




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

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TOW TRUCK AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (12.27 pm), in reply: First of all, I would like to thank all members for their contributions to the debate on the Tow Truck and Other Legislation Amendment Bill 2018. It is good to see this bill makes important amendments for towing industry reform, particularly relating to the towing of vehicles from private property. The bill also makes straightforward, necessary amendments relating to 17-year-olds transferring into the youth justice system. The bill makes changes relating to a single demand notice being used for multiple unpaid tolls.

I thank all stakeholders for their engagement in bringing these reforms to the House. I certainly acknowledge all of those people who took the time and effort to call the hotline and give us their experience and intelligence of what was going on on the ground. They helped us get this bill right. To all of those people out there who gave us their time, I sincerely thank them very much for all of their efforts.

The bill will ensure that 17-year-old drivers will continue to be held accountable for their driving behaviour. Despite 17-year-olds being transferred to the youth justice system, the bill will ensure that automatic driver's licence disqualifications will continue to apply to them. It will also ensure that SPER can continue to take enforcement action against these young drivers for any demerit point offences.

The bill also makes some important changes to provide a clear statutory basis for aggregating unpaid tolls and associated image processing fees on demand notices. Demand notice aggregation provides toll road customers with a simpler approach to paying outstanding tolls while lowering the value of fees applied, which I am sure will be welcomed by motorists.

The Department of Transport and Main Roads allows customers to provide email addresses and mobile phone numbers. This allows the department to provide reminders about issues such as vehicle registration renewals, driver's licence renewals, driving test bookings and infringement notice payments. Where customers have provided those details, they are made available to toll road entities for enforcement of unpaid fines. The toll road entities do not retain those details indefinitely, however, and are only entitled to use them for the purpose of toll enforcement. I have asked my department to liaise further with toll operators to ensure that they are able to make use of this information where required.

In relation to the enforcement of unpaid tolls by SPER, I know the member for Hervey Bay asked whether SPER checks mailing addresses against the registration and licensing database. I can confirm that, before enforcement action such as a driver's licence suspension is taken by SPER, SPER does check the latest address for that person that is recorded in the database. The bill reflects the commitment of the Palaszczuk government to reducing the fee burden on Queensland motorists and providing a fairer tolling system.

I will now turn my attention to the towing reforms themselves. I would like to remind the chamber of the thorough investigation that forms the basis of these towing reforms before parliament today. This is a case of proper policy, not posturing, by the Palaszczuk government on a very difficult issue that no other government has dealt with before. That needs to be noted. The changes included in this bill are first and foremost about balancing the competing rights and interests of property occupiers and motorists. This bill provides protections to ensure motorists are not exploited without denying private property occupiers their legitimate rights to remove unauthorised vehicles.

The bill will apply licensing and accreditation requirements to private property towing in regulated areas, as well as outlining requirements for driver and operator conduct and protections for motorists' privacy. The bill regulates private property towing charging, ensuring Queenslanders are no longer subject to outrageous costs and charges. Those who do not comply with the new requirements will be subject to significant penalties, effectively ensuring there is no incentive for noncompliance.

The member for Chatsworth queried the compliance and enforcement efforts that will be applied to implement the reforms in this bill. The government accepted Mr Forde's recommendations about compliance and enforcement activities including maintaining the tow truck hotline, reporting outcomes from complaints made to the hotline and the outcome of industry audits. Transport inspectors and police are already experienced in dealing with the towing industry, with other areas of the industry having been regulated for some time. Importantly, this bill provides officers with further investigatory powers to assist them as well as significantly increasing penalties.

The member for Glass House attempted to tell the House that the private member's bill that he introduced last year comprehensively dealt with the issues of signage and maximum towing distances. I can assure the House that he was absolutely wrong. However, his bill, the LNP bill, did not include an actual distance as a maximum towing distance, instead leaving that unclear as a matter for regulation. That bill also did not take into account the impact on private property occupiers of regulated signage requirements.

It is important to note that in the bill before the House today we are regulating private property towing, not parking. It is not intended that we alter a property occupier's common law rights to remove vehicles from their property by regulating signage requirements. Signage guidelines have been developed in consultation with stakeholders and will be published from today. Those comprehensive guidelines outline recommendations for signage regarding size, positioning and illumination, design, content and includes samples to assist property occupiers.

Maximum towing distances are simply impractical to apply. Holding yards must currently meet particular requirements, and applying a maximum towing distance could leave a property occupier no option for removal of unauthorised vehicles if there is no holding yard nearby. The independent investigation into the removal of vehicles from private property found the majority of vehicles—that is, 90 per cent of them—are moved less than 10 kilometres and 97 per cent are moved less than 25 kilometres. This bill imposes a requirement to tow the vehicle to the nearest holding yard of the tow truck licensee to minimise inconvenience for motorists recovering their vehicle. With capped charges and the requirement to tow to the nearest yard using the most direct route, there is no profit or incentive for an operator to tow a vehicle further than necessary. Even those opposite should understand that no profit equals bad for private companies, therefore putting a stop to this practice.

As I mentioned previously, the approach outlined in this bill is based on the findings of Michael Forde's independent investigation into the removal of vehicles from private properties—a very substantial 86-page report on a complex issue. By following the recommendations in Mr Forde's report, I am confident this bill is based on the evidence and will successfully address unscrupulous practices in the towing industry. This government acted swiftly, appropriately and thoroughly to get this right. Let me outline the timetable.

We announced the Forde investigation very quickly after the initial reports by Channel Nine and the *Sunday Mail* on 15 May. The investigation was handed down less than three months later. Cabinet considered it the very next day. Legislation was originally introduced into the chamber two weeks later on 22 August. It went through a parliamentary committee process which was appropriate so that it could be thoroughly scrutinised. This government absolutely believes in a proper parliamentary process. Here we are now, because there was an election. The legislation is now being reintroduced into the first full week of parliament in this term. We have acted very, very quickly to make sure that this occurs.

We have also made sure that the process has been thorough. This is a complex matter but it is a classic case of us committing to proper policy, as opposed to the LNP modus operandi on this bill and other bills where they come in here and whinge and moan and nitpick and are negative and then they vote for the legislation. That is what we see. We saw that on personalised transport reforms. They whinged for 18 months and then like little lambs they came in and they voted for the reforms. Here we

are again: they are having a good whinge but they are voting for the government's reforms. Why are they voting for the government's reforms? They are voting for them because nothing was done for three years when they were in power—absolutely nothing. In fact, nothing was done because they did not know what was going on.

One of the hotspots of this issue was Racecourse Road in the electorate of Clayfield. There was an interview by Ben Davis on 4BC with the member for Clayfield where he was asked about the matter. The member for Clayfield said—

Well I think the question of this is it's been going on for a long time. As I say, it's been happening in my electorate.

Ben Davis said—

It was happening when you were in government too.

The member for Clayfield, who had just said that it had been happening for a long time, said—

I don't think it was happening when we were in government.

He was nailed. He contradicted himself within two sentences. He was clueless and contradictory. It was happening under his nose. That is why nothing happened under the LNP because he was absolutely clueless that it was happening under his nose in the seat of Clayfield. That is perhaps why he is not speaking. I note that the opposition have put up many speakers but I do not see the member for Clayfield here. It is an embarrassment for him in terms of his local representation in his area. That is probably why he got a 4.3 per cent swing against him. One of the biggest swings of any LNP seat was actually in Clayfield because they saw through his lack of representation.

Mr MINNIKIN: Mr Deputy Speaker, I rise to a point of order.

Mr DEPUTY SPEAKER (Mr Weir): Minister, I would ask you to come back to the long title of the bill.

Mr MINNIKIN: Thank you, Mr Deputy Speaker.

Mr BAILEY: Indeed. I take your direction, Mr Deputy Speaker. A lot of the LNP speeches were remarkably similar. They were all trying to claim their bill was the real McCoy. Other than the couple of features I have just outlined, there are two other key features where the LNP were incredibly deficient. I say this in the context that we have an 86-page report by a former counsel on the Fitzgerald inquiry, a legal expert, with 22 recommendations which we are committed to rolling out lock, stock and barrel.

The LNP put up a nine-page bill. When we look at it, four of the pages include the introduction and the title so there are only five pages to it. The LNP bill did not license operators. It failed to license operators. The LNP allowed the sharks to get away because they did not license them in their bill. The second thing they failed to do in their bill—a really key matter—is cap fees.

Mr HART: Mr Deputy Speaker, I rise to a point of order. I think we are debating the government bill not—

Mr POWER: Mr Deputy Speaker, I rise to a point of order. There is no point of order here. What is your point of order?

Mr DEPUTY SPEAKER (Mr Weir): Order! I am taking one point of order, member for Logan. Resume your seat.

Mr HART: Thank you, Mr Deputy Speaker. This is about the government bill, not a private member's bill that was before the last parliament.

Mr DEPUTY SPEAKER: Order! I ask the minister to come back to the long title of the bill.

Mr BAILEY: The LNP bill was thoroughly canvassed by virtually every LNP speaker. I am just responding to matters that have been raised by them in the debate. I know they do not want to hear the truth. The other deficiency of the LNP bill was that it did not cap fees. The whole issue was that people were being ripped off and their bill did not cap fees. They initially suggested a \$330 cap. When our bill was introduced which caps fees at \$250—nearly \$100 cheaper—they deleted it from their bill and there was absolutely no cap—

Mr DEPUTY SPEAKER: Order! Minister, I ask you to come back to the bill before the House.

Mr BAILEY: Mr Deputy Speaker, I take your direction. We have a situation where some people were getting charged \$920. That is some of the evidence we received. This bill deals with that. The LNP bill certainly did not. You could drive a convoy of tow trucks through the LNP bill because it was absolutely useless in terms of regulating the sharks in the industry. It was reminiscent of the LNP's amendment on buses and limousines which banned them in 2016 and we had to come back 24 hours later and fix that up.

Ms SIMPSON: Mr Deputy Speaker, I rise to a point of order in regard to relevance. The minister cannot even talk about his own bill.

Mr DEPUTY SPEAKER: Order! Minister, come back to the long title of the bill.

Mr BAILEY: Thank you, Mr Deputy Speaker. I am closing, but I thought it very important to respond to the issues raised by opposition members in this debate and I know that they are not keen to hear the truth.

I would particularly like to thank Mr Michael Forde for his work and the extensive consultation process that he undertook in preparing his very thorough independent report to deal with this issue in a way that no previous government has done. Mr Forde was supported by a dedicated Transport and Main Roads team whom I would like to thank. I know that every member of that dedicated team worked very hard on this bill as a priority.

I would like to also thank all the TMR officers who prepared the legislation and enabled implementation of these important reforms. I again thank the chair of the parliamentary committee, the member for Kurwongbah, for his work. I thank committee members for their commitment and their diligence in considering this legislation. I would also like to thank members of my ministerial staff, both current and past, and that includes Mr Alex McLaren, Steven Patch and my chief of staff, Tam Van Alphen, for all their work on this.

I would like to place on record my thanks to the journalists from Channel 9 and *Sunday Mail* who did this investigative report. Politicians and the media do not always agree and get on, but this was an important piece of work that helped change an area that needed changing. I thank them for their work and their contribution. It is not just politicians who are involved in this process: it is the public and their work as well. I thank all the submitters who gave us their experiences and their intelligence which helped us come up with this very important bill. I commend this bill to the House.