



*Tow Truck Act 2023*

# **Tow Truck Regulation 2024**

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Queensland

# Tow Truck Regulation 2024

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
<b>Division 1</b>	<b>Introduction</b>	
1	Short title .....	9
2	Commencement .....	9
<b>Division 2</b>	<b>Interpretation</b>	
3	Definitions .....	9
<b>Part 2</b>	<b>General provisions</b>	
<b>Division 1</b>	<b>Appropriate persons for driver accreditations</b>	
4	Matter to be considered in deciding whether persons are appropriate persons to hold or continue to hold driver accreditations—Act, s 13	9
<b>Division 2</b>	<b>Provisions about particular applications</b>	
5	Definitions for division .....	10
6	Chief executive may publish notice about applications .....	11
7	How applications must be made .....	12
8	Chief executive may request further information .....	12
9	Responding to request for information .....	13
<b>Part 3</b>	<b>Accreditations</b>	
<b>Division 1</b>	<b>Applications relating to accreditations</b>	
10	Grounds for refusing applications relating to operator accreditations—Act, ss 18, 25 and 31 .....	13
11	Grounds for refusing particular applications relating to driver accreditations—Act, ss 18 and 25 .....	16
<b>Division 2</b>	<b>Form of accreditation documents for driver accreditations and assistant accreditations</b>	
12	Application of division .....	17
13	Form of accreditation documents .....	17
14	Information on accreditation documents .....	17
15	Expressions on accreditation documents .....	18

Contents

---

16	Codes on accreditation documents . . . . .	18
<b>Division 3</b>	<b>Provisions relating to replacement of accreditation documents</b>	
<b>Subdivision 1</b>	<b>Applying for replacement accreditation documents</b>	
17	Applications for replacement accreditation documents . . . . .	19
18	When replacement accreditation documents must be given . . . . .	20
19	Requirement to destroy particular smartcard accreditations replaced under s 18 . . . . .	20
<b>Subdivision 2</b>	<b>Directions about smartcard accreditations</b>	
20	Directions to return or destroy particular smartcard accreditations . . . . .	21
<b>Part 4</b>	<b>Amending, suspending and cancelling accreditations</b>	
21	Grounds for amending, suspending or cancelling operator accreditations—Act, s 38 . . . . .	22
22	Grounds for amending, suspending or cancelling driver accreditations and assistant accreditations—Act, s 38 . . . . .	23
23	Class of Queensland driver licence—Act, ss 46 and 50 . . . . .	23
<b>Part 5</b>	<b>Obligations and requirements for holders of accreditations and other persons</b>	
<b>Division 1</b>	<b>General obligations to keep and produce documents</b>	
24	Requirement to keep particular documents—holders of operator accreditations . . . . .	24
25	Requirement to keep records about towing and release of motor vehicles—holders of operator accreditations . . . . .	26
26	Producing smartcard accreditations to authorised officers—holders of driver accreditations and assistant accreditations . . . . .	29
<b>Division 2</b>	<b>General requirements relating to tow trucks and operation of tow trucks</b>	
<b>Subdivision 1</b>	<b>Holders of operator accreditations</b>	
27	Advertising on tow trucks . . . . .	30
28	Requirements relating to tow trucks . . . . .	31
29	Directing persons to operate tow trucks in contravention of particular provision . . . . .	31
30	Removing markings from tow trucks . . . . .	31
31	Removing tow trucks as authorised tow trucks . . . . .	32
32	Requirement to return unused towing authority forms . . . . .	32
33	Requirement to surrender operator accreditation if no authorised tow trucks . . . . .	33
<b>Subdivision 2</b>	<b>Holders of driver accreditations</b>	
34	Operating tow trucks . . . . .	33
<b>Division 3</b>	<b>Requirements relating to conduct</b>	

35	Definition for division . . . . .	34
36	Promoting and advertising other businesses . . . . .	34
37	Obtaining or attempting to obtain authority for services other than towing services . . . . .	35
38	Intimidation and other behaviours . . . . .	36
39	Obstructing delivery of aid . . . . .	37
40	Obtaining towing authorities from persons unable to make informed decisions . . . . .	37
41	Relevant persons remaining at scene of incident . . . . .	38
<b>Division 4</b>	<b>Requirements to notify of particular matters and make particular applications</b>	
42	Obligation if accreditation documents damaged, lost or stolen . . . . .	40
43	Notifying changes of name, address or postal address . . . . .	40
44	Obligation if replacement labels damaged, lost or stolen . . . . .	41
45	Notifying particular changes to partnerships . . . . .	42
46	Notifiable events under other Acts . . . . .	42
<b>Part 6</b>	<b>Provisions relating to towing of damaged and seized motor vehicles</b>	
47	Producing smartcard accreditation when offering to tow damaged motor vehicles . . . . .	43
48	Obtaining towing authorities . . . . .	44
49	Requirement to give towing authority to authorised person for motor vehicle . . . . .	46
50	Tow trucks causing obstruction at scene of incident or place of seizure 46	
51	Tow trucks remaining at scene of incident or place of seizure . . . . .	47
52	Towing motor vehicles under towing authorities . . . . .	49
53	Restriction on obtaining further towing authorities until first motor vehicle towed . . . . .	50
<b>Part 7</b>	<b>Provisions relating to private property towing</b>	
54	Application of part . . . . .	50
55	Producing private property towing consents to authorised officers . . . . .	50
56	Requirements before carrying out private property towing . . . . .	51
57	On-site release of motor vehicles not yet secured to tow truck . . . . .	52
58	On-site release of motor vehicles secured to tow truck—on-site release charge imposed . . . . .	52
59	On-site release of motor vehicles secured to tow truck—no on-site release charge imposed . . . . .	53
60	Tow trucks causing obstruction or remaining on private property . . . . .	54

Contents

---

61	Requirements for private property towing . . . . .	54
62	Requests for copies of private property towing consents . . . . .	55
<b>Part 8</b>	<b>Provisions relating to storage of towed motor vehicles and movable property</b>	
63	Security of authorised holding yards . . . . .	56
64	Requirements relating to gates and doors . . . . .	57
65	Damage to or removal of prescribed fence or other barrier . . . . .	57
66	Requirements relating to found property . . . . .	58
67	Releasing motor vehicles stored in authorised holding yards—Act, s 60 59	
<b>Part 9</b>	<b>Charges</b>	
<b>Division 1</b>	<b>Preliminary</b>	
68	Definitions for part . . . . .	60
<b>Division 2</b>	<b>Charges relating to towed motor vehicles</b>	
69	Application of division . . . . .	62
70	Restriction on charges that may be imposed . . . . .	62
71	Towing charges . . . . .	63
72	Storage charges—damaged and seized motor vehicles . . . . .	64
73	Storage charges—private property towing . . . . .	65
74	Viewing charges . . . . .	66
75	Release charges . . . . .	66
76	When particular charges can not be imposed . . . . .	67
<b>Division 3</b>	<b>On-site release charges</b>	
77	Application of division . . . . .	68
78	Restriction on charging for release of motor vehicles . . . . .	68
79	On-site release charges . . . . .	68
<b>Division 4</b>	<b>Records about charges</b>	
80	Requirement to keep records relating to charges . . . . .	69
81	Requirements relating to particular towing charges . . . . .	70
<b>Part 10</b>	<b>Offences</b>	
82	Definitions for part . . . . .	71
83	Possessing another person’s accreditation document for driver accreditation or assistant accreditation . . . . .	72
84	Documents purporting to be accreditation document for driver accreditation or assistant accreditation . . . . .	72
85	Damaging or altering particular documents . . . . .	73
86	Giving and receiving consideration for the purpose of obtaining towing	

	authorities .....	73
87	Giving and receiving consideration for the purpose of obtaining particular work or business .....	74
<b>Part 11</b>	<b>Exemption decisions</b>	
<b>Division 1</b>	<b>General</b>	
88	Application of division .....	75
89	Application of particular provisions .....	75
90	Requirements for private property towing .....	75
<b>Division 2</b>	<b>Revocation of exemption decisions on request</b>	
91	Revocation of exemption decisions on request .....	76
<b>Division 3</b>	<b>Revocation of exemption decisions by chief executive</b>	
92	Chief executive may revoke exemption decisions .....	77
93	Notice of proposed revocation .....	77
94	Representations about proposed revocation .....	78
95	Notice if no further action to be taken .....	78
96	Revoking exemption decisions .....	78
<b>Part 12</b>	<b>Temporary holding yards</b>	
97	Definition for part .....	79
98	Applications for approval of temporary holding yards .....	79
99	Deciding applications .....	79
100	Notice of decision .....	80
101	Period of temporary holding yard approvals .....	80
102	Chief executive may extend period of temporary holding yard approvals 81	
103	Applications to extend period of temporary holding yard approvals	81
104	Application of particular provisions if temporary holding yard approval in effect .....	82
<b>Part 13</b>	<b>Audits</b>	
105	Purpose of part .....	83
106	Audit notices .....	83
107	Compliance with audit notices .....	84
108	Audit reports .....	84
109	Directions to comply .....	84
<b>Part 14</b>	<b>Fees</b>	
110	Fees .....	85
111	Rounding of amounts expressed as numbers of fee units .....	85
112	Adjustment of fees for particular amendment applications .....	86

Contents

---

113	Waiver of particular fees . . . . .	87
114	Refund of particular fees . . . . .	87
<b>Part 15</b>	<b>Miscellaneous</b>	
115	Original decisions—Act, s 123 . . . . .	88
116	Requests for criminal history reports—Act, s 138 . . . . .	88
117	Notice of change in criminal history—Act, s 139 . . . . .	88
118	Confidentiality—Act, s 144 . . . . .	89
119	Prescribed roads—Act, sch 3 . . . . .	89
<b>Part 16</b>	<b>Transitional provisions</b>	
120	Definitions for part . . . . .	89
121	Application of s 4 . . . . .	89
122	Existing applications for replacement documents . . . . .	90
123	Documents under repealed Act . . . . .	90
124	Records about activities carried out before commencement . . . . .	90
125	Imposing charges . . . . .	91
126	Investigating charges under repealed regulation . . . . .	91
127	Found property for motor vehicles towed before commencement . . . . .	92
<b>Schedule 1</b>	<b>Classification of and requirements for tow trucks . . . . .</b>	<b>93</b>
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for schedule . . . . .	93
<b>Part 2</b>	<b>Classification of tow trucks</b>	
2	Classification of tray or platform tow trucks . . . . .	94
3	Classification of tow trucks other than tray or platform tow trucks . . . . .	94
<b>Part 3</b>	<b>Requirements relating to tow trucks</b>	
4	Restrictions on towing and lifting motor vehicles for particular classes of tow trucks . . . . .	95
5	Tow dollies . . . . .	96
6	Markings that must be displayed . . . . .	97
7	Illuminated signs . . . . .	97
8	Requirements relating to markings and signs . . . . .	97
<b>Schedule 2</b>	<b>Maximum amounts that may be charged . . . . .</b>	<b>99</b>
<b>Part 1</b>	<b>Towing charges for damaged motor vehicles</b>	
<b>Part 2</b>	<b>Charges for private property towing</b>	
<b>Division 1</b>	<b>Towing charges</b>	
<b>Division 2</b>	<b>Storage charges</b>	
<b>Division 3</b>	<b>On-site release charges</b>	



Contents

---

<b>Schedule 3</b>	<b>Fees</b> .....	101
<b>Schedule 4</b>	<b>Dictionary</b> .....	104



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# Tow Truck Regulation 2024

## Part 1 Preliminary

### Division 1 Introduction

#### 1 Short title

This regulation may be cited as the *Tow Truck Regulation 2024*.

#### 2 Commencement

This regulation commences on 26 August 2024.

### Division 2 Interpretation

#### 3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 2 General provisions

### Division 1 Appropriate persons for driver accreditations

#### 4 Matter to be considered in deciding whether persons are appropriate persons to hold or continue to hold driver accreditations—Act, s 13

- (1) This section applies in relation to a person who holds an M condition driver licence.

[s 5]

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- (2) For section 13(1)(h) of the Act, the chief executive must, in deciding whether the person is an appropriate person to hold or continue to hold a driver accreditation, have regard to whether the person has a valid medical certificate stating the person complies with the fitness to drive standards.
- (3) In this section—

*fitness to drive standards* means the medical standards for licensing, commercial standards, stated in the document called ‘Assessing fitness to drive for commercial and private vehicle drivers’ published by Austroads Ltd ACN 136 812 390.

*M condition* see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, schedule 9.

*M condition driver licence* means—

- (a) a Queensland driver licence that is subject to an M condition; or
- (b) an interstate licence, or a New Zealand licence, that corresponds to a Queensland driver licence that is subject to an M condition.

*valid medical certificate* means a valid medical certificate under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*.

## Division 2                    Provisions about particular applications

### 5                    Definitions for division

In this division—

*application* means—

- (a) an application for an accreditation made under section 17 of the Act; or
- (b) a renewal application; or

- 
- (c) an amendment application; or
  - (d) an exemption application; or
  - (e) an application for a replacement accreditation document made under section 17(1) or (2); or
  - (f) an application for a temporary holding yard approval made under section 98; or
  - (g) an application to extend the period of a temporary holding yard approval made under section 103.

*information* includes a document.

## 6 Chief executive may publish notice about applications

- (1) The chief executive may, by publishing a notice on the department's website—
  - (a) approve a way in which an application may be made; or  
*Examples of ways—*
    - orally, by electronic communication or by another form of communication
  - (b) require stated information to be included in, or to accompany, an application.
- (2) A notice under subsection (1)(a) may include requirements for making an application in the approved way.
- (3) A notice under subsection (1)(b) may only require information that is reasonably necessary for—
  - (a) the chief executive to decide the application; or
  - (b) another purpose related to the application or the thing being applied for.

*Examples of information that is not reasonably necessary—*

- irrelevant personal information
  - relevant personal information if the provision of the information would be excessively intrusive to personal privacy
- (4) Subsection (1) applies whether or not there is an approved form for the application.

- (5) In this section—  
*department's website* see section 152(4) of the Act.

## **7 How applications must be made**

- (1) An application must be made in 1 of the following ways—
- (a) in the approved form for the application;
  - (b) in the approved way under section 6(1)(a) for making the application;
  - (c) if there is no approved form and no approved way for making the application—in writing.
- (2) An application must include, or be accompanied by, any information required for the application under section 6(1)(b).
- (3) Subsection (2) does not limit or otherwise affect another provision of this regulation that requires an application to include, or be accompanied by, particular information.

## **8 Chief executive may request further information**

- (1) The chief executive may ask the applicant for an application for further information the chief executive reasonably needs to decide the application.
- (2) If the request relates to an application for a temporary holding yard approval or to extend the period of a temporary holding yard approval, the request may be made by notice given to the applicant or orally.
- (3) If the request relates to an application other than an application mentioned in subsection (2), the request must be made by notice given to the applicant.
- (4) The request—
- (a) must state—
    - (i) the information required; and
    - (ii) a reasonable period, of at least 28 days after the day the request is made, within which the

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information must be given to the chief executive;  
and

- (iii) that the applicant is taken to have withdrawn the application if the applicant does not comply with the request within the stated period or any extension of that period under subsection (6); and
  - (b) may state a way in which the information must be given.
- (5) If the request is made orally, the chief executive must give the applicant a notice confirming the details of the request as soon as practicable after making the request.
- (6) The chief executive may, by notice given to the applicant, extend the period stated under subsection (4)(a)(ii).

## **9 Responding to request for information**

- (1) If a request under section 8 does not state a way in which the information must be given, the applicant—
- (a) for an application mentioned in section 8(2)—may give the information in writing or orally; or
  - (b) otherwise—must give the information in writing.
- (2) The applicant is taken to have withdrawn the application if the applicant does not comply with the request within the period stated under section 8(4)(a)(ii) or any extension of that period under section 8(6).

# **Part 3 Accreditations**

## **Division 1 Applications relating to accreditations**

### **10 Grounds for refusing applications relating to operator accreditations—Act, ss 18, 25 and 31**

- (1) This section applies in relation to the following applications—

[s 10]

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- (a) an application for an operator accreditation made under section 17 of the Act;
  - (b) a renewal application to renew an operator accreditation;
  - (c) an amendment application to amend an operator accreditation.
- (2) For sections 18(3)(b), 25(3)(b) and 31(3) of the Act, the ground that the application does not comply with the criteria stated in subsections (3) to (5) is prescribed for the application.
- (3) For subsection (2), a motor vehicle to be used as a tow truck under the accreditation must—
- (a) be a tow truck that is—
    - (i) a class 1T tow truck, class 2T tow truck, class 3T tow truck, class 4T tow truck or class 5T tow truck under schedule 1, section 2; or
    - (ii) a class 1 tow truck, class 2 tow truck, class 3 tow truck or class 4 tow truck under schedule 1, section 3; and
  - (b) be registered under the *Transport Operations (Road Use Management) Act 1995*; and
  - (c) comply with schedule 1, sections 5, 7 and 8; and
  - (d) for an application other than a renewal application—have markings on each side of the tow truck, or on signs attached to each side of the tow truck, that—
    - (i) display the business name, business address and telephone number of the tow truck business to which the application relates; and
    - (ii) display the classification of the tow truck under schedule 1, part 2; and
    - (iii) are clearly legible at a distance of 30m; and
  - (e) for a renewal application—comply with schedule 1, section 6.



- (4) Also, the application must comply with 1 of the following—
- (a) any premises to be used as a holding yard for the accreditation is owned or leased by—
    - (i) the applicant only; or
    - (ii) if the applicant is a partnership—1 or more of the partners in the partnership only;
  - (b) any premises to be used as a holding yard for the accreditation is an authorised holding yard for another operator accreditation and is owned or leased by—
    - (i) the holder of the other operator accreditation only; or
    - (ii) if the holder of the other operator accreditation is a partnership—1 or more of the partners in the partnership only;
  - (c) the applicant has sufficient control of any premises to be used as a holding yard for the accreditation to prevent—
    - (i) unauthorised persons from entering the premises; and
    - (ii) the unauthorised removal of motor vehicles and property from the premises.
- (5) Further, any premises to be used as a holding yard for the accreditation must—
- (a) be enclosed by a prescribed fence that is structurally sound and has lockable gates and doors; or
  - (b) have another barrier sufficient to prevent—
    - (i) unauthorised persons from entering the premises; and
    - (ii) the unauthorised removal of motor vehicles and property from the premises.

## 11 Grounds for refusing particular applications relating to driver accreditations—Act, ss 18 and 25

- (1) This section applies in relation to the following applications—
  - (a) an application for a driver accreditation made under section 17 of the Act;
  - (b) a renewal application to renew a driver accreditation.
- (2) For sections 18(3)(b) and 25(3)(b) of the Act, the ground that the applicant does not comply with either of the following criteria is prescribed for the application—
  - (a) the applicant holds—
    - (i) an open licence of a class stated in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 4(2); or
    - (ii) an interstate licence, or a New Zealand licence, that corresponds to an open licence mentioned in subparagraph (i);
  - (b) the applicant has held a licence mentioned in paragraph (a) but currently holds—
    - (i) a restricted licence, or a probationary licence, of a class stated in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 4(2); or
    - (ii) an interstate licence, or a New Zealand licence, that corresponds to a restricted licence or probationary licence mentioned in subparagraph (i).

- (3) In this section—

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

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

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

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## Division 2                      **Form of accreditation documents for driver accreditations and assistant accreditations**

### 12            **Application of division**

This division applies in relation to a driver accreditation or an assistant accreditation.

### 13            **Form of accreditation documents**

- (1) An accreditation document for the accreditation may be in the form, or partly in the form, of a smartcard accreditation.
- (2) A smartcard accreditation may be in the form of a smartcard transport authority.

*Note—*

See also—

- the *Transport Planning and Coordination Act 1994*, section 36G for when the chief executive may issue a smartcard transport authority under that Act; and
  - the *Transport Planning and Coordination Regulation 2017*, section 7 for when the chief executive may issue an interim transport authority and when an interim transport authority has effect as a smartcard transport authority.
- (3) A smartcard accreditation that is in the form of a smartcard transport authority may include information about 1 or more other transport authorities held by the holder of the accreditation.
  - (4) In this section—  
***transport authority*** see the *Transport Planning and Coordination Act 1994*, section 36G(3).

### 14            **Information on accreditation documents**

- (1) An accreditation document given to the holder of the accreditation may—

[s 15]

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

## **15 Expressions on accreditation documents**

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

## **16 Codes on accreditation documents**

- (1) The code ‘N’ stated on an accreditation document for the accreditation indicates that the accreditation is not subject to any conditions.
- (2) The code ‘Y’ stated on an accreditation document for the accreditation indicates that the accreditation is subject to a condition.
- (3) The code ‘TEXT’ stored on a smartcard accreditation indicates that the accreditation is subject to a condition.

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## **Division 3                      Provisions relating to replacement of accreditation documents**

### **Subdivision 1                Applying for replacement accreditation documents**

#### **17            Applications for replacement accreditation documents**

- (1) The holder of an accreditation may apply to the chief executive for a replacement accreditation document if—
  - (a) information stated on the accreditation document for the accreditation, or a part of the document, (the *original accreditation document*) is incorrect; or
  - (b) the holder becomes aware, or reasonably suspects, the accreditation document for the accreditation, or a part of the document, (also the *original accreditation document*) has been damaged, lost or stolen.

*Note—*

See also section 42 for the holder's obligation if an accreditation document has been damaged, lost or stolen.

- (2) Also, the holder of a driver accreditation or an assistant accreditation that is in the form, or partly in the form, of a smartcard accreditation may apply to the chief executive for a replacement smartcard accreditation if the holder believes that confidential information on the smartcard accreditation has been accessed by or disclosed to an unauthorised person.
- (3) An application under subsection (1) or (2) must be accompanied by the fee for the application under section 110.

*Note—*

For other requirements in relation to the application, see part 2, division 2.

- (4) However, subsection (3) does not apply to an application for a replacement smartcard accreditation under subsection (1)(b) if the chief executive is satisfied the smartcard accreditation was not received by the holder because it has been lost or stolen.

- (5) Also, the chief executive may waive payment of the fee mentioned in subsection (3) if—
  - (a) for an application under subsection (1)(a) or (2)—the chief executive considers it is appropriate in the circumstances; or
  - (b) for an application under subsection (1)(b)—the chief executive is satisfied the original accreditation document was damaged or lost because of a natural disaster.

## **18 When replacement accreditation documents must be given**

- (1) After receiving an application under section 17(1)(a) or (b), the chief executive must give the applicant a replacement accreditation document if satisfied—
  - (a) for an application under section 17(1)(a)—the information on the original accreditation document is incorrect; or
  - (b) for an application under section 17(1)(b)—the original accreditation document has been damaged, lost or stolen.
- (2) However, if an application under section 17(1)(a) or (b) relates to part of the accreditation document only, the chief executive need only give a replacement document for the part.
- (3) After receiving an application under section 17(2), the chief executive must give the applicant a replacement smartcard accreditation.
- (4) If the accreditation is suspended, the chief executive is not required to comply with this section until after the suspension ends.

## **19 Requirement to destroy particular smartcard accreditations replaced under s 18**

- (1) This section applies if—

- (a) the holder of an accreditation makes an application under section 17(1)(b) in relation to a smartcard accreditation (the *original smartcard accreditation*); and
  - (b) after a replacement smartcard accreditation is given to the holder in relation to the application, the original smartcard accreditation comes into, or returns to, the holder's possession.
- (2) The holder must destroy the original smartcard accreditation within 14 days after the day the original smartcard accreditation comes into, or returns to, the holder's possession, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

## **Subdivision 2      Directions about smartcard accreditations**

### **20      Directions to return or destroy particular smartcard accreditations**

- (1) This section applies in relation to a smartcard accreditation for an accreditation (the *original smartcard accreditation*) if—
- (a) the accreditation is surrendered; or
  - (b) the accreditation is renewed; or
  - (c) the chief executive gives the holder of the accreditation a replacement smartcard accreditation for the accreditation.
- (2) The chief executive may, by notice given to the holder of the accreditation, direct the holder to do 1 of the following within a stated period—
- (a) to return the original smartcard accreditation to the chief executive;
  - (b) to destroy the original smartcard accreditation.

[s 21]

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- (3) The holder of the accreditation must comply with the direction unless the holder has a reasonable excuse.

Maximum penalty for subsection (3)—20 penalty units.

## **Part 4 Amending, suspending and cancelling accreditations**

### **21 Grounds for amending, suspending or cancelling operator accreditations—Act, s 38**

For section 38(g) of the Act, the following grounds are prescribed for amending, suspending or cancelling an operator accreditation—

- (a) the holder of the accreditation has not complied with—
  - (i) a condition of the accreditation; or
  - (ii) a condition of a temporary holding yard approval in effect for the accreditation;
- (b) none of the following apply in relation to an authorised holding yard for the accreditation—
  - (i) the holding yard is owned or leased by the holder of the accreditation only or, if the holder is a partnership, 1 or more of the partners in the partnership only;
  - (ii) the holding yard is also an authorised holding yard for another operator accreditation and is owned or leased by the holder of the other accreditation only or, if the holder of the other accreditation is a partnership, 1 or more of the partners in the partnership only;
  - (iii) the holder of the accreditation has sufficient control of the holding yard to prevent unauthorised persons from entering the holding yard or the unauthorised removal of motor vehicles or property from the holding yard;



- (c) an authorised tow truck for the accreditation has, during the period of the accreditation, been used on a road in contravention of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, section 10;
- (d) the holder of the accreditation has not complied with a direction given to the holder under section 109 within—
  - (i) the period stated in the direction; or
  - (ii) if the chief executive has extended the period for complying with the direction under section 109(4), the extended period.

## **22 Grounds for amending, suspending or cancelling driver accreditations and assistant accreditations—Act, s 38**

- (1) For section 38(g) of the Act, the following grounds are prescribed for amending, suspending or cancelling a driver accreditation or an assistant accreditation—
  - (a) the holder of the accreditation has not complied with a condition of the accreditation;
  - (b) for a driver accreditation—
    - (i) the holder of the accreditation does not hold a relevant driver licence; or
    - (ii) the holder of the accreditation has, during the period of the accreditation, used a tow truck on a road in contravention of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, section 10.
- (2) In this section—  
*relevant driver licence* see section 46 of the Act.

## **23 Class of Queensland driver licence—Act, ss 46 and 50**

For section 46 of the Act, definition *relevant driver licence*, paragraph (a) and section 50(3)(b) of the Act, a class stated in

the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 4(2) is prescribed.

## **Part 5**                      **Obligations and requirements for holders of accreditations and other persons**

### **Division 1**                **General obligations to keep and produce documents**

#### **24**      **Requirement to keep particular documents—holders of operator accreditations**

- (1) The holder of an operator accreditation must keep the following documents—
  - (a) the accreditation document for the accreditation;
  - (b) each notice in relation to the accreditation given to the holder by the chief executive under part 2 or 3 of the Act within the last 5 years;
  - (c) notice of an exemption decision given to the holder under section 133 of the Act if the exemption decision—
    - (i) is in effect; or
    - (ii) has stopped having effect within the last 5 years;
  - (d) notice of the revocation of an exemption decision given to the holder under section 91(2)(b) or 96(2) within the last 5 years;
  - (e) notice of a temporary holding yard approval given to the holder under section 100(1) if the approval—
    - (i) is in effect; or
    - (ii) has stopped having effect within the last 5 years;

- 
- (f) a notice extending the period of a temporary holding yard approval given to the holder under section 102(4) or 103(6) if the approval—
- (i) is in effect; or
  - (ii) has stopped having effect within the last 5 years;
- (g) each private property towing consent relating to an arrangement between the holder and an occupier of private property that—
- (i) is in effect; or
  - (ii) has stopped having effect within the last 2 years;
- (h) a copy of each towing authority given within the last 2 years for the towing of a motor vehicle under the accreditation.

Maximum penalty—

- (a) for paragraphs (a) to (f)—20 penalty units; or
  - (b) for paragraphs (g) and (h)—30 penalty units.
- (2) The holder of the operator accreditation must ensure that—
- (a) a document kept under subsection (1), including any copy of the document, is kept in a way that prevents an unauthorised person from accessing the document or copy; and

*Examples for paragraph (a)—*

- locking a hard copy document in a filing cabinet
  - using a strong password for accessing a device on which an electronic document is stored
- (b) a document kept under subsection (1) is kept in a way that prevents the document from being damaged, lost or stolen.

Maximum penalty—20 penalty units.

- (3) The holder of the operator accreditation does not commit an offence against subsection (1) or (2) if the holder has a reasonable excuse.

**25 Requirement to keep records about towing and release of motor vehicles—holders of operator accreditations**

- (1) This section applies if, under an operator accreditation—
  - (a) regulated towing is carried out in relation to a motor vehicle; or
  - (b) a motor vehicle is released under section 58.
- (2) The holder of the operator accreditation must—
  - (a) record the prescribed particulars for the motor vehicle within 24 hours after the particulars are given to, or become known to, the holder; and
  - (b) keep the record for at least 2 years from the day the record is made.

Maximum penalty—20 penalty units.

*Note—*

See also part 9, division 4 for the requirement to keep records and material about charges.

- (3) The record—
  - (a) must state the day the record is made; and
  - (b) may be kept in hard copy or electronic form.
- (4) The holder of the operator accreditation must ensure that—
  - (a) the record, including any copy of the record, is kept in a way that prevents an unauthorised person from accessing the record or copy; and

*Examples for paragraph (a)—*

- locking a hard copy record in a filing cabinet
  - using a strong password for accessing a device on which an electronic record is stored
- (b) the record is kept in a way that prevents the record from being damaged, lost or stolen.

Maximum penalty—20 penalty units.

(5) The holder of the operator accreditation does not commit an offence against subsection (2)(b) or (4) if the holder has a reasonable excuse.

(6) In this section—

*prescribed particulars* means—

(a) for a motor vehicle towed from the scene of an incident or a seized motor vehicle towed from the place of seizure—

(i) the name and address of the person who gave the holder of the operator accreditation information about the incident or seizure; and

(ii) the place, day and approximate time of the incident or seizure; and

(iii) the make, and registration or other identification number, of the vehicle; and

(iv) the registration or other identification number of each authorised tow truck for the operator accreditation that attended the scene of the incident or place of seizure; and

(v) the name of the holder of the driver accreditation who towed the vehicle; and

(vi) the name of each holder of a driver accreditation or assistant accreditation who assisted with the tow; and

(vii) if there is a towing authority for the vehicle—the day and time the vehicle arrived at the premises stated in the towing authority for the vehicle; or

(b) for a motor vehicle in relation to which private property towing is carried out—

(i) the name and address of the occupier of the private property on which the vehicle was parked; and

(ii) the make, and registration or other identification number, of the vehicle; and

- (iii) how the holder of the operator accreditation became aware of the vehicle's presence on the private property; and
  - (iv) if a person told the holder of the operator accreditation about the vehicle's presence on the private property—the name and address of the person; and
  - (v) the registration or other identification number of each authorised tow truck for the operator accreditation that attended the private property; and
  - (vi) the name of the holder of the driver accreditation who towed the vehicle; and
  - (vii) the name of each holder of a driver accreditation or assistant accreditation who assisted with the tow; and
  - (viii) the day and approximate time the vehicle was moved from the private property; and
  - (ix) the day and time the vehicle arrived at an authorised holding yard for the operator accreditation; or
- (c) for a motor vehicle released under section 58—
- (i) the matters mentioned in paragraph (b)(i) to (v); and
  - (ii) the name of each holder of a driver accreditation or assistant accreditation who was involved in lifting or loading the vehicle onto the tow truck and securing it to the tow truck; and
  - (iii) the day and approximate time the vehicle was released.

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**26 Producing smartcard accreditations to authorised officers—holders of driver accreditations and assistant accreditations**

- (1) This section applies if—
- (a) a motor vehicle—
    - (i) is damaged in an incident in a regulated area; or
    - (ii) is seized in a regulated area; and
  - (b) the holder of a driver accreditation or an assistant accreditation attends the scene of the incident, or place of seizure, with a tow truck; and
  - (c) the accreditation document for the driver accreditation or assistant accreditation is in the form, or partly in the form, of a smartcard accreditation.

*Note—*

See also—

- section 13(2) for the form of a smartcard accreditation; and
- the *Transport Planning and Coordination Regulation 2017*, section 7 for when an interim transport authority has effect as a smartcard transport authority.

- (2) Also, this section applies if—
- (a) the holder of a driver accreditation or an assistant accreditation—
    - (i) is travelling in an authorised tow truck for an operator accreditation; or
    - (ii) is operating, or assisting with the operation of, a tow truck to carry out private property towing; and
  - (b) the accreditation document for the driver accreditation or assistant accreditation is in the form, or partly in the form, of a smartcard accreditation.
- (3) The holder of the driver accreditation or assistant accreditation must, if asked by an authorised officer, produce the smartcard accreditation to the officer for inspection unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

- (4) It is not a reasonable excuse for the holder of the driver accreditation or assistant accreditation to fail to comply with subsection (3) that the holder does not have the smartcard accreditation in the holder's immediate possession other than because the smartcard accreditation has been lost or stolen.

*Note—*

See also section 42 for the holder's obligation if an accreditation document has been damaged, lost or stolen.

## **Division 2                    General requirements relating to tow trucks and operation of tow trucks**

### **Subdivision 1            Holders of operator accreditations**

#### **27            Advertising on tow trucks**

- (1) The holder of an operator accreditation must ensure that neither of the following is displayed on an authorised tow truck for the accreditation, including on a sign or equipment attached to the tow truck—
- (a) advertising, markings or particulars relating to a tow truck business or another business that involves providing a towing service for motor vehicles, other than the authorised tow truck business for the accreditation;
- (b) restricted advertising.

Maximum penalty—20 penalty units.

- (2) However, this section does not apply in relation to the displaying of the business name, business address, contact details or logo of an organisation that provides a roadside assistance service to motorists, including through an arrangement with another provider.



*Examples of contact details—*

telephone number, email address, website address, social media handle

## **28 Requirements relating to tow trucks**

The holder of an operator accreditation must ensure that an authorised tow truck for the accreditation complies with schedule 1, sections 5 to 8.

Maximum penalty—20 penalty units.

## **29 Directing persons to operate tow trucks in contravention of particular provision**

The holder of an operator accreditation must not direct a person to operate an authorised tow truck for the accreditation to carry out regulated towing if the operation contravenes schedule 1, section 4.

Maximum penalty—20 penalty units.

## **30 Removing markings from tow trucks**

- (1) This section applies if—
  - (a) the holder of an operator accreditation disposes of an authorised tow truck for the accreditation; or
  - (b) the chief executive approves an amendment application to remove a tow truck as an authorised tow truck for an operator accreditation.
- (2) The holder of the operator accreditation must, before disposing of the tow truck or the day that is 2 days after the day the amendment application is approved, remove from the tow truck any markings that indicate, or tend to indicate, the tow truck is an authorised tow truck for the accreditation.

Maximum penalty—20 penalty units.

- (3) However, this section does not apply if the amendment application is made under section 31(2).

### **31 Removing tow trucks as authorised tow trucks**

- (1) This section applies if—
  - (a) the holder of an operator accreditation disposes of an authorised tow truck for the accreditation; or
  - (b) both of the following apply—
    - (i) the registered owner of an authorised tow truck for an operator accreditation is a person other than the holder of the accreditation;
    - (ii) the registered owner or their agent notifies the holder of the accreditation that the tow truck may no longer be used as an authorised tow truck for the accreditation.
- (2) The holder of the operator accreditation must, before the day that is 14 days after the day the holder disposes of the tow truck or the notification is given, make an amendment application to remove the tow truck as an authorised tow truck for the accreditation.

Maximum penalty—20 penalty units.

- (3) In this section—

*registered owner*, of a tow truck, means the person in whose name the tow truck is registered under the *Transport Operations (Road Use Management) Act 1995* or a law of the Commonwealth or another State that provides for the registration of motor vehicles.

### **32 Requirement to return unused towing authority forms**

- (1) This section applies if—
  - (a) the holder of an operator accreditation makes an amendment application to remove a tow truck as an authorised tow truck for the accreditation; and
  - (b) the chief executive has given the holder a hard copy approved form for a towing authority for the tow truck; and

- (c) the approved form has not been completed.

*Example—*

The chief executive has given the holder a hard copy booklet containing approved forms for a towing authority for the tow truck and some of the forms in the booklet have not been completed.

- (2) The holder of the operator accreditation must, within 2 days after the day the amendment application is made, return the approved form to the chief executive.

Maximum penalty—20 penalty units.

### **33 Requirement to surrender operator accreditation if no authorised tow trucks**

- (1) This section applies if—
- (a) the chief executive approves an amendment application to remove a tow truck as an authorised tow truck for an operator accreditation; and
  - (b) after the approval is given, there are no authorised tow trucks for the accreditation; and
  - (c) within 90 days after the day the approval is given, an amendment application to state another tow truck as an authorised tow truck for the accreditation has not been approved.
- (2) The holder of the operator accreditation must, within 90 days after the day the approval mentioned in subsection (1)(a) is given, surrender the accreditation under section 35 of the Act.

Maximum penalty—20 penalty units.

## **Subdivision 2 Holders of driver accreditations**

### **34 Operating tow trucks**

The holder of a driver accreditation must not operate an authorised tow truck for an operator accreditation to carry out

regulated towing if the operation contravenes schedule 1, section 4.

Maximum penalty—20 penalty units.

## **Division 3 Requirements relating to conduct**

### **35 Definition for division**

In this division—

*relevant person* means—

- (a) the holder of an accreditation; or
- (b) an executive officer of a corporation that is the holder of an operator accreditation; or
- (c) a partner in a partnership that is the holder of an operator accreditation.

### **36 Promoting and advertising other businesses**

- (1) A relevant person must not, while carrying out an activity under an operator accreditation—
  - (a) seek business for someone other than the holder of the operator accreditation; or
  - (b) promote a business that involves—
    - (i) the carrying out or arranging of vehicle repairs; or
    - (ii) providing vehicle insurance or assisting with claims for vehicle insurance; or
    - (iii) the hiring, purchasing or lending of vehicles; or
    - (iv) providing legal services; or
  - (c) display advertising, markings or particulars relating to a tow truck business or another business that involves providing a towing service for motor vehicles, other than the authorised tow truck business for the operator accreditation; or

(d) display restricted advertising.

Maximum penalty—20 penalty units.

- (2) Without limiting subsection (1)(c) or (d), a person displays advertising, markings or particulars if the person wears clothing that displays advertising, markings or particulars.
- (3) However, a person does not commit an offence against subsection (1) merely because—
- (a) the person displays the business name, business address, contact details or logo of an organisation that provides a roadside assistance service to motorists, including through an arrangement with another provider; or

*Examples of contact details—*

telephone number, email address, website address, social media handle

- (b) the person provides information to someone else about a roadside assistance service provided to motorists by an organisation, including through an arrangement with another provider; or
- (c) advertising, markings or particulars are displayed on an authorised tow truck for the operator accreditation or on a sign or equipment attached to the tow truck.

*Note—*

For the display of advertising, markings or particulars on an authorised tow truck for an operator accreditation, or on a sign or equipment attached to the tow truck, see section 27.

### **37 Obtaining or attempting to obtain authority for services other than towing services**

- (1) This section applies if a motor vehicle is damaged in an incident in a regulated area.
- (2) A relevant person must not, while the owner of the motor vehicle or the owner's agent is at the scene of the incident, obtain or attempt to obtain the authority of the owner or the owner's agent for the carrying out of a service other than a towing service.

*Example—*

obtaining or attempting to obtain the owner’s authority for the carrying out of repairs to the motor vehicle by someone else

Maximum penalty—40 penalty units.

- (3) Subsection (4) applies if the motor vehicle is towed by a tow truck from the scene of the incident to premises stated in a towing authority for the vehicle.
- (4) A relevant person must not, before the motor vehicle arrives at the premises, obtain or attempt to obtain the authority of the owner of the vehicle, or the owner’s agent, for the carrying out of a service.

Maximum penalty—40 penalty units.

### **38 Intimidation and other behaviours**

- (1) This section applies if—
  - (a) a motor vehicle is damaged in an incident in a regulated area; and
  - (b) a relevant person attends the scene of the incident with a tow truck.
- (2) Also, this section applies if—
  - (a) a motor vehicle is parked on private property in a regulated area; and
  - (b) the owner of the vehicle has not expressly requested or directed the towing of the vehicle from the private property; and
  - (c) a private property towing consent, relating to an arrangement between the holder of an operator accreditation and the occupier of the private property, is in effect for the property; and
  - (d) any of the following persons attend the private property with a tow truck—
    - (i) the holder of the operator accreditation;

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- (ii) if the holder of the operator accreditation is a corporation—an executive officer of the corporation;
  - (iii) if the holder of the operator accreditation is a partnership—a partner in the partnership;
  - (iv) the holder of a driver accreditation or an assistant accreditation who is an employee of the authorised tow truck business for the operator accreditation.
- (3) The person must not directly or indirectly—
- (a) intimidate or harass someone else at the scene of the incident or on the private property; or
  - (b) abuse someone else at the scene of the incident or on the private property.

Maximum penalty—50 penalty units.

### **39 Obstructing delivery of aid**

- (1) This section applies if—
- (a) a motor vehicle is damaged in an incident in a regulated area; and
  - (b) a relevant person attends the scene of the incident with a tow truck.
- (2) The relevant person must not obstruct the delivery of first aid or medical treatment to someone else at the scene of the incident.

Maximum penalty—50 penalty units.

- (3) In this section—
- obstruct* includes hinder and attempt to obstruct.

### **40 Obtaining towing authorities from persons unable to make informed decisions**

- (1) This section applies if—

[s 41]

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- (a) a motor vehicle is damaged in an incident in a regulated area; and
- (b) the holder of a driver accreditation attends the scene of the incident; and
- (c) the owner of the motor vehicle, or the owner's agent, appears unable to make an informed decision about whether to give a towing authority for the vehicle.

*Examples of an owner or agent who appears unable to make an informed decision—*

- 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
- (2) The holder must not, either directly or indirectly, obtain or attempt to obtain the owner's or agent's signature on, or approval of, a towing authority for the motor vehicle.

Maximum penalty—50 penalty units.

#### **41 Relevant persons remaining at scene of incident**

- (1) This section applies if—
- (a) a motor vehicle is damaged in an incident in a regulated area; and
  - (b) a relevant person attends the scene of the incident with a tow truck.
- (2) The relevant person must not remain at the scene of the incident unless—
- (a) the tow truck is an authorised tow truck for the operator accreditation under which the person is acting; and
  - (b) the tow truck's classification under schedule 1, part 2 is appropriate for the towing of the motor vehicle; and
  - (c) if the tow truck is classified as a class 1 tow truck, class 2 tow truck or class 3 tow truck under schedule 1, section 3—the towing or lifting of the motor vehicle by



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the tow truck would not contravene schedule 1, section 4.

Maximum penalty—20 penalty units.

*Note—*

See also section 51 in relation to tow trucks remaining at the scene of an incident.

- (3) A person does not commit an offence against subsection (2) if the person remains at the scene of the incident—
- (a) to give first aid to someone injured in the incident; or
  - (b) in accordance with a direction or request by an authorised officer.
- (4) Also, a person who is the holder of a driver accreditation or an assistant accreditation does not commit an offence against subsection (2) if—
- (a) the holder is attending the scene of the incident for the purpose of assisting another person, who is already at the scene with another tow truck—
    - (i) to lift or load the motor vehicle onto the other tow truck and secure the vehicle to the other tow truck; or
    - (ii) to clean the scene of the incident; and
  - (b) the other person holds a driver accreditation; and
  - (c) the holder and the other person are acting under the same operator accreditation.

## **Division 4                      Requirements to notify of particular matters and make particular applications**

### **42            Obligation if accreditation documents damaged, lost or stolen**

- (1) This section applies if the holder of an accreditation becomes aware, or reasonably suspects, the accreditation document for the accreditation, or a part of the document, has been damaged, lost or stolen.
- (2) The holder must, within 14 days after the day the holder becomes aware, or reasonably suspects, the accreditation document or part has been damaged, lost or stolen, apply for a replacement accreditation document under section 17(1)(b).

Maximum penalty—20 penalty units.

- (3) The holder does not commit an offence against subsection (2) if the holder has a reasonable excuse.

### **43            Notifying changes of name, address or postal address**

- (1) This section applies if the holder of an accreditation 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 a change of address—oral or written notice of the change.

Maximum penalty—10 penalty units.

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- (3) If the chief executive is satisfied the information given by the holder under subsection (2) is correct, the chief executive must—
- (a) for a change of name—give the holder a replacement accreditation document for the accreditation that records the change of name; or
  - (b) for a change of address—
    - (i) give the holder a replacement accreditation document for the accreditation that records the change of address; or
    - (ii) if the accreditation document for the accreditation is in the form, or partly in the form, of a smartcard accreditation—give the holder a change of address label for the smartcard accreditation.
- (4) However, if the accreditation is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.
- (5) The holder must, within 14 days after the day a change of address label is received for a smartcard accreditation under subsection (3)(b)(ii), attach the label to the back of the smartcard accreditation in the space provided for a change of address label.

Maximum penalty—10 penalty units.

- (6) The holder does not commit an offence against subsection (2) or (5) if the holder has a reasonable excuse.

#### **44 Obligation if replacement labels damaged, lost or stolen**

- (1) This section applies if the holder of an accreditation becomes aware, or reasonably suspects, a change of address label given to the holder under section 43(3)(b)(ii) for a smartcard accreditation (the *original label*) has been damaged, lost or stolen.
- (2) The holder must, within 14 days after the day the holder becomes aware, or reasonably suspects, the original label has

been damaged, lost or stolen, ask the chief executive for a replacement change of address label.

Maximum penalty—20 penalty units.

- (3) If the chief executive is satisfied the original label has been damaged, lost or stolen, the chief executive must give the holder a replacement change of address label.
- (4) However, if the accreditation is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.
- (5) The holder must, within 14 days after the day the replacement change of address label is received, attach the label to the back of the smartcard accreditation in the space provided for a change of address label.

Maximum penalty—10 penalty units.

- (6) The holder does not commit an offence against subsection (2) or (5) if the holder has a reasonable excuse.

#### **45 Notifying particular changes to partnerships**

The holder of an operator accreditation that is a partnership must give the chief executive notice of the following events within 14 days after the day the event happens unless the holder has a reasonable excuse—

- (a) a partner leaves the partnership;
- (b) a partner dies.

Maximum penalty—20 penalty units.

#### **46 Notifiable events under other Acts**

- (1) This section applies if the holder of an accreditation—
  - (a) has an obligation under this division 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 this division to notify the chief executive of the notifiable event is taken to have been satisfied if, at the time the notification is given under the prescribed smartcard Act, any time allowed to make the notification under this division has not expired.

- (3) In this section—

***notifiable event***, in relation to the holder of an accreditation, 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.

***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*.

## Part 6 Provisions relating to towing of damaged and seized motor vehicles

### 47 Producing smartcard accreditation when offering to tow damaged motor vehicles

- (1) This section applies if—

[s 48]

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- (a) a motor vehicle is damaged in an incident in a regulated area; and
- (b) the holder of a driver accreditation—
  - (i) attends the scene of the incident; and
  - (ii) makes an offer to a person to operate a tow truck to tow the vehicle from the scene of the incident; and
- (c) the accreditation document for the driver accreditation is in the form, or partly in the form, of a smartcard accreditation.

*Note—*

See also—

- section 13(2) for the form of a smartcard accreditation; and
- the *Transport Planning and Coordination Regulation 2017*, section 7 for when an interim transport authority has effect as a smartcard transport authority.

- (2) The holder must, either before or when making the offer, produce the smartcard accreditation for inspection by the person unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

- (3) It is not a reasonable excuse for the holder to fail to comply with subsection (2) that the holder does not have the smartcard accreditation in the holder's immediate possession other than because the smartcard accreditation has been lost or stolen.

*Note—*

See also section 42 for the holder's obligation if an accreditation document has been damaged, lost or stolen.

- (4) To remove any doubt, it is declared that this section applies whether or not the person asks the holder to produce the smartcard accreditation.

## **48 Obtaining towing authorities**

- (1) This section applies if a motor vehicle—

- (a) is damaged in an incident in a regulated area; or
  - (b) is seized in a regulated area.
- (2) The holder of a driver accreditation must not, either directly or indirectly, obtain or attempt to obtain the authorising person's signature on, or approval of, a towing authority for the motor vehicle unless—
- (a) the approved form for the towing authority is properly and fully completed, including stating the following information—
    - (i) the name of the holder of the driver accreditation;
    - (ii) the name of the holder of the operator accreditation under which the holder of the driver accreditation is acting (the *relevant operator accreditation*);
    - (iii) the registration or other identification number of the tow truck to be used to tow the vehicle;
    - (iv) the premises, nominated by the authorising person, to which the vehicle is to be towed;
    - (v) if a business is conducted at the premises—the name of the business;
    - (vi) the day and time the holder of the driver accreditation completes the approved form; and
  - (b) the tow truck stated in the towing authority is in sufficient proximity to the motor vehicle to enable the holder to start lifting or loading the vehicle onto the tow truck immediately after the towing authority is signed or approved.

Maximum penalty—40 penalty units.

- (3) Subsection (4) applies if the authorising person for the motor vehicle nominates that the vehicle is to be towed to an authorised holding yard for the relevant operator accreditation without nominating a particular authorised holding yard.
- (4) For subsection (2)(a)(iv), the towing authority must state the address of the authorised holding yard for the relevant operator accreditation that is nearest to the scene of the

incident or place of seizure and has capacity to store the motor vehicle.

**49 Requirement to give towing authority to authorised person for motor vehicle**

- (1) This section applies if—
  - (a) a motor vehicle—
    - (i) is damaged in an incident in a regulated area; or
    - (ii) is seized in a regulated area; and
  - (b) the holder of a driver accreditation attends the scene of the incident or place of seizure.

- (2) The holder must not operate a tow truck to tow the motor vehicle from the scene of the incident or place of seizure unless the holder has given the authorising person for the vehicle the signed or approved towing authority for the vehicle.

Maximum penalty—30 penalty units.

- (3) However, subsection (2) does not apply in relation to the towing of a motor vehicle from a prescribed road as part of a tow to safety service.
- (4) In this section—

*operate* does not include offer to operate.

**50 Tow trucks causing obstruction at scene of incident or place of seizure**

- (1) This section applies if—
  - (a) a motor vehicle—
    - (i) is damaged in an incident in a regulated area; or
    - (ii) is seized in a regulated area; and
  - (b) the holder of a driver accreditation attends the scene of the incident or place of seizure with a tow truck; and



- (c) under section 64 of the Act, a towing authority is required for the towing of the vehicle.
- (2) The holder must ensure the tow truck does not obstruct a road at the scene of the incident or place of seizure longer than is reasonably necessary for the holder to do the following things—
  - (a) to ascertain whether someone else has obtained a towing authority for the motor vehicle and, if not, to obtain a towing authority for the vehicle;
  - (b) if the holder obtains a towing authority for the vehicle—
    - (i) to lift or load the vehicle onto the tow truck and secure the vehicle to the tow truck; and
    - (ii) for a tow truck at the scene of an incident—to clean the scene of the incident.

Maximum penalty—40 penalty units.

## **51 Tow trucks remaining at scene of incident or place of seizure**

- (1) This section applies if—
  - (a) a motor vehicle—
    - (i) is damaged in an incident in a regulated area; or
    - (ii) is seized in a regulated area; and
  - (b) the holder of a driver accreditation attends the scene of the incident or place of seizure with a tow truck; and
  - (c) under section 64 of the Act, a towing authority is required for the towing of the vehicle.
- (2) The holder must ensure the tow truck does not remain at the scene of the incident or place of seizure longer than is reasonably necessary for the holder to do the following things—
  - (a) to ascertain whether someone else has obtained a towing authority for the motor vehicle and, if not, to obtain a towing authority for the vehicle;

- (b) if the holder obtains a towing authority for the vehicle—
  - (i) to lift or load the vehicle onto the tow truck and secure the vehicle to the tow truck; and
  - (ii) for a tow truck at the scene of an incident—to clean the scene of the incident.

Maximum penalty—40 penalty units.

- (3) The holder does not commit an offence against subsection (2) if—
  - (a) the tow truck remains at the scene of the incident while the holder gives first aid to a person injured in the incident; or
  - (b) the holder is complying with a direction or request by an authorised officer for the holder or tow truck to remain at the scene of the incident.
- (4) Subsection (5) applies if—
  - (a) the holder (the *relevant holder*) is attending the scene of the incident for the purpose of assisting another person, who is already at the scene with another tow truck—
    - (i) to lift or load the vehicle onto the other tow truck and secure the vehicle to the other tow truck; or
    - (ii) to clean the scene of the incident; and
  - (b) the other person also holds a driver accreditation; and
  - (c) the relevant holder and the other person are acting under the same operator accreditation.
- (5) The relevant holder does not commit an offence against subsection (2) if the relevant holder ensures that the tow truck brought to the scene of the incident by the relevant holder does not remain at the scene longer than is reasonably necessary—
  - (a) for the other person to ascertain whether someone else has obtained a towing authority for the motor vehicle and, if not, to obtain a towing authority for the vehicle; and

- (b) if the other person obtains a towing authority for the vehicle—for the relevant holder to assist the other person—
  - (i) to lift or load the vehicle onto the other tow truck and secure the vehicle to the other tow truck; and
  - (ii) to clean the scene of the incident.

## **52 Towing motor vehicles under towing authorities**

- (1) This section applies if the holder of a driver accreditation obtains a towing authority authorising the holder—
  - (a) to tow a motor vehicle damaged in an incident in a regulated area from the scene of the incident; or
  - (b) to tow a motor vehicle seized in a regulated area from the place of seizure.
- (2) The holder must not operate a tow truck to tow the motor vehicle to a location other than the premises stated in the towing authority.

Maximum penalty—50 penalty units.

- (3) The holder must tow the motor vehicle to the premises stated in the towing authority—
  - (a) as soon as practicable after obtaining the towing authority; and
  - (b) using the route that—
    - (i) is the most direct by road; or
    - (ii) the holder reasonably considers will enable the holder to safely reach the premises in the shortest amount of time.

Maximum penalty—20 penalty units.

**53 Restriction on obtaining further towing authorities until first motor vehicle towed**

- (1) This section applies if the holder of a driver accreditation obtains a towing authority authorising the holder—
  - (a) to tow a motor vehicle damaged in an incident in a regulated area from the scene of the incident; or
  - (b) to tow a motor vehicle seized in a regulated area from the place of seizure.
- (2) The holder must not, either directly or indirectly, obtain or attempt to obtain a towing authority for another motor vehicle until the motor vehicle mentioned in subsection (1) has been towed to the premises stated in the towing authority for the vehicle.

Maximum penalty—20 penalty units.

## **Part 7 Provisions relating to private property towing**

**54 Application of part**

This part applies in relation to a motor vehicle parked on private property in a regulated area if the owner of the vehicle has not expressly requested or directed the towing of the vehicle from the property.

**55 Producing private property towing consents to authorised officers**

- (1) This section applies if the holder of a driver accreditation is operating a tow truck to tow the motor vehicle from the private property.
- (2) The holder of the driver accreditation must, if asked by an authorised officer, produce to the officer for inspection a private property towing consent that—
  - (a) is in effect for the private property; and

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- (b) relates to an arrangement between—
    - (i) the occupier of the property; and
    - (ii) the holder of the operator accreditation under which the holder of the driver accreditation is acting.

Maximum penalty—30 penalty units.

- (3) The holder of the driver accreditation does not commit an offence against subsection (2) if the holder has a reasonable excuse.
- (4) It is not a reasonable excuse for the holder of the driver accreditation to fail to comply with subsection (2) that the holder does not have the private property towing consent in the holder's immediate possession.
- (5) In this section—  
*private property towing consent* includes a copy of a private property towing consent.

## 56 Requirements before carrying out private property towing

- (1) This section applies if the holder of a driver accreditation attends the private property.
- (2) The holder must not operate a tow truck to tow the motor vehicle from the private property unless—
  - (a) the holder can not, after taking reasonable steps, find the owner of the vehicle; or
  - (b) if the holder finds the owner of the vehicle—
    - (i) the owner refuses to move the vehicle from the property; or
    - (ii) the holder reasonably believes the owner can not, or will not, move the vehicle from the property within a reasonable time.

Maximum penalty—50 penalty units.

**57 On-site release of motor vehicles not yet secured to tow truck**

- (1) This section applies if—
  - (a) the holder of a driver accreditation has started, but not finished, lifting or loading the motor vehicle onto a tow truck and securing the vehicle to the tow truck in preparation for moving the vehicle from the private property; and
  - (b) the owner of the vehicle is present and has agreed to move the vehicle from the private property within a reasonable time.
- (2) The holder must immediately release the motor vehicle to the owner.

Maximum penalty—50 penalty units.

**58 On-site release of motor vehicles secured to tow truck—on-site release charge imposed**

- (1) This section applies if—
  - (a) the holder of a driver accreditation has lifted or loaded the motor vehicle onto a tow truck, and done everything necessary to secure the vehicle to the tow truck, in preparation for moving the vehicle from the private property; and
  - (b) the vehicle has not been moved from the private property; and
  - (c) the owner of the vehicle is present and has agreed to move the vehicle from the private property within a reasonable time; and
  - (d) the holder of the operator accreditation under which the holder of the driver accreditation is acting charges the owner an on-site release charge for the release of the vehicle under section 79.
- (2) Before moving the motor vehicle from the private property, the holder of the driver accreditation must—

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- (a) tell the owner of the vehicle the following things—
    - (i) the amount of the on-site release charge;
    - (ii) that if the owner pays the on-site release charge, the vehicle will be immediately released; and
  - (b) if the owner of the vehicle agrees to pay the on-site release charge—give the owner a reasonable opportunity to pay the charge.

Maximum penalty—30 penalty units.

- (3) Subsection (4) applies if, before the motor vehicle is moved from the private property, the owner of the vehicle pays the on-site release charge for the vehicle.
- (4) The holder of the driver accreditation must immediately release the motor vehicle to the owner.

Maximum penalty—50 penalty units.

## **59 On-site release of motor vehicles secured to tow truck—no on-site release charge imposed**

- (1) This section applies if—
  - (a) the holder of a driver accreditation has lifted or loaded the motor vehicle onto a tow truck, and done everything necessary to secure the vehicle to the tow truck, in preparation for moving the vehicle from the private property; and
  - (b) the vehicle has not been moved from the private property; and
  - (c) the owner of the vehicle is present and has agreed to move the vehicle from the private property within a reasonable time; and
  - (d) the holder of the operator accreditation under which the holder of the driver accreditation is acting has not charged the owner an on-site release charge for the release of the vehicle under section 79.

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- (2) The holder of the driver accreditation must immediately release the motor vehicle to the owner.

Maximum penalty—50 penalty units.

## **60 Tow trucks causing obstruction or remaining on private property**

- (1) This section applies if the holder of a driver accreditation attends the private property with a tow truck for the purpose of towing the motor vehicle from the property.

- (2) The holder must ensure the tow truck does not cause an unreasonable obstruction on the private property or a road.

Maximum penalty—40 penalty units.

- (3) The holder must ensure the tow truck does not remain at the private property longer than is reasonably necessary for the holder—

- (a) to take the reasonable steps mentioned in section 56(2)(a); and

- (b) if the holder can not find the owner of the motor vehicle or section 56(2)(b) applies—to lift or load the vehicle onto the tow truck and secure the vehicle to the tow truck; and

- (c) if section 58(2)(b) applies—to give the owner of the motor vehicle a reasonable opportunity to pay the on-site release charge for the vehicle; and

- (d) if the holder is required to release the motor vehicle under section 57, 58 or 59—to release the vehicle to the owner.

Maximum penalty—40 penalty units.

## **61 Requirements for private property towing**

- (1) This section applies if—

- (a) the holder of a driver accreditation operates a tow truck to tow the motor vehicle from the private property; and



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- (b) no exemption decision is in effect for the operator accreditation under which the holder of the driver accreditation is acting.

*Note—*

For the requirements for private property towing if an exemption decision is in effect and states an alternative requirement in relation to the storing of motor vehicles, see section 90.

- (2) The holder of the driver accreditation must not tow the motor vehicle to a location other than the authorised holding yard for the operator accreditation that is nearest to the private property and has capacity to store the motor vehicle.

Maximum penalty—50 penalty units.

- (3) The holder of the driver accreditation must tow the motor vehicle to the authorised holding yard under subsection (2)—
- (a) as soon as practicable after leaving the private property; and
- (b) using the route that—
- (i) is the most direct by road; or
- (ii) the holder reasonably considers will enable the holder to safely reach the authorised holding yard in the shortest amount of time.

Maximum penalty—20 penalty units.

## **62 Requests for copies of private property towing consents**

- (1) This section applies if—
- (a) the holder of a driver accreditation—
- (i) operates a tow truck to tow the motor vehicle from the private property; or
- (ii) releases the motor vehicle to the owner of the vehicle under section 57, 58 or 59; and
- (b) the owner of the motor vehicle asks either of the following persons for a copy of the private property towing consent for the private property—

- (i) the holder of the driver accreditation;
    - (ii) the holder of the operator accreditation under which the holder of the driver accreditation is acting; and
  - (c) the private property towing consent for the private property is in effect or has stopped having effect within the last 2 years.
- (2) The holder of the operator accreditation must, as soon as practicable but no later than 2 business days after the day the request is made, give the owner of the motor vehicle a copy of the private property towing consent.
- Maximum penalty—30 penalty units.
- (3) The holder of the operator accreditation does not commit an offence against subsection (2) if the holder has a reasonable excuse.

## **Part 8 Provisions relating to storage of towed motor vehicles and movable property**

### **63 Security of authorised holding yards**

The holder of an operator accreditation must not use an authorised holding yard for the accreditation to store a motor vehicle towed under the accreditation, or movable property inside the vehicle, unless the holding yard—

- (a) is enclosed by a prescribed fence that is structurally sound and has lockable gates and doors; or
- (b) has a barrier that is sufficient to prevent—
  - (i) unauthorised persons from entering the holding yard; and
  - (ii) the unauthorised removal of motor vehicles and property from the holding yard.

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Maximum penalty—50 penalty units.

#### **64 Requirements relating to gates and doors**

- (1) This section applies if an authorised holding yard for an operator accreditation is enclosed by—
  - (a) a prescribed fence; or
  - (b) another barrier for preventing entry to the holding yard.
- (2) The holder of the operator accreditation must ensure that each gate or door in the prescribed fence or other barrier is kept closed and securely locked at all times other than when a person or motor vehicle is moving through the gate or door.

Maximum penalty—50 penalty units.

- (3) However, subsection (2) does not apply to the holder of the operator accreditation (the *first holder*) if—
  - (a) the authorised holding yard is also an authorised holding yard for another operator accreditation; and
  - (b) the first holder is not an owner or lessee of the holding yard or, if the first holder is a partnership, a partner in the partnership is not an owner or lessee of the holding yard.
- (4) In a proceeding for an offence against subsection (2), it is a defence for the holder of the operator accreditation to prove that, at the time of the offence, damage to the gate or door, or to the prescribed fence or other barrier, prevented the gate or door from being kept closed and securely locked.

#### **65 Damage to or removal of prescribed fence or other barrier**

- (1) This section applies if—
  - (a) an authorised holding yard for an operator accreditation is enclosed by—
    - (i) a prescribed fence; or

- (ii) another barrier for preventing entry to the holding yard; and
  - (b) any of the following things are damaged or removed—
    - (i) the prescribed fence or other barrier;
    - (ii) a gate or door in the prescribed fence or other barrier.
- (2) The holder of the operator accreditation must ensure the damaged or removed thing is repaired or replaced as soon as possible.

Maximum penalty—50 penalty units.
- (3) However, subsection (2) does not apply to the holder of the operator accreditation (the *first holder*) if—
  - (a) the authorised holding yard is also an authorised holding yard for another operator accreditation; and
  - (b) the first holder is not an owner or lessee of the holding yard or, if the first holder is a partnership, a partner in the partnership is not an owner or lessee of the holding yard.

## **66 Requirements relating to found property**

- (1) This section applies if a motor vehicle is towed under an operator accreditation to an authorised holding yard for the accreditation.
- (2) The holder of the operator accreditation must—
  - (a) ensure that a written inventory of found property for the motor vehicle is made as soon as practicable, but no later than 24 hours, after the motor vehicle arrives at the authorised holding yard; and
  - (b) take all reasonable steps to ensure that the found property for the motor vehicle is kept at the authorised holding yard—
    - (i) in a way that prevents the property from being damaged, lost or stolen; and

- (ii) until the property is returned to the vehicle's owner or the owner's agent.

Maximum penalty—40 penalty units.

- (3) The holder of the operator accreditation must keep an inventory made under subsection (2)(a) for at least 2 years from the day the inventory is made.

Maximum penalty—30 penalty units.

- (4) The inventory—
  - (a) must state the day it is made; and
  - (b) may be kept in hard copy or electronic form.
- (5) The holder of the operator accreditation does not commit an offence against subsection (3) if the holder has a reasonable excuse.
- (6) In this section—

*found property*, in relation to a motor vehicle that has been towed to an authorised holding yard for an operator accreditation, means—

- (a) if the vehicle is unlocked—movable property found in the vehicle when the vehicle arrives at the holding yard; or
- (b) otherwise—movable property inside the vehicle that is visible from outside the vehicle when the vehicle arrives at the holding yard.

## **67 Releasing motor vehicles stored in authorised holding yards—Act, s 60**

For section 60(2) of the Act, the holder of an operator accreditation must comply with a request to release a motor vehicle made to the holder under section 60(1) of the Act—

- (a) as soon as practicable, but no later than 4 business hours, after the request is made; and

- (b) by ensuring the vehicle is moved to an accessible position at an entrance to the authorised holding yard for the accreditation in which the vehicle is stored.

## Part 9 Charges

### Division 1 Preliminary

#### 68 Definitions for part

In this part—

*non-chargeable activity* means—

- (a) responding to a request—
  - (i) to tow a motor vehicle; or
  - (ii) to attend the scene of an incident, a place at which a motor vehicle has been seized or a private property; or
- (b) travelling to the scene of an incident, a place at which a motor vehicle has been seized or a private property; or
- (c) taking steps to find the owner of a motor vehicle; or
- (d) using a device on a tow truck to lift, load or move a motor vehicle; or
- (e) taking or producing photographs; or
- (f) storing movable property that is inside a motor vehicle; or
- (g) allowing the owner of a motor vehicle stored in a holding yard or the owner's agent—
  - (i) to view or have access to the vehicle during business hours; or
  - (ii) to take property from the vehicle during business hours; or

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- (h) moving a motor vehicle stored in a holding yard within the yard or to an entrance to the yard; or
  - (i) releasing a motor vehicle from a holding yard during business hours; or
  - (j) administrative tasks, including preparing and sending a document or information.

*Examples of documents for paragraph (j)—*

a record made under section 25 or an inventory made under section 66

***non-chargeable matter*** means—

- (a) fuel costs relating to the operation of a tow truck; or
- (b) time spent by a person at the scene of an incident, a place at which a motor vehicle has been seized or a private property, other than working time; or
- (c) the purchase of tools or equipment; or
- (d) the attendance at the scene of an incident, a place at which a motor vehicle has been seized or a private property of more than 2 persons to operate, or assist with the operation of, a tow truck; or
- (e) the attendance at the scene of an incident, a place at which a motor vehicle has been seized or a private property of a tow truck if the tow truck is not used to move a motor vehicle from the scene, place or property.

***working time*** means—

- (a) in relation to a motor vehicle damaged in an incident in a regulated area—time spent at the scene of the incident, after an authorising person for the vehicle has given a towing authority for the vehicle—
  - (i) preparing the vehicle for towing; and
  - (ii) cleaning the scene; or
- (b) in relation to a motor vehicle seized in a regulated area—time spent at the place of seizure, after an authorising person for the vehicle has given a towing

authority for the vehicle, preparing the vehicle for towing; or

- (c) in relation to a motor vehicle to which part 7 applies—time spent on the private property on which the vehicle is parked—
  - (i) taking reasonable steps to find the owner of the vehicle; and
  - (ii) preparing the vehicle for towing.

## **Division 2                      Charges relating to towed motor vehicles**

### **69            Application of division**

This division applies in relation to—

- (a) a motor vehicle damaged in an incident in a regulated area that is towed by a tow truck from the scene of the incident to another location; or
- (b) a motor vehicle seized in a regulated area that is towed by a tow truck from the place of seizure to another location; or
- (c) a motor vehicle parked on private property in a regulated area that is towed by a tow truck from the property to another location if the owner of the vehicle did not expressly request or direct the towing of the vehicle from the property.

### **70            Restriction on charges that may be imposed**

- (1) A person must not charge an amount in relation to the towing, storage, viewing or accessing of the motor vehicle, or the taking of property from the vehicle, other than—
  - (a) a towing charge under section 71; or
  - (b) a storage charge under section 72 or 73; or



(c) a viewing charge under section 74.

Maximum penalty—50 penalty units.

(2) A person must not charge an amount in relation to the release of the motor vehicle from the location to which it has been towed other than a release charge under section 75.

Maximum penalty—50 penalty units.

(3) To remove any doubt, it is declared that a cancellation fee is not an amount in relation to—

(a) the towing, storage, viewing or accessing of a motor vehicle; or

(b) the taking of property from a motor vehicle; or

(c) the release of a motor vehicle from the location to which it has been towed.

(4) In this section—

*cancellation fee* means an amount charged to a person for failing to attend an appointment outside business hours to view, access, take property from or retrieve a motor vehicle.

## 71 Towing charges

(1) The holder of the operator accreditation under which the motor vehicle is towed may charge the owner of the vehicle an amount for the towing of the vehicle to the location (a *towing charge*).

(2) The towing charge must not include an amount for a non-chargeable activity or non-chargeable matter.

(3) Also, the towing charge, inclusive of GST, must not exceed the following amounts—

(a) if the motor vehicle is a vehicle mentioned in section 69(a) and the towing involves not more than 1 hour working time at the scene of the incident—the amount stated in schedule 2, part 1;

(b) if the motor vehicle is a vehicle mentioned in section 69(c) and the towing involves not more than 1

hour working time at the private property—the amount stated in schedule 2, part 2, division 1;

- (c) if paragraphs (a) and (b) do not apply—an amount that is reasonable and justifiable having regard to the circumstances of the towing.
- (4) However, subsection (1) does not apply if the towing of the motor vehicle to the location contravenes section 52(2), 61(2) or 90(2).

## **72 Storage charges—damaged and seized motor vehicles**

- (1) This section applies if—
- (a) the motor vehicle is a vehicle mentioned in section 69(a) or (b); and
  - (b) the vehicle is towed to an authorised holding yard for an operator accreditation.
- (2) Subject to section 76, the holder of the operator accreditation may charge the owner of the motor vehicle an amount for storing the vehicle in the authorised holding yard (a ***storage charge***).
- (3) Before charging the storage charge, the holder of the operator accreditation must give the owner of the motor vehicle, or the owner’s agent, a notice stating—
- (a) that the holder intends to charge the owner a storage charge for each day the vehicle is stored in the authorised holding yard after the stated day; and
  - (b) that the charge is calculated using a daily rate; and
  - (c) the amount of the daily rate.

Maximum penalty—50 penalty units.

- (4) For subsection (3)(a), the stated day must be at least 2 days after the day the notice is given.
- (5) The notice may be given in hard copy or electronically by email or text message.
- (6) The storage charge—

- (a) must be calculated using the daily rate stated in the notice under subsection (3)(c); and
- (b) must not include an amount for—
  - (i) a non-chargeable activity or non-chargeable matter; or
  - (ii) storing the motor vehicle on or before the stated day; or
  - (iii) if the vehicle is a vehicle mentioned in section 69(a) and the towing involved not more than 1 hour working time at the scene of the incident—the first 72 hours the motor vehicle is stored in the authorised holding yard.

### **73 Storage charges—private property towing**

- (1) This section applies if—
  - (a) the motor vehicle is a vehicle mentioned in section 69(c); and
  - (b) the vehicle is towed to an authorised holding yard for an operator accreditation.
- (2) Subject to section 76, the holder of the operator accreditation may charge the owner of the motor vehicle an amount for storing the vehicle in the authorised holding yard (a *storage charge*).
- (3) The storage charge must not include an amount—
  - (a) for a non-chargeable activity or non-chargeable matter; or
  - (b) if the towing involved not more than 1 hour working time at the private property—for the first 72 hours the motor vehicle is stored in the authorised holding yard.
- (4) Also, the storage charge, inclusive of GST, must not exceed the amount stated in schedule 2, part 2, division 2.

## **74 Viewing charges**

- (1) This section applies if—
  - (a) the motor vehicle is towed to an authorised holding yard for an operator accreditation; and
  - (b) the holder of the operator accreditation allows the owner of the motor vehicle or the owner’s agent—
    - (i) to view or have access to the vehicle outside business hours; or
    - (ii) to take property from the vehicle outside business hours.
- (2) Subject to section 76, the holder of the operator accreditation may charge the owner of the motor vehicle, or the owner’s agent, an amount for viewing, accessing or taking property from the vehicle (a *viewing charge*).
- (3) Before the owner of the motor vehicle or the owner’s agent views, accesses or takes property from the vehicle, the holder of the operator accreditation must give the owner or the owner’s agent a notice stating the amount of the viewing charge.

Maximum penalty—50 penalty units.
- (4) The notice may be given in hard copy or electronically by email or text message.
- (5) The viewing charge must not include an amount for a non-chargeable activity or non-chargeable matter.

## **75 Release charges**

- (1) This section applies if the motor vehicle—
  - (a) is towed to an authorised holding yard for an operator accreditation; and
  - (b) is released from the authorised holding yard to its owner, or the owner’s agent, outside business hours.

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- (2) Subject to section 76, the holder of the operator accreditation may charge the owner of the motor vehicle, or the owner's agent, an amount for releasing the vehicle (a *release charge*).
  - (3) Before the motor vehicle is released to its owner or the owner's agent, the holder of the operator accreditation must give the owner or the owner's agent a notice stating the amount of the release charge.

Maximum penalty—50 penalty units.

- (4) The notice may be given in hard copy or electronically by email or text message.
- (5) The release charge must not include an amount for a non-chargeable activity or non-chargeable matter.

## **76 When particular charges can not be imposed**

- (1) The holder of an operator accreditation can not charge a storage charge for storing a motor vehicle in an authorised holding yard for the accreditation if—
  - (a) the storage contravenes section 56(1) or 135 of the Act; or
  - (b) the holding yard is also an authorised holding yard for another operator accreditation and the holder of the other operator accreditation has charged a storage charge for storing the vehicle in the holding yard.
- (2) The holder of an operator accreditation can not charge a viewing charge for viewing, accessing or taking property from a motor vehicle stored in an authorised holding yard for the accreditation if—
  - (a) the storage contravenes section 56(1) or 135 of the Act; or
  - (b) the holding yard is also an authorised holding yard for another operator accreditation and the holder of the other operator accreditation has charged a viewing charge in relation to the viewing or accessing of, or the taking of property from, the vehicle.

- (3) The holder of an operator accreditation can not charge a release charge for releasing a motor vehicle from an authorised holding yard for the accreditation if—
  - (a) the storage of the vehicle in the holding yard contravenes section 56(1) or 135 of the Act; or
  - (b) the holding yard is also an authorised holding yard for another operator accreditation and the holder of the other operator accreditation has charged a release charge in relation to the release of the vehicle.

## **Division 3                      On-site release charges**

### **77            Application of division**

This division applies in relation to a motor vehicle parked on private property in a regulated area if the owner of the vehicle has not expressly requested or directed the towing of the vehicle from the property.

### **78            Restriction on charging for release of motor vehicles**

A person must not charge the owner of the motor vehicle an amount in relation to the release of the vehicle before the vehicle is moved from the private property by a tow truck, other than an on-site release charge under section 79.

Maximum penalty—50 penalty units.

### **79            On-site release charges**

- (1) This section applies if—
  - (a) the holder of a driver accreditation has lifted or loaded the motor vehicle onto a tow truck, and done everything necessary to secure the vehicle to the tow truck, in preparation for moving the vehicle from the private property; and

- (b) a private property towing consent is in effect for the property and relates to an arrangement between—
    - (i) the occupier of the property; and
    - (ii) the holder of the operator accreditation under which the holder of the driver accreditation is acting (the *relevant operator accreditation*); and
  - (c) the vehicle has not been moved from the private property; and
  - (d) the owner of the vehicle is present and has agreed to move the vehicle from the private property within a reasonable time.
- (2) The holder of the relevant operator accreditation may charge the owner of the motor vehicle an amount for the release of the vehicle (an *on-site release charge*).
  - (3) The on-site release charge must not include an amount for a non-chargeable activity or non-chargeable matter.
  - (4) Also, the on-site release charge, inclusive of GST, must not exceed the amount stated in schedule 2, part 2, division 3.

## **Division 4                      Records about charges**

### **80                      Requirement to keep records relating to charges**

- (1) This section applies if the holder of an operator accreditation charges a person a towing charge, storage charge, viewing charge, release charge or on-site release charge under this part.
- (2) The holder must record the following matters within 24 hours after the charge is imposed—
  - (a) the make, and registration or other identification number, of the motor vehicle to which the charge relates;
  - (b) the amount of the charge;

[s 81]

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- (c) the day the charge was imposed;
- (d) if the charge is a towing charge to which section 71(3)(c) applies—
  - (i) the reasons why the holder considers the amount of the charge is reasonable and justifiable having regard to the circumstances of the towing; and
  - (ii) a description of any material relied on by the holder in deciding the amount of the towing charge.

*Examples of material—*

- photographs taken at the scene of an incident
- receipts for payments made by the holder to a crane operator for the lifting of a motor vehicle damaged in an incident

Maximum penalty—20 penalty units.

- (3) The record—
  - (a) must state the day the record is made; and
  - (b) may be kept in hard copy or electronic form.
- (4) The holder must keep the record for at least 2 years from the day the record is made unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

## **81 Requirements relating to particular towing charges**

- (1) This section applies if the holder of an operator accreditation records, under section 80(2), a towing charge to which section 71(3)(c) applies.
- (2) If the record describes material relied on by the holder in deciding the amount of the towing charge, the holder must keep the material for at least the period—
  - (a) starting on the day the material is made; and



- (b) ending on the day that is 2 years after the day the record is made.

Maximum penalty—20 penalty units.

- (3) The material may be kept in hard copy or electronic form.
- (4) Subsection (5) applies if the owner of the motor vehicle to which the towing charge relates asks the holder for a copy of—
  - (a) the record; or
  - (b) material relating to the towing charge kept by the holder under subsection (2).
- (5) The holder must, as soon as practicable but no later than 2 business days after the day the request is made, comply with the request.

Maximum penalty—20 penalty units.

- (6) The holder does not commit an offence against subsection (2) or (5) if the holder has a reasonable excuse.

## Part 10 Offences

### 82 Definitions for part

In this part—

*consideration* includes any of the following—

- (a) money;
- (b) a loan;
- (c) an office, position or employment;
- (d) a commission;
- (e) a rebate;
- (f) payment in excess of the actual value of goods or a service;
- (g) a deduction or percentage;

- (h) a bonus or discount;
- (i) forbearance to demand money or another thing;
- (j) any other benefit or advantage.

*give*, in relation to consideration, includes agree or offer to give.

*receive*, in relation to consideration, includes agree or offer to receive.

### **83 Possessing another person's accreditation document for driver accreditation or assistant accreditation**

- (1) A person must not, with intent to deceive someone else, possess another person's accreditation document for a driver accreditation or an assistant accreditation or a part of the document.

Maximum penalty—40 penalty units.

- (2) A person must not give the person's accreditation document for a driver accreditation or an assistant accreditation, or a part of the document, to another person if the person knows, or ought reasonably to know, the other person intends to use the document or part to deceive someone else.

Maximum penalty—40 penalty units.

- (3) For this section, it is irrelevant whether the intention to deceive relates to a person who is known or unknown, or who exists or does not exist.

### **84 Documents purporting to be accreditation document for driver accreditation or assistant accreditation**

- (1) A person must not possess a document that resembles an accreditation document for a driver accreditation or an assistant accreditation, or a part of the accreditation document, and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document that resembles an accreditation document for a driver accreditation or an assistant accreditation, or a part of the accreditation document, and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (3) For this section, it is irrelevant whether the intention to deceive relates to a person who is known or unknown, or who exists or does not exist.

## **85 Damaging or altering particular documents**

A person must not wilfully damage or alter—

- (a) an accreditation document for an accreditation that is in effect, including any part of the document; or
- (b) a document that the holder of an operator accreditation must keep under section 24(1)(b) to (f); or
- (c) a document that the holder of an operator accreditation must keep under section 24(1)(g) or (h).

Maximum penalty—

- (a) for paragraphs (a) and (b)—20 penalty units; or
- (b) for paragraph (c)—30 penalty units.

## **86 Giving and receiving consideration for the purpose of obtaining towing authorities**

- (1) The holder of an accreditation must not, for the purpose of enabling a person to obtain a towing authority for a motor vehicle, give consideration to the authorising person for the vehicle.

Maximum penalty—40 penalty units.

- (2) The holder of an accreditation must not, for the purpose of enabling a person to obtain a towing authority for a motor vehicle, give consideration to another person in exchange for the giving of information or advice about the following matters—

[s 87]

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- (a) the occurrence of an incident, or the seizure of a motor vehicle, in a regulated area;
- (b) the presence on or near a road in a regulated area of a motor vehicle damaged in an incident;
- (c) the presence on a road in a regulated area of a seized motor vehicle.

Maximum penalty—40 penalty units.

- (3) A person must not, for the purpose of enabling another person to obtain a towing authority for a motor vehicle, receive consideration from the holder of an accreditation in exchange for the giving of information or advice about a matter mentioned in subsection (2).

Maximum penalty—30 penalty units.

## **87 Giving and receiving consideration for the purpose of obtaining particular work or business**

- (1) A person must not give consideration to the holder of an accreditation for the purpose of obtaining, for the person or someone else, work or business in the following fields—
  - (a) vehicle repairs;
  - (b) vehicle insurance, including assisting with claims for vehicle insurance;
  - (c) the hiring, purchasing or lending of vehicles;
  - (d) legal services.

Maximum penalty—40 penalty units.

- (2) The holder of an accreditation must not receive consideration from a person for the purpose of obtaining, for the person or someone else, work or business in a field mentioned in subsection (1).

Maximum penalty—40 penalty units.

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## Part 11 Exemption decisions

### Division 1 General

#### 88 Application of division

This division applies if—

- (a) an exemption decision is in effect for an operator accreditation; and
- (b) an alternative requirement in the exemption decision states premises at which motor vehicles towed under the operator accreditation must be stored.

#### 89 Application of particular provisions

The following provisions apply in relation to the operator accreditation as if the stated premises were an authorised holding yard for the accreditation—

- (a) section 25(6), definition *prescribed particulars*, paragraph (b)(ix);
- (b) section 66;
- (c) sections 72 to 76;
- (d) schedule 2.

#### 90 Requirements for private property towing

(1) This section applies if—

- (a) the holder of a driver accreditation operates a tow truck to tow a motor vehicle in relation to which part 7 applies from the private property on which the vehicle is parked; and
- (b) the holder of the driver accreditation is acting under the operator accreditation.

[s 91]

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- (2) The holder of the driver accreditation must not tow the motor vehicle to a location other than the stated premises.

Maximum penalty—50 penalty units.

- (3) The holder of the driver accreditation must tow the motor vehicle to the stated premises—

(a) as soon as practicable after leaving the private property; and

(b) using the route that—

(i) is the most direct by road; or

(ii) the holder reasonably considers will enable the holder to safely reach the stated premises in the shortest amount of time.

Maximum penalty—20 penalty units.

## **Division 2                      Revocation of exemption decisions on request**

### **91            Revocation of exemption decisions on request**

- (1) The holder of an operator accreditation may, by notice given to the chief executive, ask the chief executive to revoke an exemption decision for the accreditation.

- (2) On receiving the request, the chief executive must—

(a) revoke the exemption decision; and

(b) give the holder notice of the revocation.

- (3) The revocation takes effect on the day the notice under subsection (2)(b) is given or a later day stated in the notice.

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## Division 3                      **Revocation of exemption decisions by chief executive**

### 92            **Chief executive may revoke exemption decisions**

The chief executive may revoke an exemption decision for an operator accreditation if satisfied—

- (a) the decision was made in error; or
- (b) the decision was obtained because of materially incorrect or misleading information or documents; or
- (c) public safety may be endangered if the decision continues to have effect; or
- (d) it is not otherwise in the public interest for the decision to continue to have effect.

### 93            **Notice of proposed revocation**

- (1) Before revoking the exemption decision, the chief executive must give the holder of the operator accreditation notice of the proposed revocation (the *proposed revocation notice*).
- (2) The notice must state the following—
  - (a) the ground for the proposed revocation;
  - (b) an outline of the facts and circumstances forming the basis for the ground;
  - (c) that the holder of the operator accreditation may, within a stated period, make representations to the chief executive to show why the exemption decision should not be revoked.
- (3) For subsection (2)(c), the stated period must end at least 28 days after the day the proposed revocation notice is given to the holder of the operator accreditation.
- (4) The chief executive may, by notice given to the holder of the operator accreditation, extend the period under subsection (2)(c) before or after the end of the period.

## 94 Representations about proposed revocation

- (1) The holder of the operator accreditation may make representations to the chief executive about the proposed revocation notice within the representation period.
- (2) The chief executive must consider any representations made to the chief executive within the representation period.

## 95 Notice if no further action to be taken

- (1) This section applies if, after considering any representations made to the chief executive within the representation period, the chief executive no longer considers a ground exists to revoke the exemption decision.
- (2) The chief executive must—
  - (a) take no further action about the proposed revocation notice; and
  - (b) give the holder of the operator accreditation notice that no further action is to be taken about the proposed revocation notice.

## 96 Revoking exemption decisions

- (1) This section applies if, after considering any representations made to the chief executive within the representation period, the chief executive still considers a ground exists to revoke the exemption decision.
- (2) The chief executive may, by notice given to the holder of the operator accreditation (a **revocation notice**), revoke the exemption decision.
- (3) The revocation notice must be accompanied by an information notice for the decision to revoke the exemption decision.
- (4) The revocation takes effect on the day the revocation notice is given or a later day stated in the notice.



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## Part 12 Temporary holding yards

### 97 Definition for part

In this part—

*event* see the *Disaster Management Act 2003*, section 16.

### 98 Applications for approval of temporary holding yards

- (1) The holder of an operator accreditation may apply to the chief executive for approval of premises as a temporary holding yard for the accreditation.
- (2) The application must state—
  - (a) the reasons the approval is being sought; and
  - (b) the premises proposed to be used as the temporary holding yard and the current use of the premises; and
  - (c) the measures in place or proposed for preventing—
    - (i) unauthorised persons from entering the temporary holding yard; and
    - (ii) the unauthorised removal of motor vehicles and property from the temporary holding yard.

*Note*—

For other requirements in relation to the application, see part 2, division 2.

### 99 Deciding applications

- (1) The chief executive must consider the application and decide to—
  - (a) approve the application with or without conditions; or
  - (b) refuse the application.
- (2) However, the chief executive may approve the application only if an authorised holding yard for the operator

accreditation can not be used, or safely used, due to the effects of an event.

- (3) In deciding the application, the chief executive—
  - (a) must consider whether the measures stated in the application under section 98(2)(c) are sufficient for preventing the things mentioned in that section; and
  - (b) may consider any other matter the chief executive considers relevant.

## **100 Notice of decision**

- (1) If the chief executive decides to give the temporary holding yard approval, the chief executive must give the applicant notice of the decision.
- (2) The notice must state—
  - (a) the period the approval has effect; and
  - (b) any conditions imposed on the approval.
- (3) If the chief executive decides to refuse the application, or approves the application subject to conditions, the chief executive must give the applicant an information notice for the decision.

## **101 Period of temporary holding yard approvals**

A temporary holding yard approval—

- (a) takes effect on the day notice of the decision is given under section 100(1) or a later day stated in the notice; and
- (b) has effect for the period stated in the notice of the decision, including any extension of the period under section 102 or 103.

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**102 Chief executive may extend period of temporary holding yard approvals**

- (1) This section applies if—
  - (a) a temporary holding yard approval is in effect for an operator accreditation in relation to an event; and
  - (b) the chief executive is satisfied the authorised holding yard for the operator accreditation to which the approval relates still can not be used, or safely used, due to the effects of the event.
- (2) The chief executive may, on the chief executive's own initiative, extend the period of the temporary holding yard approval by not more than 28 days.
- (3) However, the chief executive can not extend the period of the temporary holding yard approval under subsection (2) more than once.
- (4) If the chief executive extends the period of the temporary holding yard approval under subsection (2), the chief executive must give the holder of the operator accreditation notice of the extension.

**103 Applications to extend period of temporary holding yard approvals**

- (1) This section applies if a temporary holding yard approval is in effect for an operator accreditation in relation to an event.
- (2) The holder of the operator accreditation may apply to the chief executive to extend the period of the temporary holding yard approval by a stated period.
- (3) The application must state the reasons the extension is being sought.

*Note—*

For other requirements in relation to the application, see part 2, division 2.

- (4) The chief executive must decide to—

[s 104]

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- (a) extend the period of the temporary holding yard approval by the period stated in the application or a shorter period; or
  - (b) refuse the application.
- (5) However, the chief executive may extend the period of the temporary holding yard approval only if satisfied the authorised holding yard for the operator accreditation to which the approval relates still can not be used, or safely used, due to the effects of the event.
- (6) The chief executive must give the holder of the operator accreditation notice of the decision.
- (7) If the decision is to refuse the application, or extend the period by a shorter period than stated in the application, the notice must be an information notice for the decision.

#### **104 Application of particular provisions if temporary holding yard approval in effect**

- (1) For the period a temporary holding yard approval is in effect for an operator accreditation, the following provisions apply in relation to the accreditation as if the temporary holding yard were an authorised holding yard for the accreditation—
- (a) section 25(6), definition *prescribed particulars*, paragraph (b)(ix);
  - (b) sections 66 and 67;
  - (c) sections 72 to 76;
  - (d) schedule 2.
- (2) For the period a temporary holding yard approval is in effect for an operator accreditation, sections 48(4) and 61 apply in relation to the accreditation as if a reference in the sections to an authorised holding yard for the accreditation—
- (a) includes the temporary holding yard; but
  - (b) does not include the authorised holding yard for the accreditation to which the temporary holding yard approval relates.

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## Part 13                      Audits

### 105    Purpose of part

The purpose of this part is to allow the chief executive to carry out an audit of the business activities of the holder of an operator accreditation for the following purposes—

- (a) to assess the holder's compliance with the Act in relation to—
  - (i) conducting the authorised tow truck business for the accreditation; or
  - (ii) an authorised holding yard for the accreditation; or
  - (iii) an authorised tow truck for the accreditation;
- (b) to verify information given to the chief executive about the holder's business activities relating to the authorised tow truck business for the accreditation.

### 106    Audit notices

- (1) The chief executive may give the holder of an operator accreditation a notice (an *audit notice*) requiring the holder—
  - (a) to allow the chief executive to carry out, within the stated period, an audit of the holder's business activities for a purpose mentioned in section 105; and
  - (b) to cooperate with every reasonable requirement of the chief executive in order to enable the chief executive to carry out the audit.
- (2) The audit notice must state the following matters—
  - (a) the purpose of the audit;
  - (b) the period during which the audit is to be carried out;
  - (c) the way the audit is to be carried out;

*Examples of the ways an audit may be carried out—*

- in person at a place of business stated in the operator accreditation or an authorised holding yard for the operator accreditation
  - a desktop audit at the chief executive's place of work
- (d) that a report about the audit will be given to the holder.
- (3) The chief executive may give the holder of an operator accreditation an audit notice as frequently as the chief executive reasonably requires for a purpose mentioned in section 105.

## **107 Compliance with audit notices**

If the holder of an operator accreditation is given an audit notice, the holder must comply with the notice unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

## **108 Audit reports**

- (1) As soon as practicable after carrying out an audit in relation to the holder of an operator accreditation, the chief executive must give the holder a report about the audit.
- (2) The report must state the following matters—
- (a) the name of the person who carried out the audit;
  - (b) the period during which the audit was carried out;
  - (c) each place where the audit was carried out;
  - (d) the findings made by the person who carried out the audit and the person's reasons for the findings.

## **109 Directions to comply**

- (1) This section applies if an audit report in relation to the holder of an operator accreditation identifies that the holder has not complied with a provision of the Act in relation to—

- (a) conducting the authorised tow truck business for the accreditation; or
  - (b) an authorised holding yard for the accreditation; or
  - (c) an authorised tow truck for the accreditation.
- (2) The chief executive may, by notice given to the holder, direct the holder to comply with the provision within a stated period of at least 5 business days.
- (3) The notice must—
- (a) identify the noncompliance; and
  - (b) state that failure to comply with the direction is a ground for amending, suspending or cancelling the accreditation under part 3, division 2 of the Act.
- (4) The chief executive may, by notice given to the holder, extend the period mentioned in subsection (2).

## **Part 14                      Fees**

### **110      Fees**

- (1) The fees payable under the Act are stated in schedule 3.
- (2) Subsections (3) and (4) apply in relation to a renewal application to renew an accreditation.
- (3) The fee payable under schedule 3, item 2 or 5 for the renewal application is the fee in force on 1 July in the financial year in which the renewal period is taken to start under subsection (4).
- (4) For subsection (3), the renewal period is taken to start the day after the accreditation would otherwise stop having effect.

### **111      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.

## 112 Adjustment of fees for particular amendment applications

- (1) This section applies to an amendment application to amend an operator accreditation to state a motor vehicle as an authorised tow truck for the accreditation.
- (2) Despite section 110(1) and schedule 3, item 3, the fee payable for the amendment application is the amount calculated using the following formula, rounded to the nearest multiple of 5 cents (rounding one-half upwards)—

$$F/AP \times RP$$

where—

*F* means the fee payable under schedule 3, item 3 for the amendment application.

*AP* means the period of the operator accreditation or, if the accreditation has been renewed, the renewal period, expressed in months.

*Examples—*

- 1 An operator accreditation is given for a period of 2 years. The period of the accreditation, expressed in months, is 24 months.
- 2 An operator accreditation is renewed for a period of 3 years. The renewal period, expressed in months, is 36 months.

*RP* means the number of months in the remaining period of the operator accreditation, rounded up to the nearest whole number.



*Example—*

An operator accreditation is given for a period of 2 years starting on 1 July 2025. An amendment application for the operator accreditation is made on 10 September 2025. The number of months in the remaining period of the accreditation, rounded up to the nearest whole number, is 22.

- (3) For calculating, for subsection (2), the fee payable under schedule 3, item 3 for the amendment application, section 111 does not apply.

### **113 Waiver of particular fees**

The chief executive may waive the payment of a fee, in relation to requesting a written report under section 138(1) of the Act, that is payable under schedule 3 for a person.

### **114 Refund of particular fees**

- (1) This section applies if—
  - (a) an application for an accreditation is made, or the holder of an operator accreditation gives the chief executive a notice under section 72 of the Act; and
  - (b) the chief executive does not ask the police commissioner for a written report about a person's criminal history under section 138(1) of the Act in relation to the application or notice.
- (2) A fee paid under schedule 3, in relation to requesting a written report for the person under section 138(1) of the Act, must be refunded to the applicant or the holder of the operator accreditation.

## **Part 15**                      **Miscellaneous**

### **115**      **Original decisions—Act, s 123**

For section 123 of the Act, definition *original decision*, paragraph (b), the following decisions are an original decision—

- (a) a decision made under section 96 to revoke an exemption decision;
- (b) a decision made under section 99 to give a temporary holding yard approval subject to conditions;
- (c) a decision made under section 99 to refuse an application for a temporary holding yard approval;
- (d) a decision made under section 103 to refuse an application to extend the period of a temporary holding yard approval;
- (e) a decision made under section 103 to extend the period of a temporary holding yard approval by a shorter period than stated in the application for the extension.

### **116**      **Requests for criminal history reports—Act, s 138**

For section 138(2)(c) of the Act, the following information is prescribed for a request made under section 138(1) of the Act in relation to a person—

- (a) the person's sex;
- (b) details of the person's Queensland driver licence;
- (c) details of an accreditation held by the person.

### **117**      **Notice of change in criminal history—Act, s 139**

For section 139(3)(e) of the Act, the sex of the person to whom the notification relates is prescribed.

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**118 Confidentiality—Act, s 144**

For section 144(1)(a)(v) of the Act, an authorised person within the meaning of the *Transport Planning and Coordination Regulation 2017*, section 9 is prescribed.

**119 Prescribed roads—Act, sch 3**

For schedule 3 of the Act, definition *prescribed road*, a road in a regulated area that is operated by either of the following entities is prescribed to be a prescribed road—

- (a) Queensland Motorways Holding Pty Limited ACN 150 265 197;
- (b) QM Assets Pty Limited ACN 165 578 727.

## **Part 16 Transitional provisions**

**120 Definitions for part**

In this part—

*licence* means a licence under the repealed Act.

*repealed regulation* means the repealed *Tow Truck Regulation 2009*.

**121 Application of s 4**

- (1) This section applies in relation to a person if—
  - (a) immediately before the commencement, the person held a driver’s certificate under the repealed Act; and
  - (b) the driver’s certificate is taken to be a driver accreditation under section 160 of the Act; and
  - (c) the person continues to hold the driver accreditation.
- (2) Section 4 does not apply in relation to the person until 26 August 2025.

## **122 Existing applications for replacement documents**

- (1) This section applies if—
  - (a) before the commencement, a person applied for a replacement document under the repealed regulation, section 13(2); and
  - (b) immediately before the commencement, the chief executive had not issued the replacement document.
- (2) From the commencement, the application is taken to be an application for a replacement accreditation document made under section 17.
- (3) Anything done in relation to the application under the repealed regulation is taken to have been done in relation to the application under this regulation.

## **123 Documents under repealed Act**

- (1) Section 24(1)(g) applies in relation to a towing consent under the repealed Act, other than a towing consent that stopped having effect more than 1 year before the commencement, as if the towing consent were a private property towing consent.
- (2) Section 25(2)(b), (3)(b), (4) and (5) applies in relation to a record made under the repealed regulation, section 25(2)(a), other than a record made more than 1 year before the commencement, as if it were a record made under section 25(2)(a).

## **124 Records about activities carried out before commencement**

- (1) This section applies if—
  - (a) before the commencement, an activity mentioned in the repealed regulation, section 25(1) was carried out under a licence in relation to a motor vehicle; and
  - (b) immediately before the commencement—

- (i) the period for making a record relating to the motor vehicle under the repealed regulation, section 25(2)(a) had not ended; and
  - (ii) a record relating to the motor vehicle had not been made under the section.
- (2) Section 25 applies in relation to the motor vehicle as if the activity were carried out under the licence holder's operator accreditation.

## **125 Imposing charges**

- (1) This section applies if, before the commencement—
  - (a) a motor vehicle damaged in an incident in a regulated area was towed from the scene of the incident under a towing authority under the repealed Act; or
  - (b) a motor vehicle seized in a regulated area was towed from the place of seizure under a towing authority under the repealed Act; or
  - (c) a motor vehicle was towed from private property in a regulated area to another location under a licence.
- (2) The repealed regulation, sections 31 to 34A and 35(1) continues to apply in relation to the towing, storage, viewing, accessing and release of the motor vehicle as if the repealed regulation had not been repealed.

## **126 Investigating charges under repealed regulation**

The repealed regulation, section 36 continues to apply in relation to a charge imposed under the repealed regulation, before or after the commencement, for the towing, storage, release or salvaging of a motor vehicle as if the repealed regulation had not been repealed.

**127 Found property for motor vehicles towed before commencement**

The repealed regulation, section 37(2) continues to apply in relation to a motor vehicle towed under a licence before the commencement as if the repealed regulation had not been repealed.

# Schedule 1      Classification of and requirements for tow trucks

sections 10(3), 28, 29, 34 and 41(2)

## Part 1      Preliminary

### 1      Definitions for schedule

In this schedule—

**GCM** (gross combination mass) see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, schedule 4.

**GVM** (gross vehicle mass), of a vehicle, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**load capacity**, of a tow truck, means the difference between the maximum loaded mass of the tow truck and its tare.

**maximum loaded mass**, of a motor vehicle, means—

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

**tare**, of a tow truck, means the weight of the tow truck equipped for travelling on a road, but not including a load on the tow truck.

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

- (a) has a fixed or tilting platform, or a fixed or tilting tray, attached to the truck for carrying motor vehicles; and

- (b) is fitted with a winch for loading motor vehicles onto the platform or tray.

## **Part 2                      Classification of tow trucks**

### **2                      Classification of tray or platform tow trucks**

- (1) This section states the classification of a tow truck that is a tray or platform tow truck.
- (2) The tow truck is classified as a class 1T tow truck if it has a load capacity of at least 2.4t but less than 5.5t.
- (3) The tow truck is classified as a class 2T tow truck if it has a load capacity of at least 5.5t but less than 11t.
- (4) The tow truck is classified as a class 3T tow truck if it has a load capacity of at least 11t but less than 16t.
- (5) The tow truck is classified as a class 4T tow truck if it has a load capacity of at least 16t.
- (6) The tow truck is classified as a class 5T tow truck if it has a load capacity of at least 300kg but not more than 1t.

### **3                      Classification of tow trucks other than tray or platform tow trucks**

- (1) This section states the classification of a tow truck that is not a tray or platform tow truck.
- (2) The tow truck is classified as a class 1 tow truck if it—
  - (a) has a load capacity of at least 1.2t; and
  - (b) is equipped with a crane or hoist that has a safe working load of at least 1t.
- (3) The tow truck is classified as a class 2 tow truck if it—
  - (a) has a load capacity of at least 3t; and
  - (b) is equipped with a crane or hoist that has a safe working load of at least 2.5t.
- (4) The tow truck is classified as a class 3 tow truck if it—



- 
- (a) has a load capacity of at least 6t; and
  - (b) is equipped with a crane or hoist that has a safe working load of at least 5t.
- (5) The tow truck is classified as a class 4 tow truck if it—
- (a) has a GCM of at least 25t; and
  - (b) is equipped with—
    - (i) a tandem or tri-axle group; and
    - (ii) a power-operated winch; and
    - (iii) a crane or hoist that has a safe working load of at least 5t.
- (6) In this section—
- safe working load*, of a crane or hoist, means—
- (a) if the manufacturer of the crane or hoist has specified a safe working load for the crane or hoist—the safe working load specified by the manufacturer; or
  - (b) otherwise—the safe working load for the crane or hoist certified by an engineer.

## Part 3 Requirements relating to tow trucks

### 4 Restrictions on towing and lifting motor vehicles for particular classes of tow trucks

- (1) A tow truck that is classified as a class 1 tow truck must not tow or lift a motor vehicle with a loaded mass of more than 2t.
- (2) A tow truck that is classified as a class 2 tow truck must not tow or lift a motor vehicle with a loaded mass of more than 5t.
- (3) A tow truck that is classified as a class 3 tow truck must not tow or lift a motor vehicle with a loaded mass of more than 10t.
- (4) In this section—

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

## 5 Tow dollies

- (1) A tow truck must not be attached to a tow dolly unless the tow truck is classified as a class 1 tow truck.
- (2) If a tow truck that is classified as a class 1 tow truck is attached to a tow dolly, the tow dolly must—
  - (a) have an overall width of no more than 2.5m; and
  - (b) be equipped with curved tyre saddles capable of supporting a load on the tow dolly; and
  - (c) have a load capacity of at least 1.2t; and
  - (d) be fitted with means to restrain the axles of a motor vehicle being supported by the tow dolly before and during towing.

- (3) In this section—

**load capacity**, of a tow dolly, means—

- (a) if the manufacturer of the tow dolly has specified a load capacity for the tow dolly—the load capacity specified by the manufacturer; or
- (b) otherwise—the load capacity for the tow dolly certified by an engineer.

**tow dolly** means a trailer—

- (a) consisting of 2 axles fitted with either single wheels or dual wheels; and
- (b) on which the wheels of either the front or rear axles of a motor vehicle are mounted to support the vehicle while being towed.

## 6 Markings that must be displayed

- (1) An authorised tow truck for an operator accreditation must have markings on each side of the tow truck, or on signs attached to each side of the tow truck, that display—
  - (a) the business name, business address and telephone number of the authorised tow truck business for the accreditation; and
  - (b) the classification of the tow truck under part 2; and
  - (c) the unique identification number for the tow truck stated in the accreditation.
- (2) The markings must be clearly legible at a distance of 30m.
- (3) In this section—

*business address*, of the authorised tow truck business for an operator accreditation, means the business address of the tow truck business stated in the accreditation document for the accreditation.

## 7 Illuminated signs

- (1) A tow truck must not be equipped with more than 1 illuminated sign.
- (2) If a tow truck is equipped with an illuminated sign, the sign must—
  - (a) be fitted with a fixed bulb of constant intensity; and
  - (b) have a total illuminated surface of not more than 3,000cm<sup>2</sup>.

## 8 Requirements relating to markings and signs

- (1) Any markings on a tow truck, or on a sign attached to a tow truck, must not have an area of more than 1,000cm<sup>2</sup>, unless the marking is a word, an abbreviation of a word, a figure or a punctuation mark.
- (2) Any markings or sign on a tow truck must not be likely to—
  - (a) make the use of the tow truck unsafe; or

- (b) cause injury, annoyance or distraction to a person.
- (3) If a tow truck, or a sign attached to a tow truck, has markings in addition to the markings mentioned in section 6(1), the additional markings must not be displayed in a way that makes the additional markings appear more significant than the markings mentioned in section 6(1).

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## **Schedule 2      Maximum amounts that may be charged**

sections 71, 73 and 79

### **Part 1                      Towing charges for damaged motor vehicles**

#### **Fee units**

Maximum amount of towing charge for towing a motor vehicle mentioned in section 69(a) if the towing involves not more than 1 hour working time at the scene of the incident—

- |                                  |        |
|----------------------------------|--------|
| (a) for the first 50km           | 395.34 |
| (a) for each kilometre over 50km | 7.86   |

### **Part 2                      Charges for private property towing**

#### **Division 1                  Towing charges**

#### **Fee units**

Maximum amount of towing charge for towing a motor vehicle mentioned in section 69(c) if the towing involves not more than 1 hour working time at the private property

273.64

## **Division 2                      Storage charges**

	<b>Fee units</b>
Maximum amount of storage charge for storing a motor vehicle mentioned in section 69(c) in an authorised holding yard for an operator accreditation, for each day	27.35

## **Division 3                      On-site release charges**

	<b>Fee units</b>
Maximum amount of on-site release charge	164.19

## Schedule 3 Fees

### section 110

	<b>Fee units</b>
1 Application for an operator accreditation (Act, s 17)—the total of the following—	
(a) for each motor vehicle proposed to be used as a tow truck under the accreditation—	
(i) accreditation for 1 year	441.60
(ii) accreditation for 2 years	770.40
(iii) accreditation for 3 years	1,106.70
(iv) accreditation for 4 years	1,428.05
(v) accreditation for 5 years	1,734.50
(b) additional application fee in relation to requesting written reports under section 138(1) of the Act in relation to the application—	
(i) if the applicant is an individual	46.50
(ii) if the applicant is a corporation—for each executive officer of the corporation	46.50
(iii) if the applicant is a partnership—for each partner in the partnership	46.50
2 Renewal application for renewal of an operator accreditation (Act, s 24)—for each authorised tow truck for the accreditation—	
(a) renewal for 1 year	441.60
(b) renewal for 2 years	770.40
(c) renewal for 3 years	1,106.70

## Schedule 3

	<b>Fee units</b>
(d) renewal for 4 years	1,428.05
(e) renewal for 5 years	1,734.50
3 Amendment application to amend an operator accreditation to state a motor vehicle as an authorised tow truck for the accreditation (Act, s 30)—for each motor vehicle—	
(a) if the period of the accreditation is 1 year or the accreditation has been renewed for a period of 1 year	441.60
(b) if the period of the accreditation is 2 years or the accreditation has been renewed for a period of 2 years	770.40
(c) if the period of the accreditation is 3 years or the accreditation has been renewed for a period of 3 years	1,106.70
(d) if the period of the accreditation is 4 years or the accreditation has been renewed for a period of 4 years	1,428.05
(e) if the period of the accreditation is 5 years or the accreditation has been renewed for a period of 5 years	1,734.50
4 Application for a driver accreditation or an assistant accreditation (Act, s 17)—the total of the following—	
(a) base application fee—	
(i) accreditation for 1 year	114.45
(ii) accreditation for 2 years	154.85
(iii) accreditation for 3 years	198.10
(iv) accreditation for 4 years	239.50
(v) accreditation for 5 years	278.95



	<b>Fee units</b>
(b) additional application fee in relation to requesting a written report under section 138(1) of the Act in relation to the application	46.50
5 Renewal application for renewal of a driver accreditation or an assistant accreditation (Act, s 24)—	
(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 Notice given by the holder of an operator accreditation about a new executive officer or partner under section 72 of the Act—fee in relation to requesting a written report under section 138(1) of the Act in relation to the notice—	
(i) if the holder is a corporation—for each new executive officer of the corporation	46.50
(ii) if the holder is a partnership—for each new partner in the partnership	46.50
7 Application for a replacement accreditation document for an operator accreditation under section 17(1)	54.70
8 Application for a replacement accreditation document for a driver accreditation or an assistant accreditation under section 17(1) or (2)	33.01

## Schedule 4 Dictionary

### section 3

***application***, for part 2, division 2, see section 5.

***audit notice***, for part 13, see section 106(1).

***business hours*** means 9a.m. to 5p.m. on a day other than a day that is a Saturday, Sunday or public holiday.

***consideration***, for part 10, see section 82.

***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 the address was given for this regulation; and
- (b) for which no written or oral notice from the person, asking the department to discontinue use of the postal address, has been received by the department.

***damaged***, in relation to a document—

- (a) means—
  - (i) damaged to the extent that—
    - (A) information on the document is difficult or impossible to read; or
    - (B) a photo or signature on the document is difficult or impossible to recognise; or
  - (ii) destroyed, other than destroyed as required under section 19 or 20; and
- (b) if the document is a smartcard accreditation—includes—
  - (i) damaged to the extent that—
    - (A) information stored electronically on the accreditation is difficult or impossible to read; or

(B) information that is a digital photo or digitised signature stored electronically on the accreditation is difficult or impossible to recognise; and

(ii) any information stored electronically on the accreditation is no longer accessible by using the holder's PIN.

*event*, for part 12, see section 97.

*GCM* (gross combination mass), for schedule 1, see schedule 1, section 1.

*give*, in relation to consideration, for part 10, see section 82.

*GVM* (gross vehicle mass), of a vehicle, for schedule 1, see schedule 1, section 1.

*information*, for part 2, division 2, see section 5.

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

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

*load capacity*, of a tow truck, for schedule 1, see schedule 1, section 1.

*maximum loaded mass*, of a motor vehicle, for schedule 1, see schedule 1, section 1.

*New Zealand licence* see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, schedule 9.

*non-chargeable activity*, for part 9, see section 68.

*non-chargeable matter*, for part 9, see section 68.

*on-site release charge* see section 79(2).

*original accreditation document* see section 17(1)(a) and (b).

*prescribed fence* means a fence or wall that is at least 2.1m in height measured from the ground.

*proposed revocation notice* see section 93(1).

**receive**, in relation to consideration, for part 10, see section 82.

**release charge** see section 75(2).

**relevant person**, for part 5, division 3, see section 35.

**representation period**, in relation to a proposed revocation notice, means—

- (a) the period stated in the proposed revocation notice for making representations; or
- (b) if the period for making representations is extended under section 93(4)—the period as extended.

**restricted advertising** means advertising, markings or particulars relating to a business that involves—

- (a) the carrying out or arranging of vehicle repairs; or
- (b) providing vehicle insurance or assisting with claims for vehicle insurance; or
- (c) the hiring, purchasing or lending of vehicles; or
- (d) providing legal services.

*Examples—*

the name, logo or address of a vehicle repair business or law firm

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

**storage charge** see sections 72(2) and 73(2).

**tare**, of a tow truck, for schedule 1, see schedule 1, section 1.

**temporary holding yard approval** means an approval given under section 99(1)(a).

**towing charge** see section 71(1).

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

**tray or platform tow truck**, for schedule 1, see schedule 1, section 1.

**viewing charge** see section 74(2).

*working time* see section 68.