



New South Wales

Tow Truck Industry Regulation 1999

under the

Tow Truck Industry Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Tow Truck Industry Act 1998*.

CARL SCULLY, M.P.,

Minister for Transport

Explanatory note

The object of this Regulation is to provide for those matters that may be, or that are required to be, the subject of regulations under the *Tow Truck Industry Act 1998*. In particular, this Regulation:

- (a) provides for further particulars to be included in applications for tow truck operators licences or drivers certificates, and the fees for such applications, and
- (b) specifies the offences that disqualify applicants for licences or drivers certificates, and
- (c) provides for further licence and drivers certificate conditions, and
- (d) provides for further grounds on which the Tow Truck Authority may refuse an application for a licence or drivers certificate, and
- (e) specifies the manner in which towing authorisations are to be completed, signed and dealt with, and
- (f) provides for the keeping of towing authorisations, and
- (g) sets out a scheme for the allocation of towing work, and
- (h) imposes additional licence conditions in relation to holding yards, and
- (i) contains a number of additional offences, and
- (j) provides for certain other miscellaneous matters.

This Regulation is made under the *Tow Truck Industry Act 1998*, including section 105 (the general regulation-making power).

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Tow Truck Industry Regulation 1999

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Tow Truck Industry Regulation 1999

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Tow Truck Industry Regulation 1999*.

2 Commencement

This Regulation commences on 8 October 1999.

3 Definitions

(1) In this Regulation:

imprisonment includes penal servitude, home detention, periodic detention or a suspended sentence of imprisonment.

job allocation scheme start time means the time referred to in clause 39 (1).

owner of a motor vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

the Act means the *Tow Truck Industry Act 1998*.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Meaning of “tow” and “tow truck”

(1) In accordance with paragraph (e) of the definition of *tow* in section 3 (1) of the Act, *tow* includes tow by use of a rigid frame, rigid bar or similar device.

(2) In accordance with section 4 (2) of the Act, car carriers are declared not to be tow trucks for the purposes of the Act.

(3) In subclause (2):

car carrier means a motor vehicle equipped with a trailer that is capable of carrying more than 3 vehicles at any one time.

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Clause 5 Tow Truck Industry Regulation 1999

Part 2 Licences and drivers certificates

Division 1 Provisions relating to licences

Part 2 Licences and drivers certificates

Division 1 Provisions relating to licences

5 Particulars to be included in licence applications: section 17 (2) (g)

For the purposes of section 17 (2) (g) of the Act, the following particulars are prescribed:

- (a) if the applicant is an individual—the name of the applicant (including any aliases by which the applicant is or was known), and the applicant’s current residential address and date of birth,
- (b) if the applicant is a corporation—the name of the corporation, the name and residential address of each director, the address of the registered office of the corporation (if different from the applicant’s place of business) and the certificate of incorporation,
- (c) in the case of a business that is to be carried on in partnership—the name of the partnership and the name, current residential address and date of birth of each partner,
- (d) the trading name (if any) of the business that is to be operated under the authority of the licence and evidence that it has been registered as a registered business name,
- (e) a copy of any development consent that relates to the carrying on of the applicant’s business at the specified place of business and any specified holding yard,
- (f) the name, current residential address and date of birth of each person who is employed or engaged by the applicant to drive, use or operate tow trucks as part of the applicant’s business,
- (g) the name, current residential address and date of birth of each close associate of the applicant (including any aliases by which the close associate is or was known),
- (h) proof that the applicant owns or is the lessee of any place specified for use as a holding yard in carrying on the applicant’s business,

- (i) proof that the applicant has obtained or is eligible to obtain public liability and “on-hook” liability insurance.

Note. Under section 17 (2) (g) of the Act, an application for a licence must contain such other particulars as are required by the approved application form.

6 Licence application fees: section 17 (2) (h)

- (1) For the purposes of section 17 (2) (h) of the Act, the application fee for a licence is \$260. A single application fee is payable in respect of all the partners in a business carried on in partnership.
- (2) The TTA may refuse to determine an application for a licence until the application fee is paid.
- (3) The application fee is non-refundable.

7 Offences that disqualify applicants for licences: sections 18 (2) (b) and 18 (3) (i)

- (1) For the purposes of sections 18 (2) (b) and 18 (3) (i) of the Act, the following offences are prescribed (regardless of whether they were committed in New South Wales):
 - (a) any offence involving an assault of any kind against a person,
 - (b) any offence relating to the possession or use of a firearm or other weapon,
 - (c) any offence involving the supply or possession of a prohibited drug (within the meaning of the *Drug Misuse and Trafficking Act 1985*),
 - (d) any offence involving fraud, dishonesty or stealing,
 - (e) any offence involving robbery (whether armed or otherwise), being an offence in respect of which the penalty imposed was imprisonment, or a monetary penalty of more than \$1,000, or both.
- (2) An offence under the law of an overseas jurisdiction is prescribed only if it would, had it been committed in New South Wales, be an offence punishable by imprisonment or a monetary penalty of more than \$1,000.

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Clause 8 Tow Truck Industry Regulation 1999

Part 2 Licences and drivers certificates

Division 1 Provisions relating to licences

8 Qualifications of tow truck operators: section 18 (3) (g)

- (1) The TTA may determine competency standards in relation to tow truck operators. The standards may include levels of accreditation.
- (2) The standards may be developed by the TTA in consultation with the tow truck industry, or be prepared by any other person or body and endorsed by the TTA.
- (3) If the TTA determines any such competency standards, the standards must be published in the Gazette.
- (4) For the purposes of section 18 (3) (g) of the Act, any competency standards determined by the TTA and published in the Gazette are prescribed.

9 Additional grounds for refusing licence application: section 18 (4)

For the purposes of section 18 (4) of the Act, an application for a licence may be refused if any close associate of the applicant has, within the period of 5 years before the application for the licence was made:

- (a) been refused the grant of a licence, or
- (b) had his or her licence permanently revoked.

10 Licence conditions: section 20 (2) (l)

For the purposes of section 20 (2) (l) of the Act, the following conditions are prescribed:

- (a) the licensee must ensure that each person who is employed or engaged by the licensee to drive a licensed tow truck is provided with, and is given an opportunity to read, a copy of an approved summary of the Act and this Regulation,
- (b) the licensee must explain to each such person the provisions of the approved summary,
- (c) the licensee must ensure that each person who is employed or engaged by the licensee to drive a licensed tow truck signs and dates a written declaration to the effect that the person understands his or her obligations under the Act and this Regulation,
- (d) the licensee must sign and date a written declaration to the effect that the licensee has complied with the conditions referred to in paragraphs (a)–(c),

- (e) the licensee must keep each such signed declaration at the licensee's place of business for such time as the person is employed or engaged by the licensee and produce a copy on request to an authorised officer or send a copy to the TTA on receipt of a notice in writing by the TTA,
- (f) the licensee must ensure that each driver complies with any directions of the TTA relating to the wearing or use of clothing or equipment for protection or safety purposes,
- (g) the licensee must keep a record of the registration details of each tow truck operated by the licensee,
- (h) except as provided by clause 68, the licensee may only operate under the authority of the licence the licensed tow trucks that are specified in the licence,
- (i) the licensee must hold public liability and "on-hook" liability insurance.

11 Licence fees: section 21

- (1) The following fees are payable for the granting of a licence:
 - (a) except as provided by paragraph (b)—\$510 plus \$290 for each licensed tow truck,
 - (b) in the case of a licence that is granted to a licensee operating in non-metropolitan New South Wales (being the area of the State indicated on the map prepared by the TTA for the purposes of this clause)—\$277 plus \$120 for each licensed tow truck.
- (2) A single licence fee is payable in respect of all the partners in a business carried on in partnership.
- (3) The TTA may refuse to grant a licence until the licence fee is paid.

12 Exemption from certain licence conditions for tow trucks registered interstate

- (1) This clause applies to a licensee who intends to operate tow trucks that are registered outside New South Wales.
- (2) A licensee to which this clause applies is exempt from the provisions of section 20 (2) (e) of the Act, but only if the licensee ensures that each licensed tow truck displays, on the front and back of the tow truck in an approved manner, and so as to be clearly legible, a sign approved for the purposes of this clause.

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Clause 13 Tow Truck Industry Regulation 1999

Part 2 Licences and drivers certificates

Division 2 Provisions relating to drivers certificates

Division 2 Provisions relating to drivers certificates

13 Particulars to be included in drivers certificate applications: section 25 (2) (b)

For the purposes of section 25 (2) (b) of the Act, the following particulars are prescribed:

- (a) the name of the applicant (including any aliases by which the applicant is or was known), and the applicant's current residential address and date of birth,
- (b) if applicable, the name and licence number of the applicant's employer,
- (c) 2 written references from persons who are members of any of the following professions, who have known the applicant for more than 12 months, and who can attest that the applicant is of good character and, in the opinion of the referee, a fit and proper person to hold a drivers certificate:
 - (i) accountants (namely, members of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants, the National Institute of Accountants or the Association of Taxation and Management Accountants, or registered tax agents)
 - (ii) bank managers,
 - (iii) legal practitioners and patent attorneys,
 - (iv) clerks of court,
 - (v) registered medical practitioners,
 - (vi) judges,
 - (vii) members of the Chartered Institute of Company Secretaries in Australia,
 - (viii) public sector employees who have been employed full-time continuously for at least 5 years,
 - (ix) teachers who have been teaching full-time for at least 5 years at schools or tertiary institutions,
 - (x) ministers of religion,
 - (xi) previous employers of the applicant,
 - (xii) justices of the peace,
 - (xiii) persons who have held a tow truck operators licence continuously for at least 5 years,

- (d) a recent colour photograph (as specified in the approved application form) of the applicant's head and shoulders only, that clearly shows the applicant's face, that has been certified by one of the applicant's referees to be a true likeness of the applicant.

14 Drivers certificate application fees: section 25 (2) (c)

- (1) For the purposes of section 25 (2) (c) of the Act, the application fee to accompany an application for a drivers certificate is \$90.
- (2) The TTA may refuse to determine an application for a drivers certificate until the application fee is paid.
- (3) The application fee is non-refundable.

15 Offences that disqualify applicants for drivers certificates: section 26 (2) (b)

- (1) For the purposes of section 26 (2) (b) of the Act, the following offences are prescribed (regardless of whether they were committed in New South Wales):
 - (a) any offence involving an assault of any kind against a person,
 - (b) any offence relating to the possession or use of a firearm or other weapon,
 - (c) any offence involving the supply or possession of a prohibited drug (within the meaning of the *Drug Misuse and Trafficking Act 1985*),
 - (d) any offence involving fraud, dishonesty or stealing,
 - (e) any offence involving robbery (whether armed or otherwise), being an offence in respect of which the penalty imposed was imprisonment for any period, or a monetary penalty of more than \$1,000, or both.
- (2) An offence under the law of an overseas jurisdiction is prescribed only if it would, had it been committed in New South Wales, be an offence punishable by imprisonment or a monetary penalty of more than \$1,000.

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Clause 16 Tow Truck Industry Regulation 1999

Part 2 Licences and drivers certificates

Division 2 Provisions relating to drivers certificates

16 **Qualifications of tow truck drivers: section 26 (3) (b)**

- (1) The TTA may determine competency standards in relation to tow truck drivers. The standards may include levels of accreditation.
- (2) The standards may be developed by the TTA in consultation with the tow truck industry, or be prepared by any other person or body and endorsed by the TTA.
- (3) If the TTA determines any such competency standards, the standards must be published in the Gazette.
- (4) For the purposes of section 26 (3) (b) of the Act, any competency standards determined by the TTA and published in the Gazette are prescribed.

17 **Additional grounds for refusing application for drivers certificate: section 26 (4)**

For the purposes of section 26 (4) of the Act, the following are grounds on which an application for a drivers certificate must be refused:

- (a) the applicant's driver licence has been suspended or cancelled (other than for fine default under the *Fines Act 1996*) on more than one occasion within the period of 3 years before the application for the drivers certificate was made,
- (b) the applicant has, within the period of 3 years before the application for the driver certificate was made, been disqualified from holding a driver licence.

18 **Particulars on drivers certificate: section 28 (2) (d)**

For the purposes of section 28 (2) (d) of the Act, a drivers certificate must contain the following particulars:

- (a) the expiry date of the certificate, and
- (b) the driver licence number of the certified driver.

19 **Conditions of drivers certificate: section 29**

For the purposes of section 29 (2) (c) of the Act, it is a condition of a drivers certificate that the certified driver complies with any directions of the TTA relating to the wearing or use of clothing or equipment for protection or safety purposes.

20 Drivers certificate fees: section 30

- (1) The fee payable for the granting of a drivers certificate is \$62.
- (2) The TTA may refuse to grant a drivers certificate until the fee is paid by the applicant.

Division 3 General provisions

21 Variation of licence conditions

If a licensee or certified driver applies for an amendment of the licence or drivers certificate concerned in accordance with section 35 of the Act, the TTA may charge the applicant a fee of \$50 in respect of the application.

22 Refund of fees if licence or drivers certificate voluntarily surrendered

- (1) If a licensee or certified driver voluntarily surrenders the licence or drivers certificate in accordance with section 40 of the Act, the TTA may, but is not required to, refund part of the fee paid for the granting of the licence or drivers certificate. The amount to be refunded is to be determined by the TTA.
- (2) In determining the amount of any such refund, the TTA may retain an administration fee of \$50.

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Clause 23 Tow Truck Industry Regulation 1999

Part 3 Towing authorisations

Part 3 Towing authorisations

23 Exceptions from requirement to obtain towing authorisation: section 46 (1) (b)

- (1) The purpose of this clause is to prescribe, for the purposes of section 46 (1) (b) (ii) of the Act, additional circumstances in which a towing authorisation is not required for the towing of a motor vehicle that has been involved in an accident.
- (2) A person who tows a motor vehicle that has been involved in an accident is not required to obtain a towing authorisation for the towing of the motor vehicle if the person tows the motor vehicle in accordance with the directions of an authorised officer.

24 Towing in accordance with directions of police or authorised officer

- (1) If the driver of a tow truck is directed by a police officer or an authorised officer to tow a motor vehicle without having to obtain a towing authorisation, the person must tow the motor vehicle:
 - (a) to a specified place as directed by the police officer or the authorised officer, or
 - (b) if no such place is specified, to the nearest place where it will not be an unreasonable obstruction to traffic.

Maximum penalty: 20 penalty units.

- (2) A person must not tow a motor vehicle from the place to which it was towed in accordance with the directions of a police officer or authorised officer unless the person has obtained a towing authorisation for the towing of the motor vehicle from that place.

Maximum penalty: 50 penalty units.

25 Additional circumstances in which towing authorisation is required: section 46 (2)

- (1) This clause applies, after the job allocation scheme start time, to any towing work (other than accident towing) that has been allocated under the job allocation scheme under Division 2 of Part 4 of the Act.

- (2) A person must not tow a motor vehicle unless the person has obtained a towing authorisation for the towing of the motor vehicle.
Maximum penalty: 50 penalty units.
- (3) However, a person is not required to comply with subclause (2) if the person tows the motor vehicle concerned in accordance with the directions of a police officer or authorised officer.
- (4) A police officer or authorised officer may only give such a direction if, in the opinion of the officer, the motor vehicle is causing an unreasonable obstruction to traffic and is damaged to such an extent that it cannot be driven.

Note. In the case of accident towing, section 46 of the Act already provides that such towing must not be carried out unless a towing authorisation for the towing of the motor vehicle concerned has been obtained.

26 Expiration of towing authorisation: section 47 (3)

For the purposes of section 47 (3) of the Act, a towing authorisation has expired if the motor vehicle specified in the authorisation has been towed:

- (a) to the place specified in the authorisation as the place to which the motor vehicle is to be towed, or
- (b) if that place is not accessible, to the nearest holding yard specified in the licence under the authority of which the tow truck is being operated, or
- (c) to such other place as may be requested (before the motor vehicle is towed to the place specified in the towing authorisation) by the owner or driver of the motor vehicle.

27 Towing if no destination specified or specified destination is not accessible

If no destination is specified in a towing authorisation, the tow truck driver concerned must tow the motor vehicle to which the towing authorisation relates to the nearest holding yard specified in the licence under the authority of which the tow truck is being operated.

Note. Under section 48 of the Act, a person who has obtained a towing authorisation for the towing of a motor vehicle must tow the motor vehicle in accordance with the regulations if no destination is specified in the authorisation.

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Clause 28 Tow Truck Industry Regulation 1999

Part 3 Towing authorisations

28 Persons who may give towing authorisations

A towing authorisation for the towing of a motor vehicle may only be given by the owner or driver of the vehicle or a police officer or authorised officer.

29 Completion, signing etc of towing authorisations: section 48 (3)

- (1) The purpose of this clause is to specify, for the purposes of section 48 (3) of the Act, the manner in which towing authorisations are required to be completed, signed and dealt with.
- (2) A towing authorisation:
 - (a) must be in a form supplied by the TTA forming part of a towing authorisation book supplied by the TTA for use in respect of the tow truck concerned, and
 - (b) must be signed by the person giving the authorisation and by the driver of the tow truck, and
 - (c) must specify a place as the place to which the motor vehicle is to be towed, and
 - (d) must otherwise be completed (to the extent that is reasonably practicable in the circumstances) by inserting the information required by the approved form.
- (3) Towing authorisation forms in a towing authorisation book must be used consecutively in order of serial number.
- (4) In the case of a towing authorisation obtained before the job allocation scheme start time, the original towing authorisation and 2 copies must be completed.
- (5) In the case of a towing authorisation obtained after the job allocation scheme start time, the original towing authorisation and 3 copies must be completed.

30 False information in towing authorisations

A person must not insert in a towing authorisation any information that the person knows to be false or misleading.

Maximum penalty: 20 penalty units.

31 Other requirements relating to towing authorisations

- (1) A person who obtains a towing authorisation for the towing of a motor vehicle must:
- (a) immediately deliver a copy of the towing authorisation to the person who gave the authorisation, and
 - (b) within 72 hours of completing the towing work to which the towing authorisation relates, deliver the original towing authorisation to the licensee holding the licence under which the tow truck is being operated, and
 - (c) retain a copy of the towing authorisation in the towing authorisation book, and
 - (d) in the case of a towing authorisation obtained after the job allocation scheme start time, attach a copy of the towing authorisation to the motor vehicle concerned in the approved manner.

Maximum penalty: 15 penalty units.

- (2) In the case of a towing authorisation obtained before the job allocation scheme start time, the person who obtains the towing authorisation must also, before towing the motor vehicle, complete and attach to the motor vehicle (in the approved manner) a notice (referred to in this Part as a **towing notice**) in the approved form that contains the following information:
- (a) the serial number of the towing authorisation to which the towing notice relates,
 - (b) the name of the licensee and the number of the licence under which the tow truck is authorised to be operated,
 - (c) the name, and drivers certificate number, of the person who obtained the towing authorisation,
 - (d) the registration number of the motor vehicle to which the towing authorisation relates,
 - (e) the place to which the motor vehicle is to be towed.

Maximum penalty: 15 penalty units.

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Clause 31 Tow Truck Industry Regulation 1999

Part 3 Towing authorisations

- (3) A person must not remove a copy of a towing authorisation or a towing notice that is attached to a motor vehicle in accordance with subclause (1) (d) or (2), respectively, unless:
- (a) the person is the insurer of the motor vehicle, or
 - (b) in any case where the motor vehicle is not insured—the person is the owner or driver of the motor vehicle, or
 - (c) the person is acting under the written authority of a person referred to in paragraph (a) or (b).

Maximum penalty: 15 penalty units.

- (4) A licensee must ensure that each tow truck driver who is employed or engaged by the licensee complies with the requirements of this clause.

Maximum penalty: 15 penalty units.

32 Towing authorisation books

- (1) On application of a licensee, the TTA may supply to the licensee a towing authorisation book (comprising approved towing authorisation forms) for each tow truck authorised to be operated under the licence.
- (2) Before the job allocation scheme start time:
- (a) a licensee who is licensed to tow motor vehicles that have been involved in an accident must ensure that a towing authorisation book issued by the TTA is provided to the driver of each tow truck being operated under the authority of the licence, and
 - (b) any such driver must not drive any such tow truck unless the driver is carrying the towing authorisation book so provided.

Maximum penalty: 15 penalty units.

- (3) After the job allocation scheme start time:
- (a) a licensee who is a participant in the job allocation scheme must ensure that a towing authorisation book issued by the TTA is provided to the driver of each tow truck being operated under the authority of the licence, and
 - (b) any such driver must not drive any such tow truck unless the driver is carrying the towing authorisation book so provided.

Maximum penalty: 15 penalty units.

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- (4) The driver of a tow truck must produce any towing authorisation book in the driver's possession for inspection on demand by an authorised officer or police officer and allow the person to whom it is produced to take extracts from, or to make copies of, any entry in that book.

Maximum penalty: 15 penalty units.

- (5) Once a towing authorisation book has been completed, the driver of the tow truck to which the towing authorisation book relates must deliver the towing authorisation book to the licensee holding the licence under which the tow truck is being operated.

Maximum penalty: 15 penalty units.

- (6) The TTA may charge the following fees in relation to the supply of towing authorisation books:

- (a) \$11 for a towing authorisation book (consisting of 50 original towing authorisations) supplied for towing work to be undertaken before the job allocation scheme start time,
- (b) the fee authorised by clause 40 in any other case.

33 Keeping and production of towing authorisations

- (1) A licensee must:

- (a) keep the following for at least 5 years at the licensee's place of business as specified in the licence:
 - (i) the original of each completed towing authorisation that relates to a tow truck operated under the authority of the licence,
 - (ii) any towing authorisation book that has been provided to the licensee in accordance with clause 32 (5), and
- (b) immediately on demand by an authorised officer or a police officer, produce for inspection any such towing authorisation or towing authorisation book kept by the licensee or any copy of such an authorisation to which the licensee has reasonable access, and
- (c) allow the person to whom such a towing authorisation or towing authorisation book is produced to take extracts from, or to make copies of, the authorisation or book or to remove the authorisation or book for the purposes of evidence.

Maximum penalty: 20 penalty units.

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Clause 33 Tow Truck Industry Regulation 1999

Part 3 Towing authorisations

- (2) If a licence expires or is cancelled or surrendered, the person to whom the licence was issued must return to the TTA within 7 days of the expiration, cancellation or surrender:
- (a) any completed original towing authorisation that has been delivered to the person, and
 - (b) any towing authorisation books issued to the person, and
 - (c) any towing notice that has not been completed.

Maximum penalty: 20 penalty units.

Part 4 Job allocation scheme

34 Definitions

In this Part:

job allocation call centre means the person or body authorised by the TTA to administer the scheme.

job allocation zone means a job allocation zone as described in clause 38.

licensed operator means a licensed tow truck operator.

participant means a licensed operator who is approved for the time being to participate in the scheme.

roster means the rotating roster maintained by the job allocation call centre in relation to each job allocation zone for the purpose of allocating towing work.

scheme means the job allocation scheme established under this Part.

slot means a position on a roster.

35 Extended meaning of “tow” for purposes of scheme

For the purposes of this Part, and Division 2 of Part 4 of the Act, *tow* includes any salvage or recovery work that is carried out at the scene of a motor vehicle accident in relation to a motor vehicle that has been involved in the accident.

Note. Under section 53 of the Act, a person must not attend the scene of a motor vehicle accident for the purposes of obtaining any towing work unless the person is attending the accident in accordance with the job allocation scheme (the maximum penalty is 100 penalty units or imprisonment for 12 months, or both). Because “tow” is, by this clause, extended to include salvage and recovery work at the accident scene, the offence will apply to a person who is attending the accident scene to carry out salvage or recovery work but who is not authorised to attend and carry out that work under the scheme.

36 Application of job allocation scheme

- (1) The scheme applies to the whole of New South Wales.
- (2) The scheme applies despite any contract or other arrangement under which pre-arranged towing work is to be carried out by a tow truck operator to whom the contract or arrangement relates. *Pre-arranged towing work* means towing work that is arranged, before the need for the actual towing work arises, by any person or body (including

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any organisation representing the interests of the owners of motor vehicles, or a roads authority).

Note. The Act (and therefore the job allocation scheme) does not apply to tow trucks operated by the Crown or a statutory body representing the Crown, but it does apply to persons who carry out tow truck operations under a contract or arrangement made or entered into with the Crown or a statutory body representing the Crown.

37 Towing work to which scheme applies

(1) The scheme applies to the following kinds of towing work:

- (a) accident towing work,
- (b) ambulance breakdown towing work,
- (c) obstruction towing work,
- (d) police towing work.

(2) In this clause:

accident towing work means the towing of a motor vehicle from the scene of an accident involving the motor vehicle, and includes any salvage or recovery work carried out at the scene of the accident in relation to the motor vehicle.

ambulance breakdown towing work means the towing of ambulances that have broken down.

obstruction towing work means the towing of a motor vehicle that is standing illegally or is causing an obstruction to traffic (being towing work that is carried out in accordance with section 75 or 76 of the *Road Transport (Safety and Traffic Management) Act 1999*).

police towing work means any towing work that is arranged by the Police Service (such as the towing of a motor vehicle that is required by the Police Service to be examined for forensic purposes).

(3) In addition to the towing work to which the scheme applies, the job allocation call centre may, if notified by the owner or driver of a motor vehicle that the vehicle has broken down and requires towing, allocate the towing work in accordance with the scheme.

38 Elements of scheme

- (1) The scheme comprises the following elements:
 - (a) the State is to be divided into job allocation zones as shown on the map prepared and published by the TTA from time to time and entitled “Job Allocation Scheme—Job Allocation Zones” (such a map may consist of a number of sheets),
 - (b) a rotating roster is to be maintained for each job allocation zone and is to be operated on a continual basis,
 - (c) the job allocation call centre is to administer and manage the rosters,
 - (d) towing work to which the scheme applies is to be allocated according to the roster for the job allocation zone in which the motor vehicle that is to be towed is located,
 - (e) each roster is to have a number of slots,
 - (f) a participant may be assigned, by the job allocation call centre or the TTA, a slot (or slots) on the roster (or rosters) for which the participant has applied.
- (2) The maximum number of slots that a participant may be assigned is:
 - (a) 10, or
 - (b) the number of licenced tow trucks operated by the participant,whichever is the lesser.

39 Operation of scheme

- (1) The scheme operates as from 10.30 am on 6 March 2000.
- (2) A person does not commit an offence under this Part before that time.
- (3) The scheme operates in the following manner:
 - (a) the job allocation call centre is notified that a motor vehicle needs to be towed,
 - (b) except as provided by subclauses (4)–(6), the job allocation call centre allocates the towing work to the participant who has been assigned the slot that is, at the time of notification, at the top of the relevant roster,

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- (c) an identifying number is assigned to the allocated tow (the *job allocation number*),
 - (d) the participant who has been allocated the towing work is to be responsible for completing the towing work.
- (4) In the following circumstances, the job allocation call centre is to allocate the towing work, in the order of priority under the relevant roster, to a participant who is identified on that roster as being able to carry out the towing work:
- (a) where any police towing work is to be carried out,
 - (b) where any towing work that involves the towing of an ambulance is to be carried out,
 - (c) where the owner or driver of a motor vehicle that is about to be towed makes a reasonable request to the job allocation call centre that the vehicle must be towed by a particular type of tow truck,
 - (d) where the job allocation call centre, having regard to the circumstances of the case, considers that a particular type of tow truck is required to carry out the towing work concerned.
- (5) If there is no participant on the relevant roster who is identified as being able to carry out particular towing work, the job allocation call centre is to allocate the work, in the order of priority under the roster in an adjacent job allocation zone, to a participant who is identified on that roster as being able to carry out that towing work.
- (6) The job allocation call centre may allocate any towing work that is unable to be carried out by participants in a particular job allocation zone to participants in an adjacent job allocation zone in the order of priority under the roster in that adjacent zone.

Note. An example of a situation in which the call centre will need to allocate excess towing work to participants outside of the relevant job allocation zone is where there is an accident involving more cars than there are participants on the roster for the zone.

- (7) In this clause:
- relevant roster* means the roster for the job allocation zone in which the motor vehicle that is to be towed is located.

40 Fees payable for towing work carried out under scheme

- (1) A participant must pay to the TTA a fee of \$25 for each allocated tow that is carried out by the participant and for which a towing authorisation has been obtained.
- (2) The fee is to be paid:
 - (a) in advance in relation to each original towing authorisation when the participant is supplied with a towing authorisation book by the TTA, or
 - (b) at such later time or times as may be determined by the TTA.
- (3) On surrender of an unused original towing authorisation by a participant, the TTA is to refund the fee paid in relation to that authorisation.

Note. Section 46 of the Act, and clause 25, provide that a person who is carrying out towing work allocated under the job allocation scheme is required to obtain a towing authorisation for the towing of the motor vehicle.

41 Unallocated towing work

A participant, or a certified driver who is employed or engaged by a participant, must not carry out, or attempt to carry out, any towing work to which the scheme applies unless the towing work has been allocated to the participant by the job allocation call centre.

Maximum penalty: 50 penalty units.

42 Towing by non-participant

A licensed operator, or a certified driver employed or engaged by a licensed operator, must not carry out, or attempt to carry out, any towing work to which the scheme applies unless the operator is a participant for the time being in the scheme.

Maximum penalty: 50 penalty units.

43 Application for participation in scheme

- (1) A licensed operator may apply to participate in the scheme by:
 - (a) lodging with the TTA an application in the approved form, and
 - (b) paying an application fee of \$250.

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- (2) The TTA may determine the periods between the occasions on which licensed operators may apply to participate in the scheme. Any such period must not exceed 6 months.
- (3) A person must not, in respect of an application made under this clause, make any statement which the person knows to be false or misleading in a material particular.
Maximum penalty: 25 penalty units.
- (4) The TTA may waive the application fee under subclause (1) (b) in such cases as it thinks fit.
- (5) The TTA may approve a licensed operator who has applied under this clause to participate in the scheme.

44 Additional grounds for taking disciplinary action: section 42 (l)

For the purposes of section 42 (l) of the Act, the failure of a participant to comply with the participant's obligations under the scheme is prescribed as a reason for taking disciplinary action against the participant under Division 4 of Part 3 of the Act.

45 Failure to carry out allocated tow

- (1) A participant must ensure that any towing work that has been allocated to the participant is carried out within the time specified by the job allocation call centre.
- (2) If a participant fails, over any 13-week period, to carry out more than 3 allocated tows within the time specified by the job allocation call centre, the participant may be suspended by the TTA from the scheme for a period of up to one month.

46 Failure to comply with direction of job allocation call centre relating to salvage or recovery work

A participant who has been allocated towing work must comply with any direction given by the job allocation call centre relating to any part of the towing work that involves salvage or recovery work.

Maximum penalty: 20 penalty units.

47 Reimbursement for unpaid towing work

- (1) If a participant carries out allocated towing work and has, in the opinion of the TTA, taken all reasonable steps to recover payment from the owner of the motor vehicle concerned but has failed to recover any money, the participant may apply to the TTA for reimbursement for the work.
- (2) If the TTA is satisfied that the participant has taken all reasonable steps to recover payment for the work, the TTA may reimburse the participant for all or part of the work. The amount that is reimbursed is money payable and due to the TTA by the owner of the motor vehicle.
- (3) The TTA may require the owner of the motor vehicle to pay to the TTA the amount reimbursed within a time specified by the TTA.
- (4) In deciding whether or not to require the owner of the motor vehicle to pay the amount reimbursed, the TTA may take the following factors, if relevant, into account:
 - (a) that the vehicle was at the relevant time a stolen vehicle or was illegally taken or used,
 - (b) that the vehicle was not insured at the time it was stolen,
 - (c) that the owner of the vehicle was not in charge of the vehicle at the time the vehicle required towing,
 - (d) a statutory declaration given by the owner of the vehicle stating the name and address of the person (not being the owner) who was in charge of the vehicle at all relevant times.
- (5) The TTA may require any person whose name and address is stated in a statutory declaration referred to in subclause (4) (d) to pay to the TTA the amount reimbursed under this clause within a time specified by the TTA.
- (6) A person must pay any amount required by the TTA under this clause within the time specified by the TTA.

Maximum penalty: 20 penalty units.

48 Withdrawal from scheme

- (1) A participant may, with the approval of the TTA and in accordance with this clause, withdraw permanently from one or more slots in the scheme.

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- (2) The participant must give the TTA at least 6 weeks (or such other period as may be approved) written notice of the proposed withdrawal.

49 Temporary withdrawal from scheme

- (1) A participant may, with the approval of the TTA and in accordance with this clause, withdraw temporarily from one or more slots in the scheme at any time except during the following periods:
 - (a) the period starting on Christmas Eve and ending at midnight on 2 January,
 - (b) the Easter period,
 - (c) the period of the 2000 Olympic Games and 2000 Paralympic Games,
 - (d) any other period specified by the TTA by notice published in the Gazette.
- (2) A participant must give at least 12 hours (or such other period as may be approved) written notice of the temporary withdrawal to the job allocation call centre.
- (3) A temporary withdrawal must be for:
 - (a) a minimum period of 24 hours, and
 - (b) a maximum period of 13 weeks (or such other period as may be approved).
- (4) An amount of \$50 is payable for each temporary withdrawal from the scheme. The fee is non-refundable.

50 Review of operation of scheme

- (1) The TTA is to conduct a review of the operation of the scheme. The review is to be completed as soon as practicable after the period of 12 months following the job allocation scheme start time.
- (2) A report on the outcome of the review is to be given to the Minister.

51 Participants not agents of TTA or call centre

If towing work is allocated to a participant, the participant does not, in any capacity, act as agent for the TTA or the job allocation call centre.

Part 5 Holding yards

52 Location of holding yards

It is a condition of a licence that any holding yard of the licensee must, unless otherwise approved, be located no more than 10 kilometres from the licensee's place of business.

53 Security requirements

- (1) Except as provided by subclause (2), a licensee must ensure that any holding yard of the licensee:
 - (a) is surrounded by a security fence that is not less than 2 metres high and that has gates with locks, and
 - (b) has flood lighting installed, and
 - (c) has an approved security alarm system installed.
- (2) The TTA may, by notice in writing, exempt a licensee from any requirement under subclause (1). Such an exemption may be granted subject to the condition that the licensee comply with a requirement specified in the notice.

54 Storage capacity

It is a condition of a licence that any holding yard of the licensee is capable of storing any motor vehicle towed under the authority of the licence to the holding yard.

55 Access to holding yard

It is a condition of a licence that any holding yard of the licensee is accessible at all times by each licensed tow truck operated by the licensee.

56 Holding yard register

- (1) It is a condition of a licence that the licensee must keep a register (the *holding yard register*) in the approved form and manner, and in accordance with this clause, in relation to any holding yard of the licensee.

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Clause 56 Tow Truck Industry Regulation 1999

Part 5 Holding yards

- (2) The following particulars are to be recorded in the holding yard register:
- (a) the time and date on which each motor vehicle is towed into and out of the holding yard,
 - (b) the name of the tow truck driver who towed the motor vehicle to the holding yard,
 - (c) the make, model, type and colour of the motor vehicle,
 - (d) the registration number of the motor vehicle, or, if there is no registration number, the chassis number or the engine number (if any) of the vehicle,
 - (e) if the motor vehicle was towed in accordance with the job allocation scheme, the relevant job allocation number,
 - (f) the serial number of the towing authorisation obtained in relation to the motor vehicle.

Part 6 Other offences and requirements

57 Offence to incite or encourage commission of offence

A person must not:

- (a) incite or encourage any other person to commit an offence under the Act or this Regulation, or
- (b) offer any inducement to another person that is likely to result in the other person committing an offence under the Act or this Regulation.

Maximum penalty: 50 penalty units.

58 Misuse of licences and drivers certificates

A person must not:

- (a) forge or fraudulently alter a licence or drivers certificate (whether or not it is in force), or
- (b) give possession of a licence or drivers certificate to another person for the purpose of using it unlawfully, or
- (c) steal a licence or drivers certificate, or
- (d) knowingly have possession of a forged, fraudulently altered, borrowed or stolen licence or drivers certificate.

Maximum penalty: 50 penalty units.

59 Lost or stolen etc licences and drivers certificates

A licensee or certified driver must, within 7 days of becoming aware that the licence or drivers certificate has been lost, stolen, damaged, destroyed, altered or defaced:

- (a) notify the TTA in writing of that occurrence, and
- (b) in the case of a damaged, altered or defaced licence or drivers certificate—return it to the TTA.

Maximum penalty (paragraph (a)): 5 penalty units.

Maximum penalty (paragraph (b)): 20 penalty units.

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Clause 60 Tow Truck Industry Regulation 1999

Part 6 Other offences and requirements

60 Tow truck equipment: section 55 (1)

- (1) It is a condition of a licence that each tow truck operated under the authority of the licence must be fitted with the following equipment:
 - (a) a flashing or rotating warning light that is of an approved kind,
 - (b) fully adjustable mounted lights to enable the safe loading and unloading of motor vehicles onto or from the tow truck when it is dark.
- (2) It is a condition of a licence that each tow truck operated under the authority of the licence to do accident towing must be equipped with:
 - (a) a broom, shovel and durable rubbish container for the removal of accident debris, and
 - (b) a foam or dry chemical powder fire extinguisher of at least 4.5 kg capacity, and that the fire extinguisher is maintained in a serviceable condition.

61 Particulars to be displayed on tow trucks

A person must not drive, stand or operate, or allow to be driven, stood or operated, a tow truck that is being operated under the authority of a licence unless there is displayed (by being printed in block letters and figures at least 50 mm high) on the right-hand or off-side of the tow truck and so as to be clearly legible:

- (a) the name of the person who is the licensee holding the licence under which that tow truck is operated, and
- (b) the number of the licence.

Maximum penalty: 10 penalty units.

62 Inspection of tow trucks: section 82

- (1) The TTA or an authorised officer may, by notice in writing given to a tow truck operator (an *inspection notice*), require the production of a specified tow truck under the operator's control for inspection by a person authorised by the TTA.
- (2) The tow truck operator person must comply with the requirement.
Maximum penalty: 20 penalty units.

- (3) An inspection notice must:
- (a) specify the time and place for the inspection of the tow truck, and
 - (b) allow at least 24 hours from the time the notice is given for the operator to comply with the requirement.
- (4) The person authorised by the TTA to carry out the inspection of the tow truck is, following the inspection, to provide the tow truck operator with an assessment notice.
- (5) The assessment notice may:
- (a) require the carrying out of such repairs or modifications as are specified in the notice, and
 - (b) require those repairs or modifications to be completed within a specified period.
- (6) The tow truck operator must comply with any such requirement.
Maximum penalty: 20 penalty units.
- (7) The tow truck operator must provide the TTA with the following:
- (a) a copy of the assessment notice within 24 hours of receiving it from the person who carried out the inspection,
 - (b) within 24 hours of completing any repairs or modifications required by the assessment notice—a certificate, in the approved form, declaring that the repairs or modifications have been completed.
- Maximum penalty: 10 penalty units.
- (8) Any costs associated with the inspection of a tow truck under this clause, or with the carrying out of any repairs or modifications of a tow truck, are to be paid by the tow truck operator concerned.

63 Tow truck number-plates to be visible while towing

If any number-plate issued under section 57 of the Act in respect of a tow truck is likely to be obscured by a motor vehicle that is to be towed by the tow truck, the driver of the tow truck must ensure that the number-plate is:

- (a) displayed at the rear of the towed vehicle, or
- (b) displayed in such other manner that it remains clearly visible.

Maximum penalty: 5 penalty units.

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Clause 64 Tow Truck Industry Regulation 1999

Part 6 Other offences and requirements

64 Conduct and duties of tow truck drivers

- (1) The driver of a tow truck that is authorised to be operated under the authority of a licence must:
- (a) behave in an orderly manner and with civility and propriety while:
 - (i) operating the tow truck, or
 - (ii) attending the scene of a motor vehicle accident, or
 - (iii) complying with a requirement under paragraph (b) or (c), and
 - (b) comply with any reasonable requirement made of the driver by an authorised officer or police officer in relation to the administration of the Act or this Regulation, and
 - (c) comply with any reasonable requirement made of the driver by an emergency services officer, within the meaning of section 32A of the *State Emergency and Rescue Management Act 1989*, who is attending the scene of a motor vehicle accident.

Maximum penalty (subclause (1) (a)): 25 penalty units.

Maximum penalty (subclause (1) (b) and (c)): 50 penalty units.

- (2) The licensee holding the licence under which the tow truck is being operated must ensure that each tow truck driver whose services are being used by the licensee complies with subclause (1).

Maximum penalty: 5 penalty units.

65 Record relating to charges

- (1) It is a condition of a licence that a licensee must, in accordance with this clause, make and keep a fully itemised record of the charges made by the licensee in relation to each motor vehicle that is towed under the authority of the licence.
- (2) Each such record must provide full details justifying the amounts charged in relation to the towing, salvage or storage concerned.
- (3) The licensee must:
- (a) keep a copy of the record at the licensee's place of business for at least 5 years after it is completed, and
 - (b) keep any document or material that justifies the charging of a particular amount, and

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- (c) produce any such record or related document for inspection by an authorised officer or a police officer if requested to do so, and
 - (d) permit the person to whom the record or related document is produced to make copies of or take extracts from the record or document or remove the record or document for the purposes of evidence.
- (4) On expiry, cancellation or surrender of a licence, the licensee must provide to the TTA any records or documents kept in accordance with this clause.

66 Disposal of unclaimed motor vehicles

- (1) This clause applies to any motor vehicle that:
- (a) has a value of less than \$500, and
 - (b) has been towed to any holding yard of a licensee, and
 - (c) is being held by the licensee.
- (2) If:
- (a) a motor vehicle to which this clause applies has been held by the licensee for more than 28 days, and
 - (b) no arrangement has been made during that period by the owner of the vehicle for its collection,
- the licensee may take action, in accordance with this clause, to sell or otherwise lawfully dispose of the vehicle.
- (3) The licensee must give the owner of the motor vehicle written notice of the licensee's intention to dispose of the motor vehicle. However, the licensee is not required to notify the owner if the licensee is, after making all reasonable inquiries, unable to identify or locate the owner.
- (4) If the owner of the motor vehicle fails to arrange for the collection of the motor vehicle within 28 days of the notice being given to the owner, the licensee may dispose of the vehicle.

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Clause 66 Tow Truck Industry Regulation 1999

Part 6 Other offences and requirements

- (5) If the motor vehicle is sold and the owner of the vehicle subsequently makes a claim in respect of the vehicle, the licensee is to refund to the owner the difference (if any) between the amount for which the vehicle was sold and the amount of money payable to the licensee by the owner in respect of the towing and storage of the vehicle (including all the costs incurred by the licensee in connection with this clause).
- (6) A licensee cannot dispose of a motor vehicle to which this clause applies unless the Commissioner of Police has issued the licensee with a certificate to the effect that the vehicle is not for the time being stolen.
- (7) A licensee is not liable for any damages arising out of the disposal of a motor vehicle to which this clause applies.
- (8) A licensee is not entitled to rely on this clause unless the licensee establishes that the motor vehicle disposed of had, at the time of disposal, a value of less than \$500.
- (9) A licensee who disposes of a motor vehicle under this clause must, within 7 days after the disposal, make a record that includes the following details:
 - (a) the date on which the motor vehicle was disposed of,
 - (b) the manner in which the motor vehicle was disposed of,
 - (c) if the motor vehicle was sold—the name and address of the person to whom the motor vehicle was sold and the amount for which it was sold,
 - (d) the make, model, type, colour, registration number (if any), chassis number (if any) and engine number (if any) of the motor vehicle.

Maximum penalty: 5 penalty units.

- (10) Any such record made must be kept for at least 5 years after it is made.

Maximum penalty: 20 penalty units.

67 Prohibited tow trucks: section 56

- (1) Subject to subclause (2), one-tonne tow trucks are prescribed as a class of prohibited tow truck for the purposes of section 56 of the Act.
- (2) A one-tonne tow truck that is operated under the authority of a licence is not a prohibited tow truck if the TTA has approved its use and operation as a condition of the licence.
- (3) In this clause:
one-tonne tow truck means any tow truck that does not comply with the following requirements:
 - (a) a load capacity of at least 1.2 tonnes,
 - (b) a lifting apparatus with a safe working load of one tonne or more,
 - (c) capacity to tow vehicles that do not exceed 2 tonnes.
- (4) This clause does not have any effect until after the end of the period of 12 months following its commencement.

68 Stand-by tow trucks

- (1) If a licensed tow truck is temporarily out of operation while undergoing repair or service, the licensee concerned may use and operate a tow truck (other than a tow truck specified in the licence) in place of the licensed tow truck, but only with the approval of the TTA. Such a tow truck is referred to in this clause as a *stand-by tow truck*.
- (2) A licensee may apply to the TTA, in the approved form and manner, for approval of the use and operation of a stand-by tow truck. Such an application must be made at least 72 hours (or such other time as may be approved by the TTA) before the stand-by tow truck is used and operated in place of the licensed tow truck specified in the application.
- (3) The TTA may approve the use and operation of a stand-by tow truck only if the TTA is satisfied that the following requirements are complied with:
 - (a) the number-plate issued under section 57 of the Act to the licensed tow truck that is being replaced must be displayed on the stand-by tow truck,

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Part 6 Other offences and requirements

- (b) the stand-by tow truck must be registered under the *Road Transport (Vehicle Registration) Act 1997* and display its registration number-plates,
 - (c) the stand-by tow truck must comply with the requirements of the Act and this Regulation, and with the conditions of the licence concerned, in relation to tow trucks,
 - (d) the stand-by tow truck must display in the approved manner an approved sign indicating that the tow truck is a stand-by tow truck.
- (4) A licensee who is using or operating a stand-by tow truck must:
- (a) ensure that the requirements specified in subclause (2) are complied with, and
 - (b) maintain a record, in the approved form, of the use and operation of the stand-by tow truck and keep that record in the approved manner.
- Maximum penalty: 20 penalty units.
- (5) A person must not hire, lease or supply a tow truck to a licensee for use and operation as a stand-by tow truck without the approval of the TTA.
- Maximum penalty: 20 penalty units.
- (6) Any such approval may only be given if an application is made to the TTA in the approved form and manner.
- (7) While a stand-by tow truck is being used and operated in place of a licensed tow truck in accordance with this clause, the stand-by tow truck is taken to be a licensed tow truck for the purposes of the Act and this Regulation.

Part 7 Miscellaneous provisions

69 Exemption relating to interstate tow truck operators and drivers

- (1) A person who holds a licence, permit or other authority issued under the law of another State or Territory that authorises the person to drive or operate a tow truck in that State or Territory is exempt from the requirements under the Act to hold a licence or drivers certificate.
- (2) Such an exemption does not apply to or in respect of any towing work that starts in this State.

70 Penalty notices

For the purposes of section 89 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed as an offence for which a penalty notice may be issued, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

71 Short descriptions

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 consists of:
 - (a) the expression specified in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.

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Part 7 Miscellaneous provisions

- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

72 Repeal

The *Tow Truck Industry (Transitional) Regulation 1999* is repealed.

73 Transitional exemption—phasing in of certain licensing requirements

- (1) This clause applies to any person who, immediately before the commencement of this clause, was carrying on business as a tow truck operator but who was not required to hold a licence under the *Tow Truck Act 1989*.
- (2) A person to whom this clause applies is exempt from the requirement under the Act to hold a tow truck operators licence authorising the person to carry on the business previously carried on by the person, but only until:
- (a) 24 December 1999, or
 - (b) such time as a licence is granted under the Act authorising the person to carry on the business concerned,
- whichever first occurs.

Schedule 1 Penalty notice offences

(Clauses 70 and 71)

Column 1	Column 2	Column 3
Offence	Prescribed expression	Penalty
Offences under the Act		
Section 15	carry on business without licence	\$2,200
Section 23 (1) (a)	drive/stand tow truck without drivers certificate	\$1,100
Section 23 (1) (b)	use/operate/assist in use/operation of tow truck without drivers certificate	\$1,100
Section 23 (1) (c)	drive/stand tow truck without drivers certificate	\$ 1,100
Section 23 (2)	carry on unauthorised towing work	\$1,100
Section 36	make false/misleading statement in application for/amendment of licence/drivers certificate/change in particulars	\$1,100
Section 37 (1)	not notify change in particulars	\$550
Section 46 (1)	tow without authorisation	\$1,100
Section 47 (1)	obtain/attempt to obtain authorisation improperly	\$1,100
Section 47 (2)	obtain/attempt to obtain authorisation if tow already authorised	\$1,100
Section 47 (3)	obtain/attempt to obtain authorisation if other towing work not finished	\$1,100
Section 48 (2)	not tow to specified destination/nearest holding yard	\$1,100
Section 48 (3)	not complete/sign/deal with authorisation	\$1,100

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Section 51	alter authorisation after signing	\$1,100
Section 53	attend/be within 500 metres of accident scene contrary to scheme	\$2,200
Section 56 (1)	use/operate prohibited tow truck	\$2,200
Section 57 (2)	sell/transfer tow truck number-plates	\$550
Section 58 (1)	contravene condition of licence	\$1,100
Section 58 (2)	contravene condition of drivers certificate	\$1,100
Section 59	employ/engage/use services of unqualified person	\$1,100
Section 60 (2) (a)	not make record of driver	\$1,100
Section 60 (2) (b)	not make record of towing work	\$1,100
Section 60 (3) (a)	not make record in approved form	\$1,100
Section 60 (3) (b)	not include particulars in record	\$1,100
Section 60 (3) (c)	not complete record after towing	\$1,100
Section 60 (4)	not keep record at place of business	\$1,100
Section 60 (5)	not provide records if licence revoked/suspended/expired	\$1,100
Section 60 (6)	not provide name and address of tow truck driver	\$1,100
Section 61 (1)	give/receive/offer to give/receive valuable thing for information/advice about accident	\$550
Section 61 (2)	give/offer to give/demand/receive/offer to receive valuable thing to obtain repair work	\$2,200
Section 61 (3)	give/offer to give inducement for purpose of obtaining towing work	\$2,200
Section 62	obtain/attempt to obtain person's authority for repair work	\$1,100
Section 63 (1)	tout/solicit towing work/repair work	\$1,100
Section 64 (1)	threaten/intimidate/coerce person	\$2,200

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Section 64 (2)	prevent/attempt to prevent person from complying with Act or regulations with threats/intimidation	\$2,200
Section 65	not clean/remove debris at accident scene	\$250
Section 66 (1)	not comply with direction	\$1,100
Section 67	unauthorised person in tow truck	\$1,100
Section 68 (a)	stand tow truck at accident scene longer than necessary	\$1,100
Section 68 (b)	stand tow truck at accident scene without reasonable excuse	\$1,100
Section 69	not wear drivers certificate	\$550
Section 70 (1)	not produce licence to authorised/police officer	\$550
Section 70 (2)	not produce licence for tow truck to authorised/police officer	\$550
Section 70 (3)	driver not produce drivers certificate to authorised/police officer	\$550
Section 71 (1)	advertise tow truck business of unlicensed person	\$1,100
Section 71 (2)	advertisement not contain licence number	\$1,100
Section 72 (1)	hold out as licensee	\$1,650
Section 72 (2)	hold out as certified driver	\$550
Section 73 (1)	not return suspended licence/drivers certificate	\$550
Section 73 (2)	not return number-plates	\$550
Section 74	exercise function unauthorised by licence/drivers certificate	\$1,100
Section 75	impersonate authorised officer	\$1,100
Section 85 (1)	neglect/fail to comply with requirement	\$1,650
Section 85 (2)	provide false/misleading information/records	\$1,650

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Section 85 (3) (a)	wilfully delay/obstruct/hinder authorised/police officer	\$1,650
Section 85 (3) (b)	conceal/attempt to conceal person/thing from authorised/police officer	\$1,650
Section 85 (3) (c)	prevent/attempt to prevent person/thing from being examined by authorised/police officer	\$1,650
Section 99 (1)	disclose relevant information without authority	\$1,100
Offences under this Regulation		
Clause 24 (1)	not tow to specified place/nearest place not obstructing traffic	\$405
Clause 24 (2)	subsequent tow without authorisation	\$1,100
Clause 25 (2)	tow without authorisation	\$405
Clause 30	insert false/misleading information in authorisation	\$440
Clause 31 (1) (a)	not deliver copy of authorisation	\$355
Clause 31 (1) (b)	not deliver authorisation to licensee	\$355
Clause 31 (1) (c)	not retain copy of authorisation	\$355
Clause 31 (1) (d)	not attach copy of authorisation to towed vehicle	\$355
Clause 31 (2)	not provide information	\$355
Clause 31 (3)	remove towing notice without authority	\$355
Clause 32 (2) (a)	not provide driver with authorisation book	\$330
Clause 32 (2) (b)	drive without authorisation book	\$330
Clause 32 (3) (a)	not provide driver with authorisation book	\$330
Clause 32 (3) (b)	drive without authorisation book	\$330

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Clause 32 (4)	not produce/allow extract from/copy of entry in authorisation book on demand	\$330
Clause 32 (5)	not deliver completed authorisation book	\$330
Clause 33 (1) (a)	not keep original authorisation/authorisation book	\$440
Clause 33 (1) (b)	not produce authorisation/authorisation book/copy of authorisation on demand	\$440
Clause 33 (1) (c)	not allow extract from/copy of/removal of authorisation/authorisation book/copy of authorisation	\$355
Clause 33 (2)	not return completed original authorisation/authorisation book/uncompleted towing notice	\$355
Clause 41	carry out/attempt to carry out unallocated towing work	\$1,100
Clause 42	non-participant carry out/attempt to carry out towing work	\$1,100
Clause 43 (3)	make false or misleading statement	\$550
Clause 44	not comply with direction	\$440
Clause 45 (6)	not pay amount	\$440
Clause 57 (a)	incite/encourage/offer inducement to person to commit offence	\$1,100
Clause 58 (a)	forge/fraudulently alter licence/drivers certificate	\$1,100
Clause 58 (b)	provide licence/drivers certificate to person for unlawful purpose	\$1,100
Clause 58 (c)	steal licence/drivers certificate	\$1,100
Clause 58 (d)	knowingly possess forged/fraudulently altered/borrowed/stolen licence/drivers certificate	\$1,100

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Clause 59 (a)	not notify that licence/drivers certificate has been lost/stolen/damaged/destroyed/ altered/defaced	\$110
Clause 59 (b)	not return damaged/altered/defaced licence/drivers certificate	\$440
Clause 61 (a)	not display name of licensee on tow truck	\$355
Clause 61 (b)	not display number of licence on tow truck	\$355
Clause 62 (2)	not produce tow truck for inspection	\$440
Clause 62 (6)	not comply with requirement for repairs/modifications	\$440
Clause 62 (7) (a)	not provide copy of assessment notice	\$220
Clause 62 (7) (b)	not provide certificate of completion of repairs/modifications	\$220
Clause 63	not keep tow truck number-plate visible	\$110
Clause 64 (1) (a)	not behave in orderly and civil manner	\$550
Clause 64 (1) (b)	not comply with requirement	\$1,100
Clause 64 (1) (c)	not comply with requirement	\$1,100
Clause 66 (8)	not include details in record	\$110
Clause 66 (9)	not keep record of unclaimed vehicles	\$440
Clause 68 (4) (b)	not maintain record of stand-by tow trucks	\$440
Clause 68 (5)	hire/lease/supply stand-by tow truck without approval	\$440

BY AUTHORITY