

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

30th August 2019

Responses to Regulatory Impact Statement - Tow Truck Industry Regulation- August 2019

1& 2 .It is opinion that it is not helpful to describe something by defining what it is not. For the purposes of the Regulation a tow truck is adequately described under the Act and in AS 5400.We believe there should be a commonsense approach adopted by enforcement officers to make these determinations as is the case in other jurisdictions.

3. Yes, they must have an approval for the material use of the property as long they the evidence needs to produced on application but not renewal.

4. Yes, given the amount of time it takes to have them processed particularly with regard to a mutual recognition application.

5. No.

6. Yes

7. NTI believes this aspect should be de-regulated for the Heavy Motor Vehicle Towing.

Due to the transient nature of this industry, vehicles in one trip can cross several jurisdictional borders and be driven by employed drivers who are not necessarily the owner.

1. The owner can be Interstate and cannot attend an incident scene;
2. Driver hospitalised;
3. Due to locality with no Police Officer on-site &
4. no RMS Authorised Officer
- 5.

With this in mind the Towing Authorisation cannot be signed and therefore the Tow Operator could be in breach of the Regulation.

NTI understands the importance of efficiently managing the scene of an accident to contain recovery costs, ensure there is minimal road closure and to get the vehicle repaired and back on the road as soon as possible.

NTI engages the services for Vehicle Recovery/ Towing/ Load Salvage and or spillage directly with the NTI Accredited Tow Operator assigned for that area with the Claim Incident Number.

8. NTI believes the consumers rights have been adequately addressed in the regulation.



9. No. However it does raise other broader questions about vvehicle storage,

1. Is this fee applicable for the single incident, whereas there could be 1 to 6 pieces of equipment? Or
2. Be charged per Item?
3. Can storage be charged when there is NO Tax Invoice available for payment of services?
4. When there is a Police Impoundment, when does Storage Charges apply?
5. Some Police Clearances can take up to 4 weeks of incident, whereas the Insurer cannot have Unit/s moved to another location.
 - ii. Is the Police Department liable for Storage until such time the vehicle is released?
 - iii. The Vehicle Owner/ Insurer should have 72 hours free storage after the Police Release is delivered to them.

10. This is subjective question and relates in most part to light vehicle towing, clean-up of debris for heavy vehicle incident can take days and amount to tens of thousands of dollars and is adequately addressed by Heavy tow operators, Insurers and heavy transport industry

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12. This question relates in most part to light vehicle towing,

13. Although it would apply to light vehicles, motor cars it seems reasonable

14. Although it would apply to light vehicles, motor cars it also seems reasonable

15. Yes, it should generally apply to anyone who doesn't "tow" for hire or reward.

16. Yes as long as he/she has the appropriate licence to drive that class of vehicle and if the tow truck is not loaded or "towing".

17. Yes, it should apply to anyone who doesn't do this for hire or reward.

18. No, education and engagement is proven to be the better way to change behavior, increased penalties are not a deterrent.

19. No. Again education and engagement changes behavior and is a better deterrent. Resourcing of Authorised compliance officers and subsequent investigations and prosecutions in our opinion are at best wanting.

20. Yes it requires uniformity. NTI would also support the continuance of the current fee structure in NSW and be based on CPI.

21. Yes, the RIS questions in the main, pertain specifically to Light Towing and Consumerism. Unfortunately, in the same vein as the Tow Truck Act 1998 and Regulations, the RIS questions have no relevance or understanding of the unique operations of the Heavy Vehicle Towing & Recovery industry (HVTR) component of the Transport Industry.



NSW Fair Trading proposal to remake the Tow Truck Regulation fails to include changes for the betterment of the Heavy Vehicle Towing & Recovery industry component of the Transport Industry.....HVTR and Transport operators have been laboring under this inappropriate legislation for going on 30yrs, waiting another ten for the possibility to get some relief is untenable.

Heavy Vehicle Towing & Recovery Industry;

- Is an integral component of the Australian Transport Industry
- Is not a part of the car towing (under 4.5 tonne GVM) industry.
- Is not a part of the lucrative car smash repair industry.
- Is not consumer (as defined) related.

HVRT should never have been included in legislation clearly designed for the car towing and smash repair industry. Amalgamating them together as one was a fundamentally flawed policy. It was ill conceived. The fact is that the HVRT Industry has its own culture and business model. From the engagement, selection and training of drivers it is stand alone in its practices.

It must not only comply with Tow Truck Act 1998 and Regulations, HVNL Including CoR but other regulations particular to the jurisdiction they are operating in. Not to mention WHS and other Law. They are one of the most highly regulated members of the road transport industry.

Heavy Tow Trucks are by definition a Heavy Motor Vehicle. Accordingly, all operations are already well regulated nationally.

In truth the NHVR Heavy Tow Truck Permit already operating successfully hand in glove with the National Heavy Vehicle Transport Laws, should be recognized as the only requirement for Heavy Recovery Towing. The NSW Tow Truck Act and Regs should be removed from the Heavy Recovery Towing component of the Transport Industry.

The amalgamation of heavy and light towing together has given rise to tension and resentment on the part of both industries. Simply put, Heavy Recovery and Towing, and Light Towing are two totally different business types, any similarity starts and ends in name only.

Yours faithfully,

Andrew McCowan.
Incident & Emergency Response Manager

