




Speech By  
**Bryson Head**

**MEMBER FOR CALLIDE**

---

Record of Proceedings, 25 October 2023

### TOW TRUCK BILL

 **Mr HEAD** (Callide—LNP) (4.44 pm): I am certainly happy to speak to the Tow Truck Bill that was before the Transport and Resources Committee, of which I am a member. Firstly, I thank all members of the committee and secretariat for their efforts in listening to submitters, going through the submissions and putting the committee report together. I thank the deputy chair for his efforts in that regard. I wish him all the very best following his announcement that he will not be contesting next year's election.

I will follow on from the comments of the deputy chair and the shadow minister for transport, the member for Chatsworth. I note that the review conducted for this bill was done about five years ago. It was flagged five years ago that this legislation needed some updating. It has taken until 2023 before we have seen this bill before the House. The intention of this bill is to tidy up some otherwise convoluted legislation. Some of the submitters certainly suggested that having a more streamlined bill and more streamlined processes as part of that are welcome.

It does beg the question: what was the Minister for Transport doing during all that time and where were his priorities as minister? I wish his priorities were delivering projects on time and on budget, which they absolutely could not have been because there are not many that have been delivered on time and on budget in Queensland. If the minister cannot deliver projects on time and on budget maybe he could push some of this legislation along and in the process actually go and talk to some stakeholders. The committee heard that there was limited consultation across the industry. I note that fellow committee members talked about what the transport department had done, but a lot of the towing companies that spoke to us said that they did not know much about the bill until basically the parliamentary committee had reached out to them and asked them to make a submission.

There were four committee recommendations, as the chair has already touched on. The committee recommended that the Tow Truck Bill be passed. Recommendation 2 states—

That the Minister consider what extra natural justice safeguards could be provided to ensure Part 6, Division 2 of the Bill has sufficient regard to the rights and liberties of individuals in respect of the reversal of the onus of proof provisions contained therein.

I understand that some of that has been addressed in the member's comments. Recommendation 3 states—

That the Minister consider amending the statement of compatibility to better clarify the difference between charges and convictions in contemplation of Sections 31 and 32 of the Human Rights Act 2019, and further clarify that heavier weighting should apply in the chief executive's decision-making process in Part 1, Division 3 of the Bill to the existence of a criminal conviction than to an untested criminal charge.

Recommendation 4 is something that I think would be quite helpful in terms of regulation change or legislation change for the towing industry going forward. It states—

The Minister convene a working group of all interested tow truck industry stakeholders ...

If that had been done in some capacity ahead of time, then a few more of the kinks in this legislation could have perhaps been ironed out.

The shadow minister for transport and other members have thanked our tow truck drivers for the hard work they do. They are often first responders. As has been said, they are the heroes of the highway in cleaning up a lot of the incidents that happen. When people are out on the road and trying to get places, the last thing they want is to be sitting in traffic congestion or going on significant detours. It is the tow truck operators who get in and clean up after those incidents.

When it comes to congestion on Callide roads, there are six traffic lights in my electorate now, so it is becoming a metropolis seat at this rate. When there are incidents and road closures, there are significant detours that motorists have to use along very bad and poorly maintained roads. Again, if the Minister for Transport was more proactive in delivering projects on time and on budget, the Monto Mount Perry Road would be fully sealed. If motorists have to divert onto Kerwee Road and there was an incident and a road closure on that requiring the services of a tow truck company, traffic would have to divert along an unsealed road that the minister promised to seal a number of years ago but we have not seen that promise delivered upon.

I thank the 17 submitters on this bill for their efforts in going through the process, some of them at very short notice. Members of the opposition put in a statement of reservation as well where we outlined some of the concerns that we had about this bill, specifically the lack of consultation whilst at the same time the fact that the government has taken five years for this legislation to mysteriously appear. One concern that was widespread is how the department currently determines if a tow truck operator is an appropriate person, and I want to touch on that issue in the submission from Harvey's Towing Service. It put a lot of effort into its submission and I again thank it for that. However, its concerns relate to clauses 13 and 14 of the bill. In its submission it states—

HTS acknowledge the significance of the powers that the chief executive must possess to make decisions around accreditation applications however the current approach appears to be inconsistent with unpredictable and contradictory outcomes, in addition HTS do not believe that the proposed approach resolves the issue. Our industry is facing some of the toughest times in recruiting and one of the major difficulties our industry faces is when a potential driver is denied a driver's certificate after being deemed not an 'appropriate person'.

It gave an example of how this has already impacted its business in that it has missed out on a potential employee. It hired a driver and upon applying for his driver's certificate his application was declined due to his traffic history. Fair enough. If that is the case, move on. However, this same driver has then left its employment and gone to work for another tow truck company where he was successful in obtaining his driver's certificate under their employment. Under one company that person could not get a driver's certificate but when that same person went to another company they were able to get their driver's certificate, so that suggests that there are significant inconsistencies in the way an appropriate person is defined and that certainly needs to be cleared up for the industry.

There was another key concern that was raised across the board and in particular raised by Moreton Bay Regional Towing. In its submission it talked about its concerns with regard to the need to prevent damage to towed motor vehicles, something that it already absolutely keeps in mind, but towies are under a lot of pressure, especially on some of our major highways or when a road is completely closed, until they get the road cleared. They are trying to move a vehicle out of the way so everyone else can get on their way and get back to their day, whether they are going on a holiday or moving freight around the country. These companies are now going to be fined if they further damage that vehicle on top of any civil matters that may already proceed. We heard from many submitters that the civil matters are more than adequate to deal with and the government should be staying out of this, so perhaps this is another example where government is not needed but the Labor government cannot help itself as it likes getting in the way. These submitters asked for more clarity on that and its submission notes that—

... we cannot see any benefit to the industry other than adding a greater cost to businesses and operators. If damages occur to a vehicle during a tow or recovery, often when time constraints or difficult conditions involved, opening beyond the normal recourse of dealing with damage costs, to also be possibly fined is not fair or reasonable.

**Mr Minnikin:** Exactly.

**Mr HEAD:** I take that interjection from the shadow minister for transport. He has been working very hard in going through this legislation. I am sure that if he was the Minister for Transport we would not have been waiting five years for some legislation to come forward on this issue after he had a—

**Mr Minnikin:** It would have been on time.

**Mr HEAD:** I take that interjection and I am sure that he will absolutely be able to build projects on time and on budget because that is a priority of the LNP. We want to work harder for Queenslanders every day because Queenslanders deserve better and we are going to save them paying more for Labor's failures.