



Speech By
Dr Christian Rowan

MEMBER FOR MOGGILL

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TOW TRUCK AND OTHER LEGISLATION AMENDMENT BILL

 **Dr ROWAN** (Moggill—LNP) (11.35 am): I rise today to contribute to the debate on the Tow Truck and Other Legislation Amendment Bill 2018. Let us talk about tow trucks, motor vehicles and traffic congestion in the western suburbs of Brisbane. Each and every day as the Palaszczuk Labor government fails to act, traffic congestion worsens on Moggill Road in the electorates of Moggill and Maiwar. The fact that Labor failed to act over its last three years in office—in fact during 17 of the last 20 years—is an indictment and illustrates Labor's lack of commitment to road and public transport infrastructure in the western suburbs of Brisbane.

Mr BAILEY: I rise to a point of order, Madam Deputy Speaker. As fascinating as the member for Moggill's contribution is about road funding, this is the tow truck bill and I ask him to come back to the bill.

Madam DEPUTY SPEAKER (Ms Pugh): The point of order is on relevance. I will take some advice. I will ask the member for Moggill to return to the long title of the bill.

Dr ROWAN: Thank you for your guidance, Madam Deputy Speaker. I certainly call upon the Labor government to act. In returning to the bill, this legislation will regulate private property towing, amend tolling arrangements and address the exclusion of 17-year-olds, firstly, from mandatory disqualifications for serious offences; secondly, from the SPER regime to cover unpaid fines; and, thirdly, from the demerit point system if they have not paid the fine for a demerit point offence.

The LNP opposition released a policy and introduced a private member's bill in the 55th Parliament in response to increasing community discontent and ongoing media attention surrounding practices involving the removal of parked motor vehicles from private property. At the time, the Palaszczuk Labor government's response was, unsurprisingly, to announce one of its many three-month inquiries, this time into tow truck practices, which was led by former District Court judge Michael Forde. The subsequent Tow Truck and Other Legislation Amendment Bill was to give effect to the inquiry recommendations and was introduced on 22 August 2017. This was two weeks after the member for Glass House, the honourable Andrew Powell MP, introduced a private member's bill on 8 August 2017.

I take a moment to highlight the pattern that is the modus operandi of the Palaszczuk Labor government—that is, copying of LNP policies and associated legislation, in this case handing in the diligent work of the member for Glass House. The LNP's real-time fuel pricing policy as well as the LNP's 'swimming lesson' policy could have potentially become the most recent examples, although not given the outcome of last night's debate.

The LNP is in touch with what the community wants and expects from elected representatives, unlike Labor. The best that the Palaszczuk Labor government can do is blatantly copy. The aforementioned legislation of 2017 lapsed when the 55th Parliament was dissolved. The legislation before us today is very much the same as the previous bill, with only minor administrative differences

along with changes about which tow truck offences need to go to court versus those dealt with by an infringement notice and a change to put beyond doubt the ability of toll road operators to issue a single demand notice for multiple unpaid tolls with only one administrative charge.

The 2018 bill introduces several provisions to regulate private property towing, including a requirement that private property towing may only be performed by drivers and assistants who have necessary certificates and licences; increased penalties for operating a tow truck without a driver or assistant certificate; conduct requirements to be imposed on tow truck drivers including the prohibition of intimidating, abusive or insulting behaviour; vehicles to be required to be taken the most direct route to the nearest holding yard including a set maximum towing charge for a standard private property tow of \$250; and the on-site release of a vehicle at \$150 and the storing of a vehicle at \$25. Call-out fees and charges such as administration fees will also be prohibited, with the maximum penalty that may be imposed under the Tow Truck Regulation Act 2009 to be increased from 20 penalty units to 80 penalty units. Finally, the bill contains clarification regarding a person's entire criminal history being taken into consideration when determining whether to grant a licence.

The bill also seeks to amend the Transport Infrastructure Act which governs the tolling arrangements in Queensland to allow multiple demand notices to be included in the one notice. Presently, the current system allows drivers three days to pay for their travel. Should a customer fail to pay, the toll road operator will issue a toll invoice. Should the customer then fail to pay the toll invoice by the due date, under the current legislation the toll road operator must issue a separate demand notice for each trip listed on the unpaid toll invoice and each of the demand notices incurs a separate fee. Some 95 per cent of customers pay within three days of travel and a further two per cent pay on receipt of a toll invoice, leaving only three per cent of motorists who will receive demand notices. This change will aggregate the demand notice, subsequently reducing the doubling of fees. Transurban Queensland, Brisbane City Council, the Tolling Customer Ombudsman and the RACQ supported the proposed amendments for tolling demand notices.

Following the commencement of the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2016 on 12 November 2017, the age of an adult was raised to 18 years, meaning that 17-year-old children would be excluded from mandatory disqualifications for serious offences and from the SPER regime to recover unpaid fines and the demerit point system if they do not pay a fine for a demerit point offence. To ensure that 17-year-olds with a P1 provisional licence continue to be held accountable for their driving behaviour, the bill proposes to retain the current legislative position. As such, 17-year-old drivers will remain subject to mandatory disqualifications, liable to SPER for unpaid infringement notices and subject to the demerit point scheme.

The following comments were included in the statement of reservation submitted by the LNP as a part of the relevant parliamentary committee's consideration of Labor's bill last year—

It is disappointing that the government decided not to consider the Tow Truck (Towing from Private Property) Amendment Bill 2017, a private members' bill introduced by the Member for Glass House on 8 August 2017, at the same time as the government's bill during the committee's inquiry. The LNP non-government members consider the decision for the house not to consider both bills in a cognate debate to be a matter of petty politics rather than in the interests of public policy.

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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.

The government's proposal does not seek to limit the distance a car can be towed from private property, meaning a car towed from a Fortitude Valley car park could end up in Logan or North Lakes.

I conclude by saying that whilst this legislation is a step forward in the right direction we are only really here addressing this issue because of the leadership shown by the Liberal National Party and the great work undertaken by the member for Glass House. There is still more work to be done. I know that the new shadow minister, the honourable Steve Minnikin MP, the member for Chatsworth, will continue to hold this Labor government to account and champion strategies to ease traffic congestion, enhance public transport, ensure accountability with respect to Queensland's tow truck industry and highlight ongoing much needed SPER reforms.