

Queensland Government

Department of Justice and Attorney - General

Taskforce into organised crime legislation

Chairperson – Justice Alan Wilson

5 July 2015

Dear members of taskforce

Our Submission to the taskforce re: Occupational Licensing,

The Sunshine Coast Regional Towing Association has been operating for over 25 years, representing all licensed operators on the Sunshine Coast. It also manages the Police Towing Roster, which contains over 50 licensed tow trucks. We would like to bring to your attention a serious problem regarding licensing that is worsening in the Tow Truck Industry in Queensland and could be putting the public at risk.

Brief background facts

Queensland currently has certain areas that are ‘regulated’ and other areas that are not. A regulated area is where tow truck operators must comply with the relevant Queensland legislation (being the Tow Truck Act 1973 and the Tow Truck Regulation 2009) and be licensed to attend traffic accidents. There is no structure to the areas that are regulated and which are not. For example in our vicinity, Sunshine Coast and Maryborough are regulated but Gympie is excluded from these licensing requirements.

Licensing ensures that the tow truck operators are of satisfactory repute (by the requirement of yearly criminal checks), have an adequate holding yard, complete yearly vehicle safety checks and are a legitimate towing operation.

Why tow truck licensing is critical

The tow truck industry isn’t just dealing with cars, it involves people (and the general public) in often very high risk scenarios on roads and highways. A majority of the time we are also transporting the occupants (being the driver and/or their families) from the accident or break down scenes. There is also towing equipment that can be deadly if not appropriately rated and maintained. In these scenarios, it is critical that the operators are legitimate and are operating with safe equipment. With the current licensing issues we suggest that this is not always happening and is a large risk to the Queensland public.

The unregulated areas mean that there is no monitoring of the tow truck operators and their equipment. It is very easy for unscrupulous and often unsafe operators who are unlicensed to prey on persons who are distraught after just being involved in an accident. These operators, who persons place trust in, could have any type of criminal history and be transporting persons after breakdowns or accidents. Now that police officers are not always required to attend accident scenes in Queensland, this is extremely dangerous.

Current licensing issues

The lack of public knowledge regarding the licensing requirements in Queensland is resulting in the system being outdated in operation. We believe this is because of the 'half in, half out' approach Queensland has in respect of the licensing system, which in our experience causes much confusion and lack of enforcement.

Even the latest Queensland Transport "What To Do In A Traffic Crash" brochure, which is currently being issued with all vehicle registration renewal notices, further enforces these misperceptions. This brochure states that if your vehicle needs towing, to contact a towing company of your choice to arrange for your vehicle to be towed. The brochure does not say to contact a Queensland Government licensed towing operator. This is causing the public to unknowingly engage in an illegal activity by requesting unlicensed tow operators to tow their vehicle from accident scenes in regulated areas.

Unlicensed towing from accident scenes in regulated areas is becoming more and more prevalent due to this lack of knowledge. In our experience there is no understanding by everyday police officers of these licensing requirements due to the confusing and inconsistent nature of the rules. It is also extremely difficult for the public and authorities to determine who is licensed and who is not. It is resulting in the current licensing rules not being enforced.

Furthermore, Queensland licensing only covers accident towing (in regulated areas) but has no control over the hundreds of unlicensed operators who compete for General towing, Breakdown towing, Private property Towaways, many with criminal records and using unsafe equipment. The general public needs protection from these unlicensed towing operators. We note that Brett Peter Cowan, before his conviction of the murder of Daniel Morcombe, was a unlicensed tow truck driver in Queensland for many years. He was able to transport people day and night and had no scrutiny from the Queensland Government. Under rules such as those in NSW he would not be able to operate as a tow truck driver as he would be required to pass criminal history checks each year. Under the current laws in Queensland, we are all at risk, and as an Association we do not want to wait until another extreme incident occurs before action is taken.

NSW has a licensing system where every tow truck and every tow truck driver is either licensed with a Category A license for all towing activities or a Category B license for only breakdown and general trade towing. All tow truck operators in New South Wales know where they stand regarding the towing of vehicles within the scope of their tow truck operators license. This system is simple and it works. The public also has protection due to the safeguards enforced through this mandatory licensing.

Sunshine Coast Regional Towing Association

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The Queensland Tow Truck licencing system needs to become clearer, more enforceable and be managed in a more appropriate manner. This Association would like to see, 1 - every tow truck and all tow truck drivers in Queensland licensed with annual criminal checks on operators and drivers, and 2- all tow truck advertising showing the tow truck license number. This system is already in place in New South Wales.

Thank You for your time in considering this letter.

Yours sincerely

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President - Sunshine Coast Regional Towing Association