

# **Government response to the Independent Investigation into the Towing Industry: Removal of Vehicles from Private Property**

# Message from the Queensland Government

Responding to increasing community concern over unfair and intimidatory practices around the removal of vehicles parked on private property, the government appointed an independent investigator, former District Court Judge Mr Michael Forde to examine this practice and make recommendations for possible reforms to the tow truck industry.

The investigation took into account the rights of property owners to remove items, including vehicles, left on their property and balanced those rights against providing an increased level of safety and protection for vehicle owners who had reported feeling unsafe when dealing with towing operators. The investigation has released its findings and made 22 recommendations for reform.

The government has accepted all the recommendations for reform to the tow truck industry and the removal of vehicles from private property in Queensland. The government acknowledges that the report also provides an additional number of matters for future consideration and accepts these as well.

The recommendations are grouped into six areas: licensing requirements and conditions, fees, signage, privacy, enforcement and education. They cover a range of commitments from setting maximum fees for towing vehicles from private property, new licensing requirements for the tow truck drivers and assistants, guidelines for signage, educating Queenslanders about their rights and obligations in relation to private parking towing, and publishing all complaints and action taken on the Department of Transport and Main Roads website.

These recommendations represent the start of the Government's commitment to reshape and improve the tow truck industry through changes to its practices and accountability while strengthening the protection offered to Queenslanders.

Dr Steven Miles

A/Minister for Main Roads, Road Safety and Ports

## Response to the Independent Investigation into the Towing Industry: Removal of Vehicles from Private Property recommendations

Recommendation	Response
<p><b>Recommendation 1</b></p> <p>Include private property towing in the tow truck regulatory framework, requiring private property towing to be performed in regulated areas by accredited drivers and assistants using licensed tow trucks.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 2</b></p> <p>Increase the penalties for operating an unlicensed tow truck, or operating or being employed in connection with the use of a tow truck without a driver or assistant accreditation, to ensure penalties are a deterrent to noncompliance.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 3</b></p> <p>Require tow truck licensees performing private property towing to have an occupier's approval to remove evidencing an arrangement between the occupier and licensee for the removal of a vehicle, and a copy of the approval to be given to a motorist whose vehicle is removed, if requested.</p> <p>Introduce penalties for removing a vehicle without an occupier's approval to remove and for failing to provide a copy of the approval to a motorist when requested.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 4</b></p> <p>Require tow truck licensees to notify the Queensland Police Service as soon as practicable after removing a vehicle from private property.</p> <p>Introduce a penalty for failing to notify the Queensland Police Service about the removal of a vehicle as soon as practicable.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 5</b></p> <p>Impose conduct requirements on tow truck licensees, drivers and assistants for private property towing including:</p> <ul style="list-style-type: none"> <li>• prohibiting intimidating, harassing, abusing, insulting, injuring or threatening to injure anyone</li> <li>• prohibiting damaging or threatening to damage any property</li> <li>• requiring reasonable steps be taken to locate the motorist before loading a vehicle onto a tow truck and, if the motorist is located, prohibiting loading the vehicle unless the motorist is unable or unwilling to immediately move the vehicle, and</li> <li>• if a motorist returns while a vehicle is being loaded but before it is completely loaded, prohibiting the continued loading of the vehicle and requiring the release of the vehicle unless the motorist is unable or unwilling to then immediately move the vehicle.</li> </ul> <p>Introduce a penalty for failing to comply with the conduct requirements for private property towing.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 6</b></p> <p>Set a maximum fee of \$250 for a standard private property tow.</p> <p>Introduce a penalty for charging more than the maximum fee for a standard private property tow.</p>	<p><b>Supported</b></p>

<p><b>Recommendation 7</b></p> <p>Set a maximum fee of \$150 for the onsite release of a vehicle loaded onto a tow truck but not removed from the private property.</p> <p>Introduce a penalty for charging more than the maximum fee for an onsite release.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 8</b></p> <p>Prohibit a vehicle being removed from private property if the onsite release fee has been paid or tendered.</p> <p>Introduce a penalty for removing a vehicle after the onsite release fee has been paid or tendered.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 9</b></p> <p>Prohibit a call-out fee being charged for a tow truck driver attending private property to perform a private property tow where the motorist is located or returns before the vehicle is loaded onto the tow truck.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 10</b></p> <p>Provide that the vehicle owner is liable for fees payable in relation to the removal of a vehicle from private property, and the vehicle must be returned to its owner or their agent after payment of fees.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 11</b></p> <p>Set a maximum fee of \$25 per day for storing a vehicle that has been removed from private property.</p> <p>Introduce a penalty for charging more than the maximum fee for storing a vehicle removed from private property.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 12</b></p> <p>Prohibit charging separate fees for incidental activities associated with private property towing such as administration fees, or fees for making an inventory of personal belongings.</p> <p>Introduce a penalty for charging separate fees for incidental activities.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 13</b></p> <p>Require that a vehicle removed from private property may only be taken, by the most direct route, to the nearest holding yard of the tow truck licensee.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 14</b></p> <p>Prohibit a tow truck licensee, driver or assistant from disclosing information about the removal of a vehicle from private property except as permitted under the <i>Tow Truck Regulation 2009</i>.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 15</b></p> <p>Ensure personal information about a vehicle's owner, driver or other party connected to a regulated towing service may only be disclosed by a tow truck licensee, driver or assistant as permitted under the <i>Tow Truck Regulation 2009</i>.</p>	<p><b>Supported</b></p>

<p><b>Recommendation 16</b></p> <p>Prevent a person associated with a towing operator who is given information in accordance with the <i>Tow Truck Regulation 2009</i>, from disclosing that information to anyone except as permitted under the <i>Tow Truck Regulation 2009</i>.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 17</b></p> <p>Develop guidelines outlining minimum signage standards to promote visible, clear, comprehensive and consistent signs. The guidelines should include information regarding sign size, positioning and illumination, content and design such as colours, and text style to enhance readability.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 18</b></p> <p>Establish a central unit within the Department of Transport and Main Roads that is accountable for oversight of compliance activities.</p> <p>Develop new policies and procedures to support a more rigorous approach to administering, monitoring and enforcing the tow truck regulatory framework.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 19</b></p> <p>Publish information about complaint management and enforcement on the Department of Transport and Main Roads' website every six months, including:</p> <ul style="list-style-type: none"> <li>• number of complaints received and the outcome for each complaint (outcomes should be by category to maintain the privacy of the complainant and respondent)</li> <li>• number of infringement notices issued and matters dealt with by a court, and</li> <li>• number of audits conducted and the outcome.</li> </ul>	<p><b>Supported</b></p>
<p><b>Recommendation 20</b></p> <p>Provide focussed training to Department of Transport and Main Roads and Queensland Police Service officers involved in the administration, monitoring and enforcement of the tow truck regulatory framework to ensure appropriate levels of knowledge and understanding.</p>	<p><b>Supported</b></p>
<p><b>Recommendation 21</b></p> <p>Improve awareness of rights and obligations about private property parking and towing by:</p> <ul style="list-style-type: none"> <li>• running an education and awareness campaign</li> <li>• publishing information on the Department of Transport and Main Roads' or other suitable government website, and</li> <li>• incorporating information into Department of Transport and Main Roads' publications such as <i>Your Keys to Driving in Queensland</i> and programs aimed at education for motorists and industry.</li> </ul>	<p><b>Supported</b></p>
<p><b>Recommendation 22</b></p> <p>Develop information for motorists, occupiers and towing operators regarding any changes to the tow truck regulatory framework as a result of the investigation.</p>	<p><b>Supported</b></p>

## Response to the Independent Investigation into the Towing Industry: Removal of Vehicles from Private Property matters for consideration

Matter for consideration	Response
<p><b>Matter for consideration 1</b></p> <p>Review the <i>Tow Truck Act 1973</i> and <i>Tow Truck Regulation 2009</i> to ensure the regulatory framework is simple, precise, accessible and appropriately targeted to achieve the policy objectives.</p>	<p><b>Supported</b></p> <p>The tow truck legislation will be reviewed over the next two years.</p>
<p><b>Matter for consideration 2</b></p> <p>Review the towing services covered by the <i>Tow Truck Act 1973</i> and <i>Tow Truck Regulation 2009</i> to ensure the regulatory framework is appropriately targeted to achieve the policy objectives.</p>	<p><b>Supported</b></p> <p>This matter will be considered as part of a broad review of the tow truck legislation.</p>
<p><b>Matter for consideration 3</b></p> <p>Review the geographic areas covered by the <i>Tow Truck Act 1973</i> and <i>Tow Truck Regulation 2009</i> to ensure the regulatory framework is simple, precise and accessible and coverage is appropriately targeted to achieve the policy objectives.</p>	<p><b>Supported</b></p> <p>This matter will be considered as part of a broad review of the tow truck legislation.</p>
<p><b>Matter for consideration 4</b></p> <p>Consider whether tow truck licences and accreditations should be issued for longer than one year to balance the need for regulation of the towing industry with the burden regulation imposes on government and industry.</p>	<p><b>Supported</b></p> <p>Amendments will be progressed as part of the reforms proposed for 2017.</p>
<p><b>Matter for consideration 5</b></p> <p>Consider extending the restrictive two-week period for renewing a tow truck licence or accreditation to increase flexibility and ensure adequate time for applications to be lodged and assessed prior to the licence or accreditation expiring.</p>	<p><b>Supported</b></p> <p>Amendments will be progressed as part of the reforms proposed for 2017.</p>
<p><b>Matter for consideration 6</b></p> <p>Review all offences under the <i>Tow Truck Act 1973</i> and <i>Tow Truck Regulation 2009</i> to ensure penalties appropriately reflect the seriousness of the offence with reference to other offences within tow truck legislation and in comparison to similar offences within transport legislation.</p>	<p><b>Supported</b></p> <p>This matter will be considered as part of a broad review of the tow truck legislation.</p>
<p><b>Matter for consideration 7</b></p> <p>Consider increasing the maximum penalty that may be imposed under the <i>Tow Truck Regulation 2009</i> to ensure compliance with legislative principles and the imposition of sufficiently serious penalties to deter noncompliance.</p>	<p><b>Supported</b></p> <p>Amendments will be progressed as part of the reforms proposed for 2017.</p>
<p><b>Matter for consideration 8</b></p> <p>Consider the purpose of criminal history checks for applicants and holders of tow truck licences and accreditations and, if necessary, amend the <i>Tow Truck Act 1973</i> and <i>Tow Truck Regulation 2009</i> to ensure the suitability requirements clearly achieve the intended objectives.</p>	<p><b>Supported</b></p> <p>Amendments will be progressed as part of the reforms proposed for 2017.</p>