





Release Log

OIR D



You are

here: [Home](#)>

[Business and industry](#)>

[Accreditations](#)>

[Tow truck scheme](#)>

[Tow truck licence holder](#)

## Tow truck licence holder

The main purpose of licensing/certifying tow truck licence holders is to regulate and control the activity of tow trucks and their operation when towing damaged vehicles from the scene of incidents, when towing police seized vehicles and from 16 April 2018 when towing vehicles from private property parking areas. The scheme also covers regulated towing charges and the handling and storage of towed vehicles, within regulated areas in accordance with the *Tow Truck Act 1973* and the *Tow Truck Regulation 2009*.

On this page:

- [How do I become a tow truck licence holder?](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#how) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#how> )
- [How long does a Tow Truck Licence last?](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#long) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#long> )
- [What is the cost involved to become a tow truck licence holder?](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#cost) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#cost> )
- [Tow truck licence holder obligations](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#obligation) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#obligation> )
- [Approved premises, holding yards and tow trucks](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#approved) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#approved> )
- [Class 4 tow truck - holding yard exemption](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#class) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#class> )
- [Towing consent and additional obligations](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#consent) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#consent> )
- [Towing Authority Book – crash and police seizure towing](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#book) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#book> )
- [Conditions of a Tow Truck Licence](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#condition) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#condition> )
- [Auditing of tow truck licence holders](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#Auditing) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#Auditing> )
- [Tow truck vehicle linked to Tow Truck Licence](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#vehicle) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#vehicle> )
- [Tow Truck Number](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#number) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#number> )
- [Towing an unregistered vehicle](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#unregistered) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#unregistered> )

## How do I become a tow truck licence holder?

To become a tow truck licence holder you must:

- complete the [Tow Truck Licence Application form \(F4644\)](#) ( <http://www.support.transport.qld.gov.au/qt/formsdat.nsf/Forms/QF4644> ) which must be lodged at a

Department of Transport and Main Roads customer service centre ( <http://www.qld.gov.au/transport/contacts/centres/index.html> ), or an authorised Queensland Government Agency Program Office ( <http://www.qld.gov.au/about/health-and-communities/community-services/rural-and-regional/qgap/offices.html> ).

If the application is in a company/business name, proof of the company/business must be provided by submitting with the application:

- a copy of the Certificate of Incorporation for the company/Business Name Extract;
- and the name/s and personal details of the persons behind the business/company name (the legal entity name).

Back to top ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

## How long does a Tow Truck Licence last?

A Tow Truck Licence is issued for a period as stated on the tow truck licence.

Back to top ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

## What is the cost involved to become a tow truck licence holder?

Application fees ( <https://www.qld.gov.au/transport/licensing/driver-licensing/fees#prorata> ) for a Tow Truck Licence must be paid when the application is lodged.

Back to top ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

## Tow truck licence holder obligations

A tow truck licence holder **must** (unless an exemption is granted):

- offer towing services 24 hours a day, 7 days a week
- conduct the business from premises owned or leased only by the licence holder
- have a holding yard approved by departmental Transport Inspectors for the safe keeping of towed vehicles
- ensure local government approval is obtained for the area where the holding yard is situated
- supply communication equipment suitable for the deployment of mobile units, at the business premises, and in tow trucks licensed under the *Tow Truck Act 1973*.

Back to top ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

## Approved premises, holding yards and tow trucks

The business premises, holding yard/s and tow truck/s must be inspected by a departmental Transport Inspector before an application can be processed. The holding yard must be located in Queensland and each tow truck must be **licensed** and **registered** in Queensland.

At the time of inspection you must provide:

- proof of ownership or lease agreement for each holding yard

- proof of local government approval to operate the business premises and each holding yard.

A holding yard must be enclosed by a fence or wall that:

- is structurally sound; and
- is at least 2.1m in height from the ground; and
- has lockable gates or doors that are closed and securely locked other than when a motor vehicle is being moved into or out of the area.

[Back to top \( https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder# \)](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#)

## Class 4 tow truck - holding yard exemption

Class 4 tow truck operators may apply for an exemption from having a holding yard. For this type of specialised operation, the damaged vehicle being towed (e.g. trucks, large buses and combination vehicles) is mainly towed to the premises of the vehicle owner or a specialised repairer.

An exemption can **only** be granted to a class 4 tow truck licence holder. If a class 4 tow truck licence holder subsequently acquires any other class of licensed tow truck (other than class 4) then the exemption is void.

An application for exemption must be made in writing to the Manager (Compliance) or Regional Director at your nearest [Department of Transport and Main Roads customer service centre \( http://www.qld.gov.au/transport/contacts/centres/index.html \)](http://www.qld.gov.au/transport/contacts/centres/index.html), outlining the reasons why an exemption is being requested.

If the application is approved, the original approval letter or a copy of the approval letter **must** be carried in the tow truck and be produced if requested by an authorised officer. An application for renewal of the exemption must be made with the renewal notice of the tow truck licence.

[Back to top \( https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder# \)](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#)

## Towing consent - private property towing

Prior to towing a vehicle from private property, licence holders must enter into a written contract with a property owner or occupier authorising the removal of vehicles parked on their property. Once a written contract is in place a *Towing consent* form must also be completed. This form is proof that the contract exists.

Vehicles cannot be removed if they are observed breaching parking conditions unless there is a contract and *Towing consent* in place.

- [Towing consent form \( https://www.support.transport.qld.gov.au/qt/formsdat.nsf/Forms/QF5209 \)](https://www.support.transport.qld.gov.au/qt/formsdat.nsf/Forms/QF5209)

Reasonable steps must be taken to locate the vehicle owner or driver **before** loading a vehicle onto the tow truck. Reasonable steps includes, for example, asking other people (at the carpark or nearby shops) if they know where the driver went; looking around the immediate area to see if the vehicle owner is nearby or approaching the carpark; looking for contact or business name details on the vehicle. If the owner returns and your driver is in the process of loading and securing the vehicle on the tow truck, the vehicle must be released immediately without charge. If the owner returns after the vehicle has been loaded onto the tow truck (including secured in every way necessary) but the driver has not yet left the property, they must release the vehicle immediately if the owner pays the on-site release fee.

Ensure that only the maximum regulated fees are charged and make sure that prohibited fees are not charged.

- see [Maximum regulated towing charges \( https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme \)](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme). It is recommended that tow truck drivers have

appropriate on-the-spot payment mechanisms available for motorists to pay the *on-site release fee* (credit card or EFTPOS facilities).

Licence holders must notify the Queensland Police Service (QPS) a vehicle has been towed as soon as practicable but no later than 1 hour after a vehicle removed from private property is stored in the holding yard. To notify, licence holders must use the QPS electronic [Tow Notification](https://www.police.qld.gov.au/apps/reports/launch/townotification) ( <https://www.police.qld.gov.au/apps/reports/launch/townotification> )

### Submit your towing notification form

You can submit your [towing notification online](https://www.police.qld.gov.au/apps/reports/launch/townotification) ( <https://www.police.qld.gov.au/apps/reports/launch/townotification> )

Or you can download the Policelink app for free from the [App Store](https://itunes.apple.com/au/app/policelink-for-iphone-queensland/id564117777?mt=8) ( <https://itunes.apple.com/au/app/policelink-for-iphone-queensland/id564117777?mt=8> ) and [Google Play](https://play.google.com/store/apps/details?id=au.gov.qld.Policelink) ( <https://play.google.com/store/apps/details?id=au.gov.qld.Policelink> ) and submit through the app.

A tow truck licence holder must keep an inventory of all vehicles towed. An entry must be made in the inventory as soon as possible after a vehicle arrives in the holding yard. A tow truck licence holder must also keep an inventory of property found in a vehicle and keep the property in safe custody until it can be returned to the vehicle owner or driver. These inventories must be kept at the business address stated in the licence for 1 year.

- [Crash and seizure towed vehicle register](https://www.tmr.qld.gov.au/-/media/busind/accreditations/towtruck/Crash-Seizure-Towed-Vehicle-Register-Sample.pdf) ( <https://www.tmr.qld.gov.au/-/media/busind/accreditations/towtruck/Crash-Seizure-Towed-Vehicle-Register-Sample.pdf> )
- [Found property register](https://www.tmr.qld.gov.au/-/media/busind/accreditations/towtruck/Found-Property-Register-Sample.pdf) ( <https://www.tmr.qld.gov.au/-/media/busind/accreditations/towtruck/Found-Property-Register-Sample.pdf> )
- [Private property towed vehicle register](https://www.tmr.qld.gov.au/-/media/busind/accreditations/towtruck/Private-Property-Towed-Vehicle-Register-Sample.pdf) ( <https://www.tmr.qld.gov.au/-/media/busind/accreditations/towtruck/Private-Property-Towed-Vehicle-Register-Sample.pdf> )

### Towing Authority Book - crash and police seizure towing

A tow truck licence holder must have a Towing Authority Book for each tow truck listed on the licence. These books authorise the driver of the tow truck to tow a vehicle that has been damaged as a result of an incident or is a seized vehicle. Once the entire book is completed it should be kept in a safe place at the registered place of business.

Towing Authority Books are only issued to Tow Truck Licence holders or an authorised company representative.

Towing Authority Books are available from [Department of Transport and Main Roads customer service centres](http://www.qld.gov.au/transport/contacts/centres/index.html) ( <http://www.qld.gov.au/transport/contacts/centres/index.html> ) and most [Queensland Government Agency Program Offices](http://www.qld.gov.au/about/health-and-communities/community-services/rural-and-regional/qgap/offices.html) ( <http://www.qld.gov.au/about/health-and-communities/community-services/rural-and-regional/qgap/offices.html> ) (excluding post offices or police stations).

The fee for a towing authority book is \$10.05.

The Towing Authority book should be:

- kept in the designated vehicle at all times and must be used consecutively in serial number order
- completed at the incident site and signed by the authorising person of the damaged vehicle (that is, the vehicle operator/agent or authorised person such as a police officer) and the original retained by the damaged vehicle's operator or the operator's agent.

If the operator or the operator's agent is unable to sign, the form should be signed by an authorised officer (e.g. police officer) and forwarded to the vehicle's operator or the operator's agent within 7 days of towing.

## Conditions of a Tow Truck Licence

- A tow truck licence holder must keep the licence in safe custody at the place of business stated in the licence and show it to an authorised officer on request.
- A tow truck licence holder must show the Towing Consent to a vehicle owner or driver or to an authorised officer on request.
- A tow truck licence holder must take reasonable steps to prevent loss from or damage to a vehicle held in the holding yard.
- A licence holder must not move a towed vehicle from the holding yard without consent of the vehicle owner or agent. Provision is made for this vehicle owner consent on the Towed vehicle and found property register template.
- You must not disclose to another person any personal information about the owner of a vehicle that you gained through towing of the vehicle unless it is to be disclosed to the vehicle owner, their agent or to an authorised officer.
- A tow truck licence holder must give the Department of Transport and Main Roads written notice within 14 days of a change of the holder's name, residential or business address and give approval to the department to note the change.
- A tow truck licence holder must give the Department of Transport and Main Roads written notice if they are charged or convicted of an offence under the Criminal Code. The notice must be provided within 14 days of when the charge or conviction occurs.

A tow truck licence holder **must not**:

- advertise or promote the business of anyone other than the holder of the licence
- seek business for anyone other than the holder of the licence
- display on the tow truck, any advertising or markings other than the business name, place of business or telephone number of the approval holder.

The responsibilities of a tow truck licence holder are set out in the *Tow Truck Act 1973* and the *Tow Truck Regulation 2009*.

## ( ) Auditing of tow truck licence holders

Tow truck licence holders are audited to ensure they are complying with the *Tow Truck Act 1973* and *Tow Truck Regulation 2009*.

Auditing is conducted by TMR Transport Inspectors. When a new tow truck licence is approved, the licence holder can expect to be audited approximately 6 months later to ensure records are being maintained and that records are being stored in safe custody, so that they are free from fire, flood, theft and vermin. However, if other anomalies are identified at this time a full audit may be conducted.

At regular intervals, audits will be conducted to ensure that all requirements of the *Tow Truck Act 1973* and *Tow Truck Regulation 2009* are being complied with. These audits will include an audit of the licence holder's business premises (including that records being maintained), holding yard/s and tow trucks. Audits will also be conducted, if considered appropriate, following a complaint being received.

If a tow truck licence holder is found to be non-compliant with the requirements they will be issued a Corrective Action Request. The licence holder will generally have 14 days to rectify the non-compliance however, if the non-compliance is considered to be serious and likely to jeopardise public safety, TMR may immediately suspend the tow truck licence and issue an infringement notice.

If no issues are identified during an audit, the licence holder will be sent confirmation that they have passed the audit.

[Back to top](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

## Tow truck vehicle linked to Tow Truck Licence

---

A Tow Truck Licence is issued with respect to specific tow trucks. The tow truck licence holder pays a tow truck licence fee (per vehicle) that is linked to the licence.

A tow truck within the definition of the *Tow Truck Act 1973* is a motor vehicle that is equipped with a lifting or loading device capable of being used for the towing of a motor vehicle or used at the material time for the towing of a trailer on which a damaged or seized motor vehicle is being carried (i.e. seized vehicle is a motor vehicle seized by police under the *Police Powers and Responsibilities Act 2000*).

A licensed tow truck must be maintained as required under the *Transport Operations (Road Use Management-Vehicle Standards and Safety) Regulation 2010*.

A licensed tow truck must have markings on both sides of the tow truck that display the:

- name, business address and telephone number of the licence or towing permit holder
- classification of the tow truck
- licence or permit number of the tow truck
- Tow Truck Number.

For further information on tow truck specifications, requirements and markings to be placed on a tow truck see Schedule 1 of the *Tow Truck Regulation 2009*.

A licensed tow truck may be used for non incident-related towing, such as attending to breakdowns and general transporting of motor vehicles.

[Back to top](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

## Tow Truck Number

---

A 4-digit Tow Truck Number is required to be displayed on both sides of the tow truck that is listed on the Tow Truck Licence. If a tow truck is sold the numbers are to be removed from the vehicle. The number is not to be used on any other tow truck.

[Back to top](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

## Towing an unregistered vehicle

---

A tow truck is permitted to tow an unregistered vehicle under section 4 of the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2010*. There is no need to obtain an unregistered vehicle permit. If a tow truck is to tow an unregistered vehicle, the tow truck's rear number plate should be removed and attached to the rear of the unregistered vehicle. Alternatively, an accessory plate issued to the tow truck may be attached to the rear of the unregistered vehicle in accordance with Section 38 of the regulation.

The *Tow Truck Act 1973*, *Transport Operations (Road Use Management-Vehicle Standards and Safety) Regulation 2010*, *Tow Truck Regulation 2009*, and the *Police Powers and Responsibilities Act 2000* legislation can be found on the [Office of the Queensland Parliamentary Counsel](http://www.legislation.qld.gov.au/OQPChome.htm) ( <http://www.legislation.qld.gov.au/OQPChome.htm> ) website.



[Back to top](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#> )

**This page was:**

**Useful** ( [https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#feedback)

[scheme/Licence-holder#feedback](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#feedback) ) **Not useful** ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Licence-holder#feedback> )

Last updated 19 March 2020

---

Copyright ( <https://www.tmr.qld.gov.au/Help/Copyright> )

Disclaimer ( <https://www.tmr.qld.gov.au/Help/Disclaimer> )

Privacy ( <https://www.tmr.qld.gov.au/Help/Privacy> )

Right to Information ( <https://www.tmr.qld.gov.au/About-us/Right-to-Information> )

Accessibility ( <https://www.tmr.qld.gov.au/Help/Accessibility> )

Jobs in Queensland Government ( <http://www.smartjobs.qld.gov.au/> )

Other languages ( <https://www.qld.gov.au/help/languages> )

© The State of Queensland (Department of Transport and Main Roads) 2010–2021

Queensland Government ( <http://www.qld.gov.au/> )



You are

here: [Home](#)>

[Business and industry](#)>

[Accreditations](#)>

[Tow truck scheme](#)>

[Tow truck driver and assistant certificates](#)

## Tow truck driver and assistant certificates

On this page:

- [Tow truck driver certificate holder](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#driver) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#driver> )
- [Tow truck assistant certificate holder](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#assistant) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#assistant> )
- [Certificate holder conditions of use](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#certificate) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#certificate> )

### Tow truck driver certificate holder

The holder of a tow truck driver certificate is authorised to drive a tow truck attending:

- the scene of an incident,
- a police vehicle seizure under the *Police Powers and Responsibilities Act 2000*
- from 16 April 2018 to remove vehicles from private property.

For crash towing, the role includes the preparation of a motor vehicle for towing, and to clean up the scene of the incident efficiently and safely.

The *Tow Truck Act 1973* defines **incident** as a collision or impact, however caused:

- that happens on a road and results in damage to a motor vehicle
- that happens off a road and results in damage to a motor vehicle, if immediately before the collision or impact the motor vehicle was travelling on the road.

The responsibilities of a certified tow truck driver and tow truck assistant are set out in the *Tow Truck Act 1973* and the *Tow Truck Regulation 2009*. This legislation can be found on the [Office of the Queensland Parliamentary Counsel](http://www.legislation.qld.gov.au/OQPChome.htm) ( <http://www.legislation.qld.gov.au/OQPChome.htm> ) website.

For private property towing, the tow truck licence holder must have entered into a contract with a property owner or occupier authorising the removal of vehicles parked on the property. Once a written contract is in place a *Towing consent* form must also be completed. This form is proof that the contract exists.

A certified tow truck driver must comply with strict requirements as set out in the *Tow Truck Act 1973* and the *Tow Truck Regulation 2009*.

### How do I become a certified tow truck driver?

To become a certified tow truck driver you must:

- be 18 years or older
- be medically fit to drive and capable of performing the role
- hold a driver licence authorising you to drive the class of vehicle relevant to the certificate you are applying for
- complete the [Tow Truck Driver/Assistant's Application form \(F4481\)](http://www.support.transport.qld.gov.au/qt/formsdat.nsf/Forms/QF4481) ( <http://www.support.transport.qld.gov.au/qt/formsdat.nsf/Forms/QF4481> ), which must be lodged at a [Department of Transport and Main Roads customer service centre](http://www.qld.gov.au/transport/contacts/centres/index.html) ( <http://www.qld.gov.au/transport/contacts/centres/index.html> ) or an authorised [Queensland Government Agency Program Office](http://www.qld.gov.au/about/health-and-communities/community-services/rural-and-regional/qgap/offices.html) ( <http://www.qld.gov.au/about/health-and-communities/community-services/rural-and-regional/qgap/offices.html> )
- pay the relevant fee
- meet the following competency requirements.

## Competency requirements

The following competency requirements must be met to show you have the ability to drive a tow truck:

- Have held an Australian driver licence authorising you to drive a motor vehicle of the class for which the certificate is sought for a continuous period of 3 years immediately before an application for the certificate is made.
- or**
- Demonstrate by a practical driving test that you have the ability to drive and properly control a tow truck of the class for which the certificate is sought. This includes:
  - demonstrating competence in driving the tow truck whilst towing a motor vehicle
  - having the ability to position a tow truck and correctly prepare a motor vehicle for towing
  - having a thorough knowledge of the correct procedures for towing.

## Mutual recognition

A current New Zealand driver licence with a vehicle recovery endorsement may be recognised and transferred to the equivalent Queensland Tow Truck Driver Certificate for the same vehicle classes. Applicants must make application to the Department of Transport and Main Roads for recognition of their existing New Zealand licence and pay the applicable fee.

## What is the cost involved to become a certified tow truck driver?

Application fees ( <https://www.qld.gov.au/transport/licensing/driver-licensing/fees> ) for a tow truck driver certificate **must** be paid when the application is lodged.

## How long does a certificate for a tow truck driver last?

A tow truck driver certificate is issued for a period stated in the industry authority card or interim industry authority issued when the tow truck driver certificate is granted.

## Classes of certificate

New or renewal applications for tow truck driver certificates are considered against the driver licence class that the authorisation is to be granted.

Back to top ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#> )

## Tow truck assistant certificate holder

The holder of a tow truck assistant certificate is authorised to travel in a tow truck while the tow truck is attending a scene of an incident, a police seized vehicle and from 16 April 2018 when removing a vehicle from private property. They provide assistance to the tow truck driver when preparing a motor vehicle for towing and loading the vehicle. They also assist in cleaning up the scene of an incident efficiently and safely.

A certified tow truck assistant must comply with strict requirements as set out in the *Tow Truck Act 1973* and the *Tow Truck Regulation 2009*.

## How do I become a certified tow truck assistant?

To become a certified tow truck assistant you must:

- be 16 years or more
- be medically fit and capable of performing the role
- complete the Tow Truck Driver/Assistant Application form (F4481) ( <http://www.support.transport.qld.gov.au/qt/formsdat.nsf/Forms/QF4481> ), which must be lodged at a Department of Transport and Main Roads customer service centre ( <http://www.qld.gov.au/transport/contacts/centres/index.html> ) or an authorised Queensland Government Agency Program Office ( <http://www.qld.gov.au/about/health-and-communities/community-services/rural-and-regional/qgap/offices.html> ).

## What is the cost involved to become a certified tow truck assistant?

Application fees ( <https://www.qld.gov.au/transport/licensing/driver-licensing/fees> ) for a tow truck assistant certificate **must** be paid when the application is lodged.

## How long does a certificate for a tow truck assistant last?

A tow truck assistant certificate is issued for a period stated in the industry authority card or interim industry authority.

[Back to top](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#> )

## Certificate holder conditions of use

- The certificate issued may take the form of an industry authority card or interim industry authority document. An interim industry authority is evidence that you are authorised to perform the role until your industry authority card arrives in the mail.
- Tow truck drivers and assistants must carry their industry authority card or interim industry authority at all times while operating a licensed tow truck at or near the scene of an incident, police seizure or when towing a vehicle from private property. The industry authority card or interim industry authority must be produced upon request to an authorised officer and to the authorising person of a damaged vehicle at the scene of an incident.
- Tow truck drivers must carry a copy of the *Towing Consent* (evidencing the written contract between the tow truck licence holder and private property owner/occupier) when towing a vehicle from private property and produce the *Towing Consent* to a vehicle owner or authorised officer on request.
- Tow truck drivers must take reasonable steps to locate the vehicle owner before loading a vehicle onto the tow truck. Reasonable steps includes, for example, asking other people (at the carpark or nearby shops) if they know where the driver went; looking around the immediate area to see if the vehicle owner is nearby or approaching the carpark; looking for contact or business name details on the vehicle.
- If the owner returns when the vehicle is in the process of being loaded and secured on the tow truck, the vehicle must be released immediately without charge. If the owner returns after the vehicle has been loaded onto the tow truck (including secured in every way necessary) but has not yet left the property, the vehicle must be released immediately if the owner pays the on-site release fee – see [Maximum regulated towing charges](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme> ). It is recommended that tow truck drivers have appropriate alternative on-the-spot payment mechanisms available for motorists to pay the on-site release fee (EFTPOS or credit card facilities).
- If, after taking reasonable steps you are not able to locate a vehicle owner or driver, you may tow the vehicle by the most direct route to the tow truck licence holder's nearest TMR approved holding yard.
- If the vehicle is unlocked any property found in the vehicle must be given to the licence holder for safe keeping until the property can be returned to the vehicle owner or agent. A locked vehicle must not be unlocked without the consent of the owner or their agent.
- You must not disclose to another person any personal information about the owner of a vehicle that you gained through towing of the vehicle unless it is to be disclosed to the vehicle owner, their agent or to an authorised officer.
- You must not allow a person to travel in the tow truck from the private property parking area unless the person has a driver's or assistant's certificate or they are the owner of the vehicle being towed, the owner's agent or they were a passenger in the vehicle.
- You must not tow a vehicle while there is a person inside it.
- You must not directly or indirectly cause or threaten wilful injury to a person or their property; intimidate, harass, abuse or insult a person or prevent or hinder the delivery of first aid or medical treatment.
- You must take all reasonable precautions to prevent loss or damage to a motor vehicle and any personal items left in the vehicle while it is being towed and while it is in the holding yard.
- Tow truck drivers and tow truck assistants must notify the Department of Transport and Main Roads within 14 days of a change of name or address.
- Tow truck drivers and tow truck assistants must give the Department of Transport and Main Roads written notice if they are charged or convicted of an offence under the Criminal Code. The notice must be provided within 14 days, after the charge or conviction occurs.

**Note:** The certificate takes the form of an industry authority card or interim industry authority document. If you are [signed up for e-reminders](https://www.qld.gov.au/transport/enotice/index.html) ( <https://www.qld.gov.au/transport/enotice/index.html> ) we will email you:

- an interim industry authority as evidence that you are authorised to perform the role until your industry card arrives in the mail
- when your industry card is posted
- 3 days before your industry authority is due to be renewed.

[Back to top](https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#) ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#> )

**This page was:**

**Useful** ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#feedback> ) **Not useful** ( <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme/Driver-and-assistant-certificates#feedback> )

Last updated 18 November 2020

---

Copyright ( <https://www.tmr.qld.gov.au/Help/Copyright> )

Disclaimer ( <https://www.tmr.qld.gov.au/Help/Disclaimer> )

Privacy ( <https://www.tmr.qld.gov.au/Help/Privacy> )

Right to Information ( <https://www.tmr.qld.gov.au/About-us/Right-to-Information> )

Accessibility ( <https://www.tmr.qld.gov.au/Help/Accessibility> )

Jobs in Queensland Government ( <http://www.smartjobs.qld.gov.au/> )

Other languages ( <https://www.qld.gov.au/help/languages> )

© The State of Queensland (Department of Transport and Main Roads) 2010–2021

Queensland Government ( <http://www.qld.gov.au/> )



















s47(3)(b)



s47(3)(b)







OHIO Pressure Log



s47(3)(b)

s47(3)(b)















1130	1800	600	SPEED REDUCED AT LIFT HEIGHT		10 %	
ALT. CAP.				MPH GRADE WITH 305mm MAX. FORK HEIGHT		
TRUCK WT. WITH MAX. BATTERY	TRUCK WT. WITH NO BATTERY	BATTERY WEIGHT MAX.	MIN.	D.C. VOLTAGE	HOUR RATE	MAX. AMP HR. CAP.
1895 KGS	1575 KGS	320 KGS	240 KGS	24	8	800

CAUTION Unit rated for use on HARD LEVEL SURFACES  
THIS TRUCK AS RELEASED FROM THE FACTORY CONFORMS TO THE MANDATORY REQUIREMENTS OF AS2359-1-1985 CROWN EQUIPMENT PTY. LTD. AUSTRALIA

**WARNING** 99628-16

A moving vehicle can be dangerous.

You or others around you can be seriously injured or even killed if you are not careful or don't know how to use this truck correctly.

**Do not operate this truck unless you are trained and authorized.**

Read and obey all warnings and instructions in the Operators Manual\* and on the truck.

Make sure the truck is in good working order.

\* Additional copies of the Operators Manual and Truck Labels can be obtained from CROWN EQUIPMENT Pty. AUSTRALIA.

**RIDING PROHIBITED**

**FORKS 'A' U**

**OPERATORS RESPONSIBILITIES**

Check all oils, water and battery, top up as required, check tyres for wear and report condition to supervisor. The renter is liable for all damage due to negligence.

FOR ALL SERVICE PHONE

**1300 407 548**



Queensland

## **Tow Truck Act 1973**

**Current as at 16 April 2018**

# OIR Disclosure Log

© State of Queensland 2018



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

# Tow Truck Act 1973

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary provisions</b>	
1	Short title .....	5
2	Commencement .....	5
4	Definitions .....	5
4A	Further provision for definition motor vehicle .....	5
4B	Members of firm or partnership .....	6
4C	Who is an appropriate person .....	6
4D	Meaning of towing consent .....	7
<b>Part 2</b>	<b>Licences</b>	
5	Requirement as to licence for tow truck .....	8
6	Application for licence .....	8
7	Form and authority of licence .....	8
8	Term of licence .....	9
9	Renewal of licence .....	9
10	Imposition of conditions of licence .....	10
11	Permits to tow motor vehicles .....	10
12	Conditions of licence .....	11
<b>Part 3</b>	<b>Certificates</b>	
<b>Division 1</b>	<b>General</b>	
13	Required certificates etc. ....	15
14	Application for driver's or assistant's certificate .....	16
14A	Decision on application .....	17
15	Written notice of granting of certificate and of conditions or variations 17	
16	What driver's or assistant's certificate authorises .....	18
17	Term of driver's or assistant's certificate .....	18
17A	Renewal of driver's or assistant's certificate .....	18

Contents

18	Driver's certificate dependent on driver licence . . . . .	18
19	Permit for applicant for driver's or assistant's certificate . . . . .	19
<b>Division 3</b>	<b>Restricted release of information about driver's certificate or assistant's certificate</b>	
19H	Restricted written release of information . . . . .	19
19I	Restricted oral release of particular information . . . . .	20
<b>Part 4</b>	<b>Authorities and permits</b>	
<b>Division 1</b>	<b>Preliminary</b>	
20	Definitions for pt 4 . . . . .	21
21	Consideration of public interest for pt 4 . . . . .	21
<b>Division 2</b>	<b>Cancellation, suspension, amendment and surrender of authorities</b>	
21A	Cancellation or suspension of authorities . . . . .	22
21B	Immediate suspension of authority . . . . .	24
21C	Further action after immediate suspension . . . . .	25
21D	Amending, suspending or cancelling authority . . . . .	26
21E	Other amendments of authorities . . . . .	27
21F	Surrender of authority on authority holder's request . . . . .	28
21G	Delivery of cancelled or suspended authority . . . . .	28
<b>Division 3</b>	<b>Record keeping</b>	
21H	Records . . . . .	29
<b>Part 4A</b>	<b>Powers of authorised officers relating to prescribed motor vehicles</b>	
21I	Entry to places . . . . .	29
21J	Powers . . . . .	30
<b>Part 5</b>	<b>Offences</b>	
22	Authority to repair . . . . .	30
23	Consideration for obtaining certain information or work . . . . .	31
24	False statements and representations, and coercion . . . . .	32
25	Offences with respect to authorised officers . . . . .	32
26	Excess of authority . . . . .	33
27	Execution against motor vehicle . . . . .	33
27A	Obtaining, or attempting to obtain, towing consent . . . . .	35
27B	Storing private property motor vehicle at unlicensed place . . . . .	35
<b>Part 6</b>	<b>Review</b>	
28	Internal review of decisions . . . . .	35
29	Review of decisions by QCAT . . . . .	36
<b>Part 7</b>	<b>General provisions</b>	

34	Smartcard certificate is property of the State	36
35	Production of particular documents	37
35A	Production of document evidencing driver's certificate or permit before commencing a tow	37
36	Chief executive may obtain information from police commissioner—criminal history	38
36A	Notice of change in police information about a person—criminal history	39
36B	Exchange of information	40
36C	Confidentiality	41
37	Evidentiary matters	41
37A	Application of Act in relation to particular motor vehicles	43
38	Exemptions	43
39	Service of documents	44
40	Offences generally and penalty	44
42	Indemnity to persons administering Act	45
42A	Approval of forms	45
43	Regulation-making power	45
<b>Part 8</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provision for 1973 No. 39</b>	
44	Tow-truck Act 1973 references	49
<b>Division 2</b>	<b>Transitional provision for Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013</b>	
45	Applications not finally decided	49
<b>Division 3</b>	<b>Transitional provision for Holidays and Other Legislation Amendment Act 2015</b>	
46	Digital photos and digitised signatures	50
<b>Division 4</b>	<b>Transitional provisions for Serious and Organised Crime Legislation Amendment Act 2016</b>	
47	Definition for division	50
48	Applications not finally decided	50
49	Show cause process not finally decided	51
50	Proceedings not finally decided	51
<b>Division 5</b>	<b>Transitional provision for Tow Truck and Other Legislation Amendment Act 2018</b>	
51	Existing licence applications	52
<b>Schedule 1</b>	<b>Reviewable decisions</b>	53
<b>Schedule 2</b>	<b>Dictionary</b>	54

# OIR Disclosure Log

---

## Tow Truck Act 1973

**An Act to provide for the control and regulation of tow trucks and their operation**

### Part 1 Preliminary provisions

#### 1 Short title

This Act may be cited as the *Tow Truck Act 1973*.

#### 2 Commencement

This Act shall come into operation on a date appointed by proclamation.

#### 4 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

#### 4A Further provision for definition *motor vehicle*

Where in the definition *motor vehicle* there is used an expression that is not itself defined in schedule 2 and to which a meaning is assigned by the *Transport Operations (Road Use Management) Act 1995*, that expression has the meaning assigned to it by that Act; but if by a regulation made under this Act a meaning is assigned to such an expression either generally or for a particular purpose the expression shall, for the purposes of the regulations, have the meaning so assigned by the regulation.



#### **4B Members of firm or partnership**

For the purposes of this Act, in cases where a firm or partnership is the holder of a licence or permit, every member of that firm or partnership shall be deemed to be a holder of that licence or permit.

#### **4C Who is an appropriate person**

- (1) Without limiting what the chief executive may take into account when deciding whether a person is an appropriate person to hold or continue to hold a licence or certificate under this Act, regard must be had to the following—
- (a) the person's criminal history and, if the person is a corporation, the criminal history of each of its executive officers;
  - (b) the person's traffic history;
  - (c) the person's conduct while performing activities under a licence or certificate;
  - (d) whether the person has been charged with or convicted of—
    - (i) an offence against this Act; or
    - (ii) a disqualifying offence;
  - (e) whether the person has held a licence or certificate that has been cancelled and, if so, why it was cancelled;
  - (f) whether the person holds a licence or certificate that has been or is suspended and, if so, why it was suspended;
  - (g) whether the person is capable of satisfactorily performing the activities authorised under a licence or certificate, including because of any known medical condition or physical or mental incapacity;
  - (h) whether the person is subject to a domestic violence order, an interstate order or registered New Zealand order as defined in the *Domestic and Family Violence Protection Act 2012*;

- 
- (i) whether the person has been charged with or convicted of having committed an offence in another State or another country that, if committed in Queensland, would be an offence against the *Weapons Act 1990*;
  - (j) whether the person has been charged with or convicted of having committed an offence in another State or another country that, if committed in Queensland, would be an offence against the *Drugs Misuse Act 1986*;
  - (k) whether the person is, or has been, the subject of a control order or registered corresponding control order.
- (2) The chief executive may not take into account criminal intelligence given by the police commissioner to the chief executive under section 36B when deciding whether a person is an appropriate person to hold or continue to hold a licence or certificate under this Act.
- (3) In this section—  
*certificate* means—
- (a) an assistant's certificate; or
  - (b) a driver's certificate.
- traffic history*, of a person, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

#### **4D Meaning of towing consent**

- (1) A *towing consent* is a document, in the approved form, between an occupier of private property and the holder of a licence that states there is an arrangement between the occupier and the holder under which the holder may, until the arrangement is revoked by the occupier, tow a private property motor vehicle from the property.
- (2) To remove any doubt, it is declared that a towing consent does not constitute legal authority for the towing of a motor vehicle from private property.

## **Part 2 Licences**

### **5 Requirement as to licence for tow truck**

A person must not personally, or by his or her servant or agent, operate a tow truck for towing prescribed motor vehicles in a regulated area unless the tow truck is licensed and the person is the holder of the licence.

Maximum penalty—160 penalty units.

### **6 Application for licence**

- (1) An application for a licence shall be made to the chief executive and the applicant shall comply with all conditions prescribed by the regulations.
- (2) The chief executive must consider any report of the police commissioner given under section 36 about the applicant or an executive officer of the applicant, and any other matter the chief executive considers relevant, and if the chief executive is satisfied that—
  - (a) the applicant is an appropriate person to hold a licence; and
  - (b) the motor vehicle or motor vehicles in respect of which the application is made and its or their equipment are suitable;the chief executive may grant to the applicant a licence.

### **7 Form and authority of licence**

- (1) A licence—
  - (a) shall authorise the operation of the tow truck or tow trucks in respect of which it is granted, subject always to this Act; and
  - (b) shall state the place from which the business of operating the tow truck or tow trucks in respect of which it is granted may be conducted; and

- (c) may be renewed from time to time; and
  - (d) shall not be transferable.
- (2) A licence shall not be granted or renewed unless the tow truck or tow trucks in respect of which the application is made is or are registered under a regulation under the *Transport Operations (Road Use Management) Act 1995*.

## **8 Term of licence**

- (1) A licence may be granted for a term of not more than 5 years.
- (2) A licence comes into force on the day it is granted.
- (3) A licence stops being in force if it—
  - (a) expires; or
  - (b) is cancelled, suspended or surrendered.
- (4) A licence suspended under this Act is taken not to be in force during the period of the suspension.

## **9 Renewal of licence**

- (1) The holder of a licence may apply to the chief executive to renew the licence.
- (2) The application must—
  - (a) be made as prescribed by regulation; and
  - (b) be accompanied by the fee prescribed by regulation.
- (3) The chief executive may renew the licence if satisfied the holder of the licence continues to be an appropriate person to hold the licence.
- (4) For deciding whether the holder of the licence continues to be an appropriate person to hold the licence, the chief executive must have regard to any report given to the chief executive by the police commissioner under section 36 about—
  - (a) the holder; or

- (b) if the holder is a corporation—any of the holder's executive officers.
- (5) A licence renewed under this section—
  - (a) starts on the day the renewal is granted; and
  - (b) is granted for a term of not more than 5 years; and
  - (c) must state the expiry date for the licence.

## **10 Imposition of conditions of licence**

The chief executive may upon the grant or renewal of a licence impose such conditions as the chief executive thinks fit by inserting in or affixing to the licence particulars of those conditions and may at any time and from time to time vary the conditions to which a licence is subject by written notice to the holder.

## **11 Permits to tow motor vehicles**

- (1) The chief executive may upon application, payment of the prescribed fee and upon being satisfied as to the identity of the applicant for the permit issue a permit that authorises the holder thereof to tow motor vehicles in a regulated area by means of the tow truck specified therein pending the determination of an application for a licence.
- (2) A permit issued pursuant to subsection (1)—
  - (a) shall, subject to this Act, be in force for such period not exceeding 6 months as the chief executive determines; and
  - (b) may be revoked by the chief executive at any time; and
  - (c) may be issued subject to all or any of the conditions to which a licence may be subject and to such other conditions as are specified in the permit.

## 12 Conditions of licence

- (1) Every licence shall be subject to the performance and observance by the holder thereof of the provisions of this Act with respect to the licence or to the tow truck or tow trucks to which the licence relates and of the conditions particularised in the licence or affixed thereto.
- (2) Without limiting the generality of the provisions of subsection (1), each of the following is a condition of every licence—
  - (a) that any tow truck to which the licence relates and its equipment comply with the provisions of any Act relating to the design, construction and serviceability of the tow truck or, as the case may be, its equipment;
  - (b) that the provisions of any Act relating to limits of weight or speed that are applicable to any tow truck to which the licence relates are complied with;
  - (c) that the provisions of any Act relating to the limitation of hours of driving are observed;
  - (d) that the holder of the licence shall not operate any tow truck to which the licence relates unless it has been inspected as required under a regulation under the *Transport Operations (Road Use Management) Act 1995* and there is a current certificate of inspection under that regulation for the vehicle;
  - (e) that a person acting under the authority of the licence or a certificate must not unlock a private property motor vehicle without the consent of the vehicle's owner or the owner's agent;
  - (f) that a person shall not on a road tow a damaged or seized motor vehicle (not being a motor vehicle that is owned by the holder of the licence) by means of any tow truck to which the licence relates unless the person has obtained the consent of the owner thereof, the owner's agent or an authorised officer to remove that motor vehicle and a duly signed towing authority relating to that motor vehicle dealt with as prescribed;

- (g) that a person shall not obtain or attempt to obtain a signature on a form of towing authority unless there has first been entered on that form the full address of the place to which the motor vehicle the subject of the towing authority will be towed and, where any business is carried on in that place, the name of the business;
- (h) that all reasonable precautions shall be taken by the holder of the licence and the driver of any tow truck to which the licence relates and any person employed thereon to prevent loss from, or damage to, a prescribed motor vehicle while being towed by the tow truck and that those precautions shall be taken by the holder of the licence while the motor vehicle is otherwise under his or her control;
- (i) that the holder of the licence must—
  - (i) ensure an inventory of found property is made for each prescribed motor vehicle that is towed by a tow truck to which the licence relates; and
  - (ii) ensure the inventory is made as soon as reasonably practicable after the vehicle arrives at its destination; and
  - (iii) keep the inventory at the place of business stated in the licence;
- (j) that a person shall not tow a damaged or seized motor vehicle from the scene of an incident or seizure by means of any tow truck to which the licence relates to a place other than the place referred to in paragraph (g);
- (k) that where a motor vehicle has been towed to the place referred to in paragraph (g), a person shall not, except to return the motor vehicle to the registered owner thereof or the registered owner's agent authorised in writing, remove the motor vehicle to another place without the written authority of that owner or agent given after the motor vehicle has been towed to the place from which it is to be removed;

- (l) that where a damaged or seized motor vehicle has been towed to a place where it is under the control of the holder of the licence, a person shall not refuse to deliver the motor vehicle to the registered owner thereof or the registered owner's agent duly authorised in writing on request by the owner or the owner's agent after payment of reasonable charges for the towing and storing of the motor vehicle, and where repair work has been authorised by the owner or the owner's agent, for that repair work, has been made or tendered;
- (m) that a person other than the holder of a certificate shall not accompany the driver of any tow truck to which the licence relates while the tow truck is proceeding to the scene of an incident or seizure, or towing a damaged or seized motor vehicle from the scene of an incident or seizure, unless in either case the person was the owner or the owner's agent or the driver of or a passenger in that motor vehicle;
- (n) that a person shall not obtain or attempt to obtain at the scene of an incident or seizure authority for the towing of a damaged or seized motor vehicle by means of any tow truck to which the licence relates unless the person is the driver of the tow truck having the authority express or implied of the holder of the licence, his or her servants or agents;
- (o) that the holder of the licence shall not, unless he or she is the holder of a driver's certificate obtain or attempt to obtain any authority referred to in paragraph (f);
- (p) that the driver of any tow truck to which the licence relates shall not (except to the extent necessary to connect the towing equipment of the tow truck to a damaged or seized motor vehicle in respect of which the driver has obtained a towing authority) permit the tow truck to stand upon a road so as to cause an obstruction or to stand at the scene of an incident or seizure for a period longer than that which would reasonably be required to obtain a towing authority in respect of a



- damaged or seized motor vehicle for which no towing authority has been given;
- (q) that any tow truck to which the licence relates shall not be used to tow a damaged or seized motor vehicle while any person is travelling as a passenger in the damaged or seized motor vehicle;
  - (r) that the holder of the licence and any person employed by the holder of the licence on or in connection with the use of any tow truck to which the licence relates shall comply with the provisions of the *Radiocommunications Act 1992* (Cwlth), and shall not permit or suffer any other person to contravene the provisions of that Act;
  - (s) that the holder of the licence shall not charge a sum other than a reasonable sum for the towing, salvage or storage of a motor vehicle;
  - (t) for the towing of a private property motor vehicle from private property—that a person—
    - (i) if the person is not the holder of a certificate— must not accompany the driver of the tow truck to which the licence relates while the tow truck is—
      - (A) proceeding to the property; or
      - (B) towing the vehicle; and
    - (ii) must not tow the vehicle unless the holder of the licence has a valid towing consent from the occupier of the property relating to the towing of the vehicle from the property; and
    - (iii) must not tow the vehicle while a person is inside it; and
    - (iv) must not cause, or allow to be caused, an unreasonable obstruction on private property or a road by a tow truck to which the licence relates; and
    - (v) must, before towing the vehicle, take reasonable steps to locate the vehicle's owner; and

- (vi) must not, after taking reasonable steps to find the vehicle's owner, take longer than is reasonably necessary to tow the vehicle; and
  - (vii) may only tow the vehicle to the nearest holding yard that is owned or leased by the holder of the licence; and
  - (viii) must not move the vehicle from a holding yard without the written authority of the vehicle's owner or the owner's agent; and
  - (ix) if there are no outstanding charges under this Act for which the owner of the vehicle is liable—must not refuse, or cause another person to refuse, to release the vehicle to the owner, or the owner's agent.
- (3) In this section—  
*certificate* means—
- (a) a driver's certificate; or
  - (b) an assistant's certificate.

## Part 3 Certificates

### Division 1 General

#### 13 Required certificates etc.

- (1) A person must not, in a regulated area—
- (a) operate a tow truck to tow a prescribed motor vehicle unless the person is the holder of—
    - (i) a driver's certificate; or
    - (ii) a permit under section 19 authorising the person to operate a tow truck to tow a prescribed motor vehicle; or

- (b) be employed on or in connection with the use of a tow truck at or near a towing location unless the person is the holder of—
  - (i) a driver's certificate; or
  - (ii) an assistant's certificate; or
  - (iii) a permit under section 19.

Maximum penalty—60 penalty units.

- (2) Also, a person must not, in a regulated area, travel in a tow truck to or from a towing location unless the person—
  - (a) is the holder of—
    - (i) a driver's certificate; or
    - (ii) an assistant's certificate; or
    - (iii) a permit under section 19; or
  - (b) is the owner of a motor vehicle at the towing location, or the owner's agent; or
  - (c) was the driver of, or a passenger in, a vehicle at the towing location.

Maximum penalty—40 penalty units.

- (3) In this section—

**towing location** means—

- (a) the scene of an incident; or
- (b) a place at which a motor vehicle has been seized; or
- (c) private property on which a private property motor vehicle is parked.

#### **14 Application for driver's or assistant's certificate**

- (1) A person may apply to the chief executive for the grant of a driver's certificate or an assistant's certificate.
- (2) The application must be made in accordance with a regulation.

---

**14A Decision on application**

- (1) The chief executive must consider an application made under section 14 and do 1 of the following—
  - (a) grant the application;
  - (b) grant the application subject to conditions;
  - (c) refuse to grant the application.
- (2) However, before deciding an application, the chief executive—
  - (a) must consider the matters prescribed under a regulation for this section; and
  - (b) may consider any other matter the chief executive considers relevant.
- (3) Also, the chief executive must not grant the application if the chief executive is not satisfied the applicant is an appropriate person to hold a driver's certificate or an assistant's certificate.

**15 Written notice of granting of certificate and of conditions or variations**

- (1) If the chief executive grants the application, the chief executive must give the applicant written notice—
  - (a) that the person has been granted a driver's certificate or an assistant's certificate; and
  - (b) of any condition imposed on the certificate.

*Note—*

Under section 21A, the certificate may be cancelled or suspended if the holder of the certificate contravenes a condition.

- (2) The chief executive may, by written notice given to the holder of a driver's certificate or assistant's certificate, vary a condition to which the certificate is subject.

**16 What driver's or assistant's certificate authorises**

- (1) A driver's certificate (*driver's certificate*) authorises the holder of the certificate to operate a tow truck.
- (2) An assistant's certificate (*assistant's certificate*) authorises the holder of the certificate to be employed on or in connection with a tow truck.

**17 Term of driver's or assistant's certificate**

- (1) A driver's certificate or assistant's certificate is granted for the term, stated in the written notice given under section 15 for the certificate, of not longer than 5 years.
- (2) However, a driver's certificate or assistant's certificate may be renewed for successive terms of not longer than 5 years.

**17A Renewal of driver's or assistant's certificate**

- (1) The holder of a driver's certificate or assistant's certificate may apply for its renewal to the chief executive.
- (2) Sections 14 to 17 apply to an application for renewal of a driver's certificate or assistant's certificate in the same way as they apply to an application for a driver's certificate or assistant's certificate.

**18 Driver's certificate dependent on driver licence**

- (1) This section applies if—
  - (a) the driver licence held by the holder of a driver's certificate is suspended or cancelled; or
  - (b) the holder surrenders the licence.
- (2) The driver's certificate—
  - (a) if the licence is suspended—is automatically suspended on the day the licence is suspended and is of no effect while the licence is suspended; or

- (b) if the licence is cancelled or surrendered—is automatically cancelled on the day the licence is cancelled or surrendered.

**19 Permit for applicant for driver's or assistant's certificate**

- (1) The chief executive may, upon application and payment of the prescribed fee and upon the chief executive being satisfied as to the identity of the applicant for the permit, grant the applicant a permit that authorises the holder thereof to operate or as the case requires be employed on or in connection with the use of a tow truck in a regulated area pending the determination of an application for a driver's certificate or assistant's certificate.
- (2) A permit granted under subsection (1)—
- (a) shall, subject to this Act, be in force for such period not exceeding 6 months as the chief executive determines; and
  - (b) may be revoked by the chief executive at any time; and
  - (c) may be granted subject to all or any of the conditions to which a driver's certificate or an assistant's certificate may be subject and to such other conditions as are specified in the permit.

**Division 3**

**Restricted release of information  
about driver's certificate or  
assistant's certificate**

**19H Restricted written release of information**

- (1) The chief executive may release, in writing, information kept under this Act about a person's driver's certificate or assistant's certificate to—
- (a) on receiving an application in the approved form—
    - (i) the person; or

- (ii) with the person's written consent—another entity;  
or
  - (b) the police commissioner for the purpose of any function of the police commissioner or any function of the police service.
- (2) Also, the chief executive may release, in writing, to an entity information kept under this Act about a person's driver's certificate or assistant's certificate if—
  - (a) the person produces a document evidencing the certificate to the entity as proof of the person's identity; and
  - (b) the entity applies in the approved form for the information; and
  - (c) the information is necessary to verify the validity of the certificate.
- (3) An application mentioned in subsection (1)(a) or (2)(b) may be made by electronic communication.

### **19I Restricted oral release of particular information**

- (1) The chief executive may orally release, to a person, information kept under this Act about the person's driver's certificate or assistant's certificate.
- (2) However, subsection (1) applies only if the chief executive is satisfied that the person is the person to whom the information relates.

*Example for subsection (2)—*

The chief executive may be satisfied as required under subsection (2) if the person correctly answers a series of questions, or produces a document, for identifying the person.

## Part 4 Authorities and permits

### Division 1 Preliminary

#### 20 Definitions for pt 4

In this part—

*authority* means—

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

*authority holder* means a person to whom an authority granted under this Act is issued.

#### 21 Consideration of public interest for pt 4

- (1) When considering whether it is in the public interest to cancel, suspend or immediately suspend an authority holder's authority, regard must be had to the following—
  - (a) the need to ensure that the reputation of the tow truck industry is not affected by the involvement in the industry of persons likely to adversely affect the industry's reputation;
  - (b) the legitimate expectation members of the public, particularly vulnerable members of the public, have that they will not be subject to assaults or aggressive, coercive or otherwise inappropriate behaviour from persons involved in the tow truck industry.

*Examples for subsection (1)—*

- 1 It may be in the public interest to cancel or suspend, or if authorised under section 21B, immediately suspend a tow truck driver's or an operator's authority because the person is charged with possessing a weapon in contravention of the *Weapons Act 1990* or a dangerous drug in contravention of the *Drugs Misuse Act*



1986 and the offence was committed while performing activities under the authority.

- 2 It may be in the public interest to cancel or suspend, or if authorised under section 21B, immediately suspend a tow truck driver's or an operator's authority because the person is charged with a number of offences of obstructing a police officer in the performance of the officer's duties and the alleged offences happened while the person was not performing activities under the authority.
  - 3 It may be in the public interest to cancel or suspend, or if authorised under section 21B, immediately suspend a tow truck driver's authority if the driver assaults a person at a crash scene.
- (2) Subsection (1) does not limit what may be considered in deciding the public interest for the purposes of this Act.

## **Division 2                      Cancellation, suspension, amendment and surrender of authorities**

### **21A      Cancellation or suspension of authorities**

- (1) The chief executive may cancel or suspend an authority holder's authority under section 21D on any of the following grounds—
- (a) the authority—
    - (i) was issued in error; or
    - (ii) was granted or renewed because of a false or fraudulent document, statement or representation;
  - (b) the authority holder—
    - (i) is convicted of an offence against this Act; or
    - (ii) has, since the issue of the authority, been charged with or convicted of a disqualifying offence; or
    - (iii) contravenes a condition of the authority; or
    - (iv) stops being a tow truck operator, driver or assistant;

- 
- (c) for an authority holder that is a corporation—an executive officer of the holder is or has been—
    - (i) convicted of an offence against this Act; or
    - (ii) charged with or convicted of a disqualifying offence;
  - (d) the authority holder can not properly drive the class of motor vehicle stated in the authority because of a medical condition, or physical or mental incapacity;
  - (e) the motor vehicle stated in the authority is no longer suitable for use under the authority;
  - (f) the authority holder has given false or misleading information to—
    - (i) an authorised officer; or
    - (ii) an authorised officer under the Heavy Vehicle National Law (Queensland);
  - (g) public safety has been endangered, or is likely to be endangered, because of the authority holder's conduct;
  - (h) having regard to the conduct of the authority holder, when performing activities under the authority or at any other time, the chief executive believes, on reasonable grounds—
    - (i) the person is no longer an appropriate person to hold an authority; or
    - (ii) it is in the public interest to cancel or suspend the authority.
- (2) The chief executive may not cancel or suspend an authority holder's authority on the basis of criminal intelligence given by the police commissioner to the chief executive under section 36B.

## **21B Immediate suspension of authority**

- (1) Despite section 21D, the chief executive may immediately suspend an authority holder's authority by written notice given to the authority holder on the following grounds—
  - (a) public safety has been endangered, or is likely to be endangered, because of the authority holder's conduct and the authority should be immediately suspended;
  - (b) having regard to the conduct of the authority holder, when performing activities under the authority or at any other time, the chief executive believes, on reasonable grounds—
    - (i) the person is no longer an appropriate person to hold an authority and the authority should be immediately suspended; or
    - (ii) it is in the public interest to immediately suspend the authority.
- (2) Without limiting the chief executive's powers under subsection (1), it is enough to immediately suspend an authority holder's authority if—
  - (a) a person complains to a police officer about the conduct of the authority holder and, having regard to the nature of the complaint, the chief executive believes, on reasonable grounds, the conduct complained of justifies taking action under subsection (1); or
  - (b) having regard to statements or other information about the conduct of the authority holder given to the chief executive, the chief executive believes, on reasonable grounds, the statements or other information justifies taking action under subsection (1).
- (3) If the chief executive immediately suspends the authority, the suspension has effect under this section until the earlier of the following—
  - (a) the chief executive informs the authority holder of the chief executive's decision under section 21D(4);

- (b) the end of 56 days after the notice is given to the authority holder or the end of any further period or periods by which the suspension is extended under subsection (5).
- (4) The notice of immediate suspension must state—
  - (a) the reasons for the decision; and
  - (b) the general effect of subsection (3); and
  - (c) the prescribed review information for the decision.
- (5) The chief executive may extend the period for which an authority is suspended under subsection (1) for a further period or periods of not more than 56 days on each occasion.
- (6) However, in deciding whether to extend or further extend the period of the suspension of an authority holder's authority, the chief executive must have regard to—
  - (a) the information that was available to the chief executive when the chief executive first suspended the authority under subsection (1); and
  - (b) any further information relevant to the suspension that is in the chief executive's possession or of which the chief executive has since become aware; and
  - (c) whether in all the circumstances it is appropriate that the suspension be further extended.

### **21C Further action after immediate suspension**

- (1) This section applies if—
  - (a) under section 21B, the chief executive immediately suspends an authority; and
  - (b) the chief executive also proposes to take proposed action under section 21D.
- (2) The notice under section 21B must also—
  - (a) state the information mentioned in section 21D(3)(a), (b) and (c) in relation to the proposed action; and

- (b) if the proposed action is suspension of the authority—  
state the proposed suspension period; and
  - (c) invite the person to show cause in writing, within a  
stated time of at least 28 days, why the proposed action  
should not be taken.
- (3) Section 21D(4) to (6) applies to the proposed action as if the  
notice had been given under section 21D(3).
- (4) Despite subsection (3), section 21D(4)(a)(i) or (b)(ii) does not  
limit the chief executive's powers to extend the period of  
suspension under section 21B(5).

#### **21D Amending, suspending or cancelling authority**

- (1) This section applies if the chief executive considers a ground  
exists under section 21A to suspend or cancel an authority  
holder's authority.
- (2) However, this section does not apply if section 21E applies.
- (3) Before taking action to suspend or cancel the authority (the  
***proposed action***), the chief executive must give the authority  
holder a written notice—
- (a) stating the proposed action; and
  - (b) stating the grounds for the proposed action; and
  - (c) outlining the facts and circumstances forming the basis  
for the grounds; and
  - (d) if the proposed action is suspension of the authority—  
stating the proposed suspension period; and
  - (e) inviting the person to show cause in writing, within a  
stated time of at least 28 days, why the proposed action  
should not be taken.
- (4) If, after considering all written representations made within  
the stated time, the chief executive still considers a ground  
exists to take the proposed action, the chief executive may—
- (a) if the proposed action was to suspend the authority—

- (i) suspend the authority for no longer than the period stated in the notice; or
- (ii) amend the authority in the way the chief executive considers appropriate; or
- (b) if the proposed action was to cancel the authority—
  - (i) cancel the authority; or
  - (ii) suspend the authority for a period; or
  - (iii) amend the authority in the way the chief executive considers appropriate.
- (5) However, if the proposed action relates to a matter that is the subject of a proceeding before a court that has not been finally decided, the chief executive—
  - (a) need not make a decision under subsection (4) until the proceeding is finally decided; but
  - (b) must make the decision as soon as reasonably practicable after the proceeding is finally decided.
- (6) The chief executive must inform the person of the decision under subsection (4) by written notice.
- (7) If the chief executive decides to take action under subsection (4), the notice must state—
  - (a) the reasons for the decision; and
  - (b) the prescribed review information for the decision.

#### **21E Other amendments of authorities**

- (1) This section applies only if the chief executive proposes to amend an authority holder's authority—
  - (a) for a formal or clerical reason; or
  - (b) in another way that does not adversely affect the person's interests; or
  - (c) if the person asks.

- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the authority holder.

### **21F Surrender of authority on authority holder's request**

- (1) An authority holder may surrender the authority holder's authority by giving the chief executive written notice of the surrender.
- (1A) The notice must be accompanied by any document evidencing the authority.

*Example—*

If the person holds a driver's certificate and has been given a smartcard certificate, the person must return the smartcard certificate with the notice of surrender.

- (2) On the surrender day, the authority stops having effect.
- (3) In this section—  
**surrender day**, for a surrendered authority, means—
  - (a) the day stated in the notice of surrender as the day the surrender takes effect; or
  - (b) if no day is stated in the notice, the day the chief executive receives the notice.

### **21G Delivery of cancelled or suspended authority**

If the chief executive cancels or suspends an authority under this division, the authority holder must deliver any document evidencing the authority to the chief executive within the time specified by the chief executive in the notice of cancellation or suspension.

Maximum penalty—20 penalty units.

---

## **Division 3                      Record keeping**

### **21H    Records**

The chief executive must keep the records the chief executive considers appropriate about the following in the way the chief executive considers appropriate—

- (a) applications for the grant of authorities and permits;
- (b) the grant, refusal, cancellation or suspension of authorities;
- (c) the revocation of permits.

## **Part 4A                              Powers of authorised officers relating to prescribed motor vehicles**

### **21I    Entry to places**

(1) An authorised officer may enter a place if—

- (a) its occupier consents to the entry; or
- (b) it is a place of business stated on a licence, or is a holding yard owned or leased by the holder of the licence, and the entry is made when the place is—
  - (i) open for the conduct of business or otherwise open for entry; or
  - (ii) required under the licence to be open for inspection; or
- (c) the officer reasonably suspects a prescribed motor vehicle has been towed to the place.

(2) An authorised officer may, without the occupier's consent—

- (a) enter a public place when the place is open to the public; or



- (b) enter the land around premises to ask its occupier for consent to enter the premises.
- (3) For subsection (1)(a), the *Transport Operations (Road Use Management) Act 1995*, section 27 applies as if a reference in that section to an authorised officer includes a person acting under the authority of the chief executive under this Act.
- (4) In this section—  
*occupier*, of a place, includes a person who reasonably appears to be the occupier, or in charge, of the place.

## 21J Powers

An authorised officer may do any of the following for investigating or enforcing a requirement under this Act—

- (a) search any part of a place (an *entered place*) the officer has entered under section 21I;
- (b) inspect, copy, or take an extract from, a document at an entered place;
- (c) require a person to produce for inspection a document required to be kept by the person under this Act.

## Part 5 Offences

### 22 Authority to repair

A person—

- (a) shall not at the scene of an incident obtain or attempt to obtain authority from another person for the repair of a damaged motor vehicle; or
- (b) shall not, where a damaged motor vehicle is towed by a tow truck, obtain or attempt to obtain from another person authority for the repair of the motor vehicle before it is delivered to the address entered on the towing authority relating to the motor vehicle.

---

## 23 Consideration for obtaining certain information or work

- (1) A person—
- (a) shall not for the purpose of obtaining a towing authority or enabling any other person to obtain a towing authority, give or receive or agree to give or receive any valuable thing in consideration of the furnishing of information or advice about—
    - (i) the occurrence of an incident or seizure; or
    - (ii) the presence of—
      - (A) a damaged motor vehicle on a road; or
      - (B) a seized motor vehicle on a road that is an off-street regulated parking area for which there is an arrangement mentioned in the *Transport Operations (Road Use Management) Act 1995*, section 104; or
  - (b) shall not give or agree or offer to give any valuable thing in consideration of the obtaining for himself or herself or any other person of the work of repairing a damaged motor vehicle; or
  - (c) shall not receive or agree or offer to receive any valuable thing in consideration of the obtaining from any other person of the work of repairing a damaged motor vehicle.
- (2) In this section—
- valuable thing* includes any money, loan, office, place, employment, benefit or advantage and any commission or rebate payment in excess of actual value of goods or service, deduction or percentage, bonus or discount or any forbearance to demand any money or money's worth or valuable thing, but does not include any reasonable charge in respect of the towing, salvage or storage of a damaged motor vehicle or the towing or storage of a seized motor vehicle.

## **24 False statements and representations, and coercion**

A person shall not—

- (a) knowingly make any false statement in any application under this Act; or
- (b) falsely advertise himself or herself or hold himself or herself out as being the holder of a licence, certificate or permit under this Act, or suffer or allow any such advertisement or holding out; or
- (c) falsely represent to any person that a vehicle is a tow truck to which a licence under this Act relates; or
- (d) obtain or attempt to obtain by force or undue influence a consent to remove a damaged or seized motor vehicle or a signature on a towing authority.

## **25 Offences with respect to authorised officers**

A person shall not—

- (a) assault, resist or obstruct an authorised officer in the exercise of his or her powers or in the discharge of his or her duties under this Act, or attempt so to do; or
- (b) fail to facilitate by all reasonable means the entry into or on premises from which a tow truck operator conducts his or her business, or vehicle by an authorised officer; or
- (c) fail to answer any question put to the person in pursuance of this Act by an authorised officer or give to any such question an answer that is in any respect false or misleading; or
- (d) fail to comply with the lawful requisition or any part of the lawful requisition of an authorised officer; or
- (e) when required by or under this Act to furnish any assistance or to furnish any information to an authorised officer, fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish information that is in any respect false or misleading; or

- (f) fail, without reasonable excuse, the proof whereof shall lie upon the person, to produce any licence, certificate or permit, or book, notice, record, document or writing that the person is required under this Act by an authorised officer to produce or fail to allow an authorised officer to take a copy of or extract from any such licence, certificate or permit, book, notice, record, document or writing; or
- (g) directly or indirectly prevent any person from appearing before or being questioned by an authorised officer, or attempt so to do; or
- (h) use any threat or any abusive or insulting language to an authorised officer or to any other person with respect to any inspection, examination or interrogation.

**26 Excess of authority**

A person shall not operate a tow truck otherwise than in conformity with the authority conferred by a licence relating to that tow truck.

**27 Execution against motor vehicle**

- (1) Any warrant of execution for the amount of any penalty for an offence against section 5 or 26 may be executed by seizure and sale of the goods and chattels of the offender and, where the motor vehicle in respect of which the offence was committed is not the sole and absolute property of the offender, by seizure and sale of that motor vehicle as if it were the sole and absolute property of the offender.
- (1A) Where the motor vehicle in respect of which the offence was committed comprised a trailer attached to a motor vehicle the warrant may be executed by seizure and sale of the trailer or the motor vehicle to which it was attached, or both of them.
- (2) If it appears to the person to whom the warrant is directed that the motor vehicle is not, at the time of its seizure, the sole and absolute property of the offender, such person shall pay the

whole of the proceeds of the sale of the motor vehicle to the clerk of the court to whom the warrant orders the person to pay the amount to be levied thereunder.

- (2A) So much of such proceeds as exceeds the amount ordered to be levied and the costs and charges of the execution shall be deemed to have come into the custody of the clerk of the court in connection with the proceedings in respect of the offence.
- (3) Any justice shall, upon the application of the chief executive or a person acting under the general or particular authority of the chief executive, issue a warrant of execution for any amount that has not been paid of any penalty for an offence against section 5 or 26.
- (3A) Notwithstanding the provisions of the *Justices Act 1886* a justice—
- (a) shall not postpone the issue of the warrant of execution; and
  - (b) shall issue the warrant of execution notwithstanding that the decision adjudging the penalty made no provision for the levy thereof by distress or execution, or directed that in default of payment thereof forthwith or within a time allowed the offender should be imprisoned.
- (4) This section does not authorise the execution of a warrant for recovery of any amount of penalty for an offence against section 5 or 26—
- (a) before the expiration of the time (if any) for payment of the penalty allowed by the justices adjudging the penalty as part of their decision; or
  - (b) after the offender has been imprisoned for default in paying the penalty.
- (5) In this section—
- penalty** includes any costs or fees which the justices adjudging the penalty ordered, as part of their decision, to be paid.

**27A Obtaining, or attempting to obtain, towing consent**

A person must not obtain, or attempt to obtain, a towing consent unless the person is the holder of a licence.

Maximum penalty—50 penalty units.

**27B Storing private property motor vehicle at unlicensed place**

- (1) An occupier of an unlicensed place must not store at the place a private property motor vehicle that has been towed by a tow truck to the place.

Maximum penalty—60 penalty units.

- (2) This section does not apply in relation to a private property motor vehicle that is owned by the occupier.

- (3) In this section—

*occupier*, of an unlicensed place, means—

- (a) if a business is conducted at the place—the proprietor of the business; or  
(b) otherwise—a person who may lawfully exclude other persons from the place.

**Part 6 Review**

**28 Internal review of decisions**

- (1) This section applies to a person whose interests are affected by a decision mentioned in schedule 1.  
(2) The person may ask the chief executive to review the decision.  
(3) The person is entitled to receive a statement of reasons for the decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.

- (4) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
- (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed; and
    - (iii) for the person to be given a QCAT information notice if the decision on the review is not the decision sought by the person.

## **29 Review of decisions by QCAT**

- (1) This section applies to a person who has been given a QCAT information notice for a decision on a review under section 28 of a decision mentioned in schedule 1.
- (2) The person may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

## **Part 7 General provisions**

### **34 Smartcard certificate is property of the State**

- (1) A smartcard certificate is and remains the property of the State.
- (2) Subsection (1) applies even though a person other than the State—
  - (a) has the right to use information that is on the smartcard certificate or stored electronically on it; or
  - (b) has the right to have information stored on the smartcard certificate.
- (3) The State is not legally liable for an act or omission relating to the keeping or use of the smartcard certificate.

### **35 Production of particular documents**

- (1) The holder of a licence, driver's certificate, assistant's certificate or permit must, if asked by an authorised officer, produce to the officer the document evidencing the licence, certificate or permit.

Maximum penalty—40 penalty units.

- (2) If a tow truck is, or has been used, to tow a private property motor vehicle from private property, the holder of the licence for the tow truck must, if asked by an authorised officer, produce to the officer a copy of a towing consent held by the holder.

Maximum penalty—40 penalty units.

- (3) The driver of a tow truck that is being, or has been, used to tow a private property motor vehicle must, if asked by an authorised officer, produce to the officer a copy of a towing consent being carried in the tow truck.

Maximum penalty—40 penalty units.

- (4) In this section—

*copy*, of a towing consent, includes the original towing consent.

### **35A Production of document evidencing driver's certificate or permit before commencing a tow**

- (1) This section applies if the driver of a tow truck makes an offer or intends to make an offer to tow a damaged motor vehicle by means of a tow truck.

- (2) The driver must, either before or when making the offer to tow the motor vehicle, produce the document evidencing the driver's certificate or permit held by the driver for inspection by the person to whom the offer is made or intended to be made.

- (3) This section applies whether or not the person to whom the offer is made or intended to be made asks the driver to produce the document.



**36 Chief executive may obtain information from police commissioner—criminal history**

- (1) The chief executive may ask the police commissioner for a written report about a person's criminal history, including whether the person is, or has been, the subject of a control order or registered corresponding control order, to help in deciding whether—
  - (a) the person is an appropriate person to hold, or continue to hold, a licence or certificate under this Act; or
  - (b) a corporation of which the person is an executive officer is an appropriate person to hold, or continue to hold, a licence under this Act.
- (2) For subsection (1), the chief executive's request may include the following information—
  - (a) the person's name and any other name the chief executive believes the person may use or may have used;
  - (b) the person's sex and date and place of birth;
  - (c) details of the person's driver licence under the *Transport Operations (Road Use Management) Act 1995*;
  - (d) details of the person's licence or certificate under this Act.
- (3) If asked by the chief executive, the police commissioner must give the chief executive a written report about the person's criminal history.
- (4) Subsection (3) applies to the criminal history in the police commissioner's possession or to which the police commissioner has access.
- (5) A report under subsection (3) must, if the person is, or has been, the subject of a control order or registered corresponding control order—
  - (a) state the details of the order; or
  - (b) be accompanied by a copy of the order.

**36A Notice of change in police information about a person—  
criminal history**

- (1) This section applies if—
  - (a) the police commissioner reasonably suspects a person is—
    - (i) the holder of a licence or certificate under this Act; or
    - (ii) an executive officer of a corporation that is the holder of a licence under this Act; and
  - (b) the person's criminal history changes.
- (2) The police commissioner may notify the chief executive that the person's criminal history has changed.
- (3) The police commissioner's notice to the chief executive must state the following—
  - (a) the person's name and any other name the police commissioner believes the person may use or may have used;
  - (b) the person's gender and date and place of birth;
  - (c) whether the change is—
    - (i) a charge made against the person for an offence; or
    - (ii) a conviction of the person;
  - (d) details of the charge or conviction.
- (4) A notice under subsection (3) must also, if the person is, or has been, the subject of a control order or registered corresponding control order—
  - (a) state the details of the order; or
  - (b) be accompanied by a copy of the order.

### 36B Exchange of information

- (1) The chief executive may enter into an arrangement (an **information-sharing arrangement**) with a relevant agency for the purposes of sharing or exchanging information—
  - (a) held by the chief executive or the relevant agency; or
  - (b) to which the chief executive or the relevant agency has access.
- (2) An information-sharing arrangement may relate only to information that assists—
  - (a) the chief executive perform the chief executive's functions under this Act; or
  - (b) the relevant agency perform its functions.
- (3) Under an information-sharing arrangement, the chief executive and the relevant agency are, despite another Act or law, authorised to—
  - (a) ask for and receive information held by the other party to the arrangement or to which the other party has access; and
  - (b) disclose information to the other party.
- (4) The chief executive may use criminal intelligence given to the chief executive by the police commissioner under an information-sharing arrangement only for monitoring compliance with this Act.
- (5) In this section—

**information** does not include information given to the chief executive or a relevant agency, or to which the chief executive or relevant agency has access, under the *Crime and Corruption Act 2001*.

**relevant agency** means the following—

  - (a) the police commissioner;
  - (b) the chief executive of a department;
  - (c) a local government;

- (d) a person prescribed by regulation.

### 36C Confidentiality

- (1) A person must not disclose, record or use information the person gained—
- (a) through involvement in the administration of this Act; or
  - (b) because of an opportunity provided by the involvement.
- Maximum penalty—200 penalty units.
- (2) However, a person may disclose, record or use the information—
- (a) in the discharge of a function under this Act; or
  - (b) if it is authorised—
    - (i) under another Act or a regulation; or
    - (ii) by the person to whom the information relates; or
  - (c) in a proceeding before a court or tribunal in which the information is relevant.
- (3) Subsection (2)(b)(ii) does not apply if the information is criminal intelligence.
- (4) In this section—
- disclose* information means—
- (a) intentionally or recklessly disclose the information; or
  - (b) allow access to the information.

*information* includes a digital photo and digitised signature.

### 37 Evidentiary matters

In a proceeding under this Act, the following apply—

- (a) a certificate purporting to be signed by the chief executive certifying that on a stated day or during a stated period the particulars in the certificate about any of the matters mentioned in section 21H did or did not

appear in the records kept under that section is, on its production in the proceeding, admissible as evidence, and in the absence of evidence to the contrary is conclusive evidence of the matters in the certificate;

- (b) a document purporting to be a report given to the chief executive for this Act in relation to an applicant or the holder of a licence, certificate or permit and relevant to the matter of inquiry is, on its production in an appeal against the chief executive's decision, admissible as evidence of the matters in the document;
- (c) a document purporting to be a copy of a licence or other document and certified as a true copy by the chief executive is evidence of the licence or document;
- (d) a certificate purporting to be signed by the police commissioner stating the commissioner received, or did not receive, notice, in the approved form, about the towing of a private property motor vehicle is evidence of the matters stated in the certificate;
- (e) the allegation in a complaint that—
  - (i) a person is or is not, or was or was not, at a time or date stated in the complaint—
    - (A) the owner of a vehicle; or
    - (B) the holder of a licence, certificate or permit relating to a tow truck; or
  - (ii) any thing is, or was, a vehicle of a particular class or description; or
  - (iii) any place is, or was—
    - (A) a road, or part of a road; or
    - (B) a private property, or part of a private property; or
  - (iv) a person was an occupier of private property or another place;

is evidence of the matter or matters alleged, and in the absence of evidence to the contrary is conclusive evidence of the matter or matters.

### **37A Application of Act in relation to particular motor vehicles**

- (1) Sections 5, 13 and 26 do not apply to a person who travels in, is employed on or about, or who uses a tow truck, if—
  - (a) the person—
    - (i) is a qualified motor mechanic; and
    - (ii) is using the tow truck for road testing it for, or after completing, mechanical adjustment or repairs to it or its equipment; or
  - (b) the person is using the tow truck to tow a motor vehicle registered, under the *Transport Operations (Road Use Management) Act 1995*, in the name of the owner of the tow truck.
- (2) The provisions of this Act relating to the towing of private property motor vehicles do not apply to a person to the extent the person is involved in towing a private property motor vehicle—
  - (a) under any of the following laws, or a direction or request of a person acting in accordance with any of the following laws—
    - (i) an Act of the Commonwealth or a State;
    - (ii) a local law; or
  - (b) in a circumstance prescribed by regulation.

### **38 Exemptions**

- (1) Where pursuant to the regulations, exemption or conditional exemption from compliance with all or any of the provisions of this Act is granted, the provisions in respect of which the exemption or conditional exemption is granted shall, while the exemption or conditional exemption remains in force, cease to

apply to the extent provided by the regulations subject, in the case of a conditional exemption, to the conditions imposed.

- (2) However, even though a person is exempt under a regulation from stated provisions of this Act, a regulation made under section 43 for the purposes of the *Police Powers and Responsibilities Act 2000*, chapter 4, 5 or 22 applies to the person.

### **39 Service of documents**

A notice or other document required by this Act to be given by the chief executive to any person may be given—

- (a) by serving it personally on the person to whom it is directed; or
- (b) by leaving it at the address of the place of residence of the person to whom it is directed last known to the person by whom it is required to be given; or
- (c) by prepaid post letter addressed to the person to whom it is directed at the address of the place of the person's residence last known to the person by whom it is required to be given.

### **40 Offences generally and penalty**

- (1) A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.
- (2) If the holder of a licence contravenes a condition of the licence mentioned in section 12(2)(a) to (d), the holder commits an offence against this Act.

Maximum penalty—50 penalty units.

- (3) If a person contravenes a condition of the licence mentioned in section 12(2)(e) to (t), the person and, if the person is not the holder of the licence, the holder, commits an offence against this Act.

Maximum penalty—50 penalty units.

- (4) Save where a specific penalty is otherwise prescribed a person who commits an offence against this Act is liable to a penalty of 40 penalty units.
- (5) A penalty imposed by this Act may be recovered by way of summary proceedings before a Magistrates Court constituted under the *Justices Act 1886*.
- (6) A court before which a person is convicted of an offence against this Act shall cause particulars of the conviction to be furnished to the chief executive.

#### **42 Indemnity to persons administering Act**

A person does not incur liability for anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

#### **42A Approval of forms**

The chief executive may approve forms for use under this Act.

#### **43 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may make provision about the following—
  - (a) the making of applications for licences, certificates or permits;
  - (b) the grant and renewal of licences or certificates and the grant of permits;
  - (c) the return or destruction of documents evidencing a licence or certificate after expiry of the licence or certificate;
  - (d) obtaining and dealing with towing authorities;



- (e) the identification of the holder of a licence, certificate or permit in a document evidencing that the person holds the licence, certificate or permit;
- (f) the damaging of documents;
- (g) the replacement of documents;
- (h) the notification of a change of personal particulars;
- (i) the carrying of documents;
- (j) the duties and standard of conduct of persons operating tow trucks and of persons employed on or in connection with the use of tow trucks;
- (k) the inspection of tow trucks by an authorised officer for the purposes of determining whether or not they comply with this Act and the action to be taken if tow trucks do not so comply, and in connection with any inspection authorising the entry in or upon any tow truck, building or place;
- (l) the powers of an authorised officer to enter upon premises from which a tow truck operator conducts his or her business and to inspect, seize and make copies of those records, and the production of those records by any person having custody thereof upon the requisition of an authorised officer;
- (m) the production to authorised officers and other prescribed persons of licences, certificates, permits and other documents;
- (n) the fees payable under this Act and the purposes for which those fees are payable, and the fixing of those fees;
- (o) the design, classification, construction, equipment and identification of tow trucks;
- (p) the minimum age and required qualifications of—
  - (i) drivers of tow trucks; or
  - (ii) other persons to be employed on or in connection with the use of tow trucks;

- (q) the conditions under which tow trucks may be operated;
  - (r) the areas in which tow trucks may be operated to tow prescribed motor vehicles;
  - (s) premises or places to which tow truck operators deliver or cause to be delivered motor vehicles towed by the tow truck they operate and the use of those premises or places by those operators and the towing of motor vehicles thereto;
  - (t) investigating charges being made, or that should be made, for—
    - (i) towing, storing or releasing prescribed motor vehicles; or
    - (ii) salvaging damaged motor vehicles;
  - (u) appointing persons to investigate matters mentioned in paragraph (t);
  - (v) the powers of persons appointed to investigate matters mentioned in paragraph (t);
  - (w) the things for which tow truck operators may impose a charge, and the maximum and minimum amounts for any charge;
  - (x) the amounts to be charged for towing and keeping vehicles impounded under the *Police Powers and Responsibilities Act 2000*, chapter 4 or 22;
  - (y) notification of the sale, disposal or acquisition of licensed tow trucks or tow trucks in respect of which permits have been issued;
  - (z) the granting of exemption or conditional exemption from compliance with all or any of the provisions of this Act and the revocation of any exemption or conditional exemption so granted;
  - (za) penalties of not more than 80 penalty units for each offence against a regulation.
- (3) Without limiting subsection (1) or (2), a regulation may provide for the following—

- (a) a document evidencing a driver's certificate or assistant's certificate to be in the form of a card or something similar approved by the chief executive and on which information may be stored electronically;
  - (b) a PIN to be used by the holder of a driver's certificate or assistant's certificate as a security measure to protect information stored electronically on a document evidencing the certificate.
- (4) Also, without limiting subsections (1) to (3), a regulation may provide that—
- (a) a document evidencing a person's driver's certificate or assistant's certificate may include on it information about another transport authority held by the person under a prescribed transport Act, if allowed under that Act; or
  - (b) information about a driver's certificate or an assistant's certificate may be included on another transport authority.

*Note—*

See also the *Transport Planning and Coordination Act 1994*, section 36G for smartcard transport authorities.

- (5) In this section—

***prescribed transport Act*** means—

- (a) this Act; or
- (b) the *Transport Operations (Passenger Transport) Act 1994*; or
- (c) the *Transport Operations (Road Use Management) Act 1995*.

***transport authority*** means—

- (a) a driver's certificate or an assistant's certificate; or
- (b) driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*; or

- (c) a prescribed authority (other than a Queensland driver licence) under the *Transport Operations (Road Use Management) Act 1995*.

## Part 8 Transitional provisions

### Division 1 Transitional provision for 1973 No. 39

#### 44 Tow-truck Act 1973 references

In an Act or document, a reference to the *Tow-truck Act 1973* is a reference to this Act.

### Division 2 Transitional provision for Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013

#### 45 Applications not finally decided

- (1) This section applies if, immediately before the commencement, the chief executive had not finally decided an application for the grant or renewal of an authority.
- (2) The chief executive must decide the application under this Act as amended by the *Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013*.
- (3) In this section—  
**authority** means—
- (a) an assistant's certificate; or
  - (b) a driver's certificate; or
  - (c) a licence.

*commencement* means the commencement of this section.

### **Division 3                      Transitional provision for Holidays and Other Legislation Amendment Act 2015**

#### **46        Digital photos and digitised signatures**

A digital photo or digitised signature of a person kept under this Act by the chief executive immediately before the commencement is, on the commencement, taken to be kept under the TPC Act by the chief executive of the department in which that Act is administered.

### **Division 4                      Transitional provisions for Serious and Organised Crime Legislation Amendment Act 2016**

#### **47        Definition for division**

In this division—

*authority* means—

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

#### **48        Applications not finally decided**

- (1) This section applies if, immediately before the commencement, the chief executive had not finally decided an application for the grant or renewal of an authority.
- (2) The chief executive must decide the application under this Act as in force after the commencement.

**49 Show cause process not finally decided**

- (1) This section applies if—
  - (a) the chief executive had given a written notice to an authority holder under section 21C(2) or 21D(3); and
  - (b) immediately before the commencement, the chief executive had not finally dealt with matters relating to the written notice under section 21D(6) (the *show cause process*).
- (2) The show cause process must continue under this Act as in force after the commencement.

**50 Proceedings not finally decided**

- (1) This section applies if, immediately before the commencement, the following proceedings had been started but not finally dealt with—
  - (a) a proceeding before QCAT for a review of a relevant decision;
  - (b) a proceeding before the Supreme Court about a relevant decision.
- (2) The proceeding is discontinued and the matter is remitted to the chief executive for the chief executive to decide again under this Act as in force after the commencement.
- (3) QCAT or the Supreme Court must return to the police commissioner any criminal intelligence relating to the proceeding in QCAT's or the Supreme Court's possession or control.
- (4) For subsection (1), a proceeding had not been finally dealt with if—
  - (a) QCAT or the Supreme Court had not made a decision; or
  - (b) QCAT or the Supreme Court had made a decision but the appeal period for the decision had not ended; or

(c) QCAT or the Supreme Court had made a decision and an appeal against the decision had started but not ended.

(5) In this section—

*criminal intelligence* means criminal intelligence within the meaning of repealed section 30(7).

*relevant decision* means a decision for which an information notice was given under repealed section 21AA or repealed section 27A.

*repealed*, in relation to a provision of this Act, means the provision as in force immediately before the commencement.

## **Division 5                      Transitional provision for Tow Truck and Other Legislation Amendment Act 2018**

### **51           Existing licence applications**

(1) This section applies if, immediately before the commencement, an application for the grant or renewal of a licence had been made but not decided.

(2) Sections 6 and 8 of the pre-amended Act continue to apply in relation to the application as if the *Tow Truck and Other Legislation Amendment Act 2018* had not been enacted.

(3) In this section—

*pre-amended Act* means this Act as in force immediately before the commencement.

## **Schedule 1      Reviewable decisions**

sections 28 and 29

### **Part 1                  Licences**

- 1    Failing to grant and issue a licence under section 6
- 2    Failing to renew a licence under section 9
- 3    Imposing a condition on the grant or renewal of a licence under section 10
- 4    Varying licence conditions under section 10
- 5    Suspending or cancelling a licence under section 21B or 21D
- 6    Amending a licence under section 21D

### **Part 2                  Driver's certificates and assistant's certificates**

- 1    Failing to grant a certificate under section 14A
- 2    Imposing a condition on the grant or renewal of a certificate under section 14A
- 3    Varying a condition of a certificate under section 15
- 4    Failing to renew a certificate under section 17A
- 5    Suspending or cancelling a certificate under section 21B or 21D
- 6    Amending a certificate under section 21D



## Schedule 2 Dictionary

section 4

***approved form*** means a form approved under section 42A.

***articulated motor vehicle*** means a motor vehicle having at its rear a portion on wheels that is pivoted on and partly superimposed on the forward part of the vehicle.

***assistant's certificate*** see section 16(2).

***authorised officer*** means an authorised officer under the *Transport Operations (Road Use Management) Act 1995* or a person acting under the authority of the chief executive.

***conforming premises*** means premises consisting of an area at ground level that—

- (a) complies with the requirements of the *Local Government Act 2009*; and
- (b) is either—
  - (i) enclosed by a fence or wall that—
    - (A) is structurally sound; and
    - (B) is at least 2.1m in height from the ground; and
    - (C) has lockable gates or doors that are closed and securely locked other than when a motor vehicle is being moved into or out of the area; or
  - (ii) if the area does not comply with subparagraph (i)—an area the chief executive considers has another security barrier that is sufficient to prevent the entry of unauthorised persons into the area and the unauthorised removal of motor vehicles or property from the area.

***control order*** see the *Penalties and Sentences Act 1992*, section 161N.

**criminal history**, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and includes—

- (a) despite section 6 of that Act—a conviction of the person to which the section applies; and
- (b) despite section 5 of that Act—a charge made against the person that has not been dealt with by a court, or withdrawn or otherwise discontinued.

**criminal intelligence** see the Criminal Code, section 86(3).

**damaged** means damaged in an incident.

**destination**—

- (a) for a damaged or seized motor vehicle—means the place mentioned in section 12(2)(j) to which the vehicle has been towed; or
- (b) for a private property motor vehicle—a holding yard.

**digital photo**, of a person, see the TPC Act, schedule 1.

**digitised signature**, of a person, see the TPC Act, schedule 1.

**disqualifying offence** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4, definition *disqualifying offence*, paragraph (b).

**driver licence** has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**driver's certificate** see section 16(1).

**electronic communication** see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

**executive officer**, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director, or the person's position is given the name of executive officer.

**found property**, for a prescribed motor vehicle that has been towed, means—

- (a) if the vehicle is unlocked—movable property found in the vehicle when the vehicle arrives at its destination; or

- (b) otherwise—movable property inside the vehicle that is visible from outside the vehicle at the time the vehicle arrives at its destination.

**holding yard** means conforming premises owned or leased solely by the holder of a licence and used, or to be used, by the holder to store—

- (a) prescribed motor vehicles towed under the licence; and
- (b) found property for prescribed motor vehicles towed under the licence.

**incident** means a collision or impact, however caused—

- (a) that happens on a road and results in damage to a motor vehicle; or
- (b) that happens off a road and results in damage to a motor vehicle, if immediately before the collision or impact the motor vehicle was travelling on the road.

**licence** means a licence with respect to a tow truck granted under this Act and in force at any material time.

**motor vehicle** means a motor car, motorcycle, motor omnibus, motor truck, motor utility truck, trolley vehicle, tractor or traction engine, a trailer attached to or drawn by a motor vehicle, and any other vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam or other mechanical power: the term includes an articulated motor vehicle but does not include a vehicle used on a railway or tramway.

**movable property** includes a radio or sound production device.

**occupier**, of private property, means a person who may lawfully exclude other persons from the property.

**operate**, with respect to a tow truck, means to tow or offer to tow a motor vehicle by means of a tow truck, for hire or for any consideration or in the course of any trade or business.

**owner**, of a motor vehicle, includes the following—

- (a) a joint owner or a part owner of the vehicle;

- (b) for a motor vehicle registered under the *Transport Operations (Road Use Management) Act 1995* or under a corresponding law of another State—every person in whose name the vehicle is registered;
- (c) for a motor vehicle the subject of a hiring agreement, hire-purchase agreement or leasing agreement—the person who has the use of the vehicle as hirer or lessee under the agreement;
- (d) a person who is authorised to have and has control, charge or management of the vehicle.

**permit** means—

- (a) a permit issued under section 11; or
- (b) a permit granted under section 19.

**police commissioner** means the commissioner of the police service.

**prescribed motor vehicle** means—

- (a) a damaged motor vehicle; or
- (b) a private property motor vehicle; or
- (c) a seized motor vehicle; or
- (d) another motor vehicle of a type prescribed by regulation.

**prescribed review information**, for a decision, means information that a person to whom a notice about the decision is given under section 21B(1) or 21D(6) may—

- (a) under section 28—ask for the decision to be reviewed by the chief executive; and
- (b) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
- (c) under section 29—ask for the chief executive’s decision on the review (the **reviewed decision**) to be reviewed by QCAT; and

- (d) under the QCAT Act—apply for the reviewed decision to be stayed.

***private property***—

- (a) means land, or a road over land, from which the occupier of the land may lawfully exclude other persons; and
- (b) despite paragraph (a), does not include land or a road controlled by—
- (i) the Commonwealth; or
  - (ii) the State; or
  - (iii) a local government.

***private property motor vehicle*** means a motor vehicle—

- (a) that is, or was, parked on private property; and
- (b) whose owner has not expressly requested or directed the towing of the vehicle from the property.

***QCAT information notice*** means a notice complying with the QCAT Act, section 157(2).

***registered corresponding control order*** see the *Penalties and Sentences Act 1992*, section 161N.

***regulated area*** means an area prescribed by regulation to be a regulated area.

***road*** has the meaning assigned to that term by the *Transport Operations (Road Use Management) Act 1995*.

***seized***, for a motor vehicle, means seized by a police officer under the *Police Powers and Responsibilities Act 2000*, section 124 because of section 125(1)(d) or (2) of that Act, from a road that is an off-street regulated parking area for which there is an arrangement mentioned in the *Transport Operations (Road Use Management) Act 1995*, section 104.

***smartcard assistant's certificate*** means an assistant's certificate in the form provided for under section 43(3)(a).

***smartcard certificate*** means a smartcard driver's certificate or a smartcard assistant's certificate.

**smartcard driver's certificate** means a driver's certificate in the form provided for under section 43(3)(a).

**tow** with respect to a motor vehicle includes carry, lift and tow, lift and carry and lift for the purpose of towing.

**towing authority** means an authority given, on the approved form, for the towing of a motor vehicle.

**towing consent** see section 4D.

**tow truck** means a motor vehicle—

- (a) equipped with a lifting or loading device capable of being used for the towing of a motor vehicle; or
- (b) being used at the material time for the towing of a trailer on which a damaged or seized motor vehicle is being carried.

**TPC Act** means the *Transport Planning and Coordination Act 1994*.

**unlicensed place** means a place that is not—

- (a) a place of business stated on a licence; or
- (b) a holding yard.

**valid**, for a towing consent, means in force.



Queensland

*Tow Truck Act 1973*

# **Tow Truck Regulation 2009**

**Current as at 1 July 2018**

# OIR Disclosure Log

© State of Queensland 2018



This work is licensed under a Creative Commons Attribution 4.0 International License.





Queensland

# Tow Truck Regulation 2009

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	5
2	Commencement .....	5
3	Definitions .....	5
<b>Part 2</b>	<b>Approvals</b>	
<b>Division 1</b>	<b>Who may apply</b>	
4	Eligibility to apply for a driver's certificate .....	5
5	Eligibility to apply for an assistant's certificate .....	6
<b>Division 2</b>	<b>Application for an approval</b>	
6	Definition for div 2 .....	6
7	Application for approval .....	6
8	Chief executive may require satisfactory evidence .....	7
9	Applicant to undertake test or be medically examined .....	7
<b>Division 3</b>	<b>Grant, renewal or refusal of an approval</b>	
10	Grant of certificate or miscellaneous permit .....	8
10A	Form of certificate notice .....	9
10B	General provisions about certificate notice .....	9
10C	Expressions on certificate notice .....	10
10D	Codes on certificate notice .....	10
11	Identity card for holder of a certificate .....	10
12	Holder to sign written notice or permit document .....	11
13	Application by holder for replacement document .....	11
13A	Chief executive may require document evidencing granting of approval to be replaced .....	13
13B	Upgrading to smartcard certificate .....	13
<b>Division 4</b>	<b>Obligations of an approval holder</b>	
14	Conditions of licence .....	14

Contents

14A	Notifying chief executive if document evidencing granting of approval damaged, lost or stolen	15
15	Change of name, address or postal address	16
15A	Holder of approval to give notice of particular events	17
15B	Notifiable events under other Acts	17
16	Licence or towing permit to be kept in safe custody	18
17	Holder of miscellaneous permit or certificate must carry particular documents	18
17A	Copy of towing consent must be carried	19
17B	Police commissioner must be notified about towing of private property motor vehicle	19
17C	Copy of towing consent must be given	20
18	Dress of holder of approval	20
19	Conduct of holder of approval	20
20	Wilful injury etc. at scene of incident or on private property	21
21	Conduct at scene of incident	22
21A	No disclosure of information	22
22	Remaining at the scene of an incident	24
<b>Division 5</b>	<b>Other obligations</b>	
23	Damaging a document	24
24	Chief executive may direct superseded document to be destroyed	24
24A	Only 1 certificate to be held at the same time	25
24B	Possessing another person's document	25
24C	Document purporting to be certificate notice or permit document	25
<b>Part 3</b>	<b>Miscellaneous</b>	
25	Records to be kept	26
26	Custody of records	28
27	Towing authority to be completed	28
28	First vehicle to be towed	29
29	Authorised officer may authorise tow	29
29A	Dealing with private property motor vehicles	30
29B	On-site release of private property motor vehicle	31
30	Most direct route to be used	32
31	Vehicle owner liable for charges	32
32	Particular charges prohibited	33
33	Towing charges	33
34	Storage charges	34

34A	Notice of charge for viewing outside business hours .....	34
35	Removal from place of storage .....	35
36	Chief executive may investigate charges .....	35
37	Found property must be kept in safe custody .....	35
38	Tow truck specifications .....	36
39	Disposal of tow truck .....	36
40	Regulated areas—Act, sch 2 .....	37
41	Exemption from Act if no class 4 tow truck .....	38
42	Fees .....	38
43	Waiver of additional application fee .....	38
44	Refund of additional application fee .....	38
<b>Part 4</b>	<b>Repeal</b>	
45	Repeal .....	39
<b>Part 5</b>	<b>Transitional provision</b>	
46	References to repealed Tow Truck Regulation 1999 .....	39
<b>Schedule 1</b>	<b>Tow truck specifications</b> .....	40
<b>Schedule 2</b>	<b>Fees</b> .....	45
<b>Schedule 3</b>	<b>Maximum amounts that may be charged</b> .....	48
<b>Schedule 4</b>	<b>Regulated areas</b> .....	50
<b>Schedule 5</b>	<b>Dictionary</b> .....	52

# OIR Disclosure Log

---

## Tow Truck Regulation 2009

### Part 1 Preliminary

#### 1 Short title

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

#### 2 Commencement

This regulation commences on 1 September 2009.

#### 3 Definitions

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

### Part 2 Approvals

#### Division 1 Who may apply

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

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

[s 5]

---

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

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

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

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

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

In this division—

*applicant* means a person applying for an approval.

### **7 Application for approval**

An application for an approval must be—

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

## 8 Chief executive may require satisfactory evidence

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

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

## 9 Applicant to undertake test or be medically examined

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

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

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

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

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



#### 10A Form of certificate notice

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

*transport authority* see the *Transport Planning and Coordination Act 1994*, section 36G(3).

#### 10B General provisions about certificate notice

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

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

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

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

- (1) The following codes may be used on a certificate notice to show whether a certificate is subject to a condition—
  - ‘N’ stated on a certificate notice to show that—
    - the certificate is not subject to a condition; or
    - the certificate is subject to a condition evidence of which need not be carried by the holder of the certificate while carrying out activities for which the certificate is required
  - ‘Y’ stated on a certificate notice to show that the certificate is subject to a condition evidence of which must be carried by the holder of the certificate while carrying out activities for which the certificate is required
  - ‘TEXT’ stored on a smartcard certificate to show that the certificate is subject to a condition.
- (2) A code mentioned in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 2 may also be used on a certificate notice to show the class of vehicle that a certificate holder is authorised to drive under the certificate.

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

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

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

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

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

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

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

- (1) This section applies if—
  - (a) information stated on a document evidencing the granting of an approval to a person is incorrect; or
  - (b) the holder of an approval becomes aware, or reasonably suspects, a document evidencing the granting of an approval has been damaged, lost or stolen.

*Note—*

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

- (2) The holder may apply to the chief executive for a replacement document.

- (3) An application under this section, other than an exempt application, must be—
- (a) made in the approved form; and
  - (b) accompanied by—
    - (i) the document, unless the document has been, or the holder reasonably suspects it has been, destroyed, lost or stolen; and
    - (ii) the prescribed fee.
- (4) After receiving the application, the chief executive must issue a replacement document to the holder if the chief executive is satisfied—
- (a) if subsection (1)(a) applies—the information on the document was incorrect; or
  - (b) if subsection (1)(b) applies—the document has been damaged, lost or stolen.
- (5) If the original document that has been replaced comes into, or returns to, the holder's possession after a replacement document has been issued to the holder, the holder must destroy the original document.
- Maximum penalty—20 penalty units.
- (6) The chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if—
- (a) the original document was a smartcard certificate; and
  - (b) the chief executive is satisfied the holder has not received the smartcard certificate because it has been lost or stolen.
- (7) Also, the chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if the chief executive is satisfied the original document was lost or damaged because of a natural disaster.
- (8) In this section—
- exempt application*** means an application for the replacement of a smartcard certificate if the chief executive is satisfied the

smartcard certificate was not received by the holder because it has been lost or stolen.

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

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

- (1) This section applies if information stated on a holder's document evidencing the granting of an approval to the person (the **document**) is incorrect and the chief executive reasonably believes the error was caused by the chief executive.
- (2) The chief executive may, by written notice, require the holder of the document to return the document to the chief executive for replacement.
- (3) The notice must include a statement identifying the information that is incorrect and the correct information.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

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

**13B Upgrading to smartcard certificate**

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

- (4) The chief executive may replace the certificate notice with a smartcard certificate for the same period as the unexpired period of the approval.

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

### **14                      Conditions of licence**

- (1) It is a condition of every licence that a licence holder must—
  - (a) offer towing services, 24 hours a day, 7 days a week; and
  - (b) conduct the business from premises owned or leased only by the licence holder; and
  - (c) conduct the business from premises that conform with the requirements of the local government for the local government area in which the premises are situated; and
  - (d) supply communication equipment suitable for the deployment of mobile units—
    - (i) at the premises; and
    - (ii) in motor vehicles licensed under the Act; and
  - (e) have a holding yard as a place of safe storage.
- (2) A licence holder may apply to the chief executive for exemption of the licence from a condition mentioned in subsection (1).
- (3) The application must be made in writing.
- (4) In deciding whether or not to give the exemption, the chief executive must consider the following—
  - (a) whether a condition has been substantially complied with;
  - (b) whether compliance with the condition is unnecessary in the particular circumstances;
  - (c) whether the action taken or proposed to be taken for the matter that is the subject of the exemption is as effective

as, or more effective than, compliance with the condition.

- (5) The chief executive must give the applicant written notice of the decision whether or not to give the exemption.
- (6) If the chief executive decides not to give the exemption—
  - (a) sections 28 and 29 of the Act apply to the decision as if the decision were mentioned in schedule 1 of the Act; and
  - (b) the notice under subsection (5) must state that the applicant may—
    - (i) under section 28 of the Act, ask the chief executive to review the decision; and
    - (ii) under section 29 of the Act, apply to QCAT for the chief executive's decision on the review to be reviewed.
- (7) A person must not contravene a condition of a licence imposed under subsection (1).

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

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

- (1) This section applies if the holder of an approval becomes aware, or reasonably suspects, his or her document evidencing the granting of an approval has been damaged, lost or stolen.
- (2) The holder must give the chief executive written notice of the damage, loss or theft as soon as practicable after becoming aware of, or suspecting, it.  
Maximum penalty—20 penalty units.
- (3) Despite subsection (2), the notice is sufficiently given if an application for a replacement document is made under section 13.

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

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

Maximum penalty—20 penalty units.

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

- (4) If a change of address label is damaged, lost or stolen, the holder must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- (5) On receipt of a change of address label or a replacement label, the holder must promptly attach the label to the back of the



document evidencing the granting of the approval in the space provided for a change of address label.

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

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

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

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

Maximum penalty—20 penalty units.

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

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

(3) In this section—

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

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

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

- (a) the *Adult Proof of Age 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*.

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

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

Maximum penalty—20 penalty units.

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

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

Maximum penalty—20 penalty units.

- (2) The holder of a certificate must carry 1 of the following documents while carrying out activities for which a certificate is required—
  - (a) the holder's smartcard certificate;
  - (b) the holder's interim transport authority;
  - (c) another certificate notice about the granting, renewal or replacement of the holder's certificate.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

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

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

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

Maximum penalty—30 penalty units.

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

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

Maximum penalty—30 penalty units.

- (3) The notice must be—
  - (a) in the approved form; and

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

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

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

Maximum penalty—30 penalty units.

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

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

Maximum penalty—20 penalty units.

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

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

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

- (3) In this section—

***approved organisation*** means—

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

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

- (1) This section applies to the holder of an approval acting under the authority of the approval—
  - (a) at the scene of an incident; or
  - (b) on private property to tow a private property motor vehicle from the property.

- (2) The holder of the approval must not, either directly or indirectly—
- (a) cause or threaten wilful injury to a person at the scene or on the private property; or
  - (b) cause or threaten wilful damage to a person's property at the scene or on the private property; or
  - (c) intimidate or harass a person at the scene or on the private property; or
  - (d) abuse or insult a person at the scene or on the private property.

Maximum penalty—50 penalty units.

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

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

- (a) prevent or hinder the delivery of first aid or medical treatment to a person at the scene; or
- (b) obtain, or attempt to obtain, the signature of an owner of a motor vehicle involved in the incident, or the owner's agent, on a towing authority, if the owner or agent appears unable to make an informed decision about whether or not to sign the towing authority.

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

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

Maximum penalty—50 penalty units.

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

- (1) This section applies to a relevant person who, in the course of carrying out the person's business or occupation, obtains—

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

Maximum penalty—50 penalty units.

- (3) In this section—

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

**relevant person** means—

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

*Examples—*

- an employee of the holder of a licence who carries out administrative duties for the holder

- a security guard employed or engaged at a holding yard used to store prescribed motor vehicles

## 22 Remaining at the scene of an incident

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

Maximum penalty—20 penalty units.

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

## Division 5 Other obligations

### 23 Damaging a document

A person must not wilfully damage a document that is—

- (a) written notice of the granting or renewal of an approval;
- or
- (b) a towing authority.

Maximum penalty—20 penalty units.

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

- (1) The chief executive may direct a person to destroy the person's superseded document.
- (2) The person must comply with the direction.

Maximum penalty—20 penalty units.

- (3) In this section—

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



---

*superseded document* includes a superseded smartcard transport authority.

*Note—*

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

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

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

Maximum penalty—40 penalty units.

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

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

Maximum penalty—40 penalty units.

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

Maximum penalty—40 penalty units.

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

(4) In this section—

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

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

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

Maximum penalty—40 penalty units.

[s 25]

---

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

Maximum penalty—40 penalty units.

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

## Part 3 Miscellaneous

### 25 Records to be kept

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

Maximum penalty—20 penalty units.

- (3) In this section—

***prescribed particulars*** means—

- (a) for a damaged or seized motor vehicle towed from the scene of an incident or that is seized—

- (i) the name and address of the person who gave the holder of the licence or towing permit information about the incident or seizure; and
- (ii) the place, date and approximate time of the incident or seizure; and
- (iii) the make, and registration or other identification number, of the vehicles in the incident or seizure; and
- (iv) the registration or other identification number of each tow truck attending the incident or seizure; or
- (b) for a private property motor vehicle towed from private property—
  - (i) the name and address of the occupier of the property; and
  - (ii) the make, and registration or other identification number, of the vehicle; and
  - (iii) the registration or other identification number of each tow truck attending the property; and
  - (iv) how the holder of the licence or towing permit under which the vehicle was towed became aware of the vehicle's presence on the property; and
  - (v) if a person told the holder about the vehicle's presence on the property—the name and address of the person; and
  - (vi) the date and approximate time the vehicle was towed from the property; and
  - (vii) the date and time the vehicle arrived at a holding yard; or
- (c) for a private property motor vehicle released under section 29B—
  - (i) each prescribed particular mentioned in paragraph (b)(i) to (v); and

- (ii) the date and approximate time the vehicle was released.

## **26 Custody of records**

- (1) The holder of a licence or towing permit must keep a record made under section 25—

- (a) in safe custody at the place of business stated in the licence or permit; and
- (b) for at least 1 year from the day the record was made.

Maximum penalty—20 penalty units.

- (2) The holder of a licence who obtains a towing consent must keep the consent—

- (a) in safe custody at the place of business stated in the licence; and
- (b) for 1 year after the consent stops being in force.

Maximum penalty—20 penalty units.

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

- (1) This section applies if the driver of a tow truck, acting under the authority of a driver's certificate or a miscellaneous permit, intends to tow a motor vehicle from the scene of an incident or seizure.

- (2) The driver must—

- (a) properly and fully complete a towing authority for the vehicle for signature by an authorising person for the vehicle; and
- (b) after the authorising person signs the towing authority, give the signed copy of the towing authority to the authorising person.

Maximum penalty—20 penalty units.

## 28 First vehicle to be towed

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

Maximum penalty—20 penalty units.

## 29 Authorised officer may authorise tow

- (1) This section applies if the owner of a damaged or seized motor vehicle, or the owner's agent, is absent from the motor vehicle or incapacitated.
- (2) An authorised officer may sign a towing authority for the motor vehicle.
- (3) The driver of a tow truck towing the motor vehicle under the towing authority must tow the motor vehicle to—
  - (a) the nearest holding yard available to the driver; or
  - (b) if directed by a police officer, the nearest police station or other premises directed by the police officer.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

## 29A Dealing with private property motor vehicles

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

Maximum penalty—50 penalty units.

- (2) Subsection (3) applies if—
- (a) the driver of a tow truck has started but not finished doing either of the following in preparation for the towing of a private property motor vehicle from private property—
    - (i) lifting the vehicle with, and securing the vehicle to, the tow truck;
    - (ii) otherwise moving the vehicle onto, and securing the vehicle to, the tow truck; and
  - (b) the owner of the vehicle agrees to move the vehicle from the private property within a reasonable time.
- (3) The driver must immediately release the private property motor vehicle to the owner without charge.

Maximum penalty—50 penalty units.

- (4) In this section—

**tow** includes attach to a tow truck.

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

---

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

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

Maximum penalty—30 penalty units.

- (3) If the owner of the private property motor vehicle pays the driver the on-site release charge before the vehicle is moved from the property, the driver must immediately release the vehicle to the owner.

Maximum penalty—50 penalty units.

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

Maximum penalty—50 penalty units.

- (5) In this section—

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

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

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

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

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

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

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

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

a person's common law rights



### 32 Particular charges prohibited

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

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

*Example of a document—*

inventory of personal property

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

Maximum penalty—50 penalty units.

### 33 Towing charges

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

Maximum penalty—50 penalty units.

[s 34]

---

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

Maximum penalty—50 penalty units.

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

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

Maximum penalty—50 penalty units.

#### **34 Storage charges**

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

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

Maximum penalty—50 penalty units.

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

A person must not charge the owner of a motor vehicle being stored in a holding yard, or the owner's agent, to view the motor vehicle outside business hours unless, before the owner

or agent views the vehicle, the person gives the owner or agent a written notice about the amount to be charged.

Maximum penalty—50 penalty units.

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

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

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies if—

- (a) a motor vehicle is stored in the holding yard of the holder of a licence or towing permit; and  
(b) the owner of the motor vehicle, or the owner's agent, asks the holder to release the motor vehicle.

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

Maximum penalty—20 penalty units.

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

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

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

- (1) This section applies in relation to found property for a prescribed motor vehicle that has been towed.

- (2) The holder of the licence or towing permit under which the prescribed motor vehicle was towed must keep the found property in safe custody until the property is returned to its owner or the owner's agent.

Maximum penalty—20 penalty units.

### **38 Tow truck specifications**

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

Maximum penalty—20 penalty units.

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

- (3) In this section—

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

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

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

- (3) The holder must—

- (a) either—

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

- (ii) if the licence or permit is for more than 1 tow truck—return the licence or permit to the chief executive for amendment; and
- (b) return to the chief executive any towing authorities issued for the tow truck.

Maximum penalty—20 penalty units.

#### 40 Regulated areas—Act, sch 2

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

*Notes—*

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

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

*Note—*

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

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

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

**42 Fees**

The fees payable under the Act are stated in schedule 2.

**43 Waiver of additional application fee**

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

**44 Refund of additional application fee**

- (1) This section applies if—
  - (a) an application for a licence is made and the chief executive does not ask the police commissioner for a written report about a person's criminal history under section 36(1) of the Act in relation to the application; or
  - (b) an application for a driver's certificate or an assistant's certificate is made and the chief executive does not ask the commissioner for a written report about a person's criminal history under section 36(1) of the Act in relation to the application.
- (2) The additional application fee paid under schedule 2 for the application must be refunded to the applicant.

## **Part 4                      Repeal**

### **45        Repeal**

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

## **Part 5                      Transitional provision**

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

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

## **Schedule 1      Tow truck specifications**

section 38

### **Part 1              Tray or platform tow trucks**

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



---

## Part 2 **Tow trucks other than tray or platform tow trucks**

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

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

### **Part 3 Equipment**

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

### **Part 4 Requirements**

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

- manufacturer, the safe working load for the winch certified by an engineer.
- 2 A tow truck must be maintained in accordance with any requirements that apply to the tow truck under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.
- 3(1) A tow truck must have markings on both sides of the tow truck that display—
- (a) the name, business address and telephone number of the licence or towing permit holder; and
  - (b) the classification of the tow truck; and
  - (c) the licence or permit number of the tow truck.
- (2) The markings must be clearly legible at a distance of 30m.
- (3) The markings may be on the tow truck or on signs attached to the tow truck if the markings or signs are not likely to—
- (a) make the use of the tow truck unsafe; or
  - (b) cause injury, annoyance or distraction to a person.
- (4) Any markings placed on the tow truck in addition to the markings required under subitem (1) or permitted under subitem (6), must be displayed so as not to assume greater significance than the markings required by subitem (1).
- (5) Any markings placed on the tow truck, other than words, including abbreviations of words, figures and punctuation marks must not be more than 1,000 square centimetres in area.
- (6) A tow truck may be equipped with 1 illuminated sign if the sign—
- (a) is fitted with a fixed incandescent bulb of constant intensity; and
  - (b) has a total illuminated surface area of not more than 3,000 square centimetres.
- 4(1) A tow truck must—
- (a) be equipped with sufficient means for supporting a load in its raised position while under tow; and

- (b) be fitted with dual wheels on the rear axle or axles; and
  - (c) to ensure some of the mass of a towed motor vehicle will be taken on at least 2 wheels on a single axle of the towed motor vehicle before the tow truck is put in motion, be fitted with—
    - (i) spacer bars designed to minimise any damage that may be caused to the towed motor vehicle; and
    - (ii) safety chains.
- (2) If a tow truck has a trailer that a motor vehicle is or may be carried on, the trailer must be fitted with at least 2 axles fitted either with single wheels or dual wheels.
- 5 When a motor vehicle has been fully lifted by a tow truck the motor vehicle must—
- (a) be wholly supported on—
    - (i) the carrying area of the tow truck; or
    - (ii) a trailer—
      - (A) complying with any requirements that apply to the trailer under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, part 2A, division 2 or schedule 1; and
      - (B) registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*; and
  - (b) be adequately secured to the tow truck or trailer before it is moved.
- 6 The loaded mass of a motor vehicle being lifted by a tow truck must not be more than the total mass of the tow truck if the tow truck is not a heavy vehicle.

## Schedule 2 Fees

section 42

\$

- |   |  |          |
|---|--|----------|
| 1 | Application for a licence (Act, s 6)—the total of the following—   |          |
|   | (a) for each tow truck—  |          |
|   | (i) licence for 1 year   | 417.10   |
|   | (ii) licence for 2 years   | 727.75   |
|   | (iii) licence for 3 years  | 1,045.45 |
|   | (iv) licence for 4 years   | 1,349.00 |
|   | (v) licence for 5 years  | 1,638.50 |
|   | (b) additional application fee—  |          |
|   | (i) if the applicant is 1 or more individuals—for each individual  | 43.95    |
|   | (ii) if the applicant is a corporation—for each executive officer of the corporation                                       | 43.95    |
| 2 | Application for a renewal of a licence (Act, s 9(2)(b)) for a term that starts on or after 1 July 2018—for each tow truck— |          |
|   | (a) renewal for 1 year   | 417.10   |
|   | (b) renewal for 2 years  | 727.75   |
|   | (c) renewal for 3 years  | 1,045.45 |
|   | (d) renewal for 4 years  | 1,349.00 |
|   | (e) renewal for 5 years  | 1,638.50 |
| 3 | Application for a towing permit (Act, s 11(1)), for each 3 months or part of 3 months                                      | 120.40   |
| 4 | Application for a driver's certificate (Act, s 14)—the total of the following—   |          |

## Schedule 2

	\$
(a) base application fee—	
(i) driver's certificate for 1 year	108.10
(ii) driver's certificate for 2 years	146.25
(iii) driver's certificate for 3 years	187.15
(iv) driver's certificate for 4 years	226.25
(v) driver's certificate for 5 years	263.50
(b) additional application fee	43.95
5 Application for an assistant's certificate (Act, s 14)—the total of the following—	
(a) base application fee—	
(i) assistant's certificate for 1 year	108.10
(ii) assistant's certificate for 2 years	146.25
(iii) assistant's certificate for 3 years	187.15
(iv) assistant's certificate for 4 years	226.25
(v) assistant's certificate for 5 years	263.50
(b) additional application fee	43.95
6 Application for a renewal of a driver's certificate (Act, s 17A), for a term that starts on or after 1 July 2018—	
(a) renewal for 1 year	108.10
(b) renewal for 2 years	146.25
(c) renewal for 3 years	187.15
(d) renewal for 4 years	226.25
(e) renewal for 5 years	263.50
7 Application for a renewal of an assistant's certificate (Act, s 17A), for a term that starts on or after 1 July 2018—	
(a) renewal for 1 year	108.10
(b) renewal for 2 years	146.25
(c) renewal for 3 years	187.15

	\$
(d) renewal for 4 years	226.25
(e) renewal for 5 years	263.50
8 Application for a miscellaneous permit—	
(a) for an applicant for a driver's certificate, for each 3 months or part of 3 months	21.25
(b) for an applicant for an assistant's certificate, for each 3 months or part of 3 months	21.25
9 Application for a replacement licence (s 13(3)(b)(ii))	51.70
10 Application for a replacement towing permit (s 13(3)(b)(ii))	51.70
11 Application for a replacement miscellaneous permit (s 13(3)(b)(ii))	21.25
12 Application for a replacement of a driver's certificate or assistant's certificate (s 13(3)(b)(ii))	75.65

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

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

**Part 1                      Standard tow charge**

	\$ (including GST)
1    Standard tow of a damaged motor vehicle from the scene of an incident—	
(a)    for the first 50km	361.15
(b)    for each kilometre over 50km	7.15
2    Standard tow of a private property motor vehicle from private property	250.00

**Part 2                      On-site release charge**

	\$ (including GST)
on-site release charge	150.00



**Part 3**                      **Storage charge**

	\$ (including GST)
storing private property motor vehicle in a holding yard, per day	25.00

## **Schedule 4      Regulated areas**

section 40(1)

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

Rockhampton

Toowoomba

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

## Schedule 5 Dictionary

section 3

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

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

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

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

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

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

**certificate** means—

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

**certificate notice** see section 10A.

**class**, of vehicle, see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9, definition *class*.

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

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

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

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

***damaged***—

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

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

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

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

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

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

**load capacity** means the difference between the total mass of a motor vehicle and its tare as stated on the registration certificate for the vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

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

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

**motorcycle** means—

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

**permit document** see section 12.

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

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

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

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

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

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

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

**total mass** means—

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

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

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

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

**working time** means—

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