



*Tow Truck Act 1973*

# **Tow Truck Regulation 2009**

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Queensland

# Tow Truck Regulation 2009

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# Tow Truck Regulation 2009

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Tow Truck Regulation 2009*.

### 2 Commencement

This regulation commences on 1 September 2009.

### 3 Definitions

The dictionary in schedule 5 defines particular words used in this regulation.

## Part 2 Approvals

### Division 1 Who may apply

#### 4 Eligibility to apply for a driver's certificate

- (1) A person is eligible to apply for a driver's certificate if the person—
  - (a) is 18 years or more; and
  - (b) holds a driver licence authorising the driving of the class of motor vehicle for which the certificate is sought; and
  - (c) is able to show the person has the ability to drive a tow truck.
- (2) A person is able to show the person has the ability to drive a tow truck if the person—

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- (a) has held a driver licence authorising the driving of a class of motor vehicle for which the certificate is sought for a continuous period of 3 years immediately before an application for the certificate is made; or
- (b) can demonstrate, to the satisfaction of the chief executive, by a practical driving test, that the person has—
  - (i) the ability to drive and properly control a class of motor vehicle for which the certificate is sought whilst towing a motor vehicle; and
  - (ii) the ability to position a tow truck and correctly prepare a motor vehicle for towing; and
  - (iii) a thorough knowledge of the correct procedures for towing various classes of motor vehicles.

## **5 Eligibility to apply for an assistant's certificate**

A person is eligible to apply for an assistant's certificate if the person is 16 years or more.

## **Division 2 Application for an approval**

### **6 Definition for div 2**

In this division—

*applicant* means a person applying for an approval.

### **7 Application for approval**

An application for an approval must be—

- (a) made in the approved form; and
- (b) supported by enough information to enable the chief executive to decide the application; and
- (c) accompanied by the prescribed fee.



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## 8 Chief executive may require satisfactory evidence

- (1) Before deciding an application for an approval, the chief executive may, by written notice to the applicant, require the applicant to give the chief executive satisfactory evidence of any of the following—
  - (a) the applicant's—
    - (i) name and address; and
    - (ii) if there is a current postal address for the applicant—the postal address; and
    - (iii) age; and
    - (iv) current driver licence;
  - (b) whether the applicant has previously been the holder of an approval issued under the Act or under a corresponding law;
  - (c) any other information relevant to the application required by the chief executive.
- (2) In this section—

*corresponding law* means a law of another State that provides for the same matter as the Act.

## 9 Applicant to undertake test or be medically examined

- (1) Before deciding an application for an approval, the chief executive may, by written notice to the applicant, require the applicant to—
  - (a) undertake a test decided by the chief executive; or
  - (b) be medically examined by a doctor.
- (2) If the applicant is examined under subsection (1)(b), the applicant must give to the chief executive a medical certificate signed by the doctor who examined the applicant stating—
  - (a) the doctor personally examined the applicant knowing the person to be an applicant; and
  - (b) the date of the examination; and

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- (c) if, in the doctor's opinion, having regard to the health and safety of the public generally, the applicant is mentally and physically an appropriate person to hold an approval.
- (3) The chief executive may require the applicant to obtain the medical certificate, or a further medical certificate, from a doctor decided by the chief executive.
- (4) In this section—  
*test* includes a written or oral test and a driving test.

## **Division 3                      Grant, renewal or refusal of an approval**

### **10            Grant of certificate or miscellaneous permit**

- (1) The chief executive must refuse an application for—
  - (a) a driver's certificate, or a miscellaneous permit by an applicant for a driver's certificate, if the applicant is not an eligible person to apply for a certificate under section 4; or
  - (b) an assistant's certificate, or a miscellaneous permit by an applicant for an assistant's certificate, if the applicant is not an eligible person to apply for a certificate under section 5.
- (2) The chief executive may refuse an application for a certificate or a miscellaneous permit if—
  - (a) the applicant has been convicted of a disqualifying offence; or
  - (b) the applicant has had a driver licence suspended, modified or cancelled.

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## 10A Form of certificate notice

- (1) This section applies if the chief executive gives a person written notice (a *certificate notice*) of—
  - (a) the granting of a certificate to the person; or
  - (b) the renewal of the person’s certificate; or
  - (c) the issuing of a replacement document evidencing the granting of a certificate to the person.
- (2) The certificate notice may be in the form of a smartcard certificate or an interim transport authority.
- (3) Subsection (2) does not limit the form the certificate notice may take.
- (4) A smartcard certificate given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.
- (5) In this section—  
*transport authority* see the *Transport Planning and Coordination Act 1994*, section 36G(3).

## 10B General provisions about certificate notice

- (1) A certificate notice may—
  - (a) indicate by way of a code, expression or otherwise that the person holds a certificate, and whether the certificate is subject to a condition; and
  - (b) contain information about—
    - (i) the certificate; and
    - (ii) the person’s personal particulars.
- (2) A code or expression mentioned in subsection (1) may be—
  - (a) stated on a certificate notice; or
  - (b) stored electronically on a smartcard certificate.
- (3) Subsection (1) does not limit the information that a certificate notice may contain.

## **10C Expressions on certificate notice**

- (1) The expression ‘tow truck driver’ on a certificate notice indicates that the person is the holder of a driver’s certificate.
- (2) The expression ‘tow truck assistant’ on a certificate notice indicates that the person is the holder of an assistant’s certificate.

## **10D Codes on certificate notice**

- (1) The following codes may be used on a certificate notice to show whether a certificate is subject to a condition—
  - ‘N’ stated on a certificate notice to show that—
    - the certificate is not subject to a condition; or
    - the certificate is subject to a condition evidence of which need not be carried by the holder of the certificate while carrying out activities for which the certificate is required
  - ‘Y’ stated on a certificate notice to show that the certificate is subject to a condition evidence of which must be carried by the holder of the certificate while carrying out activities for which the certificate is required
  - ‘TEXT’ stored on a smartcard certificate to show that the certificate is subject to a condition.
- (2) A code mentioned in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, schedule 1, column 1 may also be used on a certificate notice to show the class of motor vehicle that a certificate holder is authorised to drive under the certificate.

## **11 Identity card for holder of a certificate**

- (1) If the chief executive grants a certificate to a person, the chief executive must give the person an identity card.
- (2) The identity card must—

- (a) contain a photo of the person; and
- (b) identify the person as a certificate holder; and
- (c) state the person's identifying number as a certificate holder; and
- (d) state an expiry date; and
- (e) bear the certificate holder's signature.

## **12 Holder to sign written notice or permit document**

- (1) This section applies if the chief executive gives a person—
  - (a) a certificate notice; or
  - (b) a document evidencing the granting of a miscellaneous permit to the person (a *permit document*).
- (2) The person must, on receiving the certificate notice or permit document, sign it in ink with the person's usual signature in the space provided on it.

Maximum penalty—20 penalty units.
- (3) Subsection (2) does not apply to a smartcard certificate.

## **13 Application by holder for replacement document**

- (1) This section applies if—
  - (a) information stated on a document evidencing the granting of an approval to a person is incorrect; or
  - (b) the holder of an approval becomes aware, or reasonably suspects, a document evidencing the granting of an approval has been damaged, lost or stolen; or
  - (c) the holder of a driver's certificate or assistant's certificate is at risk from a data breach relating to the certificate.

*Note—*

See also section 14A for notifying the chief executive if a document has been damaged, lost or stolen.

- (2) The person or holder may apply to the chief executive for a replacement document.
- (3) An application under this section, other than an exempt application, must be—
  - (a) made in the approved form; and
  - (b) accompanied by—
    - (i) for an application for which subsection (1)(a) or (b) applies—the document, unless the document has been, or the holder reasonably suspects it has been, destroyed, lost or stolen; and
    - (ii) the prescribed fee.
- (4) After receiving an application for which subsection (1)(a) or (b) applies, the chief executive must issue a replacement document to the person or holder if the chief executive is satisfied—
  - (a) if subsection (1)(a) applies—the information on the document was incorrect; or
  - (b) if subsection (1)(b) applies—the document has been damaged, lost or stolen.
- (4A) After receiving an application for which subsection (1)(c) applies, the chief executive must issue a replacement document to the holder.
- (5) If the original document that has been replaced comes into, or returns to, the holder's possession after a replacement document has been issued to the holder, the holder must destroy the original document.

Maximum penalty—20 penalty units.
- (6) The chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if—
  - (a) the original document was a smartcard certificate; and
  - (b) the chief executive is satisfied the holder has not received the smartcard certificate because it has been lost or stolen.

(7) Also, the chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if the chief executive is satisfied the original document was lost or damaged because of a natural disaster.

(8) In this section—

*at risk* see the *Privacy Act 1988* (Cwlth), section 6(1).

*data breach* means an eligible data breach under the *Privacy Act 1988* (Cwlth) that is notified as required under that Act.

*exempt application* means an application for the replacement of a smartcard certificate if the chief executive is satisfied the smartcard certificate was not received by the holder because it has been lost or stolen.

*original document* means a document that is the subject of an application under subsection (2) because subsection (1)(b) applies.

### **13A Chief executive may require document evidencing granting of approval to be replaced**

(1) This section applies if information stated on a holder's document evidencing the granting of an approval to the person (the *document*) is incorrect and the chief executive reasonably believes the error was caused by the chief executive.

(2) The chief executive may, by written notice, require the holder of the document to return the document to the chief executive for replacement.

(3) The notice must include a statement identifying the information that is incorrect and the correct information.

(4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

(5) After receiving the document, the chief executive must give the holder a replacement document stating the correct information.

### **13B Upgrading to smartcard certificate**

- (1) This section applies to the holder of a certificate notice evidencing the granting of a certificate, if the certificate notice is not a smartcard certificate.
- (2) The holder may apply to the chief executive to replace the certificate notice with a smartcard certificate.
- (3) The application must be—
  - (a) made in the approved form; and
  - (b) accompanied by the prescribed fee.
- (4) The chief executive may replace the certificate notice with a smartcard certificate for the same period as the unexpired period of the approval.

## **Division 4 Obligations of an approval holder**

### **14 Conditions of licence**

- (1) It is a condition of every licence that a licence holder must—
  - (a) offer towing services, 24 hours a day, 7 days a week; and
  - (b) conduct the business from premises owned or leased only by the licence holder; and
  - (c) conduct the business from premises that conform with the requirements of the local government for the local government area in which the premises are situated; and
  - (d) supply communication equipment suitable for the deployment of mobile units—
    - (i) at the premises; and
    - (ii) in motor vehicles licensed under the Act; and
  - (e) have a holding yard as a place of safe storage.



- (2) A licence holder may apply to the chief executive for exemption of the licence from a condition mentioned in subsection (1).
- (3) The application must be made in writing.
- (4) In deciding whether or not to give the exemption, the chief executive must consider the following—
  - (a) whether a condition has been substantially complied with;
  - (b) whether compliance with the condition is unnecessary in the particular circumstances;
  - (c) whether the action taken or proposed to be taken for the matter that is the subject of the exemption is as effective as, or more effective than, compliance with the condition.
- (5) The chief executive must give the applicant written notice of the decision whether or not to give the exemption.
- (6) If the chief executive decides not to give the exemption—
  - (a) sections 28 and 29 of the Act apply to the decision as if the decision were mentioned in schedule 1 of the Act; and
  - (b) the notice under subsection (5) must state that the applicant may—
    - (i) under section 28 of the Act, ask the chief executive to review the decision; and
    - (ii) under section 29 of the Act, apply to QCAT for the chief executive's decision on the review to be reviewed.
- (7) A person must not contravene a condition of a licence imposed under subsection (1).

Maximum penalty for subsection (7)—20 penalty units.

**14A Notifying chief executive if document evidencing granting of approval damaged, lost or stolen**

- (1) This section applies if the holder of an approval becomes aware, or reasonably suspects, his or her document evidencing the granting of an approval has been damaged, lost or stolen.
- (2) The holder must give the chief executive written notice of the damage, loss or theft as soon as practicable after becoming aware of, or suspecting, it.

Maximum penalty—20 penalty units.

- (3) Despite subsection (2), the notice is sufficiently given if an application for a replacement document is made under section 13.

**15 Change of name, address or postal address**

- (1) This section applies if the holder of an approval changes any of the following—
  - (a) the holder's name or address;
  - (b) if there is a current postal address for the holder—the postal address.
- (2) The holder must, within 14 days after the change, give the chief executive—
  - (a) for a change of name—written notice of the change; or
  - (b) for any other change—notice of the change.

Maximum penalty—20 penalty units.

- (3) If the chief executive is satisfied the information given by the holder is correct, the chief executive must—
  - (a) for a change of name—give the holder a replacement document evidencing the granting of the approval that records the change of name; or
    - (i) endorse the change of name on the document evidencing the granting of the approval; or

- (ii) give the holder a replacement document evidencing the granting of the approval that records the change of name; or
- (b) for a change of address—
  - (i) give the holder a replacement document evidencing the granting of the approval that records the change of address; or
  - (ii) give the holder a change of address label.
- (4) If a change of address label is damaged, lost or stolen, the holder must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- (5) On receipt of a change of address label or a replacement label, the holder must promptly attach the label to the back of the document evidencing the granting of the approval in the space provided for a change of address label.

Maximum penalty for subsection (5)—20 penalty units.

## **15A Holder of approval to give notice of particular events**

The holder of an approval must give the chief executive signed notice of any of the following events within 14 days after the event happens—

- (a) the holder, or if the holder is a corporation, an executive officer of the holder is—
  - (i) convicted of a disqualifying offence; or
  - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (iii) convicted of an offence against the Act;
- (b) if the holder is a corporation—a new executive officer of the holder is appointed.

Maximum penalty—20 penalty units.

## **15B Notifiable events under other Acts**

- (1) This section applies if the holder of an approval—
  - (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
  - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
  - (c) complies with the obligation under the prescribed smartcard Act.
- (2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- (3) In this section—

***notifiable event***, for the holder of an approval, means any of the following—

- (a) a change of the holder's name;
- (b) a change of the holder's address;
- (c) if there is a current postal address for the holder—a change of the postal address;
- (d) the damage, loss or theft of a certificate notice or permit document.

***prescribed smartcard Act*** means any of the following Acts—

- (a) the *Photo Identification Card Act 2008*;
- (b) the *Transport Operations (Marine Safety) Act 1994*;
- (c) the *Transport Operations (Passenger Transport) Act 1994*;
- (d) the *Transport Operations (Road Use Management) Act 1995*.

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**16 Licence or towing permit to be kept in safe custody**

The holder of a licence or a towing permit must keep the licence or permit in safe custody at the place of business stated in the licence or permit.

Maximum penalty—20 penalty units.

**17 Holder of miscellaneous permit or certificate must carry particular documents**

- (1) The holder of a miscellaneous permit must carry written notice of the granting of the permit while carrying out activities for which the permit is required.

Maximum penalty—20 penalty units.

- (2) The holder of a certificate must carry 1 of the following documents while carrying out activities for which a certificate is required—

- (a) the holder's smartcard certificate;
- (b) the holder's interim transport authority;
- (c) another certificate notice about the granting, renewal or replacement of the holder's certificate.

Maximum penalty—20 penalty units.

- (3) If the chief executive has imposed a condition on the holder of a certificate, the holder must also carry any document evidencing the imposed condition if the imposed condition requires it.

Maximum penalty—20 penalty units.

- (4) Subsection (3) does not apply to a condition about a person's traffic history or criminal history.

**17A Copy of towing consent must be carried**

A person who is driving a tow truck must carry a copy of a valid towing consent while conducting an activity to which the consent relates.

Maximum penalty—30 penalty units.

**17B Police commissioner must be notified about towing of private property motor vehicle**

- (1) This section applies if a tow truck is used to tow a private property motor vehicle from private property.
- (2) The holder of the licence for the tow truck must give the police commissioner a notice, as required by subsection (3), about the tow.

Maximum penalty—30 penalty units.

- (3) The notice must be—
  - (a) in the approved form; and
  - (b) given to the police commissioner—
    - (i) as soon as reasonably practicable after the tow; and
    - (ii) but no later than 1 hour after the private property motor vehicle is stored in a holding yard.

**17C Copy of towing consent must be given**

- (1) This section applies if—
  - (a) a private property motor vehicle is—
    - (i) towed from private property by a tow truck; or
    - (ii) released by the driver of a tow truck to its owner under section 29B; and
  - (b) the owner of the vehicle asks either of the following persons for a copy of the towing consent relating to the towing or release—
    - (i) the driver of the tow truck; or
    - (ii) the holder of the licence for the tow truck.
- (2) The holder of the licence must, as soon as reasonably practicable, but in any event within 2 business days after the

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owner of the private property motor vehicle makes the request, give the owner a copy of the towing consent.

Maximum penalty—30 penalty units.

## **18 Dress of holder of approval**

The holder of an approval must, when acting under the authority of the approval, be neatly dressed.

Maximum penalty—20 penalty units.

## **19 Conduct of holder of approval**

(1) The holder of an approval must not when acting under the authority of the approval—

- (a) advertise or promote the business of anyone other than the holder of the licence or towing permit under which the holder is acting; or
- (b) seek business for anyone other than the holder of the licence or towing permit under which the holder is acting; or
- (c) wear clothing displaying, or display, including display on the tow truck stated in the approval, any advertising or markings other than the following particulars—
  - (i) the business name, place of business or telephone number of the approval holder;
  - (ii) the name of the wearer;
  - (iii) if the holder is the agent of an approved organisation—the details mentioned in subparagraph (i) for the approved organisation.

Maximum penalty—20 penalty units.

(2) The particulars mentioned in subsection (1)(c) must be in printing of a uniform size and style.

Maximum penalty—20 penalty units.

(3) In this section—

*approved organisation* means—

- (a) a motoring organisation; or
- (b) an organisation providing benefits for motorists;  
approved in writing by the chief executive.

## **20 Wilful injury etc. at scene of incident or on private property**

- (1) This section applies to the holder of an approval acting under the authority of the approval—
  - (a) at the scene of an incident; or
  - (b) on private property to tow a private property motor vehicle from the property.
- (2) The holder of the approval must not, either directly or indirectly—
  - (a) cause or threaten wilful injury to a person at the scene or on the private property; or
  - (b) cause or threaten wilful damage to a person's property at the scene or on the private property; or
  - (c) intimidate or harass a person at the scene or on the private property; or
  - (d) abuse or insult a person at the scene or on the private property.

Maximum penalty—50 penalty units.

## **21 Conduct at scene of incident**

The holder of an approval must not, when acting under the authority of the approval at the scene of an incident, either directly or indirectly—

- (a) prevent or hinder the delivery of first aid or medical treatment to a person at the scene; or



- (b) obtain, or attempt to obtain, the signature of an owner of a motor vehicle involved in the incident, or the owner's agent, on a towing authority, if the owner or agent appears unable to make an informed decision about whether or not to sign the towing authority.

*Examples of an owner or agent who appears unable to make an informed decision under paragraph (b)—*

- an owner or agent who has been injured in the incident
- an owner or agent who is distressed as a result of another person being killed or injured in the incident

Maximum penalty—50 penalty units.

## **21A No disclosure of information**

- (1) This section applies to a relevant person who, in the course of carrying out the person's business or occupation, obtains—
- (a) information about any of the following (each a *vehicle event*)—
- (i) an incident or the seizure of a motor vehicle;
  - (ii) the towing of a private property motor vehicle from private property;
  - (iii) the release of a private property motor vehicle under section 29B; or
- (b) personal information about the owner or driver of a motor vehicle or a private property motor vehicle, or another person, involved in connection with a vehicle event.
- (2) The relevant person must not disclose the information to another person other than—
- (a) the owner of the motor vehicle or private property motor vehicle involved in the vehicle event, or the owner's agent; or
  - (b) another relevant person carrying out that person's business or occupation in connection with the vehicle; or

(c) an authorised officer.

Maximum penalty—50 penalty units.

(3) In this section—

***personal information***, about a person, means information about the person from which the person's identity is apparent or can reasonably be ascertained.

***relevant person*** means—

- (a) the holder of a licence, certificate or permit; or
- (b) another person employed, engaged or acting in connection with the towing, storage or release of a prescribed motor vehicle.

*Examples—*

- an employee of the holder of a licence who carries out administrative duties for the holder
- a security guard employed or engaged at a holding yard used to store prescribed motor vehicles

## **22 Remaining at the scene of an incident**

(1) The holder of an approval acting under the authority of the approval must not remain at the scene of an incident if the tow truck the holder is operating is not classified to tow a motor vehicle involved in the incident.

Maximum penalty—20 penalty units.

(2) The holder does not contravene subsection (1) if the holder remains at the scene to give first aid to a person injured in the incident.

## **Division 5 Other obligations**

### **23 Damaging a document**

A person must not wilfully damage a document that is—

- (a) written notice of the granting or renewal of an approval;  
or
  - (b) a towing authority.
- Maximum penalty—20 penalty units.

## **24 Chief executive may direct superseded document to be destroyed**

- (1) The chief executive may direct a person to destroy the person's superseded document.
- (2) The person must comply with the direction.  
Maximum penalty—20 penalty units.
- (3) In this section—

*document* means a certificate notice or a permit document.

*superseded document* includes a superseded smartcard transport authority.

*Note—*

See the *Transport Planning and Coordination Regulation 2017*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

## **24A Only 1 certificate to be held at the same time**

A person must not hold more than 1 driver's certificate or assistant's certificate at the same time.

Maximum penalty—40 penalty units.

## **24B Possessing another person's document**

- (1) A person must not possess another person's document, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

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- (2) A person must not give the person's document to another person if the person knows, or ought reasonably to know, the other person intends to use the document to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

- (4) In this section—

*document* means a certificate notice or a permit document.

#### **24C Document purporting to be certificate notice or permit document**

- (1) A person must not possess a document that resembles a certificate notice or permit document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document that resembles a certificate notice or permit document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

## **Part 3 Miscellaneous**

### **25 Records to be kept**

- (1) This section applies if, under a licence or towing permit—

(a) a motor vehicle is towed from the scene of an incident or is seized; or

(b) a private property motor vehicle is towed from private property; or

- (c) a private property motor vehicle is released under section 29B.
- (2) The holder of the licence or towing permit must—
  - (a) record the prescribed particulars for the motor vehicle or private property motor vehicle within 24 hours after the particulars are supplied to, or become known to, the holder; and
  - (b) keep the record at the place of business stated in the licence or permit.

Maximum penalty—20 penalty units.

- (3) In this section—

*prescribed particulars* means—

- (a) for a damaged or seized motor vehicle towed from the scene of an incident or that is seized—
  - (i) the name and address of the person who gave the holder of the licence or towing permit information about the incident or seizure; and
  - (ii) the place, date and approximate time of the incident or seizure; and
  - (iii) the make, and registration or other identification number, of the vehicles in the incident or seizure; and
  - (iv) the registration or other identification number of each tow truck attending the incident or seizure; or
- (b) for a private property motor vehicle towed from private property—
  - (i) the name and address of the occupier of the property; and
  - (ii) the make, and registration or other identification number, of the vehicle; and
  - (iii) the registration or other identification number of each tow truck attending the property; and

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- (iv) how the holder of the licence or towing permit under which the vehicle was towed became aware of the vehicle's presence on the property; and
  - (v) if a person told the holder about the vehicle's presence on the property—the name and address of the person; and
  - (vi) the date and approximate time the vehicle was towed from the property; and
  - (vii) the date and time the vehicle arrived at a holding yard; or
- (c) for a private property motor vehicle released under section 29B—
- (i) each prescribed particular mentioned in paragraph (b)(i) to (v); and
  - (ii) the date and approximate time the vehicle was released.

## **26 Custody of records**

- (1) The holder of a licence or towing permit must keep a record made under section 25—
- (a) in safe custody at the place of business stated in the licence or permit; and
  - (b) for at least 1 year from the day the record was made.
- Maximum penalty—20 penalty units.
- (2) The holder of a licence who obtains a towing consent must keep the consent—
- (a) in safe custody at the place of business stated in the licence; and
  - (b) for 1 year after the consent stops being in force.
- Maximum penalty—20 penalty units.

## **27 Towing authority to be completed**

- (1) This section applies if the driver of a tow truck, acting under the authority of a driver's certificate or a miscellaneous permit, intends to tow a motor vehicle from the scene of an incident or seizure.
- (2) The driver must—
  - (a) properly and fully complete a towing authority for the vehicle for signature by an authorising person for the vehicle; and
  - (b) after the authorising person signs the towing authority, give the signed copy of the towing authority to the authorising person.

Maximum penalty—20 penalty units.

## **28 First vehicle to be towed**

- (1) This section applies if the driver of a tow truck, acting under the authority of a driver's certificate or a miscellaneous permit (the *driver*), has obtained an authorising person's signature under section 27 to tow a motor vehicle (the *first vehicle*) from the scene of an incident or seizure.
- (2) The driver must not obtain, or attempt to obtain, an authorising person's signature for any other motor vehicle until the first vehicle has been towed from the scene of the incident or seizure.

Maximum penalty—20 penalty units.

## **29 Authorised officer may authorise tow**

- (1) This section applies if the owner of a damaged or seized motor vehicle, or the owner's agent, is absent from the motor vehicle or incapacitated.
- (2) An authorised officer may sign a towing authority for the motor vehicle.

- (3) The driver of a tow truck towing the motor vehicle under the towing authority must tow the motor vehicle to—
- (a) the nearest holding yard available to the driver; or
  - (b) if directed by a police officer, the nearest police station or other premises directed by the police officer.

Maximum penalty—20 penalty units.

- (4) If the motor vehicle to be towed is a damaged motor vehicle, the holder of the licence or towing permit for the tow truck stated in the towing authority must give the original towing authority to the chief executive within 7 days after the motor vehicle is towed.

Maximum penalty—20 penalty units.

- (5) If the motor vehicle to be towed is a seized motor vehicle, the driver of a tow truck stated in the towing authority must give the original towing authority to the authorised officer before the motor vehicle is towed.

Maximum penalty—20 penalty units.

## **29A Dealing with private property motor vehicles**

- (1) The driver of a tow truck may tow a private property motor vehicle that is on private property from the property only if—
- (a) the driver can not, after taking reasonable steps, find the owner of the vehicle; or
  - (b) if the driver finds the owner of the vehicle—
    - (i) the owner refuses to move the vehicle; or
    - (ii) the driver reasonably believes the owner can not, or will not, move the vehicle from the property within a reasonable time.

Maximum penalty—50 penalty units.

- (2) Subsection (3) applies if—
- (a) the driver of a tow truck has started but not finished doing either of the following in preparation for the



towing of a private property motor vehicle from private property—

- (i) lifting the vehicle with, and securing the vehicle to, the tow truck;
  - (ii) otherwise moving the vehicle onto, and securing the vehicle to, the tow truck; and
- (b) the owner of the vehicle agrees to move the vehicle from the private property within a reasonable time.
- (3) The driver must immediately release the private property motor vehicle to the owner without charge.

Maximum penalty—50 penalty units.

- (4) In this section—

*tow* includes attach to a tow truck.

*tow truck* includes a lifting or loading device with which a tow truck is equipped.

## **29B On-site release of private property motor vehicle**

- (1) This section applies if—
- (a) a private property motor vehicle on private property—
    - (i) has been loaded onto a tow truck by the driver of a tow truck; and
    - (ii) has not been moved from the property; and
  - (b) the owner of the vehicle is present.
- (2) The driver of the tow truck must tell the owner, before moving the private property motor vehicle from the property, that if the owner pays the on-site release charge imposed by the holder of the licence that relates to the tow truck, the vehicle will be immediately released.

Maximum penalty—30 penalty units.

- (3) If the owner of the private property motor vehicle pays the driver the on-site release charge before the vehicle is moved

from the property, the driver must immediately release the vehicle to the owner.

Maximum penalty—50 penalty units.

- (4) The on-site release charge must not be more than the amount stated in schedule 3, part 2.

Maximum penalty—50 penalty units.

- (5) In this section—

*loaded*, onto a tow truck, means lifted or otherwise moved onto, and secured to, the tow truck in every way necessary to prepare the vehicle to be moved by the tow truck.

*on-site release charge* means an amount for the release of a private property motor vehicle before it is moved from private property.

*tow truck* includes a lifting or loading device with which a tow truck is equipped.

### **30 Most direct route to be used**

- (1) The driver of a tow truck authorised by a towing authority to tow a motor vehicle from the scene of an incident or seizure must, as soon as practicable, tow the motor vehicle to the address stated on the towing authority by the most direct route.

Maximum penalty—20 penalty units.

- (2) The driver of a tow truck who tows a private property motor vehicle from private property must, as soon as practicable, tow the vehicle by the most direct route to the nearest holding yard owned or leased by the holder of the licence for the tow truck.

Maximum penalty—20 penalty units.

### **31 Vehicle owner liable for charges**

- (1) This section applies if—

- (a) a motor vehicle is towed under a towing authority signed by an authorised officer; or
  - (b) the holder of an approval tows a private property motor vehicle from private property in accordance with the Act.
- (2) The owner of the motor vehicle or private property motor vehicle is liable for the payment of—
- (a) the towing charges payable for towing the motor vehicle; and
  - (b) any charge imposed under section 34 for storing the vehicle.
- (3) This section does not limit a person’s rights or liabilities under another law.

*Example of a person’s rights or liabilities under another law—*

a person’s common law rights

## **32 Particular charges prohibited**

The holder of an approval must not, in addition to a charge imposed under another provision of this regulation, impose a charge for any of the following in relation to the towing, release or storage of a prescribed vehicle—

- (a) responding to a request to tow the vehicle or attend a place at which the vehicle is located;
- (b) travelling to the place at which the vehicle is located;
- (c) taking steps to find the owner of the vehicle;
- (d) using a lifting or loading device with which a tow truck is equipped;
- (e) using fuel;
- (f) administrative work;
- (g) taking or producing photographs;
- (h) preparing or sending documents or information;

*Example of a document—*

inventory of personal property

- (i) storing personal property;
- (j) if the vehicle is being stored in a holding yard—
  - (i) allowing the owner of the vehicle, or the owner's agent, to view, have access to or take personal property from, the vehicle during business hours;  
or
  - (ii) moving the vehicle within the yard.

Maximum penalty—50 penalty units.

### **33 Towing charges**

- (1) The holder of an approval must not charge more than the amount stated in schedule 3, part 1, item 1 for a standard tow of a damaged motor vehicle from the scene of an incident.

Maximum penalty—50 penalty units.

- (2) The holder of an approval must not charge more than the amount stated in schedule 3, part 1, item 2 for a standard tow of a private property motor vehicle from private property.

Maximum penalty—50 penalty units.

- (3) The holder of an approval must not charge more than is reasonable in all the circumstances for towing—

- (a) a damaged motor vehicle from the scene of an incident, other than by a standard tow; or
- (b) a seized motor vehicle from the scene of a seizure; or
- (c) a private property motor vehicle from a private property, other than by a standard tow.

Maximum penalty—50 penalty units.

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### **34 Storage charges**

The holder of an approval must not impose a charge for storing a motor vehicle in a holding yard unless—

- (a) for a damaged or seized motor vehicle—the holder gives the owner, or the owner’s agent, a written notice stating—
  - (i) that the charge is to be imposed no sooner than 2 days after the notice is given; and
  - (ii) the amount of the charge; or
- (b) for a private property motor vehicle—the amount of the charge is not more than the amount stated in schedule 3, part 3.

Maximum penalty—50 penalty units.

### **34A Notice of charge for viewing outside business hours**

A person must not charge the owner of a motor vehicle being stored in a holding yard, or the owner’s agent, to view the motor vehicle outside business hours unless, before the owner or agent views the vehicle, the person gives the owner or agent a written notice about the amount to be charged.

Maximum penalty—50 penalty units.

### **35 Removal from place of storage**

- (1) A person must not charge for towing or moving a motor vehicle stored in a holding yard to the entrance of the yard.

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies if—
  - (a) a motor vehicle is stored in the holding yard of the holder of a licence or towing permit; and
  - (b) the owner of the motor vehicle, or the owner’s agent, asks the holder to release the motor vehicle.

- (3) The holder must release the motor vehicle as soon as is practicable but no longer than 4 business hours after the request by towing or moving the motor vehicle to an accessible position at the entrance of the holding yard.

Maximum penalty—20 penalty units.

### **36 Chief executive may investigate charges**

The chief executive may investigate the charges imposed for towing, releasing, storing or salvaging a motor vehicle.

### **37 Found property must be kept in safe custody**

- (1) This section applies in relation to found property for a prescribed motor vehicle that has been towed.
- (2) The holder of the licence or towing permit under which the prescribed motor vehicle was towed must keep the found property in safe custody until the property is returned to its owner or the owner's agent.

Maximum penalty—20 penalty units.

### **38 Tow truck specifications**

- (1) A person must not drive, use or operate a tow truck unless the tow truck—
  - (a) is in a good and serviceable condition; and
  - (b) conforms with the requirements of schedule 1; and
  - (c) is operated in accordance with the requirements of schedule 1.

Maximum penalty—20 penalty units.

- (2) However, if the tow truck is a heavy vehicle, subsection (1)(a) does not apply to the tow truck to the extent that the matters mentioned in that provision are covered by the Heavy Vehicle National Law (Queensland).
- (3) In this section—

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*tow truck* includes a trailer carrying a motor vehicle.

### **39 Disposal of tow truck**

- (1) The holder of a licence or towing permit must, before disposing of a tow truck, remove from the tow truck any marking indicating or tending to indicate that it is a tow truck that a licence or permit applies to.

Maximum penalty—20 penalty units.

- (2) The holder must, within 7 days of disposing of a tow truck, give the chief executive written notice of the name and address of the person acquiring the tow truck.

Maximum penalty—20 penalty units.

- (3) The holder must—

(a) either—

(i) if the licence or permit is for 1 tow truck only—surrender and return the licence or permit to the chief executive; or

(ii) if the licence or permit is for more than 1 tow truck—return the licence or permit to the chief executive for amendment; and

(b) return to the chief executive any towing authorities issued for the tow truck.

Maximum penalty—20 penalty units.

### **40 Regulated areas—Act, sch 2**

- (1) For the Act, schedule 2, definition *regulated area*, the areas stated in schedule 4 are prescribed.

- (2) For schedule 4, a reference to a shire or city by name is a reference to the shire or city of that name declared as a local government area under the *Local Government Act 1993* as in force immediately before the changeover day.

*Notes—*

- 1 Under the *Local Government Act 1993* as in force immediately before the changeover day, shires and cities were described in the *Local Government (Areas) Regulation 2005*, schedule 1 as in force immediately before the changeover day.
  - 2 Each map mentioned in the *Local Government (Areas) Regulation 2005*, schedule 1 as in force immediately before the changeover day can be—
    - (a) accessed by members of the public, free of charge, on the department's website; or
    - (b) purchased from any office of the department in which the *Survey and Mapping Infrastructure Act 2003* is administered.
- (3) In this section—

***changeover day*** means 15 March 2008.

*Note—*

The changeover day declared under the *Local Government Act 1993*, section 159YE(2) for all new, adjusted and continuing local government areas listed in schedule 1A of that Act is 15 March 2008. See the notice published in the gazette on 23 November 2007 at page 1680.

## **41 Exemption from Act if no class 4 tow truck**

- (1) This section applies if the recovery of a damaged or seized motor vehicle (the ***recovered vehicle***) from the scene of an incident or seizure requires a class 4 tow truck, and no class 4 tow truck is based within a 100km radius of the scene of the incident or seizure.
- (2) A person who uses a motor vehicle equipped with a crane or hoist, having a safe working load of at least 5t, to recover and load the recovered vehicle on the motor vehicle for removal from the scene of the incident or seizure, is exempt from the Act if the person uses the motor vehicle under directions given by an authorised officer.

## **42 Fees**

- (1) The fees payable under the Act are stated in schedule 2.



- (1A) A fee payable under schedule 2, item 2 or 5 that relates to the renewal of a licence or certificate is the fee in force on 1 July in the financial year in which the term of the renewed licence or certificate starts.

#### **42A Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee or other matter expressed in this regulation as a number of fee units.
- (2) For the purposes of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded to the nearest multiple of 5 cents (rounding one-half upwards).

*Example—*

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

#### **43 Waiver of additional application fee**

The chief executive may waive the payment of an additional application fee payable under schedule 2 for a person.

#### **44 Refund of additional application fee**

- (1) This section applies if—
- (a) an application for a licence is made and the chief executive does not ask the police commissioner for a written report about a person's criminal history under section 36(1) of the Act in relation to the application; or
- (b) an application for a driver's certificate or an assistant's certificate is made and the chief executive does not ask the commissioner for a written report about a person's criminal history under section 36(1) of the Act in relation to the application.

- (2) The additional application fee paid under schedule 2 for the application must be refunded to the applicant.

## **Part 4                      Repeal**

### **45        Repeal**

The Tow Truck Regulation 1999, SL No. 142 is repealed.

## **Part 5                      Transitional provision**

### **46        References to repealed Tow Truck Regulation 1999**

In a document, a reference to the repealed *Tow Truck Regulation 1999* is, if the context permits, taken to be a reference to this regulation.

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## Schedule 1      Tow truck specifications

### section 38

#### Part 1                      Tray or platform tow trucks

- 1 This part applies only to a tow truck that is a tray tow truck or platform tow truck.
- 2 Tow trucks are classified as 1 of the following classifications—
  - (a) class 1T;
  - (b) class 2T;
  - (c) class 3T;
  - (d) class 4T;
  - (e) class 5T.
- 3 A tow truck must have a load capacity appropriate to the loaded mass of any motor vehicle it is required to carry for its classification.
- 4 A class 1T tow truck must have a load capacity of at least 2.4t.
- 5 A class 2T tow truck must have a load capacity of at least 5.5t.
- 6 A class 3T tow truck must have a load capacity of at least 11t.
- 7 A class 4T tow truck must have a load capacity of at least 16t.
- 8 A class 5T tow truck—
  - (a) must have a load capacity of at least 100kg; and
  - (b) is equipped with a rack able to hold a motorcycle in a secure position while carrying the motorcycle.

## **Part 2**

### **Tow trucks other than tray or platform tow trucks**

- 1 This part applies to a tow truck other than a tray tow truck or a platform tow truck.
- 2 Tow trucks are classified as 1 of the following classifications—
  - (a) class 1;
  - (b) class 2;
  - (c) class 3;
  - (d) class 4.
- 3 A tow truck must have a load capacity appropriate to the loaded mass of any motor vehicle it is required to carry for its classification.
- 4 A class 1 tow truck must—
  - (a) have a load capacity of at least 1.2t; and
  - (b) be equipped with a crane or hoist with a safe working load of at least 1t; and
  - (c) be limited to the lifting and carrying or towing of motor vehicles with a loaded mass of not more than 2t.
- 5 A class 2 tow truck must—
  - (a) have a load capacity of at least 3t; and
  - (b) be equipped with a crane or hoist with a safe working load of at least 2.5t; and
  - (c) be limited to the lifting and carrying or towing of a motor vehicle with a loaded mass of not more than 5t.
- 6 A class 3 tow truck must—
  - (a) have a load capacity of at least 6t; and
  - (b) be equipped with a crane or hoist with a safe working load of at least 5t; and

- 
- (c) be limited to the lifting and carrying or towing of a motor vehicle with a loaded mass of not more than 10t.
- 7 A class 4 tow truck must—
- (a) have a minimum gross combination mass of 25t; and
  - (b) be equipped with—
    - (i) tandem or tri-rear axle group; and
    - (ii) a power operated winch; and
    - (iii) a crane or hoist having a safe working load of at least 5t.

## Part 3 Equipment

- 1 Dolly wheel equipment must—
- (a) be used only in conjunction with a class 1 tow truck; and
  - (b) not be more than 2.5m in overall width; and
  - (c) be equipped with suitable curved tyre saddles of sufficient length to adequately support the load; and
  - (d) have a load capacity of at least 1.2t; and
  - (e) be fitted with adequate means to restrain the particular axles of the motor vehicle being supported by the dolly wheels before and during towing; and
  - (f) be conspicuously marked in letters and figures of at least 50mm in height and 25mm in width as follows—  
‘Max. load 1.2t’.

## Part 4 Requirements

- 1 A winch fitted to a tow truck must be adequately mounted and the load applied to the winch must not be more than the safe working load specified for the winch by its manufacturer or, if no safe working load for the winch has been specified by its

manufacturer, the safe working load for the winch certified by an engineer.

- 2 A tow truck must be maintained in accordance with any requirements that apply to the tow truck under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*.
- 3(1) A tow truck must have markings on both sides of the tow truck that display—
  - (a) the name, business address and telephone number of the licence or towing permit holder; and
  - (b) the classification of the tow truck; and
  - (c) the licence or permit number of the tow truck.
- (2) The markings must be clearly legible at a distance of 30m.
- (3) The markings may be on the tow truck or on signs attached to the tow truck if the markings or signs are not likely to—
  - (a) make the use of the tow truck unsafe; or
  - (b) cause injury, annoyance or distraction to a person.
- (4) Any markings placed on the tow truck in addition to the markings required under subitem (1) or permitted under subitem (6), must be displayed so as not to assume greater significance than the markings required by subitem (1).
- (5) Any markings placed on the tow truck, other than words, including abbreviations of words, figures and punctuation marks must not be more than 1,000 square centimetres in area.
- (6) A tow truck may be equipped with 1 illuminated sign if the sign—
  - (a) is fitted with a fixed incandescent bulb of constant intensity; and
  - (b) has a total illuminated surface area of not more than 3,000 square centimetres.
- 4(1) A tow truck must—
  - (a) be equipped with sufficient means for supporting a load in its raised position while under tow; and

- 
- (b) be fitted with dual wheels on the rear axle or axles; and
  - (c) to ensure some of the mass of a towed motor vehicle will be taken on at least 2 wheels on a single axle of the towed motor vehicle before the tow truck is put in motion, be fitted with—
    - (i) spacer bars designed to minimise any damage that may be caused to the towed motor vehicle; and
    - (ii) safety chains.
- (2) If a tow truck has a trailer that a motor vehicle is or may be carried on, the trailer must be fitted with at least 2 axles fitted either with single wheels or dual wheels.
- 5 When a motor vehicle has been fully lifted by a tow truck the motor vehicle must—
- (a) be wholly supported on—
    - (i) the carrying area of the tow truck; or
    - (ii) a trailer—
      - (A) complying with any requirements that apply to the trailer under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, schedule 1; and
      - (B) registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*; and
  - (b) be adequately secured to the tow truck or trailer before it is moved.
- 6 The loaded mass of a motor vehicle being lifted by a tow truck must not be more than the total mass of the tow truck if the tow truck is not a heavy vehicle.

## Schedule 2 Fees

section 42

	<b>Fee units</b>
1 Application for a licence (Act, s 6)—the total of the following—	
(a) for each tow truck—	
(i) licence for 1 year	441.60
(ii) licence for 2 years	770.40
(iii) licence for 3 years	1106.70
(iv) licence for 4 years	1428.05
(v) licence for 5 years	1734.50
(b) additional application fee in relation to requesting written reports under section 36(1) of the Act in relation to the application—	
(i) if the applicant is 1 or more individuals—for each individual	46.50
(ii) if the applicant is a corporation—for each executive officer of the corporation	46.50
2 Application for a renewal of a licence (Act, s 9(2)(b))—for each tow truck—	
(a) renewal for 1 year	441.60
(b) renewal for 2 years	770.40
(c) renewal for 3 years	1106.70
(d) renewal for 4 years	1428.05
(e) renewal for 5 years	1734.50



	<b>Fee units</b>
3 Application for a towing permit (Act, s 11(1)), for each 3 months or part of 3 months	127.50
4 Application for a driver's certificate or assistant's certificate (Act, s 14)—the total of the following—	
(a) base application fee—	
(i) certificate for 1 year	114.45
(ii) certificate for 2 years	154.85
(iii) certificate for 3 years	198.10
(iv) certificate for 4 years	239.50
(v) certificate for 5 years	278.95
(b) additional application fee in relation to requesting written reports under section 36(1) of the Act in relation to the application	46.50
5 Application for a renewal of a driver's certificate or assistant's certificate (Act, s 17A)—	
(a) renewal for 1 year	114.45
(b) renewal for 2 years	154.85
(c) renewal for 3 years	198.10
(d) renewal for 4 years	239.50
(e) renewal for 5 years	278.95
6 Application for a miscellaneous permit (Act, s 19(1)), for an applicant for a driver's certificate or assistant's certificate, for each 3 months or part of 3 months	22.55
7 Application for a replacement licence (s 13(3)(b)(ii))	54.70
8 Application for a replacement towing permit (s 13(3)(b)(ii))	54.70
9 Application for a replacement driver's certificate or assistant's certificate (s 13(3)(b)(ii))	33.01

	<b>Fee units</b>
10 Application for a replacement miscellaneous permit (s 13(3)(b)(ii))	22.55

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## **Schedule 3      Maximum amounts that may be charged**

sections 29B(4), 33 and 34(b)

### **Part 1                      Standard tow charge**

	<b>Fee units (including GST)</b>
1    Standard tow of a damaged motor vehicle from the scene of an incident—	
(a)    for the first 50km	382.35
(b)    for each kilometre over 50km	7.60
2    Standard tow of a private property motor vehicle from private property	264.65

### **Part 2                      On-site release charge**

	<b>Fee units (including GST)</b>
on-site release charge	158.80

## Part 3

## Storage charge

	<b>Fee units (including GST)</b>
storing private property motor vehicle in a holding yard, for each day	26.45

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## Schedule 4 Regulated areas

section 40(1)

- 1 The shires of—
  - Beaudesert
  - Boonah
  - Caboolture
  - Esk
  - Gatton
  - Kilcoy
  - Laidley
  - Maroochy
  - Noosa
  - Pine Rivers
  - Redland
- 2 The cities of—
  - Brisbane
  - Bundaberg
  - Cairns
  - Caloundra
  - Gold Coast
  - Hervey Bay
  - Ipswich
  - Logan
  - Mackay
  - Maryborough
  - Redcliffe

Rockhampton

Toowoomba

- 3 The areas made up of the parishes of—
- (a) Clement and Hinchinbrook in the County of Gray; and
  - (b) Beor, Bohle, Coonambelah, Ettrick, Halifax, Hervey, Lansdowne, Magnetic, Margenta, Rokeby, Ross, Stuart and Wyoming in the County of Elphinstone.

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## Schedule 5 Dictionary

### section 3

**applicant** for part 2, division 2, see section 6.

**approval** means a licence, certificate or permit.

**assistant** means a person, other than the driver, employed on or about a tow truck being used or to be used for the towing of a motor vehicle.

**authorising person**, for a motor vehicle, means—

- (a) the owner of the motor vehicle; or
- (b) the owner's agent; or
- (c) an authorised officer.

**business hours** means the time between 9.00a.m. to 5.00p.m. Monday to Friday, excluding public holidays.

**certificate** means—

- (a) a driver's certificate; or
- (b) an assistant's certificate.

**certificate notice** see section 10A.

**class**, of a motor vehicle, see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 9(1) and (3).

**convicted** includes being found guilty, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

**current postal address**, for a person, means a postal address—

- (a) given by the person to the department for use by the department (whether or not it was given for the purpose of this regulation); and

- (b) for which no written notice from the person, requiring the department to discontinue use of the postal address, has been received by the department.

***damaged***—

- 1 *Damaged*, in relation to a document other than a smartcard certificate, includes destroyed, defaced, mutilated or made illegible.
- 2 *Damaged*, in relation to a smartcard certificate—
  - (a) means—
    - (i) the certificate is damaged to an extent that—
      - (A) any information on the certificate is impossible or difficult to read without the use of technology; or
      - (B) a digital photo or a digitised signature on the certificate is impossible or difficult to recognise without the use of technology; or
    - (ii) any information stored electronically on the certificate is no longer accessible by using the holder's PIN; and
  - (b) includes destroyed.
- 3 However, *damaged*, in relation to a document, does not include the document being destroyed as required under section 13(5) or 24.

***dolly wheels*** means equipment consisting of 2 axles fitted with either single wheels or dual wheels on which the wheels of either the front or rear axles of a motor vehicle are mounted to support the part of the motor vehicle being towed.

***gross combination mass*** means the mass specified for a motor vehicle by its manufacturer as the maximum of the sum of the loaded mass of the motor vehicle plus the axle mass of the motor vehicle being towed as a semitrailer or trailer.

***GVM*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.



**heavy vehicle** means a heavy vehicle for the purposes of the Heavy Vehicle National Law (Queensland), as provided for in section 6 of that Law.

**interim transport authority** means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

**load capacity** means the difference between the total mass of a motor vehicle and its tare as stated on the registration certificate for the vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

**loaded mass** of a vehicle means the vehicle's mass together with the mass of the vehicle's load that is transmitted to the ground.

**miscellaneous permit** means a permit issued under section 19 of the Act.

**motorcycle** means—

- (a) a 2-wheeled motor vehicle, whether or not a sidecar is attached to it; and
- (b) a 3-wheeled motor vehicle that is ridden in the same way as a 2-wheeled motor vehicle.

**permit document** see section 12.

**place of business** means premises from which a tow truck operator conducts a business under a licence or towing permit.

**scene of an incident** means the area within a radius of 500m from the approximate point of impact or collision.

**smartcard transport authority** see the *Transport Planning and Coordination Act 1994*, section 36G(1).

**standard tow**, of a damaged vehicle or private property motor vehicle, means—

- (a) a tow of the vehicle; and
- (b) if the vehicle is a damaged motor vehicle being towed from the scene of an incident—includes—

- (i) not more than 60 minutes working time at the scene; and
  - (ii) moving the vehicle from the scene to a place stated in the towing authority; and
  - (iii) storing the vehicle in a holding yard for not more than 72 hours; and
- (c) if the vehicle is a private property motor vehicle being towed from a private property—includes—
- (i) not more than 60 minutes working time on the property; and
  - (ii) moving the vehicle from the property to a holding yard; and
  - (iii) storing the vehicle in a holding yard for not more than 72 hours.

***tare*** means the mass of a motor vehicle equipped for travelling on a road, but not including a load.

***total mass*** means—

- (a) for a vehicle with a GVM of not more than 4.5t—the vehicle's GVM; or
- (b) otherwise—the lesser of—
  - (i) the vehicle's GVM or, if the vehicle has a gross combination mass, the gross combination mass; or
  - (ii) the mass of the vehicle or combination and any load on it as permitted under the Heavy Vehicle National Law (Queensland).

***towing permit*** means a permit issued under section 11 of the Act.

***tray tow truck or platform tow truck*** means a tow truck that—

- (a) has a fixed or tilting platform or tray attached to it for the carriage of a motor vehicle; and
- (b) is fitted with a winch for loading a motor vehicle onto the platform or tray.

***working time*** means—

- (a) for a damaged motor vehicle at the scene of an incident—time spent at the scene, after an authorising person has signed a towing authority for the motor vehicle—
  - (i) preparing the vehicle for towing; and
  - (ii) cleaning up the scene; or
- (b) for a private property motor vehicle on private property—means time spent on the property—
  - (i) taking reasonable steps to find the owner of the vehicle; and
  - (ii) preparing the vehicle for towing.