




Speech By
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MEMBER FOR MACKAY

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TOW TRUCK BILL

 **Mrs GILBERT** (Mackay—ALP) (11.54 am): As road users, we all hope that we will never be in a crash and need to have a tow truck. The tow truck industry provides a vital service in clearing the road to get traffic moving again. They can get damaged vehicles back to where they need to be for repair, insurance claims or forensic investigation. I would like to send a shout-out to the hardworking tow truck drivers and companies who do a professional and skilful job in high stress situations. We need to protect the reputation of these great people and their businesses, especially those people who are doing the right thing.

Crashes are traumatic events, and we cannot forget that even an uninjured driver is often in a very vulnerable position after a crash. It is very difficult to think clearly when you are in a state of stress or shock. We need to ensure that everyone attending a crash scene is a fit person for the role they are engaged to carry out. I have been the first on the scene at a major accident and everyone was in shock. They were vulnerable. The scene was chaotic and it was horrendous, especially until emergency services arrived. Even then, with order put in place by emergency services the shock of what had occurred did not dissipate. Everyone was vulnerable. I was not even part of the accident. In my region there have been too many crashes recently where vehicles needed to be towed and drivers and passengers needed emergency service attendance. Lives have, sadly, been lost in my region. It is a timely reminder for all drivers to drive to the road and traffic conditions around them. It is better to be a bit patient during peak traffic times than suffer injury or worse.

To support vulnerable motorists and the industry that helps keep traffic on our roads moving we need to stamp out practices that do not support the towing industry such as bribery and incentives to gain information about a crash. Comprehensive consultation has been undertaken on the new legislation. The community and towing industry were asked if they supported tow truck companies using incentives to secure a motorist's approval to tow their crashed vehicle. I understand that over three-quarters of the responses from industry and the community did not support the use of incentives and inducements, as they believed this practice may lead to coercion in what is an already stressful situation for motorists. In view of this feedback, the existing bribery protections in the legislation will be maintained and, in some instances, strengthened.

It is proposed that the new Tow Truck Regulation currently in development will address this behaviour by making it an offence for: towing accreditation holders to offer an inducement to vehicle owners; accreditation holders to offer inducements to another person in exchange for providing information about an incident such as a crash; and a person receiving a benefit in exchange for information about an incident—for instance, using crash spotters. The penalties for these offences are proposed to be consistent with similar offences that exist in the act. Importantly, if a tow truck operator has already been doing the right thing—like many of the ones in my area—they will not be impacted by these new provisions.

This bill strikes a good balance. It provides for road and public safety and delivers improved outcomes and protections for motorists. It will also support industry to deliver efficient and effective outcomes. The Tow Truck Bill 2023 will deliver a modern tow truck scheme in Queensland that is responsive to emerging operational concerns. It will also improve road and public safety and deliver improved outcomes for motorists, property owners, industry professionals and the community.

Regulated towing as defined in this regulation refers to the removal of vehicles damaged in a crash, vehicles seized by police and the removal of vehicles from private properties in defined areas of Queensland. These areas are predominantly in South-East Queensland, but I am pleased to see that larger regional areas such as Cairns, Mackay, Bundaberg, Townsville and Rockhampton have all been included. They are locations with a high population density where we need to facilitate the removal of vehicles involved in crashes to aid the normal flow of traffic.

Consultation with the towing industry, motoring groups and the community has been at the centre of this tow truck legislation review process over a number of years. Since 2019, TMR has been in regular contact with stakeholders seeking their views on how the industry should be regulated. Their input has been crucial to ensure that legislation balances the viability of the towing industry and the need to protect consumers while maintaining efficiency in our road network.

Consultation measures included holding two tow truck industry forums, releasing a public discussion paper 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, among other things.

To ensure that the industry remains 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 further meetings will be held early next year. In line with the committee's recommendation on the bill, TMR will also support 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.

Others have told personal stories about extreme charges for towing. It is good to know that this bill will be regulating an industry with commercial interests and ensuring consumer protection measures are in place. This has to be balanced out. The viability of the towing industry is crucial as it is an essential service in our community. To remain viable, they need to charge reasonable fees for their service. At the same time, motorists are often at their most vulnerable after a crash, so this legislation has a role in ensuring that they are protected from unscrupulous or predatory practices in these circumstances.

To achieve the required balance, the bill makes provisions for the regulation of a number of towing fees. These include regulating the maximum fees for towing a vehicle from a crash scene or from a private property. These fees will be prescribed in the new regulation currently being drafted. The fee for towing a vehicle from a crash scene includes loading the vehicle onto a tow truck, cleaning the scene and towing for the first 50 kilometres from the scene to a holding yard or other location chosen by the motorist. The maximum fees ensure that the motorists are paying a fair amount and do not need to consider competing quotes at what can be a very stressful time. I know that when a motorist is at the site of one of those scenes it is very hard for them to comprehend what is being said to them by competing interests and it is very unfair for them to have to make a decision at that time. I commend the bill to the House.