




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 13 June 2023

TOW TRUCK BILL

Introduction

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads and Minister for Digital Services) (11.15 am): I present a bill for an act to regulate the operation of tow trucks to remove motor vehicles from private property and damaged and seized motor vehicles, to amend this act, the Photo Identification Card Act 2008, the Police Powers and Responsibilities Act 2000, the State Penalties Enforcement Act 1999, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995 and the Transport Planning and Coordination Act 1994 for particular purposes, and to repeal the Tow Truck Act 1973. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Transport and Resources Committee to consider the bill.

Tabled paper: Tow Truck Bill 2023 [793](#).

Tabled paper: Tow Truck Bill 2023, explanatory notes [794](#).

Tabled paper: Tow Truck Bill 2023, statement of compatibility with human rights [795](#).

I am pleased to introduce the Tow Truck Bill 2023 to the House today. As Queensland road users, we hope that we will never be in a crash and need a tow truck, but this industry provides a vital service in clearing the road to get traffic moving again and also getting the driver and their car back to where they need to be. Crashes are traumatic events and we cannot forget that even an uninjured driver is often in a very vulnerable position after a crash. I know that personally after seeing the aftermath of a crash at Stones Corner many years ago.

As the Minister for Transport and Main Roads and Minister for Digital Services, I am committed to supporting vulnerable motorists and the industry that helps to keep traffic on our roads moving. This bill strikes that 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 services.

Regulated towing, as defined in this legislation, 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 they also cover major regional cities such as Cairns, Mackay, Bundaberg, Townsville and Rockhampton. They are locations with high population density where there is a need to facilitate the quick removal of vehicles involved in a crash to aid the return of normal traffic flow.

The scheme currently comprises 97 tow truck business operators, approximately 1,200 drivers, 70 assistants and 670 tow trucks. A modern and efficient tow truck scheme is important. 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 these issues were successfully introduced by this government in 2018.

Aside from these reforms, the legislative framework for tow trucks has remained largely unchanged for decades. To ensure that the legislation for tow trucks continues to provide a valuable service to Queensland motorists, Transport and Main Roads has undertaken a comprehensive review. This review sought to ensure the legislation is simple, precise, accessible and appropriately targeted. This bill has been developed based on the outcomes of this review.

The bill aims to protect the public by ensuring tow trucks undertaking regulated towing are operated safely, competently and professionally, and at a reasonable cost to consumers. This is done by requiring scheme members to undergo checks, such as a criminal history check, before being considered suitable to be accredited by the Department of Transport and Main Roads. It is also achieved by outlining clear requirements for each step of the towing activity—from arrival to tow, to storage and release of the vehicle.

The bill modernises the existing legislation by introducing a new structure and terminology used to refer to scheme members. Terms such as ‘driver’s certificate’ and ‘tow truck licence holder’ will be replaced with ‘tow truck driver accreditation’ and ‘tow truck operator accreditation’. The bill also provides modernised enforcement powers to ensure authorised officers have appropriate powers to undertake compliance activities. These powers include the right for authorised officers to enter business premises and seize evidence when necessary. To balance these powers, the bill has safeguards for accredited persons where compliance with a requirement may lead to self-incrimination.

A robust framework for offences and penalties remains critical to the tow truck scheme. Offences and penalties deter noncompliance, make undesirable behaviours clear and provide a consequence. It also supports best practice in the tow truck industry. A full review of offences and penalties has been undertaken to ensure that unacceptable behaviours are sufficiently covered and that the associated penalties reflect the seriousness of the offence.

As a result, the bill introduces new offences and penalties to provide further protection to vulnerable motorists. The new offences strengthen fundamental requirements of the scheme, such as ensuring only authorised holding yards are used to store vehicles. This will give motorists greater confidence in the safety of their property.

The bill makes it an offence to use unauthorised tow trucks to tow vehicles to ensure that appropriate vehicles are used to safely transport passengers and vehicles. It also protects vulnerable motorists from being subject to predatory behaviour by unauthorised parties by introducing an offence for non-accredited tow truck drivers towing a damaged vehicle. The maximum penalties of these offences range from over \$7,000 to \$11,500.

The bill will also introduce offences for an operator who directs people to do something contrary to the act. For example, it will be an offence for a person who uses their position as an employer to direct an unauthorised tow truck driver to perform work. This has a high maximum penalty of \$23,000 as it covers a range of obligations under the act, including protecting personal information. It also has the aggravating factor of using a position of power to coerce another person to commit an offence.

The bill will also include specific offences for forging a range of documents integral to the operation of the scheme. This includes accreditation documents, a towing authority or a private property towing consent. There is also a new offence for knowingly using or directing a person to use an accreditation document fraudulently. These offences have a maximum penalty of \$8,625, which aligns with other transport legislation.

The bill expands on the current requirements for accredited persons to notify the chief executive if charged or convicted of a notifiable offence. The list of notifiable offences has been reviewed to ensure direct relevance to the towing profession. For example, offences involving violence or abuse, theft, or intimidation have been included as they are likely to make a person unsuitable for a towing role which has them interacting with vulnerable people and their property.

Offences with no direct correlation to towing have been removed from the list of notifiable offences and will help protect privacy. These privacy protections are particularly important as there are also new offences for executive officers to notify their business partners within 14 days if charged or convicted of a notifiable offence. Similar offences are also included for partners in a partnership to notify each other.

The bill also provides stronger grounds for amending, cancelling or suspending an accreditation, as well as the introduction of ‘public interest’ grounds to refuse an accreditation application. This puts the tow truck scheme into alignment with other transport industry accreditation schemes and aligns with the bill’s objective of protecting the community. These new provisions provide increased community protections, without imposing unnecessary burden on industry. Importantly, these very sensible offences need not impact anyone who is doing the right thing.

This bill also removes administrative burden to make the industry more efficient. For example, the bill provides for the regulation to approve holding yards on a temporary basis if, for example, their usual holding yard is unable to be used due to flooding. Previously, temporary exemptions were not provided for. In an emergency event, such as flooding, businesses would have had to apply for a full exemption, which was a thorough and sometimes lengthy process. I note that many of those holding yards are inherently in low-lying areas.

Finally, to support the new act, it is proposed that a new tow truck regulation will be progressed following passage of the bill. This will help support more detailed operational requirements. As such the bill provides appropriate heads of power to allow for these operational activities. This will allow flexibility to respond to changing circumstances as operations modernise. This bill demonstrates the Palaszczuk government's commitment to delivering better services to the Queensland community and ensuring the integrity of our regulatory frameworks. The bill will deliver a modern tow truck scheme that is responsive and safe and delivers improved community outcomes. I commend the bill to the House.

First Reading

Hon. MC BAILEY (Miller—ALP) (Minister for Transport and Main Roads and Minister for Digital Services) (11.24 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Transport and Resources Committee

Madam DEPUTY SPEAKER (Ms Lui): In accordance with standing order 131, the bill is now referred to the Transport and Resources Committee.