




Speech By  
**Shane King**

**MEMBER FOR KURWONGBAH**

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Record of Proceedings, 25 October 2023

### **TOW TRUCK BILL**

 **Mr KING** (Kurwongbah—ALP) (3.59 pm): I rise to contribute to the debate on the Tow Truck Bill 2023. This bill was brought about to help modernise the tow truck industry and bring it in line with modern standards. As the existing Tow Truck Act was enacted in 1973, that means it is 50 years old. I would say it is probably due for an update. I think we would all agree.

When anyone looks at the tow truck industry and towing, you may have had an accident and you see a tow truck on the side of the road towing the car or whatever. With my enthusiasm for old cars I probably use tilt trays a bit more than most here. As we heard from the previous member, there are some commendable efforts going on in the heavy towing industry. I happened to jump on 7Plus and I saw an Aussie show called *Heavy Tow Trucks Down Under* which illustrates some of the work these guys do. You have to commend them for that. In a previous life, you can just imagine watching five prime movers towing a transformer to a substation. I have seen that sort of thing quite often. If one of these things is involved in an incident, clearing that is a mammoth effort. I want it to be noted that these guys are not just on the side of the road with a tilt tray.

When our Transport and Resources Committee looked into this bill we did find issues raised by stakeholders. The issues that largely came were with regard to accreditation, offences and DTMR's consultation. The committee made four recommendations, and the first one was obviously that the bill be passed. We also asked the minister to 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 with respect to the reverse onus of proof provisions contained within it. The minister's outline in the government response to the committee report stated that the evidentiary provisions already incorporate sufficient safeguards. These evidentiary provisions have been in place for many years, and we were told there have been no identified instances of them causing concerns relating to natural justice in a practical application. We also recommended 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 to 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 rather than to an untested criminal charge. The minister has agreed and followed this recommendation.

We also recommended that the minister convene a working group of all interested tow truck industry stakeholders consisting, at a minimum, of all industry reps who made written or oral submissions to the inquiry. This is to support the establishment of an industry peak body with whom government can consult about the implementation of the new act, including in the development of the revised regulation. We heard from some stakeholders who said they did not know about the legislation; we heard from others who were all over the proposed changes. It leads me to believe they do need a representative body to speak to government for all of them. I would call that a union, and I commend them if they are able to form one or another body of sorts. The minister has agreed to this, and TMR

has met with tow truck industry stakeholders to discuss the new legislation. This engagement will continue as the implementation of the legislation is progressed. Hopefully, they can work on a permanent body to engage between industry and government in the future.

I would like to speak a bit more about the concerns raised around accreditation. The immediate suspension of an accreditation based solely on vexatious complaints was a concern. TMR was able to provide us with information to assure stakeholders that sufficient measures are in place to provide industry members with natural justice. Further, a criminal and traffic history check is undertaken for all operators and drivers who apply to be accredited under the scheme. Given the very nature of criminal and traffic histories, each application for accreditation is assessed on its own merits.

In relation to the conversation about offences, to minimise the burden on industry offences with no direct correlation to towing have been removed from the list of relevant offences considered at the time of the application. This ensures that offences relevant to the towing profession are taken into account. 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. We heard from stakeholders that some clients have felt intimidated into choosing a certain operator, so these changes should help Queenslanders feel more secure. If you have had an accident and you are a bit on edge, you do not want to be intimidated or feel threatened into taking a certain operator, so I hope that helps.

We heard concerns from stakeholders about the bill making changes with regard to vehicles that get damaged while being towed. It is understandable that, sometimes to clear a road quickly or make a situation safe, there could be damage done to a vehicle. We heard from heavy vehicle towing stakeholders that sometimes with a rolled heavy vehicle there may be concerns about damage to the load while the vehicle is being removed. As the previous member mentioned, they may be rushing to try to get them moved, you could have the police there, it could be raining, you could have a line of traffic, and there is a certain amount of pressure to get the road cleared. You have to take into account many factors; for example, what if it is full of fuel or livestock? You have to take each situation into account individually, and those people should be given the time and have the expertise to complete that removal safely.

The existing tow truck legislation already requires operators to take certain precautions to prevent damage to vehicles they are towing, and the requirement is maintained in this bill. It is acknowledged that sometimes a vehicle will sustain unavoidable damage due to the nature and complexity of the towing task. In order to satisfy legislative obligations, the operator only needs to demonstrate that reasonable efforts have been made to avoid or reduce this. Operators, drivers and assistants must be trained appropriately, but otherwise this clause already exists. It is acknowledged that the great majority of operators will always take appropriate precautions to prevent damage to towed vehicles; however, the maintenance of this requirement will ensure that the motoring community continues to be protected.

Returning to the issue of intimidation, we heard from many stakeholders both anecdotally and in other ways that some people feel intimidated when they have an accident and tow trucks appear from everywhere. Someone said they are like the seagulls of the highway. I do not think that myself; I think they are there to do a safe job. They are there to clear our roads and they are professionals. I just have to say that they are more like the heroes of the highway. When I heard that I thought it was a little bit unfair, because they are out there doing a job and they are trying to keep us safe and get us home safe.

I would like to, as always, thank the members of the Transport and Resources Committee for their work on this bill. We did hear from a lot of people and we discussed it at length before we drafted our report. I see that the deputy chair is ready to speak next, and he is just as excited about this as I am. It is an exciting topic. Those of you who are not on the Transport and Resources Committee do not get it. It is very exciting stuff. I would also like to thank our committee secretariat, as I do every time. Jodhi, who worked on this bill, is no longer on the committee, but I thank her in particular for her hard work. I commend the bill to the House.