




Speech By  
**James Martin**

**MEMBER FOR STRETTON**

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## **TOW TRUCK BILL**

 **Mr MARTIN** (Stretton—ALP) (4.34 pm): I rise to support the Tow Truck Bill 2023. The bill will 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 bill makes amendments to the Photo Identification Card Act 2008, the Police Powers and Responsibilities Act 2000, the State Penalties Enforcement Act, the Transport Operations (Passenger Transport) Act, the Transport Operations (Road Use Management) Act and the Transport Planning and Coordination Act. It also repeals the Tow Truck Act 1973. I say thank you to all of the individuals and organisations who made written submissions on the bill as well as those who appeared before the Transport and Resources Committee.

The tow truck industry in Queensland provides two vital services: firstly, clearing our roads to keep traffic flowing smoothly and, secondly, getting drivers and their cars back to where they need to be. I echo the words of the member for Kurwongbah, who described these frontline workers as heroes of the highway. They certainly are frontline workers, and on this side of the House we are always happy to support frontline workers, and these workers often respond to some pretty awful situations.

I am confident that this bill strikes the right balance between supporting the tow truck industry to deliver efficient and effective services as well as improved outcomes and protections for motorists. The bill 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.

Changes to technology, vehicle movement, administrative practices and legislative drafting have highlighted the need for a more modern legislative framework to support the tow truck industry. In 2017 the Palaszczuk government commissioned an independent investigation into the tow truck industry in response to rising community concerns about unfair and intimidatory practices around the removal of vehicles parked on private property. Reforms to address those issues were successfully introduced in 2018. Aside from those reforms, the legislative framework for tow trucks has remained largely unchanged for several decades.

There is no doubt that our state is growing rapidly and the high population density in our cities requires the facilitation of the quick removal of vehicles involved in crashes so that traffic can flow smoothly. The Department of Transport and Main Roads has undertaken a review of the framework to ensure that the legislation for tow trucks provides a valuable service for Queensland motorists. That review sought to make sure that the legislative framework was simple, precise, accessible and appropriately targeted. The bill has been developed based on the outcomes of the review. The bill will modernise the legislation by introducing a new structure and terminology to improve consistency across accreditations administered by the Department of Transport and Main Roads.

It will provide appropriate regulation-making powers to ensure the legislation is flexible and remains contemporary. It will modernise enforcement powers to ensure authorised officers have suitable compliance powers while providing certain protections for accredited persons. The bill introduces new offences and updates penalties to address identified issues of predatory behaviour, ensuring that the penalties reflect the seriousness of offences and also strengthening compliance and enforcement outcomes.

Consultation with the towing industry, motoring groups and the community has been at the centre of the tow truck legislation review process. This input was critical to ensure the legislation balances the viability of the towing industry and the need to protect consumers whilst also maintaining the efficiency of our road network. Consultation measures included holding two tow truck industry forums; releasing a public discussion paper and an online survey; and meeting motorists and advocate groups, insurance companies, the Queensland Police Service and tow truck businesses.

As part of the comprehensive consultation undertaken on the new legislation, the community and the towing industry were asked if they supported tow truck companies using incentives to secure motorists' approval to tow their crashed vehicle. Over three-quarters of the responses from industry and the community did not support the use of incentives and inducements as they believed that that practice may lead to coercion in what is already a stressful situation for any motorist involved in an accident.

In view of this feedback, the existing bribery protections in the legislation will be maintained and indeed strengthened. The viability of the towing industry is crucial as it is an essential service provider in our community. To remain viable they need to charge reasonable fees for their services; however, motorists are often at their most vulnerable after a crash, and the government has a role in ensuring that they are protected from unscrupulous or predatory practices in those circumstances. To achieve this, the bill makes provision for the regulation of a number of towing fees. Those include regulating the maximum fees for towing a vehicle from a crash scene and also for towing a vehicle from a private property.

The fee for towing a vehicle from a crash scene includes loading the vehicle onto the tow truck, cleaning the scene—which is often done under difficult circumstances with traffic backed up and waiting—and towing for the first 50 kilometres from the scene to a holding yard or other location chosen by the motorist. The maximum fee ensures that the motorists are paying a fair amount and do not need to consider competing quotes at, as I mentioned, what could be a very stressful time.

The issue of vehicle storage fees came up during the committee inquiry. In terms of the vehicle storage fees, the new regulation will retain the requirement that a customer must be advised of the storage charges to be applied at least 48 hours before the charges are due to commence. This gives the customer the opportunity to explore their options and have their vehicle transferred to another location if they so choose. The industry can therefore continue to charge reasonable fees for vehicle storage, which is a necessary function of the towing industry, and consumers will continue to have the ability to choose where their vehicles are stored.

One of the key aspects of the legislation is the assessment of a person's suitability for accreditation to be an authorisation tow truck business, driver or assistant. 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 traffic history check is undertaken for all operators and drivers who apply to be accredited under this scheme. TMR also ensures that the 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. Offences that are likely to make a person unsuitable for towing include, but are not limited to, those involving violence, abuse, theft or intimidation. To ensure equity, transparency and accountability, accreditation decisions are reviewable on request and further appeals are available through QCAT, which is consistent with other administrative decisions in Queensland.

As mentioned, the tow truck industry plays a crucial role in the safe and efficient removal of vehicles from the road network, improving traffic flow and ensuring the safety of motorists. This bill introduces a range of reforms that will assist the industry with the efficient operation of their business. Red tape will also be reduced through the streamlining of notifiable offences that need to be reported to TMR. Notifiable offences under the legislation will now only include offences that are directly relevant to the towing profession.

While enforcement powers have been strengthened, safeguards for accredited individuals have also been included by providing rights against self-incrimination. Authorised officers will also have a clear duty to provide warnings and an explanation of an individual's rights. As such, the enforcement provisions strike a balance between effective enforcement and protecting the rights of accredited industry members. The industry submissions to the parliamentary committee requested that the bill address dishonest and illegal practices that are sometimes observed in the industry.

The bill provides explicit offences for a range of unacceptable activities—for example, using an unauthorised tow truck to carry out regulated towing activities or using an unauthorised holding yard to store vehicles towed as a result of regulated towing activities, and accredited operators directing an unaccredited person in their employment to carry out regulated towing tasks. The objective of this is to stamp out unwelcome practices and ensure that only compliant operators can continue to operate in the scheme, which is ultimately a benefit to the industry and the community as a whole.

The bill provides for a regulation to be made that will prescribe more operational aspects of the scheme, which ensures a framework can be more responsive to the needs of the industry and the community. The regulation is currently in development, with the intention that it commence simultaneously with the bill, subject to its passage. I commend the bill to the House.