




Speech By
Joseph Kelly

MEMBER FOR GREENSLOPES

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TOW TRUCK BILL

 **Mr KELLY** (Greenslopes—ALP) (6.32 pm): I support the Tow Truck Bill. I would like to thank the chair for his good work on this bill. I would also like to take a moment to acknowledge the deputy chair and his decision in relation to his future in this chamber. We spent a year together working on the agriculture committee. As members know, I represent a very agricultural electorate so I was able to teach the member for Gregory a great deal about the agriculture industry! I think I have exactly one beekeeper in Greenslopes. They are a very well represented beekeeper, let me tell members that.

Coming back to the bill, a few weeks ago while driving along Logan Road I was right behind a set of cars that had a quite significant and serious accident. It was literally right in front of me. My daughter and I were lucky not to be involved in that accident. I stopped to assist. It gave me a bit of an insight into what the people who work in the towing industry deal with on a day-to-day basis. The fires were there within minutes and the police and the ambulance were there very quickly, but the tow trucks were there really quickly as well. I saw just how distressed people who have been in a traffic accident are at that time. I have been in a couple of traffic accidents myself, but to see it as an observer was something different. I have worked with a lot of people impacted by motor vehicle accidents over the years, but usually my involvement is well after the point of accident. You can see how vulnerable people are when they are involved in an accident. I also saw what I would consider to be pretty poor behaviour from people passing the accident, which was quite shocking. People were making ridiculous comments and abusing people. It was good to see the way that the various first responders, including the people in the tow trucks, were able to manage and deal with that situation. What I also saw was how fast congestion builds up when there is an accident of that nature. Having tow trucks there within five minutes of the accident means that it would be cleared that much quicker.

In relation to this bill I note that there has been extensive consultation and that there is ongoing consultation with the towing industry. In addition to that, motoring groups and the community have been consulted about this legislation over the last couple of years. It is critical to ensure that the legislation balances the viability of the towing industry with consumer protections. I note there were industry forums and a public discussion paper, an online survey and meetings with motorist advocate groups, insurance companies, QPS and tow truck businesses. All of that takes time. When I listen to the contributions from the LNP and I read the statement of reservation, I have this confusion in my mind. On the one hand they are saying that the government have dragged their heels on this and taken too long but in the same debate they say that we have rushed this through the House. I do not see how we can take too long and rush something through at the exact same time. That indicates the quality of the shadow minister in this particular portfolio area. That would be the shadow who thought it was okay to speed through school zones a few years ago. We all remember that. Taking the time to get complex legislation right should not be something that is criticised. One would think that after their mercifully short time in government the LNP would have been well versed in the dangers of rushing things through this place.

I also note the work this bill does in relation to the maximum fee charges. As I said, it is important that we ensure customer protection, but we also need to make sure we have a viable towing industry. It is an essential service provider in our community and it needs to be able to charge reasonable fees for its services to remain viable. As I saw in the recent accident that I had to assist in, motorists are incredibly vulnerable after a crash. The government needs to ensure—and this legislation does that—that they are protected from any unscrupulous or predatory practices. To keep the towing industry viable and protect consumers this bill does a number of things, including regulating the maximum fees for towing a vehicle from a crash scene. These fees will be prescribed in the new regulations currently being drafted.

Importantly, the bill will require that a person be suitable to work in the industry. As noted, people involved in crashes are vulnerable so we need to ensure that those people who work in the industry are suitable people. The bill puts in place checks to ensure those operating within the scheme are suitable for the inevitable interactions they will have with vulnerable members of the community—and I saw those firsthand. Criminal and traffic history checks are undertaken for all operators and drivers, as well as licence checks to ensure they have appropriate licensing for the appropriate vehicles.

I note that offences that do not relate to towing have been removed from the list of relevant offences. This ensures that only those offences relevant to the towing profession are taken into account, particularly offences involving violence, abuse, theft or intimidation. I am pleased to note in the bill that the decisions that are made in relation to those matters are reviewable on request by the applicant and that there is an allowance for the applicant to seek internal review by a different decision-maker within TMR and also appeal the matter to QCAT. Overall, this is an approach that is in line with natural justice arrangements that are in place for most administrative decisions in Queensland. I am comfortable they will protect the rights of those people seeking to work in the towing industry.

The bill introduces a range of reforms that are going to be beneficial to the industry and will assist with operational efficiency. One of the things that it will do is to reduce red tape by streamlining the notifiable offences processes. As I said, notifiable offences will only include offences that are directly relevant to the towing profession. I note many industry submitters asked that the bill address dishonest and illegal practices that are sometimes seen in the industry. I can understand that. If you are a decent and honest operator, as I think the majority of people in the industry are, you would want to get rid of those people who are doing the wrong thing.

The bill provides explicit offences for a range of unacceptable activities such as using an unauthorised tow truck to carry out regulated towing activities, which could be extremely dangerous; using unauthorised holding yards to store vehicles towed as a result of regulated towing activities; and an accredited operator directing an unaccredited person in their employment to carry out regulated towing tasks. Again, someone who is not suitable for the industry, properly trained or even appropriately licensed could do great damage. I note that these changes will help to get rid of unwelcome practices and will ensure that only compliant and reputable operators continue to provide towing services and do not have to compete with shonky operators.

I note that TMR is developing an online accreditation checker that will allow operators to undertake regular checks to ensure that their drivers and assistants hold the appropriate accreditations. Probably the key thing that the bill does is to establish fair standards for operators in the scheme, which is important for maintaining industry viability.

Importantly, the bill enacts legislation that plays an important role in safeguarding the interests and safety of motorists and consumers. As noted, motorists are quite vulnerable when they have been in a motor vehicle accident. The bill ensures that the people who come to assist them by towing their vehicle do so in a manner that is safe and professional. A key mechanism for protecting those motorists is the process to ensure that a person is suitable to be accredited to operate within the tow truck scheme. As a nurse, I have operated under a similar scheme for the past 30 years. I can assure the House that those sorts of systems absolutely do provide consumer protection. I would definitely support them.

Overall, the bill appropriately balances the needs for professional and safe conduct by people in the towing industry, which I think the majority show, while providing important consumer protections during what can be a very stressful situation. I commend the bill to the House.