




Speech By  
**Linus Power**

**MEMBER FOR LOGAN**

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### **TOW TRUCK AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr POWER** (Logan—ALP) (11.42 am): When residents of Logan travel into town they are often unfamiliar with the area in which they are perhaps going to a doctor's appointment, a job or some other meeting. They are in a hurry to get to that appointment and they might take the opportunity to grab a park somewhere that seems unoccupied in a business. They might recognise that if they are not using the services of that business they rightfully should not park there and that if the business needs to ensure that customers who are using their business can use their car parks they might exercise their rights. What they will not accept is the abuse of that right with exorbitant fees and tow truck companies not responding to local businesses but instead trawling through, in some cases, businesses that are physically closed. This is why I rise to speak in support of the Tow Truck and Other Legislation Amendment Bill 2018.

I note that members on the other side criticised last year's independent investigation. They criticised the process of listening to both sides of this debate. However, we know that there are legitimate small businesses that want to ensure that the car parks they own are used for their business. We also want to ensure that the balance is right for tow truck operators and we want to stop those who abuse this process. It was worthwhile doing that independent investigation in order to listen to all of those sides. Last year's independent investigation into the towing industry identified a number of concerning practices that were taking place. There are two that I want to concentrate on that are of particular concern.

The first is that tow truck operators who were towing from private businesses had no licensing requirement, meaning that if they did behave badly or engaged in practices that were not in accordance with the standards that we have there is no comeback to ensure that their licence is removed. The second is that there were genuine concerns over the distances that vehicles could be towed. People obviously often come back at the end of a long day, especially if they have gone to a doctor's appointment or something, and they need to be able to get information about exactly where their car has been taken.

Currently there is no regulation of private property towing in Queensland, but the amendments in this bill seek to correct that by applying the current licensing and accreditation process that we already know and understand. Persons who tow vehicles from crash scenes or from public areas, those who have the ability to remove vehicles that are seized by the police and at regulated off-street parking areas need to have that licence. The amendments in this bill extend this to tow truck drivers who take from private property.

In order to obtain a tow truck licence, the applicant will have to go through certain checks, especially a criminal history check, to ensure that they are an appropriate person. Fundamentally, they have to balance between respecting the private property of the individual who has the business parking area but also take the private property of another person; namely their car, which is often a huge investment and a vital tool for them getting to their place of work and business. This bill does not seek to punish those in the industry who do the right thing. The new requirements will have little impact on

them because often they have been doing the right thing. Rather, it will help weed out those who have not sought to increase public benefit by ensuring that businesses can use parking for their own purposes whilst also not participating in the inappropriate removal of cars.

Operating unlicensed without the relevant accreditation carries significant penalties. Tow truck operators who have not gone through the process of licensing could be subject to penalties of more than \$20,000 and operators caught without the relevant accreditation will be subject to fines of more than \$7,000. These changes reflect the Logan community's expectations that an industry that takes it upon itself to pick up people's cars—admittedly inappropriately parked—and take them away should be fully licensed and accredited in the way that others are. Another aspect of the towing industry bill relates to the maximum distance a vehicle can be towed from the private property in question. I once parked in a clearway and my car was towed to somewhere on the north side, and members know my views on the north side.

**Honourable members** interjected.

**Mr POWER:** It is a wonderful place. I note that many members on the other side attacked the fact that cars were being towed to Logan whereas I thought it was a wonderful place to have a car towed to. There should be more of it. We know that that can be a stressful experience though, and this can be compounded if the vehicle is towed far away from where the person works and lives—they are always welcome in Logan though—and causes significant and unnecessary inconvenience. The investigation looked at the percentage of this and found that 90 per cent of vehicles are moved less than 10 kilometres—I would prefer if that was going in the direction I wished to travel, but I understand that—and 97 per cent were moved less than 25 kilometres. However, there is a concern about the remaining three per cent of tows and even the 10 per cent that are moved between 10 and 25 kilometres. This is still of concern to the public and it needs to be addressed.

This bill protects the rights of motorists by limiting where vehicles may be towed, maintaining that they can be taken only to the nearest approved holding yard of the tow truck licensee by the most direct route. Many on the other side have glossed over this point or have not addressed this whatsoever. It is not that they do not know this, but they wish to confuse the issue. The capping of towing fees provides additional protection, because it removes any monetary incentive for vehicles to be towed a longer distance. If tow truck operators tow a vehicle for longer, they make less out of their business. This amendment gives them an incentive to move the vehicle to a tow yard that is as close as possible.

The bill also ensures that a fee cannot be charged for additional distance and time travelled by tow vehicles. I am sure that many people in Fortitude Valley would want their vehicle towed to Logan, but this bill provides disincentives for that to happen. The thinking behind this amendment is that market forces, which the members opposite pay lip-service to but then reject when it is convenient for them, would assist in the compliance of the amendments contained in this bill. The fee that is charged for towing a vehicle to a close tow yard is the same as it is for towing a vehicle to a yard that is further away. If a tow truck operator wanted to tow a vehicle to a yard that is further away, they would have to get their tow vehicle to do more work.

It is that market force that we expect will ensure that that three per cent of tow truck operators who move vehicles quite a long distance do not have any incentive to do so. In that way, although the bill does not implement maximum towing distances, it contains mechanisms that ensure that the public's legitimate concerns in this area are properly recognised. In some cases there might not be any holding yards located within the maximum distance that a vehicle can be towed. That is why making that distance prescriptive is perhaps not the right approach.

This legislation is about striking a balance between those who park in a private area where they are not using a business or service and those who wish to ensure that people can use their business or service by having parking conveniently close by, which they have paid for. This legislation strikes that balance properly by using fee caps and market forces to stop vehicles being towed long distances or arbitrary distances. It provides protection for the motorists from Logan, who I stand up for, and also for the rights of private property owners, who are also valued. We want to see people being able to park close to the services that they want to access.

I have listened to this debate. I believe that we have struck the right balance. I know that the members opposite have consistently attacked us on this, but I commend the minister for listening to people and getting the balance right. This legislation is not about politics; it is about getting the right decision through a deliberative process. That is why I commend this bill to the House.