

## **Part 1 – Preliminary**

### **Section 4 – Meaning of “tow” and “tow truck”**

The car carrier meaning also needs to place onus onto the car carrier driver, operator or other party (as in National Heavy Vehicle Regulator, Chain of Responsibility) to prove that the motor vehicle was and is able to be driven on under its own propulsion.

This is to help stop car carriers performing towing without being licensed.

Car carriers towing trailers, caravans and any other trailers that are motor vehicles under the Act, as they can not be driven on under their own propulsion.

## **Part 2 – Licenses and drivers certificates**

### **Division 1 Provisions relating to licences**

#### **12) Exemption from “on-hook” liability insurance requirement**

Onus is on the tow truck driver and/or operator to prove that the vehicle being towed is for metal recycling, vehicle demolishing and dismantling. There needs to be some type of proof that they are not performing towing services as per other insured operators.

#### **13) Exemption from certain licence conditions for tow trucks registered interstate**

##### **(2) Displaying approved signage**

Approved signage needs to be issued from TTLC. It needs to be more than an A4 printed piece of paper that anyone can forge and print, something like a sticker fitted to the front and rear windscreens or addition marker fitted to number plates identifying them as NSW licensed Tow Truck, which must also have licensee name, and license number displayed on right hand side of tow truck, the same as NSW registered, licensed tow truck operators.

Must also use tow authority books for first tows of accident damaged vehicles. This also needs to be enforced and policed on both interstate and NSW tow trucks.

### **Division 4 Exemption for persons who tow scrap metal**

#### **Subdivision 1 Exemption from requirement to hold a licence**

##### **26) Exemption from requirement to hold a licence**

(2) add another condition as mentioned in Division 1, 13) that approved signage needs to be issued from TTLC and should be more than a piece of A4 paper.

#### **Subdivision 2 Exemption from requirement to hold a drivers certificate**

##### **27) Exemption from requirements to hold a drivers certificate**

This is not supported, as they will be competing for towing of vehicles to scrap yards. Fully licensed tow truck drivers have to pay for drivers certificates and wait for new drivers certificates to be approved but exempted drivers can start work with no

checks and balances. Processing of drivers certificates takes quite some time and therefore means that this is an unfair condition for fully licensed operators.

### **Part 3 Towing Authorisations**

#### **40) Persons who may give towing authorisations**

Add an extra authority by giving insurance companies and owners or drivers representative if driver is not at the scene

#### **More definitions needed to explain when towing authority's are required**

Such as first tow's after accidents and when or if trade towing tow trucks can or cannot tow damaged vehicles?

Car carriers can't tow damaged vehicles?

Also consider electronic tow authorities, eg from Insurance companies

#### **44) Towing authorisation books**

Costs for towing authorisation books - This was addressed in the IPART review and the maximum towing price was reduced but the towing authority books didn't drop in price, as per IPART's review from \$24 to \$7.70. Supplying a copy of towing authority with invoices for accident towing should also be adopted.

#### **Tow Truck Usage Log**

Need to look at the removal of this form as the information can be captured on a towing authority, invoice or delivery docket making this form obsolete and helps with reducing red tape.

### **Part 6 Other offences and requirements**

#### **87) Licensee required to keep certain records of non-accident towing work**

Duplication of information and unfair requirements as car carriers are not required to record information. All this information can be captured on an invoice or delivery docket making this form obsolete and helps with reducing red tape.

### **Part 7 Miscellaneous provisions**

#### **94) Exemption relating to towing of recreational vehicles**

This is not supported, as they are performing the same work as tow trucks, if this is implemented it is an unfair condition that tow truck operators need to be licensed to perform the same job. If this is to be implemented more controls need to be placed on the person's business towing recreational vehicles such as a trade towing license.

Category B towing – there are not enough conditions in section 94 to stop these vehicles being towed from accident scenes and breakdown locations.

We have just purchased a new semi-trailer tilt-tray and applied for tow truck number plates to do this type of work. So, I have just spent \$250000 on a tow truck to perform specialised towing work and now you don't want us to be licensed.

Anyone can buy a truck and do this type of work. Looks like I've made a very bad business decision.

**95) Exemption from requirement to hold drivers certificate for mechanic in course of repairing a tow truck**

Need to add a condition that they are not allowed to perform any towing work, accident or breakdown, only perform inspection or assessment. Any tilt tray testing must be carried out on private property/workshop.