




Speech By
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MEMBER FOR CAIRNS

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TOW TRUCK BILL

 **Mr HEALY** (Cairns—ALP) (6.12 pm): I am very happy to speak on this very important issue. It certainly might not be as sexy as some of the issues we discuss, but late at night when you have had a little brouhaha on the side of the road or you have had an accident, tow truck drivers are essential. I put on the record that we have fantastic tow truck drivers in the Far North. They do a wonderful job, particularly in the wet season. We know there are significant challenges that Mother Nature throws at us at that time of the year. I have spoken to a couple of tow truck drivers about this legislation. They are quite happy with the legislation and felt they had been consulted in relation to, as the minister, what is seen to be a balanced approach when it comes to some of the changes.

The seven policy objectives of the Tow Truck Bill 2023 are pretty straightforward. The first objective is 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 particular and certain circumstances. The second objective is to maintain the requirements for persons who conduct a tow truck business or are involved in operating tow trucks in regulated areas to hold an accreditation. That is known as either a certificate or licence.

The third objective is to maintain the requirement for persons who hold an accreditation to comply with duties, obligations, standards of conduct and other requirements. That is an important point.

Mr Power interjected.

Mr HEALY: I take the interjection from the member for Logan. It is a valid point. There are some other points when talking about bribery and inducements. I know that a lot of good tow truck operators say that the quality of person is important.

The fourth objective is 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. The fifth objective is to enhance the accreditation process, including the accreditation eligibility requirements. We need to make them very clear for the industry. That then makes it easier to be able to recruit more people into that line of work.

The sixth objective is to ensure that penalties and offences are targeted, but, most importantly, appropriate. The seventh objective is to modernise enforcement powers to ensure authorised officers have suitable compliance powers. This is to ensure that we have appropriate rules in place and we need to enforce them.

I read with interest that the 1973 act currently provides a framework for the towing, in regulated areas of Queensland, of motor vehicles involved in crashes, seized by police from off-street regulated parking areas or towed from private property in certain circumstances. I was not aware that it also provides a framework for the subsequent handling and storage of those vehicles, the handling of

confidential information, offence provisions, enforcement provisions, and administrative and review provisions. All other forms of towing, including breakdown towing, trade towing and compliance towing, are not covered by the legislative framework. A fair bit of work was needed in this area to ensure we covered off on that. The 1973 act was revised in 1977 to incorporate police seizure towing and again in 2018 to include private property towing as a result of the independent investigation into the towing industry. Removal of vehicles was one of the key areas.

I want to touch on the fact that bribery and incentives to gain information about a crash scene or to secure a tow are practices that are not supported by the towing industry. That should come as no surprise because there are a lot of decent people in that industry doing the right thing by us. It is also important to acknowledge that those activities are not supported by the Queensland government. There are no surprises there. We are a government of integrity, unlike those opposite.

As part of the comprehensive consultation 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. Over three-quarters of responses from industry and the community did not support the use of incentives and inducements as they believe that this practice may lead to coercion in what is an already stressful situation to motorists. I think it is important to acknowledge this particular point. We can imagine the stress people are under if they have either hit somebody or been hit by them. They are in a heightened stress environment. Their pride and joy has been damaged and all of a sudden they have somebody there negotiating terms with them that they find a little difficult to work with. It is good to hear that over three-quarters of the industry absolutely struggles with this.

In view of this feedback, the existing bribery protections in 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: one, towing accreditation holders to offer inducements to vehicle owners; two, accreditation holders to offer inducements to another person in exchange for providing information about an incident such as a crash; and, three, a person receiving a benefit in exchange for information about an incident—for instance, using crash spotters. These are things that have traditionally given this industry a bad name. It is reassuring to know that the majority of this industry believe that this should not take place and are supportive of the government. The penalty for those offences are proposed to be consistent with similar offences that exist in the current act. That is reassuring.

Importantly, tow truck operators are already doing the right thing. The continued prohibition of bribery and incentives will have no direct impact on their operations, which, at the end of the day, is pretty important. As I said and the minister touched on, there was extensive consultation with the industry. I spoke to two operators in Cairns. I also want to acknowledge the work of the committee. I spoke to its chair, who does a fantastic job, and he was very clear in where the industry wanted to go. These things only work when the industry is consulted and it consults with government and, as the minister touched on and as the chair touched on in his address, this has been a very consultative approach.

To ensure that the industry remains informed about changes, TMR will be meeting with industry representatives in the near future to discuss the new legislation and its implementation. It is absolutely essential that the industry is aware of what changes have been made and the immediate impact they will have on it. We know for a fact that this will ensure that it will be able to adopt and employ these measures to ensure that we are all falling in line and doing what we have all agreed to. It is anticipated that a further meeting will be held in early 2024 as implementation of the changes becomes TMR's primary focus. To touch on that point, the Department of Transport and Main Roads has been all over this. It was acutely aware of the change that needed to be made.

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 most importantly one that delivers improved outcomes for our communities. As I said at the outset, a fee for towing a vehicle from a crash scene—including loading the vehicle onto a tow truck, clearing the scene and towing for the first 50 kilometres—should not be something people have to argue about or negotiate; it is something people should be able to do quite easily when that accident takes place. This is an industry where there are a lot of good people who work very hard. As we have heard from committee members, this is also an industry that is keen to have that change. Unfortunately, we are seeing a lot more cars on the roads although the roads are getting better, and to see that we only have to look at the amazing work that our minister is doing and the growth that is happening in a wide range of areas. I am sure the statistics will be able to show whether or not drivers are better, but what I can say is that we as a government are happy to work with the towing industry to ensure that it gets better outcomes and there are better outcomes for the people of Queensland.