




Speech By  
**Shane King**

**MEMBER FOR KURWONGBAH**

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Record of Proceedings, 7 March 2018

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

 **Mr KING** (Kurwongbah—ALP) (4.53 pm): I rise to also make a contribution to the debate on the Tow Truck and Other Legislation Amendment Bill 2018, on which the Transport and Public Works Committee, which I chair, has reported to the House. This bill was also reported on in the 55th Parliament by the previous committee that I chaired, the Public Works and Utilities Committee.

After many complaints about operators ripping off consumers, this bill seeks to make changes to the tow truck industry. As well, it tidies up some issues with SPER, the Youth Justice Act and toll charges. This bill addresses the issue of unlicensed operators and provides that private property towing may be performed only in regulated areas by drivers and assistants who have the necessary certificates and are using licensed tow trucks. The bill also seeks to increase penalties for those operators who operate unlicensed. It sets maximum charges for private property towing and requires towing operators to have towing consent, demonstrating an arrangement with the occupier to remove vehicles from a property.

The bill makes amendments to the Youth Justice Act and SPER to ensure that young drivers aged 17 years will continue to be held accountable for bad driving behaviour by ensuring that they are subject to mandatory disqualification periods for serious driving offences, be liable to enforcement action by the State Penalties Enforcement Registry for unpaid penalty infringement notices for demerit point offences, and be subject to the demerit points scheme. Finally, the bill provides toll road and local government toll operators with a way to aggregate administrative fees on unpaid demand notices so that the operator will be able to issue a single demand notice for multiple unpaid tolls with only one administration fee.

This bill is substantially the same as the bill that the former committee agreed should be passed in the 55th Parliament but which lapsed. The changes in this bill are minor. The commencement date has been amended. Some cross-references have been corrected. A reference to a repealed act has been updated. A transitional provision has been updated. There are some minor changes about which tow truck offences need to be dealt with by a court versus those that are dealt with by infringement notices.

With regard to the demand notice aggregation recommended by the former committee, this bill is amended to put beyond doubt the requirements for toll road operators issuing aggregated demand notices to limit administration charges to one per notice as per the previous committee's recommendation that was made on the lapsed bill.

This bill will implement the carefully considered recommendations, which have been mentioned, that were made by former District Court judge Mr Michael Forde following the independent investigation that he headed into the towing industry. His report made 22 recommendations to reform the towing industry for the removal of vehicles from private property and outlined eight matters for consideration regarding broader issues relating to tow truck legislation.

I note in the statement of reservation by the member for Southport in the report made by the previous committee that he was disappointed that the bill does not impose maximum towing distances. Michael Forde's report recommended against that, as doing so could leave property occupiers with no options for the removal of unauthorised vehicles if there are no holding yards within that imposed distance.

However, to assist motorists, this bill requires vehicles towed from private properties to be taken by the most direct route to the towing operator's nearest holding yard, thereby limiting the inconvenience for motorists when recovering their vehicles. Once a vehicle has been towed, the towing operator must also notify the police as soon as practicable, reducing driver confusion about the location of towed vehicles. I think it would be smart business for an operator to be minimising their towing distances and the report agreed with that, stating that 'by capping the towing fee there would be little incentive for vehicles to be moved long distances as it would limit the work that could be undertaken by the tow truck'.

The member also had a bit of a bleat about regulating car park signage, which this bill does not propose to do. Once again, this is consistent with the independent investigation into the towing industry report, which did not consider it appropriate to regulate signs on private property given that parking on private property is not a regulated matter. The investigation suggested that guidelines be developed to promote visible, clear, comprehensive and consistent signage. Guidelines would also support the education of motorists, occupiers and towing operators about private property towing, which may alleviate the potential for conflict.

The department advised the former committee that it proposes to develop guidelines in line with the investigation's recommendation. I note the contribution by the member for Chatsworth. He acknowledged how great the independent report was. Maybe he could counsel the member for Southport on why we did not make those changes. I will not go on about that bit in the statement of reservation about the LNP Nicholls government, because I think the people of Queensland made a decision on that one.

On 12 February 2018, amendments to the Youth Justice Act 1992 raised the age of an adult within the criminal justice system to 18 years. When that happened, 17-year-olds became treated as children, which impacted on disqualifications and demerit points for drivers under 18. This bill will fix that by changing the State Penalties Enforcement Act so that 17-year-olds will once again be held accountable for their behaviour on our roads.

This bill will help operators to simplify aggregate demand notices in the following ways: firstly, it will separate the image processing fee for each unpaid toll from the administration charge on the demand notice; it will allow for more than one unpaid toll to be included on a demand notice; it will only allow one administration charge per notice; and, finally, it will enable demand notices to include unpaid tolls from both state and local government toll roads.

Our committee decided unanimously in our report that this bill should be passed. Deliberations were easy as the work was mostly done during the last term. That aside, I want to thank the members for Hervey Bay, Callide, Traeger, Aspley and Bundamba for working with me to get this report done in a very short time frame. It would also be remiss of me if I did not give thanks to our new secretariat staff, Deb, Margaret, Lyn and Mishelle, for their hard work in researching and preparing the report, as well as Kate and Rachelle for their work in the last parliament on the lapsed bill. This is good legislation that will make positive changes and I am proud to recommend it to the House.