




Speech By  
**Steve Minnikin**

**MEMBER FOR CHATSWORTH**

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

 **Mr MINNIKIN** (Chatsworth—LNP) (4.39 pm): I rise as the shadow minister for transport and main roads to address the Tow Truck and Other Legislation Amendment Bill introduced into the parliament on 15 February this year by the Minister for Transport and Main Roads and considered by the Transport and Public Works Committee. This committee tabled its report on 2 March 2018 and recommended that the bill be passed.

It is worth noting that this bill is substantially the same as a previous bill that had been introduced into this House on 22 August last year. This bill was referred to the former parliamentary Public Works and Utilities Committee, which tabled its report on 4 October with a recommendation that the bill be passed with just one amendment relating to limiting administrative charges for multiple deferred toll amounts. In view of the above, I want to thank current and previous committee members for their deliberations in seeking to provide the regulatory framework for addressing the disturbing issues within the tow truck industry.

Many members in this House have received disturbing reports about the behaviour of certain tow truck companies around the state and indeed legislation to tidy up this important industry was well overdue, and that was acknowledged on this side of the chamber as well. To quote a well used phrase by the Deputy Premier, let me be perfectly clear: I have major concerns about the ability of the current Minister for Transport and Main Roads in many aspects of his portfolio—and why wouldn't I?—but the bill before the House of which he has carriage will be supported in the interests of Queenslanders.

My role as the shadow minister is to conduct myself in a responsible way and to hold the minister to account in his portfolio. It is not my intention nor that of my fellow colleagues on this side of the chamber to oppose merely for the sake opposing. If a bill or actions make sense, we will support them. Such is the case here.

There are certain aspects of the Tow Truck and Other Legislation Amendment Bill that I would like to make comment on as part of my contribution to this debate. I also want to acknowledge the work undertaken by officers of the transport and main roads and treasury departments and their contribution to this bill. Many of these issues causing such community concern had fallen between the cracks but, regrettably, they had serious consequences for consumers.

I refer more specifically to the unsavoury practices associated with the removal of vehicles parked on private property which fell outside the legislation. These practices included intimidating behaviour, excessive towing and distance related charges and outrageous fees—in some cases, extremely absurd fees for releasing a towed vehicle. As stated earlier, some of these practices caused extreme angst in the community and the tow truck industry, like all industries, was tainted by the terrible actions of a few.

Normally when speaking on bills one of the things that one zeros in on straightaway when one reads the explanatory notes is the section on consultation. Despite the harking from the government, I have to say that its level of consultation in many bills is sadly woeful and inadequate. In the interests of

a little bit of bipartisanship, I know that the minister is struggling in his portfolio—the fourth one in a matter of 12 months—so I will give him a bit of a break. I think that the level of consultation in this particular—

**An opposition member** interjected.

**Mr MINNIKIN:** I take the interjection: all-round, absolutely. I believe that the level of consultation with this bill has been sound. I stand to be corrected, because I was going to read from the explanatory notes that there had been around 368 records of complaints. I believe on the complaint odometer it is now up to over 500 according to the minister's second reading speech in bringing on this debate. The investigation considered over 500 records of complaints and feedback received from the hotline. At the time when these explanatory notes were released there were 41 written submissions and feedback provided by a range of stakeholders during meetings. That comes as absolutely no surprise given the unsavoury way that the tow truck industry was heading.

Further contributing to the situation was the confusion and lack of consistency of private property signage which often made it difficult for consumers to decide whether or not a car was legally parked. It was a huge issue. We need consistent signage so that motorists clearly understand the situation and the ramifications, just like pool signage. Enforcement was also complicated due to some of these actions being either outside existing legislation or the uncertainty over clear lines of responsibility for officers of different agencies.

It is important to note that between 2015 and 2017 the LNP repeatedly raised these issues in the media, calling on the Labor government to act before the situation got completely way out of hand. In fact, we need a big gold star for my colleague the member for Glass House. The member for Glass House even prepared a private member's bill to help provide the legislative framework that was needed to address this situation.

Finally, in 2017, after years of inaction and hundreds of complaints, the Labor government was obliged to act. On 14 May 2017 it announced that an independent investigation would be conducted by former District Court judge Michael Forde, who was tasked with examining these practices and recommending ways to regulate fees for towing and the storing of cars. In this regard, I want to acknowledge the fine work undertaken by Michael Forde and note the quality of his recommendations, which the government accepted in full. It was abundantly clear to all, even Labor, that legislation was needed to prevent many of the unsavoury activities being perpetrated by the tow truck industry. Furthermore, the industry itself could benefit through the introduction of a range of measures designed to improve its practices and accountability.

As outlined in the explanatory notes, amongst other things, the bill seeks to amend the following legislation for particular purposes: the Tow Truck Act in terms of regulating various forms of towing including breakdown, trade towing, compliance towing and of course removing vehicles from private property that is presently not covered by the regulatory framework; the State Penalties Enforcement Act 1999 and the Youth Justice Act 1992 to ensure that our young drivers very importantly continue to be accountable for their driving behaviour by ensuring that they are subject to mandatory disqualification periods for serious driving offences, liable to enforcement action with the State Penalties Enforcement Registry for unpaid penalty infringement notices, for demerit offences and subject to the demerit points scheme; and, finally, the Transport Infrastructure Act 1994 to provide toll operators and local government tollway operators with a clear statutory basis for aggregating unpaid bills.

This is by far one of the most important amendments in the bill because there have been troubles with this issue for many years. The associated image-processing fees, for example, on demand notices is a huge issue, thereby putting beyond all doubt a toll operator's ability to issue a single demand notice for multiple unpaid tolls with only one administrative charge.

This last change is particularly relevant at this time, bearing in mind the recent Auditor-General's report of 22 February of this year that raised the alarm about the ever-increasing amount of revenue that is not being recovered by this government from outstanding fines. In fact, it is concerning that the Auditor-General identified the extent of the state's growing pool of unpaid funds and that debt has risen to a staggering \$1.2 billion. Just imagine how many extra kilometres of road, improvements to bridges, level crossings and intersection upgrades could be delivered for the state with this \$1.2 billion. Granted, it is still—

**Mr BAILEY:** Mr Deputy Speaker, I rise to a point of order. The simple fact is that the member for Chatsworth has strayed way off the bill. He is not speaking at all to the provisions within this bill, and I ask him to come back to the matter before the House.

**Mr DEPUTY SPEAKER (Mr Weir):** Member for Chatsworth, keep your comments to the long title of the bill if you could please.

**Mr MINNIKIN:** Thank you, Mr Deputy Speaker. This area is one that needs to be addressed as a separate issue, but it is outside the long title of the bill before the House. I again would urge the minister to absolutely do everything in his power as a member of cabinet to address the burgeoning SPER debt rate of \$1.2 billion.

Therefore, any measures that are designed to make it easier and more convenient for motorists to pay their fines and encourage compliance is indeed welcome. It can only be hoped that this lazy and totally inept Labor government manages to come up with some fresh debt recovery mechanisms for dealing with what is an extremely worrying problem in extremely worrying times for an extremely worried minister.

Of course, once these legislative amendments that clarify and codify the practices that were the source of so many consumer complaints have been passed, the real test then becomes one of compliance. There is little point in having legislation for dealing with a problem without the attendant enforcement follow-up to encourage compliance—something the Labor government is not particularly strong on among a suite of things. I would like to be convinced that the government will ensure that there is a robust compliance plan put in place to effectively manage this area but, based on past performance, I have my reservations. Why would I not? This minister is more intent on brushing up the grey areas of ministerial accountability as it pertains to the proper use of ministerial email accounts.

In addition to penalties and relevant operator accreditation, we need to be confident that a maximum fee for a standard property tow applies, direct routes to the nearest holding yard are taken, a simple on-site release procedure is in place and evidence of the occupier's approval is held prior to a tow being undertaken. Importantly, notifying the Queensland Police Service as soon as possible of any vehicle's removal from private property needs to be an essential feature that is given due priority.

Furthermore, an information campaign for the operators as well as consumers needs to be part of the overall strategy to ensure that all parties understand their rights as well as responsibilities. I stress that this information campaign needs to be more than typical Labor window-dressing, as there is a culture that has been propped up about the tow truck industry.

From the consumers' point of view, these measures will go a long way to giving them some confidence that they will be treated fairly should their vehicle be towed from private property. As a result of these amendments and an appropriate enforcement regime, we can reasonably look forward to seeing a significant decline in consumer complaints. However, where they arise, it is expected that the Department of Transport and Main Roads inspectors will both investigate and report via their website on the nature of the complaint as well as the outcome of the investigation.

It is recognised that, in a modern community where motor vehicles are an integral part of the overall transport task, tow trucks will inevitably play a role. It is certainly hoped that the proposed legislative amendments, along with the subsequent compliance measures, provide an effective framework to protect consumers from the unscrupulous practices that we have seen for many years in this industry. Importantly, this is a much needed wake-up call for those tow truck operators who choose to wreak havoc in the community. I encourage all tow truck operators to respect these changes and use them to improve standards across the industry.

This is a fairly uncontroversial bill. We do not believe in opposing just to score cheap political points. The people of Queensland are tired of this old, dated approach. If proposed legislation makes sense, if it is in the best interests of Queenslanders, it should be supported. This bill addresses the majority of the concerns identified by stakeholders, including consumers, property owners and the tow truck industry at large. As such, the bill is supported by this side of the chamber.