

Her Excellency the Governor of NSW  
Government House Sydney  
Maquarie Street, Sydney NSW 2000

29 August 2019

Dear Governor,

The Hire and Rental Industry Association (HRIA) represents hire companies in NSW (and across Australia) such as Coates Hire and Kennards Hire plus many smaller, family-owned businesses. The HRIA would like to resolve the issue faced by the hire and rental industry in NSW, whereby non-recovery vehicles are being inappropriately caught by regulations in the *Tow Truck Industry Act, 1998 (NSW)* (the Act) and propose that the hire and rental industry be exempt from the Act and draft Tow Truck Industry Regulation 2019, similar to the exemptions granted to the caravan and camping sector. We do not believe that the hire industry should be caught up in legislation that is aimed at the towing and vehicle recovery sector and not hire and rental companies delivering equipment to customers.

In response to the draft Tow Truck Industry Regulation 2019, we propose the following:-

#### Part 1 - Preliminary

- 4. Meaning of "tow" and "tow truck"  
Change the definition of "tow" and "tow truck" to allow the hire and rental industry to use vehicles capable of loading themselves such as tilt tray trucks and crane trucks to deliver and pick up hire equipment and be excluded under the Act, instead of a highly general definition that is all inclusive.

#### Part 4 – Holding Yards

- Hire and rental yards should not be included or caught under the definition of tow truck holding yards.
- The solution would be to include the hire and rental industry under Part 4 - 49 Certain operators not required to maintain a holding yard.

#### Part 7 – Miscellaneous provisions

- It would be prohibitive to list all hire and rental equipment that requires exemption and therefore all hire and rental equipment should be exempt.
- If a list of equipment is published it could soon become out of date for the wide variety of equipment used in the hire and rental industry, which may lead to unintentional future breaches.
- The solution would be to exempt registered hire and rental companies and the transportation of their plant, machinery and equipment, which includes but is not limited to - earthmoving, access, power generation, trailered equipment and toilets.

On behalf of hire companies across NSW, the HRIA looks forward to working with the Government on the necessary changes to the draft Tow Truck Industry Regulation 2019.

Regards

James Oxenham - HRIA CEO