




Speech By  
**Kim Richards**

**MEMBER FOR REDLANDS**

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Record of Proceedings, 25 October 2023

### **TOW TRUCK BILL \**

 **Ms RICHARDS** (Redlands—ALP) (6.42 pm): I rise to support the Tow Truck Bill 2023. It is 50 years since the original legislation was introduced into the Queensland parliament on 10 April 1973. I have beside me a good ally in the member for Bundaberg. We have a shared passion for history. Members may recall his contribution yesterday. Today we have done a little work on the Tow Truck Bill. Our Members' Reading Room has an extraordinary resource in the *Hansard* debates. We have been going through the original *Hansards*. It was an extraordinary debate; a hotly debated piece legislation.

The Hon. Kev Hooper, the member for Greenslopes and minister for transport, introduced the bill, which came with a fair bit of controversy at that time. It was hoped that the bill would achieve a number of outcomes to regulate the industry and curb some dubious practices. It was hotly debated by the member for Cairns, Mr Ray Jones, and there were some interesting contributions from Russ Hinze, the member for South Coast, and, in particular, Mr Des Frawley, the member for Murrumba. Mr Frawley made his contribution at 5.22 pm on 10 April 1973. He said—

Since this Bill was introduced I have received many telephone calls through the Parliament House switchboard from people claiming to be associated with the tow-truck industry. Most of the calls were congratulatory, a few were abusive and two bordered on being threatening. One caller said, "Someone will get a bullet over this." When I asked, "Who is the someone?", he hung up. Another caller said, "Someone will get badly hurt over this tow-truck business." When I asked "Who are you talking about, me or the towtruck operators?", he hung up.

There were some really interesting contributions.

**Mr Smith:** Rich history?

**Ms RICHARDS:** Yes, it is a rich history indeed, member for Bundaberg. I thought the following was interesting in terms of the charges and costs associated with tow truck drivers. Mr Frawley said—

In regard to the charges made by the Tow Truck Operators' Association, I must correct a statement by the honourable member for Stafford about storage charges. The first 48 hours' storage after a tow are free. No reputable tow-truck operator or member of the Tow Truck Operators' Association makes a charge for the first 48 hours. After that, the charge is \$1 a day if the vehicle is under cover and 75 cents a day for vehicles that are not under cover.

I do not think you could even find 75 cents these days. You would be pushing your luck to find 75 cents. Our Members' Reading Room contains a wealth of historical information on legislation that we have before us today and that has come before the House in years gone by. Mr Frawley went on to say—

The licensing of tow-trucks in this State is here to stay. Even though it may have taken some time to weigh all the pros and cons and to make sure that it did the right thing, the Government has brought down this Bill because it realises that the public has to be protected against the snide operators. Through the Commissioner for Transport, we intend to see that in the very near future tow-truck operators give a reputable service to the public.

There is some very interesting history in the library right next door to the chamber. That was a little bit of history that I share with everybody because I think it is really interesting. I do not think many people in this place realise the resources that we have in that little room next door and in the *Hansard* records.

The current 1973 act provides a framework for towing, in regulated areas of Queensland, motor vehicles involved in crashes, seized by police from off-street regulated parking areas or towed from private areas in certain circumstances. It also provides the framework for the subsequent handling and storage of those vehicles, the handling of confidential information, offence provisions, enforcement provisions and administrative and review provisions. This bill seeks to refresh that legislation from 50 years ago, outlined in this very big volume right beside me.

**Mr Smith** interjected.

**Ms RICHARDS:** I will not table that, member for Bundaberg. The bill seeks to refresh the current legislation. The policy objectives are: to maintain the framework previously provided in the 1973 act; to 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 a certificate, which is not too dissimilar to what we have outlined in the 1973 volume; and to maintain the requirement for persons who hold an accreditation to comply with duties, obligations, standards of conduct and other requirements. The bill also aims to modernise the existing legislation. It is 50 years old so it is probably very timely that we are continuing to do the good work that we did in 2018. I think the member for Logan, who is not in the chamber at the moment, had quite a bit to say about some of the work done at that time. The bills seeks: to 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; to enhance the accreditation process, including eligibility requirements; to ensure that penalties and offences are targeted and appropriate; and to modernise enforcement powers.

It is important that I cover the new elements of the bill. The committee did a great job in examining the bill.

**Mr King** interjected.

**Ms RICHARDS:** Yes, member for Kurwongbah, it did a fantastic job. The committee looked at issues regarding accreditation and offences, Department of Transport and Main Roads consultation with stakeholders—it is interesting to see some of the stakeholders who were mentioned in the 1973 debate involved in our most recent inquiry—and the bill's compliance with the Legislative Standards Act and the Human Rights Act. The committee recommended that the bill be passed and made three additional recommendations: that the minister consider what extra natural justice safeguards could be provided to ensure that part 6, division 2 of the bill has sufficient regard to the rights and liberties of individuals in respect of the reversal of the onus of proof on provisions contained therein; that the minister consider amending the statement of compatibility to better clarify the difference between charges and convictions in contemplation of sections 31 and 32 of the Human Rights Act 2019 and further clarify that heavier weighting should apply in the chief executive's decision-making process in part 1, division 3 of the bill to the existence of a criminal conviction than to an untested criminal charge; and that the minister convene a working group of all interested truck industry stakeholders.

Many of the submissions to the committee largely supported the proposals in the bill; however, some submissions raised concerns about particular amendments and their potential impacts on the tow truck industry. The committee also questioned whether the bill did not provide sufficient natural justice safeguards. As I outlined in the government response to the committee report, it is considered that the evidentiary provisions already incorporate sufficient safeguards. These evidentiary provisions have been in place for many years and there have been no identified instances of them causing concerns related to natural justice in practical application.

The committee's third recommendation asked that consideration be given to distinguishing the difference between charges and convictions when determining suitability. In response to the committee's recommendation of establishing a working group to engage with industry stakeholders, TMR has met with tow truck industry stakeholders to discuss the new legislation.

In concluding my speech, I give a shout-out to the member for Southern Downs' son, William. He is a big tow truck fan. He loves them. He is a big *Cars* fan. The member for Southern Downs thinks I am Holly Shiftwell; I think he might be Finn McMissile. We all know that Lightning McQueen's best friend was Mater the tow truck, and I think he would think this legislation is fantastic. I commend this bill to the House.