




Speech By
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MEMBER FOR MOGGILL

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TOW TRUCK BILL

 **Dr ROWAN** (Moggill—LNP) (12.14 pm): I rise to address the Tow Truck Bill 2023. On 13 June 2023, the Minister for Transport and Main Roads and Minister for Digital Services introduced this legislation into the Queensland parliament which will repeal the Tow Truck Act 1973 and specifically amend the Photo Identification Card Act 2008, the Police Powers and Responsibilities Act 2000, the State Penalties Enforcement Act 1999, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995 and the Transport Planning and Coordination Act 1994.

As per the Minister for Transport and Main Roads' introductory speech and the explanatory notes, various objectives of this legislation include: modernising existing legislation by introducing a new structure and terminology, including clearly stating the main purpose of the act, and clarifying what is considered regulated towing, specifically clarifying the distinction between operating a tow truck and operating a tow truck business. This legislation also seeks to enhance the accreditation process, including eligibility requirements and the grounds for refusing to grant or renew an accreditation, as well as the processes for amending, suspending, cancelling or surrendering an accreditation.

Another objective is to ensure that various related penalties and offences are appropriate, including the updating of penalties for particular offences and introducing various new offences to address identified issues. I note also that this legislation is seeking to modernise enforcement powers by introducing a consolidated scheme of authorised officers' powers whilst providing certain protections in relation to self-incrimination and safeguards for seized things.

With this legislation subsequently referred to the Queensland parliament's Transport and Resources Committee for detailed examination and consideration on 13 June 2023, 17 submissions were received from various stakeholders, including the RACQ, tow truck operators, as well as other individuals, and there were also confidential submissions. In addition, the Queensland parliament's Transport and Resources Committee held a public briefing on 11 July, as well as a public hearing on 21 July. Throughout its examination, the committee identified several key issues pertaining to the government's proposed legislation, including issues pertaining to accreditations, issues regarding offences, the adequacy of the Department of Transport and Main Roads' consultation with stakeholders, compliance of this proposed legislation with the Legislative Standards Act 1992, as well as concerns regarding compliance of the legislation with the Human Rights Act 2019.

On 1 September 2023, the Queensland parliament's Transport and Resources Committee tabled its report with four recommendations including that the legislation be passed. Other recommendations largely pertained to specific parts of the legislation, including the establishment of a working group with operators, the reversal of onus of proof in certain clauses, and also Human Rights Act conflicts arising from the power to remove a person's accreditation based on untested charges, rather than convictions.

I certainly share the sentiments, as expressed by others, that road crashes can be a traumatic experience and one that you never hope to be involved in. Certainly, having been involved as a medical practitioner and seeing the consequences, we all need to do more when it comes to the education that takes place around road safety to prevent such instances occurring.

The services provided by tow trucks are vitally important, not only in ensuring the safe clearing of an accident and prompt resumption of traffic flow but also in providing assistance to vulnerable, uninjured persons in the immediate aftermath of a crash. That is why it is important that the legislation and various regulations that govern the operation of tow truck businesses and operators are fit for purpose, enhance safety and reflect modern expectations.

To that end, it is disappointing to note a number of significant issues which were canvassed that appear to jeopardise such important objectives. In particular, I note the feedback received which highlighted concerns in relation to not only the state Labor government's time line in bringing these changes to Queensland's tow truck scheme but also Labor's failure to adequately listen and consult with affected stakeholders. The Queensland parliament's Transport and Resources Committee stated on page 32 of the report—

The committee was advised by several tow truck companies in their submissions and at the public hearing that they only became aware of the Bill as a result of the committee inquiry process and that they did not believe that adequate time had been provided for them to properly consider and respond to the Bill.

In addition, Labor's failure to listen and its failure to adequately consult was further exposed with the committee admitting—

It appears that the department did not circulate a draft bill to the industry or otherwise give notice to the industry prior to the tabling of the Bill.

In its submission, the towing and recovery service company Barnes Auto Co. also stated—

... we respectfully suggest that the industry consultation process regarding this bill has been less than adequate.

In fact, I encourage members of the state Labor government to view the submission by Barnes Auto Co., which provided important information and insight. In particular, I wish to highlight the following from Mr Matt Taylor, the general manager, who stated—

The closure of a major highway for emergency recovery operations can cost the economy millions of dollars per hour. This enormous cost is due to factors such as lost productivity, delayed deliveries, wasted fuel, environmental damage, and the cumulative impact of traffic congestion in adjacent areas.

As local residents of the western suburbs know only too well, an accident on the Centenary Motorway, Western Freeway, Ipswich Motorway or Warrego Highway can, and often does, cause significant delays and substantial congestion lasting hours with major flow-on congestion and traffic impacts affecting linking arterial state roads including Moggill Road and Mount Crosby Road. That is why the state Labor government must prioritise the funding and delivery of an integrated road and public transport plan for the western suburbs of Brisbane developed with full public consultation and coordination with all levels of government. The Labor Minister for Transport and Main Roads may have had a better understanding of this need and local community support for such integrated planning had he attended the recent Lions Club of Brisbane West's Western Suburbs Transport Forum held at Moggill State School. It was disappointing that he failed to respond to their invitation or send a rep from the Department of Transport and Main Roads to participate in the forum.

In concluding my contribution today, I again reaffirm my support for all measures which can reduce traffic congestion and, most importantly, improve road safety. As traffic congestion continues to increase without requisite road and public transport planning and infrastructure delivery by the state Labor government, it is a reality that crashes and accidents requiring the use of tow trucks will continue to be a common feature on our road network.

Finally, I want to thank all stakeholders who contributed to the Transport and Resources Committee's consideration of this legislation and all committee members from both sides of the House. They do incredibly important work in scrutinising legislation and in preparing their report. Specifically, I acknowledge the deputy chair, the LNP member for Gregory, as well as the member for Toowoomba North and the member for Callide for their work. I would like to also acknowledge the secretariat because, again, when these reports are prepared for the Queensland parliament the secretariat of the committees do a lot. As I said earlier, I acknowledge all members of the committee, including members from both sides of the House in relation to that. They all do important work. The committee does important work in scrutinising the legislation and in the preparation of the report.