




Speech By  
**Lachlan Millar**

**MEMBER FOR GREGORY**

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### **TOW TRUCK BILL**

 **Mr MILLAR** (Gregory—LNP) (4.08 pm): In rising to make a comment on this bill I extend my thanks to my colleagues on the Transport and Resources Committee, committee staff, officials from the Department of Transport and Main Roads who assisted us, and all of the submitters who shared their knowledge and suggestions with us.

I must firstly note that the LNP members of the Transport and Resources Committee published a statement of reservation as part of the committee report. We did this because of the number of concerns that emerged during the committee's investigation, which I will address in detail in a moment; however, my first concern was the lack of consultation with industry stakeholders. Nevertheless, I was disappointed to discover that the proposed regulations that will accompany the bill and which will translate the bill into real world actions are yet to be shared with the industry properly.

That is the only explanation I can see to explain why this legislation has been rushed to parliament after the reviews it addressed have been sat on for years. It is not just me feeling that this bill is a rushed job. Committee members heard that not only had industry not seen the proposed regulations; they also believed that the public consultation period on the bill was too short. This would explain why we heard from only a limited number of tow truck operators. This would explain why we heard from only one motor vehicle insurance company.

I am particularly concerned that we did not hear from many smaller businesses and those businesses operating in Queensland's rural and regional areas. These small businesses perform an absolutely vital service in a state as big as Queensland. These are the tow truck operators called in to clear accidents so highways and key transport links can be quickly reopened after an accident. This is often difficult, dangerous and traumatic work. In my part of the world these tow truck operators are the people who come to the aid of stranded motorists, often travelling considerable distances to do so. Members would be surprised how many drive tourists have to be rescued from the Simpson Desert, for instance.

It was very disappointing not to be able to hear from the whole range of the industry, and the government has not provided any justification why, after sitting on these reports, these changes must be rushed through now. As the member for Gregory, I can tell the House that these tow truck operators are struggling with workforce shortages. It is a very real issue. Accreditation requirements under the existing legislation already delay the hiring of employees. While this bill is intended to modernise the existing legislation, operators told the committee that they already have concerns around the existing accreditation process and the impact it has on hiring. They fear that the new legislation does not sufficiently address these existing problems.

In particular, operators raised inconsistencies in the way the department currently determines if a tow truck operator is an 'appropriate person'. The lack of clearly defined criteria around the 'appropriate person' requirements makes it very difficult for operators to know where they stand and how to comply. This new bill does not resolve this issue, nor does it resolve issues of procedural fairness when the person has their accreditation suspended or cancelled.

The bill essentially reverses the burden of the onus of proof. If someone makes a false allegation to the department against a tow truck operator, it will fall onto the tow truck operator to disprove the allegation or lose their accreditation. The committee is concerned that this denies them procedural fairness and puts the legislation in direct conflict with the Human Rights Act because it allows the department to remove a person's accreditation and thereby their livelihood based solely on untested accusations rather than convictions. This is a serious criticism of a bill that the minister has said will modernise Queensland's tow truck industry.

The bill also overreaches in trying to solve an issue which does not exist. I refer of course to the new government imposed penalties for damage to vehicles being towed. This is of special concern at a time when the minister is talking up the adoption of electric motor vehicles, or EVs. EVs vary from make to make, but they are all vulnerable to damage if incorrectly towed. Many people are unaware that EVs cannot be towed in the same way that a lot of petrol or diesel vehicles can be. This is because electric vehicles generate power when the wheels are spinning so they must be towed on a flatbed truck. They cannot be dolly towed at all. It is vital that the wheels not spin or the tyres touch the ground. Even winching is risky.

After an accident or a breakdown, getting your stranded EV from the side of the road onto a flatbed truck still has to be accomplished. The current advice is to follow your manufacturer's guidelines when mounting your EV onto a tow truck. If the tow truck operator does not fully understand those guidelines, he will face not just an insurance claim but large government imposed penalties. What will this achieve for anyone caught in such a situation? Such penalties seem to serve no purpose except revenue raising. The moneys raised will not go to the owner of the damaged vehicle. It will go straight to consolidated revenue. It solves no issues for the vehicle owners.

Secondly, tow truck operators already have a civil liability for damage caused to vehicles being towed. They carry insurance for that reason and the moneys paid by the insurer go directly to the vehicle owner for repairs or replacement. Imposing additional government penalties on top of that is likely to make tow truck operators risk averse and unwilling to attend to any vehicles involved in a complex accident or stranded in a difficult situation. In particular, introducing government imposed penalties at this time is likely to discourage tow truck operators from attending stranded EVs and will see extra costs incurred and extra time required, with motorists stranded for longer on the side of the road waiting for assistance. This is a terrible outcome for a supposedly modernising bill, and it will impact owners of both conventional and electric vehicles as well as the tow truck operators.

As deputy chair of the committee, I would have liked to have heard more on this and other aspects of the bill from insurance companies. After all, they are also the ones who will be paying the towing fees. Only one motor vehicle insurer made a submission to the committee and that was the RACQ. It should be noted that they told the committee they understand other insurers were unaware of the inquiry and were not provided with sufficient time to make a submission. If the insurers were unaware of the committee inquiry, they were also completely unaware of the bill and the proposed changes. This is just not good enough. Lack of transparency and consultation can only result in poor legislation. With such poor consultation, it is not surprising that many operators believe this new legislation lacks provisions to deal with operator misbehaviour that the current legislation actually does address. They believe the bill we are debating today is inadequate by comparison and opens the doors to spotters fees, selling personal injury claims at the scene of accidents, the selling of personal information obtained at accident scenes and bribery. This is very disappointing as these were offences relegated to history by the very legislation this bill is replacing. I am so concerned that I think as legislators we must consider actively monitoring the outcomes of the bill.

The committee recommended that the bill be passed despite these reservations. Similarly, the LNP supports the intent of the bill. However, I want to stress that the committee also made recommendations regarding multiple parts of the bill, including the establishment of a working group with operators, the reversal of onus of proof in certain clauses and the human rights conflicts arising from the powers to remove a person's accreditation on the basis of unproven allegations. If the minister wants to demonstrate his good faith to the industry and to Queensland motorists, he can do so by addressing the committee's recommendations during this debate. As extra motivation, perhaps the minister should remember that tragedies can happen to motorists stranded on the roadside on dark, wet nights. As a father of three young women, it is the stuff of nightmares. It is our tow truck operators who attend 24 hours a day, seven days a week, rain, hail or shine. They certainly deserve better.

Finally, I want to again reiterate the consultation process. I found it quite concerning that out of all the tow truck operators who appeared before the committee only one had been briefed on this legislation. The others turned up and had only found out a week prior that this bill had been sent to the Transport and Resources Committee. They had not been consulted by the department, the minister or the government.

This is an important industry. As the shadow minister for transport said, these people are first responders. They play an important role. They turn up to very tragic circumstances sometimes and they need to be able to work efficiently and quickly to remove the damaged vehicle from the road. You can only imagine what happens when there is an accident on the highway from the Sunshine Coast to Brisbane on a wet, summer Sunday afternoon. The vehicles need to be removed as quickly as possible because people who are trying to get home get banked up from Burpengary to Caloundra. We have to make sure that our tow truck operators have the right to be able to do their job efficiently and properly and as easily as possible—

**Mr Minnikin:** Without burden.

**Mr MILLAR:** I take that interjection from the shadow minister for transport. They need to be able to work without burden because they deserve better. I hope the government will consult with the tow truck operators more seriously next time.