




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 26 October 2023

TOW TRUCK BILL

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (12.04 pm): I rise to support the Tow Truck Bill 2023. As the House has heard, the policy objectives of the Tow Truck Bill are: to maintain the framework previously provided by the Tow Truck Act 1973 for the towing, in regulated areas of Queensland, of motor vehicles damaged in incidents, seized by police from off-street regulated parking areas or towed from private property in certain circumstances; 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; to maintain the requirement for persons who hold an accreditation to comply with duties, obligations, standards of conduct and other requirements; 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 accreditation eligibility requirements; to ensure penalties and offences are targeted and appropriate; and to modernise enforcement powers to ensure authorised officers have suitable compliance powers.

There has been a lot said in the contributions of members to this bill. It is an important bill. I know some people would see it as a very dry topic, but it is important to acknowledge the critical work that those in the tow truck business do for community safety. They are present in moments when people are experiencing hardship and difficult times. It is important to highlight that it is a great responsibility to be present in a person's moment of vulnerability, and there needs to be a framework and protections of vulnerable people in that framework. There needs to be high standards.

Tow truck operators are often present in people's moment of vulnerability. Sometimes they are the first at the scene of a traffic incident and sometimes they are confronted with quite challenging and complex situations where people have been injured or worse. We need to acknowledge that situation and we need to appreciate the type of character of being a tow truck operator and the contribution they make to people who are in vulnerable situations and also more broadly to community safety. To be there in that moment with other first responders is an important and critical role, and with that role there needs to be responsibilities and high standards because they are providing an essential service.

We would hope that there would be no demand for situations involving tow truck operators or emergency services in respect of traffic crashes and incidents on our roads, but we know unfortunately that these things happen. There is to a large extent a lot of sadness and tragedy that goes along with serious incidents on our roads.

Tow truck operators provide a vital service in clearing roads, enhancing community safety and being there when people are experiencing a moment of vulnerability because of their involvement in a traffic incident. We need to make sure we get the balance right so that we have a viable tow truck industry which has responsibility and high standards. This bill achieves that right balance. It achieves a good balance between ensuring that our roads get cleared in good time and that there is an appropriate response to the needs of occupants of the vehicles who have been involved in traffic crashes or incidents.

I want to raise the issues that have been considered and acknowledged within the consultation that was undertaken in respect of this bill. I take this opportunity to highlight the work of the committee in engaging in that consultation process and for their very considered and thorough report.

It is interesting to note that the majority of responses from industry and community did not support the use of incentives and inducements in respect of this sector. The common view was that the practice may lead to coercion of a motorist. I agree with that. As a consequence, the existing bribery protections in the legislation will be maintained and, in some instances, actually strengthened.

It is proposed that a new tow truck regulation currently in development will make it an offence for: towing accreditation holders to offer inducements 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 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 current act. Importantly, if tow truck operators are already doing the right thing, there will be no impact on their operations.

Regulating an industry with commercial interests and ensuring consumer protection is always a balancing act. The viability of the towing industry is important as it is an essential service provider in our community. To remain viable, everyone accepts that they need to be able to charge reasonable fees for their services. At the same time, motorists, as I have already mentioned, are often at their most vulnerable after a crash or traffic incident. Therefore, the government has a role in ensuring that those people, the vulnerable, are protected from unscrupulous or predatory practices. To achieve the required balance, the bill makes provision 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 the 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 fee ensures that motorists are paying a fair amount and do not need to consider competing quotes at what can be a very stressful time.

In 2018, this government introduced significant reforms to private property towing in response to community concern about certain unscrupulous practices. These reforms introduce maximum regulated fees, including capped storage fees, to ensure motorists were not subjected to excessive fees when their vehicles were removed from private property. While this cap on storage fees for vehicles towed from private property is being maintained, the cap will not apply to other regulated towing services such as crash towing. However, this does not mean that a tow truck business can charge any amount for storage of a crashed vehicle. The new regulation will retain the requirement that a customer must be advised of the storage charges to be applied at least 48 hours before the charges are due to commence. This gives the customer the opportunity to explore their options and have their vehicle transferred to another location if they wish. Industry can therefore continue to charge reasonable fees for vehicle storage and consumers will continue to have the ability to choose where their vehicle is stored.

Assessing a person's suitability to be an authorised tow truck business driver or assistant is an important part of the regulated tow truck scheme. Checks are in place to ensure those operating within the scheme are suitable. Criminal and traffic history checks are undertaken for all operators and drivers who apply to be accredited under the scheme. Given the varied nature of criminal and traffic histories, each application for accreditation has to be assessed on its merits. Offences that are likely to make a person unsuitable for a towing role include, but are not limited to, those involving violence, abuse, theft or intimidation. A recommendation from the committee report was that consideration be given to criminal convictions being weighted more heavily than criminal charges. This is what currently happens in most cases. However, for more serious offences like acts of violence, the department may need to take action based on the criminal charge rather than waiting for a conviction to ensure community safety.

There are a number of other aspects included in this bill, but I will come back to the point I made first up: it is important to have a regulated framework here because we are dealing with people who are interacting with tow truck operators at a vulnerable time in their lives. This bill gets the balance right. I commend the minister on the bill and I encourage all members to support it.