



Queensland

Tow Truck (Towing from Private Property) Amendment Bill 2017



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2017

A Bill

for

An Act to amend the *Tow Truck Act 1973* for particular purposes

The Parliament of Queensland enacts—	1	
Clause 1	Short title	2
	This Act may be cited as the <i>Tow Truck (Towing from Private Property) Amendment Act 2017</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Tow Truck Act 1973</i> .	6
Clause 3	Amendment of long title	7
	Long title, after ‘operation’—	8
	<i>insert—</i>	9
	and for the installation of warning signs at particular car parks	10 11
Clause 4	Amendment of s 4C (Who is an appropriate person)	12
	Section 4C(1)—	13
	<i>insert—</i>	14
	(ca) any complaints made to the chief executive against the person in relation to activities performed under a licence or certificate;	15 16 17
Clause 5	Amendment of s 12 (Conditions of licence)	18
	(1) Section 12(2)—	19
	<i>insert—</i>	20
	(s) that a person must not use a tow truck to which the licence relates to tow a motor vehicle a total distance greater than the distance prescribed by regulation, unless—	21 22 23 24

	(i) the vehicle is being towed from a place that is not private property; or	1 2
	(ii) the written consent of the owner of the vehicle, to the vehicle being towed a total distance greater than the prescribed distance, is obtained before the vehicle is towed.	3 4 5 6 7
(2)	Section 12—	8
	<i>insert—</i>	9
	(3) For subsection (2)(r), if a motor vehicle is towed from private property, the reasonable sum charged must not be more than the amount prescribed by regulation.	10 11 12 13
	(4) However, subsection (3) does not apply if, before towing the vehicle, the holder obtains the written consent of the owner of the vehicle to being charged more than the prescribed amount.	14 15 16 17
	(5) A regulation for subsection (2)(s) or (3) may prescribe different total distances or different amounts depending on where the place from which the vehicle is towed is located.	18 19 20 21
	(6) In this section—	22
	<i>private property</i> means a place that—	23
	(a) is not open to, or is not used by, the public; or	24 25
	(b) the public is not entitled to use.	26
Clause 6	Insertion of new ss 21I and 21J	27
	Part 5—	28
	<i>insert—</i>	29
	21I Installation of warning signs at relevant car parks	30 31
	(1) This section applies to a person who—	32

[s 6]

- (a) is in control of, or is otherwise responsible for managing the operation of, a relevant car park; and
 - (b) engages, instructs or authorises the holder of a licence to tow motor vehicles from the car park.
- (2) The person must ensure that warning signs are installed at the car park, in relation to the entire car park or each individual parking space in the car park, in compliance with subsection (3).
- (3) For subsection (2), a warning sign must—
- (a) be installed so the text of the sign is clearly visible to—
 - (i) if the sign relates to the entire car park—a driver of a motor vehicle entering the car park; or
 - (ii) if the sign relates to an individual parking space—a driver of a motor vehicle parking in the parking space; and
 - (b) state the reasons for which a motor vehicle parked in the car park or the individual parking space, as the case may be, may be towed.

21J Towing motor vehicles from relevant car parks

- (1) An authority holder must not tow a motor vehicle from a relevant car park unless—
- (a) the vehicle is towed with the consent of the owner of the vehicle, the owner’s agent or an authorised officer; or
 - (b) if paragraph (a) does not apply—warning signs are installed at the car park, in relation to the entire car park or each individual

	parking space in the car park, in compliance with section 21I(3).	1 2
(2)	In this section—	3
	<i>authority holder</i> means the holder of—	4
(a)	an assistant’s certificate; or	5
(b)	a driver’s certificate; or	6
(c)	a licence.	7
Clause 7	Insertion of new pt 6A	8
	After section 29—	9
	<i>insert—</i>	10
	Part 6A Complaints	11
30	Chief executive to establish complaints management process	12 13
(1)	The chief executive must establish and maintain a process for the making of complaints against a person in relation to the performance of activities under a licence or certificate.	14 15 16 17
(2)	The chief executive must publish annual statistics about—	18 19
(a)	the number of complaints received by the chief executive through the process mentioned in subsection (1); and	20 21 22
(b)	the outcome of each complaint.	23
(3)	The statistics published under subsection (2) must not contain personal information of a complainant.	24 25 26
(4)	The chief executive may comply with subsection (2) by publishing the statistics on the department’s website.	27 28 29
(5)	In this section—	30

[s 8]

	<i>personal information</i> see the <i>Information Privacy Act 2009</i> , section 12.	1 2
Clause 8	Amendment of s 40 (Offences generally and penalty)	3
	Section 40(2), after, ‘12(2)(e) to (p)’—	4
	<i>insert—</i>	5
	, (r) or (s)	6
Clause 9	Insertion of new pt 8, div 5	7
	Part 8—	8
	<i>insert—</i>	9
	Division 5 Transitional provision for Tow Truck (Towing from Private Property) Amendment Act 2017	10 11 12 13
	51 Application of conditions to existing licences	14
	Section 12(2)(s) and (3) to (6) applies to a licence whether the licence was granted before or after the commencement.	15 16 17
Clause 10	Amendment of sch 2 (Dictionary)	18
	Schedule 2—	19
	<i>insert—</i>	20
	<i>relevant car park—</i>	21
	(a) means a car park wholly or partly on, or provided for persons visiting or working at, retail, commercial or industrial premises; but	22 23 24 25

- (b) does not include regulated parking within 1
the meaning of the *Transport Operations* 2
(Road Use Management) Act 1995. 3