



Tow Truck Driver Register (Scrap Metal Exemption Certificate) – Conditions of Use

Clause 21 of the Tow Truck Industry Regulation 2020

1. A person who carries on a business as a tow truck operator is exempt from the requirement under section 15 of the Act to hold a licence if
 - (a) the person holds an exemption that is in force, and
 - (b) the person complies with the conditions of the exemption stated in subclause (2).

Note. A person who is exempt from the requirement under the Act to hold a licence because of this clause continues to be subject to the remainder of the Act.

2. An exemption is subject to the following conditions [extracted from clause 21(2)]:
 - (a) tow trucks used in the business must only be used for towing work that is the collection of motor vehicles for conveyance to a scrap metal business registered under the *Scrap Metal Industry Act 2016* (that is, tow trucks must not be used in towing work that involves the collection of motor vehicles for conveyance to a facility for repair, reuse or resale, either in their original form or as parts),
 - (g) a list of all drivers who drive a tow truck used in the business must be maintained at the place of business specified in the exemption certificate,
 - (h) the list of drivers must be made available to an authorised officer or police officer on request,
 - (i) only a person who is listed on the list of drivers may drive a tow truck used in the business,
 - (j) each driver who drives a tow truck used in the business must be informed of the conditions that the exemption is subject to,
 - (k) the holder of the exemption must notify the Secretary in writing of the following matters:
 - i. any proposed change in the particulars specified in the exemption certificate, at least 7 days before the proposed change occurs,
 - ii. the name of any driver who, in addition to the drivers nominated in the application for an exemption, is proposed to drive a tow truck used in the business,
 - iii. the registration number, make and model of any tow truck, in addition to any tow truck nominated in the application for an exemption, proposed to be used in the applicant's business

Note. Under section 33A(7) of the Act, a person who holds an exemption is guilty of an offence if a condition of the exemption is contravened.

3. A person who drives a tow truck used in the business of a person who holds an exemption is guilty of an offence if the driver contravenes a condition of the exemption specified in subclause (2)(c), (s) or (u).

Maximum penalty: 25 penalty units