

# Proclamation – Tow Truck Act 2023

Explanatory notes for SL 2024 No. 133

made under the

*Tow Truck Act 2023*

## General Outline

### Short title

Proclamation to commence the provisions of the *Tow Truck Act 2023* that are not in force.

### Authorising law

Section 2 of the *Tow Truck Act 2023*.

### Policy objectives and the reasons for them

The objective of the Proclamation is to fix 26 August 2024 as the date for the commencement of the provisions in the *Tow Truck Act 2023* (the Act) that are not in force.

The Act repeals and replaces the *Tow Truck Act 1973* (the 1973 Act) to deliver a more modern tow truck scheme in Queensland that is designed to improve road safety and deliver improved outcomes and protections for motorists, property owners and industry professionals.

The Act will:

- Maintain the framework previously provided by the 1973 Act for the towing, in regulated areas of Queensland, of motor vehicles damaged in incidents, seized by police from off-street regulated parking areas or towed from private property in certain circumstances.
- Maintain the requirement for persons who conduct a tow truck business or are involved in operating tow trucks in regulated areas to hold an accreditation (currently known as a 'licence' or 'certificate').
- Maintain the requirement for persons who hold an accreditation to comply with duties, obligations, standards of conduct and other requirements.
- Modernise the existing legislation by introducing a new structure and terminology that improves consistency across accreditations administered by the Department of Transport and Main Roads (TMR).
- Enhance the accreditation process, including accreditation eligibility requirement.
- Ensure penalties and offences are targeted and appropriate.
- Modernise enforcement powers to ensure authorised officers have suitable compliance powers.

## **Achievement of policy objectives**

The policy objective is achieved by fixing a commencement date of 26 August 2024 for the Act.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

The Proclamation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

Commencing the provisions of the Act will deliver a more modern tow truck scheme in Queensland that is designed to improve road safety and deliver improved outcomes and protections for motorists, property owners and industry professionals.

The commencement of the Act is not expected to present any additional costs for government. The costs of implementation are expected to be minimal and will be met by existing budgetary allocations.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

No consultation has been undertaken on the Proclamation as it is machinery in nature.

An Impact Analysis Statement has been completed that identifies that the proclamation is not subject to regulatory impact assessment requirements under the Queensland Government Better Regulation Policy as it is a regulatory proposal that is machinery in nature commencing the provisions of the Tow Truck Act.