



Risk-based Compliance and Enforcement

Tow Truck Industry Act 1998 **Tow Truck Industry Regulation 2008**

On 1 July 2017, responsibility for the administration of the *Tow Truck Industry Act 1998* (**the Act**) and Tow Truck Industry Regulation 2008 (**the Regulation**) was transferred from Roads and Maritime Services to NSW Fair Trading. As such, Fair Trading is now responsible for the licensing and regulation of tow truck operations in NSW.

The primary purpose of the Act and Regulation is to protect the rights of consumers by providing for a licensing and certification scheme for tow truck operators and drivers. Any person carrying on a business as a tow truck operator must hold a tow truck operator's licence and only undertake towing work authorised by their licence. Similarly, to drive, stand, operate or use a licensed tow truck on a road or road related area, a person must be a certified driver and hold a drivers certificate.

These requirements play an important role in ensuring minimum standards of professionalism and behaviour in the industry, while also protecting consumers often at a time of vulnerability and stress.

A key component of Fair Trading's role is to ensure all individuals and businesses engaged in towing work comply with the requirements of the Act and the Regulation. Other NSW Government authorities, such as NSW Police, also play a role in the monitoring of compliance within the tow truck industry.

Fair Trading employs an intelligence-driven, risk-based approach to compliance and enforcement as part of its overall commitment to delivering improved and more efficient government services. This ensures the agency's resources are directed to areas where they can best address non-compliant conduct or where they can deliver the greatest overall benefit for consumers and compliant businesses.

This methodology is used to inform Fair Trading's approach to compliance and enforcement in all sectors regulated by the agency, which now includes tow trucks.

All tow truck operators and drivers should note this advice, ensuring they continue to comply with the requirements of the Act and Regulation, as well as any other applicable laws.

Rose Webb
Commissioner and Deputy Secretary