



28 August 2019

Tow Truck Industry Regulation 2019
Better Regulation Division, Department of Customer Service
McKell Building
2-24 Rawson Place
Sydney NSW 2000

Lodged via email:

Dear Sir/Madam

SUBMISSION ON TOW TRUCK INDUSTRY REGULATION 2019 AND REGULATORY IMPACT STATEMENT, AUGUST 2019

The Caravan, Camping & Touring Industry & Manufactured Housing Industry Association of NSW (CCIA) is the State's peak industry body representing the interests of holiday parks and residential land lease communities (residential parks, including caravan parks and manufactured home estates), manufacturers, retailers and repairers of RVs (including motorhomes, campervans, caravans, camper trailers, tent trailers, fifth wheelers and slide-ons), suppliers of camping equipment and accessories, manufacturers of relocatable homes and service providers to these businesses.

We have a total membership of over 720 businesses representing all aspects of the caravan and camping and land lease living industry, which includes 110 RV manufacturers, dealers and repairers.

Many of these businesses attend caravan and camping expos in NSW and around Australia, including expos run by our Association. As part of exhibiting at these expos these businesses often use flat top trucks fitted with winches for the carriage of their products from their place of manufacture or retail premises to the expo venues. Transportation can also be made to customers and between business premises and suppliers.

As a result of this transportation of RV products, these businesses are currently caught by the licensing provisions of the *Tow Truck Industry Act 1998 (TTI Act)*. We are therefore a key stakeholder in relation to the draft *Tow Truck Industry Regulation 2019* (Draft Regulation) and we welcome the opportunity to provide feedback on the proposed exemption for motor vehicles used to tow RVs.

As raised directly with the previous Minister for Better Regulation and Innovation, The Hon. Matt Kean, MP, the Commissioner for NSW Fair Trading, Rose Webb, and in our submissions on the NSW Government's *Better Business Reforms*, we believe the application of the TTI Act to motor dealers that use their own motor vehicles to transport RVs is an unintended consequence of the legislation and unnecessary red tape for these businesses.

We therefore strongly support legislative reform that would allow these businesses an exemption under the Regulation from tow truck licensing requirements.

Proposed Clause 94 Exemption relating to towing of recreational vehicles

We fully support the regulatory intent behind proposed clause 94 of the Draft Regulation. However, we request that the clause be amended as per the tracked changes set out below:

94 Exemption relating to towing of recreational vehicles

- (1) *In accordance with section 4(2) of the Act, motor vehicles used or operated for the purposes of towing a recreational vehicles in the following circumstances are declared not to be tow trucks for the purposes of the Act—*
 - (a) *~~the a~~ recreational vehicle is being transported to or from a trade show within the State, another State or a Territory.*
 - (b) *~~the a~~ recreational vehicle is being transported to or from a supplier or manufacturer within the State, ~~or from~~ another State or a Territory,*
 - (c) *~~the a~~ recreational vehicle is being transported between the business premises of the company user or operator of the motor vehicle within the State or to or from business premises ~~in~~ within another State or Territory,*
 - (d) *~~the a~~ recreational vehicle is being towed transported to or from a specialist motor vehicle repairer.*
- (2) *For the purposes of this clause—recreational vehicle means a motor vehicle equipped with living space or sleeping facilities, or both, and includes a motorhomes, campervans, caravans, fifth wheeler, pop-top caravan, camper trailers and tent trailers.*

Reasons for Amendments

We believe these amendments would assist in taking account of other relevant factors as follows:

-) **Amended Subclause (1) (a):** businesses that use their own motor vehicles to transport RVs to and from trade shows located across the NSW border. They need to be able to travel to and from these interstate shows.
-) **Amended Subclause (1) (b):** instances where RVs need to be transported back to a supplier or manufacturer. Reasons can include a failure with a new RV or not built to a customer's order.
-) **Amended Subclause (1) (c):** allow for other business structures apart from companies (e.g. sole traders, partnerships) to obtain an exemption; maintain consistency with the drafting of "used or operated" in subclause (1) and allow for two-way transportation of RVs between business premises located within NSW and interstate.
-) **Amended Subclause (1) (d):** in accordance with the other subclauses this amendment would maintain consistency in the word "transported." As there is no definition of a "specialist repairer" in the TTI Act or the Draft Regulation, for the purpose of clarity we ask that this be amended to "motor vehicle repairer," consistent with the *Motor Dealers and Repairers Act 2013*.
-) **Replacement of "the" with "a":** motor vehicles can be used to transport more than one RV at a time.

) **Amended Subclause (2):** would allow the exemption to apply for all different types of RVs and allow flexibility for any newly developed RV products.

We would be grateful for your consideration of these amendments and their adoption into clause 94 of the Draft Regulation.

As an important stakeholder in relation to the Draft Regulation, we are keen to continue to participate in any further consultations and provide any assistance we can on the issues we have raised. We request we be noted as a stakeholder and continue to be included in all future communications and meetings on this important review.

Should you wish to meet and/or discuss any aspect of this submission please contact Shannon Lakic, Policy, Training and Executive Services Manager on

Lyndel Gray
Chief Executive Officer