




Speech By
Cynthia Lui

MEMBER FOR COOK

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TOW TRUCK BILL

 **Ms LUI** (Cook—ALP) (12.23 pm): I rise to speak to the Tow Truck Bill 2023. The Tow Truck Bill was introduced into the Legislative Assembly by the Hon. Mark Bailey, the Minister for Transport and Main Roads and Minister for Digital Services and was referred to the Transport and Resources Committee on 13 June 2023. The Tow Truck Bill 2023 will replace the Tow Truck Act 1973 to deliver a modern tow truck scheme in Queensland that is responsive to emerging operational concerns, improve road and public safety, and deliver improved outcomes for motorists, property owners, industry professionals and the community.

The existing legislation is 50 years old and very outdated. Now is probably a really good time to make the appropriate changes to modernise and strengthen this outdated legislative framework to suit the current climate, particularly as it relates to advancements in technology, vehicle movement and administrative practices.

I want to take time to reflect on the speech delivered by the member for Redlands yesterday when she took us back in history to 1973 and the debate that occurred in parliament at that time. I thought it was quite interesting how it was a controversial topic back in 1973 compared to what it is today. It reflects the changing times and the need for us to progress and adapt to the changes that are in effect today.

The Tow Truck Act 1973 was revised a couple of times, first in 1997 to incorporate police seizure towing and again in 2018 to include private property towing. The 2018 revisions followed the *Independent investigation into the towing industry: removal of vehicles from private property*. Subsequently, the independent investigation made 22 recommendations and all 22 recommendations were endorsed by the government. The government also made a further commitment to: review the 1973 act and regulation to ensure the broader regulatory framework is simple, precise and accessible; ensure that in relation to the towing services and geographic areas covered by the legislation, the regulatory framework is appropriately targeted; and review all offence penalties to ensure they reflect the seriousness of the relevant offences. The scheme will continue to regulate the towing of motor vehicles involved in crashes, police seizures from off-street regulated parking areas and the towing of vehicles from private property. These towing activities are only regulated within defined regulated areas of Queensland.

A lot of work went into consulting industry groups and key stakeholders. Consultation with the towing industry, motoring groups and the community has been at the centre of the tow truck legislation review process over the past few years to ensure a broad view from community was achieved. Since 2019 TMR has been in regular contact with the stakeholders to seek their views on how the industry should be regulated. Industry input was critical to ensure the legislation balances the viability of the towing industry and the need to protect consumers whilst maintaining the efficiency of our road network.

Consultation included holding two tow truck industry forums; releasing a public discussion paper and online survey; and meeting with motorist advocate groups, insurance companies, the Queensland Police Service and tow truck businesses. In addition, there has been continuous engagement and communication with the towing industry on issues such as holding yard storage fees, exemptions for heavy vehicle towing and proposed offences, amongst other things.

To ensure the industry remained informed about the changes, TMR will be meeting with industry representatives in the near future to discuss the new legislation and its implementation. It is anticipated that a further meeting will be held in early 2024 as implementation of the changes becomes TMR's primary focus. In line with the committee's recommendations on the bill, TMR will also support the industry to establish a tow truck industry peak body should it wish to do so.

As a result of the valuable input from the towing industry, motoring groups and the community, this bill will achieve its objectives for Queenslanders with a modern tow truck scheme that is responsive and safe and delivers improved community outcomes. The bill will maintain the framework previously provided by the Tow Truck Act 1973 for the towing in regulated areas of Queensland of motor vehicles damaged in incidents, seized by police from off-street regulated parking areas or towed from private property in certain circumstances. It will also maintain the requirement for persons who conduct a tow truck business or are involved in operating tow trucks in regulated areas to hold an accreditation, currently known as a licence or certificate, as well as maintain the requirement for persons who hold an accreditation to comply with duties, obligations, standards of conduct and other requirements.

The amendments in the bill will modernise the existing legislation by introducing a new structure and terminology that improves consistency across accreditations administered by the Department of Transport and Main Roads. It will also enhance the accreditation process, including accreditation eligibility requirements and ensure penalties and offences are targeted and appropriate. The bill will further modernise enforcement powers to ensure authorised officers have suitable compliance powers.

Assessing a person's suitability to be an authorised tow truck business, driver or assistant is an important part of the regulated tow truck scheme. Checks are in place to ensure those operating within the scheme are suitable for the inevitable interactions they will have with vulnerable members of the community. A criminal and traffic history check is undertaken for all operators and drivers who apply to be accredited under the scheme. TMR also ensures that prospective tow truck drivers hold an appropriate driver's licence for a tow truck. Given the varied nature of criminal and traffic histories, each application for accreditation is assessed on its merits. Regulating an industry with commercial interests and ensuring consumer protection measures are in place is a balancing act.

I acknowledge the hard work and effort of the Minister for Transport and Main Roads to achieve a balanced legislative framework to support both commercial and consumer interests. I acknowledge and thank the Transport and Resources Committee—the chair, Shane King, the member for Kurwongbah, and the other members of the committee—the committee secretariat and Hansard for their valuable work in the examination of the bill. I commend the bill to the House.