupiers, towing operators and motorists. The recommendations outlined in the report aim to address the issues raised in a manner that was fair and balanced. The rights of property owners to remove items, including vehicles, left on their property were balanced against providing an increased level of safety and protection for vehicle owners who had reported feeling unsafe when dealing with towing operators.

I believe the Palaszczuk government has the balance right with this bill before the House. In particular, there is recognition that many motorists acknowledge their fault in parking contrary to signage, particularly in inner-city areas where parking is limit and frustrating, but also the belief that having their vehicle towed away was disproportionate to the parking fault. Media reports indicated that many complaints regarding towing practices came from inner-city Brisbane suburbs such as Fortitude Valley, Albion and Newstead where parking is a premium and where additional high-rise development is causing a lack of parking. At the same time, property owners within these areas also find unauthorised parking by motorists frustrating and detrimental to the rightful use of their parking spaces, which I have some sympathy for.

There were two aspects of the final report and the government's subsequent acceptance of it and drafting of legislation that I want to focus on today. The first relates to the imposition of conduct requirements on tow truck licensees, drivers and assistants, including prohibiting intimidating, abusive or insulting behaviour. Some of the complaints that did make it into the public arena included motorists saying they were taunted by operators who refused to give their names or claimed to be untouchable and a motorist who claimed to have been wrestled by four operators when he tried to jump in his car

before it was towed. I am particularly mindful of motorists such as the elderly or young women being faced with this kind of intimidation and bullish behaviour, usually in the darkness of the evening. It would be difficult not to feel some fear in this situation, no matter who you are.

There were also questionable practices brought to light through the investigation that indicated some operators were engaging in deceptive conduct, such as leaving bait cars, where unsuspecting motorists believed they were in a safe parking zone, as well as the use of spotters so that within minutes of a motorist parking their car they would be towed. Addressing these types of practices will ensure that whilst those who do park illegally are dealt with appropriately, motorists are not being tricked into creating opportunities for these rogue operators.

The second aspect I will talk about today is the setting of maximum towing charges for a standard private property tow of \$250, the onsite release of a vehicle of \$150 and the storing of a vehicle at \$25. Some of the complaints raised through the government's tow truck hotline included tow truck drivers charging exorbitant fees to release vehicles, with almost 75 per cent of callers reporting fees in excess of \$500. That is simply outrageous.

Again, it is reasonable that if a person has willingly parked illegally on private property they should face the consequences. However, it would seem that without regulation some operators were charging fees that were well beyond the crime and were being inconsistently applied all over the place. By setting maximum towing charges there will now be an expectation and an understanding by the community and motorists of what the absolute maximum penalty is for the towing of vehicles in the event of being illegally parked.

I understand Queensland is the first state to cap the fees for private property towing, which will ensure a stop to the exploitation of motorists by rogue operators. We all have a responsibility to park legally, but what this bill does is make sure motorists will no longer be tricked, intimidated or ripped off when their vehicle gets towed.